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The Opinion

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California judge to address law graduates

A California Juvenile Court Judge who, by the age of twenty, had served time in a reformatory, jail, brig, and a padded cell for incorrigibles, will be the guest speaker at the 88th UB Law School Commencement exercises at 3:00 p.m. on Saturday, May 28, at Artpark in Lewiston. Joseph N. Sorrentino has been associated with one of the most prestigious law firms in Los Angeles, and was recently featured on the NBC television program, *60 Minutes*.

Sorrentino was born and raised in Brooklyn, New York. The son of a retired street-sweeper, his boyhood was marked by clashes with authorities. He flunked out of high school four times, went through thirty jobs, was booted out of the Marines in a pink suit, and finally ended up a golden glover in professional boxing. He was called a "title threat" by the *New York Daily News*.

Suddenly Sorrentino's seemingly pre-ordained bad end received a jolt. He enrolled in Brooklyn's Erasmus Hall night school and graduated with the highest average in the school's history. Later, as a student at the University of California, he became the student body president and graduated magna cum laude. He then reenlisted in the Marines and entered Harvard Law School after an honorable discharge. He became Valedictorian of Harvard Law class of 1967.

Sorrentino's valedictory address was reported around the world and termed the most moving graduation address of the year by *Time* magazine in a feature article. Since graduation from Harvard, Sorrentino attended Oxford, served with the US Jobs Corps and the US Department of Justice, and taught law at UCLA. He has written his autobiography, *Up From Never*, as well as two other best-selling books.

Law Review selects new editors

Selections for the new Editorial Board of the Law Review have been announced. The new editors, pictured above, include: Front row — Neil Cartusciello, Russell Brown, David Reitz, David Ascher; Back row — Lou Faber, Tom Carey, Phil Clarkson, Steve Gerber, Kevin Major and George Williams. Also chosen, but not pictured, were Ken Gartner, Sandy O'Laughlin, Phil Szabla, Colleen Butler, John Costello and Jim Mucklewee.

Increased SUSTA funding projected

by Connie Farley

Law students eligible for the State University Supplemental Tuition Award (SUSTA) will probably get a total of $900 toward their spring semester tuition instead of the $720 originally credited against their bills, according to Registrar Charles Wallin.

The additional $180 will be credited to the accounts of students who have not yet paid their spring tuition, but students who have already paid in full must apply to the office of student accounts for a refund, William Calhoun, director, told *Opinion*.

Financial aid officials administering the program had been uncertain until last week about the exact amount each student would get from the limited funds available. Delays in processing Tuition Assistance Program (TAP) applications in Albany were the source of the uncertainty, since only law students eligible for maximum TAP awards of $300 per semester receive the additional SUSTA funds.

Until the financial aid office had the precise number of eligible students, it could not divide up the $237,000 in available funds, Joseph Stillwell, Director of Financial Aid, explained, adding that most TAP applications have now been processed.

The $900 figure is subject to final approval by the University Financial Aid Committee, which at press time, was scheduled to meet April 27. But Wallin said he anticipated no objections to the new figure.

Refund applications may be made in person at the office of student accounts or by mail, according to Calhoun. Refund request forms are available at the office but are not necessary for mail requests, he said. Refunds will not be made for at least six weeks, he added.

It also appears that SUSTA for law students will continue at least through the next school year. The state legislature included $237,000 for SUSTA in the 1977-78 state budget approved April 1. Although the funds are not specifically earmarked for law students as they were last year, financial aid officials say this was apparently an oversight that can be corrected with little difficulty in the legislature's supplemental budget presently under consideration.

Financial aid officials are unsure about what criteria will be used in distributing future SUSTA allocations, according to Stillwell. They are reluctant to continue to award it on the basis of TAP eligibility, because that entails waiting at least until September, when TAP awards normally come through, and in the event of delays such as this year's, the wait is much longer. Since it is not known at this time how many students will qualify for 1977-78 SUSTA, no estimate can be made as to the amount of aid each will receive, Stillwell said.

Dean proposes long-term changes

by Mike Buskus and Louise Tarantino

The future of SUNYAB Law School includes its development from a "garden variety" institution to a school capable of "turning out lawyers better equipped to deal with lawyer's work," according to a proposal recently formulated by Dean Thomas E. Headrick.

Dean Headrick's proposed "mission statement" was undertaken in compliance with a request from Ronald F. Bunn, Vice President for Academic Affairs, that SUNYAB deans and provosts develop a future statement for their respective schools.

Before adoption of a final mission plan, Dean Headrick presented an interim proposal to the law faculty for discussion and decision.

Addressing the alternatives available under his proposal, Dean Headrick informed the faculty of his belief that "the time has come for a clear, conscious choice: either this law school is going to lead a quiet revolution in legal education, or it is going to put away its rhetoric and tend its Western New York garden in relative peace and with some contentment."

"Tentative, partial, and incomplete attempts only bring frustrating and diverting internal tensions and lead to costly and disruptive losses of faculty and recurrent disappointment," Dean Headrick added.

The options presented in the plan were broken down into Garden Variety Models, which envisioned retention of the traditional law school program, with heavy emphasis on large class courses and substantial reliance on the case-book type of doctrinal analysis, and the Buffalo Models which place greater emphasis on clinical programs and seminars and are designed to integrate the traditional content of large courses with smaller, more balanced faculty/student ratio situations resulting in a reasonable balance of curriculum.

In support of the Buffalo Model, which he favors, Dean Headrick outlined specific areas in which the plan should enable SUNYAB Law School "to become a distinctive and clearly better law school than any that we have known," Headrick said.

Among the major areas treated in the Buffalo Model are:

— adjustment of the faculty salary structure to make Buffalo more competitive with major law schools and to alleviate the high turnover among the present faculty

— a refined tenure process to afford job security to established professors

— a law school commitment to augment the library collection, including restoration of cancelled publications and new acquisitions to complete gaps in the collection

— support for recruiting (incorporating minority recruiting policies) and placement office functions

— better integration of faculty research efforts

— renewed support for interdisciplinary programs within the University, including participation of non-J.D. graduate and undergraduate students in law school classes

— greater emphasis on clinical programs, seminars and related course offerings (counselling, arbitration, negotiation instead of litigation)

— reduction in emphasis of large class courses.

According to Dean Headrick, adoption of these points would result in "a good mix of traditional and innovative approaches that would mark off our school and our curriculum from the rest of the law school world."

After presentation of the proposal to the faculty, discussion and debate centered on various issues including academic freedom. In response to this faculty concern, Dean Headrick emphasized that implementation of the plan would depend upon "voluntary participation by groups of faculty members." Dean Headrick added that "toleration of diverse styles and methods of teaching would be a hallmark of the Buffalo Plan."

Once the final draft of the mission statement is complete, Dean Headrick will submit it to Vice Presidnet Bunn for approval and co-ordination in the overall plan for the University.

Editorial

New Opinions

To begin our reign on a non-controversial note, we decided to sidestep all those pressing issues like stealing from the Library, cheating, and the survival of the Law School. Therefore, we would like to express our gratitude and thanks to Connie, Tanis and Louise for their *Opinions*. We hope that *Opinion* can continue to be a vocal and effective advocate for student concerns. In order to do this we need your help and interest. If you have any suggestions or desire to help, please stop by the *Opinion* office. Enjoy your exams, and perhaps, your summer too!

John and Kim

Letters to the editors

Self Evaluation Committee seeks feedback

To the Editors:

The latest issue of *Opinion* noted that the Faculty has established a Self-Evaluation Committee to look into a variety of matters relating to discrimination on grounds of sex or race, the procedures in the Law School for dealing with such matters, and the possible need for affirmative action to correct the results of conditions arising out of past actions, whether or not deliberately discriminatory. The Committee membership has now been completed, and the Committee is in the process of examining current policies and practices with a view to making whatever recommendations may turn out to be appropriate. In the meantime, the Committee is eager to be informed of any concern among the students or staff that events or procedures in connection with the School's activities and program might be seen as discriminatory in purpose or effect. Any student or staff member aware of such a condition may consult with any member of the Committee, whose names are listed below. At this point, the Committee is not prepared to take any particular role in individual instances, but, as indicated, it is anxious to get some sense of the range of problems that might exist in order to consider appropriate procedures for dealing with them, if it should appear that the existing mechanisms are not adequate.

J.D. Hyman
Chairperson,
Self-Evaluation Committee

Faculty Members:
Richard S. Bell
Grace G. Blumberg
Dannye Holley

Student Members:
Randy M. Breidbart
Lynn S. Edelman
Laraine M. Kelley
Paula Dladla
Jeanne Miller

On point

There's more to law school than books

by Dean Silvers

Each generation must cope with its own history, and the most important and difficult aspect of this coping is in the coming to terms with traumatic events. For my generation, the memories of Nixon and company linger on all too fresh in our minds. Perhaps the idea of becoming a lawyer and being able to work directly in the area which produced such ignomy in our nation's history really had an effect upon me; for since the first day I set foot into the promised land of John Lord O'Brian Hall, all my latent desires to affect social change in this world manifested themselves, and I decided to become involved in the societal and law school "process."

Looking back upon the year, I cannot say any great leaps or bounds were accomplished because of me in making the law school "a better place to live in." But I did learn that this "cause" or outlet was probably more valuable to me than I was to the "cause."

Law school can be a human-vacuum cleaner, and maintaining a perspective and objective distance becomes an essential factor in maintaining one's sanity. I found these activities a salvation to myself. Many students reacted the way I did and saw the need for meaning beyond Gilbert's, black coffee, and cigarette butts. Yet regrettably few became involved in law school and/or community activities.

Working within these committees and law school activities was often both a painful and exhilarating experience. Yet it was always rewarding, for it was a constant learning process.

For example, after all my years of "wisdom," I first learned that a liberated female law student was more than just someone who smoked Virginia Slims. I firmly believe there is a revolution going on in our society today. Two to three years ago women composed approximately 10% of the law school populace, and now their numbers reach closer to 50%. The rumblings of such a change and consequent awareness have just begun to surface in our lives. It was exciting for me both as a law student and a male to experience and encounter this movement in law school. I would be the first to admit that at times I find it difficult to relate to the personal and political reactions of the movement; but it is real, it is dedicated, and it is warranted.

There is a committee in this school which was formed to deal with specifically Title IX problems Discrimination based upon sexism and/or racism. The committee deals with complaints by students who feel that they have been discriminated against due to sex or race. It is basically in an embryonic stage, and is a highly malleable and alive group. It is one committee in which students really do have a say in what goes on. Presently, they are dealing with charges of sexism in the Trial Technique course. In this committee, the issues are not textbook issues, but real ones.

The committee cannot function effectively without student support, both in notifying of possible infractions, and in helping the committee to formulate policy. It seems highly ironic that such a group cannot and does not get much support and contribution from the law school.

I am tired of hearing students' complaints, and gripes start and end in the hallways. As the old saying goes, "put up or shut up."

In conclusion, I do not want to sound like Pollyanna reincarnated as a law student, but I do feel that there is a wealth of experience and meaning to be found within our experience here. Such activities have made this year more human and meaningful to me. Although it was time-consuming, frustrating, and burdensome, and at times I felt like giving it up, in retrospect I do not regret it one iota.

And for all of you first year students (and second year, of course), who will be having more time next year, all I can say is that there is a lot that needs your help in this law school community. Think about it.

Suggestions for student life

To the Editors:

The location of the law school and the living arrangements of most of its members, make it difficult to create a rich social life around the school. I would like to suggest (humbly) some possibilities, primarily for the SBA, whose impact on student life does not seem overly great.

At schools I have recently visited, student organizations have established regular events other than occasional bashes.

At one school, for instance, an hour or so is set aside each Friday for some event, varying from the enlightening to the frivolous. Programs included "dramatic" readings, musical performances by talented students and faculty, films and demonstrations by various martial arts groups.

More intellectual programs, perhaps in other settings, are possible discussions of community and governmental problems by involved individuals, debates, and research findings of student groups and faculty members. One example might be talks by lawyers and parties involved in the Buffalo school desegregation case; another could involve attempts to conform local industries to air and water pollution standards. Organizations working on judicial ethics and speedy trial are other possibilities. The problems of professional sports are also of general interest.

These suggestions, I am certain, only touch upon the possibilities open to fertile imaginations. Planned events, however, seem more effective than calls to otherwise imaginary student "spirit."

The above suggestions are presented in the spirit of concern. They are not intended to criticize the past efforts, or to suggest that the faculty has no responsibilities in this area.

James B. Atleson
Professor of Law

Law Review unfair

To the Editors:

Those masters of the art on *Law Review* made some serious mistakes pertaining to this year's competition.

Granted some cases must necessarily be more difficult than others, even the editors of *Law Review* cannot be expected to match cases perfectly. However, the great blunder was choosing some cases in which first year students have a background (Torts and Contracts) and others where most have no knowledge (Municipal Law and Criminal Procedure).

There is no doubt that it is inherently more difficult to perceive trends in a subject where one has no knowledge than in another where one has studied for six months. Yet this is what the editors of the *Law Review* in their infinite wisdom, have chosen to do. It seems basically fair that all cases should have been within the six first-year required subject areas or none should have been.

Furthermore, they should have had the insight to realize that with a library in the condition that ours is in, and with almost the entire first year class competing, that there would be a run on the reporters. I know someone who lost a full day until his case turned up and I for one had to have my case changed as no reporters could be found (including faculty library copies) and the law review could not find a parallel cite. It seems to me that the least they could have done was to xerox a copy of each case to avoid this problem.

Jeffrey Licker

Library consideration urged

To the Editors;

As the end of the semester approaches, and more law students work in the law library preparing for finals and papers, it becomes more and more of a hassle for everyone using the library's facilities. I would like to express my concern about the lack of thoughtfulness on the part of many who refuse to return books to their proper places on the shelves, who hold long, loud conversations in study areas, and who hog reserve materials for outrageous amounts of time. In any evet, a little more cooperation and consideration would be appreciated by all. I hope everyone will join me in trying to be more thoughtful.

Becky Mitchell

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SBA action

Does Roy Cohn deserve an apology?

by Robert Selcov

Following the appearance of Roy Cohn before the Ethics course offered by Assistant Dean for Placement Jay Carlisle on March 31, 1977, the Student Bar Association sent an undated letter to Cohn, over the signature of Aviva S. Meridian, Vice President, apologizing for the conduct of some members of the audience.

The text of the letter is as follows:

"The reception you recently received at the State University of New York at Buffalo was neither cordial nor professional. I deeply regret any distress this may have caused you. I hope you will be kind enough not to judge the professional potential of the Buffalo law students by the behavior of an unrepresentative minority.

I extend to you my sincerest apologies.

Thank you for your time and consideration."

Alice Mann, Third Year Director, stated that when she arrived at the April 4 meeting of the SBA, the letter was mentioned. She asked that the letter be discussed before a decision was made on whether it should be sent. She was told that it would be discussed later on in the meeting. She was surprised, therefore, when, a couple of days later, she found a copy of the letter in her mailbox. Mann would like to send another letter to Cohn explaining more fully the position of some members of the SBA on the conduct at Cohn's appearance.

SBA President Tom Murphy confirms this story. Prior to his installation as president at the April 4 meeting, Meridian suggested that a letter be sent to Cohn. It was felt that the audience's behavior reflected unfavorably upon the student body and that the effects of any adverse impression should be mitigated. There was no discussion of the proposals at that time. While the minutes of the meeting indicate that a vote was taken, there is a consensus among the officers that this is incorrect.

Roy Cohn is a controversial figure whose appearance at the law school could be expected to produce a reaction. When he was a member of the United States Attorney's staff, he participated in the government's prosecution of Julius and Ethel Rosenburg. He was chief counsel to Senator Joseph McCarthy in the early 1950's and received nation-wide exposure as a result of the televised Army-McCarthy hearings. He has come back into the national spotlight as a result of the recently televised dramatization of Senator McCarthy's life entitled "Tail Gunner Joe." Cohn stated that he is writing a book in response to the program, which should be published shortly.

His appearance in the Ethics course did elicit a hostile response from a portion of the audience. He spoke about the overzealous prosecutor, particularly referring to his own experience as a defendant to criminal charges brought by the federal government. Three times in the past 13 years Cohn has been indicted for criminal offenses. He was acquitted of all three charges. Cohn feels these prosecutions were motivated by a desire to "get Cohn" on the part of former Attorney General Robert Kennedy and former United States Attorney Robert Morgenthau.

The crowd hostility, while apparent from Cohn's introduction, was especially prominent during the question and answer session following Cohn's main presentation. Some of the questions asked were strongly antagonistic. The majority dealt with Cohn's role in the Rosenberg trial and the McCarthy hearings. Some merely raised questions of political orientation. During this period the crowd indicated its hostility toward Cohn and his political beliefs by heckling and hissing. A portion of those participating in this activity were not law students.

Cohn handled the hecklers in a professional manner and appeared to be used to this kind of treatment. At no point was he unable to speak because of the actions of the audience. The heckling merely disrupted the orderly conduct of the class.

Seton Hall wins tax competition

by Becky Mitchell

The Moot Court Room, Friday and Saturday was the scene of the Albert R. Mugel Moot Court Tax Competition. The event, open to the public, is sponsored each year by the Faculty of Law and Jurisprudence at Buffalo Moot Court Board.

Eighteen teams from 15 law schools argued a tax problem involving, among other issues, the tax consequences of embezzled funds.

The arguments were presented before a panel of attorneys, judges, and law school professors playing the part of the Supreme Court of the United States. The panel included Judge Louis Spector of the US Court of Claims, Professor Albert Mugel, Stephen Miller of the Regional IRS Counsel's Office, and Federal District Court Judge John Elfvin.

The teams had prepared and submitted written briefs prior to the weekend's oral arguments. They were judged on those briefs as well as their oral presentations. Two preliminary rounds were held Friday. Saturday concluded the match with semi-finals and finals. Law schools placing in the semi-final rounds were Seton Hall, Wake Forest, American University and Brooklyn. The final winners of the entire tax competition were Seton Hall, first place and Wake Forest, second place. SUNYAB Law School finished 5th in the competition.

Workshops focus on women and the law

by Vikki Edwards

On Thursday, March 24, 1977, the Eighth National Conference of Women and the Law was held in Madison, Wisconsin, with the University of Wisconsin Law School as the host.

Although it appeared that a good number of participants were from the surrounding areas, all parts of the country were represented. In addition, not only were law students, paralegals, and lawyers represented, but other individuals working with, and in the interest of women, such as prison and social workers, were present.

For the first time since its inception, the Conference offered special sections concerning the rights of lesbian and third world women. The workshops offered covered a wide range of subjects from problems in, sex discrimination litigation to battered women. Most of the material presented in the workshops is usually covered in basic family law, sociology and sex discrimination courses. However, it was interesting to have interaction between women with different experiences, backgrounds and perspectives. In addition, it was encouraging to see the number of women becoming involved in the legal rights of women.

The opening address was given by Herma Kay Hill, a law professor, a national leader in the field of divorce reform, and author of a book on sex discrimination. Hill also conducted a workshop on no-fault, divorce in which she pointed out that "protection for women from the adverse effects of divorce law can be obtained by resort to women attorneys and judges." A discussion of the no-fault laws in Florida and the proposed sexually neutral divorce laws in Wisconsin and the laws and experiences in other states led to the conclusion that property is probably distributed more equitably under a no-fault system. Some of the emerging concepts, such as joint child custody, were also discussed.

Other workshops attended included prostitution, sex discrimination in elementary schools, sterilization abuse, rape/when women fight back, and women in prison. One of the most interesting workshops was entitled "Women in Transition," because of a book by the same name authored by the panelist, Jennifer Fleming. A description of the book indicated that it is intended as a tool for women who are making a transition in their lives, such as divorce, and it is partially based on the experiences encountered by the author and others in working with a Philadelphia clinic to help women in transition.

Here at the western new yorker

We recieved the following letter from a friend at the Law School:

"Leaving school for Easter break came just in time, and I shot out of Buffalo on my last bit of energy. Every day's race against time - who'll die first, the day or me - was exacerbated by last minute assignments, but all that passed and I made it to the airport. The radio program during the car ride, itself a symbol of my passage out of law, was interviews with the parents of "Moonies" who had been paroled to their parents after the First Amendment was overruled. Law really was behind me then.

"Despite my excitement about the much needed and well earned vacation, I spent a day in Federal District Court in Brooklyn at the Croatian trial. Bomb jokes, as one would expect, are not well recieved, but still *de rigeur;* ditto phony Cuban accents.

"I came in mid-scene, though I think it was only the first act. The sets were expensive but simple, the costumes traditional. The US Attorney and his party of three were greasy, smug, short, and wearing dark suits; The defense, all nicely rumpled - crumpled chic - were in tans and tweeds. They seemed, intense, conspiratorial, honest, and very, very, sexy. The defendants were Eastern European student, and at least physically well-cast. They did not, however, seem to know their parts very well, or perhaps were really in another play. They seemed to be waiting around for their scenes to come up and were extras in this one.

"The jury was bored, but seemed to be acting like a jury. I tried pretending I was a juror but couldn't. There must be an orientation. The sketcher from Channel 4 was there, pastels and bifocals; and an audience representing a cross-section of the Croatian community.

"The witness was over-rehearsed. Cassavetes was clearly not directing this picture, but who was? It wasn't King Vidor, too light; not Frank Borzage, not enough apple pie. It couldn't be Fellini, not real enough. It might have been Altman, trying desperately to re-create complex and uncomfortable realities which aren't real. Nothing *really* happened, there are only impressions, scenes from old movies. Everyone there was *on*, trying to recreate the clip from the film which suited them. A good time was had by all.

"For a contrast, I had a look at popular kultur with a visit to Manhattan Criminal Court at 100 Centre Street. It had been raining all day and wet newspapers, candy wrappers, and probably old and Great Writs made a thick sludge to cover the probably virgin floor underneath. It reminded me of my Aunt Lillie's apartment on the Grand Concourse. She kept newspapers on the rug so it wouldn't get dirty; I never did see the rug. I got the feeling 100 Centre Street was being kept for someone - like a stewardess in rollers on the 7 am Buffalo to New York flight who is getting ready for a real flight - especially because that can't be all there is.

"I went up to the second floor and sat through a couple of Brechtian run-throughs on bail reduction hearings: 'My client has sufficient roots in the community for X;' 'Your honor, the defendant does not have sufficient ties to the community to justify that amount.' How the defense can make its arguments when it comes out that the defendant has jumped bail four times is beyond me, but no one seems to mind. I guess he does have sufficient ties to the community if he keeps coming back to it like that.

"I went down to the arraignment part for a while, apparently the real meat and potatoes of the building. No one overdressed for the occasion. Cops are all overweight and wearing their badges like medals. The parents and friends are depressed, probably because that seems like an appropriate response. The men in the elevator operator suits are the only ones fully aware of procedure, and they answer for the court: Your honor, we would like a psychiatric examination in time for the hearing in three days. Sorry, the uniforms say, but you can't have a *R* blah de blah examination in less than two weeks. Thank you, your honor.

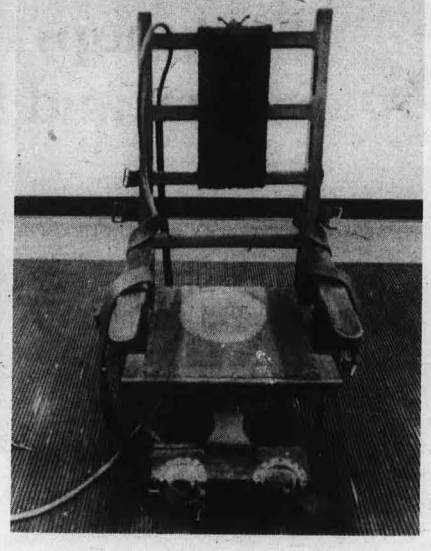
"The prostitutes were getting $250. licenses that day, but I don't know how long they're good for. Their pimps are waiting outside around the information booth.

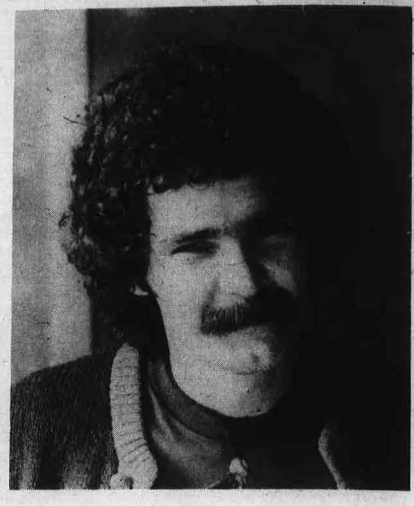
"A woman who had shot herself in the leg with a rifle limped in and limped out, having the charge of possession of a deadly weapon dismissed because it was her boyfriend's rifle, not hers (oh good).

"A matched set of Legal Aid attorney and ADA are dispatched, do a few cases together, and disappear. The judge called time out, probably went to pee, and I left."

—Sheryl Reich

Chuck Culhane





Gary McGivern

Murderers or victims?

Life on death row

by John Simson and
Bryan Brockway

A deputy sheriff and prisoner died in a shoot-out on the New York State Thruway on September 13, 1968. Two prisoners, Gary McGivern and Chuck Culhane, were wounded during the incident and later charged with felony murder based upon their alleged facilitation of the escape attempt by Robert Bowerman, the dead inmate.

Conflicting Stories

Both claimed that Bowerman acted independently and without their knowledge. The incident began with Chuck's belief that he had been denied the benefit of a plea bargain made in Westchester County resulting in a sentence two years longer than could have lawfully been imposed. McGivern had been present at the plea session, so he accompanied Culhane to Westchester. Bowerman was the jailhouse lawyer whose writs Chuck copied in protesting his continued imprisonment. (It is unclear why Bowerman went along, or at whose request.)

Joseph Singer and William Fitzgerald were deputy sheriffs sent to transport the prisoners from Auburn prison to White Plains. Singer's personal car was used. It had none of the conventional police car safety features, e.g., safety screen.

Several times on the trip Bowerman complained of the need to urinate. On his third stop the incident took place.

The defendants' story is that during these stops, Bowerman cut through his security belt which held his handcuffs to his waist. Having completed this at the third stop he attacked both guards, seizing Singer's gun. Holding the guards at gunpoint he undid Culhane's belt and ordered him to undo McGivern's. Fitzgerald then turned and exchanged shots with Bowerman. Both were killed. McGivern and Culhane were seriously injured in the shooting.

Singer's version is that as the car slowed to a stop, Culhane reached over Singer's head and choked him, Bowerman doing the same to Fitzgerald on the passenger's side. Then, McGivern took Singer's gun and Fitzgerald pulled his, two or three shots being fired in the car. Singer recovered his gun and Culhane grabbed Fitzgerald's. Singer fired at Culhane. At the first trial Singer said he hit Culhane but later changed his story when it became clear that he could not have done so. Singer then took Firzgerald's gun and fired away with both weapons.

Three trials so far

Gary McGivern and Chuck Culhane have endured three trials thus far. The first ended in a hung jury; the second in the death penalty, later overturned by the Court of Appeals; and the third in a 25 year to life sentence that is now being attacked in the Appellate Division.

The cases reveal much about the criminal justice system. Perhaps that is why such divergent political thinkers as Allen Ginsberg and William F. Buckley, Jr. support McGivern and Culhane. It shows how easily cross-examination, that great locomotive of truth, can be derailed by a judge's rulings precluding inquiry into significant questions. It shows how the use of prior convictions, of little probative value, can be used by the prosecutor to obfuscate inconsistencies in his own case.

The trials have been relatively simple. Two prisoners testified as to their lack of knowledge or complicity in the escape and the deputy testified they were in fact involved. However, the physical evidence completely destroyed the deputy's account. At the last trial Singer even admitted he deliberately changed his testimony because his earlier version turned out to be impossible and in conflict with the physical evidence.

The defense was precluded from impeaching Singer as to a possible motive for falsifying his testimony. Based upon the escape attempt, Singer applied for disability retirement. State physicians concluded his "injuries" were psychosomatic. Moreover, examination of Singer immediately after the attempt revealed no marks or bruises on Singer, despite his claims that one of the prisoners had choked him with handcuffs and that he had temporarily lost consciousness due to the choking. Despite its probative value, it was excluded.

The trial judge also precluded introduction of Bowerman's prison and hospital records which recorded his long history of escape attempts and his tendency toward violent confrontations. This corroborated Gary's and Chuck's testimony and tended to exonerate them.

There were other significant errors in the course of the trial. The prosecutor was repeatedly allowed to allude to the fact that McGivern did not testify at the previous trials thereby creating the impression that his story was recently fabricated. There was also a photograph showing that Bowerman's belt had been cut in such a way that neither Culhane nor McGivern could have assisted.

In some ways this case is an extreme one, involving the death of a deputy sheriff. But, in many ways, the case is typical of those argued every day. All the issues were reduced to a defendant v. cop conflict with the jury being asked to believe one or the other. It is a case the system is geared for — excluding evidence as to the cop's credibility as irrelevant, while allowing any and all evidence against the defendant if he/she takes the stand.

William Kunstler, who, with Michael Tigar, Henry Rothblatt and others, is arguing the case on appeal, states: "Culhane and McGivern don't represent the normal run of cases where it's anonymous — names mean nothing and no man gives a damn or cares. For every McGivern and Culhane there are literally hundreds every day who go down the drain because there is no community support."

Death penalty

Gary and Chuck became a cause celebre for those who favored the abolition of the death penalty. Much support was generated, and Death Row itself was magnified by the presence of Gary McGivern and Chuck Culhane. The little changes they fought for: basic human dignities. Their struggles for individuality became public: "The physical restrictions were tremendous ... No human contact. Isolation cells. Can't hold my mother's or my brother's hand when they come to visit ... Why can't I have shoelaces? Why can't I keep books in my cell ... Why must I give up my pencil and toothbrush and comb in a little cloth bag at 9:30 p.m.? Why can't we buy things at the prison commisary like other prisoners? Go to Church? Have a typewriter ... Security: The Prevention of Suicide ..." (Chuck)

The state's attempt to destroy all self on Death Row is clear. In 1971, when Gary and Chuck first entered Death Row, prisoners received almost none of their mail and spent twenty-three hours of every day alone in their cells. The prison graveyard has only numbers on its cement markers. All attempts to maintain identity are systematically destroyed: "Who am I? Public enemy or poem-writing music lover?" (Chuck).

One incident illustrates well the workings of Death Row. After certain restrictions had been lifted, Gary and Chuck began a garden in the prison. From other inmates and guards they gathered seeds. The garden became a reflection of Chuck and Gary and their determination. A guard urinated on the garden, destroying it.

Punishment or rehabilitation

The justifications for incarceration have also been severely tested by the case of McGivern and Culhane. They have spent ten years behind bars: three on Death Row, for an incident in which their guilt was most questionable. The changes they have undergone in prison have accounted for widespread community support:

William F. Buckley, Jr.: "What stands out, I think, is a true residual doubt concerning their guilt, combined with a near unamimous feeling about Culhane and McGivern that they are not improved, nor is society benefited, nor is society satisfied, by keeping them in jail. Both men are blithe spirits, gentle by disposition, kind, poetic, and highly talented."

James Murphy, Death Row Sergeant: "But after awhile their determination would win you over. It won me over to where I actually began liking these guys. And I didn't know at the time whether this was a thing to do. Am I supposed to like these guys?".

And specifically as to Gary: "Other inmates look up to him. Officers look up to him ... Nice guy, active in program affairs, intelligent, that's how I would describe him ... he wouldn't be a danger. This is my personal opinion because I know the man."

If you would like more information about Gary and Chuck, you may write to Culhane McGivern Defense League, Box 268, Bearsville, New York 12409. They need great help, since reversal on appeal will probably mean another trial. There is some additional information at the *Opinion* office. If interested, please come to Room 623.

Wide world of torts

The final tort

by John Simson

The new editors of the *Opinion* have notified me that this is my last column. Commencing next year, a new policy will preclude my column from appearing. I believe it has something to do with "tasteful journalism" or some other ploy to keep my fingers idle. In any event, as this is my last column, I have decided to divulge certain information that I otherwise would have sat upon, until greater substantiation was possible.

Flea Bargaining

It seems that the big guys at the Justice Department mis judged this year's crop of defendants and ended up with a plea surplus. An attempt was made to send them to Russia, but the reds were only interested in lobstering without a license, not included in the surplus bonanza. The department is trying hard to keep this quiet, yet somehow advertise the fact that all these spare pleas are available to those interested in dealing. I was informed, "Discreteness is the Key." (Read on Discreetly.)

Plan I was to send U.S. attorneys out to various garage sales in local communities where those known to plea bargain were generally present. This plan did not work, however, because people at the garage sales seemed intimidated by attorneys in three-piece suits. The copies of the *Pentagon Papers* selling 2 for $3 did little to alleviate the paranoia. No one I know runs a garage sale in a three-piece suit, for Chrissakes! There were other big problems: convincing people that the pleas were for real and wouldn't be reneged upon as soon as the person came to court. Any defendant worth his salt knows that a plea is not a plea without a judge. There are just too many possible complications:

Judge: "Where did you get this plea?"
Person:
"Down at Minnesota and Comstock at the Justice Department garage sale."
Judge:
"We don't honor those pleas in my court. Now if you had one from Billy's Corner Store, it would be a different story."
Person:
"Thanks your honor. Do you know if I can return this."

Plan II was on a larger scale. The Department was to set up booths at area flea markets. Flea Bargaining, as it was to be known, previously practiced only by imperialistic dogs, became a reality. The "fleas" became a great place to go for the weekend. You could do some forum shopping, and maybe even pick up a good plea while you were out. People specialized in particular areas. One guy had a full set of the General Electric Price-fixing Pleas, another 10,000 "bald tire" pleas for those accused of driving while impaired. Exotic pleas, mundane pleas, anything and everything. At one booth, there were Special Prosecutor close-outs.

For sale:
One 1972 used *nolo contendere*, by VP on wkends only, now in shppg and mfa activ.

Never used, brand new, 1974 plea to obstructing justice and abuse of Prs power. For Execs. only.

New 1977 plea to poor taste, for OPINION col.

In closing, I would just like to say that I am not at all hostile about the editor's decision to cut short my writing career. It has been fun, and I want to thank all of you who read my column. The feedback I've received from both of you has made it all worthwhile. Perhaps next year, without the time spent on this column, I might turn into a productive law student. More than likely, I'll just drive other people crazy with my inane legal points of view. Have a good summer — Happy Trials!

P.S. You won't have John Simson to kick around any more. PPS. I love Hockey!

Special to OPINION

from Ralph Stairsteps

While vacationing in Paris, with the rest of the faculty over this past Easter Holiday, I had the good fortune to meet with some French Law students. We had a very interesting meeting, though at times a bit heated, relating to a number of "international" and American legal problems. The students were among a group of English and French students working on the complex Writ of landing: An infrequently used writ of English Common Law which allowed a vessel to dock in an unfriendly harbor, without permission due to the doctrine of unsound principles.

By far our most interesting discussion related to this writ and to the American populace's general reaction to the Concorde. The French could not understand the American populace's general reaction to the Concorde. The French could not understand the opposition to the Concorde's landing, particularly in light of the results they received in an informal survey conducted over transatlantic tie lines (recently abolished by the French government). The results showed that 91% of all Americans felt that the Concorde should be allowed to land in this country. However, as I eagerly pointed out, 87% of those who stated that they favored the Concorde's landing, opposed it landing near their home. The French were confused. I explained that this was an American doctrine as old as our Constitution and that Americans in principle favored everything, so long as it didn't happen in their neighborhood.

This doctrine is quite clear in every facet of American relations.

Civil Rights: Sure, so long as *they* don't move into my neighborhood; yeah, we should educate more Black lawyers and Doctors, but won't it lower the standards of my school? I wouldn't want that to happen."

Women's Rights: "Sure, women should be able to work; except my wife's got to raise my kids."

Pornography: "People should be free to do their own thing. But not . . ."

I had one other long conversation with these students concerning a particular doctrine they had read about Supreme Court decisions. They asked me who passed the Constitutional Mustard? I told them only Burger and Frankfurter.

Seriously, Constitutional Mustard is a great legal doctrine that all constitutional lawyers relish. Next year: Constitutional Horse Radish.

Lower outside corner

by Tanis Reid

When I was in high school, I graduated first in my class, but because I was a senior transfer student, the administration decided that having been at the school only one year, I was not properly a valedictorian for the school, and I was not asked to give any speeches. And then I graduated from college with honors, but just cum, no cum magna or cum summa. Which is why I find it so flattering at this time, when in my academic career I have so clearly descended furthest from number one position, that I have been requested to give the valedictory address. (The preceeding is, of course, not true; only a fictitious premise for arguing my way into the valedictorian spot. The selection has since been made, and my motion for the position was unequivocally denied. No sense wasting an already-prepared speech, however.)

It is traditional at times like these, to say something to the effect that looking back on the past few years, they really were worth it after all. At this time, I would like to break with that tradition and say that looking back on it all, it was awful. Further, for all the times I had to listen to complaints from various and sundry members of the student body, I wish to pull the coup of complaints by voicing mine to the entire student body en masse, and saying I hated it. I hated it. I hated that the textbooks were so heavy; I hated that the assignments in them were so lengthy, but most of all, I hated that the opinions in the assignments in the textbooks were often so obtuse. I hated law school from the day it began and my feelings have not changed. Even today's graduation ceremony is a bit tedious. Law school has merely solidified the negative attitude towards life that I have been carefully cultivating since the late sixties.

I must, however, admit that the past few years did have their moments. There was, for instance, the day, when after being intimidated by the case briefs the student sitting next to me typed for every torts class, I looked over at the notes he was making in his text while the professor was speaking. Next to Learned Hand's name, author of the opinion, whose name was printed in boldface type, the student wrote "brother of Educated Foot." Still impressed by the student, I was much less intimidated by him.

And then there was the day the professor thought I was in class, though I wasn't really. In the seat, maybe, but not in class. It was late, near the end of the hour. Mr. Birzon, who always called on persons according to the alphabetical listing of his class chart, was long past the R's. The student next to me was drawing pictures of Arabs with arrows in their backs, and I who had just seen "Gone With The Wind" the evening before, was trying to figure out how old Scarlett was when Rhett left her. My name was called, but I didn't have the heart, or maybe the guts, to answer twenty-nine to Mr. Birzons's question. And since I had nothing else in my head, I don't think I said anything, except to acknowledge that I was present, dumbly present.

And the day, too, when in explaining the difficulty in comprehending some nearly-incomprehensible concept, Mr. Newhouse's second self said to Mr. Newhouse's other self, and the class, something like, well if you don't like working out these difficult ideas, you shouldn't be here. Mr. Newhouse nearly assassinated the student next to me. Yea, I should have gone for my masters in engineering, he said. You really shouldn't take seriously everything Mr. Newhouse says, I argued. But it was too late, Newhouse's shot proved fatal, and the kid quit at the end of the semester. And that's something I couldn't quite understand. If he was sure he should leave, and he sounded as if he were, why did the kid wait until the end of the semester to leave? One year of law school is not really marketable, merely expensive.

But law students are like that. I have discovered that often they will be more interested in the method of discipline itself, than the result the discipline is to be utilized in achieving. It didn't surprise me at all that the last Olympic silver medal for the marathon went to a Boston attorney. I'll bet the guy was a super law student. For law students can be typified. I had come to law school to get away from all the freeform thinking in English and history fields of study, where the critiquing of literature and past centuries was often more creative than the writers or civilizations could ever have been themselves. I figured that law would have more structure for finding an answer, would more nearly approach a science, because its thinking had been codified or at least collected into the common law. But when I got here, I found the place crawling with students who had majored in philosophy. And, heaven knows, those people are worse than English and history majors when it comes to giving a simple answer to a question. The philosophy majors were in the right place, though. For I learned that the illusion of codification or common law compilation as something of a science, was just that, an illusion. In some cases, the law supporting a decision broke down into nothing more than a philosophical pushing and pulling at a rationally penumbra which had nary a scintilla of connection to the issue in controversy and which suffered from and was guilty of further perpetrating a kind of Emperor's New Clothes syndrome in the legal field.

And yet, as critical as my cynicism might prompt me to be, I can't really object to this philosophical pulling and pushing of precedent until it is clearly unrecognizable. For if the courts were creating fairy tales, such approaches to precedent would clearly be uncalled for, and no doubt, children would spot the incongruities quickly. For morals or what is right are easily determined in the simple fact situations of fairy tales. But when you try to define rights or justice in real life situations where two separate rights conflict; or where an old interpretation of what is right faces off with a new or updated interpretation of what is right; all in a setting where preserving the appearance of a consistent or trustful rationality or right becomes nearly as important for maintaining law and order as does determining what is right at a particular time, the task of the law becomes all the more difficult and the illusion of constant, consistent rationality even justifiable.

To this academic frustration fostered by trying to neatly define rights and justice, add the emotional trauma of daily encountering people's problems, and the unbearability of law school becomes clear. Every day, every class, every case, it was another person with another problem. Sometimes the problem stemmed from marital or mercantile relationship, sometimes a stock market crash or war. Admittedly, after a while my heart stopped bleeding. So much so, that now I am emotionally aware only of fact situations that reach the Mary Hartman level of absurdity, like an improperly-manufactured cocktail dress that exploded when a cigarette ash fell on it . . . a guy who nearly lost custody of his kid because he wore tennis sneakers and a golf sweater to his wife's funeral . . . an elevator operator who first met her policeman husband minutes after she had been stabbed innumberable times by an escaped mental patient.

Looking back, things look awful. And if the life situations recounted in our casebooks are any indication of what lies ahead, looking forward isn't very appealing either. But, best of luck anyway. Remember Mr. Homburger's advice, and "do not confuse logic with the law."

Class action

Homburger voted teacher of the year

by Peter Ackerman

Adolf Homburger, professor of civil procedure and New York Practice, will be leaving UB this year to accept a three-year appointment at Pace as a distinguished visiting professor. In a recent interview, Professor Homburger talked about his life and his teaching experiences.

Homburger was born in 1905. He grew up in Vienna, Austria, where, as he states, he experienced the "shock waves of post-World War I inflation and revolution." After spending one year at the Arts College of UB in 1926-27, Homburger returned to Vienna where he earned his JUD degree in 1929. He then began the mandatory seven year apprenticeship as a clerk, at which time he sat for the Austrian bar. That exam was described by Homburger as "more in accord with the realities of life in a law office" than the current New York bar exam since it allowed students to use any books they needed to answer questions during the exam.

Homburger was admitted to the Austrian bar in 1933, but Hitler's march into Vienna in 1938 forced him to go underground until his departure to America in 1939. He came to Buffalo where he made a living as a process server, and liquor and leather salesman until he won a John W. Davis fellowship for the re-education of European lawyers. Homburger said that he realized then how much it "paid to be a good student in law school," since his law school grades from Austria enabled him to be one of the only 8 Davis fellows chosen in America.

Homburger noted that he finished the regular law school course load at UB in two years, and was suprised to find so "fantastic" a faculty at what he had expected world be a rather "provincial" school. In fact, he wondered how good the professors at Harvard were, if the ones at UB were so great. The question was an ironical one since "within a few years nearly all of them were at Harvard," Homburger said. Although he passed the New York bar after graduating, Homburger could not be admitted until he became an American citizen in 1944.

Homburger's association with state procedural law began after his admission to the bar when he served as a staff attorney to the Judicial Council of New York. He describes those years as being "of great importance" since they were spent drafting and researching new procedural statutes for New York State.

Homburger then returned to Buffalo when he was offered a partnership with the firm where he had clerked as a law student. Homburger accepted the position because, as he states, "it was far more lucrative than continuing to work for the State in New York City."

His teaching career began in 1949 literally on twenty-four hours notice when he was asked to take over Dean Carlos Alden's classes because the Dean had suddenly become ill. Homburger taught numerous courses in land transactions and civil procedure as a part-time lecturer until being invited, in 1962, to become a full professor. "Part-time," he noted," meant for many years that one often had to teach a full six hour course load in addition to practicing on the outside." But not even this dual role could fully satisty his zest for examing legal problems since he continued during those years to contribute as a 'free-lance writer' to the judicial conference.

Since becoming a full-time faculty member, Homburger said that he has "done quite a few things." One of the 'few things' has been to serve, by appointment of Chief Judge Desmond, later Chief Judge Fuld and later Chief Judge Breitel, as Chairman of the Judicial Conference Advisory Committee. In addition to authoring several law review articles and book reviews, he received two Fulbright scholarships to work at the University of Florence with Mauro Cappeletti, editing the Civil Procedure Volume of the International Encyclopedia of Comparative Law.

One of Homburger's most unusual experiences was his term as a guest of the Max Planck Institute in Hamburg, after winning a Ford Foundation Grant for his work in class actions. He notes that, "the institute, contrary to common belief, is not only concerned with natural science, but has a very important department in comparative and international law."

Not unlike many of his students, Homburger's interests do not stop at the law. "When I was 14 or 15 years old, I fancied myself a musician," Homburger related. At that time he entered the Conservatory in Vienna as a violin student. He soon discovered, however, that he was not equipped to become the kind of musician that he had envisioned himself to be. "Still," he notes, "music remains a very important part of my life." Homburger continues to play in chamber groups from time to time.

About teaching, Homburger comments that "you have to love the profession, otherwise you should never turn to it." In particular, he states that he never regretted leaving practice for academe: "I didn't mind practicing, but I only loved teaching. I find it far more interesting, satisfying, and challenging. You have to be a good actor, too, otherwise you won't be able to keep your students alive."

Homburger's observations of his students and their changing attitude is keen. In this regard, he wryly notes: "I once thought of myself as a fairly conservative teacher among radical students (in the 1960's), but, with the passage of time, I now see myself as a radical teacher among conservative students."

Homburger concluded that he felt his most important contribution to developments in the law has been his work with 'parties' and in particular the New York class action statute. In teaching, his most gratifying experiences have been those numerous occasions in which he has met former students who tell him that they draw upon his classes even years after they have passed the bar. "That makes me quite happy," he said with a smile.

Even though he is leaving UB, Professor Homburger continues to win the admiration and respect of his students. This year's graduating class has voted Homburger the teacher of the year. He will receive an award at the graduation ceremonies on May 28.

Buffalo Legislation Project drafts marijuana reform bill

by Becky Mitchell and Beverly Jacklin

A report of a study on marijuana reform done by members of the Buffalo Legislation Project was recently completed and sent to Senator Barclay, Chairperson of the New York Senate Codes Committee.

The study analyzed the official report of the National Commission on Marijuana and Drug Abuse. Statutes in five states which have already decriminalized marijuana were then compared. Finally, a proposed statute for New York was drafted, keeping in mind the problems of other states and constitutional and policy issues.

The proposed statute provides for two types of sanctions for the possession and transfer of marijuana. The purpose of the reform is to decriminalize the possession of marijuana for personal use, and to remove the stigma of arrest and conviction from an act which is no longer regarded as wrong by a large segment of society.

A presumption of personal use is established for small amounts of the drug in the first section of the law, which would make a person guilty of "unlawful possession of marijuana" when such a person knowingly and unlawfully possesses or transfers 30 grams (28.3 grams = 1 ounce) or less of marijuana. This would be a violation, punishable by a fine of up to $100.

The second part of the proposed statute would make it a Class E Felony to possess or transfer 500 grams or more, or to transfer 240 or more grams to a minor. It would be a Class A Misdemeanor to possess or transfer 240 or more grams, or to transfer 30+ grams to a minor. Finally, it would be a Class B Misdemeanor to possess or transfer 30+ grams, or to transfer *any* amount to a minor, or to smoke or ingest marijuana in a public place. An affirmative defense is available if one can prove that the marijuana is for personal use only.

Similar provisions set out for the lessening of penalties for the sale of marijuana. It would be a Class E Felony, Class A Misdemeanor or Class B Misdemeanor depending upon the quantity above 30 grams under consideration.

In conjunction with the purposes of the reforms, special enforcement procedures are included, prohibiting arrests for violations of the statute unless another, non-marijuana offense is involved and there is probably cause to arrest for the other offense. Warrants are prohibited except for failure to appear in court. Instead, appearance tickets and summonses are to be used to procure court attendance.

The Senate Codes Committee has not yet acted upon the proposed bill, but is expected to do so before the end of this legislative session.

The New York State Assembly is currently considering a bill which will amend the penal law and the criminal procedure law in relation to possession and sale of marijuana. The bill, introduced by Assemblyman Richard Gottfried, would decriminalize the possession of marijuana for personal use.

Possession of up to two ounces of marijuana, or transfer without consideration of up to one-half ounce, is to be treated as a violation punishable by a maximum of $100 fine. Higher penalties ranging from a Class B misdemeanor to a Class E Felony are provided for possession and transfer of larger quantities, public use, transfer to a minor (under 16) and sale:

WEIGHT	POSSESS	SALE	SALE TO MINOR
0-2 oz.	Viol.	B Mis.	E Fel.
2-8 oz.	B. Mis.	A. Mis.	E Fel.
8-16 oz.	A Mis.	E. Fel.	E. Fel.
16 oz.	E. Fel.	E Fel.	E. Fel.

The bill provides that there is to be no arrest for all violations and Class B Misdemeanors. Instead, an appearance ticket is to be issued by the officer.

The most recent addition to the Gottfried bill is a provision which will allow for amendment of convictions, and resentencing under the new law for anyone convicted under the old law, with credit for time served and fines paid.

Buckley discusses criminal procedure

by Becky Mitchell

The abolishment of the exclusionary rule was the theme of a discussion by guest speaker William F. Buckley, Jr. in Professor Tigar's CPII class on Friday, April 15. He spoke about his book *Four Reforms*, in relation to the topic: selected issues in criminal procedures.

In his discussion, Buckley explored the ambivalence of the "state" which he perceives among conservatives. He explained that conservatives see the state as an enemy which should be restricted from interfering in the lives of people. At the same time they feel the total resources of the state should be used to achieve certain ends such as in crime enforcement.

According to Buckley, a major concern of conservatives is physical safety in the face of increasingly violent street crime. Buckley postulated that a person in the South Bronx is more concerned with staying alive than with whether or not the police observe the Fourth Amendment. The emphasis on law and order, as opposed to individual rights was attacked by various members of the class. But Buckley countered that the exclusionary rule harms society, and attempted to show why and how it should be abandoned. Although he stated a belief that the government should obey the law in its efforts to enforce the law, Buckley does not believe that guilty persons should be acquitted merely because their constitutional rights are violated. The violation does not change this guilt or innocence.

Buckley charged that letting the guilty go free detracts from the public's respect for law. When confronted with an assertion that the failure of the government to live up to the highest law of the land might be more detrimental to public respect, Buckley avoided the issue by countering that lawless behavior of citizens has worse effect.

Buckley also expressed concern as to the length of trials and their deleterious effects on both the system and the defendant. He asked why it took 17 weeks to try Sirhan Sirhan when hundreds of people witnessed the act. Abolition of the Fifth Amendment as it is now understood by the Court was one answer presented by Buckley.

Buckley's observations and comments stimulated much thinking and discussion in the class. He was an extremely polished speaker and he fielded questions with adeptness.

Behold the new saviors of OPINION!! Pictured, left to right, are: Bob Ciandella, Assistant Editor, Dean Silvers, Assistant Editor, A.D. Scoones, Photo Editor, Ted Firetog, Business Manager, Kim Hunter and John Simson, co-Editors-in-Chief. Not pictured is Becky Mitchell, Assistant Editor.

Legal Briefs

Moot Court installs officers

New Moot Court Board members for the 1977-78 school year were installed officially Monday evening, April 18. Bill Martin was elected to the position of Director, and Marilyn Hoffman will be the Assistant Director next year. Next year's Moot Court Board will consist of Meryl Amster, Mitchell Dix, Monica Dodd, Steve Errante, Evan Giller, Ira Goldfarb, Kathy Kaczmarek, Kevin Kinney, Karen Lederer, Jane Mago, Diane McMahon, Alan Lewis, Donna Natoli, Jerry Paun, Nancy Peck, Anna Pfeiffer, Glenn Sabele, Steve Schierling, Steve Waterman, and Pam Webb.

Graduating seniors

Additional information about commencement, including invitations, directions to Artpark, concert information about the philharmonic and possibly information about restaurants in the Lewiston area will be available at the end of April or the beginning of May in Mr. Canfield's office.

BLP reviews applications

The Buffalo Legislation Project has begun to review membership applications for next fall. All first-year students wishing to apply should submit a 2-page narrative resume and a law-related writing sample as soon as possible to room 724, O'Brian Hall. No applications will be accepted after June 1, 1977.

Energy conference set for May 7

The People's Power Coalition invites the law school community to attend a conference on the energy crisis and its solutions. The conference, promoted as "Shopping for Lower Utility Rates," will emphasize the campaign for public takeover of utilities, and include speakers and workshops on such concerns as alternate energy sources, natural gas price de-regulation, rate structures, nuclear power, and shut-offs.

Among others, conference participants include Casey Walas, President of United Auto Workers Local 501; Marilyn Zahm, Neighborhood Legal Services Director; Marvin Resnikoff, National Coordinator of the Sierra Club's Nuclear Power Subcommittee; Fred Sankey, Superintendent of the Akron, N.Y. municipal electric utility; Dave Collins, Director of Energy Conservation, Community Action Organization; and hopefully, all of Buffalo's mayoral candidates, each of whom has been invited to speak for five minutes to support or oppose public power and a winterization program for Buffalo homes.

Date and Time: Saturday, March 7; 8:30 a.m. – 5:00 p.m.

Place: Buffalo State College Student Center, 2nd Floor

Registration Fee: $5.00 ($2.00 Low Income and Seniors)

For more information call 856-8469

Conference Brochures available at the Library Desk and Registrar's Window.

Opinion meeting

Have your journalistic dreams been thwarted by your law school career? Don't give up hope – come work on *Opinion*!

There will be a mandatory general staff meeting for all *Opinion* staff members on Thursday, May 5, 1977, at 3:30 p.m. in the *Opinion* office, room 623, O'Brian.

Anyone interested in working on *Opinion* is invited to attend.

Monroe Friedman to speak

On Monday, May 2, Monroe Friedman, Dean of the Hofstra Law School, will visit the Law School to speak on the topic of Legal Ethics. There will be an informal discussion in the faculty lounge from 1:30 p.m. to 3:00 p.m. prior to the formal presentation in the Moot Court Room from 3:30 p.m. to 4:30 p.m. Following the main address, there will be a question and answer forum in the faculty lounge from 4:30 to 5:30 p.m. Dean Friedman is being sponsored by the Mitchell Lecture Committee. All students and faculty are welcome to attend all three events.

Discrimination

A number of employers who advertise their jobs through the Placement Office practice discrimination based on sex. A few, for instance, have expressed explicit preference for female law clerks.

The Placement Office has agreed not to include the stated preference of the employer (in conformity with §296(1-a)(d) of the New York Human Rights Law), but this will not stop the discriminatory non-hiring.

It is against the law in New York State for an employer not to hire an individual on the basis of sex (or age, race, creed, color, or national origin, Human Rights Law §296). An employer under the Act is defined as having at least four employees. If you believe you have not been hired because of your sex, male *or* female, please contact Sheryl Reich, room 509, or call 837-0142.

Youth advocacy project

A youth advocacy project is organizing in Erie County to investigate public secondary school exclusions and disciplinary practices in the county. Graduate students are needed to volunteer to conduct interviews and analyze data from school personnel and dropouts.

This study is related to a state-wide project under the auspices of the State-Wide Advocacy Project of the NYCLU, and has been requested by community organizations focusing on the problem of rising dropout rates in the county.

For further information please contact Prof. Herbert L. Foster, 636-2451, or Jane Holland, 837-5644.

Reception for graduates

All graduates of the class of 1977 are invited to attend a special reception for the 1977 class at Jay Carlisle's home, 138 Depew Street, on Friday, May 27, 1977, from 7:30 – 9:30 p.m.

New seminar explored

Several students are interested in exploring the possibility of establishing a seminar in *Law and the American Indian*, and either a seminar or clinic component in *Immigration and Naturalization Law*. In an effort to assess potential student interest in such offerings, sheets have been posted on the 2nd and 3rd year bulletin board. If you would be interested in taking one of these courses, please sign the corresponding sheet before May 10.

Carrel reserve

The Library will again institute a Carrel Reserve Policy during the Spring Exam Period, Thursday, May 12 through Monday, May 23. Law students will be able to sign up for carrels between 8 and 9 a.m. each day at the Reference Desk. ID cards are required and assignments will be for the entire day.

This service is to insure that law students have access to study areas in the Library. Any questions or complaints should be directed to Dave Brody or Jim Mulloy, Library Committee members.

Guild conference keys on women

by Ron Eskin

"Throughout American history, women have been outside the arsenals of social power and influence, watching male judges, politicians and lawyers make the rules that governed women's lives," said attorney Susan Silber as she addressed the first workshop of the Lawyers Guild conference last weekend.

The National Lawyers' Guild convened the biannual conference of its Mideast Region in Buffalo on April 15-17, and examined issues of women's oppression. Chapters from Michigan, Ohio, Western Pennsylvania and Western New York arrived in the Queen City to attend a weekend of study and festivity. They joined the near fifty Buffalo participants, many of whom had planned the workshops and prepared the meals for the weekend.

"Union Maids," a film about women who were organizers in the labor movement, set the tone for the conference. The film, and the panel which followed it, suggested the historical role of women in organizing working people, and described the peculiar oppression that women in labor struggles have suffered. The panel, comprised of teachers in the institute for cerebral palsy, and graduate students in the GSEU, elaborated on their experiences in organizing working people in Buffalo. It was their unanimous opinion that "legalistic strategies do not organize people who are struggling for a recognized union.

Saturday the conference moved to the University Presbyterian Church on Main Street and Niagara Falls Boulevard. Albie Sachs, a South African exile, revolutionary lawyer, and Professor of Law at the University of Southampton, opened the morning workshops. He spoke about the traditional sexist role of the bar in the British Commonwealth.

"The big issue among lawyers and judges until 1923 was whether women could be considered 'people' and thus practice law like men. This issue arose several times before 1923, and each time the male judges concluded that the term could not possibly refer to women. Women could not possibly be expected to participate in the hurly-burly of public life."

Other workshops included: the effect of *Gilbert v. General Electric* on women in the workforce; the establishment of clinics to show clients how to carry out pro se divorces; and how to deal with the problem of battered wives.

There were six workshops in all, each conducted by a person with special experience in the subject matter. However, the Guild workshops were not lectures, and all the participants had some experience in the topics and material discussed.

Conferences are intended as meetings for people who do similar work. This work is making the law work to the advantage rather than the detriment of poor and working people, and of minority groups and women. The reference in Buffalo focused on issues relating to the oppression of women, and the workshops examined that oppression in its many forms.

Barbara Handschu, Buffalo chapter, and John Quigley, Columbus chapter, initiated a workshop on gay custody, based upon their respective experiences with gay custody cases. According to Handschu, "the attitude of judges about the stability and competence of homosexuals makes it hard for the best of parents, who happen to be gay, to retain custody of their children. All the opposing attorney has to do is scream 'queer,' and he generally can win the case before the family court judge."

Most longtime members of the Guild in this region felt that the most significant effect of the weekend was not necessarily to be gleaned from any one workshop, but from the fact that a major region of the Lawyers' Guild seriously examined the problems of women's opportunities.

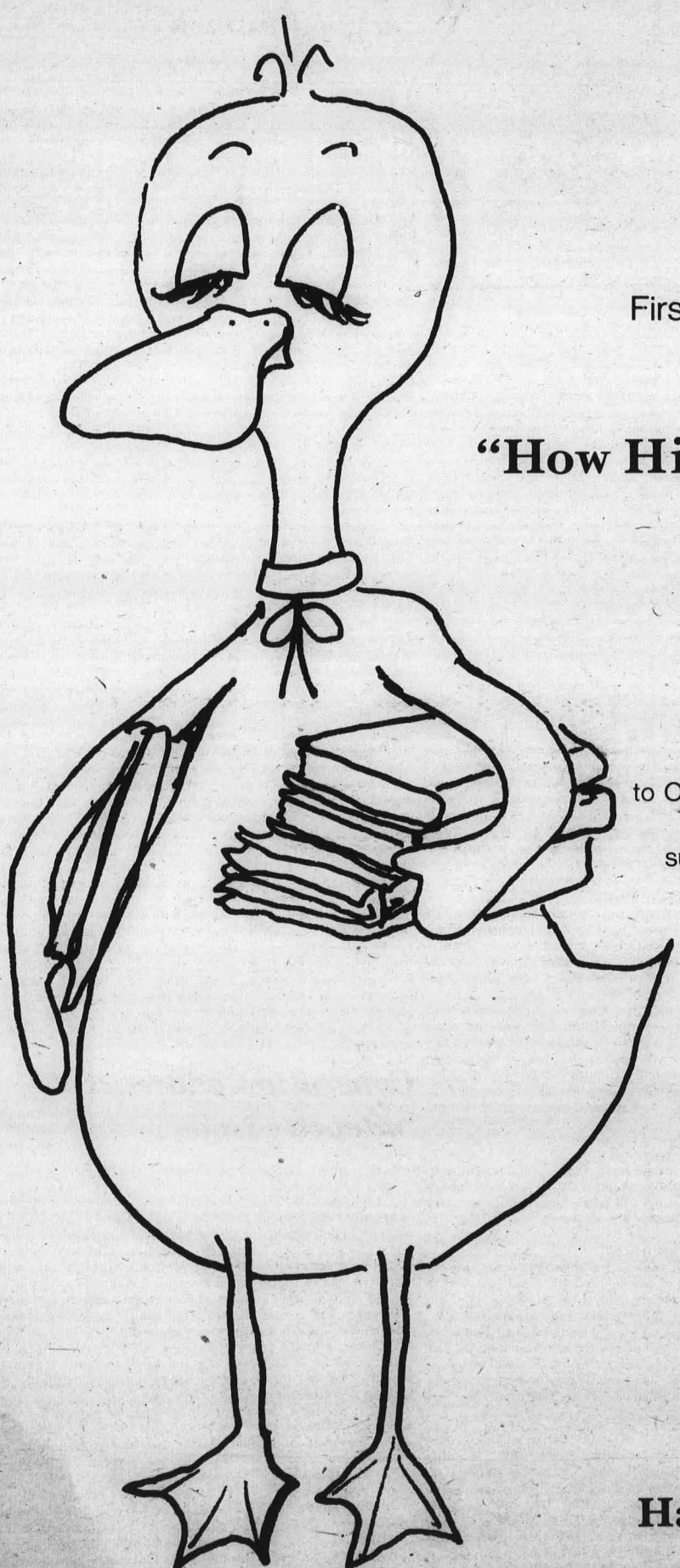
Convention addresses minority issues

by Eric Turner

The National Black American Law Students Association convention was held in Cleveland, Ohio, March 25-29, 1977. In addition to dealing with the general business of the organization, there were a variety of legal workshops, including: Effects of the Equal Rights Amendment (ERA) on Black Men; Alternatives to Affirmative Action in light of the pending *Bakke* case in California; Directions of BALSA. Also included in the program were guest speakers, placement interviews, final rounds of the Frederick Douglass Moot Court Competition, and a minority recruitment law day.

Co-hosted by the Case Western Reserve University and Cleveland State University Law School chapters of BALSA, the convention proved to be very productive and enlightening for the nearly 300 students who attended from across the nation.

As expressed in the convention program, the purpose for which BALSA was formed is to "articulate and promote the professional needs and goals of Black American law students; to foster and encourage professional competence; to focus upon the relationship of the Black Attorney to the American legal structure; to instill in the Black Attorney and law student a greater awareness of and commitment to the needs of the Black Community; and to influence American law schools, legal fraternities and associations to use their expertise and prestige to bring about change within the legal system in order to make it responsive to the needs of the Black Community; and to do any and all things necessary and lawful for the accomplishment of these purposes within such limits as are provided by law."



First Annual Opinion Contest

"How High is the Duck?"

all entries must be submitted
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Winners will receive a free
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