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March, 1980

**Selecting New Professors for VLS**

By Bruce Allan Brinser

If all goes well, VLS will have three or four new professors next year. The process of selection is well under way, nearly complete in fact, even though no names can be named at this point. How does the process work?

Each year the school receives hundreds of resumes from would-be faculty members. Most of the resumes are filtered through an employment clearinghouse, which arranges the information into a standard format, similar to the treatment given student applicant information by LSDAS. The school also usually receives about fifty letters outside the clearinghouse channel, in addition to specific leads supplied by faculty, alumni, friends, etc.

The initial screening of all this material is handled by the Faculty Recruitment Committee. Professors Cohen, Collins, Dobryn and Valente sit on the Committee, which is chaired by Professor Dowd.

The initial screening applies general standards such as experience, area of specialization, and academic background. Particular needs of the Law School have to be considered; duplication of talents has to be avoided to the extent possible. Other considerations are always present. The public perception of a Law School — its prestige — depends on its faculty as well as on its students. Schools compete vigorously not only for the best students, but for professors who will enhance the school's image.

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Two conventions provide opportunities to examine the merchandise. A "slave market" is held each winter in Chicago. Applicants eagerly parade themselves before representatives of the Law Schools; VLS asks those candidates who have survived the initial screening to attend so personal contact can begin. Ten or fewer are likely to be invited to come to Villanova for a formal interview.

In contrast to the Chicago "slave market", Prof. Dowd characterizes the annual American Association of Law Schools Convention as an opportunity for "flirting and poaching." This is a gathering of law school faculty and administrators; to a greater or lesser degree, everyone is sizing up each other. Prospects are wood; successful poachers bring home prestigious catches.

The final ten or so candidates meet the full faculty here at VLS in January. The only real chance for student input comes at this point. The student members of the Student/Faculty Committee have an opportunity to evaluate the candidates.

Prof. Dowd feels that student input is very slight. He feels this results not from any Administration policy, but from general lack of interest on the part of students.

He feels that student concern with administrative matters generally is at its lowest point in years. The faculty would respond to any student interest which would make itself known, but lacking such visible student interest the faculty is not likely to go out of its way to drag uninterested students into the selection process.

To paraphrase the old saw, it seems, the Administration thinks only of money, students think only of parties and grades, and the Faculty thinks only of office and

(Continued on page 8)

**Alumni Drive Surpasses Goal**

The First Annual Villanova Law School Alumni Phonathon raised $22,705 in pledges from alumni who were contacted, so that the drive surpasses its goal of $20,000, with the help of students and alumni who volunteered an evening to telephone alumni and ask for pledges.

The total Fund Drive Goal, according to the Alumni office, is $40,000. Before the phonathon, $33,500 was received.

Sixty-seven volunteers participated in the phonathon.

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Reimels' Semi-Finals Run

The semi-final round of the Reimel Moot Court competition was held March 10. Third year students Richard L. McMonigle and Jan McGeever met second year students Rosemarie Ruggiero and Kathleen Yevenko in a round judged by the Honorable Alfred L. Luongo, the Honorable Daniel H. Hueyt 3rd, and the Honorable Clifford Scott Green, all of the United States District Court for the Eastern District of Pennsylvania.

Law Student: No Custody

A University of Iowa law student is fighting to regain custody of her two children, awarded to her ex-husband, by Luce County District Court Judge James E. Hughes, because the judge concluded her full-time legal studies did not leave her enough time to care for the children. As reported in the National Law Journal, the judge commented Linda Tresnak for her ambition, but said her continuing education and future interests and welfare for her minor children... Anyone who has attained a legal education can appreciate the time that studies consume.

The California Court of Appeal has ruled that admission policies of the University of California at Davis law school discriminate against whites. The California Court of Appeal has ruled that admission policies of the University of California at Davis law school discriminate against whites. The Court said that the law school's admission policies, which allow minority status to be considered, are constitutional. The California Court of Appeal has ruled that admission policies of the University of California at Davis law school discriminate against whites.

Contest: Writing Wrongs

The American Judicature Society has established an annual essay contest to encourage thoughtful discourse on subjects within the broad areas of concern of the Society. The contest is open to any law student or graduate student in the U.S. The manuscript (only one copy required) is due March 1, 1980, and should be sent to: Mayo Clinic, University of Minnesota, 420 Delaware Avenue, Room 308, Rochester, Minnesota 55905. Manuscripts must be original works which have not been published or accepted for publication elsewhere. Each entrant will be required to assign to the American Judicature Society all rights, title and interest in the essay submitted.

Bakke's Back (In Law School)

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Sue Mayer, Class of '80: John Anderson. He's got the guts to stand up for some unpopular issues which I also support and, the honesty not to pretend it's going to be easy to get this country out of the mess it's in.

Dean Owens, Class of '82: I am in support of Senator Kennedy. His initiatives in health care, labor, and energy are provocative solutions to this nation's problems. In sum, Kennedy possesses both the wisdom and experience to perform well in the difficult days that face America.

Sally Reese, Class of '82: John Anderson seems to have demonstrated that a good politician may step outside the normal boundaries of his party's constituency by challenging its conventional wisdom. Anderson's direct comments on the renewal of a Cold War psychology in the Persian Gulf and the response it has generated among the Eastern liberals, are reminiscent of the days of student activism. I only hope he wins and rekindles those sparks that move our society.

Law Review

Open Writing Competition

By Kevin C. Gleason

In mid-March 1981, students who participate in Open Writing for the first time will receive a final grade evaluation for their first year. The top 10 percent of the class will be offered a position in the Law Review.

Students who do not achieve Law Review by academic merit may obtain a position by virtue of writing ability. A competition is held each summer to fill up to 15 positions. The open writing competition is available to all first and second year students.

Open writing candidates have three weeks during a two month period in which to complete a manuscript. The manuscript is evaluated in six areas: overall organization, legal analysis, writing style, conformity to the Blue Book, research ability, and idea development. A candidate's final product is in the form of a casenote, an original and in-depth analysis of a case. (For examples of casenotes, peruse a few copies of the Villanova Law Review).

Throughout the program's three years, generally about 110 students have participated. Approximately half of the participants actually complete a manuscript and about 1 out of 5 manuscripts is of a quality that allows induction into the Review.

In August the candidates are informed of the decision of the Board of Editors. Open writers who attain a position on Law Review stand on equal ground with the "class rankers." If you make the Law Review, consider yourself committed to a full time job. Two casenotes are required from each first year staff member. In addition each member has responsibilities including proofreading, source checking, and monitoring of advance sheets. Source checking involves verifying the research of another student, it is the most time-consuming of ancillary duties.

In deciding whether or not to compete for Law Review be realistic in your cost/benefit analysis. Law Review in good experience in research, analysis, and writing. It is an impressive credential to many employers. It is also a major time commitment and a huge responsibility. It is not the easy road to fame and fortune.

As between Law Review and class rank, the latter is generally more important to the prestigious firms. Law Review may distinguish one from those of near class rank but it will not open the door to the on-campus room without academic excellence.

An informational meeting will be held in the Spring to discuss the open writing competition. The Law Review is a major commitment which may be of great value but it is not for everyone. Make an informed decision for yourself.

Advertisement

Why are so many first year students enrolling in bar review courses?

Until a few years ago no one thought about a bar review course before their senior year. Today, however, close to half of all those taking courses enroll in their first or second year of law school and early enrollments in at least one major bar review course — the Josephson BRC (Mari­no-Josephson/BRC in New York) — are at an unprec­edented rate. There are three apparent reasons for this de­velopment none of which have anything to do with prepara­tion for the bar exam itself.

First, more and more law students are looking ahead at the spiraling costs of legal ed­ucation in general and bar review courses in particular. Over the last three years tuition costs of bar review courses have risen between 20-30% ($100-$150) in most states and the next three years could be worse. Under special early enrollment programs, students (with only a mod­erate deposit) actually roll back tuition costs to less than 1979 prices.

In New York, for example, this means that a student enrolling early will pay only $325 as against a likely $495 tuition in 1981 and $525 tuition in 1982. In New Jersey and Pennsylvania (where fewer subjects are tested), the early enrollee may receive the course for $250 (Basic Course) or $325 (PLS Course) re­presenting at least a $100 savings from 1981 prices.

Second, in return for the benefit of assured enrollments and anticipated lower market­ing costs, the BRC course has developed an extremely attrac­tive package with the Center for Creative Educational Ser­vices (CES) called National Alliance to Fight Inflation (NAFI), which provides im­mediate benefits that sub­stantially exceed the required deposit. The newest program (terminating March 21 in most states) provides a generous assortment of study aids and cash discounts which many first year law students have found to be irresistible.

For a payment of $50 (which will be fully credited toward bar review tuition), the student receives free first year outlines in four major areas (Contracts, Criminal Law, Criminal Procedure and Torts), a free cassette tape program on "How to Write Law School Exams," two 50% cash coupons on Sam & Substance of Law tapes (worth about $30) and a Preferred Student Discount Card entitled the student to a 10% cash discount on all CES purchases made from a CES or BRC office. Moreover, the student can exchange the four first year outlines for another four outlines in the second year at no extra cost. The value of the outlines and dis­counts exceeds $100 and the ability to roll back the bar course tuition probably saves well over $100.

Third, there has been a con­sensus effect by BRC and Ma­rino-Josephson/BRC to re­move psychological imped­i­ments to early enrollment by alluring a free-transfer to any BRC course in the country in the senior year (for the student who is not sure what state he or she will practice in), and a no penalty withdrawal for stu­dents who drop out or fail out of law school.

Another factor which has undoubtedly contributed to the early enrollment momen­tum is the increasing reputa­tion of the BRC courses and CES materials and tapes. Spe­cial impartial studies done by law school administrators have consistently shown that BRC students outperform others at each level of class standing. Much of this success is attributed to BRC's unique Programmed Learning System (PLS) and its emphasis on writing and testing skills. As a result, in 1980, BRC expects to enroll over 14,000 students nationwide. At the same time, the CES Sam & Substance se­ries of books and tapes has gained widespread recognition among both law students and teachers as the finest law study aids available.

Whatever the reasons, how­ever, the facts are clear: more and more first year students are thinking ahead and enroll­ing in BRC courses now.
Small Difference
Is Worrisome

In these days of double-digit inflation, an announcement that tuition is going up should come as no surprise to anyone. Still, the price differential between the law school and the undergraduate (liberal arts and finance and commerce) schools is worrisome. This year, the first that such a difference appears, looks almost certain to be implemented, the difference in the two tuition figures is a mere $60. Relative to the $3990 (total tuition and fees) final tally, it’s almost de minimius, but the size of the differential should not blind us to the unhealthy possibilities inherent in such a plan.

The danger is simply this: that since the law school continues to attract a healthy number of applicants who would gladly pay nearly any tuition for the privilege of attending law school, the temptation may be too great for the university to resist. Why not raise the law school tuition two or three hundred dollars over the undergraduate tuition?

Moreover, it’s simply cheaper to educate law students. Even acknowledging hefty library expenses, it’s cheaper to have one law professor teach 150 students in one classroom than to have five undergraduate students. This year, the first that such a situation is going up should come as no surprise to anyone. Still, the price differential in this year’s tuition figure represents a benefit to the law school in that the law school will increase its fulltime faculty to 25 next fall (up from 21 professors). We applaud both the announcement that the law school faculty will be expanded and the efforts of the Dean to insure that the law school benefits directly from increased tuition costs.

However, the worry persists. That higher education in America is in for some lean years is merely a matter of demographics. Fewer student bodies to make up the student body will force ever-increasing costs to be shared among a shrinking pool of students. We know this; we just don’t want to see the law school student body shoulder more than its fair burden. A price differential of $60 this year would be $600 five years from now.

At present, Villanova Law School is still affordable by the middle class: for the legal profession, for ourselves and for those who will follow us, in spirit, in wanting to be attorneys, we’d like to see it remain affordable.

The Docket is published monthly by the students of Villanova Law School, Villanova University, Villanova, Pa. 19085. Letters and articles are welcomed from students, faculty, alumnai and the community at large. Paid advertisements are also accepted, please contact the Docket office for details.
Dean O'Brien Looks At The 1980's

Financial Picture Optimistic

by Kathy Yenko

Fifth in a Series

Q. Last time, you stated that there is a financial relationship between the University and the Law School. What is that relationship?

A. All tuition and fees paid by law students and all fees paid by faculty and staff (parking fees are paid by all faculty and staff and belong to the University. The Law School is not, contrary to popular desire, a separate corporate entity. Monies are then made available to the Law School by the University in accordance with the budget that has been set for the Law School separately from the University's general budget. What is that relationship?

Q. What is in a Law School budget?

A. I will summarize for you our 1979-1980 budget using the traditional approach employed by Villanova University in the budgetary process. Perhaps later on we can get to the reason why I said the "traditional approach employed by the University".

When the 1979-1980 Law School budget, which became operative June 1st, was finalized early in 1979, our income (tuition, all fees, forfeitures of deposits and Law Review revenue) was fixed at $3,038,011. Let's delay for a few minutes the inevitable questions about what happens to the difference between income and expenses.

A. I will summarize for you our 1979-1980 budget using the traditional approach employed by Villanova University in the budgetary process. Perhaps later on we can get to the reason why I said the "traditional approach employed by the University".

Q. Let's get to the question about the difference between income and expenses. Over the years we have read a lot about private universities raiding law school treasuries in order to bring in a larger first-year class than you asked for, and, as a result, more money?

A. Yes. The Admissions Committee admitted many more students into the first-year class than we had anticipated in 1979-80. These students paid tuition, fees, and other contributions are not counted on the income side and not all of our costs are included on the expense side. Further, the University's methods of reporting expenses do not permit us to determine exactly how much is spent on a particular function. It is very difficult, for example, to determine exactly how much money we spend for our placement effort.

Q. It seems though, that almost all of the Law School's money comes from student tuition and fees. Is that correct?

A. It is.

Q. Q. Is the Law School's financial situation in the same "dangerous posture" as the University's financial situation?

A. In some respects our situation is even more dangerous than that facing the University. To recap for a moment, Villanova University depends almost entirely on student associated revenues to pay its current expenses and about 52 percent of our operating expenses are paid by the Federal government. Between today and 1992; demographic studies show a further loss of population from the northerm mid-Atlantic states, and together with the aging of our resident population, we have to plan for increases in student aid. We also have to plan for a time when the pool itself declines, consequences even more severe than those threatening undergraduate schools.

Q. Can you give us a prediction of what our Law School's future financial situation will be and what actions you are taking to reduce dependence on tuition income?

A. We will continue to succeed in attracting good students to Villanova and we will reduce our dependence on tuition income. The Admissions Committee has already expanded the applicant pool and continues to look for more applicants. We will continue to increase the number of applicants to the Law School in the future.

Q. Why are you so optimistic about the future of Villanova when all the statistical data you have referred to in our prior conversations have been so bleak?

A. I am optimistic because we have planned and are planning for the future. I have already spoken about the qualitative advances we have made, for example, a much improved student-faculty ratio, increased faculty scholarly production and ever increasing participation in community service programs. Villanova will continue to expand.

Q. How will the unexpectedly large first-year class affect future budgets?

A. It appears that the large number of first-year students will make for a larger first-year class than we had anticipated. This will increase the number of full-time faculty members. For example, in 1974-1975 the Law School population was 643 while in 1978-1979 it was 687. That process was part of my long range plan to improve the student-faculty ratio. In order to maintain the quality of the educational process at the Law School. Today our population is 681.

Q. It appears that experience has set limits on the growth of work and inusableable and interchangeable conferences between me and University administrators in which I always argued that we needed fewer students and more teachers if we were to reach our goal of excellence. I believe that I have convinced the Administration of the correctness of my view and, therefore, I shall start once again to reduce student population to an acceptable level. That will take several years during which the University shall undoubtedly be receiving more money from the Federal government and the Law School will be receiving more from the Law School. The result will be a sharp increase in the number of full-time faculty members. For example, in 1974-1975 the Law School population was 643 while in 1978-1979 it was 687. That process was part of my long range plan to improve the student-faculty ratio. In order to maintain the quality of the educational process at the Law School. Today our population is 681.

We Will Continue To Succeed In Attracting Good Students To VLS

We have contracted for very favorable nationwide publicity for the ALA-ABA programs, and, with respect to the participants in all the programs, they have acquired non-transfers with our school and with our insistence on quality programs. The publicity and favorable participation reaction will solidify our position in the field.

Secondly, we hope to inaugurate in September a degree program deep practice program. That program, a part-time evening program for tax lawyers and accountants, will meet a need for professionals and professionals in the private sector. We believe that it will be very successful.

CLE Programs Have Afforded Us Favorable Nationwide Publicity

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Family Lawyers Speak

By Matthew Wolfe

On Saturday, February 23, the Villanova Law Review sponsored a symposium on "Current Developments in Family Law. The nine panelists who spoke on various family law issues have also written articles which will be published in an upcoming issue of the Villanova Law Review.

Albert Momjian spoke on "Family Law and the Equal Rights Amendment." Mr. Momjian is a senior partner with the Philadelphia law firm of Abrahams and Lowenstein, and co-author of Pennsylvania Family Law, along with Norman Perlberger, another panelist. He is also a Fellow of the American Academy of Matrimonial Lawyers, a family law lecturer at Temple University's Graduate Legal Studies Program, and a member of the Pennsylvania Supreme Court's Domestic Relations Task Force.

Pennsylvania adopted a state ERA in 1971. Although it was meant primarily to provide equal job opportunities, its ramifications in family law were quickly felt. For example, it was held in support cases that all parents, not just the fathers, would have to provide for child support. This sort of resolution was felt. For example, it was held in support cases that all parents, not just the fathers, would have to provide for child support. This sort of resolution was repeated in other situations in that the courts would apply the rule to both sexes, but avoid inflexible, unworkable standards.

Problems arose when the courts began to declare statutes unconstitutional and void if they referred to only one sex. This was used to overcome many benefits for women, and were somewhat against the intent of the ERA. More recently, though, the Pennsylvania State Assembly has passed an equalization statute which declares that the legislative intent for statutes which refer to only one sex is to correct the inequality and apply the statute to both sexes, rather than to declare it unconstitutional and void. The courts have followed this in their more recent decisions, Momjian said.

Momjian believes that the Pennsylvania ERA example shows that the courts will interpret the rule fairly for both sexes, and that none of the more extreme predications of anti-ERA forces such as sending women into combat, will ever come about.

Also speaking at the symposium were: Jack A. Rosneck and Lynn Z. Gold-Bikin on "The Proposed Pennsylvania No-Fault Divorce Law;" Norm Perlberger on "Current Problems in Resolving Support and Property Rights in Pennsylvania;" Emanuel A. Bertram on "Custody Litigation, Pennsylvania Style;" Frederick N. Franz on "The End of Parental Kidnapping in Pennsylvania;" Dr. Florence Kaslow on "Divorce from a Psychological Perspective;" and Eric D. Turner on "The Role of the Lawyer in Matrimonial Cases."

Pennsylvania's Equal Rights Amendment has made great changes in the state's family law, family lawyer Albert Momjian told listeners at the Law Review symposium last month.

Dean's Column

Money Matters

Fourth, this year I intend to begin, in a serious way, efforts to raise money from special friends of the Law School and from wealthy law firms. These efforts will be coordinated with the Development Office but will not be dependent on the Development Office.

Fifth, I have made substantial efforts to secure a fully endowed Chair for the Law School. A fully endowed Chair is one that is funded by a gift in the $750,000-$1,000,000 range, income from the gift is used to pay the professor, his or her research assistants, and secretarial help. Among the several benefits of such an arrangement is the fact that the university has a teacher without having to supply the money needed to pay the professor. That reduces dependence on student generated monies.

There are other projects in the planning state, for example, partially endowed chairs; initiating a summer research and writing projects program. Perhaps what it all amounts to is that I shall do whatever has to be done to make our future secure. Q. What will be the most difficult task to accomplish over the next ten years?

A. To achieve nationwide, public recognition of the superior quality of the education offered at our Law School. We already have favorable nationwide recognition in the academic community and a very rapidly growing reputation in professional circles in certain parts of the country. What I am interested in achieving now is public recognition. There are a number of law schools which are known to every college student in the country as being first-rate institutions. I want the Villanova Law School to be one of that number.

Q. How are you going to achieve that goal for a school as young as ours?

A. Yes. I love to teach. I enjoy practice to teach, not to negotiate with University officials about faculty salaries or separate agreements or to ask people for money. While it is true that my present position permits me to do special things which help to make our Law School an even better place, I find I must, for purely personal reasons, maintain classroom contact with our students. I have heard many very nice things about members of this year's first-year class and yet I do not know them. That troubles me greatly.

This has been a very productive year, but next year I will return to the classroom and teach Torts. It is simply something I must do.

Professor Valente Chosen

Professor William D. Valente, of the Law School, has been retained by the National Institute of Education, U.S. Department of Education, to prepare and present to the National Office a survey of research projects. The purpose of the projects is to realize the role of state courts in formulating education law and policy.

The increasing resort to federal courts on questions formerly tried in state courts systems is attributed by some to the failure of state courts to reform their own systems by issuing rules and remedies. The role of state courts is essential in developing prompt and efficient avenues of court decisions. Improved administration of state law library systems is indispensable in many areas that are not triable in federal courts, such as the interpretation and application of state labor relations laws affecting school districts.

Professor Valente, a recognized specialist in public law, has lectured extensively to professional educators throughout the U.S., and has published two written texts on School Law and Local Government.
Using the principle of group buying power, NAFI (National Alliance to Fight Inflation) provides hundreds of dollars of benefits to keep the cost of legal education down. Join by enrolling in any 1981 or later BRC or Marino-Josephson/BRC bar review course and receive:

NAFI members who join in their first year of school can receive up to eight free BRC outlines, new and unmarked. **First Year Package:** Contracts, Torts, Criminal Law, Criminal Procedure. **Second Year Package:** Evidence, Constitutional Law, Professional Responsibility, Real Property. Value — over $80.

CES tape on “How to Take Law School Exams” by Professor Michael Josephson. Value — $12.75.

A special Preferred Student Discount card which entitles you to a continuous 10% discount on items published by, and ordered directly from the Center for Creative Educational Services (CES) including *Sum & Substance* books and tapes; *Essential Principles* outlines; briefing pads; and short form note pads. Value — depends on use.

Two 50% cash discount coupons on any CES tape series on any subject. Value — up to $30.

When a NAFI member enrolls in a BRC course, all money paid goes to and freezes bar review tuition at last year’s price, saving at least $150 from anticipated 1981 and 1982 prices.

Offer expires March 21
Films: Night Games

By Chris Barbieri

"Cruising" and "American Gigolo". In the month of Valentine's Day Hollywood unromantically spewed forth these seamy portraits of two aspects of modern sexuality. "American Gigolo" deals with the trials and tribulations of a one thousand dollar-a-date male prostitute (Richard Gere) as he attempts to extricate himself from a murder frame-up without unduly missing his designer clothes.

The best scenes in the movie are of Gere walking around in clothes and driving around in his car. The so-called love affair between Gere and Lauren Hutton is something less than convincing. Much more compelling are the situations involving Gere and his wealthy clients in which we see that his most winning attributes are his warmth and sensitivity rather than his appearance.

Still there is no denying this is a supremely superficial movie. Director Paul Schrader uncoils some of the sleazy underpinnings of the rich aet private lives (if anyone still cares) but does little to depth exploration of the shaping of the morality behind such behavior.

Considering the times and the setting (Beverly Hills-Palm Springs) such a frivolous treatment may seem appropriate. Although it is a visually beautiful film, Schrader unfortunately decided to get "authentic" in the cinema, homing in on the last five minutes of the movie. A stylistically pointillistic series of events as black people face the black leather jackets of the bar's patrons.

Gay activist groups are understandably upset with this highlighting of one of the more bizarre if not hastily repressed sub-strata of the homosexual community. "Cruising" does for the gay image what "Superfly" did for the black image. It replaces the old stereotype (mincing in-being) with one that is even more offensive because it is inclined to promote fear and hostility.

Nevertheless, this subculture did not spring from anywhere's imagination. It is a part of the world, albeit a part that few people are aware of. It is the narrowness of the film's focus that creates the diabolical view condemned by the movie's detractors.

Such a distortion could be upheld for aet's sake. However, the film is not exactly a masterpiece. Due to the disjointed quality of the narrative and the similarity of many of the characters' appearances it is often hard to figure out what is going on. A great deal of the movie seems to be summed up with simultaneous endless explorations of the milieu that could have been summed up much more succinctly.

Taken together, the two films must seem to take the vast majority of the audience on a trip to another world and of course the inevitable question is "was this trip really necessary?"