

4-1990

## The Advocate

The Advocate, Fordham Law School

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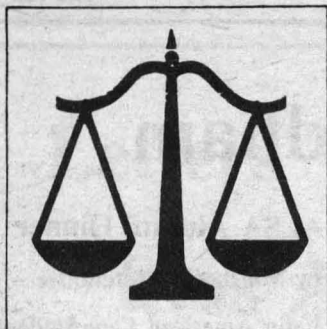
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# The ADVOCATE

FORDHAM UNIVERSITY SCHOOL OF LAW

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April/May 1990

## Law School Gender Bias: How Does Fordham Measure Up?

by Constance Roland '90  
and Joyce Stickney '91

Gender bias is an issue being studied throughout colleges, universities, and now, law school campuses in the United States. Recent interest here at Fordham was initiated by its hosting of a statewide forum on women's issues.

The Committee on Women in the Law, a section of the New York State Bar Association, sponsored the Forum on Women in Legal Education on November 14, 1989, at Fordham Law School. Students, faculty, and administrators from fourteen New York law schools participated. Selected speakers reported on areas in legal education affecting women, including, the hiring and status of women faculty, the classroom environment, and teaching curricula and materials.

In the late fall of 1989, Dean John Feerick established the Ad Hoc Committee on Women in Legal Education, a student/faculty committee, chaired by Professor Mary Daly. Other members include Professor Mark Arkin, Professor Hal Lewis, Constance Roland (third year day student) and Joyce Stickney (second year evening student).

At the end of this article, a Gender Attitudes Questionnaire is included for you to answer, so that your voice and opinions can be heard in this school. Whether you have a positive or negative report for us, your experiences and perceptions are valuable, and we need your information to help Fordham recognize and remedy the community's needs in this area.

Please fill out the Questionnaire.

At the NYSBA Forum on Legal Education, speakers noted that women's status in education has improved over recent decades by increased enrollments, more women faculty, and a growing number of women role models and mentors. Although the improvements were noted, we were told, the gender divide remains.

Bernice Sandler, Executive Director of the Project on the Status and Education of Women of the Association of American Colleges, discussed the Association's research of faculty behaviors which demonstrate that female students are often treated differently than male students in the graduate-school classroom. Her conclusions claim that the male student is provided more support, direction, and encouragement than their female colleagues. For example, teachers call on female stu-

dents less frequently than male students, even when women volunteer; teachers make less eye contact with women and remember men's names more often than women's names. Teachers are less patient waiting for a female student's answer to a question, than a male colleagues; teachers tend to ask females an easier fact-related question, saving the more difficult theory-related question for a male student, resulting in longer discussion with the man. These tendencies were not presented with numerical statistical support, but despite their broad strokes, should not be necessarily dismissed.

The Fordham Law Women (FLW), an SBA sponsored student group, has increased their activities this year in response to its membership. The Brown Bag

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## Prof. Flaherty Headed For U.S. Supreme Court

by Maribeth Whitehouse

Associate Professor Martin Flaherty, who's spent the past year instructing students in Constitutional Law and Comparative Federalism, has been chosen to clerk for the United States Supreme Court.

The clerkship adds to Flaherty's already impressive credentials. He has a B.A. in History from Princeton University, an M.A. and M.Phil. in History from Yale University and a J.D. from Columbia Law School. He also received an ITT/Ful-

bright scholarship to study at Trinity College Dublin. Currently, he is working on his Ph.D. dissertation, "Anglo-Irish Political Thought and The American Revolution."

Flaherty has enjoyed teaching at Fordham, calling the students "very sharp and very industrious," and "unlike what one would expect in many schools, respectful and supportive of one another." Flaherty, who was born in Brooklyn, raised in Staten Island and New Jersey, and somehow

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## Judge John Connell Receives Medal of Achievement at Alumni Luncheon

by Lisa Hayes

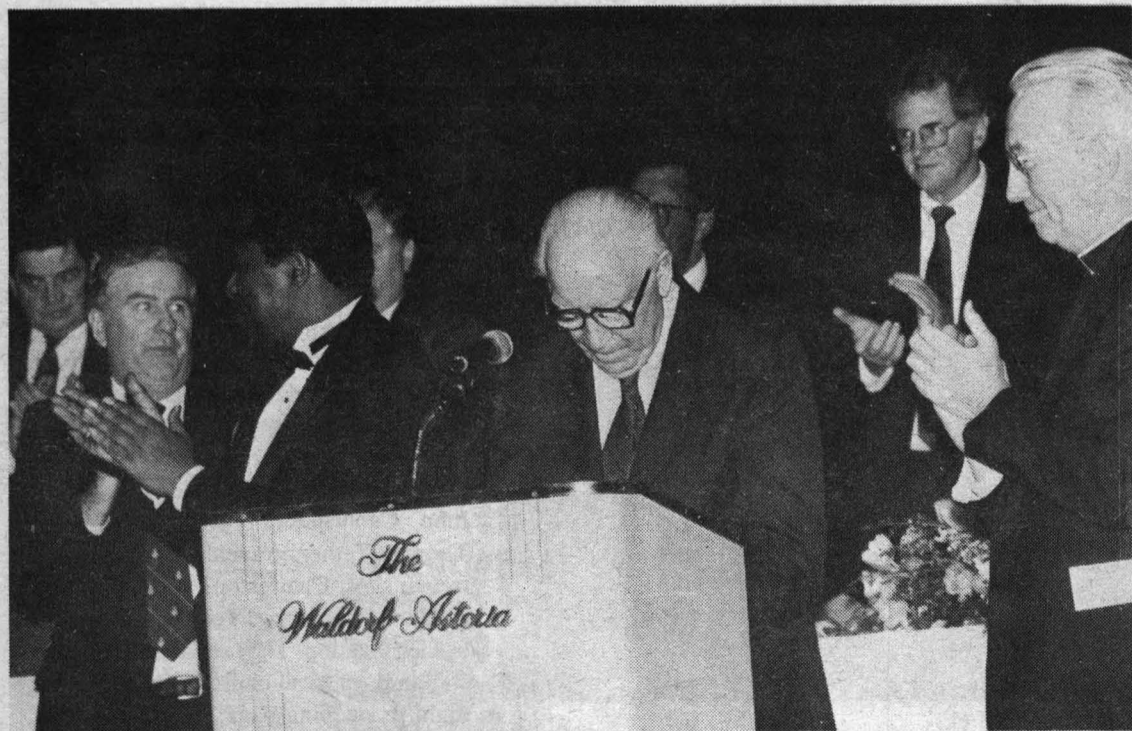
On March 3, 1990, at the Waldorf-Astoria, the alumni of Fordham Law School gathered together for the forty-first Annual Alumni Luncheon. The Chairman of the event was the Honorable Cornelius Blockshear. The address was given by the Hon. Thomas J. Meskill and the Medal of Achievement was awarded to the Hon. John M. Connella.

Someone at the table asked, "Who is that at the podium speaking? I'm not sure, but doesn't he head some Commission?"

The person next to him responded, "How can I tell from that, don't they all?" Although said in jest, these comments certainly underscore the leadership that Fordham Law School has produced as represented by those alumni seated on the dais and those in the audience.

The oldest alumni were seated first, in the front of the ballroom and subsequent classes seated behind. This had a curious effect on the distribution of the audience. For example, there were very few African-

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(L. to R.) Dean Feerick, Judge Cornelius Blockshear, who was Master of Ceremonies and University President Joseph O'Hare S.J. applaud Judge John Connella '33 as he received the Fordham Law Alumni Medal of Achievement at the annual Alumni Luncheon.

### Inside This Issue

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## No One's Corner

by Thomas V. Linguanti, '90

"No one has the corner on the truth" John Stuart Mill, *On Liberty*

### Fordham Gets a Loan Forgiveness Program—We Think

Just when you thought it was safe to go back into the water (cooler—a story in itself), the Administration pulls a fast one. My sources have informed me that, with none of the trappings that normally accompany a political move, the Administration has voted recently to approve a loan forgiveness program for graduating students heading for public interest/sector careers.

Funny, you have not heard of this either? Hmm. Did you go around from classroom to classroom gathering support for the Fordham Loan Assistance Program, the student-sponsored loan forgiveness program? Well, then, were you one of the over 650 students who signed a petition supporting FLAP? Were you the one who first drafted a proposal for the Administration's consideration? Yes, you say, you fall into at least one of those categories. Well then, what the heck is all the secrecy about?

I have no real ideas either, except that let me say what has been passed falls far short of any program for which you or I have been lobbying over the last three years. Given that I cannot go into the new program's details as none of those responsible *has given me the courtesy of a telephone call*, I have been able to confirm one thing: the only loans which are eligible for "forgiveness" are those made by Fordham Law—guaranteed student loans, college loans, and all the rest of those loans which will find us eating peanut butter and jelly six days a week are *not* included in the program's forgiveness scenario.

The fact that Fordham has enacted a program at all, I guess, is a good sign. With all the wrangling that dedicated students (and to them I give my deepest thanks) have put up with for the last few months, especially in trying to convince

the Administration that Fordham has an obligation to try and help those who have actually bought into the Jesuit idea of "serving the community," at least there is something to show for their proverbial efforts. Are they pleased and contented though? Are you?

Those who supported the program as eventually passed believed (I think) that this was a necessary first step towards a broader program, once this one proves itself. Although no one will be helped substantially by the forgiving of Fordham loans, Fordham can show that it has recognized the problem of high debt burdens and low public service/interest salaries. And if we find that we can someday afford a more expansive program then we will implement it.

There are of course many people who disagree with such a compromise. I don't know, but personally I would rather be able to say that my school was not yet ready for a loan forgiveness program, than to say that we have a program which has as its only benefit its publication in the Fordham law recruitment guides. I know many people in the Administration are as displeased as I am, and to them (who I hope by now know who they are) I add to my to-be-thanked list. But I also know that many people are going to continue to go without adequate legal counsel, and to them I say I am sorry. Maybe Atticus Finch and I should go back to lawyering and stop trying to do what's right.

Regardless of whether you believe that any program, however restricted, is a positive first step, or whether you believe that the only people truly served by this action are those trying to make Fordham look like a national institution in the eyes of the law school ranking committees, here you are: the Fordham Law School Public Service Loan Forgiveness Program (unofficially so named). I hope it works. But most of all, I hope it matters.

## Inside Fordham

### The Fordham Law Public Interest Movement

by Tigran W. Eldred, '90

Bravo Fordham Law School! You should be very proud of yourself! You deserve high praise indeed. No—this isn't a reference to your high bar pass-rate, nor your excellent selection of business courses for the fledgling corporate associate. Rather, this admiration is for your sincere support for the public interest law movement!

For those who are unaware, let's reflect on what Fordham is doing to establish itself as a law school strongly dedicated to public interest law. A couple of years ago, there were very few opportunities at Fordham for law students to participate in public interest activities.

The situation has changed dramatically.

First, there is the Fordham Student Sponsored Fellowship ("FSSF"). FSSF is a student run organization which is dedicated to funding and assisting students who want to work in the public interest during the summer. During its first year, FSSF raised over \$20,000.00 and funded six students to work in organizations such as the Legal Aid Society and Covenant House. This year, invigorated fundraising will allow FSSF to finance even more students in public interest positions (*for those who have pledged, but not yet paid, FSSF is still waiting for your donation—you are necessary for the program's success!*).

Fordham Pro Bono is also growing fast! Under excellent leadership the program this year has been expanded to provide second and third year students great opportunities to use their legal skills to help indigent clients.

Many students have represented tenants at administrative hearings and aided clients in gaining needed welfare and social security benefits. In addition, students have been helping the homeless by providing legal assistance in area soup kitchens. Other pro bono opportunities include programs to help low-income tenants incorporate and run their own cooperative residences and legal aid for children.

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### LALSA Alumni Dinner

by Maribeth Whitehouse

The Latin American Law Student Association (LALSA) had its Fourth Annual Alumni Dinner on Friday, March 30, 1990. Described by one guest as "an incredible night," LALSA played host to some 50 people.

Cesar Perales, a Fordham Law School graduate, was the feature speaker. Mr. Perales currently serves as the Commissioner for Social Services for New York State. Mr. Perales discussed the evolution of his career from the Legal Aid Society to Assistant Secretary of the Department of Health, Education and Welfare during the Carter Administration. He emphasized the importance and rewards of public interest law. He also pointed to the special burden minority students have in serving as role models for their communities.

Dean Feerick also spoke. The Dean's speech focused on the progress Fordham has made in minority admissions. However, Dean Feerick stressed that the school was not yet satisfied with this progress and noted the Fordham was committed to future change also.

LALSA's President Nydia Padilla-Barham spoke last. Ms. Padilla's speech praised the Dean for his efforts on behalf of minorities. But she noted that there was still much work to be done to diversify the student body. Ms. Padilla also called on LALSA's alumni to form their own independent organization. This group would help to support Fordham's current Latino students, encourage prospective students and serve as a network for graduates. Ms. Padilla said the alumni group would also show that the Latino presence at Fordham "was here to stay."

The evening also included the election of next year's LALSA officers. The office of President will be filled by Robert Diaz. Juan Roman will act as Vice-President. Jose Velez will serve as Secretary/Treasurer.

"It was not just a dinner. Incoming students met graduating students, current students bonded with successful alumni, and the administration addressed issues of importance to us," commented President-elect Diaz. "I feel we've solidified our position here at Fordham."

### FORDHAM LAW SCHOOL STUDENTS SPEND SPRING BREAK WORKING IN APPALACHIA

Twenty students from Fordham University School of Law spent their Spring Break (March 17-24), in Kentucky and in West Virginia, building houses for homeless families. They worked with the Habitat for Humanity Program, a national organization whose most well-known volunteer is former President Jimmy Carter, and whose stated goal is to provide permanent shelter to those in need.

The Fordham group, led by students John Cannistraci, Tigran Eldred, and Thomas Tether, traveled by rented vans to two sites: Charleston, West Virginia & Ashland, Kentucky. Ten students worked at each location. They stayed in the fellowship halls of local churches, and spent the night in sleeping bags.

The Habitat for Humanity builds be-

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(L. to R.) Fordham Alumni President James Gill '56, Judge Irving Kaufman and Dean Feerick at the Unveiling of Judge Kaufman's Portrait Marking His 40th Anniversary On The Federal Bench.

# Letters To The Editor

## Bias At Fordham

March 27, 1990 was a historic day at Fordham Law School. At 4:30, a discussion began that was long overdue and hopefully not the last of its kind. The topic: bias at Fordham. Attendees included Dean Feerick, various administrators and many students.

Some students discussed incidents of racial and ethnic bias. Some discussed gender bias. Other students mentioned incidents of bias based on sexual orientation. Each testimonial added a stroke to the disheartening picture. Fordham it seems, is not such a "friendly" school after all.

The incidents discussed were varied, but all were ugly, hurtful and have no place at Fordham. For instance, the word "negro" was crossed out of a casebook and the word "nigger" substituted. On another occasion, a male student commented on a female participant's aggressive Moot Court performance by saying, "Now I know why men don't want to go home to their wives." And were you aware that Fordham's admissions material fails to include sexual orientation as a basis for non-discriminatory practice?

And so this editorial is a "call to arms." This call is to Fordham men and women of all backgrounds to examine and change their own biased behavior and attitudes. This is a call to all people who witness bias in others, to say out loud that they are offended, because silence tacitly condones bias. This is a call to the faculty to consider carefully the impact of their words and examples on the student body. This is a call to the administration to examine their policies and institutions, and to facilitate the "friendliness" we hear so much about.

Bias hurts, denies opportunity, narrows the power base and quashes self-esteem. Bias limits awareness, puts professional ethics in question and promotes a myopic vision of the world.

It is much too late in the day to tolerate bias. Now is the time for Fordham to act. Now is the time for Fordham to change.

Maribeth Whitehouse

### Free Speech: Alive And Well At Fordham?

Dear People:

I's happened again. For the third time this year, someone has decided that the Pro-Choice button I keep on the front of my locker is just too offensive to be borne. He/she has assumed that the proper remedy is to remove the pin and to either keep it or dispose of it. Except, this last time, the pin was not taken. This time it was bent and twisted—just enough, I suppose, to make sure I get the point that my views displease this mystery person.

Actually, this new twist is less disturbing to me than having the pin simply disappear; at least it remains displayed with the idea I choose to support in displaying the button. Nevertheless, three times is more than enough.

After the second disappearance, I put two signs on my locker. One said, "REMEMBER THE FIRST!" (Amendment. You remember that one; the one that said "Congress shall make no law . . . abridging the freedom of speech . . .") The other said, "Pro-Choice whether you like it or not." Both signs were gone before the morning passed. The pins have fared much better. The have managed to remain for weeks before disappearing. But this letter is not about disappearing pins. It is about disappearing tolerance for the ideas of others, whether we like them or not.

Recently, a debate on the issue of whether a statute banning Flag-Burning is Constitutional was held here at Fordham

Law School (William Kunstler, anti-banning, and Paul Kamenar & Jeremy Rabkin, pro-banning. Remarkably little was said about the political nature of the "speech" in question, but that was the basis of the question in that debate and, on much lower terms, that is the basis of the disappearing pin. Political speech is, by nature, offensive to those who disagree with the opposing proposition. That offensiveness is largely the reason for having a Constitutional Amendment to protect it.

It is extremely offensive to me and, I daresay to many other women, to walk down 42nd Street and see replicas of our bodies—and pieces of them—used as garbage, displayed and available for the use and abuse of anyone who cares to violate them. Nevertheless, I defend the right, though I realize this is not the most popular position in the world, of people to display something repulsive to me. I don't have any more right to be the arbiter of taste for this country than they do. By the same token, they have no right to be the arbiter of taste for me, and far less so when I express myself politically.

Political speech and other manifestations of political expression are specially protected speech. For a reason. A democratic form of government desperately needs disparate voices to speak. It needs criticism; it needs unpopular views; it needs people who are bold enough to say "This is wrong!" just as much as it needs people to say "Yes! This is right!"

We seem to have a very strong tendency these days to assume that because someone disagrees with something we do, he/she is against us and is a threat to us. When governments behave this way, they do things like create House UnAmerican Activities Committees which do a great deal of injustice to both individuals who happen to believe differently from them and to their own spirits.

Why is it difficult for us to remember that this country we claim to value so highly was formed by people just like the ones we are so eager to silence? Critics, pains-in-the-you-know-what . . . rebels. Outspoken people who wouldn't just sit down when somebody told them to shut up. Democracy is not genteel. It is a rough and tumble form of government that gives the rabble as loud a voice as the elite because it knows they're all people. And it knows no one group has a corner on what is right. Whenever we forget that, we are in danger of losing the chorus—or cacophony—of voices that sing the song of ourselves. The alternative, the flat, hard, single voice of fascism, will never have so sweet a song.

So I'll continue to put up my little Pro-Choice pin, and if it doesn't stimulate anyone who disagrees with me to rethink his/her position, that's O.K. He/she is welcome to believe as he/she wishes; he/she is welcome to say what he/she chooses; but so am I.

Very truly yours,  
Cheryl M. Cardran  
Class of 1992

### Failure To Give Notice

Once again, the administration has demonstrated its lack of concern toward the students here at Fordham. But, then again, why should that surprise anyone?

Because of an administration scheduling error, the Insurance examination last semester was set for the same date and time as Professional Responsibility. This created problems for approximately ten (10) students. Recognizing the conflict, the students were given options by which this problem could be resolved.

The Insurance class agreed to take their final on December 3rd, the last scheduled day of classes. When that day arrived, the students waited patiently outside the classroom for a proctor to arrive with the tests. However, about ten to fifteen minutes later, the students were still waiting. A couple of students went down to the registrar's office to see why the proctor had failed to arrive for the exam. Eventually, the test did begin. This point was only mentioned to show that the exam was cursed from the beginning.

The exam period began and ended, the holidays went by, and the spring semester began in January. Grades were slowly posted downstairs as they came in from the professors. It was now late January and the Insurance grades were still not out. I decided to call the professor to see when the grades would be available.

As it turned out, there were no grades to be posted. The professor stated that upon her arrival to school the week after the exam, she was handed a small stack of booklets. Somehow, somewhere between the transition from the test room to the registrar's office, some test booklets were lost. If you ask anyone in the registrar's office, they may say that they were stolen. However, it's hard to believe that anyone would steal Insurance exams. There's not much of a market for them these days.

But, if they were stolen, the school should take measures to secure the safety of future exams. Besides, it is unsound to base performance solely on one final examination. If this is to remain the sole criteria for determining performance on law school exams, however, the school has a duty to the students to insure the integrity of the grading system. an issue which could be addressed in another article.

Needless to say, the situation was eventually settled. One week after my inquiry, the administration decided to send letters to the students to give them options as to what they would accept as a grade for the course. Only one of the options could have resulted in a true reflection of the students' performance in this class. However, this one was not available to all students. Otherwise, there would be no need for this article. Therefore, most of the students selected to have a "P" entered on their transcript as the grade for this course. This probably was the best option.

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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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## FOR NEXT YEAR'S ADVOCATE

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### Notice

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I have gotten over accepting "P" as my grade. I felt that I would have done well in this course. I went to class every week, briefed the cases, and participated in class discussion. However, I have not forgiven the school for its lack of communication to us for over two months. The school breached its duty to us by not giving any type of notice as to the situation. When asked why the students had not been informed, it was stated that they believed the papers would still show up. Now, lets be realistic! If the exams had been missing for two months, what would lead anyone to think that they would somehow turn up? If they were stolen, you would think that a reasonable person would destroy them. It's just inexcusable for the administration to render a decision as to how they were going to handle the ordeal without at least notifying us as to what has transpired.

Granted, the school's administrators have every right to make the final decision. But, there is no justification in being silent for two months as to what had happened with these exams. What were they going to do? Reach a decision and notify the students when they mail out the grade reports. This would have been totally unacceptable!

Furthermore, the students are owed at least an apology for the school's failure to communicate the existence of this problem. We did our part to fulfill the course requirements and the school's requirements. The administrators must now fulfill their's to us and must take steps to maintain the safety and integrity of future exams!

### Flaherty

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became an avid Yankee fan, will serve Justice Byron White beginning in July.

Although clerking for the Supreme Court is quite prestigious, Professor Flaherty described the application process itself as "easy." The procedure included a standard cover letter, transcript, three to four recommendations and a writing sample. Flaherty was among ten to twenty applicants, from a pool of about 1000, who were interviewed by Justice White. "It was a straightforward friendly conversation," Flaherty said. "In some ways it was like every other interview, but then again, it is the Supreme Court."

Professor Flaherty applied for the position for several reasons, one of which was the experience he had clerking for John J. Gibbons, Chief Judge of the U.S. Court of Appeals, 3rd Circuit. "I only have good things to say about my experience with Judge Gibbons," commented Flaherty. "My year with him was perhaps the most rewarding and stimulating year I've ever spent. Judge Gibbons is a very respected judge and scholar, my contact with him was invaluable."

"The Supreme Court would obviously be an enormously educational experience but especially for me because my main interest in law and history, is Constitutional law." Flaherty hopes to learn, among other things, "the workings of the chambers and dynamics between the justices and how decisions are ultimately crafted and arrived at."

In preparation for his new job, Professor Flaherty has been familiarizing himself with Justice White's opinions. "He's known to be a justice who's jurisprudence

is hard to characterize. You can't assign any glib label to his positions." Although Professor Flaherty would not comment on any potential areas of conflict with Justice White, he conceded "we're not going to agree all the time."

Flaherty is uncertain how much interaction and discussion he will have with Justice White. "In large part it will depend on what (Justice White) views the role of the clerk to be. If he wants to be challenged with my independent judgment, then obviously I will make the most of that opportunity. When he wants me to come up with the best arguments and research to reach an end he desires, then it will be my job to do that. However, anticipate . . . offering my views on a subject informally."

If Professor Flaherty needs any advice he can consult with another Fordham professor, Bruce Green. Green, who has taught at Fordham for five years, clerked for Justice Thurgood Marshall during the 1982-1983 session. "I was especially pleased to have been chosen by Justice Marshall, our views on law are similar and he is an extraordinary historical figure," commented Green.

Professor Green described his clerking experience as "an enriching and exciting opportunity to see how Supreme Court decisions are made." He continued, "clerking at any level can be an extraordinary experience, and affords the clerk a unique viewpoint of the law."

Asked if he had any advice for Professor Flaherty, Green opined, "have fun."

### Gender

Continued from page 1

program's success this year indicates that even in 1990, women need to address and discuss women's issues. FLW has assisted our research in assessing the scope of the student impulse at Fordham. Gina Calabrese, co-chair of FLW, provided the minutes of the Gender Bias Brownbag held at Fordham on March 13, 1990. Comments from FLW members confirm Sandler's observations and include student habits reflecting gender bias. For example, some professors make an effort to use a gender-neutral hypothetical, but in discussion, their students, male and female, reverse the gender-neutral to gender-specific.

An inspiring and upbeat report was delivered at the November NYSBA forum by Columbia's Law School's Professor Mark Barenberg. Columbia's answer to gender-bias problems was well-organized and successful. Columbia researched its law school community and then delivered its gender-bias report to both the faculty and the student body. Professor Barenberg reported that the results of their effort were increased respect between the genders and between the administration, faculty and students.

Columbia canvassed its student/faculty community and compiled written anecdotes reflecting gender bias in its classrooms, meeting rooms, and social gatherings. Problems cited were derogatory humor pointed at women, use of sexist stereotypes in classroom hypothetical, inappropriate personal references aimed at women students and faculty, and similar stories of sexism and unfairness. The written responses became an educational tool to remedy gender bias, to increase awareness of women's status in the law community, and to open communication among faculty and students.

At Fordham Law, the 1989-90 full-time faculty has an encouraging 14 women to

### Alumni

Continued from page 1

Americans, Asians, or Latin-Americans until about mid-way through the ballroom. The same holds true for the number of women represented. Hopefully, as the student population becomes more diverse, the alumni luncheon will also evolve to more closely reflect the general population.

The Class of 1948-The Golden Jubilee class, was asked to stand and be recognized, as was the Silver Jubilee Class-The Class of 1965. Dean Feerick gave an amusing speech describing changes that have taken place since the class of 1948 and 1965 entered school. For example, tuition was less than \$300 in 1940 and \$2,000 in 1965.

President O'Hare, in his address, talked about his experiences as part of a team that visited San Salvador to inquire into the assassinations of Jesuit priests last year. The team met with leaders in the government, the Supreme Court of San Salvador and the Special Investigative Unit. Eight members of the military were charged but accused their lieutenant of giving the orders. President O'Hare stated that the real issue is whether the intellectual authors of the crime will be brought to justice.

Overall, the luncheon was an upbeat affair and I encourage students to attend next year if they can. By far, the Student Leadership Table (or as some caustically remarked the "kiddie" table) composed of representatives of Fordham Law School's impressive leadership, and was filled with the most witty and amusing set of people in the ballroom.

## GENDER ATTITUDES QUESTIONNAIRE

Personal Data: \_\_\_\_\_  
 Male/Female \_\_\_\_\_ Day/Evening \_\_\_\_\_ Year: 1 2 3 4  
 Age \_\_\_\_\_ Student/Faculty/Administrator \_\_\_\_\_

1. What areas related to gender, if any, need improvement at Fordham Law School?
2. What is your opinion or experience of the following in the Fordham Law School's classrooms?
  - A. Different classroom treatment for women and men?
  - B. Characteristics of classroom student responses as gender related?
  - C. References by professors to appearance of students?
  - D. References to judges, lawyers, or other authority figures by gender?
  - E. Classroom hypotheticals using stereotypes about men or women.
  - F. Humor depicting male or female stereotypes?
  - G. Stereotypes you find offensive?
3. Have you ever been disturbed (angry, uncomfortable, embarrassed) in the classroom, because of a gender-related situation or comment?  
 Yes/No If yes, please explain.
4. Have you experienced sexual harassment by a student at Fordham Law School?  
 Yes/No If yes, what happened and what did you do?
5. Have you experienced sexual harassment by a faculty or administrator at Fordham Law School?  
 Yes/No If yes, what happened and what did you do?
6. If you were faced with a gender-biased problem with a faculty member or administrator at Fordham, what would you do?
7. Have you ever discussed your feelings with a professor regarding gender-biased or offensive comments in the classroom?  
 Yes/No If yes, were you satisfied with the result?
8. In your opinion, is there a gender-bias problem at Fordham Law School?  
 Yes/No If yes, please describe.

Feel free to answer this questionnaire on a separate paper.

#### WHEN YOU ARE FINISHED:

Please leave your questionnaire responses in the envelope on the Advocate's office door (Cafeteria level, across from the mail boxes).

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 the nice man behind  
 the desk.**

36 men ratio. The increase of women in the available pool of candidates since 1980 demonstrates Fordham's support for equal representation in legal education. Since 1980, there have been 24 hires of full-time faculty, 13 men and 11 women. Administrative hires (deans, directors, assistant directors), since 1980, total 11, and include 7 women and 4 men.

Dean Feerick has opened the door to analyze ourselves at the Fordham community. Your input in the following Questionnaire will assist the law school in identifying gender bias problems. We are most grateful for your honest and candid assistance in this effort.

# The Practicing Attorney

## When Tables Are Turned: The EEOC As Discrimination Defendant

by Professor Harold S. Lewis Jr.

At different moments of its quarter-century history, the Equal Employment Opportunity Commission or "EEOC" has been the fearsome scourge of discriminating employers, a toothless tiger mired in bureaucratic delay, or the helpless prisoner of presidential politics. These variable images reflect one constant: the agency's primary role as policymaker, investigator, and conciliator for employment discrimination disputes across the nation. As a lawyer representing management and, later, discrimination plaintiffs, I saw each of these faces of EEOC. But as a law professor hired by the agency to serve as one of its independent hearing officers, I have witnessed still another EEOC: the enforcer as defendant employer.

When I was asked to write this piece for the *Advocate*, I recognized the possibility that public discussion of my decade as an EEOC hearing officer might result in the termination of that highly entertaining engagement. I concluded, as you gather, that concerns about this possibility were outweighed by the opportunity to inform Fordham students of an important way in which they might significantly contribute to public service.

Just like the Postal Service, TVA, or the Air Force, EEOC is prohibited by Section 717 of the statute that creates it, Title VII of the 1964 Civil Rights Act, from discriminating against its own employees on grounds of race, sex, religion, or national origin. Another statute bars it from discriminating by reason of age; and EEOC also violates the law by retaliating against employees who file charges against it or who oppose its allegedly discriminatory practices less formally. When one of its sister federal agencies is accused of employment discrimination, EEOC supplies its own employees to conduct hearings and recommend decisions to the head of the agency involved. But when EEOC is charged by one of its own employees, use of its in-house stable of hearing officers might raise a few eyebrows about conflict of interest. Accordingly, the agency has hired a handful of law profes-

Like the other law professors who trooped to Washington for training, I was filled with misgivings. This agency was paying us (though not much) to hear charges of discrimination lodged against it. Surely such cases, if meritorious, could sully its reputation as the nation's discrimination cop. If we found against it, and so recommended to EEOC's Chair, would our recommendations adverse to the Agency be honestly reviewed and sustained? If so, would our contracts be renewed?

We soon realized the naivete of our assumptions. Not only did our trainer know a good deal less about employment discrimination law than most of his trainees—in response to virtually any question, he referred us to EEOC enforcement manuals either silent, ambiguous, or

sors to handle these internal complaints. Since 1979, I've been one of them.

contradictory on the point at issue—he just didn't care. He was, first and foremost, a survivor of the bureaucratic wars. In every eager new arrival at the Agency he had the vision to see, just a few months down the road, a shattered idealist, a shirker, a whiner, or an outright Agency adversary. We'd learn soon enough that it wasn't the substance of the decision that counted, but the form. We were "graded" largely on our willingness to adhere to the sections and designations prescribed in the official opinion writing exemplars. We left with the distinct impression that this was not the dreaded agency of ideology; these folks had a fetish only for format, leavened by occasional complaints about coffee breaks, parking, and central heat and air.

As first impressions often are, ours were a mite premature. So far we'd seen only the Headquarters elite. These exalted officials, after all, worked in a converted apartment building on the fringes of Georgetown, just a few short steps from the Watergate! Yet the bulk of our hearing work would take place not there but in the field. I hadn't even begun to reckon with the duty-scarred EEOC internal complainant—the GS-4 clerk-typist in Seattle suffering from alleged harassment at the hands of insensitive supervisors, or the GS-12 perpetual supervisor candidate in Charlotte, turned down every time because of religious persecution (she could tell that they didn't like her turban) or retaliation. As I visited EEOC field offices around the country, two things stood out. First, if their Washington chieftains were indifferent, these people cared. If only the Agency would stop sabotaging its mission by ruining their morale, these people would be titans of law enforcement—just ask them. Second, whatever they complained of, it wasn't often race discrimination, unless they happened to be white.

Was race discrimination so seldom alleged because of the Agency's sensitivity? Or was this a reflection of the fact that Agency supervision and management were, like much of the lower-level workforce, preponderantly black? Whatever the case, of the complainants were black, the charge would far more likely be sex, national origin, religious, or age discrimination (or that perennial favorite, retaliation), than race. Similarly, there were surprisingly few charges of garden variety sex discrimination, since the complainant and the allegedly offending representative of agency management were often of the same gender.

If you're starting to think I didn't take these charges seriously, please think again. At one time during my tenure, it was reported that only about 8% of all federal employee charges of discrimination were found to have had merit. Hearing officers dismissed most discrimination charges as disguised complaints about something else, end-runs to avoid the limitations of the federal civil service grie-

## "On Your Own—Starting And Maintaining A Private Practice

by Dru S. White, Esq.

In the Spring of 1984, Ken Thomas and I decided that we had had just about enough of large Wall Street law firm practice. We naively concluded that forming a partnership for a general practice located in Midtown Manhattan would be easier and more fun. It ended up being even more work and involving more stress—but it has been worth it.

Starting a firm involves all sorts of considerations which vary greatly depending upon the type of practice, the scale of the practice and the location. In New York, space is clearly an enormous concern. Some solo practitioners work out of their homes to keep overhead low. Others rent an office from another firm or another business concern. We felt that either of these options would inhibit growth and not project the image we wanted.

We found workable space on Fifth Avenue which provided two offices, a small reception and waiting room and a tiny copying room. If you can believe it, a New York City commercial lease is even more of a nightmare than a residential lease.

We drafted a partnership agreement which, although we rarely refer to it, is essential. We chose to be a partnership as opposed to a professional corporation for several reasons. The advantage of a corporate entity is limited in a professional context. The attorneys are still liable if they commit malpractice. And the commercial landlord insisted in our personal guarantee if we were to sign the lease as a corporation. Finally, the tax reporting and other paperwork of a corporation is greater than that of a partnership.

The partnership agreement (or shareholders agreement if the P.C. route is chosen) should provide for the terms of each partner's employment, the way in which profits are to be divided and how a partner's retirement or death is handled. We maintain life insurance policies in favor of our estates in lieu of a payout. Parts of the agreement appear amusing in retrospect—like the six weeks of vacation to which we are each entitled. Even more important than a written agreement however is a carefully explored sense of the direction in which each partner would like to see the firm go.

With all of that out of the way, the question of how we would pay the rent and other overhead expenses, to say nothing of duplicating the salaries we were making at the big firm, loomed imminent. Any service business needs clients—and plenty of them. As a young attorney, the biggest hurdle to overcome is to realize that you are now a professional trained to provide services, *by yourself*, to a client.

I will never forget my first client. While still at the Wall Street firm practicing primarily tax and real estate, I was in the market for a cooperative apartment. I got reasonably friendly with the broker with whom I was working and told her what I did for a living. She immediately asked me if I could help her husband with his tax situation. Her husband is a fortune 100 execu-

tive and was in serious trouble with the IRS. I told her: "That's my specialty—I do it all the time." (Gulp). I met with him at his office and began taking some personal days to represent him. The outcome of his tax audits was very favorable. When the broker referred another one of her customers to me for a real estate closing, I realized I could earn a living without having a senior associate giving me research assignments.

Unknown to me, my partner had also been doing some work on the side. But the few clients we had between the two of us would not have generated nearly enough to pay our overhead. Fortunately, my partner had been involved in one of those endless mega-litigations at the Wall Street firm. He was able to persuade the client's in-house counsel to let him continue with his aspect of the discovery proceedings. The Wall Street firm generously consented to the arrangement. It was a sad day at Thomas & White when that case settled!

That first year we just covered expenses—we survived by spending our savings. But in time our "word-of-mouth" business began to grow.

Clients continued to come from the most unlikely sources. One of our clients was the defendant in a suit in which we represented the plaintiff. After the suit was settled he called us because he was impressed with the way in which we handled the case. Later, a very casual friend from the Wall Street firm became a member of his cooperative's board of directors. He suggested to his fellow directors that the co-op use us as corporate counsel and suddenly we were representing our first co-op. The Board proceeded to fire the managing agent for incompetence (most boards are dissatisfied with their agents). That first managing agent had also been impressed with us and began using our services—and more importantly, referring us to his other buildings. We now represent about ten cooperatives in that neighborhood alone. Then an employee of that managing agent referred us to his uncle who owns a huge manufacturing concern in Queens. We represent that concern in five different litigations. Clients arrive in the most roundabout ways.

A few years ago we leased the adjoining space in our building and added another office (for our associate) and a conference room.

Although we've been in business for six years, I realize that when you have your own business you're never "out-of-the-woods." Perhaps that is because if things are going well, you are expanding or wanting more. In any event, I wouldn't trade my experience for anything.

Some do's and don'ts of starting your own firm . . .

### Don't:

1. Underestimate the cost of acquiring an office lease and customizing the space.

(Continued on page 7)

(Continued on page 7)

# Arts, Leisure, Entertainment At The Theatre

## Grand Hotel

by John Caminiti

When *Grand Hotel* opened on Broadway last fall, everyone wondered how this classic movie drama would survive the transformation into a splashy musical. Well the answer is, superbly.

The play is based on Vicki Baum's novel and the actions takes place in Berlin's poshest hotel in 1928. The audience follows the schemes and plots of the characters as they encounter love, lust, bankruptcy, larceny, birth, and murder during their stay at the hotel. The play's overriding theme is that no matter what happens, joyous or tragic, life goes on, and it should not only be enjoyed, but celebrated.

Tommy Tune's non-stop choreography aptly captures the excitement of Berlin when it was the 'capital' of Europe. The elegant costumes are reminiscent of that glamorous era. The musical score is enjoyable and the set is majestic, yet simple. It is astonishing how, with the movement of only a few chairs, the entire scene is changed. All of this is added to by a cast of actors and actresses who are each experts in their craft. Lilian Monteverchi portrays the Prima Ballerina whose dancing days are over. Her sultry gracefulness reminds us of why she was once the star of the Folies Bergere.

David Carrol provides the play's strongest voice as he charms the audience with his performance of the crooked baron, who isn't so bad after all. Michael Jeter, as the dying bookkeeper, stops the show with his acrobatic dance number commemorating the richness of life. And Karen Akers' portrayal of the ballerina's secretary, whose love for her boss will never be returned, shows us why her world-wide cabaret act is always a sell-out.

The supporting cast is excellent. The chambermaid gives us some humorous moments as she quietly observes the lifestyles of the rich and famous guests, who neither acknowledge nor appreciate her hard work. The dishwasher earns the audience's sympathy when the hotel manager refuses to give him time off to be with his wife as she delivers their first child. And most of all, the dynamic dancing duo, who seem to glide on air as they provide the set's constant motion. They exude brazen sexuality in their dance, depicting life and death, and their Grand Waltz that ends the play is some of the finest dancing ever seen on the stage.

So when you body is tired from torts, or your vision is blurred from banking, take yourself to the Martin Beck Theater, check in to *Grand Hotel*, and see one of the reasons why this is the best season on Broadway in years.

## Jessye Norman at the Met

Jessye Norman, one of the most acclaimed sopranos of our time, held on March 7 her only New York City recital for 1990. In a program that spanned three centuries of lyrical tradition, Miss Norman clearly demonstrated the caliber and depth of her extraordinary talents. The first half of the performance included selections

from Purcell and Brahms. Miss Norman was however most impressive in her rendition of Mahler's "Lieder eines fahrenden Gesellen." Clamorous applause from the sold-out audience followed a particularly moving interpretation of "Die zwei blauen Augen." The American diva was accompanied by the noted pianist, Charles Spencer.

The second half of the scheduled program included art songs by Satie and de Falla. Guitarist Pepe Romero performed flawlessly in the Spanish composer's "Siete canciones populares espanolas." The two-hour regular program was extended for an additional thirty minutes by public demand. Miss Norman first returned with Mr. Spencer in an exquisite rendition of Poulenc's "Je te veux." This was followed by a short piece from Bizet's "Carmen." In her final appearance, Miss Norman delivered her most uninhibited and thrilling performance of a contemporary gospel song "He Has the Whole World in His Hands."

Miss Norman will appear later this seasons as Sieglinde in the Metropolitan Opera's production of Wagner's "Die Walkure."

## Movement

Continued from page 2

The Fordham Public Service Project continues to surpass all expectations and to prove that Fordham students are chairable in ways beyond their professional calling. Every Monday night, students prepare sandwiches for the homeless across the street in St. Paul's Church. In addition, for two weeks in the winter, Fordham students act as chaperons and spend one night at the St. Paul's Woman's Shelter. Many other volunteer activities exist, including work with the elderly, the Saturday children's program, tutoring the illiterate, annual blood donor drives and work in area hospitals.

The Public Service Project has not limited itself to the metropolitan region. This year, more than twenty-two students spent their Spring Break in the Appalachian mountains, helping to build low-income housing for the poor. While similar programs had existed at Rose Hill for years, this is the first time that law students participated. (See article in this *Advocate*)

FSSF, Pro Bono and the Public Service Project are leading the way in the public interest movement. Many other initiatives, however, have been under way and deserve recognition.

Fordham finally has developed a law school loan assistance program. While the details are still unclear, nothing is more important in the long run to the development of lawyers dedicated to the public interest than a program which enables students to shake off the yoke of educational loans. Hopefully, strong student (over 650 students signed a petition in the fall) and faculty support will combine to rapidly make this new program workable and effective, despite its limitations (See *No one's corner: Fordham gets a loan for-*

*giveness program—we think*).

The Career Planning Office is also on the move. Presently, a questionnaire is being developed which will be sent to all law firms that interview at Fordham, and which will inquire in depth into law firm pro bono policies. Students will be armed with these answers in order to ask pertinent questions of prospective employers when they interview in the fall.

Career Planning is also updating and expanding its public interest resources for interested students, as well as encouraging students into the public interest by holding the Public Interest Dinner and aiding students in attending public interest fairs.

Last, but not least, Fordham has the Annual Law Journal Canned Food Drive, which was conceived and implemented this year. All of Fordham's law journals (as well as Moot Court) competed to donate canned goods to area food banks. All told, over 300 cans of food were donated at Thanksgiving to the city's largest food bank—Food For Survival.

While we've come a long way, there is no doubt that much more needs to be done. Here comes the pitch. Public interest, while expanding, is still in its infancy at Fordham. The school needs all its students, faculty and administrators to support the programs that have been developed. How you may ask? It's simple—PARTICIPATE.

Every student can help by contributing wages to FSSF, making sandwiches at St. Paul's, representing low-income tenants for Legal Aid or participating in any other way to the programs that already exist. In addition, the faculty and administration can give advice and support to all the student initiatives.

New initiatives also need to be developed and supported. A new Student-Faculty Committee has been developed to encourage Fordham's public interest spirit. This is a forum for all members of the Fordham community to make their voices known. While by no means exhaustive, here is a small list of issues that all students and faculty should be discussing and promoting:

- 1) Development of a pro bono program which would require all students to work a certain amount of hours in a public interest capacity as part of the educational requirements for graduation;
- 2) Appointment of a full-time administrator to facilitate and encourage public interest issues at Fordham;
- 3) Creation of curriculum that includes courses on public interest law, and which are taught by adjunct faculty who have expertise in such issues;
- 4) Development of a comprehensive in-house clinic which is dedicated to exposing students to and teaching students about public interest law; and
- 5) Expanded career counseling about the opportunities in the public interest (including possible funding and transport of students interested in attending national public interest fairs).

Be proud Fordham Law School—the public interest movement is on its way. Nonetheless, there is so much more to be done. Let's all participate in helping the trend continue.

# Yearbook!!

To: All Professors and Underclasspersons in the Law School Community

From: David Sternlicht, Editor-In-Chief of *Summation*

Re: The purchasing of *Summation* 1990

*Summation* 1990 is alive and better than ever. As a matter of fact, I am proud to announce that this year's *Summation* will be available in time for the commencement ceremony. As you probably realize, the graduates are presently purchasing their *Summation* 1990. However, we have ordered 50 extra yearbooks in order to satisfy the requests of professors and underclasspersons. **These 50 *Summations* will be sold on a "first-come, first-serve" basis.**

Yearbooks will be sold by Dean Reilly's office in Room 123 for \$34.00. **All orders must be accompanied by a check payable to: "Fordham University School of Law."** The yearbook includes pictures of most every activity imaginable at law school, and I believe that it will appeal to both the graduating class, professors, and underclasspersons alike.

I would also like to take this time to announce that any first or second year interested in being an editor or a participant in *Summation* 1991—*The Sesquicentennial*, please talk to either me or Dean Reilly.

Yours sincerely  
David Sternlicht  
Editor-In-Chief  
*Summation*

## Appalachia

Continued from page 2

tween four to seven homes per year in targeted locations. The law school volunteers assisted in these projects by cleaning the grounds around homesites, doing basic carpentry and electrical work (under supervision), and painting.

Funds were raised for the trip through the sale of T-Shirts, by a raffle, and from contributions of corporate and private donors. Most of the volunteers are seniors, thus reinforcing the commitment made, since they gave up their final spring break as law students.

The organizers of this initial project have established it with the idea that it will become a permanent service project of the law school. Undergraduate students at Fordham University have been supporting projects in Appalachia and Mexico for over 25 years.

From The Staff At  
The Advocate:

# GOOD LUCK CLASS OF 1990!!!

# EEOC

Continued from page 5

vance procedure. Not me—I recommended findings of discrimination and remedies in something like 20% of the cases I heard, qualifying me as something of a minor thorn in the side of EEOC management.

But yes, you'll wonder with justice, what about the other 80%? All I can respond, by way of conjecture, is that it's important to consider your complainant. These are people whose assigned duty is to investigate or conciliate allegations of employment discrimination. For them, every wisp of smoke presages a raging fire; every questionable scent hits their nostrils as a foul odor. GS-11 investigators, with no formal legal training, know they know the law, and they consider themselves experts in the insidiousness, pervasiveness and subtlety of employment discrimination. Even more important, they know the procedures for filing internal complaints. They know they'll get time off with pay from the tedium of form filling while they testify on their own behalf or in the cases of comrades whom they informally "represent"; and they know what misery hearing officers like me will inflict on their superiors if there's any suggestion that they were punished

an adverse inference from the Agency's destruction of records under circumstances that violated the recordkeeping obligations of private employers under the Agency's own guidelines. Stupid of me not to realize that the gander required a different sauce.

In the other case, the Chair speculated that if I had given EEOC counsel an opportunity to present on remand documentary evidence that had at all times been in the Agency's exclusive possession but had not been offered at the first hearing, the evidence might have contradicted the incriminatory testimony of the Agency's chief witness and thus absolved the Agency of liability; and on the assumption that this speculation would prove true, the Chair simply reversed and directed a decision for the Agency, not even bothering with the remand. Now that's caring!

There will be other fond memories. There's the day I first realized that counsel for the EEOC, the agency which as an employer lawyer I'd come to see as hopelessly biased in favor of complainants, would cheerfully espouse the most conservative possible formulations of legal doctrine in order to avoid EEOC's liability. There are the complainants' ceaseless efforts to try their cases ex parte over the telephone in advance of the hearing. There are the tearful recriminations

agency like EEOC is of course a separate question. However that question may be answered, it is apparent that the Agency as currently structured can function effectively only when it enjoys the political support of the incumbent President, buttressed by the Congressional will to fund it at a level adequate to its tasks. This brief glimpse into some of the inner workings of EEOC is only a small piece of evidence that the Agency can use.

*Professor (Harold S.) Lewis (Jr.), a 1972 graduate of Stanford Law School, joined the Fordham Faculty last July. Previously he taught at Mercer University Law School and practiced with Simpson Thacher & Bartlett in New York. He served the Equal Employment Opportunity Commission as a special hearing officer from 1979-1989.*

## New Coordinator Of Student Information Constance Newman, Welcomed

Please join me in welcoming Constance Newman to the Law School. She will be the Coordinator of Student Information in the Registrar's office as of Monday, March 26.

Connie attended Fordham and received her B.A. Summa Cum Laude, as well as an M.A. in Political Science. For the last two years she has been employed by the Rose Hill campus as a Senior Grants Writer making extensive use of a database system. We look forward to her joining the Law School administration.

# Practice

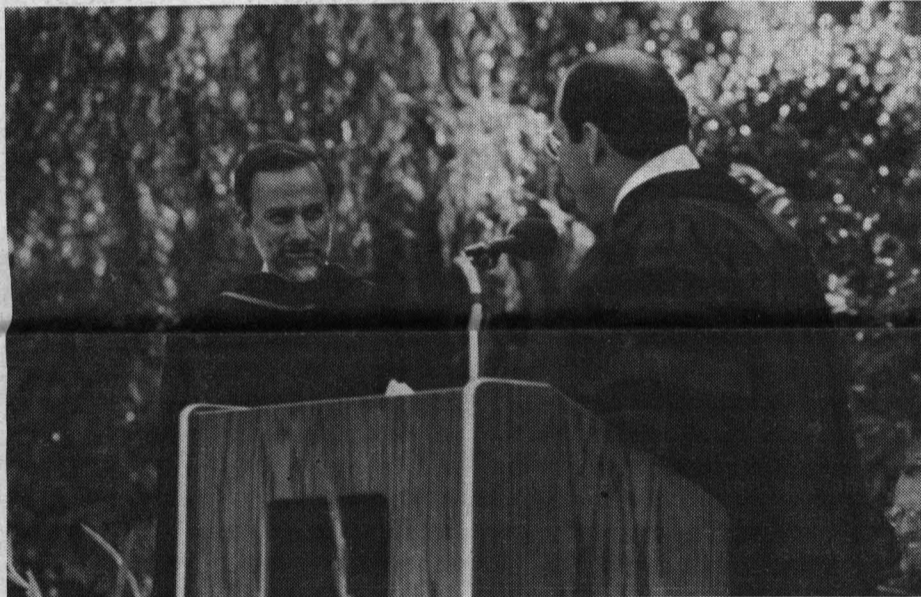
Continued from page 5

2. Be undercapitalized. You'll need your savings to live off of for at least the first year.
3. Dismiss a client (or anyone else for that matter) as being not valuable to you. My best clients were all referred by people I considered to be "dead-beats."
4. Take on too many contingency cases. They are usually dogs and when you get busy with paying clients, being the attorney of record for those losing battles will come back to haunt you.
5. Be afraid to do all of that dirty work like typing, filing and copying. You won't be able to afford secretarial help past 5:00 P.M.

### Do's:

1. Always return phone calls promptly and be nice to everyone—you never know who you'll need.
2. Apply yourself studiously in school in a course in professional responsibility. We refer to the code of ethics at least once a week.
3. Be active in local bar associations. At best they will refer clients. At worst you can use their research libraries.
4. Get money up front in almost every kind of matter. Remind the client that this is necessary so that he has a happy ally and enthused advocate.
5. Be confident before you attempt such a career choice and then be happy with your decision.

Good luck!



At left, Prof. Lewis pictured here at commencement.

for asserting their rights. They also know what misery they themselves can inflict on their superiors by embarrassing them with charges of discrimination and forcing them to spend long hours testifying in their own defense. I once spent ten days hearing three separate internal complaints from a single district office. In the third consecutive case in which she had been compelled to testify, the District Director, seething with frustration, said that she spent more time resisting internal complaints than enforcing the law.

My first impressions were also amiss about management on the Potomac. For one thing, to its great credit, the Agency displayed enough respect for the integrity of this system of captive, defendant-paid judges to affirm almost all of my recommended findings that went against it. (Of course all of my findings that were favorable to the Agency were instantly rubber stamped.) And even the exceptions demonstrate that they, like their counterparts in the field, really did care; it's just that their caring was more focused.

The only two cases in which the Chair rejected my determinations of Agency liability concerned allegations of race discrimination brought by white males. In the first of these cases, my finding simply confirmed that of a federal district judge. But the Chair chastised me for drawing

of distraught witnesses about vendettas directed against them by Agency management with the assistance of the KGB or agents of Satan.

Finally, there's the unforgettable day that the EEOC's chief witness, a district director, steadfastly denied that his turning down the complainant for a high-ranking position had anything to do with the complainant's confession several weeks previously that he had criminally set fire to the office of a recently deceased co-worker. Indeed, the Director testified, he hadn't even reprimanded the complainant for this admitted act of arson, let alone reported it to the police. Nor, the Director insisted, had he rejected the complainant, and selected someone else of the Director's own protected group, because of race or national origin. Rather, purporting to rely on the candidates' historical performance evaluations, the Director said he had elevated the selectee solely because the complainant was marginally less qualified on paper. You decide that one!

To my mind, few things are as important to our nation's well being as the vigorous, balanced and conscientious enforcement of Title VII as a vehicle for promoting merit-based decisions in American employment. Whether that goal is advanced or retarded by supplementing private lawsuits with an administrative





**THE NEW YORK BAR EXAM  
HAS CHANGED  
AND BAR/BRI HAS CHANGED  
WITH IT!!**

There has just been a major change in the New York Bar Exam and it will benefit BAR/BRI enrollees.

The New York State Bar Examiners have dropped a number of topics from the Bar Exam, effective immediately. In addition, the Examiners will change the emphasis slightly among the remaining topics.

What this means to you is that you will be able to devote more time to the Multistate subjects and more time to the skills needed to optimize your scores.

We at BAR/BRI have already changed our testing materials to reflect the new Bar Examination. No longer will you be tested on such topics as Bankruptcy, Labor Law, Insurance, Municipal Corporations and other topics deemed unimportant for exam purposes by the Bar Examiners. There will be a renewed emphasis on the six core Multistate topics and on New York Practice, Wills, Trust, Corporations, Domestic Relations and various other topics that New York considers to be important.

Already, the free Essay Workshop that will be provided to every BAR/BRI enrollee for the summer of 1990 has been redesigned to reflect the new emphasis on the New York Exam. Plus, the free Multistate Workshop will be more valuable than ever.

The New York State Bar Exam keeps changing and BAR/BRI keeps changing with it. This change is primarily to take things off the New York State Bar Exam. In future years we expect the Bar Examiners will be adding things to the Exam, probably in lieu of the New York multiple-choice component.

Our staff of attorneys is now developing both a performance program and an enlarged essay program in the event that New York State goes in that direction. As soon as further changes occur, we will keep you informed.

**BAR/BRI**  
BAR REVIEW