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Recommended Citation

The Advocate, Fordham Law School, "The Advocate" (1987). *The Advocate*. 129.
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The Advocate

FORDHAM LAW SCHOOL

VOL. 20 NO. 1

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OCTOBER, 1987

BORK: ADVICE AND CONSENT

Ignore Ideology

By David McGetrick

Should the U.S. Senate consider the "political ideology" of Robert H. Bork in voting on his nomination to the Supreme Court?

The United States Constitution provides no criteria by which the Senate is to vote for or against a Supreme Court nominee. Senators, being human, will always be influenced to some degree by the compatibility of a prospective justice's personal political views with their own. But since Court members, unlike Presidents and Congressmen, are not chosen by popular elections, it is important to understand the meaning of a nominee's "political ideology" and the role it should play in the confirmation process.

The instantaneous praises and denunciations of the Bork nomination by partisan politicians and vocal special interest groups illustrate an unseemly politicization of the procedure for nominating individuals to the Court. If the Framers had intended nominees to cater to biased political interests, they would have provided for a direct popular election of Justices. Since they did not, the "political ideology" of a nominee, construed as his personal viewpoint on a particular issue, should not be determinative for Senators evaluating his fitness to serve on the Court.

Yet we see, from the left, no less an eminence than Teddy Kennedy divining Bork's mind and concluding that the judge prefers an America under which women would be forced to undertake back-alley abortions, rogue police would break down front doors in midnight raids, and . . . well, you get the idea. And Senator Joe Biden, who also announced his intention to vote against Bork long before the confir-

mation hearings even began, nonetheless told us with a straight face that he would chair those hearings impartially. For these gentlemen and their allies, Bork is unacceptable simply because his record does not suggest a propensity for implanting liberal policy views in judicial decisions.

But neither should conservative partisans rejoice merely because Bork is not an outspoken philosophical and legal opponent of the right wing's favorite social issues. The point is that even if Bork's personal viewpoints generally coincide with those of the political right, they should be just as irrelevant to the confirmation vote as Kennedy's and Biden's issue litmus-testing is.

The "political ideology" of a Court nominee has a deeper meaning. It refers to his view of the Supreme Court's role in analyzing the Constitution. Broadly speaking, Justices may be classified as advocates of judicial activism, judicial restraint, or a position somewhere in between. Judicial activists tend to interpret constitutional provisions expansively and do not hesitate to assert the judiciary's positions on matters before the Court. Those who believe in judicial restraint are less eager to read material into the Constitution and are more willing to defer to the judgment of the political branches of government.

Bork believes in judicial restraint. He believes that the Bill of Rights protects only those rights expressed in those Amendments or reasonably implied by them. It would not be unreasonable for him to conclude that the last thing on the minds of those who framed the Bill of Rights was an intention to constitutionally protect, say, a right to have an abortion, or to engage in sodomy. He trusts that legislatures are competent to debate and to pass their own laws regarding such matters.

This approach to judicial reasoning is certainly within the historical mainstream of legal thought; a judicial deference towards legislative deliberation reflects a profound respect for the constitutional principles of separation of powers. But the

See p. 3

Ideology Counts

By Philip McCaffrey

President Reagan's recent nomination of Judge Robert Bork to serve on the Supreme Court has rekindled the debate over the Senate's proper role in the selection of Supreme Court Justices. Supporters of Judge Bork insist that the Senate should not consider the ideology of nominees and should withhold consent only on the grounds of professional incompetence or moral turpitude. While this notion is politically expedient for Judge Bork's supporters, it is without support in the language of the Constitution, in the history of the confirmation process, or in common sense.

Article II, Section 2, paragraph 2 of the Constitution balances the President's power to appoint members of the Judiciary against the requirement of the Senate's advice and consent. The framers were not given to superfluous language and there is no indication that this requirement is to be taken lightly. No language in the Constitution limits the criteria by which the Senate is to decide. Indeed, there is considerable

evidence that the Framers did not intend a rubber stamp role for the Senate.

The Constitutional Convention originally provided for the selection of Supreme Court Justices by the Senate acting alone. This arrangement remained in the draft of the Committee of Detail. The idea of Presidential nomination requiring Senate approval was in fact twice voted down before it was accepted as a compromise in the final days of the Convention.

There is likewise no historical precedent for requiring Senators to eschew ideological inquiry in their consideration of prospective Justices. The practice of rejecting a nominee on ideological grounds began in 1795 with George Washington's nomination of John Rutledge for Chief Justice. As an eminent jurist and one of the most influential drafters of the Constitution, Rutledge was certainly qualified. Yet when Rutledge publicly opposed the controversial Jay Treaty, many Senators began to question his foreign policy views as well as his judgement for taking such a rigid position on an issue which had sharply divided the nation. Oliver Ellsworth, himself a distinguished delegate to the Convention, demonstrated no qualms about considering Rutledge's ideology. He led the successful fight against confirmation a

Beef Up Your Job Search

By Brian Kirby and David Leibell

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

The natural tendency for students in this position is to deal with their job search in the easiest, most painless way possible:

by not dealing with it. The search for any job in the law is generally a time-consuming and somewhat unpleasant process. Unfortunately it is a process which requires active participation to achieve results. As Sonny Bono's ex-wife once said regarding working out: "The hardest part is getting started."

Fortunately there is help. The Law School's Career Planning Center is a Jack LaLanne equivalent for developing individualized job search regimens to aid stu-

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Linda Young Looks Back

Linda Young received her J.D. from Fordham in 1978. She was the assistant Dean for Student Affairs from August of 1983 until August of 1987. Dean Young was honored on Dean's Day, September 26, with the Dean's Medal of Recognition. Recently, the Advocate's Philip McCaffrey, an emeritus member of Fordham's Food Service Committee, spoke with former Dean Young and returned with this insightful profile of one of Fordham's finest.

Q: Where are you working now?

A: I am working in the Appeals Division of the Corporation Counsel.

Q: What does your new position entail?

A: All the appeals that come from the various departments in the city will come through the Appeals Division. Whether it is contracts or whether it is an educational issue, a constitutional issue, a family issue; all the different areas of the law are dealt with in the Appeals Division. I am looking forward to the variety of issues and the chance to once again research, write and then be able to argue in the various appellate courts. We argue in the First Department, Second Department, the Court of Appeals in Albany, the Second Circuit and then, I guess if you are really lucky, in the Supreme Court.

Q: It sounds fascinating, but I'm sure it can't match the excitement of the Food Service Committee.

A: You're right Phil, you're right.

Q: How does practice compare to the academic world?

A: That's a tough one because I was in the administrative part of the academic world. I loved being at Fordham, especially because I think so much of the school, I think so much of the Dean and I loved working with the students. What I missed was the intellectual challenge of practice and it feels good to be back to that. Certainly in terms of my affection for the school and the students, I miss Fordham.

Q: What were the highlights of your years at Fordham?

A: It depends on how I take that. Certainly since I've been there I've seen the tremendous growth of the school under Dean Feerick. There has been the physical growth of the school; watching the expansion of the school: our atrium, the amphitheater, the classrooms, the cafeteria and the dedication, which Justice Sandra Day O'Connor attended. I've been able to watch the school expand into something much more beautiful than the school which I was lucky enough to attend. There has really been an expansion in a lot of ways; the computerization of a lot of the administrative offices, the introduction of the clinical programs, summer school.

There has been a real concentration on improving the Legal Writing Program by bringing on Professor Vorspan. In so many ways I see wonderful growth in various areas of the school. I think Dean Feerick has brought the school to a whole new level; intellectually and in terms of physical expansion. Expansion of programs and expansion of resources at the school. Certainly I've seen the Career Planning Office really grow in what it accomplishes for the students. Dean Feerick has never been content with the status quo and is constantly working at and thinking of ways to improve the school. It was wonderful to be at the school at a time when that impetus was there and I could see it bursting in so many different areas. Certainly there were wonderful, personally gratifying moments for me. Especially in terms of my relations with the students, individual interactions that meant a lot to me.

Q: Where do you think the school is heading?

A: I feel that I've seen so much impetus for growth in so many wonderful directions. In every way I feel Dean Feerick leads the present administration and faculty to look for ways to improve the ability of the school to be even more of a national school. I think he has attracted strong faculty to the school. I think the faculty is writing extensively and I see a lot more community spirit at the school. I think there is an attempt to be open with students and to be accessible to students. If people would only take advantage of the directions and movements under the leadership of the Dean which are there, I think the school can only grow even more than it already has.

Q: Do you have any parting words of advice for the students?

A: Oh dear. I hope people will take advantage of as much as this school has to offer. I think there are many programs at the school, many people at the school who really are more accessible than students realize. There are more opportunities there than I think people yet take advantage of.

Q: Do you have any words of advice for Dean Reilly, the new Assistant Dean of Student Affairs?

A: I think he'll be wonderful. He and I spoke frequently before I left and I always had the feeling that he knew exactly what to do and that he knows more about the school than I ever will. I really think he understands the school very well and the issues involved in the school so I don't think he needs a lot of advice, although I'm certainly always available. I hope I can keep in touch with many of the people I've come to know during the past four years.

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Fordham Flotsam

By Dean Obeidallah

As the boat lurched out of Pier 81, the annual SBA Boateus Rideum, better known as the Booze Cruise, was underway. Although it was a rainy and cool evening, the crowd taking this annual excursion around Manhattan climbed to over four hundred and fifty.

Beer flowed freely all evening, and people danced to the Top 40 music provided by deejays. Although the floor was wet with beer, and the music was at times louder than legally permitted, the dance floor was always packed.

Taking a break from showing off his dance moves, second year student Robert Tedisco commented that, "this dance floor was better than any New York disco that I have been to, and I have been to many." Some students, such as first year student Paul D'emilia, were confused as to why the records being played kept skipping when the boat rocked, but he conceded that, "I find the skipping beat easier to dance to than the songs themselves." But second year student Ken Rosenbloom demanded to know, "when are they going to stop playing this bad dance music and play some good rock 'n roll like Def Leppard or Jethro Tull?" Finally, second year night student Patrick McCaffrey, explaining his absence, noted, "It's like a TANG you can't leave."

The cruise, which lasted about three hours, gave the passengers a view of the sights that have made New York City so famous. As expected, the Statue of Liberty and the garbage barges were the biggest attractions.

The Captain's voice piped over the loud speaker informing the passengers that they were about to dock, and the 1987 Boat Ride came to an end. Although many passengers were disappointed to see the cruise end, the partying continued into the night at a few local drinking establishments. Undoubtedly all who attended enjoyed the evening and wait anxiously for next year's cruise.

Bork

From p. 1

judicial activism of the Court over the last several decades, which has produced volumes of "liberal" decisions and discovered lots of "rights" in the Constitution, has also been accepted as legitimate Supreme Court jurisprudence. The crux of the debate over Bork's nomination is what the judicial philosophy of a pivotal member of the Court should be. If liberals in the Senate can avoid the temptation to demand a judicial activist likely to preserve certain Court decisions compatible with their political views, and conservatives the temptation to approve Bork only because they think he might reverse those controversial decisions, clear thought may be given to whether a nominee's judicial philosophy should have any role in the Senate's consideration.

There is of course a boundary on the type of judicial philosophy that a prospective Justice may espouse. If a President gone mad were to nominate a "lawyer" who supported the abolition of the Constitution and the imposition of a military dictatorship, the Senate could quite properly dismiss him and his philosophy. But when a candidate's judicial reasoning is within the legal mainstream, as is Bork's, the question arises: Should the Senate defer to the Executive's selection regardless of the nominee's judicial philosophy?

Both the Constitution and the electoral successes of Ronald Reagan strongly suggest that the Senate should confirm Bork, whose intelligence, integrity, and experience are not doubted. Article II, Section 2 of the Constitution states that Presidents may appoint Judges of the Supreme Court by and with the Advice and Consent of the Senate. But let it be remembered that this participatory role by the Senate is only a qualification of an expressly enumerated power of the Executive. As such, the Framers must have intended a presumption in favor of the President's nominee which the Senate could not overcome lightly. They attached significance to a selection made by an official recently elected nationwide.

In the campaigns of 1980 and 1984, Reagan made no secret of his desire to fill any Supreme Court vacancies with Justices who advocate judicial restraint. He was elected and re-elected by landslide margins. Liberals didn't like that. Liberals like to use activist Justices to achieve policy goals they are unwilling or unable to pursue in legislatures. But there is nothing in the Constitution or anywhere else which says that the liberal policy views entrenched in Supreme Court law by judicial activists are sacrosanct. Reagan's resounding victories are a reliable barometer that the type of judicial philosophy dear to liberal hearts has been bypassed, at least for now, by the American people. Bork's time has arrived.

Artists
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The Advocate

FORDHAM UNIVERSITY SCHOOL OF LAW

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

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EDITORIAL

Few things are more important to an attorney, or even a prospective attorney, than time. As they say, time is money. To a practicing attorney, this is certainly true, and as a measuring stick for the worth of a young associate or even a senior partner, time is unparalleled.

For a student, time is perhaps even more important. The slow ticking of the clock late in the afternoon informs all members of the Fordham Law School community when they can get out of class, out of the library, or out of work, and on to more enjoyable, if not more important, endeavors. Without going into unnecessary detail, there are those times, as difficult as this may be for certain professors to believe, when a cold brew or even a run around the reservoir seems a more enjoyable fate than Prosser on Torts.

So, what has all this to do with time? Simply put, the *Advocate* would like to know just what is the story with the clocks? Every classroom clock, when there is one, is set not to the infamous FST (Fordham Standard Time), but rather, to the proper time at the Law School of the Republic of Ghana.

This early in a brand-new school year is an inappropriate time to be assailing the administration with shrill voices clamoring for substantive change throughout the school. Rather, the *Advocate* believes that the best approach toward making Fordham the kind of school of which we can all be proud is to take one small step at a time. Fixing the clocks would be the ideal first step.

That accomplished, anything is possible.

Career Planning

From p. 1

dents in attaining legal job fitness. Carol Vecchio is the recently appointed Director of the Center. Carol has been a member of the Career Planning Center (C.P.C.) staff since 1983. She has an undergraduate degree in psychology, and has trained with both Richard Nelson Bolles (author of the acclaimed job hunting manual "What Color Is Your Parachute?") and John C. Crystal, Bolles' acknowledged mentor. She has written several articles on the job

search process, as well as many of the materials used and distributed by the C.P.C.

Kathleen Brady joined the Center this past summer as an Assistant Director. Kathy received her undergraduate degree from Fordham in 1983, and returns to the University after spending the past year at Columbia Law School in a similar position. Kathy numbers among her duties the scheduling and coordination of the On Campus Interview Program.

According to both Carol and Kathy, the first step someone having difficulty in the job search should take is to make an appointment with either of them ASAP. This meeting is generally a brainstorming session to determine the method of approach most likely to succeed in obtaining the type of position that the student is interested in. Carol stresses, however, that determining the method of approach to one's job search is the third step in a three-step process. For the job search to be truly successful, a student must first determine what his favorite skills, experiences and achievements are, and where, in terms of area of law, work environment, salary and geographic location, the demonstrated attributes would best be applied. These determinations require considerable time and soul-searching, but can be facilitated through the use of the "Charting Your Course" booklets available at the C.P.C.

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

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

Mail Campaign

The Overnight Resume and Overnight Cover Letter Critiquing Services available at the C.P.C. can help students compose the informative resume and the well-written cover letter necessary for a successful mail campaign. On an attached form, a C.P.C. staffmember provides written comments and suggestions on how to improve the wording and appearance of a student's resume and cover letter. The quick turn-around allows students to get opinions on last minute changes to their resumes or cover letters before actually making them.

The C.P.C. recommends starting a mail campaign sometime around the mid-

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

Job Books

The C.P.C. receives descriptions of over 1,500 part-time, summer and full-time legal positions throughout the year. Many of these listings relate to positions at smaller firms which do not have the time or manpower to interview on campus. This is a readily available resource that most students overlook.

Personal Contacts

The word on personal contacts is that if a student has them, he or she should use them. The C.P.C. advises that, like mailings, contacts are best used around the middle of October. Although the Center does not supply students with personal contacts, it does conduct several functions which give students the opportunity to make such contacts on their own. The Career Dinner program allows students in all classes to meet and eat with alumni practicing in a particular area of the law. The dinners should begin in November and will be scheduled throughout the year. The C.P.C. also plans to schedule seminars with alumni in Government and Public Interest jobs later in the year.

In addition to the above-described programs, the Career Planning Center provides job placement related services for Law School Alumni. Although 97% of Fordham Law School graduates have jobs within nine months of graduation, many find themselves unhappy with their situations several years later. The students who are unable to get jobs and the alumni who are unhappy in their jobs generally share one common trait: an improper job search.

According to Carol Vecchio, the key to getting a rewarding job is a knowledge of how to get hired. Implicit in that knowledge is a knowledge of oneself and of one's interests. The firms that base their hiring decisions on grades are a minority, albeit a highly visible one. A student who is able to improve his or her grades during second and third years is looked on very favorably by the majority of law firms, and should have little trouble in securing a desired position with the right approach. The most important thing to remember is that neither grades nor summer jobs are determinative of one's legal future, despite impressions to the contrary. As Carol observed: "It isn't over 'til it's over, and it's never over."

Dr. Jeckyll and Judge Bork

By Alan Dershowitz

Americans watching the Bork hearings are making a shocking discovery: The Robert Bork nominated to serve as the potential swing justice by President Reagan is a different person from the Robert Bork that the Senate is being asked to confirm. As in a zany plot from a Gilbert and Sullivan operetta, some diabolical prankster must have switched the two Borks while our attention was diverted by the Iran/contras hearings.

The Robert Bork who was nominated by the president—we'll call him "White House Bork"—is, in the words of a senior White House aide, anything but a moderate. "It's a mistake," the aide said, "to try to make him into something he isn't. The truth is that he is a right-wing zealot."

A confidante of the administration recently boasted that Bork's vote on issues like abortion, free speech and religion is expected to make a difference. "This is exactly the reason the Justice Department selected him," he said.

White House Bork—the activist who is expected to outlaw abortions, limit our freedom of speech and lower the wall of separation between church and state—is the man that White House ideologues want to serve on our highest court. That is cer-

tainly what they are whispering to their reactionary constituents on the far right.

But in order to get him confirmed, they have to pretend—at least for now—that he is someone else. So they took him to a public-relations plastic surgeon and had him repackaged as a moderate. The new, if temporary, Robert Bork—we'll call him "Confirmable Bork"—is an altogether different person. He is not the same man who once looked at the principle underlying the federal public accommodations law of 1964, outlawing Jim Crow segregation in hotels and restaurants, and called that principle one of "unsurpassed ugliness."

Confirmable Bork will not dare repeat the insulting analogy he has used so often in the past, comparing a married couple's right to practice birth control with a corporation's right to generate "smoke pollution." The new Bork will play down the fact that he has condemned courts that refused to enforce the kind of racial and religious restrictions that Chief Justice William Rehnquist had in deeds to his homes.

Those of us who have known White House Bork for 25 years, through his academic writing and judicial opinions, will not be able to recognize Confirmable Bork.

I'm reminded of the old joke about

the 80-year-old Californian named Irving who is visited by the Angel of Death. Irving, who had been a faithful widower for 10 years, pleads for an additional six months to satisfy his one fantasy of dating a young, beautiful Malibu woman. The angel consents and Irving spends thousands of dollars remaking himself into a young man: tummy tuck, face lift, toupee, etc. Finally he meets the woman of his dreams, who invites him to her pad for a soak in the hot tub and a drink. On the way to her house, Irving is struck by lightning and killed.

At the Pearly Gates, he complains that the Angel of Death broke his promise. The Angel looks at Irving and says apologetically: "Irving, I'm really sorry, but I didn't recognize you." That is exactly what the Senate should say to Confirmable Bork.

He should not be judged on the basis of his carefully prepared answers to the senator's questions. He should be judged on his record. And his record is that of a man who speaks out of both sides of his mouth.

When he was running for nomination by the president, he tried to portray himself as the zealot the White House wanted on the court. He used to write what some

Washington observers call "Ed opinions"—judicial decisions directed to Edwin Meese, who he knew would be instrumental in selecting the next Supreme Court nominee. He also made "Ed speeches," about how important it was to overrule unjustified Supreme Court precedents by appointing the right justices.

Now that he is running for confirmation, his constituency has changed from the extreme right to the center. And he has tailored his rhetoric to fit his new constituency. Because both Robert Borks are charming, witty and persuasive, there is a real danger that his "bait and switch" tactic may work on several of the swing senators he has been lobbying.

For our system of checks and balances to work, the Senate—and its constituents, the American people—must know the product they are being asked to approve. Truth in advertising demands as much even of a used car. Philip Kurland, a conservative law professor at the University of Chicago, has made the request: "Will the real Robert Bork please stand up?" The Senate, he correctly points out, "should not be asked to consent to the appointment of both Dr. Jeckyll and Mr. Hyde."

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DAILY NEWS

NEW YORK'S PICTURE NEWSPAPER

Long arm of the law board

Law school grads grind for the big one

By GAIL COLLINS

Daily News Staff Writer

An unidentified student walked into the BAR/BRI law board preparation lecture at Town Hall the other day, flashed a "V" sign and then vanished, grinning, forever.

Thanks to a change of heart by law board graders, he and 29 other summer flunkies had been rescued from a winter of four-hour surveys of contracts, torts and suretyship.

"Can you imagine that? It would be like winning the lottery—my God," breathed Fred Tecce. A recent emigre

CITYSCOPE

from Pennsylvania, Tecce is taking the boards for the first time this month, and thus has no hope of a last-minute reprieve.

The Happy 30 missed passing the summer boards by a single question, and were salvaged by a persistent fellow victim who convinced the Board of Law Examiners that multiple choice question 28 had two possible correct answers.

"It took me weeks to realize I wasn't going to have to take that test again—and that I would never have to sit through another review lecture!" said one of the 30, who is now tending bar and requesting anonymity.

Wrinkled warriors

Last Friday night, hundreds of less fortunate young men and women—dressed for success but wrinkling rapidly—were slumped in the plush red seats at Town Hall

on W. 43d St., stoically contemplating the prospect of a four-hour review of the wonders of commercial paper.

"This is terrible," said Janet Ramusack, 29, who had been napping on the shoulder of her seatmate, Phil Levine.

"We knew each other before," explains Levine. "This is not a bar exam romance."

Preparing law school graduates for the bar exam is a mini-industry. BAR/BRI, which rents Town Hall for its lectures, draws about 4,000 local customers a year for summer and winter sessions, at up to \$825 a head.

The winter classes, veterans say, are much bleaker than the summer ones. "They laugh at your jokes more in summer," says BAR/BRI director Stan Chess.

Most winter students work all day, go to lectures all evening, and spend Saturdays at the office. "During the week we can only put in seven to eight hours a day, which is not enough for a law firm," said Ramusack. On Sunday, she added grimly, she returns to Town Hall to watch movies of missed lectures.

The winter crowd's depressed mood is not improved by a heavy concentration of summer bar exam casualties. No one's spirits appeared to be elevated by



STAN CHESS lecturing law school grads preparing to take bar exam.

JOHN ROCA/DAILY NEWS

the discount rates for repeat customers.

"The last place they want to be is Pieper's course," says John Pieper, who runs another popular lecture series. "It's almost like going to a 42d St. peep show. You don't want to be seen."

To motivate the flunkies, Pieper says, he points out: "How fortunate they are. There are a lot of people who never got into law school."

Sagas of students rescued from disaster or plunged into despair by errors in grading the law boards are a popular topic at Town Hall these winter evenings.

There was, for instance, the dreadful time a computer error was uncovered, giving 35 new people a passing score, and causing 28 others who thought they were already lawyers to flunk retroactively.

"That was 1980—it was DEVASTATING," said Pieper, who had a lot of trouble

psyching up the victims. ("Those students had peaked.")

Chess, whose students have included retired Weatherwoman Bernadette Dohrn (who passed the first time out) and Robert Kennedy Jr. (who didn't), says the very worst story about bar exams he ever heard happened in Vermont.


The scene, he says, was a cocktail party, where two lawyers who served as graders for bar exam essay questions were having a casual conversation.

"Suddenly one of them says: 'What do you mean 10 is the high score and zero is the low score?' For five years, it turned out, he'd been grading every paper backward."



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First Year Tips

1. **RELAX.** A good mental attitude during this year will go a long way. Keep your perspective and take time out from your studies to do those things you enjoy. Remember, it's the quality of the study time you put in, not the quantity, that counts.
2. **ALWAYS BE PREPARED FOR CLASS.** The purpose of a law school class is not to teach you, but to clarify what you have already learned by reading the cases.
3. **READ THE CASES VERY CAREFULLY.** The law comes from these cases. It is imperative to analyze the facts of each case and to apply the facts to the Black letter rule of law and see why the facts do or do not fit the rule. This is what you will be expected to do on your exams—so start practicing fact application to rules now when briefing cases. In addition, fact patterns from notable cases do appear on exams in a modified form. This is especially true of Civil Procedure and Contracts. Facts are important! If you rely on Case notes, you are not learning how to glean which facts fit the rules of law. You are not learning legal analysis.
4. **GET THE BIG PICTURE AND DON'T DWELL ON THE DETAILS.** In first year you must concentrate on the basic elements of the law. For example, in torts, examine your book's table of contents to see what the broad categories are. Pigeon-hole the different facts of the cases into these broad categories as you read the cases. Forget the details! If you can see the broad categories and the big picture of how these categories fit together—you're half way there. The balance will come from analyzing facts and working them into the rules, if they fit. If they do not fit, it is important to recognize this too.
5. **CLASS PARTICIPATION.** You probably already can see people in your classes who cannot keep from broadcasting their stupidity to the professors. Don't worry! All these people are doing is making the rest of you hate them—they do not get extra points at the end of the year.
6. **CANNED OUTLINES.** Use these to help you see the broad picture, not as a substitute for reading the cases. Be warned that there are errors in some of these books. For example, the torts Emmanuels has some glaring errors.
7. **APPROACHING PROFESSORS.** Your professors will range from saintly (Calamari) to nasty and sarcastic (let's see if you can guess?), but do approach them if you have questions.
8. **PRACTICE EXAMS.** If your professor offers one, do it! There is no better way to get feedback on how you're doing. Start going over old exams (available at the reserve desk in the library) as soon as possible. You guys should be able to work through a crimes exam at about this time; however, save the most complicated courses for about mid-October or November.
9. **CRIMES.** Shoot for the highest grade you can manage here, it could save your average later.
10. **LEGAL WRITING.** Remember Dick and Jane? Well, that style of writing is just about what they're looking for in Legal Writing. If you were a literary whiz in college, you are probably in trouble. P.S. This is your most important course and invariably the one most poorly taught. Take the extra time to teach yourself the appropriate style and, even more important, bluebook form. These things will help or hurt you in your job or internship this summer. Have your papers professionally typed if you can afford it. Sloppy papers with too many typos will be downgraded.
11. **OUTLINE COURSES BEFORE APRIL.** It is a great idea to outline the basic points in a course as your professor completes discussing it in class. It is really pointless to wait until the exam is two weeks away to do so.
12. **ARTHUR MILLER TAPES FOR CIV. PRO. FIND THEM!!!!!!**
13. **FIRST SET OF EXAM RESULTS.** If they're good, don't get cocky and think you're set. You are not. If they're bad, don't despair. You can bring them up with some work. The same goes for your grade on the short memo in Legal Writing, which will be your first grade. Class standings shift a lot—especially after first year (or that's what we are all hoping).
14. **EGO.** Don't be embarrassed to ask your friends a question when you do not understand something.
15. **STUDY GROUPS.** These can be helpful for going over notes after class to make sure you are seeing what the rest of your classmates are seeing. It is especially helpful to go over exams with other people in order to see different viewpoints, and to keep a flexible mind. Remember, there is really no one answer on these exams—so different perspectives can be helpful.
16. **SO YOU'RE BEHIND ALREADY.** Don't panic. You can (and should) catch up with some hours of weekend and night work.

Season Preview

By Sharon McGuire

Fordham is not the only resident of Lincoln Center. If you look right outside our door, you will see one of the most exciting art centers in the world. On one of those days—you know them—those days you would like to highlight the walls rather than read another case, treat yourself to a walk across the plaza. Lincoln Center offers theater, dance, music and even a quiet place to study.

The Vivian Beaumont Theater promises an ambitious and exciting season of new plays and classics. "Anything Goes", the Cole Porter musical, launches the new season. Starring Patti Lupone, a 1980 Tony Award Winner for "Evita" as Reno Sweeney, and directed by Jerry Zaks (Tony Award winner for last season's production of "House of Blue Leaves") the show features classic Porter songs, "I Get A Kick Out Of You", "You're the Top" and of course, "Anything Goes". "Anything Goes" is scheduled to play until January 3, 1988. Tickets, \$35.00 for orchestra and \$30.00 for the loge, are available at the box office or through Telecharge (212-239-6200). Watch next month's *Advocate* for an enlightening review of this promising production.

Downstairs from the Beaumont, is the intimate Mitzi E. Newhouse Theater which features "Sarafina", a new musical from South Africa by Mbongeni Ngema, the author and director of last season's "Asinamali". The show features the original cast of twenty-eight young black performers from Johannesburg and plays through November 29, 1987. All tickets are \$30.00 and are available at the box office. A better value, however, is to become a member of the Vivian Beaumont. For \$25.00, your seasonal membership will entitle you to purchase one \$10.00

ticket per production at both the Beaumont and Newhouse theaters. As the season includes five plays, you can get more culture for your money by becoming a member.

If opera is more your taste, City Opera's fall season at the New York State Theater offers something for everyone. October productions include "Turandot", "Die Fledermaus" and "Sweeney Todd, the Demon Barber of Fleet Street." Less expensive than its neighbor, the Metropolitan Opera, you can purchase a ticket in the City Opera's balcony for a mere \$8.00.

The New York City Ballet opens their season at the State Theater on November 17, 1987. This season will mark the return to the repertory of George Balanchine's 1982 production of "Jewels". Jerome Robbins will choreograph a new ballet and the repertory will include "Square Dance", "Chaconne" and "Liebeslieder Waltzes". Tickets are on sale now and start at \$7.00.

The Metropolitan Opera's season offers two new productions from Wagner's Ring cycle, "Das Rheingold" and "Siegfried". The third opera, "Die Walkure", will return to Met repertory. If Wagner is too heavy after a day of Torts, try some Puccini or Verdi. "La Boheme" and "Tosca" are also in repertory. Artists performing this season include Kiri Te Kanawa, Placido Domingo, Sherrill Milnes, Hermann Prey and Tatiana Troyanos. Tickets are on sale at the Met box office and start at \$16.00.

If you think that opera sounds like strangled cats and you could care less about theater or ballet, Lincoln Center offers one other jewel. The New York Public Library at Lincoln Center offers a quiet place to study and one of the world's finest house collections relating to the performing arts. Not only a library, there is a museum located on the second floor.

Bork Nomination

From p. 1

scant seven years after the Constitution was signed. Since that time twenty-six, or approximately one in every five nominees, have been rejected or forced to withdraw due to opposition in the Senate.

It has been argued that the Senate should defer to the choice of the President, who is the popularly elected representative of the people. What is the sense in that? The Senate is likewise elected by the people and is perhaps more reflective of their will as one third of their members are elected every two years. If the people have elected a President from one party and a Senate majority from the other, neither the President nor the Senate is owed a free hand.

The Supreme Court plays a very fundamental role in our society and the Senate

cannot be too meticulous in scrutinizing prospective Justices. Common sense dictates that the Senate consider every factor that will impact on a nominee's performance as a Justice. To say that a Justice's ideology is not inextricably linked to his or her interpretation of the Constitution is naïve. To say that it should be irrelevant in determining who should sit on the Supreme Court denies reality. Judge Bork's philosophy is certainly not irrelevant to President Reagan. He was nominated because the President believes that a Justice with this particular ideology is what the Court needs and is in the best interest of the nation. There is no logical reason why the Senate should not apply the same criteria in determining whether to give or withhold consent.

Beer Drinking Like It Oughta Be

By Thompson

To go out at night in New York and drink some beer should be an easy task, but as my friend Po-town had told me a thousand times, drinking beer should not be taken lightly. So, grabbing a pen and my cash-card, Po-town and I went off to do a little research—and this is the result—a guide to some of the better drinking establishments that will let my type of people in the door.

It was a Friday night and I could tell it was going to get ugly. Stop one, the **Dublin House**. Located on 79th and Broadway, the Dublin House is a pretty good place to get beer. Fordham and Columbia students abound. Pitchers are cheap. Guinness Stout on tap. Po-town screaming in my ear. Something about real drinking and no preppies. We left. After much haranguing, I reluctantly left the West Side. Next stop, **Dan Lynch's**, on 2nd Ave. and 14th. Luckily we got in before the beer prices went up and downed a few ice cold Rolling Rocks. Dan Lynch is famous for some fantastic R & B and the place starts filling up early—so we did too.

Since our main objective was to do research, we left and walked a few doors down to the **Nightingale** on the corner of 2nd and 13th. Another good R & B joint, the place was in full force and the Sweet-tones were jamming hard. I could see Po-

town was getting restless and starting to maul innocent bystanders. I knew it was time. Time to indulge . . . the sickness. I knew the place for it. I'd been there before. **Downtown Beirut** was just a short walk away on 1st Ave. and 10th. As usual the Sex Pistols were blaring from the jukebox. Heinous vibrations, overwhelming sound. Just what we needed. Po-town started laughing. Yelling with laughter, bending over and slapping his legs. He was doubled up, laughing and farting then laughing some more. It was as though he used up all the laughter in the world. Drug addicts, punk rockers and lots of good cheap beer—the perfect atmosphere to indulge in.

But soon it was time to continue our quest—the holy grail—the perfect low-cost beer joint. **Alcatraz**, on 8th and Avenue A, seemed like a suitable pitstop along the way. We ventured in and ordered a couple of half and halves. But this was not meant to be. The beer had taken hold of Po-town and Po-town had taken leave of his senses. Ugly scene. Dancing on chairs. Singing "Gloria." Physical removal from the premises. Next stop, **Vasac's** on Avenue B and 7th. We passed a bar on Avenue A and 7th but they wanted a dollar for a cover charge—we wanted none of that. We were on a rollercoaster ride and anyone that was going to stop the ride to ask for a

dollar wasn't worth our time.

Vasac's is an old favorite. Nice big pitchers, lots of nice friendly people. We took our regular table by the ladies room and started throwing our rap to the girls on line. Pleasant diversion, a little dancing. That's what I like about Vasac's. There are no attitudes, no preppies, just a lot of people having a good time. But we were deviating and sobering. It was time for some fast drinking. Blitzkrieg! I realized it was also getting late. We would have to find an after-hours bar to continue this sick journey. We headed west.

At this time we noticed that the **St. Marks Bar & Grill** on 2nd and St. Marks had reopened. It had been closed for the longest time and we thought it was history. No more tap beer though. We wanted beer and lots of it—bottles were not going to cut it. There were also very strange and twisted murals on the walls. Po-town started talking about lizards and weasels and oozing blood. It was time to leave. About half a block away we found the **Grassroots**. It's on St. Marks between 2nd and 3rd Avenues almost directly behind **McSorley's** on 7th Street. It's easy to miss but well worth looking for. I first encountered it after being kicked out of McSorley's for stating a well known fact: The place smells like puke and the people inside are jerks. After stumbling around a lit-

tle bit I found the Grassroots and fell in love.

We went to the door but since it was after four it was locked. After repeated banging the bouncer came to the door and luckily he remembered me. We were ushered in and began our late-night drinking with two pitchers of ice cold Pabst Blue Ribbon. But that wasn't enough for Po-town. The bartender started setting up shots of tequila. That was all it took. I was wasted. I started rambling on to some people near me when the bouncer told me that my friend and I were kicked out. He pointed. I turned. Po-town was doing some fantastic projectile vomiting that Linda Blair would have been proud of. I took him outside and force-fed him one of my cigarettes. It achieved the desired result. Po-town became a zombie. A walking dead person. I should have done this hours earlier. I knocked on the door, explained the situation to the understanding bouncer and returned to my place at the bar, after having propped Po-town against the wall, out of harm's way.

Later, I put him on the L train to Greenpoint knowing that he would fall asleep and probably end up in Canarsie. That was his problem. It was dawn already and the light was killing my eyes. I needed a smoke and a nap. The sick twisted journey was finished. Hopefully I wouldn't fall asleep and end up in Pelham Bay Park.

Fordham GLSU

By Patrick DeAlmeida

The Gay and Lesbian Students' Union (GLSU) held its first meeting at Fordham Law School last month, starting what promises to be an eventful year for the newly formed organization. The GLSU hopes to provide support for the gay community at Fordham as well as to educate the student body on legal issues concerning homosexuals.

Michael Davis, the founder of GLSU, outlined the objectives of the organization. "We want to promote confidence in gay students through official recognition in the law school community. But our goals don't stop at that. There are a great many legal issues facing homosexuals," he said.

"Discrimination in housing and employment, attacks on privacy rights and the need for safeguarding fair treatment of gays in the face of the AIDS crisis are issues of concern," continued Davis. The GLSU plans to educate law students about the gravity of these issues through guest speakers who are involved in the struggle for homosexual rights. The GLSU also plans frequent updates on these issues through a newsletter to be published for distribution on campus.

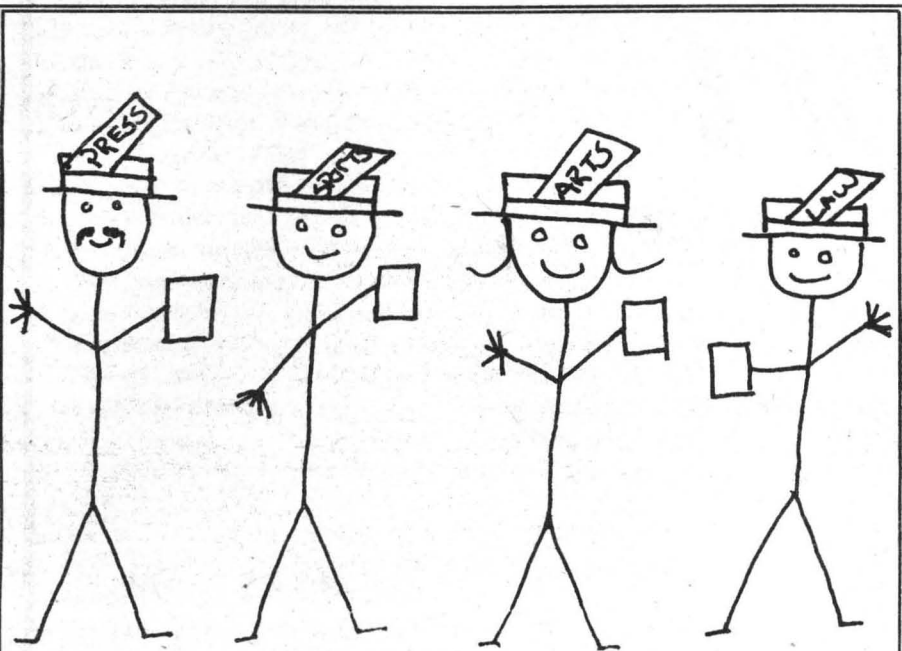
While the GLSU is an independent organization, its members plan to work with other groups to broaden exposure to the concerns of the gay community. Current

plans include a seminar to be held in conjunction with the Bar Association for Human Rights. Several GLSU members will also join thousands of gay rights activists in an October march on Washington, D.C.

The GLSU will also collaborate with existing gay and lesbian student groups at area law schools. "Of the eight law schools in New York City, all but Fordham had a gay and lesbian students' group," said Davis. "Now Fordham has its own group and we are being received warmly by our fellow students at the nearby law schools." Davis will work with the leaders of the student unions at NYU and Columbia as well as the other New York law schools to attract speakers and to stay on top of current developments of legal issues.

Davis foresees a steady growth in membership in the GLSU. "As the GLSU presents the law school with speakers and seminars on serious legal issues, we hope that students will appreciate the value of our organization and ultimately join us," said Davis.

Membership in GLSU is open to all Fordham law students. "Heterosexual students interested in the legal issues facing the gay community are welcome," said Davis. "We don't discriminate."



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