

## [80-year-old retiree battles to get into law school](#)

The Associated Press State & Local Wire

August 7, 2002, Wednesday, BC cycle

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**Section:** State and Regional

**Length:** 528 words

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**Dateline:** NEW YORK

### **Body**

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Rubin Weser always wanted to be a lawyer, but he deferred his dream of going to law school so he could support his family.

In 1991, the 69-year-old retiree finally saw his chance and applied to a law school in Queens. Turned down, he applied again. And again. After applying every year until 1997, the man so passionate about the law sued for discrimination. On Wednesday, his case reached a federal appeals court in Manhattan.

"It's my dream and they took it away from me," said Weser, now 80, who is representing himself. "If I can't cut the mustard, they can throw me out. But why not let me in?"

Weser's lawsuit, which has failed in a lower court, claims he was discriminated against because he's white, male and Jewish. Although age discrimination was part of the original lawsuit, it is not part of the pending claim, he said.

Dorothy Zellner, a spokeswoman for the City University of New York School of Law in Queens, said she could not comment on a pending case.

But lawyers for the school say in court papers that Weser was not the subject of discrimination. They say Weser's scores on the law boards were too low and that his "undergraduate education raised legitimate concerns about his ability to successfully complete law school."

Weser's board scores were 127 and 133 on a scale from 120 to 180, in the bottom 5 percent of those who took the test. Lawyers for the school said that apart from two white males admitted in 1995 with scores of 133, "all of the admitted applicants in all of the relevant years had higher LSAT scores than the plaintiff."

Weser countered on Wednesday that "the school has no set minimum standards on scores. This is not Hofstra or Columbia we're talking about."

Weser's alma mater, Empire State College, is accredited and is part of the State University of New York system. But it offers a non-traditional program, featuring one-on-one teaching geared

toward older students without the time to attend typical college classes. Weser graduated from Empire a decade ago.

Empire spokesman Kirk Starczewski said more than 50 percent of its students go on to graduate study and 75 percent of those get into their college of first choice.

CUNY Law School, which prides itself on its diverse student body, did settle an earlier discrimination case filed by a white male applicant. After a federal judge found in 1991 that the applicant had enough of a claim to warrant a trial, the school settled the case by admitting him.

Weser admits that he'd love to see the case go to trial, although he points out that his ultimate motive is to attend the school.

"Most of my peers are deceased and the remainder are in nursing homes. But I'd say if a jury saw a guy like me walk in on his own and present a good case, I think they'd say 'give the guy a chance,'" he said.

In the meantime, the lawsuit - which he says is in its sixth year and "has lasted longer than most marriages" - is giving him a hands-on education in the law.

"It's a long battle and through it, I've learned a lot about the law," Weser said. "If I ever get in to law school, they should give me at least a year credit for this case."

## Graphic

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**Load-Date:** August 8, 2002

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