The Advocate

The Advocate, Fordham Law School

Follow this and additional works at: http://ir.lawnet.fordham.edu/student_the_advocate

Part of the Law Commons

Recommended Citation
http://ir.lawnet.fordham.edu/student_the_advocate/30

This Book is brought to you for free and open access by the Student Publications at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in The Advocate by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.
MRS. FERRARO HAS THE RIGHT CREDENTIALS

Upon examining the credentials of prospective running mates, Democratic Presidential Candidate Walter Mondale had to be impressed with those of Geraldine Ferraro. The Queens Congresswoman was intelligent, articulate and industrious. By only her third term, she had gained membership on the powerful House Budget Committee. She had consistently shown political savvy in working with party leaders to achieve particular goals. In fact, she had been named in Chairman of the Democratic Platform Committee for the 1984 National Convention. Yet Mondale and his advisors could not ignore Representative Ferraro’s biggest asset: nothing other than a Fordham Law degree. She graduated from the law school’s evening division in 1960, along with Dean Hanlon, among others. During the day, she had taught in the New York public school system.

DEAN’S MESSAGE

On behalf of the faculty and administration, I welcome the Day Class of 1987 and Evening Class of 1988 to Fordham Law School. I also welcome all returning students and express once again my appreciation for your understanding and patience as we worked through the expansion of our building last year.

You join us, or return to us, at a most exciting time. Not only are we starting our 80th year as a Law School, but the long-awaited expansion of our physical plant is almost complete.

Our present building will be operational by the start of classes on August 27 and the new wing should be ready for occupancy in October. On Wednesday, October 24, we will formally dedicate the new wing in ceremonies to be held at the School. Justice Sandra Day O’Connor will be the principal speaker on this important occasion.

We have been building our faculty as well as our physical plant and it pleases me to introduce to you four new members of our full-time faculty.

Deborah A. Battis, who is a graduate of Harvard Law School and formerly an Assistant United States Attorney for the Southern District of New York, will teach Property and Legal Writing.

Carl Felsenfeld, who is a graduate of Columbia University School of Law and a member of our adjunct faculty since 1968, will teach Banking, Bankruptcy and Commercial Law.

Roger J. Goebel, who is a graduate of New York University School of Law and formerly a partner at the firm of Coudert Brothers, will teach Corporations and International Business Transactions.

Howard B. Abrams, who is a graduate of the University of Chicago Law School and an Associate Professor of Law at the University of Detroit School of Law, will join us as a Visiting Professor and will teach courses on the CUC and Trusts and Estates.
EDITOR’S MESSAGE

The beginning of this academic year marks the realization of many loyal and generous alums’ aspirations of having a modern multi-faceted law school facility. While the building is a revelation to this group of individuals, the physical structure is only one factor in Fordham Law School’s inevitable evolution into a “National” law school. The added library volumes, the advanced automated research tools, the diversified array of faculty members, the redefined curriculum, the more positive attitude and a more qualified student body will ultimately provide the inertia to surmount Fordham’s final hurdle of receiving “National” recognition.

As the voice of the law school, The ADVOCATE will be monitoring the school’s progress by reporting on events as they develop. In addition, matters that affect the law profession, the student individually, and the university as a whole, as well as events in our own Lincoln Center Community, will be given coverage. Throughout this process we will be examining issues, isolating problems, and, most importantly, suggesting viable solutions. To perform this service effectively, we need your assistance in a variety of capacities: as reporters, artists, photographers, and paid proof readers. Do your part and make a difference by volunteering your services to your school newspaper.

At this point, I would like to welcome back some members who were a part of Volume 15 of ADVOCATE, and also introduce others who are joining the paper for the first time. The Managing Editor for Volume 16 will be David Heires, and the Advertising Editor will be Steve Kalebic. The Editorial Board will include Glenn Busch, Paul Calamari, Robert Fonte, Joe Mazzarulli, Giuliana Musilli, and Maura O’Sullivan. A review of all candidates for staff positions is presently being conducted, and a complete list of all staff members will be released in the next issue.

Please keep us informed of events or issues which you believe deserve coverage. If you have any constructive criticism concerning the paper, let us know so that we can live up to our obligation of serving the law school community as a whole. For those who are interested in joining the staff at this point, please leave your name and phone number with the Board of Editors.

WELCOME

CLASS OF 1987

THE ADVOCATE WISHES YOU

THE BEST OF SUCCESS

IN YOUR FIRST YEAR

ESSAYS ARE THE “KILLERS” ON THE BAR EXAMINATION!
(ASK ANY “REPEATER”)

For over 40 years, LOUIS, A. KASS has taught many thousands of successful bar applicants how to ATTACK, ANALYZE and ANSWER the most difficult Essays!

WHY TAKE ANY CHANCES? REGISTER NOW! We were over-subscribed eleven consecutive times!

HOTEL BARBIZON PLAZA HOTEL, NEW YORK CITY

KASS PROBLEM ANALYSIS CLINICS
27 WILLIAM STREET
NEW YORK, NEW YORK 10005
(212) WH3-2690

AGENT: ELIZABETH M. FLINN
FLS NEWS IN REVIEW

CAREER PLANNING CENTER: What's Available

By Carol Vecchio

Welcome to Fordham University School of Law and welcome to the beginning of your career in the legal profession!

We at the Career Planning Center try our best to assist you in realizing your career goals. There are many books, binders, lists and resources in our Center which help streamline your summer and full-time job search. In addition to these publications, there are individuals who want you to succeed and are available to listen to you and answer your questions.

The Director, Maureen Provost, Assistant Director, Carol Vecchio and Career Counselor (this is a brand new position for which we are in the process of interviewing!) are here to help you in identifying your career directions and goals and are available for resume preparation and interviewing skills advisement. Make an appointment to speak with one of us. We are experienced in creative job search strategies and career counseling. Our three assistants, Irene Pantzarino, Michael Guzzo and Renee Klotz, can help you find your way around our career resource library and answer all your immediate inquiries.

Although you are probably eager to learn about career options and job opportunities, it is advisable to focus all your energies on the rigorous academic program upon which you are about to embark. During December a meeting will be held for all first year students to help prepare them for their summer job search. Until then, the only other events to watch for are Career Panel Discussions held throughout the school year. These career panels will give you the opportunity to meet alumni practicing in areas of interest to you.

We sponsor a number of different programs of which, during the upcoming spring semester, you will want to take advantage. These include: the Alumni Advisor Program which matches individual students with specific alumni involved in various areas of law. You will receive a copy of the Job Search Manual which will aid you in identifying your strengths and organizing your job hunt. The Student Job Books list full-time, part-time, summer, temporary and permanent positions for Fordham Law evening and day division students. The On-Campus Recruitment Program which brings over 300 interviewers to the campus and the Employer Information Directory are available for students eligible to interview.

The Center is now located on the lower level of the original law school building. Our hours are 9:30 to 6:00 on Mondays, Tuesdays and Fridays and 9:30 to 7:00 on Wednesdays and Thursdays. You can reach us by phone at (212) 841-1860.

The Career Planning Center is committed to helping each and every student in every way we are able. Once you get settled in at Fordham University School of Law, please feel free to stop by and say hello. We look forward to meeting you!

KATSORIS COAXES
1970-1982 ALUMNI

By Mark S. Kosak

Constantine N. Katsoris, Professor of Law for 20 years, alumnus of Fordham Law for more than 27 years, and most recently the Chairman of the Alumni Association’s Committee on Administration, recently organized an extensive mailing to former students of the Classes of 1970 through 1982 who had not paid their alumni dues.

Responses in the six week period following the mailing were, in Professor Katsoris’ words, “Extremely encouraging.” Over 250 checks were received, which in dollar and cents boils down to about five thousand dollars in dues and contributions to Fordham’s scholarship fund. Another significant aspect regarding the mailing was the geographic cross section from which the responses were received. Responses formulate in from areas ranging from Hawaii to Maine and Oregon to Florida.

The Alumni contact letter was aimed at rekindling the camaraderie that is deeply rooted in Fordham’s Alumni Association. In an emotional plea, Professor Katsoris focussed on the Law School’s major expansion and the need for a unified Fordham family. He then went on to describe the services that the Alumni Association provides, stating: “(It) helps place our students and graduates, connects them, provides scholarships, runs seminars, publishes a directory, has numerous enjoyable and fruitful social functions during the year, and much more.

Close association, therefore, benefits all of us.” Professor Katsoris, however, believes that the true success of the generous inflow of dues was attributable to a definitive majority opinion written by our former Dean, Judge Joseph McGlaughlin, who stated that dues are tax deductible. With that type of legal authority on our side, Professor Katsoris felt that it was hard for us not to succeed.

Special thanks should also be extended to AJ Bianco, Pam Chepiga, Ray Jones, Kevin Pacenta and John Peloso for their individual cooperation and support. In addition, the Committee indicated that Frances Blake provided invaluable assistance in making the recruitment drive a success.

As a final note, Professor Katsoris indicated that another mailing to canvas graduated of the pre-1970 years is presently being organized. As with all mailings, he stressed that the success of the venture depends upon having open lines of communication between the Alumni Association and the Alumni. Therefore, he urged that all addresses changes promptly be reported to the Alumni Association.

THE SIDNEY C. NORRIS CHAIR OF LAW

By Mark S. Kosak

On April 30, 1984 in an inspiring ceremony conducted in the President’s Room of the Lowenstein Center, Fordham Law School established the Sidney C. Norris Chair of Law. Dean John D. Feerick, Reverend James C. Finlay, S.J., President Ex Officio, and Julian S. Perlman, Director of The Norman and Rosita Winston Foundation, Inc., and Senior Partner at Robinson, Perlman & Kirschner, P.C., presided over the ceremony commenting on the deep appreciation that is owed to Sidney C. Norris. The Sidney C. Norris Chair of Law was made possible through an endowment from The Norman and Rosita Winston Foundation for all of Norris’ achievements made in connection with the foundation.

Sidney C. Norris (March 12, 1902 - January 11, 1983) had a very distinguished background. His education was as follows: De Witt Clinton High School, 1919; City College of New York, B.S., 1923; and Fordham Law School, LL.B., 1927.

Sidney C. Norris was also a true family man. He married Anne Kuff on May 10, 1936 and had two daughters, Jane (Mrs. Julian S.) Perlman and Emily (Mrs. Irving L.) Rome. In addition, he had four grandchildren: Thomas and Jane Perlman and Johanna and Andrew Rome.

Upon Norris’ graduation from Fordham Law School’s night program, he joined the law firm of Pfeiffer & Cramers located in Manhattan. At this stage of his career, a life-long interest and expertise in Real Estate was developed.

After entering private practice in Manhattan for a period of time, he joined N.K. Winston & Co. as House Counsel. This career move began a permanent association with Mr. Winston, who as a national builder of FHA sponsored homes and an early pioneer in the development of shopping centers.

In the late 30’s Norris resorted private practice in his specialty of Real Estate Law, but maintained his position as counsel to Norman Winston until his death in 1977. Beginning in 1977 until 1983, Norris served as President of The Norman and Rosita Winston Foundation. Directors which also served during Norris’ tenure were Hon. Simon H. Rifkind, the Hon. Arthur Lefevit, Sr., and Arthur Lefevit, Jr. Until his death in 1983, Norris also served as counsel to the law firm of Robinson, Perlman & Kirschner.

The authors of Norris’ memorial program summed it all up when they stated that Norris will always be remembered as a “Husband - Father - Grandfather - Benefactor - Humanitarian - Gentleman of Fordham - Son of New York City.”

Finally, Fordham Law School owes The Norman and Rosita Winston Foundation a great deal of special thanks for providing their generous endowment to establish the Sidney C. Norris Chair of Law.

IF YOUR ORGANIZATION HAS AN EVENT WHICH YOU WANT PUBLICIZED... PLEASE SEND ALL DETAILS TO THE ADVOCATE C/O FLS NEWS IN REVIEW
"Every first year student should do it, it was a lot of fun and a great experience." Those are the words of Michael Crane, this year's winner of the William Hughes Mulligan Moot Court Competition. Michael, along with 132 other contestants appeared before the "Fordham State Supreme Court" to argue the case of Fordham General Hospital and Parents of Baby Doe v. Mayor of the City of New York. After a few brave souls did work amongst the construction, most went elsewhere. The availability of other law libraries, plus clutch help from Dean Young and hard work by the Moot Court Board kept any other problems to a minimum. On July 19th preliminary oral arguments began. After two weeks 16 quarterfinalists advanced. On the 23rd, when the semifinals began, the oral arguments got a bit tougher. Up until this point the judges were distinguished lawyers, alumni as well as non-alumni, who had had some real life connection with the various issues being argued. In the semis, and throughout the rest of the competition for that matter, the panels consisted of full fledged experts. The semifinalist judges were: Paul Gianelli, counsel for the family of New York's baby Jane Doe; Paul Abrams and David Smith, members of New York Attorney General's Office; Gregory Fross of Bower and Gardner, Mr. Fross specializes in surrogacy and adoption law, and Noel Keane, a Michigan specialist in surrogacy mother contracts. This distinguished group judged this year's competition, and the panels consisted of full fledged experts. The semifinalist judges were: Paul Gianelli, counsel for the family of New York's baby Jane Doe; Paul Abrams and David Smith, members of New York Attorney General's Office; Gregory Fross of Bower and Gardner, Mr. Fross specializes in surrogacy and adoption law, and Noel Keane, a Michigan specialist in surrogacy mother contracts. This distinguished group judged this year's competition.

In this column I would like to talk a little about - what else - the upcoming election for President of the United States. I will talk not so much from a partisan view, but rather from an analyst's view of what to expect in the upcoming campaign.

First, the debates. Despite the fact that the requirements for the debates are not enshrined in stone (indeed none were held in '64, '68 and '72), the American public has come to demand this spectacle. So much is made of the Presidential debates, but it is important to note that they are not necessarily a good barometer of Presidential popularity. The only reason they exist is because a better President than Jimmy Carter, but Carter beat Ford in the 1976 Debates. Nevertheless, we will have debates and here are some topics to look for.

1) Mondale speaking more to specifics than Reagan. Usually the incumbent speaks with the use of precise statistics, and the challenger speaks in generalities. Not so this time. Reagan is the master of generalities, and Mondale often gets bogged down with specifics. If this happens Mondale will lose the debates. Debaters in the Presidential Debates have always been more successful using themes rather than specifics.

2) Another thing to look for in the debates is the comparison of Carter/Mondale with the Reagan team by Reagan and an attempt by Mondale to focus the debate on the Reagan Administration alone. The Debater who is able to focus the clash on his topic will win the debate and maybe the election as well.

Other things to look for include:

1. Massive news coverage of Ferraro, and next to nothing on George Bush (for the obvious historical reasons.)

2. A gambling style by Mondale unless the race gets close; then it will only be a 50% chance he will continue to gamble. Unfortunately, Mondale can only win by gambling to the day he will continue to gamble. Unfortunately, Mondale can only win by gambling to the day.

3. A Republican attempt to make Democratic criticisms appear like sour grapes. This theory will probably prove quite successful.

4. Hopefully, the Democratic Party will be fairly unified. If Jackson and Hart do not campaign for Mondale, then the Mondale candidacy is going to go nowhere.

Robert Altman
For the F.D.L.S.A.
FACULTY HEADNOTES

Do We Need Exclusionary Rules?

By Professor Ernest van den Haag

The primary purpose of trials is to determine the truth of the accusations, so as to find defendants innocent, or guilty, of the charges made against them. Since 1914, when the Supreme Court decided (in Weeks) that evidence obtained in violation of the Constitution could not be admitted by the courts, and since 1962 when this exclusionary rule was extended to the states (in Mapp), this primary purpose has been subverted. Courts instead of deciding on guilt must now decide first whether evidence for guilt can be admitted. They have refused to admit evidence, or confessions, or evidence found because of confessions, or the results of searches made upon arrest, when there was insufficient probable cause for arrest (although ample proof ex post that the arrest was justified), or for warrants, or a violation of the Escobedo, Miranda, Weeks, or Mapp rules, or of their proliferating progeny. Courts have been concerned with questions such as: if a search of a car is permitted, can evidence found in the locked trunk be admitted? or in the glove compartment? or in packages? Or, evidence found as a result of a search when the car was stopped for a traffic violation? Or evidence found as a result of an airport baggage check, such as we all submit to when boarding an airplane? When a dog sniffs drugs in the glove compartment? or in packages? Or, an airplane? When a gun sniffs drugs in the baggage check, such as we all submit to when boarding an airplane? The exclusionary rules were invented by the judiciary to force the police to act constitutionally, by making evidence obtained unconstitutionally useless. Trying to keep law enforcement legal is certainly worthwhile. But the means chosen to accomplish this raise a question: by excluding evidence obtained illegally, have we not defeated the means chosen to accomplish this raise a question: by excluding evidence obtained illegally, have we not defeated the police? By excluding evidence unlawfully obtained, the courts, do prevent themselves from establishing "the whole truth." Indeed, they admirably declare "not guilty" defendants they know would be found guilty if all the evidence materially available were admitted. A second question raised by the exclusionary rules is empirical: does the exclusion of evidence actually achieve its purpose of disciplining the police?

Both questions must be answered in the negative. I know of no police department which promotes or denounces officers according to whether the evidence they collected was admitted. The threat of exclusion does not have the desired effect on police conduct (which has improved for quite independent reasons. One should beware of post hoc propter hoc.) On the other hand, the Miranda warnings cause suspects in custody not to talk, let alone confess, to the police. Confessions have become part of plea bargains. They are sponsored by attorneys in exchange for charge reductions. No lawyer will let his client confess otherwise. Thus, Miranda simply leads to reduced punishments for most offenders, and, sometimes, to no punishment.

As far as I know, no other country has resorted to this odd and ineffective way of disciplining police by excluding evidence illegally obtained. But, then, no other country disposes of 90% of criminal charges by plea bargaining, i.e., by reducing the charge made against defendants, to avoid trial.

Because the contrary impression is widespread among non-lawyers, it must be said that exclusionary rules hardly protect the innocent. Suppressing evidence against them, or discouraging confessions by them, helps guilty defendants, not innocent ones.

To be sure some innocents might benefit. They will be spared a nuisance, when police are discouraged from arresting or searching anybody without probable cause, or correct warrants. But whatever doubtful protection the innocent get, is dwarfed by the certain protection of guilty suspects. And the ability of the guilty to avoid arrest and punishment endangers everyone.

The frequency of causes in which the exclusionary rules prevent arrest, indictment, or guilty verdicts against defendants who would have been arrested, charged, and found guilty, except for the exclusionary rules, is controversial.

The corruption of our system and the disrespect it has earned, because of the exclusionary rules our judges have invented, do seem obvious. Courts do not find truth. They only find evidence. But with the exclusionary rules they invented they exclude evidence rather than to search for it. They have corrupted their own purpose.

Are there alternative ways of disciplining the police? Certainly. Police who act illegally should be punished, as anyone who violates the law should be. Justice Cardozo asked, forty years ago, why is "the criminal to go free because the constable blundered?" There is reason to prevent courts from using all available evidence for the sake of slapping the police on the wrist. There are better ways. Police officers should be punished directly, when they commit crimes.

However, prosecutors might be less than zealous in prosecuting police: they depend on it to carry out their own duties and can hardly afford to make them hostile. Therefore, unlawful acts of law officers should be prosecuted by a special prosecutor who, having no other duties, would not depend on the police. He should have statewide jurisdiction and report directly to the attorney general of the state. (Police should be defended by counsel at public expense.) Further, civil remedies against police abuses, which are rarely used because costly to plaintiffs and seldom effective, should be made more effective, and less costly. This would keep police in line far more than excluding evidence does. And it would help the innocent and not allow the guilty to get away.

The exclusionary rules are not alone in hindering the search for truth. Some of the traditions of the common law and some unnecessarily restrictive constitutional interpretations also exclude evidence thought to improperly influence the jury. Thus, "previous convictions of a defendant may not be mentioned in many states unless he takes the stand, and his failure to testify may not be held against him. If he were, the courts feel, he would be unconstitutionally compelled to testify against himself. (I don't think that jury evaluation of failure to testify, however negative, amounts to a compelled confession.) The courts are busy excluding many other kinds of potentially helpful evidence. I should do away with all these exclusions, Juries should be able to see and interpret all the evidence potentially relevant to the guilt or innocence of the defendant. If we feel that juries are incapable of evaluating evidence, however inflammatory, or potentially misleading, we should not entrust them with decisions based on evidence. If the jury is thought capable of making rational decisions on guilt or innocence, with the advice of counsel for both sides, it should be regarded as capable of evaluating all the evidence.

An arrested person should be entitled to see a lawyer only after 48 hours of custody during which the police should be entitled to interrogate him. To avoid possible physical abuse the arrested person should be allowed visits, by a physician of his choice, as often as he wishes. All interrogations should be videotaped; all statements and all the available evidence should be admitted.

The purpose of law enforcement is not to avoid confessions, or to exclude evidence. It is to collect evidence. Confessions obtained by legitimate means are helpful. If the means used are coercive the users should be punished. But the evidence they have obtained should be made available to the court, which should be regarded as capable of properly evaluating it.

I am confident that in time the courts will get tired of the exclusionary rules they have invented. They will wish to consider all available evidence. Courts have recently started to limit the exclusionary rules, which, up to now, have been vastly expanded. In Calandra some excludable evidence was admitted in pretrial proceedings. More recently the Supreme Court has ordered the admission of evidence collected through a faulty warrant obtained and used in good faith. (I should have allowed use of this evidence even if obtained in bad faith, and in violation of the law, although, in this case, I should have appropriately punished officers who deliberately violated the law.)
HOW TO SURVIVE... YOUR FIRST YEAR AT LAW SCHOOL

By Paul G. Calamari

First year law school will present an entirely unique educational experience. In all likelihood this is not news to you. You've undoubtedly heard numerous first year law school stories. But don't believe everything you hear. Begin your legal career with an open mind, ready to accept the challenges you will face in the upcoming year and dispel any fears or misconceptions you may have formed. First year law school isn't as horrible as it is usually portrayed. Everyone is in the same boat, so to speak. When and if you begin to doubt yourself or your abilities keep reminding yourself that the very fact that you have been accepted in a highly ranked law school means that you are capable of handling whatever they throw at you.

Naturally, a certain amount of fear is normal at this point, as with any new experience, but try to transform such fear into positive adrenaline rather than negative and hindering self-pity or paranoia. Don't be afraid to introduce yourself to your professors, most of whom are fairly friendly. More importantly, make friends with second and third year students who can be an invaluable source of information and confidence. Remember, however, to take any advice offered to you, including this article, with a grain of salt, and if you are uncertain follow your own instincts.

As this article will emphasize, there are no patented or sure fire methods to succeed in law school (especially first year) and everyone will work long, hard hours, but rest assured that as much as possible, you'll do fine. First year law school is a personal challenge and this may cause you a great deal of discomfort. However, as with any new experience, you will learn and grow. By the end of first year law school, you will have accumulated 300 to 500 pages of notes for each substantive law course. At times, the notetaking pace in class becomes furious and you may, at times, lose the gist of what's going on. If this occurs, either ask the professor to slow down or fill the gaps in your notes after class with a copy of someone who followed the class. Don't panic or go into a frenzy if you blank out momentarily or lose your train of thought. This happens to everybody once in a while.

It is important to develop your own, notetaking method as soon as possible. For instance some students prefer to take their notes in-class and re-copy them later on into a final version while other students take their final notes in class and may even use different colors. Decide what the best method is for you and stick to it.

(Continued on page J 5)

For the sake of clarity and simplicity, I have subdivided the first year into three broad categories which will serve as our format -- (1) IN THE CLASSROOM; (2) OUTSIDE THE CLASSROOM; and (3) THE EXAMINATIONS.

(1) IN THE CLASSROOM

(a) The Socratic Method

Definition - "SOCRATIC METHOD": The dialectical method of teaching or discussion used by the Greek philosopher and teacher Socrates (470? - 399 B.C.) involving the asking of neatly answered questions that inevitably lead the answerer to a logical conclusion foreseen by the questioner. (Webster's New World Dictionary, Second College Edition 1982).

The Socratic Method is, and has always been, the predominant manner of teaching law students and is used most extensively (at least at Fordham) in first year. On the whole, second and third year classes are more lecture oriented.

Proponents of the Socratic Method generally defend their positions by contending that this tutorial process prepares the law student for the challenges he will encounter in the legal world. That is, it prepares the student to "think on his feet" and demonstrates in the most effective way that bold conclusions will not be accepted by judges, clients or especially adversaries when their assertions are not sufficiently supported by reason and logic. The majority of first year students tend to disfavor the extensive use of the Socratic Method initially. This is certainly a justifiable position in that the use of the Socratic Method poses a constant threat of being victimized. However, at Fordham it is a rare occurrence that a professor intentionally humiliates a student, whether or not he or she is prepared. However, beware of trying to "wing it." Professors (and your classmates) will inevitably detect if you are unprepared and are "winging it" and this may cause you a great deal more embarrassment than if you simply admitted your lack of preparedness at the outset.

In retrospect, most upperclassmen will admit that the Socratic Method played a major role in developing their analytical abilities.

Opponents of the Socratic Method, those who favor the straight lecture method, apparently feel that it is of more importance to learn the substantive law rather than learning to "think like a lawyer". The "lecturers" further contend that their method also teaches the student the essential analytical tools and skills of the lawyering trade.

The proper mode of teaching law students has been the subject of widespread and ever-increasing debate for many years, and any further discussion of this topic would be beyond the scope of this article.
GRADUATE PROGRAMS IN LAW

By Professor Mary C. Daly

Graduate school? Most of the time when I raise this topic with Fordham law students they respond ranges from polite stares to looks of dumbfoundement. One or two have been known to blurt out "Are you crazy?"

No, I'm not crazy. Graduate work in law is no longer the exclusive province of law professors. There are many good reasons why students who intend to practice should weigh this option carefully. First of all, graduate study can be a significant factor in career advancement. The day of the successful general practitioner is rapidly coming to an end. Even in small firms with fewer than ten lawyers, the attorneys will often informally specialize in a particular area of the law. One person may concentrate in trust and estates work, another in real estate transactions, and another in tax matters. The advantage of graduate work is that within a relatively short period of time it provides the student with significant expertise, often in a complex area of the law. By the end of nine months, you have absorbed what otherwise might take years. Moreover, since many of the courses are taught by successful practitioners, you are exposed to "real world" issues and problems, rather than pure legal theory.

A related feature of this career enhancement is that a graduate degree may open doors otherwise closed to you. If your grades at Fordham were not the very best, a graduate degree may give you the extra credential so necessary for your resume. Incidentally, because you are graduating from one of the top law schools in the country, graduate schools will give less weight to your class standing of the courses are taught by successful practitioners. The advantage of graduate work is that they call as well for skilled economic analysis and real estate transactions to cure some of our urban woes. Specialization in this area would be valued by banking and investment institutions as well as federal, state and municipal governments.

As deregulation continues on the federal level, banking and financial institutions are more and more engaged in sophisticated financial planning and real estate transactions. For example, a student at Fordham will find it easier to get into many graduate schools than an "A-" student at a law school lacking Fordham's standing in the legal community.

A second reason to consider graduate school is the increased possibility of placement. You may want to practice law in a part of the country where Fordham students are still an unknown quantity. A degree from a local law school which has strong ties to the area's legal community may give you an added boost in the job market. Similarly, if you are thinking about moving to another part of the country, graduate school gives you a chance to experience a different community's life style without requiring a firm commitment. (No pun intended)

A final reason--and the best in my view--is simply love of the law. I never cease to be amazed at the body of case law, statutes and regulations which man has invented to govern his relationships with his fellow human beings. Whether it is called intellectual curiosity or academic voyeurism is of no import, studying unfamiliar areas of domestic law and other legal systems causes the brain to percolate with fresh new thoughts and ideas, enabling you to serve your clients better and more creatively.

Generally speaking, there are two graduate degrees beyond the "J.D." The first and most common is the "L.L.M." (Master of Laws); the majority of L.L.M. programs require a student to complete successfully 30 credits of course work. Not all schools require a full-time commitment. Many will accept part-time students. The number of credit hours will vary from school to school and is frequently a function of a thesis requirement. I.e., you may substitute one article of law review quality for a certain number of credits. Beyond the L.L.M. is the "J.S.D." (Doctor of Judicial Science). Since very few practicing lawyers pursue this degree, I will not discuss it in this article.

The most common L.L.M. programs are those offered in tax. New York University's graduate tax program is probably the best in the country. Other schools offering similar programs include John Marshall Law School (Illinois), Emory University School of Law (Georgia) and University of Denver School of Law (Colorado).

L.L.M. programs are not confined to tax, however, and programs exist in almost all fields. Planning to practice update or in the farm belt of the Midwest? If you are, then the graduate program in agriculture law offered by the University of Arkansas may give you the kind of expertise that other practitioners in that part of the country lack. Among the courses offered are agriculture taxation, estate planning for farmers and ranchers, and environmental and natural resource problems in agriculture. If the bucolic countryside plays no part in your future plans and your interest is in revitalizing the decaying cities, consider the Master of Laws in Urban Affairs offered by the University of Missouri-Kansas City. This is not a "poverty law" program. It emphasizes sophisticated financial planning and real estate transactions. It offers teaching fellowships and graduate assistantships to cover their expenses.

The descriptions given above only touch the tip of the iceberg. Many schools offer L.L.M. programs in criminal law, public administration, admiralty, labor laws and library science. If you are at all curious about the possibility of graduate work, please stop by my office (Room 228 on the second floor faculty corridor). You may also want to take a look at the Graduate Law Study Programs: 1981-1982 which is on reserve in the library. It has a comprehensive description of graduate law schools in the United States, Europe and Asia. I am also in the process of collecting catalogs and applications from every law school in the country that offers a graduate program. Eventually the Placement Office will keep them for your review.

Learn why PMBR is the Multistate Testing Specialist!

This year more than 5,000 graduating law students will choose PMBR to prepare them for their Multistate Bar Examination.

Shouldn't you learn why?

OFFERING SEMINARS IN:

Alabama  Arizona  Arkansas  California  Colorado  Connecticut

Georgia  Hawaii  Idaho  Illinois  Indiana  Iowa  Kansas 

Maryland  Massachusetts  Michigan  Minnesota  Mississippi

Missouri  Montana  Nebraska  Nevada  New Hampshire

New Jersey  New Mexico  New York  North Carolina  North Dakota

Ohio  Oklahoma  Oregon  Pennsylvania  Rhode Island

South Carolina  South Dakota  Tennessee  Texas

Utah  Vermont  Virginia  Washington  West Virginia

Wisconsin  Wyoming

PMBR MULTISTATE SPECIALIST

0800-222-7627

GRADUATE PROGRAMS IN LAW
A SUMMER AT COOPERS & LYBRAND

By Mark S. Kosak

In addition to the exposure obtained from individual work assignments, the firm provided extensive technical training sessions in the form of informal breakfast and luncheon meetings, where state of the art tax issues and their implications were discussed. To supplement the various meetings which were offered, the latest tax literature was distributed on a daily basis, including a detailed explanation of the recently passed 1984 Deficit Reduction Act. Coopers & Lybrand is presently the largest international accounting firm in the world with more than 350 offices located in 91 countries, including 90 in the United States alone. The worldwide team of partners and staff is almost 30,000, while international billing is approximately $1 billion. The New York Tax Department is basically organized along functional lines with 9 major specialty groups, including Valuation & Depreciation, State & Local, Estate & Financial Planning, International Consulting Services, Special Tax Services, Executive Tax Services, Insurance Tax Services, Generalists, and Corporate Tax Services. The office atmosphere is informal, and conducive to unhindered discussion with one's peers as well as managers and partners. Tax associates are treated as professionals and are able to exercise their creativity in researching and making presentations to their superiors or to clients directly. Fellow professionals are willing to assist you in carrying out your assignments.

In its attempt to permit complete exposure the firm conducted a day long tour of the National Tax Office located in Washington, D.C. This office is exclusively responsible for monitoring legislative developments originating on the Hill or in Tax Court which could have an impact upon the various clients that the firm serves. To accommodate the national dimension of the firm, all information generated in the National Tax Office is transcribed into technical memoranda and publications which are circulated to all the practice offices throughout the country. This permits professionals to service their clients with the most current tax resources. The Tax Library is also quite extensive, and offers a variety of research alternatives. In addition to the traditional research services such as CCH, Prentice Hall, BNA and Federal & State Reporters, there is an array of treatises, trade publications as well as LEXIS. Finally, there is a reciprocal arrangement with various law firms and universities to obtain materials which are not available in-house. There are no formal prerequisites to enter the Summer Internship Program. An accounting degree is preferable, but is not required. As a practical matter, however, some tax courses should be taken prior to entry into the program.

As an associate in both the Insurance and Generalist Group, I personally derived a great deal of technical and substantive experience and acquired skills in tax research. IRS administrative matters, compliance and legislative analysis. For these reasons I would strongly recommend the program to anyone interested in pursuing a career in tax. As a closing note, Coopers & Lybrand will be interviewing at Fordham on September 19, 1984 for both the Summer Internship Program and for Full Time employment. In the interim, if there are any additional questions, all correspondence should be directed to Donna Caufield, Tax Personnel, at (212) 536-2341.

Working in a Small-Medium Sized Firm

By Steve Kalebic

More often than not, the one factor which arises when discussing a summer experience in a small firm is "personality." The personality of a smaller firm usually centers on the key partners, their attitudes toward practice, and the type of work they bring in. Whether or not a student will enjoy his summer experience at the firm will often depend on his ability to jibe with these above factors. When this "Mix" is right I honestly believe that the experience gained from spending a summer at a small firm can't be beat.

Consider the advantages:

1) The smaller a firm is the more likely you will come into daily personal contact with the partners and associates. From personal experience, these people will prove invaluable as sources of career advice. Also, should you decide you would like to practice elsewhere, you are provided an instant reference base for future "networking."

2) The duties and responsibilities afforded a summer student will often be greater because of the size of the firm. Especially for a firm which concentrates in one or two specific areas of the law, this increased responsibility will lead to a greater understanding in the specific area and a better informed career choice. It is also likely that you will have a greater chance to come into contact with clients and develop a better understanding of the "business" nature of a law practice.

3) Close personal contact with the other attorneys is also likely to lead to honest feedback or the work you are doing and constructive suggestions for any areas that need improvement. These suggestions will often be easier to take in an atmosphere where the factor of competitively vying against a number of other summer students for a permanent offer has been removed.

A smaller practice will also have its disadvantages. Often the clients and the matters presented to you will not be as diverse as one would like. Subsequently, the chance to gain experience in a different aspect of the law will not be provided. Also, because of the nature of the practice and clients, you may not be provided with as much time as you would like to devote to gaining a more total understanding of a specific area. Last but not least, the perks in working conditions provided summer associates of larger firms will often not be afforded at a smaller firm.

Overall, I would repeat again, I honestly believe that when the personality mix is right and you find yourself working for a firm that practices in an area you are interested in, the chances for an educationally rewarding and personally enjoyable summer experience are excellent. A final piece of advice: many smaller firms do not conduct on campus interviewing; therefore, it is imperative that you get an early jump on what often proves to be a very time consuming endeavor. Remember, a little determination and persistence goes a long way. Good luck!
TEXACO INTERNSHIP

By David Heires

My objective for the summer between my second and third years of law school was to work for either a major law firm or corporation in the New York area. Hopefully, I could receive valuable experience in legal research and writing, and thus combine my law school education with practical experience. Working with Texaco, Inc. this summer enabled me to fulfill these objectives.

Texaco's Legal Department is an internationally based company itself. I was placed in the litigation section, and worked out of the corporate headquarters in Harrison, New York.

My experience allowed me to gain an insider's view of the scope of legal problems which confront a major oil company. My work traversed a broad range of legal subjects, including anti-trust, patent and contract law, and civil procedure.

Working at a corporation also enabled me to view the constant interplay between legal and business questions. One project, which involved the purchase of foreign crude oil, brought many of the principles of first year contract law right to mind. I had to analyze an offer, counter-offer, and acceptance from both legal and business standpoints. Furthermore, to fully understand all the problems involved, I had to consult with persons throughout the company with regard to technical and scientific questions inherent in the business transaction.

In another instance, I worked on an antitrust action wherein a wholesaler was alleging that certain retailers were purchasing gasoline at a lower price than was available to himself, in violation of the Robinson Patman Act. By working on various pleadings and depositions, I was exposed to information regarding Texaco's gasoline distribution system and the roles played by both distributors and retailers within it.

Through our PLC Law Program 1st and 2nd year students can gain a commission and promotion while still in law school.

Employment upon graduation is guaranteed with salaries of $20,500 to $25,500 to start. If you would like more details call:

CAPTAIN BRIAN L. MCMILLAN at (212) 620-6777/6778

Although I personally did little work on the Texaco-Getty merger, its legal ramifications were a concern of the litigation department all summer. I was given a close-up view of Texaco lawyers working the concerns of the businessmen into the negotiations with the Federal Trade Commission.

It was heartening to learn that the interests of the lawyers ranged beyond the parameters of the law. They create a friendly atmosphere through tennis playing, jogging, swimming, and windsurfing together. The Legal Department has a team in two softball leagues, and I enjoyed helping one of the teams to an undefeated season.

My time at Texaco was enjoyable and beneficial on a personal and professional basis, and gave me a more lucid picture of corporate legal practice.
A good number of Fordham students have spent this summer learning about the inner workings of the American court system by assisting various judges, justices and magistrates of the federal and state courts in the New York City area. They learned where Central Street, Foley Square and Kings County are located, how to get a reluctant librarian to help you and at what intervals the slowest elevator on the world stops on your floor. I am one of those students - I clerked for a federal magistrate in the Southern District Courthouse.

The experience was a positive and rewarding one. First of all, I learned about how the court system works. For example, the term "Civil Procedure" took on a new meaning for me. Instead of conjuring up an image of a first year law school course where three-quarters of one's time is spent in a deep fog, it now brings me and at what intervals the slowest elevator stops on your floor. I am one of those students - I clerked for a federal magistrate in the Southern District Courthouse.

The reason working in the courts and chambers is rewarding is that one has the opportunity to work with fine lawyers who have the luxury of being able to make legal decisions without concerning themselves of a client's pleasure or displeasure. One is encouraged to think deeply about the law, the equities and the facts before formulating an opinion on what is to be done. The judges, magistrates and clerks work together with the student clerks so that one will be led to the "right" forest in case one has barked up the wrong tree. Often the "judges" will provide a different perspective on a problem, an inspiring word, a criticism and even a case name or two so that one is able to refine one's skills and to turn out a piece of work of which one is proud of. If one is really lucky, he may even suggest a good place to eat in nearby Chinatown.

Another reason working in the courts and chambers is rewarding is that one has the opportunity to work with fine lawyers who have the luxury of being able to make legal decisions without concerning themselves of a client's pleasure or displeasure. One is encouraged to think deeply about the law, the equities and the facts before formulating an opinion on what is to be done. The judges, magistrates and clerks work together with the student clerks so that one will be led to the "right" forest in case one has barked up the wrong tree. Often the "judges" will provide a different perspective on a problem, an inspiring word, a criticism and even a case name or two so that one is able to refine one's skills and to turn out a piece of work of which one is proud of. If one is really lucky, he may even suggest a good place to eat in nearby Chinatown.

At first it is a little intimidating to be working so closely with a person who sits high up on a bench and decides the fate of cases and people day after day. One becomes tongue-tied, non-sensical or, even worse, silent when spoken to. Eventually, however, one discovers what one has always known - hard work, preparation and thought enables one to discuss things freely and with conviction - even with a judge. Perhaps this is one of the most important lessons that a lawyer-to-be can learn.

As I stated before, a summer spent as a clerk can be a good experience. There may be a few negative points, however. For example, as a student clerk one is not paid for one's labor. Also, one may feel a bit overwhelmed by the responsibility one is given or the demands which are made. However, even these things may not seem so bad in light of the entire experience. It's a matter of perspective. Besides, it's always helpful to learn one's way around a courthouse - in this way one will not ask dumb, stupid and laughable (a professor once told me that descriptive adjectives always come in threes in a lawyer's lexicon) questions when one enters a courthouse as a "real" lawyer.

A large Wall Street law firm has the obvious distinguishing characteristics of having many more lawyers and being well-known. In such a law firm that different from medium and small-sized firms? Should all lawyers aspire to work in large law firms? The answers to these questions depend upon the individual.

A summer associate will certainly have a different experience in a large law firm than in a smaller one. For instance, many large firms jokingly refer to summer associates as "summer partners." In these firms, summer associates are winced, dined and shown the good life. Although ostensibly, these social events are to familiarize non-New Yorkers with the city, the firms appear to compete with one another to provide the best time for summer associates. Social events do not occur with such frequency in smaller firms.

Although dinner and Broadway plays may be appealing, a law student should not base his decision on where to work purely on the number of social events. The work that the law firm does should be a more important consideration. And perhaps this is the major difference between a large firm and a smaller firm. Many clients of a large law firm are large themselves, with in-house counsel. Since the large law firms are expensive to hire, many clients may only employ the law firm for matters that cannot be handled easily by the in-house counsel. Therefore, the work is always challenging and no two transactions are ever identical. Very rarely are large firms used for routine matters. Although many lawyers might find this aspect of a large firm's practice attractive, some might consider it a drawback. Everyone has to make his own decision.

Many summer associates are concerned about the size of a large law firm. The thought of working for a two hundred lawyer firm can be a bit disconcerting. However, one usually works with specific lawyers and thus, one becomes acquainted with a discrete number of people. The lawyers within a department or within a specific group of a large department know each other. But in a firm of two hundred lawyers, there is little likelihood that everyone will be familiar with everyone else.

These are some of the distinguishing characteristics of a large law firm. Obviously, a large firm would not be ideal for every lawyer. Additionally, large firms differ among themselves. Each law student must research law firms and other career opportunities extensively. Only then can one decide whether or not a large law firm is the career path for him.
Meet The Tax Reform Act of 1984

In a word, it’s massive, comprising over a thousand pages of law text involving literally hundreds of provisions. The Tax Reform Act of 1984 is designed to raise some $50 billion in revenue as part of a deficit reduction package of tax increases and spending cuts. The Act is much more than a simple revenue package of tax increases and spending cuts. It’s hard to know where to begin when describing an act over a thousand pages of law text involving more than 600 separate provisions. Here are the highlights as they affect individuals.

- **Capital Gains** - In the case of assets which are eligible for capital gain or loss treatment, and which are purchased after June 22, 1984 and before January 1, 1988, the holding period for long term capital gain or loss treatment is reduced from “more than one year” to “more than six months.” Thus, for assets purchased within the time limit mentioned, any recognized gain or loss eligible for capital gain or loss treatment will qualify for long term treatment only if the asset has been held for more than six months at the time of its sale or other taxable disposition. If the asset has been held for six months or less, the gain or loss will be short term.

- **Net Interest Exclusion** - The Act repeals the 1981 provision that would have excluded net interest income of up to $3,000 ($6,000 on joint returns) beginning in 1985.

- **Income Averaging** - Effective for computa-tion purposes for tax years beginning after 1984, the base year for income averaging is shortened from a 4-year to a 3-year period. This reduces the number of years of income to be averaged from 4 years to 5 years. The averageable income is also increased from 120% to 140% of the average base period income. The new formula results in a tax liability equal to the sum of (a) the tax on 140% or the 3 year average base period income, and (b) 4 times the tax on one-fourth of the averageable income.

- **Estimated Tax** - The new law makes three changes involving estimated tax. First, it eliminates two of the four exceptions for avoiding the penalty after 1984. Estimated tax payments must equal or exceed 80% of the tax shown on the return or 100% of the tax shown on the prior year’s return. Second, the law gives the IRS authority to waive the penalty in unusual circumstances. Finally, estimated tax payments now must have the alternative minimum tax.

- **Earned Income Credit** - The new law provides an increase in the earned income credit for low income families. Beginning after 1984, the base year for the credit is the 5 years from the time the family income was below $4,000 to $10,000 ($5,000 to $10,000 after 1990). This makes the maximum credit $2,552 (up to $500). It phase out income range is from $6,000 to $11,000 ($4,000 to $5,000 below $11,000). The provision is effective for tax years beginning after 1984.

- **Medical Expenses** - Reasonable lodging expenses (excluding meals) incurred while receiving medical care are deductible up to $50 per person per day.

- **Charitable Contributions** - Individual donors must obtain an independent appraisal where the claimed value of donated property exceeds $5,000. The charitable donee must file an information return if, within two years of receipt, the donee property for which an appraisal was required.

- **Alienry** - Allowing payments needing no longer be periodic but must be made in cash; and an instrument of divorce or separation, for income averaging is shortened from a 4 year to a 3 year period. This reduces the number of years to 4 years. The averageable income is also increased from 120% to 140% of the average base period income. The new formula results in a tax liability equal to the sum of (a) the tax on 140% or the 3 year average base period income, and (b) 4 times the tax on one-fourth of the averageable income.

### Compliance Requirements

Under present law, adequate records are required to be kept to substantiate deductions claimed on tax returns for travel expenses and property used both for business and personal purposes. The new Act requires substantiation of similar items by adequate contemporaneous records. In addition, a tax return with substantiation must be made to the extent a deduction is claimed. The Act also requires that returns be made to secure that the deductions and credits exist.

### Property Settlements

The Act provides that property transferred between spouses, incident to a divorce or during the marriage, will be treated in the same manner as a gift. Thus, no capital gain or loss will be recognized on the transaction, and the transferor's cost basis in the property will carry over to the transferee.

### Alimony

Presently, under the new Act, alimony is deductible by the payee spouse and taxable in the hands of the payor spouse. However, payments must be made in cash for at least six years and terminate upon the payee spouse's death. Such payments cannot be made between cohabiting spouses or spouses filing a joint return.

### Divorce Decrees and Separation Agreements

Divorce decrees and separation agreements should delineate specifically that the payments be made in cash, terminate upon the death of the payee spouse, not exceed $10,000 per year (unless they will be made for at least six years) and not be contingent upon the status of a child. The parties should also maintain separate households.

### Child Exemption for Divorced Parents

One of the major controversies between the Internal Revenue Service and divorced parents is over which parent is entitled to the $1,000 dependency exemption. The new Act allocates the exemption to the custodial parent unless he or she agrees in writing to forgo the exemption. Under the Act, however, a claim for medical expenses actually paid for the child, subject to the 5% limitation.

### Contributions to IRA Accounts

The Act requires that all contributions to an IRA be made by the due date of the return, not including extensions. Previously, contributions could be made up to the expiration of the extension period. To avoid penalties for underpayment of taxes, individuals should ensure payment, through withholding and estimated payments, equal to the lesser of 80% of the tax on the return or 100% of last year's tax. In addition, regulations must be made to secure that the alternative minimum tax has been provided for. Note that the Internal Revenue Service is authorized to waive penalties for underpayment of estimated taxes in the event of a casualty, disaster or other unusual circumstances.

### SUMMARY OF MAJOR PROVISIONS

- **Capital Gains Holding Period Reduced from One Year to Six Months.**
- **Net Interest Exclusion of $3,000 ($6,000 on Joint Returns)** is retained.
- **Base Period for Income Averaging Reduced from Four to Three Years.**
- **Two Exemptions Eliminated from Estimated Tax Computation Formula.**
- **Earned Income Credit Increased.**
- ** Lodging Expenses Incurred in Connection with Receipt of Medical Treatment Now May Be Taken.**
- **Charitable Contributions of Property Now Need Independent Appraisal.**
- **"Periodic" Requirement Dropped with Respect to Alimony Payments.**
- **Business/Personal Distinction Now Drawn on Use of Autos and Computers...For Deduction Purposes.**
- **Compliance Requirements More Stringent.**
- **Property Settlements to Receive Gift Treatment.**
- **Child Exemption Now to be Allocated.**
- **IRA Contributions to Be Made by Due Date of Return.**
- **Contributions to Tax-Exempt Nonoperating Foundations Increased from 25% to 30% of One's AGI.**
- **Potential Imputed Interest on Below-Market Loans.**
- **Any Fringe Benefit Not Specifically Excludable Now to be Included in One's Gross Income.**

Withholding and Estimated Tax Payments

Presently, a taxpayer is required to pay a specific minimum percentage of tax through either withholding and/or estimated tax payments during the current year to avoid penalties. Under the new Act, individuals are required to make estimated tax payments equal to the lesser of 80% of the tax shown on the return, or 100% of last year's tax. The Act also requires estimated payments of the alternative minimum tax.

### Charitable Contributions

The Act increases the limitation on contributions made to tax-exempt private non-operating foundations from 20% to 30% of adjusted gross income. Any excess contributions, post-1984, can now be carried forward for five years, previously, no carry forward was allowed. In addition, donations other than publicly traded securities are required to be appraised by a competent unrelated appraiser and an appraisal summary must be attached to the return if the claimed deduction exceeds $5,000 per donee ($10,000 for nonpublicly traded stock).

### Below-Market and Interest-Free Loans

The Act categorizes low interest and interest-free loans into two separate transactions. The lender will be treated as transferring the loan and the borrower as receiving the loan. The Act also includes provisions that allow interest on below-market and interest-free loans to be included in the employer's gross income.

### Fringe Benefits

The Act resolves uncertainties previously encountered with respect to fringe benefits. Any fringe benefits not specifically excluded by statute will be taxable to the employee as gross income.
The New York City Opera: Cav and Pag

By Eileen Pollock

Fordham students are uniquely fortunate in that we attend the only law school in the country located right next door to Lincoln Center, where at least 60% of New York City's classical music offerings can be found - and the best 60% at that. (I include in classical music both opera and ballet.) After a late class ending at 7:45 pm, you can, on impulse, run just across the street to the New York State Theater next door and get tickets to the opera or ballet. Tickets can usually be had at the last minute. In fact, on two separate occasions, I was standing on line at the ticket window when subscribers came up and offered their tickets to me, free!

The New York City Opera's season is in progress now, and they put on an excellent show that's well worth the moderate ticket prices. Seats range from $5.50 in the 4th ring rafters to $35 for the best seat in the house in the first ring. The City Opera's repertoire ranges from Gilbert and Sullivan's operas, The Mikado, to the avant garde, such as Philip Glass's innovative Akhnaten. In between, the City Opera is performing this season such memorable 19th century classics as La Traviata, Rigoletto, and Madama Butterfly, plus many interesting operas you may never have heard, or even heard of, like The Rake's Progress by Stravinsky, Boito's Mefistofele, and Lakmé by Delibes (who also wrote the music for the ballet Coppelia). Plus, they are reviving Sweeney Todd by Stephen Sondheim, which, when it was on Broadway several years ago, was considered very close stylistically to opera.

The artistic level of the City Opera is very high, although you don't get the well known stars that appear at the Metropolitan Opera, and the productions are a little less elaborate. But the City Opera has many very talented young singers, some of whom are the equals of any at the Met, such as bass-baritone Samuel Ramey, a first rank singing actor. Beverly Sills herself did not sing at the Met until toward the end of her career.

Opera is only one of the opportunities Lincoln Center has to offer the committed music lover. After the opera season ends at the State Theater in November, the New York City Ballet, considered the premier dance company in the country, has its winter season. I urge you not to miss seeing at least one performance of this spectacular company.

In addition to opera and ballet, the New York Philharmonic plays at Avery Fisher Hall across the fountain from the State Theater (where Fordham's graduation is also held); there are soloists and chamber groups at the smaller Alice Tully Hall beyond Avery Fisher; and there is a complete performing arts library tucked behind the Metropolitan Opera, where you can borrow records as well as books, and which often has exhibits of costumes and other theater memorabilia from opera, ballet, and musical comedy.

Naturally, the first year of law school is crucial academically. But it's important not to lose perspective and become a thinking machine. For a quick dose of humanity, there's no better way than to enjoy great music, and get in touch with some of the beauty the world has to offer. And it's especially easy to get a quick fix, when it's all right next door!

It has been said that opera is the ultimate theatrical experience, combining high drama with beautiful music singing. I was reminded again of that truism while watching the double bill of Cavalleria rusticana and Pagliacci at the City Opera on a recent Sunday. These operas are a natural double bill: both concern lovers who are informed on by a spurned third party. Both operas are filled with drama and theatrical fireworks.

Cavalleria rusticana, the first opera, has several beautiful arias, and I especially love the uplifting prayer sung by Santuzza and echoed by the chorus, which, in its music, reflects her anguish at her lover's betrayal. But as a whole, this opera appeared to be almost a parody of Italian opera, because the characters were cardboard cut-out, mouting melodramatic sentiments for which no groundwork of character or exposition had been laid. The heroine sings (in the English subtitles), "'T'uriu'd has ruined me. I am dishonored!" This and other moments are redolent of, of all things, the old silent movies, an impression which is heightened by the English subtitles projected above the stage. The subtitles, incidentally, are a wonderful innovation. They make opera in foreign languages accessible to all. And when the libretto is excellent both the original and the translation - the use of subtitles enhances immeasurably the opera-going experience. For once, opera is fully understandable. In addition, it makes opera available to the deaf. Surely this will gain the opera many new admirers, opening the opera tradition to a whole new audience.

In the second opera, Pagliacci, the use of subtitles and enormously to one's understanding and enjoyment of the plot. In Pagliacci, Canio and Nedda are performers in a small traveling circus. Nedda falls in love with Silvio, and plans to leave her older husband, Canio, for Silvio. Another actor in the troupe, Tonio, declares his love for Nedda, but she mockingly rejects him. Tonio then informs Canio that his wife has a lover; whom Nedda refuses to name. The denouement of the opera is played out during a performance, about, appropriately enough, a faithful wife and her jealous husband. But the on stage farce quickly turns into the offstage drama, as Canio again accuses Nedda, and finally, in a jealous rage, stabs both her and her lover, Silvio. Defeated, Canio speaks the famous final words of the opera - "La commedia è finita" - the comedy is over - and he holds Nedda, futilely repeating her name, as the curtain falls.

The dramatic success of Pagliacci is due not only to its beautiful music and realistic libretto, but to its fine principals, Harry Teyard and Catherine Lamy as Canio and Nedda, respectively. They seem fully believable as people, neither all good nor all evil. Nedda at one point sings of her restlessness, her longing and yearning, and of how she watches the birds and envies their freedom. She is married to an older man, who has rescued her from poverty. Her turning to Silvio is totally understandable within the parameters of her character. And Canio's anguish at her betrayal is beautifully realized, in music, words, and performance. His famous aria, "Vesti la giubba", is filled with genuine pathos. He may be a clown, he sings, but he suffers as any man. If Nedda doesn't love him, he asks, can't she have any kindness toward him? Watching this opera, one can see why the role of Canio has become the touchstone of great tenors since Enrico Caruso, with whom it is so closely identified.

Cavalleria rusticana and Pagliacci will be performed several times in the coming weeks, with a different cast. For ticket information, call the New York State Theater box office at 870-5570. Tickets appear to be available for most City Opera performances.
In The Jesuit Tradition

In The Beginning....

Rev. Edward G. Zogby, S.J.

Nothing heralds the end of summer more than writing a welcome for an incoming class. And, of course, just as immediately as we have that shocking awareness we must dismiss it and turn to the welcoming which is much more appropriate to the occasion and to the human moment. Indeed, together with Rabbi Arnie Belzer and Rev. Dr. Byron Shafer, my fellow chaplains at the Law School, I want this to be a hearty welcome to all the new members of the Fordham Law School community, who come in the midst of the shambles of construction with its remaining delays and not-yet-fulfilled promises - like a cafeteria and student lounge. But such incompletions need not alter our confidence or dampen our spirits. Buildings are either rising or falling, as T.S. Eliot reminded us in The Four Quartets; what is the constant, however, is the truth of our relatedness. And what is true is true not of passing time but of the human heart.

Despite the fact of legal academics and the demands of getting the habit of mind which a lawyer must chisel out of granite, what grows and prevails is the learning we call relationships, our relationships with one another at the Law School - students, faculty, administration, and staff - a new friendship and a new beginning. So this welcome celebrates an end to summer and to college careers, and an invitation to begin the final academic round before a new life can begin; an awesome end to create an awesome beginning.

As this year gets underway, we will all be experiencing a whole new beginning for Fordham Law School. In a short time, the anxiety over construction delays will be a matter of history and events will begin to happen in the new sections of the building. As the year unfolds, the building itself will shift expectations and new possibilities will begin to emerge. We will discover that Fordham is a new place even though it has a longstanding tradition.

For the moment let the building stand as a symbol of what will be happening to each of you. Anxiety over studies and exams will fade away into new realizations and new self-definitions. For some people, the emergence of what is new will seem excruciatingly low-key; but even coral grows and pearls from the heart of the oyster. The growth takes place best when you are not looking directly at it or for it. There is finally a mastery, an unfolding, an unfurling, or a gathering - like oil after it has been stirred. The very mastery of law puts you into a new relation to others and to society. New possibilities of service and achievement emerge. As Eliot said, "in my end is my beginning."

Karl Rahner, the recently deceased Austrian Jesuit theologian, once wrote: "A beginning is not empty nothingness, something inconsiderable, hollow indeterminacy, what is inferior and general. That is the sort of way people think today, and regard everything lofty and perfect (if they are still capable of conceiving and loving such things) as a complicated amalgam of the least precious, uniformly unremarkable, basic elements. But the true beginning of what comes to high perfection is not empty vacuity. It is the closed bud, the rich ground of a process of becoming, which possesses what it can give rise to. It is not the first and smallest portion at the beginning of a process of becoming, but the whole of the history which is beginning, in its radical ground."

Finally, I wish to say that the chaplains are going to be available for conversation and pastoral counseling along the way. Hours will be posted and a chaplain's office will be designated. There is a regular Folk Mass for the Law School on Wednesdays at 12:30 in the Lowenstein Chapel (221) during each academic semester. All are most welcome to participate.
Letter To The Editor

Dear Sir:

I notice that "The Advocate's" expressed goals are "to enlighten and inform the Fordham Law School Community of news and activities concerning the school." In addition, a number of pages are headed "P.L.S. News in Review." How does one Robert Altman's view that a Vice Presidential candidate should be chosen by sex and personality qualify as news? Also, such an opinion is not worthy of a law student; it is much more appropriate for a liberal politician, who doesn't let reason stand in his way in a quest for votes.

If Mr. Altman's opinion represents a majority of any organization or the country, God protect us from democrats and liberals of any party. Very truly yours,

Lawrence F. Codraro, '90

Editor's Note: Mr. Codraro's letter was written in response to Robert Altman's two articles, "Ferraro at Fordham" and "One Vote for a Woman VP," which appeared in the April, 1984 issue of The Advocate.

IN THE MAINSTREAM

It is accurate to say that Geraldine Ferraro is a "liberal," but not "far left" or a "radical feminist." She has been an avid supporter of many women's causes, no doubt; in fact, she is one of the authors of the Economic Equity Act, a bipartisan effort to address women's special economic concerns as wives, widows, workers and mothers, part of which has been passed at this writing. But Mrs. Ferraro has been credited (or accused, depending on your view) of describing her political persuasion as left of center.

Over the past few months a lot has been written about the significance of Geraldine Ferraro's (Law '76) being on the Mondale ticket. Much has been made about how Mondale chose Ferraro to placate various interests, or how Mondale was going to lose the South because of Ferraro, or how "the choice" will effect the national vote. Unfortunately, the analyses have sometimes missed the point. Here are some extra thoughts.

Mondale's choice of Ferraro was probably not made to placate women's groups. Ferraro was the best choice from what Mondale had to choose. Senators Lloyd Bentsen and Dale Bumpers did not really want the job. Governor Cuomo said no. Other candidates were not well versed in national issues. That left Ferraro - a woman who happened to want the position desperately. Appenaused had nothing to do with the choice. Picking the best running mate from a limited number of candidates did. Will the Democrats lose the South because of the Ferraro choice? No! Southerners do vote for women. Witness Governor Martha Layne Collins of Kentucky and Senator Paula Hawkins of Florida. America underestimates Southerners by believing they will not vote for Mondale because he chose a woman. Southerners if they reject Mondale will do so because they disagree with his politics, not his running mate's gender.

President Carter chose Carter because he chose a woman. Mondale, Kennedy and McGovern were not made to placate women's groups. Ferraro to placate various interests, or how Mondale was going to lose the South because of Ferraro, or how "the choice" will effect the national vote. Unfortunately, the analyses have sometimes missed the point. Here are some extra thoughts.

Mondale's choice of Ferraro was probably not made to placate women's groups. Ferraro was the best choice from what Mondale had to choose. Senators Lloyd Bentsen and Dale Bumpers did not really want the job. Governor Cuomo said no. Other candidates were not well versed in national issues. That left Ferraro - a woman who happened to want the position desperately. Appenaused had nothing to do with the choice. Picking the best running mate from a limited number of candidates did. Will the Democrats lose the South because of the Ferraro choice? No! Southerners do vote for women. Witness Governor Martha Layne Collins of Kentucky and Senator Paula Hawkins of Florida. America underestimates Southerners by believing they will not vote for Mondale because he chose a woman. Southerners if they reject Mondale will do so because they disagree with his politics, not his running mate's gender.

While much has been written about the Ferraro choice, not much has been written on whether a woman in office will make a difference. This is probably a positive sign. To say that a woman in office is much different from a man is to presume that women's policies are intrinsically different from men's. Their politics are not different. Women have been just as effective as men in government whether as heads of state or as lower officials. They have been just as despotic (Indira Gandhi), hardline (Margaret Thatcher), compassionate (Gelda Meir) and boss-like (Elia Grassi) as the varie-
ty of their male counterparts. Analyzing differ-
ces between women and male politicians is probably not a good idea, because when one comes down to analyzing the basic fact that politicians are politicians. Gender does not change the breed of person the politician is, whether he/she is a man or a woman. The perception of a female politician may be differ-
tent in her first year in office. However, once the novelty wears off, citizens find themselves with a female leader very much like their male leaders, for better or worse.

COMMENTARY

The Ferraro Factor

By Robert Altman

By David Heites

leaders in situations where feminist concerns have been relegated to secondary status vis­

vis general party goals.

Mrs. Ferraro's voting record is generally liberal, but one must be careful in making the choice of words to describe her political persuasion. Her ADA ratings of 72, 85 and 75 from 1980-82 are lower than those that have generally been given to such Democratic stalwarts as Mondale, Kennedy and McGovern. She opposed many of President Reagan's budget cuts as unfair to the needy; despite her Roman Catholic faith, she favors the right to choose in matters of abortion and is a strong advocate of the ERA. While she opposes deployment of the MX missile, she supported its development under President Carter. Moreover, she opposes mandatory school busing, and favors tuition tax credits for parochial schools and a return to the draft.

Some have stated that Mrs. Ferraro is not particularly experienced in matters of foreign policy, and she has acknowledged this point somewhat. Recently, however, she has been taking a greater interest in this area. Last year, she traveled to Israel, Lebanon and Cyprus with two other Congresswomen. This past January, she spent nine days on a fact finding trip to El Salvador, Nicaragua, Honduras, and Costa Rica. Since that time, she has become more skeptical than ever of the Reagan administration's efforts to achieve a military solution in Central America.

"LET'S DO..."

1. TAKE A STEP FORWARD AND ATTACK THE FEDERAL DEFICIT...

2. TAKE TWO STEPS BACKWARD WHEN YOUR STATE CONTROLLER REVEALS THAT YOUR STATE DEFICIT IS THE HIGHEST IN THE NATION...

3. TAKE TWO FULL STEPS BACKWARD IF YOU PROJECT A FURTHER 3% DROP IN UNEMPLOYMENT AND A REPUBLICAN VICTORY IN YOUR STATE.

4. CALL UPON THE VIOLENT TO EXAMINE THE RECORD THEN SIDESTEP ANY CHALLENGE TO DEGRADE THE ISSUES.

5. SIDESTEP AND DO A SHUFFLE TURN AS YOU FAIL TO MENTION THE PARTY'S CANDIDATE IN YOUR KEYNOTE ADDRESS AND AS YOU THROW AN UP AND COMING CONGRESS-PERSON TO THE WOLVES.

*OTHERWISE KNOWN AS THE "MARIO CUOMO SHUFFLE"
MRS. FERRARO HAS THE RIGHT CREDENTIALS

The media has referred to Mrs. Ferraro's "lawyerlike" approach to problems, and many of her noteworthy skills reflect her legal background. Indeed, her Fordham degree has been the backbone of her professional life.

During her time at Fordham, Mrs. Ferraro dated John Zaccaro. They were married shortly after she passed the bar examination. For the next fourteen years, she practiced law part time for her husband's business and raised three children. She also became interested in politics through the local Democratic Club.

From 1974-1978, Mrs. Ferraro served as an Assistant Prosecutor in Queens County. Through her experiences with many violent crimes and domestic abuse, she became a liberal social issue advocate. At the same time, she remained an advocate of tough law enforcement. The latter stance helped ingratiate her with the voters of the Queens Ninth District, who did not have a tradition of being particularly receptive to liberals, when she ran for Congress in 1978.

The effect of the enormous pressure of a Presidential campaign on Mrs. Ferraro remains to be seen. Her selection as the first woman on the ticket of a major political party is of itself incalculable historical significance. Whatever their political persuasion, those associated with the law school should be delighted with the fact that one of their own is playing such an important role in the course of events.

HOW TO SURVIVE... YOUR FIRST YEAR AT LAW SCHOOL

(Continued from page 6)

As for summaries, you'll hear enough about the commercial outlines on your own in the near future and again, you must decide if the commercial outlines are sufficient or if you should draft your own outline. Generally, a good commercial outline is helpful, but make sure you concentrate on the material that your professor keyed on in class and not necessarily what the author of the outline emphasized. Usually, if you use your notes in conjunction with a commercial outline this will be sufficient. Of course, the most favorable scenario is if you befriended an upperclassman who can provide you with a recent outline written in relation to your particular course and professor. There will be plenty of outlines floating around at the end of the semesters.

2) OUTSIDE THE CLASSROOM

(a) Study Groups

You may be familiar with the concept of study groups from college. A large percentage of law students utilize this method whereby a group of them meet periodically and on an informal basis to study and/or discuss various topics and generally iron out any difficulties they may have with the material. If the study group system has worked for you in the past, you or that you study more efficiently on your own. Remember, just because the other students are with a recent outline written in relation to your course, the most favorable scenario is

(c) Social Life

If you came into first year unsociable, you'll undoubtedly complete first year unchanged. However, if you had an active social life before you entered law school, don't give up this practice, at least not entirely. Unquestionably, you will have to make some compromises and weigh your priorities, but if you alienate yourself entirely from the friends you valued prior to law school you may never get them back in the future. It is also extremely important that you do not convey to your non-law student friends that you are on a different level or better than they are because you are going to be a lawyer. Unfortunately, this does occur quite often.

By all means, make time to go out once in a while and forget about law school as much as possible. If you do not have some sort of release from time to time, the pressure and tension will build to an intolerable level to the point at which you think you're losing your mind.

(3) THE EXAMINATIONS

(a) Introduction

Probably, one of the most unusual aspects of law school is that your final grade is based entirely on your performance on the final examination and if a midterm is given this usually does not count for more than 20-25% of your grade. This can be a very frustrating and unfair system, but that's the way it is and it's better to accept it and do your best than complain or make excuses.

As for the format of the typical law school examination, it usually presents you with a fact pattern followed by specific questions or you may simply be asked to ANALYZE. Your task is to determine the relevant legal issues and apply the law to the facts in a coherent and concise essay. Your conclusion is, in most cases (except for multiple choice questions primarily) relatively meaningless insofar as the professor is concerned and whether you come to the right or wrong resolution of the problem will count little toward your grade. The professor will be looking for your ability to argue the pros and cons of the legal issues presented in the facts. Read the instructions carefully, watch your time and don't go off on irrelevant tangents answering a question you are not asked, and for which you will receive no credit.

In first year, you probably won't encounter an open book exam, which usually requires more theoretical and in-depth knowledge of the subject. If you do get an open book examination do not delude yourself that such an exam will be easier, because nothing is further from the truth. Once the exam is over and you walk out of the room, there will be those who insist on talking about the exam. This will inevitably lead to arguments and apprehension and your best bet might be to leave the scene immediately to go home and study for the next exam or simply get drunk.

(b) Midterms

Some professors do not give a midterm exam and if given it will not be more than two hours long and as I already stated, it will not count for more than one quarter of your final grade.

However, keep in mind that the Criminal Law examination, which is taken during the midterm exam period will be your final exam in that Criminal Law is only a one semester course. For this reason, you may consider concentrating the bulk of your study time preparing for this exam. Despite the outcome of your midterms, their result can serve as a gauge for you. That is to say, if you did relatively well that means that your study method is working. On the other hand, if you did not do as well as you had hoped, it might be an indication to you that you might want to review the exam with your professor. He or she may be in a better position to detect your strengths and/or weaknesses and offer you valuable guidance for the future to prepare for the finals.

(c) Finals

Begin studying for the final examinations as soon as possible. Second semester is, in all likelihood, the most difficult period of first year law school because you are reviewing the prior material and trying to stay abreast with the current topics and somewhere in between all that you will write your appellate brief and participate in the mandatory moot court exercises.

Don't panic at this point-you've come too far for that.

Essentially, the finals are expanded midterms, so you will know what to expect. But inasmuch as they are 4-5 hours long, you will severely test your ability to concentrate as well as your endurance. Get plenty of rest before the day of the exam. Bring a thermos and something to munch on during the exam. But inasmuch as they are 4-5 hours long, you will severely test your ability to concentrate as well as your endurance. Get plenty of rest before the day of the exam. Bring a thermos and something to munch on during the exam.

After completing a final exam you'll probably be a bit disoriented and it is not uncommon to have no idea how you fared. This is another agonizing and frustrating fact of law school. Depending on the particular professor, your grades will be posted anytime within two weeks to six weeks. Don't sweat it. If you know your stuff you have nothing to worry about and finding out your grade is a mere formality. Challenge first year, and conquer it.

GOOD LUCK!!!
Last year, more than 4,300 persons studying for the New York Bar Exam took BAR/BRI.

They did so because:

- BAR/BRI offers the maximum scheduling flexibility of any New York course. In Midtown Manhattan, only BAR/BRI has consistently offered two live sessions (morning and evening) during the summer course. Afternoon videotape replays are available. In our larger locations outside Manhattan, we offer videotape instead of audiotape.

- BAR/BRI has a consistently high pass percentage. At most major law schools last year, students taking BAR/BRI passed the New York Bar Exam on the first try with a percentage in the 90s or high 80s.

- BAR/BRI offers written summaries of all the law tested on the New York Bar Exam—both local law and Multistate law. Students learn the substantive law before going to class. Class time is spent focusing on New York Bar Examination problems, on hypotheticals and on the substantive areas most likely to be tested on the exam.

- BAR/BRI has an unparalleled testing program—for both the Multistate and New York local portions. The testing will include hundreds of Multistate and New York local multiple-choice questions, and local New York essays. Included are questions to be done at home and questions done in class under simulated bar exam conditions. Selected Multistate questions will be computer-graded, and selected essays will be individually graded and critiqued by New York attorneys.

- BAR/BRI professors are more than just experts on substantive law. They have accurately forecast many of the questions appearing on past New York and Multistate bar examinations. The faculty is composed of prominent lecturers on New York law, Multistate law and the New York Bar Examination. The 1984 faculty will include:
  - Prof. Richard Conviser, BAR/BRI Staff
  - Prof. David Epstein, U. of Texas Law
  - Prof. Richard Harbus, Touro Law
  - Prof. John Jeffries, U. of Virginia Law
  - Prof. Stanley Johnson, U. of Texas Law
  - Prof. John Mote, BAR/BRI Staff
  - Prof. Alan Resnick, Hofstra Law
  - Prof. Faust Rossi, Cornell Law
  - Prof. Robert Scott, U. of Virginia Law
  - Prof. Michael Spak, BAR/BRI Staff
  - Prof. Geogener Vario, Fordham Law
  - Prof. William Watkins, Albany Law
  - Prof. Charles Whitebread, USC Law
  - Prof. Irving Younger, Practicing Attorney

- BAR/BRI offers a special "Take 2 Bar Exams"™ program. This program allows students to be admitted to the New York Bar and another Multistate Bar.

- BAR/BRI offers a free transfer policy. If a student signs up for New York, does not mark his or her books and elects to take another state bar instead, all monies paid will be transferred to the BAR/BRI course in that state.

- BAR/BRI offers the widest selection of course sites and allows students to freely switch locations. Anticipated course locations for 1984 include:
  - Albany (NY)
  - Manhattan
  - Ann Arbor (NY)
  - Ann Arbor (NY/Ucardoz area)
  - Boston (NY)
  - Boston (NY)
  - Brooklyn (NY)
  - Buffalo (NY)
  - Cambridge (NY)
  - Cambridge (NY)
  - Charleston (NY)
  - Charleston (NY)
  - Chicago (NY)
  - Chicago (NY)
  - Durham (NY)
  - Durham (NY)
  - Fire Island (NY)
  - Fire Island (NY)
  - Hempstead (NY)
  - Hempstead (NY)
  - Ithaca (NY)
  - Ithaca (NY)
  - Manhattan (NY)
  - Manhattan (NY/Midtown)
  - New Haven (NY)
  - New Haven (NY)
  - New York (NY)
  - New York (NY)
  - Philadelphia (NY)
  - Philadelphia (NY)
  - Queens County (NY)
  - Queens County (NY)
  - Rochester (NY)
  - Rochester (NY)
  - Staten Island (NY)
  - Staten Island (NY)
  - Suffolk County (NY)
  - Suffolk County (NY)
  - Syracuse (NY)
  - Syracuse (NY)
  - Washington, D.C. (NY)
  - Washington, D.C. (NY)
  - Westchester County (NY)
  - Westchester County (NY)

401 Seventh Avenue, Suite 62
New York, New York 10001
(212) 594-3896 (516) 542-1020 (914) 684-0807

New York's Number One Bar Review.