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THE ADVOCATE

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The Official Student Newspaper of Fordham University School of Law

May 16, 1996

Recent National Jurist Article Inaccurate, Says Dean Feerick

by Jeffrey Jackson ('96)

A recent article printed in the National Jurist entitled "New York law profs are highest paid," which stated that Fordham University law professors are paid the highest base salary of all American law schools, is "incorrect," says Dean John D. Feerick. According to page 10 of the April/May 1996 issue of the National Jurist, Fordham law professors have a base salary of \$142,688, the highest in the

"As much as you want to be at the top in something, you want to be right."

nation, followed by Harvard Law at \$137,129 and NYU Law at \$131,830. Other rankings include Hofstra and Brooklyn Law Schools, ranking 18th and 5th in salaries, also respectively, and St. John's School of Law ranking 13th in the country with respect to salaries.

According to the article, these figures were part of a report cited in court documents related to litigation by Massachusetts School of Law's lawsuit against the American Bar Association over accreditation standards, in which the ABA agreed to cease "considering base salaries as a factor in law school accreditation."

However, according to Feerick, who has been the Dean at Fordham for almost 14 years, the article is inaccurate on many levels. First, the court document cited in the article was not prepared by the American Bar Association, according to Dean White, the Consultant to Legal Education of the ABA. Pursuant to a recent consent decree, the American Bar Association is no longer allowed to collect salary information and distribute it in such a manner. Second, Dean Feerick notes a crucial but obviously overlooked distinction between "full professors" and full-time faculty. Feerick believes that the figure cited in the article

Highest paid law professors

1. Fordham University	\$142,688	38. UCLA	\$103,764
2. Harvard University	\$137,129	39. Pepperdine University	\$102,706
3. New York University	\$131,830	40. IIT-Chicago Kent	\$102,461
4. Columbia University	\$131,672	42. Thomas M. Cooley	\$101,666
5. Hofstra University	\$130,836	44. Case Western Reserve	\$101,286
6. USC	\$130,613	48. UC-Hastings	\$100,687
7. University of Virginia	\$128,193	49. University of San Francisco	\$100,364
8. University of Michigan	\$123,910	52. Texas Southern	\$99,574
9. Northwestern University	\$123,717	55. University of Maryland	\$98,707
10. Duke University	\$122,346	56. DePaul University	\$98,689
11. Yeshiva University	\$121,346	57. Seton Hall University	\$98,628
12. University of Pennsylvania	\$119,112	58. Whittier College	\$98,296
13. St. John's University	\$118,878	66. Southwestern University	\$97,125
14. University of Texas	\$118,446	69. Howard University	\$96,304
15. Rutgers University-Newark	\$116,780	73. California Western	\$94,627
16. Georgetown University	\$116,443	75. Golden Gate University	\$94,313
17. Boston College	\$116,382	77. Wayne State University	\$93,659
18. Brooklyn Law School	\$116,259	79. University of San Diego	\$93,417
19. Tulane University	\$115,970	80. Detroit College of Law	\$93,092
20. Villanova University	\$114,499	82. Suffolk University	\$92,328
Other law schools include:			
21. New York Law School	\$113,910	88. Loyola University-Chicago	\$91,766
22. George Washington University	\$112,739	91. University of Houston	\$91,411
25. Rutgers University-Camden	\$109,015	95. John Marshall Law School	\$90,655
26. University of Miami	\$108,867	102. New England School of Law	\$89,655
27. Pace University	\$108,604	107. University of Detroit	\$88,071
28. Catholic University	\$107,824	108. Santa Clara University	\$87,829
30. UC-Berkeley	\$107,209	112. South Texas College of Law	\$87,087
32. Touro College	\$106,637	117. Saint Thomas University	\$85,802
33. American University	\$105,970	120. CUNY	\$85,517
34. Northeastern University	\$104,841	125. University of Baltimore	\$84,859
37. Temple University	\$103,775	128. Widener University	\$84,548
		132. George Mason University	\$83,816
		138. Cleveland State	\$82,725
		164. D.C. School of Law	\$73,524
		165. University of Akron	\$68,182

The above chart, which appeared in a recent issue of the National Jurist, is inaccurate, according to Dean Feerick

White, J.; Chief Justice of the Kaufman Securities Law Moot Court Competition

by Charles Caldarola

"Oyez, oyez... this Court is now in session."

With these words Suzanne Endrizzi began the final round of the Twenty-first Annual Irving R. Kaufman Memorial Securities Law Moot Court Competition. The near capacity crowd at McNally Amphitheater stood as the distinguished panel of judges entered: The Honorable Byron White, Associate Justice of the United States Supreme Court from 1962-1993; the Honorable Nathaniel R. Jones, currently seated on the United States Court of Appeals for the Sixth Circuit; the Honorable Frank H. Easterbrook, currently seated on the United States Court of Appeals for the Seventh Circuit; and the Honorable Joseph M. McLaughlin, a Fordham Law School Alumnus, currently seated on the United States Court of Appeals for the Second Circuit.

The winners of the competition, Heidi Lawson and Chuck Geitner, came from Stetson University School of Law. Ms. Lawson was selected as the Best Speaker. Emory University School of Law, represented by Carlos Kelly and

George Ong, was the runner-up team. The Best Brief Award was given to Suffolk University School of Law, represented by David Bohan, Christopher Drinan and Roger Holmes.

The competition presented two questions to be determined: 1) "Whether under the Securities Exchange Act of 1934 ["SEA"], a plaintiff must show that the defendant's domestic conduct directly caused the plaintiff's losses in order to establish subject matter jurisdiction. 2) Whether §20(a) of the SEA requires a plaintiff to establish that the defendant was a culpable participant in the fraudulent transaction.

The facts of this case centered fraud committed by a limited partnership in a foreign country known by one of the controlling persons of the corporate general partner. Suit was brought against the surviving controlling persons, who had been told of the fraud after the commencement of the venture by their late partner, who then committed suicide.

The petitioners in this case, the

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represents the salary for "full professors," those who have taught at Fordham for an average of about 25 years, not full time professors, defined as those who teach at Fordham on a full time basis. The actual average salary for full-time professors is between \$118,000 and \$119,000, says Feerick. Another possible source of the discrepancy comes from defining "base salary" as opposed to "compensation." If a school reports its total compensation as its base salary, that might include benefits such as subsidized housing and tuition assistance for children attending private schools. Fordham includes pension and insurance benefits as part of its base sal-

ary. Feerick also told *The Advocate* that he was concerned about the inaccurate figure because "As much as you want to be at the top in something, you want to be right." Feerick mentioned that several students have approached different faculty members and inquired about the article. Some professors who were approached responded "Well, I don't know where the money comes from." Feerick also said that some younger members of the faculty were somewhat upset by the article. Feerick also feels that the article created a "distraction and distortion" within the law school. On law school

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Fordham's "Hoosiers" take W.N.E.C. Tournament. Check it out on

Page 4

August Wilson's new play *Seven Guitars* is a smash hit! A Review by Miles Marshall Lewis on

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LETTERS TO THE EDITOR

To the Editor:

I do not agree with the punishment James Killerlane received for doodling on Valerie White's calendar.

The punishment, indeed the whole incident, is a clear example of the type of politically correct hypersensitivity that has produced a racial and ethnic double standard in too many of America's institutions.

I think some people involved in this ridiculously overblown affair need to just chill out and relax. In my opinion, most Americans are sick and tired of absurd notions like the one that resulted in James' punishment.

That is that simply because the doodling happened to have been done on a calendar that featured a black person, the act was *per se* racist. Although there was no *de jure* determination of racism, the bottom line is that had James defaced the calendar of a prominent white American scientist, he would not have been compelled to write a letter of apology, write a 15-20 page essay, or attend thought control training!- I mean attend sensitivity training.

I mean think about it. The guy had to write a punishment essay for doodling on someone's calendar!

The last time I heard someone had to do that was in 6th grade. I'm surprised he didn't also have to write a thousand times on the blackboard, "I will not deface calendars."

The point here is that such hypersensitive political correctness is not good for race relations. It builds walls between us. These walls destroy open, honest and candid discussion concerning race and ethnicity. When people are given ridiculous punishments for scribbling on cal-

endars that happen to feature certain prominent scientists, people will be afraid to express their views on racial issues in other contexts for fear of being labeled racist."

Furthermore, when people cry racism" in situations such as this (i.e., wanting the doodler expelled and handing down a punishment which greatly outweighs the crime"), then the term loses its punch- people become desensitized to it. It is like crying wolf- when an incident occurs that truly warrants the term racist," people may not fully appreciate the gravity of the matter.

In my opinion, what happened here was either a simple trespass to chattel or conversion, together with a great example of *de unimis non curat lex*. It was not even close to being a racist act. James should have been required to either buy Valerie a new calendar, or give her the money for the cost of the one he doodled on, nothing more, nothing less.

Jerry Clark
Second Year Law Student

A LETTER TO STUDENTS AND TEACHERS

As a first year student I am willing to admit that I don't know even a majority of the teachers here. But from what I've witnessed thus far, I'm ready to hurl myself from the top of the ivory tower. Perhaps it's just my background getting in the way, having had mostly wonderful teachers in my several years of higher education. Maybe I'm just not aware that most academic institutions are very like high school with a power dynamic that leaves students mute and teachers billed

as the supreme subjects-supposed-to-know who see no reason to actually grow as educators by learning from their students.

But then I make the mistake of viewing this experience as an academic one when really it's closer to a vocational training institute. I feel like I'm in trucking school and I'm just paying the money to learn how to stay awake and collect my license at the end of it all. I've given up on the hope that teachers would ever encourage critical thinking or that most students are wondering anything more vital about the law than what's going to be on the exam. But I cannot seem to let go of this sad thought that one needs no more than a JD to teach law. Let's please not pretend it's a real doctorate, I think we all know better. It's a license, not a degree.

Can you really call this an academic environment of educational enrichment when a torts teacher drones on from the same script for at least ten years without changing a thing? My gosh, she's got to be boring herself to death, much less us. Or a Con Law professor who tells one student that he's just asked the stupidest question ever, another that he really belongs at Cardozo, and to top it all off, as if anyone dared speak again/snarls and waves off a student's raised hand and crosses to the other side of the room? Dam those pesky students Always asking questions...don't they know their place? They do now professor. No one could fail to read the message that this professor likes nothing so much as the sound of his own voice. (I probably wouldn't laugh at Atilla the Hun's jokes either...) Then there's property, a nightmare so atrocious I can't even bring myself to go into the laundry list of horrors. Suffice to say, memos every week in a form and style that directly contradict everything the legal writing program holds dear. And I know how much we all love a certain Criminal professor, I love her too but let me ask this: when it comes time for me to defend my client, is someone going to hide the NY Penal Code from me? Are we 90 incapable of thinking though the law, which requires one know it, that we simply must memorize the statutes? Memorize and regurgitate- high school.

Maybe all the lawyers I talk to are right- just do your thing and escape with your soul. They laugh at me when I tell them I expected intellectual debate. They also tell me to stop worrying about what I see as a disgraceful pedagogical environment, because I lack the power to effect change. Well, I realize students aren't given any power in fact I don't even know what the SBA does except throwing beer parties at sports bars. But isn't it our responsibility to watch out for each other and to do what we can to change things we see are wrong for future students? I certainly wish the students who came before us cared more. Call me sensitive, but I think it's inappropriate for teachers to be nasty and dismissive to students, and worse still that students find it funny. Despite the institution's implicit encouragement that students be selfish, perhaps we could

begin to rise above it and demand more of our education.

I think we should demand teachers who like to teach. We should either educate, or pressure the administration to get rid of those who don't seem to like students very much at their worst, and only slightly less loathsomely, simply don't appreciate the importance of student-teacher dynamics enough to see that respecting your students will usually earn you respect as a teacher. Our teachers should stop confusing forced nomenclature with respect. They should realize that negative reinforcement doesn't work, and that a willingness to grow and learn as an educator is essential. These are simple concepts somehow eluding some of them. For those professors who do contemplate these things and understand what it means to teach, thank you. Now could you please talk to your colleagues for us, because god knows we can't. Somewhere along the way they just forgot that they need us.

Editor's note: This letter was submitted anonymously and does not reflect the views of The Advocate.

Dear Editor:

The March 21 edition of the *Advocate* reported on my address to the Law Alumni Annual Luncheon and that I concluded that unused space at the Lincoln Center campus should be put to commercial use. I believe that the report misconstrues the main thrust of my remarks about utilization of the space. What I attempted to convey was a practical suggestion to the effect that Fordham Law School can afford to have the best physical plant in the nation. These were my remarks about the physical plant.

"Going back 90 years--60 years--35 years, I see a school with a nomadic existence, a homeless school. It was supposed to start in 1905 at rented space on West 16th Street, but it was evicted before it moved in. It actually started at Rose Hill, moved to 42 Broadway, then to Vesey Street, Nassau Street, the Woolworth building, 302 Broadway, then to 140 West 62d Street where it temporarily resides. Where next???? I made a proposal 5 years ago to Fordham's administrators. The reaction was the reaction one generally expects to the rantings of someone who claims to have a message imparted by a space alien. The proposal was this, and I propose it again."

"By way of preamble you should know that Fordham's Lincoln Center campus was deeded to it by the City of New York as an Urban Renewal parcel. Under the grant, for forty years Fordham was restricted to using the parcel for educational purposes. I do not know the exact date, but the restriction ends probably in 1999 or 2000, not very far away anymore. On that date, Fordham will shift from a woefully underendowed university, to a relatively wealthy one. On

Please see **LETTERS**
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THE ADVOCATE

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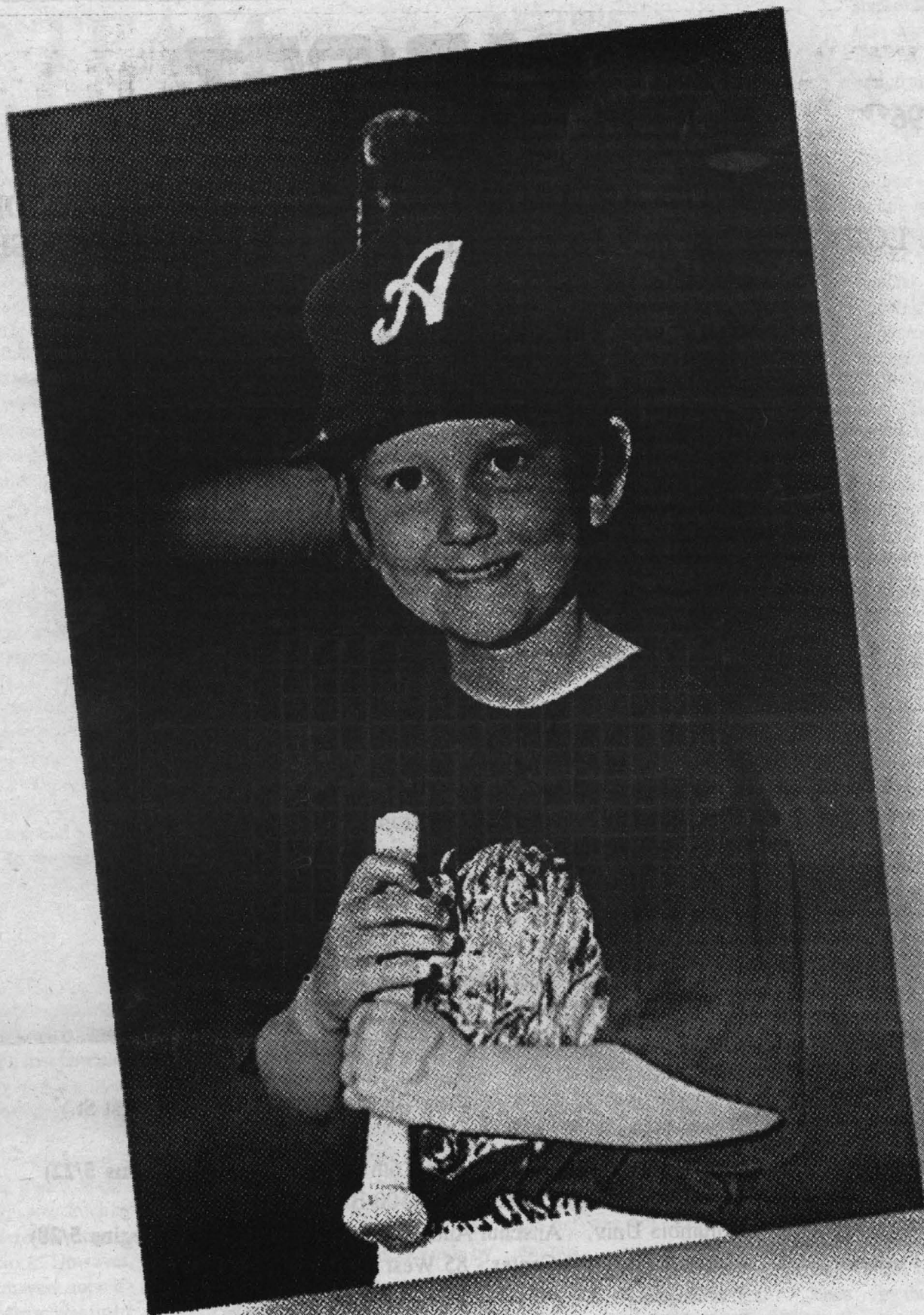
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Catherine Manion
POET LAUREATE

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 developments 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 5.0 or WP 5.1. We reserve the right to edit for length. Advertising rates available upon request. Contributions are tax deductible.

THE ADVOCATE
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* Melba Feliberty is Advocate member of the month... congratulations Melba



Bethany Cartledge
 In-line skater.
 T-ball slugger.
 Drunk driving victim.
 January 18, 1994
 Cheraw, SC

If you don't stop someone from driving drunk, who will? Do whatever it takes.

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.



U.S. Department of Transportation

BAR/BRI

BAR REVIEW

AS OF 4/4/96

NEW YORK SUMMER 1996 LOCATION INFORMATION (ALL LOCATIONS BEGIN 5/29 & ARE VIDEO UNLESS OTHERWISE INDICATED)

ALBANY	Albany Law School - (Begins 5/28)	9AM/1:30PM/6PM
ANN ARBOR, MI	Univ. of Michigan Law School - (Begins 6/3)	9AM
ATLANTA, GA	Southern College of Technology - Student Center - Marietta	1:30PM
AUSTIN, TX	Univ. of Texas - Tarlton Law Library	9AM
BERKELEY, CA	International House	1:30PM
BOSTON, MA	Boston Univ. School of Law	9AM/1:30PM/6PM
BROOKLYN	Brooklyn Law School	9AM/1:30PM/6PM
BUFFALO	SUNY at Buffalo School of Law	9AM/1:30PM/6PM
CAMBRIDGE, MA	Harvard Law School	9AM/1:30PM
CAMDEN, NJ	Rutgers Univ. Campus Center - North Cafeteria	1:30PM
CHARLOTTESVILLE, VA	Omni Charlottesville Hotel - (Begins 5/28)	9AM
CHICAGO, IL		
1) HYDE PARK	Univ. of Chicago Law School	9AM
2) GOLD COAST	Northwestern Law School	9AM
CONCORD, NH	Franklin Pierce Law Center	1:30PM
DURHAM, NC	Duke Univ. - School of the Environment	9AM
HAMDEN, CT	Quinnipiac College School of Law	9AM
HARTFORD, CT	Univ. of Hartford - Gray Conference Center	9AM
HEMPSTEAD	Hofstra Univ. School of Law	9AM/1:30PM/6PM
ITHACA	Cornell Law School	9AM/1:30PM
LOS ANGELES, CA	BAR/BRI Office - 3280 Motor Avenue	1:30PM
MANHATTAN		
1) DOWNTOWN	NYU Law School	9AM/1:30PM
2) MIDTOWN	A - Eastside - Loews New York Hotel - 569 Lex. Ave. (at 51st St.)	6PM
	B - Westside -	
	(1) Town Hall - 43rd St. (bet. 6th Ave. & B'way) - (Begins 5/22)	9:30AM (LIVE)
	(2) BAR/BRI Lecture Hall - 1500 B'way (at 43rd St.)	9AM/1:30PM/6PM
3) UPTOWN	Columbia Univ. - Altschul Aud. (117th St. & Amster.) - (Begins 5/28)	9AM
4) WALL STREET AREA	Marriott Financial Center - 85 West Street	6PM
MIAMI, FL	BAR/BRI Office - 1570 Madruga Ave, Coral Gables	9AM
MONMOUTH CTY, NJ	Holiday Inn - 700 Hope Road - Tinton Falls	1:30PM
MONTREAL, CAN.	McGill Univ. - Old Chancellor Day Hall	9AM
NEWARK, NJ	Rutgers Univ. Law School - (Begins 5/28)	9AM/1:30PM/6PM
NEW HAVEN, CT	Colony Inn - 1157 Chapel Street	9AM
NEW ORLEANS, LA	Tulane Law School	9AM
NEWTON, MA	Boston College Law School	9AM
PALO ALTO, CA	Stanford Law School	1:30PM
PHILADELPHIA, PA	Sheraton Univ. City - 36th & Chestnut	9AM/1:30PM
PITTSBURGH, PA	Univ. of Pittsburgh School of Law	9AM
POUGHKEEPSIE	Vassar College	9AM
QUEENS COUNTY		
1) FLUSHING	CUNY Law School	9AM
2) JAMAICA	St. John's Univ. Law School	9AM/1:30PM/6PM
ROCHESTER	Days Inn Downtown - 384 East Avenue	9AM
ROCKLAND COUNTY	Nanuet Inn - 260 West Route 59	9AM
SO. ROYALTON, VT	Vermont Law School	1:30PM
SPRINGFIELD, MA	WNEC School of Law	9AM
STATEN ISLAND	Wagner College	9AM
SUFFOLK COUNTY		
1) HUNTINGTON	Touro College of Law	9AM/1:30PM/6PM
2) RIVERHEAD	Ramada East End - 1830 Route 25	9AM
SYRACUSE	Syracuse Univ. College of Law	9AM/6PM
TORONTO, CAN.	Ontario Driving Training Center - 20 Eglinton Ave. East	9AM
WASHINGTON, DC	GW Law School - (Begins 5/30)	9AM/6PM
	Georgetown Law Center - (Begins 5/30)	1:30PM
WHITE PLAINS	Pace Univ. - Hayes Theatre	9AM/1:30PM/6PM

HOOP TEAM WINS W.N.E.C. TOURNAMENT

by John P. Doherty ('96)

Last month, the Fordham men's hoop team swept through the Western New England College of Law basketball tournament, winning six straight games, the tournament title and commemorative t-shirts in less than 40 hours.

Fordham rolled past its first three opponents, outscoring its foes by an average of some 27 points per game. Fordham entered the quarterfinals as the tournament's number one seed. The Fordham machine was humming.

In the quarterfinals, Fordham's third game of the day, Fordham met a pesky Albany squad who played good team basketball, moved well on offense and made open shots. The Albany team, however, had correctly assessed its teams' chances when it planned to spend Saturday evening in Boston. In the second half, Fordham played its up-tempo offensive style and defeated Albany by 18 points.

In the semifinals on Sunday morning, Fordham awoke to play its fifth college-length game of the tournament. Walking in to the gym, one team member spied and swiped a clearly lost bottle of Flex-All 454. Since its what pro-trainers use, we used it too, until a nice gentleman came over and asked for it back.

Fordham's opponent in the semi's, Quinnipiac Law School, was a tough, determined team. Fordham was down by 10 with nine minutes remaining as Quinnipiac ate up the clock. However, when the lights in the gym went out with 3:40 left in the game, Fordham was up by six and was able to hold on for the win.

In the finals, Fordham played a second team from Albany Law School. The game was tied with ten minutes left. With a minute and a half left, on the back end of a one-and-one, one of the referees, a skinny, hale man, began spouting off about evidentiary rules. By that time, however, Fordham was up by about twelve and the game ended without fur-

ther legal chatter. Fordham had won the tournament.

Eight of the team's 15 members made the trip to Springfield, Massachusetts tournament. In no particular order, they are as follows: Will Shih (3D), an annoyingly quick guard who manages both to foul the other team and travel with the ball without being caught. Lorin Forrest (1D), a 6'4" product of Queens College who had a thunderous dunk off of a fast-break. Loren also wins best dressed for his matching suspender-based outfit. Paul Hessler (3D), Mr. Loose Ball, the team's catalyst in the final game with six quick points at the start of the second half. John P. Doherty (3D), defensive specialist and rebounder. In his expanded role, he set the tone of the tournament with a sweet little turnaround jumpshot in the first game and a no-look, behind the back pass in the quarterfinals. John W. Doherty (3D), recently engaged, the team leader in scoring and chatting with the refs before the game. Patrick Macarchuk (3D), player/coach in the Bob Cousy mold, a shooter more than willing to jack up a shot as soon as he can see the hoop. Which in no way distinguishes him from anyone else on the team. Yon Okorodudu (2D), a tough rebounder and scorer off the dribble who laughs out loud while watching cartoons. Yon laid a guy out while driving through the lane in the finals. Brian Nurse (3D) played excellent defense and had a couple of three pointers in between his avowals that he ought to be Chippendale's model. His defensive intensity was matched only by his love of Wendy's.

The members of the team who were unable to make the trip are third-years Julian Reilly, Dan Feinstein, and Dan Ecker, second year Dave Amendola, and first years Hank Baer, Tom Yih, and Alex Gayer.

The men's team plays in the New York Urban Professional League. There will be several spots but not necessarily shots, open on next year due to the exodus of the third years.

LETTERS

continued from page 2

the corner of 62d Street and Columbus Avenue, or thereabouts it can and should build a mixed use building with a law school mixed with commercial space. The commercial space would defray much of the capital cost of reconstituting the law school's physical plant. I want to see that building and want to do three things there: sip a flute of champagne to inaugurate the building, have a dry martini to enjoy the building, and teach one class there to fulfill my professional aspirations. Then I plan to perform an extraordinary zoological feat: I will sing the swansong of a dinosaur."

I think the idea is of enough general interest to publish in full.

Yours Very Truly,

Joseph M. Perillo

Dear Editor:

I am writing to express my opinion about the issues raised in the article, "Third Year Student Cited for Defacing Property," that appeared in the March 21, 1996 edition of The Advocate. The article raises a number of issues which, taken together, leave the impression that a race-based sanction was imposed on a student for an offense that was not proven to be racially motivated.

The offense, as reported, involved "fill[ing] in with ink . . . the eyes and mouth" of a picture, appearing in a calendar, of prominent African American scientist Christine Darden. Also, as reported, the offender "confessed to the act, apologiz[ed] profusely and claim[ed] that the act was not done with any racial animus."

According to a letter reprinted in the article, "the calendar had . . . been seen by other administrators who [stated] that reasonable minds could differ about whether the defacement was racially motivated." The article cited no impar-

Based solely on the facts presented in the March 21 article, it seems that all due process protections were not met in this case. A sanction requiring a written apology and an assigned paper to atone for the defacement seems appropriate under the circumstances. Sensitivity training — for the offender and members of his journal — does not seem appropriate, given the context of the article, since the facts presented fail to meet the burden of proof for demonstrating that the act was racially inspired.

tial observation or evidence that would characterize the defacement as a racial act.

The sanction against the offender consisted of a written apology, an assigned critical paper on Christine Darden (15 to 20 pages in length), and sensitivity training. In addition to this, the entire

staff of the Fordham Urban Law Journal also agreed to sensitivity training for reasons — and under circumstances — which are not clear given the facts in the article.

In an increasingly race-conscious society like America, all of us — of course — need to be particularly aware of the ways in which we interact with members of other racial or ethnic groups. At the same time, we also need to take special care that emotional issues involving the differences among us do not induce us to abandon those principles of due process which are the ultimate guarantee in securing our individual rights.

Based solely on the facts presented in the March 21 article, it seems that all due process protections were not met in this case. A sanction requiring a written apology and an assigned paper to atone for the defacement seems appropriate under the circumstances. Sensitivity training — for the offender and members of his journal — does not seem appropriate, given the context of the article, since the facts presented fail to meet the burden of proof for demonstrating that the act was racially inspired.

If, as mentioned above, some school administrators (who had seen the defacement) felt that reasonable people could differ as to whether the act was "racially motivated," then the true intention of the offender remains unknown, and a presumption of innocence must apply. To overcome this presumption, it

Respect for one another and respect for due process march hand in hand, and both are necessary in the continuing struggle for everyone's civil and human rights.

seems only reasonable that there must be additional facts to support the need for "sensitivity training."

If additional facts do exist, which serve to overcome reasonable doubt in this case, these facts should be affirmed by the person or persons responsible for the sanction. If additional facts do not exist, then an explanation should issue as to why sensitivity training was appropriate to a case limited to the defacement of a calendar. To do otherwise creates a cynicism about relations among different racial and ethnic groups and serves to divide people rather than bringing them together. It also represents a retreat to an earlier period of history when an individual's protestations of innocence and an absence of incriminating facts could be ignored in the passions of the moment. Respect for one another and respect for due process march hand in hand, and both are necessary in the continuing struggle for everyone's civil and human rights.

In writing this letter, I assume no facts outside of those printed in the March 21 article. I would also add, that though I am currently an employee of the Law School, any thoughts expressed in this letter are solely my own and derive not from any capacity of my employment. I write this letter simply as a concerned alumnus.

Sincerely,

Robert Cooper
Class of 1987

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, The Advocate can use you. If you are interested in writing for Fordham Law School's official student newspaper, then please contact us at 636-6964.

LOOKING FOR A FEW GOOD WOMEN AND MEN

The Academic Enrichment Program (AEP) has openings for (13) Teacher's Assistants (TAs) and (2) TA Managers.

Qualifications:

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Seven Guitars: A Broadway Review

by Miles Marshall Lewis ('96)

"All seven and we'll watch them fall . . ." - Prince, "7"

The story of Broadway play *Seven Guitars* is difficult to reduce to a sentence. Floyd Barton (Keith David) attempts to persuade Vera (Viola Davis) to accompany him to Chicago to pursue his recording career in the spring of 1948. He's a blues guitarist with his first hit record, and a shady manager; she's his true love, burnt by his infidelious relationship with another woman. Vera initially harbors resentment and refuses to leave the Hill District of Pittsburgh, where the play takes place. "My feet ain't on backwards," she says, referring to having moved on from her relations with Floyd. She's convinced by the end, but serendipitous tragedy subsequently claims Floyd, in a domino effect set off by his negative dealings.

Seven Guitars, which had its premiere at the Goodman Theatre in Chicago last year, is a sharp, poignant, and often funny, portrayal of African-American life in the Forties. This is due largely to the ensemble cast; the lead Keith David (of theatre's *Jelly's Last Jam* and cinema's *Dead Presidents* and *Clockers*) gives a standout performance, rivalled by Roger Robinson as Hedley, an elder in his fifties suffering from tuberculosis. Still, ultimate credit is due to playwright August Wilson, winner of two Pulitzer Prizes for *Bences* and *The Piano Lesson*. Dialogue (Vera to Floyd: "When you left, I searched my body for your fingerprints") consistently extracts the beauty from the simplicity of the language from the black South. As in his past plays, all of Wilson's characters serve a justifiable purpose, and gel well when juxtapositioned.

August Wilson has written a total

I happen to think that the content of my mother's life her myths, her superstitions, her prayers, the contents of her pantry, the smell of her kitchen, the song that escaped from her sometimes parched lips, her thoughtful repose and pregnant laughter are all worthy of art. Hence, Seven Guitars."

of six dramas for "the Great White Way," all centered around his hometown of Pittsburgh, and focusing on a different decade of black American life. What motivates Wilson to believe that Broadway audiences want anything more than revivals? In a note from the playwright, he offers this: "I happen to think that the content of my mother's life her myths, her superstitions, her prayers, the contents of her pantry, the smell of her kitchen, the song that escaped from her sometimes parched lips, her thoughtful repose and pregnant laughter are all worthy of art.

Hence, *Seven Guitars*." The seven guitars of the title are a reference to the seven possibilities that Floyd Barton feels are slowly falling away from his life as well as the seven main characters, Floyd's final recourse after his manager gets jailed for peddling false insurance policies leads him down an ill legal avenue that eventually causes his death.

In *Seven Guitars*, Chicago represents the Utopian ideal of the North for the Southerners in question - a city with no segregation, where blacks are treated with equal respect by whites. In his first

sojourn to Chicago, Floyd travelled with bandmates Red Carter (Tommy Hollis) and Canewell (Ruben Santiago-Hudson) to record "That's All Right." Floyd also brought along Pearl Brown, his woman-on-the-side who he thought at the time believed in him more than Vera, a practical cynic. The play picks up where Floyd returns to Pittsburgh with a successful record, attempting to reconcile with Vera; Pearl left him when the initial release of his record was met with indifference.

Throughout, tuberculosis plagues the mental health of Hedley. His rantings on the royal African lineage of black Americans coupled with his mental instability reflect the general unbeliability some hold about such beliefs. The death of a crowing rooster at his hands underscores his troubled state. The anecdote he relates several times during the course of the play of a Buddy Bolden bestowing a large sum of money to him as a gift from his deceased father - ends up possessing a greater significance to the outcome of *Seven Guitars*.

A visiting "fast behind" cousin, Ruby (Rosalyn Coleman, formerly of *The Piano Lesson*), becomes a benevolent influence on Hedley, giving him the masculine validation he needs by leading him to believe she carries his child.

Playwright Wilson continues his mastery of theatrical language that separates the form from cinema with *Seven Guitars*. Rather than wordy, the dialogue and story are specifically theatrical in nature, pleasingly so. The band, Hedley, Ruby, and her cousin Louise (Michelle Shay) provide an excellent foil to the love story brewing between Floyd Barton and Vera. In *Seven Guitars*, Wilson has crafted another masterwork from the palette of African-American life.

continued from page 1
team from Emory, had the unenviable position of urging the court to adopt the "furtherance test," namely that any acts in furtherance of the fraud should give rise to jurisdiction. It became clear that the judges did not find this test anywhere in the "plain language" of the SEA. For Judge Easterbrook and Justice White what was "plain is that fraud that occurs in a foreign jurisdiction is simply not covered by the statute. Mr. Kelly was facile in his attempts to answer the barrage of questions from the various judges, but could not quite overcome their obvious skepticism in the overall argument that the court itself should "interpret" the SEA in such an expansive fashion.

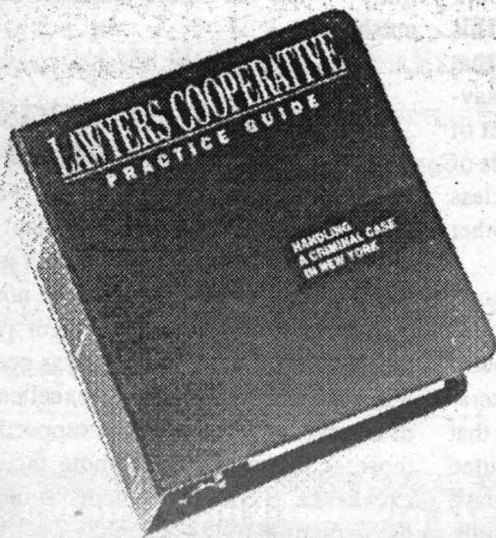
Mr. Ong did not find his task any easier, namely convincing this distinguished panel to adopt a "power to control" test in determining the liability of corporate officers. Again the judges peppered the petitioner with questions of the source of this test and the consequences of adopting such a test. Especially in the case of proving fraud, there is a danger in imputing one person's fraudulent statements to another on such a theory: Judge Easterbrook asked how owners can have the power to control fraudulent oral statements made not in their presence.

While the respondent team from Stetson apparently had a panel "on their side" as far as the merits of the case, the panel did not treat them any less critically. On the first issue, Mr. Geitner was asked by Judge McLaughlin why this was a question of jurisdiction instead of simply a failure to state a claim. Judge Easterbrook wondered if the jurisdictional issue had been properly preserved for this court's review. When the respondent cited precedent from a Circuit court decision, Judge McLaughlin provided a nice moment of humorous relief by commenting on the "supremeness" of the court. When Ms. Lawson began to argue the second issue, both Judge Easterbrook and Justice White tried to focus the issue upon the language of the statute and not upon which test was appropriate. Justice White emphasized that whatever definition of control is used why not argue that no one has proven bad faith or any inducement under the facts of this case.

At the end of the competition each judge was given the opportunity to say a few words. For Judge Easterbrook oral argument is an "art form" not merely a dramatic reading of canned arguments and precedents. The key ability required is an understanding of what the questioner has in mind. Judge Jones noted the oral argument "affords litigants an opportunity to have a conversation with the court." Judge McLaughlin noted that Judge Easterbrook had left nothing unsaid and humorously decried the "most hazardous position" of speaking after a competition and before the bar opened. Justice White concluded that "oral argument is not to give lawyers due process," but to reinforce already held opinions or help the court with particular questions.

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When the Intolerants Take on the Intolerables

by John Mastandrea

There was big news in New York City talk radio last week as WABC-AM fired longtime conservative curmudgeon Bob Grant. The announcement brought considerable joy to the ultra-liberal extremists (or whatever it is we call each other these days) who had campaigned for years for his banish-

So was Grant supposed to hold back in commenting on the Brown plane crash? If your answer is yes, reach back into ancient history to recall the day another Ron, this one Reagan, was shot by a would-be assassin. How many people chortled their dismay at his surviving? Would you prescribe repercussions for them as well?

ment.

You remember talk radio. It is the populist medium of expression that has lately been under attack, with even our populist president Bill Clinton denouncing the forum for its relentless discussion of his executive prowess.

Grant, who pioneered the format, has a long pedigree of shooting off at the mouth. His final outrage, which reportedly led to his dismissal, was a bad-taste comment regarding the sudden demise of Commerce Secretary Ron Brown. Upon hearing of the plane crash, Grant speculated that Brown would probably be the lone survivor. "I'm a pessimist," Grant explained.

Hence the furor.

Now, it is not without risk that a law student casts his lot with the likes of a Bob Grant. It's just not politically correct. Heresy is largely condemned by the elites of today's legal industry (a stand taken, oddly enough, in the name of tolerance). And it is never wise to take an unorthodox stand in the education camps of today's academia. But just for the sake of argument, let's indulge the "marketplace of ideas" myth and compare Ron Brown and Bob Grant to see how they measure up.

Brown was a politician. As Commerce Secretary his role (from what can be gathered) was to lock up big business' support for the Democratic Party. Before that, his job was to advance the political agenda of the Democratic National Committee. Is it possible to separate Brown the man from Brown the politician? Maybe, but most Americans knew only the politician, motivated by the raw desire to gain influence. (Your support, your vote, your campaign contribution). Anyone who thinks otherwise should watch a little less Dan Rather and a little more C-SPAN.

As for Grant, his mission is to establish not influence but an audience - the broadcast equivalent of marketshare. Grant did that, and he did so by giving voice to popular sentiments ignored or scorned by other media outlets. Grant took on the prevailing orthodoxies and was cheered by his listeners and simultaneously reviled by those who did not like

what he was saying (yeah, they say he's racist; they also say Pat Buchanan is anti-Semitic, and Louis Farrakhan is Libyan, and George Washington was a Freemason, etc.).

So was Grant supposed to hold back in commenting on the Brown plane crash? If your answer is yes, reach back into ancient history to recall the day another Ron, this one Reagan, was shot by a would-be assassin. How many people chortled their dismay at his surviving? Would you prescribe repercussions for them as well?

In any event, a radio station is free to hire and fire anyone it wants, and it is free to pay homage to whatever group of wild-eyed crazies happen to be camped outside waving illegible placards. WABC further assured the public that its decision to dispose of the Grant PR dilemma had nothing to do with the station's new corporate owner, Dismey. (And elephants can fly.)

And please, shed no tears over Grant, who will undoubtedly pop up again somewhere down the dial to once again fill the airwaves with his special brand of venom. But the sacking of Grant does involve one interesting phenomenon: Grant had the audience and he delivered the marketshare. WABC axed him in spite of this. It is not accurate to say: "He

What should one think of such an anti-bottom-line decision? The event clearly describes the power of the orthodoxy which Grant and his listeners so greatly despise. To those who have prevailed, this is a tremendous social victory. The New York Times, bastion of evenhandedness and fair reporting, rejoiced that perhaps other talk radio stations would now have "the courage to reject hate talk." After all, we can't tolerate hate.

was so offensive that nobody tuned in." Quite apart from that, he was offensive and people definitely tuned in.

What should one think of such an anti-bottom-line decision? The event clearly describes the power of the orthodoxy which Grant and his listeners so greatly despise. To those who have prevailed, this is a tremendous social victory. The New York Times, bastion of evenhandedness and fair reporting, rejoiced that perhaps other talk radio stations would now have "the courage to reject hate talk." After all, we can't tolerate hate.

Or can we? Grant's opponents are strangely accepting of many other incarnations of hate. Mario Cuomo, who has his own talk show on WABC, regularly spouts rhetoric cultivating interclass hatred. Alan Dershowitz, who until recently had his talk show carried by WABC, also extols the typical "us" versus "them" mentality (the "us" being Dershowitz and his elite comrades, be "them" being anyone who differs). The whole liberal mantra exudes a generalized but spirited disdain, bordering on hatred, for those espousing traditional morality, Western culture, or (horror) religious conviction.

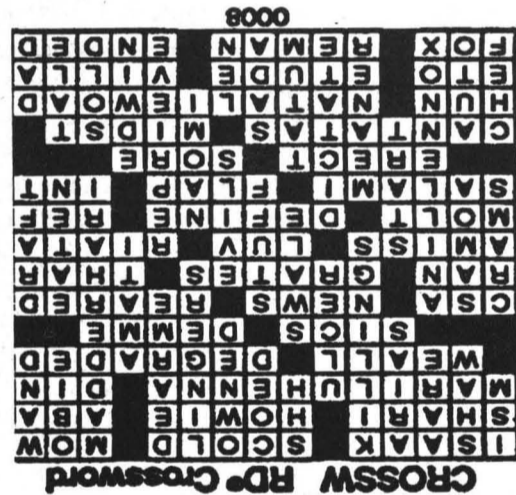
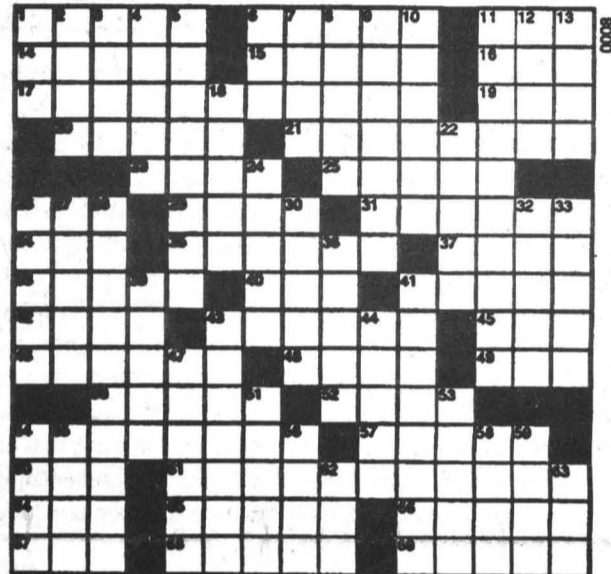
Such views are profoundly offen-

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- | | | | |
|--------------------------------------|------------------------------|------------------------------|------------------------------|
| ACROSS | 38 Wrongly | DOWN | 29 Singer to dye for? |
| 1 Angler Walton | 40 Schizgal play | 1 Ending for mom or dada | 30 Things |
| 8 Take to task | 41 Wrangler's line | 2 You Never Can Tell | 33 Polished off |
| 11 Do some grounds-keeping | 42 Shed a shell | 3 Lake of Thun's river | 36 Kind of beer |
| 14 Belafonte or Lewis | 43 Spectly distinctly | 4 Peace | 39 Bad things |
| 15 Manic Mandel | 45 Round figure? | 5 Nobelist of 1987 | 39 Use jumper cables |
| 16 Attorneys' letters? | 46 Deli ware | 6 Quick profits | 41 Let off the hook |
| 17 Actress to dye for? | 48 Brouhaha | 7 "Quiet" | 43 Ruling principle |
| 19 Cacophony | 49 Bankbook col. | 8 Had the deed to | 44 Ruth's mother-in-law |
| 20 "___ live in a yellow submarine" | 50 Standing up | 9 Sorority sister | 47 "___ than a junkyard dog" |
| 21 Brought down | 52 Vexed | 10 Sticks around | 51 Ryan's daughter |
| 23 Sets the dog on | 54 Choral compositions | 11 "My goodness!" | 53 Language maven |
| 25 The Silence of the Lambs director | 57 Central part | 12 Spy to dye for? | 54 Newman |
| 26 Gray initials | 60 5th century invader | 13 Stage award | 54 Child, e.g. |
| 28 Brokaw's broadcast | 61 Actress to dye for? | 14 Magic stick | 55 Flivver |
| 31 Fostered | 64 V-mail destination | 16 Worrier's risk | 56 Actress |
| 34 Took off | 65 Beginning pianist's piece | 22 Stradivari's teacher | 58 Thompeon |
| 36 Prepares Romano | 66 Vacation mansion | 24 Low-lying wetland | 58 Trafficked in |
| 37 "___ she blowed" | 67 CBS rival | 26 Bones up | 59 Fairy follower |
| | 68 Provide with a new staff | 27 Navigators islands, today | 62 Author Deighton |
| | 69 Through | | 63 Pop |



sive to some people. But those people don't protest, so those people don't count.

So it turns out that "hate" and "divisiveness" are funny things. Certain species of hate are evil and must be stamped out, but other brands are warm and cuddly. Grant was always evil; Cuomo, Dershowitz, The New York Times, et. al., warm and cuddly. This makes perfect sense to the new rule that it is inappropriate to call rioters "savages." After all, we must be tolerant of those who slam bricks into the skulls of passerby. Letting people say reckless things on talk radio, well, that's another matter.

Alienated by such nonsense, large segments of the Great Unwashed ultimately tuned into the Bob Grant Show to find solace, catharsis, and commiseration. Angry protesters have decided that these people should not be permitted such luxuries, and now their efforts have successfully forced an otherwise harm-

less minority to the margins Who's more divisive in this picture?

"We must stop the commercialization of hate," was a widely reported response to Grant's canning, uttered by none other than . . . Al Sharpton! To some, that's more than just delicious irony — it's the whole situation in a nutshell.

NATIONAL JURIST continued from page 1

salaries in general, Feerick stated, "Faculty compensation is very important in holding first rate faculty. In New York, we have two powerhouse to our north and south. We don't want them [the faculty] to feel that they are not as good. It is important to promote the excellence of our faculty. If one is not supporting those activities which promote faculty excellence, it creates problems as far as the reputation of the school."



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