University at Buffalo School of Law
Digital Commons @ University at Buffalo School of Law

The Opinion Newspaper | The Opinion

10-17-1974

The Opinion Volume 15 Number 2 – October 17, 1974

The Opinion

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/the_opinion

 Part of the Higher Education Commons, and the Legal History Commons

Recommended Citation

The Opinion, "The Opinion Volume 15 Number 2 – October 17, 1974" (1974). *The Opinion Newspaper*. 93.
https://digitalcommons.law.buffalo.edu/the_opinion/93

This Newspaper is brought to you for free and open access by the The Opinion at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in The Opinion Newspaper by an authorized administrator of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

Non-Profit Organization
U.S. Postage
PAID
Buffalo, New York
Permit No. 708

Opinion
John Lord O'Brian Hall
SUNY/B, North Campus
Buffalo, New York 14260

Opinion

Vol. 15, No. 2 | State University of New York at Buffalo School of Law | Oct. 17, 1974

Breitel Proposes Appointed Judges

by Matthew Leeds

Charles Breitel, Chief Judge of the New York State Court of Appeals, deploring the New York practice of electing judges and calling it his "top priority" for judicial reform, urged the appointment of judges in the state by the executive aided by a "confirmation commission."

"Anything would be better than we have now," he told a packed Moot Court Room audience on October 3. Judge Breitel also advocated a system of judicially administered discipline of judges.

He delivered his remarks as a guest of the SBA Distinguished Visitors Forum and Phi Alpha Delta.

The Chief Judge recommended a "confirmation commission" composed of people from many walks of life that would, over a sufficient period of time, contemplate the fitness of candidates nominated for judgeships by the executive.

Such a system, according to Judge Breitel, would relieve such alleged current problems in judicial elections as voter ignorance, insensitivity to abilities and issues, political pressure on candidates, questions of legal ethics, and the time-consuming pressures of campaigning.

Of his campaign for the position he now holds, Judge Breitel remarked, "I was elected last year for reasons I am not at all sure why." He further asked plaintively, "What in Heaven's name elected me?" Badgered by campaign advisers and convinced by necessity, Judge Breitel said that he was forced to allow his campaign forces to collect and spend $500,000, much of it for television advertising, in an effort to get him elected.

Judge Breitel suggested that a confirmation commission, although abandoning direct election, would still uphold the democratic tenet that "the judges belong to the people" by leaving the power of appointment in the hands of the executive, an elected political representative. The Chief Judge also suggested that the collaboration of laymen on similar existing panels had proved that such input from without the legal system can prove most valuable in practice.

However, Judge Breitel asserted that the discipline of judges should be "almost exclusively in the hands of judges" rather than in the control of lawyers or laymen. In support of this position, he cited a necessity of disciplinary boards to be familiar with judging, a "specialized branch of the law," in order to be able to competently evaluate judges from the perspective of experience.

continued on page 4

DESMOND BEGINS; DESMOND SPEAKS

by Ray Bowie

The 9th Annual Charles S. Desmond Moot Court Competition was launched last Wednesday when Moot Court Board hosted former Chief Judge Desmond of the State Court of Appeals, who addressed over 100 prospective candidates on the subject of appellate advocacy prior to the distribution of this year's competition problem.

Following Judge Desmond's address, approximately 50 two-person teams, the largest number ever, received copies of the competition rules and the 1974 Desmond problem, which was written by three Moot Court Board members over the summer. The problem this year involves a cease and desist order issued by a hypothetical state human rights commission against newspaper publication of advertisements for employment in South Africa, which advertisements the commission claims are discriminatory commercial speech but the newspaper claims are protected speech under the First Amendment and a treaty provision. Competitors have a month to prepare briefs on the side of the commission or the newspaper, after which they will enter a series of oral arguments during the third week of November.

In his introductory address, Judge Desmond, for whom the Moot Court Competition was named nine years ago, spoke informally on appellate practice, noting that while appellate advocacy was only a small part of law practice, it is instrumental to the growth and change in the law wrought by the courts.

– Zaetsch

Charles S. Desmond, former Chief Judge of State Court of Appeals, addressing prospective Moot Court Competitors.

Judge Desmond, who as Chief Judge and for 20 years as Associate Judge of the Court of Appeals, heard an estimated 11,500 appeals, stated that he had "been on courts long enough to see and feel this fabulous development over 25 years," particularly in the areas of criminal rights and torts. The lawyer's courtroom work, he concluded, was of "prime importance" in this development, for "it is the thrilling work of the lawyer, the romantic aspect ... where one feels the glow of victory and the chill of defeat."

Judge Desmond also advised the competition contestants on briefing and argument techniques as practiced in contemporary appellate courts.

The Desmond Competition is held each fall for teams of first and second year students, though the rules this year prohibit single-person entries for the first

continued on page 8

Faculty, Students Discuss Issues In Open Letter

In the aftermath of an open letter addressed to the faculty recently by a group of students concerned over academic priorities, a series of informal meetings has taken place the last two weeks between faculty involved in program planning and signatories to the open letter in an attempt to resolve particular differences.

Immediately following the issuance of the open letter, Provost Schwartz met with the signatories in a lengthy discussion of academic priorities and faculty appointments. Reports of the meeting indicate that the Provost and the students generally agreed as to professional program needs and the necessity for insuring that the final five expected faculty lines are devoted to the professional program, but disagreed over whether faculty should be sought on the basis of their academic reputations or on the basis of subject areas needing to be taught. The Provost reportedly defended the former position, while the students advocated the latter.

Prof. Barry Boyer, who had authored a letter replying to the students, advised the signatories to channel their input through the Long-Range Planning Committee charged with developing the School's master plan. Two of the students, Don Lohr and Ray Bowie, addressed the Committee on the subject of the course sequences that the open letter proposed, and, while the consensus of the Committee was that formal academic concentrations within the J.D. might not be desirable, the Committee did endorse the grouping together of courses in certain subject areas in the catalog so as to permit informal concentration.

Profs. Norman Rosenberg and Paul Goldstein discussed two clinical programs which had been questioned in the open letter, the SLF's and the Criminal Justice Specialist programs, with several of the signatories last week, as a result of which discussions, several misunderstandings were reportedly removed.

Mr. Rosenberg defended the SLF's as professionally-oriented and denied that the Criminal Justice Program was designed to effect attitudinal modification in participants, though admitting that "poor wording" in the proposal might have given that impression. He noted, too, that both the SLF's and the Criminal Justice programs either were funded by outside grant money or else drew upon existing programs for most of their support, pledging that the Law School would rather see their discontinuation than divert professional program resources to sustain them in the future. Two of the signatories later expressed satisfaction with this discussion.

continued on page 5

Former OEO Director Attacks Activism In Legal Services

by Ray Bowie

Howard Phillips, former acting director of the OEO under President Nixon, spoke at the Law School last week at the invitation of Distinguished Visitors Forum on the subject of political activism in federal legal services.

Mr. Phillips, who presently lectures and writes on the federal bureaucracy from a conservative perspective, enunciated his major premise to be that public policy should not be determined in a manner unaccountable to the taxpaying majority.

Citing the growth of a "national legal services network" since 1965, with a projected $100 million budget under the new corporation, Phillips stated that because it could function as virtually "the nation's largest law firm," federal legal services had become an unaccountable concentration of political power in the hands of private parties. With federal subsidies for transportation, facilities, research, and training, the private non-profit organizations comprising the legal services network are able, he alleged, to lobby and litigate their political objectives into effect.

Commenting on the nature of these private organizations participating in the legal services program, Phillips said that many such organizations reserve assigned seats on their boards for the ACLU,

– Zaetsch

Howard Phillips, Former OEO Director (1973).

National Lawyers Guild, National Welfare Rights Organization, and other left-oriented groups. In other cases, "politically influential people" dominate legal services organizations and are able to direct the organizations to political goals, he declared.

Phillips further contended that legal services attorneys were registered lobbyists in some states,

continued on page 5

Editorials

The Judiciary, the Morass

In the welter of political campaigns bidding for public attention this fall, prospective lawyers, particularly those intending to practice in this state, should focus special attention on the four candidates seeking election to the two vacant Associate Judgeships on the New York Court of Appeals, that court wherein lies ultimate responsibility for the interpretation and application of New York law.

In the morass that is judicial election, appropriately denounced by Chief Judge Breitel just last week in an address at the Law School, incumbent Associate Judge Harold A. Stevens, whose competence on the bench was recognized in the endorsements he received from the state's three other major parties, lost the Democratic nomination in the September primary to trial attorney Jacob Fuchsberg, who sought the Chief Judgeship unsuccessfully last year on the basis of a stack of money, the exploitation of the "Baby Lenore" case, and a slick Madison Avenue campaign touting him as a "chief-ish kind of man."

Judge Stevens, the only black on the state's highest court, has earned a rating of "highly-qualified" from the New York State Bar Association, acclaim for his judicial competence, and a reputation for fairness indicated by the Republican, Conservative, and Liberal endorsements. Mr. Fuchsberg's qualifications this year are the same as last year, when his NYSBA rating was a frank "unqualified," though he stands the unfortunate advantage of better voter identification due to his lavish advertising. The choice is clear, and we endorse the candidacy of Judge Stevens while encouraging voter rejection of Mr. Fuchsberg.

The other two candidates for Associate Judgeships on the Court of Appeals, Justices Lawrence Cooke and Louis Greenblott of the Appellate Division, Third Department, have received the Democrat-Liberal and Republican endorsements respectively, each being rated "well-qualified" or "qualified" by the State Bar Association. As their basic qualifications balance out, the choice reduces to a question of political loyalties.

As the opportunity presents itself for general comment on the subject of judicial elections, we endorse Judge Breitel's appeal for an appointive selection system with provision for a high-calibre confirmation commission, as the present election charade only puts a premium on the candidate's "packaging" as opposed to the substance of his competence.

Quality of Student Life

The decision of the Long Range Planning Committee to include a section on "the quality of student life" in its forthcoming master plan for the Law School shows admirable solicitude for the student welfare in institutional planning, but in another sense, it poses a true challenge to students themselves.

Student life is perhaps the one section of the master plan that the faculty and administration cannot figuratively write, for its authors can only conceivably be the very students who daily shape student life through their own interaction. Student life is, after all, what students do, and therein lies the challenge.

The quality of student life has, it would seem, deteriorated markedly since last spring, culminating in the last few months in a series of ideological power plays, destructive purges, and selfish vendettas, most of which have ultimately revolved about factors ulterior to Law School issues. Attempts have been made to monopolize the realm of student representation and villify opponents with unsubstantiated allegations of impropriety. Within the Student Bar Association, student life resembles, as one source accurately put it, a virtual civil war.

Without citing individuals or organizations, we students have authored a poor report on "the quality of student life." In its decision to incorporate this report into the School's master plan, the Long Range Planning Committee may, however, have inadvertently issued just the sort of challenge necessary to get some metaphorical authors to lay aside their thusfar poisoned pens.

President's Corner

by Don Lohr

I would like to dispel any lingering misunderstanding related to the Open Letter to the Faculty of September 16, 1974. First, I signed as an individual and not in the capacity of President of the Student Bar Association. All of the signatories of the letter signed as individuals and not on behalf of any organization whatsoever.

Second, I would like to unequivocally state that the true and original intention of all concerned was to set forth positive and constructive proposals with respect to the priorities of the Law School which do not necessarily have to be recognized as contrary to any extant or proposed program. A challenge or attack on the merit of any particular program was niehter intended nor present under any reasonable interpretation of the main thrust of the letter taken as a whole.

Third, the main thrust of the letter is exemplified by the five suggestions described in the letter.

The first dealt with the concept of concentrations, the second with the relation between the seminars and proposed concentrations, the third with the possible notation of a concentration on the diploma, the fourth with replacement of key faculty members on leave or sabbatical, and the fifth with a greater utilization of the joint degree program in light of the withdrawal on the part of the University Administration of the ten interdisciplinary appointments.

Fourth, I firmly believe that articles in newspapers should be considered as reflecting a certain amount of journalistic freedom and that the views expressed therein should not in the remotest sense be attributed to others. The letter was a complete document and should not have been construed in the context of, or along with, any extraneous journalistic material such as that appearing in *The Spectrum*, although use of *Opinion* was required to achieve wide, internal circulation.

Lastly, the best interests of the Law School are served by those having different philosophies, ideas and commitments working collectively in the spirit of cooperation and mutual respect.

Our Kafkaesque SBA

by J. Glenn Davis

It is with some regret that I feel compelled to comment on the performance of certain officials of the Student Bar Association concerning the handling of a matter related to BALSA's Minority Lawyer Symposium. Although I stop short of suggesting a conspiracy on the part of the university administration, I do feel that this incident is indicative of the pervasive, albeit sometimes unconscious, racism that permeates our society. The recent university moves virtually eliminating tuition waivers under the EOP program, which in effect means the elimination of any minority representation at the Law School, is another manifestation of this attitude.

In the Spring of 1974, BALSA sponsored a symposium which featured practicing attorneys from throughout New York State. Approximately ten days prior to the program, a request for an advance travel payment, which was to be sent to a program participant, was submitted in accordance with the procedures established by Sub-Board and the SBA. I was assured by the SBA treasurer that a check covering travel expenses would be sent out so as to arrive prior to the program. Needless to say, the check did not arrive in time. Being aware of the inherent inefficiency of bureaucratic procedures, neither I nor the intended recipient were unduly concerned that the check had not as yet arrived, and she graciously consented to cover her own expenses, pending reimbursement.

I was surprised and concerned upon learning, more than a month later, that payment had still not been received. I promised an immediate inquiry into the reason for the delay. I then entered into what can only be described as a series of Kafkaesque conversations with the President and Treasurer of the SBA. (In the interest of fairness it should be noted that most, if not all, of the information I received from the SBA President was elicited by him from the Treasurer. This article is not intended as a reflection on the manner in which he has discharged the responsibilities of his office.) These conversations resulted in a myriad of conflicting explanations as to why the check had not arrived. The most irritating aspect of these negotiations was that I was never able to ascertain, with any degree of veracity, where, in fact, the check was. I did not know whether it had been lost in the mails, whether it had even been sent, or, in fact, if a request for payment had ever been received by Sub-Board, the disbursing agency.

More than two months following the program, I received a letter from the participating attorney, who, no doubt concerned with my feeble attempts at an explanation, requested immediate payment and commented on the cavalier manner in which BALSA had handled the entire matter. A copy of the letter was also sent to Dean Schwartz. It took another month before it was discovered that, contrary to information supplied by the Treasurer, a form requesting payment had never been received by Sub-Board, indicating, in the absence of any other explanation, that the Treasurer had never submitted one. To this date, no explanation has been given for this negligence, nor has BALSA received an apology from the responsible official for the manner in which this issue was handled.

continued on page 5

Library Dilemma

It is only six weeks into the new term and already first-year students, who have not even had to do extensive research, are joining their seniors and complaining about the inconsiderate behavior of their fellow students in the library. Primary reference materials are not reshelved once used, browsing materials are scattered and effectually hidden (and we suspect sometimes stolen), and a book cited in class often finds its way to a desk or carrel for hours or even days at a time.

The selfish behavior of many students, though, is not the only cause of the library dilemma. It is too rare to see an employee combing open tables for unshelved books or walking around floors four through six to reshelve materials brought up from the main reference areas. The library needs either more money for more help, or more help from any current employees who do not now do their share of work.

Please, especially with the Desmond competition underway, be considerate of your fellow library user. And to the library: scour tables periodically or gripe to the appropriate parties until you get either more money or more workers.

Volume 15, Number 2
October 17, 1974
Opinion
Editors-in-Chief
Ray Bowie Kay Wigtil Guinane
Managing Editor: Matthew Leeds

Photography Editor: Terry Centner; Business Manager: Allan Mantel; Alumni Editor: Earl Carrel.

Staff: Ian DeWaal, Don Lohr, Louis Tarantino, Sue Smyntek, Eric Zaetsch, Jeff Chamberlain, Shelley Taylor Convissar, J. Glenn Davis.

OPINION is published every two weeks, except for vacations, during the academic year. It is the student newspaper of the State University of New York at Buffalo School of Law, John Lord O'Brain Hall, SUNY/B Amherst Campus, Buffalo, New York 14260. The views expressed in this paper are not necessarily those of the Editorial Board or Staff of *OPINION*. *OPINION* is a non-profit organization. Third Class postage entered at Buffalo, New York.
Editorial policy of *OPINION* is determined collectively by the Editorial Board. *OPINION* is funded by SBA from Student Law Fees.

Thus Spake. . . Howard Phillips

by Shelley Taylor Convissar

On October 7th, before a large audience of students and faculty, Howard Phillips, past Acting Director of the Office of Economic Opportunity, spoke on what was billed as "left-wing radicalism in federal legal services." In the course of his speech, it became increasingly clear, however, that what he considered left-wing radicalism or, as he phrased it, the use of "oligarchal elitist power" for political purposes, was what the Congress charges as the *duty* of legal services attorneys. Indeed, while Mr. Phillips, a non-lawyer, acted in the capacity of Director of OEO, he prohibited the legal services programs from fulfilling four of their statutory responsibilities. In particular, the charge to represent groups, to work for law reform, to educate the community and to help develop the economic resources of the poor were *not* the official goals of the federal legal services organizations while under the control of Howard Phillips. The only remaining charge, to give high quality representation to the poor, *was* in effect during his short term as the head of that organization. Unfortunately, many believe that high quality representation *must necessarily include* community education, law reform and the legal representation of groups which represent the poor.

The main thrust of Phillips' remarks were directed against what he saw as a dangerous lack of accountability within the structure of the federal legal services program. He stated that legal services attorneys should be accountable, *not to their clients*, but to the federal government and, ultimately, the taxpayer. One reason for this need for accountability was the alleged abuse of power by legal services organizations, in advocating only one side of political issues. Despite the fact that in each case mentioned the legal services attorneys were representing either clients or the broader interests of indigents, Mr. Phillips argued that the federal government should not subsidize "political" movements.

Examples of the so-called "political advocacy" included the creation of welfare rights organizations, the support of tenants' unions, the class action representation of the poor, test case litigation, briefs and research done for the Defunis case as well as the Detroit and Boston bussing cases, work against the quota systems in police and fire departments which disadvantage minorities and the poor, and even the representation of prisoners. After all, Mr. Phillips reasoned, it makes more sense to represent the unincarcerated poor than those in jail if we have limited resources. Clearly, in his definition of political programs, and thus in his proposed limitations on the federal legal services programs, Mr. Phillips is a human "catch-22." As long as the representation of the poor is on a one-by-one basis, he believes it is both proper and necessary for legal services employees to serve. However, once the representation extends to cover more than one poor person at a time, as soon is it tends to make a difference in the broader questions of each case, Mr. Phillips would label it "political advocacy."

Particularly objectionable to Mr. Phillips is the idea that legal services personnel could use their "federal subsidies" in salary, travel and work products, to lobby for legislative changes. Even though the present law would severely restrict that function to those instances in which legal services attorneys are *requested* by lawmakers to do so, Phillips argues that the grant of that power alone threatens to give the federal government influence over state legislation. This disregards, however, the true function of the federal legal services program: to effectively represent the interests of the poor. While arguing for states' rights, Mr. Phillips would deny, to those who could not otherwise have it, a voice in the law-making process.

Mr. Phillips argued also that *his* rights of free speech are violated by the federal subsidies of one viewpoint, (that of the poor) which is liberal, since there is no subsidy for his conservative views. It is, however, neither the function nor the goal of legal services attorneys to advocate particular views, political or otherwise. It is their goal, it is their *duty*, to represent the indigent in the best way possible. It is this goal which distinguishes Phillips' so called "political advocacy" from high quality representation. It is this goal which justifies the present functioning of the federal legal services program throughout the country as well as the

continued on page 6

the GADFLY Bootleg Public Policy

by Ray Bowie

In the context of the local law school debate over the federal legal services corporation prompted by the address here last week by former OEO director Howard Phillips, the column "Bootleg Public Policy," first published in Opinion *last November, is reprinted herein to provide the balance so necessary to intellectually honest presentation yet so often lacking within academic institutions.*

In historical retrospect, the supreme irony of the Nixonian era may well be that while Nixon spokesmen were touring the country in 1972 denouncing "acid, amnesty, and abortion" among the "radiclibs," federal attorneys were hard at work promoting liberalized drug statutes, abortion rights, assistance to military dissenters, and the presidential ambitions of one George S. McGovern.

Indeed, perhaps the most potent force for radical social change in America was that quietly welling up within the Administration itself, the OEO Office of Legal Services, an activist octopus whose tentacles have spread since its 1965 birth to encompass a national network of 260 programs, over 2200 lawyers, 850 locations, and a budget of $71.5 million in 1973.

Lyndon's Baby

When founded in 1965 under the aegis of our Great Society, the OEO Legal Services program was relatively restricted in its functions, operating under prohibitions against handling criminal cases, representation of the "voluntarily poor," and engaging in political advocacy.

Since then, the restrictions have remained on paper, but as with so many Great Society ventures both welfarist and militarist, the program has greatly exceeded its envisioned scope, to the point where its present record seems better characterized as breach of the original limitations than as adherence to them.

Conceived as a mechanism to assist the indigent with legal problems arising from accidents, divorces, contracts, and the like, Legal Services has instead become a channel for the funneling of public monies into ideological legal crusades to "restructure" vast areas of public and private life. In such manner, it has used the U.S. Treasury to bankroll bootleg public policy.

To Restructure America

Said Rep. Earl Landgrebe (R.-Ind.), a conservative critic of the Legal Services operation: "There is overwhelming evidence that the purpose of the program is not its alleged goal of serving the poor, but rather the promotion of a variety of leftist-socialist causes."

Communist bogeymen have been frequent spectres of America's collective nightmares, but if "socialism" here is to be understood as the extension of government intrusion into and control over the private sector, then Rep. Landgrebe is indeed correct in his evaluation of the program's impact upon the nation. The effect of Legal Services activism has been to extend the over-all parameters of "public policy" so as to include within its coercive sway spheres which had previously been left to private priorities or individual initiative, an effect which is commonly perceived in retrospect as the "growth of government."

In a system of majoritarian democracy, the objection to this effect is less that it might institute socialism on the sly, than that it represents the achievement of public policy changes through litigation rather than majority consent. In a republican system, where the existence of "inalienable" civil liberties prohibits the intrusion of socialism into large areas of the private sector, the public policy changes effected by Legal Services litigation are doubly objectionable, as they both avoid the democratic forum and intrude into the private sector.

Actions Without Clients

Writing back in the December 1971 *Yale Law Journal*, Richard Blumenthal commented that "Legal Services attorneys have been known to place a higher priority on some issues . . . that are of less concern to the client community than to themselves . . . (T)here have been increasing complaints about attorneys who 'exploit' clients to launch sweeping law reform actions when the individuals may be seeking much more limited solutions to their problems . . ." The mechanics of this illustrate the process of bootlegging public policy.

continued on page 6

In Contempt

by the Buffalo Chapter, National Lawyers Guild

"As the air is to a bird or the sea to a fish, so is contempt to the contemptible."

— William Blake, *Marriage of Heaven and Hell*

I. The Gate

The Attica trials are set off from the rest of the Erie County Building by a heavily-guarded chain-link fence with a narrow gate through which spectators are admitted one at a time. One's first impression is that whoever is being tried in there must be very dangerous.

Being searched with a hand-held metal detector is a new experience for many law students. Certainly it produces different feelings for most than does having to walk through a metal-detecting arch at an airport. Some people wonder, too, why the guards are writing down their names in a big book. Will good attendance in court result in their getting good grades? a gold star? put on the mailing list for some swell prize?

Today one of the guards tells us that there is to be no standing up — a traditional gesture of respect in courtrooms — for Attica Brothers as they enter, and especially no "hand salutes" in the form of fists. "Anybody makes any hand salute today," we are told, "we take them right across the street and book them."

"What about standing up?" we ask; that is, is respect for the Attica Brothers legally contempt of the court?

"Take your chances if you want to," we are told.

II. Inside

We have a few minutes to talk about standing and "hand salutes." Some of the A.B.L.D. political staff people are inside already. They were there the day before, when Judge Ball gave a woman a heavy warning about her fist. Apparently her name was written down in another, smaller book.

We decide we definitely will stand when the Brothers enter. Clenched fists are up in the air, so to speak.

While this is going on we are sitting in old, heavy — probably oak — dark wooden chairs. The walls are panelled with squares of some other, lighter, wood. The ceiling is high. Underfoot is a green carpet with a pattern of black wavy lines. The hanging fluorescent light fixtures are incongruously modern. We hear the whine of the metal detector — it sounds something like a theremin — hitting occasional higher notes when it finds the belt buckle or car keys (which were supposed to be put on the table) of one of our friends.

continued on page 6

END OF THE BAR

Cheap Shots

by Jeff Chamberlain

"Two generations of idiots is enough"

— *Oliver Wendell Holmes, Jr.*

In every society with widespread literacy there are people writing all conceivable kinds of nonsense. Within the metaphysical body of (often metaphysical) literature known as "The Law" there exist enough examples of literary garbage to lead even the most casual observer to conclude that we are, indeed, a highly literate society.

There are, for example, the statutes. In Kansas, under the heading of "Public Exhibition of Reptile Eating," it shall be "unlawful for any person to exhibit in a public way . . . any sort of an exhibition that consists of eating, or pretending to eat, of snakes, lizards, scorpions, centipedes, tarantulas, or other reptiles." Ignore for a moment the rather arbitrary zoological classifications: I wonder if "mistake" would be a defense to a charge of *pretending to eat* a tarantula?

Not to be outdone, South Dakota contributes the following: a criminal penalty for "any person who shall knowingly own, keep control, have charge of, or manage any prairie schooner, covered wagon or other vehicle which is used in whole or in part for the purposes of prostitution . . ."

Consider this outspokenly ambivalent abortion statute, from the Annotated Code of Mississippi, 1930 (italics added): "Every person who shall administer to any woman pregnant with a quick child any medicine, drug or substance whatever or shall use or employ any instrument or other means with intent thereby to destroy such child, and shall thereby destroy it, shall be guilty fo manslaughter, *unless the same shall have been advised by.a physician to be necessary for such purpose.*" I defy anyone to concoct a coherent theory of legislative intent for this jewel of statutory construction, or for the Minnesota statute which made it a "gross misdemeanor" for any person to have "*oral* information, stating when, where, how, of whom, or by what means such article or medicine [for the prevention of conception] can be obtained or who manufactures it . . ."

In Delaware, "an aircraft flying over large bodies of water shall be provided with an adequate supply of food and potable water." Why not? And the Wisconsin Legislature, never wishy-washy about problems of political graft and corruption, simply made it a felony for its members to engage in "log rolling." Why didn't Huey Long think of that?

Judicial opinions, too, are a veritable trove of logomania. As we all know, buried in some opinions are the legal maxims of undying truth which mark the substantial justice and enduring beauty of the common law. Thus, in *Bradshaw v. People*, 153 Ill. 156, 160, 38 N.E. 652 (1894), the court gave judicial recognition to the well-known and

continued on page 6

Centner

Chief Judge Charles D. Breitel of State Court of Appeals addresses packed Moot Courtroom on topic of "Selection and Disciplining of Judges."

Breitel Proposes

continued from page 1

"Judges must be independent, unafraid" Breitel said. He thus suggested that appropriate methods of both election and discipline of judges were necessary to maintain "the American judicial branch of government [that] occupies a unique . . . role in standing between the individual and the power of the State."

New York State's system has assumed the challenge by providing a Court on the Judiciary consisting of judges, lawyers and laymen that can be used to investigate and punish sitting judges accused of misconduct.

Judge Breitel revealed that he had initiated the machinery of the committee in September, ordering the panel to consider two current cases. He said that this personal action was the first of its kind by a chief judge.

The Chief Judge also criticized the lack of a unified New York State court system as provided for in the State Constitution. He attacked the current court structure as a "disorganized, decentralized system with no parametal line of organization within the State."

Judge Breitel also revealed that he believes that the problem of incompetent or corrupt judges is more severe in New York City than in other parts of the State. He attributed this situation primarily to the greater familiarity of upstate voters with their local candidates in smaller communities.

Turn Of The Screw

by Ian DeWaal

Scholar Incentive awards are now being received. If you do not hear from the Regents Examination and Scholarship Center in the next few weeks, please write to them at 99 Washington Avenue, Albany, New York 12210 and ask them to trace your application. Include your SI Identification number.

If you have been denied emancipation status because you declared an emancipation date between January 1, 1973 and September 1, 1973, please leave your name and address at my office: 303 O'Brian Hall.

The final deadline for adding courses is fast approaching. No course can be added after today. Please be sure to verify that you have a final registration card in your possession that lists *all* the courses for which you believe you are registered. If you do not have a complete class registration card, please see Charles Wallin, 314 O'Brian Hall before the close of school today.

No one will be permitted to retroactively add courses for any reason after this date!

Several inquiries have been directed to me concerning the National Direct Student Loan Checks. These checks have been arriving in the Office of Student Accounts, 1 Hayes A (831-2041). Please call them periodically and identify yourself as a law student before asking if your check has arrived.

Some confusion over the scheduling of the Veterans Day holiday may have arisen. The Law School will be closed after the conclusion of classes Saturday morning October 26 through Monday October 28. The University will not be closed for classes on November 11.

Now that you have had a chance to look over the Student Handbook (which is still available at the Admissions Office, 304 O'Brian Hall, it would be helpful if you could direct any comments on the pamphlet my way. Please let me know if anything was included which you feel was not necessary and conversely, if anything was omitted which you think would be useful.

Sea Grant Project To Fund Research

A Department of Commerce Sea Grant research project, obtained recently by Profs. Robert Reis and Milton Kaplan, is being initiated this fall as "a mechanism for involving law students" in problems of coastal law. The project, entitled a "legal traineeship program" and jointly funded by Sea Grant and the Law School, is tentatively planned to provide ten $1400 summer research stipends to be awarded to students selected this spring on the basis of a problem-solving competition.

Though Prof. Reis has been involved in Sea Grant research projects each year over the past three years, the traineeship program will be the first open to law student involvement, which was the specific intent of the two faculty proposers who noted the School's "extensive and growing program in state and local government law, particularly of environmental content."

Objectives of the project include identification of legal issues raised in creating coastal zones, research on specific legal problems confronting New York State, development of teaching materials for courses in coastal zone management, sponsorship of seminars and conferences in that area, and legislative drafting for needed law reform.

Preliminary law student research will probably begin next spring with the competition and selection of a group of upperclass law students to organize the areas of research. Intensive research will proceed over the summer when the faculty and stipended students will prepare reports on critical legal problems of coastal zone management, which reports will form the basis for a conference of grant participants and government officials.

The results of the summer research will be woven into Prof. Reis' seminar on Problems of Environmental Quality in the fall of 1975, with an eye to designing further research projects and introducing a new group of students to the project. Opportunities for legislative drafting will be provided at this point to the Buffalo Legislative Project.

The spring competition will, noted Prof. Reis, be judged entirely on the merits of the problem-solving research, and no prior course preparation will be required.

For the one-year program, Sea Grant is funding $27,908, and the Law School $18,533, for a total budget of $46,441.

Spanogle Testifies On State Banking

John A. Spanogle, Jr., visiting professor of law at the Law School, testified before the New York State Senate Committee on Banks last Wednesday. The committee, which is holding hearings on the New York State Financial Reform Act, convened in the main hearing room of the General Donovan State Office Building.

Mr. Spanogle last year served as the chairman of the Governor's Banking Study Advisory Committee in Maine. That committee studied the effects of similar legislation in Maine on the financial structure and the availability of credit resources.

The New York State Committee on Banks invited Mr. Spanogle to testify about the results of the Maine study in areas that closely resemble those under consideration in the Financial Reform Act. These include expanded depository powers for thrift institutions and commercial banks, expanded lending powers for thrift institutions and credit unions, and interstate banking.

In addition to appearing before the new York State committee, Mr. Spanogle was also invited to testify last month (September 25) before the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing and Urban Affairs. That group is holding hearings on the federal aspects of the same subject matter.

Mr. Spanogle is currently on leave from the University of Maine Law School.

Fleming Memo Lists Necessary Course Needs

At the direction of APPC, Assistant Dean Robert Fleming has prepared and distributed to the faculty his assessment of the Law School's most critical "teaching-recruiting-course" needs for 1975-76.

The list of course needs, derived in consultation with the APPC general curriculum subcommittee and the Provost, was presented by Mr. Fleming as including procedure, commercial law, labor law, corporate law (including securities regulation), and property as a general category (including gratuitous transfers and land transactions).

Mr. Fleming noted that the list was not a final determination, but rather subject to various contingencies, particularly whether teachers now on leave will return.

The areas cited were described by Mr. Fleming as those "necessary to meet what everyone would regard as requirements for a proper professional program, not as elements that it would merely be desirable to add to the program." Most often mentioned in the desirable category, he added, is international private law, including tax and commercial transactions.

Admissions Statistics Disclosed

by Sue Smyntek

A total of 295 students, selected from 2700 applicants, make up the 1974 first-year class of the Buffalo Law School.

The make-up of this first-year class is comparable to that of the second-year, both having an equal number of students, with well over 90% from New York State. Approximately 25% of each class is composed of women. The number of minority students in each class, however, differs significantly. There are 29 minotity students in the second-year class compared with 16 in the first-year class.

According to Professor Robert Fleming, chairperson of last year's admissions committee, admissions policy aimed at securing a class of 300 students, including 35 minority students and 85 "interesting" students, or individuals with such outstanding characteristics as unique job experience, advanced degrees, or special skills. The remainder were to be selected on the basis of grade point average (GPA) and LSAT scores.

In fact, however, the first year class is composed of 16 minority students and 33 "interesting" students, leaving a balance of well over 80% of the class admitted on the basis of an index computation of GPA and LSAT score.

The number of minority students in this first-year class is nearly 50% lower than that of both second- and third-year classes. This is not reflective of admissions policy, according to Mr. Fleming, but is the result of the Law School's inability to insure financial assistance to minority students for all three years, which it was formerly able to do.

The Law School accepted 38% of the total number of women applicants, compared with 34% of the men. Since women and men were judged by the same standards, Mr. Fleming stated that these percentages imply that the women have somewhat better credentials.

Changes in admissions policy are being considered under the guidance of Mark Galanter, this year's admissions committee chairperson. The nature and extent of any changes, however, are as yet undisclosed.

Former OEO Director Hits Activism

continued from page 1

and that in Congress, they perform legislative research for favored politicians and attempt to influence Congressional votes.

"The organizational structure of legal services," he continued, "leaves it open to such abuses." As the legal services attorney receives a guaranteed amount of income, Phillips argued, he need not please his client and indeed has freedom to choose those clients who provide the best opportunities to achieve political objectives. He objected to "money appropriated by Congress under the guise of helping the poor instead being used to assist political litigants."

The result has been, he concluded, that while the persons sued by legal services must fund their own defense, federal legal services "has been in the forefront of every leftist political movement of the last decade," even to the point of creating political parties.

Particular goals, which Phillips said were sought by legal services both before and after his tenure, were "advancement of public education, economic development, group representation, and law reform," the latter being the one he termed "the most pompous and outrageous goal" as it allegedly allowed legal services attorneys to determine public policy on their own.

Philosophically, Phillips explained that he found that "all unaccountable concentrations of power are threats to liberty," whether one agrees with their goals or not. "It can be done by devils or by saints," he added, "but in my view, such would be a questionable delegation of power." The real issue involved in legal services, he continued, is that "there is an establishment of secular religion, funding some people to advance their political philosophy, which now offends conservatives but may someday offend liberals."

As an alternative to the new legal services corporation, which he said only ratifies the abuses of the former organization, Phillips preferred to vest power in the individual poor person by means of a voucher system, which would provide the element of accountability now claimed to be missing.

Dean's Response to Open Letter

Responding to an open letter from some student leaders critical of the Law School's long-range plans, Dean Richard Schwartz has expressed "surprise and in a way disappointment that negative student comments were so delayed."

"It is fine for students to get involved in these issues even at this late date," Schwartz said in an interview last week.

But, he added, "machinery for student-faculty dialogue" exists in almost all Law School committees and that student comment and help could have been injected into the Long Range Planning Committee ideas earlier in the planning stages.

All programs, Schwartz said, are considered and passed on by committees that include student membership.

Schwartz also took issue with the letter's allegation that traditional resources of the law school were being seriously depleted in favor of special programs. The programs that have been criticized, the Criminal Justice Program and the Simulated Law Firms, are in fact funded from outside grants, the Dean said.

Further, the Dean suggested that the programs that drew criticism, if successful, would provide "evidence to show others and back the case for new resources," from the University budget.

"If the evidence of success isn't there," he added, "such pilot programs will not become part of the regular program of the School."

Our Kafkaesque SBA

continued from page 2

The failure of the Treasurer to carry out the duties of her office reflect poorly on BALSA and upon the entire law school. Many strides have been made to elevate this school into a position of prominence and excellence among the law schools throughout the country. The efforts by the administration to, in a manner of speaking, put this school on the legal map, should not be hindered by lackadaisical and incompetent performances by those of the student body who hold sensitive positions.

Although this may be the most glaring example, it is not an isolated occurrence. BALSA has constantly had difficulty securing funds which have already been allocated to the organization. The fact that such incidents may be viewed, by future participants, as evidence of BALSA's unreliability, bodes ill for any programs we may wish to sponsor in the future. If the present occupant of the office of treasurer finds the responsibilities of the position an undue burden, an immediate resignation is in order.

Comparative Law Assoc. Meets at Law School

The first major meeting of a national legal organization to be hosted by Buffalo Law School was held the weekend of October 5, leaving distinguished law professors from all parts of the country praising the law school, according to Prof. Joseph Laufer.

Prof. Laufer, who arranged the meeting of the directors and members of the American Association for the Comparative Study of Law and the editors of the American Journal of Comparative Law, indicated that the admiration might bode well for the burgeoning reputation of the law school.

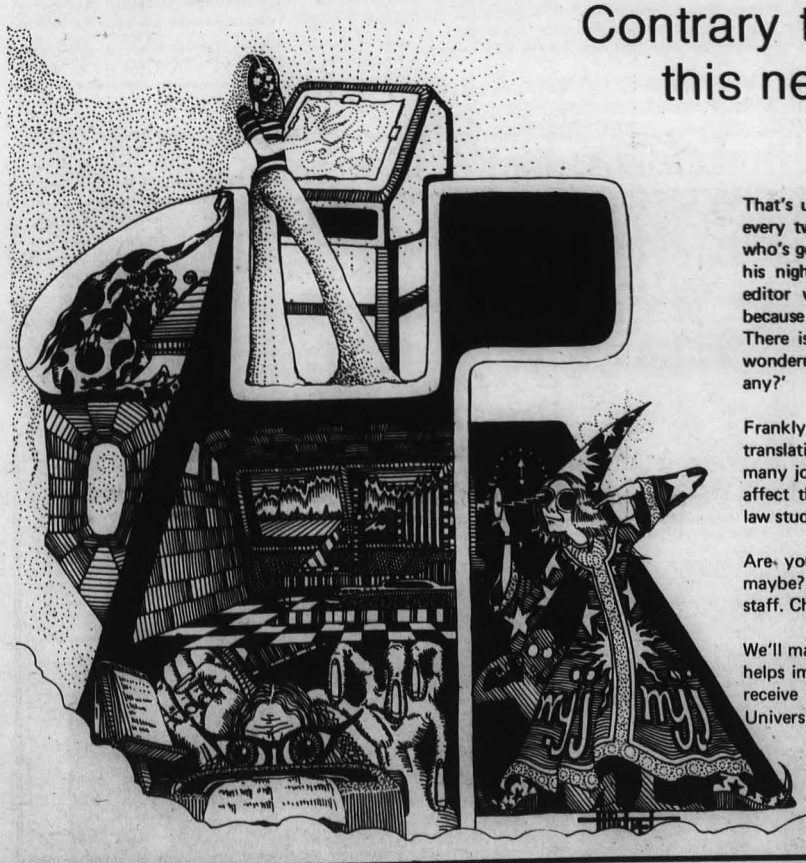
The visitors thought that the law school was "the greatest ever," Prof. Laufer said. "They were especially impressed with the library," he added.

Other faculty from the school present were Professors Adolf Homburger, Thomas Buergenthal and Dean Richard Schwartz.

The activities of the 35 professors attending the meeting included luncheons, dinners, organizational meetings, and sightseeing in the area.

Rules For Sign Posting

In the near future, the Administration will promulgate regulations controlling the nature and extent of the posting of signs of any kind throughout John Lord O'Brian Hall. The foundation of the regulations in the form of proposed regulations is posted on the S.B.A. Bulletin Board on the Fifth Floor. If any student has any comment to make or any changes, whether deletions or additions, to suggest, please deposit same in the mailbox of President Don Lohr in the S.B.A. Office post haste.



Contrary to popular Opinion this newspaper does not appear by magic.

That's unfortunate for us, and you. For five miserable days every two weeks we have to put up with a managing editor who's got a permanent case of mononucleosis from spending his nights poring over layouts and scrawled copy. And an editor who forgot how to smile sometime back in 1973 because his face froze into a permanent line of concentration. There is still some life in the eyes, an occasional flicker of wonderment at such questions as 'headlines – do you have any?'

Frankly, we get bored. There are only so many ways of translating scrawls, so many questions you can ask, and so many jokes you can crack to the same faces. It's beginning to affect the other work we do. We have become suspicious of law students in general when they come in for resumes.

Are you all dull, boring and overworked? Or apathetic, maybe? Please help save the sanity of the University Press staff. Change your Opinion, and ours.

We'll make it easy for you to do both. Every law student who helps improve the Opinion by becoming a staff member will receive a 10% discount on a resume or personal printing at University Press. For all you others, well, hello.

UP

Thus Spake. . .

– continued from page 3

Congressional guidelines which sanction them. Indeed, it might well be a denial of free speech for the poor were there *not* a legal services corporation or its equivalent. Mr. Phillips, who calls himself a "Jeffersonian" believes there should be no subsidies for any *political* point of view. But by his own definition of "political," the poor would then have no effective representation at all.

The Gadfly

continued from page 3

Being on the federal payroll and hence not subject to fee pressures, Legal Services attorneys have been freer than private practice lawyers to devote their time and energies to promotion of their personal political priorities rather than meeting client demand. In practice, this often means that the Legal Services attorney decides which clients and what causes shall gain attention, a decision generally having more to do with the attorney's political objectives than with the merit of the client's case.

The basic tool of these public policy litigators, the "sweeping law reform actions" cited by Blumenthal, is the class action suit, for which Legal Service attorneys have proven all too willing to sacrifice the traditional individual case service which aids clients on a one-to-one basis. According to Harry Brill, a research sociologist working for a San Francisco Legal Services office, "at least several hundred individual client cases were traded off for each class action suit," a situation hardly envisioned by those who established the OEO operation to aid the indigent on an individual basis.

Conservatives have long objected to "class actions" on public policy grounds, arguing that public policy ought to be determined in the public scrutiny of the legislative forum rather than in the closed proceedings of the courtroom, where few citizens grasp the significance of the proceedings and even fewer the portentous result. Liberals, meanwhile, are beginning to suspect that the interests of indigent clients are being harmed by the Legal Services mania for public policy objectives, often to the point where the client is sought out and encouraged to sue just to dovetail with the class action objective.

From either the liberal or conservative perspective, it would seem that the result of Legal Services is the same: a political program for poverty lawyers instead of a poverty program for the poor.

A Vested Interest

Back in May of 1973, Senators Brock (R. Tenn.) and Helms (R.-N.C.) introduced an alternative legal services proposal which would allow existing state agencies to establish the legal aid program, empower the state bar association to administer it, and establish a voucher payment system that would permit indigent clients to select their own private attorneys. The voucher system would appear a particularly effective means of cracking the legal services monopoly and breaking the stranglehold elitist legal services attorneys presently exercise over the program.

Despite the range of alternatives and the rising wave of criticism, the legal establishment remains firmly committed to the "services monopoly" concept, with the American Bar Association defending the class action approach and the usual welfare-state politicians lauding the public policy objectives sought. The same forces, noticeably, are opposed to the "Judicare" or decentralized voucher alternatives, simply because neither lends itself to litigation for public policy ends.

During a period in which Americans are becoming alarmed over revelations of the extent to which special interest groups are influencing national policies, it is indeed shameful to find the legal profession at the head of the pack trying to cement this service monopoly not only over the poor but over the entire field of public policy as well. Given the inextricable connection of law and public policy, the latter is simply too important to be relegated to a legal elite, particularly one that views litigation as a short-cut to political power. To allow such is to issue a standing invitation to another Watergate.

In Contempt

continued from page 3

III. The Judge

A man in a shapeless grey uniform calls out "Part Three, Part Three" several times. It is remarked that he looks like a character in a Kafka story, whose name no one can remember. Then he says, "Judge of the Court – All Rise – Honorable Carmen F. Ball presiding."

We rise. Judge Ball comes in and sits down. We sit down. We look at him sternly. He looks at us sternly. He says he doesn't want any misunderstandings. We don't say anything.

He will allow us, he says, to rise, if we wish, when defendants enter. But when they reach the defense table we must sit down again. If anybody makes a clenched-fist hand salute, she or he will be cited for contempt. Do we understand?

We understand plenty. We sit still. He busies himself with some preliminary paper-shuffling.

IV. Baba

The reason we have come today is to see an Attica Brother named Baba arrive in court.

He has had numerous disputes with the sheriff's office about whether or not he should have his hands handcuffed behind his back when he is being brought from the Erie County Holding Center to court. He is *pro se*; that is, serving as his own lawyer, and he says he can't carry his legal papers to court if his hands are behind his back. He doesn't trust anybody else, that is, a guard, to carry them. Also he says it's always possible that he might "trip and fall," and be unable to protect himself from the impact.

He wants to be handcuffed in front.

Judge Ball has refused to order that this be done. So today Baba has refused to come to court. The last time this kind of thing happened a number of the Brothers were beaten by the guards. Judge Ball has ordered that Baba be brought in with the handcuffs in back, put there with whatever degree of force is necessary.

Soon Baba arrives. It looks like he has won out; he does not appear cut or bruised – and the handcuffs are in front. This becomes obvious when he raises both fists, chained together, over his head. He is looking at us. We are standing up. Except for one young man who goes undetected there are no fists raised by spectators. Judge Ball looks relieved. The calendar call procedure begins.

V. Back to the street

As we leave, a woman who is there for the first time says she never knew before how powerful the clenched fist is – it can get Judge Ball to put you in jail, if he sees it. As we reach the street she suggests that he may, subconsciously, have fears associated with this symbol.

Postscript: It is the Guild position that these trials are very educational. Come to court. Come often. Support the Attica Brothers.

End of the Bar

continued from page 3

universally accepted presumption of female chastity, noting that "Fortunately, in our country, an unchaste female is comparatively a rare exception to the general rule . . ." Delightful.

Some judges are frustrated novelists or poets. One, a realist no doubt, noted in *Rochin v. Calif.*, 342 U.S. 165, that "Illegally breaking into the privacy of petitioner, the struggle to open his mouth and remove what was there, the forcible extraction of his stomach's contents – this course of proceeding by agents of government to obtain evidence is bound to offend even hardened sensibilities." – A master of the art of understatement; and an astute reader can get some indication even from this brief excerpt of how the case was eventually decided.

Another eminent jurist, whose phrase "bleached and putrescent corpse" indicates some affinity with Edgar Allen Poe, had apparently just come from a concert of Stephen Foster favorites when he wrote this stirring opening paragraph in *Crews v. U.S.*, 160 F. 2d 746 (5th cir. 1947): "The beautiful Suwannee River – the mention of which calls to memory a plaintive melody of strumming banjos, humming bees, childhood's playful hours, a hut among the bushes and a longing to go back where the old folks stay – was the scene of the cruel and revolting crime that provoked the gesture of dealing out justice that is this case." Note the clever use of sarcasm and classical literary irony, as this writer carries along the reader on the lyrical metre of his prose before arriving, quite unexpectedly, at the final, eschatological "gottcha!"

The case of *Cordas v. Peerless Transp. Co.*, 27 N.Y.S. 2d 198 (1941), has it all, from alliteration ("the convincing cant of the criminal"), through scholarly references (Scylla, Charybdis, Horatio, Hamlet, Macbeth, MacDuff, Duncan), to a citation of the "Almighty Law-giver," the "supernal judge who sits on high." Now *that's* authority. Included in the opinion is a sterling paean to masculinity, in which the learned judge notes that some male stalwarts "Outstare the sternest eyes that look, outbrave the heart most daring on the earth, pluck the young sucking cubs from the she-bear, yes, mock the lion when he rears for prey to win a fair lady and these are the admiration of the generality of men." And I doubt that most of us could even ask for a date without offending someone's feminist sensibilities.

Finally, I refer you to the recent case of *Parker v. Levy*, decided by the Supreme Court on June 19, 1974 (docket no. 73-206), and especially to the concurring opinion of Mr. Justice Blackmun. Blackmun accuses "my Brother Stewart" (who dissented) of laboring under a "judicial fantasy," that an "average soldier or sailor would not reasonably expect . . . to suffer military reprimand or punishment for engaging in sexual acts with a chicken." He finishes with a strident defense of

continued on page 7

Orientation. . . In Retrospect

Neophyte professional students (above) listened in awe back in September to the presumably sage advice of Law School powers and potentates (below). Awe has since been replaced by the methodological skepticism of the Socratic method. The powers and potentates presumably remain, the first of many to be encountered in the course of professional life.

SCORECARD...

GRADING RANGES
SPRING SEMESTER ELECTIVES 1973 – 1974

	H*	H	Q	D	F	Total Graded
Property						
Reis	–	14	49	9	–	72
Greiner	–	8	36	8	1	53
Goldstein	–	16	63	7	1	87
Joyce	–	22	59	8	–	84
Constitutional Law I						
Newhouse	–	31	108	11	–	150
Hyman	2	19	84	10	–	115
Federal Tax I						
Joyce	–	15	39	9	–	63
Administrative Law						
Boyer	–	19	39	–	–	58
Administrative Law						
Gifford	–	22	29	4	–	55
Collective Bargaining						
Atleson	–	4	7	–	–	11
Int'l Protection of Human Rights						
Buergenthal	–	3	5	–	–	8
Conflict of Laws						
Holley	–	1	12	1	–	14
Constitutional Law II						
Mann	2	15	17	–	–	34
Intro to Int'l Law						
Buergenthal	1	10	37	10	–	58
Legal Process						
Galanter	1	18	31	–	–	50
Criminal Procedure						
Burns	–	22	63	7	–	92
Criminal Procedure						
H. Schwartz	1	37	91	8	–	187
Corporations						
Zimmermann	–	13	22	3	–	38
Evidence						
Gordon	1	12	54	9	1	77
Family Law						
Swartz	–	6	33	3	–	42
Gratuitous Transfers						
Mugel	–	35	70	–	–	105
Labor Law						
Kochery	–	15	63	–	–	78
Federal Tax II						
Del Cotto	–	15	32	5	–	52
Government & Land						
Reis	–	–	15	–	–	15
Government & Land						
Kaplan	–	5	27	1	–	33
Civil Law Clinic I						
Rosenberg	–	1	5	2	–	8
Civil Law Clinic II						
Rosenberg	–	6	9	1	–	16
New York Practice						
Homburger	–	10	117	18	–	145
Commercial Trans. I						
Schlegel	–	4	11	–	–	15
Social Legislation						
Davidson	–	3	11	4	–	18
Trial Technique						
Staff	1	36	36	–	–	73
Data Banks & Privacy						
McCarty	–	14	16	–	–	30
Lawyers Role in Negotiations						
Atleson	–	7	5	–	–	12
Civil Procedure II						
Kochery	–	14	39	16	–	69
Secured Transactions						
Girth	1	7	60	10	–	78
Regulation of advertising						
Goldstein	–	3	17	1	–	21
Judicial Process						
Schlegel	–	2	8	–	–	10
Consumer Protection Systems						
R. Gordon	–	28	28	3	2	61
Products Liability						
Boyer	–	12	21	–	–	40
Corporate Reorganization & Division						
Del Cotto	–	7	5	–	–	12
Arbitration						
Hyman	–	6	31	–	–	37
Injuries to Relational Interests						
Harring	–	9	24	1	–	34
English Law Background						
R. Gordon	1	7	23	2	1	34
The Legal Process						
Mazor	–	9	26	–	–	35
Law & The Poor						
M. Gordon	–	5	24	2	–	31
Administrative Discretion						
Gifford	–	13	15	–	–	28

GRADING RANGES
SPRING SEMESTER SEMINARS 1973 – 1974

	H*	H	Q	D	F	Total Graded
Appellate Practice						
Desmond	–	6	14	–	1	21
Dev. of Marxist Legal Theory						
Franklin	3	14	8	–	–	25
Equal Rights Amendment						
Girth	–	3	1	–	–	4
Current Issues in the Constitution						
Harring	–	7	12	–	–	19
Legal Problems of Public Schools						
Newhouse	1	2	11	1	–	15
Taxation of Foreign Income						
Davidson	–	3	6	–	1	10
Crime & Community						
Katz	1	4	1	–	–	6
Adv. Problems in Crim. Proc.						
Birzon	–	2	22	–	1	25
Municipal Law						
Kaplan	–	4	7	–	–	11
Comp. Env. Planning & Devel.						
Magavern	–	2	3	2	–	7
Law & Development						
Galanter	–	–	1	–	–	1
Decision Tech. & Law						
McCarty	–	6	9	–	–	15
Problems of Correctional Litigation						
H. Schwartz	1	4	7	–	–	12
Comp. Systems for Auto Accidents						
Laufer	–	4	3	2	–	9

GRADING RANGES
SUMMER SESSION 1974

	H*	H	Q	D	F	Total Graded
Contracts						
Fleming	–	–	4	–	–	4
Federal Tax I						
Joyce	–	25	38	9	–	72
Constitutional Law I						
Newhouse	–	3	13	–	–	16
Constitutional Law II						
Hyman	–	5	20	2	–	27
Family Law						
Swartz	–	2	19	1	–	22
Land Transactions						
Reis	–	6	19	–	–	25
New York Practice						
Homburger	–	3	15	3	–	21
Commercial Trans. I						
Schlegel	–	–	8	5	–	13
Civil Rights						
Mann	1	10	21	5	4	41

OPINION CONTRIBUTION PROCEDURE

Articles, letters or reports submitted for publication in *Opinion* should be *typed* double-space with margins set at 70 characters.

For each issue, a publication schedule will be posted on the bulletin board outside the *Opinion* office, room 623, which schedule will set forth the deadlines for particular assignments. Deadlines for submission of copy will be posted in prominent places throughout the building.

No guarantee can or will be made as to the acceptability of late copy.

End of the Bar

continued from page 6

The-Great-And-True-Virtues–Which–Have–Made–Our–Country–Great, included in which is the Mixed Metaphor of the month: "Relativistic notions of right and wrong, or situation ethics, as some call it, have achieved in recent times a disturbingly high level of prominence in this country, both in the guise of law reform, and as a justification of conduct that persons would normally eschew as immoral and even illegal. The truth is that the moral horizons of the American people are not footloose ..."

Footloose moral horizons???!!!

FIRST YEAR DIRECTORS LAUD COMMUNICATION

— Centner

First-year SBA Directors: (L to R) Kandace Foust, Warren Alcock, Debra Winthrop, Clifford Solomon, Mary Engler.

by Louise Tarantino

Communication seems to be a focal concern of the newly elected first year directors of the Student Bar Association (SBA), as indicated in interviews with *Opinion*.

The six representatives chosen in the October 2nd election are Warren Alcock, Mary Engler, Kandace Foust, J. Michael Kilburn, Clifford Solomon and Debra Winthrop.

The new directors expressed concern over an apparent lack of communication between students and faculty, and among the students themselves.

"It's important to have a working relation with faculty and students," remarked Clifford Soloman, "and I regarded involvement in SBA as a good means of opening channels of communication between the two."

Another representative, Mary Engler, hopes to attain a better contact with the Association of Women Law Students and the SBA. "I would like to act as a bridge, as a sort of go-between, for women in the first year class and the SBA," she said. "I'm also striving to get things done that people usually just talk about and informing the students about what is happening," Engler added.

— Centner

2nd Year Director Cynthia Falk.

Some of the things the first year directors would like to get done include changes in exam scheduling, initiation of a day care center, and better lighting in campus parking lots.

They also displayed a desire to make the workings of SBA known to the students, to "demythify its workings and make its functions and capabilities open and evident to the student body," according to Engler.

The directors said they hope to accomplish this information flow through direct involvement with the first year students.

— Centner

1st Year Director J. Michael Kilburn

"I hope to produce more effective representation by encouraging greater feedback from the students," noted Debra Winthrop. "My main objective is to talk with students, learn how they feel on certain issues and present the majority opinion to SBA," she added.

Michael Kilburn suggested this feedback might be implemented by an open forum discussion session with the six directors and members of the first year class.

According to Solomon, "Increasing student interest in the school and administration leads to increased student involvement."

In addition to the six first year representatives, a second year director, Cynthia Falk, was elected to a vacant second-year director seat. J. Glenn Davis and Bruce Koren, the latter a write-in candidate, won election to the Faculty-Student Relations Board.

The October 2 elections saw less than one-third (91) of the first-year class and one-quarter (70) of the second-year class cast ballots. Only eight third-year students voted in the FSRB election, the only one in which they could participate.

— Centner

FSRB representative Bruce Koren

Faculty - student Committee Openings

by Don Lohr

According to the By-Laws and Standing Orders of the Faculty of Law and Jurisprudence of the State University of New York at Buffalo, the policy and program setting functions of the Law School generally resides in the full faculty. For this reason, the work of the respective faculty committees is of great importance. Fortunately, and much to the credit of this Law School, student participation in the committee system is permitted, if not openly encouraged. In this fashion, effective students are given the opportunity to exercise considerable influence on the decisions that will affect the nature and ultimate direction of the Law School. Presently, according to the Student Bar Association Constitution, students are appointed to the committees by the President with the approval of the Board of Directors. Any student interested in serving as a student representative to any of the committees listed below should submit a letter of intent to the S.B.A. President as soon as possible. Such letter should set out the committee appointment desired and any reasons therefore as well as any experience in a similar capacity or general qualifications. Vacancies currently exist on the following committees (for further details refer to the Student Handbook, p. 37):

Academic Policy and Program Committee
Admissions Committee
Appointments Committee
Budget and Program Review Committee
Library Committee
Long-Range Planning Committee
MInority Student Affairs Committee
Placement Committee

As a precautionary warning, these positions are of a serious nature and to discharge the functions thereof properly requires a commensurate amount of time and dedication. In addition, any student interested in working with the faculty members directing the programs listed below should contact in writing the S.B.A. President as soon as possible.

Building (John Lord O'Brian Hall)
International Legal Studies
Mitchell Lecture
Research and Special Programs

LRPC Plans Report

The status of the Law Library was among the topics discussed at the October 2 meeting of the Long Range Planning Committee. The library is presently faced with a shortage of funds. It is hoped an appeal to the monetary sources will alleviate the situation.

Due dates for drafts of the remaining chapters of the Long range Plan were scheduled. The draft of the chapter entitled *The Quality of Student Life* was set for Wednesday, October 30. STUDENT INPUT IS ESSENTIAL!!! This is an excellent opportunity to make your views known to the faculty. Suggestions and comments may be placed in the SBA Office in the name of the student representative, Bari Schulman.

Desmond Begins

continued from page 1

time due to administrative difficulties. Candidates for Moot Court Board are selected each year on the basis of combined brief and oral argument scores in the Desmond Competition, judges for which are local attorneys, judges, and faculty. Briefs are due from competitors on November 8; practice rounds will be held November 13 and 14; and elimination rounds will take place from November 19 through November 23, ending in the annual Moot Court banquet.

Senior Moot Court Board members this year are: Dan MacDonald, chairperson; Carl Howard, Vice Chairperson; Don Bergevin, Ray Bowie, Paul Crapsi, Gabe Ferber, Pat Gaura, Carl Goldfield, Eileen Greenbaum, Paul Groschadl, Linda Heary, Mark Hellerer, Ben Idziak, Tom Lochner, Sandy Present, Scott Slesinger, Pearl Tom, and Barbara Willis.

"It is not the victories but the defeats of life that strengthen us."
— *Author unknown*

Greg Fabianski
360 Delaware Avenue
Buffalo, New York 14202
Telephone: 854-1846

Connecticut Mutual Life
THE BLUE CHIP COMPANY • SINCE 1846