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Res Ipsa Loquitur

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Election Wrap-Up

Peter A. Gaudio, 2D

A benefit of going to press one-half month before issuance is having the first and last views on contemporary issues. Now that Governor Clinton has become President-elect, it is appropriate to comment on future political developments in the United States.

First, expect President-elect Clinton to appoint well respected moderates to cabinet positions. Like the President-elect, these persons will probably be somewhat fiscally conservative but also favor active involvement of the U.S. government in domestic affairs. For example, the President-elect's short list will probably include Republicans like Tom Kean, Dick Cheney, and Jack Kemp, as well as Democrats such as Bill Bradley and Lee Hamilton. Whether or not so-called "liberal Republicans" would accept a position in President-elect Clinton's administration is debatable.

Second, expect that President-elect Clinton may appoint at least three Justices to the Supreme Court. At 84 years of age, Justice Blackmun will probably retire within one year after the President-elect is inaugurated. Justice White, a member of the Court since 1962, is most likely to retire before Clinton's first (and perhaps only) term has ended. Sadly, Justice O'Connor's problems with cancer may also cause her to resign her seat on the bench. Finally, the Chief Justice has made public statements that he does not intend to "spend his golden years" on the court.

Exactly who President-elect Clinton will appoint in their stead is unclear. However, count on all of the appointments being young, and most of the appointments will probably come from the state level, as the President-elect will not likely appoint a Federal Judge appointed by Presidents

Reagan or Bush. Another possible choice is from the Second Circuit.

Third, expect a deluge of legislation to come off the table and onto the floor of Congress. Among some of the first bills likely to be signed into law are a public works bill, the Brady Bill, the Family Leave Act, the Freedom of Choice Act, a comprehensive crime bill of some form, and a tax reform act. The second wave of bills to be signed into law will probably include a health care plan, a preliminary education program, expanded urban aid (such as expended enterprise zones), and maybe a welfare reform act. College aid reform may also come during this wave.

Fourth, the President-elect will use nationwide massive public works programs to employ people and to rebuild the nation's rapidly declining infrastructure. Like our European and Japanese competitors, Clinton will probably also use the tax structure to induce wealthy Americans and American corporations to invest capital in manufacturing jobs: significant tax breaks will be granted only if profits and capital gains are reinvested in corporate restructuring and industrial re-tooling.

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It's a Great New Building But...

Javier E. Robles, 2D

Last month, the deans met with student representatives to discuss our concerns and address many of our complaints. Among our cries for parking, recycling and proper temperature control within our \$5 million building, there was a general concern from both administrators and students over scheduling conflicts. Although Elizabeth Hovell has done a great job working with Gary Bavero to better structure our class periods for the next semester, there seems to be a lack of control over use of the Atrium and classrooms.

Over the last few weeks most of us have experienced some inconvenience from the flurry of activity this vibrant school generates. In fact, during a Tax class, we all felt as if we were actually part of the birthday celebration for Dean Zimmer in the Atrium (even though we weren't all invited). The following week many students expressed their opinion to me about the disability law award recipient's speech, even though, they too were in class during the Atrium speech. Of course, with 8 loudspeakers, I'm surprised associates from Clapp didn't come downstairs to see what was happening!

Today, my Environmental Law class found itself without a classroom because of a scheduling conflict. Many of us found ourselves sitting on the basement floor in a seminar room for 90 minutes. This afternoon, in Business Associations, an unexplained and very constant banging noise disrupted the entire class period. Equally disrespectful and disruptive is the attendance policy.

Cont'd on page 8

Discriminatory Practices: The Four "Blacks"

Steven C. Mannion, 3D

As a student of Seton Hall School of Law and an editor of the **Law Review**, I am embarrassed that the four established journals of Seton Hall have, like too many attorneys, law students and members of the judiciary, erroneously relied upon past practice when using the word "Black." The word "Black," when used as a proper noun or proper adjective should be capitalized, and lowercased when used as an ordinary adjective or collective noun. This is more than an issue of political correctness. This is a matter of proper English style. Before continuing, I ask every reader to suspend him/herself from the examples of past and current usage and to read the established rules of capitalization.

Members of the bench and bar turn to the *Bluebook* to resolve such problems. *Bluebook* R. 8 states in pertinent part:

Capitalize nouns referring to people or *groups* only when they identify specific persons, officials, *groups*, government offices, or government bodies: the FDA, Congress, etc.

The Bluebook: A Uniform System of Citation 50 (15th ed. 1991) (emphasis added). Rule 8 clearly dictates that nouns referring to groups are to be capitalized.

For additional guidance, the *Bluebook*, *supra*, at 4, incorporates *The Chicago Manual of Style* (13th rev. ed. 1982). Rules 7.32 and 7.33 provide:

7.32 The names of racial, linguistic, tribal, religious, and other groupings of mankind are capitalized: Afro American, Bushman, Hispanic, Latino, Pygmy, Caucasian, Chicano.

7.33 Designations based only on color, size, or local usage are lowercased: red neck, white, black, bushman, pygmy.

Id. (emphasis added).

As in the *Bluebook*, R. 7.32 dictates that the names of groupings of mankind are to be capitalized. Blacks are indisputably a group, and not a color.

Ordinary adjectives are listed in R. 7.33, and are correctly lowercased. Further, note that the examples listed in R. 7.32 and 7.33 are not subject to a strict reading. We all know that African American is supposed to be capitalized, but it is not included in R. 7.32. The examples found in R. 7.32 most likely reflect that author's attempt to include the vernacular terms of the day. Otherwise why would "Afro American" be listed and not "African American" and "Black"? If that rule were rewritten today, it would certainly include the synonyms "Black" and "African American." Therefore the authors of these rules did not intend their list of examples to be finite. Also the rules contemplate that when words are used as ordinary adjectives or collective nouns they are to be lowercased, and capitalized when used as proper nouns. For example, both R. 7.32 and 7.33 include the terms "Bushman/bushman" and "Pygmy/pygmy."

In spite of the rules of English writing, many have relied upon past practice in not capitalizing the word "Black." Such usage can be found in a plethora of periodicals and newspapers that exclusively use the lowercased "black." Past mistakes, however, are not a justification for current ones, and furthermore, many examples to the contrary can also be found. See e.g. A Leon Higginbotham, Jr., *An Open Letter to Justice Clarence Thomas from a Federal Judicial Colleague*, 140 U. Pa. L. Rev. 1005 (1991) (capitalizing Black when used as a proper noun); Ronald Sanders, *Lost Tribes and Promised Lands* (1992) (capitalize Black when used as a synonym for African American); Richard T. Schaefer, *Racial and Ethnic Groups* 5 (3d ed. 1988) (author's use of Black and White); Aldore Collier, *Ebony* 35 (October 1992) (author's use of "Black" as a proper adjective and proper noun).

Perhaps the reason for past and current usage of "black" is that historians first used the word "black" as either a collective noun or an adjective, and that usage took root. In

either scenario the word should not be capitalized.

I must confess that in the past, I have incorrectly capitalized the word "white" for the sake of consistency. "White" is a collective noun. "Collective nouns name groups of people or things; although each group includes two or more members, it is usually considered one group: team, class, group, audience." Robert Perrin, *The Beacon Handbook* 142 (2d ed. 1990). Unlike "Black," which when used in this country is meant to refer to a specific ethnic group, "white" refers to a collection of separable ethnic groups—Irish, German, Anglo American, etc. Collective nouns are not capitalized. Similarly, if "black" were being used to refer to various ethnic groups indigenous to sub-Saharan Africa, the word would be considered a collective noun, as opposed to the proper noun synonyms, African American and Black. Correspondingly, if I were to write about White Jamaicans, I would capitalize "White" because I would be referring to a particular ethnic group.

In the final analysis, I hope that this point does not become an issue for political volleyball. Conservatives need not be concerned about being "shackled from the left," because that is not my intention, and liberals should not view this as a long awaited battle cry, because my intention is merely to correct a common mistake. On this point, I commend those members of the **Seton Hall Law Review** editorial board who decided to capitalize proper nouns, "Black" and "Hispanic," in my casenote. Likewise, I commend the **Seton Hall Constitutional Law Journal** for instituting the practice in its next book. The members of Seton Hall School of Law's journals and law review have the opportunity to take the lead among legal periodicals in applying the rules discussed above. I also encourage all publishers, journalists, attorneys, students and members of the bench to follow suit. Furthermore, I suggest that the authors of the *Bluebook* avoid additional mistakes by enumerating these rules in their next edition.¹


¹For reference, here are some examples of proper usage:

Proper noun: My concern is that infant mortality among Blacks will rise.

Proper adjective: My concern is that infant mortality will rise among Black babies.

Collective noun: My concern is that blacks across the world will suffer from high infant mortality.

Ordinary adjective: My concern is that babies with black complexions will suffer from low birth weight. ☺


Res Ipsa Loquitur
Since 1970

SETON HALL SCHOOL OF LAW
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This newspaper is produced by the student editorial staff and all comments, questions and criticisms should be directed thereto. Any opinions expressed herein are solely those of the writer and should not be construed as those of the University, law school administration or faculty.

New Developments at the Law Review

Michael Hammer, 3D Editor-in-Chief

The **Law Review** has once again kicked off the year in resounding fashion with its newest issue, Volume 23, Book 1. Book One features over 400 pages of non-student and student articles on a variety of subjects, including the New Jersey Frivolous Claims Statute, Conscientious Objector Status, the Supreme Court's recent pronouncement in *Planned Parenthood v. Casey*, Lenders as Unconventional Fiduciaries, Reporter Liability for Breach of Their Sources' Confidentiality and an article by New Jersey Supreme Court Justice Marie L. Garibaldi on the separation of powers between the New Jersey Legislature and state courts.

Those students interested in becoming members of the **Law Review** should begin in late January to early February to look for announcements, both in **Res Ipsa** and posted around the school, regarding the competition dates and workshops. The **Law Review** will hold the Spring Competition during the week of Spring break, with workshops outlining the competition a few weeks before that time. This competition is limited to first year students who have achieved a minimum grade point average of 3.25. In the interim, please feel free to stop by our offices on the second floor with any questions or concerns. ☺



Christopher Castano presents the Public Service Award to Newscaster Tony Guida at the recent Rodino Society dinner.



At the recent Rodino Society dinner, the Columbian Foundation, a non-profit organization established in 1941 by business and professional men of Italian descent, awarded scholarships to 2 first-year students based, among other criteria, on academic achievement. **From left to right are:** Dean Riccio, Dawn Mancini, Jenniene Saracino, Benjamin Del Vento, Esq. and Bruno Castellano.

Rodino Society Holds Annual Banquet

Mariann Crincoli, 2D Secretary

The Peter W. Rodino, Jr. Law Society held its annual banquet on October 21, 1992 at Seton Hall University in South Orange. To join us in celebrating the Italian heritage, a record breaking 460 guests attended.

This year's gala event began with a tremendous cocktail hour symbolic of the Italian tradition (*abundanzia*). It featured favorite Italian delicacies including fresh mozzarella, prosciutto and stuffed peppers. Consistent with the Italian tradition, entertainment was provided during the cocktail hour by Guido Weber, a Seton Hall music major.

As the guests took their seats in the main lounge, our Master of Ceremonies, Professor Paula A. Franzese welcomed the crowd. Among the guests were several distinguished individuals including: Congressman Peter W. Rodino, Jr., N.J. Supreme Court Justice Marie Garibaldi, Federal District Judge Nicolas Politan and Attorney General Robert DelTufo. Also in attendance were many professors of Seton Hall School of Law, members of prominent New Jersey law firms and a phenomenal number of Seton Hall Law students.

In carrying on the Italian tradition, guests were served a 3-course meal consisting of salad, pasta and chicken. Between courses, the Rodino Executive Board members each presented an award to the evening's honored guests. Vice President Joseph Micheletti presented the Distinguished Service Award to Congressman Frank J. Guarini; Treasurer, Christopher Castano presented the Public Service Award to Newscaster Tony Guida; Secretary Mariann Crincoli presented the Community Contribution Award to the President of the Columbian Foundation, Bruno Castellano and President Diane Ruccia presented the Outstanding Achievement Award to our very own Dean, Ronald Riccio.

In addition to these awards, UNICO presented the 1992-93 Elizabeth F. Defeis Scholarship to Thomas W. Halm, Jr. and Professor Paula A. Franzese proudly presented the Luigi Franzese Scholarship to Kerrie A. Restieri.

As the night came to a close, the guests were asked to participate in singing a comical Italian song (*pesce fritto e bacala*), led by none other than Professor Franzese.

Because an event of this magnitude could not have occurred without the dedication and support of several individuals, the Rodino Society extends sincere thanks to Professor Franzese, Lori SanGiancomo and Michele Cynar of Alumni Relations. Most importantly, we would like to thank all of the students and faculty who attended the dinner and joined the Rodino family as we honored Italian heritage. We hope to see you again next year. ☺

EDITORIALS:

DOWN IN FRONT!

Once every year, the Rodino Society sponsors a dinner to award the contributions to society of notable Italian Americans. The honorees at this year's Rodino extravaganza were certainly worthy of their awards. Congressman Frank Guarini, tv news reporter Tony Guida and our own Dean Riccio have done much to add to the already impressive contributions of Italian Americans.

However, anyone who may have passed by the banquet hall may not have thought those being honored were worthy of their awards. This is because the assembled audience, students and non-students alike, talked continuously throughout the speeches given by the honorees as if the honorees were not even speaking, let alone being honored.

The conversations rudely held by many aspiring lawyers during the speeches of the honorees were not even in a soft tone. During the speeches of Congressmen Rodino and Guarini, dinner guests were shouting to one another, laughing and conversing at a normal volume. Unfortunately, those in front of the room had to look upon the disgruntled faces of some of the honorees after they had been totally ignored by the dinner guests who invited them to attend and speak at the dinner. More than one student who attended the affair stated they were extremely embarrassed at the manners of their peers and vowed not to return to next year's Rodino dinner. Almost every student who offered some insight as to the conduct of the audience at the Rodino dinner believed the conduct of Seton Hall School of Law's student body tarnished the credibility of the school in the eyes of the honorees.

Thus, *Res Ipsa* offers its sympathy to those who planned the Rodino dinner. The deplorable and inexcusable behavior of the dinner guests may likely cause Mr. Guida or Congressman Guarini to reconsider the possibility of a return to Seton Hall Law. Perhaps next year, the Rodino society might consider staggering the speeches and the dinner, because it became quite obvious that many of our peers could not eat and listen at the same time.

SBA AT HALF-WAY

One marked difference in the atmosphere in our community this school year is the change in the Student Bar Association. Unlike last year, this year's SBA has become known to students for more than just its yearly budget hearings. SBA has been much more energetic this year, and has helped enhance the quality and diversity of our legal community.

For example, SBA has sponsored and co-sponsored over nine social, cultural and educational programs. Most notably, the SBA has co-sponsored the International Law Society's International Food Day, IALSA's Oktoberfest, an election party and other well attended functions. Additionally, SBA has brought before this administration student issues such as parking and security, helping to make our community a better place to learn.

Hopefully, SBA will continue to make itself visible and outspoken in the Spring semester. *Res Ipsa* supports SBA's efforts to improve our community.

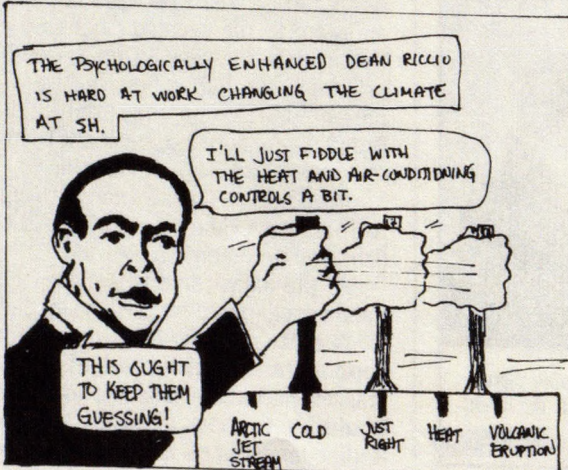
APOLOGIES ...

The Editorial Staff of *Res Ipsa* apologizes to anyone who may have submitted an article and fell victim to space limitations and/or editing. Most notably, we erred last issue in deleting a photo and article from the International Law Society regarding the International Food Day celebration.

SETONIA,

EPISODE 3

AS YOU MAY RECALL, THE DEAN RICCIO WE ALL KNEW AND LOVED WHO TURNED OUT WARM, CARING LAWYERS, WAS KIDNAPPED BY A RADICAL WING OF THE A.B.A. AFTER HORRIBLE TORTURES, DEAN RICCIO WAS TRANSFORMED INTO A MERCILESS TYRANT BENT ON BREAKING THE SPIRITS OF EVERY LAW STUDENT AND FOSTERING CORRUPTION AND SELFISHNESS. ONLY ONE STUDENT, BILLY CANDLE, HAS THE POWER TO RESIST, ALTHOUGH HE DOES NOT KNOW IT YET. WE RETURN YOU NOW TO THE COMIC, ALREADY IN PROGRESS.



by Chris Farella

0
7
1
0
2



TUTORIALS ARE NOW STAFFED BY NIHRODS



AH, THE COMMERCE CLAUSE IS OFFER PLUS JURISDICTION...

RALPH AND CLIFF ARE SHAKEN-DOWN BY RICCIO'S THUGS



AND DUTY IS A BREACH, NO. WAIT, THAT'S WRONG.

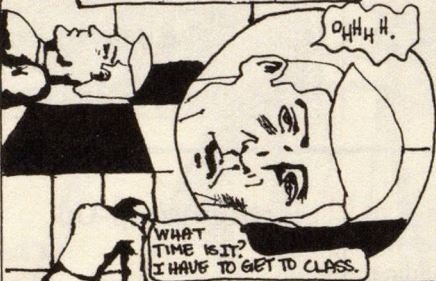


AW CHON! DON'T RAISE THE RENT AGAIN! I ALREADY CHARGE \$7.95 FOR A CUP OF SOUP!

I WANT A HAMBURGER!

RUTCH School of Law

MEANWHILE ON THE FOYER FLOOR...



OHHH H.

WHAT TIME IS IT? I HAVE TO GET TO CLASS.

HONEY, NOW THAT YOU'RE MY NEW SECRETARY, LET ME TELL YOU THAT I LOVE THIS PLACE. WHY? WELL, YOU CAN FLING A SETON HALL LAW REVIEW FROM JUST ABOUT ANYWHERE AND HIT SOMEONE. YOU SEE, LAW REVIEWS ARE ENTERTAINING.



WHISH

ON BILLY'S WAY TO CLASS

WHAT'S THAT WHISTLING SOUND?

BACK IN RICCIO'S OFFICE



YOU KNOW, IT MAY JUST BE WORTH IT TO KEEP ZIMMER AROUND. I'LL HAVE TO THINK OF A JOB FOR HIM. HMM...

WOW! DOES THAT MEAN I DON'T HAVE TO BE YOUR FOOT REST ANYMORE?



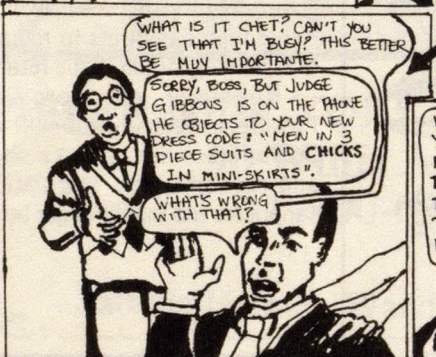
I SAID I'LL THINK ABOUT IT. NOW GET BACK DOWN!



WHACK!

UNHH!

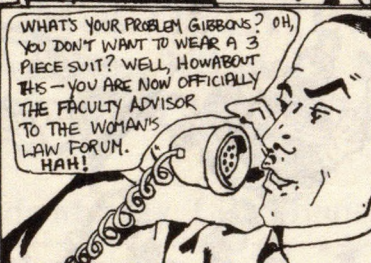
LAW SCHOOL GIVES ME A HEADACHE.



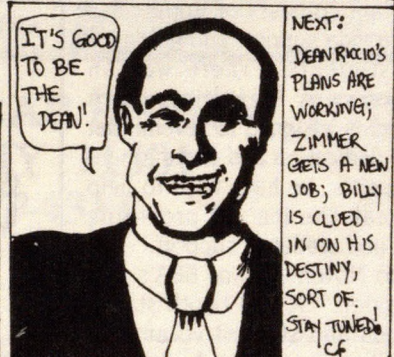
WHAT IS IT CHET? CAN'T YOU SEE THAT I'M BUSY? THIS BETTER BE MORE IMPORTANT.

SORRY, BOSS, BUT JUDGE GIBBONS IS ON THE PHONE HE OBJECTS TO YOUR NEW DRESS CODE: "MEN IN 3 PIECE SUITS AND CHICKS IN MINI-SKIRTS".

WHAT'S WRONG WITH THAT?



WHAT'S YOUR PROBLEM GIBBONS? OH, YOU DON'T WANT TO WEAR A 3 PIECE SUIT? WELL, HOWABOUT THIS - YOU ARE NOW OFFICIALLY THE FACULTY ADVISOR TO THE WOMAN'S LAW FORUM. HAH!



IT'S GOOD TO BE THE DEAN!

NEXT: DEAN RICCIO'S PLANS ARE WORKING; ZIMMER GETS A NEW JOB; BILLY IS CLUED IN ON HIS DESTINY, SORT OF. STAY TUNED! CF

Sports Law Internships Awarded

Steven Dorry, 3D

The **Seton Hall Journal of Sport Law** congratulates 2 of its members who will begin internships this semester. Second-year day students John Tortora and Ernie Guida were selected for sports law internships with Craig Fenech, a notable attorney in the sports law field. The Journal is presently seeking to place one of its members in an internship with the Metro Atlantic Athletic Conference (MAAC Conference) which governs NCAA compliance, as well. A third internship with the New Jersey Nets is currently in the works.

Craig Fenech has been an attorney since 1973, and has been in the professional representation business since 1980. He is a graduate of the University of Notre Dame and received his J.D. from the University of California at Berkeley. Mr. Fenech is a member of the California and Washington, D.C. bars. He has also participated in panel discussions in Washington, D.C. regarding the federal regulation of sports agents and in Canada regarding the business of sport for the Canadian Institute Sports Conference. He has taught at the Management Institute of New York

University, a portion of a graduate course on Sports Law at the Wharton School and has guest lectured at law schools and universities across the country. Some of his clients include Frank Viola of the Boston Red Sox, Bill Swift of the San Francisco Giants and Mike Francesa of WFAN/Radio/CBS/MSG.

The MAAC internship is an opportunity to work directly with the Commissioner and Assistant Commissioner with respect to issues affecting NCAA compliance. Interns are directly responsible for addressing questions posed by Athletic Directors of member institutions regarding activities of their athletes and staff. The position requires reviewing NCAA Bylaws to answer questions and ensure that member institutions are in compliance with NCAA rules and regulations regarding recruitment, gifts, academics, transfers and eligibility. Issues which arise are diverse because of the many technical regulations imposed by the NCAA. ⚡

Revson Fellowships Available

The Charles H. Revson Foundation announces the availability of Revson Law Students Public Interest (LSPIN) Fellowships for law students interested in working in public interest positions. Stipends of \$3,250 are available for first and second year students attending law school in New York and New Jersey who have secured volunteer summer placements with public interest organizations in the New York metropolitan area.

The Revson 1993 LSPIN Fellowship program is being administered by the Public Interest Law Center at New York University School of Law. Up to 45 grants will be made to students working full time for ten weeks during the summer of 1993. Applications and more detailed guidelines have been forwarded to both the Dean's office and the Placement Office of the school. LSPIN encourages all interested students to apply.

Deadline for applications is
Friday, January 29, 1993.
Awards will be announced by
Tuesday, March 9, 1993.

SBA News

Diane Ruccia, 2D Secretary

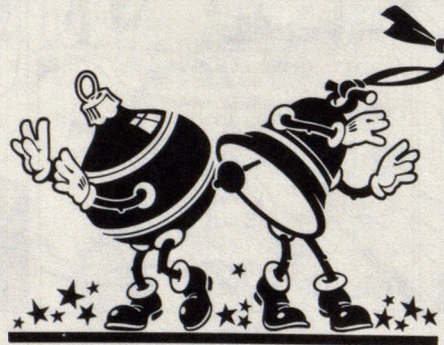
The SBA has had a busy yet exciting month. We kicked off October with a blood drive that was a tremendous success. Thank you to all who participated in donating the record setting 47 pints. In addition SBA and IALSA co-sponsored an Oktoberfest bash on the Great North Lawn.

This year's Guardian program, headed by second year Thomas Halm and overseen by the SBA has also been successful. The Guardian Program consists of upperclass students who provide support and guidance to first year students. There was an application process resulting with upperclass students assigned to several first years. With the dedication and commitment of many participants, we have tried to help first years "break the ice" by providing encouragement and academic support.

Heading into November was SBA's first time "mock election." A poll booth staffed by SBA members and student volunteers was set up in the atrium. The law school

community was given the opportunity to cast their vote for their presidential selection. Voter turnout was outstanding, reflecting the actual November 4th election. Results were as follows: Clinton received a total of 53% of the vote including 59% of the women and 47% of the men. President Bush received a total of 33.5%, including 28% of the women and 38% of the men. Perot received a total of 10%, including 9% of the women and 10% of the men. Thanks to everyone for their participation.

Until next semester, the SBA wishes everyone good luck on finals and a happy holiday season. We look forward to another exciting semester. ⚡



Election Wrap-Up

Cont'd from page 1

Naturally, just because these bills may be signed into law does not confer any quick fix to the deep and long term problems faced by this nation. Moreover, overall domestic spending will increase and will probably not be offset until the year after tax reform occurs. Thus, the budget deficit is not likely to be smaller than it has been in the past 12 years. However, the President-elect is counting on a re-invigorated economy, less foreign affairs and defense spending, and a government structure driven by incentives rather than hand-outs to reduce the amount of federal spending in the future.

Hopefully, the new Congress and President-elect Clinton will work together and address our nation's social, political, and economic ills. Our nation's problems cannot for too much longer be ignored. ⚡

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It's a Great New Building But...

Cont'd from page 1

I hear Rutgers Newark may lose their ABA accreditation because of the condition of their facilities, largely due to state budget cuts. Today, with all of its private funds (our money) and new facilities, Seton Hall failed to provide adequate learning facilities for over 150 students. Will Seton Hall lose its accreditation? Probably not. But my classmates and myself have been robbed! (That reminds me, the security needs help.)

I do not blame everything on the administration. The problem also comes from the faculty and clinics who fail to coordinate with Toni Furman in the scheduling of times and space. Furthermore, it is obvious the brilliant and high price-tag architects forgot everything from closets to quiet classrooms with a simple thermostat when they designed this school. However, they too were understandably unable to foresee every need of the law school community. How could they know we would be so active?

I recommended that the new amphitheater, which will be built on the site of the old building, should seat at least one

full class of approximately 410, instead of 350 which is currently its intended capacity. The Dean liked this proposal and rated my idea an "A." Feeling confident, I further recommended that the plans include some sort of multipurpose room which would remove many activities now awkwardly held in the Atrium. Activities such as birthday parties, award ceremonies, lunches and dinners. Even IALSA could be held in a room with four walls and a door! However, the Dean rated this idea a "D" or maybe it was a "D+." Anyway, I have recovered from this initial rejection. The Dean explained that the Atrium is ideal for these events (or did he say "adequate"?).

I am a strong promoter of extra-curricula activities. We can never have enough events and guests. I love a good party and I am the first one to arrive at any activity with food, but our classes should come first. It is hard enough to pay attention without distractions! ADMIT IT DEAN ... Someone messed up! Whether it was the door manufacturer who said the classrooms would be soundproof or the claustrophobic designer who desired open spaces ... relief is needed.

We are still learning the various uses and limits of this new facility. Even with its deficiencies, the utility of the school as a

learning facility should not be further limited. The extra-curricular activities and honored guests (such as the 3d Circuit Court of Appeals) are, in my eyes, as important as the classroom time. But the scheduled classroom time should not be infringed upon. The expense of a multipurpose room in conjunction with the new addition is minimal when one realizes how much utility will be gained.

As was unanimously stated by the student representatives at the close of the meeting: after all the complaints, we are still very proud of our professors, deans and facilities. And, of course, we should continue to encourage activities and invite persons to witness our transition into a leading law school. We should still impress our guests with the awesome new facility. Cocktails could still be enjoyed in the Atrium! However, I think a jurist or alum would be equally impressed if we showed them how much we respect both the student's and professor's time by quietly reconvening in a multipurpose room for the remainder of a loud and disruptive event. ⚡

Exam Schedules and the Attendance Policy—Changes are Possible

Elizabeth J. Hovell, 3D SBA President

Editor's Note: *At this time, the Administration informs Res Ipsa that the current attendance policy is already being analyzed with particular attention to the status of excused absences.*

As you are reading this article, the faculty has already been presented with a number of proposals and resolutions which may have an effect on life "as we know it" here at Seton Hall School of Law.

The first resolution is a review of the academic calendar, specifically the practice of holding fall semester examinations after the holiday break. Meeting this summer with Dean Riccio, I was asked to investigate the academic schedules of other schools and present this data along with past examination schedule statistics to the faculty for review. This topic has been one which has been repeatedly presented or discussed during my time here at Seton Hall and with Rutgers' recent academic calendar

change it appears ripe again for review. It is important to recognize, however, that it is not Rutgers' move, per se which has us re-addressing the situation, but rather the fact that we are but one of an ever shrinking pool of law schools which retain post-holiday examinations.

I also offer the results of the SBA poll, conducted at the end of last year in classrooms, concerning the general student feeling on post-holiday exams, as well as statistics gathered this November with regard to the same. With all of this information provided to the faculty, there will be an opportunity for discussion as to the merits and disadvantages of this proposal. As part of this discussion, I anticipate input from a number of faculty members who believe a move to pre-holiday exams to be advantageous with respect to this institution's growth and reputation. Input is also expected from faculty who oppose such a change.

Some students and faculty have

suggested that there may be an "in between" solution to the problem, for instance, first year day and evening examinations continue to be held after the break with all other exams held pre-break. Be assured these compromises and similar suggestions will be offered during our presentation (including one which would have all evening exams post-holiday), as well as statistics of the students' opinion, program feasibility and administration.

Regardless of the outcome, I want to thank all of the students who have worked with me, to insure that the information we put forth is as accurate as possible. Your help and support is appreciated.

The second discussion issue is that of the current mandatory attendance policy. As you are aware, this policy, which went into effect this fall semester, is not as its title appears — mandatory — that is, it is not

Cont'd on page 11



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Entertainment Tues thru Sat

BLSA Sponsors Halloween Party

Shelley Walker, 2D

On Thursday, October 29th, BLSA hosted its annual Halloween Party for the resident children and their parents of the Carlton and Lincoln Hotels. The event was held at Newark's popular nightclub, Club America located in the Carlton Hotel. Fun, food, candy, prizes and games galore brought delight to the children in attendance and a positive feeling of community service among the Seton Hall Law students who volunteered their time and services.

In addition to the party atmosphere, the most important aspect of the evening was the distribution of a wide range of educational books and posters, donated by R.I.F. Inc. Other donations of food and candy were made by our very own Ralph's Place, Newark, All American Distributors, Irvington and members of the Seton Hall Law student body. ☺

Letters Solicited on Faculty

Six members of the faculty are currently being reviewed for promotion. Students are invited to provide letters and comments to the Rank and Tenure Committee. Letters should be addressed to Professor Harvey Sklaw, Chairman Rank and Tenure Committee, Room 505.

Faculty to be assessed are: Terence Blackburn and Denis McLaughlin, application for tenure and promotion to Full Professor; Susan Block-Lieb and Angela Carmella, application for tenure; Kathleen Boozang and Patrick Hobbs, application for promotion to Associate Professor. ☺

Test Prayer

Joan Brown, 2D

*Now I lay me down to study,
I pray the Lord I won't go nutty,
If I should fail to learn this junk,
I pray the Lord I will not flunk.
If I do, don't pity me at all,
Just lay my bones down in Rodino Hall.*

*Tell the professor I did my best,
Then pile my books upon my chest.
Now I lay me down to rest,
I pray I pass tomorrow's test.
If I die before I wake,
That's one less test I have to take.*

Westlaw Announces New Feature

West Publishing Company has announced a new on-line search technology, WIN ("Westlaw is Natural"), available to users of Westlaw. WIN will allow researchers to enter their search request in plain English and will eliminate much of the technical jargon currently required to access information. The power of the computer translates the search and retrieves the relevant documents. At present, WIN is activated for case law databases on Westlaw and is expected to become available for statute databases and to additional materials within the coming months. ☺

Blessed Event

Congratulations are in order for Professor Paula Franzese and her husband Michael Rosella. Professor Franzese is expecting her first child in early June 1993. Professor Franzese assures us, however, that she plans to teach classes for spring term (Property II and Commercial Law) and even hopes to have all her exams graded prior to the baby's birth. We wish her the best and tanti auguri. ☺

DAILY MASS

**St. Thomas More Chapel
12:40 - 1:10**

All are welcome

The Cross/ Crucifix in Art

Rev. Monsignor Harold P. Darcy

Editor's Note: Due to space limitations, this is Part I of a two part article. The conclusion, which will appear in the February issue of *Res Ipsa*, discusses the Cross in Art and includes information on the crucifix which hangs in Seton Hall's atrium. ☩

Art in Church History

The human being is the only animal who makes pictures. On the walls and roofs of his dim-lit caves at Altamira and Lascaux, he painted the deer, the bison, the wild boar and the women of his tribe. Art is the human being's most truthful intelligible monument. Art is biography, history and topography taught through the eye.

Throughout the history of the Church, art has manifested itself in the faith quotient and the lived life of Christian believers. Art has functioned in several ways throughout this history: symbolically, didactically, devotionally, decoratively, or a combination thereof. When images in a work of art transform the viewer through a minimal use of forms, or in a cryptic fashion, the art piece is symbolic, like the images in the Catacombs of Rome. Where the images relate to a narrative or an event, that art is didactic, such as Leonardo da Vinci's *Last Supper* in Milan's Sta Maria delle Grazie. When the imagery leads the viewer into prayer, religious experience or spiritual engagement, that art is devotional, like Michelangelo's *Pieta* in St. Peter's Basilica, Vatican City. When the visual images are pleasing to the viewer's aesthetic sensibilities, but otherwise incompatible because of the images' abstract or geometric nature, that art is decorative, like the calligraphic lettering of Medieval manuscripts (*Book of Kells*).

The acceptance of the essential role of art in the early Church was a major factor in the historical differentiation between Christianity and Judaism. The initial discussion of this role and its purpose revolved around the Hebraic injunction against images and the constant threat of idolatry in religious worship. In several documents written by the early Church Fathers, we find the problem of images dealt with from the two foundations of Christianity: the Hebraic and the Greco-Hellenistic traditions. In his famous eulogy for Theodore the Martyr, Gregory of Nyssa recognized that the beauty of the places of worship was an element of great importance to religious experience.

The early Church recognized the

importance of the visual not only as a prime modality of human and faith development, but as a vehicle for religious education. One became initiated into and nurtured in the Christian faith not simply by the word, but through the eyes and the human sensibilities evoked and pleased by visual images.

However, the history of the role of art in Christianity has never been truly simple or entirely consistent. As the chronological and liturgical controversies of the 4th through the 8th Centuries brought about creedal and doctrinal definition, the role of images was at the center of the discussion. Furthermore, the iconoclastic controversies of the 8th and 9th Centuries were a most critical period for art. At the heart of these tensions were the Hebraic prohibition against images and the Greco-Hellenistic appreciation of the beautiful. An additional element in the discussion was the emerging influence of Islam, exemplified especially by its ban against veneration of images.

These controversies were eventually resolved by the Second Council of Nicea (787) and an Eastern Church Synod of 843, in which the distinction between idols and images made by St. John Damascene was accepted. As a result, the canonical role of the visual was clearly stated and restored within the daily life of the Church. Nevertheless, the "image destroying" tendency within Christianity would re-surface spasmodically throughout the history of the Church.

During the medieval period, the visual arts were nurtured and flourished in their relationship to and with the Church. This was the "age of cathedrals" which were simultaneously the cultural, economic, religious and social centers of cities. Visual modality even played a major role in the teaching of some medieval theologians. It is also worth noting that large pilgrimage churches and the Black Plague gave rise to a Christian devotionism, which found a helpmate in the visual arts such as the didactic visual narratives that adorned the walls of the cathedral, the mystic piety of devotional images, and the magnificent enameled cases which preserved treasured pilgrimage relics. During the medieval period, all art was created for the greater glory of God. The great theologian, St. Thomas Aquinas, considered art to be a handmaiden of theology.

With the coming of the Renaissance in 15th Century Italy, the center of the world began to shift away from God to the human person, and, as a result, the role of art was no longer that of a handmaiden. The revival of classical Greek and Roman philosophy led to a revival of interest in classical art and mythology. Consider Michelangelo's *David*, which is as much a study in the beauty of the human body as it is a representation of a

biblical study. Even Michelangelo's ceiling in the Sistine Chapel is typical of the Renaissance spirit. The medieval synthesis was shattered.

Among the causes of the Reformation was hostility to the Italian Renaissance and its arts. These arts were thought to be incompatible with the reformer's emphasis on original sin and human finitude. The mediation of visual images in liturgical worship and devotional piety was seen as a hindrance to direct contact with God. Therefore, the role of art and the artist changed in society; all emphasis in liturgical worship was placed on the Scriptures, music and piety.

The Counter Reformation Church responded by defending and re-defining the role of art in the Christian Faith. On December 3, 1563, the Council of Trent issued a Decree with official rulings concerning liturgical art. This Decree had both positive and negative effects. It is important to note that the next official documents issued on the role and purpose of art in the Church would be issued in the middle of the 12th Century—four hundred years later! During these long years, a new Christian symbolism did come to the arts: a new Christian iconography did arise. But it must be said, unfortunately, that for the most part, the art produced can best be categorized as sentimental and imitative.

In his great watershed Encyclical Letter, *Mediator Dei* (1947), Pope Pius XII urged acceptance of modern art within the Church. He wrote, wisely, that artists needed to steer a steady course between contemporary realism and symbolism, and traditional Christian art. In 1952, the Congregation for the Doctrine of the Faith issued the Document, "*Instructio de arte sacra*," which summarized existing law and gave directions regarding the building of churches and their ornamentation, *but it did not set forth styles of art*.

The place of art in the Church was reviewed by the Second Vatican Council. The Council Document on the Church and culture, *The Church in the Modern World, Gaudium et Spes* (1965), opened wide the door for the acceptance of modern art in the Church. Furthermore, the celebration of a *Special Mass for Artists* on May 7, 1964, by Pope Paul VI, was a singular event in the history of the Church. In his homily, "*The Friendship of Artists and the Church*," the Pope called for renewal and revival of the Renaissance relationship between artists and the Church. In 1973, Pope Paul VI established the Museum of Modern Art within the Vatican Museums, with the gift of his own personal, precious collection of 20th Century art. ☩

Exam Schedules and the Attendance Policy...

Cont'd from page 8

"mandatory" for faculty to utilize this policy. Individual professors may invoke or ignore the policy (at the onset of the semester) as they choose and may, in fact, adopt a stricter or more lenient policy to fit their individual needs. Students' concerns end not at the administration of this policy, but also encompass the underlying reasons for the policy.

It is quite evident that the day-to-day administration of the mandatory attendance policy this semester has been fraught with failure. Therefore justice requires that the compulsory withdrawal from a course requirement be waived. There are numerous instances of attendance not being taken, attendance sheets not being circulated throughout the classroom, sheets not being picked up and a variety of other administrative nightmares which warrant the inaccurate record keeping invalid.

Our concerns with the policy, however, extend well beyond its administration. Many students feel requiring attendance for 75% of classes is too restrictive and fails to take into account real world situations. While the school is bound by the ABA standards which require that students be in regular attendance, there is no language which creates the 75/25 rule. In fact, after lengthy conversations with administration and faculty present last year at the vote on this

issue, the reasoning given behind the 25% leeway was to cover those real life needs.

In my discussion with the faculty at the November meeting, I will address some of the numerous situations which require students to miss class and while it is our hope that these absences would not infringe on a regular attendance rating, they must be addressed. Court appearances for clinics; death in the family and religious holidays are but a few of the proposed excused areas. Interestingly, what was not well advertised this year was the one exception made by the administration to the attendance policy—specifically an exception for the Jewish holidays. I have no complaint about this exception, in fact I believe it was the first realistic view by the administration of this policy. I wonder, however, if followers of Islam, Buddhism or non-mainstream religions would be so accommodated. Additionally, a better question might be—did Jewish students even know of the exception or was this a situation where, after creating a no exception policy, the administration recognized that there were, in fact, exceptions which must be made and then did so to cover their humanitarian dicta?

It is not my intention to appear belligerent concerning the matter, for I believe that beneath our different approaches we all have the same goal—to protect and increase the worth of a Seton Hall School of Law degree. My concern is with the way in which we are acting. With alternatives to this policy too numerous to

mention in this article and the clear inadequacy of the current system, I implore the faculty and administration to recognize the failure of the current program and to *act with the students* to create a program which will fulfill the needs of the school, the ABA and especially those who will be most effected—the students.

Those are the two hot issues for this month. There are many other areas which the SBA and various student groups are addressing from child care to student rights, graduation speakers to mandatory classes. Please, if you have a concern or an interest in an area, let me know. I'll gladly point you in the right direction if there's a group already working on a project and if not, I'll review the needs with you and help you begin to make an impact. The SBA is the elected student advocate group for Seton Hall School of Law—talk with us, support us and together we can make a difference! ☺

News From Over 30 Forum

Pat Blum, 2D

Wonderful things are afoot at the Over 30 Forum:

Luncheon with the Deans—On November 16 we held a Luncheon with the Deans. Topics discussed included the special needs of non-traditional students.

Law Day Spectacular—Tentative Date: April 3rd. Families are welcome! Siblings, spouse, significant other, children, and parents can come and experience our law school curriculum. Mini-courses will be taught by professors, certificates of graduation will be given to participants. The first annual American Dreamer awards, a major speaker, refreshments and fun will mark this day. Babysitting will even be available for those in need.

Needed: Your name for future announcements. We missed getting your name at our last meeting and we want to include you and anyone interested in joining the forum. Please supply your name, year and day/evening telephone number. We are also interested in an optional, brief biography, for those who have travelled the non-traditional road to law school. Please submit to my mailbox. ☺

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