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First Year Class Reps. Elected

by David Keneipp

SBA members from the Class of 1980 were inducted at the October 26 meeting. There are twelve representatives allotted to the first-year day class, but only eleven names were on the ballot. The winner of the twelfth slot, Ms. Linda Robinson, was a write-in candidate. Approximately 60 ballots were cast from a group of over 180 eligible voters (see accompanying box).

The low turnout was attributed in part to the fact that the candidates' platform statement, which was to have been published in the SBA Newsletter, was never released. Ms. Kate Crane '80, one of the new representatives, asked for an explanation at the October 26 meeting. Ms. Andrea Johnson, a member of the Communication Committee, which distributes the Newsletter, replied that the statement was never received.

The platform listed a number of issues to which the representatives will give special attention. They include library hours, student housing, logistics of moving into the new building, and affirmative action. One representative described the platform as "somewhat progressive, but basically politically neutral."

One issue on which the group is decidedly partisan is the handling of the election itself. There is a consensus that the SBA was irresponsible in that it failed to adequately acquaint first-year students with the SBA's powers and functions. Most of those who were elected are either members of organized minority groups, such as the ABLS, or have friends

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Disenfranchisement Fails

The tenured faculty assembled in somewhat unique fashion on October 19 for the primary purpose of taking final action on a motion which resolved that, "only the tenure faculty shall vote on matters of appointment." They decided by virtue of a 12-12 tie vote that the law school would maintain its custom of allowing non-tenured professors to vote on appointments.

The meeting was unique on many counts. For one, the tenured faculty does not normally gather to consider issues of general institutional policy but rather usually finds itself embroiled in matters relating to specific personnel decisions on individual members of the faculty; most noticeably where decisions concerning the granting of tenure arise. Secondly, the meeting, while called as a tenured faculty meeting, convened under the rule that non-tenured faculty would be invited to attend to express their views on the motion which would disenfranchise them. Finally, whereas meetings of the tenured faculty usually take place completely in executive session such that students are excluded from the deliberations this meeting, by resolution offered by Professor Alan Schwarz and carried 6 yes, 4 no, permitted the press and students who wished to attend to be able to do so until the junior faculty made its presentations on the motion to disenfranchise, at which point such persons would be asked to leave.

Meeting Termed "rare"

This October 19 meeting was characterized by one long-time observer of such meetings as "rare" for the quality of the dialogue which took place. The meeting draws its genesis from the key issues now facing this school and was particularly important for the debate which brought these issues into the forum of public focus.

Historically the meeting "began" on April 4, 1977 when Professor David Haber introduced a two part proposal for "rules regarding initial appointments to the faculty." On April 29, 1977 the tenured faculty adopted sub-paragraph (b) of the Haber Resolution and at the same meeting acted to postpone the enactment of the resolution until the fall semester of 1977, with the understanding that the topic would be agended for discussion by the full faculty before a motion to reconsider (the resolution) was voted upon by the tenured faculty. On September 28, the tenured faculty tabled the motion for reconsideration of the Haber proposal and adopted a resolution of far broader import by a vote of 11 yes, 6 no, and 1 abstention.

This resolution read, "the tenure faculty resolve that only the tenure faculty vote on matters of appointment," was in turn denied immediate enactment by further adoption of a motion recognizing that a meeting of tenured faculty would be held to which non-tenured faculty would be invited so as to be able to express their views, and that to be effective the newly adopted motion needed to be confirmed by an absolute majority of the tenured faculty voting in person or by proxy. The meeting of October 19 was therefore a culmination of a series of events involving important substantive changes and much parliamentary manuevering.

Effective Debate

The essence of the October 19 meeting was a rather effective debate between the camps which

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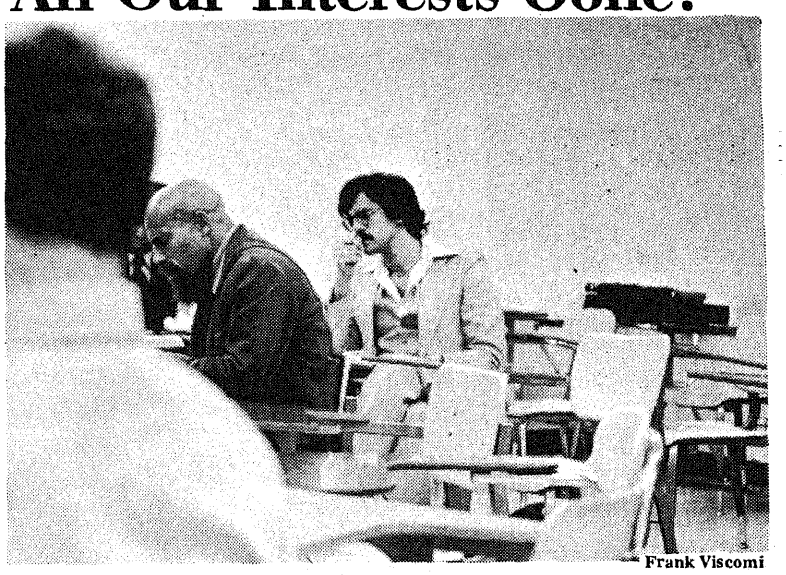
Analysis

Where Have All Our Interests Gone?

by Jeff Kuschner

Since the beginning of this school term a number of very important activities such as the Ad Hoc Convocation Hearings, the action of the tenured faculty in trying to disenfranchise non-tenured faculty, and the SBA sponsored trip to the **Bakke** oral arguments, have occurred. Those issues which have given rise to these activities are of grave and lasting impression for this law school as an institution and on the constituency (perhaps in some sense, "community") both present and future who chance to pass between its walls. Yet, among the most notable aspects surrounding many of these activities is the lack of attendance by the law school constituency, particularly students.

The reasons behind the absences raise for discussion and analysis some basic underlying difficulties facing this institution. Further, any discussion and analysis must also include some component which looks toward the formulation of responsible reactions to such difficulties.



Frank Viscomi

Empty chairs at the Ad Hoc Convocation committee meeting emphasize student disinterest. Testifying, at left, is Professor Al Slocum.

During conversations with colleagues one often hears that "lack of notice" is a common reason for the lack of bodies and minds at events around the law school. Perhaps this is true in a few instances but the pervasive nature of the absence phenomena is far too great in a building as small as ours to substantiate the lack of notice contention to the degree it is relied upon. More often, the absence phenomena is attributed to lack of interest concomitant with time con-

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Committee Plan Attacked As Autocratic

by Patrick C. English

A draft proposal for an "executive committee" which would "have all the power of the full faculty to act," subject to mandatory review by the full faculty has been unveiled.

The plan for the executive committee was disclosed at an October faculty meeting by Professor Alan Schwarz, chairman of the planning committee, and was immediately attacked as a "headlong rush toward autocracy" by Professor Frank Askin. Askin termed the plan "totally unacceptable."

The draft proposal is clearly designed to alleviate the internal wrangling which often threatens to bring the business of the faculty to a total halt. The executive committee would have the power to review the actions of all standing student-faculty committees (except those dealing with personnel matters) before the recommendations of those committees would be passed upon by the entire faculty. Further, the executive committee would have the power to overrule the recommendations of standing committees and offer alternative recommendations to the faculty.

Controversy over Determination of Members

Professor Schwarz distributed the draft proposal to members of the faculty in what he termed an attempt to ascertain their attitudes toward the plan. Time for debate was limited to only about 15 minutes, and the proposal was by no means thoroughly discussed, but immediate controversy developed over whether such a committee, if created, should be elected by the full faculty or appointed by the Dean. Many on the faculty apparently feared that such a committee, if appointed, would centralize power in the law school administration to an unhealthy degree. Others on the faculty indicated that they were willing to run such a risk in order to try to overcome the institutional problems which have threatened at times to paralyze the faculty.

After the draft was released, the **Law Record** learned that student members of the planning committee had been excluded from participating in the discussions which led to the draft proposal for the executive committee. When asked about this unusual procedure Professor Schwarz explained that last year when the faculty referred the concept of an executive committee to the planning com-

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No-Shows Stall SBA Work

by David Keneipp

With the seating of first-year representatives at its October 26 meeting, the SBA began to consider its budget allocations to law school organizations. Mr. Carlos Martir '79, SBA Treasurer, presented the Budget Committee's recommendations for the 1977-78 school year. Discussion centered on several general provisions of the Committee's proposal.

The SBA is once again using the categories of "funded," "fundable," and "denied" in dealing with organizations' financial requests. Fundable amounts are those which have not been approved by the Budget Committee but which can become available.

Speakers' "Fundable"

The most common item in this category, Mr. Martir explained, is speakers' honoraria. He stated that groups which planned to invite speakers could receive the allocations when specific plans were presented to the Committee. In addition, he noted that all requests for office supply funding had been denied. His reasoning was that the SBA hopes to buy those items in bulk and distribute them to the organizations directly.

Mr. Martir also indicated that no organization had appealed the Budget Committee's recommendations. The recommendations are, of course, subject to the approval of the entire SBA, and representatives from the various groups may choose to speak before the SBA as a whole prior to final approval. After the meeting, Mr. Martir said that he hoped individual SBA members would reveal any organizational ties when specific appropriations were discussed.

Code of Conduct

One issue which has not yet been dealt with is the Code of Conduct. The key provision of the Code is the requirement that any representative with three or more absences be dismissed from the SBA. Mr. David Griffiths '78 has tried to get the SBA

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Governors Hear Simmons On Programs

by Frank Viscomi

Speaking informally before the University Board of Governors last month, Dean Peter Simmons commented that although both the evening and minority admission programs are "successful" their results have been different than originally expected.

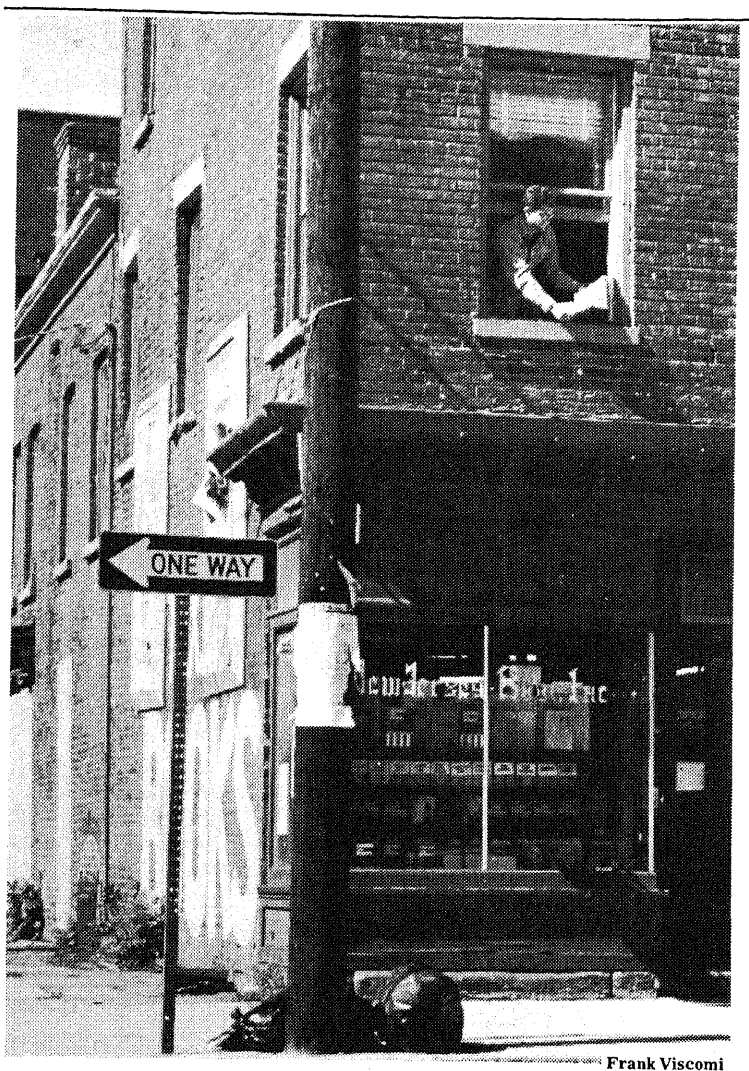
He also stated that the law school was working on alternative models for minority admissions in case of a pro-Bakke decision by the Supreme Court.

In response to questions by members of the Board, Simmons said that even anti-evening faculty are surprised at the performance of the night students, and that almost half of those students have transferred to the day program.

But, Simmons said, the state legislature proposed the night program to advance members of the working class and "most night students are second and third career people, many of whom have their Ph.D.s and M.D.s."

"They are the blue chip, silk-stocking group," he said. "During the proposed strike last year (when day students protested scheduling and minority programs) the evening students commented that they almost all represent management."

Simmons also said that although the attrition rate for minority students is very low and that "they are all qualified for the profession, not many minority students become clerks to top judges or are hired by high prestige firms." In explaining why this is the case, the Dean told the Board of Governors that "Few minority students make law review or graduate with top honors." Most, he contended, receive "gentlemen's C's."



Frank Viscomi

Jack Hain leans out of the window of his newly redecorated apartment above New Jersey Books across from the law school.

At Home In Newark

by Mary Sanderson

What would you do if you walked into the New Jersey Bookstore and saw a hole in its ceiling? Jack Hain did the obvious — he asked what happened. Now he finds himself living in the apartment above the bookstore.

Burglars had used the then empty upstair apartment as the means to enter the bookstore. Haine, who had been looking to move from his East Orange location closer to the law school, seized upon the opportunity, contacted the landlady, and worked out a short-term lease arrangement. His landlady agreed not to raise his rent next year if he fixed the place up.

Mr. Hain, having some skill in carpentry and a great deal of determination, successfully constructed a comfortable room for himself out of the bombed out quarters, and he is currently working on the rest of the apartment.

Mr. Hain's move to Newark was for convenience and to save money on rent. His apartment now also affords him ample space and greater freedom of movement. Although he recognizes that some of the areas in Newark and around the law school almost resemble physical wasteland environment, Hain believes that student interest and law school support in finding and improving living quarters near the school would do much to build a better community in general and within the law school in particular.

Mr. Hain said he feels that lack of University support for a student community is reflected in the few and poor quality services the University provides for students, specifically in providing a physical environment no more conducive for student socializing than a cafeteria in the law school basement and one multi-purpose lounge.

Other students who have lived in Newark have commented on the lack of support that they feel the students and the law school have given them. Convenience and money appear to be the major reasons why these students chose to live in Newark.

For example, one notice hanging in the law school all summer advertised an available room in a communal house. Many people who called to inquire were told that the room was in Newark and immediately lost interest. Some of this reluctance on the part of students to live in Newark may be warranted by the poor quality of housing and neighborhood in the area around the school. However, what angers and concerns Hain is his feeling that the law school has shown insensitivity to the needs of students spending their days at the law school and to the desires of students looking for adequate and convenient housing close to school

Mr. Hain, at any rate, is currently satisfied with his living situation and is looking forward to a long stay above New Jersey Books. After all, he has had to invest more than money to make his dwelling place habitable.

Disenfranchisement Debate Noted

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opposed or favored disenfranchisement. Although the meeting appeared at first to meander from its underlying purpose the dialogue soon turned on what can be characterized as the two major grounds of dispute. These grounds can be best presented in the form of two questions: 1. How should the University regulations which exclude non-tenured faculty from a direct vote in the appointments process be approached? and 2. How does/should the involvement of non-tenured faculty in the appointments process bear upon that process, this institution, and the nature of the non-tenured faculty?

Various Rationales Given

The position that the University regulations should be complied with was advanced on various grounds.

Professor Gerard Moran contended that the tenured faculty should only vote to acquiesce and should concentrate on developing in-house procedures for a responsive and effective appointments process. His most important premise was that there is no one at the law school to lead the fight against the University and, while he would prefer fighting, too much stands to be lost in the resulting fray. He directly criticized Dean Peter Simmons for being a "mixed" Dean who was more responsive to University President Edward P. Bloustein than to the faculty.

Professor Steven Gifis argued that there were no rational grounds upon which a request to the University Senate authorizing extension of our current appointment policies could be premised. He stated that there were faculties in the University matrix sufficiently similiar to our faculty who comply with University regulations and our non-tenured faculty were no different in kind from other non-tenured faculties so as to make our request for authorization merely arbitrary.

Opponents Object

Opponents of disenfranchisement argued that the law school should act to change University regulations or should adopt a wait and see approach regarding the University's position to the law school before disenfranchisement occurs. These positions were variously argued.

Professor Annamay Sheppard said that the merits of the argument warranted a fight. She indicated that the effect of a vote to disenfranchise struck at the heart of the institution's integrity as it was a most negative reflection on the quality of the non-tenured faculty. This point was supported by Professor Calvin Johnson, a member of the non-tenured faculty, who called disenfranchisement "an insulting and savage attack on the junior faculty."

Not Pressured

Professor Schwarz offered his opinion that so long as the University did not pressure us to conform to its regulations why embroil ourselves in an effort to conform. Professor Howard Latin, another member of the junior faculty present at the meeting, agreed with Professor Schwarz commenting that, "if the University doesn't push, the right thing to do in this situation is nothing because of the stigmatizing nature of the act."

Turning to the second major ground in this dispute, some proponents of disenfranchisement contended that the action was necessary and proper for reasons indigenous to this law school and the current appointments process, as well as because of the very nature of non-tenured faculty.

Lack of Scholarship Deplored

Professors James C. N. Paul and Richard Singer contended that the quality of the law school was suffering because of a lack of scholarly attainment and output on the part of recently hired junior faculty.

Professor Singer argued that the appointments process was an extravagant waste of junior faculty time and that by allowing the junior faculty to participate in the process they were being sent a message that writing and scholarship was not all that critical. He made the further observation that if the tenured faculty voted to disenfranchise the junior faculty they must do so in full recognition of the added burdens and responsibilities that would ensue.

Professor Paul commented that the process had become too politicized and that because of the present size of the faculty the number of persons involved in the appointments had become unmanageable.

Disenfranchisement Destructive

The opponents of disenfranchisement argued that such action was not proper for any reasons indigenous to this law school, the process of appointments itself, or on the basis of the nature of non-tenured faculty. Rather, they tried to show that disenfranchisement was not only unnecessary but also destructive.

Professor Cantor, chairperson of the Student-Faculty Appointments Committee, said that "problems would flow from the disenfranchisement of junior faculty. Specifically, he said it would be difficult to attract outstanding junior faculty to the law school if they were not given a vote in appointments since many other schools, including Harvard, Columbia, and Yale currently give junior faculty such a voice. He also stated that this year's appointment process would be disrupted if disenfranchisement were to go into effect this year.

Appointments Threatened

Both Professors Latin and Johnson saw the effects of disenfranchisement as potentially crushing the appointments process. They indicated that the junior faculty plays a major role in the time consuming screening processes involved with appointments and that if after such efforts they were denied the vote it was more than likely they would not participate in the process. Also, such action would cut down on the loyalty of junior faculty to the institution said Johnson. Latin, meanwhile raised the further question as to why tenured faculty not involved in the appointments process are better qualified judges than non-tenured faculty who are involved.

Professor Sheppard felt that the choice of whether or not one wished to participate in the vote on appointments should be left to the individual and any person who wished to be excluded could "go to lunch." She further emphasized that members of the junior faculty were not asking to be saved from the nature of the process. Professor Diana Stoppello, another non-tenured faculty person at the meeting, said that to be truly consistent in protecting the junior faculty from the politics of appointment one would have to effectively shut them off from even the advisory role envisioned for them since political danger lurked in advisory capacities also. And Professor Latin pointed out that if "good people" were hired from the start questions as to ability to make appointment decisions would not arise. Professor Sheppard upheld this view with somewhat more arty phraseology, "the notion that age comes with a 'bucketful' of wisdon should be re-examined."

Tie Was Jr. Victory

It might be noted that the reason that a tie vote led to a decision in favor of the status quo is based on the rule adopted under the motion to give the tenure faculty the sole power over appointments. That rule required an absolute majority of the tenured faculty to carry the policy change. Since the total number of tenured faculty is 26 an absolute majority would have been 14.

Tenants Form People's Law School

by Ignacio Perez

Housing troubles — evictions, rent increases, failure of landlords to make repairs, etc. — are among the most prevalent problems afflicting the poor urban dweller. In Newark the tenant's plight is as overwhelming as in any other major city in the country, if not more so.

A group of these tenants, though, is seeking to use the law as a weapon in the struggle to uphold their rights and free themselves from landlord abuse. These tenants are educating themselves, with a little help from friends, right here at Rutgers — they attend the People's Law School.

The idea of a People's Law School evolved two or three years ago when some students from the Urban Legal Clinic, realizing that in many instances problems arose due to people's ignorance of their basic rights, saw the need to disseminate elementary legal notions. A step in that direction was taken on October 18, 1977 when the first in a series of eight classes on landlord/tenant law was conducted. Sponsored by the Rutgers Urban Legal Clinic and the Community Housing Education Corporation, some 25 tenants and community organizers met in Smith Hall. The idea had become a reality.

Tom Connelly, who works with the Newark Tenants Organization (NTO) participates in the People's Law School course. NTO was very instrumental in the evolution of the People's Law School, and lists it as one of its highest accomplishments.

The Newark Tenants Organization emerged from the heat of the struggle of concerned people from two buildings on South 10th and South 11th Streets, who began to fight for decent living conditions in 1969. Eventually they joined with other tenants in other parts of the city and learned that "together we carry more weight."

Actually, as Connelly pointed out in an interview, the current landlord/tenant course is the third such course in the last several years: there was a session held from January to April of 1976, followed by a longer 20-week session conducted from September of 1976 to March of the present year. The latter session included such topics as "housing economics" (why is housing such a big business?), how to research a particular landlord, and organizing — how to form a tenants' organization and how to conduct negotiations with the landlord.

But, as Connelly was quick to interject, there are certain areas into which tenants should not venture without legal counsel, and the course did not then, nor does it now, fail to underscore that the practice of law is the exclusive province of lawyers.

"There is a basic need for education," Connelly stated, "in such basic areas as problem prevention, e.g. demanding receipts for rents paid, as well as in positive areas: for example, how to file a complaint. Everyone should know these things." But knowing the law is not enough, and there is always a need to advance along political channels through organized pressure. Fortunately, the People's Law School is attended both by tenants and community organizers, so that a happy marriage is thus consummated. And not only do Newark residents benefit from it, but so do tenant organizers from some surrounding towns: they use the course as a resource, and may later impart some information through small workshops.

The landlord/tenant course utilizes a manual prepared through the joint efforts of many, including the Urban Legal Clinic, law students, and tenant organizers. Classes are conducted on Wednesday evenings from 7:30 to 9:00 in Room B-16, Smith Hall, and are led by housing attorneys as well as tenant organizers. Anyone interested in assisting in any way would be more than welcome to offer time to this effort.