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### Recommended Citation

The Advocate, Fordham Law School, "The Advocate" (1984). *The Advocate*. Book 30.  
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# The ADVOCATE

FORDHAM UNIVERSITY SCHOOL OF LAW

VOL. 16 NO. 1

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SEPTEMBER, 1984

## MRS. FERRARO HAS THE RIGHT CREDENTIALS



Geraldine A. Ferraro, Vice Presidential Candidate

By David Heires

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 as 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.

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## JUSTICE O'CONNOR TO SPEAK AT BUILDING DEDICATION

By David Heires

U.S. Supreme Court Justice Sandra Day O'Connor will be the principal speaker at the dedication of Fordham Law School's new building wing, which will take place on Wednesday, October 24 during the morning hours.

Justice O'Connor, who was nominated by President Reagan in 1981 to be the first woman to serve on the High Court, will be just one of numerous dignitaries, academics, and alumni who will be present at the dedication, which will be a major media event.

The Honorable William H. Mulligan will be the Master of Ceremonies for the morning's program, which will officially commence at 10:00 A.M. with an academic procession. At 10:15 A.M., the ceremonies are set to begin, during which Justice O'Connor will speak for approximately fifteen minutes. The program will conclude at 11:30 A.M. with a recessional, and fifteen minutes later there will be a champagne reception.

Professor Constantine Katsoris, the Vice-Chairman of the Dedication Planning Committee, is pleased with the progress that has been made thus far. "This will be a tremendous event for everyone associated with the law school," he said. Katsoris noted that, while the schedule is definitely set for a portion of the ceremonies, there may be a few more entries on the day's

program. "The Committee will be having its last meeting on August 28, in order to finalize plans."

Dean Feerick, who has been the moving force behind virtually every aspect of the building project, said, "I have been looking forward to this day for over two years. It represents the efforts of hundreds of our alumni."

Aside from Katsoris, other members of the faculty on the Dedication Committee include Associate Dean Joseph R. Crowley, Professor Joseph M. Perillo, and Assistant Dean Robert J. Reilly. Daniel J. McNamara, the President of the Insurance Services Office, is the Chairman.

Katsoris recalled the dedication of the Lincoln Center Building some 25 years ago, in which the Honorable Earl Warren and Robert Kennedy took part. He and others are confident that the presence of Justice O'Connor and the many dignitaries will make the 1984 ceremonies similarly captivating.

Justice O'Connor, who graduated near the top of her class at Stanford Law School in 1952, first became a judge after successfully campaigning for a position on the Maricopa County Superior Court in Arizona. From 1979 to 1981, she served on the Arizona Court of Appeals before joining the Supreme Court in September, 1981.

## DEAN'S MESSAGE

John D. Feerick

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. Batts, 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 UCC and Trusts and Estates.

We also have added eight new professors to our Adjunct Faculty:

Judith Garson, who is the Assistant General Counsel of Bankers Trust Company, will teach Legal Writing.

Deborah L. Jacobs, who is an attorney with The Port Authority of New York, will teach Legal Writing.

Steven M. Witzel, who is a Law Clerk for The Honorable John M. Cannella of the Southern District of New York, will teach Legal Writing.

Stuart M. Bernstein, who is an associate at the law firm of Barst, Mukamal & Babitt, will teach Legal Writing.

Bernadette Kenny, who is a member of the Religious of the Sacred Heart of Mary and a recent graduate of our Law School, will teach Legal Writing.

Joseph I. Rosenbaum, who is a member of the legal staff of Shearson American Express, will teach Computer Law.

Edward S. Binkowski of the consulting firm of Strategic Comaps, Inc., will teach Space Law.

Steven E. Estroff, a co-founder of the firm of Estroff, Waldman & Poretsky, will teach Landlord-Tenant.

To date, we have appointed two new professors to our Adjunct Faculty for the Spring 1985 semester:

The Honorable Richard Daronco, who is Deputy Chief Administrative Judge - State of New York, of Courts outside New York City, will teach Trial Advocacy.

David J. Yeres, who is counsel to the firm of Cahill, Gordon & Reindel, will teach Commodity Futures Trading.

In addition, I am pleased to inform you that Professors Edward Yorio and Hugh Hansen have been awarded tenure by Fordham University.

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Supreme Court Justice Sandra Day O'Connor

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## 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, Guiliana 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 **ADVOCATE**

FORDHAM UNIVERSITY SCHOOL OF LAW

The *Advocate* is the official newspaper of Fordham University School of Law, published by the students of the school. Its goals are to enlighten and inform the Fordham Law School Community of news and activities concerning the school.

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## 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 searches. 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 Panzarino, Michael Guzzo and Rene 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 you for the 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) 841-5196.

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 funneled 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, counsels them, provides scholarships, runs seminars, publishes a direc-

tory, 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 Al 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 Alumnus. Therefore, he urged that all address 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 & Crammes located in Manhattan. At this stage of his career, a life-long in-

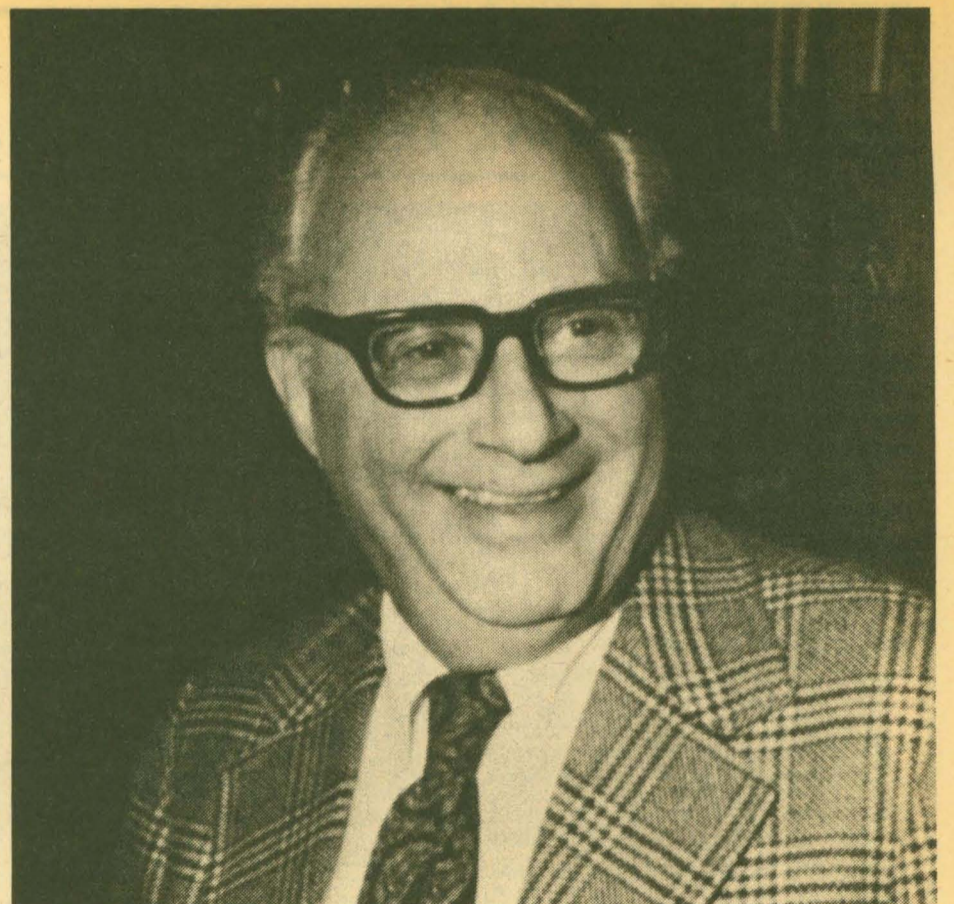
terest and expertise in Real Estate was developed.

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 was a national builder of FHA sponsored homes and an early pioneer in the development of shopping centers.

In the late 30's Norris resumed private practice in his speciality of Real Estate Law, but maintained his position as general counsel to Norman Winston until in 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 Levitt, Sr., and Arthur Levitt, 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.



Sidney C. Norris

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ADVOCATE C/O FLS NEWS IN REVIEW

## FLS NEWS IN REVIEW

# MULLIGAN COMPETITION

By Allan Hecht

"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 participants appeared before the "Fordham State Supreme Court" to argue the case of *Fordham General Hospital and Parents of Baby John Doe v. Attorney General of the State of Fordham, et al.*

The case was written by Mulligan Editor Kerry O'Connell. It concerned a baby John Doe who suffered from a number of congenital birth defects, including spina bifida or an exposed spinal column. When baby Doe's parents refused to consent to corrective surgery, the State's Department of Health and Human Services subpoenaed baby Doe's medical records in order to review his treatment. However, the hospital caring for baby Doe refused to comply. An interesting twist was added with the introduction of baby Doe's surrogate mother. This character believed surgery to be the only proper treatment and regarded the Doe family's decision as a "denial of medically indicated treatment." Thus, in spite of a contractual agreement to the contrary, the surrogate mother sought to claim baby Doe as her own.

The case quite obviously encompassed a broad array of unsettled issues. In so doing, it thoroughly tested the creativity of the participants. That, coupled with the case's newsworthiness, made this year's Mulligan Competition not only interesting, but a valuable learning experience as well. Further evidence of this case's success and popularity lies in the fact that DePaul University School of Law recently requested a copy of the case and bench

brief to use as the initiating case for that school's intramural moot court program!

The competition itself ran smoothly. The only major problem had to do with researching for the brief. Due to the summer construction, it was almost impossible to use the library effectively. This led to a slightly higher drop out rate among the competitors, as compared with previous years. Although 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 Ahrens and David Smith, members of the New York Attorney General's Office; Gregory Fross of Bower and Gardner, Mr. Fross specializes in surrogate and adoption law, and Noel Keane, a Michigan specialist in surrogate mother contracts. This distinguished group judged, John Aquaro, Susan Bai, Maureen Beyers, Michael Crane, Terry Lamb, Lon Singer, Kevin Toner, and Amelia Zaleman. Finally, on July 26th, Aquaro, Crane, Toner, and Zaleman assembled in the Moot Court Room to appear before the Honorable William

Hughes Mulligan; Honorable T.F. Gilray Daly, Chief Judge of the United States District Court, Connecticut; Honorable John F. Keenan, United States District Judge, Southern District of New York, and the Honorable Irene Duffy, Judge, New York Family Court. Michael Crane emerged as the best speaker. Sharing in Michael's success were Terry Lamb and Kevin Toner, the writers of the best brief. Each receives a cash prize from the Robert G. Groh Memorial Fund. Congratulations to all!

With the Mulligan Competition now over, the Moot Court Board must turn to the task of selecting a staff for the coming year. Editor in Chief Maureen Crush and Managing Editor Dan Healy, along with other Board members, will be interviewing some of the Mulligan participants in order to fill the 30 - 40 positions now open. Mulligan serves as the primary showcase for new talent; however, doing well in that competition is not the only criteria for selection, nor do only Mulligan participants get interviews. Future Moot Court Board members must be extremely responsible and prepared to put in many hours of hard work. As Dan Healy put it, "When you join the Moot Court staff and participate you no longer represent just yourself, you now represent Fordham Law School -- in fact, as far as everyone else is concerned you are Fordham Law School and that's a big burden to carry." In addition to selecting members for interscholastic teams, the Moot Court Board is totally responsible for running the Mulligan, Wormser, and Kaufman competitions and it plays a major role in the Wagner, Jessup, Craven, Anti-trust, Trial Advocacy, and National competitions. This involves a lot of time consuming administrative work, like

creating cases, researching, writing, and distributing bench briefs, and securing judges and facilities. To illustrate the great amount of work that goes into a smoothly run competition, Ms. O'Connell, in addition to her required courses, worked for over three months just on the Mulligan case and Wormser Editor Mary Dunn and Kaufman Editor John Butler are still busy!

All of that hard work has paid off. Fordham Law School enjoys a solid reputation for excellence based upon many moot court successes. Furthermore, the Kaufman Securities Law Competition, sponsored solely by Fordham University, has consistently grown. This year the Moot Court Board expects to accommodate well over 40 teams from across the nation! Finally, Fordham has always been a well respected power in the annual National Competition and this year's team of Marjorie Cadogan, David Hennessy, and David Vicinanza will no doubt continue that tradition.

Fordham Law School offers a substantial moot court program. All students should take advantage of the program as it sharpens research, writing, and speaking skills -- all of which are necessary for any type of law practice. If you do not advance, then go and watch those who did to pick up pointers. Of course, everyone should follow the interscholastic teams for they are the best that Fordham has to offer, besides there is nothing wrong with supporting your colleagues and school spirit. So take a little time to check out the moot court program -- just a little involvement makes you an automatic winner!

## NOTES FROM THE F.D.L.S.A. CLASS OF 1984 GRADUATION

First of all I would like to welcome back all the Fordham Law students from what I hope was a pleasant summer. I would also like to extend a welcome to the new Fordham Law students - the classes of 1987 and 1988. Those of us from the F.D.L.S.A. wish you all the best of luck for the school year.

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 requirement of debates are not etched 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 material. In fact, Gerry Ford was probably a better President than Jimmy Carter, but Carter beat Ford in the 1976 Debates. Nevertheless, we will have debates and here are some things 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 Mondale Goad. If Mondale can force President to say something like "Watergate was a noble cause," then we have a contest for the Presidency. The chances of this happening are not great, but then again if there are more than three debates Reagan will probably mess up at least once.

A final 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:

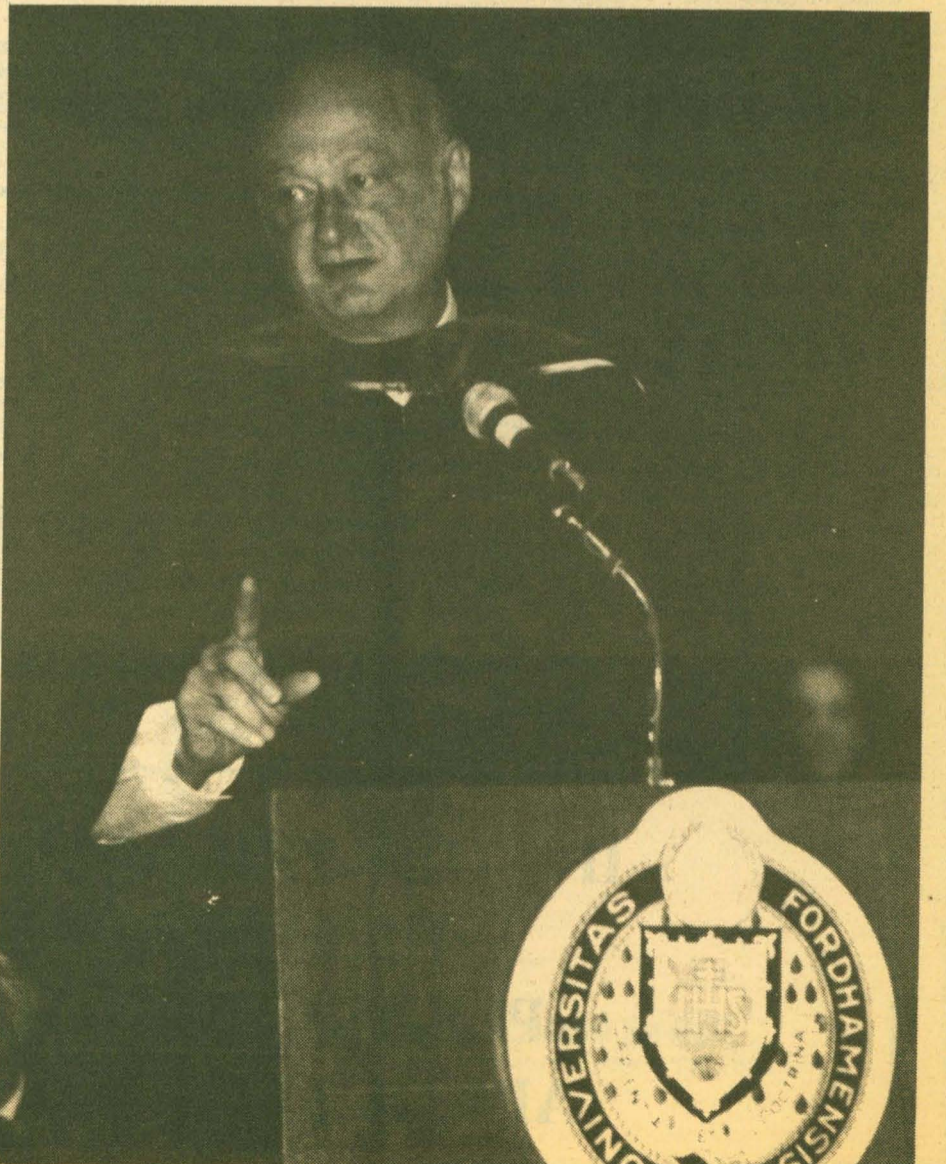
1. Massive news coverage of Ferraro, and next to nothing on George Bush (for the obvious historical reasons.)

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 of the election. Mondale does not seem like the type of person who can gamble for so long a time.

3. A Republican attempt to make Democratic criticisms appear like sour grapes. This tactic 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 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 checked baggage can the baggage be searched? etc., *ad infinitum*.

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 of principle: is it reasonable to defeat the primary purpose of a trial - to determine the guilt of a defendant - to accomplish something irrelevant to guilt, or to truth, namely, to discipline the police? By excluding evidence unlawfully obtained, the courts, do prevent themselves from establishing "the whole truth." Indeed, they admittedly 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 demotes 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 everybody.

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 it 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 advise 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.)



1984 Graduation at Avery Fisher Hall

## 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 dispell 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 adrenalin 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 develop a system or pattern of study with which he or she is comfortable and which is most effective and efficient for themselves.

It goes without saying that you will be working long, hard hours, but rest assured that if you make a sincere and honest effort, while remaining composed under pressure as much as possible, you'll do fine. First year law school isn't a competition between you and your fellow classmates, or you and your professors, as some students seem to feel. It is a personal challenge and it's up to you to conquer it.

This article is not intended to be a comprehensive guide on how to thrive in law school, but see, CALAMARI & PERILLO, "HOW TO THRIVE IN LAW SCHOOL" (1984 HOOK MOUNTAIN PRESS). The modest goal of this article is to provide you with a general framework, or perspective, which will give you some insight as to what you can expect to encounter and some suggestions of how to handle the upcoming eight or nine months of your life in first year law school. Hopefully this article will make the transition from conventional study methods to law school study methods a little easier and less time consuming.

At this point, *THE ADVOCATE* wishes to express its appreciation to the upperclassmen and professors at Fordham Law for their time and comments, which proved to be of invaluable assistance in the formulation of this article.

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

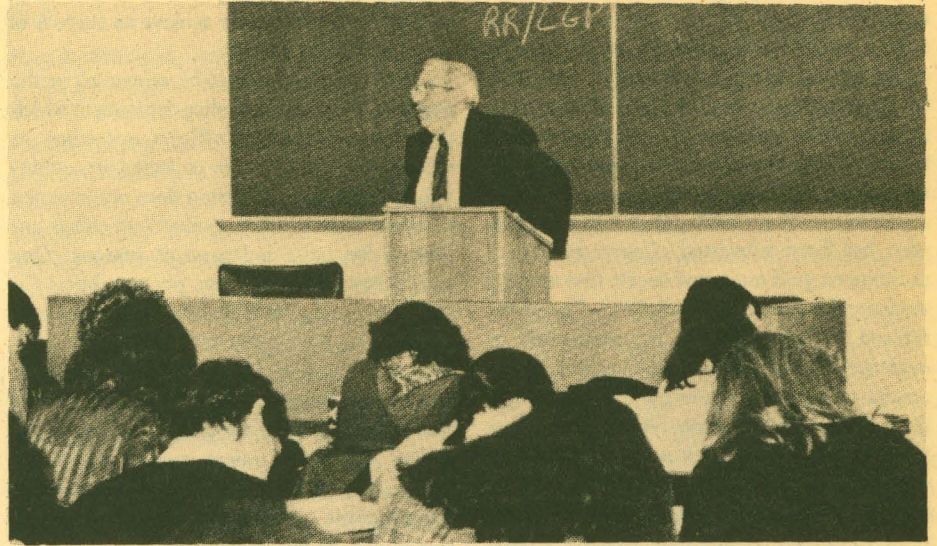
**Definition - "SOCRATIC METHOD":** *The dialectical method of teaching or discussion used by the Greek philosopher and teacher Socrates (470? - 399 B.C.) involving the asking of easily answered questions that inevitably lead the answerer to a logical conclusion forseen by the questioner. (Websters New 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 real 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.



Suffice it to say that the professors at Fordham usually combine the use of the Socratic Method with the lecture method in a relatively even balance. Naturally, however, each professor has his or her own preference and this is largely determined by their personal view of the proper function of first year law school.

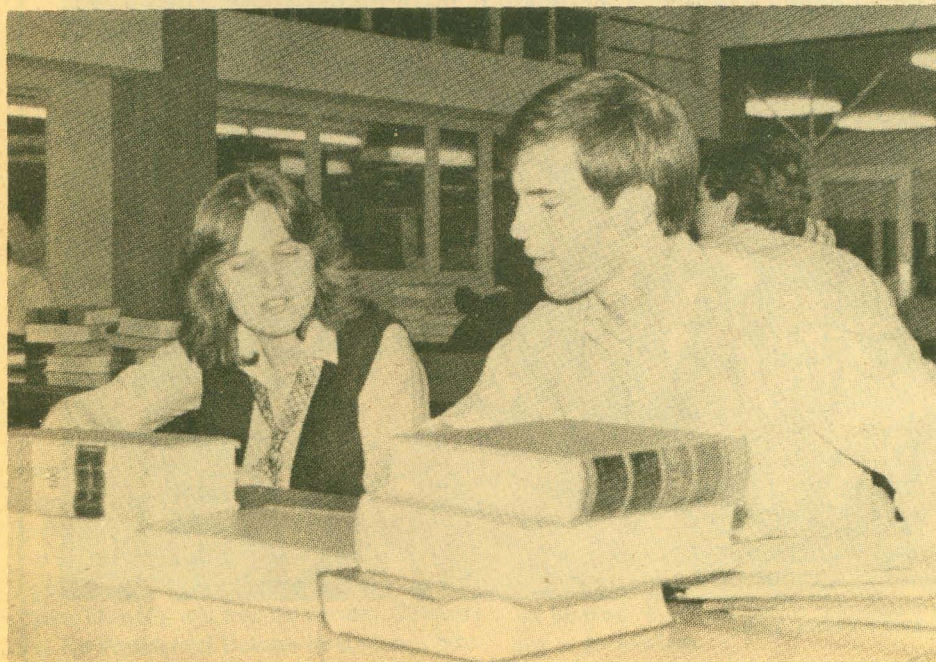
#### (b) Notetaking

A random sampling of upperclassmen revealed that 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 color pens. Decide what the best method is for you and stick to it.

(Continued on page 15)



# GRADUATE PROGRAMS IN LAW

By Professor Mary C. Daly

Graduate school? Most of the time when I raise this topic with Fordham law students their response ranges from polite stares to looks of dumbfoundment. 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 and grade average than you might expect. A "B" 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 involves 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 relocating, graduate study in another part of the country 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 new 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 "LL.M." (Master of Laws); the majority of LL.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 an article of law review quality for a certain number of credits. Beyond the LL.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 LL.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).

LL.M. programs are not confined to tax, however, and programs exist in almost all fields. Planning to practice upstate 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 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 engaged in sophisticated rivalry for the nation's consumer funds. The legal problems in this area are substantial and complex. They call as well for skilled economic analysis. To meet the needs of the financial services community, Boston University of Law has just established a graduate program in Banking Law Studies. It offers courses in economics and management as well as advance banking

courses.

One other area in which LL.M. programs for the practitioner has burgeoned is international business transactions. For example, University of the Pacific McGeorge School of Law in Sacramento offers an LL.M. in Business and Taxation--Transnational Practice. Other schools including New York University offer similar programs. Many schools and institutes in Europe also offer degree programs with courses taught in English. These programs concentrate in Common Market law and international business transactions.

Financing graduate study may not be as difficult as financing law school. Many schools offer teaching fellowships and graduate stipends. Tuition for foreign students in Europe and Asia is often much lower than in the United States. Many university law schools abroad encourage the attendance of American Students by offering them fellowships to cover their expenses.

The descriptions given above only touch the tip of the iceberg. Many schools offer LL.M. programs in criminal law, court 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 **Graduate Law Study Programs: 1980** (12th ed.) 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.

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# SUMMER OPPORTUNITIES • SUMMER OPP

## A SUMMER AT COOPERS & LYBRAND

By Mark S. Kosak

This past June, Coopers & Lybrand initiated its first formal Summer Internship in the New York Tax Department. The program was established by Harry Immerman, who is the Partner-in-Charge of the New York Office, and was implemented by Donna Caufield and Cheryl Rosen, both of whom are in Personnel. The Summer Liaison was David Pedowitz, who coordinated individual work assignments throughout the program.

The objective of the program was to provide summer associates the opportunity to be exposed to the entire perspective of the New York practice. For this reason, associates were not confined to one partner or manager, but were able to explore different functional specialties and secure work in areas which they had an individual interest in pursuing. This flexible structure permitted associates to gain exposure in areas such as corporate reorganizations, real estate tax shelter evaluation, insurance, international taxation, and brokerage, as well as in the individual, partnership and corporate compliance portion of the New York practice.

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 uninhibited 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 supervisors 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 services. 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 Manager, 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 ex-

perience, 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 a 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!

'85, '86, '87 LAW SCHOOL GRADUATES

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# OPPORTUNITIES • SUMMER OPPORTUNITIES

## 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 as internationally based as the 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.

No account of my summer would be complete without some mention of the "Bogorian" matter. I spent my largest block of time on this 13 year old case, which is scheduled to begin trial on October 1. A nation-wide class of lessee-dealers are alleging that their lessors - the 15 major oil companies - conspired to force the dealers to buy their gasoline. The damages alleged exceed 24 billion! The depositions on which I worked covered subjects ranging from the chemical properties of gasoline to the strategy of selecting service station sites.

I also noted that the legal practice encompasses representing the company as a plaintiff in many actions as well as defense work. In one such action, for example, Texaco is alleging that a licensee of a Texaco patent violated the parameters of its agreement with Texaco.

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 by 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.

## JUDICIAL CLERKSHIP

This article is intended to describe the work experience involved and other benefits to be derived from serving a student clerkship with a U.S. district judge.

The work of a U.S. district judge centers primarily on the handling of civil and criminal litigation. Although the centerpiece of such litigation is the trial, before, during and after the trial the judge is regularly presented with motions for decision. These motions are in writing and are supported by various documents, including briefs. The opposition is also in writing and supported by opposing briefs. Most judges permit oral argument only with special permission, which is rarely granted.

The primary part of the student clerk's work involves these motions. As to any such

motion that is assigned to him by the judge's senior clerk, the student's task is to review the motion papers and the supporting documents, including briefs. He must review and understand the issues raised by the motion, read the supporting documents which are usually attached to the motion papers or incorporated by reference from the record in the case, and evaluate the merits of the respective positions of the proponent and opposing party. This normally requires a reading of the cases cited by each party and in addition may require separate research. To a substantial extent, the research may be performed in the judge's library, which, while fairly extensive, has its limitations. Where additional sources must be consulted, they are usually available in the main court library, which is located elsewhere in the building and

is available not only to judges' clerks but also to lawyers and the public in general.

When his review and evaluation is complete, the student clerk outlines or drafts a proposed decision which is submitted to the judge's senior clerk. A conference with the senior clerk usually follows, at which the proposed decision is discussed and a final proposed decision drafted for submission to the judge. The judge may accept the proposed decision as written, or may make inquiries of the student clerk to help him to decide what changes, if any, should be made in words, style or substance.

In addition to dealing with motions, the student clerk's work also extends to other matters pertaining to the trial itself. For example, the judge may assign the student clerk to research an issue which has arisen during trial or to

research the validity or propriety of a jury charge requested by a party.

The student clerkship is not all work. In addition to the performance of the duties described above, which give an in depth insight into the workings of the federal court trial system, there are other benefits in that the student clerk has ample opportunity to observe trials, including jury selection, opening arguments, examination and cross-examination of witnesses, lawyers' summations, and the judge's charge to the jury.

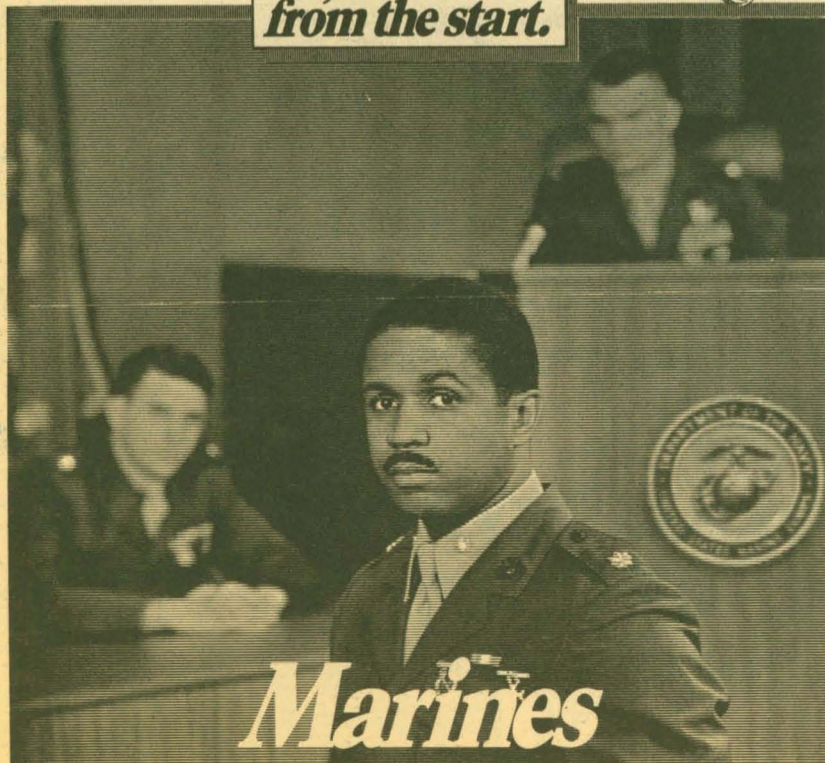
The judicial internship provides tremendous exposure not only to the judicial process but to many and varied legal issues. All those interested in obtaining an internship with a federal judge should speak to Professor Harris, the coordinator of internship programs.

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## SUMMER OPPORTUNITIES

# THE MAGISTRATE'S OFFICE

By Giuliana Musilli

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 Centre Street, Foley Square and Kings County are located, how to get a reluctant librarian to help you and at what intervals the slowest elevator in 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

to mind a way to get things done as efficiently and justly as possible. Before I worked here, I am sad to admit, I did not even know what a magistrate did other than to sign search warrants. Now, I know that he or she is appointed official who often supervises many of the preliminary stages of litigation - deciding motions, overseeing discovery and even trying to encourage the parties to discuss "things" with each other civilly so that perhaps they may reach a compromise that will satisfy both of them without their having to go to trial.

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, prepara-

tion and thought enables one to discuss things freely and with conviction - even with a judge. Perhaps this is one of the more 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.

## LARGE LAW FIRM

By Maura O'Sullivan

A large Wall Street law firm has the obvious distinguishing characteristics of having many more lawyers and being well-known. Is 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 wined, 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.

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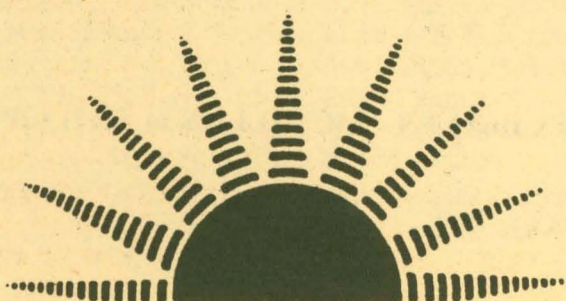
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## A STUDENT'S PERSPECTIVE

# Meet The Tax Reform Act of 1984

In a word it's massive, comprising well 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. But the Act is much more than a simple revenue raiser. It is the most comprehensive and complex revision of our tax system that has ever been attempted. It contains literally hundreds of provisions that will impact on every taxpayer in the country.

The Deficit Reduction Act is the first tax act in U.S. history to be driven specifically by Federal budget deficits. It's the fifth major amendment of the Internal Revenue Code in the past nine years, after a Reform Act in 1976, a Revenue Act in 1978, an Economic Recovery Act in 1981 (ERTA), and a tax equity and Fiscal Responsibility Act in 1982 (TEFRA).

It's hard to know where to begin when describing an act over 1,000 pages despite its length, the law is directed at fairly specific situations. Its increased tax burdens will affect fewer taxpayers than did either the 1981 cuts or the 1982 increases.

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 computation years beginning after 1983, the base period for income averaging is shortened from a 4 year to a 3 year period. This reduces the number of years affecting the averaging formula from 5 years to 4 years. The averageable income is also changed 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 either 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 wage earners to 10.5 percent of the first \$5,000 of earned income. This makes the maximum credit \$525 (up from \$500). It phase out as income rises from \$6,000 to \$11,000 (increased from \$10,000). 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, it sells property for which an appraisal was required.

- **Alimony** - Qualifying payments need no longer be periodic but must be made in cash, under an instrument of divorce or separation, for at least 6 years. They cannot extend beyond the death of the payee spouse or be made between cohabitating spouses or spouses filing a joint return. Payment must not vary by more than 10,000 per year in any of the first 6 years in order to avoid application of a new recapture rule.

### Business Use of Automobiles, Computers and Other Property

Previously, the law allowed annual depreciation deductions with accelerated rates and recovery periods determined under the ACRS system, for automobiles, computers and other types of personal property used for both business and personal purposes. Under the Act, a distinction is drawn between property used more than 50% for business purposes and that having business use of 50% or less.

For property used both for business and personal purposes, the business use should constitute more than 50% to ensure maximum deductions under ACRS depreciation. If the property is utilized less than 50% for business, it will be subject to straight-line depreciation over a longer period of years than provided by ACRS, and therefore, reduce the deduction.

### 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 personal and business purposes. The new Act requires substantiation of similar items by adequate contemporaneous records. In addition, a tax return preparer will be obliged to advise the taxpayer of the record-keeping requirements and obtain written confirmation from the taxpayer certifying that such records supporting the deductions and credits exist.

A special diary should be maintained substantiating travel expenses and property used both for personal and business purposes.

### 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 carryover to the transferee.

### Alimony

Presently, under the new Act, alimony is deductible by the payor spouse and taxable income to the payee 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 cohabitating spouses or spouses filing a joint return.

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 forego the exemption. Each parent, however, can claim medical expenses actually paid for the child, subject to the 5% limitation.

In drafting divorce decrees and separation agreement, taxpayers should determine whether it is more advantageous for the custodial parent to receive the dependency exemption. If this is determined, the exemption should be given to the non-custodial parent. The custodial parent should agree, in writing, to forego the exemption.

### 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 until 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, calculations 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.

### 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 to the borrower, and the borrower as receiving from the lender, an amount equal to the excess of the loan amount over the present value of all interest and principal payments due under the loan. This transfer will be treated as a gift, dividend, or compensation, depending on the parties involved. An outstanding balance of less than \$10,000 will be exempt from the provision.

### Fringe Benefits

The Act resolves uncertainties previously encountered with respect to fringe benefits. Any fringe benefits not specifically excluded by the statute will be taxable to the employee as gross income.

## 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 PRIVATE NON-OPERATING FOUNDATIONS INCREASED FROM 20% TO 30% OF ONE'S AGI.
- POTENTIAL IMPUTING OF INTEREST ON BELOW-MARKET LOANS.
- ANY FRINGE BENEFIT NOT SPECIFICALLY EXCLUDABLE NOW TO BE INCLUDED IN ONE'S GROSS INCOME.

## STATE OF THE ARTS

### 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 repertory ranges from Gilbert and Sullivan's operetta, *The Mikado*, to the avant garde, such as Philip Glass's innovative *Akhmaten*. 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 Lakme 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-outs, mouthing melodramatic sentiments for which no groundwork of character or exposition had been laid. The heroine sings (in the English subtitles), "Turiddu 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 adherents, 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 faithless wife and her jealous husband. But the

onstage 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 e 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

Theyard 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.



Harry Theyard as Canio, Frederick Burchinal as Tonio and Catherine Lamy as Nedda in PAGLIACCI.

## 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 Quarters*; 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 in 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.

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## COMMENTARY

### 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 "FLS 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, '50

**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 V.P." which appeared in the April, 1984 issue of *The Advocate*.

# The Ferraro Factor

By Robert Altman

Over the past few months a lot has been written about the significance of Geraldine Ferraro (Law '60) 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. Appeasement 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.

Will the choice of a woman lose or gain votes? Polls show the result both ways. However, polls are too simplistic. The choice of Ferraro gives Mondale's campaign increased support from women's groups. Just watch the fervor of these groups' campaigning for Mondale because he chose Ferraro. Their extra work will result in votes from voters who receive their information from the feminist groups, but couldn't care less about Ferraro'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 dif-

ference. 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 politics 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 (Golda Meir) and boss-like (Ella Grasso) as the variety of their male counter-parts. Analyzing differences between women and male politicians is probably not a good idea, because when one comes down to analyzing the basic fact is 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 different 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.

## IN THE MAINSTREAM

By David Heires

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 point of view) with working along with party

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

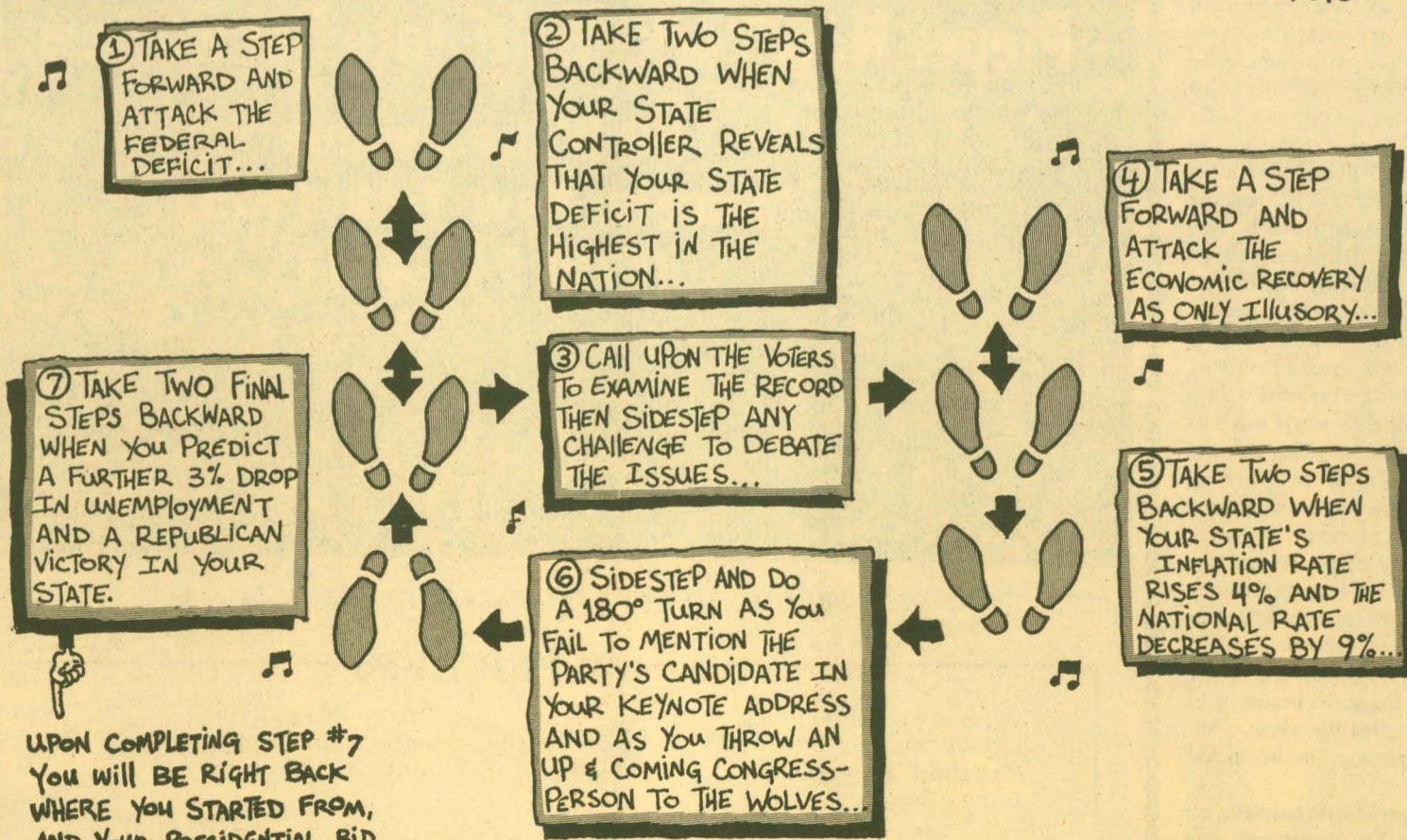
unfair to the needy; despite her Roman Catholic faith, she favors the right to choose in matters of abortion and is a strong advocate of the ERA. While she opposes deployment of the MX missile, she supported its development under President Carter. Moreover, she opposes mandatory school busing, and favors 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, *'The Safety Dance'*

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## MRS. FERRARO HAS THE RIGHT CREDENTIALS

(Continued from page 1)

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

on social issues. 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 still 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 emphasizes. 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 befriend 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, by all means make friends and form a study group. But, here again, do not be intimidated if you find that the study group does not help you or that you study more efficiently on your own. Remember, just because the other students are in a study group does not mean it is right for you.

#### (b) Contact With the Professors

Don't be afraid to approach your professors to discuss any problems you may have in his or her class. They are not an enemy or adversary and most of them are rather sociable and welcome questions from the students. Soon you will be receiving an invitation to a minisection party given by the professor who teaches your minisection. I am confident you will see that the professors are only human and are as down to earth and friendly as the next guy.

## DEAN'S MESSAGE

(Continued from page 1)

As the school year unfolds, I hope to have the opportunity to meet as many of you as possible. I encourage you to take advantage of the many programs, events and activities available to you.

Finally, I encourage you to go out of your way to get to know your classmates and our faculty and staff. It will make your Fordham experience all the more pleasant and interesting. In short order, your classmates will become your professional colleagues at the Bar. You can help each other as together we continue a tradition of professional excellence.

#### (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 will usually present 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 con-

cise 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 a 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 to 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 to 5 hours long, they 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 knew 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!!!**





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