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Vicinanzo, Toner, Take Wormser

BY DAVID HEIRES

The final round of the Wormser Moot Court Competition was held on Wednesday, November 2 in the Moot Court Room. After hearing the arguments of the four finalists, the judges decided that the excellent performances of David Vicinanzo and Kevin Toner could hardly be distinguished, and they were declared co-winners.

Vicinanzo, a second year student, who also finished first in the Mulligan Competition over the summer, was named as co-author of the best brief along with his partner Mike Zelin’s showing has helped him earn a spot on the Jessup International Law Moot Court Team.

The other finalists were Jean Gardner and Jessica Hecht, who argued the respondent’s case before the “U.S. Supreme Court” (three federal judges and one district attorney). Vicinanzo and Toner represented the petitioner. The finalists were judged on the basis of individual rather than joint performance, and their arguments were not necessarily from the side taken on their original briefs.

Dean Feerick and almost 200 people attended the final round of the Wormser Competition, which is held each fall in honor of Justice Stewart, a distinguished faculty member at the law school from 1913-55. All students who have completed their first year are eligible. This year, a total of 135 participated, though many were busy with academic and other activities.

“The Wormser Competition invariably has a good turnout,” noted Greg Franklin, Editor of the Moot Court Board. “Once again, we were pleased that such a large number of people participated.” Franklin believes that the combined efforts of the administration and Moot Court Board have been continuously effective with regard to administering the program, particularly in the area of soliciting alumni to sit as judges in the early rounds, and that the resulting high standards have maintained student interest.

The issue conceived by the Moot Court Board this year was whether excludable illegal aliens have constitutional rights which protect them from indefinite detention. The final round “Justices” were particularly well suited for the purpose at hand. Judges Robert Sweet of the Southern District of New York and Jose Cabranes of the District of Connecticut had recently decided cases involving similar issues and Rudolf Giuliani, the U.S. Attorney for the Southern District of New York, had argued one.

The other final round judge was Gerard Goettel of the Southern District of New York.

For those interested, the vote on the merits of the case was: Petitioner 2, Respondent 1, Undecided 1.
You verify your hypothesis by matching the facts with the elements. Your mental or quick, written matching using abbreviations is illustrated below:

<table>
<thead>
<tr>
<th>Elements of Rule</th>
<th>Key Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) intent-to-kill</td>
<td>shooting implies &amp; manifests intent</td>
</tr>
<tr>
<td>b) manifest, in an</td>
<td>“but for” factual cause + legal (no superseded. interv.) cause</td>
</tr>
<tr>
<td>c) act which</td>
<td>when A shoots &amp; kills B</td>
</tr>
<tr>
<td>d) fact &amp; legal cause the</td>
<td>e) death of a live person</td>
</tr>
</tbody>
</table>

You have verified your hypothesis: the key facts spelling out the legal conflict prove the elements of the rule of intent-to-kill murder. This rule, also a cause-of-action, applies to these key facts. Your verification of your hypothesis is akin to what a lawyer does in court when he or she establishes a prima facie case by proving the elements of the cause-of-action.

Finally, you must ask yourself: are there facts in the particular legal context which raise a question about the applicability of a relevant defense. Again, the possibilities do not include all the defenses you have studied. Rather, they are limited to those defenses applicable to a killing and also covered in your professor’s classes and/or in the assigned materials. Typically, these might be:

self-defense
defense-of-other
defense-home
prevention of a felony
apprehension of a fleeing felony

A moment’s reflection should enable you to reject all these defenses because there are no facts presented which raise a question about the application of any of these defenses. As noted, issues arise only out of facts. Avoid a beginner’s blunder of raising issues when there is no factual basis for doing so, issues about which your professor is not inquiring, what some professors call “red herrings.”

The A liable for intent-to-kill murder when A shoots and kills B?

Note that in the formulation above, the issue is succinct, incorporates key facts, and refers to the applicable rule. Remember: An issue is both factual and a pointing to the applicable rule.

PART TWO
The Delaney Method For Organizing And Writing Your Answer
All your professors expect that you will display skill in issue-spotting. All your professors also expect that you will resolve the issues you have raised. Therefore, you must verify your hypothesis: the key facts spelling out the rule or principle, usually in one sentence. The next step is where many students fail: interweaving. You interweave the key facts with the elements of the applicable rule or principle. Last, you ask yourself: Is there any policy interest or objective which should be specified? Often, the answer is no, but occasionally, depending on your professor, the course and the key facts, the answer is yes.

An example of CIRIP applied:

<table>
<thead>
<tr>
<th>Elements of Rule</th>
<th>Key Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>C is liable for intent-to-kill murder. The issue is whether A is liable for intent-to-kill murder for A's shooting and killing of B. Intent-to-kill murder has five elements: intent to kill, manifested in, an, c) act which, d) factually and legally causes, in e) the death of a live person. When A shoots B, A's intent to kill is inferable. The shooting also manifests A's intent in an act which factually (&quot;but for&quot;) and legally causes the death of B.</td>
</tr>
<tr>
<td>B</td>
<td>P (No need to mention policy objective served here).</td>
</tr>
</tbody>
</table>

CIRIP form of organizing your answer is a simple method to resolve, in quick lawyerly fashion, the issue you have formulated. CIRIP is valuable because its use should bar that disorganized, unlawyery answer which must be avoided. CIRIP is also adaptable to many legal conflicts which require you to argue two or more theories of liability and to legal conflicts to which there is no definite answer and where your lawyerly argument is the answer you propose.

Another illustration of the verifying, organizing and writing process is provided by the following example from the first paragraph of a multi-issue exam problem in torts. Key facts are underlined; relevant facts are bracketed, a technique you should use when applying on exams.

**Example of Verification (Step Five)**

By applying the introductory check or steps two through four one issue at a time, you should find that the issue raised is one of basic tort negligence. You verify your hypothesis that the key facts comprising this legal conflict raise an issue about tort negligence by first explicating the basic elements necessary to establish the rule of tort negligence, which is also the cause of action. The basic rule has five constituent elements:

- A) existence of a legal duty
- B) standard of care of a reasonable person
- C) breach of standard
- D) causation - factual - legal
- E) actual harm

You then match, mentally or in quick outlining, the key facts with these rule-elements. For example:

<table>
<thead>
<tr>
<th>Elements of Rule</th>
<th>Key Facts</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

**Writing the Answer**

Buck Hee is liable in tort negligence. The issue is whether Buck Hee is liable to Lee in tort negligence for throwing his book at his apartment wall when the book goes out a nearby window and injures Lee, a pedestrian on the much-walked street below? A cause-of-action in negligence is one of basic tort negligence. You verify your hypothesis that the key facts comprising this legal conflict raise an issue about tort negligence by first explicating the basic elements necessary to establish the rule of tort negligence, which is also a cause of action. The basic rule has five constituent elements:

- A) existence of a legal duty
- B) standard of care of a reasonable person
- C) breach of standard
- D) causation - factual - legal
- E) actual harm

You have verified your hypothesis. The answer might be written out, utilizing in part the outline above, as follows:

**Conclusion**

1. This primer for spotting issues and writing your answer is only a beginning. These suggestions have implications, which cannot be spelled out here, for answering several types of courses, compiling a checklist, and answering of exam problems. Address many of these matters in my book, How To Do Your Best On Law School Exams; and my new book, How To Brief A Case: An Introduction To Legal Reasoning, is also relevant.

2. Spotting and formulating issues is a culminating skill. It presupposes skill in extricating key facts:

- skill in selecting relevant topics of law
- knowledge of relevant rules, principles and policies

It must be accompanied by:

- skill in rule application, generally by interweaving
- skill in lawyerly writing
- skill in use of policy

3. Skill in issue-spotting, including the presupposed skills specified above, is also of critical importance in law practice. A key difference, however, is that on law exams, the key facts are presented to you in your professor’s exam problem and the facts are postulated as true, whereas in practice you must uncover the key facts from clients, witnesses, documents, etc. -- and you must also verify the truthfulness of the key facts.

4. Developing these skills is a matter of constant study and practice throughout the term, for a skill is a capacity for performance and not simply an abstract understanding. It is a blunder to attempt to apply these five steps on a law exam unless these steps previously have been practiced and internalized.

5. You must gradually develop the capacity to apply these skills quickly. All law exams have time pressures. Answering the typical multi-issue problem is like being in a pressure cooker.

6. This primer is applicable, in addition to the multi-issue problem, to another typical type of exam problem and raises fewer worries with the expectations that your answers will be more fully developed than your typical answer to the multi-issue problem. Where an exam problem presents one to four harms, it may be possible to consider together all the harms, parties and harm-producing behaviors in the entire problem, rather than proceeding paragraph by paragraph. Sometimes, too, it is possible in an exam problem to consider together all the harms, parties and behaviors in two or three simple paragraphs, rather than proceeding paragraph by paragraph.

7. This primer is also adaptable, with modifications, to bar exams. Two quick modifications A) unlike law exams, one problem on a bar exam may raise issues from two, three or more subjects of law; and B) bar exams expect you to apply the rule of the particular jurisdiction, not the majority and minority rule.

8. This primer for spotting issues and organizing and writing your answers does not apply to pure policy problems and, without modifications, is of more limited guidance to civil and criminal procedural problems and with multiple-choice or fill-in-short-answer exams.

**ADVOS.**
One day in Trinity class at the Jesuit theological school of Woodstock College (Maryland), as John Courtney Murray was lecturing, a hand shot up into the air requesting that the professor explain the rather lofty abstraction on the Trinity he had just delivered. Murray responded to the questioning in an utterly human and in the nature of a genial remark: "It is the place of the genius to utter it, and the task of lesser minds to interpret it." Amaze ment seized his listeners. What amazed them was that he was serious and they were puzzled. But over the year since then the remembrance of those words by that rarest of scholars has signaled them to a basic truth about levels of usage in language; in definition and connotation, in public argument, in civil conversation.

The reader of We Hold These Truths is confronted by a deeply surgical mind that probes our common language to root out biases, prejudices, and hidden assumptions which often cloak the meaning of a word. For instance, Father Murray clarified the distinction between quarrel and public argument - public argument differs from quarrel because it takes as its premise the agreement to disagree. From this whole attitude emerges the possibility of seeing the Constitution and the law as giving unity to the diversity of a pluralism of intricate traditions-in-relation without reducing them to a single stance that ignores the differences.

Perhaps the thing that can strike into what is involved in a word is what Murray did as a political theologian with the word idiot. When Murray used the word it was not in its customary vernacular usage. He used it in its primitive Greek usage where it first meant the predator who came to take the life of the person who does not possess the public philosophy. The idiot is no longer master of the knowledge and skills that underline the life of the civilized City; indeed, he does not know the meaning of "civilization". It is just as true, or perhaps even truer, that a person from the barbarian who can often today be seen "in a Brooks Brothers suit." In this context, which I am using to show a mind as awakely capable of such deep and powerful answers as "morality", the word discourse, Murray once asked: "What is our contemporary idocy? What is the enemy within the city? If I had to give it a name, I think I would call it "technological secularism." The idiot today is the person who knows how to use a computer. He's the man who knows everything about the organization of all the instruments and techniques of power that are available in the contemporary world and who, at the same time, understands nothing about the nature of man or about the nature of true civilization.

And if this country is to be overthrown from within or from without, I would suggest that it will not be overthrown by Communism. It will be overthrown from within, and it will have made an impossible experiment. It will have undertaken to establish a technological order of most marvelous intricacy, which will have been constructed and will operate without relations to true political ends; and this technological order will hang, as it were, suspended over a moral vacuum, becoming solipsistic based on the premise that "my insight is mine and cannot be shared." Dialogue becomes monologue with neither listening to the other. When such a thing occurs men cannot even agree on the question "What do we lack?" locked together in argument. "Civility dies with the death of dialogue."
PERFORMING ARTS

By Eileen Pollock

In my first year Torts class, Professor Sweeney brought in a full page ad from the New York Times featuring a Fordham student striding across the plaza of Lincoln Center, briecase in hand., head down, oblivious of his surroundings, intent on getting to class. The purpose of the ad was to demonstrate how New Yorkers ignore the cultural opportunities the city has to offer. The Fordham student lost no time in pointing out to the advertiser that his likeness had been appropriated without his consent for advertising purposes, an invasion of his right of privacy, and settled for an undisclosed sum.

Be that as it may, for one have never passed the plaza at Lincoln Center, just next door to Fordham Law School, without feeling uplifted and incredibly lucky that I go to school so close to the best performing arts center in the country. After days and nights of heavy thinking, it is a pleasure to soak in the emotional and aesthetic balm of beautiful music, dance and opera. And it is frequently an intellectual experience as well to listen to unfamiliar music and watch the geometrical shapes of a neoclassical ballet, an experience which expands your horizons and challenges your conceptions of beauty and art.

As an evening student, when I have an "early" class, one ending at 7:45 PM, I often run right across the street to the New York State Theater, and buy a ticket for the New York City Ballet, which has an 8:00 PM curtain. You can frequently get tickets at the last minute, sometimes even free tickets. On two separate occasions, as I stood in line to buy a last-minute ticket at the box office, ticket-holders came up to me and offered me a free orchestra seat. But the New York City Ballet (NYCB) is well worth the $23 for an orchestra seat, and third ring seats provide an excellent view for a very reasonable $15. The regular repertory season runs for the remainder of November. During December, the Company performs "The Nutcracker," and repertory resumes January 3rd. NYCB is no doubt the best and most original ballet company in the country, and it's right next door to Fordham! This is the company of the late, great choreographer George Balanchine, and the repository of his marvelous and innovative ballets (more on Balanchine to follow).

If you are an opera lover, although the New York City Opera's season has just finished, and it won't be heard again until July, the Metropolitan Opera's season is now in full swing. The Met is much more expensive than the New York City Opera. If you subscribe, you probably can get tickets for $65 in the orchestra on weekends! by going standing room. It costs $7 for orchestra standees. Tickets for Monday through Friday performances go on sale the Sunday before the performance at 8:00 PM, and for Saturday performances, the same day at 10:00 AM. If you go standing room, there are usually many empty seats left in the orchestra, and you can certainly discreetly aim for them at intermission.

The best bargain at Lincoln Center is probably rehearsals of the New York Philharmonic Orchestra, which are just $3 on Thursday mornings, although the orchestra is not rehearsing. It's probably extremely interesting, too, to watch how a conductor shapes a performance, if you have the time, you really can't lose.

While waiting impatiently for the New York City Ballet season to open, I went to see "On Your Toes," the revival of the Rodgers and Hart musical of 1936, directed by George Abbott and choreographed, in part, by George Balanchine. The plot, which is basically irrelevant, concerns a tempestuous Russian ballerina (played by Galina Panova, in the role originated by Natalia Makarova earlier this year), and a scholarly music professor who happens to be a remarkable tap dancer. (Lara Teeters), and their efforts to produce a new jazz ballet. The ballet, danced at the end of the show, is famous "Slaughter on Tenth Avenue." There is an excellent supporting cast, including Dina Merrill, George S. Irving, Christine Andreas and George de la Pena. But basically, as the dialogue chugs along, and the pleasant little songs are sung, everything is very tame and predictable. It is the big dance numbers that make "On Your Toes" come alive and take off. At the end of the first act, the "Princess" dances, a satirical look at Diaghilev's Scherzetza, is wonderfully funny, and beautifully danced by Galina Panova and George de la Pena. In the second act, two forms of dance compete in the title song, as teams of dancers, first in classical ballet, then in jazz and tap, try to out do each other.

It is the climactic "Slaughter on Tenth Avenue," that is the event of the show, well worth waiting for. "Slaughter" is filled with the American energy and drive with which Balanchine, a Russian ex-patriot, powered so many of his ballets throughout his career. The dancers strut, lunge and leap with a frenetic anxiety that is as apt in the 80's as it was in the 30's. Mr. Teeters in motion is like a spring unwound; as he dances triumphantly around the body of the dead gangster, his limbs jerk like those of a marionette pulled by a manic master, and his splay-fingered hands play a vivid accompaniment to his feet. Miss Panova, formerly with the Kirov Ballet in Leningrad, is a superb classical dancer, with a perfect technique and all the verve the role demands.

The staging of "On Your Toes" is always smooth and interesting, utterly professional. Dina Merrill is charming in a small but elegant costume part, and Christine Andreas has a lovely voice, but seemed somewhat unanxiously and out of place amidst all the dancers. She and the other singer tended to garble the song lyrics.

The singing was generally drowned out by the orchestra, whose crescendos, especially during "Slaughter," could certainly use some toning down. Miss Panova's acting was too often unintelligible, especially in her first scene in Act I, and she had a disconcerting habit of giving all too much emphasis to the wrong work in a line. As a comic actress, she is yet a fledgling; as a dancer, however, Miss Panova is nothing less than a fully-developed swan, in both technique and expressive ability. The entire cast could benefit by using less gesticulation - a little of flung arms goes a long way. Mr. Teeters is perfect as a comic actor, a bit fumbling and self-effacing, but the moment he takes off into dance he is in his natural habitat. When he is on stage, he is the only person worth watching, with the occasional exception of Miss Panova.

The Rodgers and Hart songs are inoffensive; I liked "Glad to be Unappy," and "The Heart is Quicker Than the Eye" quite witty. But only the music for "On Your Toes" is always filled with pleasing gesticulation - a little of flung arms goes a long way. Mr. Teeters is perfect as a comic actor, a bit fumbling and self-effacing, but the moment he takes off into dance he is in his natural habitat. When he is on stage, he is the only person worth watching, with the occasional exception of Miss Panova.

Incidentally, although Balanchine originaly choreographed the entire 1936 production, there existed notation only for the "Princess" and "Slaughter" ballets. "Princess " and "Slaughter" were reworked by Balanchine before his final illness, and completed by Peter Martins according to Balanchine's instructions. The rest of the dance numbers are choreographed by Donald Saddler.

According to the box office, "On Your Toes" is usually sold out on weekend evenings, but there are seats available weekdays and Sunday. There should be even greater availability after January 1st. You can get tickets for almost half price at the TKTS center at 47th Street and Broadway or at The World Trade Center on the day of the performance.

Lara Teeter and Galina Panova (Photo Credit: Martha Swope)
THE NEW SOUTH STREET SEAPORT

BY ROBERT V. FONTE

Often times New Yorkers fail to realize the many attractions which the city of New York offers to them. One of the new additions to our city’s vast collection of sites was unveiled last summer. On July 28, lower Manhattan witnessed a celebration rivaled by no other summer festival. After marching in a parade the city and state’s major politicians spoke before 100,000 cheering spectators while confetti and streamers fell from buildings and 30,000 balloons floated into the sky.

The occasion of this mid-summer celebration was the official opening of the South Street Seaport. In the space of one short year, the area bounded by John, White, Beekman and South Streets had been transformed by the Rouse Company, with the help of 400 million of public and private funds, into a modern showpiece.

Schermerhorn Row, the charming but deteriorating row of warehouses built by ship chandler Peter Schermerhorn in 1811, has been reincarnated into fashionable clothing stores, unique giftshops, and magnificent restaurants. One hundred and seventy years of history have been washed off the brick facades of these ancient buildings and the structures now look like new.

What is now known as the “Museum Block” houses the South Street Seaport Gallery and museum exhibits, the Trans-Lux Seaport Theatre, and twenty boutiques and restaurants. The oldest structure, a Greek revival building erected in 1794, now houses an Ann Taylor women’s clothing store.

The centerpiece to the entire Seaport development is the Fulton Market, the fourth “Fulton Market” to be built on the site. It houses a four level emporium devoted to food, with forty shops and restaurants. The wide selection of food which is offered is designed to satiate even the most exotic cravings.

What sets the Seaport development apart from Rouse’s other projects is the existence of the South Street Seaport Museum as a cultural attraction. The museum is a highly regarded cultural institution.

The three blocks completed are merely the first phase of a four-phase plan. In phase two a brand new pier will be constructed, supporting a three story Victorian Style steel and glass pavillion housing no less than 120 restaurants, cafes, and stores.

The third and fourth phases have not been announced yet, because they are contingent on the success of the earlier stages.

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to you! If the Professor says 30 minutes for question one, take 30 minutes. That seems obvious, but too many students end up spending too much time on short question, leaving themselves little time for the ones the Professors have assigned a higher point total. If you don't get to a question, you don't get any points. Don't let that happen to you. There's no excuse for it.

If you can't finish in the allotted time, it means you're going into too much detail or discussing irrelevant material. Generally, students write too much. For example, rather than write a 50 page dissertation on the history of personal jurisdiction from Pennoyer v. Neff on, try simply analyzing the facts in the problem. It takes less time, and if you analyze the problem correctly, stating the law succinctly and applying it to those facts, you will be demonstrating your mastery of the subject to the Professor. Brevity, not verbosity, is the virtue.

9. Thou Shalt Be Organized

After you have read over the exam, think about the first question you want to answer. Then outline it. You already should have underscored most of the relevant facts. Now organize your discussion around an analysis of those facts. The outline should identify the legal issues, in a logical order, i.e., offer before acceptance; or the existence of a duty before breach of duty. Under each legal issue, note 1) the relevant facts, and 2) the competing considerations. For example, state the facts showing the elements comprising a battery, but state also that facts showing the element of unwanted touching are not present; or state the facts to show battery, but state other facts showing a defense of self-defense. Because a tort is not complete, or a defense may not succeed is no reason not to discuss it. If a fact has raised a legal issue in your mind, discuss it, briefly stating your reasoning. Finally, don't forget to conclude. Once you have done all this, you'll be in a position to write a tight, precise, well-organized essay.

10. Thou Shalt Apply the Law to the Facts

The difference between an "A" exam and a "C" exam usually is explained by failure to obey this Commandment. Professors are not looking for vague general discussions of the law. They want you to demonstrate your ability to spot the legally relevant facts and to apply the law you have learned to those facts. Thus, in your answer, you should state what the issue is, i.e., whether A made B an offer, then set forth the applicable legal principles and elements, then analyze the facts to show whether the legal standards are met. If you haven't discussed the facts pertaining to whether A made B an offer, don't expect to do well on the exam.

Now, suppose the next issue is whether B accepted A's offer, but you have concluded that A had not made an offer, or A had revoked the offer. Does that mean you may stop writing? Of course not! State "Assuming A had made an offer, ..." then proceed to discuss the next issue.

Of course, your answers should be legible and well-written. Don't force the Professor to struggle! You're not likely to get the benefit of the doubt if he or she can't make out the words or can't follow a poorly constructed sentence or paragraph. Skip lines, write on every other page. Do what you have to do to make your answers clear.

Finally, a word about so called "Study Aides." Let me remind you there is no substitute for preparing your own outline from your own notes and the cases. There are no short cuts to doing well in law school. Professors have underscored most of the relevant facts. Now organize your discussion around an analysis of those facts. The outline should identify the legal issues, in a logical order, i.e., offer before acceptance; or the existence of a duty before breach of duty. Under each legal issue, note 1) the relevant facts, and 2) the competing considerations. For example, state the facts showing the elements comprising a battery, but state also that facts showing the element of unwanted touching are not present; or state the facts to show battery, but state other facts showing a defense of self-defense. Because a tort is not complete, or a defense may not succeed is no reason not to discuss it. If a fact has raised a legal issue in your mind, discuss it, briefly stating your reasoning. Finally, don't forget to conclude. Once you have done all this, you'll be in a position to write a tight, precise, well-organized essay.

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Finally, a word about so called "Study Aides." Let me remind you there is no substitute for preparing your own outline from your own notes and the cases. There are no short cuts to doing well in law school. Preparation is the key, just as it is in the real world. Spend the time trying to understand the rules and practicing their application and you'll do well. Good luck to all.

ANSWER TO LEGAL CROSSWORD PUZZLE

1. Attorney General (abrv)
2. Next star on batting order
3. A.C.A.B.
4. United States
5. Nick's
6. Stallion on river
7. One of the billowing reaper 1984-98 (init)
8. One of certain horsefaces
9. In a string under Carter
10. Case where an endorsement is put
11. Verbs of number one U. S. champ
12. Swedish smallweight champ, 1959 (init)
13. Oenologists who yielded more (init)
14. Viviani's
15. Vietnam combatants (init)
16. Case which established doctrine of judicial review
17. Film directed by Ridley Scott
18. Alleged the best middleweight champ
19. C.A.B., professor
20. With '70 dome, 2F6 presidential candidate
21. With '74 dome and 100 acres, plaintiff and defendant in case which established which laws apply in diverse states
22. Bode bors beehive
23. Tight
24. What Polkian gave to Laeues
26. Governor of the state or heretofore unknown
27. He was not a mal y person
29. Unapologetic
30. Alternating current (init)
32. Supreme Court Justice, 1989 (init)
33. Came
34. rented the house in the Tombs or gaol
35. Light Buitling Stone (init)
36. Medical note
37. Cigarette labels
38. Tow of the facts
39. Radio band
40. Elrison
41. Eyes that bave no backs
42. With '79 dome and 100 acres, plaintiff and defendant in case which established which laws apply in diverse states
44. White bundelet
45. Tykes
46. What Polkian gave to Laeues
48. American Civil War
50. Helen
51. Downed
52. Alternating current (init)
53. Supreme Court Justice, 1989 (init)
54. Came
55. Acheived
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101. Elrison
102. Eyes that bave no backs
103. With '79 dome and 100 acres, plaintiff and defendant in case which established which laws apply in diverse states
104. White bundelet
105. Tykes
106. What Polkian gave to Laeues
107. American Civil War
108. Helen
109. Downed
110. Alternating current (init)
111. Supreme Court Justice, 1989 (init)
112. Came
113. Acheived
114. Rent the house in the Tombs or gaol
115. Light Buitling Stone (init)
116. Medical note
117. Cigarette labels
118. Tow of the facts
119. Radio band
120. Elrison

Legal Crossword - By Robert Bienskock

Rev. Zogby can be located in room 224B of The Lowenstein Center Law Students are encouraged to take advantage of the individual counsel services which are available. Rev. Zogby can be seen anytime during weekdays and in the evening by appointment. Rev. Zogby also celebrates mass each Thursday at 2:30 P.M. in room 221 of The Lowenstein Center.
The final examinations will be held on the dates and at the times indicated:

**Wednesday . . . December 7, 1983**
- 10:00 A.M. to 2:00 P.M. . . . Evidence (Capra)
- 10:00 A.M. to 1:00 P.M. . . . Income Tax (Sharpe)
- 4:00 P.M. to 6:00 P.M. . . . New York Practice (All)

**Thursday . . . December 8, 1983**
- 4:00 P.M. to 6:00 P.M. . . . Corporations (Kessler)
- 4:00 P.M. to 7:00 P.M. . . . Estate & Gift (Katsoris, Reali)
- 4:00 P.M. to 7:00 P.M. . . . Criminal Law (McQuillan)
- 4:00 P.M. to 7:00 P.M. . . . SEC Regulations (Lanzarone)

**Friday . . . December 9, 1983**
- 11:00 A.M. to 2:00 P.M. . . . Commercial Paper (McLaughlin)
- 4:00 P.M. to 7:00 P.M. . . . Commercial Paper (Zaretsky)

**Saturday . . . December 10, 1983**
- 10:00 A.M. to 1:00 P.M. . . . Remedies (Byrn, Yorio)

**Sunday . . . December 11, 1983**
- 10:00 A.M. to 1:00 P.M. . . . Corporations (Fogelman)
- 4:00 P.M. to 2:00 P.M. . . . Commercial Financing (McLaughlin)

**Tuesday . . . December 13, 1983**
- 11:00 A.M. to 2:00 P.M. . . . Criminal Law (Marcus, Abramovsky)
- 4:00 P.M. to 7:00 P.M. . . . Antitrust (Litfland)
- 4:00 P.M. to 7:00 P.M. . . . Commercial Transactions (Zaretsky)
- 4:00 P.M. to 7:00 P.M. . . . Labor Law (Crowley)

**Wednesday . . . December 14, 1983**
- 4:00 P.M. to 7:00 P.M. . . . Antitrust (Hawk)
- 4:00 P.M. to 7:00 P.M. . . . Federal Courts (Vairo)
- 4:00 P.M. to 7:00 P.M. . . . Trusts (Magnetti)

**Thursday . . . December 15, 1983**
- 11:00 A.M. to 1:00 P.M. . . . Property (Friedman)
- 11:00 A.M. to 2:00 P.M. . . . Admiralty (Sweeney)
- 11:00 A.M. to 2:00 P.M. . . . Labor Law (Lanzarone)
- 4:00 P.M. to 6:00 P.M. . . . Property (Abrams)
- 4:00 P.M. to 7:00 P.M. . . . Law & Performing Arts (Lavey)

**Friday . . . December 16, 1983**
- 11:00 A.M. to 2:00 P.M. . . . Decedents’ Estates (McConagle)
- 4:00 P.M. to 7:00 P.M. . . . Decedents’ Estates (Friedrich)
- 4:00 P.M. to 7:00 P.M. . . . Constitutional Criminal Law (Hansen)
- 4:00 P.M. to 7:00 P.M. . . . Insurance (Roth)

**Saturday . . . December 17, 1983**
- 10:00 A.M. to 12:00 P.M. . . . Civil Procedure (Hawk, Martin)

**Monday . . . December 19, 1983**
- 11:00 A.M. to 2:00 P.M. . . . Contracts (Calamari, Yorio, Hadjiyannakis)
- 4:00 P.M. to 6:00 P.M. . . . Contracts (Perillo)
- 4:00 P.M. to 7:00 P.M. . . . Corporate Tax (Sharpe)
- 4:00 P.M. to 7:00 P.M. . . . Landlord & Tenant (Sims)
- 4:00 P.M. to 7:00 P.M. . . . Income Tax (Schmudde)

**Tuesday . . . December 20, 1983**
- 4:00 P.M. to 7:00 P.M. . . . SEC Regulations (Abrams)
- 4:00 P.M. to 7:00 P.M. . . . International Law (Teclaff)
- 4:00 P.M. to 7:00 P.M. . . . Land Use (McConagle)
- 4:00 P.M. to 7:00 P.M. . . . Contracts (Income Tax (Schmudde)
- 4:00 P.M. to 7:00 P.M. . . . Municipal Corporations (Friedman)

**Wednesday . . . December 21, 1983**
- 11:00 A.M. to 1:00 P.M. . . . Torts (Byrn, Hollister, Magnetti)
- 4:00 P.M. to 6:00 P.M. . . . Torts (Sweeney)
- 4:00 P.M. to 7:00 P.M. . . . Domestic Relations (Phillips)

**Thursday . . . December 22, 1983**
- 4:00 P.M. to 7:00 P.M. . . . Domestic Relations (Martin)
- 4:00 P.M. to 7:00 P.M. . . . N.Y. Criminal Procedure (Smith)

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**EXAM SCHEDULE**

Lectures in all courses will continue up to and including Friday, December 2, 1983 for upper class and Friday, December 9, 1983 for First Year students.

All examinations will begin promptly at the times indicated. No student will be permitted to enter the examination room after the first hour has passed nor will any student be permitted to leave the room during the first hour of the examination.

All examinations will end promptly at the times indicated. No one will be permitted to continue writing or to retain the paper after the examination has ended. Failure to comply with the Proctor’s request to turn in the papers will result in a void examination.

**EACH STUDENT IS ASSIGNED AN EXAMINATION NUMBER WHICH MUST BE USED ON ALL EXAMS. EXAMINATION NUMBERS DISTRIBUTED FOR THE MID-YEAR EXAMINATIONS WILL REMAIN THE SAME FOR THE FINAL EXAMINATIONS.**

Each student will be assigned to a particular examination room. The list of the room assignments will be published prior to the examination period. The examination rooms will be opened 10 minutes before the time scheduled for the examination to begin. All students are expected to be in their assigned seats at 5 minutes to the hour so that the examination can begin promptly on the hour.

All students are reminded that they are not to bring books, papers or scratch papers into the examination rooms. When permitted by their respective Professors, and authorized edition of a particular code may be used.

All examination papers must be written in ink.

At the conclusion of the examination, all papers, including scratch paper and the printed examination, must be returned with the examination books.

All students must sign out at the conclusion of the examination, giving both their name and examination number.

No student may exempt himself from an examination. The omission of an examination will result in the student receiving a failing grade therein.

After the exams have been graded, the faculty will not change their grade unless a mathematical error has been committed. The express purpose of this policy, agreed to by the faculty, is to avoid “forum-shopping” by students seeking to improve class standing or to acquire the mandatory weighted average of 70%.

Required papers in a course or seminar must be submitted not later than the last day of classes for the semester. In individual cases of hardship, the deadline may be extended by the professor, but in no event may a paper be submitted later than the last day of examinations for the that semester without written approval prior to that date by the Dean or his designate. Failure to meet the deadline for submission of a paper will constitute of the course by the student.


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**THE ADVOCATE WISHES ALL STUDENTS . . . THE BEST OF LUCK ON THEIR EXAMS.**

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**CALENDAR**

Monday, December 5 and Tuesday, December 6

MEETINGS WITH FIRST YEAR STUDENTS

ON THE JOB SEARCH PROCESS FOR SUMMER JOBS.

We will be discussing resume/cover letter/mailing/using of contacts strategies. All participants will receive lists of employers (those who have hired in the past and those who want to hire this summer) as well as the JOB SEARCH MANUAL, New York City Law Firm list and list of government agencies which would like to hire first year students.

Week of January 23

David Rottman of the John C. Crystal Center, will address the students on evaluating yourself, your goals and identifying employment opportunities for a satisfying career match.

The Career Strategist will be published by time the students return from vacation and alumni advisors will be assigned.
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Editorial: Uniformity & Equitability In The 1st Year Program

The standardized curriculum is predicated on mandates from the New York State Court on Appeals. The time at which a course is to be taken is the only noticeable distinction between the curriculums at Fordham and any other metropolitan law school. Most other schools have a program of four to five core courses during the first year, with the remainder of the requisite courses taken in the subsequent year, whereas at Fordham all seven courses are taken in the first year. The reason for the heavier course load is to create a more challenging environment and thus establish the law school’s credibility. This theory is quite reasonable and does not require any further comment.

The arbitrary assignment of professors to alphabetized sections is a result of administrative necessity. It would be impractical for the administration to rank professors according to how demanding they are, and then evenly distribute the “tough” and “easy” professors. However, discrepancies in course syllabus, exam construction, and exam grading should not be permitted to exist since these elements violate the underlying objectives of uniformity and equitability.

Professors will inevitably have differing styles of presentation. It would be an infringement of a professor’s educational license to attempt or even suggest a modification of his/her individual approach in the classroom. However, it would not be improper if course syllabus, exam construction, and exam grading were administered on a uniform basis. Moreover, it would be in the best interest of first year students to do so.

In our scenario, the sections to which a student is assigned would be of little or no significance since all students would be subject to the same course work, the same exams, and the same panel of exam graders. Uniformity and equity would be achieved without interfering with the educational license of a professor. For this reason, we advocate the formation of a first year curriculum committee.

The committee would have ultimate responsibility for the creation and coordination of policies affecting first year students. The committee’s membership should include all first year faculty and various administrative representatives. It would set guidelines for the drafting of a uniform syllabus by subject type, uniform mid-term & final examinations, and uniform grading policies. Sub-committees should be formed, and organized by specialty type. These groups would be charged with the actual implementation of policies that were agreed upon.

For example, once overall policies were established a sub-committee in Torts could meet to discuss the contents of the course, order of coverage, and the appropriate text. In addition, the sub-committee could determine whether a mid-term is necessary, and if so, its format and content. This same procedure could be used to draft a uniform final examination.

Special consideration should be given to the treatment of the Legal Writing program. In the past, it has been subject to a wide variety of inequities. Although it would be impractical to have a single section, the policies behind the program’s administration should be more consistent. The accessibility of instructors, issue determination, due date, format and length of writing assignments ought to be considered in this light.

The final area of responsibility of the sub-committees would be to grade the individual exams using a single bell curve. The professors in the various specialty type would resolve the actual mechanics of how the test papers should be reviewed. For example, the exam could be divided into sections, with all of section one reviewed by Professor X, and all of section two by Professor Y. Alternatively, an entire exam could be reviewed by Professor X first, and then by Professor Y.

In either case, each student would be subject to the same grading process to arrive at his/her individual raw score. An adjusted score would be computed by fitting the raw score to a single bell curve. Although students would still have different professors, the uniform administration of the first year program would alleviate any unfair grading discrepancies that could have arisen under pre-existing systems.

To conclude, we advocate the adoption of two basic policies. First, the creation of a curriculum committee charged with the responsibility of drafting guidelines for a uniform first year program. Second, the formation of sub-committees organized by specialty, designed to implement the suggested guidelines in such areas as course syllabus, exam creation, and exam grading. If such a program were implemented, students would be able to preserve their competitive advantages, as well as have learning experiences which are materially equivalent to those of their peers.
FOR PEOPLE WITH HEADACHES AND COVER LETTERS TO WRITE

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BEHIND THE SCENES:

The Administration

BY DEAN JOHN D. FEERICK

This is the last in a series of columns designed to familiarize you with the duties and areas of responsibility of the staff at the Law School. Having discussed the clerical and library staffs in previous issues of the Advocate, I now would like to acquaint you with the Law School's administrators.

Associate Dean Joseph R. Crowley works closely with me in administering the academic affairs of the Law School. One of his roles is to coordinate the work of the various faculty committees, whether they be standing committees (e.g., Admissions, Academic Standards, or Clinical Legal Education) or ad hoc committees (e.g., a committee to work with the bookstore on a particular problem). Dean Crowley also oversees the reports and recommendations of these committees on topics within their sphere of concern. In addition, as you know, he continues to teach his many "brothers and sisters" in the field of Labor Law.

Assistant Dean William J. Moore continues as Director of Admissions. Last year his office received and processed over 5,000 applications to the Law School. For many years, Dean Moore handled both admissions and financial aid, and this proved to be a monumental task. With the appointment last year of James A. McGough as Director of Financial Aid, Dean Moore is now devoting all his energies to admitting qualified students. While Jim McGough spends his days seeking new ways to provide financial assistance to you.

Assistant Dean Robert M. Hanlon, Jr. continues to handle many internal functions of the Law School--class and examination schedules, registration and summer school, to name a few. On hand to answer questions and assist our evening students is Ms. Marian Montenegro, who is available each evening from 5:00 to 8:00 p.m. in Room 103.

Also housed in Room 103 is our new Assistant Dean for Student Affairs, Linda H. Young. Dean Young replaces Assistant Dean Gail D. Hollister, who rejoined the full-time faculty after Kathy returned to the Law School in September 1982 as the Director of Administration. Her responsibilities are varied and range from the preparation and administration of the Law School budget to arranging to have light bulbs replaced in the hallways and classrooms.

As you can see, the size of the administrative staff has increased during the past few years. These appointments were made with the student in mind. If a student needs information, seeks guidance, or wishes to discuss a particular problem, please feel free to call upon any one of the above staff members. All are here to make daily living at the Law School a pleasant experience.

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ARCHIBALD MURRAY
VISITS FORDHAM

On November 7 Archibald Murray F.L. ’60, Executive Director and Attorney-in-Chief of the Legal Aid Society of New York, spoke at Fordham Law School. Appearing as a guest of the Democratic Law Student Association, Mr. Murray talked about how the Legal Aid Society has been an initiator of change. After discussing its pathbreaking history, Mr. Murray discussed the Society’s present operations. In discussing the history of the Legal Aid Society, Mr. Murray noted that the society was over one hundred years old. The Legal Aid Society was originally formed by German immigrants to aid in civil litigation. However, after the Supreme Court’s decision in Gideon v. Wainright, which guaranteed the criminally accused a right to counsel, the Legal Aid Society expanded from one hundred lawyers to its present level of over seven hundred. Criminal defense work of the Society represents the bulk of Legal Aid’s work.

Despite being primarily a criminal defense organization, the Society does remain active in civil matters. Over one hundred Legal Aid attorneys handle such matters as Landlord-Tenant, Domestic Relations, and Civil Rights. The Society also has an active volunteer division which deals in many of the same matters.

After giving his prepared speech, Mr. Murray spent 25 minutes answering questions from the students. When asked about what effect determinant sentencing would have on the Legal Aid Society, Mr. Murray replied that he could not speculate. However, he did note that determinant sentencing would have serious effects on the prison system. First, states which have determinant sentencing have experienced an increase in the length of terms served in prison which in turn leads to a larger prison population. Present the given problem with cell space in New York, Mr. Murray felt that determinant sentencing could lead to problems with overcrowding in prison cells. Second, since prisoners would lose any chance of parole their incentive to conform in order to be granted parole would lessen. This condition could then create an unruly prison population and subsequent problems with discipline.

In response to a question concerning the role of plea bargaining in the Criminal Justice System, Mr. Murray stated that plea bargaining serves an indispensable function. To support his point, Mr. Murray said that the Criminal Justice System does not have the resources to bring the staggering number of cases pleaded to trial. Mr. Murray noted that more justices it would help, but since only 11% of all cases make it to trial how much it would help was quite questionable.

Mr. Murray attended a reception afterwards, where he answered various student questions concerning career information and clinicals at the Legal Aid Society.

LEGAL INNOVATOR:
VICTOR YANNACONE, JR.

- BY CAROLE CLEAVER

Victor Yannacone, Jr. the environmental litigator, spoke to a large and interested group at Fordham Law School November 10. In a cooperative venture, the Environmental Law Council and the Career Planning and Placement Office presented the program. Dean Feerick introduced the speaker.

The intense and dynamic Yannacone, known to many as the ‘father of environmental law’, has been responsible for much progress in this area of law. He spoke about his beginnings in law, from his days as a nonchalant student at Brooklyn Law School, where he would climb out his classroom window into New York Tech, next door, for inspiration from their engineering classes, to his early legal practice in Patchogue, Long Island.

Yannacone’s first environmental case was representing his wife Carol Yannacone and the citizens of their town against the Suffolk County Mosquito control Department, to enjoin the use the pesticide DDT.

We did not have chemical used contaminated the local swimming hole. Since fish and wildlife were being poisoned by it, Mrs. Yannacone, a biologist, thought it not too farfetched to suspect a poisoning of people who swam there. The case was won and DDT was banned. Yannacone describes it as the first time a chemical was the real defendant.

Mr. Yannacone, still based in Patchogue but with nationwide practices then went on to successfully enjoin developers from destroying certain Salt Flats in Colorado, which contained a tremendous wealth of fossil history. It was during one of his early cases that he discovered what he contends underlines the value of not having been a star pupil: having a different enough perspective to be innovative. One humorous example of this condition was his never having learned about the eleventh amendment - he attempted to sue a state in a federal district court. Fortunately, immediately after being dismissed, he discovered that a new federal circuit court had just opened its doors near by and the judges were still awaiting their first case. Needless to say, Yan­

Most recently, Mr. Yannacone has been pursuing the case against Agent Orange (Dioxin) manufacturers on behalf of veterans who were exposed to it in Vietnam. They allege that as a result of this exposure they are suffering severe health problems such as cancer, psychological and skin disorders, and a very high frequency of birth defects.

In conclusion, Mr. Cohen enumerated a series of entrees into the field: Securities and Capital Markets, Broker/Dealer Regulatory Compliance, Merger & Acquisitions, Litigation, and International Law. He noted that the nature of the work could be divided into six major legal problems still to be worked out in such cases is the running of statutes of limitations. The Agent Orange case is currently under the judicial supervision of Judge Weinstein of the Eastern District of New York.

We look forward to Mr. Yannacone’s future activities and applaud his contribution to the field of environmental law.
STRAIGHT AND FALSE

- BY JOSEPH MAZZARULLI
The establishment of the Louis Stein Institute for Professional Responsibility and Leadership at Fordham Law School was announced on November 2, 1983, by President Finlay and Dean Feerick. Named as director of the Institute is Professor Perillo, a distinguished member of the faculty since 1963.

Carolyn Gentile, Chairperson of the N.Y. City Bar Association, who is a graduate of the Law School, said, "although the development of professional standards, particularly in the younger generation of lawyers, will have top priority, the new Institute will work to encourage all members of the legal profession to assert a leadership role in assuring that our society will continue to be governed by the rule of law; that legal representation will be made available to all; that justice will be duly and efficiently administered; and that the substantive law will be under constant review to increase its capability of producing a just society.

"Striving toward these goals," he concluded, "it is hoped that this new Institute will be able to increase the public perception of the role the legal profession has had in the past, and continues to have, in maintaining a democratic and ordered society."

The undertaking of the Institute will be to commission a study examining the responsibility of a lawyer to disclose a client's criminal purposes. The A.B.A.'s newly adopted Model Rules of Professional Conduct (August, 1983) has narrowed the attorney's right or responsibility to reveal such a confidence. Under the Code, (ABA Model Code of Professional Responsibility, 1969) a lawyer "may reveal the intention of his client to commit a crime and the information necessary to prevent the crime." This option existed regardless of the seriousness of the proposed crime. Under the Model Rules, the lawyer may reveal information about a client to prevent the client from committing a crime that is likely to result in the specified serious consequences (imminent death or substantial bodily harm).

These current changes in the principle of confidentiality will be closely scrutinized by a forum consisting of lawyers, philosophers, and theologians selected by the Institute.

In the future, the Institute plans to investigate parts of the legal system that are ignored by scholars, such as the governance of hospitals and nursing homes. Activities at the Institute will include conferences and lectures by academics, practicing attorneys, and leaders of the legal ethics. Several Fordham law students will be selected to serve as Fellows to assist with Institute programs.

BLOOOGOD DRIVE A SUCCESS

Countess Gail Hollister's request "I vant your bloood!!!" was certainly answered, since nearly 125 pints of the red stuff were collected for use in The Greater New York Blood Program. Countess Hollister attributed the tremendous success of the blood drive to the wholehearted cooperation on the part of administrative, faculty and students. Countess Hollister, on behalf of The Greater New York Blood Program wishes to thank all those charitable individuals who gave of themselves to save another's life. Be wary!!! The Countess is already planning the next blood drive to be held some time next March.

A BEAUTIFUL DAY IN THE NEIGHBORHOOD

Can you say "walking tour"? I knew that you could.

Seven Fordham Law students did on Monday, November 14. A day that began looking better suited to a brandy by the fireplace than to a stroll through the park did not deter these eager beavers in their desire to enjoy the Historic Walking Tour of Central Park that had been organized by the Fordham Environmental Law Council.

Nor was their undauntedness unawarded. Soon after the trek to the park began, the rain which had soaked the skin but not soared the spirit subsided. The clouds, parting, served as a perfect backdrop for the now crisply lit trees in their full fall foliage.

At the Dairy in Central Park the group met the Urban Rangers, Kevin and Jacqueline, who would be their guides. During the tour the group was told of the designing and building of the Park. (No, it didn't just come that way.) They were treated to tales of the political struggles which have shaped the Park in its hundred-year history. They saw meadows and meers, rushes and rambles, a fairy-tale castle and a fairy-tale tower. They found out why it is that one part of the Park smells so foul. (The Dinko tree, of which there are several in that area, drops a seed fruit the pulp of which smells like rotting flesh.)

As the tour was closing in front of the former armory which now houses the offices of the Parks Department, the group was unexpectedly introduced to Commissioner Henry Stern. Mr. Stern, a wonderful host, invited the group up to his office and to the Department's roof garden to enjoy the view. In Mr. Stern's office the group was introduced to, among other Department notables, Filmore the Mallard.

The day was no member of the little band would soon forget. Those who wish to keep themselves apprised of the future activities of the Fordham Environmental Law Council will certainly make it a point to check the Council's bulletin board on the lower level, facing the sculpture between the cafeteria and the reading room.

BY CARLO ROSSI

THERE'S A LOT MORE TO EFFECTIVE BAR PREPARATION THAN OUTLINES, LECTURES AND PRACTICE EXAMS.

While BRC offers you the finest law outlines and lectures and the most comprehensive and sophisticated testing program available, we think there is more to effective bar preparation.

Each individual approaches the bar exam with special strengths and weaknesses. In addition to a wide disparity in substantive areas, some students have less self-discipline than others, some have problems with writing essays or answering multiple choice questions, some have trouble remembering all the testable detail, and some have special time and travel pressures that can impede full bar preparation.

Some bar applicants will work full time during bar preparation while others will not work at all.

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ENROLL NOW AND SAVE!
ENTERTAINMENT & SPORTS LAW COUNCIL TAKES SHAPE?

BY DAVID HEURES

The newly formed Entertainment and Sports Law Council took further steps last month in mapping out its plans for the year. The Council selected officers and committee chairmen, and sponsored a visit by Fordham alumnus James Quinn ('71), a prominent entertainment and sports attorney, on Monday November 14.

At its second meeting, the Council chose Brian Murphy, one of the initiators of the group, to serve as President. The other officers elected were Bob Eimicke (Vice-President); Anthony Paccone (Secretary); and Joyce Boyland (Treasurer). Four subcommittees were formed, and individual chairmen named for each: Diana Frost (Newsletter); Ted Weis (Speakers); Heidi Young (Clinical); and Robert Biestock (Curriculum).

The visit by Mr. Quinn, who practices at Weil, Gotshal & Manges and, among other things, represents Dave Winfield, turned out to be successful. Speaking to a group which congregated in the moot court room, Mr. Quinn related a variety of experiences which he has had since graduating from the law school in 1971 (having been a member of The Law Review). They ranged from working on litigation involving the NBA Reserve and Option clauses (on the players' side) to representing the Buffalo Bridge Group Radio Station in an antitrust action against entertainment user groups.

After his involvement in the NBA litigation, which resulted in the formulation of the basic framework of current NBA player-management relations, Mr. Quinn represented the North American Soccer League in an antitrust action against the NFL owners. He was recently involved with Winfield's proceedings against Yankee owner George Steinbrenner, wherein Winfield alleged that Steinbrenner had reneged on his commitment to the Dave Winfield Foundation. Mr. Quinn has also worked on other litigation involving the Baseball and Basketball Player Associations, and represents Group W Broadcasting, a cable television group.

After his presentation, Mr. Quinn took questions from the audience on specific points of his areas of practice. He re-emphasized what he had maintained throughout the evening: That knowledge of labor, antitrust, and particularly contract law are most important in his field, and his areas of practice. He re-emphasized what he had maintained throughout the evening: That familiarity with patent, trademark and copyright are also valuable.

Murphy, who was pleased with this initial speaker visit, said that the Council will be working on separate panel discussions in Entertainment and Sports Law to be held in the spring term. The Sports Panel, which is tentatively scheduled for February 9, will hopefully be comprised of individuals from a variety of spectrums so that a wide perspective can be presented.

The Council intends to publish a newsletter, which will be distributed as an insert to the Advocate next term.

FORDHAM'S PRESIDENTIAL SEARCH IS ON

BY GIULIANA MUSILLI

Some time during the beginning of the semester (if you can remember that far back), Father James C. Finley, the President of Fordham University, announced his plans to retire in June 1984. Since then, the Board of Trustees has been busy organizing a search for Father Finley's successor.

A search committee was appointed to the task of conducting the preliminary stages of the search. It is composed of members from each of the various branches of the University so as to ensure that candidates for the position were reviewed by as broad a group as possible. Professor Martin Fogelman represents the Law School on this committee, which is chaired by Mr. Richard J. Bennett, the Chairman of the Board of Trustees.

The search committee's aim is to receive applications and nominations, evaluate them and then to make its recommendations to the Board of Trustees. Thus far, it has formally announced in journals of higher education that it would be accepting nominations for the position of University President. Resumes were to be sent in by November 15, 1983. The committee will examine these and choose which candidates are to be interviewed by the Board of Trustees in the spring.

At this point, the committee is unable to give a specific description of the person it would like to serve as University President. It has, however, stated that although there is a long line of Jesuit tradition in the office of University President, it will consider applications and nominations of non-Jesuits as well. A statement drawn up by the committee indicates that it is searching for a person who is able to act as an administrator, educator, statesman, financier, expert in faculty and student affairs and problems and -- far from least in today's world -- a dedicated fundraiser. "That's a tall order for any one person to fill; however, the committee members seem confident that it will embody the values that Fordham University wishes to express to the world. The Advocate wishes the search committee well in its difficult task.

RES IPSA LOQUITUR

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Limited Enrollment
DEAN HARTER LEAVES FORDHAM
- BY PAUL CALAMARI

Benefit T. Harter has been Dean of the Graduate and Undergraduate Schools of Business and the Faculty of Business at Fordham University since the Fall of 1979. To say he will be missed is an understatement. Dean Harter has raised the standards and improved the faculty of GBA immeasurably in the past four years, with emphasis on quality. Among his many accomplishments are obtaining AACSB accreditation and setting up a committee on curriculum to evaluate the needs of the University, now and in the future. In addition, Dean Harter has conceptualized a program, now under consideration, whereby an MBA and JD degree can be earned in four years at Fordham Law School. We could go on.

Ben Harter’s ability to understand and relate to the students is probably one of his most admirable attributes. His sense of fair play shines through under all circumstances. His immediate plans for the future are uncertain, yet he knows he “wants to help kids in whatever manner he can” and, according to Harter, “a kid is anyone, one year younger, and ten years older than himself.” Unquestionably, he has helped a lot of “kids” during the past four years he has been with us.

FACULTY ARRIVALS

Professor Albert A. Eustis will give the course in Corporate Acquisitions. Professor Eustis, a graduate of the Harvard Law School, is Executive Vice President, General Counsel and Secretary of W. R. Grace & Co. He oversees a staff of 60 attorneys and has had extensive experience in all aspects of corporate law, principally mergers, acquisitions, SEC, and antitrust.

Joining us in the area of Advocacy is Professor John J. Morgan, a member of the Faculty at the University of Bridgeport, will be teaching the course in Administrative Law. He is presently at work on a book in Administrative Law.

BOOK REVIEW:

From The Belly Of The Beast... And Back


At the close of In the Belly of the Beast Jack Henry Abbott claims it is his right “at least, to walk free at some time in my life, even if the odds are by now overwhelming, that I may not be as other men.”

Admiting much controversy publicity, Abbott, convicted of murdering a fellow inmate, did get his chance to walk free. Soon after his book, a compilation of fragmented, well thought out letters written from prison to author Nor­man Mailer, came out, he was released on parole. In the Belly of the Beast exhibits, among other things, Mailer recognized Abbott’s talent early on. Unfortunately, soon after his parole Abbott’s prophecy was to prove accurate. He did not in fact act as do most other men. He murdered; actor and writer Richan Adam was stabbed to death by Abbott in a seemingly trivial altercation over the use of a bathroom.

And so in April 1982 Abbott returned to prison to serve 15 years for his crime. For one who had spent a major portion of his life in a series of foster homes, juvenile detention centers and state penitentiaries (at age 18, he was convicted of issuing a check backed by insufficient funds) it was perhaps only “more of the same.”

The news of Abbott’s “rise and fall” elicited emotional responses—frustration and anger at Abbott’s initial release and subsequent crime were not uncommon reactions among the public. Indeed Abbott let many people down. He was intelligent (he states that he “had a PhD in the arts” at age 30).” Many seemed to feel he “should have known better.” Other felt the authorities in charge of his release should have known better and kept him behind bars.

In spite of the turn of events, or perhaps because of them, Abbott’s writings might be useful in promoting a better understanding of what prison may do to the individual man. If we are to continue to release or parole prisoners, (and who can say, for certain that one is “not potentially dangerous”) they are something that should not be ignored. Informa­tion, from whatever source, should be digested for possible solutions to the one of many dilemmas facing our criminal justice system.
An experience shared by law students is the Law School Admission Test. Memories of practice exams, preparation courses, the test itself, and the limbo of waiting for the results are probably permanently engraved upon the minds of some—and permanently erased from the minds of others! Many students may still dwell on the doubts and the unpleasant feelings they experienced during that time. Most, if not all, experienced some form of test anxiety—feelings of tension and apprehension elicited by some aspect or aspects of the testing situation.

Test anxiety is a common problem among students, whether they are in the first grade or law school. The anxiety may be associated with a specific test, such as the LSAT, a specific subject, or tests in general. Students may feel anxious at a particular point in the testing process, be it discussing an upcoming examination, studying, taking the actual test, or awaiting the grade; other students may find the entire process to be anxiety-provoking.

Traditionally, psychological research has considered two components of the experience of test anxiety—worry and emotionality. Worry, the cognitive component, manifests itself in various doubts and questions. Have I studied enough? Am I intelligent enough to pass this simple test? If I fail, what will people think of me? How would my failure affect my grade? my degree? my career? If I do manage to pass, will my grade be high enough? Am I incompetent because I feel this way? Clearly, such thoughts are both self-defeating and self-perpetuating. Emotionality also assumes many forms. A student might feel uneasy, on edge, and have difficulty concentrating; there might be disturbances in sleep patterns, or a general inability to relax. The common theme here is the experience of physiological symptoms as well-dizziness, sweating, dry mouth, upset stomach. The emotional experience of test anxiety ranges from discomfort to distress and interferes with the ability to focus on the task at hand.

Psychologists have developed a number of instruments to assess the presence and strength of test anxiety. For example, the Test Anxiety Inventory is a questionnaire which lists different symptoms of anxiety and asks if the student experiences them. Students are asked to indicate the frequency with which they experience each symptom. The results are then scored to provide a measure of test anxiety. Other tests assess the student's perception of the test situation, the student's attitude towards the test, and the student's ability to cope with the test anxiety.

While effective study skills can aid in reducing test anxiety, they may not sufficiently resolve the problem. Numerous treatment methods have been used to successfully alleviate test anxiety. Perhaps the most frequently applied method is the cognitive behavioral model. This approach includes both the examination of the beliefs and attitudes which contribute to test anxiety, as well as training in relaxation. Students are desensitized to various aspects of the test-taking process, with emphasis placed upon those situations which are particularly relevant for them. Treatment can be either individually or in groups, although group treatment appears to be the preferred modality.

Unfortunately, there is no simple prescription for test anxiety; there is no series of easy-to-follow steps that can be described in a brief article. The best advice is to begin by identifying your own experience of test anxiety—one student might only be anxious in a certain professor's class, another might be anxious while taking any test, and yet another might be anxious as a general life habit. No matter what your own experience may be, it is important to seek help if you feel that test anxiety prevents you from using your capabilities with minimal stress. Various agencies can provide assistance—clinical, therapy institutes, psychiatrists in private practice—but the most immediate and available source of help is your university counseling center.

Test anxiety is a common phenomenon and can be helped, whether it has been a constant factor in your education or a recent development. The typical law school exam presents fact patterns that require the performance of five tasks: I) sifting the relevant facts; II) organizing and precise answer; III) the facts presented; and finally, 5) writing a tight, crisp, well-organized answer. This is a lawyer if you are unable to uncover the facts presented by your client which carry legal implications. Your first approach to take in dealing with a recurring problem is prevention. With test anxiety, this might involve improving study skills, and or at least reduce, the realistic aspect of worry—in sufficient prevention. A great amount of research has been conducted on optimal study conditions. For example, it is not a good idea to begin studying the night before the test; cramming does not promote retention and may increase anxiety. Study period should be spaced over time, rather than massed in marathon sessions. You might also reward yourself with a rest or recreation break after a successful study period. Proper sleep and nutrition are essential to studying and optimal performance; in fact, some research has suggested that scheduling a study period before sleep improves retention by decreasing the amount of interference. Various techniques, such as the SQ3R (survey, question, read, recite, review) method, have also been suggested for efficient studying. Descriptions of these techniques are available in various books and pamphlets, and are often included in introductory psychology texts.

Are you nervous? Have you developed a tic or some other neurotic symptom within the last few weeks? If so, it may be because exams are just around the corner. Hopefully most of you have been keeping up with required reading and have been reviewing throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEWARE! You can not expect to cram an entire course or review throughout the semester. But for those who haven't, BEARE!
Suppose for example, in a torts exam, you read that A silently approaches B from behind and punches B on the back of his head? You might immediately recognize the obvious, model example of the intentional tort of battery, which is the intentional and unprivileged infliction of a harmful or offensive touching of another. You might in seconds formulate the issue on your scrap paper.

A. Is A, by str. B in the head, liable to B f/battery?

If you have practiced a fact-centered approach in your studying, you might pause on the facts of "A silently approaching B from behind" and punching B on the "back of his head."

You might quickly recognize that "battery" go together like "ham and eggs", there are exceptions -- and these facts illustrate an exception you have seen before in studying assault and battery. In seconds, you might recall that an assault is in tort is an "intentional infliction of an apprehension of an imminent battery" -- it requires awareness by the victim. On these facts, B is unaware. This less obvious issue could be spelled out.

Is A liable for B's "assault" when he silent, punch, B from behind?

With careful, fact-centered studying, reviewing and outlining of your courses, this type of almost spontaneous issue-spotting followed by verification (see step five below) may enable you to quickly rule out these issues raised by the fact pattern. It is a blunder, however, to rely on this type of issue-spotting.

Using the five-step approach or issue-spotting methodically to identify the hidden issue which lurk therein. What follows in Part One is an explanation of this five-step process for extricating these hidden issues. The method should be systematic to each paragraph in your professor's exam problem.

1. Identify exactly the harm(s) revealed in each paragraph.
2. Identify who has harmed whom and how. These are, first, the parties and the harm-producing behavior(s). The universe of possibly relevant topics (rules) of criminal homicide liability:

a) Intent-to-kill murder
b) Manslaughter
- Premeditated and deliberate murder
- Felony murder
- Extreme reckless murder
- Voluntary manslaughter
- Involuntary manslaughter
- Negligence murder
- Heat of passion`

2. Identify who has harmed whom and how.

You next scrutinize the harm(s) in a paragraph to identify who has harmed whom and how. These are, first, the parties to the harm and, second, the behavior(s) which produced the harm(s). Illustration follow. First, as to parties, in criminal law, A shoots and kills B. The parties are A and B. If A is also a victim, S (seller) is not liable to B (buyer). The parties are A and S.

Second, as to harm and harm-producing behavior, in criminal law, when A shoots and kills B, the harm is B's death, and the harm-producing behavior is A shoots B. In torts, when A, driver, hits and injures C, the harm is C's injury, and the harm-producing behavior is A's poor driving.

In identifying the harm(s), the parties to the harm(s), and the harm-producing behavior(s), starting with the first paragraph, you identify the legal conflict(s). Each legal conflict has these parts: a harm, parties to the harm, and harm-producing behavior. Each legal conflict raises at least one legal issue. While some paragraphs contain only one legal conflict, many paragraphs contain two or more legal conflicts.

In identifying the legal conflicts, you have also identified the key facts: those facts which pose a question about liability or a defense to such liability. Of equal importance, you have also identified the non-relevant facts: those facts which raise no question about liability.

3. Identify which topic(s) in your professor's course seems applicable to each harm and behavior.

For example, in a criminal law exam, when A shoots and kills B, you hypothesize that the criminal homicide topic of your professor's course is relevant to this harm and behavior. In torts, when A, driver, hits and injures B in a car accident, you hypothesize that the negligence topic of your professor's course is relevant to this harm and behavior. In contracts, when S (seller) is not paid by B (buyer) for S's delivery of goods, you hypothesize that the breach of contract and damages topics of your professor's course are relevant. In property, when A, driver, hits and injures B in a car accident, you hypothesize that the trespass topic of your professor's course is relevant.

4. Hypothesize which rule(s) seems most applicable.

Next, you must identify which rule(s), within the topic(s) selected, seems to be applicable to the harm(s) by the parties to the harm-producing behavior(s). The universe of possibly applicable rules is sharply narrowed by selecting one or two topics, usually step three. Within the topic(s) covered in your professor's classes and/or the assigned materials which are candidates for application. For example, in criminal law, when A shoots and kills B, you have identified criminal law as the relevant topic. Within this topic, your professor typically may have covered the following theories (rules) of criminal homicide liability:

- Intent-to-kill murder
- Voluntary manslaughter
- Involuntary manslaughter
- Negligence murder
- Heat of passion

In torts, when A, driver, hits and injures B, you hypothesize that the negligence topic of your professor's course is relevant. Within this topic, you hypothesize that the negligence topic of your professor's course is relevant. Within this topic, you hypothesize that the negligence topic of your professor's course is relevant.