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Cosell: For Sports Law, Scholarly Approach is the Thing

By David Heires

“If you are really serious about this, you should sit down with your Deans, and try to arrange for a properly constructed course, with a scholarly, analytical approach. Not, ‘I wanna be a sports lawyer.’

As many people are aware, Howard Cosell began his career as a lawyer, rather than a sports broadcaster. He was on the Editorial Board of the N.Y.U. Law Review, and practiced law for ten years before launching his broadcasting career.

What Mr. Cosell describes as ‘probably the most valuable experience I have ever had’ was teaching his sports law course at Yale College in 1976, 1978, and 1980, which he says was the most sought after course in Yale history.

“As I cut back my broadcast schedule, I’ll either go back to Yale to teach, or [spend a good deal of time] lecturing at the great universities.”

Mr. Cosell is one of the foremost authorities on sports law in the United States. During his tenure at ABC, he has time and time again applied his keen legal knowledge to complicated problems which have emerged from the world of sports, most recently on his award winning show “Sportsbeat.” This has been during a period when the proliferation of leagues, teams, franchise removals, television coverage, and escalating salary demands has yielded issues of enormous complexity.

His credentials are certainly not open to question. Each of the two previous U.S. Attorney Generals requested that Mr. Cosell come to the Department of Justice, to speak on the question of sports and the law and the society.

He appeared at a Senate Commerce subcommittee to testify on the issue of franchise removals, and “Sportsbeat” was used as a forum to discuss it. In 1978, he delivered the keynote address at the American Bar Association Annual Convention in the Roosevelt Hotel in New York.

The Yale seminar covered numerous legal issues stemming from the world of sports, and within a broad framework, “Sports today invades the law, the politics, the economics, the sociology of our society. That is what I taught at Yale.”

Guest speakers were brought in to Mr. Cosell’s course, and took questions from the brightest students in the country. NFL Commissioner Pete Rozelle came in to speak on the subject of franchise removals: “He wasn’t askin’ (Continued on page 16)"

Madden, Veras, Sullivan and Blackman Talk Sports at Fordham

By Paul G. Calamari

On Thursday, February 9, the Entertainment and Sports Law Council of Fordham Law School presented a distinguished panel of sports personalities in Pope Auditorium. The panel comprised of four men, each occupying a different position and perspective in the world of professional sports. George Veras, Producer of the NFL TODAY SHOW on CBS, acted as the moderator and posed a number of issues which were addressed by Charles Sullivan, President of the New England Patriots football team, Martin Blackman, attorney and prominent sports agent, and John Madden, popular color commentator for CBS Football and former Head Coach of the Oakland Raiders football team.

Although it can be assumed that many in the audience were attracted by John Madden’s appearance, the other guests also proved to be exceedingly entertaining, interesting, and well-informed.

Those who attended were treated to a candid and insightful insiders’ view of this profession – a perspective which is difficult to convey in a classroom.

It is evident that this field of law is not for everyone. If you are thinking of becoming an agent, you had better be prepared to face relentless competition that may cause you to compromise your ethical and moral convictions and beliefs. For instance, as Mr. Blackman noted, at the last College All Star Game, there were about 600 agents trying to make a contract with a total of only 90 players. Mr. Madden added, “You just can’t make it in this business (as an agent) if you play it straight.”

A number of topics were discussed during the course of the evening, but perhaps the most interesting, and the one to which most time was devoted was the role of the agent, coach, team owner and the player and their interaction with one another.

Mr. Madden feels a coach should have nothing to do with contractual dealings or salary squabbles since this might tend to “overlap” into his coaching decisions. Stating, “The worst combination you can have on a team is a coach who is also the general manager,” he referred to Al Davis (owner of the Los Angeles Raiders) as “the smartest owner in professional football... because he knows how to handle people and is willing to renegotiate a contract midterm if he sees fit.”

Mr. Blackman and Mr. Sullivan recognized the need that an owner and agent should act in their own best interest, but at the same time keep the players happy. Mr. Blackman observed that one who represents a good college player entering professional football should not aim to be locked into a long term contract, while Mr. Sullivan looks for a longer contract depending on his assessment of the quality and potential of the player.

As always, John Madden was his inimitable self, suggesting that “just as coaches and (Continued on page 15)"

JUDGES KEVIN AND IRENE DUFFY TO BE HONORED AT FORDHAM LAW SCHOOL ALUMNI LUNCHEON

Two distinguished judges — who also make up one of seven married couples in the nation in which both partners serve on the bench — will be honored by the Fordham Law School Alumni Association at its 35th annual luncheon in the Grand Ballroom of the Waldorf Astoria at noon on March 3.

Judge Kevin Thomas Duffy of the U.S. District Court in Manhattan, and Judge Irene T. Duffy of the New York State Family Court will receive the Fordham Law Alumni Association’s Medal of Achievement, given annually to an alumnus who has achieved distinction in law, business or government. The presentation to the Duffys’ will be the first time a joint award has been made.

Kevin Duffy, a 1954 graduate of Fordham College and a 1958 graduate of the Law School, was appointed to the federal bench after serving for three years as chief of the Securities and Exchange Commission’s New York office. Before joining the SEC, he was a partner in the Manhattan firm of Gordon and Gordon, and was associated with the firm of Whitman, Ransom and Coulson. Earlier, he served in the U.S. Attorney’s Office for the Southern District of New York, as assistant chief of the Criminal Division.

Irene Duffy, a 1957 Fordham Law graduate, has been a New York State Family Court Judge since 1977, but since 1979 has been designated to sit in the Bronx Criminal Courts. Before her elevation to the bench, she was an Assistant District Attorney for Westchester County, Assistant Corporation Counsel for the City of New Rochelle, and an Enforcement Attorney with the Securities and Exchange Commission.

The Duffys reside on Roosevelt Avenue in Pelham Manor, N.Y.
The ADVOCATE recognizes the importance of the Student Bar Association election process and wishes all participants the best of luck in their individual candidacy races. In keeping with the pre-election spirit, we have reserved a four sided supplement for photographs and campaign platforms of all candidates running for SBA positions. To preserve unanimity of presentation, we have limited the amount of space each candidate has available to express his/her views to 250 words.

In the past, elections have deviated from their true function as a screening device to evaluate who the most qualified person for the job is, and instead have been run more like popularity contests. We believe this practice is fundamentally wrong, since candidates were elected because of who they were, rather than for what principles they represented. A vote cast in this manner not only caused a disservice to the individual who cast the ballot, but also had the potential of adversely affecting policy decisions on the law school level. To prevent this undesirable state of affairs from becoming a reality, we advocate that a comprehensive analysis be made to determine exactly what the major campaign issues are, and how individual candidates differ.

KNOW THE ISSUES The most fundamental element in casting a well reasoned ballot is to know what issues should be addressed in a campaign. This determination can only be made after doing a careful assessment of such areas as tuition, placement services, library facilities, classroom conditions, student-to-teacher ratio, student activities and examination procedures. These areas should be evaluated not only to determine whether changes are necessary, but also the extent to which a modification is justified. Once you have determined what the issues should be and your own position on these various issues, a meaningful evaluation of a candidate is possible.

KNOW THE CANDIDATE Although voters are continually reminded to know exactly what a candidate represents, some individuals do not come to this realization until it is too late. Do not fall prey to this unfortunate but avoidable situation; learn about your candidate before you cast a ballot. Ask specific questions and request specific responses in the campaign stage. Do not let the person hedge his/her position, or you might find out what the person is really like when he/she is in office. Once you have come to an understanding of the individual candidate's stand on the issues, a comparison to other candidates is necessary.

COMPARE THE CANDIDATES Since each candidate will inevitably have differing views, and/or degrees of support on a major issue, you must determine exactly what differentiates Candidate A from Candidate B and from Candidate C, and so on... With your own views on the issues in the back of your mind, you must search for the person who most closely characterizes your own perspective. Once you have isolated the candidate who has a compatible ideology, you should cast a vote for this individual to ensure the enactment of policy which you would favor.

At this point, we would like to reemphasize the importance of the SBA election process. The individuals who are chosen are supposed to be your representatives, in office to protect your rights and interests in school policy contests. Do not minimize the effectiveness of a qualified candidate. If the right person is selected, he/she can make a profound impact on the implementation of advantageous policy decisions. Alternatively, a marginal candidate selected merely because he/she was the most popular has the potential of adversely affecting school policy, since the person does not have the requisite ability to effectively interact with the administration to advance the interests of his/her constituents.

To conclude, KNOW what the issues are; KNOW how all the candidates perform on all of the issues; and MAKE a selection based on what a candidate represents, rather than on who he/she is. This process will ensure that the MOST QUALIFIED person is selected. Do your part to elect this type of individual, VOTE INTELLIGENTLY!!

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Join The School Paper

The Advocate is now accepting names of those individuals interested in writing for Volume 16. Please stop by room 048A and leave your name, address and the area of the paper which you would like to pursue.

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THE ADVOCATE
FORDHAM UNIVERSITY SCHOOL OF LAW

THE ISSUE: SBA ELECTIONS

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The Advocate is the official newspaper of Fordham University School of Law, published by the students of the school. Its goals are to enlighten and inform the Fordham Law School Community of news and activities concerning the school.
Edward J. Guardaro, Jr., Candidate for President

The position of S.B.A. President brings both tremendous opportunity and responsibili-
ty to whomever is elected. These respon-
sibilities range from organization to building better student routine at the school. The holder of this honor must be responsible, reliable, in-
telligent and bring enough energy to the posi-
tion to raise the interest of his fellow students to participate.

I feel my two years experience as an ac-
tive participant in S.B.A. Activities and my six years working experience in lawfirms makes me uniquely qualified to handle these respon-
sibilities. My involvement at Fordham Law School includes participation in almost every aspect of student life at the school from orien-
tation to membership in the student placement committee of the placement office. I have at-
tempted, and believe, succeeded in learning every aspect of the S.B.A. President's position and how to run such an organization effective-
ly. As this year's American Bar Association representative to the school, I have honed these skills and hope to use them to advance student life at the school. These activities have defin-
ed what I could bring to the position of S.B.A. President. Professionalism. Yet, how will this benefit the students?

A primary avenue to a smooth operation of the S.B.A. is thru large student participation. This can be accomplished by an organized system of relaying information to students oral-
ly. It will provide the opportunity to remain cur-
rent with the various committees, clubs and ac-

Lauren Puglia, Candidate for Vice-President

I am running for the position of Vice-
President because I feel that I can make a valuable contribution to the Fordham student body. I've been involved with the Student Bar Association for the past two years, serving both years as class president. In this capacity, I've had the opportunity to serve on the Student-Faculty Committee. As Vice-President, my chief duty will be to head this Committee. My experience of working with the faculty will be important. Through the Student-Faculty Committee, I will bring the needs and grievances of the students to the attention of the faculty and administration, and we will attempt to work out solutions together. This is one important way to keep communication flowing between the students and the administration.

I am also currently the chairperson of the S.B.A. Curriculum Committee. The curriculum questionnaires that most of you filled out a few weeks ago are a step in the process of inform-
ing the faculty of student needs that are not be-
ing met. I will be working closely with the faculty to ensure that the survey's results are implemented. If elected, I and my running mates Edward Guardaro, Mary Tom and Lisa Santitas, will work closely with the faculty to keep the lines of communication open between the students and the faculty.

Lisa Santitas, Candidate for Treasurer

I am running for Treasurer because I believe I can contribute to student government at Fordham Law School. My work experience as a Certified Public Accountant renders me able to deal effectively with responsibilities of the position of Treasurer. I have been working in the field of accounting for the past seven years.

At the present time, I am self-employed and provide accounting and tax services to various individuals and organizations. I am currently supervising the preparation of monthly budgetary reports for the fund-raising depart-
ment of a major non-profit organization at Lin-
coln Center. It is my responsibility to report on the progress of all the fund-raising projects, and to make sure that the projects are within their budgets.

It is my position that the students at Ford-
ham Law should have open lines of com-
munication with student government. Ed Guar-
daro, Lauren Puglia, Mary Tom and I are all committed to getting information to students and acting upon feedback. Students have the right to know how their S.B.A. membership dues are spent. Therefore, I believe it should be the Treasurer's responsibility to issue periodic budgetary reports. With so many clubs competing for limited funds, students must be made aware of allocations to each club so that they can voice their opinions. If elected, I shall use my professional skills to evaluate student wishes, and make recom-
mendations accordingly.

Mary E. Tom, Candidate for Secretary

I am presently S.B.A. class representative of 2B, and I have worked actively on the Cur-
riculum Committee with Lauren Puglia in poll-
ing the student body and organizing a propo-
sed updated course selection list. As S.B.A. Secretary, I would work to maintain this general system of obtaining student input with regard to perceived problems, and suggestions to those problems.

My party consists of Ed Guardaro in the position of President, Lauren Puglia as Vice-
President, and Lisa Santitas as Treasurer. Each member of this party is dedicated to the fur-
therance of active student participation in all FLS events.

We think the answers to many of the voic-
ed problems (ie. problems with exam schedules, library light and heat availability on weekends and late at night, suggestions for new courses) lies with the student body, and it is our job as officers to tap this resource, through a realistic system of providing information to the students as often as possible, and relaying the respon-
ses where they would be most helpful. Whether success or problems meet the efforts of the students and the SBA, the entire student com-
munity must be so informed, and the SBA must be available for further questions and ideas. Social events and career interest information must also be actively parleyed to the student body.

As Secretary, it would be my responsibility to improve existing lines of communication bet-
ween administration and students, and between the SBA and students, and keep those lines open and productive.
SBA ELECTION SUPPLEMENT

FORDHAM FORCE CANDIDATES

Carol Ann Connors - Candidate for President

As the present Fordham students, we bear witness to exciting changes occurring at FLS. Several new and enthusiastic Deans and the building addition present the students here a unique opportunity to make our legal education even more valuable and enjoyable. It is important, not only to present FLS students but past and future as well, that we utilize this opportunity to improve FLS. The President of SBA must be approachable to the students and familiar with and respected by the faculty and administration.

It seems at this time of year everyone is interested in assisting the students. Take a moment to look at the record and you will see that I have been actively involved for the past two years and that I am truly interested in Fordham and my fellow students. My experience with SBA makes me confident that I am the most qualified person for the position of President. In my capacities as IA's President and now as SBA Treasurer I have served on the Student - Faculty Committee. Additionally, I have been an active member of the Student Advisory Committee since its inception last Spring. It is through committees like these and effective communication between SBA and the administration and faculty that we will experience positive and new changes. The present SBA administration has opened the line to communication and it is of utmost concern that we do not lose this open channel by electing unqualified SBA officers. Each member of the FORDHAM FORCE PARTY, (Ted Weis 2E, Tom Ryan 1B, and Mary O'Keefe 1E) has the ability and desire to aid the students. I urge you to consider the past, and the future, and give us the chance to represent the students and the future of FLS.

Thank You.

Theodore Weis, Candidate for Vice-President

There is much to be happy about at our law school these days: a physical expansion that is proceeding on schedule; an approachable and caring administration; and a Career Planning Department that is taking ambitious steps on our behalf. However, as always, some things remain to be done.

Uncoordinated class scheduling and examination conflicts plagued us again this semester. The shortage of cheap neighborhood parking for commuters, as well as steep cafeteria and vending machine prices, drained our pocketbooks and wallets further after tuition. As an evening student, I experience the inherent problems evening students face: among them, few 3-hour courses this semester, 5:55 PM trash can overflow and no bathroom towels. Most are chronic problems; however, none are impossible to remedy.

To date, my record at Fordham Law School has been one of involvement. I have argued in moot court competitions and poured beer at the Tangs (when the legs were working). As an SBA representative the last two years, I have voted on budget allocations for our organizations. I serve as Speakers Chairman of the newly-formed Entertainment and Sports Law Council, and am a member of the Career Planning Department's Student Advisory Committee.

These experiences have given me insight as to how things get done, and why they sometimes do not get done, at our school. I have met and interacted with many faculty and administration members, and feel duly qualified to carry out the Vice President's duty of chairing the Student-Faculty Committee.

Tom Ryan, Candidate for Treasurer

The next few years will bring many changes to Fordham Law School. The building addition will greatly improve the general physical facilities at FLS, and it has the potential to bring about changes in the overall quality of our school. However, in such a situation the concerns and interests of the students are often thrust into the background. An effective Student Bar Association is especially necessary in this transitional period.

I feel that a strong, coordinated, and positive effort by the SBA could result in real achievements in this situation. I'm running for Treasurer because I am willing to make such an effort. By contributing my time and efforts as Treasurer, I feel that I can help effectively promote the interests of all students at FLS. I'd like to see even more improvements in the quality of student life at our school and I'm willing and capable of making an earnest effort to achieve those improvements.

In my view the Treasurer position encompasses not only financial responsibilities, but is a position of responsibility concerning all aspects of the SBA.

I feel that a hardworking and dedicated SBA can make a real difference to the students at FLS. Each member of the "Fordham Force Party", (Carol Ann Connors, 2A; Ted Weis, 2E; and Mary O'Keefe, 1E) wants to make these changes to Fordham Law School. The building addition will greatly improve the general quality of student life at our school and I'm willing and able to represent the students and the future of FLS.

Thank You. Tom Ryan

Mary O'Keefe, Candidate for Secretary

As a candidate for the SBA Secretary with the "Fordham Force Party" I bring with me a year's experience as the president of the first year evening class. My work with the Student Faculty Committee has made me aware of the importance of developing and maintaining a strong relationship between students and the administration. In addition, I've acted as a liaison between students and the SBA, keeping them informed as to school activities, requirements and rules.

Next year should prove to be one of dynamic growth and change for the law school both physically and academically. I'd hope as secretary to keep the student body informed of what these changes will mean to us. My party, as a team (Carol Ann Connors, Ted Weis and Tom Ryan), expects to insure that the student's voice will be influential in shaping the things to come.
IN THE JESUIT TRADITION IV: CHURCH AND STATE

By Rev. Edward G. Zogby S.J.

Henry Kann wrote in the New York Times on February 19, 1984, "Italy and the Vatican signed a concordat today under which Roman Catholicism ceases to be the state religion of Italy." The new concordat, symbolically, was signed in a 16th century palace that once belonged to Pope Clement VII, and is now owned by the Italian government. Under the 14 page agreement came such shifts as Church amnullment of marriages which are now subject to state confirmation, and the stipulation that parents are required to state each year whether they want their children to participate in religious classes that will continue to be offered. They are no longer compulsory. The shift separates the sacred and secular in many other ways; it is not to our purpose here to discuss the pros and cons of the issues as Italians begin to separate their constitutional and civil laws from the complexities of Church canon law. The point of interest for me in this article is that this new concordat is the result of negotiations that began formally in 1967, two years after the end of Vatican II (1965).

While no one would proclaim John Courtney Murray, S.J. directly causal in the matter now involving Italian politics, his genial contribution to the deliberations of Vatican II and his co-authorship of the Decree on Religious Freedom had a good deal of influence on the Church's acceptance in principle of the separation of Church and State, in its recognizably American institutional mode. As I have stated before in the pages of The Advocate, these articles are nothing more than an effort, albeit a conscientious effort, to introduce Fordham Law School to the thought of John Courtney Murray. But when we reach the point, as we do now, of getting into the heart of the matter - the separation of Church and State - and, as I review my journalizing efforts at condemning what he labored to make so painless, I am clear that this is an effort at native brevity. It is always better to know and announce the limits of such a genre of communication. The reader is more wisely instructed to read the chapter of We Hold These Truths entitled "Civil Unity and Religious Integrity" for himself/herself.

Murray's method is to examine the Protestant tradition as it emerged in this country beginning with Roger Williams and evolved towards expression in the First Amendment, and to compare and contrast that with historical Papal teaching. In this regard he says of the First Amendment:

"It does not say that there is no distinction between true and false religion, god and bad morality. But it does say that in American circumstances the conscience of the community, aware of its moral obligations to the peace of the community, and speaking therefore as the voice of God, does not give government any mandate, does not impose upon it any duty, and does not even communicate to it the right to repress religious opinions or practices, even though they are erroneous and false."

The demands of social necessity might account to some degree for the emergence in America of "religious freedom as fact," but the depth of feeling involved comes from another historical force, namely, "the dominant impulse toward self-government, government by the people in the most earnest sense of the word." The early American desire for political freedom found Post-Reformation forms of church-state unions illegitimate, forms which include "Calvinist theocracy, Anglican Erastianism, and Gallican absolutism." Two fears were clear in the evolution towards the First Amendment with regard to Church and State: the fear of Roger Williams that the State would corrupt the Church, and the fear of Thomas Jefferson that the Church would corrupt the State. The conclusion that emerged out of this was "that an end had to be put to the current confluences of the religious and political orders." It was Williams who saw Church and State in terms of the garden (church) and the wilderness (state) as not having a relation to each other. It was his genius to see them not as one but as two; it was he who gave us, says Murray, the fateful metaphor, the "wall of separation" between Church and State. However, what concerns us here is the root of the matter, the fact that the American Constitution embodies in a special way the traditional principle of the distinction between Church and State."

This is important for the Catholic jurist for the specific reason that it sets our American constitutional system in sharp contrast to Jacobinism with which the Popes had a long-drawn-out battle in the 19th century. Jacobinism is also known as sectarian liberalism or, as Murray, so often calls it, totalitarian democracy. In this context the Church's opposition to the separation of Church and State becomes clear, because in the Jacobin tradition there was no such separation at all because the Church was subject to complete political control. "The evidence stretches all the way from the Civil Constitution of the Clergy in 1790. In the 1905 development the Church was subject to a juridical statute articulated in forty-four articles which minutely regulated every aspect of Church organization and actions. The governing principle was "the principle of the supremacy of the political, the principle of 'everything within the state, nothing above the state.'" The full historical development of this thesis can now be seen in the Iron Curtain countries. The Church condemned this thesis of Jacobin development which proclaimed the juridical omnipotence and omniscience of the State. But so also did the founders of the American Republic providentially reject such a view. In the American view the government is not jurisprudentially omnipotent."

"Its powers are limited, and one of the principles of limitation is the distinction between church and state, in their purposes, methods, and manner of organization. The Jacobin thesis was basically philosophical; it derived from a sectarian concept of the autonomy of reason. It was also theological, as implying a sectarian concept of religion and of the Church. In contrast, the American thesis is simply political. It asserts the theory of a free people under a limited government, a theory that is recognizably part of the Christian political tradition, and altogether defensible in the manner of its realization under American circumstances." In conclusion it can be said that it was through John Courtney Murray that clarity was brought to the Catholic understanding of its own compatibility with American constitutional thought and also American pluralist understanding of Catholic political thought. Through him the American distinction between Church and State entered official Church teaching. Through his archives but indefatigable efforts at Vatican II this distinction was finally accepted. Just how much it will profit the world to have the Church take the initiative as it did in 1967 in Italy will be for another time to discern and recognize. But it does illustrate what one man can do to make a difference in the lives of millions of people by clarifying a distinction, thereby creating a whole new context of being responsibly
"The life of the law has not been logic; it has been experience."—Oliver Wendell Holmes, Jr. The Common Law

In contrast, the life of the law student is rife with logic and frequently devoid of experience. If the law in action intrigues a student or he or she wants to enrich and supplement classroom theory and doctrine, such student should investigate Fordham's Clinical Program.

As a clinical intern in the program, the student is assigned to work with a practicing attorney in an active law office for a semester. The Summer semester requires 8 to 9 weeks of work for 20 to 25 hours a week from early June to early August. Spring and Fall clinicals require 12-15 hours a week for the semester. While no tuition is imposed, the student earns two credits for the practicum and its accompanying lawyering skills seminar.

What can the student expect? By assisting an attorney, the student will see the chaos of real life; sharpen their lawyering skills; learn to handle professional stress and time management; gain an appreciation of quality standards of practice; experience the people orientation of the law; help the machinery of justice function; and appreciate the complexities of justice in its daily operation between lawyer and client. We, Flincus, Legal Education in a Service Setting, National Conference Essay entitled "Legal Education in a Service Setting: CELEP or Other Legal Education 1968-1975" (June 1975).

The unique educational advantage of this clinical model of learning is twofold. It focuses on the critical role of facts in a given case and graphically demonstrates the need to develop sound judgment to resolve cases. One does not view a case from the appellate level; rather, one must search for an appropriate substantive and procedural resolution of the myriad and myriad facts presented by a problem. This process demands not only logical analysis but repeated decisions on the appropriateness and persuasiveness of various facts, theories and remedies.

What is this view of law in an obvious complement to class study, the practical advantages of clinicals cannot be ignored in today's job market. The clinical internship allows you to test a proposed field of practice while providing a marketable skill in that area for later job hunting. It demonstrates an aggressive, self-challenging approach to lawyering. Depending on the choice of clinical, one can develop specific skills and gain understanding of actual use of substantive and of procedural codes.

A dose of professional accomplishment and confidence for your eventual job search is an additional reward. The clinical is particularly useful for those who have not found their niche in law school and who may excel in the practical problem solving setting of the law office.

Clinical choices are broad and can accommodate most interests. Criminal setting, commercial law settings and government attorney's offices are available.

While emphasizing research and writing, judicial internships in appropriate legal environments require command of a wide variety of substantive issues and give an opportunity to observe litigation styles.

Administrative agencies afford a concentrated dose of a particular substantive area and are open to first year students.

For those interested in a Fall clinical, data on time and location. The site will operate from some who can give money, others who give time and a great many who freely give their special skills, full time or part time. If you look closely, you will see that almost anything that really matters to us, anything that embodies our deepest commitment to the way human life should be lived and cared for depends on some forms—more often, many forms—of voluntarism. "... Margaret Mead and Rhoda Metz in contexts of the Present.

The VITA site will be located either in the law school or the Leon Lowenstein building, and will be open to both volunteers and the community. Check the school bulletin boards and the Advocate for the time and location. The site will operate from March 1st to April 16th.

The Volunteer Income Tax Assistance (VITA) program is in its fifteenth year of service to taxpayers. The VITA program is designed to offer low income assistance to persons who can afford professional tax help. Volunteers assist with simple tax returns, particularly those of low income, elderly, non-English speaking, and handicapped in need.

VITA volunteers will help people with the preparation of their tax returns. VITA assistance includes educating individuals to prepare their own forms 1040EZ, 1040, or 1040A. Many taxpayers will be able to prepare their tax returns in the future after acquiring the basic skills at the VITA site. This is why VITA offers self-help assistance which invites taxpayers to prepare their own returns under a volunteer's direction. Volunteers will "walk through" the return line-by-line and explain how to complete the return. Taxpayers who are unable to participate in self-help assistance will have their return prepared by the VITA volunteers at the VITA site.

The VITA instruction will be offered to Fordham Law Students on a self-instructional basis so students can go through the materials at their own pace. All instructional materials will be provided from the Internal Revenue Service as well as any other support materials needed for the program.

Volunteers will assist only with returns, support schedules and forms which the course material covers. Taxpayers with difficult returns that are beyond VITA training will be referred to appropriate IRS publications or to the Internal Revenue Service. Volunteers will also prepare taxpayers' state and local returns and answer tax related questions.

While a previous tax or accounting background is helpful, it is not essential; the Coursebook is written in an easy to follow format. Volunteers will provide other services as well. For example, volunteers may prepare tax returns, teach taxpayers to prepare their own returns, or arranging publicity. If you are interested in participating in the program contact Glenn Busch, Andy Ansietis, or John Sobel, stop by the Advocate office, or call (212) 799-7765.

Volunteers find the VITA experience to be challenging and personally rewarding. The VITA program provides students interested in tax law with the opportunity for first hand experience while providing a valuable service to the community.

"We live in a society that always has depended on volunteers of different kinds - some who can give money, others who give time and a great many who freely give their special skills, full time or part time. If you look closely, you will see that almost anything that really matters to us, anything that embodies our deepest commitment to the way human life should be lived and cared for depends on some forms—more often, many forms—of voluntarism. ..." Margaret Mead and Rhoda Metz in contexts of the Present.
Fordham’s Moot Court Board has fielded seven interschool teams for the present academic year. The Board selects the competitors from among highly qualified students who have excelled in either the Mulligan or Wormter Moot Court competitions. The hours spent and energy expended by the individual members, the entire Moot Court Board and the faculty coaches are the keys to Fordham’s success in these competitions. However, the late nights spent hammering away at the word processor and the numerous practice rounds are worth all the aggravation when Fordham enters a winning team.

Fordham’s National Team was regional semi-finalist during the November competitions. Silvia Eritz, Lydka Kwasy and Denis McNevery were undefeated in oral arguments. Prof. Marcus coached the national team who began its preparations in August and toiled tirelessly until the end of November. Fordham entered a team for the first time this year in the National Trial Competition. Christine Ander arelowest Library this summer is as many students preparing for the National Trial Competition. The Schenck, sponsored by the New York Lawyers Association of the New York Bar, was held in Albany on February 2-3. The Trial Advocacy Team worked closely with Dr. Peetum and Tom Souther.

The J. Braxton Craven Moot Court Competition will be held February 29 - March 2 at the University of North Carolina at Chapel Hill. The members of this Constitutional Law team are: Michael Long, Mary Kacmarz and Giannia Musilli. The next competition is the Jessop on March 2-3. Rutgers University in Camden, New Jersey hosts this International Law Competition. Kevin O’Neill and Karen Willie are on Fordham’s Applicant team while Louise Finestone and David Vismann comprise the Respondent team. The Antitrust competition will be held in New York on March 21-22. Michael Conolly, George Dunan and Kathleen Fay will represent Fordham in this prestigious competition.

Fordham Law School will host the Irving R. Kaufman Moot Court competition on March 29-28. The Moot Court Board urges all students to attend all rounds of the oral arguments, particularly the final round. Fordham has fielded two teams for this Securities Law competition. The petitioners are Kathleen Brown, Kevin Preston and Julie Robbins. Arguing the opposing side are Maureen Crav, David Hemenway and Michael Zelin. The Moot Court Board assures all Fordham students of a stimulating debate even though the issues may appear dry. The fact pattern pulls at the heartstrings. A parent American company with a European subsidiary issued stock solely in Europe and sold only to European families. Assuming that the purchasers, who spent their entire life savings investing in this company, were defrauded, can they seek redress against the American company? Hopefully, Fordham’s two teams will have many supporters as they argue both sides of this question.

The last interschool competition is the Mulligan. New York Law School will be the setting for this Labor Law competition on March 29 - April 2. Fordham’s representatives are Mariejette Cadogon, Joan Gardner and Kathryn Wilkins. The Moot Court Board again urges attendance, especially by first year students who have not yet argued for Legal Writing. The Board also welcomes first year students to sit in at the daily practice rounds to learn from the finest oracles in the school. Schedules are available in the Moot Court office on the third floor.

The Mulligan Moot Court competition will be held July 9th through the 26th. The problems will be distributed early in June and the final round will occur before summer school examinations. Greg Franklin guarantees that the problems will be interesting. Anyone who wishes to join the Moot Court Board or compete on an interschool team is vigorously urged to participate in Mulligan, the experience is unparalleled. Join the ranks of Fordham’s best.

**SUMMER LIBRARY SCHEDULE**

With the disruptions that will occur in our own library this summer, we suggest preparing for the Bar, writing briefs for Mulligan and studying during summer school, etc., may prefer to use the Lowenstein Library. The schedule for Lowenstein Library this summer is as follows:

- May 21 through August 10: the library is open Monday through Thursday from 9:00 a.m. to 10:00 p.m. The library will be closed during this period on Friday, Saturday and Sunday. During this time period, the library will probably be open on Sunday, May 12 and Sunday, May 19 for five hours; and on Saturday, July 24 and Saturday, July 28 - but check with the Lowenstein Library as these dates approach for verification.
- August 10 until Labor Day: the library is open from Monday through Friday from 9:00 a.m. to 5:00 p.m. The library will be closed during this period on Saturday and Sunday.

The Administration is presently asking the various law schools in and around New York City if Fordham Law students could use their libraries during the summer. Check the next issue of the Advocate for news as to the availability of other law libraries this summer.

For students interested in studying in the Lowenstein Library during exams, the schedule is as follows:
- March 26 through May 21: the library is open from Monday through Friday from 8:30 a.m. until 10:00 p.m. and from Saturday from 10:00 a.m. until 6:00 p.m. The library is closed on Sunday.

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**STUDENT RESPONSE FORM**

**WASHINGTON, D.C. CAREER OPPORTUNITY PROGRAM**

(Please return to the Career Planning Center by March 9, 1984.)

Dear Ms. Provost:

Yes, I am interested in participating in the Washington, D.C. Career Opportunity Program on Friday, March 16, 1984. I will be available for the following aspects of the program (Check as many as apply):

- **MORNING SESSION**: 8:45 a.m. - Noon
  - Coffee/Danish
  - General Information on Career Opportunities
  - Specific Interest Mini-Groups
- **LUNCHEON**: Noon - 2:00 p.m.
  - All alumni, students and Law School representatives are invited!
- **AFTERNOON SESSION**: 2:00 - 5:00 p.m.
  - Office Visits
    - I would be interested in visiting alumni who are practicing in areas of interest to me in their offices to discuss career prospects in Washington, D.C.

**NAME:**

**CLASS YEAR:**

**ADDRESS:**

**CITY/STATE/ZIP:**

**HOME PHONE:**

**OFFICE PHONE:**

**AREAS OF SPECIALTY OF INTEREST TO YOU:**

**PREFERRED WORK SETTINGS** (i.e., law firm, government, corporation, etc.):

**ATTACH A COPY OF YOUR MOST RECENT RESUME!**

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By Mauro O’Sullivan

**MOOT COURT NEWS**

Washington, D.C. Career Opportunity Program Friday, March 16, 1984

Alumni and students will gather together to discuss the practice of law in Washington, how students might attempt to find employment in the area and the status of the practice in certain settings and in various specialties. Opportunities for both informal and formal interaction will be provided. We have organized this program at the suggestion of the Washington, D.C. Alumni Chapter, who upon hearing that there were more than 50 students interested in relocating, encouraged us to bring the students to the city in order to make contacts. This promises to be a unique and very valuable program. We hope that all interested students will participate.

**AGENDA**

- **8:45 - 9:30 a.m.**
  - MORNING RECEPTION
  - Coffee and Danish will be provided.
  - Alumni and Students informally meet each other.

- **9:30 - 10:45 a.m.**
  - GENERAL INFORMATION SESSION
  - Career Opportunities in Washington, D.C.
  - Job Search Strategies for Students Growing Areas in the Practice of Law

- **10:45 - Noon**
  - SPECIFIC INTEREST MINI-GROUPS
  - Students and alumni break into smaller groups to discuss areas of practice and work in particular settings (i.e., government vs. private practice)

- **Noon - 2:00 p.m.**
  - LUNCHEON
  - All alumni, students and Law School representatives are invited!

- **2:00 - 5:00 p.m.**
  - OFFICE VISITS
  - Students visit alumni who have indicated an interest in meeting with students at their offices to discuss issues, specialty areas and students’ career prospects in Washington, D.C. (either individually or in small groups)

**PLEASE NOTE:** Prior to the program, biographical data on the participating alumni will be available for your review. We would like to provide the alumni with profiles of all students who will be attending the program. Hence, we ask that all students complete the form indicating their interest in attending the program by March 9 and return it to the Career Planning Center in order to participate. Be sure to attach a copy of your resume to the form for our reference in compiling the “profiles.”

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B. Linda Young

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By Linda Young

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**FLS NEWS IN REVIEW**
often involve contact ‘contact’ that could easily be in- tion, rather than the hard hit, would earn the star of a
cluded in the definition of a ‘punish’ defendant. After the pendent. The pendulum would swing too far.
defendant intended to punch [and injure] complainant. Unrestrained violence in sports is a thing of the past. Unrestrained judicial activism, the treaty was not a consented to by.” (86 Misc. 2d at 283, 381 N.Y. S. 2d at 978.) past. Unrestrained violence is not the name of the game. The plaintiff, however, did not aver that the non-participant

Sports injury litigation is a burgeoning field of the action was justified and reasonable. The act of tackling an
law. Fifteen years ago, the litigation climate was that territory was well-populated with lawsuits. Today the

Photo: "The College Advanced" - March 1984

This article is adapted from an address by the author to the Metropolitan Collegiate Athletic Club in New York City, which wishes to thank Marianna Koral (2A) for her valuable research assistance.

Sports injury litigation is a burgeoning field of law. Fifteen years ago, the litigation climate was that no new areas of potential liability unless they look promising. Former Michigan coaches used to urge his proteges playing in the line to "hit hard and they will be felt by generations yet unborn."” (Plant, Contact Sports Injury Cases, in G. HOLMES (Ed.), NEW DIMENSIONS IN PRODUCTS LIABILITY: SPORTS INJURIES 63, 64 (1980).) The ‘coach’s boy’ must have been influenced by this. Deprived of the effective protection from the gratuitous violence that followed. Unfortu-

Violence. Several years ago, Professor Marcus Plant of the Michigan Law School told the audience at a conference on the law of sports injuries: “One of our revered Michigan coaches used to urge his proteges playing in the line to ‘hit hard and they will be felt by generations yet unborn.’” (Plant, Contact Sports Injury Cases, in G. HOLMES (Ed.), NEW DIMENSIONS IN PRODUCTS LIABILITY: SPORTS INJURIES 63, 64 [1980].) The ‘coach’s boy’ must have been influenced by this. Deprived of the effective protection from

Troubleshooting the 1,000 Error Codes... or how to keep your HP LaserJet printer running smoothly...

If you or your company use an HP LaserJet printer, you may already be familiar with the 1,000 error codes that can occur. These codes are displayed on the control panel of the printer and can be a source of frustration for both users and technicians. In this article, we'll help you understand what each error code means and how to troubleshoot them.

**HP LaserJet 500 Series**

- **Error Code 1**: Paper jam.
  - Check the printer tray and paper path for any obstructions.
  - Ensure the paper is loaded properly and not wrinkled or damaged.
  - Reset the printer by pressing the power button.

- **Error Code 2**: Out of paper.
  - Add paper to the appropriate tray.
  - Ensure the paper tray is fully inserted.

- **Error Code 3**: Low memory.
  - Close any open applications to free up memory.
  - Restart the printer.

**HP LaserJet 1000 Series**

- **Error Code 1**: Paper jam.
  - Check the printer tray and paper path for any obstructions.
  - Ensure the paper is loaded properly and not wrinkled or damaged.
  - Reset the printer by pressing the power button.

- **Error Code 2**: Out of paper.
  - Add paper to the appropriate tray.
  - Ensure the paper tray is fully inserted.

- **Error Code 3**: Low memory.
  - Close any open applications to free up memory.
  - Restart the printer.

The HP LaserJet printer series are renowned for their reliability, but even the best printers can sometimes encounter errors. By understanding what each error code means and how to troubleshoot them, you can keep your printer running smoothly and minimize downtime.
“What kind of law do you want to prac­ tice when you graduate from law school?” That is a question that we, as law students, have heard many times. Parents, friends and other interested parties inquire about our intentions; sometimes even before we have registered for our first semester, and the question resurfaces at regular intervals thereafter. Even the Career Planning Office solicits information concerning specialties we may be interested in exploring professionally.

One frequently-heard response to that ques­tion, in my experience, is some variation on the theme of “entertainment law—a significant number of law students find entertainment, communications, mass media and sports law to be highly attractive fields of practice. Recently I asked Maureen Provost, Director of For­ dham Law’s Career Planning Office, whether she had any statistics available to establish student interest in these areas of specialization. Although unable to supply a percentage, Maureen did say that her experience confirms my impression that a substantial number of Ford­ham students are interested in exploring or pursuing careers, as lawyers, in the “entertain­ment” industries.

I do not understand why this interest exists. Glamour, excitement, unusual clients, fascinating legal problems—from the outside looking in, the entertainment attorney’s job appears to be an ideal way to make a career in the legal profession. Many lawyers practicing in the entertainment field would agree with this assessment; whether their specializa­tion was by accident or design, the attorneys I have spoken with who are engaged in an “entertainment law” practice express great satisfac­tion with their work. And even though there are, of course, other specialties such as real estate, tax, or corporate law) the "entertainment" fields do pro­ vide, to a certain extent, a rarefied atmosphere, no less important forms of satisfaction, in­ cluding opportunities to participate in the "creative" process. However, students should not be misled by the "glitter and glamour" when beginning to focus their studies and define career goals. No matter what specialty, any more or less technical coursework applies to the practice of entertain­ ment or sports law—a mastery of these basics, especially the first year curriculum, is essen­tial. Contracts, Torts, Property, Constitutional, Procedural and even Criminal Law problems can arise in the context of an entertainment or sports law practice. Other coursework provides primary support for study and practice in these areas of law: Labor, Antitrust, Tax to name a few. Entertainment, Communications, Media and Sports law, as disciplines, do not exist in a vacuum, and students who anticipate practic­ing in these areas should not neglect finding out what is covered by any of these disciplines more than they should neglect the more specialized "entertainment" courses focused on particular aspects of the industry. Students should also be aware that an in­ terest in pursuing an entertainment or sports law practice is a "status" interest, is simply not enough to ensure an interest or practice in that specialty; there is no such assurance. As the work is usually embodied in a phonorecord of the song that was recorded and produced after January 1, 1978 will be for the life of the author plus 50 years. For works copyrighted under the 1909 Act, the renewal period was extended by an additional 19 years. Thus, the duration of these copyrights will be for 75 years. Furthermore, to restore some measure of protection to authors and their estates, Con­gress, in the Copyright Law Amendments of 1976, provided that the author or his heirs may elect to renew the copyright for the period of 50 years, and that the copyright of a work may be renewed at least twice, provided that the author or his heirs may elect to renew the copyright for the period of 50 years, and that the copyright of a work may be renewed at least twice, unless the author or his heirs renounce the copyright. The Copyright Law Amendments of 1976, Section 304(c)(5) (Cont)
pulsony as the publisher may not deny the license to anyone who complies with the statutory provisions. Therefore, a compulsory license, the company distributing the record must give notice to the copyright owner (e.g., the music publisher), accountants, and pay statutory royalty for. 17 U.S.C. Sec. 115. The Harry Fox Agency, Inc. ("Harry Fox") acts as an agent for music publishers and issues compulsory licenses to record manufacturers. A compulsory license issued by Harry Fox is the equivalent to one issued directly by a publisher.

The Nature of the Suit

This case involves a dispute between the heirs of songwriter Ted Snyder ("the Snyders"), and their publisher Mills Music, Inc. ("Mills"), concerning the rights to the well-known song "Who's Sorry Now." This song was written by Ted Snyder, Burt Kalmar and Harry Ruby and was copyrighted in 1923. The copyright, including its renewal, was eventually assigned to Mills. The writer of the song is allowed to receive the standard 50% split of all royalties. When they became eligible to do so under Sec. 304, the writer permanently terminated the assignment. However, Mills claimed that despite the termination, it was entitled to continue receiving its share of the royalties from sound recordings licensed by it prior to termination.

The plaintiff in this case was neither Mills nor the Snyders but Harry Fox. This was an interpleader action: a proceeding by which a person, other than a creditor of the property, who could become subject to inconsistent claims can join all the claimants in a single action. Fed. R. Civ. P. 23. Harry Fox has issued compulsory licenses for recordings of "Who's Sorry Now" on behalf of Mills, collected the mechanical royalties, and paid the royalties into court. As the stakeholder, Harry Fox sought a determination as to whether the publisher, Mills should continue to receive its 50% share or whether all the royalties should instead accrue to the Snyders who had repurchased the copyright in the song.

The District Court Decision

In the District Court decision, Judge Oakes noted that the parties did not dispute that the sound recordings of the song were within the definition of derivative works. Nevertheless, the Snyders claimed that the recordings in question did not fall within the scope of the Exception. They presented two arguments in support of this contention. First, they contended that the recordings were not prepared "under authority of the grant" from Snyder to Mills, as the Exception requires, but were instead prepared under the self-executing compulsory licensing provisions of the Copyright Act. 543 F.2d 844, 850, 852 (2d Cir. 1976). The Snyders argued that the Exception does not apply to any copyright in the underlying work but merely to the copyright in the derivative work itself. Second, Judge Oakes noted that the assignment of the copyright from the author to the publisher, by itself, is not enough to permit a record company to use the work. A record company cannot be permitted under authority of that assignment alone, as any sound recording prepared without a license to use the song embodied in the recording infringes on the copyright in the song. Therefore, the grant under which the derivative work could be prepared, and which is protected by the Exception, is the grant of the license from the publisher to the record company, not the grant of the assignment from the author to the publisher.

Is the Music Publisher a User of a Derivative Work?

The Exception specifically protects provision for the "user" of a derivative work. The District Court held that since a sound recording substantially copies the underlying sound recording, a former copyright holder of the song, like Mills, must be allowed to share in any exception or rights granted to the manufacturer of the sound recording. Under this bizarre construction, a publisher would have a right to continue to collect royalties on the song after termination "even though the statute quite explicitly protects from termination only continued utilization of derivative works." 720 F.2d at 739-40 [emphasis in original]. The Court of Appeals rejected this construction, emphasizing that Mills is not a user of the derivative works. "All that Mills is to do under the Exception is to utilize the underlying copyright... by licensing others to create and utilize derivative works." Id. at 739 [emphasis in original]. Further, the sound recordings, as derivative works, are themselves subject to a separate copyright owned by the record company. 17 U.S.C. Sec. 103. The owner of this copyright has the exclusive right to distribute copies of the copyrighted sound recording. 17 U.S.C. Sec. 106. Therefore, if Mills had tried to "use" the derivative works, by distributing copies of

The Court of Appeals Decision

The Second Circuit unanimously reversed the decision of the District Court. They held that both the copyright in the underlying work and the right to all the mechanical royalties reverted to the Snyders upon termination. In his analysis, Judge Oakes relied on three propositions: first, that there was no special grant at issue; second, that only the record company, and not the publisher, could be a "user" of the derivative work; and third, that the statute does not expressly address the right of a grant to prepare a derivative work by a publisher acting as a middleman rather than by the author directly.

How Many Grants Were There?

The Court of Appeals held that there were in fact, two separate grants involved in the case: (1) the assignment of the copyright from the author to the publisher, covered by the original assignment of the copyright from the author to Mills; and (2) the license from Mills to the record companies. The record companies, however, did not rely on the original grant to Mills, but rather on a license agreement between Mills and the record companies to reproduce the songs on the record albums. The question before the court is whether the second grant is sufficient to give the record companies the right to distribute copies of the derivative works.

The Nature of the Suit

The Court of Appeals acknowledged that the second grant was sufficient to give the record companies the right to distribute copies of the derivative works. However, the court also noted that the second grant was not sufficient to give the record companies the right to receive the mechanical royalties from the sound recordings.

The final and perhaps the most important implication of the decision is that it recognizes the new priorities embodied in the 1976 Copyright Act. As Judge Oakes noted: "The termination provision of the 1976 Act 'marks a break with a two-hundred-year-old tradition that has kept copyright more closely with the publisher than with the author.'" 720 F.2d at 744 [quoting Ringer, First Thoughts on the Copyright Act of 1976 (1975)]. The standard practice is to assign for a term of years. Once the term of this assignment has expired, no publisher expects to receive any mechanical royalties from sound recordings licensed during the term of assignment, absent some provision in the assignment. The court found that the statutory provisions were intended solely to benefit authors and their estates. The Exception was intended to protect only users of derivative works. Neither was designed to promote music publishers as middlemen. In fact, Congress in Mills and Clark emphasized the compulsory licensing of sound recordings as an alternative to the utilization of old derivative works.

Implications of the Decision

First, the Court of Appeals decision is an eminently fair one. When a songwriter assigns his copyright to a publisher under the 1909 Act, both parties contemplated that the maximum duration of that copyright would be 56 years. The 1976 Act was an unannounced boon. To allow the publisher to retain the rights to the copyright for this additional period under the terms of the original assignment gives the publisher a benefit it hasn't bargained for. Second, as noted above, the decision helps to redress any inequity of bargaining power that existed between songwriters and publishers at the time of the original assignment of copyright. This holds true even for those authors who have created very valuable copyrights who will now be able to negotiate an arrangement with a publisher who reflects the true current value of their work. There will develop, no doubt, a substantial market for the 19 year extensions that are incident to this utilization of old derivative works. Even those authors of less valuable works will benefit as, after termination, they will be able to receive that portion of their mechanical royalties which they formerly shared with their publisher.

The third, the decision should not come as a surprise to the music publishing community. Contrary to the myth of the music publisher's marketing power it is very rare for an author to assign the copyright in a song to a music publisher for the duration of its life. The standard practice is to assign for a term of years. Once the term of this assignment has expired, no publisher expects to receive any mechanical royalties from sound recordings licensed during the term of assignment, absent some provision in the assignment. The court found that the statutory provisions were intended solely to benefit authors and their estates. The Exception was intended to protect only users of derivative works. Neither was designed to promote music publishers as middlemen. In fact, Congress in Mills and Clark emphasized the compulsory licensing of sound recordings as an alternative to the utilization of old derivative works.

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HOW TO THRIVE IN LAW SCHOOL

By PROFESSOR JOHN D. CALAMARI & PROFESSOR JOSEPH M. PERILLO

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ENTERTAINMENT AND SPORTS LAW SUPPLEMENT

...WHO'S SORRY NOW...
The world of professional modeling is a multi-million dollar industry yet, ironically, the field is dominated by models who are under 18 years of age. On a daily basis, these models enter elaborate contract agreements involving extremely high financial benefits. This scenario raises issues concerning the rights and obligations of these minors as contracting parties. A recent N.Y. Court of Appeals decision involving the well-known actress and model Brooke Shields has renewed concerns over this issue. Shields v. Gross, 58 N.Y.2d 338 (Ct. App. 1983).

Under common law, a minor party to a contract (currently, someone under the age of 18; Sec. N.Y. Gen. Oblig. Law Sec. 1-202) has the right to disaffirm a contract which he or she has entered into. Such a contract is termed voidable in that, although it may be disaffirmed by a minor, it may also be enforced by the minor against the party with whom he or she contracts. Kaufman v. American Youth Hostels, Inc., 13 Misc. 2d 8 (Sup. Ct. 1957). Such practice, known as the "infancy doctrine," was established by the courts in order that minors would be given added protection in contract situations. Such protection was believed to be necessary to prevent unwary minors from being subjected to the wiles of unscrupulous adults. In other words, it was to protect the minor against his or her own bad judgment as well as against those who would seek to take advantage of the minor's inexperience.

However, in New York, numerous statutory exceptions and limitations have modified this common law doctrine. Under the N.Y. Education Law Sec. 281, a contract signed by a student over the age of 16 to obtain an educational loan may not be disaffirmed on the grounds of infancy. Similarly, N.Y. Insurance Law Sec. 145, denies an infant over 15 years of age the right to disaffirm a contract for life insurance. The recent decision in Shields v. Gross seems to establish yet another limitation on an infant's general right to disaffirm a contract.

In the Shields case, professional actress and model Brooke Shields sought damages and injunctive relief, pursuant to Secs. 50-51 of the N.Y. Civil Rights Act, to prevent a photographer from using photographs taken of her when she was 10 years old. These photographs, nude portraits of Ms. Shields, were being used by the photographer in numerous publications and advertisements. The Supreme Court, Appellate Division, modified the trial court's judgment by permanently enjoining the photographer from using the pictures for purposes of advertising or trade. 88 A.D. 2d 264 (1st Dept. 1982). Justice Simon of the Courts of Appeals, in a 4-3 decision, reversed, stating that (1) the model could not maintain an action against the photographer where the model's mother had effectively consented to the use of the photographs, and (2) the court approved of the infant's contract did not apply to the model. 58 N.Y. 2d 338 (Ct. App. 1983). The basis of Judge Simon's decision was that the model's mother had given unlimited and unconditional consent to the use of the pictures. Such consent, it was felt by the court, satisfied the statutory requirements of Sec. 50 of the N.Y. Civil Rights Act, which calls for written consent of a parent or guardian for the use of the name, portrait or picture of a minor for the purposes of advertising or trade. It should be noted, however, that the court, in its decision, permanently enjoined the photographer from using the photographs in "pornographic magazines or publications within the broad distinction is evidenced by "child models." child models are also recognized as being a separate work classification in Sec. 172 of the N.Y. Labor Law which applies to "child models."

Shields' model are also recognized as being a separate work classification in Sec. 172 of the N.Y. Labor Law which applies to "child models."

Previously, in Kaufman v. American Youth Hostels, the court held that "approval by a parent of his infant child's contract does not validate it." It must be noted that there is a difference between approval by a parent and a parent acting as a guarantor. When a parent acts in guarantor to an infant's contract, he or she becomes a party to the agreement and is held liable if the infant fails to perform. Lautig v. American Youth Hostels, N.Y. S. 172 of the N.Y. Civil Rights Act, to prevent a photographer from using photographs taken of "immunity from a claim is no broader than the consent executed." But query: "In how has earned our sincere thanks for service beyond the call. Our readers will notice that the topics presented in these articles below do not (nor were they intended to) approach a comprehensive representation of the many areas one might study within the broad fields of entertainment and sports law. Rather, these articles are indicative of some of the discreet legal issues which have recently arisen and which captured the imaginations of our authors. We hope our efforts inform, interest, and spark the imagination of those practicing in the entertainment and sports law community and those who may be interested in joining the Council and become involved in our activities. Please watch the bulletin board for many of these future meetings and Council-sponsored events. Final ly, let us know what you think of our efforts, particularly if you have ideas for future activities for the Council to become involved in. We exist not only because of our own interest, but to serve the needs of the Law School community, and we welcome your participation in our endeavors.

FORDHAM LAW SCHOOL ALUMNI (AE) The ADVOCATE salutes all of you on this very joyous and memorable occasion.

In an attempt to report on the entire Fordham Law Community, we wish to hear from you. We are interested in learning about your perspectives on changes in the legal profession, in areas such as evolving career opportunities, developments within individual specializations of law, and alumni sponsored activities.

If you would like to contribute an article to the ADVOCATE on a subject you feel the Fordham Law Community should be made aware of, please complete and mail the form below to us.

In addition, please indicate in the form below whether you wish to receive a copy of the ADVOCATE commencing next August.


NAME:
ADDRESS:
ARTICLE:
SUBJECT:

I WISH TO RECEIVE THE ADVOCATE [ ]

ENTERTAINMENT AND SPORTS LAW SUPPLEMENT SHIELDS V. GROSS: AN ANALYSIS By Timothy Shore

March 1984 • THE ADVOCATE • Page 11

INTRODUCTION TO THE ENTERTAINMENT/ SPORTS LAW COUNCIL (Continued from Page 9) and perhaps influence curriculum development. Since the organizational meeting in October of 1983, the Council has taken on a number of projects and accomplished much. A Curriculum Committee was formed and is now investigating the possibility of adding pertinent electives to the law school offerings. Work is also progressing on clinical development, which the Clinical Committee and the Council hope will be of particular benefit to this year's first year class. A recent Committee was formed to develop programs and attract speakers to campus who would address topics relevant to the fields of entertainment and sports law. Most recently this Committee assembled a Sports Law Panel. Attendees filled the Pope Auditorium, and it is rumored that the event was one of the largest student-organized events in Fordham Law School's history. The Speakers Committee is currently planning together an Entertainment Law Panel, to be presented in early April, with date, time, place and panelists to be announced. The Barrel will address the general topic of the lawyer's role in the entertainment business, with panelists representing a number of entertain ment areas.

In addition to these efforts, a number of Council members found the idea of publishing a publication was a good opportunity to introduce the Fordham Law School student body to the Council and to present substantive legal research and writing on several specific topics within the broad fields of entertainment and sports law. This Special Issue Insert in the Advocate is the result. At this point it is appropriate to thank Professor Andrew Sims for his aid and advice as the Publications Committee's faculty advisor. Professor Sims spent a considerable amount of time helping me put this publication together. For this he has earned our sincere thanks for service beyond the call. Our readers will notice that the topics presented in these articles below do (or were they intended to) approach a comprehensive representation of the many areas one might study within the broad fields of entertainment and sports law. Rather, these articles are indicative of some of the discreet legal issues which have recently arisen and which captured the imaginations of our authors. We hope our efforts inform, interest, and spark the imagination of those practicing in the entertainment and sports law community and those who may be interested in joining the Council and become involved in our activities. Please watch the bulletin board for many of these future meetings and Council-sponsored events. Finally, let us know what you think of our efforts, particularly if you have ideas for future activities for the Council to become involved in. We exist not only because of our own interest, but to serve the needs of the Law School community, and we welcome your participation in our endeavors.
ENTERTAINMENT AND SPORTS LAW SUPPLEMENT

(Continued from Page 9)

II. AGENT ABUSES

Let me first state that many agents, like Bob Woolf, are well respected and of the highest integrity. However, spurred by the prospect of gaining a large portion of a star-athlete’s gross earnings, some unscrupulous people become agents, which is easily accomplished due to the lack of regulatory law, and then readily breach their fiduciary duty to their clients for their own personal gain.

Embezzlement is the obvious and most troublesome problem. Because athletes need agents who are experienced money managers and tax planners, the athlete often grants the agent a broad power-of-attorney, thereby vesting the agent with complete financial control over the athlete. This situation benefits the athlete who has hired an honest and competent agent. But in the hands of the unprincipled or ignorant agent a broad power-of-attorney can lead to financial catastrophe for the athlete.

High fees are another common problem. Many agents work on a percentage contingent fee basis (averaging 5-10%), though some also offer a choice from a multiple fee system: (1) percentage contingent fee (2) hourly fee or (3) flat fee. No matter which fee system an athlete chooses, an unethical agent is able to demand an unconscionably high fee payable immediately after the athlete signs a contract with the team. The problem is that unless the agent can negotiate a guaranteed contract (a contract in which the player is guaranteed payment for the full contract term regardless of whether the player is cut), the player may be cut and never receive a penny of his salary. The problem is exacerbated if the agent charges a high contingent fee (15-25%) based on the full contract term, because the player may have to use his signing bonus, if any, to pay the agent’s fee.

In testimony before the House of Representatives Select Committee on Professional Sports, several highly regarded agents testified unequivocally that an agent’s fee should be based on the player’s receipt of his salary, and that it is unethical for an agent to take more than his expenses if a player is cut before receiving any salary. H.R. Rep. No. 1786, 94th Cong., 2d Sess. (Jan. 1977). Unfortunately, unless an athlete is aware of these problems before he signs an agency agreement, his only recourse is to try to have the contract voided for unconscionability.

C. THE NEED FOR REGULATION

The problems of embezzlement, high fees and incompetence agents present a strong case for implementing some type of agent regulation. This conclusion is further supported by the testimony of Jack Mills, a prominent athlete agent.

"[There are so many people coming into this part of this profession that it is very difficult for us to know... who is really qualified to do a job and who has... unconscionable contracts?]" Best interests at heart.

Id. at 672.

Yet the response has been cautious and slow.

The stagnancy in implementing regulation is largely due to the conflict centered around the form such regulation should take. Some promote the current method of informal self-regulation, arguing that "[i]t does not take very long for the grapevine to weed out the bad apples among us." Id. at 676. However, in a field where the number of agents has increased and where the instances of athletes getting "burned" are a nagging problem, the self-regulation system is not efficient or maximally beneficial to either agents or athletes.

Others promote the creation of a certification system within the respective players' associations of each sport. The National Football League Players' Association has very recently reached such a system requiring, inter alia, disclosure of an agent's educational background and negotiation experience, and a limit on the length of the representation period. There are several problems with a players' association certification system. First, it has been proposed by Jack Mills that there may be a problem of libeling agents who are not approved by a players' association. Id. at 676. Second, a lack of uniformity in regulations enacted by the various players' associations could create conflicts for the agent who represents athletes in multiple sports. Finally, there is the problem of enforcement. Enforcement depends on the strength of the individual unions which history has shown can fluctuate widely within and among the various sports.

State regulation is a stronger alternative than certification by the players' associations because there are no potential enforcement problems. California enacted legislation in September of 1981 requiring the licensing and registration of "athletic agencies." Calif. Labor Code Sections 1500 et seq.

Section 1500(b) of the Code defines an "athletic agency" as (1) any person (including a corporation) who solicits another person to sign an agency contract or a contract with a professional sports team, or (2) any person who, for a fee, attempts to procure employment for another person with a professional sports team. The provision specifically exempts from athletic agency status any lawyer acting as legal counsel.

The regulation is broad and covers all agents whether they be individuals, corporations or partnerships, including those who, like Bob Woolf, do not have a written agency contract with the athlete. The provision exempting lawyers acting as "legal counsel" clarifies the point that lawyers who act as agents by procuring employment contracts for athletes must be licensed, while lawyers who perform duties that only a duly admitted lawyer may perform (e.g., as a counsel for an athlete in a contract dispute; incorporate an athlete for business purposes) need not comply with the statute.

But the statute also requires disclosure of a significant amount of important information related to the athlete agency:

- Sec. 1511 requires disclosure of the address of the agency business and Sec. 1517 requires the Labor Commissioner's consent for the agency to change location. It is also a requirement that the agency pay a fee for each branch office location.
- Sec. 1511 also requires disclosure of all parties "financially interested in" the agency, together with the amount of the interest. This prevents "fly by night" agencies from operating, and prevents an agency from erecting a wall of secrecy around the agency's owners.
- Sec. 1530 requires submission of agency contracts used by the athlete agency to be approved by the Labor Commissioner.
- Sec. 1515 also requires the filing of a fee schedule. Together, Secs. 1530 and Sec. 1531 effectively prevent the problem of unconscionable contracts and fees.
- Sec. 1515 and Sec. 1519 require annual licensing renewal with fees, including the posting and renewal of a $10,000 surety bond. These provisions should deter any prospective agents, who are not sincere in their desire to represent the interests of athletes, from entering the profession. Furthermore, the yearly renewal requirement will prevent failing agencies from continuing in the business when they are financially unable.

The statute also has broad enforcement provisions:

- Sec. 1513 provides that after notice and a hearing the Labor Commissioner may refuse to grant a license.
- Sec. 1514 provides that no agency will be granted a new license if the Commissioner revokes its license within three years of its original application.
- Sec. 1527 provides that the Labor Commissioner may revoke any license when an agent violates any provision of the code or, "if the Labor Commissioner in his discretion determines that the individual or firm is not of suitable character," be able to refuse to grant a license.

The definition of "good moral character" has not been litigated yet, but the provision seemingly allows the Labor Commissioner broad discretion to revoke any license as he sees fit.

Sec. 1547 provides that an agent who violates any provision of the chapter is guilty of a misdemeanor punishable by a $1,000 fine and/or sixty days in jail.

The overall effect of these statutory provisions is to ensure that athlete agencies in California are run by sincere individuals who have a sound financial base and who will conscientiously and competently perform their fiduciary duty to their clients.

D. CONCLUSION

Legislative action is the strongest and most effective regulation alternative because of its enforcement mechanism. However, state legislation suffers from the same problem as regulation by players' associations: the potential conflicts and inconsistencies that may arise from inconsistent regulation by individual states. Establishing a federal athletic commission to govern administration, operation and enforcement of all sports legislation is an alternative, but the administrative and economic burdens that would be placed on both the federal government and agents make this alternative unlikely. Perhaps in the coming years the California experiment will provide an answer.

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SPORTS LAW: The Television Perspective

By David Heres

Whether one considers them business or entertainment, spectator sports are functionally dependent on television coverage. Due to costly player contracts and other spiraling expenses, gate receipts and other conventional income sources are inadequate economic bases. Professional and amateur sports in the U.S. are thus largely sustained by television.

In the last five years, the rate of cost increase in television contracts has far eclipsed that of any other period. More staggering, however, are the absolute monetary amounts of the increases and total packages. The new Major League Baseball contract shared by NBC and ABC is worth approximately $1 billion over six years. The individual clubs are now guaranteed as much as $7.5 million each per year—remember, from broadcast television networks alone. It has generally been reported that each NFL team made at least $13.6 million from broadcast networks over the past year, and this figure will reach 16.5 million by 1985.

To understand the sports world's economic underpinnings, one must juxtapose this awareness of television contracts with more frequent and important decisions, such as salaries of individual athletes. For a sports lawyer, this is a useful perspective whether one represents an athlete, franchise, league, or television network.

Mr. Jeffrey Cokin, the Director of Sports Contracts for NBC Sports, negotiated NBC's recent rights acquisitions to the World Championship of Track and Field, Championship Auto Racing, various football bowl games, the PGA Tournament Package, the Volvo Masters of Tennis, and the contracts of various announcers such as Frank Shorter, athlete, franchise, league, or television network owners during contract negotiation. They will be able to put more pressure on the networks to control the reproduction of their images and prerogatives.

"Sports is one of the primary means by which to reach this audience, and the advertisers have been successful enough to justify the cost," says Mr. Cokin. "Thirty to thirty-five percent of the sports advertising dollar is generated by the automotive and beer industries, who are confident enough to continue sponsoring televised sports. However, it is unlikely that another such all around increase will take place in the near future."

An issue soon to be settled in court is the "right of publicity" claim of athletes. They are demanding an independent stake in television contracts, on the notion that they have a right to control the reproduction of their images and likenesses. Recently the topic of a law review article by Fordham alumni and sports agent James Quinn, this issue is currently the subject of litigation between Major League Baseball players and owners. Should the players succeed, they will be able to put more pressure on the owners during contract negotiation.

Whatever the result of this litigation, it will have little effect on the broadcast networks. The pressure, says Mr. Cokin, will be on the players and owners themselves.

According to Mr. Cokin, the cable television networks are not presently providing competition on a very serious level with the broadcast networks in the area of major rights acquisitions (with the exception of HBO in the boxing arena). Generally, the problem is the cable networks own lack of money, as well as their inability to reach most television households. The exposure of a right owner's product is often as important as television revenues.

In a typical scenario, a major network will televise the final one or two rounds for an event such as a tennis or golf tournament on a Saturday or Sunday. A cable network might televise the earlier rounds, which the major networks would not be in a position to do.

Cable has nevertheless made its presence felt. ESPN, for example, is currently sharing USFL rights with ABC, and also has the rights to numerous college basketball games. Furthermore, cable's rights in less prestigious events attract a limited number of viewers who might otherwise be watching a major network broadcast.

Mr. Cokin also discussed another issue which has recently been of concern to the major networks: local television rights in sports events contracted to major networks. There will almost always be a provision in the major network's contract providing for exclusive broadcast rights. Specifically that no local television cameras are to be present. Local stations, in the meantime, try to dispute these prerogatives.

Though the local stations may cite First Amendment and other interests, the networks have the support of case law. In Post Newsweek Stations-Connecticut Inc. v. Travellers Insurance Company, Skating Club of Hartford and City of Hartford, a local station tried to show portions of the 1981 World Figure Skating Championship, to which ABC had exclusive rights. The Court held that since the exclusion was not arbitrary or capricious, the contractual provision prohibiting video film or video tape coverage by any other station was proper and binding. 510 F. Supp. R. (D. Conn. 1981). Mr. Cokin, who graduated from Temple Law School, views his role as that of a contract negotiator rather than a practicing attorney. "I certainly must keep in mind the legal niceties of contract law while I negotiate, since I formally draft the contracts. However, if legal questions arise that have a litigation or antitrust potential, I refer them to NBC's Law Department."

Another aspect of Mr. Cokin's work involves a need for understanding the legal implications involved in NBC's relations with contracting parties and other networks. In dealing with IMG when he negotiates a tennis contract, for example, Mr. Cokin retains an insight of player-agent labor relations. He also has a working knowledge of antitrust law, which the networks must be careful not to violate.

Though television is now a vital force in sports, few positions such as Mr. Cokin's pervade the various networks. However, a law degree is very adaptable in sports television, and other areas beyond the player-agent realm. The Executive Vice President of NBC Sports, Mr. Ken Schanzer, and the President of CBS Sports, Mr. Neil Paley, are both lawyers. Then there are the many player association lawyers, and the Commissioners: Attornies Bowie Kuhn, Larry O'Brien, and also has the rights to numerous college basketball games. Furthermore, the major networks' own lack of money, as well as their inability to reach most television households. The exposure of a right owner's product is often as important as television revenues.

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THEATRE

AND A NIGHTINGALE SANG . . .
FINE ACTING IN A NONEXISTENT PLAY
By Eileen Pollock

And A Nightingale Sang... is a play so slight as to almost slip through one's fingers. It is of interest only because of its wonderful leading lady, Joan Allen, and the excellent ensemble work of its cast. As such it is a lesson to the theatergoer in what excellent acting is all about, a lesson that is all the more gratifying because the cast is American; the British, as we all know, routinely work acting miracles.

The play, currently at the Mitzi Newhouse Theater in Lincoln Center, follows the life of a working-class English family living in Northern England from the beginning of World II to V-E Day. Their activities are observed and commented on by the wise and fondly acerbic eldest daughter, Helen, a plain girl afflicted with a limp. Into the family comes Norman, a soldier who courts Helen, to her amusement and delight. The play shows how her life is enhanced by this relationship, how aspects of her personality that were there latentely before she met him, come alive in a way that we know by the end of the play will be lasting, even though their love affair ends sadly.

There are several mildly amusing moments provided by the surrounding cast of dotty characters, and a few moving ones at the end. But it's precious little pay-off for two hours in the theater. The play, despite its period detail, really doesn't add up to very much as a story.

The playwright (or should I say scenarist?) is heretofore an island of calm. Helen and Norman are only a small part of the script; essentially there is a great hole in the center where a plot should be. Besides, the story of withdrawn girl with limp who falls in love and with sharper point by Winston Graham in The Walking Stick. The play, despite its period detail, really doesn't add up to very much as a story.

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A series of five Alfred Hitchcock films has recently been rereleased after a long absence. They are Rear Window, Vertigo, Strangers on a Train, Psycho and North by Northwest. This is in part due to the recent death of a fellow, causing him to resign from the force. It is hired by a wealthy shipbuilder to follow his wife, Madeleine (Kim Novak), who may be suicidal. Indeed, Scottie, the detective, rescues her after she leaps into San Francisco Bay. It seems she is possessed by the memory of an ancestor who lived in the nineteenth century California and who dies tragically. Scottie leads Madeleine to a lonely Spanish Mission, which she had seen in a dream. Begging him not to follow her, she runs into the church. In the Hitchcock film, the observer-hallucinator is of primary interest. What is consumed by what we see is the main concern. Hitchcock is interested in this film, which allows for such visual expansiveness, and narrows the focus of his camera to one room and what can be seen from its window. In Rear Window, the filmmaker is a voyeur watching a photographer as voyeur. It is first-rate entertainment.

The vertigo of the film is the outward expression of Scottie's anxiety. That anxiety is seen in his futile pursuit of Madeleine, in his attempt to impose his will upon, to recreate, Judy in Madeleine's image. One feels that Vertigo is a private film. In a way, it is amazing that Hitchcock was so self-revealing to such a public medium. For the theme of Midge, a plain Jane who carries a hopeless torch for Scottie, could have been expended with entirely greater effect.

It is at this point that the script inexplicably gives the entire secret away, in a soliloquy by Judy after her first encounter with Scottie. The decision to reveal the mystery to the audience at this point is a dramatically unsupportable choice. Now we know what really happened to Madeleine; Scottie alone is in the dark. But Hitchcock has still saved us a final surprise or two. The dramatic denouement is Hitchcock at his best: in its suspense, in its symmetries, its feeling of inevitability, of meant-to-be. The above synopsis highlights the most intriguing parts of this film, which are very good indeed. But taken as a whole, Vertigo is, unfortunately, an awful mishmash. It is as if Hitchcock was so emotionally involved, and so intent on bringing out the beauty and splendor of individual scenes, that he lost perspective of the whole. And while parts of Vertigo are very fine, as a whole this film is heavy-handed, filled with tedious symbolism, camera tricks, even a Dalíesque dream sequence (done to better effect by Dali in Hitchcock's earlier Spellbound). The entire first half of the film, including the scenes where Scottie trials Madeleine, and where he traces Carlotta Valdes, drag increasingly, especially in view of the hindsight knowledge that the Carlotta angle is a blind alley and adds nothing to the story. One character, Midge, a plain Jane who carries a hopeless torch for Scottie, could have been expended with entirely greater effect.

In the role of Scottie, Jimmy Stewart plays himself - always earnest, never exciting. He's not Cary Grant, but then, no one is.

**Bridging the Gap Between School and Practice**

*Howard H. Kestin, ABA Journal, January, 1984*

By Joseph Mazzarrelli

The general issue of competence in the legal profession has become a major concern of the American Bar Association. According to Howard Kestin, the competence problem is so pervasive that it qualifies as a crisis. His major contention is that lawyers are better educated than ever before, but an increasing number lack the resources or desire to provide this training.

Others propose that competence before it will confer a license to practice law.

Howard Kestin, the competence problem lies in developing an ALA-ABA study for which Mr. Kestin is the admirable sense of professional responsibility, as well as individual self-respect, they can call on us to take the necessary steps. The first step has recently been taken with an ALLABA study for which Mr. Kestin is the reporter. The current focus of the study is on "bridge-the-gap" programs. It is designed to identify them: to learn as much as possible about their scope, context, and methods; and to explore the extent that they satisfy the needs and expectations of their students. In short, the study seeks to gather as much information as possible to determine to the current state of transitional education.

Presently, new lawyers in many jurisdictions have an opportunity to enroll in bridge-the-gap courses designed to provide the introduction to common practice problems. A few jurisdictions (including New Jersey and New Hampshire) require all persons seeking admission to the bar to have had this kind of formal exposure.

In New Jersey, candidates for admission must successfully complete a course consisting of eight practice exercises duplicating real life situations. Exercises include drafting and handling a real estate closing. To aid them in these exercises, the participants receive a comprehensive set of practice manuals consisting of textual material, outlines, forms, and checklists in various subjects. They also attend lectures offered in an eight week period. Consequently, the New Jersey Supreme Court requires some demonstration of entry-level competence before it will confer a license to practice law.

In order for this approach to be productive, more states must implement similar programs. New lawyers will be better prepared to perform their professional responsibilities and serve the public interest. (Chief administrative law judge and director of the New Jersey Office of Administrative Law, Howard H. Kestin also is an adjunct professor at Seton Hall University School of Law and a former director of the New Jersey Institute for Continuing Legal Education)

Kim Novak as Madeleine and Judy is straight out of the Madame Tussaud School of Dramatic Art, carved in the same waxen im­age tradition as that other Hitchcockshma of the same academy, Tippi Hedren. (Throughout Miss Novak's scenes, I found myself fixated upon her eyebrows, her dreadful, exaggerated eyebrows. Such was the force of her dramatic impact.) In the Hitchcock opus, one partner is always ardent, the other indifferent. Perhaps this is the essence of romantic conflict. It is interesting to trace the increasing inaccessibility of Hitchcock's heroines, whose suitor perhaps increased with Hitchcock's own growing pessimism about his ability to capture the unattainable. The fascinating and pervasive influence of Hitchcock's troubled personality upon his films is limned by Donald Spoto in his excellent biography, *The Genius of Alfred Hitchcock*. The vertigo of the film is the outward expression of Scottie's anxiety. That anxiety is seen in his futile pursuit of Madeleine, in his attempt to impose his will upon, to recreate, Judy in Madeleine's image. One feels that Vertigo is a private film. In a way, it is amazing that Hitchcock was so self-revealing to such a public medium. For the theme of Midge, a plain Jane who carries a hopeless torch for Scottie, could have been expended with entirely greater effect.

In the role of Scottie, Jimmy Stewart plays himself - always earnest, never exciting. He's not Cary Grant, but then, no one is.
Mr. Cosell began with a properly constructed course, he places little credibility. Both legal people who profess to be interested in sports law often rely on the sports sections of newspapers. A course should not be approached from that standpoint.

"You have to in a measured, orderly, thinking way, if you're serious about this subject—begin with a properly constructed course in the curriculum, with a scholarly person who has the knowledge and the background. Your law school should know who to approach to teach the course."

Another problem, says Mr. Cosell, is that people who profess to be interested in sports law often rely on the sports sections of newspapers for their information. He believes only a shallow picture of real events emerges from reading sports pages, on which, in any event, he places little credibility. Both legal issues and factual questions, such as the integrity of particular sports agents, are properly treated only through careful investigation, thorough research, and a knowledge of the underlying substantive law.

Using as an example the topic of agent certification in the NFL, Mr. Cosell capitalized the proper methodology and analysis. He emphasized that such broad questions cannot be adequately dealt with through reading sports pages or asking questions at panel discussions.

"First, you have to get your ducks in a row, as if you were doing a law review article on agency. You have to find out why they wanted so desperately, the unions, to have the right to certify agents. Then you have to find out what procedure this certification has taken. Then you have to find out how many people have applied to be certified, how many people have been processed, how many have been rejected, and why they were rejected. Then you have to find out how the [Players Association] can police all of this, [the Association having] the right of certification under the new collective bargaining agreement. Now this is what you'd have to do if you were doing an article for the Fordham Law Review."

As we have established, however, sports law involves more than collective bargaining and contract negotiation. Problems of considerable magnitude have resulted from the continuing emergence of new forums of competition and expanded network coverage, and from what Mr. Cosell believes to be an overemphasis on sports in American society.

"[We have] a whole new question, new technologies in television. Television provides the economic fulcrum for the existence of sports in America as we know them today, and we have a whole new look in television coming before us. How long it will take is subject to different opinions. That is why you need an all embracing curriculum for a course of study."

At one point in time, the balance sheet was the primary criterion for sports owners who were contemplating a franchise shift. In the 1970's, Mr. Cosell noted, "there appeared a whole new technique, the mere threat of removal, to bring troubled urban areas to their knees, to keep a sports franchise, when what they need are more schools, more homes, more job opportunities."

While he is in agreement with the court determination that the NFL, under the antitrust laws, may not block an owner from moving to another city, Mr. Cosell believes that franchise shifts without underpinnings of severe economic distress are morally wrong.

"I found it specious to say, 'they're [the Giants] only 8 miles away from the city of New York, the fans can still go.' The city was brought to its knees. The removal occurred at a time when President Ford told the city to drop dead. The psyche of the city, the greatest city in the world, was deleteriously affected. The city lost millions upon millions of dollars, down the road, up the tunnel, in taxes that they would have collected, state and city, and it thought it was totally wrong."

Mr. Cosell also discussed other matters troubling a society: "which lives and dies on the basis of who wins a football game.

An overemphasis on sports has led institutions of higher education to bend over backwards to lure young athletes, while in the meantime they neglect their duties, educational and otherwise. In another context, this is but one element of a wholly different problem; namely, the proliferation of drug use among college and professional athletes.

Some people take issue with the fact that Mr. Cosell does not hesitate to point out faults in the sports world, through which he has made his career. This is at best a tendentious criticism, for there is nothing wrong with valuing integrity within all spectrums of sport and seeking to promote it.

As an advocate of various causes, Mr. Cosell has made the sports world, and even the entire country, wobble on their axes. Certainly, his legal background has been a great asset along the way. Those who seek to apply their law degree to sports should afford great weight to his views.

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- South Dakota
- Tennessee
- Texas
- Utah
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SBA ELECTION SUPPLEMENT

HORIZON . . . CANDIDATE

Peter Passidomo, Candidate for President

This is an important year for the SBA elections. Fordham is entering a new era, not only in physical change, but also in the standard of excellence that has come to be associated with the law school. Next year's president will have an integral role in the emergence of the school's national reputation. If elected, I will provide the hard work and support needed to guide Fordham — especially the student body — through this exciting period.

My qualifications for the office of president are myriad. Inside the Fordham community I am an active SBA representative, serving as vice-president of Section 2B. Also, I was instrumental in the creation of the new student organization, The Entertainment and Sports Law Council. Outside the law school, I was co-convener to State Assemblyman John Perone, played a significant role in a successful congressional campaign, and assisted in the management of a mayoral campaign. As for my immediate objectives: First, to increase the channels of communication between the student body and the SBA, I intend to implement a bi-weekly newsletter designed to inform all students about current SBA proposals. Secondly, I plan to have a clearly defined budget. This will ensure an equitable distribution of funds to student organizations. Thirdly, my administration will encourage the development of new student organizations. Moreover, I will continue to have a sufficient number of social functions, which are essential in maintaining the positive atmosphere of the Fordham community.

As president, I will be committed to achieving these goals, but it is only through a combined effort that we can "lay the foundation" for Fordham's future.

NEW SCHOOL CANDIDATES

David Goldberg, Candidate for President

As a commuter school it is difficult for Fordham to provide students with both an effective study atmosphere and a spirited social life. I am best suited to reach these goals because I am receptive to student needs and experienced enough to advance them. (2A Vice-President, Advocate Editor, founding member Entertainment and Sports Law Council)

Scholastically, I intend to work with the administration in improving library facilities and placement opportunities. I will press the school to offer through LEXIS, WESTLAW and word processor training to all, regardless of membership in particular student organizations.

Education is enhanced by a relaxed atmosphere. To provide this I will expand upon such successful gatherings as the Boat Ride and Tangs which occurred while I was an S.B.A. representative. I suggest moving parties from the reading room and delivering kegs earlier to prevent uncomfortable lines leading to half cups of foam. To involve all, I will ask night students to also coordinate at least one assembly each semester.

Politically, we should have a hand in such crucial issues as tuition hikes, policies are dictated by the University Board of Trustees. Currently there is an undergraduate board member. I will fight for a law student seat.

Additionally, the S.B.A. should interact with student organizations. Their leaders who appear only at one budget meeting should be encouraged to attend all S.B.A. meetings to present their special viewpoints.

I have, and will continue to work hard for this community. Please vote for David Goldberg.

David Calabrese, Candidate for Treasurer

The position of S.B.A. Treasurer involves a variety of duties which I feel uniquely qualified to perform. First, the treasurer, as one of four S.B.A. officers, should be accessible to all students and sensitive to their varied needs. I live in the area and spend a great deal of time around the law school. This not only makes me accessible, but also keeps me in touch with the real concerns of students. Second, the treasurer, as the S.B.A.'s financial officer, should have a certain expertise in the financial area. I worked as a public accountant before coming to law school and am relatively well-versed in financial matters.

I have briefly stated my qualifications for the position of treasurer. I will refrain from making idle promises regarding hand-picked and emotionally charged issues. The particular causes I will champion as an S.B.A. officer, will be those articulated by the student body I represent. I promise only that I will perform my duties to the best of my ability.

Thomas H. Bundock, Vice-President

As we enter the 1984-85 academic year we will witness for the first time the culmination of the present administration's efforts to improve the physical conditions of our law school. However, improving the physical plant of the school plays only one small part in improving the school itself. I believe the quality of life at law school primarily depends upon how well the students, faculty, and administration work together in effectuating needed changes in academic as well as extracurricular functions of the school. An effective Student Bar Association acts as the voice of the students in bringing attention to the administration problems which need correcting as well as practical solutions to those problems.

One particular problem which I would like to address concerns the conditions of the library. On numerous weekends this year as well as during the Christmas break the library was not provided with heat. Likewise during the summer months last year the air conditioning was often shut off. If the administration is intent on reducing energy costs I suggest that at 2 A.M. they turn off the lights in the cafeteria instead of the library. The former remain on all night. The library is the nerve center of the law school and the academic pursuits that take place within it should go unimpeded.

As Vice President I will work with the administration toward improving the conditions of the library as well as other aspects of student life at our law school.

Andrea Pinski, Candidate for Secretary

I am running for secretary on the New School ticket. This year I served half of the first year class as its secretary/treasurer. I am committed to making the law school experience more pleasant for other students while enhancing the quality of our legal education.

Since I am now a professional free lance writer who has had General Electric, Pepsi International and Bell Atlantic as clients, I believe I am uniquely qualified to serve as secretary. As a graduate of Boston University School of Public Communication I possess the organization and political understanding to effectively join David Goldberg, Thomas Bundock and David Calabrese on The New School team.
SBA ELECTION SUPPLEMENT

UNITED 4 TICKET

Michael Dello Stritto, Candidate for President

My name is Michael Dello Stritto and I am running for President of the SBA on the UNITED 4 Ticket. The UNITED 4 Ticket includes Jim Clemente, Vice President, Matthew McKinley, Secretary and Anthony Laura, Treasurer.

In my two years at FLS I have been active in many facets of both student government and student leadership. During my first year, I was elected Vice President of Section IA, was an active member of the Student Placement Advisory Committee, and participated in the successful summer orientation program. In addition, I assisted in organizing the Tangs and co-directed the 1st April Fool’s barbeque/party. During this, my second year, I was elected President of Section 2A, served on the Student Faculty Committee, continued my active involvement with the Student Placement Advisory Committee, acted as commissioner of the Intramural Basketball League, directed all three Tangs, and assisted the Curriculum Committee with the distribution and collection of the Curriculum questionnaire.

My involvement in student affairs, student-faculty matters, and athletic and social events has given me an appreciation of what is being accomplished, insight into what has yet to be accomplished, and determination to accomplish the objectives of the UNITED 4 party. Each member of the UNITED 4 party has worked hard for FLS in the past, and with your support, will continue to work in a dedicated and efficient manner. We are the UNITED 4 party and we are UNITED 4 YOU. Thank you.

James T. Clemente, Candidate for Vice-President

I have enjoyed serving on the SBA for three years, as class President for 1E and V.P. for 2E and 3E, along with working in the N.Y. legal community and volunteering for several N.Y.C. community service organizations. I’d like to use my experience to continue serving F.L.S. and its community as SBA Vice President, along with Mike Dello Stritto (President), Anthony Laura (Treasurer) and Matt McKinley (Secretary). Together we are the UNITED 4 Party. We are “UNITED 4” YOU! Here are some of the things we’d like to do: The SBA should print a weekly bulle tin with information from the Registrar, Deans, Clubs and SBA to be picked up by the students and brought home. This bulletin would include information regarding issues discussed at past and future SBA and Student/Faculty meetings, so that the entire student body is informed and can react to issues as they evolve and not after they have been decided. Also we would like to enlist student and faculty support to urge the placement office to work with the alumni network to concentrate its efforts on the majority of students who REALLY need their help.

Of course, the most important duty of the Vice President is to preside over the Student/Faculty Committee meetings. I would like to take advantage of this unique opportunity to act as a liaison between the Students and the Faculty, in order to work out the problems and express your views.

Remember we are “UNITED 4” YOU, but we can’t serve you unless you come out and Vote!

Anthony J. Laura, Candidate for Treasurer

I am currently Sec. 1A President and seek your election as SBA Treasurer on the UNITED 4 ticket. My running mates are Michael Dello Stritto (President), Jim Clemente (Vice President), and Matt McKinley (Secretary).

The SBA determines and maintains budgets for all student organizations. The Treasurer manages these funds, and in conjunction with the President allocates them according to the needs of these various organizations. Since funds are relatively scarce, their dutiful administration is imperative. In addition, the Treasurer plays a leading role in the SBA’s overall efficiency and effectiveness.

The qualities necessary for this position are not uncommon to most law students, but the time, effort and dedication required to utilize them as Treasurer are not as readily available. However, as 1A President and member of the Student - Faculty Committee I have shown my commitment to the success of the SBA as the students’ spokesman. As a member of the Entertainment and Sports Law Council I have demonstrated my willingness to expend time and energy to the success of student-run organizations. As part of the Student Curriculum Committee I have shown my interest in the students’ ability to contribute to the administrative process. My work at TANGs reflects my commitment to recreational activities at FLS.

I have enjoyed my term as 1A President and wish to serve in a greater capacity as Treasurer. Yet no officer acts alone, and the effectiveness of the SBA depends upon a committee of qualified people. Please support the team that is “UNITED 4” YOU!

Matthew McKinley, Candidate for Secretary

I have the privilege of running for Secretary of the Student Bar Association on the “UNITED 4” party with Mike Dello Stritto for President, Jim Clemente for Vice President and Anthony Laura for Treasurer. I believe, if you ask students: “What does the SBA do?”, the majority of students would not know how to answer that question. The reason for this lack of knowledge is not student apathy, or that the organization serves no purpose. The reason for student unawareness is because the position of Secretary has not reached its greater potential.

It is the secretary’s main duty to keep the student body well aware of the issues that face the students and what the SBA is doing about these issues. The Secretary should keep a sense of order and organization within the SBA. He must publish a Student Directory, which is in the hands of students by the end of October so that it can be utilized to its fullest potential. The Secretary must also provide an avenue of communication between the SBA and the students. This will be especially important when decisions are being made as to how the new facilities of the law school are to be used. Student input should be heard.

I would be honored to serve the student body as Secretary. I have served as 1B Vice President, but would like to be able to do more. I am asking for your help and support. Please vote for the team—“UNITED 4” YOU!
Friday, March 2 and Saturday, March 3: Jessup Moot Court Competition in Camden, New Jersey.

Saturday, March 3: Alumni Luncheon - 12:00 noon for cocktails; luncheon at 12:30; Student price $20.00.

Monday, March 5: James Scheurer.

Thursday, March 8: Peter Cohalan, Suffolk County Executive 5:00 p.m. - Moot Court Room.

Tuesday, March 13: Career Opportunities in Real Estate Law, 5:00 p.m. in Moot Court Room.

Thursday, March 15: "Sophie's Choice" - in Lowenstein - free BALSA dinner - 6:00 p.m.

Thursday, March 15: The National Lawyers Guild presents Peter Neufeld, Esq., "The Legality of U.S. Intervention in Central America, 4:30 p.m. Room 205.

Friday, March 16: Washington, D.C. - Career Opportunity Program MBRE.

March 19 - March 23: Spring Recess.

Thursday, March 22 and Friday, March 23: Financial Services Institute at the Hotel Parker Meridien.

Monday, March 26: Program at 2:00 p.m. in Pope auditorium for students accepted to Fordham Law School for the fall of 1984. Please welcome these visitors.

Monday, March 26: Kaufman Moot Court Competition begins.

Wednesday, March 28: Semifinals and Finals of the Kaufman Competition.

Wednesday, March 28: FBI Information Session.

Thursday, March 29: Judicial Clerkship, 4 - 6 p.m.

March 29, 30, and 31: Wagner Moot Court Competition at New York Law School (Fordham team participating).

Friday, March 30 and Saturday, April 1: Conference of Women in the Law in San Francisco.

Monday, April 2: Panel sponsored by Fordham Law Women with Professors Friedman, Marcus, and Vairo, etc.

Thursday, April 5: FORDHAM LAW FOLLIES - Pope Auditorium 7:30 p.m.

Thursday, April 5: Urban Law Journal Dinner.

Tuesday, April 10: Entertainment Law Panel - Pope Auditorium - 7:30 p.m.

Tuesday, April 10: Career Opportunities in Labor Law, 5:00 p.m. Moot Court Room.

Thursday, April 12: Career Opportunities in Corporate Law, 5:00 p.m. Moot Court Room.

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**LEGAL CROSSWORD PUZZLE**

**ENTERTAINMENT/SPORTS LAW CROSSWORD**

By Robert Bienstock

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**ACROSS CLUES**

1. Mural letter
2. Loots (involving NBA coast)
3. Palo Alto's
4. Article
5. Opposite distance measure
6. Needle shelter
7. Source of music in LIP Across
8. Radio cart
9. The 1990s (init)
10. Enclosure
11. Air carrier and in recent Supreme
12. Air between
13. With 118 Across; Source of 12 Down
14. Citizen's device
15. Letter, article
16. Less
17. Use of judgment (abbr)
18. Run for a crew
19. Altering current
20. Commissary point
21. Vote control board
22. Note on scale
23. Recent legal species
24. Not as a profit (abbr)
25. "Here I am ..."
26. Intact (adj)
27. Best of all the world
28. Beautiful culture
29. Fish or Lennon spouse
30. Line (Scott)
31. "One Man's..."
32. "Don't Dream..."
33. "This Is My House..."
34. One "Whoa!"
35. Parent's culture
36. "Let's Get Down..."
37. "We're Not Gonna Take It"
38. "Runnin' to Stand Still"
39. "All the Way"
40. "Let's Get It On"
41. "We're Gonna Make It"
42. "Crazy Little Thing Called Love"
43. "I Want It All"
44. "Let's Dance"
45. "Show Me the Money"
46. "Growing Up"
47. "I Don't Want It"
48. "We Will Rock You"
49. "Take It To The Limit"
50. "I Want It All"
51. "I Want It All"
52. "We Are Rock'n Rollin'"
53. "It Takes Two"
54. "I Can't Help Myself"
55. "I Want It All"
56. "We Are Rock'n Rollin'"
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