Make Alibis in Advance

Anyone intending to cop out on a final exam should prepare his or her alibi in advance, according to Assistant Dean Earl Curry.

"All students should be aware of the proper procedure to follow when they are unable to take a final examination at the scheduled time," Curry said.

He cites Academic Regulation 3.4 which provides, in part, that a "student who fails to appear for a scheduled final examination shall receive a grade of F" absent permission from the dean and the instructor "upon a showing of good cause..."

Said Curry, "The Academic Standards Committee has been, in the past and I suspect will continue to be, skeptical of excuses such as the following if they are not raised until after final grades are posted:

1. "I was sick and had a temperature of 105° when I took the exam.'"

2. "My

a. brother
b. father
c. mother
d. all of the above

had a(n) [illegible]

a. heart attack
b. automobile wreck
c. nervous breakdown
d. all of the above

the week before the exam and I did not get to study until the night before.'"

3. "I had five exams in four days.'"

4. "I took

a. uppers
b. downers
c. other drugs

that were

a. prescribed by my doctor
b. given to me by friends
c. purchased from strangers

just before the exam and, therefore, I was not capable of working to my full potential.'"

Curry warned, "If any of the above happen to you, see your instructor and an assistant dean prior to the scheduled examination and arrange to take the exam at another date—preferably within the two-week period contemplated by Academic Regulation 3.4." Curry also said that students often claim that they inadvertently failed to turn in all of their blue books.

"This is a risk that the students must bear," he said, "and they will suffer the consequences of their negligence."

As students push toward exams they study, sleep when they can and dream—of better days to come.

Rossen's Tips on Tests

By Gail Gianasi Natale

"Translation" of examination questions into legal language is an essential element toward getting a good grade, said Howard Rossen, director of the Ohio Bar Review and Writing Seminar. Rossen advised more than 100 C-M students, primarily freshmen, last week on how to study, how to approach an exam analytically, how to approach an exam question and how to write an exam.

The analytical approach, he said, is "developing the art form" and has three essential elements: recognition of the legal issues, rejection of material with no legal significance and translation into the proper legal components.

"The more legal terminology you use, the higher your grade will be," Rossen said.

ANALYTICAL APPROACH DESCRIBED

The analytical approach involves using black letter law and analyzing and applying correct principles. "If you know the majority and minority views, that is helpful toward getting a B+ or an A," Rossen said.

He offered four rules for approaching the question. First, "be calm. It's bad form to toss your cookies while you're taking the exam." Rossen says, eat a good meal before the exam but don't drink or take pills.

"Next, read the question carefully: first skim it, then read slowly to determine what the examiner is looking for." The student should then underline key sections of the question and diagram such components as the parties and their relationships, issues, causes of action, possible defenses and remedies. Then "stack up the issues in the order you plan to handle them."

"An A or a B+ paper will usually argue both sides of the question," Rossen said.

As for actually writing the exam, Rossen admonishes, "Write like a lawyer," using legal terminology. He also recommends writing in complete sentences, using paragraphs with topic sentences and transition phrases and, "if there's time," wrapping up the answer with a concluding paragraph.

MAKE A SPELLING LIST

Although it may sound juvenile, Rossen advises students to "make a spelling list of words you're likely to use in the exam and memorize it." It's not a good idea to use a capital D or a delta if you can't spell defendant.

"Don't write short," he admonished. "Give the professor enough material on which to base a good grade." The length of the answer depends upon the number of issues in the question and what you know.

As for studying, Rossen advises students to be organized and read selectively, "It's too late to absorb everything now." He suggests refining outlines from the casebook, briefs and such secondary sources as hornbooks and study guides into a compact outline.

Determine an overview, black letter law and understanding of the concepts, Rossen advises. A study group "is not a bad idea, especially for night students," he said. "Make sure everyone has done some work and pool your outlines and responsibility."

Another good idea is to go over a professor's old exams. "It gives you the opportunity to practice right. Go through them with someone else and criticize constructively."

Finally, Rossen suggests going through the table of contents of the casebook and "zero in on what you don't know and study that. Don't waste time on what you do know."
The Committee of 1000 Debate of 11/17/76 certainly should make it obvious that any further debate on the budget will be futile. I think both sides deserve censure for polarizing the issue and avoiding compromise at all costs. We should not be looking for enemies among our fellow law students. The real enemy is the state or the university, for not providing enough money to fulfill legitimate goals.

To fight back at the true enemy I make the following proposal:

That each student voluntarily give the SBA $2 ($1 would be enough but I know not all will be able or willing to pay). $950 will be given to BALSA et al to meet their needs and the revised budget per the motion in the Committee of 1000 meeting will be adopted as to the non "splitter group" budget. Any excess over $950 will go to the library which has also suffered from budget cuts, to the benefit of all students. If there is less than $950 collected, strongly urge the elected officials of the SBA to sit together and compromise. If nothing else let them agree to impartial arbitration, since further debate seems doomed to failure.

If the plan goes contrary to university regulations, let us expend the SBA budget. Any excess over $950 collected, I strongly urge the SBA to distribute the following proposal:

The Committee of 1000 came appre hensive when a few students demanded for this action in that as an organization the student organization should be a leader who knows not all will be able or willing to give. Similarly, the $4200 allocation for the "opposition" would mean for the SBA $2 ($1 would be enough but I know the strengths and weaknesses of those in attendance. This was an attempt at Nixonian democracy which I could not stand for. It is ironic that the very group that I opposed in that the prime motivation behind having this flasco was due to the feeling that the SBA membership was not truly representative of the student body, yet no attempt was made to seek a representative voice.

It was at this time that I, as a member of the Committee of 1000--bull shi t, as a person who respects the views of others, albeit not always agreeing with that view but fervently opposed to anyone extinguishing another's right to maintain those views--became further enraged at what was happening. This meeting touched the backbone of my basic principles, the motivating force which brought me to law school and the cornerstone upon which our system of government was established. Thus, to forestall any action at this meeting steps were taken, all within bounds to fulfill the mission.

In a climate where we as colleagues should be learning the impact and generating force which will impart to a trusting society, it is imperative that we learn to understand and appreciate the opposition in order to better know the strengths and weaknesses of our own position. Ultimately, we must always keep in mind that both life and law cannot be viewed in a vacuum.

My greatest worry lies ahead. The meeting is over, but the experience was an experienced. The flags and faces have been displayed and we know who lines up to the right and left of the aisle. I have spoken negatively at what transpired at this special meeting, knowing in all good conscience I cannot stop here. There is something positive that can be squeezed out of this experience.
In Malpractice Case

Attorneys Zapped

By Kurt Olsen

Two Chicago area plaintiffs' attorneys, Fred Benjamin and Stuart Shapiro, were recently held liable for $2000 compensatory and $6000 punitive damages as the result of journal misconduct, Dr. Leonard Berlin, on his countersuit to a medical malpractice action. Though plaintiffs have been previously held liable in counter suits to malpractice actions, the May, 1976 award by a Cook County jury was the first time punitive damages have been levied against the attorneys bringing the malpractice suit. Here are the events leading to this judgment:

In October, 1973, Harriet Nathan, of Wilmette, Ill. Injured her left little finger while playing tennis. Dr. Berlin, a radiologist, reviewed X-rays taken of Nathan's hand and diagnosed the injury as a dislocation. Her treatment was later concluded by two hospital orthopedic surgeons.

Two years later, in September, 1975, Dr. Berlin was named co-defendant in a malpractice action along which also named one of the orthopedic surgeons and the hospital. Nathan and her attorney-husband charged Berlin with acting negligently X-rayed the injured finger, failure to diagnose a fracture, wrongfully diagnosing a dislocation, and failure to let the patient dry long enough.

Dr. Berlin was surprised at the suit for two reasons. First, he knew that Harriet Nathan had sought the medical opinion of Dr. William Stromberg, a nationally-known hand surgeon at Northwestern University Medical School; she was dissatisfied with the results of her original treatment.

Stromberg's examination revealed that the treatment had been correct, that the original X-rays did not disclose a fracture, that even if a fracture was present, the treatment should have been the same (i.e., to use a splint), and that the eventual condition of the finger was in no way related to the treatment (was a consequence of the injury). Stromberg routinely sent a report of the examination to the orthopedic surgeons, and to the Nathans.

Berlin realized that no one had bothered to check the facts before the case was filed -- it was impossible to have wet X-rays because of the equipment used.

Berlin felt that just being sued for malpractice--even if he was later cleared--could damage his reputation, erode his insurance rating and would probably add a surcharge to his premium. He might even subject him to investigation by the state medical licensing board. Thus, he sued his insurance company pay-off quickly just to get the lawyers off his back.

Instead, he elected to file a new and untreated cause of action: "That the Nathans and their attorneys...owed me a duty not to involve me in litigation without reasonable cause--a duty they had wilfully and wantonly violated."

The complaint also alleged "legal negligence" and charged Gilbert Nathan with barratry--the offense of "stirring-up" law suits.

The court refused a motion to dismiss for failure to show an accepted cause of action, but disallowed the barratry claim on the grounds that it was matter for criminal, not civil, proceedings. Apparently, the Nathans and their attorneys got nervous at that point and tried to make a deal with Berlin--but to no avail. On the first day of trial, the Nathans dropped the malpractice suit voluntarily, offering no explanation for their action.

At trial, Charles O'Laughlin and W. Bruce Hoff, Jr, senior partners in prestigious Chicago law firms, testified against conduct of the Nathan's attorneys.

After 50 minutes of deliberations the jury found the Nathans and their attorneys liable for willfully, wantonly and unreasonably involving Dr. Berlin in litigation. The jury further found the two lawyers guilty of "failing below the standard of care required of attorneys to perform their professional duties in good faith and in a legal manner."

All four defendants said they will appeal.

SBA Blues

One of the primary problems at this law school is apathy. This meeting, however, proved that approximately 225 people came together, for whatever reason, and literally stood up and were counted. What can be gleaned from this experience is that apathy is not as settled a lifestyle as many have thought. We have proved to each other and to ourselves that when push comes to shove we can get off our overexpanse and keep the ball rolling.

To successfully challenge the authority of the SBA senate, as the SBA officers did, tends to eradicate the entire process and concept of a representative government. I am not opposed to a forum whereby "the people" (i.e., the student population of the law school) have a right to vote on matters important to the law school or to law students. However, such a forum would require a constitutional amendment. It should not be used merely at the whim of the SBA officers.

Under the SBA constitution and Committee of 1000 resolution, any student may submit a budget allocation to the SBA Senate, but only if the budget petition is voted on the prevailing side; and on the same day or on the following day. A budget meeting must be called by a person who voted on the prevailing side, and can be made only to correct a defect or to amend an appropriation. (To avoid meeting packing and to insure the integrity of the voting body.)

All have quite a bit to learn about representative government and for a while we have had no decent examples to follow. Let's hope that this situation improves in the months to come. Perhaps we can improve by not making the same mistakes as our national leaders did. Racism is an old tool of oppression that should have died out long ago. It still looms as a convenient standby for the unprincipled in their ploys to exploit the masses of people.
C-M, along with the rest of CSU, will observe the Monday holidays of Martin Luther King Day, Jan. 17 and Presidents Day, Feb. 5 according to Assistant Dean Carroll Sierk.

In the past C-M has often held classes on Monday holidays (some were scheduled last Independence Day), but said Sierk, a recently adopted Board of Trustees policy mandates that C-M not hold classes.

"One effect of this must be that Monday, March 7, will be a regular day rather than the first day of reading week," Sierk said, urging students to plan accordingly. In addition, other makeup classes may be arranged by individual instructors.

**EXCERPTS FRCT-1 • • •**

**WEEKLY SPECIAL**

from United Feature Syndicate

By Jack Anderson

with Joe Spear

CAPITOL CHANGEOVER: Capital Hill newcomers should have more influence in the next House. Of the 98 freshmen who ran for re-election, only three were defeated. They will be joined by 30 new members. This means almost a third of the House will be in their first or second terms.

They are congressmen from the post-Watergate generation. Their hopes, hopefully, they may infect the House with the post-Watergate morality.

There is already a move to strip Rep. Robert Sikes of Florida of his chairmanship. He heads the military construction subcommittee and used his chairmanship to benefit Fairchild Aviation, which in turn did favors for him. He was censured by his colleagues for conflicts of interest.

Our sources say that House leaders, under pressure from the young idealists, will take away Sikes' chairmanship. A spokesman for Sikes told us the congressman would fight any such attempt.

**FREER'S FOLLY:** Twenty months ago, Duane Freer took the controls of a DC-3 aircraft in Dubois, Pa. He had never been in a plane before, and was not even sure Duane Freer took the controls of a DC-3 aircraft in Dubois, Pa. He had never been in a plane before, and was not even sure he could fly one. But he wanted to chalk up some flight time. So he urged the pilot to turn the controls over to him.

The pilot could hardly refuse Duane Freer. He was regional director of the Federal Aviation Administration in charge of enforcing air safety in the East.

The DC-3, with Freer at the controls, crashed on takeoff. Eleven people were hurt, four seriously. Most of them effectively kill insects, and a small portion of the total budget (e.g. the fact sheet said that the NLG was allocated $404 but spent $904 on travel last year, actually the NLG was allocated $400 and spent $400).

Young said he'd prefer to stay in the House.

Meanwhile, Bella Abzug, has let it be known she wants to be Secretary of Transportation, but she probably won't get the job. She's considered too abrasive for the Carter people.

**PESTICIDE PERIL:** There are 45,000 pesticide products now on the market. Most of them effectively kill insects, but scientific studies have linked some to cancer, birth defects and gene mutation.

Yet the government has relied on the chemical industry's own tests to determine the safety of pesticide products. Some of these tests have turned out to be inaccurate and unjustified. This has disturbed Congress, which has now called for a thorough re-registration of pesticides.

It will take trained pathologists to analyze the effects of these chemical compounds on animal tissue. Of the more than 200 employees in the Pesticide Division of the Environmental Protection Agency, only two are pathologists, and one will soon be leaving.

The review of dangerous pesticides, meanwhile, has been suspended.

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**Gym Hours**

CSU staff and students so inclined may maintain physical fitness activities during the winter break even though winter quarter classes do not begin until Jan. 3.

The CSU gym and pool facilities will be open four afternoons each vacation week. Guest passes will be available for $1 at the cashier's office in Ferris Tower between 8 a.m. and 5 p.m.

F.E. and pool facilities will be open Mondays through Thursdays Dec. 20-23 and December 27-30th. Gym hours will be 12:30 to 3 p.m. Open swim will be held in the instructional pool from 12:30-1:30 p.m. and in the Natatorium from 1:30-4 p.m.

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**Editorial**

The recent attempt of the SBA officers to take money from the student organizations is racist, sexist and reactionary whether judging motivations, effect or on its face. Furthermore, there is abundant evidence that the tactics of the officers have been divisive of the student body and disruptive of the work of the SBA and the student organizations.

The facts show that the student organizations (even with budget supplements granted by the senate) are taking budget cuts from last year, that many of the budget problems faced by SBA were brought on by the SBA administration itself; that the student organizations have been allocated a relatively small portion of the total budget (e.g. 30% of the students are women but only 7.5% of the budget was allocated to Women's Law Caucus); and that the "fact sheet" circulated by the SBA officers was not only misleading but contained lies about the organizations (e.g. the fact sheet said that the NLG was allocated $400 but spent $900 on travel last year, actually the NLG was allocated $400 and spent $400).

Such actions by our elected official are disgraceful. We call upon the SBA officers to cease such divisive tactics, support the student organizations, work with the senate and solve their budget problems within their own budget.

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"One effect of this must be that Monday, March 7, will be a regular class day rather than the first day of reading week," Sierk said, urging students to plan accordingly. In addition, other makeup classes may be arranged by individual instructors.