

University at Buffalo School of Law

## Digital Commons @ University at Buffalo School of Law

---

The Opinion Newspaper

The Opinion

---

4-18-1984

### The Opinion Volume 25 Number 1 – April 18, 1984

The Opinion

Follow this and additional works at: [https://digitalcommons.law.buffalo.edu/the\\_opinion](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 25 Number 1 – April 18, 1984" (1984). *The Opinion Newspaper*. 186.  
[https://digitalcommons.law.buffalo.edu/the\\_opinion/186](https://digitalcommons.law.buffalo.edu/the_opinion/186)

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](mailto:lawscholar@buffalo.edu).



## FSRB Subcommittee On Dishonesty Meets

by Mary Ellen Orvis

On April 3, 1984, a Subcommittee of the Faculty Student Relations Board (FSRB) held its first open meeting to which all members in the UB Law School community who had information, advice or complaints relating to academic dishonesty were invited. Three students attended.

The Subcommittee, which is comprised of third-year students Keith Martin and Jill Paperno and Professor Charles Carr, was authorized by the FSRB to conduct investigations into all aspects of the problem of academic dishonesty shortly after the FSRB received a letter on February 27, 1984 from Moot Court Board Director Dan Pease requesting "any help you may be able to give us in this matter."

Pease in his letter addressed "an alarming level of destruction and abuse of the Law library resources during last semester's Desmond Competition" and the "present abuse of library materials" during the Mugal Tax Competition, concluding that "[t]his situation not only threatens the educational benefits of the competition itself, but also significantly impairs the ability of all law students to effectively utilize the library facility."

According to Professor Carr, the open meeting was not a hearing *per se* because no sworn testimony was taken. The purpose of the meeting, nonetheless, was to hear people's complaints and ideas in an effort to identify the scope of the problem. Only then, asserted Carr, can a response be formulated and possible sanctions be considered.

At the April 3 meeting, second-year student Terry Brown-Steiner reiterated for the Subcommittee his story of finding twenty-seven volumes of bound law reviews while working on the fifth floor of the law library. (See Brown-Steiner's letter to *The Opinion*, March 14, 1984, page 2, "Our Readers Write.")

Bill Maffucci, in his capacity as Editor-in-Chief of *Buffalo Law Review*, told the FSRB Subcommittee on April 3 that during the first phase of the Review's casenote competition, which was held over Spring break, one first-year student encountered problems finding library sources. Maffucci explained that the Review has posted a billboard in its office so that students who have difficulty locating library materials during subsequent phases of the casenote competition may advertise the name of the source. In this

manner, claimed Maffucci, students will be put on notice that academic dishonesty in the form of library abuses will result in "immediate disqualification" from the competition.

All participants in the April 3 meeting agreed that the practical question of how to stop academic dishonesty is a hard one to answer. Professor Carr speculated that "since UB's grading system itself doesn't serve to distinguish students, students may feel compelled to seek distinction through achievement in Moot Court competitions."

The FSRB Subcommittee

also faces the task of recommending due process requirements in any investigation of academic dishonesty. "First, we have to let people know from the outset that they are expected to live up to certain standards," asserted Keith Martin. Then, according to Carr, the Subcommittee must determine whether "procedures conform to due process standards, that is, is there adequate notice of the penalties for academic dishonesty? We know that the Law School has issued disciplinary rules related to examinations, but what if the instance of dishonesty is not

exam-related?"

In furtherance of its delegated task, the Subcommittee has met in private with third-year students David Marcus and Ken Schoetz of *Law Review*, Dan Pease of Moot Court, and Ellen Gibson, Law Librarian. To date, no students responsible for the library abuses have been found. "I doubt that anyone will be 'caught,'" states Carr, "unless someone comes forward with specific information."

The Subcommittee will issue a report at the end of its investigation to the Chairman of the FSRB and, hopefully, to the student body at large.

## Buffalo Law Review Passes Affirmative Action Policy

by Victor R. Siclari

On March 29, 1984, the members of the *Buffalo Law Review* passed an Affirmative Action Policy amendment to the Review's Constitution. This policy was the result of an effort begun by third-year student Tim Brock, who was chairman of the Casenote Competition Administration Committee in 1982. From this initial effort, another proposal was made by second-year student Terry Brown-Steiner. As a result, the current *Law Review* members had two proposals to choose from. Although the two proposals for affirmative action are similar in purpose, they are substantially different in the method employed to effect their purpose. Brock's broader policy proposal ultimately prevailed.

### Historical Background

When the *Buffalo Law Review* began in 1951, its two main purposes were to provide the opportunity for legal writing and to publish significant student and professional contributions to legal literature. Since that time, landmark decisions by the Supreme Court in cases like *Brown v. Board of Education* and *Bakke v. Regents of University of California* have changed the social, political and economic structure of our nation. For the first time *de facto* and *de jure* discrimination have been seriously considered. The Court determined that the practice of discrimination is violative of the U.S. Constitution, but that might be the only clear decision the Court has made.

The real question still remaining, and which has

been a continuing source of socio-legal debate, is how to remedy this past abuse. Proposals ranging from a position that the problem over time will remedy itself, to the more aggressive position for an affirmative action program have developed society-wide. Although most feel that the former position is indefensible and untenable, defense for the latter position has been faced with claims of reverse discrimination. The Review is similarly embroiled in a controversy as to what action should be instituted to remedy the inequities of the past.

### Affirmative Action Program

Senior Editor Brown-Steiner characterized his proposal as "a specific affirmative action policy." Since the only factors considered in evaluating candidates for the selection of the Review are first-year grades and a numerical evaluation of the written casenote, Brown-Steiner proposed to modify the selection process by adding another factor of "long-term physical, social or economic

disadvantage." He explained that this is a factor which would consider motivation and determination as well as demonstrated ability, something which is not sufficiently characterized by the other two factors yet is just as important in determining how well the candidate will perform on the Review. To support his argument Brown-Steiner quotes Justice Douglas in *DeFunnis v. Odegaard*:

*A Black applicant who pulled himself out of the ghetto into a junior college may thereby demonstrate a level of motivation, perseverance, and ability that would lead a fairminded admissions committee to conclude that he shows more promise than the son of a rich alumnus who achieved better grades at Harvard.*

According to Brown-Steiner, the presence of this third factor in a candidate would be determined, by an elected Affirmative Action Officer and a specially selected Affirmative Action Committee, from a two or three page summary

*continued on page 10*

## Sex Abuse Problem In the United States

by Marty Smalline

A commonly cited statistic in the field of law enforcement indicates that every six minutes an incident of sexual abuse or rape upon a woman is reported in the United States. Worse yet, this figure does not encompass those occurrences which are not reported; nor does it reflect the incidence of abuse against males which may be less familiar to the public but equally as serious. In a community such as Buffalo, each of us must face the possibility that at some point we may encounter a situation where sexual abuse threatens one of us or someone we are close to. It may be valuable, therefore, to be aware of some of the major concerns related to it.

### Precaution and Prevention

Recently, many citizens have sought effective defense measures to protect them from a sexual attack out on the streets. Some have become proficient at actual self-defense techniques while others have resorted to weapons ranging from house-

keys to handguns. Due to these precautionary measures, a secondary concern for the safety of the victim has arisen in that one may increase the danger of injury or death by implementing such defenses when the disposition of the attacker is largely unknown.

Alice Sullivan, a member of the Erie County Citizens Committee on Rape, was asked on WBNY-FM how this possibility should be treated. Sullivan emphasized the importance of assessing the situation realistically. She conceded, however, that the trauma of the encounter often inhibits rational thought and stressed the danger that weapons carried for defense may be used against the victim. If it is a deadly or inherently dangerous instrument the possibility exists that the attacker may seize it from the victim. Sullivan suggested other means such as kicking and gouging the assailant, although this too is in danger of enraging a potentially lethal attacker. Sullivan is committed to teaching measures for avoiding and preventing a potentially

*continued on page 8*

## Professor Possibly Denied Tenure by U/B

It has been brought to the attention of *The Opinion* that a non-binding straw vote has resulted in the possible denial of tenure for Associate Professor Michael A. Schaeftler. Until Schaeftler requests a formal vote, no official decision will be made regarding his status at U/B Law School.

When reached for substantiation of this matter, Dean Thomas E. Headrick had no comment, stating that he declined to discuss personnel matters with anyone other than the parties involved.

Professor Wade Newhouse was also contacted since he is part of the committee to review tenure, but he referred *The Opinion* to the Dean. Marjorie Girth, Convenor, could not be reached for comment. Schaeftler was not in Buffalo at the time of this release and, therefore, unavailable for comment.

Editor-in-Chief  
Bob Cozzie

Managing Editor  
Victor R. Siclari

News Editor: Randy Donatelli  
Features Editor: Andy H. Viets  
Business Manager: Ted Araujo

Contributors: Mary Ellen Berger, Robert Bursky, Victor J. D'Angelo, Daniel W. Doohar, Cliff Falk, Andy Friedman, Susan Kozinn, Pudge Meyer, Mark Mulholland, Mary Ellen Orvis, Greg Phillips, Craig Sheils, Marty Smalline, Rob Turkewitz, Jud Weiksner

© Copyright 1984, The Opinion, SBA. Any republication of materials herein is strictly prohibited without the express consent of the Editors. The Opinion is published every two weeks during the academic year. It is the student newspaper of the State University of New York at Buffalo School of Law, SUNYAB Amherst Campus, Buffalo, New York 14260. The views expressed in this paper are not necessarily those of the Editorial Board or Staff of The Opinion. The Opinion is a non-profit organization, third-class postage entered at Buffalo, N.Y. Editorial Policy of The Opinion is determined collectively by the Editorial Board. The Opinion is funded by SBA from Student Law Fees. Composition & Design: University Press at Buffalo.

## Editorial

### Some Things Never Change

A year ago in this space the then incoming editorial board of *The Opinion* published your basic freedom of expression piece commending the Law School Administration for holding the Buffalo Model Open Forum on April 14, 1983. The suggestion was offered that all sides should deliberate over the issues and seriously consider possible changes. As the editorial indicated, many felt "that the Open Forum was merely a gesture of appeasement and lacked any substantial commitment to change."

Now a year later, the new editorial board of *The Opinion*, in light of the above, would like to make a couple of observations. First, as the pages of this newspaper have indicated over the past year, student concerns with respect to the merits and demerits of the Buffalo Model persist. Second, it has become apparent that last year's Open Forum was nothing more than a gesture of appeasement. The Law School hierarchy has evidenced no commitment to change, and because the nature of the Buffalo Model meets it and the faculty's needs and desires (though not those of the students), it is unlikely to evidence such a commitment in the future.

It is our intent, however, to go beyond the usual gripes concerning the Buffalo Model, such as the relevancy of critical jurisprudence, the leftist politics of the faculty, and Law in Context courses. We doubt that other law schools do a much better job with their rightist politics and traditional course offerings of training lawyers. The problem is deeper than the mechanics of the Buffalo Model and it is one which pervades this entire University if not all of this country's educational system. The operative words thus far have been "training lawyers." The Buffalo Model is representative of every other law school in the country in one respect — it has at best a very limited interest in teaching anyone much of anything that is relevant to what lawyers actually do. Teaching and training have become secondary.

At the recently held Alumni Dinner, a handout was distributed to everyone in attendance which read in part: "As an important school in a major research university, the faculty take their scholarship seriously. Last year 70% of the faculty published or presented the results of recent research. This activity produced 6 books or monographs, 9 articles and over 30 scholarly papers." It seems odd to us that the Law School would take pride in this. We see it as the problem. It is not our contention that an end be put to all scholarly legal research, but one only wonders how much time and effort is being put into the teaching and training of the school's students in light of the above statistics.

It seems to us that the ultimate Law in Context course would incorporate the thinking behind critical jurisprudence into the research, writing and work a lawyer actually does within a framework of more traditional course offerings. This would, of course, require considerably more effort on the part of professors. It is apparent, though, that the faculty is not inclined to put this kind of effort into their work. Or, perhaps it does not know how.

The Buffalo Model is a failure in the same sense as is the rest of the country's legal education — there is too little emphasis on the nuts and bolts of lawyering. It is time to get back to basics. It is time to make teaching a primary rather than a secondary function.

## President's Corner

### Reflecting on SBA 83-84

by Greg Phillips

It is traditional for the SBA President to write a "President's Corner" for the final issue of each year's *Opinion*. I suppose this would be a fine time to thank everyone who has been involved with SBA this year, and I intend to do so in due course. But I would also like to reflect back on my three years of SBA involvement and make some observations about this organization.

People choose to get involved in SBA for a wide variety of reasons. Some run for SBA office because they enjoyed similar student government in-

volvement as undergraduates. Others have a vague feeling that they want to get involved, or simply want to find out what's going on. I tried out for the Finance Committee two and a half years ago to meet people outside my section and class year.

I've found that for whatever reasons people consider becoming involved in SBA, the people that end-up on SBA really care about this law school and what goes on in it. SBA members want the student voice to be heard by the Law School administration, and by all policy-makers who will listen, whether in the U/B Administration, in Albany or in

Washington. Further, the SBA tries to certify and fund active law student groups that will make the Law School a more interesting, vibrant place in which to spend three years. And finally, we try and bring everyone together with enjoyable social events.

Because of these goals and concerns, the SBA Board ends up spending much time and energy discussing our plans and attempting to insure that decisions are made fairly and correctly. Given the fact that we've all studied Civil Procedure and/or Administrative Law, there is much emphasis put on procedural process

continued on page 11

## Our Readers Write

### Public Interest Placement: What is CDO's Commitment?

To the Editor:

As SBA Vice-President, I have received complaints about the Career Development Office's (CDO) lack of involvement in public interest legal careers. I have investigated these complaints, and would like to update students on the issues.

Part of the problem is understaffing in CDO. Audrey Koscielniak and Alan Carrel are only two people and they are assisted by work-study students. However, a work-study student, by virtue of her/his position, cannot put forth a sustained effort to the task of fully developing a public interest orientation at the CDO. Hence, a group of interested faculty and students have met with Dean Headrick to propose the hiring of an additional full-time placement person to work specifically on non-commercial (i.e., public-interest, public service, and government) placement. The Dean seemed amenable to bringing in more help, but he was unsure about where the funding would come from. An alternative to getting a full-time person would be obtaining a student or students who would receive a tuition waiver in order to work continuously on public interest placement.

On March 7, 1984, Koscielniak gave a lecture on public interest legal careers.

### No Pomp for Circumstance

To the Editor:

On May 20 the class of 1984 will graduate. Members of our diverse senior class will choose to celebrate and share this event in different ways. Most will mark the occasion with the traditional graduation regalia of caps and gowns.

This year some of the students who will not be wearing caps and gowns will be opting to share commencement in an alternative fashion. We will be contributing the money that would have been spent at Follet's book store to charity. This will make our graduation more significant to us and those with whom we share it.

Jill Paperno

Annamarie Richmond

She began with some general background on how to go about obtaining employment in the public interest/government area. She went on to report on a symposium she attended on Public Interest Legal Careers held at New York University Law School. For anyone interested, she has extensive materials from that conference, including names and addresses and descriptions of public interest employers in New York City. NYU conducts on-campus interviews, bringing in many public interest employers to interview with students.

I'd like to see the CDO conduct a "New York Interview Program" specifically devoted to public interest and government careers. It would complement the existing New York Interview Program by providing a set place (hotel) and one day

where students interested in public interest careers could interview with numerous employers. This would ease the burden of the student who makes several trips to New York, often travelling to many different boroughs to interview with, for example, five different Legal Services offices. Consolidating these interviews in one location and on one day is a crucial cost-cutting measure for students who often receive only work-study funding for their summer position.

I'd like to extend my appreciation to Audrey and Alan for their openness to and interest in the expansion of CDO involvement in public interest placement. Anyone interested in getting involved, leave a note in Box No. 473.

Judy Olin  
SBA Vice-President

### Pickett, a Jackson Supporter, Reproached

To the Editor:

What a shame that supposedly intelligent law students have to enter into mudslinging to rebut a valid point. Gerri Pickett's slanderous comments about Rob Bursky in last week's *The Opinion* revealed a painful lack of understanding, not only for the feelings of Jews, but for the importance of Jackson's faux pas. If Ms. Pickett only understood the validity of Mr. Bursky's comments, she would have seen that his article was not aimed against Black-Americans, but against unequal treatment of such comments. Call me a bigot, Ms. Pickett, but I supported the criticism against Rev. Jackson. Nothing you say can change the meaning of what he said (even if his terms were not in the dictionary!).

Rich Gottlieb

To the Editor:

I am writing this letter in response to some of the contentions made in the letter by Ms. Gerri Pickett in defense of Jesse Jackson as it appeared in the April 4 edition of *The Opinion*.

Ms. Pickett opened her letter by stating she was unable to find the term "hymie" in the dictionary, and thus concluded that there is no basis on which to consider the term a racial slur. Such logic is appalling. The terms "jungle bunny" and "spearchucker" are also absent from the dictionary—therefore, is one to conclude that these are not racist or derogatory expressions?

Furthermore, Ms. Pickett has assured us that the "real concern . . . of most Jews in their attack on presidential candidate Jackson . . . is the fact that he is a Black man." Does Ms. Pickett really believe that the American-Jewish community would ignore such a slur if it had emanated from any of the other presidential candidates?

I am both infuriated and gravely disappointed that Ms. Pickett, as a proponent of a "Rainbow Coalition", would stoop to categorically single out Jewish people as racists. In this century, half of world Jewry was exterminated in death camps. Extreme sensitivity to perceived anti-

continued on page 10

# Alumni Honor Del Cotto - Fahringer - Johnson

*Editor's Note: Several weeks ago Alan Carrel requested that the editorial board of The Opinion assign a staff member to cover the 22nd Annual Dinner of the Law Alumni Association held on April 6, 1984 at the Hyatt Regency Hotel in downtown Buffalo. Largely by default, Andy H. Viets was assigned to the story. Upon his return he filed this report.*

It was a dark and stormy night. A near-lethal combination of snow and rain was falling from the sky as I made my way towards the new Hyatt Regency for the Alumni Dinner. My sinuses had been acting up, but being the trooper that I am I continued on (neither snow nor rain will prevent this reporter from getting a free meal).

The Hyatt Regency is a beautiful place, though the surroundings leave something to be desired. The Hotel is large and inviting, but it is smack in the middle of one of the ugliest places on the planet. No matter—I was there and ready to party.

I approached the registration table where I gave the receptionist my name and purpose. She looked at a list of names she had in front of her.

"I'm sorry," she said, "but I don't know who you are and I'm not letting you in."

"Alan Carrel asked me to cover this bash for the law school newspaper," I said. "Perhaps you can ask him about it."

She left for a second, only to return shortly with a gentleman at her side.

"I'm sorry Andy," he said, noticing that I was taking notes on all of this, "but I don't know who you are and I'm not letting you in."

Again I stated my name and purpose.

"Well, I'll go check it out," he said.

Moments later he returned, ticket in hand.

"Yes Mr. Viets," he said, somewhat flustered. "I'm very, very sorry. You'll be seated at table 14 this evening. Feel free to mingle and be sure to have yourself a drink." By his sud-

den change of disposition I supposed he was convinced that I really was writing a story.

"Thank you very much," I said. "I think that I might even have several drinks. Now, where's the keg?"

He looked terrified for a moment until I told him that I was only kidding.

Several law students and members of the Law School hierarchy and faculty were already present as were a couple of hundred alumni and their guests. Over 370 tickets had been sold for the event, the largest crowd the Alumni Dinner had ever attracted and an increase of more than 40 over last year's attendance.

The evening began at six with an open bar for an hour. I made a stab at being dignified for a change, and ordered a seven and seven instead of a beer. Then I made a pain of myself and started taking pictures.

As the dinner hour neared, several of the organizers made useless attempts to have everyone find their seats so that dinner could be served. Finally, after some dictatorial comments were shouted over the PA system, people managed to locate their tables. I had been seated with five members of the Buffalo law firm of Damon and Morey. Four of them had graduated from the Law School in the late 1970's and one was a partner in the firm. With the last individual I agreed not to ask, never mind print, his year of graduation.

The dinner began with what I guess was supposed to be a salad. Actually, it looked like they just cut a head of lettuce into four strips and dumped one onto my plate. Rolls (which were a bit stale) and butter were already on the table. The main course consisted of (and this is straight from my notes)—chicken stuff, macaroni stuff, and a stuffed tomato with gobs of cheese melted over everything in sight. Whatever it was, it was quite good and the chocolate cake for dessert was even better. It would have been nice, though, if they had served

soup with the meal.

The table talk was as expected. Presidential politics was one of the topics of the day (general conclusion—they liked Gary Hart but are not overly enthusiastic about any candidate). There were also references to professors and how good or bad they were (some things never change).

The final segment of the evening's activities consisted of an awards presentation to outstanding legal figures chosen by certain members of the Law Alumni Association. This part of the program was at times both entertaining and controversial.

U/B Law Professor Louis A. Del Cotto was the recipient of the Public Service Award. He thanked nearly everyone in existence and then mentioned the numerous changes in the Internal Revenue Code over the years which he had happily suffered through, an experience which he likened to "making love to a gorilla. You stop when it wants to."

Herald Price Fahringer, something of a celebrity these days due to his successful career as a criminal law attorney, received the Private Practice Award. Fahringer thanked everyone profusely, noting that, considering his poor trial record over the past two years, "it was nice to finally win something again." He concluded by reminiscing back to his days at the Law School when it was located downtown on West Eagle Street.

Finally, Rudolph U. Johnson was named, posthumously, the winner of the Judiciary Award for his work as a New York State Supreme Court Justice. By all accounts, Judge Johnson was one of the finest jurists to ever be so honored.

After the awards presentation was completed, Dean Headrick was called on to make a few comments, a situation which nearly turned disastrous. He began by honoring all three recipients for their achievements, but then had some special words for Del Cotto.

"Louis Del Cotto is a

brilliant professor and an appreciated colleague," began Headrick, "and a man that we now know makes love to a gorilla." Del Cotto's wife was seated next to him at the dais.

Initially, the audience responded with scattered giggles, recalling Del Cotto's earlier remarks. Then, however, the crowd went silent, realizing the presence of Mrs. Del Cotto. Seconds later, though, the Del Cottos broke into smiles and the room erupted into laughter. The Dean, it appeared, had been saved by a smile.

After the dinner, the general reaction to the Dean's joke was favorable, although one member of the Law School hierarchy was heard to say: "I was afraid all of last semester that Schlegel would say something like that."

Numerous people were involved in the success of the dinner, namely the members of the Dinner Committee—Thomas C. Bailey, Joseph W. Keefe, Joseph G. Makowski, and Maryann S. Freedman. In addition, Alan Carrel played a significant role in the evening's activities, though he preferred to thank others.

"I was delighted to see this kind of turnout," said Carrel. "It was an excellent dinner and it demonstrates the enthusiasm and pride the alumni of the Law School have." Statistics bear him out. Alumni involvement in and support for the Law School has shown an increase in recent years. The Alumni Association now includes 610 members. Generous responses to fundraising efforts have enabled the school to develop programs and activities not adequately provided for within the State budget.

This reporter's evening was concluded by standing in line for twenty minutes waiting to retrieve my coat. During this time a member of the Law School's administration fruitlessly attempted to convince me that despite its shortcomings, the Buffalo Model is the greatest thing since sliced bread. I admit that I had a hell of a time at the dinner, but I'm still going to California (with an achin' in my heart).

When I got outside it was still raining and snowing. Driving conditions were miserable. From beginning to end the evening had been representative of Buffalo at its best.



Louis A. Del Cotto (left), Herald Price Fahringer (right), and the late Rudolph U. Johnson were the award recipients at this year's Alumni Dinner.

## CDO Publishes Employment Statistics

### Graduating Class, 1983

In May, 1983, 288 students graduated and at the time of their admission to the bar, 95 percent had found positions in law or law-related fields. The New York bar exam was taken by 259 graduates, and 83 percent passed; others passed bar exams in other states, but our information on them is incomplete.

To a significantly greater extent than in recent years, the members of the Class of 1983 opted to practice in smaller private firms and to stay in the Buffalo area. Associations with small firms rose from 22 percent in 1982 to 33 percent in 1983; location in the Buffalo area rose from 32 percent to 42 percent. Both of these shifts are contrary to normal expectations and thus may reflect factors special to this class.

The distribution of the class among types of employment and location now appear as follows:

Type of Employment	
Law firms TOTAL	55 percent
Size 2-10	33 percent
11-25	7 percent
26-50	4 percent
51-100	7 percent
100+	4 percent
Self-employed	2 percent
Judicial Clerkships	4 percent
Government	14 percent
Public Interest	7 percent
Military	3 percent
Business	9 percent
Teaching	2 percent
Advanced Degree	4 percent

Place of Employment	Percentage
Buffalo area	42 percent
Rochester area	7 percent
New York City area	19 percent
Other New York	16 percent
Out of State	12 percent
Unknown	4 percent

## Seeing Prisoners As People, Task Force Urges Participation

by Mary Ellen Orvis

U/B Law School's Prison Task Force is wrapping up another semester of conducting weekly classes in legal research and writing for inmates at Collins Correctional Facility, and hopes to have an equally busy and successful schedule starting next fall. All law students who wish to participate in the Task Force are welcome, and will be briefly trained before going to Collins.

In the early Fall of 1971, after the infamous uprising at Attica Correctional Facility which resulted in the deaths of prisoners and guards, the Buffalo Chapter of the National Lawyers Guild invited attorneys on the Attica Defense Committee to come to Buffalo and use U/B Law School as a base of operations. Students

were encouraged to help the Committee by doing legal research and by going to Attica to "relate to the prisoners." (*Opinion*, 3/9/72, p.4)

As the specific defense assignments of the attorneys faded into history, U/B Law students who had volunteered in the Guild's program recognized the importance of providing inmates with continued education in legal research skills. In 1974 classes were started at Albion Correctional Facility, a medium-security coeducational prison, and were continued until the spring of 1982 when the program was terminated by Albion officials for discretionary reasons.

### Program Expands

In the Spring of 1983, then

second-year student Dave Rynders and Mary McHale (U/B Law '83) contacted Collins Correctional Facility, in the hopes of renewing the Prison Task Force's outreach program. According to the Force's statement of goals and purposes, "By teaching the students (inmates) such skills as determining the holding of a case and using law books, we hope to achieve the dual purposes of enabling them to protect their rights and avoiding frivolous litigation based on misunderstanding of the legal system."

Rynders and McHale had to be personally interviewed by Collins officials to assess their sincerity in administering the program, and had to provide officials with course outlines, before receiving permission to

continued on page 10

# Writer Responds to Charges Levied by Critics

by Robert M. Bursky

After much inner debate and consultation with friends, I have decided to respond to the three letters ("In Defense of Rev. Jesse Jackson Our Readers Write," *The Opinion*, April 4, 1984) lambasting me for the article ("Public Shouldn't Be Misled by Jesse Jackson's Apology," *The Opinion*, March 14, 1984) in which I condemned Jackson and his reference to Jews as "Hymies."

It took me quite a while to decide that a response is in order. I was tempted to let these letters speak for themselves, since they actually support the perspective I espoused in my article. In the end, however, I decided to reply, not so much to refute any suspicions or accusations to the effect that I am racist, but to further demonstrate to both Jackson's marginal and potential supporters that he is not deserving of the White House, and to point out the giddiness of those who have been all too quick to leap to his defense.

The three letters were all noble attempts at character assassination—mine, of course. One overtly called me racist (another first in my life); another implied as much; the other did not accuse me of racism so much as it did Fascism, Nazism and general ignorance. I guess that, since they couldn't come up with a viable defense for Jackson (after all, neither could he), they did the next best thing—they condemned me for condemning him. This is a standard operating technique among certain segments of our population—when all else is lost, cry racism. Anyone disliking Jackson is a bigot. Anyone against affirmative action programs, either on principle or based on a belief that such programs actually hurt minority interests in the long run, is a racist, also. In my article, I stated that all too often, minorities feel and act as though, "[t]hey may condemn, but may not be condemned." I believe the three letters that I am about to address, in large measure, support that assertion.

Another reason why I almost decided to forego an answer lay in the fact that these letters were so outlandish, off-the-wall, and distortive of reality, I couldn't find a suitable place to begin a response. After endless thought and hair-pulling, I decided to make things easy on myself and treat each of the letters separately, replying to each in turn. Here then, is what I have to say:

## Response No. 1

Dear Miss Pickett:

In your letter, you state that, since the word "Hymie" (which you spelled incorrectly, since it is a proper noun and therefore calls for a capital "H") is "conspicuously absent" from the dictionary, it is not an ethnic slur. I also have dictionary skills and, not finding the word "Leroy" in Webster's Unabridged, have concluded that it, too, is not a slur. Thus I trust that you will not be offended if in the future I should happen to refer to the Black community by that name.

You go on to say (and I quote you) that, "[t]he real concern . . . of most Jews in their attack on . . . Jackson, who is the most qualified of all the candidates, is the fact that he is a Black man." At first I thought you were referring to the fact that Jackson is a Black

who supports the Palestinian cause, since you do mention that later in your letter. However, Jackson's skin-tone has nothing to do with the Palestinian issue so far as Jews are concerned (or probably anyone else for that matter), since there are just as many Whites as Blacks (if not more) who support the Palestinian cause. The sentence in which you state that most Jews have problems with Jackson because he is Black, therefore, stands by itself. What it says is that most Jews dislike Blacks. You referred to me as a racist. Now, in view of your statement, please tell us who is the bigot.

You also state that my article does not attack Jackson's program and ideas, but rather is an attack on the man. Here I must agree with you. My article neither purported nor attempted to criticize his platform, except in so far as his bigotry is an essential part of it. Besides, his character made for a much bigger target. I addressed Jackson the man, and the verdict still stands—guilty.

Since you are so concerned with my failure to address his ideas and stances, let me make brief mention of his "qualifications" which, as you contend, make him the logical choice for President. As a preliminary matter, by qualified, do you mean a candidate who has no political experience? If so, then Jackson is certainly the man for the job. You refer to Jackson's "record," but since he has never held public office, it is difficult to see what "record," you are looking at when you make such a statement. Jackson has no public record, much less the complimentary one you profess he has. If you are referring to

what he has stated his positions are, then by that very logic there must be 25 million Americans qualified to be President, since there are probably that many people who share and have voiced at least some of Jackson's perspectives. As far as Operation PUSH is concerned, it is not so much an organization to help poor people as it is one to increase Black voter registration. How dedicated to the plight of women can he be when it is only since he threw his hat into the ring that he has supported the rights of women to have abortions?

I have no problem with the fact that Jackson is a Black man running for President. I do, however, have enormous problems with the fact that he is not the right Black candidate. Give me an Andrew Young or a Wilson Goode, and then not only might you see me cast my vote for a Black man, but you might see millions of White Americans (including Jews) do the same. I doubt you'll buy this, since it is much more convenient to blame racism for Jackson's own incompetence.

You state that I have demonstrated my contempt and dislike for Jackson and people "of color" (after all, if you dislike one Black man, you must despise them all). This is only partially correct. I do, indeed, dislike Jackson. As for people "of color" generally, nothing could be further from the truth. In fact, besides Jackson, there is only one other person of color who I can honestly say I detest—yet this results in no harm to anyone because your letter makes it perfectly clear that you are not particularly enamored to me, either. I

criticize Jackson and affirmative action programs so you feel justified in calling ME a racist? Not only did you call me a racist, but you even refused to admit that Jackson was in error when he called Jews "Hymies."

Unlike the other two letters, which at least raised some valid issues, yours offered nothing of value of any sort, yet you tell me MY article lacked intellectual and substantive content.

With the way you present your case, I can hardly wait for the day when I can inform my clients that, in cases involving them, you are opposing counsel. Hope to see you in court.

Love,  
Hymie

## Response No. 2

Dear Mr. Benitez:

I wish I could believe you when you state in your letter that you don't think I'm a racist, but you've made it impossible for me to do so in view of the fact that in the very next sentence, you go on to say that I don't think much of minorities. Why do you think that? Because I condemned a man of the cloth who vilified a group with different religious beliefs and political preferences? Because I believe that affirmative action programs contribute to self-perceptions of minorities as wards of the state? Because I believe that such programs stand in the way of self-improvement rather than promote it? Because they allow minorities to think of themselves as "special" groups who deserve "special" treatment? I have disagreed with many people on many different issues, but I've never

had to resort to name-calling to make myself heard (at least you called Jackson's remark "unfortunate," though you stopped short of saying he was wrong—Miss Pickett had the audacity to not even concede that his remark was uncalled for. Too bad Jackson can't say the same thing.

In your letter, you state that it wasn't necessary for me to make an "up-front disclaimer" to the effect that I am not a racist. You misunderstood my purpose here. My remark was not offered as a personal defense, since anyone who knows me also knows that I am not a bigot, but was instead a utilization of sarcasm to poke fun at Jackson's disclaimer when confronted with his "Hymie" statement.

I gave you an article on Jesse Jackson and you gave me one (by way of reply) on Ernest Hollings. I have never (and never will) supported Hollings. Can you say the same about Jackson? Nowhere in your letter do you state that his remarks (not to mention his "qualifications") make him unfit to assume the Presidency. Are you supporting him despite his comments? Lack of qualifications?

You note that in a straw poll, Hollings finished third in Iowa despite his "wetbacks" statement, thus implying that numbers of voters in that state supported a bigot while he was in the running. Let me inform you that in the New York State Primary, 80 percent of the Black voters (and about 26 percent of all voters) supported Jackson. Are these voters no less worthy of contempt than those who supported Hollings? Certainly not. Both sets are equally deserving of scorn and

*continued on page 9*

## Legal Commentary

# Critical Legal Studies Explores Facade

by Daniel W. Doohar

"Lawyers are all right, I guess . . . I mean they're all right if they go around saving innocent guys' lives all the time, and like that, but you don't do that kind of stuff if you're a lawyer. All you do is make a lot of dough and play golf and play bridge and buy cars and drink Martinis and look like a hot-shot. And besides. Even if you did go around saving guys' lives and all, how would you know if you did it because you really wanted to save guys' lives or because you did it because what you really wanted to do was be a terrific lawyer, with everybody slapping you on the back and congratulating you in court when the goddamn trial was over . . . ?"

Holden Caulfield, from J.D. Salinger's *The Catcher in the Rye*

"Economics Presents Possibility Of Refinement in the System" (*The Opinion*, April 4, 1984, page 4) was not one of the finer pieces to appear in *The Opinion* this past school year. Mr. Araujo is wrong on two counts. First, he has no right to claim the discipline of economics as his, or anyone else's, "turf." Second, he misses the purpose of Critical Legal Studies by a long shot. Here is why.

Araujo's portrayal of Professor Kennedy or other Critical Legal scholars as "novices treading unknowingly on our turf," is at best, dubious; at worst, it is ignorant. Four years as an undergraduate taking a number of economics courses hardly gives one a right to claim the discipline as his turf. Araujo's discussion of marginal utility (that expenditures by the government for either teachers or high-priced weapons manufacturing "will increase the money supply equally and should, within a given period of time, create the same stimulus in the economy") makes one wonder just how much he knows about economics. Economists from Dr. Friedman to Dr. Gailbraith would provide empirical evidence that such assumptions are completely ill-founded. Araujo argues that economics does not operate in a vacuum, yet that is exactly what he is proposing. Any scholar worth his or her weight engages in argumentation. He or she does not present questionable discussion and then tell those in other disciplines to stay off the turf.

## Far From The Truth

More disturbing, however, is Araujo's analysis of Critical Legal Studies. Professor Kennedy's "objective" is not "shedding light on the impor-

tance and inescapability in making choices." All too often, Critical Legal Studies is seen as stating that it all comes down to choice. Professor Kennedy is not saying that the goal of legal education is to show that "choices must be made, and that we cannot escape making them." Nothing could be further from the truth. Rather, Critical Legal Studies is saying that for too long, illegitimate and inconsistent choices have been made, and we can, and should, bring a stop to the facade that nothing can be done about it.

One who feels that this is unrealistic, or that it has little if anything to do with that workaday legal world out there, has a very pessimistic view of his or her own capabilities as a lawyer. Critical Legal Studies seeks to show the inconsistencies in doctrine and black letter law from Torts (comparative negligence evolution) to Contracts (equal bargaining positions) to Corporations (business judgment rule versus fairness test) to Constitutional Law (fundamental rights doctrine). Critical Legal Studies seeks to show that once the inconsistencies are exposed, to accept them and just stay with a doctrine which is neither legitimate nor consistent is at best complacency; at worst, it is living a lie. At the practical

level, then, Critical Legal Studies challenges the prospective lawyer to go to the boundaries of doctrine to make dynamic legal arguments which go beyond the facade.

At a deeper level, Critical Legal Studies seeks to ask hard questions about how American jurisprudence has gotten this far; where it is; and where it should be going if it is to continue to make claims of bringing about justice concomitant with order. This necessitates examination of how our economic, political, social, religious, and moral values affect the law. Critical Legal Studies is engaging in logical argument by asking: how did these values evolve; were they legitimate to begin with? Critical Legal Studies is not, nor are its proponents, shoving anything down any "collective throats", as Araujo chooses to sympathetically portray himself and his colleagues. It is simply asking hard questions, which Araujo and those who join him on his turf have failed to answer.

Can a school of law which has seen the illegitimacy and inconsistency of doctrine and black letter law teach law so as to continue the facade? The logical, and moral, conclusion is that it cannot.

"If a body catch a body com-in' through the rye . . ."

# The Time to Consider ABA Offerings is Now

by Rob Turkewitz and Susan Kozinn

So, what if you don't want to practice Law in Context B, for a living? Do not fret! The American Bar Association offers law student members practical insights and experience into the legal field. The ABA is more than just theory—it is law in action!

The ABA offers educational seminars, publications and competitions to its law student members. In short, the ABA works for you

In the area of tax, there is a program called the Voluntary Income Tax Assistance (VITA) program. Students are trained by the IRS to prepare tax returns and to recognize tax problems and resolve them. However, this program is not otherwise connected with the IRS. VITA participants assist lay persons in the community to prepare their income tax returns on a pro bono basis. Any taxpayer with an income of less than \$35,000 is qualified under VITA to receive assistance.

This program gives law students the opportunity to work in a quasi-attorney-client relationship. VITA provides practical experience to those students interested in tax law, and your participation would indicate a deep-seated interest to potential employers. Finally, this program would create favorable publicity for Buffalo Law, the students involved and the legal profession in general. Anyone interested in becoming

a VITA volunteer here at Buffalo Law School should contact Mitch Cohen.

Administrative Judges Law School Program is looking for schools to conduct actual administrative law hearings. The ideal place is our Moot Courtroom. Observing actual administrative hearings is a great opportunity to learn about administrative law, which, incidentally, is gaining in importance to the legal practitioner. However, lend your support and keep this program in mind. If you are interested in coordinating this program here at Buffalo or for the 2nd Circuit (N.Y.), please contact us.

The Disabled Students program is geared toward the legal issues of the disabled. This program sets out to expose awareness for the disabled, to encourage and help other law schools, universities, and society accommodate the disabled, and to explore the problems that disabled lawyers and lay persons encounter in their work and in everyday life. Students who are interested in working in this area of law, are encouraged to get involved.

The Concern for Dying program explores the legal aspects of death and dying. Members of this program are scholars in the field and will give lectures here at Buffalo Law regarding such topics as "Living Wills", Euthanasia, and other associated topics. Anyone interested in the prospect of holding a lecture here at Buffalo Law should contact

us for further information.

There are a number of ABA competitions open to ABA members. The National Appellate Advocacy Competition is a great opportunity for students to improve their oral advocacy skills. Participants do not submit briefs in the regionals. This competition is not just open to Moot Courters; however the limit is 2 teams per school (4 students in all). Last year third-year students Len Gulino and John Curran took first place in the regionals and came in sixth place in the national finals.

The Client Counseling Competition deals with an area often neglected by law schools—interviewing clients. This Competition gives students the opportunity to learn and improve attorney-client interviewing skills. The subject-matter of this year's competition was "Landlord-

Tenant Problems."

ABA essay competitions are a great way to expand one's knowledge in an area of law. Students with winning essays are awarded a substantial cash prize and may be asked to present his or her essay before the ABA, all expenses paid. There are competitions in the areas of Environmental, Family, and Health Law.

The programs and competitions listed above are only a few of the kind of activities we can have here at Buffalo Law. However, these programs and competitions are only open to law students who are ABA members. Everyone should join the ABA and get involved in activities such as those already mentioned. It only costs \$8.00 a year to be a member! I'm confident you will agree that the benefits greatly outweigh the meager cost.

Consider further what your membership can do. If you are a law school organization, you may be eligible for ABA matching funds of up to \$750 per event and \$1,500 per year, if 35 percent of your school's students are ABA members. If we don't take advantage of these funds, law students at other law schools seeking to become better lawyers certainly will.

To receive the maximum benefits of your 1984-85 ABA/LSD (Law Student Division) membership, be sure to join before the Fall semester commences. The time to start thinking about joining the ABA/LSD is now. If you do not become a member, be assured that you have everything to lose and nothing to gain. The ABA keeps you informed! Don't you think it is time YOU took FULL advantage of your law school education??

## Alumni-Liaison Urges Involvement

by Rob Turkewitz

Once we graduate from U/B Law, we all face the final challenge. In order to achieve success, it is essential to get on the right path early in our careers. The path to success could be broadened if we as U/B Law alumni keep in contact with the Law School. The U/B Law Alumni Association is our Buffalo Connection.

Future employers will always look to what law school we attended. A good reputation is therefore, essential, and a strong united alumni is a key factor toward increasing the quality of education and overall reputation here at U/B Law. By helping to increase the school's reputation, we are also helping ourselves on the road to success.

The Law Alumni Association is active and engages in many worthwhile activities. This past semester the Alumni Association helped sponsor the One-to-One Program and a career-panel lecture series. In the fall semester it sponsored the Moot Court dinner and held a Convocation on the U/B campus at which Professor Hyman was honored. The Alumni Association also sponsored an alumni cocktail party in New York City and will be sponsoring a luncheon there this spring.

In an effort to communicate with all alumni, the Associa-

tion has donated money to the Law School, which is being used to help find alumni and establish a better system of keeping tabs on its graduates. The money is also being used by the Career Development Office and will greatly benefit the students themselves.

The Association hopes to conduct more activities through its alumni-directors, who represent the Association outside, in more cities in the future, as it has in the past in New York City. Additionally, the Association will be issuing an alumni magazine in the near future which will be sent to all its members. This magazine will be an invaluable source of information about alumni and Law School events and activities.

As the Student-Alumni Liaison over the past year, I attended many U/B Law Alumni Association meetings and had an opportunity to observe and get to know some of our active alumni. I am very impressed by their dedication and sacrifice; they indeed demonstrate a genuine concern for the school, its students, and their fellow alumni members. However, in order for the Alumni Association to continue benefitting the school and its alumni members, it must have the support of all alumni. That is why I urge everyone graduating now, and in the future, to join and become a concerned and ac-

tive member.

The first year of membership in the U/B Law Alumni Association is free, courtesy of the Association. However, if you don't pay your dues after the first year, the Alumni Association will, as an incentive, send you a cassette tape entitled, "John Henry Schlegel on Article Nine Fixture Filing, 'Don't ask me what it means, I don't know!'" As further incentive the Association will continue sending more tapes, such as Marshall Breger's "The Model Rules of Professional Responsibility and the Reagan Administration" (60 minutes of blank tape) or Schlegel's legal classification of dogs entitled, "What's the plaintiff's bitch?"

This year the Alumni Association presented three awards to outstanding alumni at its 22nd Annual Dinner. The recipients were Professor Lou Del Cotto, Harold Price Fahringer (the noted trial lawyer), and Judge Rudolph Johnson (posthumously). All three recipients have unselfishly given much of themselves to the Law School, the profession and the community.

Their achievements, and the achievements of other distinguished alumni, are an example of the potential we all have to offer. Let's all join and become involved in the U/B Law Alumni Association and be a part of the Buffalo Connection!

## Proto-WORD -Type PROCESSING - TYPING

Your Future Can't Wait Much Longer

It's time to start preparing for your career after law school. Prototype can help you send your letters of application to prospective employers in law firms and corporations. Our computer technology provides custom-typed, professional quality cover letters and resumes at prices often lower than traditional typing services.

Complete Editing Capability  
No need for retyping when editing drafts

16 Typestyles & Symbols to  
Choose From

Repetitive Work at Reduced Prices  
Xeroxing, Printing, Bulk Mailing

Printed to Look like Typeset  
Or Typewritten

Pick-Up & Delivery Available

All Work Guaranteed

CALL PROTO-TYPE — 883-3348

Ask For Randy

TO: CLASS OF 84  
FROM: COMMENCEMENT COMMITTEE  
RE: PROGRAM

Some students have chosen not to wear caps and gowns at the commencement program:

*"Some of the students not wearing the cap and/or gown have made donations to a public service organization of their choice."*

On Wednesday, April 18 and Thursday April 19 elections will be held to determine whether this statement should appear in the program.

\*\*\* Elections will be in front of the library from 10:00 to 4:00. \*\*\*

PHI ALPHA DELTA Law Fraternity International, Alden Chapter, is proud to announce the election of the following members to their respective offices for the 1984-85 academic year:

Justice:	<u>Richard Murphy</u>
Vice Justice:	<u>Daniel Marren</u>
Clerk:	<u>Randy Donatelli</u>
Treasurer:	<u>Michael Storck</u>
Marshal:	<u>James Lagona</u>
Assistant Marshals:	<u>Alan Pleskow</u> <u>Ted Araujo</u>

PAD is looking forward to an eventful and productive year, and invites all law students to join.

Corner

Please, fella, please, pick my Bar Review course,  
 we got outlines, notes and cassettes.  
 We got pizza at noon and a six-pack of Coors  
 and a lecture by John Cassavettes.

We can tell you the changes, proposals and ranges  
 of far-reaching pending decisions,  
 And Blackacre jokes and worker who smokes  
 in the L.A. Tobacco Division.

So just write us a check, though we'd rather have cash,  
 you can call up your parents and borrow;  
 for we have to pay banks and the working ranks  
 or we'll be out of business tomorrow.  
 by Pudge Meyer

**A Desperate Plea for a Q**

**on My Seminar Paper**

What I wouldn't do,  
 What I'd go through,  
 Just to get a lousy Q.  
 I'll work all day,  
 in the library I'll stay,  
 won't even play,  
 a game of football  
 if you ask me to.

Don't give me a D,  
 can't you see,  
 a Q would make me,  
 Really very,  
 very happy.

by Victor J. D'Angelo

**3-hour Class**

Where have all the classes gone,  
 Gone to 3-hr classes every one,  
 Schaefitler and Deitz,  
 What amazing feats,  
 you can accomplish in 3 hours.  
 Mr. Hyman, sing us a song,  
 Your 3-hour class is much too long.  
 600 pages you'll have to read,  
 for a 3-hour class,  
 that's more than you'll need.

A 3-hour class is a necessity,  
 I wouldn't attempt one,  
 without a strong cup of coffee.

by Victor J. D'Angelo

**Drifting Away. . .From N.Y.C.**

Everything is so big and loud  
 And so proud of itself.  
 Even if it's poor, small  
 And falling down, it yells:  
 "Look at me — I'm wonderful."  
 Self-confidence holds it together;  
 Sheer daring pride appears  
 To hold it up alone!  
 And the people — like so many ants  
 Wind between its chiseled walls  
 Unaware of the commotion.  
 The ever wailing sirens in their blood  
 They move in time to some chant  
 With the roller-skates and radios  
 The cabs and the grafitti  
 All holding some secret idea,  
 Of outdoing known conceptions!

by Andrew Friedman

**Racing in O'Brian**

I got a '71 Plymouth with a mighty slant 6,  
 I got a leather jacket that needs to get fixed.  
 Everyday I drive down to the school of Law,  
 And everyday I ask myself "What for."  
 Now, Pappa, a Lawyer's what you always  
 wanted me to be,  
 But a school full of Federalists just ain't the  
 place for me.  
 But summer's almost here an somewhere else  
 I'll soon be.

by Victor J. D'Angelo

**Transferee**

You sat in the back row,  
 All semester you were the one I didn't know,  
 But everybody else did.  
 With a mouth full of tuna-fish  
 I said hello,  
 The beginning of the semester seems  
 a long time ago,  
 When we met in front of the library.  
 Now you'll get an H  
 and I'll get a Q;  
 Transferring in must have been the right thing  
 to do.

by Victor J. D'Angelo

**CREDITS**

You are all the missing pieces  
 Of my jigsaw puzzle—  
 With you  
 I began to see the picture—  
 It was sharp and clear,  
 I loved you.  
 But now the picture's fading fast  
 I can't see it here  
 Without you  
 I don't have all the pieces here  
 So there are spaces  
 — I've lost you  
 And can't remember the picture.

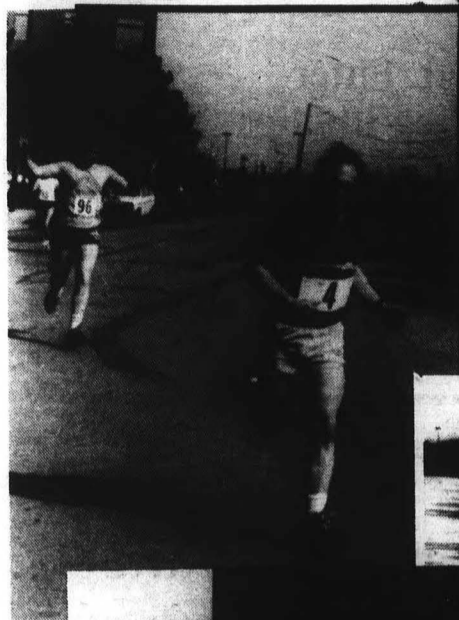
by Andrew Friedman

**More on SBA**

So I hear SBA's gonna have a Bar-B-Q,  
 An' I hear they didn't bother to invite you,  
 Well that's OK, you can come to mine.  
 Maybe it'll rain,  
 All their planning will be in vain,  
 All that money and soggy hot dog rolls,  
 Ya gotta spend the money someways,  
 Might as well blow it all,  
 Even on a rainy day.

by Victor J. D'Angelo

# THE 1984 RACE JUDICATA



Ready, Set... GO!

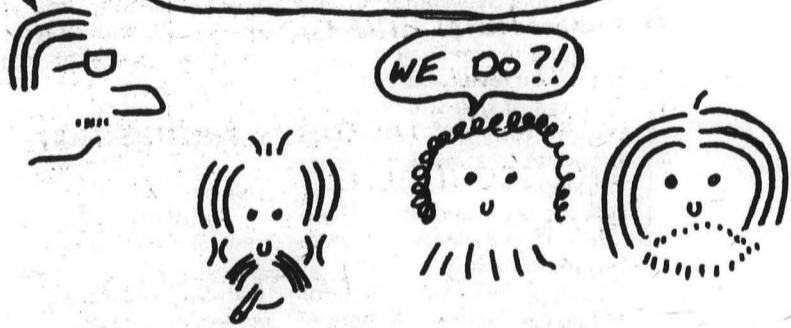


Staff Photos

## Vedge's Law

...by Cliff Falk

I DON'T BELIEVE YOU GUYS! YOU WASTED THE WHOLE SEMESTER SITTING & DRINKING COFFEE IN THE HALL, & YOU'RE STILL DOING IT! DON'T YOU REALIZE WE HAVE A FINAL EXAM AT NOON TOMORROW?

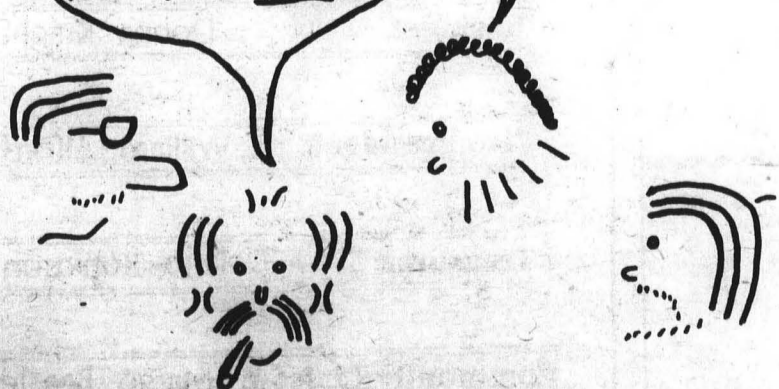


OHMIGOSH! I'M NOT PREPARED! I HAVEN'T STUDIED! I HAVEN'T BOUGHT THE TEXT YET! I'M RUINED! I'M GONNA FLUNK OUT! I'LL NEVER BE A LAWYER!



KEEP COOL, VEDGE. SNAPPER SAID NOON TOMORROW, NOT NOON TODAY.

TOMORROW?!



WHEW! YOU HAD ME SCARED FOR A MINUTE THERE, SNAPPER! NOT YOUR FAULT, THOUGH. YOU WANNA JOIN US IN A CUP OF COFFEE?



FALK



## OUT WITH THE OLD. . .

*The 1984-85 Editorial Board of The Opinion wishes to extend a fond farewell to our graduating staff. With many thanks for your work and good luck in the future, we say goodbye!*

Mary Ellen Berger, EDITOR-IN-CHIEF  
Ray Stilwell, MANAGING EDITOR  
Wendy Cohen, FEATURES EDITOR

Alan J. Bozer, Seth Fitter  
Kathy O'Hara, Greg Phillips,  
Anna Marie Richmond,  
and Jud Weiksner, STAFF.

## . . . AND IN WITH THE NEW.

**CONGRATULATIONS to the 1984-85 Editorial Board!**

Bob Cozzie, EDITOR-IN-CHIEF  
Victor R. Siclari, MANAGING EDITOR  
Ted Araujo, BUSINESS MANAGER  
Andy H. Viets, FEATURES EDITOR  
Randy Donatelli, NEWS EDITOR

*We look forward to a productive year and an increase of law school participation!*

## FEAR NOT, TRUE BELIEVER!

If you missed BAR/BRI's FREE introductory CPLR lecture by Irving Younger, you can still see it, still for free in the A-V Department of the library.

We have just finished the 3rd part of our 5-part series, all of which will be repeated after finals.

For more information, leave a message in Box 132 or contact Tracey Kassman.

## Victims of Sexual Abuse Can Receive Assistance

*continued from page 1*

dangerous situation. She feels that educating the public to be more attentive and cautious will prevent attacks which are often undefendable once they are initiated.

### Victim Again

Often the fear of death will be enough to cause a victim to submit to the sexual acts of the attacker; however, the people who are closest to the victim are often the furthest from understanding the incapacitating nature of this fear. Sullivan, who is also the head of the Sexuality Clinic at Buffalo State College, described the distrust that is often displayed after such an incident by the victim's closest relations, who question why the victim did not fight off the attacker.

Even given the most positive response from those close to the victim, Sullivan explained a "trauma syndrome" usually follows such an event, resulting in weeks of a highly-depressed level of activity and a period of fear which extends much longer. The inappropriate treatment that often accompanies this natural reaction merely intensifies and prolongs it. (Certainly the inappropriate treatment often afforded by law enforcement officials must not be discounted,

although this is outside the scope of this article.)

### Myth and Misconception

Psychologists have often characterized acts of rape and sexual assault as acts primarily of violence rather than of sex. Despite this assertion, Sullivan reported incidents abound where the spouse of a victim will accuse the victim of dressing or acting in a provocative manner and of instigating the attack. Sullivan asserted that victims of sexual assault do not welcome an attack; rather, sex attackers are predisposed to the need to act out violent behavior. In support of her assertion, Sullivan asked, "What about the two-year-old infant or the 80-year-old woman who is attacked, and there are plenty of them, in which sex is merely a tool of violent aggression?"

### If You Are In Need

Three hospitals in the greater Buffalo area are fully equipped with facilities to treat the needs of victims of sexual abuse:

—Children's Hospital (if under 18 or mentally retarded);  
—Erie Community Medical Center

—Buffalo General Hospital  
There is also a Rape Crisis Service in Buffalo which can be reached by calling 834-3131.

**The Black Law Students Association held its elections on April 5, 1984.**

**The following people were chosen for the 1984-85 Executive Board:**

**President:** Donna Knight

**Vice President:** William Alford

**Treasurer:** Delano Robinson

**Community Liaison:** Margo Beasley

# Bursky Replies to Jackson Supporters

continued from page 4

I thank you for bringing the Hollings incident to the attention of those who were ignorant of it, by chance or conscious choice. However, no matter how bigoted Hollings is, it is still no reason to dismiss Jackson's similar statement as an "unfortunate" occurrence. That Hollings is a bigot makes a poor excuse for Jackson being the same way.

I share your concern about bigotry, from whatever source it emanates. I never have, nor will I ever, support a racist candidate. I just hope you can say the same thing in November of this year.

Finally, I'd like to address your invitation to drop by LANALSA's office to discuss these issues. Forgive me if I'm mistaken, but the overall tone of your letter, as well as your statement to the effect that I don't care much for minorities, lead me to believe that what you offer me is not so much a chance to discuss the issues as it is an opportunity to vindicate myself in your eyes. I, therefore, must decline your most gracious offer, since I feel no need to justify myself to you.

If, however, I am in error and you truly desire a dialogue, perhaps we can meet on more neutral grounds than the LANALSA office. Please feel free to drop a note in my box or to stop me in the halls. You can't miss me. I'm the one wearing the white hood.

Sincerely,  
Rob

## Response No. 3

Dear Mr. Cleary:  
You state that, "[t]o denigrate a career of public works as hypocrisy on the basis

of one remark, to categorize anyone with a few strokes of the pen, is insensitive, arrogant and irrational." You also warned me not to judge, lest I be judged. Well, let me tell you two things. First, I'm anyone, too. Second, I made no bones about the fact that my article entailed a series of judgments. You, on the other hand, chided me for making such judgments, yet your letter was every bit as judgmental as my article.

In the first paragraph of your letter, you equate my thinking with a type of neo-conservatism, a term commonly used to denote Fascist, Nazis, other right-wing radicals and the like. Were you attempting to bring me personally within this category of people? It would not surprise me, given your Marxist orientation—a philosophy to which you admittedly adhere (as you no doubt know by now, I can hold my own when it comes to mud-slinging). Moreover, while your political preference is not in doubt, by virtue of your own admission, mine is, at least so far as you're concerned. This is simply because you don't know what my politics are! Are you willing to categorize me based on three or four articles appearing in *The Opinion* (none of which, excluding the Jackson article, prompted a solitary reply from any of my fellow students) and one brief discussion I had with you on American policy in Central America? You tell us who's insensitive, arrogant and irrational. In fact, your liberality pales in comparison with mine (I never learned that Marxist philosophy is a tolerant one).

The point is, you condemned me for denigrating Jackson

with a few simple strokes of my pen, yet you did the same thing to me by cleverly linking my name to neo-conservative politics, the negative connotations of which are abundantly clear.

You go on to say that neo-conservative thought holds minorities (ethnic minorities, women, homosexuals, etc.) in positions of authority and responsibility to a much higher standard of performance than their White male counterparts. What about the fact that society happens to provide minorities with economic and educational opportunities irrespective of merit? If anything, minorities are held to a lesser standard and subject to less scrutiny than traditionally favored members of society.

You also state that you wouldn't be surprised (who would?) to learn that numerous other public figures have made similar derogatory remarks about various races, religions and ethnic groups in private. Your argument is the equivalent of Jackson's defense based on the fact that he was caught (*in flagrante delicto*), as opposed to the fact that he was *wrong*, for calling Jews "Hymies."

Furthermore, in making this argument, you have eroded any and all distinction between those who openly display their bigotry and those whom we can only suspect of harboring such malice. Maybe you haven't heard, but in this country and under *this* political philosophy, we let people hang themselves. I, for one, am willing to give the benefit of the doubt to those public figures who have neither voiced prejudice nor acted in such a way

as to compel a finding of bigotry. You, apparently, are not similarly inclined.

As for your point that I found it "necessary" to deny being racist, I refer you to my response to Mr. Benitez. Read it *carefully* and understand. Let me also inform you that, prior to submitting my article for publication, I consulted with a number of people to find out whether it could, by any stretch of imagination, be construed as a racist one. All agreed that it could not. The next time, however, that I write an article, I will gladly submit it to you before turning it in for publication, so that you can check it for neo-conservative dogma.

I fully agree with you that one need not say one's racist to be a racist. Additionally, one need not say one's a Nazi to in fact be a Nazi. Given your lack of omniscience and prescience (you are so humble!), it is not surprising that you felt compelled to avoid classifying Jackson as a bigot. Tell me then, why did you not find it equally difficult to label me a right-wing fanatic? A possible explanation comes to mind. From your political perspective, middle-of-the-road politics is right-wing fanaticism.

Have A Nice Vacation,  
Rob

## Conclusion

That about does it. Ultimately, the American public will decide who is fit to be President. When Jackson loses, we will hear that the reason for his defeat can be attributed to the fact that America is a racist country (which is no doubt true to an extent). What we won't hear is that America as a whole

is no more racist than that segment of the population throwing almost all of its support behind an unqualified, bigoted candidate, simply because he is a man "of color."

Amen

## 83-84 Edition Available

At last, the 1983-84 issue of *In the Public Interest: A Review of Law and Society* is out. *In the Public Interest* is devoted to the exploration of the impact of the law on people and, as the title suggests, society. It is dedicated to presenting articles which examine social, economic, political and historical contexts of the law. Rather than presenting strictly legal analysis, the journal provides a multi-discipline forum for the discussion of the public's legal interests.

We are presently soliciting articles for the 1984-85 edition. If you have written a paper (remember your seminars!), essay, article, manuscript, etc., that you would like to submit, contact Sharon Kivowitz (box 594) or Mark Katz (box 413). All interested in joining our editorial staff are welcome.

Any and all questions or comments regarding *In the Public Interest* should be directed to The Center for Public Interest Law in room 118.

## BUFFALO PUBLIC INTEREST LAW PROGRAM

our Thanks to the following sponsors of the 1984 summer internship program

### Snow Country

Rochester, N.Y.  
year round sports equipment

### Mr. Handlebars

685 Englewood,  
Kenmore Bicycles

### Callaghan & Co.

publishers of  
legal practice texts

### Frame & Save

245 Elmwood Ave., Buffalo  
custom & do it yourself  
picture framing

### Ruby & Son

Endicott, N.Y.  
jewelers & gifts

### Habitat

1119 Elmwood Ave., Buffalo  
contemporary  
home furnishings

DRAWING & RECEPTION APRIL 18th 5:30

Law Student Lounge. All are welcome

BPILP is a not for profit, tax exempt corporation.  
Founded 1979 by law students of SUNY-Buffalo Law School

# Eurythmics: Sweet Dreams Are Made of This?

by Jud Weiksnar

The Eurythmics put on a good concert April Fools' night in Shea's. Ann Lennox was good. Dave Stewart was good. The backup musicians were good. There was the great show, however, that was receiving so much hype?

Technically, the Eurythmics had their act down pat. However, they seemed to be taking no chances. The act showed little spontaneity. They did all their hits—Sweet Dreams Are Made of This, Here Comes the Rain Again, etc.—without missing a beat. If you like the Eurythmics on vinyl or video, you'd like them live.

Going into Shea's a lukewarm Eurythmics fan, I expected to be overwhelmed by a great show and turned

into a believer. Maybe that was expecting too much. Or maybe I've seen too many great shows to be impressed by this one. The Eurythmics are better than your average band, but just because Ann Lennox likes to dress like a man doesn't mean they're in a league with androgynous superstars David Bowie, Michael Jackson, and Culture Club. Much of the audience might disagree with me, but why did this show leave me flat?

Maybe I've seen one too many Sunday night concerts. What's the problem? Do all the big names make Buffalo their next stop after the weekend in New York City? Let's face it—it's harder for a band, and an audience, to get up on a Sunday night.

Maybe I've seen one too

many cloud effects using dry ice. What ever happened to innovation?

Maybe I've seen one too many planned encores. When the band comes back out with a costume and set change, you know they were going to do the encore all along and your applause didn't make a bit of difference.

Maybe I've seen one too many uninspiring warmup bands. This one was called Real Life, from Australia. If they were playing at the Continental, I probably would have gone upstairs and danced.

The Eurythmics did treat me to one thing I hadn't seen before this concert. After the last encore, Ann Lennox took a full glass of water and doused a woman who had been taking pictures without

a permit in the first row. That vindictiveness to me than smacked more of class.

## Task Force Report

continued from page 3

bring students into Collins to teach. At that time, students received informal advice from Susan Carpenter and John Lipsitz, instructors associated with the Prisoners' Rights Clinic, which is no longer in existence at U/B.

The Prison Task Force has conducted an average of eight classes per semester at Collins during spring and fall semesters of 1983 and spring semester of 1984. If there is sufficient student interest, classes may be taught during this coming summer. The Task Force receives minimal funding through the National Lawyers Guild to cover students' transportation expenses to and from Collins.

Inmates at Collins are taught one introductory class, three classes on legal research skills, two classes on legal writing, and two classes on substantive law to utilize the legal research and writing skills the inmates have acquired. "Inmates make suggestions regarding the substantive areas they would like to learn," explains second-year student Lois Bloom. According to Rynders, their main interests lie in criminal procedure, family law, parole policy, and superintendent proceedings (Article 78's).

Inmates are permitted by corrections officials to attend the classes conducted by the Task Force only if they are "model" prisoners. They receive a "certificate of merit" from the Task Force after completing the basic research and writing course. The Task Force teachers give homework assignments which they then correct and return so that the inmates can learn whether they are on the right track.

### Seeing Prisoners As People

Bloom said she has been involved with the Prison Task Force since her first year of law school. "I had never been in a prison before, and didn't expect to get so involved because I don't want to practice criminal law," states Bloom. "Still, I feel as if I'm helping someone by participating in the program."

Second-year law student Judy Olin came to the Task Force in her first year at U/B with a decided interest in prison policy. She had served in the New York State Assembly intern program,

under which she visited Rikers Island and Ossining Correctional Facility to investigate prison health care. From the information she garnered, Olin helped draft legislation to create minimum health care standards and to have those standards enforced by the New York State Health Department.

"There is a real communication exchange over and above the teaching of legal skills in our classes at Collins," asserts Olin. Rynders echoes this sentiment: "The inmates are not humans—they're humans—people—that you or I could have known. By working in the Prison Task Force, students can gain a better understanding of themselves and their perceptions of those individuals in prison."

### First-Year Students Needed

First-year student Hanif Abdus-Sabr strongly encourages student participation in the program, which he calls "one of the most viable links between the community and the Law School." Abdus-Sabr heard about the Prison Task Force during his first semester at U/B Law, and saw it as a way to renew the activism he had experienced in his three years as a paralegal at Legal Services in downtown Buffalo.

"First-year students shouldn't feel they can't be helpful," claims Abdus-Sabr, who this past semester has helped teach classes at Collins in Shepard's citations, the West key number system, how to brief a case, and how to distinguish cases on their facts.

Abdus-Sabr particularly hopes that more minority law students from U/B will sign up with the Prison Task Force. "Given that 80-85 percent of the inmates at Collins are minorities, our program must engage in some image projection. These people have been through the other end of the legal system, and we want to show them that not all lawyers are white, not all students are unconcerned."

"It is clear to us that inmates won't learn how to draft legal papers in eight two-hour sessions or less," concedes Bloom. Yet the U/B Prison Task Force continues undaunted in its work of educating and relating to prisoners, and of offering law students the individual rewards of knowing that their extra time can be well spent.

## New Affirmative Action Policy

continued from page 1

explanation of special circumstances submitted along with the candidate's casenote. If such a factor is determined to exist, an asterisk would be placed next to the candidate's final evaluation score. Only if the score were just below the cut-off point for membership would the candidate be selected for membership.

According to Brown-Steiner, the effect of the proposal would be limited to only those candidates who are very close to making the Review on the combined score of first-year grades and casenote evaluation, and would not compromise the quality of the Review in attempting to provide opportunities to disadvantaged individuals by a *per se* consideration based on race, sex or national origin; nor would it reversely discriminate against other competitors.

### Affirmative Action Policy

Brown-Steiner's proposal, however, was three votes short of the required majority vote needed to pass it as an amendment. Instead, the proposal made by Brock, former Executive Editor, was passed and became a ratified amendment. This proposal sets forth a policy encouraging the broadest possible participation in the casenote competition, and representation on the Review, of racial minorities and economically disadvantaged or otherwise handicapped students. This objective is to be achieved by electing a Recruitment Officer whose responsibilities will primarily be to communicate the Review's objective throughout the law community, especially to those programs geared for the historically discriminated.

Although Brock's proposal received the support needed for its adoption, Brown-Steiner characterized it as "unlike a traditional affirmative action program" in that it does not alter the selection process. Editor-in-Chief Bill Maffucci

added, "It is not a mechanism whereby students will be given extra consideration in the competition." However, Brock said he made the proposal as "an attempt to reconcile those divergent views and to formulate a policy which will receive wide and continuous support from the membership of the Review."

Brock emphasized that this is not an affirmative action program, but an affirmative action policy developed as a result of the presumption that a consensus on Brown-Steiner's proposal would not be reached. Brock did not intend his proposal to be in opposition to Brown-Steiner's proposal, which even he voted for, but only an alternative in case a consensus did not emerge. Brock preferred that his proposal be adopted rather than seeing Brown-Steiner's proposal lose and having nothing in its place.

Brock also stated that there are some people who disagree about the merit of affirmative action programs on the basis "that affirmative discrimination merely perpetuates discrimination generally and that society should instead reject all forms of discrimination," and that the programs "tend to stigmatize upwardly-mobile minorities, regardless of whether they have in fact been the beneficiaries of some special consideration."

Brock foresaw "endless debates over whether a person was really disadvantaged," and feared that the identities of those individuals would become known and their privacy unjustifiably invaded. He felt that it was essential for a proposal to have the widest possible support to assure its longevity and effective implementation, and that his was such a proposal.

By being placed in the second paragraph of that part of the Review's constitution which deals with the structure and composition of the organization, the Affirmative Action Policy amendment's importance is highlighted. The only paragraph preceding the amendment in that section is

one which determines how many new members are to be selected each year.

Brock added that this proposal is modeled on the affirmative action policies of many faculty organizations, which also affirmatively encourage applications from those who are historically discriminated against yet provide no special consideration in the selection process to compensate for such discrimination. He pointed out that often there is great opposition to affirmative action programs, and less or no opposition for affirmative action policies, citing as an example when the faculty of Harvard withheld all the grades of first-year students after the *Harvard Law Review* implemented an affirmative action program.

### Final Resolution or Temporary Appeasement?

Brock explained that presently there is uncertainty as to whether the problem lies in the lack of participation by racial minorities and economically disadvantaged or otherwise handicapped students in the casenote competition, or whether the problem is that these students are participating but are not meeting the standards set by the Review. He noted that the Review's policy will be continuously reevaluated, and that something more in line with Brown-Steiner's proposal might be passed by members of *Buffalo Law Review* in the future.

## Letter. . .

continued from page 2

Semitism is one outgrowth of this experience. As Ms. Pickett herself points out, many Jewish people equate sympathy for the Palestinian people with anti-Semitism. Such a reaction may be irrational and unjust, but it is at least an understandable one. Certainly, this is a more viable explanation for much of the Jewish

animosity toward Jesse Jackson, in view of his widely-reported "Hymie" remark, and neutral Middle East policy. Instead, Ms. Pickett simply condemns all Jews as bigots.

What is accomplished by such a sweeping accusation? It serves only to alienate Jewish people from black people, and to foster hatred between persons who share many common goals. Ms. Pickett's view is reminiscent of KKK literature depicting all Jewish people as Communists.

In order to forge a true rainbow coalition of people in-

terested in bringing about positive social change, progressive-minded individuals, many of whom are black and Jewish, must work together on issues of common interest. Differences of opinion should be acknowledged and understood—not explained away with damaging stereotypes. Open dialogue is essential to this end. Unfortunately, I, as a Jewish person, cannot discuss my differences of opinion with one who has already judged me to be a bigot by virtue of my ethnicity.

Sim Goldman

# President's Corner: Reflections on SBA . . . . .

continued from page 2

(notice, opportunity to be heard, etc.). At times, this emphasis can become tedious and our meetings sometimes seem to get bogged down in consideration of non-issues. But I suspect that this occurs to some extent in all law student governments. And it may not be such a bad thing, because managed properly, the result can be more careful, thoughtful decisions.

statement following our passage of the Child Care Center proposal: "We argue and bicker and argue some more, but the SBA does do some good things."

### Other Good Things

Congratulations to Dewette Aughtry and Kathy O'Garra, U/BS team in the Fredrick Douglass Moot Court Competition at Harvard last month. This was an excellent showing

and we're all very proud of you both.

A tip of the hat to Tony Torres, the law school contact person for Jim Long's University Committee for Quality Child Care. Your hard work and detailed preparation were instrumental in the SBA's vote to support the center. Thank you, Tony. Another fine accomplishment is the long-awaited, though excellent, *In the Public Interest* magazine

edited by ever-patient Rich Furlong and Kathy O'Hara.

Thanks to Mary Idzior and Erin Peradotto for organizing the many Commencement events that I am very much looking forward to enjoying. Thanks to Anne Carberry and Judi Hastings for putting together the "Spring Thaw" and to Jack Freedenberg for providing the tunes. The Social Committee deserves thanks for the many successful events

held this year: thanks Jill and Kathy and Anne.

Thanks to the Finance Committee and Treasurer Rob Sant for the 1984-85 Budget, and for your recommendations all year long. Thanks to George Terezakis and Tracey Kassman for being the conscience of the Law School in your work on the disappearance of Filomena Carlos. Judy Olin, thank you for being there when we needed you and for your energy.

Thanks to Mary Ellen Berger, Ray Stilwell, and everyone at *The Opinion* for your work all year long. Thanks to Hayes O'Connor for your craziness and spontaneity: Long Live the Cylindrical Devices! A general thanks to everyone else, and thanks to Sarah Ayer for typing this. Peace.

## COMMENCEMENT SCHEDULE

### Commencement Rehearsal

Friday, May 11th  
3p.m. — Moot Court Room

### Cocktail Party

Saturday, May 19th  
7:30 — 10p.m.  
Sheraton - East Hotel  
Walden Ave. at Thruway

### Commencement Ceremony

Sunday, May 20th  
10a.m.  
Alumni Arena

### After - Commencement Reception

Sunday, May 20th  
immediately following the ceremony  
Talbert Dining Hall  
Talbert Hall

## ATTENTION SENIORS!

If you have not had your portrait taken, but wish to be in the class composite, please arrange for a sitting appointment

**AS SOON AS POSSIBLE.**

Call Mike Hamm of Serendipity Photo  
at 694-3447.

Sitting fee: \$8.00

Do it today, so the composite won't be delayed!

### Latho INSTANT PRESS

**Does it Better, Faster for Less!**

*Resumes Professionally Typeset & Printed*

*Briefs & Writing Samples Copied*

#### ALSO:

- Posters
- Flyers
- Brochures
- Tickets
- Bus. Cards
- Letterheads
- Envelopes

1676 N. F. Blvd. 3171 Main St.  
Amherst Buffalo  
834-7046 835-0100

Enjoy some coffee and donuts, courtesy of

## BAR/BRI!

# BAR/BRI DISCOUNT DEADLINE ENDS APRIL 19th!

For all 1984 graduates who register with BAR/BRI,  
there will be a \$25 DISCOUNT off the regular course price!

For all 1985 and 1986 graduates, there will be similarly a

**\$150 DISCOUNT**

off the regular course price.

Sign up at the BAR/BRI table by depositing \$50

to receive the discounts!



401 Seventh Avenue, Suite 62 • New York, New York 10001 • (212) 594-3696

# BCMS Provides For Dispute Resolution

by Craig Sheils

Given the desire of today's attorneys to settle certain cases without bringing them to trial, negotiating skills play an important role in the conclusion of out-of-court settlements. These skills can save the client, as well as the attorney and others involved, precious time and money.

But who teaches "out-of-court settlements"? Courses offered in this area at U/B Law include Dispute Resolution, Negotiations, and Collective Bargaining. Moreover, there is an organization within the Law School which offers practical experience in dealing with "real world" problems. The

Buffalo Consumer Mediation Service offers an inexpensive and effective alternative in resolving disputes between consumers and merchants.

A consumer who feels he/she has been slighted in some way will call and complain to the Better Business Bureau, which will then send him/her a complaint form to be filled out and returned to the BBB. This complaint is then forwarded to the merchant who responds in the form of an answer. (Sound familiar?) The BBB then forwards complaints and answers to BCMS, whose role is to "mediate" these disputes in order to reach a settlement.

Our name is somewhat of a

misnomer. Although we are called a "Consumer" Mediation Service, our rule is to impartially aid the parties in reaching an integrative settlement whereby both parties can achieve what is most important to them while giving up as little as possible.

Mediation begins with a letter sent to each party detailing who we are and what we are doing. Almost all mediation takes place over the phone (although we have held face-to-face mediation with the parties in the presence of the mediator and our advising attorney, Ron-Cohen). Telephone mediation requires objective and logical thinking combined with a fair degree of patience,

integrity and professionalism. These characteristics cannot be taught as well as they can be acquired through on-the-job experience.

BCMS is comprised of second and third-year law students who are willing to devote two or three hours per week in order to expand their negotiation skills and to per-

form a community service.

Next year BCMS may be expanding into some criminal and family dispute mediation also. So get involved! Watch for signs or contact next year's director Susan Kozinn. Remember, the skills acquired through this type of experience are a marketable asset for any career.

## Almost Law Review Wins At Basketball

by Randy Donatelli

Proving that unselfish and intelligently played basketball can emerge victorious over the "schoolyard" version of the game, the Law School champion team known as Almost Law Review captured the University-wide Intramural Basketball Championship with a 54-45 win over the Main Street League champs on March 29 at Alumni Arena. On March 27, Almost Law Review won the Amherst League with a two point victory over a scrappy team of undergraduates. Earlier in the month ALR garnered its second consecutive Law School championship with a victory over Fat Daddy's Takeout. In two years of intramural play ALR is undefeated.

Larry Regan showed why he is the most dominant player in UB intramurals as he scored at will during the semifinal and final games. Larry put on an excellent display of shooting, rebounding and ball handling,

and was the team's most valuable player the last two seasons. Recent acquisition Mark Metz played solidly all year and had a great second half in the final game. Guards Scott Segal and Rob Bursky played their usual good games during the playoffs. Forward John Richardson was a defensive standout and had his best games when they counted most.

Captain Rob Bursky headed a squad that was plagued by apathy and absenteeism for much of the season. However, by the playoffs ALR had once again molded together and played well as a unit.

The team will miss Regan, who graduates this May, but the rest of the squad will return next season to extend their unbeaten streak and defend their championship. The team members of Almost Law Review include: Regan, Metz, Bursky, Segal, Richardson, Randy Donatelli, Gary Kaminsky and Andy Fleming.

## Riding the Oyster's Ice Skates And Other Odd Endeavors

by Mark Mulholland

People do not carry chaise lounges into elevators, and it is not at all clear that they should. After all, chaise lounges, unfolded, take up more room than the average elevator floor plan has to offer and would, therefore, be rather useless to the unknown rider. But can one say this? Not without a mouth.

A chartreuse linden tree would also be eminently unemployable in the elevator environment; this uselessness stems not from the elevator's

size as much as from the lack of a need for shade. Shade is what a linden tree offers, regardless of what color it has been dyed. But linden trees should not be dyed.

At this point, even those with gargantuan cephalic indices would probably be unable to perceive the relation of this introduction to the following conclusion. Regardless of this understandable difficulty, it is important to continue. If the reader has ever been marooned, then he has seen a lot of reddish paint.

Hazelnuts, of course, will not grow on the Hawaiian permafrost. Hawaii, of course, has no permafrost. But that does not make the permafrost any better of a place to raise small hazelnuts. The best place is a hazel. Now is that a spurious distinction? Bring this up during your next interview and you will be impressed with the results.

As this magnificent assortment of insights spurts to a conclusion, one would do well to consider how calming its effect has been. And that is the oyster's ice skates: the gliding slide of clams on ice.

# Once is enough!

Some things are better the second time around — taking the bar exam isn't one of them.

Take a good look at the Josephson BRC Course and we think you will agree that there is no better assurance that you will have to take the bar exam only once.

No other course offers the kind of complete integrated study system which simultaneously builds substantive knowledge and confidence. With the finest law summaries and lecturers and the most comprehensive testing and feedback system in the state, you can't go wrong with BRC.



WITH YOU EVERY STEP OF THE WAY

SUCCESSOR TO THE MARINO BAR REVIEW COURSE

Eastern Regional Office: 10 East 21st Street, Suite 1206, New York, NY 10010, 212-505-2060