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Opinion

Volume 16, Number 4 State University of New York at Buffalo School of Law November 20, 1975

1975 Desmond Concludes With Award

The Tenth Annual Charles S. Desmond Moot Court Competition concluded last week with sixteen teams competing against each other in oral argument for Competition awards and invitations to join Moot Court Board.

The problem this year, drafted by Ray Bowie, Tom Zackner and Dave Ferster, involved a debtor who had his automobile attached in a civil proceedings, given an inventory search by the police in the course of which heroin was discovered secreted under the bumper, and who was subsequently convicted of drug possession in a criminal prosecution on the basis of the evidence uncovered in the search. The two constitutional issues briefed and argued were the constitutionality of the initial attachment under the Fourteenth Amendment and the constitutionality of the search and seizure under the Fourth Amendment.

Each team was given the opportunity to choose one side of the argument to be briefed, but through the three nights of preliminary rounds, the teams were required to alternate in arguing each side. Winning teams in the preliminary rounds were determined on the basis of their oral argument scores, which were provided by judging panels composed of local practitioners, judges and faculty.

To determine the semi-finalist teams, the brief scores, which were graded by members of the Desmond Committee, were added to the averaged oral scores from the three preliminary rounds, and the four highest-ranked teams entered the semi-finals on November 14. Semi-finalists this year were the teams of:

The two highest-scoring teams from the semi-finals, Edgette-Rogers and McCoy-Paluch, advanced to the final round on November 15, to argue before a distinguished panel consisting of Hon. Charles S. Desmond, former Chief Judge of the Court of Appeals; Hon. Matthew J. Jasen, Associate Judge of that Court; Hon. John T. Elfin, Federal District Court Judge (W.D.N.Y.); and Prof. Kenneth Joyce, Moot Court Faculty Advisor.

Victory in the final round went to Dennis McCoy and Margaret Paluch. Runner-up awards went to Paul Edgette and Sharyn Rogers. The award for Best Oralist was given to Cathy Kaczmarek, while Best Brief awards were received by McCoy and Paluch.

The format for the Desmond Competition differed somewhat this year from previous years, as Moot Court Board conducted a tutorial program in which Desmond participants were advised by Board members on brief-writing and oral argument techniques. Chairman Carl Howard and Vice Chairman Ray Bowie both expressed



Chairman Carl Howard with this year's Desmond winners. — skinner

satisfaction with the outcome of the tutorial program and noted that the general quality of the briefs had improved measurably this year.

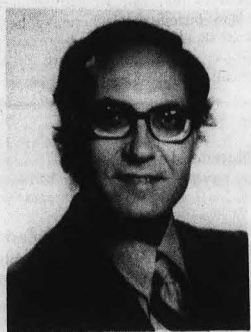
Following the final round, the 1975-Desmond Competition was concluded by a buffet dinner, sponsored by the Law Alumni Association for judges and competition participants. Selection of candidates to Moot Court Board will be done in the near future, and invitees notified by letter.

Distinguished Mitchell Lecturer Tonight

Speaking tonight at 7:30 in the O'Brien Hall Moot Court Room will be Professor Mauro Cappelletti of Italy.

Professor Adolf Homburger, in his Law Review note on Professor's Cappelletti's *Judicial Review in the Contemporary World*, (120 U. of Pa. L. R. 578 [1972]), calls him "Europe's leading authority in the field on comparative civil procedure." Today Professor Homburger, who is handling the introductions tonight, states that Professor Cappelletti is the leading comparativist in the world today in his field. This book is a "thoughtful, tightly written and easily readable study that places the [governmental] systems of the Western World in comparative perspective and describes and evaluates their leading characteristics."

Professor Cappelletti has a detailed proposal submitted to the Ford Foundation to "identify, analyze, and evaluate institutions and techniques which different legal systems have developed to meet this crisis [of court congestion, costs, fees, legal aid, etc.] and which seem susceptible of successful adaption to the



needs of other legal systems."

His speech tonight will be an extension of those ideas, seen from a comparativist's viewpoint. Mauro Cappelletti was born in Trento, Italy on December 14, 1927. From 1946 to 1952 he studied first philosophy and then law at the University of Florence, where he obtained his *Doctor Juris (summa cum laude)* in 1952. He was admitted to the Italian Bar in 1952 and clerked for Professor Piero Calamandrei, the President of the Italian Bar, from 1952 to 1954. He was awarded Research

scholarships at the Universities of Bologna (1954) and Freiburg in Breisgau, Germany (1955-57: two scholarships from the Alexander von Humboldt-Stiftung). He was a Professor of Law at the University of Macerata from 1957-1962. Since 1962 he has been Professor of Law and Director of the Institute of Comparative Law at the University of Florence. Since 1970 Mr. Cappelletti has also held an appointment as Professor of Law at Stanford University School of Law.

Professor Cappelletti has taught as a Visiting Professor at the Law Schools of Stanford (Fulbright, fall semester, 1968), Harvard (fall semester, 1969), and the University of California, Berkeley (fall semester, 1970, where he delivered the public lectures for the Chair of Italian Culture in Berkeley while also teaching at the School of Law). Together with Professors Benjamin Kaplan (Harvard Law School) and Maurice Rosenberg (Columbia Law School), he delivered the 1970 series of Cooley Lectures at Michigan University. He has lectured in

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Judge Fuchsberg Addresses Law School

Carl S. Heringer

On October 28, 1975, sponsored by Phi Alpha Delta and Distinguished Visitors Forum, the Honorable Judge Jacob Fuchsberg addressed an attentive crowd in O'Brien Hall. A prominent New York City attorney before joining the New York Court of Appeals, Judge Fuchsberg gave his personal viewpoints on the activities of New York State's highest court.

Judge Fuchsberg views the seven man court as comparable to the six man civil jury he often faced as an attorney. Just as it is important for a lawyer to be aware of the possible biases of the judge, knowing the psychology and predisposition of his colleagues makes it easier to place the right emphasis on the right issues. In one particular case, he showed how, after polling his arguments individually for each one, conceding some points, debating others on the facts or on general principles, he swayed the Court to an unanimous decision.

Continuous stress was placed on the importance of the attorney's need to be aware of the predispositions of the judges, and above all, to be totally prepared in every aspect of the case. Within the limited time allowed for argument in the appeals court (generally under thirty minutes) the attorney must be ready to change his strategy at a moment's notice, to respond to questions from the bench in a manner that is well thought out, accurate, and above all, impressive to the judges.

Allowing that "cases are human, judges are human . . .", Judge Fuchsberg noted that the viewpoint of a judge is affected by an oral presentation, even if only subconsciously; that there are no purely objective means of determining cases, and therefore, an attorney should always take advantage of the opportunity to speak before the court. Each attorney gradually develops his or her own style, so the need to imitate "great attorneys" is minimized, and reliance on ones own skills maximized.

Two types of Appellate Court procedure were discussed. There is the COLD COURT, wherein cases coming into court are assigned in

—continued on page six

ours

OPINIONS

yours

Little Insight Availed

While constructive to the extent of providing administrators with direct input from concerned students and some much-needed visibility, the recent Open Forum (see report, page 3) at best permitted discussion of obvious and isolated, albeit significant, issues rather than any appreciable insight into why such issues plague the Law School.

Reasons for the latter vary, of course, from the simple bureaucratic weight of the SUNY system, about which the Law School Administration should frankly admit that it can do little, to the more deplorable, local inertia and unimaginativeness in decision-making, for which the Administration is fully responsible.

Indeed, with the announced resignation of Provost Schwartz, there seems to have developed a certain drifting or marking of time within the Administration, with day-to-day administrative functions sustained only through the efforts of the administrative staff and the faculty committees. Elsewhere prevails an unfortunate tendency toward stagnation, both in major policy decisions and in daily administrative operations, which has at least intensified the problems cited by students attending the Open Forum.

Those students should have been given more knowledge as to proximate causes of such problems, and it is regrettable only that the Open Forum could not have provided more insight thereto. Subsequent forums, which we hope will ensue on a regular basis, may however shed light on causation and concomitant responsibility.

Dean Search

The search for a new Dean for the FLJ is advancing to the next stage. The Committee is in the process of inviting prospective candidates to visit O'Brien. The first three that will be visiting are coming in the near future. There will be others, although the exact number is yet to be determined.

These visits serve two (at least) important functions. One, of course, is the opportunity for the Committee to evaluate those who visit. However, perhaps more importantly, it gives an opportunity for the visitors to evaluate the FLJ. It is not enough for "us" to want "them." They must want us. They must feel that the position of Dean at SUNY is a worthwhile, workable and satisfying one. They must consider the faculty a body that they can communicate with, and cooperate with on a daily basis; they must find the student body an active, vigorous group, willing to work with a forward-looking administration. As that student body, we must ask ourselves, and answer, the question: Do we present such an image? We clamor for an active administration, are we willing to accept and work with one? We demand that they are up to their task; are we up to ours? We must have our answer ready soon, we might not get a second chance.

The Walls

The First Amendment to the United States Constitution protects the freedom of speech. Speech presents itself in many forms; the most prevalent in O'Brien is the poster. The ever-present, wherever-you-look poster. On the walls, on the doors, even on the bulletin boards.

The official school regulations allow notices to be posted only on specially designated bulletin boards. The powers that be do not strictly enforce this, and hence the proliferation of posters, especially around election times. In and of itself, there is no evil inherent in permitting the posters to remain. They serve a valuable service, giving notice of classes, concerts, lectures, meetings, events, etc. This paper makes use of the walls in announcing deadlines, fighting for space with everyone else.

However, as with everything else, there is abuse of the "privilege." It becomes extremely difficult to find class assignments amongst the myriad notices of politics, protest and free kittens. The same dilemma presents itself on the personal notice board.

A second problem exists with outdated notices. We can safely assume that it is no fault of the student body when the assignments board still holds notices from summer school, 1973. These boards should be taken care of on a regular basis. The walls, too, demand policing. There is no reason why posters and notices in November remain to announce things "forthcoming this September." Once the poster has served its purpose, they should be removed, even if only to leave some room for the next person's notice. It would also be nice to restrict posters and such to the brick, and not the painted surfaces. Don't leave it to maintenance — keep track of your own handiwork. And by all means, do not take this to mean that any student should take it upon oneself to patrol the halls, eliminating each and every poster, regardless of message or origin. After all, some of those things are worthwhile, aren't they? Remember, a cleaner O'Brien is up to you.

The Best Criterion

Pursuant to requirements established by the SUNY Trustees in order for the State University to collect a mandatory activity fee for student governments, the Student Bar Association will be conducting its quadriennial referendum November 25 and 26 on the question of whether the \$15 per semester activity assessment should be mandatory or voluntary.

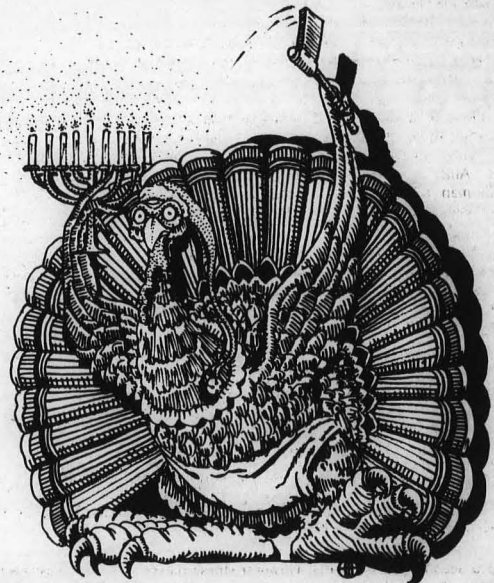
Being one of the rare occasions on which law students will directly be able to determine the amount of a University assessment and the nature of the educational opportunities available here, no student should forego the balloting on this question.

Supporters of the current mandatory fee system, in which students must support activities funded by the SBA in order to register at the Law School, note that the activity fees presently support a wide variety of activities and groups which offer law-related educational opportunities worth the while of practically every law student to some extent. Without a mandatory fee, they argue, many of these will simply cease to function on a voluntarily-funded basis.

Those who advocate voluntary activity fees reply that relatively unpopular activities should not expect forced subsidization and that those activities which are genuinely popular will be voluntarily supported by students on either a subscription or pay-as-you-go system. Others contend that a mandatory activity fee coerces students to support certain groups and causes to which they may either conscientiously object or simply lack interest in.

Good arguments do abound on both sides, but undoubtedly most voters will simply ask themselves whether the benefits they receive from the SBA and its funded activities are worth the expenditure of \$15 each semester. That criterion is, regardless of the emotional appeals on both sides of the issue, easily the best.

Happy Everything



To Everybody!

Our Policy: Please submit letters typed and double spaced or neatly printed. All letters must be signed, no anonymous correspondence will be accepted. Names will be withheld upon request. *Opinion* reserves the right to edit all submissions for length and content. Please include a telephone number, as we attempt to confer with everyone should some change be necessary.

The above policy also pertains to all columns, articles and announcements submitted for publication.

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Student/Faculty Sound-Off

by Ray Bowie

Responding to an invitation from the Administration and the Student Bar Association, approximately fifty students attended an Open Forum to avail themselves of an opportunity to question law school administrators on a variety of issues concerning students here.

The Open Forum, devised by the Administration and SBA officers, was the first such event of its sort conducted here in recent years. Provost Schwartz, Assistant Provost Fleming, Law Librarian Wenger, Registrar Wallin, and Administrative Assistants Allan Canfield and Erica Federman represented the Administration.

Provost Richard D. Schwartz, acting as Administration spokesman, addressed the assembled students with

comments on the quality of legal education available at the Law School, adding that students' general lack of self-confidence was the major problem.

With the floor opened to student questions and comments, however, other concerns were quickly raised.

Numerous questions evidenced student dissatisfaction with the Law Library, particularly the overuse by non-law students, cutback in hours, and inadequacy of photocopying facilities. Provost Schwartz promised that the Administration would investigate the possibility that restrictions might be placed on non-law student use of the Library, while Mr. Wenger pledged that efforts would be made to extend Library hours through work-study money and that eventually two photocopiers would be

functioning in the Library.

Provost Schwartz expressed his own concern with funding cutbacks in the area of Library acquisitions, which were making it difficult for the Law School to build up deficient collections wherein the School currently has only between 25% and 40% of the volumes listed by the American Association of Law Schools as constituting an adequate law school library.

Several students also questioned reductions in the availability of educational loans this year, claiming that the living expense estimates calculated by the University Financial Aid Office were unrealistically low. Asst. Provost Fleming replied that the effort this year was to keep the law student "budget" at the \$2750 figure as opposed to even lower amounts which might have resulted if medical students were

Douglas Steps Down

As we went to press, the news reached us: after thirty-six years, Justice Douglas was stepping down from the high court. Citing poor health as his reason, Justice Douglas brings to a close an unprecedented lifetime of service to the United States. Always courageous, often controversial and outspoken, he devoted his judicial career to the preservation, protection and defense of the U.S. Constitution. His influences on the U.S. legal system will be felt for decades, as will the spirit he gave to the Supreme Court. We salute Justice Douglas, and wish him long life. He has earned his place in American history.

given "budgets" higher than other graduate students. Next year, Fleming added, he will be the Law School's representative on the Financial Aid Committee and will fight for a higher living expense estimate for educational loans.

Other questions were directed to the new first year writing program, in conjunction with allegations that the program was makeshift in nature and evidenced a lack of faculty commitment to

teaching. Provost Schwartz responded with a discussion of the nature of law school teaching, the history of writing instruction at the Law School, and the burden which the previous writing programs imposed on teaching resources. The current program, he concluded, constituted an attempt to provide the instruction within the constraints of budget limitations and diverse faculty interests.



Turn of the Screw

by Chris Carty

The subject of this column is the registration procedures for Spring semester. Registration is slated to begin December 2 for third year students, and December 4 for first and second year students. However, these dates only apply to the standard computer registration. There are special deadlines preceding regular registration both for third year and first year students.

Those third year students registering for New York Practice may pick up "lottery ballots" (available as of Wednesday, November 19) at the Registrar's Office. These must be returned before Thanksgiving recess. There will be two sections of New York Practice (Homburger and Davidson). Because of the overwhelming popularity of Professor Homburger's class on this topic, coupled with the impossibility of insuring everyone a fair chance of admission under computerized registration, the lottery method has been substituted.

First year students already should have received a registration packet requiring each one to cast two separate ballots yesterday for Constitutional Law I and for Property. These results will be posted this week on the bulletin board on the third floor. The third ballot for the writing section must be returned to the Registrar's Office before Thanksgiving recess. These results will be posted immediately following the recess. First year students may then register for one or two large group electives on December 4.

Second year students have been spared a lottery and register for all courses on December 4.

At this juncture a few words about the mechanics of registration seems necessary. Each semester the following

rumors, among others, circulate among the students as the disenchanted among us get closed out of a seminar or course taught by a favorite professor:

- (1) Having a high social security number guarantees you'll get into your first choice of courses;
- (2) having a low social security number will have the same effect (depending upon to whom you talk);
- (3) third year students get preference over all other students for any class;
- (4) even if you get closed out of a course by the computer, you can get in by being "force registered" with the instructor's permission;
- (5) even if you get closed out of a course you can sit in on your first choice (despite the clear designation on your course registration card that you are registered in Section 2, not Section 1), go to the professor at the end of the semester, say you didn't know you were in the wrong section, take the exam, and victoriously beat the system; and
- (6) (this semester there is a new rumor) second year students don't stand much of a chance of getting into the courses of their first preference since they are being squeezed out either by the third year or the first year students.

I will describe the registration process as it will be carried out this semester in response to each of the above. After the lotteries have been completed, and the results posted, the registration to be done by computer will be handed in. Third year student's form will be sent by computer will be handed in. Third year student's forms will be sent classes. After the results of this first batch are known, the second and first year students requests will go

to the computer as *one batch*. First year students will not have a priority, even for the 13 so-called large group electives open to first year. However, many of the courses likely to be requested by first year students already have been taken by upperclassmen, thus, it is unlikely that first year students will get closed out of their choices. Students will get closed out of their choices. A sorting pattern based on high or low social security numbers. The effect is that for each course either high or low social security numbers will have preference for admission to the course. However, it is never known to the Law School whether high or low numbers are used, or when the sorting pattern is changed since this is done randomly.

If you are not registered by the computer offer a course, it usually can be traced to one of two reasons: a check-stop or the course was filled. To avoid the former, all bills (including library fines, parking tickets, etc.) should be paid before Thanksgiving. As to the latter, one can be forced registered with the professor's permission. However, there are always a few courses every semester for which this is not allowed. New York Practice for Spring Semester falls in this category. I do not recommend sitting in on a desired class in spite of being registered for another. It has worked effectively in the past as a means to get the classes of one's choice, but was strictly forbidden a year ago. I do not know of anyone who has tried and succeeded since then.

All second year students interested in the Simulated Law Firm (SLF) for the second semester, there will be a pre-registration taken at the Registrar's Office. The deadline will be December 2.

The following is a summary of available offerings for next semester:

COURSE	INSTRUCTOR	AMERICAN REVOLUTIONS	INSTRUCTOR	AND FINANCE	INSTRUCTOR
Coll. Bargaining in Govt.	Newhouse	Business Planning	Gordon	of Law	Greiner
Collective Bargaining	Atleson	Simulated Law Firm 1	Lybecker	Seminar in Philosophy	Franklin
Conflict of Laws	Bell	Simulated Law Firm 2	Magavern	of Law	Bell
Public International Law	Leary	Lawyer Client Clinic	Kaplan	Bankruptcy Reorganization	Girth
Constitutional Law IV	Mann		Rosenberg		
Estate Planning	Mugel		Wolfgang		
Gratuitous Transfers	Joyce		Hollander		
Federal Tax II	Joyce	SEMINARS (3 hrs.)	Karp		
New York Practice 1 (5 hrs.)	Homburger	Appellate Practice		ADDITIONAL ELECTIVES OPEN TO UPPERCLASS	
New York Practice 2 (5 hrs.)	Davidson	Internal Union Democracy	Desmond	ALSO OPEN TO FIRST YEAR STUDENTS	
Commercial Transactions II	Spanogge	American Legal History	Atleson	Administrative Law	Gifford
Securities Regulation	Lybecker	Implementation of Legal Policy	Lindgren	Criminal Procedure I	Allen
Trial Technique (4 hrs.)	Staff	Problems of Environmental Quality Law and Development	Galanter	Administrative Law	Gifford
Data Banks & Privacy	McCarty	Formal Models and Methods in Legal Process	Reis/Galanter	Evidence 2	Siemer
Criminal Procedure II	Allen	Social Legislation	McCarty	Family Law	Swartz
Debtors Rights	Girth	State and Local Tax	Albert	Labor Law	Kochery
Woman & The Law	Blumberg			Commercial Transactions I	Schlegel
Counselling Small Business	Zimmerman			Civil Procedure II	Siemer
Law in the English and				Civil Procedure II	Kochery
				Law & Social Change	Galanter
				Perspective on the Criminal Process	Hosticka

Faculty Debates Appointments

By Jack Pawlik

The Faculty meeting of November 5, 1975 was perhaps most notable for the debate centered upon the proposed offer of faculty positions to two potential candidates. This debate lasted over 3½ hours. But it was a mere symptom of a critical problem which the law school must now face: *money*.

The Dean's Faculty memorandum of October 29 forecasts a zero growth budget, "at best." A 5% cut is "not unlikely." Needless to say, this puts a tremendous strain on this law school's attempts to expand programs, improve and gain increased national recognition.

It also raises serious problems in recruiting additional faculty members. This was most clearly demonstrated at the rather lengthy Faculty meeting. Approval of offers to two candidates which only a year ago would have been almost routine has been bogged in sometimes bitter debate and dilatory tactics.

The gray train is now over. Money problems exist and cannot be ignored. Increases in law school expenditures now require strict justification and a sense of bureaucratic approvals in the SUNY system.

This dismal picture, however, is somewhat brightened by the appointment of Ms. Virginia Leary as Visiting Associate Professor for the period from January 1976 through the 1977-78 academic year. Ms. Leary will teach the basic course in Public International Law.

Other appointments, however, will be subject to further debate among the faculty members. Should the Faculty select extraordinary talented individuals over persons merely competent to teach in understaffed areas? It is this question and other equally debatable questions which the Faculty must consider in offering appointments in the new world of limited financial resources.

Earl Carrel— Where Are You?

Neighborhood Legal Services

by Howard Achtsam

After giving thought to the manner in which to describe the functions of Neighborhood Legal Services, I decided to relate the functions that I have performed there. It is not meant to be an exhaustive analysis of the functions of Neighborhood Legal Services, but is fairly indicative of the work done there, especially the work of a law student volunteer.

Clients who have legal problems and who are eligible for the services of Neighborhood Legal Services make appointments to talk to an attorney or a paralegal. Part of my job was to interview clients in order to ascertain the type of problem the client had and the factual situation of the case. In certain instances, I followed up on this interview and handled the case. The remainder of the cases were assigned to attorneys or paralegals who would get in contact with the client.

I handled cases in two ways. I usually had one or two cases that I was completely responsible for from the initial interview through its final resolution. The type of legal work involved might include preparing the necessary papers, keeping in contact with the administrative agency involved, and performing legal research. I was constantly in contact with the client in order to allow the client to be completely informed. Since the cases at Neighborhood Legal Services often deal with

administrative agencies, the case frequently moves along slowly. During the times that I had no work to do on my cases, I would be given, by the full-time staff, various tasks to perform on parts of cases. This might include researching an issue, and presenting, in an informal manner, the conclusions to the person working on the case. Very often it meant telephoning the client or an administrative agency to find out the status of the case. Law students who are not part of the Clinic of the Law School cannot argue cases before any court. Therefore, if such argument was necessary, I would get an attorney from the Office to perform the oral argument.

The type of case that comes up most often involves welfare matters. It is usually where the client has welfare eligibility terminated, or where the welfare department claims that the client owes money to the department. These cases, if they cannot be settled, often go to a fair hearing, which is an administrative hearing conducted by the welfare department. A law student is permitted to represent the client at a fair hearing. The agency's decision is appealable to the New York State Department of Social Services, and then to the courts. There are a wide variety of other types of cases dealt with by Neighborhood Legal Services. The most frequent cases, besides welfare matters, include family law, consumer protection, and housing problems.

Environmental Notes

Did you know that the garbage you throw out as waste today may be worth as much as \$5/ton as a source of energy tomorrow? Dave Finnegan, a second year law student here and formerly Director of the Solid Waste Task Force for the NYC Environmental Protection Administration, addressed the Environmental Law Society on Wednesday, November 12 on the subject of solid waste management and energy recovery. In discussing the prospect for a bullish garbage market, Dave explained how modern techniques for the recovery of energy from solid waste could bring profits to most urban areas of the country.

A large proportion of mixed municipal refuse is paper which is an excellent fuel. Applying the proper technology to the reuse of garbage as an energy source, Dave explained, could procure as much as 2½% of the total energy needs of the U.S., or enough energy to light America.

All technologies for solid waste recovery begin with an elaborate system for storing and isolating the most recoverable forms of garbage. Once "cleaned," garbage can be expected to produce 7-8,000 BTU/ton, inefficient compared to oil, but cost effective in light of the rising price of conventional fossil fuels.

Kent

Justice as Respect

On November 11, Professor Edward Kent of the Philosophy Department of Brookley College, (C.U.N.Y.) presented a lecture entitled, "Property, Person and Justice." The focal point of the presentation was whether an affluent society in the name of efficiency, and traditional concepts of property, can deny basic human needs to people without becoming a fascist political system. Prof. Kent began by stating that the underlying principle of such regimes as Hitler's Germany, or the Soviet Union under Stalin, was to deny that particular individuals were people. In this way genocide could be justified as an expediency to protect the interests of the society as a whole. Consequently Prof. Kent establishes his concept of justice as respect for the claims and demands of persons, persons being defined as "a human being possessing certain mental capacities and endowed with fundamental legal rights and powers."

The question then presented was, how does this system of justice differ from the one established by John Rawls' "A Theory of Justice?" Mr. Rawls' concept of justice as fairness, is based on two major principles. These are: 1) equal liberty, dividing up the pie in equal pieces so to speak. To justify this premise Rawls relies primarily on Rousseau and Kant as representing traditional social contract theory, and upon procedural due process, 2) the difference principle, which means that primary goods and benefits can be distributed in a discriminatory manner where such a distribution has the effect of benefiting society as a whole. What Rawls was really describing was the social welfare society of the 1930's here in America. Such a conceptual scheme could work only with a steadily rising GNP since the poor would receive greater benefits, even though other parts of the society were more affluent, i.e. the discriminatory distribution of benefits was serving society as a whole. This analysis has become increasingly suspect as the American economy falters. The burden of bearing cutbacks falls disproportionately upon the poor, without any indication that the whole society is benefiting. The underlying fault of justice as fairness is the confusion of self-respect with economic benefit. Prof. Kent distinguished self-esteem (the worth one gives oneself) from self-respect (the attention or respect a social system is to give any individual). An example of this distinction would be a defendant in a criminal trial who has little self-esteem, however, the judicial system should treat him no differently from any other defendant.

Respect for person then is the basis for Prof. Kent's system of justice and property rights. Hopefully a progressive society will give to each person the opportunity to live at least at basic productive levels. Prof. Kent did not draw any ground requirements due a "person." However, one thing was clear to him: that a society where 1,000,000 infants face the real possibility of brain

Techniques vary from the established use of water wall incinerators (but with problems of high cost of air pollution control and inefficient energy production) to elaborate methods of pyrolysis, a process of burning oxygen to heat garbage to such a degree that methane, a clean gas, is produced. Locally, there are competing proposals for new technology solid waste conversion plants by Hooker Chemical Co. and Niagara Mohawk for Erie and Niagara Counties.

A number of problems stand in the way of the advancement of resource recovery from its present experimental stage. Foremost seems to be the lack of federal monetary commitment. While local governments will spend up to ½ their environmental budget on waste collection and disposal, the feds are spending 10 cents on solid waste for every \$10 on water pollution. Another problem is the inequitable tax treatment of secondary materials in relation to virgin materials, the latter subject to tax credits in the form of depletion allowances while no such incentive for the use of the former exists. Finally, excessive use of packaging materials could be made the subject of administrative regulation in order to ease the strain on the ever increasing mounds of municipal garbage.

—Howard Rosenhoch



—skinner

damage due to malnutrition (N.Y. Times 11/1/75), or where from 1965 to 1967 (the last reported years) the Federal Government extracted from New York State \$7.4 billion more than it spent there, while feeding the Military Industrial Complex coffers of the South and California (monetary figure is based on an article by Seymour Melman, N.Y. Times 11/1/75), such a society cannot survive basing such inequities on notions of managerial efficiency and independence. Such slogans obscure what is in truth the abdication of the Judeo-Christian and also Marxian concept of social responsibility irrespective of one's place in the economic order. (Notice how the A.M.A. forestalled medical services to the poor in the name of preserving the doctor-patient relationship).

It is Prof. Kent's contention, that more than the monied class, it is the legal community which allows for the lethal system of maximization of profits to continue unmoled. For what are Gerald Ford, Richard Nixon, or John Mitchell but attorneys. It is the responsibility of the legal profession to stop the overreaching of the doctrine of plant efficiency where the results are genocide, and to redirect revenues and benefits so that human dignity does not take a subordinate role to badges of wealth. To be sure, much of this work needs to be done in the political rather than legal spheres, but it is the obligation of attorneys to increasingly expand American consciousness to include the broad notion of respect for person as being of paramount concern.

The Brooklyn Side

by Carl S. Heringer

It was only a matter of time. How long, I asked myself, can I refrain from mentioning the plight of New York in this space? How long, before those years of stoopball, stickball, boxball, freezetag, ring-o-leeveo, bright lights, dark streets, crowded streets, stores, cars, tall buildings, old buildings, new buildings, strange places, friendly places, friendly faces, strange faces, languages... how long before all of this welled up out of my dreams (nightmares?) and cried out to the world — HELP!

Read what John Steinbeck said about New York City, in 1953. It's still true today. He talks of a young man from a small town, a big fish in a little pond. He goes to The City, (always capitalized) and can't even make a ripple. He goes unnoticed, defeated by the very mass alone. Until,

"...one day he falls into place, accepts the city and does not fight it any more. It is too huge to notice him and suddenly the fact that it doesn't notice him becomes the most delightful thing in the world. His self-consciousness evaporates. If he is dressed superbly well — there are half a million people dressed equally well. If he is in rags — there are a million ragged people. If he is tall, it is a city of tall people. If he is short the streets are full of dwarfs; if ugly, 10 perfect horrors pass him in one block; if beautiful, the competition is overwhelming. If he is talented, talent is a dime a dozen.

"I don't think New York City is like other cities. ... it is everything. It can destroy a man, but if his eyes are open it cannot bore him.

"New York is an ugly city, a dirty city. Its climate is a scandal, its politics are used to frighten children, its traffic is madness, its competition is murderous. But there is one thing about it — once you have lived in New York and it has become your home, no place is good enough."

New York City is the place you love to hate. If you're a native, say what you will. If you're not, then shut up, for I'm always



— scott speed

ready to stand up and defend my birthplace.

For decades the nation accepted untold millions of immigrants, welcoming them through New York City, offering them rest, food and a new life. New York City was always there, ready to help. Everyone smiled, and said "Isn't America wonderful." They really meant "Isn't New York City wonderful," for New York City was doing almost all of it. The entire nation took credit when the City was "good." Now no one cares enough to raise a helping hand (and a helping dollar).

This isn't a plea along the usual lines, i.e. N.Y.C. default = N.Y.S. default = U.S. economy collapse, although that is a factor to consider. Rather, this is an emotional call to alms. New York City is an integral part of this nation's, and the world's, history. It is bigger, brighter, lighter, and yes, darker, than any that has gone before it, or any that we are likely to see again. Are we really so willing to cut loose such a structure? For too long the nation has asked, What can New York City do for me? It's time to ask, What can we do for New York City?

Notice to Students

From: Cathy Novack, Treasurer
Re: Fee Waivers — Reinstated

Pursuant to the Office of Student Affairs' reading of the Trustees' Guidelines, which control mandatory student fees, fee waivers are now available for the '75-'76 year.

Fee Waiver Procedures and Applications are available in the SBA office (Room 113) as well as from the Third Floor Registration Desk. The guidelines by which a recommendation for acceptance or rejection of the fee waiver will be determined, are as follows:

- Applicant has loans outstanding as follows:

1st yr. student	\$ 7,500
2nd yr. student	9,000
3rd yr. student	10,500
The fee will be waived.	
- Applicant has minor dependents and those dependents have been issued a medicard. The criterion being if the applicant has a total income of less than \$4,200 for a family of three, this is considered financial hardship and the fee will be waived.
- If the applicant has a special problem causing hardship, evidence of such problem is to be presented to the SBA Budget Committee which, after verification, may waive the fee.

The Deadline for filing fee waiver applications is November 30, 1975 for the Fall '75 semester and by February 15, 1976 for Spring '76.

Note: If your fee has been paid, you may still receive waiver which would simply entail receiving a credit for the \$15.00 from the Bursar.

END OF THE BAR

by Jeff Chamberlain

Upstarts and Anachronisms

"The presidency is the greased pig in the field game of American politics. It is held by the leader of a small group of men of whom — and of whom only — it is positively known that immense numbers of their fellow countrymen did not want any of them for President."

— Ambrose Bierce

Things — in case you haven't noticed — are somewhat boring around here. As a result, I have been reading newspapers, which I normally avoid. There are only two subjects in the newspapers, the imminent financial collapse of New York City, which is important and hence uninteresting, and the American presidential sweepstakes, which is trivial and hence amusing.

Gerald Ford will be the Republican candidate. He is a McKinleyesque statesman, who shrinks from the distinction of public life and diligently seeks the honorable obscurity of public office. Mr. Ford's qualifications for the job are impressive. In addition to not being female, black, or otherwise incapacitated, he has fallen down the ramp of an airplane; been in a car accident involving a teenager who ran a green light; tripped over a man in a wheelchair (causing the secret service to assault a ten-year old boy carrying a small American flag); cut his head by banging it against the roof of an airplane; fallen down while trying to walk over a level, dry surface; and who has learned the preferred pronunciation of the word "judge-a-ment." In his politics, Mr. Ford is forthright and humane. "I strongly support the feeding of children," he said about the school lunch bill.

Ford's only real Republican competition is Ronald Reagan, an out of work actor with (sometimes) orange hair. Politically, Reagan stands slightly to the right of Edward the Confessor, which has enamored him to large numbers of sensitive, intelligent and sophisticated American voters. Mr. Reagan is a good public speaker; even bad actors learn to memorize lines. Unfortunately, his memory span is only about 50 minutes — if the speech or discussion lasts longer than that, Reagan sounds like Ford. Jimmy the Greek makes Reagan's chances for the nomination 4-1 against. Undaunted, the present Mrs. Reagan, who did not "used to be in" "Father Knows Best," was overheard in a supermarket explaining the exact differences between gowns appropriate for the wives of presidents and vice-presidents.

Since Mr. Ford is currently the president, he is known as the incumbent. There are a whole slew of outcumbents, who are known (individually) as Democrats and (collectively) as The Greatest Show On Earth. Most of them are merely stupid, though some of them have the distinction of silliness. None of them has, to my knowledge, the natural equipment to accomplish some small part of the baser ambitions which distinguish able men from dead ones. This is why they are Democrats.

First and foremost among Democratic candidates for president is Senator Edward Kennedy, who is not a Democratic candidate for president. If this statement strikes you as odd, you are in the minority; if the statement does not seem odd to you, then you have rare insight into the workings of American politics.

Birch Bayh is running. Senator Bayh was asked to speak at the NOW convention. He got tired of waiting for those fractious women to elect their own officers, and left. As he was leaving, the *Village Voice* reports, a "jocose sister clutching a poster of a fat man with a small penis and a bald head" asked about his "links with Wesson oil."

Scoop Jackson is a thinking man's Dr. Strangelove. Jimmy Carter is a nice guy who's been in over his head since he quit peanut farming. Fred Harris drives a Winnebago. He also advocates breaking up large corporations, which may explain why he drives a camper. He is no relation to Ladonna Harris, who is described as a Commanche Indian and a strong proponent of women's rights. She is generally conceded to be an underdog. Milton Shapp is or used to be the governor of Pennsylvania, which is all I know about Milton Shapp and which is a piece of information I could easily have lived without. Terry Sanford fancies himself the Dwight Eisenhower of North Carolina. Morris Udall would enfranchise the fauna and flora, for which he has gained a following mostly of eagles and elm trees. Sargent Shriver is a nurd. George Wallace can't walk, hear, or think. Any liabilities imposed by the first two may be outweighed by the appeal of the last: he is, after all, the "people's" candidate. Hubert Horatio Humphrey is running.

If you wonder how the democrats could possibly choose from among this sterling collection of international statesmen, recall that they always do. But by so choosing, they will overlook the one man whose obvious qualifications for the office of president are simply compelling. This newest entrant to the field is one George Roden, of Waco, Texas. Mr. Roden is a minister, and the vice-president of the Davidic Levitical Institute. He is a declared candidate for the Democratic nomination for President of the United States; his name is filed with the Federal Election Commission. Here is an excerpt from his platform: "If I am elected president, the space program will increase to the point that space travel between Europe and America and elsewhere will be as extensive as jet travel is for transcontinental flights, if not more, eventually... In addition to space travel, I have an invention to prevent air crashes caused by failure above 5000 feet."

Apologies:

In the last issue of OPINION, credit for Ray Bowie as author of the Law School History, was omitted. Sorry about that, Ray.

BLP:

Members Testify for State Legislature

On November 18, 1975, four members of the Buffalo Legislation Project testified before a Joint Session of the New York State Senate and Assembly Committees on Consumer Affairs and Protection on the subject of credit reporting.

The four BLP members, Leslie Haggstrom, Alan Lichtenstein, Morgan Seeley and Ira Wiesner, are presently researching and analyzing practices in the credit industry and possible remedial legislative action under the auspices of Pat Marinelli, the Administrator of the Assembly Consumer Protection Committee.

The major focus of the project has been to analyze abuses against consumers caused by various industry practices. These practices may involve the accuracy and the scope of information which is collected, stored and disseminated in the industry.

The Federal Fair Credit Reporting Act has had some success in its attempt to deal with the issue of accuracy in credit reporting. However, little if any legislation has been enacted which insures that the

consumer's right to privacy is being protected.

The issue of privacy is the primary concern of the New York State Legislature. Some of the abuses taking place involve the collection and virtually uncontrolled dissemination of hearsay reports known as "raw files." These files have dealt with an individual's drinking and sexual habits, political and social affiliations and other at best questionable data used in the granting or withholding of insurance, credit and employment.

The Buffalo Legislation Project is currently preparing to attend another set of legislative hearings in February. The BLP is pleased to be able to offer its members the opportunity not only to research and draft legislation, but also to play a greater role in securing its enactment. The Project plans to maintain its expanded role in the legislative process.

Membership applications for the BLP are now being accepted from second-year students. Anyone interested in BLP activities should stop by the new BLP office in rooms 643 and 644 on the bridge between O'Brian and Baldy Halls or call 839-2494.

Law Day Conference

On Sunday, November 9, the Puerto Rican Law Students Association sponsored its first Law Day Conference. The purpose of the event was to encourage more Puerto Ricans to apply to UB Law School in view of the drastic reduction in the number of minorities attending professional schools.

Mr. Julio Garcia, the only Puerto Rican practicing attorney in Western New York, gave a presentation on his experiences in practice, particularly his relationship to the minority community.

Moderator and president of the Puerto Rican Law Students Association, Raul Figueroa, brought home the need for Puerto Rican lawyers by stating the results of various nationwide surveys. Carlos Rodriguez, a senior law student, spoke on the admissions policy — presenting a step-by-step analysis of a prospective minority student's

The other participants were Nilda Pabon, a senior, and freshman Rosivette Morales. Aside from answering general questions relating to law school, Ms. Pabon and Ms. Morales dealt with issues concerning the role of minority women. Other topics discussed included: the repercussions of *DeFunis*, skills needed in the legal profession, the future of the job market, and financial aid.

The PRLSA wishes to express its gratitude to the members of the UB undergraduate organization "PODER" and the State College Association "ADELANTE" for their support and contributions.

Land Resources Management for N Y State

During the weekend of October 24-26, the Environmental Planning Lobby (EPL) held their Fifth Annual Convention in Canandaigua, New York. EPL is a non-partisan coalition which has been working for sound environmental legislation and its effective administration in New York State since 1969. EPL has two basic functions: (1) it employs a full-time lobbyist in

Albany in order to provide public officials with continuing research and information on environmental issues: (2) it provides the public with information on environmental events in New York State by publishing a monthly newsletter and an annual New York Environmental Voters Guide.

The convention theme was "Land Resources Management for

New York State." Two panel discussions provided a framework from which to explore more specific issues, which participants had a chance to deal with in more depth in small workshops. The first panel, entitled "Current Trends Shaping Land Use Policies," included consideration of the increasing Federal role impact on land use decision-making, the impact of

new regulatory mechanisms of single-purpose legislation (centering on the Tidal Wetlands Act, the Freshwater Wetlands Act, and the Adirondack Park Agency Act), the increasing role of the courts in affecting land use policies, and the progressive land use trends in other states. The panel was moderated by Ted Hullar, Deputy Commissioner, NYS Department of

Environmental Conservation (DEC). (Mr. Hullar was former head of the Erie County Department of Environmental Quality).

The second panel discussion, entitled "Land Use Planning Alternatives for New York State", focused on the Coastal Zone Management Critical Resource Area Designation, and the Land Resources Management and Local Assistance Act, a study bill introduced during the 1975 legislative session by Herbert A. Posner, Chairman of the NYS Assembly Environmental Conservation Committee. Mr. Posner, a member of the panel, discussed some of the timely questions motivating his study proposal, including how conservational and development interests can best be reconciled, and how the objectives of full disclosure, maximum participation, and expeditious review can be achieved in land use decision-making. Posner said the main goal of the bill is to assure that the future growth of the state proceeds within the framework of an effective planning process and is guided by legislatively approved statewide goals and policies directed to land use and taking into account all relevant physical, social and economic development factors. Senator Bernard C. Smith, Chairman of the NYS Conservation, Recreation and the Environment Committee, also participated in the panel.

Workshops following the panel discussions were intended to shape EPL policies in various areas. Subjects included Citizen Suits, Environmental Education, Bikepath Legislation, Water and Air Resources, Forest Preserves and Parklands, and Returnable Containers.

On Sunday, the convention concluded with a panel discussion entitled "New York State Energy Policy: What are the Alternatives." The Panel included a representative from DEC, NYS Public Service Commission, and a public utility representative.

by the Environmental Law Society

Fuchsberg . . .

—continued from page one

rotation. Each judge is given a particular case, and is required to give a report on that case to the others; in a sense, a preliminary opinion. When a case comes up for argument, you can tell which judge was "on" that case by the questioning. Each judge would have only a superficial knowledge of the other cases. It would take several weeks for the reports to circulate, and to reach the decision stage.

The method that is gaining in popularity, and is now in use in New York State, is the HOT COURT. Every case (briefs and records) must be filed three weeks before term, and they are given to all seven judges. Seven arguments are generally heard each day while in session, and none of the judges knows which case is "his". After the orals, the judges retire and draw their case by lot. Work begins that night, since the next morning brings a conference wherein each must be prepared to orally present it to the others — the issues, principles, recommendations, and reasons. Each judge then gets an opportunity to offer his arguments on that case, based on his intensive three weeks of preparation before the court calendar began. Note that this is repeated each day as the cases are presented, so that full performance is required from every judge, every day. Naturally, each judge *must* be well versed in every case, as opposed to the other method of review.

The brief serves as the major item in the judge's attention, and must be complete, to make sure that every aspect of the case is brought to the court's attention. The trial record serves as a research source, and the oral may be insufficient to cover every issue that the attorney wishes the court to consider.

Judge Fuchsberg stated that the legal profession is the most crucial one is today's society, if society is to keep its values, as the influence of church, home and family diminishes in importance. He pointed out the law-oriented "revolution" that has taken place in the past few years, the inroads made in the rights of women, children, incompetent persons, the military, the environment, changes in "every direction you might go." Reiterating that the leadership of our profession will help determine the direction of society, the Judge pledged to speak out publicly on issues that are important and warrant discussion. The law must be sensitive to the needs of the society, to legal values, or it will be unduly subjected to pressures from without the legal community.

Commenting on the problem of the inadequacy of counsel in too many cases (citing that one third of the cases that are lost due to inadequacy) and pointing to the need for rules to set aside verdicts on this ground, he stressed the need for further education on the part of



—glick

an attorney before becoming involved with advocacy proceedings. There are too many instances where the lawyer displays his lack of preparation, insight and dedication to his cause. The integrity of the legal profession in New York State has lasted for two hundred years, and it must continue to exist.

Many of the questions following the well-received address concerned the then upcoming elections, and the various amendments on the ballot concerning the court system. Several touched upon upcoming cases, which of course he could not comment upon. In all other instances, then and during the reception following the talk, the Judge was candid and receptive to each student and faculty member he addressed.

Criminal Justice Training Program

Starting Spring Semester, Carl Hosticka and Richard Schwartz will head the new Criminal Justice Training Program. This program, proposed to run concurrently with the three-year law program, will focus on training the new attorney to be aware of problems in the criminal justice field, and to be capable of handling such problems. Upon graduation, those involved will receive some recognition of their special expertise.

An excerpt from the official plan outline best describes the program:

In a period when the problem of crime has become a major public concern, the criminal justice system in America is characterized by neglect, inefficiency, and corruption. Efforts at improvement have been undertaken by lawyers acting both in their traditional capacity as advocates and judges, and in newly developing roles as policy-makers, researchers, and administrators. To prepare lawyers to contribute to these efforts more effectively, we have developed and implemented a coherent program for law students who want to gain an in-depth understanding of the criminal process in anticipation of careers in either the conventional or developing roles.

The program is conceived to be a systematic and comprehensive program of instruction designed to provide law students with:

(a) the understanding and skills to participate effectively and creatively in the criminal justice system, by providing a conceptual understanding of the social, political and legal aspects of the criminal justice system, from the varying perspectives of the practicing lawyer, the policy and decision maker, the change agent of various types, and of persons and families caught up in the criminal process.

(b) the skills and techniques necessary for the practitioner to function effectively as prosecutor or defense attorney within the system, from practical preparation to post-conviction remedies, including the services required to assist the ex-offender in his readjustment to society; and

(c) the tools essential to facilitate constructive change in our system of justice, not only by the traditional practitioner (who plays a unique role in the American legal system in proposing and implementing change in the system) but also by those lawyers performing newer functions in government and private planning agencies, foundations and the like.

This program envisions a sequential mode of instruction spanning the three years of the professional program, including theoretical exploration, field observation and research, and guided action as a participant in the criminal justice system. It will follow established models of experiential learning with sequenced periods of conceptual development, experience, reflection and conceptual refinement, and action. Thus students in the first year will receive instruction in doctrinal analysis of criminal

law and criminal procedure plus conceptual models of the criminal process developed by the social sciences. This will be followed by a period of observation and research on the criminal process as it exists in Western New York during the summer between the first and second years of law school. A seminar in the fall semester of the second year will be offered to provide an opportunity for reflection and conceptual refinement of the social reality of the criminal process. During the second year, students may deepen their understanding of legal doctrine by taking an upper-class seminar concerned with aspects of the criminal law. They may also begin a period of guided participation in simulated or live client representation in criminal matters. In the third year, students will be given the opportunity to apply their acquired conceptions and skills to an identified deficiency in the criminal justice system, either through senior seminars or independent studies. They will also take a second regularly offered upper-class seminar devoted to analysis of legal problems of the criminal process.

The first cycle of the program consists of a formalization of the experience of the

regularly offered course in Criminal Procedure as a follow-up to the required course in Criminal Law offered in the first semester. In the fall semester, immediately following, students will be offered a seminar similar to that offered this fall which will focus on the experience of those who participated in the observation stage. Students will share their findings with others and attempt to reach a comprehensive understanding of the criminal justice system as it exists in the social context - and reach for recommendations for reform that will be both realistic and effective.

NON-COURSE OFFERINGS

The organizing focus for non-course offerings will be the summer period of observation and research. No later than the opening of classes for the spring semester, students will be notified that funding for summer research is available. Students who have ideas for researchable topics and field meetings will be invited to propose topics for study on their own initiative. In addition, we are meeting with persons working in the criminal justice area to

the program. One or more faculty members will then set up meetings with all the students whose proposals survive this initial screening to suggest directions for revising proposals which will be resubmitted for final selection.

We anticipate that the final selection of projects will be made before the middle of March, at which time those students whose projects have been funded will be expected to attend a continued series of not-for-credit meetings, receiving instruction in the methodologies of field research. During this period, negotiations for specific access should be completed and research designs perfected so that, after a brief period of respite following final examinations in May, students will be prepared to begin field work at the beginning of June.

As in any good research project (whatever the subsequent focus of inquiry), the first two to three weeks of the research period will consist of familiarization with the field setting. This consists of essentially ethnographic observation of the activities, social organization, conceptual framework, and specific language of people who live in the social milieu which is being studied. This is a necessary preliminary for any research ranging from controlled experimentation to continued ethno-linguistic study.

During the summer, weekly project meetings will be held, at which time we will give further instruction in research methods, and begin instruction on data analysis and presentation so that the fall course may be devoted exclusively to considering student findings, models of the criminal process, prospects for reform, and processes of policy formulation and implementation. Faculty members with expertise in field research methods will be available for consultation throughout the summer research period. The fall semester seminar will follow the outlines of that being presently offered with the exception that data analysis and computer usage will not be included, having been offered during the summer.

LATER STAGES OF THE PROGRAM

In addition to upper-class seminars which deal with aspects of the criminal process, we will propose ways in which students may get experience as active participants in the criminal process, both through clinical experience as legal practitioners and through efforts to introduce policy change in the criminal area. The details of these efforts have not yet been worked out, pending resolution of several issues with the clinical program; and pending a determination whether student projects may yield recommendations for reform that can be pursued within existing institutional constraints. As these issues are resolved, we will submit a proposal for the latter phases of the Criminal Justice Specialists program.

The box insert gives more information on the schedule of the program, plus requirements for entry. Further information is available from Mr. Hosticka in Room 518.

Fellowships for Summer Research

Twenty Fellowships of \$1000 each will be available to students for field research and observation on the Criminal Process during the summer of 1976. Preference will be given to first-year students, but second-year students with strong interests in this field are encouraged to apply.

Recipients will be expected to enroll in the Perspectives on the Criminal Process course offered in the spring of 1976, and Research on Criminal Process seminar offered in the fall of 1976.

Proposals are due by February 5, 1976 and awards will be announced on March 1, 1976. Students who wish to apply for Fellowships may discuss their ideas with Carl Hosticka (Room 518) at any time. Instruction on methods of field research will be offered to recipients following the announcement of awards.

past year with an addition of a course on Perspectives on the Criminal Process. Some changes in the timing of processes are proposed to provide for greater lead time in the formulation of proposals, the negotiation of access, and the preparation of students in research methodology. The courses described below will be offered as a package with the expectation that students entering the program commit themselves to taking the full sequence. In addition, students will be offered the opportunity to participate in non-course experiences, primarily a summer devoted to observation and research into the criminal process. The proposal can thus be divided into two portions, (a) formal courses, and (b) non-course offerings. Any student not in the program will probably be able to register for individual courses of interest..

COURSES

Beginning in the spring semester of their first year, students will be offered a course on Perspectives of the Criminal Process which will deal with a description and analysis of the criminal process in its social context. In addition, students may take the

identify subjects which we and they feel may be appropriate for student research and helpful to policy makers. We will offer these subjects and suggested research topics to students who might be interested in participating in the program, but who have not clearly formulated a subject of research concern.

Beginning at the start of the spring semester, we will hold a series of not-for-credit meetings at which faculty members and persons knowledgeable about the criminal justice system in Western New York will discuss the functioning of the system, highlighting areas of concern which might form the basis of research projects. We will also discuss the summer program, utilizing the proposal process, the criteria for the selection of projects to be funded, and suggested formats for submitting proposals.

All students who desire to participate in the summer's activities will have to submit a proposal by the middle of February, 1976, outlining their interests and proposed topics for observation and research. A faculty committee will meet to review these proposals, rejecting any that are clearly incongruent with the focus of

Our Grade Reports on SLF courses were confused. Each line of Grades was shifted one row up. To get the correct reading, please adjust lines accordingly.

Reflections on Abortion

by Hoawrd Stirling
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Abortion has always been with us and probably will always continue to be with us. Intertwined in abortion are legal, medical and moral considerations, from both an individual and societal vantage point. This article will begin where the recent SUNY at Buffalo Abortion Symposium left off, and will attempt to explore the moral arguments made surrounding abortion, ending with a practical approach to solving the moral dilemmas involved.

Indeed, throughout the centuries, the legality of abortion has been a function of the moral beliefs and medical technology of the society then in existence. Thus, in the nineteenth century, as the medical profession organized itself, it determined that preserving all life was the profession's moral obligation, and in the context of a medical

technology that had no antiseptic surgery nor any antibiotics, there could be no choice but for doctors to actively promote restrictive anti-abortion laws which resulted in the passage of anti-abortion statutes throughout the land. During this century, medical technology has advanced to the point where abortion is safer than childbirth. Historical research has additionally disclosed that the medical profession's ethic of saving all life, including a fetus', originates with a few of the followers of Hippocrates ("nor shall I procure any woman pessary for abortion"), and that even in ancient Greece many in the medical profession favored the right to abortion. Therefore, currently, the balance in this society has shifted, and functionally the law since *Roe v. Wade* reflects this, by now permitting abortion.

Thus on closer inspection, there may exist a prevailing view on abortion, but there will always

be a minority strongly dissenting. Therefore even after *Roe v. Wade* was decided, the controversy rages unabated. As Justice Rehnquist said, "Even today when society's views on abortion are changing, the very existence of the debate is evidence that the "right" to an abortion is not so universally accepted as [*Roe v. Wade*] would have us believe." As a result therefore, there may never be a satisfactory answer to the abortion issue. Furthermore, the more one looks at the complex multifaceted parameters involved in abortion — from the sophisticated moral arguments made to the technical medical literature available — the more one is left heavily laden with doubts, and as such, is very apt to respond by allowing pre-existing biases to resolve the issues, thereby dispensing with the original need to examine the issue carefully.

Dr. Bernard Nathanson has accurately expressed that

somewhere between the opposed camps and their bandwagon of slogans lies the agonizing truth that "we are taking life, and the deliberate taking of life, even of a special order and under special circumstances, is an inexpressibly serious matter." Indeed, as far back as 1871, the A.M.A.'s Committee on Criminal Abortion recognized, "We had to deal with human life. In a matter of less importance we could entertain no compromise. An honest judge on the bench would call things by their proper names. We could do no less." For it cannot be denied that even by the strict Harvard Death Committee's criteria of death, a fetus is not a dead thing, but is quite alive, in that it responds to pain, has deep reflexes, moves spontaneously, and has EEG wave activity. Accepting then the cold proposition that abortion is the taking of potential human life, the question remains whether abortion is morally justifiable or

not.

The pro-abortionists persuasively argue that abortion is morally justifiable because through it untold women save the agony of bearing unwanted children. From another perspective, abortion is a right, a moral right as a woman to control her own body the way she wants (as she does in other medical procedures). Furthermore, on humanitarian grounds, it is the quality of life that predominates, and to bear unwanted babies will only further increase the incidence of battered and/or functionally retarded children in this country.

The anti-abortion response on a moral plane is also clear and emphatic. Abortion is the taking of life or it is not; if it is, simply stated, abortion is not justifiable. Abortion is not morally justifiable because (1) it is wrong to kill, period, and (2) no one should be qualified to determine the fate of a living being. Logically the moral right to life lays the foundation for all other constitutional rights. Therefore, "those who argue for the unborn's

right to life are arguing not only for the right to life of the unborn, but for the right to life of all" — including the mentally ill, the genetically imperfect, and even the unresponsive comatose. Seen in this framework, the mother's moral right to control her own body bows before the sanctity of another's equally valid right to life. Furthermore, the quality of life can have no meaning unless life already existing is allowed to continue to exist, because quality of life cannot exist apart from a strict moral adherence to the sanctity of life itself. The failure to respect the moral claim of the right of life of a fetus debases the very essence of our humanity." In this light abortion differs from all other medical procedures, in that it alone demands the death of another, and as such is unacceptable. As well, the unwanted child argument and the resulting increase in population argument are being politically manipulated by the pro-abortionist to exploit the over population problem. The solution lies not in reducing the number of people, but in reducing the number of problems. Thus, if a woman bears a child against her will, then society must act responsibly and provide that child with loving parents. The alternative of actively reducing the number of people by abortion, constitutes condoning genocide.

If these moral arguments seem inseparable from political positions, and merely serve to couch the biases of both sides in more palatable moral sounding terms, one is probably correct. One is also correct in observing that there can be no moral answer. However, this does not

—continued on page twelve

Nuclear Power

Environmental Impact Questioned

MARVIN RESNIKOFF SPEAKS
ON THE WEST VALLEY NUCLEAR
REPROCESSING PLANT CONTROVERSY

Tuesday, October 21, Marvin Resnikoff, a physicist working as a full-time staff person with the New York Public Interest Research Group (NYPiRG), spoke at the Law School on the current status of Nuclear Fuel Services (NFS), the world's first commercial nuclear reprocessing plant, which is located in West Valley, New York, (about 30 miles from Buffalo). NFS, a subsidiary of the Getty Oil Company, accepts wastes from nuclear reactors and separates the useful uranium and plutonium from other fission products, supposedly for reuse. The facility closed down in 1972 to expand its operations. It has applied to the Federal Nuclear Regulation Commission (NRC) both for a full-term 40 year operating lease and for permission to expand capacity by 250 percent. By law, hearings must be held before the NRC before such permission is granted.

Mr. Resnikoff has represented the Sierra Club, the first intervenor in the hearings, since April 1974. The Sierra Club intervened because it feels that the plant poses significant hazards to both its workers and the surrounding environment. The Club was the first to document instances of a lack of worker safety precautions and uncovered the questionable practice of bussing 18 year olds to the plant. These teenagers worked for a week-end, often with no safety preparation, received high radiation doses, and then were released by plant officials. The Sierra Club also contends that the plant poses hazards to the surrounding air, land, and water by discharging radioactive liquids and gases. At the Club's instigation, the State Attorney General's Office, the State Department of Environmental Conservation, and the Erie County government have also intervened in the hearings.

Several crucial hearings will be held in the future, according crucial one in today's society, if society is to keep its values, summer, the State Department of Environmental Conservation (DEC) denied NFS a liquid discharge permit for both the present and the proposed enlarged NFS facility. According to the State, reasonable assurances could not be provided that state and federal water quality standards could be maintained. NFS has appealed this denial, and hearings will take place this December before the Judge pledged to speak out publicly on issues that are important and warrant discussion. The law must be sensitive to the needs of the society, to legal values, or it will be unduly subjected to pressures from outside Federal Water Pollution Control Act states that NFS cannot obtain any federal license or construction permit. This would, in effect, put the company out of business.

Another expected hearing concerns the high-level waste tanks. The high-level wastes (such as strontium, cesium, and ruthenium), primarily the products of the fission process, are presently being stored in large tanks on the premises in West Valley. The tanks have an average useful life for 43 years, but the wastes will remain toxic for tens of thousands



—skinner

of years. The hearing before the NRC will decide how to solidify the materials and remove them from New York State. The hearings will also explore the environmental consequences and the costs of this operation, which may run over \$54 million, according to Resnikoff. The question of who picks up the tab — NFS, the state, or the federal government — remains unsettled. As might be expected, everyone is disclaiming responsibility.

The construction permit hearing will not take place this fall, when it was originally scheduled, so that the NRC will have more time to consider the more general question of whether it is safe to recycle plutonium. A determination of this question was made necessary by the decision of the Federal Council on Environmental Quality that the NRC "environmental impact statement" did not adequately deal with the issue of the safety of plutonium, including important questions of societal impact (e.g. the social ramifications of the presence of armed guards at nuclear power plants, or submitting reactor employees to lie detector tests to make sure that no plutonium leaves the facility, etc). If the NRC decides that plutonium use is unsafe, there would be no need for NFS since its prime function is extracting plutonium from the spent fuel rods transported from reactors around the country. A decision on this general question relating to the toxicity and safeguards for plutonium will not be forthcoming until 1978, and the NFS construction permit hearings would probably proceed after that time.

Anyone having further questions about NFS should contact Marvin Resnikoff at his NYPiRG office in Norton Hall (831-2715), and should also contact the Environmental Law Society regarding specific projects.

submitted by the Environmental Law Society

Fee Controversy to End With Next Week's Referendum

by Cathy Novack

On Monday and Tuesday, November 24 and 25, the SBA will conduct a referendum to determine the law school's policy on the student activity fee for the next four years. This is really a major issue and much information needs to be communicated so that each of you can vote out of conviction rather than rumor. Consequently, this article may be a bit long and even tedious but as your Treasurer I feel obligated to pass on all the information I have to you, so please read on!

According to the SUNY Board of Trustee Rules and Regulations, Sect. 302.14, a referendum must be held every four years to determine the policy on student fees for the next four years. Such a referendum was to have been conducted last year, but the University had it postponed until this year. Thus, for the past five years, the law school has had a \$15.00 per semester mandatory fee. The required referendum is not on the amount of the fee, but whether it is to be Voluntary or Mandatory. Since we now have a mandatory fee, let's first discuss exactly what this entails.

MANDATORY FEE - most important is the fact that the University, through the Bursar's Office, collects this fee by including it in the tuition bill. This insures the fee being paid (unless waived) since the University can use its full sanctioning power when bills are outstanding. This then guarantees the SBA an annual workable budget. The

negative result of mandatory fees is that all budgetary allocations and expenditures are subject to University approval through the Office of Student Affairs before any monies can be expended.

VOLUNTARY FEE - While the system removes University control over our budget, it also effectively eliminates our budget. A Voluntary Fee is in essence a zero fee, since even if the University were to include it on the tuition bill, there are no sanctions or penalties for nonpayment. Consequently, no budget could realistically be planned, since there would be no accurate way of predicting how many people would pay a voluntary fee.

The issue then boils down to whether or not you, the student body, want law related activities continued. The best way I can think of to evaluate this question is to review what you get for your money and the best way to accomplish this is to set out this year's budget [see box, below].

As I had pointed out in a past column, this year's budget reflects various cuts from last year such as OPINION being cut from 13 to 12 issues, Conventions from a \$500 maximum to \$300, etc. If the mandatory fee is voted to be continued, a question arises as to what amount the fee should be. Having gone through budget hearings and just having a general awareness of the effects of inflation, the fact is that \$15 does not buy what it used to.

Actually, the past two years' activities have been increased by spending carry-over monies that had accumulated over prior years. In a sense, we were living off the fat of the land - getting what we had never paid for. Thus, for example, last year we funded \$1,500 for advertisements for a placement director and the year before we allocated some \$2,200 or so for the printing of placement brochures. Also, the number of special interest groups have increased; just last year the Women's Prison Project and the Jewish Law Students Association were each funded for the first time. To maintain the current level of activity will simply require more than \$15 per semester. Even the cost of the parties keeps rising as more people participate - the Spring '75 party had less than 300 in attendance, the recent Fall '75 party drew over 450. That's the reason the party line has been increased by \$750. To get your input, we have a second part to the referendum concerning maintaining or increasing the fee.

In summary, I would just like to say that while many people may not partake in the various activities SBA funds, I think that each person receives the indirect benefit obtained from the enhancement of the school's reputation. Through many, in fact most, of our activities, the name of Buffalo Law School gets known, and the programs available here get some publicity. In my opinion, a vote for voluntary/no fees will cost you more in the long run than it might save you during your law school career. Whatever your decision, make it known. **BE SURE TO VOTE!!!**

Where Your \$15 Goes . . .

GROUP	ACCOUNT	AMOUNT	EXPLANATION	GROUP	ACCOUNT	AMOUNT	EXPLANATION	
SBA	Orientation	\$900	for first-year people totally funded through SBA funds			\$200	Partial carry-over from '75-'75 funds Minority Symposium (encumbered)	
	Graduation	\$500	to have a separate law graduation - last year we made an initial allocation of \$400 and made a supplemental allocation of \$800. The administration and alumni also contributed to this activity	Nat'l Dues		\$125.		
				Recruitment		\$300	To recruit black students to SUNYAB Law School through mail and direct contacts at various undergraduate schools	
	Disbursing Fee	\$1207.14	Sub Board I, our fiduciary agents, charge 5% for each check written	Buffalo Leg. Proj.	Off. Sup. Phone Postage	\$20 \$15 \$50	The \$50 allocated in '74-'75 which was never spent was encumbered and carried over for '75-'76.	
	Sub Board Allocation	\$1000.00	Each Sub Board member group contributes funds for Sub Board's activities which include <i>The Spectrum</i> , the Pharmacy, etc.	Dist. Vis. Forum	Off. Sup. Phone Honoraria	\$20 \$15 \$2000	Payment to speakers for giving lectures here - usually there are about 3 to 4 outside speakers each month of the school year - average honorarium is \$100. Often a guest lecturer is reimbursed for his/her travel; this also averages out to \$100	
	Athletic Fee	\$1200	Covers law student use of University facilities, e.g., Clark Gym, the Bubble					
	Athletic Equipment	\$50.00	E.g., basketballs, ping-pong equipment, etc.					
	Phones	\$2250.00	Equipment rental costs for all groups except <i>Opinion</i>		Travel/Food		\$1200	
	Supplies Executive	45.00 725.00	General supplies	Env. Law Society	Off. Sup. Phone Convention	\$20 \$15 \$300	Plus \$95 was encumbered for the '74-'75 budget so this group could send one person to an ALI-ABA sponsored program in Wash. D.C. this year which has a \$250 registration fee, since this group has spent none of the \$160 allocated in '74-'75 because there were no programs they felt would be beneficial to their concerns.	
	Secretary	\$500	Kind of a catch-all, funds ABA-LSD expenses and travel plus food for late night meetings, etc. Now, as in the past, typing is done by office secretaries, but we're in the process of obtaining a part-time person through work study to be in the SBA office as secretary					
	Abortion Symposium	\$500	One-time expense	Gay Law	Off. Sup. Phone	\$20 \$10		
	Social Comm. Parties	\$2,100 +750	funds the large outside party each semester	Int'l Law	Off. Sup. Phone Convention Dues (Wld) Jessup Moot Ct.	\$20 \$15 \$157.50 \$15.00 \$75	Wash., D.C., A.S.I.L.S. Annual Meeting	
	Wine&Cheese Happy Hours	\$500	Funds functions in school, usually held Wed. & Fri. afternoons.					
	Org. Functions	\$300	Funds of up to \$50 are available to groups for holding a reception open to all students after a specific function - e.g., Law Women had a reception last year for Flo Kennedy after her DVF appearance.					
	Picnics	\$125.00	Usually end of year, spring outdoor gathering	LSCRRRC	Off. Sup. Phone Print/Pub for Symp. Convention	\$20 \$15 \$50 \$200	This competition run jointly with Moot Court, is specifically in area of Int'l Law and affords help w/travel & printing costs	
Int'l Women's Year Social '75-'75 Expense	\$100 \$500	For Band & Dance (partial funding) The budget year runs from 9/1 through 8/31 and since auditors insist the present budget can not fund past expenses, a line is always needed for bills that do not arrive during the budget year.	Moot Ct.	Off. Sup. Print Appl. Briefs Order of Barristers Travel, Meals, etc. Nat'l Dues	\$20 \$100 \$30 \$500 \$50	Allocations of \$700 same as in '75-'75 - The Board makes the breakdown allocations		
Women's Law Assn.	Off. Sup. \$20 Phone \$15 Convention \$176.74	General supplies, e.g., paper, stamps, clips, etc. For long distance calls over full year Annual meeting of Nat'l Women's Group (Phil., Pa.) Funding based on one representative and funds round trip air transportation, meals and lodging, ground trans. & registration, up to a maximum of \$300.	NLG	Off. Sup. Phone Convention	\$20 \$15 \$300	At time of budget planning the exact location for the '76 national meeting only known to be 'out on the west coast' thus maximum funds were allocated.		
BALSA	Off. Sup. \$10 Phone \$15 Convention \$200	Women's newsletter to be distributed to all students.						
	Community Seminar \$100	Annual National Meeting held in Atlanta in 1975, location for '76 still unknown Run with Legal Aid to provide legal information on rights & remedies.						

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JLSA:

Lectures on Talmudic Law

by Usher Fogel

In furtherance of its policy to provide law students with an insight into the realm of Jewish Law and legal institutions, the Jewish Law Students Association has, for the past two semesters, sponsored a Talmudic Law Series.

The Series consists of a weekly credit-free course taught at the law school. Each week a different area of Talmudic Law is taught and discussed, bringing to light

the principles of an age-old legal system and its relevance to present day law. Courses taught have included portions of family law, torts, criminal law, "fifth amendment" and the laws of war. The Talmud represents the compendium of all matters of Jewish Law, and these classes, of necessity, only touch upon issues that can be covered in greater detail.

The classes are taught by Rabbi H. Greenburg. Educated in New

York and Paris, he was ordained as a Rabbi and Rabbinic Judge at Central Yeshiva Tomchei Tmimim. While still at the Yeshiva, Rabbi Greenburg was chosen with Rabbi Gurary (of Chabad House) to lecture on Talmudic Law and Chassidic philosophy. Immediately before coming to Buffalo in 1972 Rabbi Greenburg spent two years in Melbourne, Australia establishing the Rabbinical College of Australia and New Zealand.

Rabbi Greenburg expounds on the Talmudic text itself and upon its interpretation and meaning as developed by the Talmudic Commentaries, written over the past one thousand years.

All law students and faculty are welcome to attend this series. The classes are generally held each Wednesday at 3:30. Announcements are posted each week as to details. Those who choose to attend will find the class quite rewarding.

classifieds

RIDE WANTED to and from Brooklyn for Thanksgiving. Will share expenses. Call Rochelle 838-1681.

BIGFOOT — Only four weeks left! Love, Mad. Ass.

FOR SALE: Snow Tires with rims, size E78-13. Good condition. Best offer. 834-7540.

FOR SALE: One Chemex Coffeemaker. Purchased for \$18. Barely used. Asking \$14, accessories included. Great for finals! Call Ken, 885-3211.

FOR SALE: New Chrysler In-Dash Radio. Suitable for Dart, Duster, etc. Call Stu at 837-7055.

Ask Mr. Dean . . .

Dear John,

Whatever happened to Justice? Me and the persons were sitting around the bar, drinking some Tom and Judy Collins the other day. When all of sudden like a bat out of hell, this person comes running into the place yelling Charlie Manson is the Proximate Cause: runs off half-naked leaving us just open-mouthed! By the time I got back to the film it was lunchtime.

I had an appointment with a client, name of McGee. Seems he did this surgical operation and gave some guy a "hairy hand." Well, I figured out the cost of blades, shaving cream, and a razor, even threw in some barber fees for a sixty year period. The jury wouldn't buy it. The Doc's not a bad guy though. Not bitter at all. Seems I've got this scar on my hand, and he assures me that with a little skin graft, I'll be good as new within three or four days. What do you think?

Sybil (Porseidyr)
Att. at Law

Dear Sybil,

Justice is Dead! They're taking the blindfold off next week. Most of us here have had our suspicions all along that she'd been peeking. I think it was that Great American William Buckley who said, "In the

halls of Justice, Justice is in the Halls." (It might have been John Lennon — I can't quite remember.) Anyway, I'm glad you didn't make any jokes about that Hairy Hand. Learned and Augusta roll over in their grave every time someone does. But on the other hand, ha! Seriously, I think you ought to have that operation done. It will probably be good background for your case!

Dear John,

Just thought I'd drop you a line. I think I've got my toughest case ever! I'm going to try something radically new . . . losing. No, really it's my new ZONE DEFENSE. I'll keep you posted on how it works.

Flea Bailey

Dear Flea,

Send my regards to Glenn Turner one time, and lots of luck.

J.D.

REMEMBER: Send for my new Booklet: Mr. Dean's Tips on Testifying Before Senate Subcommittees (including the Big TV Smile).

Send your letters to: *Tips for Young Attorneys*, c/o OPINION.

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CARLISLE ON JOBS:



1. How is the job market for law school graduates?

It's not good! There are large numbers of young lawyers entering the market and most of them are seeking employment with established firms, government agencies or corporate legal staffs. Very few young lawyers immediately enter private practice on their own. Employers are inundated with resumes and requests for interviews from law students. It is difficult for the employer to spend the time to fairly review each resume; therefore students are often not given the opportunity to be fully considered by a firm unless the student is able to convince the prospective employer that he or she has a background which will be of particular use to the employer. In addition we are in the midst of what many observers characterize as an economic depression. Consequently some of the job openings normally available as a result of an expected turnover in government agencies and law firms do not exist. Lawyers are waiting for a better time to leave secure jobs.

2. How do you see Buffalo graduates doing with respect to the job market?

Our graduates should generally do better than those at most other law schools. Recent statistics indicate that we placed 92 percent of our 1974 graduates. We do not have the 1975 statistics yet because many of our students did not find positions until after taking the bar exam. I suspect that the 1975 statistics will indicate that the majority of our students have positions. The 1976 class will be larger than previous classes and each student will have to devote a greater portion of his or her time to looking for a position.

3. Many of our students state that they have not yet found legal positions. What does this mean?

There has been an inordinate emphasis on finding a legal position as early as possible. I personally know of third year students who have accepted clerkships on the federal and state level, government positions and associate positions with large and small firms in Buffalo and elsewhere including several large firms in New York City. Nevertheless it appears to me as though the majority of third year students at all law schools traditionally do not obtain positions until late in the second semester. Large law firms, who proportionally employ a small number of lawyers in comparison to attorneys in private practice, have usually completed their recruiting by December 15. Likewise most federal government agencies will have made their selections no later than January 15. This is due to the obvious fact that large firms and agencies recruit on an annual and regular basis which allows or forces them to complete the selection process early. Local government agencies, corporate legal departments and small to medium sized law firms will continue recruiting. Often the small or medium firm will have only recently hired an associate and must await the inevitable turnover which will provide a new opening for a law school graduate. This means that many of our students will not find positions until the late spring or summer of 1976.

4. What do you mean by late spring or summer of 1976? If this is true why are students being encouraged to look for jobs now?

Most small and medium sized firms have just recently hired associates. It will take anywhere from 6 to 12 months to determine whether new associates will (1) remain with a firm and ultimately seek partnership; (2) leave the firm for better opportunities or for a change of atmosphere or (3) leave the firm at the request of the firm. In the event of the first alternative it is likely that when a young associate does well enough to move towards partnership that someone will eventually have to be hired to replace him. That is how a law firm grows. In the event of the second or third alternative a new position will automatically become open.

Insofar as the second part of your question is concerned it is essential for all students to commence participation in the job process as early as possible during their third year. Not only does one learn about the market and about himself or herself during this process but the student becomes visible to potential hiring employers. In other words when a position suddenly becomes open in February, March, April, May or thereafter the employer often does not have the time to advertise it in detail, to come to the law school to conduct lengthy interviews or to otherwise spend a great deal of time finding a young

lawyer. The employer will often select someone from those students he has already talked to and who the employer believes will adequately fill the position. Therefore third year students should get to know some lawyers and become as visible as possible. I can't overemphasize how important this is.

An interview doesn't always have to be for a specific opening with a firm. It may be solely for the purpose of discussing one's career interests or for an anticipated opening.

5. How important are grades and class standing in finding a job?

This law school is committed to a policy of not revealing class standing. The grading system used at Buffalo makes it difficult if not impossible to determine anything more than where one stands percentage wise in his or her class. In other words one can conceivably determine if he stands in the top 10% or top 50% etc. This type of information can be volunteered by the student. All firms, agencies and other employers who visit or contact the law school are informed that interviews here are conducted primarily on a first come first basis. We do not give out any information which would favor one student over another student insofar as interviews are concerned. Interestingly enough some large law firms will collect resumes and then select those students they want to see at the firm.

Concern by employers for class approximations and grades result primarily from the fact that employers invest money, time and emotions in a young associate. I've been involved in the process as an associate and as an employer. To maximize the risk of selecting someone who will perform as expected, a hiring partner will often seek to find a young lawyer whose background (grades, activities, writing ability etc.) indicate that the young lawyer will satisfy the firm. The truth of the matter is that there are so many people seeking jobs and the employer has so little time to fully examine each applicant that the tendency is to give interviews only to those students who the employer believes will do well. It is a bizarre and difficult process which definitely needs improvement. This is the main reason I have had career counseling interviews with approximately 200 students. Together we can use the process to our advantage.

6. How does one get an interview? Many students claim that they send out hundreds of resumes and get only a few invitations to interview.

The primary purpose of a resume and cover letter to a prospective employer is to obtain an interview. Practicing attorneys are overwhelmed with resumes and therefore spend only a brief period of time reviewing each resume. Often a resume which would normally earn one interview is not even looked at and a student is automatically sent a rejection letter. It is therefore essential to construct a resume in a manner designed to attract the desired response. I have spoken to almost 200 students and have made significant changes, additions, deletions and modifications in the draft resumes I've seen. We have an excellent model resume on display in the Placement Office and I am willing to speak to as many students as possible regarding their career interests and how to construct a resume and cover letter. I will also be conducting seminar meetings on this point and urge all students to attend.

7. Why don't we have more on campus interviews?

We have had a number of law firms, government agencies, corporate legal departments and other related employers on campus at the law school to conduct interviews. Most of the students I have spoken with are satisfied with such interviews. Obviously a law school can never have enough on campus interviews. We must have more and I am committed to doing whatever is necessary to encourage more on campus interviews. Unfortunately, from a placement viewpoint, the law school is involved in a transitional phase whereby what was once a small local law school is now a large national law school. We realize this but many employers do not and until such time as we are able to adequately publicize the same we will not attract large numbers of recruiters. I am already involved in speaking with employers in New York City, Washington, D.C., California, Arizona, Chicago, Detroit, Cleveland, Pittsburgh and elsewhere and I hope that we will be able to solve the problem to some extent by the fall of 1976. Insofar as Buffalo firms are concerned many firms just prefer to have students come to the firms to interview

instead of participating in our interviewing program at the law school. To change this will require an effort on our part to prove to the firms that their needs can best be fulfilled by coming to the law school. I have been meeting with partners from several large and medium sized firms and as I continue to do so I hope that we can encourage more of them to visit the law school and to conduct interviews here.

8. How can our students obtain jobs in Washington, D.C. and New York City?

You are probably aware of the fact that already a number of our students have obtained positions in Washington, D.C. and New York City. I recently spent several days in Washington speaking with associate general counsels from a number of large government agencies and their response to Buffalo Law School was excellent. We have posted notices asking students to send resumes to specific individuals in government agencies who will be most likely to assist the student. In addition we had an alumni party in Washington which was attended by approximately twenty five people. Dean Schwartz spoke and everyone had a pleasant time. Each of the alumni present informed me that they were willing to become involved in placement and alumni affairs. This is the beginning of the kind of alumni participation that will yield dividends insofar as placement is concerned.

With respect to New York City, I spent a week in the City speaking with law firms, government agencies and various other prospective employers. While some of our students have found positions with New York firms many have been unable to obtain interviews. Clearly the large New York firms must become aware of our law school and the high quality of legal education available here before they begin to respond as they should to inquiries by our students. To some extent my meetings with thirteen name firms have helped to change our image. In fact students who were unable to obtain interviews with New York firms have recently been doing so. It is my hope that as these students obtain legal positions and as the law school becomes better known the prospects for working in New York will increase. You should note that I have already had two seminar meetings for students interested in going to New York. At the meetings we discuss what can be done to obtain summer and permanent employment. Notices of the meetings are placed on bulletin boards near the Placement Office at least one week prior to the meeting.

9. Speaking of the law school's image... exactly how good is it insofar as placement of our graduates is concerned?

Our image is not as good as it will ultimately be but it is also not as bad as many of our students seem to think it is. One of our good students was interviewing in New York City and complained to me that the law school was not known there. Ironically enough the partner conducting the interview, who knows a lot about the law school, telephoned me to inquire as to why the student was so defensive about SUNY Law School. One can always accent the negative and overlook the positive. When I was in Washington one associate general counsel of a large agency thought that SUNY Law School was a branch of N.Y.U. but in New York City a well known and prominent lawyer, who had attended a judicial conference of the second circuit with Dean Schwartz, seemed to be very impressed with our law school. Of equal interest is the fact that I received a letter from a federal court judge in California whom I had met at a seminar on the new federal rules and who I had contacted regarding clerkship opportunities. The judge informed me that I didn't have to tell him anything about the "Buffalo Law School as one of your graduates had clerked for me in 1971 and done an excellent job."

We will continue to publicize the law school by having alumni gatherings, distributing literature, writing letters, visiting law firms and government agencies, using the telephone, etc, but the best advertisement for the law school is its students. The extent to which our students understate the excellence of their academic experience here they will suffer accordingly insofar as our image is concerned.

10. What is the placement office doing about clerkship opportunities with judges?

You may be aware of the fact that I personally

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BOOK CHASE

It is a cold and gray November day in Buffalo. We can focus in on a young law student on his way up to the tenth floor of Baldi Hall. That can mean only one thing — this young man is going to see W. Mandamus, Attorney-in-Law, Room 1024. The young gent is nervous, but determined, as he knocks on that revered door.

"Come In!"

"Hello, I mean, Goodmorning Sir, Mr. Mandamus. I am Mr. Beaver." "Goodmorning, Mr. Beaver."

"This certainly is a jim-dandy office you have here. Those gray walls are exquisite. And your gray desk matches so perfectly — not to mention your gray concrete floor. I suppose you will be getting the rest of your furniture shortly?"

"No, this is the way it has been for the last ten years — walls, desk and floor in early gray."

"Oh, I see, very original! But, tell me, do you always wear that gray suit with the gray pinstripes?"

"Why do you ask?"

"Well, I mean no disrespect sir — but it is rather difficult to see your body with the gray background and all."

"Did you come here merely to poke fun at me?"

"Why no sir! I need your assistance desperately. Someone has stolen my Horn books!"

"So what?"

"I need them. How else will I know what to say in class and what wise questions to ask? How can I study for finals?"

"Go out and buy new ones, or read them in the Library."

"But not one underlines like I do. Please, I need your help."

As fate would have it, at this very moment, the office door swung open. In the doorway stood an impeccably dressed, tall, stout man — thirty years the senior of Mr. Mandamus. He is greeted heartily by Mandamus. After the men have embraced and chatted a bit:

"Mr. Beaver, this is Dr. Watson, and he is a sign from the stars." "I shall take your case!"

"Oh, thank you."

"Dr. Watson, this is Mr. Beaver."

"What son?"

"This is Mr. Beaver whose little problem we shall be working on together."

"Oh, elementary, Mr. dear Mandamus."

After Mr. Beaver fills the two top flight investigators in on a few more details, he is dismissed.

"Oh, Mr. Beaver?"

"Yes, Dr. Watson."

"What is your first name?"

"Igor, Sir."

"Igor, very well. Good day Mr. Beaver."

"Good day, sirs."

The two men are now alone and spend considerable time reminiscing about past adventures.

"Enough chit-chat about the past. Let us plan our strategy for the present matters at hand."

"I quite agree, Mandamus. These Horn books you mentioned, of what variety are they?"

"By jove, I forgot to ask the lad. Let us assume trumpet."

"I thought the lad was more the tuba type."

"Could well be, Dr. Watson. Let us not quibble over details. There is work to be done. Beaver said he spent most of his time in the adjacent building — O'Brien Hall — I believe."

"Yes."

"Let us see if those secret corridors really exist."

"What son?"

"Those secret passageways between Baldi and O'Brien. Gee whiz, I can't even remember there being an adjacent building. It has been a long time since I have been outside."

"What son?"

"Oh, never mind. Let us just start at the basement and work our way up. And stop calling me son!"

Our heroes descend to the basement and wander around a bit.

"No one is around, Mandamus."

"Quite so."

"All the doors are locked. But there are signs of recent habitation."

"Yes, I see. A gum wrapper, and a vending machine."

"Mandamus! Mandamus! Look

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Butz:

Anti-Intelligence Agent

"The CIA as a Dangerous Institution"

On Wednesday, November 12, Tim Butz spoke in the Moot Court Room. Tim Butz is a member of the three year old Organizing Committee for a Fifth Estate and a co-editor of the magazine COUNTERSPY. Both are sponsored by critics of intelligence agencies. The group is also publishing a manual in January which will outline the uses of intelligence in political work.

He stressed that it's time for people to stop listening to media accounts of intelligence agencies "abuse of power," that they should realize that the activities of at least sixty-four U.S. agencies with intelligence capabilities are part of a systematic program, created by a long and deliberate

process as an extension of U.S. policies.

Lawyers are not immune to the operations of any of these agencies simply because of their status in society. Especially when a client is controversial, or from any extreme of the political spectrum, the attorney should expect infiltration and buggings. The information gathered would serve a dual purpose: to collect intelligence information on those with the defense, and to neutralize the defense strategy. Examples he quoted were Gainesville, Wounded Knee, and the Attica trials.

Mr. Butz urged that all lawyers and community activists should work to nullify intelligence operations, such as secret files, and strive to make public as much information as they possibly can.



— csh

Client Counseling Competition

Once again, the Law Student Division of the American Bar Association (ABA) is sponsoring a nationwide competition in client counseling. The competition, open to all students, will take place in an interview setting. Participating students will interview a "client" who has, or believes he has, a legal problem. The theme of the competition is "Contract Litigation and its Alternatives."

The ABA Competition will begin on March 6, 1976 with regional contests. Regional winners will receive an award of \$100, and go on to the Nationals, which will be held on March 27, 1976. The location of the host schools has not yet been determined.

In order to determine who will represent UB in the ABA competition, an IN-House competition, similar to the one held last year, is being planned. This competition will be open to all students. The competition will be held at the Law School on or about February 19-21, 1976. In addition to selection for the ABA competition, prizes will be awarded. As in the past, we hope to offer both cash prizes and employment positions with local firms to the winners.

The Competition tries to simulate a real law firm consultation as closely as possible. A typical client problem is selected and a person acting the role of the client is briefed on his or her part. Prior to the day of the actual Competition, students receive a very brief memo concerning the problem.

This data is equivalent to what a secretary might be told when a client calls to make an appointment. The students are asked to prepare a preliminary memorandum based on the problem as it is understood.

In the actual Competition, each student will be given approximately forty-five minutes to conduct an interview with the client. Students should be prepared to obtain necessary information, answer questions, give legal advice, and recommend alternative courses of action to the client. The student will then be given 15-20 minutes in which to prepare a post-interview memorandum. The initial memorandum, interview, and final memorandum will all be scored and used to determine the winners. Local judges and private practitioners will observe the interviews and score the performance of the students.

Although the ABA competition will involve a two-person team of lawyers, the In-House Competition will be run on an individual basis; winners will make up the "team" for ABA purposes.

Additional information for anyone interested in participating will be available following Christmas vacation. Watch for signs and additional articles in this paper. Questions about the competition can be answered by Norman Rosenberg (Room 520). In order that we may have some idea of how many students will be participating, please indicate your interest by signing up outside Room 619.

Mitchell Lecture . . .

—continued from page one

English, German, French, and Spanish in various other universities and research institutes in New York, London, Paris, Berlin, Vienna, Prague, Budapest, Warsaw, Sofia, Teheran, Caracas, Bogota, Mexico City and elsewhere. He has acted as General Reporter at the VIIIth and IXth Congresses of the International Academy of Comparative Law (1970 and 1974) and at the 1971 Conference of the International Association of Legal Science (UNESCO). Since 1973, he has been co-director of a comparative research project on "Access to Justice" sponsored by the Ford Foundation.

Mr. Cappelletti is the Chief-Editor of the Volume on Procedure and Evidence of the International Encyclopedia of Comparative Law, to be published in English under the auspices of UNESCO, the section of the International Association of Legal

Science. An array of eminent international scholars are contributing to this monumental work, which covers the whole range of civil procedure in the western world and socialist countries from a world-wide perspective.

He is the President of the Italian Association of Comparative Law (since 1970), honorary member of the Instituto Latinoamericano de Derecho Procesal, and a member of various scholarly societies, including the International Academy of Comparative Law, the Association Internationale pour l'Enseignement du Droit Compare, the Association Internationale des Sciences Juridiques, the Societe de Legislation Comparee, the British Institute of International Law, the American Academy of Political Science, the American Society for Political and Legal Philosophy,

and the American Foreign Law Association. He acted as Consultant to the Italian Government for the reform of the procedure governing labor disputes in 1971-72, and as a Consultant to the Minister of Justice of the Republic of Columbia for the preparation of a new Code of Civil Procedure in 1969-70.

In addition to numerous articles, and books such as *Judicial Review in the Contemporary World* and *The Italian Legal System*, Professor Cappelletti has published works worldwide in English, German, French, Italian and Spanish. PLEASE NOTE. Professor Mauro Cappelletti will be lecturing tonight, November 20 at 7:30 p.m. in the Moot Court Room, O'Brien Hall. The topic will be "Vindicating the Public Interest through the Courts." Everyone is invited to attend.

Abortion . . .

—continued from page eight

mean that abortion cannot be legally justifiable. In fact it is arguable that in the present resulting moral stalemate, abortion must be allowed, because in our pluralistic society, one group cannot be permitted to impose its moral value of what's right and wrong on another group. This may not be pleasing to anti-abortionists, but the fact remains, consonant with our expanding notions of personal privacy, that women must have the right to make this intimate decision for themselves. In this balancing process, to determine whether abortion is legally justifiable, the scales are further tipped in the direction of legality, by the Persuasive medical evidence that actual childbirth entails much more morbidity and mortality than does any abortion.

Furthermore from a purely utilitarian viewpoint, there is and always has been a demand for

abortion, that transcends the moral dilemmas present and inescapably leads to the position that legal not, and moral or immoral, it is in society's best interest on balance to keep abortion legalized. This is for the safety of the many women who will seek to have abortions, and is quite logical, as the moral arguments are undecidable. However this argument is too practical, and is directly attackable for abandoning all moral pretense. Yet, in its defense it may be noted that the argument's very practicality is its source of strength, especially in the current post *Roe v. Wade* society. It is clear that women want practical results and not moral dialectic. Or as Lord Macaghten cogently noted, "Thirsty folk want beer, not explanations."

See author for references.

First Annual End of Year Awards

Book Chase . . .

—continued from page twelve

straight ahead! The doors to the secret passageway have been left open. The concrete passageway looks rather foreboding. Do you suppose it is a trap?"
"No. If it is, they are playing right into our hands. Besides, gray concrete is my favorite color."
"Shall we venture on Dr. Watson?"
"After you Mandamus."
Look, Dr. Watson, at this enclosure marked: Keep Out!"
"Yes."
"Ah Ha! And look to the right. Two secret doors."
"Hmmm. I wonder to where they lead, Mandamus."

"Indeed. Dr. Watson, look at this, row upon row of exquisite lockers, probably with the enemy's secret papers contained therein. Don't you agree? I say, don't you agree? Dr. Watson? Dr. Watson, where are you?"

TO BE CONTINUED . . .

1. Will W. Mandamus find his long time bosom buddy?
2. Will Igor Beaver get his Horn books back in time for finals?
3. And will he be able to wing it in class until then?

Angus Black

Howard Mann — Const. Law 17, an intensive analysis of the word "We" from the phrase We the People.

Joseph Laufer — The opening of the Miami branch of the Buffalo Law School.

Louis DelCotto — His own game show called "What's My Basis" in which contestants choose the wrong section of the Internal Revenue Code.

Janet Lindgren — A Brooklyn accent.

Grace Blumberg — A bottle of ERA detergent.

Wade Newhouse — A speed reading course to keep up with his speed speaking.

Robert Fleming — Season tickets to the Board of Directors Meetings of the Washington Redskins.

Dave Kochery — A complete set of the West Hornbook Series.

Adolph Homburger — A fellowship to Utah Law School to teach Utah practice.

Marjorie Girth — The Trusteeship of N.Y.C.

J.A. Spanogle — A gift certificate from Muck Motors.

Kenneth Joyce — A joint bank account with Louis DelCotto and Meckler's stamp collection.

Pat Hollander — A simulated pay check.

Robert Gordon — Collision insurance.

Milton Kaplan — The telephone number of Dial a Joke.

Robert Reis — A personally autographed picture of Evel Knievel.

Evel Knievel — A personally autographed picture of Robert Reis.

Al Katz — A pair of bicentennial coveralls.

Larry Wenger (the library guy) — A Xerox service contract.

Jean Consiglio — The Deanship.

Red Schwatr̄ — An appointment with Jay Carlsle.

Dan Gifford — A Volunteer.

Bill Greiner — A "Q" in Tax II.

Audrey Koscielniak — A balanced budget.

Scott and Cheryl — A 25 hr. day/8 day week.
(U.P.)

HAPPY EVERYTHING TO EVERYBODY!

Where Your \$15 Goes

— continued from page nine

OPINION	Off. Sup.	\$20	
	Phone	\$315	Equip. & long dist. for year
	Equipmt.	\$90	Service on IBM typewriter
	Printing	\$4,383	Covers 12 issues
	Circula.	\$743	Covers mailing of subscriptions & delivery here for 12 issues
	photog.	\$100	
	Certiorari	\$500	
Puerto Rican LSA	Off. Sup.	\$20	National PRLSA Annual Meeting
	Phone	\$5	Location as yet unknown
	Convention	\$175	Needed for program whereby PRLSA students aid defendants in Buffalo courts
	Span. Law Dictionary	\$20	To fund mail and direct recruitment of Puerto Rican students from E.Ast coast colleges to SUNYAB Law School
	Recruitment	\$250	
Law Spouses	Off. Sup.	\$20	Mailing newsletter, etc.
	Postage	75	Printing of Orientation materials, newsletters, etc.
	Info. Svc.	\$75	For box lunches in scholarship program
	Food Svc.	\$50	
Women's Prison Project	Off. Sup.	\$20	To mail to prisoners
	Phone	\$15	To bring into prison
	Postage	\$10	Phil., Pa.
	Crafts	\$10	
	Convention	\$176.74	
JLSA	Off. Sup.	\$20	
	Phone	\$15	

Total Current Budget \$26,690.12
Projected Fee Income w/out waivers \$25,350.00
Current Unallocated Carryover \$ 7,702.29

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not the
opposite
of down*

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- milton rogovin's, buffalo calendar

University Press, 361 Norton Hall, 831-4215/4305, open evenings, too.

Carlisle on Jobs . . .

-continued from page eleven

initiated contacts with over 100 federal court judges and with state judges on the highest courts of New York, Massachusetts, New Jersey, California and New Mexico. To some extent the results have been gratifying. Many of the judges have expressed an interest in the SUNY Law School and have asked to receive resumes from our students. Some of our students have received clerkships and one student has accepted a position with a federal judge.

It is clear to me that our students are not receiving enough clerkships. An opportunity to clerk for a judge is a unique and worthwhile experience and we will do our best to assist third year students with this matter. Unfortunately most clerkship positions for the fall of 1976 have been filled. It is my hope that we can develop some form of a mechanism in the law school which will assist our students with obtaining clerkships for the fall of 1977. Although most large law schools have abandoned clerkship committees N.Y.U. has a modified committee which has been most successful in locating positions for their students. In any event, we shall be having clerkship seminars this spring where we will have some of our students who have obtained clerkships speaking. Perhaps we can have a few judges and law clerks also present.

11. Are there summer internships or clerkship opportunities available for first and second year students?

From time to time the Placement Office receives

requests for part-time positions for second year students. We post announcements of all such opportunities on the bulletin board. Highly paid summer positions are scarce; however, if one is primarily concerned with obtaining experience instead of high remuneration it is my feeling that many summer positions can be found. I have been having seminars for second year students seeking employment in New York City and will do the same for other students.

12. What is the placement committee doing?

On Tuesday evening, November 11, the Placement Committee met. We had a large turnout and established an agenda for future meetings and the active participation thereto of each member. We will publicize the results of our efforts and I urge all students, particularly first and second year students, who have an interest in the committee to join us. Our assignment list is available in the Placement Office.

13. Will we have career seminars in the spring?

We will have as many career seminars as possible. Practicing lawyers in Buffalo and elsewhere will be invited to attend and I anticipate having the type of program which will be beneficial and informative to all of our students.

Moot Court Nationals

The Buffalo Moot Court National Team, Dave Ferster, Allan Mantel, and Gene Riebstein, placed third in the thirteen school regional runoff for the Moot Court National Competition in Boston. In the first round, Buffalo was slated to meet the winner of a Cornell-Yale matchup. In that round, Buffalo defeated Cornell, and thereby elevated itself to the semi-finals. In a very close decision, Syracuse edged out the Buffalo team, and met Boston College in the finals. Boston College eventually took top regional honors.

Buffalo tied Boston College for the competition's best brief on objective scores. However, in a decision smacking with regionalism, the judges awarded best brief to Boston College based on subjective post facto criteria which are yet to be explained.

This marks the second competition in a row in which Buffalo Law School has received top brief honors. The other competition was the Tax Competition which was held last spring.

SBA Meeting

By Dan Slade

The regular weekly meeting of the SBA was called to order at 3:50 p.m., November 5, in room 108 of O'Brian Hall.

The President reported that the New York Public Interest Research Group (NYPIRG) is contemplating opening a chapter at the law school.

She also announced that in the immediate future, third year SBA directors will be appointed as co-chairpersons of the Graduation Committee. This is necessary due to the lack of voluntary participation on the part of the student body.

The Treasurer announced that a first year director will be appointed to the budget committee at the next meeting. Under this report, Novack moved to allocate an additional \$750 to the party line of the Social Committee, seconded by Solomon. The motion was passed after a lengthy discussion of ways to get the most out of funds allocated for parties. A suggestion that mixed drinks be eliminated in favor of beer and wine at SBA sponsored functions was quashed

as it was felt to be contrary to student preferences.

The Treasurer also announced that the SBA was going to re-institute fee waivers. The administration requires that consideration be given to fee waiver requests and threatened to take over processing of these if the SBA did not act.

Under old business President Roberts read a letter from Don Monacelli to the SBA. Mr.

Monacelli requested that he be reconsidered for appointment to the Admissions Committee. He protested the lack of stated criteria to be used in evaluating an applicant's qualifications for such appointments and the absence of an adequate appeals process to review appointment decisions.

Waters moved that Monacelli's appointment be reconsidered in light of these points raised by Monacelli, seconded by Zehler.

The motion was defeated, 5 for, 7 against, with 2 abstentions. The consensus seemed to be that Monacelli's points were well taken and that they should be acted upon but that the motion for the reconsideration of an appointment already made was an inappropriate vehicle for such action as it would undermine all of the prior committee appointments made by the SBA. Under new business, Golden

moved to allocate funds for change to be made available at the circulation desk in the library, seconded by Milstein. Davis moved to waive the requirement that motions to allocate funds be tabled for one week, seconded by Zehler. This motion was defeated, and accordingly, the main motion was tabled.

Waters moved to adjourn, seconded by Zehler, motion carried.

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ABSOLUTELY NO MEMBERSHIPS
WILL BE TAKEN AFTER
NOVEMBER 25, 1975

ALUMNI LINE

by Carl S. Heringer

We're back! Sorry for the absence of *Alumni Line* in the recent past. As you may have noticed, *Opinion* is going through some changes, and some items have been getting misplaced in the shuffle. That will be changed, too. This column should be more than an obituary column, but we need your help.

Remember, to continue receiving your copies of *Opinion* your dues to the Law Alumni Association (\$10/year) must be paid. Ms. Nelson in the Admissions Office at O'Brien Hall can give you more information on the uses of that money and when to pay it.

We welcome your comments to *Alumni Line*, to *Opinion*, on things in general, or your viewpoints on current issues in the legal profession. Of course, your appraisals of this paper are also welcome. Needless to add (but anyway), any written contribution, factual or commentary, is welcome.

* * * * *

As you may already be aware, our new Placement Director, Jay Carlisle, is working hard for U/B students, attempting to find holes in the overstuffed job market. Part of his task is contacting our varied and far-flung alumni and marshalling their ideas and information useful to the students. His procedure includes alumni gatherings and the such, allowing you to meet old classmates while at the same time helping your new ones. A great help would be an up-to-date list of names and addresses. Even if, for whatever reason, you are not a dues paying alumnus/alumna, it would be a great service to all concerned to keep the school posted of any changes in addresses, etc. It will certainly be appreciated.

* * * * *

We'll be back next semester. Address all comments, etc. to *Alumni Line*, c/o *Opinion*, O'Brien Hall, SUNYAB North Campus, Buffalo, New York 14260.

PLEASE REMEMBER
TO VOTE
IN NEXT WEEK'S
FEE REFERENDUM,
NOVEMBER 24 & 25

OPINION

will return next semester
but we need your help.
Our publication schedule
is still being formulated.
To publish at all

we need people
who can write, type,
proofread, do layout,
distribute, and be general
all-around useful people.
No experience is necessary,
just some youthful enthusiasm
and a willingness
to help.

SPORTS

Opinion

The Heck with Meck

by Lawrence M. Meckler

Bob Montgomery, a scrub ballplayer for the Boston Red Sox, made his first and only appearance in a World Series this year. Sitting on the bench the entire series, Montgomery came to bat as a pinch hitter with one out in the bottom of the 9th inning in the final game, with his team down a run. Bob Montgomery, a second string switch hitting catcher, who spends his life waiting to be put on waivers and warming up Diego Segui in the bullpen had his dream in front of him. With 50 million people watching, if he hits a homerun he's a super hero. No, he didn't pass out, but he grounded out. Bob Montgomery, or "Monty" as he is known to his fan, will now spend the rest of his life saying to himself, "I grounded out" and waiting for Carlton Fisk to get hurt again.

There are many stars in sports, but there are many more scrubs. Scrubs are athletes on the borderline of the major and minor leagues. They are hanging on to the dream of being a star and at the same time trying to avoid having to find another profession. This article is dedicated to scrub athletes and their frustrations. Many players really stink and deserve to be scrubs while others never got the break to take them out of scrubdum.

Many scrubs have trouble realizing their importance. Teddy Martinez, who when he last looked was on the Oakland A's, spent 1975 being a pinch runner for a pinch hitter for a defensive replacement. Take the case of Joe Fields. Being a starting center in pro football doesn't exactly put you in the limelight. Where does that put Joe Fields of the Jets, a back-up center on punts?

Everyone talks about Pele, who popularized soccer in America for a month. However, what fame goes to Fred "Cornerkick" Smith who brought soccer to the sewers of Paris?

Chico Ruiz was one of the classiest second stringers. He had an alligator skin cushion which he used when sitting on the bench. Chico also was known to carry a gun at times. The gun must have been to

either protect his alligator cushion or to protect him from Alex Johnson.

There are even scrubs in the animal world. Arnold the Pig, star of Green Acres is world famous. But who knows about his back-up "Hog" Horowitz?

There are scrubs in other professions. At the moment we have a scrub president in Gerald Ford who had his life threatened by scrub assassins.

Imagine being a scrub lawyer, a second string lawyer who only got to try cases when the regular lawyer had an ulcer, retired or had to go shopping for his wife. There are many landmark cases we learn about, such as Brown v. Bd. of Education and Erie RR v. Tompkins. But when was the last time your Contracts teacher asked you to read a scrub case such as *Harry the Super v. Leo's Luncheonette*, 240 NY Scrub 2nd 28 (1911).

Scrubs get no respect. There is a new spray that trainers use to prevent swelling. This miracle spray is called "freeze." However, when a scrub gets injured the trainer instead of spraying "freeze" on the injured area, will just spray very cold.

Some ballplayers have sneaky ways of preventing themselves from being scrubs. Milt Pappas would always seem to get a headache or a sore arm when he had to pitch against the Pirates or the Dodgers, but when the San Diego Padres (a scrub team) were in town Pappas would volunteer to pitch the entire series. Remember the immortal Paul Ruffner? He spent his entire career playing one on one against Dale Schleuter in practice before he joined the ABA, now defunct.

Even an entire sport can qualify as a scrub. Hockey is a scrub sport. I don't like hockey.

A Scrub Hall of Fame would have to include such scrubs as Super Stiff Ed Kranepool who was over the hill at age 19, Bumbling Bill Tuttle and Duke "Did anyone see my bat?" Carmel. If they need a scrub legal advisor I'm available.

I may make fun of scrubs, but remember without scrubs you wouldn't have stars.



by Miles Elber

Editor's note: We realize that the following material describes activity that is illegal, and as such we are not advocating it. However, it does exist, and as members of society we should be aware of its existence and its ramifications. Please note that the opinions expressed herein are not necessarily those of the paper.

The Saga of Benny the Book

It is necessary to think back, to remember the classic World Series between the Red Sox and The Reds, especially the sixth game. It is the bottom of the eighth, Eastwick pitching to Carbo, Cincy winning 6-3, four outs and the series is over. But then — Smack! The game is tied and poor Benny is sick. The Red Sox go on to win the game making the seventh game decisive for everyone but Benny. Benny is forced to lay off his bet on the Reds by betting the Red Sox in the seventh to prevent disaster.

Benny had made a large bet on the Reds, \$2000. He gave away 3-2, meaning he was rushing three grand to win 2. He also had bet the Reds for \$500 in the sixth game because Tiant was favored and Benny didn't believe Tiant could beat the Reds three times in the series. Thus Benny was counting on \$2600, until Carbo's swing (Tiant was a 6-5 favorite). Damn Eastwick; damn Gowdy and that nonsense about Carbo being picked ahead of Bench in the baseball draft. Who cares!

Instead of \$2600, Benny simply called up the old book and bet \$1500 on Boston in the last game, getting a 7-5 advantage. In reality the bet meant nothing as Benny was up \$900 in football bets, meaning that if Boston won Benny would be even, if Cincy won he would be up only \$1900. [Any ?s about the math write to Opinion.] As we all know the Reds won, but that night Benny had bad dreams about Carbo's home run.

Pro football is treating Benny fine. Benny's favorite team to bet against early in the year is the Jets. He hates their defense and he knows too many people bet Namath on memory. Benny loves N.Y.C. suckers. Needless to say with the spread even, Benny bet Buffalo over the Jets and even felt sorry for Joe as the Bills romped.

The second week of the season Benny made a bad error, he bet a game between two mediocre teams, the Eagles and the Bears. Benny bet the Eagles and gave three points and lost. I asked Benny how a sane person could bet on a team quarterbacked by Gabriel, he simply said, what do you think about Huff and Douglas. Good point, they are both terrible.

Week three was important, because of the series bet soon to be made and because Benny didn't want to get behind early. Benny made a strange bet, S.F. over K.C. giving 1. Benny felt S.F. wasn't a bad team and K.C. was; this week Benny was right.

Oct. 19 the rains continued in Boston but Benny didn't care. He thought he saw one of the best bets in years. Miami and the Jets at even. Benny couldn't believe his eyes. At first he was afraid to bet. Was Griese hurt? Did more Dolphins jump? No and No. Benny doubled his normal \$300 bet and had a most enjoyable Sunday afternoon. The Dolphins for fun 43-0 — and people work for a living.

Benny didn't like any of the lines for the pro games for the sixth week, but found a college game, U.S.C. v. Notre Dame. Benny felt Notre Dame had its worst team in a long time and U.S.C. was undefeated so they must be good, they always are. U.S.C. was favored

The Magic Act

by 1. Benny bet and suffered through an unbelievable three quarters before finally winning in the fourth by a TD. Both teams were bad and Benny was lucky.

Benny checks the lines out every Tuesday and Tuesday, October 28th brought a smile to his face. He loved three games, Pittsburgh was one over Cincinnati, Houston was 3½ over Kansas City and Penn State was 3 over Maryland. Benny wasted no time. He called in the Penn State bet and tied Houston and Pittsburgh up in an if and reverse. The if and reverse bet means the following. If Houston wins you carry the bet on to Pittsburgh, if Pittsburgh wins, you carry the bet on to Houston. It is two if bets (explained in the last issue). Benny was risking \$660 to win \$1200.

Saturday started off great. Penn State jumped to a 12-0 lead. Slowly Maryland came back, 12-7, 12-10 and then they pulled ahead 13-12. Benny knew it, he was going to lose. He did even though Penn State ended up winning 15-13. Beaten by a point. Why does he bet on people who are younger than he is? A true fool. The loss added tension for Sunday. This was his first really big risk of the year. It could be a \$990 weekend. Now he knew why people work, nothing is that easy. The Pittsburgh game started at 1 and the first half was dull with Pittsburgh pulling ahead 10-3 at half time. However, the 2nd half brought Pittsburgh to life and they pulled way ahead, 23-3 going into the fourth. No problem. Houston was having its problems though. They were down 13-7 at half time. One loss still spelled an expensive weekend, and all of a sudden it got a lot worse. The CBS pre-game show gave the score Pittsburgh 23, Cincy 17 with Cincy threatening in the fourth.

The Jet-Bill game ended, so Benny quickly changed to get the grandstand show and the final. Jack Buck was giving the scores but he didn't give the Pittsburgh or Houston scores. What the hell is wrong with these shows, this is Sunday, scores should come first not reports of the Australian Open or Phyllis George orchestrating music for Charley Young. Finally five minutes later (literally) Buck says Pittsburgh 30, Cincy 17 with just a little time left. A sigh of relief — then Houston 14, K.C. 13 in the third. Only a field goal needed to win. Come on Bum Phillips. Yes! Skip Bitter kicked a field goal, the Oilers win by four. The if and reverse is conquered. Benny sits back and watches a Redskin-Cowboy classic and prepares to party. Of course, he goes over to the old White Pages first to check out next week's schedule and plan for next week's war. Half the season is over and Benny looks like he is ready for the Super Bowl.

Intramurals

Commissioner Kaminski reported a very successful opening day of the season, November 5.

Winners	Losers
Red's Boys	Sofferman's
WFL	Underdogs
On The Rocks	Impotents
The Stars	Ambulance Chasers
	Byes
	Canadians

The Red Boys are the team to bet.
This week, watch the WFL to fold.