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# The Advocate

The Advocate, Fordham Law School

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# THE ADVOCATE

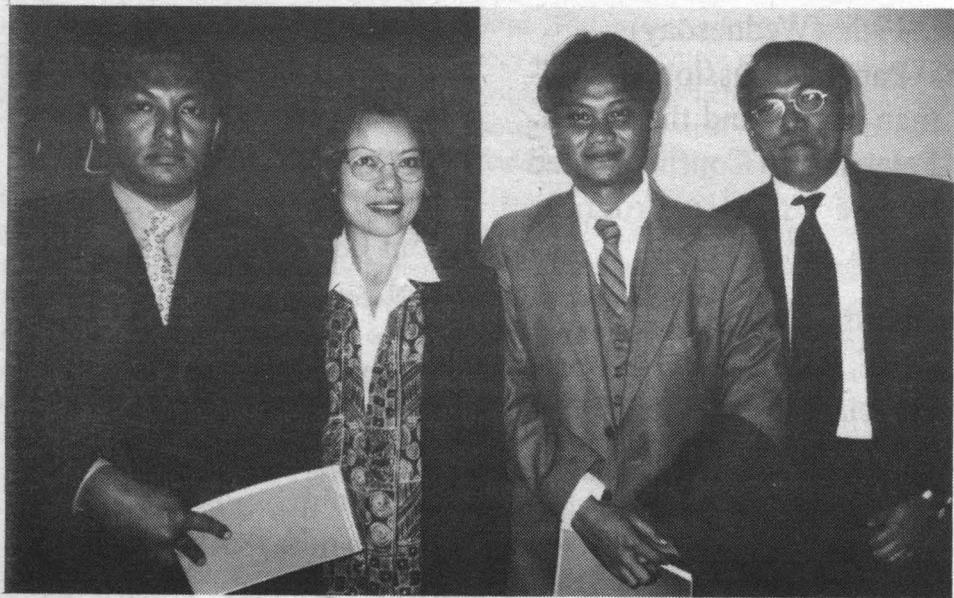
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November 10, 1997

## BURMA WEEK AT FORDHAM



From left to right: Dr. Niang Aung, Maureen Aung-Thwin, Kyaw Leyaw, and Zaw Oo.

By Rob Cowhey, '99

On October 28 and 30, two speakers addressed the approaches of their respective organizations to the human rights problem in Burma as part of the Joseph R. Crowley Program in the Human Rights Brown Bag Speaker Series. The first, Maureen Aung-Thwin of the Soros Foundation, spoke regarding the foundation's Burma Project. (Burma was renamed Myanmar by the military government.)

**BACKGROUND.** Burma is located in Southeast Asia, bordering India and Bangladesh to the west, Tibet to the North, and China, Laos and Thailand to the East, and the Bay of Bengal and the Andaman Sea to the south and southwest. The population of approximately 45 million people represents over twenty-one different ethnic groups.

King Anawrahta united what is now Burma after ascending to the throne in 1044. The British colonized Burma in the nineteenth century. Burma regained independence in 1947, and Aung San, a leader in the struggle with the British and Japanese was killed in 1948. A brief period of democracy followed. In 1962, General Ne Win, led a military coup which brought the country under military rule.

In 1988 there was a slight easing of control when General Ne Win announced he was stepping down. There were demonstrations for democracy, but on 8-8-88 (August 8, 1988), the government, reorganized as the State Law and Order Restoration Committee (SLORC), violently dispersed the demonstrators. Over the next four days soldiers killed an estimated 10,000 people.

In 1990, the SLORC held the open elections which had been promised two years earlier. The National League for democracy (NLD), led by Aung San Suu Kyi, won 82% of the seats. The SLORC, which expected different results, won ten seats, and refused to hand over power.

Aung San Suu Kyi, Burma's elected

leader, is the daughter of Aung San, national hero, and was two years old when he was killed. Ms. Suu Kyi was under house arrest from 1989 to 1996. She received the Nobel Peace Prize in 1991. The SLORC continues to limit Ms. Suu Kyi's movement from her home in Rangoon.

**PRESENT DAY.** There have been numerous allegations that in various areas of the country, the Burmese people have been forcibly relocated from their land. The military and the government have been accused of putting them into forced labor as porters, in "area beautification" and road, railroad, and airport construction, and on the massive Yadana gas pipeline project. Companies such as Unocal (US) and Total (France) are major foreign investors which have been accused of profiting from such forced relocations and forced labor in their petroleum-related businesses in Burma.

A federal action is currently pending in California by 15 Burmese villagers against Unocal, Total, SLORC, and MOGE (the Burmese government's energy company). The case, *Doe v. Unocal*, involves the Alien Tort Claims Act which dates back to 1789, and is based on the Burmese plaintiff's claims of numerous serious human rights abuses as violations of international law. You can read the District Court's opinion denying Unocal's motion to dismiss at 963 F. Supp. 880.

Aung San Suu Kyi has called on other countries to impose sanctions on Burma, and for tourists not to visit until Burma has a democratic government. Foreign investors in Burma effectively profit from the human rights abuses in the country. Their withdrawal from Burma will take away financial support for the military regime.

**SOROS FOUNDATION.** George Soros, who has made a large fortune in currency speculation, has given away over a billion dollars so far. In some countries he has outspent the United

States government. The Open Society Institute, part of the foundation, has funded the Burma Project, headed by Maureen Aung-Thwin, to help assist all people of Burma work towards a free society. This is largely accomplished in three ways: through grants for educating Burmese abroad who hope to return to a free Burma; through publications; and through grants to grass-roots organizations.

Three people who had taken part in the 1988 demonstrations in Rangoon as students accompanied Ms. Aung-Thwin and spoke of their experiences and current involvement. The first was Zaw Oo. He was interning at Rangoon General Hospital in 1988 when he saw the demonstrations and the violence which followed, and he joined the student army. Three years ago he came to New York. He is currently studying International Affairs at Columbia University on a scholarship. Zaw Oo pointed out that under the SLORC, the Burmese economy has declined. Burma went from being the "Rice Bowl of Asia" to being one of the leading producers of heroin worldwide. Around 60% of the heroin in the U.S. originates in Burma.

Dr. Naing Aung, who was also a member of the student army, said that the movement has changed from armed struggle to political defiance. Important projects now include helping Burmese students to get an education in the U.S. and other countries, and public education projects like the Democratic Voice of Burma radio broadcasts.

The third student, Kyaw Legaw, was also in Rangoon during the summer of 1988 and joined the student army.

**INTERFAITH CENTER ON CORPORATE RESPONSIBILITY ("ICCR").** The ICCR is a coalition of some 275 Protestant, Catholic and Jew-

ish religious organizations with a combined portfolio of over \$70 billion. The member organizations, which include pension funds, healthcare organizations, dioceses, municipalities, and religious orders, are committed to responsible investment and shareholder activism.

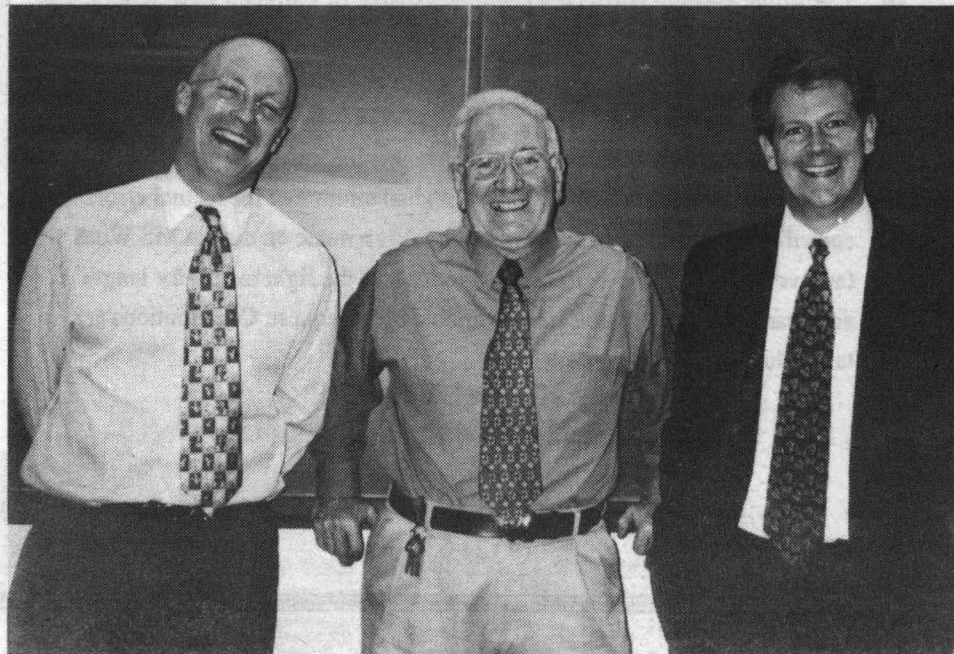
Father Joseph La Mar, the October 30 speaker, is assistant treasurer of Maryknoll Fathers and Brothers and heads ICCR's Burma activities. He spoke on the shareholder social resolution movement, of which the ICCR is an integral part. Father La Mar pointed out that international corporations have enormous power and that corporate decisions directly impact the lives of many people around the world. The movement may hold the key to a free Burma and also impacts other countries, including the United States.

Under Section 14a-8 of the Securities Exchange Act of 1934, shareholders who have held \$1,000 of stock in a corporation for more than a year can submit a resolution of not more than 500 words for a shareholder vote. The corporation can reject the resolution on some grounds such as those which concern ordinary business, or issues concerning less than 5% of the corporation's assets.

The movement really began in 1971 when the Episcopal Church submitted the first church-sponsored shareholder resolution. They challenged General Motors' involvement in South Africa. Eventually over 200 corporations pulled out of the country and the apartheid regime crumbled.

The ICCR's activities are focused on six main issue groups: Global Finance and Economic Development, Global Corporate Accountability, Militarism and Violence, International Health, Energy and Environment and Equality.

Left to right: Crowley Fellow, Michael Sweeney; Father Joseph La Mar; and Prof. Martin Flaherty



See Burma Week on page 5



## EDITOR'S LETTER

### FEW ARE CHOSEN

By Maria C. John '00

Everything about law school embodies the phrase, "Many are called but few are chosen."\* Thousands of people apply to law schools each year, but only a select few get into the top schools.

Once you get here, everyone studies intensively, but only a very small number receive grades that give them an automatic seat on Law Review. Not to mention the steep competition to gain a spot on one of the other law journals.

By now, first year students are realizing that getting into law school was only the first in a long series of challenges that confront them once they begin the rigors of a legal education. After you prove yourself worthy of good grades, you must maintain those grades. Then once you become a second year, you have to endure the process of early interview week and beyond -- where once again, many may apply, but only a few are given offers to work at the top law firms.

DON'T BE DISCOURAGED. Just remember one thing as you compete to be the best among the best. What matters most is first, you were called, led or driven by ambition to be in law school; and second, now that you are here, you must find out what suits your particular talents and skills the most. You will be chosen for something. So try not to fret (as I often have in the past) over that which you are not selected for. Chances are it wasn't meant for you anyway; and there's probably just the right opportunity awaiting you elsewhere.

(\*St. Matthew 22:14)

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# RAMblings Calendar

### Remaining November Events:

12th: (Wednesday)  
Pizza night for Evening Students

5:30 - 6:30pm. Demonstration of new registration process, Atrium.

Student Leaders Meeting.  
5:30-6:30. Room 311.

17th: (Monday)  
Registration for Spring 1998 semester begins.

19th: (Wednesday)  
Panel discussion on Human Rights and the Israeli-Palestinian Conflict hosted by the Crowley program. Room 430.

22nd: (Saturday)  
The Black Law Students Association's Regional Academic Retreat. TBA

### Ongoing:

BLSA, CSP, FLW & PAD are co-sponsoring a Food & Clothing Drive. The proceeds will be donated to City Harvest and items can be dropped off in the Public Interest Resource Center, Room 08 on the Cafeteria Level.

### CORRECTIONS

#### Once & For All It's Gavel & Shield:

Please note that the organization formerly known as Badge & Gavel is now called Gavel & Shield. Several publications, including *The Advocate*, have mis-quoted the name. In fairness to them, we are correcting ourselves and alerting the student body.

#### Reality Bites:

The following paragraph of Reality Bites in the 10/13/97 *Advocate* should have read as follows:

Then we decided to do the kitchen and den over. Hey, it's May, and we'll just barbecue and put the refrigerator in the basement — again, no problem. Well, fast forward to November and the day before Thanksgiving: six months later and there's our contractor putting in the kitchen sink at 10 o'clock at night and two other guys trying to stop the flames from the stovetop from reaching the ceiling. You see, our contractor decided to save us \$80 by doing the changeover from natural gas to propane himself; I think there are still scorch marks on the range hood. You have to love it -- here's a guy who just spent six months doing a project which was supposed to take three, collecting checks by the fistful the entire time, and he's worried about saving \$80. With friends like this. . . ?

## CHRISTINE RODRIGUEZ NEWLY ELECTED SBA EVENING STUDENT VICE PRESIDENT

Christine would like to thank everyone for their help, votes and support during the election. She pledges do her best to serve the evening student body in her position as Evening Vice President.

Christine encourages any student who has sugges-

tions, concerns or issues they would like to address to contact her either at home (she is listed in the student directory); by leaving a note in her mailbox (she's a 3E); or by calling the SBA office (their phone number is 636-6951).

## THE ADVOCATE

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The Advocate is the official student newspaper of Fordham Law School. The goal of The Advocate is to report news concerning the Fordham Law School community and development in the legal profession. The Advocate also serves as a forum for opinions and ideas of members of the law school community.

The Advocate does not necessarily concur with opinions expressed herein, and is not responsible for opinions of individual authors or for factual errors in contributions received. Submissions should be made on disk in MS Word (any version) or Word Perfect 5.1. We reserve the right to edit for length and grammar. Advertising rates available upon request. Contributions are tax deductible.

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### DO YOU HAVE TOO MUCH TIME ON YOUR HANDS?

Do you have no consideration for contracts?

Do you feel like abandoning Civil Procedure for failure to state a claim for which relief can be granted?

Do you simply own no property and therefore see no reason for studying it?

If you answered yes to any of these questions, then *The Advocate* can use you.

If you are interested in writing for the official Student Newspaper of Fordham Law School, please stop by Room 26 in the cafeteria level or contact us at 636-6964.



# I've Got the Low-Down, Dirty, Utterly Unpleasant Can't-Get-to-Corporations-Class-On-Time Blues

By Ilona Stanley '99

I've missed Corporations class far too many times lately. As a matter of fact, I'm missing it right now. I'm really not a habitual truant—believe me, my grades need all the help they can get. If I'm not sitting in Room 303 between eleven and noon, struggling to read the board with my obsolete prescription, it's not by choice. It's out of fear.

Now, people who know me are laughing unsympathetically. I will admit that I have the rare chromosomal defect known as Chronic Latecomer Syndrome ("CLS"). Last year I'd walk into Contracts between five and seven minutes late, unfailingly, no matter when the class met. When I worked on Wall Street during the time I fondly refer to as the "Real Job Period", my supervisors stopped bothering to explain to me that the work day started at 8:30 and not 8:40. I really do have trouble being on time for anything, and I've been yelled at quietly by grandmas and loudly by moot court partners because of it. Usually I just figure that my endearing personality will make up for my shortcomings in the punctuality department.

This particular class has changed all that, though. In all fairness to the professor, he does warn you at the beginning of the semester: "I can't stand it

when people come to my class late." He tried to set up an incentive system involving a checkoff sheet removed precisely at the start of class every day, but the antics of our ambitious colleagues saw to it that the checkoff procedure didn't last the first two weeks of the term. The incentive system has given way to a disincentive system that I've witnessed but of which, thankfully, I've never been the victim: he'll stop his lecture and, in front of the entire huge class, give the latecomer as minimal or as great a tongue-lashing as the professor's caprice deems appropriate.

I've never borne the brunt of the professor's wrath because I've come to his class late exactly once. That's right: the person who has blown major opportunities simply because she couldn't meet the deadline is now reformed and punctual. Sound too good to be true? What conclusion usually follows a question like that?

I have come to the majority of Corporations sessions on time. It helps that two days a week, I have a class in that room immediately before that one. It also helps that I'm willing to take extreme measures to ensure that I don't become a spectacle: I've taken more taxis to school from the East Village on days I've woken up a little late than my bank account cares to discuss.

Even that doesn't always do the trick,

though, and on days when it doesn't, like today, I just miss class. It's not a foregone conclusion that I will: as I did today, I usually approach the door of 303, peering in through that little window with my hand on the door handle, all ready to walk brazenly in. But something about all those time-conscious students, faces uniformly oriented toward the blackboard, causes me to consider the disruption I'll bring about if I turn that handle and step into the room. The faces will turn toward me, and the professor will mete out justice in his unique way.

Yes, it is important that he keep order. It might not be "fair" to the people who come on time for latecomers to disrupt the proceedings. But, I thought, the punctual ones can take it up with me any time they want to. They know where to find me. They don't need a vigilante professor to fight their battles for them. Nor do I need this kind of reprogramming. We late people have enough disincentive to keep going as we are—we already have to worry about getting the notes we miss. All that's happening now is we're missing more. I know I'm not alone in this, either.

This morning in the taxi, I imagined getting to class late. I imagined just entering the room, trying to be

silent but not escaping the professor's eye. I imagined he'd reprimand me, asking (as I've heard he does) how we can expect to become professionals if we can't even get to a meeting on time. I imagined retorting, "Professor, I've gone to great lengths to try to be on time; I'm sorry I wasn't successful today, but I think that for my \$20,000 a year, as well as for my ten-dollar taxi ride this morning, I deserve at least half a Corporations class. We all pay the same amount of money here. We all deserve the same access to information, and just because I'm late doesn't mean I should have to skip class another day." I imagined going to my seat. Maybe there'd be applause, confusion; but things would begin to turn around.

Ah, dare to dream.

*At press time, Ilona had become more daring, and had walked into Corporations late two days in a row (both times after having paid \$12 taxi fare). The professor discreetly reserved comment on the matter until the second offense, and didn't bring it up until after class. Ilona presented her case to the professor, who was sympathetic but still came down firmly on the side of truth, justice, and punctuality. — Ed.*

## EXAMS, INTEGRITY AND THE LONG VIEW

By Professor Paula Franzese

Law school, and especially exam time, can do strange things to ordinarily kind, decent people. Competition can be fostered among some. Others retreat, feeling alienated. Some become aggressive, others cranky and still others fatalistic. Right about this time you might be feeling that no matter how cynical you get, you just can't keep up.

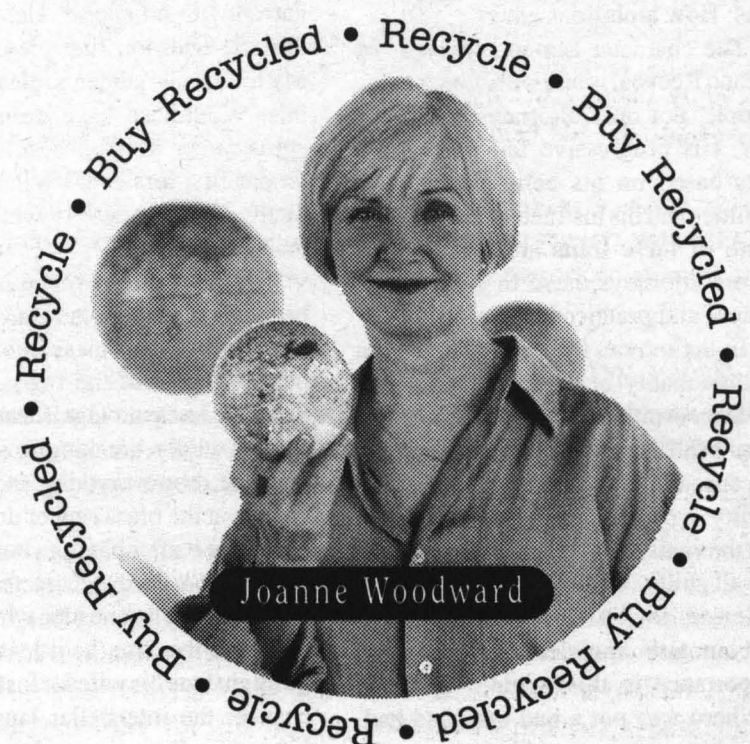
***Be kind, be compassionate and be dignified, mindful that your classmates today will be your colleagues tomorrow.***

Anxiety and nervousness is natural. But you can rise above it. For that matter, you can let it bring out the very best in you. It was Hemingway who defined guts as grace under pressure. Be generous to the people in your midst. Help them. Let a spirit of cooperation characterize all of your efforts, especially now. Reject any limited view of success. Success is infinite and it is contagious. There is plenty to go around.

Be kind, be compassionate and be dignified, mindful that your classmates today will be your colleagues tomorrow. This legal community of ours is a small one, and people's memories are long. Know that one year from now, indeed, twenty years from now, your classmates won't remember you as the person who got two As or two Cs first semester. What they will remember is how you conducted yourself in the process. It is who you are, and how you got there, that they will remember.

For guidance on how to conduct yourself, think about what you'd want said about you at your eulogy. (No, exams won't kill you. But this exercise is actually a helpful one.) Our lives are shaped most not by what we take with us, but by what we leave behind. When all is said and done, how would you want to be remembered? More immediately, at the conclusion of your law school years, what will you have left behind? What will be your legacy? Will they be saying, "What a competitive, win at all costs kind of guy he was. I'll never forget the time he hid that outline from his study group." Or will you be remembered as a decent, honest, hardworking person, always willing to help when you could? Memories die hard. The professional associations that you are forging now will outlive the challenges of the next months.

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## REALITY BITES

### The Real World, or Law in a Small Town

By Susan Altamore '99

I know that the Career Planning Center here at Fordham touts working for a judge as an insight into the "real" practice of law. You know: see how the law "really" works, how trials "really" proceed, how lawyers "really" argue, how case law is "really" created. Well, I've seen now how "real" law is practiced in a small town, and let me tell you -- this is reality!

This past March I accepted a position as legal assistant, or de facto law secretary, to a judge who presides over the court in a small city a few miles from my home. I thought it would be a great learning experience and would, even more importantly, look good on my resume (criterion number one these days of seeking a post-law-school job). The job had the added benefit of being paying (more than McDonalds, which instantly classified it as "professional"), and having flexible hours, a must, of course, for any nose-to-the-proverbial-grindstone law student.

I envisioned a job of listening to experienced attorneys make well-reasoned arguments, doing research on important points of law, writing opinions that could change the way justice is administered. The first opinion I had to decide, in fact, involved the Rosario rule, suppression of evidence and possible perjury by a housing code enforcement officer. Whoa, I thought! We got

nowhere near this sort of thing in Crim. Law, and what the heck do I know about adverse inferences for perjury? The reality, however, was that while the case was dismissed because the Rosario rule had in fact been violated, the perjury by the officer was merely the result of his not understanding that scratch pad notes constitute a memo book, and that he is not supposed to throw anything away that could be considered evidence. Hello! Obviously no legal training there!

The court handles all kinds of matters: civil, criminal, landlord-tenant, small claims and traffic and parking infractions. What this means is that the two days the court is in session the calendar is packed, and the majority of cases get either settled or plea-bargained. Imagine this scene: an elderly lady, white haired, with a walker, is accused of walking out of an alcohol rehab center, getting drunk and sideswiping a few parked cars. Her daughter, at least 50 herself, stands before the judge begging that her mother be allowed to go to another rehab center. The judge is concerned -- after all, this isn't a first offense. Her voice breaking, the woman begs, "But she'll lose her job if she goes to jail!"

"And what is that?" asks the Judge. "She's a cab driver!" (She went to rehab with the threat of immediate incarceration if she leaves it.)

On criminal matters, a large number of the defendants are unable to afford their own lawyers, which means that an "18-b" attorney is appointed for them. Oh, you say, lawyers who devote their time to making sure everyone, no matter how poor, is entitled to a good defense. I'm sure that at least part of that is true.

But the reality of dealing with repeat offenders who in many cases like jail (I have actually heard prisoners say this), has transformed arraignments into "waive a reading of rights, retain right to a jury trial," etc., said in a five-second mumbled monotone. Bail requests can be comical: "Your honor, my client is a lifelong resident, with no prior history..."

"Excuse me, counselor?" the judge interjects. "Have you looked at that local [record of prior offenses]?"

"Oh, well..." as the poor attorney thumbs through five pages of petty larcenies, disorderly conduct, assaults on girlfriends, and the like. "Well, your honor, he's always showed up in the past!"

You do get very cynical; when I first began work I didn't understand why the court officers would say "See you later" under their breath as defendants who had plea bargained to a lesser offense walked out of the courtroom. After a while though, I found myself saying it too -- because you know what? You did see them again. A girl who's had two arrests already for petty larceny and threatening another girl at the high school, who crumples up the Order of Protection as she's walking out of the court. Another girl, who's working her way up (or down, depending on your perspective) the traffic infractions list, beginning with failure to stop at a stop sign and appearing now for driving with a suspended license. Daddy's gotten her out of everything so far, but there is a limit when it hits the felony stage. And of course, the defendants who think it's cool to laugh or chew gum while standing before the judge:

more than a few have been forced to come back in, or wait around a few extra hours for a little lesson on respect, and the meaning of the term "contempt of court."

Because the town is small, it's the political aspects that really get interesting. Just last week, in fact, an attorney who tried to represent co-defendants in an assault case (he got an update on the term "conflict of interest") stood before the judge and claimed that the mayor was tampering with a witness. The attorney's claim was that because the election was coming, and the altercation involved firemen, the mayor was calling one of the main defense witnesses into his office to find out which way to play the case to the media. Of course, this was also the same week that a nut was arraigned who had walked into the city council meeting and turned on a boom box and took off his clothes while shouting the mayor was a rapist. And the same day that another attorney accused a fellow practitioner, who happens to be a town councilman, of filing a false affirmation of engagement. This is reality!

Hopefully none of us will commit most of the errors I see: late filing of motions, motions with egregious spelling and typographical errors, motions that don't even have a clue about what are the relevant arguments to make; that, we should all believe, is the sort of thing that Fordham will teach us not to do. But the other things I see you could well experience yourself -- not all law is about working for a big law firm, and earning the big bucks. There is another world out there, the world where the majority of law is practiced, and let me tell you, that is the real world.

### The Devil's Advocate: How Ambitious Are You?

By Nadine L. Smith '00

After seeing the Faustian tale *The Devil's Advocate*, which was highly entertaining (Al Pacino's performance was great; I especially enjoyed one of the most witty appeal to Hedonism speeches ever delivered by the Prince of Hell), the question I asked myself was: How ambitious am I?

The character Lomax (played by Keanu Reeves) is one with which many people, not only attorneys, can identify. His progressive fall from grace was based on his belief in his own abilities and his instinctual need to win. Both of these traits are what we, as future attorneys, need to survive law school and practice law well.

In the movie, the devil stated what will probably become a classic line, "Vanity is my favorite sin." Truth! The hero's fall from grace was, predictably, because of his vanity. Not the extreme vanity we associate with narcissism but the vanity of which ambitious people are all guilty. Vanity derived from confidence in our own ability and Polyannaish knowledge of our own importance in this world. The hero/antihero was not a bad man and had, until he compromised his own morals, the best of intentions, however, you know the cliché about where good intentions lead.

Lomax took the turn from good lawyer and basically good person when his wanting to win fairly easily mutated into needing to win. Lomax was defending an unpopular man in a high

### Fordham's Siskel & Ebert: Smith & Fuiaxis Give Devil's Advocate Two Thumbs Up

profile child abuse, the defendant took away any doubt of his guilt by committing self-abuse. Lomax had, up to that moment, won 64 cases, consecutively.

The decision he then had to make would have effectively destroyed his entire career because in doing the upright, moral thing he would be disbarred with no appeal. Here is where the title question first presents itself. My fellow law students, please answer this: Would we have destroyed our entire career, in essence, gut ourselves, on our first loss ever? Winning is addictive; and a desire to win is part of being ambitious.

The next time temptation rears its beautiful head is in the classic case of personal life v. business ambition. Scenario: You have the biggest case in your life but your significant other is, to put it mildly, breaking down. Do you abdicate, drop everything, and lose your chance at the brass ring or do you wait and solve it after having your cake and eating it too. As the character honestly explained, he had no idea what to do. If he leaves the case (he is lead counsel) he might hate his wife for loss of his big chance: the interstellar launching of his career. I'm going to let you guess what the Lomax character does - but what would you do? Some people dismissed the movie as just another lawyer bashing film. However, it makes sense that our adversarial legal system could lend itself to moral challenges. Attorneys are not encouraged in law school or real life to have intense emo-

tional reactions to the case outside of the passionate defense or prosecution of the action. Therefore, there is a fine line between whether we win the case for ourselves or our clients and there is even an even finer line between whether lawyers are fighting to bring the truth to light or whether the most believable version of the truth is brought forth by the best lawyer's argument. But, that is too deep an argument. Ultimately the movie is entertaining and Al Pacino is FUN! How much did I like the movie? To sum up and to misquote from the movie "On a scale of 1 to 10, 1 being any Van Damme movie 10 being the first Raider's, I give it a 12. Enjoy.

### The Law Firm of Satan & Satan—A Review of The Devil's Advocate

By George Fuiaxis '01

There are more students in law school than there are lawyers practicing law... We're coming out." Al Pacino certainly thought so while playing Satan in the legal thriller, "The Devil's Advocate." Directed by Taylor Hackford, *The Devil's Advocate* is an astonishingly entertaining film. In one of his finest roles since "Scarface", Pacino portrays John Milton, the founder and head of the law firm Milton, Chadwick and Waters. Milton, a horny devil who thrives on peoples sins. However, you have to choose to sin, otherwise he hasn't won your soul. In the film, Pacino is ruthless, making his smile as grotesque as possible, when staring at everyone he encounters and simulta-

neously reading their every thought and desire. After all, he is Lucifer.

Pacino's co-star, Keanu Reeves, portrays Kevin Lomax, an ambitious lawyer, who has never lost a case. Reeves is first seen successfully defending a distasteful school teacher against a charge of molesting a student. Then, with his beautiful wife Mary Ann (Charlie Theron), he celebrates at a bar where a strange lawyer from Milton, Chadwick and Waters lures him to New York with an offer he couldn't refuse. The Lomaxes are given a huge apartment in Manhattan and Mary Ann remains at home while her husband advances his career at the law firm and becomes increasingly seduced by the cases that come his way.

Theron's performance is quite convincing as the apartment-bound-housewife who slowly goes insane with a little help from Satan. As for Reeves it seems as if he is trying to impersonate an intelligent adult. In fact, watching the movie, I was expecting him to stop at any moment and say "AWESOME DUDE, TOTALLY RADICAL!"

The movie's ending helps explain why no one can do Satan's bidding better than a group of well-trained lawyers. What better access does the devil have than through the law? It affects everyone. One continuous theme the film emphasizes is that lawyers are indeed arrogant. As Milton points out, "Vanity is definitely my favorite sin." So perhaps it's true that we are all sent out as "sheep amongst the wolves."



# BURMA WEEK

Continued from cover page

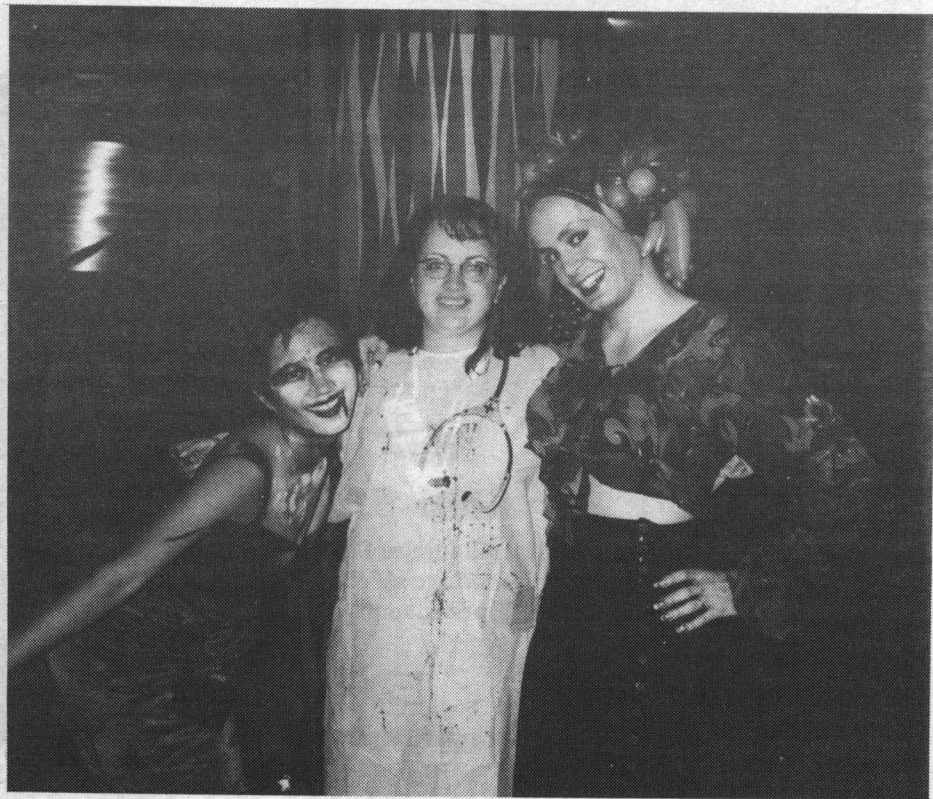
The activities are varied but most often take the form of resolutions — around 200 were proposed last year. Not all resolutions go to a vote. Many corporations are willing to open dialogue and reach a compromise, and those resolutions are withdrawn. On some issues, selective purchasing laws are more effective. The State of Massachusetts, the City of New York, and other cities have passed their own ordinances and laws designed to avoid patronizing suppliers who do business in Burma for example.

After ICCR's proposed resolutions helped open dialogue, Pepsico and Texaco both withdrew from Burma earlier this year. Resolutions are still pending with several major foreign investors in Burma including, but not limited to Unocal, Atlantic Richfield, and Caterpillar.

The Securities and Exchange Commission (SEC) has proposed amendments to the Act of '34. These amendments would raise the threshold for resubmission of resolutions and would allow corporations to reject resolutions as being based on personal grievances without the shareholders having recourse to the SEC. If such changes occur, shareholders may lose their voice and influence in the boardroom on crucial corporate responsibility issues.

For students who are interested, the Burma Project's web address is <http://sunsite.unc.edu/freeBurma/index.html>.

*Congratulations to James Colgate, Pictured far right, winner of the Costume Contest at LALSA's Ghost-A-Latin Party. Sylvia Pace, center and Ayako Nagano, left, also joined the Halloween festivities.*



# LIFTING OTHERS AS WE CLIMB

By Maria C. John '00

Tracey McNeil is a third year evening student, a Notes & Articles Editor for the Urban Law Journal, a former legal writing teaching assistant, and one of the winners of the Association of the Bar of the City of New York Minority Fellowship last year. Tracey is also the Chairperson of the Black Law Students Association ("BLSA"). In the first of what will be a three-part series, The Advocate interviewed this busy law student to gain her answers to five questions that we'll be asking each of the leaders of Fordham's minority student organizations.

**The Advocate: What were your goals for BLSA when you first took office?**

TM: One key goal was to create a more friendly atmosphere among African American students at the school. As a third year student, I can definitely say that I've seen a significant and positive change in that direction this year.

Another goal was to increase overall student participation by having more interactive meetings. We're experimenting with alternating BLSA meeting times (between Wednesday and Friday evenings) and with team building exercises incorporated into our general body meetings. So far, it's working out well.

A third goal was to gain more exposure for BLSA outside of the Law School, through activities that would benefit both the school and the New York community. One example of this was BLSA's participation in New York Cares Day. About a tenth of the Fordham students who participated in the event were BLSA members. I was very pleased by the support members gave to this worthwhile endeavor. We also attended Abyssinian



Tracey McNeil, BLSA Chairperson, is pictured (top left), at New York Cares Day

Baptist Church as a group early in the semester. Another way in which we hope to increase BLSA visibility in the Fordham community as well as in the New York community is through the Ruth Whitehead Whaley Symposium BLSA is hosting in March of 1998. This year is the 20th anniversary of the BLSA dinner in honor of Ms. Whaley, who was the first Black woman to be admitted to the New York Bar and the North Carolina Bar. She was also the first Black woman to graduate from Fordham. As such, we felt it was beyond past due that a symposium be held in her honor. We are planning an ambitious and valiant effort which will entail inviting BLSA chapters from across the country, as well as major law firms and well known practitioners. We are confident that the event will draw positive attention to BLSA and to Fordham as a whole.

**The Advocate: What improvements would you like to see for the Black Law Students?**

TM: One improvement I would like to see is an increase in students' participation in the BLSA committees that effectively implement our goals. It is not fair or reasonable to expect the same group of people to serve on committees all the time. It is my firm belief that if each BLSA member spent a maximum of just one hour per week fulfilling their chosen BLSA responsibility or task, then we could be an extraordinary organization without anyone feeling overworked or overwhelmed.

**The Advocate: How do you think the Administration can assist you in achieving your goals and in bringing about these improvements?**

TM: The moral support BLSA receives from the administration is wonderful and greatly appreciated. For instance, Dean Feerick and his office have been very helpful in assisting us and making suggestions for the Ruth Whitehead Whaley Symposium and community service activities.

However, since the symposium is our most ambitious programming goal this year, we will need even more support from the administration as a whole for the event to be a total success. Right now we are moving ahead on faith. The invitation list is quite extensive and although we realistically understand that

not everyone can attend, to date we have already confirmed a district court judge, partners from two of the top law firms in the country and a legal correspondent from a major newspaper as speakers for the event. Unlike other Fordham student groups, with large budgets, BLSA does not have much money to spend on the event, but we would like to feel as though the school will assist us in making the symposium an illustrious occasion. The event is in honor of a very significant alumna, and Fordham has always prided itself on encouraging women and minorities in the profession. Therefore, BLSA anticipates working hand-in-hand with the administration and looks forward to receiving the school's support in promoting and carrying out the event. As stated, we are certain that the symposium will bring extremely beneficial exposure to both BLSA and the Fordham Law School community.

**The Advocate: What have you enjoyed most this year as BLSA's Chairperson?**

TM: I have been pleasantly surprised by the support and enthusiasm of the students - not just the black law students, but people overall. I have received both compliments and some constructive criticism, which I welcome, because it helps the executive board serve the BLSA student body in the way in which they need to be served.

Also, this year I've felt a stronger sense of community, with BLSA students being more open, friendly and supportive of one another.

**The Advocate: What is the single most important thought you would like to leave with the Black Law Students of Fordham?**

TM: To paraphrase Marian Wright Edelman: The world has a lot of problems. Black people have an extra lot of problems, but we are able and obligated to struggle and change them. And extra intellectual and material gifts bring with them the privilege and responsibility of sharing with others less fortunate. In sum, service is the rent we pay for living. It is the very purpose of life and not something you do in your spare time.

BLSA's theme this year, "Lifting Others As We Climb", chosen by the general body, echoes Edelman's sentiment; however this is something that I also personally try to live by.



# First Year Drama: An Open Letter To The Class of 2000

By Brian W. Gottlock '00

Hey, fellow first-years. It is hard to believe we are already well past the mid-point of our first semester in law school. By now, we've endured the arduous orientation process and sustained the requisite dips in our socials lives; we know what most of our energies should be (and should not be) focused on; and we basically understand what is expected of us between now and next May. With Thanksgiving just around the corner and (gasp!) exams not too far off, the perennial Fordham Law staple is upon us: the long memo assignment, about which I'd like to say a few words.

I know I, for one, having digested Scott Turow's terrifying *One-L* and spoken with upperclassmen and recent graduates at Fordham and other schools, expected the absolute worst of law school's first year itself. I had images of needlessly cold-blooded teachers, inhumane studying conditions, mountains of unreadable legalese, and a total conscious disregard for current events, what day of the week it was, deaths in the family, etc. Not to say it's been an easy couple of months by any means, but the much-hyped insanity of the first year of law school had not hit as awfully hard as expected. Of course, like most of the other aspects of law school, the dreaded long memo can be interpreted as having more bark than bite. This assignment is a great exercise in tried-and-true legal research that will require us to take an active role and, for the first time since being "Socraticized" in class, flex our newly-minted legal minds.

Apparently, though, some students at our great school have forgotten what we were all taught as Kindergarteners way back when, making the long memo process living up to the myths. You know,

besides "don't say 'shut up'" and "color only within the lines," we were all informed of a very important cardinal rule: clean up after yourself. Who knew Mr./Mrs. [substitute your teacher's name here] would be trying to mold you into a considerate and thoughtful adult? I bring this up after a very disheartening trip to the library one evening in a nearly-futile attempt to locate a handful of books required to dig up pertinent cases for the long memo. Oddly enough, the usually serene Fordham Law library had been seemingly targeted by some ill-meaning tornado. Reading materials of every shape and size were strewn about and reshelfed material was horrendously out of place, if reshelfed at all. As you are all very aware (since you have all started your research, right? RIGHT?), this was not just an anomaly nowadays. Complaints abound, disgruntled first-years pout throughout the library, and library staffers are picking up the pieces.

While we have no control over broken photocopiers, disagreeable photocopy cards, or the sheer complexity of our respective assignments, the added frustration of a messy library is completely within our control. The pre-holiday first-year crunch is arguably the toughest point in law school, and extra effort can and should be made to see that we all get through it with as little unnecessary distraction as possible. I cannot even begin to count the number of times I conducted fruitless searches of book-covered carrels and tables in search of that certain book, only to be advised by equally disconcerted classmates, "Fuggedaboutit." Who are these rude people who collect half a dozen books at a time and then thoughtlessly leave them off the shelves when they are finished? I fear that the answer to that question might fill the

McNally Amphitheater.

So as we approach the end of the first half of this trial by fire into the legal profession, we as first years should make a concerted effort to help one another out. At the very least, we should be considerate to one another and dust off that copy of *Everything I Need To Know I Learned In Kindergarten*. Get the books

you need (ahem!), take your notes or make your copies, and return the books—where they belong, of course, and not on some obscure shelf in the seventh stack.

Good luck finishing your memo, rock those exams, and have a great holiday break.

## SBA COLUMN#2

ONLY AT FORDHAM: A FIVE DAY EXAM PERIOD

By Mark Sherman, SBA President

I was going to write on how embarrassing my photograph was in the first issue, but believe it or not, a more important issue has arisen -- the Spring 1998 semester exam schedule.

For the first time, the Registrar's office has compressed all upper class exams into a five consecutive day period. Usually, the exams spread over a period of eight days. Unfortunately, the Registrar's hands are tied, as he cannot extend the exam period on either end.

You see, the annual meeting of the National Association of Law Schools--a meeting which many of the faculty must attend--convenes a week later than usual in early January 1998. As a result, classes begin January 12, later than usual.

On the other end, exams for upper class students must end on May 8. This is because grades must be in for graduating third years by the middle of the following week (graduation is May 17). The Registrar must have ample time to compute final GPAs and credit amounts for all graduating students. The Registrar must also process all graduation audits in time for graduation.

Another problem is that there are only four available exam days for evening students who will inevitably have exam conflicts. We have asked the Registrar's office to waive the \$25 makeup fee for both day and evening students in light of the compressed schedule. He has agreed to waive the fee for all "absolute" conflicts--that is, con-

flicts that arise from administrative or scheduling problems. If you get sick or have a personal conflict, you will still be charged a fee.

But we are still not satisfied with taking all of our final exams within a period of five days. Registrar Ken Pokrowski and Dean Michael Martin have been supportive of our efforts to reach some sort of compromise.

Together, we are proposing a few solutions. First, we are asking for a "3 in 36" exam conflict to the Faculty. Under this rule, if you have three exams within a 36 hour period, you will qualify for a makeup exam the following Tuesday, May 12. Alternatively, we are asking for exams to be extended to Friday night and Monday morning. As always, the Registrar will approve any religious conflicts with Friday night's exams. The faculty will vote on these proposals and as soon as we hear from them, we will let you know.

We are sorry this issue has taken attention away from the debut of the new telephone registration. In fact, we are very thankful to the Registrar's Office for all of their efforts in assembling the FASTR program. It is a great convenience to the students. Again, thanks for your patience. Much luck on finals.

At press time, Mark Sherman had already made some progress on this issue. A Revised Spring 1998 Final Exam Schedule has been issued.

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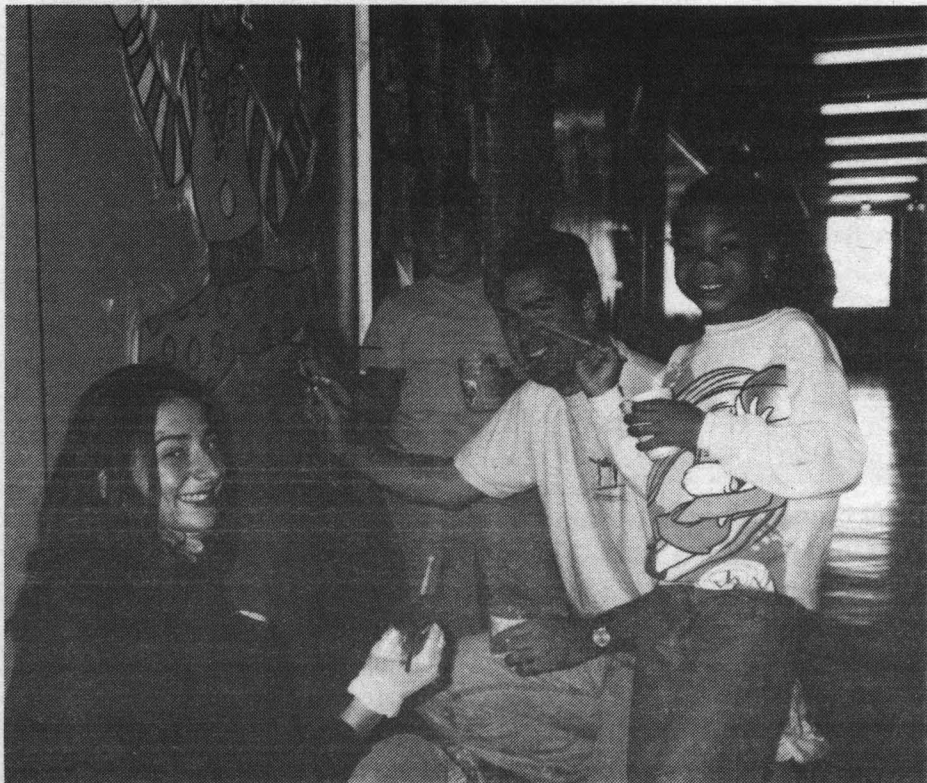
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# FORDHAM'S PARTICIPATION IN NEW YORK CARES DAY

**CLAN NA GAEL CARES:** Sean Kane of Clan na Gael pictured with students



**THE SBA CARES:** Mark Sherman pictured (standing center) in school library



**BLSA CARES:** Pictured (bottom left) is Jennifer White, chair of BLSA's community service committee, along with eight students from Fordham's BLSA



**ENVIRONMENTAL LAW JOURNAL CARES:** Christopher Bicknell of ELJ pictured with students



***SPEAKING OF COMMUNITY SERVICE, BLSA & THE STEIN PROGRAM HAVE AN ONGOING MENTOR/MENTEE RELATIONSHIP WITH AMSTERDAM HOUSES TO HELP KIDS IN THE COMMUNITY. FORDHAM STUDENTS ARE ENCOURAGED TO GET INVOLVED WITH THIS WORTHY CAUSE AND TO HELP MAKE A DIFFERENCE IN A CHLD'S LIFE. SEE THE BLSA BOARD OR CALL THE STEIN PROGRAM FOR MORE INFORMATION.***



# Fordham's Advanced Legal Writing Courses

*In the next issue of The Advocate, there will be an article on Fordham's Legal Writing Program. Below is a list of Advanced Legal Writing Courses that you may not have known were available. Hopefully, the list will be helpful to those of you who intend to take an advanced course in the spring.*

**Advanced Legal Research/Writing Seminar.** In this course students will learn how to do legal research in each of the major practice areas, including securities, bankruptcy, environmental, and foreign and international law. In addition, students will be trained to locate business information and to research medical legal issues. Class members will become proficient in the use of Lexis, Westlaw and the Internet. This course (unlike the Advanced Legal Research Workshop) will also contain a substantial writing component; students will draft memoranda, opinion letters and other legal documents based on their research findings.

*Professor Alfandary, Tu 6:00-8:40.*  
3 credits.

**Advanced Legal Research Workshop.** This course will focus on honing time-effective and cost-effective legal research skills using print tools, CD-ROM, Lexis and Westlaw, and the Internet. The emphasis will be on critical evaluation of research tools and research strategies. After an initial skills assessment, students will devise customized plans with the instructor to work on areas of weakness and develop new skills. Each student will produce a research pathfinder evaluating the various information resources available in a subject area of interest such as tax, securities, commercial or international law; the pathfinder will be shared with the rest of the class and perhaps made available to others via the Internet. *Professor Kreilick, M 6:00-8:40.* 3 credits.

**Advanced Legal Writing Public Interest Newsletter Seminar.** Students will research and write papers of contemporary and practical interest relating to public interest law with a view to publishing their work in both written and electronic form in a public interest newsletter. The course will provide training in both expository writing skills and advanced research techniques. *Professor De Palma, Th 6:00-7:45.* 2 credits.

**Appellate Drafting.** This course will cover the preparation of an appeal, from the notice of appeal to the submission of the brief. Students will review and prepare various federal and state appellate court papers, including the notice of appeal, motions for leave to appeal, and writs of certiorari. Particular emphasis will be on the appellate brief and an analysis of its essential elements. The centerpiece of the course will be an actual case pending in a federal or state appellate court. Students will be required to analyze a record on appeal, assess the legal issues, develop strategies for the case and prepare the brief. Through related readings, students also will conduct a critical analysis of the appellate judging process. *Professor Cohen, Th 6-8:40.* 3 credits.

**Bankruptcy Drafting.** This course will be based on a hypothetical sequence of events designed to teach students to draft documents

required to commence a bankruptcy case and to litigate and settle issues commonly arising in a Chapter 11 bankruptcy proceeding. The course will be of interest to students who contemplate a bankruptcy career or a general or commercial litigation practice. Students will learn to draft such documents as bankruptcy petitions; motions to sell assets, to enter into financial agreements, to lift the automatic stay and to appoint a trustee or examiner; pleadings in adversary proceedings; objections to claims and plans; and stipulations resolving disputes. Knowledge of substantive bankruptcy law is recommended but not required. *Professor Gardiner, W 6:30-9:10.* 3 credits.

**Civil Litigation Drafting.** This course will cover the preparation of civil litigation papers submitted to a trial court. Students will analyze the legal issues raised by hypothetical fact patterns, develop litigation strategies, and prepare litigation documents including complaints, answers, discovery requests and responses, affidavits, and memoranda of law.

*Professor Berne, M 6:00-8:40.* 3 credits.

**Commercial Drafting Seminar (Section 001).** This seminar will deal with the functions of a contract and the role of the lawyer in a commercial transaction, and with the principles involved in creating contractual arrangements that work. The seminar is built around the acquisition of a business, and will require the student to assume some of the usual roles of junior lawyers in commercial practice. It will feature weekly drafting exercises of portions of the acquisition agreement and the many collateral agreements involved in a typical transaction, with a view toward sharpening drafting skills, gaining insight into how commercial agreements of all types perform, and learning to develop solutions to problems arising in the course of doing a deal. Each drafting exercise will assist the student in achieving basic drafting skills that can be utilized in all types of commercial transactions. 1 Required pre-requisite: Corporations. *Professor McAuliffe, Tu 6:00-8:40.* 3 credits.

**Commercial Drafting Seminar (Section 051).** This seminar will introduce the principles involved in drafting agreements used in business transactions, with an emphasis on how to achieve the client's objectives. The course will cover how to structure an agreement, draft clearly, and identify and deal with business and legal issues. Weekly assignments will require each student to draft an agreement or other instrument according to the instructions of a hypothetical client. Students will revise certain of these assignments to reflect the professor's comments and changes in the deal. The documents will include business acquisition agreements, employment agreements, commercial leases, and statutory filings. Required pre-requisite: Corporations. Recommended: Courses in Corporate Finance or Accounting. *Professor Shaw, W, 1:00-3:50.* 3 credits.

**Criminal Litigation Drafting.** In this course students will learn principles of criminal law drafting from the perspective of both prosecution and defense. The course will cover the following documents: accusatory instruments; search and arrest warrants; plea agreements; discovery and pre-trial defense motions (*e.g.*, motions to dismiss the indictment and to support evidence and statements); subpoenas; stipulations; jury instructions; and motions in support of judgments of acquittal. Although the context of the documents will be the federal criminal system, students interested in state criminal defense or prosecution will also find the course useful. Recommended: Courses in Criminal Procedure and Evidence. *Professors Feinberg and Corngold, M 6:30-9:10.* 3 credits.

**Family Law Drafting.** This course will provide students with a firm grounding in understanding and drafting the types of documents most often encountered in matrimonial practice. In order to facilitate the student's understanding of why particular provisions are used and how best to draft them, there will be significant classroom discussion of substantive matrimonial and tax law. The principal focus of the course will be on drafting portions of separation agreements, including custody and visitation, child and spousal support, equitable distribution and estate provisions. There will also be drafting assignments on prenuptial agreements and matrimonial litigation papers. The student's grade will be based upon both weekly written assignments and class participation. *Professor Leonard G. Florescue, W 6:30-9:10.* 3 credits.

**Legislative Drafting.** This course will teach basic techniques of statutory and regulatory drafting through both redrafting/editing exercises and the original drafting of a series of increasingly complex statutes. Through related readings, the class will also explore how the legislative process and principles of statutory interpretation (including the canons of statutory construction and the use of legislative history) affect the drafting process. *Professor Younkins & Vorspan, W 6:30-9:10.* 3 credits.

**Real Estate Drafting.** This course will be based on a hypothetical sequence of events, designed to teach students to draft documents used in basic real estate transactions. It will be of interest to students who plan to enter careers in real estate, landlord/tenant law or general practice. Course assignments will include the opportunity to draft or critique opinion letters, real estate brokerage contracts, contracts for sale of homes and cooperative and condominium apartments, closing statements for residential property, residential and commercial leases, and agreements between landlord and tenant.

*Professor Sandercock, W 6:30-9:10.* 3 credits