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Fire ravages Law School's food court

Three alarm fire during break damages library, classrooms and closes second floor

By Caroline Brancatella, '07

At approximately 7:40 a.m. Saturday, March 19th, University at Buffalo Police were alerted to a fire alarm in the food court in O'Brian Hall.

Although the food court was destroyed, the five local fire companies who responded were able to keep damage to the rest of O'Brian, which houses nearly all law school offices, classrooms and facilities, at a minimum. It occurred during the last weekend of UB's spring break and fire officials believe that no one was in the building when it broke out; no injuries were reported.

The University Provost, in conjunction with law school officials announced on Sunday March 20 that all law school and University scheduled classes in O'Brian were cancelled the following Monday and Tuesday, unexpectedly extending students' time off. Although air quality testing showed no contaminants in the air, the decision was made in order to allow building clean-up to continue uninterrupted and to provide time for classroom re-assignment said John Della Contrada of University News Services. All classes held off-site took place as scheduled.

Although the Buffalo News reported the estimated cost of the blaze at both \$200,000 and \$250,000, Contrada said that number did not come from the University. Fire officials often offer early cost estimates according to general formulas, but at the Opinion's press time the school was still in the process of calculating the dollar amount of damage.

In terms of who will pay for repairs Contrada said, "O'Brian has been declared an emergency site, which brings the state into it. SUNY [State University of New York] is a state agency, so the cost now becomes a state issue, meaning that payment for the fire could come from a number of places, not just the University."

According to Contrada the cause of the fire remains unknown. An investigation by Town of Amherst and Erie County officials is underway.

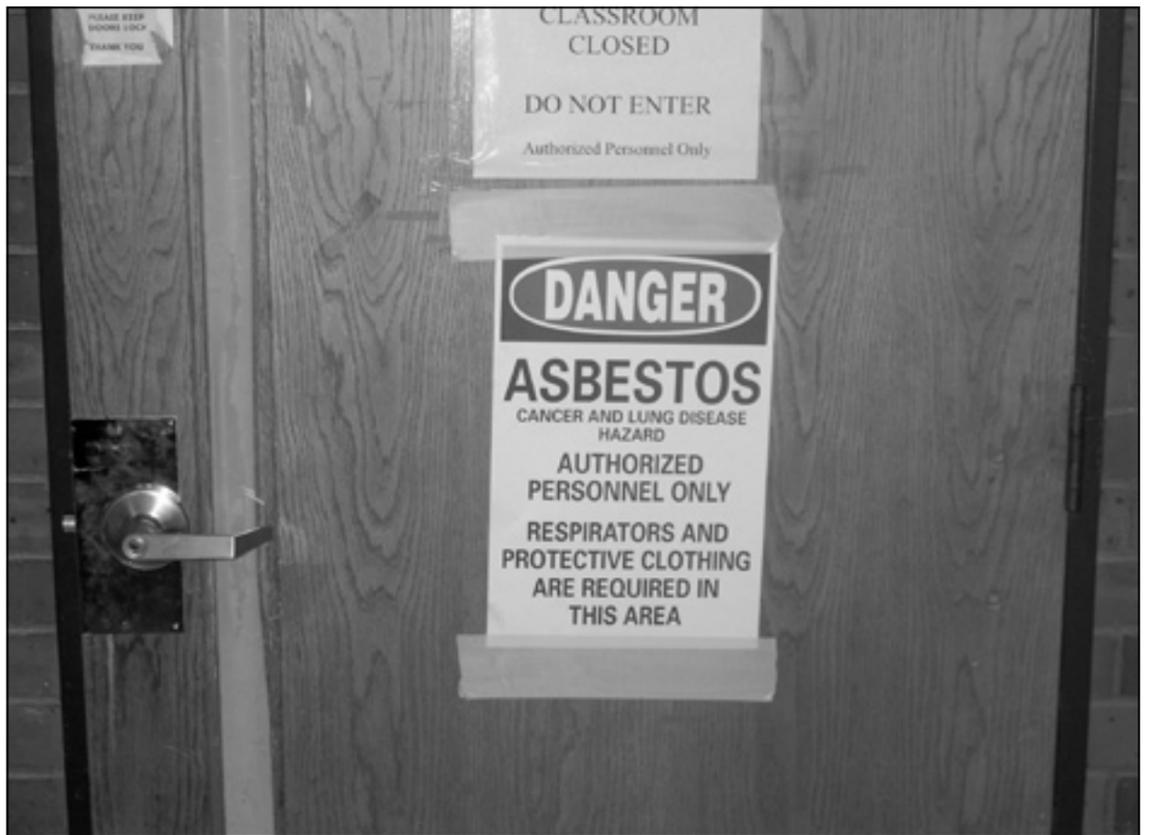
Despite its close proximity to the eye of the fire, the Law Library and its second floor O'Brian entrance yards away from the food court suffered only a layer of soot on all six of its floors. However, the first two floors, which experience the most student traffic, were the most affected. It is the only public law library in New York State.

"The Library will be closed for a while," says Vice Dean for Student Affairs Melinda Saran. "We will have arrangements to obtain books from the Law Library upon request. Further information will be given out as it becomes available."

While the fire was contained to a small area, all of O'Brian experienced a strong odor of smoke and burned plastic -- especially on the first through third floors. University Officials and the State Office of General Services immediately hired a private contractor to clean the building. One of the school's large lecture halls, Room 106, was severely damaged by water.

"Classes will be moved as Room 106 is unavailable. We will have postings and information e-mailed to students," says Saran. She encourages all students to regularly check their e-mail, "Students must check their official UB e-mail. They should make sure they can receive ALL announcements, even those with attachments if they choose to forward e-mail."

Continued on page 3



Room 106 remains shut with severe water damage after a fire rips through the Law School's Food Court. Classes were canceled as crews work around the clock to repair smoke damage.

Schlegel!-isms

An Abridged List of a Professor's Words of Wisdom

By Mike Nisengard, '07

Schlegel! -- both a name and an exclamation for the grandson of an Chicago alderman who has kept "instruments of intellectual torture" out of his law school office. Where he keeps these instruments and how he utilizes them, while fascinating many leading forensic and psychological experts, has befuddled and baffled many a law student who have walked in and out of his classroom.

The following list of "Schlegel!-isms" -- actual Schlegel! neural firings taken directly from the classroom - is an effort to better understand the man who stands against popular opinion by claiming that he is only "slightly mad." The following is Schlegel! at his best:

Remember Big Bird -- law is about imagination.

When you have shards in your hand remember -- do not clap.

You're paid to make a noise like a lawyer. If you're paid well, it probably means you make good noises.

You should know at some point where your gut and your head meet -- your heart.

Your job in looking at this case is to make an argument like you would make dinner with what's left over in the fridge.

I had my own subscription to Fortune Magazine when I was 12 -- now that's fucking weird!

Obvious is sometimes obscure.

I make it up -- get comfortable with that. We're

gonna work on how you make things up.

There's nothing wrong with lazy law students except to me, because I like easy lifting as much as you do.

The doctrinal understanding of contracts is stupid.

I never had faith in my surge protector cause if lightning hits the house all sorts of shit is gonna go haywire.

I know I'm weird if for no other reason than my kids tell me and say things such as: "You embarrass me when you skip in parking lots."

Sometimes honesty is not helpful. Existential doubt is a waste of doubt -- be concerned about your children. Later in the day one is more tolerant of lazy people, because you're lacking energy then too.

It's your education -- I get paid whether you learn or not.

I suggest that you wash real clean each morning and real clean each night because it'll take a lot to make you a vaguely acceptable human

being.

A good contracts claim should state: "I've been shit on!"

The question is the answer, not an occasion for thinking.

The point is to make the facts sing... and of course, what song do you want them to sing?

You have no idea what to expect, but this is certainly not what you expected.



Professor John Henry Schlegel

SBA Casino Night
Tuesday, April 5th



Seneca Niagara Casino
Buses to leave from the Law School

THE OPINION

April 2005

Volume XXXXIII, Issue #6

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The Opinion does not endorse any of the articles and opinions stated within its pages.

State Court of Appeals to Attend Distinguished Alumni Awards

The Chief Judge and the six Associate Judges of the New York State Court of Appeals will be the honored guests of the UB Law Alumni Association at the Association's 43rd Annual Meeting and Dinner, to be held Thursday, April 14th, at 6 p.m. in the Hyatt Regency Buffalo. At that time, the alumni group will present Distinguished Alumni Awards to two graduates of the University at Buffalo Law School and to a non-alumnus for their valuable contributions to the legal profession and community.

The dinner will be a part of a historic visit by the judges who serve on the State Court of Appeals bench, as they convene for the first time in Buffalo at the invitation of the Law Alumni Association. On April 14, from 1 p.m. to 4 p.m., the judges will hold court in the Ceremonial Courtroom, 92 Franklin St.

Dinner honorees are David R. Pfalzgraf '68 and Diane F. Bosse '76. The alumni association also will recognize Chief Judge Judith S. Kaye, a non-alumnus, who will receive a special tribute for "outstanding service to the university and community."

Judge Kaye will make a special presentation of the Justice M. Dolores Denman scholarship award to a UB law student who is a custodial parent. The scholarship, funded primarily by the

Western N.Y. chapter of the Women's Bar Association, commemorates the late Justice Denman, presiding justice of the New York State Supreme Court's Appellate Division, Fourth Dept., and the first woman to be named its presiding justice. Denman graduated from UB Law School in 1965 as class valedictorian while a single parent.



Chief Judge Judith Kaye

Seated on the dais at the dinner in addition to Chief Judge Kaye will be the Associate Judges: Hon. George Bundy Smith, Hon. Carmen Beauchamp Ciparick, Hon. Albert M. Rosenblatt, Hon. Victoria A. Graffeo, Hon. Susan Phillips Read and Hon. Robert S. Smith.

Pfalzgraf will be honored "for his many contributions to the betterment of our community." Of counsel to the firm of Pfalzgraf Beinhauer & Menzies LLP, where he focuses his practice on elder law, Pfalzgraf is highly regarded and widely respected for helping to educate the legal profession about alcoholism, chemical dependency, stress, depression and other mental health problems. His leadership has assisted numerous bar associations and lawyer assistance programs in developing and maintaining methods of providing effective solutions for recovery.

Bosse will be honored "for her commitment to public service." She is chair of the five-member New York State Board of Law Examiners, which is responsible for the preparation, administration and grading of the New York State Bar Examination and for the determination of related policy and administrative issues. Bosse also is currently secretary of the National Conference of Bar Examiners. A partner in the Buffalo firm of Volgenau & Bosse, she is engaged principally in the defense of personal injury claims with particular emphasis on product liability and toxic tort claims for self-insured and insurance company clients.

Judge Kaye will be honored "for outstanding service to the university and community by a non-alumnus." Chief Judge of the State of New York, she was appointed by Governor Mario M. Cuomo on February 22, 1993, confirmed by the State Senate on March 17, and sworn in on March 23, 1993. She is the first woman to occupy the State Judiciary's highest office. She became the first woman to serve on New York State's highest court when Governor Cuomo appointed her Associate Judge of the Court of Appeals on September 12, 1983.

A limited number of student tickets will be available through the Student Bar Association. Look for emails and flyers as the dinner nears or stop by the SBA office or the Alumni office on the third floor of O'Brian Hall.

The American System Depends on Integrity of the Law

By Stephen Wyder '07

What price would you put on the law's integrity? The rule of law is a concept, which permeates American society. Law is the great equalizer. From the lowliest ditch digger to the President of the United States, all are bound by its prescriptions. The rule of law, among other things, distinguishes our society, our system, from totalitarian regimes. Regimes where arrogant men and women, contemptuous of the people's will, craft rules fit to their whims.

In *The Tempting of America: The Political Seduction of the Law*, former federal circuit judge Robert Bork recounted an exchange between two of America's greatest legal figures — preme Court Justice Oliver Wendell Holmes and Judge Learned Hand. The two met for lunch, and as Justice Holmes drove away in his carriage, Judge Hand, in a moment of enthusiasm shouted to him, "Do justice sir, do justice." Holmes stopped his carriage and reproved Hand, saying, "That is not my job. It is my job to apply the law."

Legitimate laws, enacted through legitimate political process exert centripetal force on society, guiding, sustaining and reinforcing behavior deemed necessary by the law making body — in our case, a legislature. But what of bad laws? What of laws foolishly enacted, or enacted with good intentions but with unintended results? Change the law. Americans have the rare and wonderful right to, metaphorically speaking; demand their elected representative's head on a platter when we are unhappy with the laws our elected officials enact. The founding fathers created a system of popular rule. They intentionally insulated that system from inevitable fluctuations in popular passions with structural checks and

balances. In doing so, they created a system where, generally speaking, laws are well reasoned and debated, rather than snapshot responses to surging and ebbing emotions. Free political speech and public debate are hallmarks of the American system, one, made sacred by the First Amendment to the U.S. Constitution: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The political and legal processes, properly followed, lend legitimacy to the law. This process is of paramount importance. When a law is legitimately enacted by the legislature and enforced by the courts, the people's authority is behind it by virtue of the authority given to elected lawmakers by the electoral process. The political process, which allowed elected representatives to create a bad law, also allows them to repeal that law with equal legitimacy. Likewise, this process binds a court to interpret the letter of the law. An honest judge, applying the law to personal beliefs, they must be guided by the intent of the law. An government system is rendered legitimate by these processes. Laws may change, elected officials come and go, as do judges, law enforcement officers, and civil servants; but the process remains constant. It is the cornerstone of our government. Without the process lending legitimacy to legislative acts, and court decisions, our government would no longer be a Republic, but an Oligarchy where government officials and judges may act without regard to the people's will.

Given the importance of legitimate process in the American system, as a law

student, this author finds the current trend in the legal community toward applying a lawyer or judge's personal conceptions of justice instead of the law's written letter greatly disturbing. I use the word "conceptions" intentionally. Each person brings with him or her, a slightly different view of "justice" from the next person. Our perceptions of justice also change as we experience life. What seems just to us at age twenty changes by age forty and sixty. When lawyers and judges depart from the law's black letter because the result it prescribes is unjust in our minds, we do a disservice not only to the legal community, but also to our entire system. Unless judges, lawyers, elected lawmakers, and government officials follow the written law, as it physically exists, the entire rule of law conception may as well be a sham. Rule of law exists only when people subordinate their personal opinion to the rules established by a legislature, and resort to the electoral and political process to change laws they do not like.

Whether or not we agree with the law is irrelevant when applying it — that is why we have the right to *petition the Government for a redress of grievances*. We elect representatives and share our policy preferences with them in the political process. Our job in the legal process is simply to apply the law. Without judges and lawyers whose sole concern (in their professional capacity) is applying the law, at it exists, the rule of law becomes little more than the rule of one man or woman's opinion.

I ask again. What price would you put on the law's integrity?

The Politics of Military Recruiters on Campus

By Caroline Brancatella, '07

In February, University at Buffalo Law School's Office of Career Services helped students arrange interviews with a recruiter for the United States Military. Schools across the nation act in the same way -- sending e-mails and arranging meetings -- or face losing millions of dollars in federal funds.

For the moment schools in New Jersey, Delaware and Pennsylvania, which encompass the Third Circuit, no longer have to worry after last year's ruling on *Forum for Academic & Institutional Rights (FAIR) v. Rumsfeld*, which said such policies violate the First Amendment right to protest. Nor does Yale Law School, according to a recent District Court of Connecticut preliminary injunction.

Since the early 1990's universities have complied with a controversial law known as the Solomon Amendment. In 1994, the late Gerald Solomon, a New York Republican proposed legislation to deny universities federal funds if they refused to allow military recruiters on campus. Requirements have been tightened a number of times, most recently in 2002.

Accredited law schools are members of the Association of American Law Schools (AALS), which states that schools must comply with a non-discrimination notice that includes sexual orientation. Moreover, it requires any potential employers a school puts its students in touch to sign the statement. The military's policies do not comply with AALS's notice and therein lies the rub.

It is this conflict that contributed to the Third Circuit ruling. 12 law schools were represented in FAIR, UB not among them. The Department of Justice has stated its displeasure at the Pennsylvania appeal to the Supreme Court.

Continued on page 5

Vote in the
Student Bar Association
Executive Board Elections
April 12th-13th

A Note from the President

By Michael Mann, SBA President

It is that time of year again! As we enter the month of April, some of your classmates will be running in Student Bar Association Executive Board Elections. It is your chance and responsibility to vote them up or vote them down.

Each student has a vote—1L, 2L, 3L and LL.M. — and you should use your vote to support a candidate who will represent our Law School well.

In last year's election, the presidential race was very close, and I write this note to ensure the same is true in this year's election. Only with a competitive campaign season can new ideas emerge about the future of the law school, and be discussed and challenged in a public setting.

If you are a student leader considering whether to enter the race, I advise you to do so. The SBA is always in need of fresh new faces, and welcomes candidates with big plans and creative ideas.

There is no trick to serving as SBA

president, all you need is a desire to serve the student body and make UB Law a little better than it was before you took office. After elections, there is a month of transition with the current executive board, so you will not be stuck without a paddle.

However, if student government is not for you, certainly a good law school is. Therefore, it is essential that you cast your ballot for the student leaders who would best represent not only your interests, but the interests of the entire student body.

This is your chance to have your voice heard. If you choose not to speak up, you cannot complain about the way things are done (well you can complain, but no one will listen).

I wish all of the candidates in this year's SBA elections the best of luck, and hope to see all of my classmates at the election polls!



**SBA Elections
April 12th & 13th**

Fire in the Food Court

CONTINUED FROM PAGE 1

In addition to Room 106, classes held in rooms 543A and 630 were rescheduled for the rest of the semester.

Some faculty and staff were allowed in the building the Monday after the fire, but the building was locked to most. To accommodate first-year students participating in the Law Review's casenote competition, which adheres to strict deadlines, University Police helped set up a table near O'Brian's first floor entrance to accept completed articles.

As students returned Wednesday, the University sealed off the 2nd floor corridor of O'Brian Hall, blocking access to law lockers located in that area. Unless a student requested otherwise, Student Services removed the contents of each locker. Separate bags for each locker's belongings could be picked up in Student Services.

When students returned on Wednesday March 23 students faced only a few inconveniences. The building was cool, as heating and cooling systems were

not operation until the following week and the student mailboxes, which had been located in the food court, were completely destroyed. The library remained closed, but law services were provided via Lockwood library, a short distance from most law school classes.

"Seven years ago, the food court as we knew it didn't exist. It was a dirty room with graffiti on the walls. At the request of former Dean Barry Boyer, I was responsible for turning it -- as well as the first floor student lounge -- into lovely spaces that law students could use and enjoy. You can imagine my heartache when fire destroyed the food court and the lounge was covered in soot," said Dean Ilene Fleischmann.

"We are so lucky, that the fire wasn't worse than it was. The lounge is being cleaned, and will be as good as new-- and the food court is being redone. It will be even better than before."

Barrister's Ball

April 16, 2005

Statler Towers, Buffalo

8pm

Tickets on sale now for \$20

Hosted by the Student Bar Association

Purchase your Law School Yearbook today Only \$25 Sponsored by the SBA

Career Services Knocks on New Doors

Using faculty and alumni resources in new ways

Sometimes the friend-of-a-friend can help you get through closed door. That is the philosophy behind a fledgling set of efforts by UB Law School alumni, faculty and staff aimed at broadening the range of employment opportunities for UB Law students.

The initiative grew out of a meeting of the Dean's Advisory Council, a group of prominent UB Law alumni who work with Dean Nils Olsen to bridge the gap between academics and legal practice.

"The DAC has been wanting to find a way to help the school place students in good jobs -- places the alumni have access to, places the students have not gone before," says Lisa M. Patterson, associate dean for career services.

As an initial attempt to accomplish that, DAC member Bradley Gayton '91, director of global trade for Ford Motor Co., referred to the Law School a tax consulting firm with which he had contact. That firm interviewed nine students on campus and hired Rosemary Garlapow, now a third-year student, for an internship in summer 2004.

"That particular firm was doing work for us at the Buffalo Stamping Plant," Gayton says. "The firm is based in Michigan, but it does tax consulting work throughout the country as well as in Canada and Europe. They were in the area, so that worked out nicely."

Similarly, DAC member Gary DeWaal '80, senior executive vice president and group general counsel for Fimat USA, in NYC, came to UB Law when his firm hired interns for the first time. "We had an immediate need," DeWaal says. "We always seem to get behind on some projects. I thought we would try starting a program using legal interns."

The students, Katie Walsh and Anthony Jordan, enjoyed some real-world lessons in exchange-traded derivatives, not to mention a visit to a Brooklyn Cyclones Class A baseball game.

Three other alumni have been welcoming UB applicants for internships next summer with their New York City firms -- highly desirable opportunities for our outstanding students.

The broader initiative, Patterson says, bolstered by a sophisticated new brochure with testimonials from six UB Law grads at top New York City law firms, is "really a way to get the alumni to think more broadly about hiring. In some ways, the name of the game is exposure. If you have someone who is willing, especially someone who has a relationship with the employer and can intervene and talk UB Law School up as an alumnus, that goes a long way."

Gayton, with Hodgson Russ attorney Robert Conklin '68, is heading a subcommittee of the Dean's Advisory Council looking at such career services issues. He notes that the effort is in its infancy and would benefit from the support of other alumni in law firms, corporate positions and public service agencies.

"We want to solicit people in firms to consider students' resumes even if they are not committed to coming on campus," Gayton says. "For those people who have non-traditional careers in-house or working in business, if there is an opportunity to influence the firms they are working with to get them to consider students, that would help a lot. They can encourage the firm to step up, whether it is a non-firm clerkship or inside a corpo-

ration. The bigger opportunity is to try to influence all the firms we are doing business with that are serving as outside counsel."

At a recent Dean's Advisory Council meeting, the career services subgroup

examined its charge to "place more of our good students in top firms and great jobs." "We discussed the various parts of that proposition," Conklin says. "Are we only looking to place the good students? What is a top firm? What is a great job?"

"We discovered in our meeting, happily, that the people who volunteered to participate in that discussion actually represented a large number of the possibilities. One of them was the district attorney of Erie County.

One was a U.S. magistrate. One was senior partner of a very excellent litigation boutique firm. One was a former partner in two extraordinarily large firms in New York City and is now a partner in a moderately sized firm in New York that is a growing semi-boutique organization. Two other people, Brad and myself, are in big firms. Other than private employers, we had a lot of the bases covered."

"One of the things we talked about was presenting to the entire DAC mechanisms whereby representatives of the DAC can use their own contacts to expand the reach of the placement office. It's a question of penetrating the hard places to get into."

But the effort, Conklin said, may



DAC member Gary DeWaal, '80

OPINIONS & COMMENTARY

Round 2: Foreign Nationals on Death Row

By Jenny Mills, '06

Loyal readers (all two of you) may remember a piece I wrote back in February dealing with the upcoming SCOTUS case, *Medellin v. Dretke*, Docket # 04-5928. That case, to be argued on March 28th, deals with whether the United States must apply the holdings of the World Court in *Lagrand* and *Avena*, which state that the US must give review and reconsideration to foreign nationals whose rights were adjudicated by the World Court. The basic idea was that the US signed and ratified the Vienna Convention which says that when a foreign national is arrested on foreign soil, parties to the treaty must inform the foreign national's consul that they have been detained and must provide the foreign national consular assistance if they want it. The US failed to do so in any number of cases and there are currently fifty something Mexican nationals sitting on death row who were never provided with this assistance. They brought suit against the US in the World Court, under the Optional Protocol to the Vienna Convention, which says that the World Court will arbitrate any matters arising between nations over the provisions in the Convention.

Since publishing the first article, much has happened with this case. On February 28th, in what many view as a preemptive strike, President Bush ordered state courts to provide the review and reconsideration mandated by the World Court. The Solicitor General simultaneously filed an amicus curiae brief on behalf of the US (in support of Texas –respondent in the case) in which they argue that cert should be withdrawn because of procedural issues involving whether or not a petitioner can be given a certificate of appeal (COA) on a claim arising from a treaty violation. However, procedural questions aside, the interesting part comes after the procedural nonsense is addressed. First, the SG argues that the president, not the courts, is the only entity, for lack of a better word, that can order the states to comply with the World Court's decision, via an executive order, much like the aforementioned February 28th order. Next,

the SG says that because we signed the Vienna Convention and the Optional Protocol, we must be bound by them and the states must give review and reconsideration to the 51 Mexican nationals involved in *Avena*. But it gets even crazier...

On March 7th, Secretary of State Condoleezza Rice notified the UN that the US would be withdrawing from the Optional Protocol to the Vienna Convention. That means we refuse to let the World Court arbitrate these matters any more, even though historically, we were the driving force behind the creation of the Optional Protocol. However, it is unclear at this point whether or not the withdrawal will be immediately effective or if it will even be accepted by the UN.

On the heels of this action, the petitioners filed leave for a stay so that they could pursue the matter in the state courts now that Bush has made an executive order demanding that the states comply with *Avena*. Then the SG sent a letter to SCOTUS saying that the US no longer is bound by any determination of the World Court. Then on March 15th, Texas filed a brief arguing that Medellin's stay should not be granted and the Court should continue with its plan to hear arguments on the 28th. Texas is also claiming that the President does not have the authority to order states to comply with *Avena*. The Court acceded to Texas' wishes and deferred any question on whether or not to grant a stay until after oral arguments on the 28th. Additionally, the Acting SG will now be participating in oral arguments, sharing time with the respondents.

At this point it is anyone's guess how this mess will turn out. What started as a fairly straightforward case regarding international law has now taken on many different other questions such as whether or not the president has constitutional authority to order state courts to re-open cases, whether the president or the courts can enforce treaties, whether we can arbitrarily withdraw from treaties just because we don't like it when we're forced to comply with them, etc. It seems fairly likely that after

argument, the Court will simply dismiss the cert as having been improvidently granted and let the states duke it out themselves, which is exactly what the Bush administration wants, since that will confine the issue to only the 51 Mexicans on death row that were involved in *Avena*. This way the US can continue to violate the Vienna Convention and basically be immune from being forced to comply with it by the World Court.

Score 1 for Bush and 0 for Justice and Fairness.

**Students of Color
Annual Dinner**



Friday, April 8th

**The Marriott Hotel
Amherst, New York**

Sponsored by:
SBA, AALSA, BLSA, LALSA, SubBoard I, Dean's Grant

LETTER TO THE EDITOR

Iraqi war restores our foreign credibility

We are witnessing the first birth pangs of a new era in Middle Eastern history. Regardless of one's opinion on the merits of the Iraqi invasion, there can be no doubt that the credibility behind American foreign policy has been restored. Consider, for example, the events in February following Iraq's successful, free election: Calls for free elections in Egypt – the Arab world's most populous nation; popular demonstrations on Lebanon's streets demanding that Syria remove its presence and allow the Lebanese people self determination; the Saudi Arabian government allowing local government elections for the first time.

The Iraqi people have a long way to go before they will have built for themselves a stable, functioning democratic government. The road will be long, winding and fraught with peril. Such is the nature of any daring revolution. The American republic itself exists only through the blood, sweat, and sacrifice of men and women who understood that one may achieve no greater honor than death in pursuit of freedom. In General George S. Patton's words, "It is foolish and wrong to mourn the men who died. Rather we should thank God that such men lived."

Any brash attempt at change risks failure, and indeed Iraq's democratic experiment may fail. But, a wit once said, "He who dares wins." It is hard to imagine a people who, for the sake of self rule, braved the very real threat of death and maiming at the hands of suicide bombers on January 30th, 2005, going down without a fight. For the moment, my money is on the Iraqi people.

Stephen Wyder '07
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Submit your letters to the editor at
UB.Opinion@gmail.com

Want to write for The Opinion?

Want to be an Editor,
Columnist or sell ads?

UB.Opinion@gmail.com

Save the Date
for the

OUTlaw

Annual Banquet

Wednesday, April 27th

at the

Hyatt Regency
Downtown, Buffalo

Novelist Salam Rushdie to speak at Alumni Arena

Internationally acclaimed novelist and public intellectual Salman Rushdie will speak on April 28. The lecture is sponsored by the Graduate Student Association.

Rushdie is perhaps best known as the author of "Midnight's Children" and "The Satanic Verses." The latter novel was deemed sacrilegious by Iran's Ayatollah Khomeini, who in 1989 issued a fatwa calling on zealous Muslims to execute the writer -- who was forced into hiding -- and the publishers of the book. Rushdie went on to produce some of his most compelling work, including "The Moor's Last Sigh" and "The Ground Beneath Her Feet," while living in exile under the constant threat of death. His most recent book, "Step Across This Line: Collected Non-Fiction, 1992-2002," explores his own reaction to the fatwa, as well as reactions of the media and various governments.

In most of his works, Rushdie draws on his unique upbringing and personal history to make bold statements about modern life.

An astute and informed observer of events in the Middle East, Southeast Asia and other hotspots, Rushdie argues that America and its allies must do a better job of evaluating the gains being made by the current "war" on terror, versus its costs -- in lives, international cooperation and the goodwill of the very people who the effort is designed to liberate. Rushdie's answer to the question of how to create a safe world that isn't in some way also an authoritarian world is that we must not allow ourselves to be frightened out of our own morality.

Rushdie is an honorary professor in the humanities at the Massachusetts Institute of Technology and a fellow of the Royal Society of Literature. He attended Cambridge College, where he studied history.

Tickets are available at Tickets.com and the Alumni Arena Box Office. —UB Newswire

The Politics of Military Recruiting on Campus: A Look at the Solomon Amendment

Continued from p. 2

The politics that helped inspire the Solomon Amendment date back more than a decade. Unable to make good on a campaign promise to remove the ban on gays in the military after Congress put a temporary moratorium on alterations to armed services policy, President Bill Clinton proposed the controversial compromise of "don't ask, don't tell." Officers do not ask about sexual orientation and no member of the armed services is supposed to broadcast his sexuality. However, if a gay individual breaks the *omerta* he is subject to dismissal.

The matter is especially exacerbated in the wake of the war in Iraq. Last December the *New York Times* reported that, "the military has announced the recall of 5,674 veterans since June, but has discharged 6,416 soldiers under its "don't ask, don't tell" policy since 1998, including 1,655 since the wars in the

Middle East began.

Although he disagrees with the military's policy on gays, third year law student Steve Trynosky, a former Army Health Professions Recruiter believes that the underlying issue in the latest round of court challenges is not "don't ask, don't tell," but Iraq.

"Law Schools, since Vietnam, have been uncomfortable with a military presence in any capacity. 'Don't ask, don't tell' merely poses the only legally or morally plausible argument for them to challenge the military in this era. Were 'don't ask, don't tell' struck down or repealed, I truly believe that many law school administrators would still seek a different rationale for challenging JAG recruitment."

He points out that the current war and the critical personnel shortages the military faces are exactly why recruiters should be welcomed on campus.

"It is essential that we have young leaders and officers of conscience and character serving in these situations. Liberally educated and humane lawyers are precisely who we should want dispensing legal counsel, conducting military tribunals and interpreting the Geneva and Hague conventions when targeting decisions are made," he says. Young JAG attorneys, many only a year out of law school, do all of this and more. A young Army JAG Captain is quite literally "the public face of the rule of law" for combat brigades of over 3,000 soldiers in Iraq."

While many law schools, including Harvard who has a long and contentious relationship with the military, have applauded the recent decisions, reactions are mixed. The Court's ruling does not require a school to ban recruiters but they may choose to. Senior Judge William M. Acker of the Northern District of Alabama, recently sent a letter to the school stating that he would not be hiring Yale law students as clerks due to new policy.

The school's web site attempts to clarify the controversy by saying that Yale does not ban recruiters, it simply chooses

not to directly assist them. A student may meet with military officials on school grounds, but must make the arrangements themselves.

"I think Yale's reasoning and intent is commendable. If Yale can ban recruiters, I'm certain it won't be too long before other schools follow suit, the current difficulty the military is having in recruiting will probably result in recruiters signing the non-discrimination pledge, and the military removing its don't ask don't tell policy," says James Greenway, president of UB's Veterans' Fraternity.

Past UB law school deans have enforced different views on the matter. In 1988 then Dean David B. Filvaroff banned military recruiters from the school, a year later then-UB President Steven B. Sample overruled him.

But in 1993, a Manhattan Supreme Court Judge found an executive order by former governor Mario Cuomo which prohibited discrimination by executive branch agencies on the basis of sexual orientation, applied to universities. By choosing not to appeal the decision, NY State effectively

Continued on page 8

Passing Fancy: UB grads achieve higher passing rate on the state bar exam

An increase in the rate at which new graduates of UB Law School succeed on the NY State Bar Exam has instructors, administrators and students celebrating.

In July, among UB graduates taking the bar exam for the first time, 80.2 percent passed. That rate, about 3 points above the state average, was up 7 points from the previous mark for UB grads.

Dean Saran, works with students to ensure bar passage. She cited several factors for the welcome increase, including the strong academic credentials of UB Law students.

During the spring semester, she said, 3Ls are offered a free six-session bar-preparation course by BAR/BRI. The course reviews the scope of the two-day exam and addresses essay writing and substantive topics.

"What we try to impress on them," Saran said, "is that you have to take it seriously; you need to study. If you do all these things, you won't have to be back in February. I impress on them that you only want to do this once."

For those who do not succeed on their first try, she said, "you have to wait six months to take it again; you could lose a job offer; your loans come due. It is a very difficult situation."

Diane F. Bosse '76 views the test results from her standpoint as chair of the state Board of Law Examiners. She is also a trustee of the National Conference of Bar Examiners.

"The bar exam is designed to measure

whether candidates have the knowledge, skills and abilities that they need for entry-level practice," Bosse said. "The increase in the bar passage rate at UB indicates that UB Law graduates are better prepared to enter the practice of law, and that is very significant."

"It means that everybody there is doing a better job, and they have achieved this result while maintaining UB's commitment to having a diverse student body. They are not just passing the bar exam in better numbers, but

they are better prepared to practice. I am proud of what UB Law has done."

Bosse speaks at the Law School to prospective exam-takers, to try to demys-

tify what seems like a daunting ordeal. "I try to tell them a little about the basics of the bar exam so they understand what it looks like, what it is, what the questions are based on," she said. "Things like understanding the structure of the essays and the importance of reading closely and answering the question, and not volunteering a lot of extraneous information, as well as how we grade the exam."

"There is so much hype and myth that surrounds the New York bar exam," Bosse said. "Calming people down is a big issue. These are people who have been successful in their lives, and they should not be deterred by a lot of the hype that surrounds the New York bar exam. It is a test, but law students are used to taking tests." — *UB Newswire*



Bosse '76

Jay-Z or 50 Cent: Comparing Today with Yesterday

By Rick Johnson, '07

When 50 Cent hit the hip-hop scene, his first hit "dissed" many other hip-hop stars, including Jay-Z, in the hit song "The Mad Rapper." Jay-Z came back and said in his song, "It's Hot": "I'm about a dollar, what f*** is 50 Cents." I am sorry, I don't mean to cuss, but as a journalist I feel it is important to give an accurate account of what a person has said. Before Jay-Z had "beef" with 50, or Tupac had beef with Biggy, Booker T. Washington and W.E.B. DuBois had beef. Washington was the leader of the more conservative blacks and DuBois the leader of the more radical blacks.

According to my Research and Writing professor, you should never cite solely to secondary authority, but secondary authority can be good to look at first because it can relate you back to the primary authority. Maybe law school is making me over analytical but I want to point out that the radicals and conservatives are at it again.

When Jay-Z said "I'm about a dollar" he was saying what Booker T. Washington said nearly a century ago, that blacks can have more than 50 Cents. According to W.E.B. DuBois' "The Souls of Black Folk," "easily the most striking thing in the history of the American Negro since 1876 is the ascendancy of Mr. Booker T. Washington." DuBois ac-

knowledged much of Washington's success of winning sympathy from whites through his program of Industrial Education, Thrift, conciliation and silence to the southern whites. Booker T. Washington would follow Frederick Douglass in becoming the next leader of the American Negroes.

In Booker T. Washington's book, "Up From Slavery," he wrote, "I said that any individual who learned to do something better than anybody else. Who learns to do a common daily task in an uncommon manner, has solved his problem, regardless of the colour of his skin, and that in the proportion as the Negro learned to produce what other people wanted and must have, in the same proportion would he be respected." Booker T. was much more optimistic than DuBois, but surprisingly DuBois early on in his career agreed with much of Booker T. Washington's philosophy. DuBois wrote in his *Pride and Prejudice* speech, "There is in this world, no such force as the force of a man determined to rise."

However, DuBois would become the leader of the more radical Negro establishment starting with his classic book, "The Souls of Black Folk." In the book he writes that, "in this American world, a world that yields him no true self-consciousness, but only lets him see himself through the revelation of the other world." I must admit, that if I had a

choice to dine with either Washington or DuBois, I would probably pick DuBois, yet I believe many of Washington's philosophies are still relevant to today's world. If this is really such a racist society, people of color should think about not relying upon whites to solve their problems.

Booker T. Washington's doctrine was not as simple as pulling yourself up from your bootstraps, he often showed sympathy for the Negro. As in "Up From Slavery," Washington wrote, "The world should not judge pass judgment upon the Negro, too critically or too harshly. The Negro boy has obstacles, discouragements, and temptations to battle with that are little known to those not situated as he is. When a white boy undertakes a task, it is taken for granted that he will succeed. On the other hand, the Negro youth starts out with the presumption against him."

W.E.B. DuBois concurred many times with Washington as DuBois said, "The Negro is given charity, but what he really needs is justice." He also stated, "the Negro has nothing but friends, most of which are ready to lynch his soul."

In actuality both DuBois' and Washington's philosophies can be used to solve many of the Negro's problems today. Booker T. Washington said blacks could have more than 50 cents by developing a self-reliance, a self-sufficiently. DuBois was a tireless black intellectual who re-

minded blacks of the there greatness. In his book "Darkwater" he stated, "Especially do I believe in the Negro: in the beauty of his genius, the sweetness of his soul, he the strength in that meekness which shall yet inherit this turbulent earth."

Maybe law school is making me too analytical but Jay-Z's life is quite similar to Booker T. Washington's life. Jay-Z grew up poor in the projects, as explained in one of his hit tunes, "Hard knock life," to become one of the most popular rappers in America. Jay-Z's creation of Rock-a-fella Records, along with his album *Blue-Print*, is an excellent example of an entrepreneurship and Washington's economic philosophy for black Americans. Washington had a hard knock life as well. He had to overcome slavery, struggle to find an education, handle the racism in the post reconstruction era where he faced the "Ku Klux" along with the harsh southern prejudice. Yet, Washington managed to start the Tuskegee school of agriculture for African Americans and become the greatest spokesperson for the Negro cause in America.

At one point in Booker T. Washington's life he talks about what he did with only 50-Cents, "I reached Hampton, with a surplus of exactly fifty cents with which to begin my education." African Americans must realize that even if you start with just fifty-cents, even in this racist society, eventually if you are careful, work hard and you can have more than fifty cents. — *Contact Rick Johnson at dj6@buffalo.edu*

Faculty Spotlight

Professor Mangold: Dean for academic affairs is children's advocate, scholar & teacher

Professor **Susan Vivian Mangold**, UB Law School's new vice dean for academic affairs, says of her administrative responsibilities: "This is an exciting time. Vice Dean **Peter Pitegoff** worked with Vice Dean **Dianne Avery** to establish a template for the job. Because the curriculum is dynamic, it is always a challenge. But the registrar, **Karen Cowart**, and the dean for student affairs, **Melinda Saran**, do such a fantastic job, I am looking forward to working with them and **Dean Olsen** on our academic program."

Mangold has managed to think creatively and work effectively with a team in the past. As a children's advocate, scholar and teacher, she continues to pack plenty into her daily 24 hours. As vice dean, she will carry a reduced teaching load, though she still will teach the first-year Civil Procedure class and a course on Child Welfare Law, and will team-teach the Family Law Colloquium course.

The administrative position has responsibility for operation of the Law School's curriculum, including leading faculty planning and hiring adjunct professors and the practitioners who teach the school's "bridge" courses.

"I am in the fortunate position of walking in here with an excellent dean. We have happy students, alumni who are supportive and energized, and a good reputation in the community and among other law schools," she says.

Besides her teaching, she will continue with scholarly research and writing. One project, drawing on her long-time interest in children's welfare, looks at amendments to child abuse reporting laws in all 50 states in the wake of the sex abuse scandals that have swept the Catholic Church.

Another project starts an exciting collaboration for the Law School. Working with oncologist Dr. Kerry J. Rodabaugh at Roswell Park Cancer Institute, Mangold is applying for a five-year National Institutes of Health grant to study whether providing end-of-life legal services to people with terminal illnesses will improve the quality of life in their remaining time, and improve their families' lives as well. A pilot study of 50 patients and their families, she says, found more than 30 areas of unmet need.

"Our hope is that we can have students in UB Law's advanced mediation program work with the families of these patients," Mangold says. "We are the only law school and cancer institute working together."

Mangold came to Buffalo in 1992 from Philadelphia, where she practiced

at the Juvenile Law Center and taught as an adjunct at Haverford College. But her interest in the welfare of children began

much earlier, when she was a student at Harvard College and was looking for a summer job. She had volunteered for the Big Brothers/Big Sisters program in Cambridge during the school year, and got to know a number of the kids who lived in a nearby housing project called Roosevelt Towers.

One summer the pool at Roosevelt Towers was closed, so Mangold and another student asked Harvard for work-study money to

reopen the pool and run a recreation program for the kids. The university liked the idea, but asked, could it be expanded? So expand it they did, to four counselors and a program that included taking vanloads of kids camping, as well as school supplies and art supplies. The second summer, they expanded the program to three housing projects.

Soon, Mangold was hired to open a girls club in Holyoke, Mass., where she ran a day camp and came into contact with children needing "protective day care" – care for foster children and others needing a secure system to regulate who was al-

lowed to pick them up. She dealt with lawyers, social workers and all aspects of the child protective system.

"I saw it all," Mangold recalls. "I realized how much needed to be done for these kids. That was what made me ultimately decide to go to law school and become a child advocate."

At Harvard Law School, she served as executive director of the Harvard Legal Aid Bureau and co-founded the Children's Rights Project. From there, she went to Philadelphia, and then to Buffalo.

Amid the scholarly work and now administrative responsibilities, the memories of those formative years with a crowd of children remain vivid. Mangold recalls a night of camping in the New Hampshire woods with her charges, when a bear wandered through their campsite.

"These tough kids were scared beyond belief," she says. "It changed their points of reference."

In the programs she developed, "I loved working with 500 kids at a time," she says. "I just thrived on that energy." She takes on this new challenge with that same level of anticipation and looks to the alumni, fellow faculty and students to continue to provide the positive energy to make this new position a welcome challenge. — UB Newswire



Professor Susan V. Mangold

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Forum Shopping Ends for Class Action Suits

By Justin Nifong, 07

After receiving strong majority support in the House and Senate, President Bush signed the Class Action Fairness Act on February 18th, marking the first significant legislative tort gains drummed up by Republicans for the better part of a decade. The Act moves class action suits to Federal Courts whenever the amount in controversy exceeds five million dollars.

Advocates of the Act say that this will curb forum shopping and provide more reasonable jury verdicts for class action defendants. In recent years, several jurisdictions had become favorites of trial lawyers eager to move class action suits to where a favorable verdict could be obtained. Termed "hell hole" jurisdictions, some had seen exponential increases in the quantity of class action suits filed. One such example, Madison County, Ill. saw the number of class action suits filed rise from just three in 1998 to 106 in 2003. Supporters of the bill believe that the Federal Court system is more predictable and consistent in regards to jury verdicts, and that large companies were forced into unfair settlements when faced with a day in Court in one of the "hell hole" jurisdictions.¹

Advocates also contend that injured consumers will actually be more justly compensated under this Act, because it reduces the use of widely criticized coupon settlements. Under the coupon system, consumers would walk away with coupons for future purchases while attorneys still collected large fees. The new Act only allows an attorney to collect on the number of coupons actually re-

deemed. Advocates believe this will result in more financial based settlements in lieu of the popular coupons. *Id.*

Opponents of the Act claim that the legislation is another payback to big business at the expense of injured consumers. They contend that this will cause many cases to never be heard and gives the large companies an upper hand in the litigation process. Referred to as the "Vioxx protection bill" by Rep. Jay Inslee, a Washington state Democrat, the Act will move large future cases involving the dangerous drug to the Federal Courts. However, the Act does not affect previously filed class action suits such as Asbestos and some Vioxx suits. How this will affect future class action suits, specifically those aimed at the drug industry, is uncertain. With celebex, adderall, and bextra litigation possibly approaching, the question should be answered sooner rather than later. *Id.*

The Act figures to be the first of many proposals aimed at reforming the current tort system. Look for future proposals aimed at placing a cap on non-economic damages and a sliding scale for attorney's fees. The next year and a half of congressional activity may forever shape the tort system utilized in this country, and the results are unclear as to how consumer's rights, the economy and lawyer's futures will be impacted.

1. John Harris, *Victory For Bush On Suits*. WASH. POST, Feb. 18, 2005

Student Bar Association Executive Board Elections

April 12th & 13th



President

Vice President

Treasurer

Parliamentarian

For more information and Election rules visit www.ubsba.com

The Party of Limited Government and States Rights

By Justin Whittaker, '06

One of the great lies of American politics involves the assertion that the Republican Party is the party of limited government, and does not seek to legislate every aspect of the private lives of individual Americans. We see the fallacy of this assertion whenever women's reproductive health and stem cell research are at issue; when sex-education is taught in public schools; and when homosexual couples seek to enjoy the same legal status as heterosexual couples. When it comes to matters of perceived "morality," Republican lawmakers feel perfectly comfortable substituting their ideology for the judgment of duly authorized courts of law in a position to examine evidence and to make a legal determination based on the preponderance of that evidence. Congressional Republicans have recently demonstrated the "small government" fallacy, injecting political hackery into the heart-wrenching scenario playing out in Florida, concerning Terry Schiavo's right to make her own private medical decisions. On March 20, Congress passed into law an Act specifically targeting Schiavo and the apparent right of her parents to challenge her wish to be taken off of a feeding tube in federal court. President Bush rushed back from his Easter vacation to Washington to sign the bill into law in the early morning of March 21. The White House has denied charges of political grandstanding in the face of the obvious desertion of the GOP's firm stance on states' rights, in exchange for political expediency.

The Act states in Section 1 that: "The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life."

Furthermore, Section 2 provides that: "Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act In such a suit, the District Court shall determine *de novo* any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings."

Essentially, the bill grants legal standing to Schiavo's parents to bring suit in the Federal District Court in Tampa, despite the fact that her husband is Schiavo's legal guardian and power of attorney - facts recognized by the State of Florida. And despite the fact that the federal courts have decided that (a) there is no federal question here, as this is clearly a state matter and always has been; (b) Schiavo has received ample "substantive" due process concerning her "life" interest under the 14th Amendment; and (c) that Schiavo's parents do not have legal standing to bring suit in federal court.

The Second District Court of Appeal of Florida stated specifically that the Florida Constitution prohibits one branch of government from exercising the powers of any other branch. In striking down "Terri's Law," which sought to prevent Schiavo's husband from carrying out her wishes in 2003, the court wrote that "the law, as applied in this case, resulted in an executive order that effectively reversed a properly rendered final judgment and thereby constituted an unconstitutional encroachment on the power that has been reserved for the independent judiciary." *Schindler v. Schiavo*, 851 So. 2d 182 (Fla. Dist. Ct. App. 2d Dist., 2003). Under traditional notions of federalism and separation of powers, detailed in Madison's *Federalist #48* and Art. III:2 of the Florida State Constitution, the word of the Florida Supreme Court should be dispositive of this point of controversy. However, Congress, in its infinite wisdom, has seen fit to *unconstitutionally* reopen the dispute, duly

adjudicated under Florida law, by granting jurisdiction to the District Court to hear the complaint by Schiavo's parents who wish to keep her "alive." It has done so, despite Schiavo's total lack of cognitive functions, and despite the fact that a number of neurological experts agree that she will never recover from her "persistent vegetative state."

Arguably the Act is in contravention of Article I, section 9 of the United States Constitution, which prohibits the passage of bills of attainder - bills that specifically punish an individual citizen without due process of law. Although it is not entirely clear that the bill is one of attainder in the *technical* sense because there is no *criminal* punishment involved, the Act purports to strip Schiavo of her right to make private medical decisions for herself - a right which has been upheld by state courts in Florida. Even if the Act does not represent a bill of attainder, it is clearly an egregious abuse of Congressional power, entirely antithetical to our fundamental understanding of separation of powers, *despite* the assertions of avowed moralist, and potential felon Rep. Tom DeLay of Texas.

DeLay, who has been hiding from cameras ever since further evidence of his criminal "fun-raising" impropriety has come to light, could not get enough face time on television during the days preceding the passage of the Act. According to the *AP*, DeLay stated on March 19 that "we should investigate every avenue before we take the life of a living human being, [and] that's the very least we can do for her," despite Schiavo's wishes and the decisions of the presiding Courts in Florida which literally have been investigating every avenue for ten years. DeLay said that would likely mean restoration of the feeding tube "for as long as this appeal endures." DeLay and congressional Republicans are using the tragedy of the Schiavo situation to further politicize and legislate their version of morality in the most cynical and hypocritical of ways. While this is not surprising, as the practice

is a familiar mainstay of Republican policy-making, it is particularly reprehensible in the present situation, where the pawn is a woman who can no longer speak for herself, and whose husband has fought for over a decade to carry out her final wishes to not "live" an undignified "life" hooked up to a litany of machines.

As further evidence of GOP grandstanding, The *Washington Post* uncovered a one page GOP memorandum on March 20, which was circulated to Republican lawmakers by party leaders. The memo called the debate over Schiavo legislation "a great political issue that would appeal to the party's base of Christian conservatives." The memo further states that "this is an important moral issue, and the pro-life base will be excited that [Congress] is debating it. This is a great political issue . . . because this is a tough for Democrats." No doubt we will hear the cries from Republicans in the coming days that Democrats, liberals, *et al* want to kill Terri Schiavo, and seek to prevent her life from being saved. Fortunately the American public recognizes how out of step Congress is on this issue. On March 21 ABC released its poll of 501 adults, which found that "about two-thirds of those polled said the political leaders who are trying to keep Schiavo alive are more concerned with using her case for political advantage than with her or the principles involved in keeping her alive." These findings confirm a Fox News poll from June of 2004.

The District Court Judge in Tampa heard oral arguments on March 21 and issued its opinion the next day, stating that Schiavo's parents did not establish that they had a substantial likelihood of success on the merits of their case. Judge Whittmore wrote that Schiavo's "life and liberty interests" had been protected by Florida courts. Despite "these difficult and time-strained circumstances," he wrote, "this court is constrained to apply the law to the issues before it." — Justin Whittaker is a 2L and can be reached at pysch_rock@yahoo.com.

Law School Horoscopes — By Tracey Stephen '06

ARIES (March 20 - April 19): The emphasis of your life shifts as you now respond and focus on the most immediate issues facing you. You are eager to leap before you look. Curb your impatience. If you act too soon you can throw off the "vibe" before it has time to mature. Contemplate your choices as you decide on a summer job and location, but wait for the momentum to build over this month before leaping.

TAURUS (April 20 - May 20): It's best to build onto whatever you started last month instead of getting yourself involved in a new project this late in the semester. Your mind is running in circles now, but each time you think something through, you can make it into something bigger and stronger. If you let your thought-bubbles become too overextended, it will surely pop.

GEMINI (May 21 - June 20): If you're attached, you might want to pay some very special attention to your significant other for the next couple of weeks. In particular, be sure to pay more attention to your sweetie than you do to anyone they're less than confident around. This could be a good month for a bit of jealousy to rear its ugly little head, even if you're not responsible for it. Does this mean you can avoid the green-eyed monster entirely? Probably not -- but you can definitely stop it in its tracks.

CANCER (June 21 - July 22): It may be difficult this month to live your life on the schedule you'd prefer, for the hectic demands of studying and working require you to make some changes. There's no reason to hold on to your own stringent patterns this month; just because you have always done something one way does not make it the only way that is can be done. This new found flexibility will demonstrate your willingness to work on a team or in a study group, and therefore you will achieve further along in the semester.

LEO (July 23 - August 22): A subtle undercurrent of unexpressed emotions continues to create disturbances in your life -- but it's difficult to get to the source of the problem. The harder you try to figure out what's really going on, the more hidden it becomes. There are times to dig beneath the surface, but not now. This month, it's probably better to just leave the unseen alone. For best results, keep your attention on what's visibly apparent.

VIRGO (August 23 - September 22): Stop letting your pessimistic thoughts override your tendency to succeed. Even though you may feel as though you reached a valley in your life, your negative thoughts may be the only thing that are holding you back. Take a deep breath and try to focus on the positive; even if you are at a low there is only one place to go from there.

LIBRA (September 23 - October 22): Still thinking about traveling before the semester ends? Well, the moment has come to stop contemplating and start planning. Even though there is not a long break coming, there's no better time for you to take a weekend and relax. Just be sure to make all your arrangements before the end of the month. The end of the month is classically not a great time to make plans for your sign -- if you want them to go off without a hitch, that is.

SCORPIO (Oct. 23 - November 22): You've done nothing but work, worry and take care of business for days. So why not give yourself a night off? You've certainly had an array of offers, and some of them were quite appealing. Stop trying to resist, and pick the one that most strikes your fancy. You know what they say about all work and no play? That applies to all worry and no play, too. Time to chill out.

SAGITTARIUS (Nov. 22 - Dec. 21): Your constant need for action could distract you from the focusing on present relationships and problems. Focus on finding the top priorities in your life and make a genuine effort to ensure that they get done. Remember the saying 'the early bird gets the worm;' this semester if you procrastinate too long you may be faced with unfavorable outcomes.

CAPRICORN (Dec. 22 - Jan. 19): Right around the middle of the month, the urge to connect with someone on a very deep level will cross your mind -- and your heart. You already have someone in mind, but your atmosphere may have other plans for you. Stay open to new possibilities, and don't turn down any offers to be introduced to someone new. You never know. This opportunity might just be different.

AQUARIUS (Jan. 20 - Feb. 18): It is difficult for you to keep your mouth shut this month at bar nights, and in the general law school scene; whatever you think will easily slip through your lips. The problem is that even though this bluntness can be called honesty you will need to deal with the ramifications of what you say, and this can bring up some serious issues in the future. In the alternative do not worry too much about what has not yet happened. It will be better to have things out in the open than tucked away in the secret corners of your heart.

PISCES (Feb. 19 - March 19): The noise of your own thinking can make you a bit crazy this month as you get into the midst of the semester, but don't let your own attempts at rationalizing pull you in the wrong direction. Logic may many times steer us in the right direction, but now it will only undermine your potential. Listen to your thoughts, but not rely on them too much. Trust your intuition and it will get you through the semester.

Top 10 things I learned as a First Year

By Caroline Brancatella, '07

1. LSAT scores no longer count. Admissions committees cared a lot. No one else does. Whether they were good or bad it's time to drop it.

2. Classes are overrated, exams not so much.

While attending and paying close attention to each and every class is highly recommended, it's the exam that counts. Class will make you a better lawyer, exams will get you a better job. Aiming for both is best.

3. To speak or not to speak is the real question.

People talk in class for many reasons. To preempt being called on, to listen to the melodious sound of their own voice, and occasionally because they know the answer. Some people figure they'll speak up only after they take the bar. Everyone knows what category they fall into, but every now and then we should all try a new one.

4. SAT vocabulary words will not

help in "Research and Writing."

You can write fabulous multi-clause sentences peppered with adjectives like "loquacious" and "serendipitous." This will not improve your research and writing grade. Back to basics gets the job done.

5. The Supreme Court Justices are smarter than you. All of them.

You think Scalia is a bigoted religious nut, Ginsburg is a bleeding heart FemiNazi, and O'Connor is a flip-flopping traitor to both her conservative roots and the women she blazed a trail for. But they're Supreme Court Justices and you're not. Both sides make a better case than you do.

6. It's like high school, but not.

8 a.m. classes you didn't choose that are always with the same people, many of whom are "hanging out" with each other during non-class time. Definitely like high school. Grades that actually affect future employment. Definitely not.

7. Drinking is encouraged.

Did you help edit something? Bar night. Did you attend an organizational meeting? Bar night. Are you on an e-mail listserve? Bar night. Free or very cheap drinks seem to be a law student's birthright, and who are we to refuse? This is Buffalo, NY which supposedly has more bars per capita than any city in the nation. Eat, (emphasis on) drink and be merry.

8. Your political opinion doesn't matter. Unless you want to start a club.

Class is time to prove bipartisan skills, extra-curricular activities are meant for wearing your politics on your sleeve. Pro or anti something? There's probably a group for it. If not, no worries -- just start your own. This won't help your grades, but it will look great on a resume. Unless of course your potential employer is pro or anti the thing you're anti or pro. But in that case you would-

n't want to work for them anyway, right?

9. Study Carrels are worth fighting for.

The early bird catches the good study carrel -- and as a bonus probably gets a good parking space, too. Socialization is for underachievers. The best way to learn is to lock yourself in a 4x5 cell with only a porthole to view the outside world. They're also a good place to stash random belongings, in case your locker (or your car) is too far away.

10. Dissenters are losers.

In an effort at euphemism, the legal system uses the words "majority" and "minority" to replace "winner" and "loser" -- apparently to avoid making the blind eyes of justice sound too much like a football game. The dissent may be eloquent, emotional, perhaps even more legally sound. No matter, the majority wins and learning their side of the story is what will help you become a winner, too.

Michael Eric Dyson to Keynote MLK Commemoration

Scholar and best-selling author Michael Eric Dyson will be keynote speaker for the 29th Annual Martin Luther King Jr. Commemoration Event to be held on April 7 in the Center for the Arts on the UB North (Amherst) Campus. Lecture sponsor is the UB Minority Faculty and Staff Association.

Dyson is Avalon Foundation Professor in the Humanities and professor of religious studies and Africana studies at the University of Pennsylvania. Named by Essence magazine as one of the nation's "50 most inspiring African Americans," he has been described by the Philadelphia Inquirer as "a major American thinker and cultural critic."

Dyson has written 10 books in 10 years, ranging from works on cultural criticism, race theory and religious thought to philosophical reflection and gender, and sexual studies. He also has written four books on "biocriticism" -- works that use biography to probe social themes and cultural politics. These include a book ranked by Black Issues Book Review as one of the outstanding black books of the 20th century and a national bestseller, "I May Not Get There With You: The True Martin Luther King, Jr.," and "Holler If You Hear Me: Searching for Tupac Shakur," his best-selling treatment of the slain rapper and icon.

Dyson also has published "The Michael Eric

Dyson Reader" and "Why I Love Black Women," a national bestseller that won the 2004 NAACP Image Award for outstanding nonfiction literary work. Dyson is an ordained Baptist minister, radio commentator for NPR's "Tavis Smiley Show," contributing writer for Philadelphia Magazine and frequent guest on the nation's leading cultural and political television shows. Before all of his success, the former church pastor was a teen father on welfare in his native Detroit who worked in several factories before starting college at 21.

Tickets for Eric Michael Dyson will be available through TicketMaster and the UB Center for the Arts Box Office. — UB Newswire

The Docket



Who: Medical School/ Law School "Mixer" sponsored by the SBA & Medical Polity
When: April 1 at Pearl Street Bar & Grill
Scoop: Great chance to meet professional students, who knows, one day you may sue them!

Who: SBA Casino Night
When: April 5th at the Seneca Niagara Casino
Scoop: Leave your credit and ATM cards at home for this one, don't spend too much!

Who: Students of Color Dinner
When: Friday, April 8 at the Marriott Hotel in Amherst
Scoop: One of the premier events at the law school, wouldn't miss it and neither should you!

Who: NYS Court of Appeals Come to Buffalo!
When: April 14th, Downtown Buffalo, more details to come soon!
Scoop: This is a great chance to watch the highest court in New York right here in Buffalo.

Who: Barristers Ball 2005
When: Saturday, April 16th at The Statler Hotel, Buffalo
Scoop: How can you miss the Law School prom? Be there or be square.

Who: Karaoke Night with the Student Bar Association
When: April 22nd at Kings Court, 9pm (Delaware Avenue, Downtown Buffalo)
Scoop: Who could miss a Karaoke night? Good blackmail content.

Who: OUTlaw Annual Dinner
When: April 27th at the Hyatt Regency at 6:30pm in Downtown Buffalo.
Scoop: This is a great annual event sponsored by the SBA, don't miss it!

Who: Decompression
When: May 19th, the last day of finals. Location to be announced soon!
Scoop: Ummm. This will be the best party of the year. No questions.

The Politics of JAG Military Recruiting at Law Schools

Continued from page 5

banned military recruiters. A 1996 order by newly elected Governor George Pataki in the wake of Solomon brought the policy to its current status.

Asked about UB's 2005 policy Dean Nils Olsen says, "We let them [military recruiters] come in and interview. While I certainly agree with the AALS notice of non-discrimination in general, the school is also very careful to comply with the law. We are a single community who wants to accommodate all of its students."

He continues, "It may become a student issue, I can't really say. It's certainly an area of ongoing concern. I would be careful about relying on a preliminary injunction for anything or the Third Circuit, especially since the school lies in the Second Circuit."

Decompression

Coming Soon to a bar near you!

May 19th

Tell your Class Director where you want it this year!