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Trial Intern Program Starts

by Robin Lewkowicz

In response to growing national concern over the competence of trial lawyers, Chief Justice David N. Edelstein of the U.S. District Court for the Southern District of New York recently announced a Special Training Program designed to give senior law school students actual litigation experience.

The program, first of its kind in the country, has received the approval and support of Chief Justice Warren E. Burger, long an outspoken critic of the quality of advocacy in U.S. Courts.

In a letter to Edelstein the Chief Justice wrote, "This is directly the kind of program I have been advocating. I hope it will lead other courts to study the program and to consider programs of their own."

"Law schools today are producing brilliant thinkers and splendid researchers," Edelstein said. "The only way for these students to acquire real trial skills, however, is to work with experience practitioners in actual courtroom situations. This training program will offer students the invaluable experience of assisting many of the best practitioners in the country."

The program, drawn up by Edelstein and a committee of leaders of the bar, has the approval and cooperation of the Deans of all law schools in the Southern District—including Fordham Dean Joseph McLaughlin—as well as other federal judges and law firms active in litigation.

The Special Training Program will give law students in their senior year the opportunity to work with experienced litigators in the preparation and trial of cases. Participating law firms would agree to employ student interns for 15 hours a week, tailoring their assignments to emphasize actual trial work.

In addition, federal judges in the District will be encouraged to utilize senior students as law clerks.

The program also proposes adoption of a local rule allowing students participating in the program to appear before the Southern District Court under the direction of a qualified lawyer prior to their

admission to the bar.

Students participating in the program will be drawn from Fordham as well as the other five law schools in the Southern District—Cardozo, Columbia, New York Law, New York University, and Pace.

The program will be administered by the Committee on the Criminal Justice Act, whose membership includes Professor Sheila Birnbaum, and by a committee of judges chaired by Edelstein, and including Judges Marvin E. Frankel, Morris E. Lasker, Lawrence W. Pierce, Kevin Thomas Duffy, Richard Owen, Henry F. Werker, and Pierre N. Leval, all of the Southern District.

Further information about the program will be available from Dean McLaughlin some time in the near future.

Adjunct Prof Investigated After Newspaper's Allegations

By William Ruane

Federal Bankruptcy Judge Roy Babitt, an adjunct professor in the evening division, is currently under investigation for his participation in the Overmyer bankruptcy affair.

The major allegation concerning Babitt, which first appeared in an article in the *Daily News* last month, is that he failed to investigate charges of mismanagement and fraud on the part of the receiver he appointed to run the bankrupt D. H. Overmyer Co. warehouse chain.

Babitt refused to comment on the charges last week, saying only that he "didn't think you should worry about the integrity of your professorial staff."

The committee investigation Babitt was formed by Chief Judge David Edelstein of the Southern District of New York after Edelstein had learned that the FBI was conducting its own investigation into the case, according to a later report in the *News*.

In a recent development, the

News reported this week that a grand jury has also been convened to look into the matter.

Edelstein could not be reached for comment this week but has been quoted as saying that after the allegations against Babitt have been studied he may "personally ask Judge Babitt to remove himself from the proceedings. It would be up to the judges of the District Court to revoke his tenure."

Babitt has said he will not disqualify himself and that he feels he "can do justice without regard" to the allegations.

According to the *News*, Babitt drew the Overmyer case in late 1973 and later, in an unusual move, appointed lawyer Robert Herzog as receiver for the chain instead of putting the company into liquidation. The paper described Herzog as a personal friend of Babitt's and alleged that Herzog approved payments to contractors and non-existent companies for work that was never done, all with Babitt's

approval.

Herzog also hired the accounting firm of Weber Lipshie and Co. to audit the books of the Overmyer company. Babitt's younger brother Ivan works for Weber Lipshie and performed some work on the Overmyer account.

The *News* article, displayed prominently on the paper's front page, attempted to draw a connection between Babitt and the actions of Herzog and others which it termed "questionable." The only substantial allegation against Babitt, however, is the failure to investigate the charges of fraud and mismanagement put before him in court. This is the allegation which the District Court judges are currently investigating.

Babitt did say that he would issue a statement to *The Advocate* when the judicial committee releases its findings.



Judge Wilfred Feinberg of the Second Circuit Court of Appeals presents the first-place trophy in the annual Kaufmann Moot Court competition to Richard Fooshee of New York Law School. Fooshee and teammate Jane Kaplan defeated Diane McMahon and Kathleen Kasczmarek of SUNY at Buffalo in the final round last week. Fordham teams in the competition included Suzanne Marquard, Ed Burke, Orin McCluskey, Mark Goodman, Isaac Nutovic and Frank Gulino.

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THE ADVOCATE

The Student Newspaper of Fordham Law School



Dean's Day seminar

Dean's Day Draws 175 FLS Alumni

Over 175 alumni returned to the Law School last Saturday for the fourth annual Dean's Day.

Dean's Day is part of Fordham's continuing education program, offering seminars and workshops for practicing attorneys.

This year's activities included a trial advocacy workshop featuring the mock trial of Professor Henry Putzel for charges involving fraudulent stock transfers. In the scenario, created to illustrate techniques of cross-examination, the jury found Putzel innocent. Dean Joseph McLaughlin ascended the bench to preside over the trial.

Other activities included a Business Regulation workshop led by Professor Sheila Birnbaum, and a seminar on Close Corporations with Professor Donald Sharpe.

Birnbaum, Harper Will Debate ERA

The Phi Alpha Delta Faculty Lecture Series will end its schedule for this academic year with a debate over the Equal Rights Amendment.

Professor Sheila Birnbaum will speak in favor of the ERA. She will be opposed by Professor Eugene Harper.

The debate will be held in the Moot Court Room at 3:00 pm on Tuesday, April 18. Refreshments will be served, and all students are invited.

Spring Party Tonight

by Marshall Donat

Food, drink and music will usher in the spring and send out the school year at the Spring Party Friday night in the Reading Room.

Sponsored by the Phi Alpha Delta Law Fraternity and the Student Bar Association, the celebration will begin at 8:00 pm. Tickets are \$2.00 in advance and \$3.00 at the door.

The evening's menu will include clams on the half shell, antipasto and an assortment of cold cuts. Beer, wine and liquor will be available to soothe pre-exam nerves. Music will be provided by the rock band Marbles, veterans of CBGB's and Great Guildersleeves.

A Lawyer's Basket of Cheer, containing an assortment of spirits valued at over

\$60, will be raffled at the party. Tickets are available from PAD members at 50¢ each.

Previous SBA parties were held at the Faculty Lounge at Lowenstein Center. This year, however, the unavailability of the Lounge forced PAD and the SBA to reschedule the event for the Reading Room. The Lounge was available only on Friday, April 24, which is the first day of Passover.

Job Search May Be Frustrating, But the Jobs Really Are Out There!

Keep the faith, there are jobs out there! Employment possibilities are limited only by the energy and resourcefulness of the students involved in the job search. Students investing time wisely and proportionately in career development—especially in comparison to the amount of money, time and energy invested in their legal education—will eventually get that job.

The National Association for Law Placement Employment Survey gives a clear picture of the demand for legal services as reflected in the jobs accepted by the nation's law graduates.

The most recent survey covering 123 Law schools with almost 25,000 graduates, reports the employment status of 19,524. Of these, 16,939 of 92% of those *qualified and seeking employment* are, in fact, employed in law-related positions *six to eight months after* graduation. Over 52% are in private practice, 17.5% work for federal, state and local governments, 10% joined corporations or other business enterprises, 9% accepted clerkships, 5% went to public interest law and legal services, 3.4% stayed in the academic community to study or teach, 2% joined the military, and the rest were in miscellaneous fields including prepaid legal services.

There are several findings that do not appear at first glance.

(1) Different schools may differ considerably as to the employment picture for their graduates depending upon the

employers they serve; e.g. Fordham has a higher percentage go to work for law firms than most schools.

(2) The sample of responding schools does not differ substantially from the non-responding schools.

(3) Minority graduates fared slightly better overall with 94% than did all graduates, but had a significantly smaller percentage, 27%, enter private practice.

PLACEMENT

by Elizabeth Walters
Placement Director

(4) Women were slightly lower than the overall group with 91% employed and 41% in private practice.

(5) Of the 6% of all known graduates who did not enter the job market, there was a higher percent of the minorities who failed the bar, and a higher percent of women who were not seeking employment.

Because of the December 15th guideline for students to accept or reject offers from firms recruiting on-campus and the annual newspaper scare articles every December, many students are afraid that if they have not found a job by then, they never will. Students who have been unsuccessful in their early job interviews are made to feel that they will never be successful. What one should realize is that the articles are generally simplistic in their analysis and misstate both the nature and extent of the problem.

Nationally, large law firms—those who recruit on campus—account for only 6% of employers of recent law school graduates (this figure is 5 or 6 times greater for Fordham). The rest of the market (94%) is one in which jobs are not available by a specific date on the calendar. The job market can and does continue long after graduation. Many employers cannot predict one year in advance what their employee needs will be. At this time, there are some employers who are seeking candidates *who have taken and passed the bar examination*.

If there are legally educated persons who are employed or underemployed, it is not because there are not opportunities. The problem is one of distribution. There are too many applicants in areas already saturated with attorneys, and too few in areas in which there are unmet demands. The most frequent reason why unemployed students have not found jobs—and this is especially true of the Fordham student who may still be seeking employment—is because of strict geographic requirements. Have you thought of relocating?

The recent NALP statistics for geographical distribution prove that students remain at home: 33% located in the Northeast, 16% in the Southeast, 24% in the Great Lakes and Plains states, and 27% in the West and Southwest. Almost 50% located in the seven most populous states or the District of Columbia. Over 43% settled in *only 20* cities. In addition, the survey determined that 83% of the Northeastern graduates stayed in the Northeast, 74.5% from the Southeast stayed in their region, 81% from the Great Lakes and Plains, and 89% from the West and Southwest.

The job search is tough! It's hard work and it's not good for the ego. There is limited access to positions which are most prestigious and remunerative. Nationally, last year, 6.5% of the graduates went to work in law firms larger than 50 lawyers. Only 3.5% accepted federal judicial clerkships. In fact, the 52.4% in private practice is just more than half the class.

Each graduate must assess his or her marketability in light of the demand for someone with the skills and background possessed, as well as assess overall trends in the employment picture. Many factors influence these trends and affect to some degree the demand for legal services. A student must recognize that he or she is entering a profession in which that student will earn a living. Earning a living is always directly related to the

impact of a broad range of economic factors. The student who is seeking employment must seriously consider these factors and trends. He or she must spend time in honest self-evaluation as to which market offers the greatest opportunity and address a significant amount of time to this market—not shotgun mailings which take time, money and net very little.

The entire process is very discouraging and frustrating, but you will learn the pros and cons of a variety of career paths and how to choose the right one for you while developing a strategy for your job search that will yield success. Come to the Placement Office for information on where to find the jobs and how to choose the right one for you. You have many options.

My thanks to Gary Munneke, President of NALP for statistics and comments.

Hang Together, Or Just Hang

by Michael Brofman

As this is probably the last official act I will perform for *The Advocate*, I must state for the record that for all the criticism, sarcasm and flammable verbiage I have thrown at the readers of this paper during my tenure here, Fordham Law School has provided me with an experience which will be valued for the rest of my life.

Barring the occasional bad teacher, the education I have received here is as good as if not better than what most other law schools offer. Those who know me well also know that I am not one to praise easily, and that I am quick to be critical. In this case, my criticism will be purely constructive.

Fordham Law School has the chance to become one of the best law schools in the country. For the most part, our faculty is excellent and our students intelligent and diligent. We are being held back from that greatness by a university administration with a case of terminal near-sightedness, which is bent on retaining complete financial control over this institution regardless of the consequences which that might involve.

I am troubled by the fact that, during my tenure here, no joint voice of deans, faculty and students has been raised to combat and change university policy. Since I am not privy to the covert actions of

As if defeating four teams in forty-four hours wasn't enough of a challenge, the Fordham basketball team and its guests had to survive the legend of the Seven Gables Motel and endure two nights in the haunted motel and its eerie surroundings.

The first "incident" which put our guests on notice occurred at about 3:00 am Saturday in room 103 occupied by Finger, Rabinowitz and Birns. I was awakened by some strange and footstep-like noises occurring directly overhead.

Scared half out of my wits, I whispered over to Finger in the bed across from mine, "Yo Billie."

Drearily he replied "Yea." "Yo Billie, you hear something like footsteps upstairs?"

"Yeah," he replied shakily.

"What's the matter?" I inquired, hoping our captain would come through in the clutch as he had done so many times in the past with a reassuring response.

"I do hear something

Dean McLaughlin and others to this end, I cannot criticize them individually. However, as a group striving toward the same goals, we have failed to achieve any significant progressive change over the past three years.

The question remains—can we continue in our present form without losing the status we now enjoy or gaining in stature? I do not feel that this is possible.

The alternative is for students, faculty, deans, and

OPINION

graduates to come together and achieve what cannot be achieved separately. We must dedicate ourselves to the reality that all of our futures depend upon the growth and development of this law school. For our own sakes, and the sakes of the future members of this institution, we must prevent the erosion of our stature in the outside world.

It is our duty to band together and take Rose Hill to task for its ignorance and stupidity in its dealings with the law school. In the words of the framers of our Declaration of Independence in 1776, "We must all hang together, or we will surely hang separately."

THE ADVOCATE

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e, There Is a Springfield

that's weird," he asked tentatively. "and he paused, there is no With that we spent the night under the ng for the friendly day. and hint of the end took place on afternoon at the Hall of Fame. d where we were llas replied, "The es." The girl show-

MAKING SPORTS

by Bruce Birns

otion pictures be- tically hysterical. ked amongst our- o say, what the hell th her?

day night after the couple of us were in Gables bar talking place when this old bit looking fellow er to us at the e excused himself g overheard our about the place re you listening?) eing informed that ay at the mote. und as if to make o one was listening. ld us that a couple go a patron had lered in the hotel ournament, and the victim has permanent head- ere.

er the episode the e, most of us were forfeit the semifinal Johnnies and blow n right then. How- mbering our mis- polishly decided to

to goof on a couple s a little later on— ly Jim Collins, who using Bill Maher's Lois and I came o our room yelling, r robbed the place ut the lights in the never saw Jimbo ast in my entire life eeded to call it a the best (and this is oanne): in about 10 entire entourage of went screaming by nd scared the pants

point all plans for subsidized and those zzed were literally go outside. Larry, grabbed Collins' the fence outside, g informed of the anded that Collins to return the soda he latter was now er the covers. After women in 106 to tell I had learned and as the room of the , it became obvious stories can create ria. Again, *Stayin'*

Alive was the song sung by Alice.

Finally, in the middle of the night, Kallas, Maher and Vairo were awakened by a crashing in their room by an unwelcomed guest. Sinking in fear, but wanting to grab the intruder and solve the legend of the Gables, Maher with the help of Kallas grabbed the *thing* and apprehensively turned on the light. The ghost was Paul Rendich, who in a drunken stupor, had wandered into the wrong room whose door had been left open.

When the sun rose in a few hours the team had endured the tumultuous adversity. So in closing I must say, yes Joanne, there is a Springfield, and these events really did happen. But why am I telling you this? You know, you were there.

Jock Shorts: Leroy Watkins 3B, back in the ball game after

a two-year leave of mind, has been named Fordham Player of the Week for his 32-pt, 16-rebound game against 1A two weeks ago in 3B's fifth consecutive win. When informed, Leroy quipped, "beautiful, man." . . . Rumor has it that Springfield MVP Jim Collins may be lost for the remainder of the playoffs while surgeons act feverishly to restore his nose—which *he* accidentally tore off while objecting to an offensive foul call. . . . Larry Rabinowitz, after searching fruitlessly for a topic in Putzels Con Criminal Law gut, has stumbled across a topic—"The constitutional issue of whether hearsay evidence is admissible in a pre-grade hearing to determine whether he should be dismissed for failing to be a cause for which relief can be obtained". . . . Our All-Choke Team of the Year goes to: Big John Farmer, who

travelled when one less step could have meant MVP; Peter Russell, who after promising to show up and ref at least five times, didn't show once; to Mike Kelly, who couldn't sell himself for free to 1A's 2-8 helpless squad; and to the entire student body who I am sure at one time or another has choked while dining in the snack bar. . . . 2A's team, rattled by dissent all year, is 5-5 after being 5-1. . . . Mike Kelly of 2A has only played in his team's last four games. Correlation? . . . Congratulations are in order for Steve Kallas, who swept to the presidency of the second year night section capturing all four votes. The election was the least of his problems. Now he must determine what to wear at his inauguration—the green army's with orange shirt and the white high Nikes, or his black suit with high white cons. Apparently he has settled on his Sunday best for the occasion—his violet sweats, yellow scarf and ridiculous little cap. . . . By the way, the entire faculty is cordially invited to attend an open house at Steve's for the next four consecutive Sundays. . . . 2B's squad now down to one and she's playing for 2E. . . . Errata: The word "a" should have been the third world in the fourth line of the second paragraph in the fifth column in my article in the last issue. . . . St. John's Law School is a lot happier this week than they were when their team returned from Springfield. Seems the Springfield semifinalists won their own tournament championship. The tournament was a single elimination comprised of the following team: St. Johns. Farmer finally was named MVP. . . . In failing to do so in the last issue I should make note of the outstanding job done by my cohort Doug Mintz in running the Western New England tournament. Doug did it himself and deserves the utmost accolade for a job well done. . . . Who said intramural basketball at Fordham doesn't further our legal education enough? Perfect product liability case: Seems that 24 "pony" shirts purchased from Paragon have proved defective—they disappeared without misuse on my part. Are you listening Sheila? . . . With the season almost over, the main contenders for Player of the Year are Steve Kallas, Bill Finger, Jim Collins and Paul Rendich. . . . Because the SBA will not indemnify players and referees for head injuries sustained during the games, a warning to all referees: Don't call a technical on Bill Brown. . . . Fan of the Year Award. Despite the frequent attendance of Alice O'Rourke, Meg Gaynor, Lois Smith and Elaine Moore, our choice is Joanne Madari, who despite never having been noticed has been at every game.

A Most Bewitching Case

by Steve Kallas

While searching in the library for rare cases applicable to my first year brief, I came across an interesting case in a far corner of the library. I feel all law students, especially first-year students, should read this case, and that this publication could provide this service. It is reproduced in its entirety below.

W. W. of W. v. Garland, et al.
1 Oz 534 (1939)

[A wicked witch from the east side of town was going about her daily chores of terrorizing the local Munchkins when, lo and behold, a Kansas home came tumbling down from the sky, crushing said wicked witch. Plaintiff, the crushed witch's sister from the other side of town, who has been appointed administratrix of her intestate sister's estate by the Surrogate's Court, Oz Country (1 OzSurr. 284), was deeply shaken up upon arriving at the scene of the incident and has allegedly incurred such mental distress as to have to presently sell Maxwell House Coffee. Plaintiff sues for her mental distress, and brings an action in replevin for her sisters' ruby slippers, claiming that they had been given to her as a gift *inter vivos*, but that her feet had been too big and she was forced to return them to her beloved, now dead, sister. Defendant, claiming a simultaneous act of God and MGM (or is it Paramount) claims no intent to injure plaintiff's dead sister, and no intent to distress plaintiff, although she openly admits that if she knew of the impending death, she would have steered the house totally over the eastern witch rather than leave her feet exposed to stink up the neighborhood and pollute the environment. Defendant, in the alternative, seeks to implead Toto for a *Dole* apportionment, claiming he was indeed the culprit, and that this is clearly a case of the tail wagging the dog, (or whatever they say in law school).]

WIZARD, CH. J. delivered the opinion of the Court:

The question certified on this appeal is whether in view of the strong public policy in favor of crushing wicked witches, plaintiff-appellant can recover where defendant unintentionally crushed plaintiff's sister, admitting she would have done a better job had she known plaintiff's sister was there?

It is obvious that a dead witch is a dead witch is a dead witch. But clearly in the case at bar, there can be no recovery by this plaintiff as against this defendant. Plaintiff's cause of action, if it exists, is against either the Kansas Construction Company for faulty construction of defendant's house, or against God, but this Court is unaware of any cases holding that Oz's longarm statute reaches Kansas and/or God. The statute does not reach over the rainbow, you know.

Local environmentalists have a cause of action against defendant for taking the shoes off a dead witch, thus exposing Munchkinland to toxic pollutants, and for failing to give Toto a bath the entire movie.

And no, first-year torts students, there is no battery or false imprisonment as to Toto.

LAHR, BOLGER, HALEY, MORGAN, BURKE, JJ, concur.

Some Real Winners

The 1978 Oscars were broadcast on Monday, April 3. The editors of *The Advocate* are extremely disappointed that most of the year's truly talented performers were not nominated for awards, another example of Hollywood's preference for the almighty dollar over true craft. We would like to offer a list of what we feel were the finest performances of 1977, and hope that you are as incensed by their omission as we are.

Best Actor

- Jacques Cousteau for I Cover the Waterfront
- Clint Eastwood for The Good, the Bad and the Boring
- Howard Hughes for You Can't Take It With You
- Richard Nixon for Same Crime, Next Year
- Duane Bobick for Look Back in Anger

Best Actress

- Rona Barrett for Who's Afraid of Virginia Graham?
- Anita Bryant for Norman, Is That You? or The Children's Hour
- Xaveria Hollander for Lamppost Reunion
- Barbara Streisand for A Star, We're Bored
- Margaret Trudeau for The Seven Year Itch

Best Supporting Actor

- Abe Beame for You're Arm's Too Short to Do Most Anything
- Lamont Cranston for The Shadow Box
- Gerald Ford for The Great White Dope
- Sun Myung Moon for Invasion of the Body Snatchers
- Pierre Trudeau for I Love My Wife

Best Supporting Actress

- Marilyn Chambers for All The Regiment's Men
- Tatum O'Neal for Unexpected Breasts
- Kate Smith for Thunder on the Plains
- Catherine the Great for Equus
- Patty Hearst for Bound (and Gagged) for Glory

Best Director

- Charles Bronson for The Primary Acting Class
- Alex Haley for Bubbling Brown Bankbooks
- Graham Kerr for Cousin, Cuisine
- Linda Lovelace for Jaws
- Bernard Bergman for The Hospital


Best Original Screenplay

- Moshe Dayan for Goys and Dolls
- H.R. Haldeman and John Erlichman for The Innocents
- Timothy Leary for Bad Habits
- Keith Richard for The Seven Percent Solution
- Renee Richards for A Man for No Reasons

Best Adaptation

- The Boston Pops for Fiedler on the Roof
- Hugh Heffner for Now, Voyeur
- Lawrence Welk for The Sound of Muzak
- David Begelman for How to Succeed in Business Without Being Tried

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Neil Novikoff	2A
Candace Ram	2E
Kevin Simmons	2E