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#### New York Law School Reporter v. 11, no. 10, October 1994

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# New York Law School REPORTER

**VOLUME 11, NUMBER 10** 

A MARKETPLACE OF IDEAS

OCTOBER 1994

## **Successful Froessel Challenges Competitors**

By John B. Belmonte '95

The final round of this year's Charles W.Froessel Moot Court Competition was held Monday night, Sep-

tember 26, in the Ernst Stiefel Reading Room. The finalists were David Halsband, Jennifer Lewis, Catherine Lenti, and Victor Muallem. At the end of the night, the winner of the competition was Victor Muallem and the runner-up was Jennifer Lewis. The award for Best Preliminary Round Oralist was presented to Larry Cowen, the Best Team Award went to Reginald Long and Karen Robertson, and the Gerald Lebovits Best Brief Award was given to Steve Pepe and Carol 5 Jaramillo. In an emotional moment, the outstanding contributions of faculty-advisor Professor Gerald Lebovits was recognized by renaming the best brief award in his honor. a

Throughout the finals, all four competitors displayed the excellence in oral advocacy that carried them there. The judges fired many very tough questions at each competitor, and each one rose to the challenge, making their arguments calmly and convincingly. After the round was over, the judges acknowledged that they had been a much more "ferocious" bench than lawyers can usually expect to encounter in a real life situation. The final round was presided over by the Hon. John F. Keenan of the United States District Court for the Southern District of New York; he Hon. George Bundy Smith of the New York State Court of Appeals; John R. Steer, General Counsel of the United States Sentencing Commission and co-author of the Federal Sentencing Guidelines; the Hon. Raymond J.

Dearie of the United States District Court for the Eastern District of New York; the Hon. Pierre N. Leval of the United States Court of Appeals for the Second Circuit; the Hon. John E. Sprizzo of the United States District Court for the Southern District of New York; and the Hon. Nicholas



The Moot Court Competition finalists (l-r): David Halsband, Catherine Lenti, Jennifer Lewis (Runner-up), and Victor Muallem (Winner).



The distinguished panel of judges for the Moot Court Competition in action during the finals.

Tsoucalas (class of 1951) of the United States Court of International Trade. Regrettably, the Hon. T.F. Gilroy Daly of the United States District Court for the District of Connecticut, and the Zachery Carter, the United States Attorney for the Eastern District of New York, who were originally scheduled to join this prestigious

bench, were unable to attend.

The Froessel is an intramural competition sponsored by the New York Law School Moot Court Association. The competition is open to all second, third and fourth year students; those who excel in it are extended an invitation to join the Moot Court Association. This year, the Moot Court Executive Board has invited thirty-six of the competitors to join the Association, consisting of the top fifteen oralists, the writers of the top five briefs, and all of the octo-finalists.

Jim Iniguez and Shannon Bishoff were the organizers of the entire competition. Their duties included scheduling rounds, recruiting judges, making catering arrangements, and ensuring that everything ran smoothly. They were successful in their endeavors, as many judges commented that this year's competition was the best run Froessel in several years. Mr. Iniguez and Ms. Bishoff were delighted with the number of first year students who showed their support by time-keeping and escorting judges.

The 1994 Froessel fact pattern, authored by students John Estes and Laurie Mayer, concerned a defendant convicted of food stamp fraud charges. The first issue was what burden of proof a defendant must meet in order to obtain discovery and/or an evidentiary hear-

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## Professor Lenni Benson Immigrates to NYLS

By Cal Azzouni '96

Coming to New York has long been a dream of Professor Lenni Beth Benson. After growing up in a rural town in Arizona, practicing law for eleven years, and making partner at Bryan Cave's Los Angeles office (a large international law firm), she was finally ready for the move. In the summer of 1994, she moved to New York to teach immigration law at NYLS.

Professor Benson grew up on a fifteen acre citrus farm in a small rural area near Mesa, Arizona, where her family grew oranges, dates, and grapefruits. She is the first lawyer in her family. Her mother, born in Brooklyn, NY, left a public relations position with Seagrams in 1955 to become a farm wife in Arizona and to join her father, a botanist by train-Professor Benson earned her B.A. in Political Science from Arizona State University, and her J.D. from Arizona State University College of Law in 1983,

THE OTHER MATERIAL STATES AND ADDRESS OF THE OTHER PARTY.

Professor Lenni Benson

where she was the Managing Editor of the *Law Review*. After graduation, and after interviewing in big cities like San Francisco and Los Angeles, she decided to stay in Arizona. She was invited to join the Arizona chapter of the ACLU by her Criminal Procedure professor, because she always argued the Douglas dissents with. She quickly became a board member of the Phoenix ACLU on which she served for eight years.

Her introduction to the world of immigration law came in 1984, when professor Benson was working as an associate in a small general practice law firm. The labor lawyer asked her to work on a petition for the Immigration and Naturization Services in which they were trying to qualify the British inventor of radar as a "professional" by the INS standard. The client was a pioneer in his field during World War II, but had no formal education. After a long battle they were successful. That case had a lasting impression on her because she fell in love with immigration law, and was soon practicing immigration law full-time.

Her introduction to large law firms came just as unexpectedly as her introduction to immigration law. After eighteen months, the small general practice law firm for which she was working was acquired by Bryan Cave. Initially she opposed the move because the small firm offered her autonomy. However, a large firm offered her an opportunity to work on complex immigration issues from all over the world, which she welcomed.

As a practicing immigration attorney in a law firm of 400 attorneys, she spent half of her time representing the same institutional clients, such as banks, universities, and high-tech companies. She worked with their human resources departments to develop strategies to allow them to hire foreign nationals who had special skills that their clients needed. In addition, she represented companies that did not hire foreign nationals regularly, but had to deal with issues of immigration law nevertheless. For example, the company might be forming a joint venture with a foreign company. She also counseled companies on how not to discriminate against the hiring of legal aliens.

Furthermore, she also represented small and large foreign entrepreneurs who wanted to open businesses in the United States. Her pro bono

work entailed representing refugees, as well as family immigration law

When asked about her practice as a partner at Bryan Cave, she said that she "did not have the luxury of intellectual curiosity." After trying to balance her writing, lecturing, pro bono work, developing business, and

marriage, she felt something had to give. She gave up money for the "intellectual fulfillment" that makes her happy: "Money does not buy happiness, intellectual fulfillment does." Now she can afford the luxury of asking questions about where the law should go, and how best to go there; questions that practitioner do not have the time to entertain because they are too busy solving the problems at hand.

Professor Benson is quick to tell you about her liberal leanings and her eagerness to fight the government. Her decision to stay in Arizona was based, in part, on the feeling that it was very important for a liberal like her to stay in a

place like Arizona as there is "so much to do there." For example, in her first year practicing law, she, along with her former professor, sued the State of Arizona to stop drunk driving road blocks because she felt that they violated the Fourth Amendment. She is currently writing an article about the unconstitutionality of the San Diego District Office of the Immigration and Naturalization Service policy of sending letters to undocumented aliens informing them that they have won a "Green Card" in one of the Green Card lotteries. Upon showing up to claim the Green Card, the aliens are deported.

She is interested in counteracting the anti-immigrant feeling, and in writing about alien rights, constitutional and immigration law, and how these subjects come together. The approach she takes to solving problems is both intellectual and practical. She points out the contributions of immigrants in New York, and argues that New York would still be in a recession were it not for small businesses owned by new immigrants.

She is still in touch with the New York, London, and other offices of Bryan Cave. She is also involved with the American Immigration Lawyers Association, which is an ABA branch with 3000 members. She hopes to become involved with the ACLU immigration rights project. Here at NYLS she is interested in developing an advanced immigration course that has a placement component, such as a clinic or workshop.

Professor Benson got married two and one-half years ago to a former securities litigation lawyer from Boston. Her husband currently teaches English literature and a course about the Holocaust at the Riverdale Country School in the Bronx.

Reading is one of her passions. While in Los Angeles, she started a reading group that grew to 16 members. Law is a very demanding job, she explains, and it's important to step back and do something relaxing and enjoyable. She interested in starting a reading group at NYLS.

Since she just moved here, Professor Benson welcomes any friendly tips about how to enjoy life in New York City.

#### New York Law School

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## **Editor's Note**

In our effort to improve the quality and diversity of the *Reporter*, we have introduced many new features in this issue. These features include a Movie Review, and a Bar/Restaurant Review which we intend to develop into a New York Lifestyle section.

We have also included on page fifteen of this issue, a crossword puzzle with answers on page sixteen. We anticipate that the crossword puzzle will provide students with a pleasant diversion from the rigors of law school.

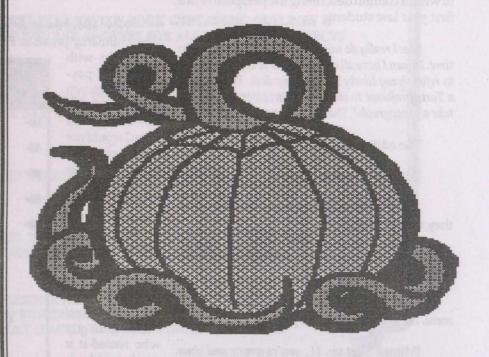
To ensure that the *Reporter* remains a marketplace of ideas, we are actively seeking reporters, editors and article contributors. There are staff positions available so please stop by the office and leave your name and telephone number. We further encourage our readers to submit ideas, suggestions and questions to the Ombudsman, which may be dropped off in the office or in my mailfolder.

Please Note: The 1L advice article in the last issue was a reprint and did not reflect the new grading curve policy.

Rekha Brahmbhatt, Editor in Chief

## REMINDER

Deadline for article submission for the next issue is October 12



## **Educated, Clueless, and Lost**

#### By Joshua D. Brinen '97

"I'm sorry. I did not know. I am a Freshman." An orientation speaker urged us, as first year undergraduates, to use this excuse when confronted by various authorities such as Residential Life, Deans, Professors, or the East Buffalo Township Police Department. That was four years ago when I entered my university. As a Sophomore I never thought that I would ever utter those words again. Well, it's not the first time I have been flat out wrong. Now the Deans and the Professors urge that I am not a freshman; I'm a 1L. Well, that makes me feel so much better! 1L means that not only am I clueless and lost, but I am educated, clueless, and lost. On the fourth day of law school I realized that 1L signifies that one 'L' is stamped on our foreheads, meaning

Frankly, I prefer the term Freshman. It seems so much more appropriate. "Freshman" even sounds happy. Happier at any rate. Happier than, say, 1L. At any rate, I feel as if I am a Freshman. I am getting lost in the school. The upperclass students will not talk to me. My group of friends and I are moving in a herd mentality (actually, more like a pack of wolves: drooling with our tongues out and fearful of all). I am sure you upperclassmen have been victimized by this new group of scholars as we rush into a classroom when the last class is adjourned, drowning our battle worn elders in a tide of enthusiasm. We do not realize that there is ample space between classes to take our seats at a leisurely pace. We do not realize that there is limited amount of space so it might make sense for us to let some people out of the room and to send some people into the room. And for what are we rushing? We all have assigned seats. This fact has not occurred to us yet. It will, I hope. I hope. But do not laugh at us so quickly. I am sure you too were sitting in the library on the fourth day of classes just a little too enthusiastic about your lawyering course.

The funniest thing about my 1L year is that this good paper has invited me, nay drafted me, to write a column describing the perspective of a first year law student.

Me: I really do not think I am going to have the time. I mean I have all of these cases to brief and I have to refinish my lovely new roll top desk. Why not get a Torts professor to stand on a First Year's head and take a photograph? That'll get the point across.

The editors were not amused.

Editors: We are not amused.

And they then added that if I did not write, they would punish me.

Editors: If you do not write, we will punish you. So go be funny, 1L.

Me: Hey, I got rights under the Sixth Amendment. No cruel and unusual punishment!

Editors: Shut up, 1L, you're wrong and since you have not taken Constitutional Law yet you'll

have to trust us. We're right, we can do this to you. By the way, it's the Eighth Amendment.

As I said, "drafted" is far more appropriate. Now I want to get this straight from the start: I am writing from my perspective, which is, I fully admit, a little warped. The opinions are mine and mine alone, but you can sue the paper if you do not like them. So there.

Editors: We disclaim any liability.

Let me bring you up to date on the summer. After all, you cannot appreciate where I am

"The Socratic method was developed by a dead Greek guy named Socratic who asked so many questions of his students that they made him drink poison to shut him up."

going to unless you see where I am coming from. I am coming from Jersey. Actually, I am commuting from home while the dead guy moves out of my soon-to-be apartment. [Commuting is actually an ancient form of torture used by the Romans to punish very influential traitors. They could not crucify them, and they could not behead them, so they gave them all houses about ten miles out of the city of Rome and made them drive their chariots to work. The influential people spent so much money on gassing up their chariots that they had to buy cheap lead cups. Because of the lead cups, they all died and that is why Rome has produced no good drama from ancient times to Vatican II.]

Now about the apartment I will move into when humanly possible. Here's the story: I got

so fed up with the idea of paying \$900 a month for roaches and rats in a part of town I would not send some of my worst enemies to, that I called this friend of my parents. He got back to me the next day with an apartment. I loved it. It is huge! It's within budget! my Problem: the guy who rented it is dead. And he is in no rush to get

out. I should be in by October 1. Until then, I am the happy recipient of my family's company. Translation: Start 'dating' someone who lives in the city.

So, what is going on around the school, you ask? (Come on, play with me: ask) As you all know, the 1L course load is as follows: Lawyering, Legal Research, Legal Writing, Contracts, Torts, and Civil Procedure. The three skill courses are not nearly as interesting as my law courses. Contracts: How to swindle people. We read decisions by dead English judges. Frankly, I have been to England and that is the way I prefer them. Dead and on paper. Torts: Well, I have not figured out what torts are, but I have limited the choices to either: 1) a French pastry; 2) what you do when you separate your dirty laundry into dark and lights; 3) a woman who hangs out on 42nd street; 4) what the frontiersmen built to protect themselves from Indians; 5) a way to buy milk. I think that subject will be tough, especially since my professor graduated second in his class at Harvard behind a guy named Prosser. Evidently, this Prosser guy was really big in the world of torts. As if you can be big in the tort world. As if you'd want to big in the tort world. Now then, on to Civil Procedure: how to ruin people's lives politely. These are the 'rules' for punishing people when they commit a French pastry or when they break a promise to a dead English judge who is with a prostitute.

That's pretty much all that I have figured out about this school. I take solace. It's only the first month. I am sure I will be drooling and talking to dead English judges with hookers and French pastries way before I ever get that dead guy out of my new place.

Talk to you soon.

P.S. (every good note should have a Post Scriptus) A parting thought on law school pedagogy:

"The Socratic method was developed by a dead Greek guy named Socratic who asked so many questions of his students that they made him drink poison to shut him up."

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## B.L.S.A. On the Move

#### By Michelle A. Danvers Foust '94

The New York Law School Black Law Student Association (B.L.S.A.) would like to welcome all new and returning students back from what we hope was a very relaxing and prosperous summer.

B.L.S.A. has been extremely busy this summer enlisting the help of professionals in their field of expertise in an effort to reach out and serve the community-at-large. One of the programs that we worked on was the Bronx Community College Upward Bound Program. The goals of this program are to motivate high school students and to encourage them to attend a postsecondary institution of their choice. During the summer, students in the Upward Bound program reside on the campus of S.U.N.Y., Maritime College and took academic classes for high school credit. B.L.S.A. conducted our "Street Law Program" to an enthusiastic group of students

which oriented them to the field of law. B.L.S.A. Attorney General, Greg Walthall, and Evening Vice President, Valerie Armstrong-Barrows, spoke of the law school experience. Mr. Michael Leonard, Assistant Brooklyn District Attorney, and Mr. Charles Guria, a member of the Mollen Commission [both NYLS alumni] spoke in depth about each student's rights and

Our commitment to community service and academic excellence is first and foremost, and we will continue in our efforts to enhance our law school.

privileges under the law. The President of B.L.S.A., Michelle Danvers Foust, moderated the successful Street Law

During the Fourth of July holiday, New York Law School B.L.S.A. participated in another "Street Law" program sponsored by the B.L.S.A. Metropolitan Combined Chapters. During the African Street Festival at Boys and Girls High School in Brooklyn, legal information and pamphlets were disseminated. Because thousands of people attended this fourday festival, there was a tremendous effort to sign up eligible voters. In addition, during Harlem Week, NYLSB.L.S.A. initiated a voter registration drive at Grant's Tomb in Manhattan.

Last year, the National B.L.S.A. sponsored regional activities which included sending four teams to the National Frederick Douglass Moot Court Competition. This was an excellent experience for all involved. In addition, three members

of New York Law School B.L.S.A. are currently members of the B.L.S.A. regional executive board. These individuals are: Melanie Babb - Executive Director; Michele Barnett - Parliamentarian; and Valerie Armstrong-Barrows - Regional Convention Coordinator. Greg Walthall is the NYLS representative and attends all meetings.

B.L.S.A. has continued its tradition of pairing incoming students with a mentor for the academic year in an effort to ease the transition into a law school career. We have found this program to be instrumental in guaranteeing the success of our students in law school. This summer, the Metropolitan Combined Chapters sponsored a picnic for all B.L.S.A. members throughout the metropolitan areas. All mentors and mentees were invited to attend. Everyone who attended had the opportunity to get

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## On The Town

#### By E. David Gouiran '97

Tonight, as my comrades and I embark on this self-inflicted mission, I wonder if it is at all necessary. Does NYLS need to know about the two places on everybody's lips? Will it make good reading? Will I remember any of it tomorrow . . .

Iridium 44 West 63rd Street 582-2121

Diagonally across the street from Lincoln Center we come to Iridium. New York Magazine likened it to Toon Town. I say it is more like The Jetsons on acid. The Jordan Mozer-designed restaurant hotspot is said to be designed to suggest what music looks like. Imagine chandeliers melting from an undulating ceiling, orange crushed velvet chairs with purple trim pulled up to trapezoid tables, mosaic floors in dizzy abstract yellows and reds. A friend, the namedropper that he is, suggested that on 'shrooms the place would be the spitting image of Restaurant Daniel. I secretly cursed him for having gotten a table there already.

A place of this size, in this location, with this many millions sunk into it, is sure to succumb in the long run to the fat, willing wallets of tourists and the bridge and tunnel crowds, I thought to myself while waiting for a table (reservation notwithstanding). Surprisingly, how-

ever, by the end of dinner I was already planning on making a return. In near shock, I had to confess that the food was, in its own eccentric way, inspired. Skip the pastas. They taste as boring as they sound, 'Penne Primavera' pulease! But the corn batter fried oysters were heavenly, and the warm NY goose liver (fois gras) with a light cranberry sauce remarkable. How, I wondered, did they manage to churn out food such as this in such a laughable environment? My perfectly cooked Magret de Canard arrived covered in a light brown gravy over fried julienne potatoes. It was enough to make my heart beat faster and any health food nut to faint at my indefensible overindulgence. You won't find it on the menu, but Iridium serves a competent hors d'age Calvados. And, should aged apple brandy sound appealing to you, I suggest you give it a try.

> Buddha Bar 150 Varick Street 255-4433

This brings me to stop number two on our night to end all nights. In its deserted downtown location just a block or two from the West Side Drive, the Buddah Bar screams its arrogance. It says, "even if I build it in the middle of nowhere, people will come." And come they do. As we strolled up to the bar at close to 1 a.m. the line looked intimidating. "Don't worry," I assure my companions as I rudely walk to the front of the line. Slipping the huge doorman a ten-spot, I tell him we're four. After stiffly looking us over,

"Eets snot enuff. Faughty," he says with an accent screeching his Frenchness. Smiling, I figure no problem, I'll try it in French. After extended negotiations, we compromised, he gets forty, and I get to not like it one bit.

For this forty dollars we are rewarded with a strained smile as our gracious host opens the door for us. In the darkness the smoke envelopes us and I strain my eyes to make out my surroundings. Strange lanterns illuminate the Asian-looking designs covering the walls. Hot young club kids mix unaware with older Gauloise smoking European types. The place is stiflingly hot and it takes us a good ten minutes to fight our way to the back. At \$6.50 a pop the drinks are, at least, hefty and served in real glass. I'm told that food is served here, though I can't imagine how one might manage to eat in such a crowd.

I was impressed though, when later in the evening, I saw a beatknick sort, obviously drunk off his face, trip over his own feet, fall right into a rastafarian and bring them both crashing to the floor. As the rasta mon helped the poor fool to his feet and asked him if he was OK, I knew it was safe for me to climb out from under the table that I was hiding under. I guess it must be all those nights hanging out in Brooklyn because I've seen fists, if not bullets, fly for a lot less. What karma! If the spirit calls, and you feel the need to check out the Buddah Bar for yourself, go right ahead, but don't forget to say "hi" to my buddy at the door.

#### **Movie Critic's Corner**

By Rhonda Bassat '95

funny thing happened on the way to the screening of Blue Sky... You see, I took a cab from NYLS to 64th Street... in rush hour... needless to say, I didn't quite make it. So, I'll be reviewing Trial by Jury instead.

Before I begin my commentary about this film, I thought I'd give you some background about my movie preferences, so that you can better weigh my humble opinion. The current selection of movies is certainly diverse. Although I haven't had a chance to see Clear and Present Danger, I generally enjoy Tom Clancy adaptations, which are much better than his books! While I liked Forrest Gump, I think it was overrated. And that running scene . . . Please. It Could Happen to You should never have happened to anyone. Speedwas a terrific thriller; a bit over the top, but I left the theater with my pulse racing (which had nothing to do with my date). For the kids, The Mask was really entertaining-Jim Carrey has certainly graduated from Pet Detective school.

As for the "oldies but goodies," my favorite movies tend to be those sappy love stories like When Harry Met Sally (the story of my life) and Sleepless in Seattle. I enjoy anything by Kenneth Branagh, especially Dead Again. Schindler's List is in a category all by itself. Classic Hitchcock, The

Silence of the Lambs, JFK, and In the Line of Fire are top-notch dramas in my book. Comedies like Mrs. Doubtfire, My Cousin Vinny, and Big all tickle my funny bone. On the other hand, Field of Dreams, Cape Fear, and The Crying Game are only memorable to me because they are so bad. Well, I guess that gives you a pretty good idea of my likes and dislikes, so on to the review.

Trial by Jury is another attorney movie, following in the footsteps of To Kill a Mockingbird, 12 Angry Men, My Cousin Vinny, and the Grisham triumvirate. However, there is a major difference between those films and this one: they're good. In Trial by Jury, a juror (Joanne Whalley-Kilmer) is selected for the murder trial of a mob boss (Armand Assante). Due to some fancy detective work by an ex-cop (William Hurt), the bad guys get her address and decide to apply some old-fashioned "pressure" to ensure that she votes for acquittal. Faced with the possible murders of her son, father, and herself, she does what any self-respecting juror would do: she votes to acquit, which leads to a hung jury. But don't despair, the movie doesn't end there. The prosecutor can't understand the verdict and is soon spotted chatting with her, causing the erstwhile grateful mob boss to order the hit. I won't give away the ending except to say that it does Basic Instinct proud.

I'm not sure who the legal advisor was on Trial by Jury, but I'd be pretty surprised if he or she made it past the first week of law school. The only authentic parts about the legal scenes are the shots of the inside and outside of the New York federal courthouse. Aside from the ludicrous trial dialogue, the jury deliberations are filled with concerns about "constitutional" rights — as if anyone on that jury had a clue what the Constitution is!

I suppose the plot would have some merit if it were developed. What should a juror do when faced with death threats? In this movie, she dismissed the notion of going to the prosecutor, judge, or FBI without even a second thought (assuming that she was capable of a first thought). Trial by Jury sends out a great message to the general public: law enforcement consists of bumbling idiots, so do what you must to save yourself. Actually, that last piece of advice is appropriate here, as only you can save yourself from this film.

My rating:



Rating Key

[1 gavel] Don't be home when this movie comes on TV

[2 gavels] Be sure to catch it on HBO

[3 gavels] Definitely rent it

[4 gavels] See it at a matinee or discount movie theater

[5 gavels] Shell out the \$8.00 for a first-rate movie

## How to Avoid Tilting at Windmills

By Robert Zakari '96

It is ironic that I should be compiling a list of what I think is the most important pieces of advice for first-year law students when I have tons of reading for next week. "Why am I not alarmed?" you ask. This is because of the theory of relativity (and you thought there would be no science in law school). This theory is based on the basic principle that relative to tomorrow, I have plenty of time. See how easy this is.

I am sure that all first-year law students received a cornucopia of "excellent advice" from people who supposedly had their best interests in mind. I received advice like, "Dude, if you smoke a doob everyday, you'll stay relaxed and be able to cope with the stress," and "Be prepared to read close to 1000 pages a day." Needless to say, these people are no longer an integral part of my social life. Then again, I have no social life, so who

After thinking for a few seconds, I came up with a few pointers I wish someone had bestowed on me when I started my sojourn through the hallowed halls of New York Law School. Although this advice is aimed at

first-year students, I am sure everyone, including myself, can benefit from these pearls of stupid-dom.

#### A. ALWAYS CHECK YOUR SOURCES

As many of you will learn in Legal Writing, it is important to check your facts and sources when writing a memorandum or brief. This is equally important when you hear something relating to a professor, a class, or anything else dealing with law school.

I cannot count the times I heard things like, "We're screwed! This professor failed 90% of the class last year" or "Don't worry about the U.C.C., the professor never tests on that." Upon hearing "facts" like these, always check the source for reliability.

Let me give you an example of a good source and a bad source. A good source: the professor stating, "I failed 90% of the class last year." A bad source: "I heard this second-year talking to her friend on the phone and she said that she didn't even have to study the U.C.C. for Contracts and did well." The problem with the bad source is that there are too many unknowns: who is this second-year; how do you know her; how does she

Continued on page 17

## B.L.S.A. On The Move

Continued from page 5

better acquainted and talk about the upcoming year, as well as network with law students from the metropolitan

B.L.S.A. has a long list of community activities and services to which we are committed to for the upcoming year. Some of these programs include: adopting a shelter in an effort to feed the homeless once a month; AIDS awareness workshop; blood drive; bone marrow drive; sickle cell anemia awareness; and a high school outreach program. Additionally, B.L.S.A. will sponsor a workshop series in which important legal topics will be discussed. We hope that all members of New York Law School will join us in an effort to become more involved in the community.

The Black Law Student Association is committed to working with our students in the upcoming year to ensure that it is a successful one. Our commitment to community service and academic excellence is first and foremost, and we will continue in our efforts to enhance our law school. Our active involvement in the community and our development of academic enrichment programs demonstrate that B.L.S.A. is definitely on the move.



1500 Broadway•New York, New York 10036•(212) 719-0200•(800) 472-8899

#### \*\*\*\*BAR REVIEW SCHOLARSHIPS\*\*\*\*

Dear 1995 Law School Graduate:

Recognizing the financial hardships that graduating law school students face, BAR/BRI Bar Review is offering need-based scholarships to help selected students defray the cost of bar exam preparation.

BAR/BRI Bar Review will award up to \$150,000 in scholarships of varying amounts up to \$250 each, to be applied toward current BAR/BRI tuition, including any early enrollment discounts.

Interested applicants must submit a letter indicating their law school and describing their financial condition as well as any reasons why a scholarship is deserved (amount of loans, commitment to law, etc). The applicant must not have a commitment for full-time employment with a salary of more than \$30,000 following graduation from school. The applicant further agrees to renounce the scholarship should he/she receive a commitment for full-time employment by May 15, 1995. Your letter should be no more than one single-spaced typed page and should be returned to the BAR/BRI New York office - Attention: Scholarship Committee, by October 31, 1994. Students will be notified of their scholarship award by the end of November.

These scholarships are not assignable and will only be honored for the bar review course in New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. Please specify in your letter which state's BAR/BRI bar review course you are planning to take.

## The Party Pooper Prez

#### By Frances C. Bajada '95

The Student Bar Association ("SBA") Executive Board has decided against sponsoring the traditional New York Law School Thursday night parties. However well intended, this decision loses sight of the proposals made to student voters during the previous electoral campaign. These parties, although ostensibly may be considered "beer bashes," hold redeeming values to the student body. Specifically, they provide students with the opportunity to mingle with their classmates in a setting outside of a classroom and this is important especially to students who don't live near school.

The SBA argues, however, that the cost of the parties is too much and that it prefers to use its resources to fund guest speakers with hopes of projecting a better reputation for the school. Although this is a noble objective, it is possible as last year's student government demonstrated, to accomplish both. During the previous administration, for example, the school featured such prominent speakers as Herman Badillo, Alan Hevasi

and Charles Hynes while still maintaining a sufficient number of SBA sponsored parties. These speakers generally are not remunerated for their services with the exception of menial transportation fees, thus a budget of \$18,000 per semester should be sufficient to provide both speakers and parties for NYLS.

However, rather than sponsor parties, the SBA plans to organize two formal dinner dances, as well as weekly wine and cheese gatherings. Historically, interest in these formals has declined, as illustrated by minimal attendance and extreme subsidization on the part of the student government. We should leave law school with more than a legal training. These informal, social activities encourage personal ties among students. We are not seeking notoriety as one of *The National Jurist's* top ten party law schools in the nation. And, while we do not dislike wine and cheese, it hardly replaces "Miller Time!"

We voted for you (Twice!!!); give us what we want. Party On Dom!

## Letter To The Editor

## S.B.A. on the Party Policy

Dear Students:

There has been an outcry from students who are under the impression that the S.B.A. will be holding no parties this year. This impression is wrong. This letter outlines the proposed party policy and our reasoning behind it.

Cost

For the last two years the S.B.A. has struggled to hold two parties a semester. Organizing and carrying out these parties costs the S.B.A. (and thus, you) a lot of money. We have a limited budget from which we pay for many student activities and events, not just parties.

Time

Planning for and running parties takes a lot of people-power. S.B.A. Senators have just as many classes and exams as the rest of the student body. In the past we have been hard pressed to find volunteers to organize the parties, run the taps, and clean up afterward. As a result, a few Executive Board members ended up doing all of the time-consuming work that a party entails.

Student Involvement

In the past, parties have been held on Thursdays between (approx.) 7:30 and 10:30 p.m. As a result, few evening students and commuter students have been able to attend. In fact, around the same 100 people come to just about every party. Considering that this is a school of 1200 or so students, this is not a particularly fair allocation of the student activity fees that all students pay every year.

Proposed Solution

This year's Executive Board has come up with a plan that we hope will provide more fun for less money. What we are doing is holding two parties a month, every other week. These parties will be two hours long with serve-yourself drinks and chips and snack food to munch on. By cutting one hour off of the party and getting rid of the D.J. and the chicken wings, we will save enough money to hold more parties.

We tentatively plan to alternate between beer bashes and wine and cheeses, holding the beer parties from 8:00-10:00 p.m. and the wine and cheeses from 5:00-7:00 p.m. We are holding the wine and cheeses earlier so that evening students and faculty can come, thus providing opportunity for student-faculty interaction.

Each semester we will have one REALLY BIG party, maybe on campus, maybe off. We hope to have it on a weekend so that commuter students and evening students can participate.

**Ouestions and Comments** 

We are trying to serve the interests of the student body in the best way possible. Our goals are to include the most students, save the most money, and make the most effective use of our S.B.A. Senators. You elected us because we stand for change. We are living up to our promise of trying new things to improve the quality of your experience here at NYLS.

This party policy is not set in stone. If it does not work, we will try something else. If you have any questions, comments, or suggestions regarding the party policy, please stop by the S.B.A. office and discuss it with an officer, or drop a note in one of our mail folders. All students are invited to attend every S.B.A. meeting. Please come and discuss how you feel this policy or any policy can be changed for the better.

I hope this letter has cleared up any misunderstandings students have regarding our approach to parties this year.

Mia Dell, Vice-President



Complimentary Tap Beer with meal

Bring in this Coupon and your NYLS I.D. for complimentary tap beer with lunch and dinner Mon.- Fri.

## O.J.: Media Out of Control

#### By Rhonda Bassat '95

Ed. Note: The following commentary was intended to be a point/counterpoint column but no one took the challege to present a counterpoint. The author would like to do a column with another member of the school writing about his or her opposing viewpoint. Next month's topic will be about Megan's law (notification of the community where a convicted sex offender lives). If you are interested, please contact the Reporter office by October 10.

OJ Simpson's trial by the media is an abysmal comment upon today's society. Tabloids, TV, radio, and even "first-rate" publications such as The New York Times have all jumped on the OJ bandwagon. Everyone knows (and I use this term loosely), without even remembering where, when or who informed them, about the Bronco's slow journey through L.A., the results of the DNA tests, Nicole's frantic call to 911, OJ's many mistresses, and the amount of money being spent on his very-impressive defense team. Everyone, including the defense, thought that they knew about the ski mask found on the scene, which turned out to be a figment of someone's mind. Just who might that someone

Now, I know that the First Amendment allows the media access to trials. I also think that the public has a very strong interest in knowing about trials and their verdicts. However, when does the individual's right to a fair trial outweigh the general public's interest in free speech? As anyone who has taken constitutional law knows from that last sentence, I side with the criminal justice system; OJ's "rights" clearly trump the "interest" held by the public, with its almost morbid curiosity in watching the downfall of a celebrated athlete/actor/sportscaster.

I must admit to being intrigued, at the beginning, with the brutal double murders. Did OJ Simpson kill both his ex-wife and a waiter

who had the misfortune of being at the wrong place at the wrong time? How did he appear on the plane to Chicago just a few hours later? I wanted to know! Then, the press took over and found answers for every question imaginable, taken at every angle. Grand jury witnesses sold not only their stories but also their credibility to shows like Hard Copy and Inside Edition. The prosecutors and LAPD "leaked" damning evidence. OJ's defense team put out their own spin on the story, trying to instill reasonable doubts in the public's mind. Arguably excludable evidence entered the public domain. Entire talk shows centered around this case; even electronic juries were polled for their "verdicts."

"I fear for ... the criminal justice system. One thing's for sure, though, the media will come out on top."

What started out for me as intrigue has quickly turned to concern and disgust. The criminal justice system is not being allowed to work effectively, as journalists race to scoop their competitors over every new piece of evidence. I am surprised that a gag order was not put in place, but the magnitude of the crime and the accused probably would make compliance difficult to maintain. I cannot help but think that the power of the media influenced the prosecutor's decision not to go for the death penalty - if an "ordinary" person was charged, s/he would be facing the death penalty. Journalists should report the news, not create it. With the OJ case, they have clearly overstepped these boundaries.

On the other hand, the media has accomplished some positive results. The American public (as well as foreign countries, such as England, who routinely receive reports on the status of the case) has received a crash course in criminal procedure. The conduct of the police and investigators is being analyzed very carefully, as it should be, to ensure that all proper steps were taken. I'm not sure whether the reputation of lawyers is being enhanced, but extremely qualified attorneys are being displayed.

But this good side is overshadowed by the potential harm created by the press. To begin with, what if the trial judge deems any piece of evidence inadmissible? Will the jury truly be able to "forget" the barage of information it has heard prior to being selected? Which leads me to my next point: just who will be qualified to serve on this jury? A juror need not be unaware of the crime committed and its alleged perpetrator, s/ he need only be able to judge the defendant upon the evidence introduced at trial. But is it possible for a person to build a Chinese Wall, if you will, in his or her own mind? The knock-knock joke seems appropriate:

"Knock, knock." "Who's there?"

"OJ who?" "Ok, you're on the jury!"

Is this the best person to sit on this jury?

In all, I think that the media's relentless pursuit of new evidence, new witnesses, and new angles is placing an undue burden on the criminal justice system. OJ cannot receive a fair trial. The public is already predisposed one way or another, either due to his past career or the "facts" as we have come to know them. Twelve members of this public will soon sit on OJ's trial. I can only imagine the media's feeding frenzy to come. So far the victims are at least three: Nicole, Ronald, and OJ's right to a fair trial. I fear for the fourth, the criminal justice system. One thing's for sure, though, the media will come out on top.

## **NYLS:** A 1L's Perspective

#### By Marc Wigder '97

s it just me or do you also have such exchanges: "I go to New York Law". Reply: "Oh, NYU." My response, "No, The New York Law School. It's separate from NYU." Reply: "Really!!! Where's that?" My response, "Well, it's near NYU . . . ."

To be perfectly honest, when I first started gathering information about law schools, I had never heard of NYLS. However, the bible of law school information, a.k.a. the U.S. Guide to Law Schools, gave me the almost incoherent statistical data to show me that I was the NYLS type of law student, not the NYU type. I'm sure the above confessions are not all that different from many of us here at NYLS. And my first question to you is: Why is it that way? Why is it that I have to

explain where I go to law school? Come on now, Woodrow Wilson was a professor here and the Mayor of NYC spoke at the Class of 1994's commencement address.

"[W]hat are my thoughts on being a 1L? I think law school is wonderful!!!"

Personally, I was quite impressed with NYLS's recent improvements, renovations, teacher acquisitions, and location. And the truth is that there is no law school better situated than

ours, considering that the legal community is literally next door. However, is NYLS utilizing the resources of its fantastic location to its advantage? I think NOT!!! The marketing plan is all wrong. I shouldn't have to find out about NYLS through the law school statistical bible; I should have found out about it because it was there, or here, you know what I mean.

So, the next question, or rather the question that will be asked until the turn of the decade, century, millennium, etc. is, "How should NYLS market NYLS to NYC or rather to the USA?" The answer: "I don't know!" That's why I'm writing this article. And furthermore, if there is a coherent marketing plan being utilized that I have

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## Sound Off To The Ombudsman

An Ombudsman investigates reported complaints (from students or consumers), reports findings, and helps to achieve equitable settlements. The Reporter's column "Sound Off To The Ombudsman" is presented for entertainment purposes only.

Dear Ombudsman,

Why is there never enough soap in the men's room in the lower level of the student center? Also, why is that same restroom a sty by noon?

Signed,

I Always Wash

Dear Tidy Bowl Man,

How much soap do you need and what exactly are you always washing? If your 'washings' require a great deal of soap, I suggest you invest in your own personal soap-on-a-rope. As for the sanitary conditions of the restroom and that it resembles a pig sty, what do you expect? Look who's using it.

Dear Ombudsman,

Why are all the job binders filled with listings that are old (i.e. 3+ months old)? Don't these people realize that these positions have been filled by now with the current glut of students and attorneys? Also, why aren't the listings in any sort of order? It seems as if I have to go through 100 old listings before I find a new one.

Signed,

Waiting for a Miracle

Dear Keep Praying,

The Office of Career Services is quite busy networking, networking, networking, that they often neglect their main function, to keep those job binders updated. Maybe it's hard to keep opening and closing all those binders without breaking some nails. However, not all the blame should be placed on Career Services, since many of our cutthroat colleagues have a habit of walking away with recent job postings or hiding them in the back of the binder. Personally, I find changing the employer's address to be the most effective means of cutting down on the competition.

Dear Ombudsman,

Why are there still so many graduates from last year milling around NYLS? Is this what I will be doing once I graduate from here?

Signed,

Concerned 3L

Dear See-You-Next-Year,

While the Ombudsman is all-knowing, even this phenomenon has me baffled. Maybe when you're unemployed, in debt, and in need of a job, you think admiring the artwork in the cafeteria is safer than feeding the ducks at Central Park. Since less than (much less than) 50% of last year's graduating class is employed, these 'visiting' alumni are obviously here looking for jobs. Maybe they heard the cafeteria is hiring. These recent grads suffer from a severe memory lapse. They have forgotten that NYLS did not help them in finding employment

when they were students so therefore, they are obviously not going to get any assistance now. However, there are the lucky few who kissed the right administrative butt when they were students and are now legal writing professors. To be fair, not all of these recent grads are back at school looking for jobs, some are reliving their glory days. For instance, I saw last year's SBA president just the other day, showing off K-Mart's new fall fashions, checking out the 1L class, and asking when the next SBA beer party is.

Dear Ombudsman,

Why does it seem to me that many of the stupidest people in my section graded onto Law Review or Journal? I just don't understand how this has happened.

Signed,

Dazed and Confused

Dear Dumb and Just Jealous, You should not mock people on Law Review and Journal. Just because a person has no social skills, it does not mean they are stupid. How did they become members of the Eighth Floor Honor Society and you didn't? Well, while you were out partying and socializing, these dedicated but antisocial students were briefing every case, typing out their notes, reading hornbooks, participating in class, outlining, and brown-nosing their professors. You should not be jealous, because now when you're out partying those stupid people are on the eighth floor cite-checking. Besides, there are other ways to get onto the eighth floor. There's

always Moot Court or my personal favorite, the elevator.

Dear Ombudsman,

Why is it that only 2/3rds of the Reporter Office seems to be painted? Why does that office always have sh— laying around? Signed,

Anonymous

Dear Reporter Staff Member,
Must I remind you, it's
the Reporter Office, it's intended
for student use, for students to
see. It's not the Ernst Steifel Room
where prominent persons are
entertained. If it's 2/3rds painted,
the Reporter Staff should rejoice.
As for the mess, all I can say is
sorry your mom doesn't clean up
after you anymore.

<sup>1</sup> Webster's Ninth New Colle-GIATE DICTIONARY, 823 (9th ed. 1983).

The Ombudsman invites all comments, "beefs" or questions for publication in this column. Letters will be selected, published and addressed as the editor sees fit. Send all submissions to the Ombudsman, c/o the New York Law School Reporter, 57 Worth Street, NY, 10013, or drop off your submission at the Reporter office located in the student center - the basement of the "C" building.

## A Crash Course in the Internet

By Daniel Herschlag

WHAT IS THE INTERNET AND WHERE DID IT COME FROM?

he Internet can be hard to understand at first, even to the computer literate, since it does not resemble any other online service. The Internet is not owned or controlled by any single company or government agency, although it does have its origins in government funded research. In the late 1960's, the Advanced Research Projects Agency (ARPA) commissioned scientists and researchers to develop communications technologies that could survive nuclear attack. Another goal of ARPAnet, as it came to be known, was to share computing resources, which we now call networking. In those days powerful computers were very costly, so it was efficient for scientists to be able to log in remotely and harness a central computer from various locations.

The term Internet actually refers to the conglomeration of thousands of networks and stand-alone computers that are internetworked by sharing a common low-level language known as TCP/IP (Transmission Control Protocol and Internet Protocol). Reliability is ensured because any computer that speaks TCP/IP joins the Net as an equal, which means there is no particular computer that the network is dependent on. In the 1970's and 1980's other computer networks adopted the protocol and joined ARPAnet. The most important of the new networks, NSFNET (commissioned by the National Science Foundation), established five supercomputer centers and funded regional networks that linked most major universities to the Internet.

As NSFNET linked up the universities around the country, the resources of the Internet began to be exploited by an ever broader con-

stituency. For the most part, the Net continued to be dominated by scholarly research. In fact, the NSFNET had an Acceptable Use Policy that prohibited commercial traffic across its backbone. By the early 1990's however, SprintLink and other private networks began attracting large numbers of commercial accounts. The Internet provided a tremendous cost savings to small companies that had a few offices scattered across the nation. Unlike huge companies that could afford their own national network, small companies could now link up to the Net at a few points and have the equivalent of their own private national network for transmitting inter-office data.

#### WHAT'S SO SPECIAL ABOUT THE INTERNET?

The phenomenon known as the Internet is growing more rapidly in some respects than did

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# PIERER FREE MPREVIEW

**OUR LOCATIONS FOR NOVEMBER 18TH MPRE EXAM** 

\*\*\*NOTE: All classes will run from 9:00 a.m.-5:00p.m.

Sunday, October 16, 1994:

LIVE Lecture

Amphitheater, Main Floor Fashion Institute of Technology

\*Enter at 27th St. and 7th Ave. entrance

#### Saturday, October 29, 1994:

**Boston Univ. Law School** 

Georgetown Law School

**Hofstra Law School** 

Syracuse Law School

Pace Law School

#### **VIDEO-TAPE** Lectures

Room 1434

**ROOM 109** 

**ROOM 238** 

**Melvin Lecture Hall** 

**ROOM 405** 

#### Sunday, October 30, 1994

**Albany Law School** 

**Buffalo Law School** 

**NYU Law School** 

#### **VIDEO-TAPE** Lectures

ROOM E 7/8

ROOM 109, O'Brian Hall

**ROOM 110** 

To reserve a seat, CALL 1-800-635-6569. This course is available to any and all interested students no matter which bar review course he or she is registered for.

WALK-INS ARE WELCOME!!!!

## **Activities Corner**

#### **AALSA - Asian American Law Student Association**

n behalf of the Asian American Law Student Association "AALSA," I would like to welcome everyone to a new academic year. As the name speaks for itself, AALSA exists for the students of Asian heritage; however, AALSA is open to all students

who share the same goal as AALSA. Our goal is to facilitate opportunities for our members to "network" among ourselves, with other Asian law students in the NYC area, and with Asian lawyers in NYC area. Also, we exist to support and guide you throughout the three or four years of law school. We are here for your benefit, should you choose to seek us out.

AALSA has two main functions. First, our group offers an academic support function to enhance Asian law students' experience during their years at NYLS. Second, AALSA serves a social function, helping students to become well acquainted with one another in a relaxed and interactive setting.

Like any other organization, members are our

foundation. As one proverb states, "It's never too late to start." This is true for law school and for AALSA. So take the proactive approach and seek us out if you have not already done so. For those of you who are strapped for time, seek us out when you can make the time. Good luck throughout your law school experience and we hope to see you at the next meeting.

Michael Chung, Vice President

#### **Media Law and Policy**

in 1991 in response to the large interest in communications law among the NYLS student body. In association with the Media Law Project and Professors Michael Botein and Allen Hammond, Media Law & Policy has become a highly praised academic journal. Each year Media Law & Policy releases two or three journals focusing on varying issues in communications law with articles written by both professionals and students. The editors encourage students to submit articles for publication. Media Law & Policy anticipates releases in October 1994, January 1995 and June 1995.

Media Law & Policy is seeking editors for the 1994-1995 academic year. Candidates must be second year students and each must submit a resume, statement of interest and a writing sample to the Media Law Office by Friday, October 14, 1994. Decisions will be made according to the quality and quantity of applicants.

Catherine A. Lenti

If your organization would like to appear in the next "Activities Corner," please submit a short statement in IBM format on a disk and a hard copy to the Reporter office no later than October 12.

#### LaLSA - Latino Law Students Association

he Latino Law Students Association would like to invite all entering and upper class students to join our organization. The Latino Law Students Association was created to serve as a support group for all interested students. We at LaLSA feel that we can

assist you in making your law school experience an enjoyable and successful one.

LaLSA has created different programs to assist students at New York Law School. These include:

(1)The Mentorship Program: where 1st year students are assigned a 2nd,3rd,or4th year mentor.

(2)Exam taking sessions: where students are trained on how to take law school exams.

(3) Legal research session: where students receive legal research training, including a tour of the library and instructions regarding the different case reporters and other relevant sources.



Club Day

(4)Outlines and other study aids: a collection of outlines and other study aids is available in the LaLSA office to assist students in better understanding the material after they have read the assigned cases.

(5) <u>Tutoring</u>: in addition to any tutorial assistance offered by Student Services, LaLSA also provides tutorial assistance to any member in need of such assistance.

In addition to academic support, the Latino Law Students Association sponsors and hosts different events involving significant legal and social issues for the Latino community. We also bring prominent Latino attorneys and alumni to share their experiences with us. Moreover, we work closely with the Puerto Rican Bar Association, the Puerto Rican Legal Defense and Education Fund, and this year we plan to work closely with the American Society of Dominican Attorneys and the National Latino Law Students Association.

Furthermore, the Latino Law Students Association provides an excellent networking center. The LaLSA office provides a comfortable setting where members can have enjoyable conversations and interaction with other students. As a member of LaLSA, students can become friends with almost all other Latino students at New York Law. LaLSA members are willing to share their legal knowledge and in particular their experience at New York Law School. Additionally, we keep our members informed of all activities and programs offered by the law school and external organizations including scholarships, internships, receptions, and job fairs.

Please take advantage of LaLSA and join us. LaLSA is here to help you so that you can help others in the years to come.

Thank You!

#### LaLSA EXECUTIVE BOARD

Luis O. Diaz-President Alma Murcia-Vice-Pres(Day) Betty Rodriguez-Vice-Pres(Eve) Joanna Tomas-Secy & Treas. Annette Malpica-Attny General.

#### More Activities

#### **ILS - International Law Society**

elcome new students and welcome back to all! The International Law Society (ILS) is designed to support those students who have already decided to practice international law and those that are as yet undecided.

To help our members learn more about the field of international law, we sponsor various activities throughout the year. Our activities include, but are not limited to: brown bag lunches with professors; career panels with practicing attorneys; symposiums on current international issues; an international movie festival; and our annual Otto Walter Alumni Appreciation Luncheon which gives students the opportunity to have lunch with NYLS alumni who practice various types of international law.

Members are encouraged to attend events sponsored by other law schools and other associations such as the International Law Day (held annually at Cardozo Law School) and the annual convention of the Association of International Law (held this year in New York City).

The International Law Society also has information regarding summer programs and semester programs abroad. ILS can also arrange for you to meet with a student who has participated in an international program which interests you.

The focus of the International Law Society is to help its members make an educated decision about which field of international law they would like to practice.

The International Law Society Executive Committee for 1994-1995:

President - Eileen McCrohan Vice President - Jeremy Stephens Vice President - Bjorn Holuber Secretary - Benjamin Lipschitz Treasurer - Mario Mateo Publicity Chair - Pam Weinsaft Ombudswoman - Sandra Costa Human Rights liaison - Joylette Hairston

If you have any questions, please come by our office in the student lounge area (Room L-7) or contact any one of us through our mailfolders.

Eileen McCrohan, President

#### **BLSA - Black Law Students Association**

ational Black Law Students Association (BLSA) was founded in 1967 by a group of students at New York University School of Law, who envisioned an organization dedicated to Community Service and academic excellence.

In 1972, Senator Al Waldon founded the New York Law School chapter of BLSA, adopting the National BLSA's principles. Today, the New York Law School chapter of BLSA continues to serve the Black Community and promote academic achievement of black law students.

The BLSA Executive Board for 1994 - 1995 is: President - Michelle Danvers-Foust Vice President - Jimmy White Evening Vice President - Valerie Armstrong-Barrows Treasurer - Rusty Terry Secretary - Audra Barrow Attorney General - Gregory Walthall

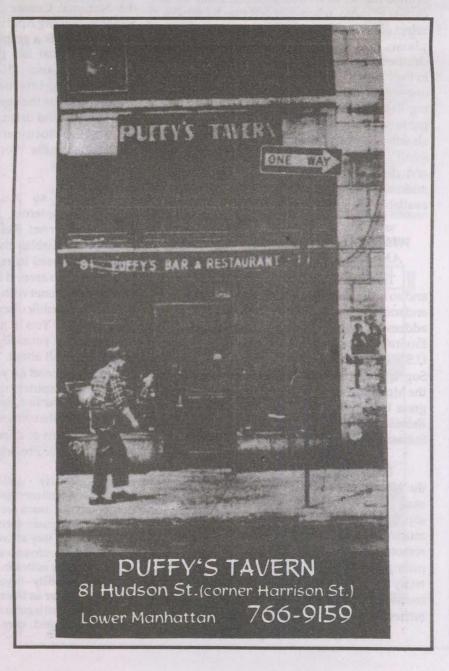
Audra Barrow, Secretary

#### **Student Services**

ant to go study abroad for the summer? Need to pick up a subway map? Want to catch a Broadway show at a discount?

The Office of Student Services offers these and many other student services, many of which are outlined below. The office is located on the 5th floor of the A building and can be reached at 431-2851.

- academic support and tutoring programs
- American jurisprudence awards
- bulletin board postings
- bus and subway maps
- child care information
- counseling and counseling referrals
- Counselor submissions
- disabled student services
- first aid
- general student life concerns
- graduation awards
- insurance (health, dental, property)
- international student visas and information
- jury duty deferrals
- locker assignments
- mailfolders
- parking lots and garages
- recreational facilities
- student handbook
- student organizations
- study abroad information
- theatre ticket discounts
- tutoring information



## More on the Internet

#### Continued from page 10

print, radio or television in their hey days. Just as impressive is the fact that the text, audio, and video content of those familiar media formats can be instantly and freely transmitted worldwide to and from any home or office equipped with an Internet connection. If print, radio and television have catalyzed much of society's changes in recent history, perhaps the Internet will evolve into one of the most enabling and revolutionary tools of all time.

What distinguishes the "Net," as it is affectionately known, from other media is its manyto-many point communication, as opposed to the one-to-many broadcasting model or the oneto-one genre typified by the telephone. Although the telephone's greatness has been its ubiquity and affordability, it was the advent of the fax machine that extended its capabilities to broadcasting messages to large audiences. Now it appears that Internet resources such as electronic mail (e-mail), which also traverse the phone network, may eventually outstrip the fax in usability, affordability, reliability and speed.1 As computer and phone technology continue to merge into the advanced telecommunications devices of the future, research and education, social gatherings and chance meetings, business, politics, entertainment, and religion will increasingly happen in the electronic realm known as cyberspace.

Historically, publishers and distributors of printed matter as well as producers and broadcasters of radio, television and film have been a select and wealthy group. And if the cable, telephone, and media conglomerates have their druthers, the distribution channels will remain in their control; to them interactivity is a mostly one-way street toward enhancing their marketing data. But the Internet may be the unstoppable vehicle of a libertarian revolution that already enables individuals, interest groups, and small companies to spawn global mailing lists and discussion groups as well as to publish multimedia information that is immediately available to a global audience.<sup>2</sup>

#### WHAT CAN I USE THE INTERNET FOR AND HOW DO I GET CONNECTED?

There's so much information on the Internet and so little space here. But here are a few places and sources on the Net without the actual internet addresses: Fedix - information on scholarships, Envirolink-current concerns and voting records, U.S Geological Survey, ham radio callbooks, Supreme Court Rulings, Genomic Database of the Mouse, Lyric/Music server, Library of Congress Information System, White House Press Releases, Nuclear Data Center, Movie Database, Subway Navigator, Weather Services, etc.

The original tools that have been used on the Net for many years are still very useful. Email became the bread and butter of the Net shortly after the founding scientists realized how much fun it was. Telnet allows one to log in to a remote machine called a host, and use its computing resources as if the user were sitting directly at a local terminal. FTP stands for file transfer protocol, and is still commonly used to retrieve files from remote hosts. As the Internet

grew into a vast ocean of networks without any hierarchical or centralized organization, it became very difficult to find, let alone know, what software, documents and other files were on the Net. So Archie, a tool that searches a frequently updated index of all files on Internet FTP sites was developed by students at McGill University. Then Hytelnet was developed at Saskatchewan University, and it catalogued all telnet sites in a similar way that Archie did for FTP sites.

The Net remained an unfriendly place, however, where the user had to know the syntax of the Unix computer operating system. Finally, in 1991, Gopher was born at the University of Minnesota. Gopher was the first resource that provided a menu interface to various Internet tools. The World-Wide Web (WWW) developed at CERN, the European high-energy physics laboratory in Geneva, was also released in 1991. The Web is the most comprehensive resource discovery tool on the Net. It is hyperlink based, which means that any part of a document can be linked to any part of any other document anywhere on the Net. For example, a user browsing an article on the Web may click on a hyperlink that instanly brings up the referenced document which resides on a computer half way around the world. The user can continue bouncing around the globe via hyperlinks while maintaining the ability to retrace all prior steps at the touch of a key.

Mosaic is the most popular interface to the Web. Released in 1993 by the National Center for Supercomputing Applications, Mosaic is a graphical browser that lets the user point and click through the Internet. Moreover, it has the capability to view and listen to multimedia documents that reside on the World Wide Web.

There's so much more to the Internet, including Internet Relay Chat which enables chatting by keyboard in realtime with users around the world, and Usenet with its thousands of public discussion groups. You'll just have to try it yourself to see what it's all about. To access the Internet all you need is a computer, modem, telephone line, telecommunications software. and an account at a local Internet Service Provider.

<sup>1</sup> Usability - unlike faxes, since e-mail correspondence and documents are already in computer format when received, they are very easily stored for reference and easily quoted or edited in replies. Affordability - beyond a monthly fee for an Internet connection e-mail is generally free and unlimited, even to

international recipients! **Reliability** - whereas a fax machine may be busy or occasionally off-line, once email is sent, it is automatically held until the receiver is ready to read it. **Speed** - broadcasting 20 pages to a list of 20 e-mail addresses is instantaneous, whereas achieving the same result by fax could take an hour. Additionally, replying to e-mail can be done with a few keystrokes.

<sup>2</sup> The current limitation with transmitting video via the Net is the length of time it takes to download and view images through standard phone lines which are typically used to connect to the Net. Hopefully that will change soon. Some users already connect via ISDN (high speed phone lines) or cable with specialized modems. But those means are more costly and not widely available yet. We can look forward to the widespread deployment of these and other technologies (such as software algorithms that compress video clips into much smaller files) that will remedy the situation over the next few years. Another limitation is the infrastructure of the Internet itself. Until fiberoptics are more widely utilized on the Internet's backbone and other key resources are beefed up, the flood of new users and increasing use of bandwidthhogging multimedia will result in increasing traffic and delays on the data highway.

Ed. note: Daniel Herschlag is President of InterCom Online an Internet Service Provider in the NY, NJ area and can be reached online at dan@intercom.com or at (212) 714-7183. You may also submit questions to the Reporter regarding the Internet for Dan to answer in his upcoming columns.

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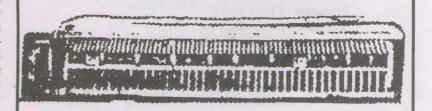
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## 1L's Perspective

#### Continued from page 9

overlooked, then it's obviously not good

The facts are that NYLS has a lot going for it. The teachers are "wonderful," the buildings are recently renovated, the staff is available, people here want to help you, or rather me, and the location is perfect. But, people don't know this unless they already go here or have visited NYLS. I personally met one, yes one, NYLS graduate named Bob on the street. WOW! He was dressed rather nicely and offered me a job when I get out of law school! Maybe the fact that Career Services encourages NYLS alumni to give jobs to NYLS graduates is actually a bad thing because it prevents the NYLS name from getting out into the general public.

Maybe calling the media to attend some of the symposia we have will attract some attention to the school. But will they know where to come? Why we don't we have a symposium on Enhancing NYLS: How do we promote the best location for a legal education in the world?" rather than a symposium on "NYC: What do we do about all those damn taxicabs?"

Obviously, I don't have the exact solutions to this very important problem . . . YET! But that's why I'm writing this article. So people can actually bring ideas to the Dean or to whoever is in charge of promoting this school to future lawyers and of future clients!!!

And by the way, I was in the NYU Law Bookstore the other day, and we read the same books they do. We brief the same cases. Is there a magical mystery to the prestige there? I think NOT! But people just know the name and their school thrives on it. Well, so can we. [That is, thrive on our name, not NYU's.] However, it's going to take a coherent effort from the students, the faculty, and the administration to get the school back to the reputation it had years ago when it was up there in the ranks of Columbia. It can't be done by merely renovating a building. And for God's sake, put a couple of pictures of the school in the application materials and catalog, not just a bunch of faces! Who cares what the student's look like? We're all geeks!! [Law students in general, that is, not NYLS students.]

Other than that, what are my thoughts on being a 1L? I think law school is wonderful!!!

## **Froessel Competition**

Continued from page 1

ing on a claim of selective and/or vindictive prosecution, based on race, religion and political belief. The second issue was what standard of proof a court should apply when relevant conduct is used to upwardly depart from the Sentencing Guidelines range of twelve to eighteen months to impose a sentence of nineteen-and-one-half years.

The Froessel is more difficult than intermural competitions because it requires competitors to argue not only both sides of the case, but also both issues. While the fact pattern contained citations to every case necessary to brief and argue the issues, only ninety-two of the two hundred seventy-two students who originally signed up to participate actually competed. Those who did compete are to be congratulated because the judges were very impressed with the students they judged. One judge was of the opinion that many of the students he saw performed better than many of the actual lawyers he sees every day. He commented to the students, "don't lose your good habits."

The 250 judges for the entire competition consisted of alumni, faculty, former Moot Court Executive Board members, and many local practicing attorneys and judges. Professor Lebovits expressed his hope that more faculty will participate in future competitions. Among the prestigious alumni who judged the advanced rounds were the Hon. Frederic S. Berman, the Hon. Carolyn E. Demarest, the Hon. Seymour Fier, the Hon. Alexander Graves, the Hon. Charles Kuffner, the Hon. Joseph Maltese, the Hon. Joseph A. Mazur, the Hon. Robert C. McGann, the Hon. Leo McGinity, the Hon. Phillip C. Segal, and Professor Simon Kogan. Other notable judges in the advanced rounds were Michael Rodi, Esq., and Glenn Garber, Esq., who currently represent Yu Kikumura, a defendant in one of the key cases within the fact pattern (United States v. Kikumura) and are presently preparing to collaterally challenge his sentence in that case.

The final round of the Froessel was videotaped, and Crosswalks, the New York City equivalent of C-SPAN, plans to broadcast it. The date and time of this broadcast, however, has not yet been announced.

John B. Belmonte, the author, is the Public Relations Director of the New York Law School Moot Court Association.

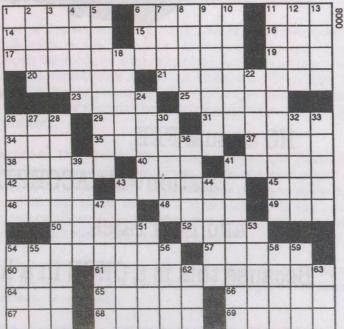
## REMINDER

Deadline for article submission for the next issue is October 12

#### CROSSW RD® Crossword

**Edited by Stan Chess** 

Puzzle Created by Richard Silvestri 29 Singer to dye 38 Wrongly DOWN 1 Ending for for? Angler Walton Take to task 40 Schisgal play mom or dada 30 Things 41 Wrangler's 2 You Never 33 Polished off 11 Do some line Can Tell 33 Kind of beer Shed a shell grounds-36 Bad things keeping 43 Specify playwright 3 Lake of Thun's 39 Use jumper 14 Belafonte or distinctly 45 Round figure? rables Lewis 15 Manic Mandel 41 Let off the 46 Deli ware 4 Peace Nobelist of 48 Brouhaha hook 43 Ruling 1987 49 Bankbook letters? principle col. 5 Quick profits Actress to dye 44 Ruth's mother-50 Standing up "Quiet!" for? 7 Sorority in-law 19 Cacophony 52 Vexed \_than a 54 Choral live in a 20 compositions 8 Had the deed junkyard yellow submarine" 57 Central part dog" 9 Sticks around 51 Ryan's Brought down 60 5th century 10 "My daughter invader 23 Sets the dog goodness!" 53 Language 61 Actress to dye The Silence of for? 11 Spy to dye maven 64 V-mail for? Newman the Lambs 12 Stage award 54 Child, e.g. destination director 13 Magic stick 55 Flivver Gray initials 65 Beginning pianist's 18 Worrier's risk 56 Actress 29 Brokaw's broadcast piece 22 Stradivari's Thompson 66 Vacation teacher 58 Trafficked Fostered mansion 24 Low-lying Took off 59 Fairy follower 67 CBS rival wetland Prepares 26 Bones up 62 Author 68 Provide with a Romano Deighton Navigators she new staff 27 blows!" **63** Pop 69 Through



Answers on Page 18

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GET IT."

## **Tilting at Windmills**

#### Continued from page 7

define "well"; and lastly, what was the level of background noise at the time of this conversation. Lest you walk around with a Sound Meter, let me just stress that you should never take anything a fellow student tells you as 100% truth, unless it is something obvious like "\$1.25 for a bottle of Snapple is a damn rip-off."

#### B. BEWARE OF THE "DON QUIXOTE" SYNDROME

The Don Quixote syndrome afflicted me before I even started law school. This syndrome began when I received The Anatomy of a Lawsuit and American Courts in the mail. I was running out to the beach when the postman showed up with my little package. I had a fit! Summer Reading?! The Don Quixote Syndrome was setting in. I suited up in my scholarly armor and prepared to do battle with what I believed to be two of the premiere treatises on American Law. I read each chapter carefully and took notes on everything. By the time I started law school, I could recite every fact of Rasmussen v. Graham and could draw a three dimensional rendition of the federal and state court system. Needless to say, I soon found out that while the reading was important, it did not deserve the hours of attention I gave it.

"However, there comes a time that you should use the intellect that got you into law school and make sure that what you are about to 'crush and destroy' is not just merely a windmill."

Before I continue, let me make sure that you understand that everything you are assigned should be treated with the utmost respect. However, there comes a time that you should use the intellect that got you into law school and make sure that what you are about to "crush and destroy" is not just merely a windmill. Find out what helps you to understand the material best, and continue to use it. If you heard that unless you brief every case, highlight every word, and always talk in class, you won't get anything higher than a "C," please see section A above.

Finally, if you do suffer from a severe case of the Don Quixote Syndrome, try to flag down a second or third year student who did well, and ask them to help you. Professors are also very good at letting you know how best to learn the material. Believe me, everybody needs a Sancho Panza once in a while.

#### C. CLASS PARTICIPATION

Anyone who knows me is probably laughing as they read this section, because they probably believe that I cannot objectively write about not-participating. Since some professors may raise your grade by 1/ 3 for class participation, this bit of advice is fairly useful. Find out which professors give the 1/3 and which ones do not. Last year, I nearly lost my voice from participating in Civil Procedure and was dismayed to find out at the end of the semester that this particular professor did not give out the

There is no bright-line rule on whether it is good to participate or keep quiet. (By the way, last year I thought "Bright-Line" was anything I had highlighted in my books.) I have found that there are three levels of participation, and each has its pros and cons.

The first level is the mute level. These individuals not only never participated, but they also passed every time they were called on. I do not recommend this approach, because one or two passes is OK, but any more than this will annoy the professor, and low and behold, they might LOWER your grade by a 1/3. If you are uncomfortable with speaking in front of the class, let your professor know.

The second level is the normal participation level. These students always respond when called on but rarely volunteer. They are the ones who believe in the qualitative principle rather than the quantitative one. This approach is excellent, and you will be amused next year when you

don't recognize the student who ranked number one in the class and you find out that he or she was in your section. Not only will you not remember the person, but you will have no idea what their voice sounds like.

The third level is the "Would you shut-up" level. Unfortunately, I belonged in this category. I blame my vociferousness to the fact that all my classes at my undergraduate institution were huge, and for four years, I was not able to utter a single word in class. The first semester of law school was a chance to make up for the previous four years. There is nothing wrong with frequently volunteering and speaking your mind in class, but beware it can get out of control. There were times last year when I was volunteering for things I had no clue about. Luckily I was not nailed. Here is an example of talking too much: it happened to me in Contracts last

> year. We were all having a discussion about restitution, when I asked a question and the professor began to answer and I interrupted with, "Hold on, now you're getting into legal issues!" Needless to say, after ten minutes of laughter, the loudest being from the professor, the discussion continued. Actually, participating in class helped me get a better grasp of the material and I earned my third whenever possible, albeit the hard

#### D. USELESS THINGS THAT MIGHT HELP

Nutrition: I have lost thirty pounds since I started law school. The number one reason for this is that on a limited budget Chateaubriand and Quiche Lorraine have not been a regular

part of my diet. Also, after eating close to 3000 meals at the Square Diner, you tend to start eating less and less, replacing your regular meals with gallons of coffee. Your alternative is to spend \$9.00 an ounce at the salad bar in the cafeteria or buy groceries and bring your lunch.

Here is a list of things which I liked to consume while studying: coffee (not decaf!), tea, anything with more than 100 grams of sugar per serving, fruit, frozen yogurt (except between the months of November and March), and pasta.

This is a list of things I would not recommend while studying: Atomic Wings, Dominos Pizza, Jamaican Meat Pockets, White Castle Burgers, Blue "Razz-Berry" suckers (You look like an idiot with blue lips and a blue tongue while talking to your study partners), and finally barbecued spare-ribs.

Sleeping Habits: After consuming large quantities of coffee, you might experience trouble falling asleep. Here are some recommendations: read The Brothers Karamazov in Russian, watch CNBC or The Learning Channel, listen to CD 101.9 on the radio, or wait until morning.

If you are sleepy and are trying to stay awake I found these activities useful: drink coffee or tea, keep your windows open (if you have no windows, open the door), tune into any radio station that plays tons of commercials (the commercials are always louder than the regular programming, and will wake you up if you snooze), or call other people who you know are awake (if you don't know anyone call information and rap with the operator).

Diversion: Don't be afraid to go out once in a while. Have a beer or non-alcoholic beverage with your friends. If possible, try to go out with someone who is not in law school. Believe me, the last thing you want to do on your free time is talk about law school again. If you have a significant other make sure you don't bore them with exciting stories of subject-matter jurisdiction and intentional torts.

If you are not from New York, like me, go out and explore this vast and exciting metropolis. If you are from New York, get out of this ratinfested hell-hole occasionally.

Well, I hope that some of the stuff you have read will be useful to you. If not, at least you won't be tested on it. I have got to get back to schoolwork. Actually, I've got some phone calls to make.

## About Last Night.

#### By Robert Zakari '96

t is a damn shame that I will not be taking the Negotiating, Counseling, and Interviewing Workshop until next semester. I am quite sure that with the skills I will learn, I would have been able to handle my predicament a little better.

As of late, it has come to my attention, whether I wanted it or not, that my upstairs neighbors have been involved in an amorous relationship. Actually, let me rephrase that: my upstairs neighbors are having a love-fest. It has gotten to the point that I have to bury my head in my pillow just to get some sleep. I would never care but they seem to have most of their energy between 1:00 and 2:00 a.m., Sunday through Thursday. It was not until recently when it got so bad that I actually saw myself standing in my neighbor's doorway with a flame-thrower, torching the whole place down.

My senses got the better of me, and I put the flame-thrower back in my closet and decided to write a letter. I attempted to use all the skills I have learned in my brief stint in law school to produce a document which would get the message across, get to the point, and not offend my neighbors. I think I have succeeded:

September 20, 1994

Dear Neighbors,

It is 2:05 a.m., and while I sit at my computer and write this letter, you two are quietly snuggling in a lover's embrace as the heat and passion dissipates from your excited and moist bodies. First, let me assure you that I am not a writer for the Forum section of Penthouse, nor am I a voyeuristic pervert who writes in a sultry style for shock value. I am merely a neighbor who has gotten to know your sexual habits

a tad too well. I am by no means a prude nor an old lady with blue hair, although both of those usually go hand in hand. Quite the contrary, I am a twenty-four-year old male who enjoys the virtues and volume of sex as much as the next

It is my own love of sex, and what I hold to be as its most precious aspect, privacy, which prompts me to write. By now I am sure you have figured out that your passionate cries and moans

"[M]y upstairs neighbors are having a love-fest."

have woven their way, much like the little red ants in this building, into the sterile and often boring confines of my abode. I find it ironic that in the impersonal air of New York apartment living, the lusty cries of love-making have defied the very rules which keep us from ever meeting the people who live right next door. I know there is a much more logical and less ironic explanation for this phenomenon — it is the basic principle that sound travels. Not very novel.

In an effort to resolve this "situation" I have come up with certain ideas and suggestions which I would like to propose. Let me begin by stating that in no way will I attempt to limit, regulate, nor control your hours, style or frequency of love-making. I will merely put forth some ways in which I could get some sleep so that all of us will be happy.

The first proposal is to create a complete vacuum in this building. This would not allow any sound waves to travel, because there would be a reluctance on the part of Allmark Holdings to put up the funding for this proposal. There would also be the annoyance of not being able to

hear the television or the stereo, let alone a person standing next to you.

My second proposal would be to close the vent in your kitchen. I am assuming that the sounds from your apartment are coming out of your kitchen for two reasons. One, I believe that your apartment is also a studio and therefore, the only two vents are in the kitchen and the bathroom. I hope that you two are not limiting your sex to the bathroom, but rather the main room. This is fine, but the sound easily goes into the door-less kitchen and floats down the vent into my apartment. I would like to point out, that I have already closed my vent, and yet your enthusiastic emanations still come through.

The last proposal would be to keep the vent open but pad the entire studio with sounddeafening material, or insulation. I also find this solution stupid, because I know that neither sound deadening material nor insulation make an apartment look very cozy.

I promise you that I am not pissed off, nor am I trying to meddle in your lives. I am in my second year of law school, and besides sleep, there is nothing else I look forward to these days. I would also like to add, that if I am making too much noise, please feel free to come down here and kick the living crap out of me or just tell me to shut up.

I appreciate the fact that you have gotten this far down in the letter and I applaud your vigor and stamina in the loudest terms. Enjoy life, and believe me, I wish I had people writing me and telling me to keep it down...or is it up?

> Sincerely, Robert Zakari (Apartment 9G)

Oh, by the way, I have not had the cojones to give this letter to my neighbors. I will have to wait until I take the Bravado, Guts, and Chutzpah Workshop next year.

GOOD ONE JOE ? JOE + FRANK WORK ON THEIR LATEST WORK OF ART TO GO UP IN NYLS CAFETERIA.

Answers for Crossword on Page 15

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## Court TV Begins Fourth Year: Network **Reaffirms Commitment to Public Service**

On July 1, 1991, the day Court TV launched, few people were convinced that a cable network dedicated to our legal system would succeed. Three years and over 300 trials later, Court TV is one of the most watched cable networks today and is available in 49 states, Washington, D.C., Puerto Rico and the Virgin Islands. Even the broadcast networks have discovered that America has developed an appetite for real life courtroom drama as the public follows each twist and turn in the O.J. Simpson case.

In fact, Court TV reaches beyond its 15.2 million cable subscribers in many ways. Court TV: Inside America's Courts, the half-hour weekly syndicated show, is currently seen in ninety-two percent of the country. During the Menendez trial, Court TV and NBC's Dateline agreed to develop projects jointly. CBS Radio provides regular audio feeds of select trials and anchor Fred Graham is currently featured in a weekly segment entitled A Matter of Opinion. Through the online services of CompuServe, Prodigy and America Online, fans can chat with anchors and each other about Court TV's recent coverage.

And most recently, the network entered into a partnership with Itel, an international distributor, to market Trial Story and other Court TV programming worldwide.

Court TV celebrated its third anniversary by embarking on an ambitious year-long programming initiative entitled American Violence, American Justice. This campaign has several objectives: to examine the legal and social issues surrounding violent crime, to examine how the judicial system responds to violence, and to spotlight ordinary Americans who are doing extraordinary things to combat crime in their com-

New programs developed as part of this initiative include Verdicts & Justice (Thursdays at 10 pm ET), which studies the outcomes of cases covered on Court TV and The System (Sundays at 8 pm ET/9 pm PT), a program that takes viewers to the community of Far Rockaway, New York to explore the criminal justice system from the street to the police precinct and into the courthouse. The System is the ultimate lesson on how the

judicial process works, outlining some of the legal system's failures and successes through the lives of those who are players in that system.

As Court TV moves into its fourth year, the commitment remains — to bring viewers not only those newsworthy and high profile cases, but also cases with legal issues that are precedent setting, of human interest and of educa-

Finally, we want to take this opportunity to thank all of you, our viewers, for your support of Court TV. As the network that has become the brand name in legal news, you can expect Court TV's fourth year to be filled with coverage of the nation's most important cases as well as interesting new programming both on and off the net-

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#### REMINDER

Deadline for article submission for the next issue is October 12

We are looking for reporters and editors. If interested, stop by the Reporter office. Look for signs for our General Meeting.



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