

University at Buffalo School of Law

Digital Commons @ University at Buffalo School of Law

The Opinion Newspaper (all issues)

The Opinion

3-15-2000

The Opinion Volume 51 Issue 7 – March 15, 2000

The Opinion

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



Part of the [Higher Education Commons](#), and the [Legal History Commons](#)

Recommended Citation

The Opinion, "The Opinion Volume 51 Issue 7 – March 15, 2000" (2000). *The Opinion Newspaper (all issues)*. 439.

https://digitalcommons.law.buffalo.edu/the_opinion/439

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



THE OPINION

Vol. 51, Issue #7

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

MARCH 15, 2000

Criminal Moot Court held this weekend

The Criminal Law Society has its annual Herbert Weschler Criminal LawMoot Court Tournament this Saturday, March 18 at the County Courthouse downtown.

There are over 20 teams from different law schools competing in this year's tournament. Including a team from UB Law School of Amy Hemenway and Sheldon Smith.

This year's problem is based on a case out of New Jersey and is regarding hate crime statutes.

The preliminary rounds begin at 9:00am in the morning and continue all day until the finalist compete at 4:30pm.

Karen Petote and Bill Taylor are this year's organizers and are working very hard to make this year's tournament a success. They have been working on this tournament since the summer, getting judges, and communicating with the law schools that are competing.

Professor Duber has also been working very hard with the Criminal Law Society to make this tournament happen.

The members of the Criminal Law Society Executive Board are: AskerSaeed, Karen Petote, Bill Taylor, Mary Snyder, Tom Hurley, Pete Kooshian, Jason Davern, John Rizzo and Mark Moldenhauer.

Any first years who would like to clerk the tournament may contact MarySnyder at 645-2748.

ATLA Team Competes

A team representing UB Law reached the quarterfinals of a recent American Trial Lawyer Association trial team competition.

3L's Kevin Brach and Betsey Snyder, and 2L's Jill Skretny and Mary Snyder took part in the March 2-5 competition, held in Clevelena, Ohio. Sixteen law schools were represented in the midwest regional contest, including Syracuse, Ohio State and the University of Akron.

"It was a valuable learning experience," said Betsey Snyder, noting that the team practiced nightly before the competition. UB Law graduates Jim Grable and Brian Melber, who practice civil litigation locally, coached the team.

The problem involved a civil case dealing with an adult who was injured while using a fire pole on a private community's playground.

Teams consist of two attorneys and two witnesses.

ATLA is a national trial association; the annual competition provides law students with an opportunity to improve their



Photo by David Allen

ATLA team members (from left) Kevin Brach '00, Betsey Snyder '00, Jill Skretny '01 and Mary Snyder '01.

litigation skills. Those interested in joining the UB Law branch of ATLA should contact President Michael Arcesi or Secretary Betsey Snyder.

SBA EXECUTIVE BOARD ELECTION IN APRIL

Meeting set for interested SBA board candidates

It's about that time again.

The UB Law Student Bar Association has announced the upcoming annual election for SBA executive board positions.

The executive board, elected by the student body, consists of four officers - president, vice-president, treasurer and parliamentarian.

An information meeting for those interested in running for office Thursday, March 22, 14 4:15 in room 109. The meeting is mandatory for those intending to run.

Elections will be held April 5 and 6.

UB Law alum leaves aboriginal collection to library

The Charles B. Sears Law Library at the University at Buffalo has received an important collection of books, manuscripts, documents, treaties and other material related to the defense of indigenous rights — and in particular, of American Indian nations — from the late Howard R. Berman.

A distinguished scholar of international human-rights law, Berman, a 1971 graduate of the UB Law School, devoted his legal career to defending the interests of aboriginal peoples. He taught law at UB and Harvard University before joining the faculty of California Western Law of School, where he taught from 1987 until his death in 1997 at the age of 52.

Karen Spencer, UB reference librarian who studied Indian law at UB under Berman, says the library has long had some materials related to Indian and human-rights issues, but calls Berman's materials "a significant collection...(one that) reflects Howard's deep and abiding concern for all aboriginal peoples."

Some of the material in the Berman collection was of interest to other universities, but, according to Spencer, the collection came to UB because it was the only university willing to maintain the collection intact.

"Howard requested this," she says, "because he wanted his life's work to be

accessible to the people to whom he had dedicated his entire career."

She describes Berman's life as one "defined by social activism infused with unusual compassion and generosity of spirit." Berman, she adds, worked tirelessly to achieve international recognition for the rights of indigenous peoples to sovereignty, religious freedom and self-determination.

The collection reflects these concerns. Its historical and legal-resource materials were used by Berman to prepare cases in support of other fundamental rights as well, involving territoriality, international labor law, corporate investment in aboriginal lands, border-crossing rights and other issues.

Representatives of several Indian nations have told Spencer they are anxious to see the collection. One reason they want to see it, she says, is because Berman's carefully observed and referenced writings will be of great use to anyone presenting evidence on behalf of native peoples before national and international courts of law.

It is Berman's abiding interest in American Indian law that defines the collection, which contains original and rare books and documents not previously held at UB.

Among them are legal records docu-

menting the last 300 years of the Haudenosaunee (the six-nation Iroquois Confederacy), with whom Berman had a long working relationship.

"One rare work of note," Spencer says, "is an original copy of the Jay Treaty published in 1795 that ensured Indians unimpeded crossing between the United States and Canada. The formal title of the document is Treaty of Amity, Commerce and Navigation between his Britannic Majesty and the United States of America and it contains a notable appendix of contemporary documents, letters and papers."

Another significant book is a revised and enlarged 1842 edition of "Deh-he-wamis: or, A narrative of the life of Mary Jemison." A white woman from Western New York, Jemison was taken captive and then adopted by the Seneca. She chose to remain among them for the rest of her life and, in doing so, became part of regional and Seneca lore.

An original edition of Lewis H. Morgan's book "League of the Ho-de-nou-sau-nee, or Iroquois" (1851) is interesting, Spencer says, because it contains a map and explanatory chart of corresponding English and Indian names.

Berman's was a career of prodigious accomplishment. Besides teaching human-rights law, he published and lectured widely, maintained a private law practice

in Indian law and, from 1978 to 1981, served as attorney for the Indian Law Resource Center in Washington, D.C.

He chaired the Interest Group on Indigenous Rights for the American Society of International Law and provided legal counsel and consultation to native peoples of Tibet, Taiwan, Mexico, Africa, Canada, Eastern Europe and Central America.

His contributions to United Nations' efforts on behalf of aboriginal peoples were significant as well. He represented the International Work Group for Indigenous Affairs — a UN subcommission — before the UN Commission on Human Rights and other international bodies. He was an invited consultant to the World Bank and Human Rights Bank Information Center, which monitors human rights' and environmental consequences of World Bank activities and those of other multilateral financial institutions.

The Berman Collection is being catalogued and inventoried, and a list of the catalogued items can be found at <http://ublib.buffalo.edu/libraries/units/law/collections>.

To use the materials in the collection, contact a reference librarian in the law library at 716-645-2048.

For information about how you can help support the University at Buffalo, go to <http://www.buffalo.edu/giving>.

THE OPINION

Co-Editors in Chief: Peter DeWind & Dave Allen
News Editor: Kevin Hsi
Staff Reporter: Peter Nicely

Open Positions: Op/Ed Editor; Layout and Graphics Editor; Business Manager; Web Editor; Photographer; Reporters; Columnists.

The *Opinion*, SUNY at Buffalo Amherst campus, 7 John Lord O'Brian Hall, Buffalo, New York 14260, (716) 645-2147, is published bi-weekly throughout the Fall and Spring Semesters. The *Opinion* is the student newspaper of the State University of New York School of Law. Copyright 1999 by the *Opinion*, SBA. Any reproduction of materials herein is strictly prohibited without the express consent of the Editor-In-Chief and piece writer.

Deadline for all submissions is 5PM on the Wednesday preceding publication. Later submissions may be accepted at the sole discretion of the editors. Submissions may be submitted at the *Opinion* offices, sent by mail to the above address, or placed in the *Opinion* mailbox located in the SBA office vestibule. Submissions should be saved on 3.5" disks in either IBM or Macintosh format as either a CorelWordperfect or Microsoft Word file and be accompanied by a printed copy. Disks labeled with a Lockwood mailbox number will be returned.

Letter to the Editor Policy: while the *Opinion* will not print libelous or anonymous material, all submissions shall be printed entirely and exactly, provided they are signed submissions from a member of the UB Law community (students, faculty, staff, alumni). Submissions will not be edited without the author's consent.

The *Opinion* in no way endorses the viewpoints of its various columnists and contributors.

Just Another Opinionated Day

Let's applaud famed defense lawyer Johnnie Cochran for shedding some much-needed light on the lack of minorities in Erie County jury pools during a speech last month at UB. At the outset of a well-publicized wrongful death trial in Buffalo last year Cochran, representing the family of a black teenager struck and killed crossing the road trying to get to work, saw only five minorities in the 95-member jury pool. Heavy coverage of the racial makeup by the media - drawn largely by Cochran's presence - has led to the formation of a committee to look at the scarcity of minority jurors. With luck, the decision to scrutinize the process will extend to outlying counties, where the problem is just as bad, and sometimes worse.

Congratulations on the SBA for its fine marketing work. As of last count, almost 350 tickets have been sold for the upcoming Barrister's Ball - many, many more than have been sold in past years. We're also happy to see the SBA fund the new IP Journal. Intellectual property is a hot field, and the journal experience will give UB students a leg up in the great job hunt. It also gives more students a chance to gain valuable journal experience.

News Flash! UB Law students will be given the opportunity to visit and observe the City of Tonawanda Drug Court. Open dates are Three consecutive Thursdays - March 30, April 6 and April 13. Each visit can accommodate 6-12 students. Sign-ups are in the Office of Student Services, 314 O'Brian Hall.



Millions of disabled expected to seek jobs with new federal law

A new law that will allow millions of disabled people to work without losing health benefits has made a new book by a University at Buffalo career planning expert an especially valuable — and timely — resource for those with disabilities.

Disability groups estimate that more than two million people will take advantage of The Ticket to Work and Work Incentives Improvement Act of 1999, signed recently by President Bill Clinton, which expands Medicare and Medicaid benefits to include disabled people while they work. Clinton has called the action the most significant milestone for the disabled since the 1990 Americans with Disabilities Act.

Job Search for People with Disabilities," (JIST, 1999) by Daniel J. Ryan, director of the UB Office of Career Planning and Placement, offers these new job seekers a comprehensive resource that explores specific job-search issues faced by people with disabilities and offers step-by-step instructions to help them promote themselves into their career choice. Ryan serves as chair of the career-planning special interest group of the Association for Higher Education and Disabilities and the career services technology chair for the National Association of Student Personnel Administrators.

A lifetime advocate for people with disabilities, Ryan says that the new law is a great triumph for people with disabilities, but that discrimination against them still exists in today's workforce.

"These individuals not only have to compete against all other applicants for jobs, they also must overcome the hurdle of convincing others — and sometimes themselves — that they are capable, valuable workers," explains Ryan. "Disabilities also can block the career paths of many individuals who have much to contribute to today's workforce.

In the book, Ryan encourages readers to address issues relating to their disability, but stresses that they should play only a very minor role in the overall job search. The book also covers the rights and protection the law provides to disabled persons and identifies agencies and governmental programs that provide assistance, as well as offering tips on how to negotiate for special accommodations on the job.

Ryan says that currently 30 percent of people with disabilities are employed, compared with 80 percent of those without disabilities. He adds that people with disabilities are close to three times as likely to reside in a household with less than \$15,000 in total income. He hopes the book will encourage people with disabilities to pursue the career of their choice, as well as provide them with a comprehensive reference during the job-search process.

Ryan, also an adjunct assistant professor of educational leadership and policy at UB, has written numerous works on disabilities, career issues, and job searches for professional and consumer publications.

A graduate of Canisius College, Ryan holds a doctoral degree from UB.

ADVERTISE
 IN THE
 OPINION

645-2147

COMING UP

Tickets To Studio Arena, Philharmonic Available From SBA

The UB Law Student Bar Association is selling tickets to a pair of upcoming events.

On March 24, at 8 p.m. law students can attend the opening night for A.R. Gurney's "Far East." Afterwards, there will be a reception with the cast.

On Saturday, April 1, at 8 p.m., students can attend a performance of the Buffalo Philharmonic, led by Conductor JoAnn Fallotta, followed by a reception with the orchestra.

Tickets for each event are \$10, available in the SBA office.

Domestic Violence Task Force Plans Self-Defense Clinic

The UB Law Domestic Violence Task Force will hold a self-defense clinic on Saturday, March 18. The free clinic, to be held from 3 p.m. - 7:30 p.m. in room 545.

There will be free food provided at the clinic, and there will also be door prizes given.

Registration forms are available outside room 604.

Fourth Annual OUTLAW Dinner Set for March 25

Elizabeth Conant, PhD, a member and spokesperson of the Buffalo GLBT Community, will be the main speaker at the UB Law OUTLAW group's fourth annual dinner, to be held March 25. Her presentation is titled "Musings of an Activist."

The event will be held at the university inn, 2402 North Forest Road, with a cash bar beginning at 6:30 p.m., and dinner at 7:30 p.m.

Tickets, \$15 for students, \$30 for non-students, will be on sale outside of the library on the following dates - Thursday, March 16 and 23, from 11:30 a.m. - 3 p.m.; Monday, March 20 from 10 a.m. - 3 p.m.; and Tuesday, March 21 from 11:30 a.m. - 3 p.m.

SBI Schedules Wine Tasting For March 23

The UB SBI has planned a wine tasting, to take place Thursday, March 23 at Pistachios. The event, which will be held from 7-9 p.m., will feature more than five different types of wine, two wine experts and a string quartet.

Tickets are \$5 for students, and \$7 for non-students. Tickets are on sale at the SBI ticket office. Customers must show proof of age to buy tickets, and to enter at the event.

Book Review

Would You Convict? Seventeen Cases That Challenged The Law by Paul H. Robinson New York University Press

by David L. Allen '01

We Americans are a cynical lot, and proud of it. We smugly snickered at the Clinton-Lewinsky affair, hardly bat an eyelash at the constant barrage of debauchery from Springer-Rikki-Sally Jesse, and view the latest serial murder hunt as an amusing soap opera.

But once in a while, we wake up, read the morning paper and stumble across a seeming miscarriage of justice so pronounced we drop our bagel, spit out our coffee and yell "Holy cow, you won't believe this!" to the nearest live body.

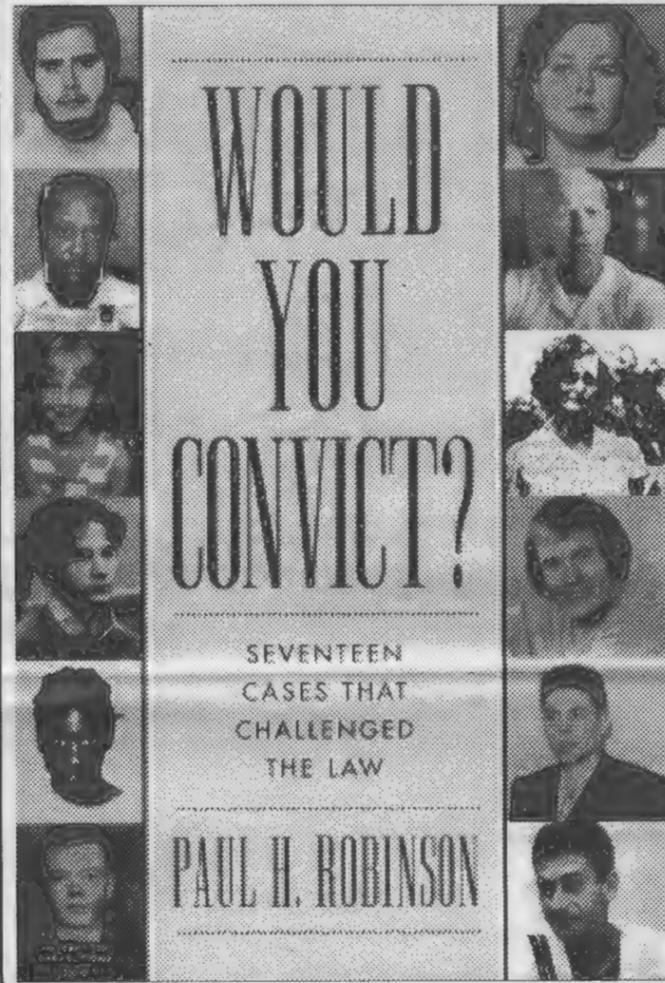
Paul Robinson, a professor of Law at Northwestern University, dug up for 'Would You Convict?' a series of criminal cases in which punishment appeared to have little relationship with the crime. A career con man is sentenced to life in prison for falsy cashing a \$129 check. A pair of known criminals are found carrying a 'bank robbery kit' containing guns, ammo, armored vests, disguises, smoke bombs and a gas mask - and serve less than three months in jail before going on a major crime spree. A man fatally shoots his son-in-law, but gets off the hook when his daughter shortly after fires the bullet that actually kills the victim.

Challenging readers to compare their personal belief system to the legal system, Robinson sets up the situation, asks the reader how they would sentence the culprit, gives the result of a related survey, tells the actual ending to the case and then discusses the circumstances that makes it unique.

In doing so, he identifies and discusses several unique aspects of our justice system, such as weighing intent versus actual harm, the battered wife syndrome, and the habitual criminal statute.

Those discussions, which should have provided the backbone of the book, are instead the weak point. He merely glosses over the issues, throwing in a few personal comments along the way. Anyone who stayed awake through first year criminal law will likely learn nothing new.

The book is promoted as a work to appeal to both lay people and legal scholars. While some of the cases may prove titillating, those seeking in-depth legal analysis would be better off searching through Westlaw and Lexis.



UB Program to provide support for kids coping with divorce

Divorce can make children feel angry, depressed, guilty, sad and helpless. The court system provides children with a law guardian to represent their legal interests, but they may need emotional support even more.

And although the number of court-related programs for families has tripled during the past four years, programs for children have not kept pace, statistics indicate.

Parents and Children in Transition, or Pact, should help to change that situation for the better in Western New York. In an unusual partnership, Frank Fincham, PhD., professor of psychology at the University of Buffalo, and the Hon. Vincent C. Doyle, Jr., chief administrative judge of the judicial district that includes Erie county, have developed a program that will provide social support and education about divorce and teach coping skills - free of charge - to children of the nearly 3,000 divorce cases handled annually by Erie County courts.

The program will be launched later this month, with the first two-part session scheduled for March 25 and April 1. All sessions will be held in the Gloria J. Parks Community Center on Main Street in Buffalo.

"The program is based on cutting-edge psychological research about what helps children adjust to their parents' separation and what puts them at risk for problems in the future," said Fincham, a specialist in family relationships. "It is one of the few such programs in existence anywhere in the country that does not draw on any local resources or collect any fees for service. Typically, these programs cost \$30 per session."

The UB Department of Psychology will provide the program as a community service, with Doyle's support and a grant from the Ittleson Foundation.

Fincham and a group of doctoral-level students will provide the sessions, which will accommodate up to a dozen children between the ages of 9-123. They will

participate in two 2 1/2-hour group sessions on consecutive Saturday mornings.

Counselors will lead children in games and activities designed to help them understand and talk about their feelings surrounding their parents' separation, and to dispel misconceptions about what will happen to them. One approach will be a true-false game in which counselors present statements, both inconsequential and divorce-related. Children will answer by moving to the true or false mark on the line.

"If we say, 'Divorce means that parents leave their children,' and a child indicates he believes that statement is true, then we can ask him why he believes that statement is true, Fincham said, "then we can ask him why he believes that, and get him talking about his fears."

Counselors also will provide children with coping skills to help them through the time of transition, Fincham said. "Children going through a divorce feel many of the same emotions as adults,

but they don't necessarily know what to do about them. We'll try to help them label their emotions. When you have a name for it, coping with it becomes easier.

"We also try to teach them to communicate their feelings to their parents instead of acting out. For example, rather than throwing a tantrum to distract parents when their arguing, we encourage children to tell their parents to tell their parents early on that their arguing is very upsetting and to ask them not to argue in front of them."

The program also will include a parent session, where counselors will discuss ways they can support and help their children during the separation and divorce.

Counselors will evaluate the program's effectiveness through activities designed to determine what the children have learned.

Fincham said he envisions this initial program as the first phase of a much broader intervention that he hopes eventually will include intensive follow-up and a mentoring program involving UB students.

YOUR AD HERE 645-2147

Summer 1999 Bar Exam Pass Rate (First-Time Takers)

Suny-Buffalo
Overall Pass Rate: **73%**

Suny-Buffalo Students
Supplementing With PMBR:
(103 of 112 Passed) **92%**

*Increase Your MBE Score...
Increase Your Odds Of Passing!*



*We Simply Have
The Best Multistate Questions!*

NATIONWIDE TOLL FREE: (800) 523-0777 • www.pmbr.com