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THE ADVOCATE

Vol. XXVII, No. 21

The Student Newspaper of Fordham University School of Law

April 9, 1996

FSSF AUCTION RAISES RECORD \$109,261 A New Law School Record AMOUNT

By Jeffrey Jackson ('96)

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

The auction has two components, a silent auction, where bidders bid on items displayed on various tables, and a live auction. The silent auction featured such items as "Legal Trivial Pursuit," a board game which sold for \$35, and a book entitled "Supreme Court Practice" which sold for \$40. Attendees included former Fordham Law Professor and now Federal Judge Denny Chin and many prominent Fordham Alumni. For the first time in the history of the auction, Fordham students were allowed to attend the silent auction free of charge between twelve and four P.M. Thirty items were reserved for students only, and during the live auction,

The first item, two tickets to a boxing doubleheader at Madison Square Garden, sold for \$450. One bidder quipped, "I'll bid \$450 if Professor Katsoris is on the boxing card."

The shock-haired Kavalier auctioned a New York Mets Mimi-Season Package "donated by Mr James Zucker, class of 1997, he hopes," and auctioned Doubles Tennis with Professors Treanor and Katsoris."

several items were reserved solely for student bidding.

The live auction, which was held in a filled-to-capacity Platt auditorium, was an evening of humor and fierce bidding. Co-Director Andrew Goldfrank opened by introducing Jay Sullivan, the original founder of the auction, and Alice Phillips ('91), the auctioneer. The first item, two tickets to a boxing doubleheader at Madison Square Garden, sold for \$450. One bidder quipped, "I'll bid

\$450 if Professor Katsoris is on the boxing card." Other items included a dinner at a Chinese restaurant with Torts Professors Denno, Hollister, Magnetti, and Zipursky; Lunch with former Mayor Ed Koch, Doubles Tennis with Professors Treanor & Katsoris; and Billiards, Beer, &

Bluebooking with Legal Writing Professors Ann Moynihan, Ted Neustadt, and Thane Rosenbaum.

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

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

Please see FSSF

continued on page 4



Jeanine Mitchell ('96) and Greg Shufro ('97) enjoying themselves at this year's auction



Professors Bruce Green, Russell Pearce, and Ann Moynihan



Guest auctioneer Tom Kavalier entertains the crowd with an outrageous sense of humor

INSIDE :

Be an informed voter. Read the SBA Candidates' platforms on Page 2

Impressions of a "God." Matt Paulose meets Justice White. Page 4

Find out all about "How to Succeed in Law School without Really Trying" on Page 5

Should you spend \$8 to go see "Girl 6?" Find out on Page 9

Chris Darden comes to terms with his life after the O.J. Simpson trial in his new book *In Contempt*, reviewed by Jeffrey Jackson on Page 10

SBA CAMPAIGN LETTERS '96

To the Editor:

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

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

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

First, this executive board will address student financial concerns in two specific areas. Students are often anxious about their financial aid packages. This board will work with the administration to accelerate the processing of financial aid packages. Students have also complained about the length of time it takes for Rose Hill to process loan checks and give students the money they have borrowed. This board will work to

expedite this process.

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

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

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

These goals are ambitious especially when coupled with the other tasks traditionally delegated to the Student Bar Association such as First Year Orientation, the boat cruise, allocation of the budget, intramural sports, graduation week, the Barrister's Ball, and the Beer & Bagels softball tournament, but each of the members of this ticket is committed to fulfilling the board's goals. Therefore, we, the members of this ticket, ask the students of Fordham Law for their votes and for the opportunity to serve them.

Ben Geyerhahn for President
Jason D'Angelo for Vice President
Tara Stever for Treasurer
Michael Blackshear for Secretary
Robin Waugh for Evening Vice-President

To the Editor:

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

Why I Am Running For President?

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

My Goals For the Coming Year

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

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

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

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

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

Fourth, I would like to see the SBA become more inclusive of all Fordham students. SBA should produce an Evening Division Newsletter, and work to make more varied social activities available for students who either do not drink or are family oriented. Although I enjoy the nights out at the Upper West Side Bars,

[T]he SBA should not be run like any other student group. All students have a right to know how their money is being spent, and should be continually updated on the SBA's progress on issues of student concern

SBA should make an effort to provide other social outlets.

Why You Should Support My Candidacy?

The election for SBA President should not be merely a popularity contest to determine who will be the President of the Class of 1997. The SBA President is the student representative who deals with the needs of all Fordham Law Students.

I intend to change the way we as students view the SBA. All law students are members of the SBA. You can check the \$75 charge on your last bill to prove it. Therefore, the SBA should not be run like any other student group. All students have a right to know how their money is being spent, and should be continually updated on the SBA's progress on issues of student concern (for example, did you know that the SBA President gets a \$5000 stipend? You should be sure that the person you vote for will actually earn it).

The other candidates may try to characterize this election as a choice between experience and ideas. However, I suggest that you use caution if all the other candidates have to offer you is their "experience." Experience in this context can easily lead to complacency.

Ask yourself, "What do I know about the way the current SBA is run? What do I know about its goals? What gains have the present SBA achieved for us?"

I have worked in student organizations as an undergraduate and here at Fordham. I know that it often takes a lot of hard work to accomplish even the most modest goals. But I truly believe that reasonable goals can be obtained under tireless and dedicated leadership. I think that our SBA can do more.

I intend to be a visible SBA President. I intend to set goals at the beginning of the term and report to you regularly on the SBA's progress in achieving those goals. I want you to be aware of when the SBA is meeting, which members of the faculty and administration the SBA spoke with, and how the SBA is improving the quality of life for students in the law school.

You deserve to have an SBA President who will provide active, and conscientious leadership. I believe that I can do this for you. Please vote for me for SBA President. Thank you.

Allan Urgent is running with Craig Ascher (second year day) for Vice-President; Sam Khichi (second year evening) for Evening Division Vice-President; Nancy Conniff (second year day) for Treasurer; and Mark Sherman (first year day) for Secretary.

THE ADVOCATE

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The Advocate is the official student newspaper of Fordham Law School. The goal of *The Advocate* is to report news concerning the Fordham Law School community and developments in the legal profession. *The Advocate* also serves as a forum for opinions and ideas of members of the law school community. The *Advocate* does not necessarily concur with opinions expressed herein, and is not responsible for opinions of individual authors or for factual errors in contributions received. Submissions should be made on disk in MS Word 5.0 or WP 5.1. We reserve the right to edit for length. Advertising rates available upon request. Contributions are tax deductible.

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continued from page 2

Putting the STUDENT back in STUDENT Government

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

On April 15th and 16th you will be asked to elect next year's Student Bar Association Executive Board. For many of you, this decision will be made with little actual information on what the SBA does. Let us tell you a little more about the SBA, and what we hope to accomplish.

Goal # 1: An SBA Constitution ratified by the students

Our first goal will be to redraft the SBA constitution and submit it to the student body for ratification. The SBA is ultimately responsible for funding and overseeing student organizations as well as communicating student concerns to the administration. It is important that the SBA is guided in these endeavors by clearly defined purposes and procedures.

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

The SBA is funded with approximately \$80,000 annually. In the past, Executive Boards have singlehandedly allocated all funds to student groups. This year all student groups participated in the budgeting process and the Student Budget was approved by a majority of student groups. This, however, is only the first step in opening up the budgeting

process to all students. The next step is to establish a budget committee, open to all interested students, which would work with the SBA Treasurer to create uniform standards to ensure fairness to all organizations.

Goal # 3: Student representation on all law school committees

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

continued on next page

FSSF

continued from page 1

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

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

The money raised during the auction will be used to fund scholarships for Fordham students interested in public

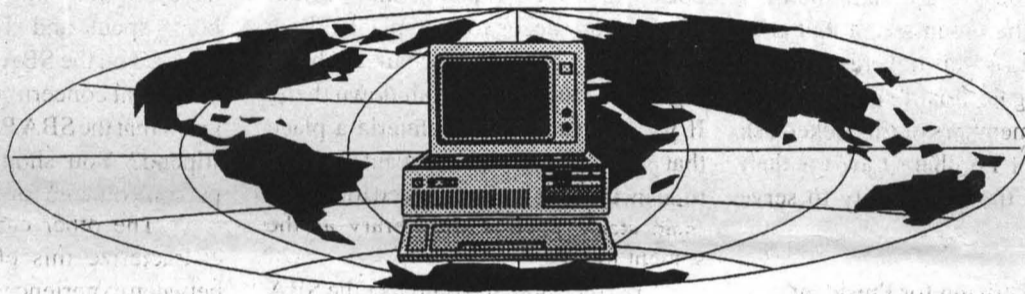
interest law work. The funding takes place on two levels, first year students are given \$3000, second year students are given \$4500. Students receiving these scholarships work forty hours per week for ten weeks during the summer in an area of public interest law.

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

When asked why he volunteers for the auction, Garfinkel commented that "the fellowship has a truly profound impact on the New York legal community." Last summer, the Fellowship awarded 38 scholarships, enabling students to work a total of 16,000 hours. Garfinkel further commented, "The greatest impact that I can personally have in public interest work is directly serving someone else, other students. From a practical standpoint as a public interest-oriented student, the greatest impact that I can have is to serve other students."

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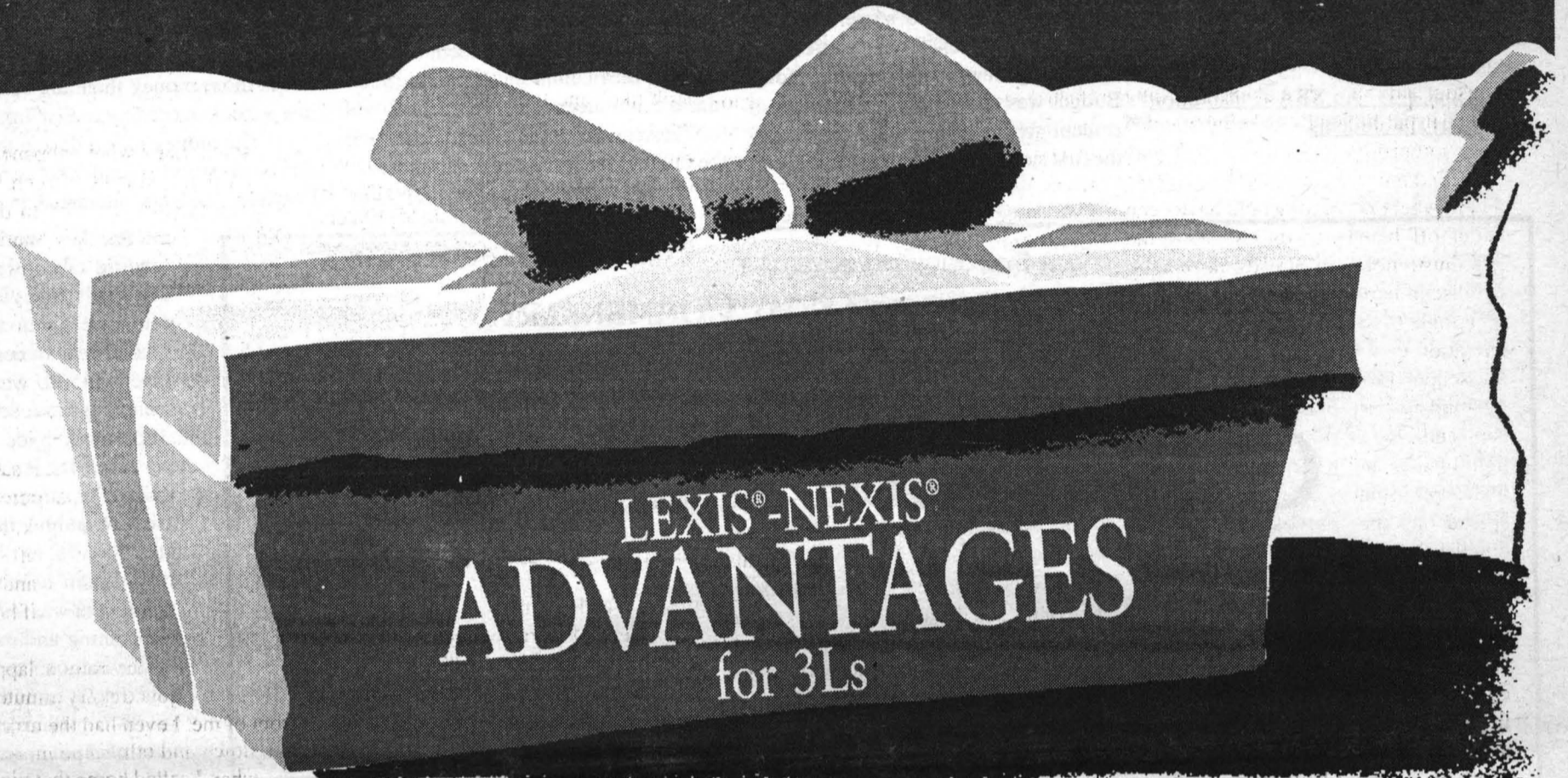
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LETTER TO THE EDITOR

FIRST YEAR DRAMA

by Matt Paulose, Jr. ('98)

Impressions of a God

It is not every day that you get the chance to meet a god. So I counted my blessings last week when Justice Byron White surprisingly stepped into my Constitutional Law class and said hello. Of course I wasn't serendipitous about the event; I didn't nickel-pound him on the hand and say "what'z up?" On the contrary, I sat like the rest of my class in silent awe, eyes wide, mouth pursed open like a fish. I thought, "so that's what they look like" and then went on to wonder where his entourage of bodyguards were. Someone read my mind and whispered out loud, "shouldn't he have bodyguards or can he shoot fireballs from his finger-

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

tips?" I added, "maybe he knows karate." Several more comments followed afterward, similar in slapstick.

But most of the comments were not meant to be taken lightly; they held genuine foundation and interest. To repeat, Byron R. White, known as the "Whizzer" in some circles, was a god, wasn't he? Just to explain for those of you who don't know, he was first in his class at the University of Colorado, won a Rhodes scholarship, just missed the Heismann, played with the Detroit Lions, served in World War II and graduated from Yale Law School magna cum laude. To go on, he clerked for Chief Justice Vinson, became a named partner at a prominent Denver law firm, was deputized as an attorney general, and sipped tea with the Kennedy's on good days.

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

I'll tell you this much, if I ever become famous, I'd like to die before Old Man Time gets his hands on me. Otherwise, I might just let down my own fame. This is not to say Justice White wasn't a man of his reputation, it's just that he didn't do all that I expected, the handstands in particular. He was still tall, but stooped a slight bit. He commanded attention, but inattentively fiddled with a noisy plastic wrapper. He sat poised, eyed every student, and fielded questions with the wit of a hawk, but spoke with an old and dull voice, left sentences stretched with long pauses, and lethargically took us through the half hour like a heavy moose.

Don't get me wrong, I clapped when he left and enjoyed every minute he sat in front of me. I even had the urge to chase him down and talk some more. It's just that when I called home that night to tell my folks about the occasion they said rather stoically "Oh, that's nice honey." After hearing that, I swore I'd never use the word 'nice' again.

If by chance I ever bump into Justice White again, I think I'll quash all the inhibitions I had this time around. I'll go right ahead and pound him on the hand, say my "what'z up?" and then maybe slap him around a bit for dissenting in *Roe v. Wade*. Whatever the case will be, I'll still remember to count my blessings.

Dear Advocate:

I was very saddened to read about the third year student cited for defacing property (*The Advocate*, March 21, 1996). What saddened me more than the act itself was the way that *The Advocate* blew the matter way out of proportion and plastered this ridiculous episode of calendar doodling across the law school, as a spectacle for the entire community to behold. I think that the public humiliation of the alleged culprit was a gross injustice, and should be likened to being placed in public stocks, or being branded a Communist in the 50's.

Did it ever occur to *The Advocate* that maybe this matter would have been better off being put to rest since the Administration had already dealt with the disciplinary issues? What you have seemingly tried to accomplish is the polarization of various groups within the law school through the use of inflammatory and hysterical tabloid style journalism, and this is very disappointing in light of who and where we are. I could understand your reaction (e.g. a full page spread on "the case of the malicious doodler") if perhaps swatztikas or white supremacist slogans were drawn on the calendar. But really, magic-markered eyes and mouth as a bias crime? Get real! Can't we lighten up a bit? Can't we just be happy to be in the 28th best law school in the country, and try to survive living in a microcosm of what we will be facing when we get out? Will everyone be so perfect when we are lawyers in the community? Will we be pouncing on everyone who looks at us with the wrong facial expression, or who tells the wrong jokes? Do we have to whisper to our most inti-

mate of friends, fearful of being sent for "sensitivity kaining" or thought re-programming? Society is getting scarier and scarier. And I thought that law school was scary enough. The Advocate does us all a disservice by yelling fire in a theater where there is indeed no fire.

Some students may be more or less considerate or sensitive, but let's face it, folks, we can't even get all students to flush the toilet when they finish going to the bathroom, or to be considerate and keep their mouths shut in the library when others are trying to study. So why try to deskoy a student who (I don't even know him) probably is committed to social issues and to racial equality (Why else would he be on the Urban Law Journal, because he is a racist?), and just let his guard down and doodled like lots of us do. Only he doodled on the wrong picture. Off with his head?

We have to chill out and get some perspective, or we will consume ourselves with resentment and perpetuate grave injustices upon others such as was done in the public demonization of this hapless doodler. He could have been any one of us, and it wasn't fair what you did to him. There is real racism and bias out there in the community. We should target real problems and attack them rather than to be so quick to attack one of us (Yes, us. We all get the same Fordham diploma, right?) for something so dumb. I think that you owe the student body (as well as our doodler) an apology. By the way, I think apologies should be accepted. It's the right thing to do.

Anonymous III

continued from previous page

Goal # 4: An Honor Code

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

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

Classes and clinics offer students many valuable educational opportunities at the Law School. However, it is the opportunity to develop friendships and long-standing professional ties at law school that is invaluable. The strength of our community directly affects the strength of the reputation of our law school. Thus, as leaders of our community we will always be seeking ways to improve communications between students and to foster better understanding

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

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

Please Vote:

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

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

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

by Yolanda Figueroa ('98)

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

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

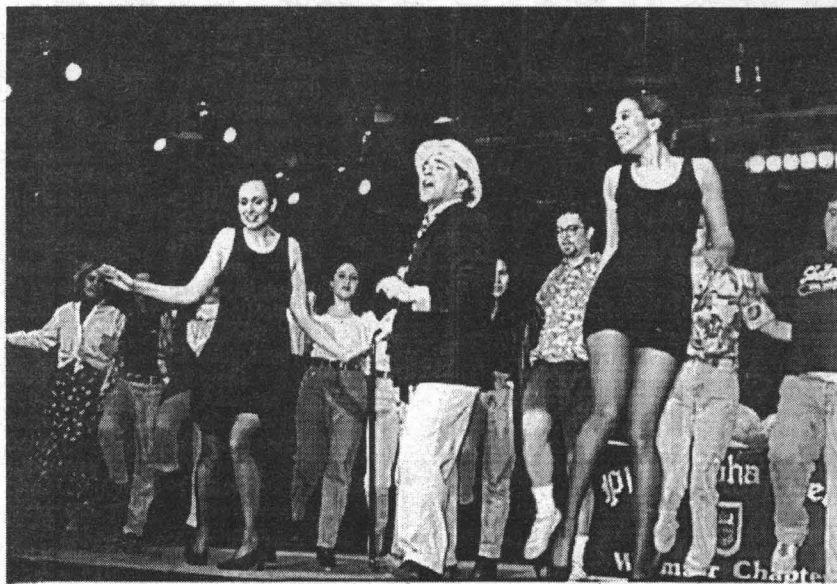
Particularly charismatic was Trey Sandusky, one of the directors of the show, as Professor Malloy. As someone who's never had any contact with this professor, I still found it very amusing and frighteningly familiar. However, this scene did go too long and lost some of the audience.

Also noteworthy, though, were the four leads playing Fordham law students

Speaking of amateur performances, I was pleasantly surprised by the talent within the show. Notwithstanding that the Follies' organizers confessed to not having the abilities to sing, dance or act, this was belied by many of the performances. Particularly charismatic was Trey Sandusky, one of the directors of the show, as Professor Malloy.

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

The two female leads, Eva Landeo (again, another director) as Penny



Scene from Fordham Follies

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

Some of the scenes with these four characters, however, while attempting to focus on their group dynamic and the changes they were undergoing at law school, seemed to slow down the rhythm and energy of the show, especially when

placed between strong scenes like Malloy's Classroom and the Bar Review Sign Up. The show also contained several inside jokes regarding certain students which were not understood by some of the audience.

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

Please see FOLLIES
continued on page 11

A Free Night Out

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

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

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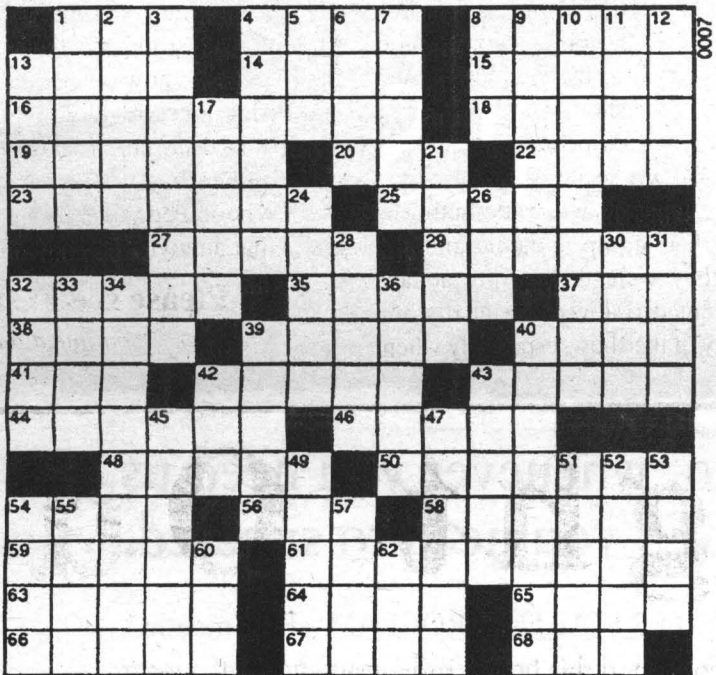
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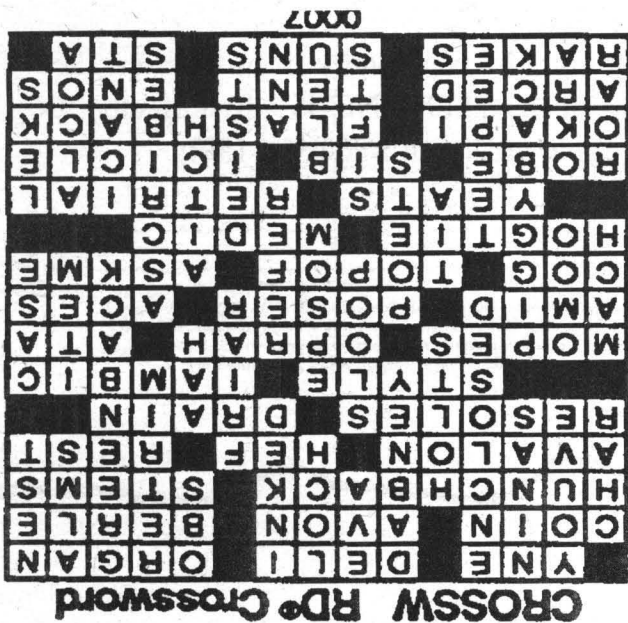
Edited by Stan Chess

Puzzle Created by Fred Piscop

- | | | | |
|---|--|---|--|
| ACROSS | 40 Cheater's sleeveful | DOWN | 32 Speed number |
| 1 Hydrocarbon suffix | 41 Mechanical tooth | 1 "Got a Friend" | 33 Melville novel |
| 4 It's full of bologna | 42 "On ___ Old Smoky" | 2 Foch and Ricci | 34 Football player with poor training-table manners? |
| 8 Heart, for one | 43 "___ no questions ..." | 3 Inside | 36 Recommend for a second opinion |
| 13 Eagle or double eagle | 44 Bind unceremoniously | 4 Actor Coleman Braun | 39 <i>Dead Society</i> (Robin Williams film) |
| 14 Cosmetics company | 46 Corpsman | 6 Leven or Linnhe | 40 Attributes |
| 15 "The thief of bad gags" | 48 "The Wild Swans at Coole" poet | 7 Signed | 42 ___ Maria (Jamaican liqueur) |
| 16 Football player who runs on intuition? | 50 Second experiment | 8 Dict. usage label | 43 H |
| 18 Timepiece parts | 54 Choir attire | 9 Touch up anew, tonsorially | 45 Plains home |
| 19 Star of beach movies | 56 Bro or sis | 10 Football player who's short on experience? | 47 Believers, of sorts |
| 20 <i>Playboy</i> nickname | 58 Christmas-tree decoration | 11 Charitable donations | 49 Separates out closely |
| 22 Unwind | 59 Giraffelike animal | 12 Fit together | 51 "___ Help Myself" |
| 23 Fixes footwear | 61 Football player who's always seeking photo ops? | 13 Overbroil | 52 Aluminum giant |
| 25 Outflow of resources | 63 Traveled between electrodes | 17 Jack, Jennifer and Tim of the movies | 53 Albanian currency |
| 27 Strunk and White concern | 64 Loose-fitting dress | 21 He may get roasted, surprisingly | 54 Greasepaint sound? |
| 29 Satirical Greek poem | 65 Simian in space | 24 John B., e.g. | 55 Gumbo ingredient |
| 32 Broods | 66 ___ it in (makes money) | 26 Doctor's "Say" | 57 Cordon ___ |
| 35 Phil's counterpart | 68 R.R. stop | 28 Derby site | 60 Driver's licenses, perhaps |
| 37 Alma-___ (Kazakhstan's capital) | | 30 Columnist's tidbit | 62 Gloucester's cape |
| 39 During | | 31 Quantity of beer | |
| 41 Brainteaser | | | |



ANSWER



WHY BAR/BRI



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POETRY

Beating the Odds or The Thoughts of an Old Racehorse

"The end's in sight."
Neighed the voice inside
This runner's fevered brain.
"A few moments more
Of this tiring chore
And its pastures and mares I'll gain!"

"Weary am I."
Was his equine thought
Tho' he charged mightily on
Bearing rider and dream
An inseparable team
While gamblers looked eagerly on.

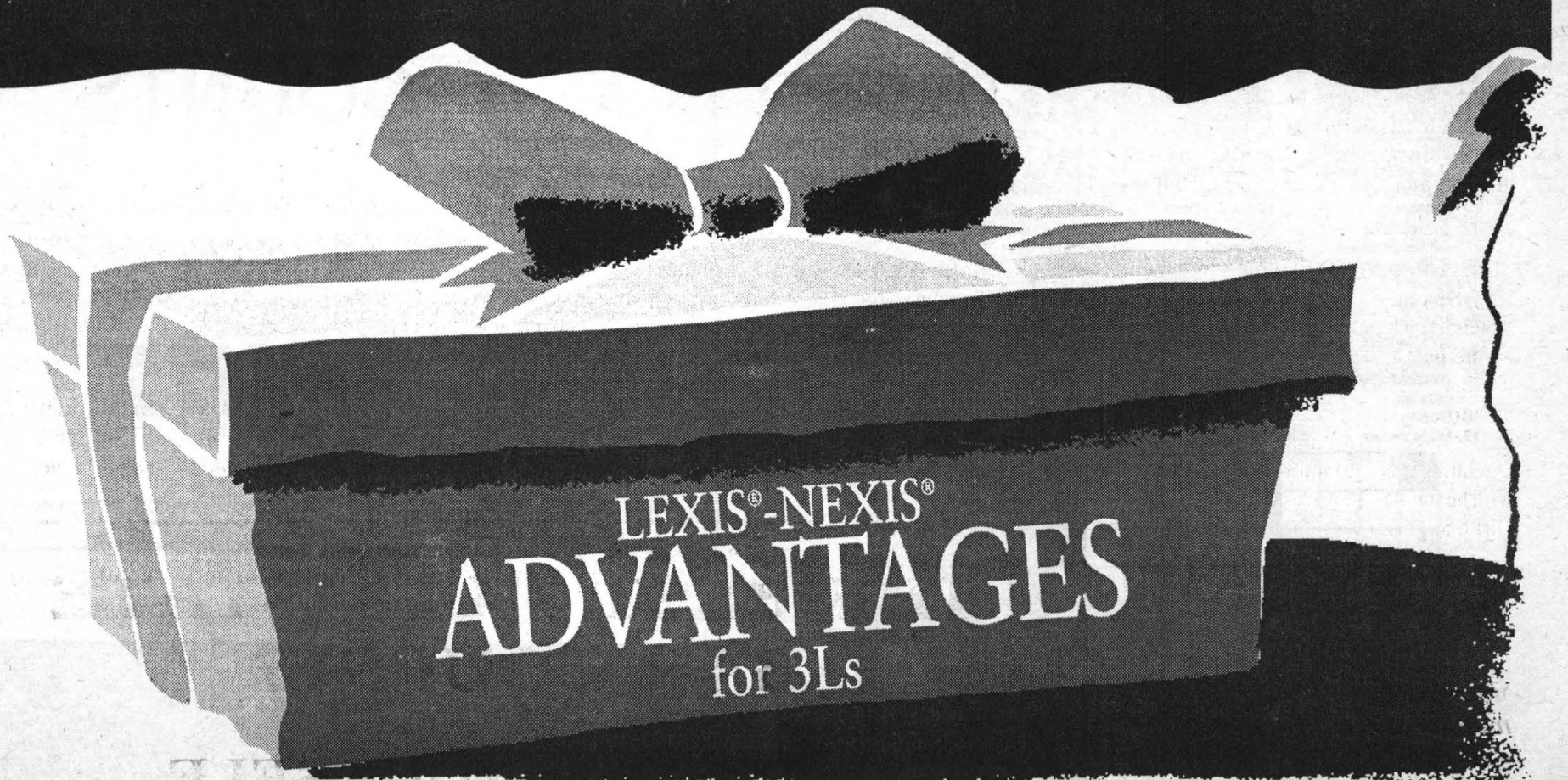
"Long odds on this race!
He won't even keep pace!"
The excited bookie had crowed
As he took bets left and right
From every bettor in sight
On a stallion now grown old.

But Life and Hope
Are partners true
And Age cares not a whit
For Faith and Courage supremely rule—
And many gamblers were sadly fooled
While this winning horse champed the bit.

"I hear them roar" he thought again.
They don't believe I'll win."
But he'd run so many, many times—
And there it was—the finish line!
The crowd lost money, suppressed a whine,
But the horse just shook his head and smiled.

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GIRL SIX

A FILM REVIEW

By Miles Marshall Lewis ('96)

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

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

After passing on more hardcore,

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

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

The conflict in this script by playwright Suzan-Lori Parks is created by Judy's descent into the phone-sex underworld. Walking into Lil's office for her initial interview, guessing a seven-letter word for a falling feeling (hint: an Alfred Hitchcock classic), the viewer can predict impending problems.

Judy's slide is underscored by the subplot of 6-year-old Angela (beautiful name, six letters), who falls down the elevator shaft of her apartment building (from the sixth floor), and the child's progress throughout *Girl 6*.

Director Lee - who, despite his notoriety for media manipulation of racial politics, has skill approaching Martin Scorsese, Oliver Stone, or Woody Allen - pulls off old film school, Felliniesque experimentation in *Girl 6*. Judy's ex-husband, Shoplifter (portrayed by an excellent Isaiah Washington), caresses fruit at a Korean grocer in zoom-lens close-ups meant to conjure visual analogies to breast sizes. *Girl 6* removes her top for Q.T. in grainy film stock that recalls sleazy, pornographic cinema. Judy and Shoplifter have a bittersweet recon-



Spike Lee, Jennifer Lewis, and Theresa Randle

ciliation of differences in the finale, dressed in white, conversing with Lee's signature moving dolly effect. These are tricks an unknown, independent director would be praised for. Lee's talent is often overshadowed by his confrontational persona, but his abilities shine through clearly in *Girl 6*. Adding to the wild ride is the pop score by the artist now temporarily known as Prince, to avoid confusion (!!!) from the inclusion

of songs written before his name change. Prince rivalled hip hop as the creative force of the Eighties, and his catalogue has been largely unmined in film until now. Judy meets Madonna, portraying a hardcore phone-sex employer, at a strip-club to the tune of "Girls and Boys"; the DJ at Club 6 spins "Housequake" and "17 Days"; *Girl 75* gives good dominatrix over the strains of Vanity 6's "Nasty Girl"; and a standout scene where Judy is stood up meeting an

It questions the political correctness of feminist sexual politics in the Nineties, while adding enough comedic elements to make such heady musings go down easy.

anonymous caller at Coney Island is set to Prince's wrenching "How Come U Don't Call Me Anymore."

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

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

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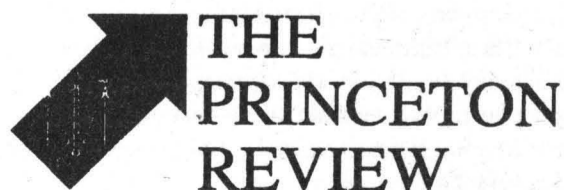
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Striving for Justice

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

by Jeffrey Jackson

IN CONTEMPT

By Christopher Darden
with Jess Walter.
387pp.
Harper Collins. \$26.

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

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

Darden shows that he understands the experiences that frustrate many young, talented Black Americans. For example, he recalls being placed in wood shop and metal shop classes, despite an outstanding academic performance that included mostly A's. This mistreatment calls to mind the experiences of another famous Black American, Malcolm X, who was told as a young man that his brilliance would earn him a career as a carpenter, despite his desire to be an attorney. Darden comments "I wonder how many future black doctors and lawyers, politicians and writers have been sent to auto shop or food service classes. I didn't like it then and I don't like it now, someone looking at the color of my skin and deciding what my life will be, what my opinions should be, on which side I should be." This message will most likely fall on deaf ears; many black people condemn so-called "sellout" behavior, and "Black prosecutor" is synonymous with "Black conservative" or even worse, "Black Republican." (I foresee loud, angry responses in my future: "How dare you compare Chris Darden to Malcolm X?!")

Darden's constant reference to black history characterizes the main theme of his book - defiance. Growing up in the San Francisco Bay Area, Darden regarded the Black Panthers as his heroes because they "stood up for them-

selves" and said that if O.J. Simpson really "wanted to impress him, he would have opened a free clinic in the neighborhood or brought guns for the militants." This admiration for the Panthers is not surprising and entirely consistent with Darden's apparent conservatism (for example, another well-loathed black conservative, who now sits on the United States Supreme Court, reportedly admired the Black Panthers as a youth.) Darden admits that he respected O.J. as a football player, but strongly denies that the "Juice" was ever his hero, "despite the media's simplistic analysis of it during the trial." As a former high school and college track runner, Darden manifests genuine appreciation for Tommy Smith and John Carlos, two Olympic athletes known for their raised-fist black power salute during the playing of the national anthem in the 1968 Olympic games.

When Darden began his studies at UC Hastings College of Law, *Bakke* was pending in the United States Supreme Court. As a result, he experienced hostility from many of the white students who felt that he was admitted to law school because he was black. This attitude exacerbated the fiercely competitive, isolationist atmosphere prevalent in many law schools; for example, Bill Hodgman, who worked on the O.J. prosecution team was a classmate of Darden's, yet never met him during their three years of law school together. Darden graduated from law school in 1980 and took his first and only job and the Los Angeles Prosecutor's Office.

Darden's sympathy for murder victims, coupled with a fierce hatred for street gangs, largely led to his decision to become a prosecutor. He recalls his first time seeing a dead body, calling it "a precursor to the bodies I would see later in my life, a hint that I would soon be trafficking in blood and tragedy." He also posits a forgotten theory of prosecution; the prosecutor is the attorney, the victims are the clients, therefore, Darden best served his victim-clients, most of whom were black, by securing convictions of defendant-predators, most of whom were black. His approach, focusing on the rights of black victims, is welcomed by countless African Americans who suffer violence every day. Unfortunately, this approach is often rejected by removed black leaders who can afford to wax philisophic about the "rights" of black defendant-predators.

In Contempt reveals a prosecutor with a perpetual rack for justice tempered by sage discretion, free of the stereotypical "lock-em-up-and-throw-away-the-key" psychology. He recalls his attempt to reverse the conviction of Geronimo Pratt, former leader of the Black Panthers. He also recalls his contempt for fellow prosecutors who display framed death warrants on their walls like mooseheads bagged during successful hunting trips.

Like the rest of his book, Darden's

case against Simpson is simple and unapologetic. He catalogues what he calls the "mountain of evidence" against Simpson, as well as evidence that was not admitted at trial, thanks mostly, in his opinion, to the pro-defense stance taken by Judge Lance Ito. He concedes that if he had a "do-over" he would, *inter alia*, not repeat his infamous glove trick. Darden owns up to mistakes, but still maintains that the evidence was enough to convict O.J., and that some of the jurors came to a verdict well before the state's opening statement.

In Nathan McCall's autobiography *Makes Me Wanna Holler*, McCall begins with a story in which he and a group of his friends attack a white kid riding a bicycle in order to get "revenge" for the hundreds of years that black people suffered oppression. Darden contends that like many black people, the black O.J. jurors saw this case as a chance for some "get-back," or revenge, and makes the following analogy; just as beating up a white kid does nothing to address the hundred of years that black people have suffered injustice, jury nullification for the atypical O.J. Simpson does nothing to address the criminal justice system, which is often unfair to black defendants. Darden believes that this "quest for justice" was the main factor in Simpson's acquittal.

Hounded by the *Sentinel* (L.A.'s equivalent to the *Amsterdam News*) and black leaders in general, Darden became *persona non grata* in the black community. Cochran, a former L.A. County District Attorney, publicly accused Darden of being a "sellout," and contended that the only reason that Darden was on the prosecution team was because he was black. Sellout, in Darden's mind, "was the most offensive thing a black could be called by another black" and "was the equivalent of publicly being called a nigger by a white lawyer." He also recalls, "The fallout was immediate. On talk radio and in newspapers, in barbershops and restaurant, I was branded an Uncle Tom, a sellout, house Negro. I couldn't understand how they could attack me when they didn't know me. Other black 'experts' stepped forward, such as a lawyer named Leo Terrell, who was suddenly on every television show that would have him, saying

that I had a responsibility to the community and to my 'blackness' to reject the case." Darden was attack from two fronts; whites thought that he was an "affirmative action baby," and blacks thought that he was an "Uncle Tom" being used by "the Man." This backlash exceeded mere chatter; Darden was literally spit upon and received countless death threats.

Eventually, O.J. Simpson was acquitted, but Darden lost more than a court case. He lost his belief in the justice system, he lost respect in the Black Community, and he lost his older brother Michael, who died of AIDS. In one of the most insightful and important parts of the book, he recalls a speech he gave at tribute in his honor, in which he said, "You don't have to welcome me back into the community, because I never left...no one man can say what it is to be

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

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

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

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VIEWPOINT

The First Thing We Do Is Get Rid of All the Critics

by John Mastandrea ('96)

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

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

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

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

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

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

But in a system of participatory democracy, such a scheme of short-term gain can only result in long-term mischief. People have literally forgotten to ask where the judiciary should belong in a properly functioning democratic process. Consider that protestors who have traditionally staged rallies in front of the Capitol and the White House now regu-

larly add the Supreme Court to their itinerary as well. This only underscores the extravagant fiction that says the courts are not swayed by politics. The courts are swayed, and it is too late in the day for them to deny their ongoing place in the contemporary political scheme.

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

Then came the day when the outcome of judicial effort was not consid-

"... the judiciary must be adamant about its limited role: 'We're judges. We apply the law; we do not guarantee outcomes. If you don't like the law being applied, go petition your legislator.'"

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

This year the people (and their long-complacent elected representatives) have risen up to demand an accounting. Their anger betrays at least a hint of hypocrisy because they had acquiesced all along in the judiciary's colonization of neglected areas of policymaking.

Legal professionals steadfastly downplay the legitimacy of people's anger, betraying a hypocrisy of their own. Lawyers should be very wary of assuming a "we know better" attitude, since they themselves had a hand in obfuscating the court's proper role. If lawyers really did "know better" they would have anticipated this accountability crisis.

Some still cannot admit the crisis is here.

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

The solution is not to silence the critics, but to immediately redefine the blurred lines between the courts, the legislature, and the people whose consent theoretically give legitimacy to the entire scheme. The organized bar should refrain from reflexively closing ranks to

FOLLIES

continued from page 6

Many members of the cast played several characters quite marvelously. Gene DeMaio, also a director, portrayed the graduate flipping burgers, Steve Savva and Dean Feerick in the dream sequence.

Mr. DeMaio has a lot of presence and it seems obvious that it is not the first (nor will it be the last) time he has been on stage. Leon Hirth played several characters, but most memorable was Father Whelan in the OI' Man Con Law sequence.

I have to applaud the rich use of musical theater in the staging of certain scenes, in particular the dream sequence from *Fiddler of the Roof* used for Dean Feerick's Dream and the Gary, Indiana song from *The Music Man* used for the Hector Baldonado number.

The staging in that last scene and

the MPRE scene (sung to The Village People's YMCA with the whole cast including "The Village People") was clean, very well-rehearsed and much fun to watch.

Considering these are law students who probably have a few other things on their minds, this production was very well done and very enjoyable. In fact, one of its leading charms was the obvious fun the cast was having on stage.

While I'm not exactly sure what the creators mean by "How to Succeed in Law School..." since the show starts with a Fordham graduate flipping burgers and ends with a graduation class which is jobless, I can tell you it has certainly inspired me.

In fact, this article would have been longer and much more in depth, but I really can't afford to spend the time on this when there's all that studying to do. I do want a high G.P.A. and I'd like to get a job at Skadden. So...


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defend the current regime. Most importantly, the judiciary must be adamant about its limited role: "We're judges. We apply the law; we do not guarantee outcomes. If you don't like the law being applied, go petition your legislator."

If such had been the credo through-

out the last half of this century, the peasants today would not be pointing their pitchforks at judges. Instead, they would be breaking down the doors of their elected representatives. And it's about time those hapless lawmakers accepted their rightful share of responsibility.



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

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

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

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

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

FICTION: BAR/BRI's management has left.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Richard J. Conviser". The signature is written in a cursive, somewhat stylized script.

Richard J. Conviser
President & CEO