# The Justinian

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# Justinian

a mere working mason; if he possesses some know-ledge of these, he may ven-ture to call himself an ar-chitect.

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No. 8

# Gershenson Honored as First BLS Prof. Emeritus

#### By STEPHEN GANIS

In an unprecedented appointment, Prof. Milton G. Gershenson has been named Emeritus Professor of Law by the Brooklyn Law School Board of Trustees and will remain on the faculty next year.

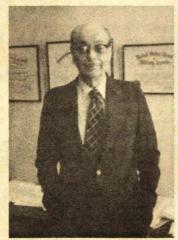
Prof. Gershenson this year reached the mandatory 70 year retirement age applicable to full-time faculty at BLS. The faculty had asked the trustees to waive the regulation, but the Board denied the request and created instead the new position of professor emeritus. In that role, Prof. Geshenson will be assigned by Dean I. Leo Glasser to teach classes according to the law school's needs; the same method by which adjunct professors are assigned. Next semester, Prof. Gershenson will: teach Evidence and the Domestic Relations Seminar.

"I find teaching law stimulating," the professor told Justinian last week. "It's not like someone teaching an absolute science that doesn't change. The law is like lava - it's always moving." Prof. Gershenson pointed to the changes in such subjects as criminal law, evidence, and matrimonial law. "There were many changes made as a result of the 1967 Penal Law, especially that common law crimes were outlawed," be began. "In evidence, the fderal rules have been changed and now there's a proposed change in the New York State rules as well. In matrimonial law, we're witnessing the total breakdown of the family unit as the divorce rate climbs higher and higher.'

#### Has Had Three Careers

Prof. Gershenson has served continuously on the BLS faculty since 1937, except for his military service between 1942 and 1946. Although he has given so much time to studying the law, he boasts of having three careers. First, he is an accomplished classical pianist, having studied classical piano at Juilliard and appearing in concert as a soloist and member of ensembles prior to entering law school. He enrolled at BLS in 1930, his second career, and was on the staff of Justinian and Law Review. He received a L.L.D. degree in 1933 and a S.J.D. degree in 1974, and entered private practice for two years before returning to BLS as a professor in 1937.

Prof. Gershenson's "third" career was in the military. He served from 1942-46 in the Army and was decorated by the United States, France, Belgium, and Italy. For 20 years he conducted Military Law Reserve Training in the Published by Brooklyn Works at 980 in



Prof. Milton G. Gershenson, Emeritus Professor of Law.

1970 retired in the rank of lieutenant colonel. Among the 13 subjects he has taught at BLS is Military Law, which he claims is "fascinating, if you can stand the discipline of the military."

Although 70, Prof. Gershenson says he has no plans for total retirement and will continue as Chief Reporter for the New York State Criminal Jury Instructions Project, which has published two of three proposed volumes of pattern jury instructions. He will also remain as chairman of the annual Matrimonial Practice Program conducted by the Practising Law Institute as a continuing legal education activity for practicing lawyers. The professor will also retain his position as a panelist at the New York State trial judges' annual conference on recent developments in

On May 15, Prof. Gershenson will lecture to the New York City Bar Association on the proposed "equitable distribution" domestic relations statute now before the state legislature. This year he became a life member of the Association having completed 40 years of participation in

#### Surveys Career Opportunities

In surveying the present state of the legal practice, Prof. Gershenson lamented that the days of a law school graduate starting his or her own practice are all but over. "The growing complexity of the law is forcing specialization and today's general practitioner is just practicing in the cracks," he asserted. "Also, the paper work is very complicated today and the cost of maintaining one's own practice

Prof. Gershenson believes that the

# **First Year Students Diamayed by Moot Court**

#### By CHRISTINE SHORT

Confusion and disorganization appear to be the key words to describe the first year moot court experience.

Although Assistant Dean Paul Sherman said his office received only one complaint, first year students told Justinian they felt angry and frustrated, that many of them were "fed up" and felt "beaten down" by the experience.

This was the first time in several years that the Moot Court Honor Society did not run the first year competition. The Society declined to do so earlier in the year over the issue of credit. Some members of the Society did serve as judges, however.

Dean Sherman said that the administration had always intended to conduct the program this year, rather than postponing it until next year. The administration did not expect the Society to change its position; the delay in implementing the program was blamed on logistics problems.

The faculty was responsible for developing the problems used in the program and grading briefs as well. According to Dean Sherman, the faculty was "cooperative" with a "substantial majority" participating in

Students found the faculty to be less than wholeheartedly cooperative. One student found the faculty assistance to be "shoddy" accompanied by a "lack of seriousness" on the part of the administration. Another described the time invested by the faculty as "nil" and noted the lack of instruction regarding oral advocacy. One student found his 10 on 1 professor to be extremely helpful but agreed with others that this was not the general rule.

One of the major complaints ex-

pressed by the participants was the lack of sufficient notice regarding argument times. Describing herself as "disgusted and turned off" by the whole process, a student explained that she was reached by telephone late Sunday evening and told to be ready to argue Monday.

The limited number of rounds (two. compared with a possible four in the past) was also a source of unhappiness, as was the quality of the judging. Judges were described as "adequate to poorly prepared" and inconsistent in

Dean Sherman reported that there is a "likelihood" that a Director of Legal Writing will be hired for next year with the "likelihood" such a person would also direct the first year moot court program. The question of credit for any participation by the Society remains unanswered as of this writing.

Society Executive Board Member Sid Dyorkin said that the Society plans to select as eligibles those who successfully completed the second round this year as well as from an open competition to be held next year. The Society is continuing to discuss the issue of credit with the administration.

Some students both within and without the Society were distressed by the hiring of two students to assist in the administration of this year's program. One student described the practice as "suspicious" while Mr. Dvorkin said the hiring proves that the Society's activities deserve remuneration.

The overall response by both Society members and first year students was that the first year people were "shafted" and used as "fall guys" for the whole conflict." Finally, one participant who initially "took moot court very seriously," said, "I enjoyed the experience but not by virtue of the administration."

horizons of the profession are not as broad as they used to be. "Criminal work is now handled by the Legal Aid Society," he began. "Negligence work, which always used to pay the rent, has been reduced. In the present economy, a real estate practice has dried up, and also corporate law is limited, as mergers and consolidations are not increasing at the brisk pace of the 1960's." The areas of the law he sees as growing include labor law, matrimonial law, and administrative law.

In addition to continuing his pursuits in the legal profession, Prof. Gershenson also plans to continue dabbling in his hobbies, which include playing the piano, reading science fiction and traveling. Yet is is evident that his main hobby is his job. "I've done everything that can be done as a law professor," he concluded. "I don't know what a law professor can do that I haven't done."

> VOTE **Elections**

# LEXIS Places Shephard's at Your Fingertips

By THOMAS J. VETTER

On February 25, a LEXIS terminal was installed in the basement of the Brooklyn Law School Library for use by students and faculty.

LEXIS is a computerized legal research system that enables its users to drastically reduce the time required to do legal research. When skillfully used, it can also increase comprehensiveness and accuracy substantially.

The system employs two large IBM computers located in the midwest that are connected to terminals via telephone.

To use the system, a search request is keyed at the terminal. The computers process the search request and report back the number of cases found, their citations, their complete text or only particular segments — depending on the instructions given. Moreover the terminal features a printer so that any transmission displayed on its screen may be printed out for the user's records.

The charges for using LEXIS are normally directly proportional to the amount of use, however, LEXIS is leased to educational institutions for a flat fee that doesn't vary with the amount of use. This rate is substantially lower than that billed to the bench and the bar.

Because of this arrangement, LEXIS

restricts its educational accounts to legal research connected with the school. This is to prevent an outsider from taking advantage of LEXIS through an educational account Otherwise, an attorney or judge could have his or her LEXIS work performed by law clerks free of charge through the clerk's law school account rather than through his or her own account.

Although financing for LEXIS was budgeted for the 1979 to 1980 school year by the Board of Trustees, BLS is one of the last metropolitan area law schools to procure the system. Fortunately, when Librarian Charlotte Levy arrived at BLS she noted the conspicuous absence of LEXIS. She took the necessary steps and placed the budgeted funds to their intended use

Thus far the library has received encouraging feedback from users of the system. Some initial problems with priorities and scheduling have been corrected and the existing rules seem to be working very well.

An unexpected benefit from the addition of LEXIS, according to Librarian Charlotte Levy, "is the greater interaction between the library staff and the users of the library' especially within the small groups at the LEXIS training sessions since the library "does not normally provide for small group contact."

Readers may note that LEXIS is available to students and faculty on weekdays 9 a.m. to 11 a.m., 1 p.m. to 2 p.m. and 5 p.m. to 11 p.m. Reservations for one hour time slots may be made at the library desk on a firstcome first-served basis.

Faculty have priority 11 a.m. to 1 p.m. weekdays and during library hours on weekends.

Although LEXIS is not available for research between 2 p.m. and 5 pm. weekdays, there is a simulation program available for anyone who wishes to learn or practice. In addition, the library offers one-hour training sessions on a regular basis.

More information may be obtained by inquiring at the library desk.

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Izzo Elected as LSD 2d Circuit Governor

Richard Izzo, a second year day student, was elected Governor of the Second Circuit of the American Bar Association's Law Student Division at the Circuit's Spring Conference held at Vermont Law School on March 21-23.

As Governor, Mr. Izzo is responsible for coordinating all Division activities within the Circuit, which is comprised of all the law schools in New York State. His duties include the development of substantive programs such as the National Apellate Advocacy Competition (NAAC) and the Voluntary Income Tax Aid programs (VITA), as well as organizing Circuit meetings, such as the Summer Caucus, the Fall Roundtable, and next year's Spring Conference.

In addition Mr. Izzo will be sitting as the Circuit's representative on the Division's Board of Governors, which meets four times a year, as well as the Circuit's chief delegate at the Division's Annual Meeting in San Francisco this coming August. The Student Bar Association will also, as usual, send delegates to the Annual Meeting.

All of Mr. Izzo's activities as Governor will be funded out of a budget provided for him by the ABA. This budget includes an amount set aside for the Governor to use at his discretion in order to foster substantive programs amongst the schools within the Circuit. These funds are available in addition to



LSD Second Circuit Governor Richard

Division on a matching fund basis.

Brooklyn Law School, it was announced at the conference, is one of the few law schools nationwide to have been awarded two LSSF grants this year. These grants, in conjunction with SBA funds were to support this year's Criminal Skills Workshop run by the National Lawyer's Guild, and to support the Abortion Rights Symposium sponsored by the Legal Association of Women.

At an awards banquet held at the conference, Steve Berlin, BLS's representative to the Division for the past year, was awarded the ABA Silver https://brooklynworks.brooklaw.edu/)ustinah/voli 980/iss3/1

# **BLS Places Second in Client Counseling Competition**

By JOHN PITTARI

There is a knock at the door. Your heart begins to pound. Exchanging a nervous glance with your partner, you open the door. You greet the woman standing there, and ask her to come in. Your office shrinks to include only the single chair in front of you and the mysterious woman who occupies it.

What does she want? Why has she come to you? And most importantly, what will you do?

Although not quite so melodramatic, this basically describes the beginning of the annual Client Counseling Competition. The purpose of the American Bar Association sponsored event is to test students from the different law schools throughout the country on the skills needed to interview and counsel clients in a competent and professional manner regarding their legal affairs.

The competition attempts to simulate the initial interview with a new client which a practicing attorney would regularly encounter. As in real life, each team knows very little about the client and his or her problem before the interview begins. One week before the competition, each school is informed by the ABA of the topic for that year and a brief set of facts about the client.

This year's topic was widows and widowers. The facts involved a widow(er) who had recently lost their spouse in a fatal accident. The client

wished to discuss a new business relationship as well as the welfare of his or her children. Further, the client was an acquaintance of one of the team members.

This vague information necessitates extensive precompetition research so that each member is familiar in a number of legal fields. This year, each "lawyer" should have recognized issues dealing with wrongful death, corporations and partnerships, estate planning, wills, criminal law, domestic relations, legal ethics, and corporate financing.

Knowledge of the law, however, is not as important in this competition as is the creation of the attorney-client relationship. Receptivity to the needs of wants of the client, sensitivity to the client's emotional problems as well as the legal ones, and the ease which the client feels while the "lawyers" elicit the relevant information are the basis of professional trust between client and attorney. Each team is judged in these areas as well as in their ability to ascertain pertinent facts and apply them to relevant law. These aspects are highlighted in that each panel of judges includes a psychiatrist or social worker as well as practicing members of the local bar.

The competition divides the country into the eleven circuits of the U.S. Supreme Court. Law schools within each circuit compete against each other with the winners of each circuit com-

peting for the national championship.

On March 8, 1980, Brooklyn Law School competed in the Second Circuit Regionals held at Pace University School of Law in Westchester, New York. The other contestants included New York University, Hofstra University, Saint John's University, Cardozo Law School, Albany Law School, and Pace University.

Each team consisted of two members plus an alternate. BLS was represented by Robert Miletsky, Louis Testa and this writer. The team was coached by Professors Richard Allan and Gary Schultz.

The regionals consist of a morning round where the teams are divided into three divisions. The winners of each division vie for the regional title in the afternoon round. BLS, Cardozo and Hofstra all advanced. In the afternoon, all three teams received the same judges and client. The client was prepared beforehand and followed the same script for each team.

Ultimately, Hofstra was declared the winner and will compete in the natioal finals to be held at Mercer School of

Law in Macon, Georgia. BLS placed second for the second straight year.

As a member of the BLS team for the past two years, I was disappointed at our loss, but was heartened by the experience I gained in learning this much needed skill. Unfortunately, this school, as well as other law schools in the area, does not offer a course or workshop in the area of counseling so that I or other students can further their knowledge in the area. Indeed, the skill is almost totally disregarded by the administration and most faculty members.

Although when we graduate we will be called "counselors," we will never have been formally trained in this skill. We are expected to acquire this skill through part time jobs or clinics. Unfortunately, our learning is often at the expense of our employers or worse, the clients

I would hope that enough students will raise their voices so that a course in client counseling will be added to the other skills courses offered such as trial and appellate advocacy and negotiations

# Judge Cooke To Address Grads

Chief Judge Lawrence H. Cooke of the New York State Court of Appeals will address the 1980 graduating class on June 12.

Two hundred and ninety-three Brooklyn Law School students, all of whom are required to pay a \$40 graduation fee, are scheduled to graduate in ceremonies to be held at Carnegie Hall.

Former Kings County Surrogate Nathan R. Sobel, as well as Judge Cooke, will be receiving honorary degrees from BLS.



Chief Judge Lawrence Cooke.

## International Law Journal Selects Editorial Board

The following is the new editorial board for the 1980-81 Brooklyn Journal of International Law: Editor-in-Chief, Patricia Staub; Managing Editor, Susan Bodner.

Executive Articles Editor, Leon Bijou; Executive Notes Editor, John Polakas; Executive Comments Editor, Gary Deane; Research Editor, Mark Casso.

Articles Editors: David Beidler, Ted Boroweic, Christine Rossini, Mark Senak; Notes Editors: Lynn Dondis, Susan Grayburn, Steve Manket, Arthur Miller; Comments Editors: Mindy Blatt, Alice Newman, Howard Wittlin, Daniel Wotman. Business Editor: Susan Greenberg; Book Review Editor: Mark Ziemba.

Associate Editors: Mary Ann King, Karen McFarlane, Dennis Mulligan, Samuel Rosenberg, Stephen Speiser.

## **BALSA**

The Black American Law Student (BALSA) recently elected its executive board for 1980-81: Chairperson Deborah L. Ellis; Co-chairperson Thaedeus McGuire; Secretary Melinda Pollard; Treasurer Milagros Matos.

#### **New Editor Elected**

Lisa Prinz has been elected as Editor-in-Chief of Justinian for the 1980-81 academic year. Ms. Prinz, who will be a second year student, encourages students interested in working for the newspaper to contact her.

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# **Law Review Names Editors**



Newly-named Brooklyn Law Review Editors: Jo-Anne Weissbart, Editor-in-Chief, and Dave Hattem, Managing Editor.

The staff of the Brooklyn Law Review for school year 1980-81 has been announced. The Editor-in-Chief will be Jo-Anne Weissbart, and the Managing Editor will be Dave Hattem.

The Second Circuit Review Editors will be Lawrence Menkes and Kenneth Sold. Articles Editors will be Kevin O'Regan and Michael Pysno. Notes Editors will be Stephen Ganis and Mark Weitz. Comments Editors will be Jay Dorman and Janet Meltzer.

The Research Editor will be Rubin Salz, and Book Review Editors will be Constance Burke and Marialina Dominguez. Philip Levy will be Executive Editor.

Senior Editors on next year's staff will be Susan Alkalay. Leslie Allan, Joseph

Senior Editors on next year's staff will be Susan Alkalay, Leslie Allan, Joseph DeGirolamo, Sharon Katz, William Korman, Lisa Kretzschmar, Kathleen McGowan, Michelle Rettek-Jenkinson, Janet Strickland and Linus Walton. Named members were Anished by Brooklyn Works. 1980 David, James Fennessy, Marcia Goffin, Lawrence

Jacobs, Jean Prabhu, Daniel Ratner and John Wright.

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# Goodbye

It's been a pleasure, folks — but not as much of a pleasure as we had thought it would be. In a school where everyone wants to grow up to be a lawyer, it's hard to find people willing to dabble in journalism.

We do thank the handful of you who did make an effort to contribute and we thank the handful who spurred us on with compliments and thoughtful criticism. To those of you who were all complaints or indifference and no help at all, well, you can't please all of the people all of the time.

It's not all sour grapes, however. We got to know a lot of people, found out a lot about how organizations work (or don't work), learned a few new skills, and earned one more item to put on our resume. We even had some good times.

We've elected a new Editor-in-Chief for next year but no Managing Editor because no one expressed interest in the job at the time we held elections. We sincerely hope that the student body as a whole will express more interest — and more willingness to lend a helping hand — next year.

Good luck to all of you, in school, in the job market, in your lives. Thanks for the memories.

# Travelin' Blues

We would like to express our disappointment in both the SBA and the administration for their lack of action during the transit strike. Other than moving class times back one hour, no effort was made to coordinate rides between those with cars and those without any transportation.

Granted the strike began during spring break. But if New York City can make contingency plans on a grand scale, why couldn't BLS do the same on a much lesser scale? Posting signs with headings such as "Bensonhurst" with columns heading "I can give a ride" and "I need a ride" would not be an overly burdensome administrative task.

There was, of course, the solution of self-help. Telephoning everyone in your neighborhood (some of whom you barely knew) was one solution. But we still ended up walking in twice from Bay Ridge (over five miles). A little organization by those best equipped to organize would have gone a long way.

We hope the nightmare of a transit strike will not be repeated in the near future. But if it is, we urge the student government and the administration to take a more active part in helping students.

# **Counselors at Law**

We advocated increased emphasis on the teaching of trial skills at Brooklyn Law School in this forum earlier this year. It now comes to our attention that another essential lawyering skill is being neglected in our curriculum.

We are running a story in this issue about the ABA sponsored Client Counseling Competition. The author points out that most law schools, including BLS, rarely offer courses or workshops in this area.

We heartily agree with Mr. Pittari that counseling skills are crucial to a lawyer's competent performance. We therefore strongly suggest that the administration and faculty give careful consideration to ways this important skill may be developed in law students.

#### Letters to the Editor

# Insult to Injury

To the editor:

Why is it that when the government finds itself in fiscal trouble resulting from giving too much to those who don't need it, the government devises ways of raising revenue from those who are least able to pay it? Recently, our elected officials in Albany passed a bill which Governor Carey signed into law which increases the fee for taking the New York State Bar Examination from \$50 to \$140 (effective immediately). I guess Carey believes that a multistate exam justifies a multi-fee.

Making the worst of a bad idea, the legislature in its finite wisdom decided that the bar fee increase wouldn't even raise enough money to cover the mailing costs of the several state agencies who have to send rejection letters to the multitude of graduating attorneys who applied for positions that were either filled thirteen years ago or don't exist. So the legislature passed, and Carey signed into law, a bill establishing a \$100 bar admission fee (effective immediately).

One can get around paying this fee by failing the bar exam, and explaining to inquiring friends and relatives that you couldn't afford to pass (nor graduate with Brooklyn Law School's \$40 graduation fee).

The administration of BLS is aware of the economic plight of law students and does "freeze" the tuition one pays over the three or four years one spends in law school. Even so, with inflation

at 18 percent a year, asking law students (many on loans) to raise \$800,000 for the state government is grossly unfair. A much more equitable way of raising the \$800,000 would be to charge the \$100 bar admission fee to attorneys who have been admitted to the bar for five or more years. (Just a little added incentive for early disbarment.) However, many of the legislators in Albany would probably be repulsed by the idea of taxing themselves when they can tax their constituency.

The administration of this school should note that an additional \$90 fee (\$140-\$50) will cause an extreme hardship for many students who will not be able to work full-time while preparing for the bar exam and should make funds available to qualifying students (e.g., perhaps those in debt \$10,000 or more). These funds can be loaned to students at approximately 51/2 percent payable in one year (total repayment of \$95). It has been rumored that Philip Hoffer has made an additional gift of \$3,000 to the school. So funds are available if the administration wants to make bar fee loans to its future alumni upon whom the school will rely for charitable gifts and contributions. If the administration turns its back on financially strapped students perhaps it will understand when the alumni turn their back on a financially strapped school.

M.H.S.

# **Epidemic Piggishness**

To the Editor

It should have been disconcerting for you to publish your March 14 editorial and a juxtaposed letter concerning the pig-sty that BLS is (has) becoming (become).

As a student at a near-by college which is a renowned hyper-pig-sty, I thought that I could get away from the mess on a recent afternoon by doing my studying in-the confines of the BLS library. Gee, was I wrong! Not only did I notice the unshelved books (left

by the "inconsiderate jerks") but I also saw other assorted trash in the library and also noticed that you are beginning to have a problem with the proliferation of graffiti in the vicinity of the men's locker room.

But maybe I should look at all of this from another vantage point. Since the graduates of BLS will supposedly be representing many NYC slobs, then maybe what I am seeing now is simply a dress-rehearsal. Nota bene!

Name withheld

# Outstanding Faculty Honored

By STEVEN M. BERLIN

Seven members of the Brooklyn Law School faculty were presented with Faculty Excellence Awards on April 9 by the Student Bar Association. The awards were given out at a reception in the student lounge which was well attended despite the fact that the transit strike was then in full force.

The recipients of the awards were:

Required Day — Henry Mark Holzer, Required Evening — Bailey Kuklin, Elective Day — Dean Jerome Prince, Rhonda Copeland, Elizabeth Schneider: Elective Evening — John

Joseph Meehan, Deborah H. Schenk.

The selections were based on responses to the 1978-79 academic year faculty evaluation forms, specifically those quesitons that rated professors' overall performances.

This is the first time in the recent history of BLS that students took it upon themselves to honor outstanding faculty members. The idea to present these awards, the selection process, and the design of the awards were the results of the combined efforts of SBA members George Taylor, Jerry Flanagan, Rich Milazzo, and Sam Rein.

# Sexual Exploitation: More Questions Than Answers

By LINDA STAGNO

On Saturday, April 19, the Brooklyn Legal Association of Women (L.A.W.) sponsored an all-day Symposium on Pornography and Prostitution. Aproximately 60 participants attended the program, many of whom were from outside the Brooklyn Law School community. The symposium was held in the Moot Court Room; luncheon was provided in the third floor lounge.

The symposium featured panelists representing a broad spectrum of views on the two complex and controversial social/legal issues. The morning panel dealt with the social ramifications of pornography and censorship while the afternoon panel focused on the cultural and moral dilemmas of decriminalizing or legalizing prostitution.

The pornography panel was comprised of representatives of the Women Against Pornography, an organization devoted to protesting violence and the exploitation of women and children in pornography; Prof. Edward DeGrazia of Cardozo Law School who teaches courses on "Obscenity" and "The First Amendment" and who successfully "freed" banned literature such as Lysistrata, Tropic of Cancer, and I Am Curious, Yellow; Leanne Katz, coordinator of the National Coalition Against Censorship; and Deborah Wymer, an active member of the Anti-Sexism Committee of the National Lawyer's Guild.

The Women Against Pornography (WAP) opened the program with an inflammatory although effective slide presentation which demonstrated the violent sexual exploitation of women in pornographic magazines such as Hustler and on record album covers. At the same time, pictures depicting women as seductresses who invite the sexual dominance and abuse of men were taken from women's magazines such as Vogue and from Alexander's clothing advertisements.

The clear message of the presentation was that the sexual exploitation of women pervades our society in all aspects of media — magazines, advertisements, records, and television. The Women Against Pornography advocate protest against and educational presentations about pornography and its negative effect on society's percepin the form of rape, battering, etc.

While WAP presents a very disturbing and persuasive social argument, they provide little insight into the complex legal questions which are also at issue here. Discussion of regulation and censorship and their effects on first amendment rights is crucial to make sense out of the pornography issue. However, even the legal experts on the panel had difficulty countering the WAP discussion other than to attack it on emotional rather than legal grounds. Because WAP is not in favor of censorship, discussion of the legal repercussions of such regulation was never effectuated.

In short, the morning panel illustrated the complex social and cultural problems associated with pornography and the inability or inappropriateness of the law in dealing with it. The panel did succeed in raising the issues about which many of us have conflicting views within our own personal politics, and in forcing us to confront and analyze these attitudes.

The afternoon panel's discussion of prostitution, while touching on social concerns, more effectively focused on the legal realities involved. The panel included: Richard Emery, staff counsel for the New York Civil Liberties Union, who has litigated cases

prostitution should either be decriminalized or legalized. Mari Maggu provided startling statistics which demonstrate the impact of prostitution on the criminal justice system and on society as a whole. For example:

forced to turn several tricks just to pay the fines. Moskowitz, who believes that prostitution should be decriminalized, also recognizes the concerns of citizen groups who live in areas where prostitution flourishes and who oppose

"... in giving harsh fines to prostitutes, the judges are themselves acting as pimps since the reality of the situation is that the prostitutes are forced to turn several tricks just to pay the fines."

- there are 40,000 full-time prostitutes in New York City
  - the average age of prostitutes is 19
  - 50 prostitutes are arrested each day
    50 prostitutes are murdered each
- year by their pimps
   most "johns" (ie. patrons) are
- most "johns" (ie. patrons) are white, middle-aged men who have families
- in 1977 Manhattan courts levied \$275,000 in fines to prostitutes

decriminalization.

Mirroring Judge Moskowitz's experience with citizen groups was Commissioner Slade who was, however, opposed to both decriminalization and legalization. Slade elucidated the pressures placed on the Police Department from various citizen groups who threaten to "string up the pimps and run over the prostitutes" if the police do not step in. Slade also pointed out that in Paris, where prostitution is legal, only about 10 percent of the prostitutes have gotten licenses since a license is a matter of public record and may be used against the prostitute should she desire to change her profession later in life. Speaking on the difficulty of arresting the pimps and johns, Slade again demonstrated the many levels of complexities inherent in the problem of prostitution. (eg. lack of proof, corroborating testimony.)

Clearly the bottom line of the interesting and informative panel discussion was that prostitution (like pornography) cuts across many lines religious, moral, ethical, sexual, intellectual, legal - and if-abused leads to the exploitation of women who are the ultimate victims. Many issues were left unresolved at the end of the day such as the right of women to choose posing for pornography and prostitutions as professions, should they desire to do so, vis-a-vis the possible causal relationship between violence in pornography and prostitution and real violence against women.

The Symposium on Pornography and Prostitution provided a muchneeded forum for the presentation of disparate views on two often perplexing and controversial subjects which directly affect women as a class and as individuals. Although few of us came away with any answers to these difficult social and legal issues, at least some of us now know what the questions are.

"Discussion of regulation and censorship and their effects on first amendment rights is crucial to make sense of the pornography issue."

challenging the constitutionality of the "loitering for purposes of prostitution" statute; Mari Maggu, founder of SCAPEGOAT, a prostitution assistance organization and herself an ex-prostitute and former madam; the Hon. Ruth E. Moskowitz, a judge in the Brooklyn Supreme Court, Criminal Division; Fran O'Leary, former prostitute and president of the Fortune Society, an organization dedicated to assisting ex-offenders; and Thomas Slade, Assistant Commissioner of the

"The clear message at the presentation was that the sexual exploitation of women pervades our society in all aspects of media—magazines, advertisements, records, and television."

tions and treatment of women. And, although there is little statistical evidence to support it, WAP clearly sees a CPUBAShed William William 1980 nography and violence against women

New York City Police Department Legal Division, and an alumnus of BLS.

With the exception of Commissioner Slade, all of the speakers agreed that • in 1977 New York City spent \$7.1 million handling prostitution cases in Criminal Court.

Both Mari Maggu and Fran O'Leary emphasized the problems prostitutes have with their pimps — pimps being a necessary evil of the trade. Maggu and O'Leary also stressed the discriminatory nature of the prostitution laws in that male prostitutes are rarely arrested, and the "johns" and pimps are even less frequently penalized.

Richard Emery agreed with Maggu and O'Leary that the prostitution statutes are discriminatory and he went a step further. Emery suggested that social prohibition of prostitution violates the constitutional right to privacy between consenting adults. His argument centers around what he sees as the projection of certain religious and moral attitudes onto society which has resulted in the rejection of prostitution as an accepted profession or institution.

Judge Moskowitz, who has had considerable experience in the arraignment of prostitutes, discussed the anomalous position many judges have taken. She explained that in giving harsh fines to prostitutes, the judges are themselves acting as pimps since the reality of the situation is that the prostitutes are

#### **EDITOR QUITS**

Christine Short, Editor-in-Chief of *Justin-ian* declined this week to serve another term, saying she preferred to graduate. "I do not regret my decision in the least;" she said.

#### Supreme Court Summary

# Bronti: No Spoils for the Victor

Bronti v. Finkel, 48 U.S.L.W. 4331 (March 31, 1980). A discharge of patronage appointees merely because they belong to a different political party than the party in control of the local government violates the First Amendment, unless party affiliation is demonstrated to be an appropriate requirement for effective performance of the appointees' duties.

Justice Stevens wrote the majority opinion. The decision upheld judgments of the Second Circuit and the Southern District of New York which permanently enjoined the Public Defender of Rockland County from terminating the employment of two Assistant Public Defenders solely because they were Republicans.

The Court rejected the labels "policymaker" or "confidential" as inadequate to define when political beliefs are relevent to continued employment by the government.

Justices Stewart, Powell, and Rehnquist dissented from the Courts' rejection of that standard. Justices Powell and Rehnquist also found that the governmental interest in building stable political parties justified tangential burdening of First Amendment rights.

Vitek v. Jones, 48 U.S.L.W. 4317 (March 25, 1980). Before an involuntary transfer from a prison to a mental institution, due process protection under the Fourteenth Amendment requires the following for a prisoner's liberty interest; written notice that a transfer is being considered, a hearing before an independent decisionmaker after time for preparation, an opportunity to present, confront and crossexamine witnesses, except if good cause for not permitting it is shown,

and a written statement by the factfinder of the evidence and reasons supporting the transfer.

Justice White spoke for the Court, except for the portion of the opinion which concluded that counsel should be provided to indigent prisoners whom the state seeks to treat as mentally ill. Justices Brennan, Marshall, and Stevens joined in the that part of the decision.

Justice Powell determined the outcome of the counsel issue in a separate opinion which stated that qualified, independent assistance is sufficient. Justice Powell joined in the remainder of Justice White's opinion.

Justices Stewart, Rehnquist, and Chief Justice Burger viewed the case as moot. Justice Blackmun dissented from the Courts' "application of a 'creampuff' ripeness standard." G.F.

#### Law and Medicine: "A Hidden Resource"

By DOROTHY MORRILL

One major advantage of going to law school in New York City is the city itself. An underutilized resource available for the use of Brooklyn Law School faculty and students is the Milton Helpern Library of Legal Medicine at 520 First Avenue in

Housed in the office of the Chief Medical Examiner of the City of New York, the library is an educational, non-profit corporation which promotes medical legal research and education. Its collection includes medical-legal books, journals, slides, as well as a file of unpublished materials. Associated with the library is a museum of evidentiary materials from notable medical examiner cases.

A professional librarian, Mrs. Patricia DeGeorges, is available during the hours when the library is open to assist in the location of specific research materials. She is also knowledgeable about suggesting alternate research approaches using materials at other related research facilities.

Although the library is only open from 10 to 1 on weekdays, and the materials do not circulate, a Xerox machine is available in the New York University Medical School Library in an adjacent building. The phone number of the library is 340-0102.

Take advantage of this unique collection of material and the expertise of the library's extremely helpful and pleasant staff.

monstrate to the military the thousands of young people who will not serve in the military even if the nation returns to the draft."

CCCO was founded in 1948 as the Central Committee for Conscientious Objectors and is a national agency counseling young Americans facing the prospect of military service.

# Conscientious Objectors Registration

The Central Committee for Conscientious Objectors has announced that they are registering individuals who are opposed to participation in the military.

Larry Spears, director of CCCO's Youth and Conscientious Objection Campaign, says, "The need for young people to go on record as conscientious objectors to war has never been greater than it is today."

According to Spears, "There is a very real possibility that Congress will pass a bill, after the 1980 elections, requiring the mandatory registration of

young people with Selective Service. Young Americans should start thinking about whether they could participate in the military."

Spears says that CCCO has already registered several thousand young people through its conscientious objection card. "These cards are available from CCCO, P.O. Box 15796, Philadelphia, PA 19103. They simply state, 'Because of my beliefs about war, I am opposed to participation in the military.'

According to Betty Alexander, a National Selective Service spokesperson in Washington, the cards could carry a lot of weight in convincing a draft board of an objector's sincerity. "It sounds like a rational approach," she said. "It shows the applicant is not experiencing a late crystallization of beliefs.

"They (CCCO) are a very organized gropu. They know a statement made at this time would carry a lot of weight. If the draft is reinstituted and a young man can prove he went on record in a time when he was not in danger of going to war, then it might have some influence on his board."

"The usefulness of this card," says Spears, "is that it provides a record of an individual's opposition to war and the military. Under current Selective Service regulations, an individual who is called up for active duty will have only 10 days to put together his or her CO claim. This CO card will help de-



#### By SID DVORKIN

Eating, next to breathing, is everyone's major preoccupation and favorite pastime. This space is dedicated to those who love to eat, hate to spend all of their worldly fortune in restaurants, but refuse to deal with recipes which inspire pain and suffering. It is for this silent majority that the following dish is offered; one which is easy to prepare, satisfying and economical.

Baked Pork Chops with Rice

(as adapted from The New York Times Cookbook)

3 tablespoons oil 6 pork chops, well trimmed of fat 2 cups raw rice 6 large onion slices

6 lemon slices

2 cups tomato sauce 2 cups beef stock (fresh, canned, or from boullion cubes) several dashes of any hot sauce

1 16 oz. can kidney beans (optional)

Note: For best results, avoid the supermarket for the chops and get the cheapest type (shoulder) from a butcher.

, Preheat the oven to 350. A Dutch oven is preferable, but with a little improvising, any large covered baking dish will do. Heat the oil in the pan and brown the chops on both sides. Remove the meat, discard some of the oil, and turn off the heat. Stir in the raw rice till the grains are well coated with oil. Try to loosen any brown bits which might be left on the bottom of the pan from browning the chops. If you wish to add the beans, reduce the stock or tomato sauce by one half cup. Smooth the rice into an even layer. Lay the chops flat upon the rice and place a slice of lemon on top of a slice of onion on each chop. Combine the tomato sauce, stock, hot sauce, salt and pour slowly over the chops. Cover and bake for 45

Serves: 3-6 depending on how carnivorous the eaters are. Leftover factor: the meat reheats only adequately, but the rice can be reheated very well as a side dish for another meal. You can increase the amount of rice, depending on the size of https://brooklynworks.brooklaw.edu/justinian/vola980/iss3/1

Recipe suggestions would be welcome and may be left at the Justinian office.

The International Fraternity

# Phi Delta Phi Evarts Inn

cordially invites you to its annual

Initiation Dinner Tuesday May 6, 1980

7:30 pm (cocktails) at the

# Palm Shores Club

Guest of Honor — Jerome Prince Dean Emeritus, Brooklyn Law School

\$20 PER PERSON - GUESTS WELCOME

Make checks payable to "Phi Delta Phi" 250 Joralemon Street, Brooklyn, NY 11201

# True Grit: One Man's Story

#### By STEVE SALTZMAN

It was the first Thursday night of this semester. I was sitting in the back row of Prof. Palomino's Insurance class. A student in the front had just started reciting on a case. Aside from a distinct lisp there was something else very noticeable about him. He was in a wheelchair.

As the semester dragged on I came to know him well. While handicapped people are not strangers to law school. this individual probably should never have been here except for one thing; Jan Zuckerman does not consider himself handicapped.

It was the spring sememster of his second year at Washington University Law School in St. Louis. The 24 year old University of Rochester graduate was in Virginia attending a friend's wedding. Suddenly he noticed something in the road and swerved to avoid it, losing control of his car and crashing head-on into a parked truck.

Jan remained in a fetal position with his eyes sewn shut (they were frozen open in the accident) for 5½ months. What was diagnosed as coma seemed merely to be an endless sleep to Jan. Though there was some brain activity the doctors gave very slim odds he would ever come out of it. They went so far as to advise Jan's parents to make funeral arrangements.

Nonetheless Jan's condition stabilized. Though still in a coma, there was talk of what he would be like if he ever "woke up." Once again his family was prepared for the worst. Jan would be a bedridden vegetable. But at least there was a chance that someday he would be free of his life-sustaining equipment.

The weeks dragged on, Jan's weight dropped from 140 lbs. to 68 lbs. Hope was running out. By this time brain damage was expected if death did not occur first.

Then one autumn day seven years ago Jan Zuckerman woke up. As he relates it, the first thing the doctors do is ask you how you feel. There are usually two possible answers. The first is a general child-like garble which indicates regression and severe brain damage. The second was vulgarity which was a normal adult reaction under the circumstances. Jan's answer was the most beautiful word his family had ever heard, "Shitty."

However, Jan had one more test to overcome before the doctors were satisfied as to the functioning of his brain. In what would be a tough test for anyone to do. Jan had to count backwards from 100 by sevens. Tears filled the room as he rattled the numbers off. The only sad thing is that Jan remembers very little of all this. He recalled the awakening process took months. "It's not like you wake up one day and you're fine. All I remember is certain scenes in the hospital. For awhile I thought I was somewhere up in Maine (where his parents had a summer home). I knew some time had gone by and I vaguely remembered the accident but at most I figured I was out a couple of weeks."

Thus the long road back for Jan Zuckerman began. He started therapy in ublished by Brooklyn Wark not 1890 New York where he entered the Rusk Clinic at the New York Institute of Rehabilitative Medicine. Initially he made marvelous strides but he seemed to have reached an impasse. The doctors said this was all he could every hope to achieve. Jan was still confined to a bed and a wheelchair and was dependent on people for everything. They said it was a miracle he got this far. But Jan refused to listen to them as he had done all along. There was some more unfinished business he had to attend to, including his law degree.

At the Rusk Clinic he was on 80 mgs. of valium a day to aid in his physical rehabilitation. But Jan couldn't think clearly on all this medication and a clear head is the most important part of a legal education. He sought the services of Dr. John Croft whose therapy attempts to help the patient overcome their problems.

Based on this philosophy Jan found his way back to law school. He is walking, off all medication, and can perform most of the functions necessary for his existence. His therapy sessions are four days a week at the clinic and at home on the weekends.

When I asked Jan why he was going through this so long after the accident I could hardly believe his answer. "I want to be totally independent someday," he matter-of-factly replied.

What makes Jan's case so unusual is that there was no brain damage after being in a coma for so long. He admits though there was brain injury. "Brain damage is irreversible. Brain injury can heal with time and therapy. I have a brain injury whereby my speech and motor control are slightly affected."

But Jan still has it where it counts in law school. Last semester he got an 85 in "Administrative Law." Once again the doctors counted him out. Never before had anyone displayed such a high degree of intelligence so soon after a 5½ month coma.

Jan simply won't listen to the odds against him. "I didn't go through two years of law school for nothing. It taught me the discipline I needed that got me through the years of demanding therapy. The intensity of those two years built the drive in me that carried me through the coma and everything else. It gave me the strength to continue."

How few of us ever feel this way about law school. For most of us it is a daily drudgery into aggravation and boredom. For Jan Zuckerman it is the most beautiful thing that ever happened to him. It is the life-blood of his existence.

Now 31, Jan describes himself as an eligible bachelor who "accepts proposals from all young women." Upon completion of his law degree (credits earned here will be transferred to Washington University Law School) he plans to work for his father's prestigious international law firm. "When I started law school my father set up a desk for me in his office. Through the accident, the coma, the therapy and the years of pain and crying he never gave it away. Someday I'll be at that desk."

# **Court Jester**

#### By DAVID AARONSON

The following is a typical conversation that can be overheard at any table in the cafeteria, any time of the day any day of the year, any year of any century.

X: Boy, what a relief!

Y: What?

X: The Sales grades are posted; I passed.

Y: Did you check my grade?

X. None

Y: That's all right, I'm pretty sure I did well.

X: Of course I only got an 82 which means I averaged an 87 this semester.

Y: Well, right now, without this Sales grade, I'm running an 86 for this semester.

X: Gee, I had a real good opportunity to average an 89 this term, but this 82 takes care of that.

Y: I hope I get an 89 or higher in Sales, since then I'll raise my overall average over one full point.

X: I'll probably have the same exact average as last year. Fortunately, I think all the people who were ranked alongside me did worse than I did, so there's a good chance that my class rank percentile went up.

Y: But suppose I get an 80 or lower. X: So if my class rank goes up, I'm bound to get all those interviews with the big firms that I just missed out on last year. That'll be fantastic. I can't believe it, I'm so happy.

Y: A 75 in Sales would destroy my average. Everything I worked so hard for would go for nothing. Two years of my life wasted.

X: I just hope everyone else bombed out in Corporations. I know I can land a job with a big firm if I get enough interviews. Boy, just imagine, I'll be able to get any apartment I want, vacation anywhere, have money to burn, date exquisite women; it's the life I've always dreamed of.

Y: It's all over for me. Something always happens. Let's face it, I'm a loser, a failure at everything I've ever

tried. Law school was my last attempt at making something out of my life. I figured I could get a fresh start on everything by coming here, undo all that had gone wrong previously. I don't want to go on.

X: This is exactly what I've always wanted to be. I'm in the position that everyone else envies. Life is wonderful.

Y: I think I'll commit suicide.

X: Let's see, I would start at around \$500 a week, within five years I'll be making round \$40,000 a year. Then I'll probably be offered a partnerhsip in the firm. I'll be set for life. I knew I'd make it. Somehow I always felt I was special.

Y: An overdose of pills sounds painless.

X: But suppose all the people around my ranking don't do badly. Suppose I stay ranked in the same percentile as last year. I won't get the interviews I want; it'll be just like last year when I was rejected for interviews with all the big firms.

Y: Maybe I'm just overreacting. I don't know for sure that I did poorly in Sales.

X: There go the vacations, the women, the money, the apartment. Oh, please, not the women.

Y: Watch, I probably did well in Sales. I'm going to keep my average decent and be proud of doing so. And if it turns out that I didn't do well in Sales, I'll still keep believing in myslf. I've done some damn good things in my life and I'm not going to let this shake that self-confidence.

X: My life is starting to flash in front of me.

Y: I think I'll call Joanne and go out to dinner tonight.

X: I came so close; I'll never get over this for the rest of my life.

Y: It was really nice talking with you, X.

X: Same here, Y. It's nice to have a good friend who listens and cares.

Y: I know, it's a very secure feeling.

X: See you tomorrow.

Y: Take care.

If you think the box score is one of the great inventions of our time...

If you can remember when the Yankees were the worst team in the American League ... then

# BASEBALL JEOPARDY! is your game

See Steve in Justinian office (Rm. 304) for details

# **SBA Executive Board Candidates Speak**

#### By JIM FENNESSY

The students of Brooklyn Law School will be presented with some serious choices in the upcoming Student Bar Association elections. Your choice of an individual Representative to the Law Student Division of the ABA is extremely important. The Law Student Division, through Student Representatives, plays an active role in formulating national policy for the American Bar Association.

My name is Jim Fennessy, and I believe that I can effectively represent all students as the LSD Representative at BLS. The Law Student Division maintains a funding program, under which BLS may receive funds, for programs which would be beneficial to its students. How much we receive under this program is greatly dependent upon your LSD Representative. Next year, as a third year student, I will have the time which is necessary to make that position much more beneficial to the students than ever before.

Those of you who know me, know that my qualities of personal integrity and responsibility will be directed unceasingly to this task. Those students who do not yet know me personally, will find that I am both willing to listen and willing to act on your ideas. I will greatly appreciate it if you will come to me with any ideas you may have for the improvement of current programs, or the institution of new programs, at BLS.

I am willing to take a stand for the students against *any* opposition. To do this, I need your help. Please vote on May 5th or 6th.

#### By JOHN CRISTIE

The case is as follows: The Law Student Division Representative is primarily a position of liaison between the American Bar Association and the representative ABA approved law school. The responsibilities include communicating and facilitating various ABA programs within the law school. Past programs, which I intend to continue, include comprehensive health and life insurance policies at reduced student rates and the funding of various student organization activities on a matching grant basis.

I am currently a member of the Executive Board of the Student Bar Association and I have served in student governments in the past. I feel I have the ability and experience the position of LSD Representative requires. More importantly, however, I have the interest and ambition needed to effectively serve as a spokesman for the desires and concerns of the BLS student body. The position will also enable me to expose on a national level the name of Brooklyn Law School which will bolster the respect and prominence the school continually strives to achieve.

On this basis my candidacy stands.

# SBA General Election MAY 1980 Candidates

#### PRESIDENT:

James Meier Audrey Shey

#### DAY VICE-PRESIDENT

Sylvia Goldschmidt Mary Jane Huseman Kenneth Merlo Ralph Sabatino

#### **EVENING VICE-PRESIDENT**

Thaddeus McGuire Jeffrey R. Notarbartolo

#### **TREASURER**

Charles A. Arcodia Samuel Rosenberg

#### SECRETARY

Mindy L. Blatt Avery Eli Okin

# LAW STUDENT DIVISION REPRESENTATIVE

John H. Christie Jim Fennessy

Justinian regrets that not all candidates' statements were available for publication at press time. Presence or absence of a statement does not in any way imply any endorsement.

#### By JEFFREY R. NOTARBARTOLO

My motivation for serving the student body of Brooklyn Law School as Evening Vice President stems from a strong concern and desire for effective and harmonious student representation.

I am presently serving on the SBA and several of its comittees as a delegate for the third year evening division. I feel that I have acted responsibly in my position. I won't make any unrealistic campaign promises; I only stress that I will make an effort toward effecting a more enthusiastic student body — one that has an available and responsive channel with which to make its desires and grievances known.

The dual factors of student interest and cooperation are essential for effective student government. With these, I hope to be able to utilize all of my abilities in representing and working with you, my fellow evening students.

#### By MARY JANE HUSEMAN

Elected class representative for the past two years, I have been active in the Student Bar Association. As a member of the Cultural Affairs Committee I was one of the organizers of last year's "Women in the Law" series of speakers. The Faculty-Student Orientation Committee was another activity. I served as an Orientation Supervisor last summer and am now Student Chairperson. The Faculty Evaluation Project, the Justinian, and organizing the BLS Trial Advocacy Society are other interests.

As Vice-President I will work to open up the SBA. A forum for student feedback should be held periodically to better facilitate communication and stimulate new ideas. Various social activities, parties and sports intramurals, should be continued and expanded in scope. The Book Co-op procedure was streamlined this past year and should be further simplified. Students should be made more aware of and encouraged to use the many services of the SBA.

I promise to be an effective, hardworking Vice President of the Student Bar Association.

#### By AUDREY SHEA

I am running for SBA President and am prepared to take on the responsibilities that the position requires. The SBA President must act as a representative of the student body to communicate to the faculty and administration the concerns, needs, and desires of the student body as a whole. In order to fulfill this function, the President of the SBA must have both the experience and the qualifications to achieve these ends.

For the past two years I have been an elected representative to the SBA Delegate Assembly. As an active member of the Student Advisory Committee on Faculty Hiring I have had the opportunity to work with faculty members and learn the school's administrative procedures. I have served on the Faculty Evaluation Committee, and participated in the Student Orientation Program. These activities have given me the foundation on which to better serve as an effective SBA President.

As President I hope to improve communications between the students and the administration by increasing student input on the various decisions and policy making committees. More importantly, I recognize the need to improve communications amongst the students themselves so as to become a cohesive body, able and willing to become involved in decision making processes which affect us all.

In conclusion, I urge you to vote in this upcoming election. Your vote is the *only* way to show that the elected student government truly represents the student body.

Thank you.

#### By KENNETH MERLO

As a SBA delegate, I now seek the office of Day Vice-President. I advocate a policy of making both the student government and the administration responsive to the diverse needs of the student population which they purport to serve.

One of the most important tasks of the SBA is to coordinate the disseminaion of information. This means that students whose time is greatly restricted by commitments to class work must have an effective forum to quickly resolve areas of concern.

The duties of the Vice-President are to encourage the committees created by the House of Delegates and the other student organizations to carry out their goals. I believe a Vice-President should actively support the interests of all student groups by lobbying for their interests in the House of Delegates and in front of the administration.

As a member of the executive board I would be committed to improve and maintain the services provided by the SBA.

I hope you will consider my candidacy worthwhile enough to vote for me on May 5 and 6. Thank you.