10-6-1978

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/84

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.
Five Added to Faculty

by Jack Hughes

A total of five new professors have been added to the faculty at Fordham Law this fall, including two associate professors, two visiting professors, and one adjunct professor in the evening division.

The two new full-time associates are Professors Maria L. Marcus, who will teach Criminal Law, Federal Courts and Advanced Procedure, and Andrew Sims, who will teach Constitutional Law and Remedies.

Marcus, a graduate of Yale Law School, comes to Fordham after having spent two years as an adjunct professor at NYU Law School. She is also a former assistant attorney general for the state of New York, having run that office's litigation bureau. Marcus said that she had been "doing a little bit of teaching and a lot of litigation" in her time with the Attorney General's office and NYU, and that she "simply felt" that she would like to reverse her priorities.

Andrew Sims, Fordham's other new full-time faculty member, comes to the school by way of a clerkship with Chief Judge Charles D. Breitel of the New York Court of Appeals. Continued on Page 4

FLS Lands in Top Ten In Two National Polls

Fordham Law School is the fifth hardest law school in the country to gain admission to, according to a recent survey by the National Law Journal. The report, which appeared in the first regular edition of the new weekly, noted that for the 1978 entering class, only Yale, Harvard, Columbia, and Stanford law schools were more difficult to get into than Fordham.

According to the survey, only 650 students were accepted to Fordham out of a total of 3,961 applicants, resulting in an admission rate of 16.41 percent. Yale headed the list with an 8.75 percent admission rate, followed by Harvard with 10.41 percent, Columbia with 15 percent, and Stanford with 15.86 percent.

Ranking after Fordham on the list were such well-known law schools as the University of Virginia, the University of Chicago, New York University and Cornell University.

Interviewed for the Law Journal article, Dean William Moore was at a loss to explain Fordham's showing in the poll. "I know we have in mind that we can only accept so many students in any given year," Moore was quoted as saying, "but other schools have the same problem. I just can't really understand it." Nonetheless, the Law Journal noted that "the amount of competition for each place in the entering class paralleled the school's usual standing among law schools."

Fordham also rated highly in another survey released recently—the 1978 Salary Survey conducted by Jurs Doctor magazine of its readers. Continued on Page 3

Legal Aid Debut at Fordham

by Jack Hughes

In conjunction with the New York Legal Aid Society, a group of Fordham Law students have formed a new organization, the Fordham Legal Aid Society, to expose students to the practical aspects of a legal services program.

The Legal Aid Society has been operating its Community Law Offices in East Harlem for 10 years, but this is the first chance Fordham students will have to participate in the program.

Located at 106th Street and 3rd Avenue, the members of the group work with economically disadvantaged members of the community to help them resolve their legal problems.

Currently, the organization is staffed by six full-time lawyers and 16 support people, some of whom are social workers and community consultants. In addition, about 50 New York law firms supply and remunerate approxi- mately 400 lawyers who spend part of their time doing work in Harlem.

But the full-time staff and volunteer part-timers are not enough to cover all of the organization's requirements, and law school students who are willing to volunteer their time are needed.

"The need for a larger staff has opened the doors for law students to work with and contribute to the community as well as gain practical experience," said Bruce Gitlin, the second-year Fordham student who initiated the program by contacting the organization.

Gitlin explained that he felt that students should have the opportunity to work with the Legal Aid Society while they are still in school.

"Providing free legal services to people who are unable to pay for lawyers is an inescapable responsibility of the legal profession," said Gitlin. "The Legal Aid Society at Fordham and the

Community Law Offices in East Harlem are now able to fulfill that responsibility."

Last year, approximately 2,000 clients, individuals and community organizations, used the law organization's services in matters ranging from uncontested divorces to criminal defense to complicated housing transactions to saving apartment houses that might have otherwise been lost to abandonment.

Since its beginning, over 1,500 lawyers have participated in the program. One estimate of the value of the organization's private contribution is $1 million.

For students who would like to volunteer—any student may participate—there is an eight hour per week commitment for at least a semester.

Gitlin explained that the student is assigned an attorney and is taught to represent clients in one of a wide range of proceedings including welfare hearings and

housing cases. Once trained, the student becomes the sole representative of the client at the hearings and works with the client until the case is settled.

In addition to the work in East Harlem, the Legal Aid Society at Fordham in conjunction with Professor Harper, who is the faculty liaison with the school's administration, is looking to become a forum for discussion of legal issues and speakers.

Students interested in participating in the program may contact Gitlin, a member of section 2A.

Blue Cross Group Plan Dropped After Mix-up

by Warren Graham

The Student Bar Association has eliminated its Blue Cross Group Coverage Plan following a filing mix-up last year which could have exposed the SBA to liability for uninsured claims.

According to Peter Altieri, SBA treasurer, the problem arose last fall when Blue Cross, without informing the SBA, changed its enrollment policy to require that all enrollment take place during the months of September and October.

Without knowledge of the new requirement, last year's SBA treasurer, Jim DeWint, accepted applications and premiums, twelve of which did not conform to the new Blue Cross Policy.

The situation became public last spring, when one of the twelve students not covered by the plan put in a claim for medical expenses. It was then that the mix-up was discovered.

Subsequently, the SBA, at one of its last meetings of last year and without knowledge of the student's identity, passed a resolution saying that the SBA would reimburse the student if Blue Cross failed to honor the policy.

According to both Altieri and the student involved, Blue Cross later relented and reimbursed the student for the claim. The remaining students who also had coverage after it was pointed out to Blue Cross that the SBA had not been notified of the change in procedures.

The result, according to Altieri, is that the SBA has decided to eliminate the plan, which offered a savings of approximately $35 per year to students, rather than face the risk of extensive liability should the problem arise again.

Fordham students will not be without insurance protection altogether, said Altieri, because the SBA will continue to offer applications for Blue Cross coverage on an individual and family basis. Fordham University's own medical plans are also available, he added, but interested students must sign up for this plan by October 15.
Babitt Cleared In Bankruptcy Case

Federal Bankruptcy Judge and Fordham Law Professor Roy Babitt has been cleared of any misconduct for his handling of the D.H. Overmyer Co. bankruptcy case.

A five-member Bankruptcy Committee, made up of judges from the Southern District, criticized Babitt for using "poor judgement" in approving the appointment of his brother's accounting firm to aid the receiver in the bankruptcy proceeding.

However, the judges, at one point expressing their "high regard" for Babitt, found no merit in charges made by the Daily News that Babitt had acted improperly in appointing attorney Robert Herzog as the receiver in the action and in failing to conduct a hearing on charges of impropriety by Herzog.

The committee found that in both instances Judge Babitt's actions had met with the approval of Daniel Overmyer, head of the bankrupt company, and his attorneys.

As to the appointment of his brother's firm, the committee said simply that "While Referee Babitt acted in good faith, he should have been aware that the appearance of influence was ever present and the situation should have been avoided."

The investigation by the committee was begun after the appearance of a story in the Daily News, displayed prominently on the paper's front page and covered extensively inside the paper, detailing and questioning Babitt's actions in the case.

Babitt said last week that he had no comment on the committee's report. As to the News coverage, Babitt said "All you need to be a reporter is a pencil and paper—anyone will buy your bullshit. I don't think reporters are anywhere near as regulated as doctors, lawyers, dentists and other professionals. They have no pretense to be professionals."

Alumni Plea Nets 176G

by Marshall Donat

The Fordham Law Fund—Campaign '78, the annual fundraising effort run by the Fordham Law Alumni Association, has raised a total of $176,000 for use by the school this year.

According to campaign chairman Paul Curran, '76, the money, raised over a twelve month period ending on June 30, represents a $75,000 increase over Campaign '77's total.

Curran also noted that the first campaign only netted $25,000 when it was held six years ago.

All of this year's gifts are unrestricted in nature and will be used to cover such expenses as financial aid, extraordinary library expenses, the Dean's Day program, salaries for students doing faculty research and the Urban Law Journal budget. These items are not covered in the main law school budget.

According to Dean William Moore, the law school does not have the final say on how the money will be spent, but the school's recommendations have been followed in recent years.

"The goal of these campaigns," according to Professor Robert Byrns, "is to develop a habit of giving in our recent graduates so that, theoretically, as their income increases, contributions increase as well."

Campaign '79 is currently under way, according to Curran.

Wormser Arguments Pushed Back

by Stephen Kallas

In a departure from previous years, the Moot Court Board has announced that the oral arguments in the Maurice Wormser Moot Court Competition will be held during the first two weeks in January.

In past years, arguments in the Wormser Competition were held late in the first semester, generally in November. According to Ed Burke, chairman of the Moot Court Board, the change is "for the convenience of the students."

Burke noted that in years past, the contest was barely over before the first semester exam period began.

This year the Wormser problem will be available on October 16, and briefs will be due in mid-November, allowing more study time for exams.

The competition is open to any upperclass student in the day or evening school, according to Burke, and students may sign up either as a twoman team or individually.

In addition to the intraschool Wormser and Mulligan competitions and for those who strive for interschool competition, the Moot Court Board coordinates Fordham's representation at a number of regional and national competitions.

Burke said the Board was "hoping to improve our performance over past years" by seeking the help of those students who have already participated in one interschool competition to coach the new teams.

The teams for the interschool contests are generally made up of three students who are selected on the basis of interviews.

Anyone may apply for an interview to participate on one of the teams, said Burke, noting that the criteria for selection include "performance in an in-school competition, demonstrated writing ability, or a particular knowledge of the subject matter involved."

Upcoming competitions include:

• The Jessup Competition, in which a team of students represents the Fordham International Law Society in the annual International Law Moot Court Competition.
• The Kaufman Competition, which is sponsored by Fordham and which presents a problem in securities law.

Formerly restricted to schools in the Second Circuit, the Kaufman will be a national competition for the first time this year.

• The Sutherland Cup Competition, dealing with a constitutional law problem.
• The National Moot Court Competition, in which a team of three Fordham students will represent the school against teams from all over the country.

Presidential Corner
Frustrating, Isn't It?

by Florence M. Fass

I arrived two minutes late for Professor Quinn's first class in commercial paper. Not to my amazement, "in the interest of comfort" table slots had been filled by zealous second year students still vying for the best board-eye contact positions or lethargic third year students who now do scheduling around room assignments.

Somewhat to my surprise, even the plastic, rainbow-colored assortment of useless kindergarten craft desks placed at the blackboard line and along the walls had also been filled.

In desperation, I looked to the new row of ceiling seating which had been inconspicuously installed over the summer months to accommodate the chronically late. Alas, all taken! With stoic resignation (a comfortable posture for third year students) I took my place on the window sill with a dozen of my fellow post-bell arrivals.

And so it goes. Another year of overcrowding, of cramped classrooms and multiple choice exams.

I have yet to understand why such basic courses as antitrust, wills, trusts, domestic relations and securities regulations are offered only once a year—forcing students to choose between desired electives with the realization that work or conflicting electives next year will remove all possibilities of taking the course. A particular burden falls on the night student who has few choices of electives at the outset.

Surely, scheduling can be handled with more sensitivity to student needs. Perhaps the problem is input. I would appreciate receiving your comments and suggestions on elective scheduling. What courses would you like to see offered, how often and what sort of your experience, I would welcome complaints, but I need something of more substance to present to the Deans and faculty. A brief note will do it.

Leave it in the SBA Office and I will make sure that your views are known.

Until some action is taken, shower regularly and watch for reprints of your suggestions in this column.
Intramurals—The Pause That Refreshes

Are you experiencing the physiological phenomenon called body slippage? Are you having trouble focusing on the clock in the classroom? Are you finding it hard to talk without brushing your teeth? Are you unable to concentrate on melodious voices of your professors as you instruct you in the art of legal linguistics... huh?

Don't despair if you are experiencing any of these symptoms of law schoolitis because there is a cure. It's intramurals. It's amazing what a little exercise and good company can do for one's mental attitude. This year the SBA is sponsoring an exciting slate of activities.

During the fall, there will be touch football for all those frustrated jocks who want to play football and have never learned to do so. The team that finishes in first place will represent Fordham in the annual intra-city league for all the students who have wanted to play football and have never learned to do so.

In March, an all-star basketball team will travel to Springfield, Mass., to defend Fordham's title in the third annual law school basketball tournament. Last year, 16 law schools from all over the Northeast participated in the event.

In April, the SBA will organize an informal softball league for all the students who want to do a little exercise before the battle of Armageddon (otherwise known as finals).

The SBA encourages all students to participate in the intramural program either as a participant or as an enthusiastic spectator; the value of the program is directly proportional to the number of people who become involved. If you have any suggestions or would like additional information about intramurals, please contact Florence Fass, or Dick Prentice, Commissioner of Intramural Sports.

FOOTBALL FEATS

3B v. 2B . . . The Cinderella team of the '77-'78 football season, 2B, now 3B, clearly and unequivocally demonstrated last week why they were the intramural champions last year and why they will be the champions again this year as they overpowered a young, inspired 2B team. 3B's dynamic, versatile and awesome offense, lead by quarterback Dick "Duck" Prentice, operated like a refined piece of machinery. 3B scored twice in the first half on a pass from Prentice to Wild Bill Spelman and on a long run by Prentice. They added two more touchdowns in the second half on passes from Prentice to John "the Juggler" Mae and to Alex "the Streak" Calabrese. Even "Sticky Fingers" Lujoba contributed to the score by his magnificent one-handed catch of a pass on an extra-point play. 2B, however, refused to be shut out. They scored in the first half on a terrific kick-off return by John Killea (which was 2B's only score, by the way). The run was made possible because of the excellent blocking by teammates Polchinski, Ruane, Rosetti, and Saulitis, and by the rather poor defensive line (Goldstein, McMahone and Bree) and to their tenacious defense (including Cypher, Cahill and Maloney). After the dust cleared, it was 3B-26 and 2B-6.

PIGSKIN PREDICTIONS

Here is only one team in this league that has the talent, the organization, the desire and the coaching to be the champions. (E.N.: Oh God, not again.) 3B, of course. 3B, the powerhouse of the '77-'78 season will successfully defend their title despite the improvement of 2B and the presence of the hungry and aggressive 2A squad. 3B's defense is probably the most formidable in the league and their offense is one of the most potent, despite the improvement of 2B and the presence of the hungry and aggressive 2A squad. The league has not seen a team as good as 3B in recent history.

2A: The only team to reach the finals in their first year of play, 2A will have to wait until 3B graduates before they will win their first title. They have to be content for second place this year. 2A is a young squad that has the talent to be a championship team, but lacks poise and refinement.

3A: 3A will finish third. However, if they cannot get their act together to play some games, they will finish last. 3A has good size and plenty of ability but they lack the desire; Frank Munoz can't play by himself. Unfortunately, as far as 3A is concerned there is only one legitimate sport—basketball.

2B: The most improved team in the league as a result of their off-season recruiting, 2B needs a few more games to refine their offense and to strengthen their defensive secondary. They might be able to secure fourth place, depending on their progress during the next few weeks. If they can keep their main ball carriers healthy and on a similar income list or destroyed. They can be expected to do well in the league's second year.

Football standings (after 3 weeks)

<table>
<thead>
<tr>
<th>TEAM</th>
<th>W</th>
<th>L</th>
<th>T</th>
<th>PF</th>
<th>PA</th>
</tr>
</thead>
<tbody>
<tr>
<td>3A</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>3B</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>26</td>
<td>13</td>
</tr>
<tr>
<td>1A</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>16</td>
<td>9</td>
</tr>
<tr>
<td>1B</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>18</td>
<td>45</td>
</tr>
<tr>
<td>0A</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>13</td>
<td>26</td>
</tr>
</tbody>
</table>

FOOTBALL STANDINGS

A joyful 2B football team, pictured last week after their first win in two years. This milestone occurred only one week after 2B scored its first points in two years. Persistance personified.

SECOND PERIODICAL

3A—0, 2B—0, 2A—16

Third Periodical

On the Way

by Bill O'Connor

Fordham's third official periodical, on the drawing board since last year, may be making its first appearance soon.

The International Law Society had scheduled to debut the Fordham International Law Forum last January. The club was unable to publish the Forum last year because of "lack of school funding," according to Susan Etelman 2B, the Society's secretary.

"We've gotten school funding for several years and are prepared for our first issue early next semester," Etelman said. The first issue is slated to concern mainly the subjects of human rights and international business transactions.

The club is having a meeting on October 12, at 12:30 in room 211, for any student interested in joining the club and working on the publication.

anyone with questions about the Fordham International Law Forum or articles they wish to submit should contact either Al Kostelny, 4E, Etelman, or Professor Sweeney, the club's moderator.

Poll Results

Continued from Page 1

In that poll, Fordham ranked sixth on the list of schools producing the alumni in private practice with the highest median incomes. With a median income of $36,250, Fordham ranked behind Stanford, Yale, Harvard, Columbia (the same four schools ahead of Fordham in the National Law Journal admission poll), and Georgetown.

Fordham was placed eighth on a similar income list for the poll respondents not engaged in private practice.
Five Added to Faculty

Continued from Page 1

peals and a stint as an associate
at Donovan Leisure Newton
and Irvine.

Sims said he accepted the
position here, his first teaching
position, because he enjoys
"talking as well as writing on
legal problems." Sims said he
hopes his new job will allow
him to explore the "intellec-
tual aspects and problems of
law as a discipline."

Fordham’s two new visiting
professors are Hugh Hansen,
who will teach Federal Courts,
Constitutional Criminal Law
and Antitrust, and Walter P.
Laughlin, who will be teaching
Evidence and Civil Procedure.
Hansen is a graduate of
Georgetown Law School who
also holds an L.L.M from
Yale, is currently a law clerk to
Judge Murray I. Gurfein, of
the Second Circuit Court of
Appeals.
Laughlin is also a Second
Circuit law clerk, working for
Judge Walter R. Mansfield.

2B Sweeps Mulligan

It was a 2B sweep this sum-
mer of the top awards in the
annual William Hughes
Mulligan Moot Court Com-
petition.

First place in the competi-
tion went to George Richard-
son, with Tom Carulli
finishing in the runner-up
spot. Both Richardson and
Carulli are members of section
2B, as are Peter Polchinski
and Bill Ruane, who took the
competition’s Best Brief Award, a new category this
year.

The two other finalists in
the competition, along with
Richardson and Carulli, were
Mark Gansel, 3B, and David
Glass, 4E.

Judges for the competition’s
final round included Judge
William Hughes Mulligan of
the Second Circuit Court of
Appeals, the former dean of
Fordham Law after whom the
competition is named, and
Judges Henry Werker and
Pierre Leval of the Southern
District.

BAR EXAMS AREN’T LIKE
LAW SCHOOL EXAMS

Knowing how to write answers the way Bar Examiners want to see
them written can make the crucial difference. Why not get the feel
of 16 Bar Exam questions now, before the June pressure.

Hundreds of students from Fordham Law School have been
convinced that what they learned at THE KASS
PROBLEM
ANALYSIS CLINICS was essential to
their
success in the Bar
Exam.

Why not ATTEND THE FIRST CLINIC—ABSOLU-
TLY FREE—on Jan. 7, 1979 and see for yourself.

Six Sundays, starting Jan. 7, 1-4
P.M., in the Hotel N.Y.
Sheraton, 7th Ave. & 56 St., N.Y.C.—Fee: $90.

Seniors can
attend, our,
Jan. 1979 and June, 1979 series on
graduation,
upon payment of only one fee.

A TOTAL OF 32 DIFFERENT, VERY DIFFICULT
ESSAYS
WILL BE
COVERED
IN
BOTH
SERIES.

For further information, contact KASS
PROBLEM
ANALYSIS CLINICS, 27 William Street, N.Y.C. (Wh. 3-2690)