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## Alumni Forum, January 1976

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# ALUMNI FORUM

Vol. 1, No. 1

January 15, 1976

## New building to enhance law school

Ten years after Golden Gate University moved, at the beginning of the 1965-66 academic year, from 220 Golden Gate Ave. to its present location at 536 Mission St., San Francisco, it has found it necessary to "move" again and has announced plans to build new facilities next to and consolidated with its present building.

In the mid-1960s, under the leadership of Dean John A. Gorfinkel, the law school had 339 part-time students and a full-time faculty of five professors. At that time the school added its full-time division.

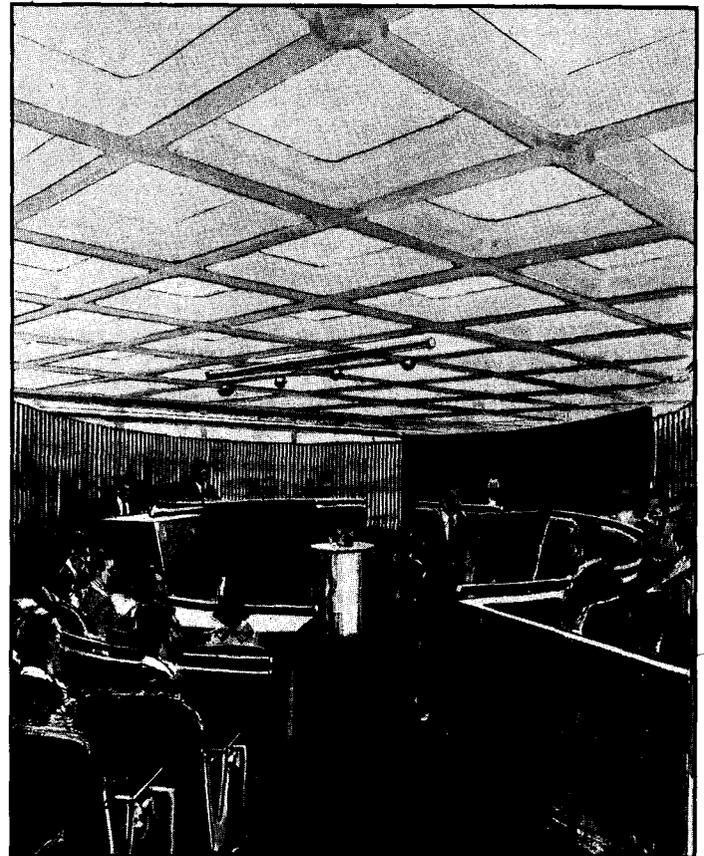
By 1970, total enrollment had grown to 456 and this year totals 753, two-thirds of which is full-time students. Since 1970, applications for admission nearly tripled to about 3,000. The student body now has a greater diversity in ethnic composition and geographic distribution as well as a greater proportion of women.

The law faculty had grown to 10 full-time professors by 1970, and now there are 18. This growth has improved the student-faculty ratio and has provided faculty members with more time to devote to involvement in community affairs and research and writing.

A growing faculty has enabled the law school to expand its curriculum to include a greater variety of legal areas and programs for specialization as well as more extensive study of traditional areas. Students at Golden Gate also have the opportunity to receive either an M.B.A. (Tax)-J.D. or an M.S. (Tax)-J.D. joint degree from the Graduate School of Taxation and the law school. The law school also offers such specialty courses as Construction Law, Copyright Law, Estate Planning and Environmental Problems, some of which are taught by a corps of practitioner-instructors.

A variety of clinical programs is offered to provide students with the opportunity to work on actual legal matters under the direct supervision of practicing attorneys or law professors. In the general clinic, students are placed with a wide variety of lawyers, including public defenders, district attorneys, government agencies, consumer groups and private attorneys. Besides the legal work, participants also must attend a clinic seminar.

The specialized clinics, such as the Landlord-Tenant Clinic, provide an in-depth experience combining case work and classroom work in a field of law. By contrast, in the in-house clinic, students work with clients in actual litigation under the supervision of a professor. Cases are chosen for content (for example



*A moot courtroom for the law school is included in the plans for Golden Gate University's new facilities, as illustrated in this sketch. Architects for the \$9 million remodeling and construction project are William D. Podesto & Associates, San Francisco.*

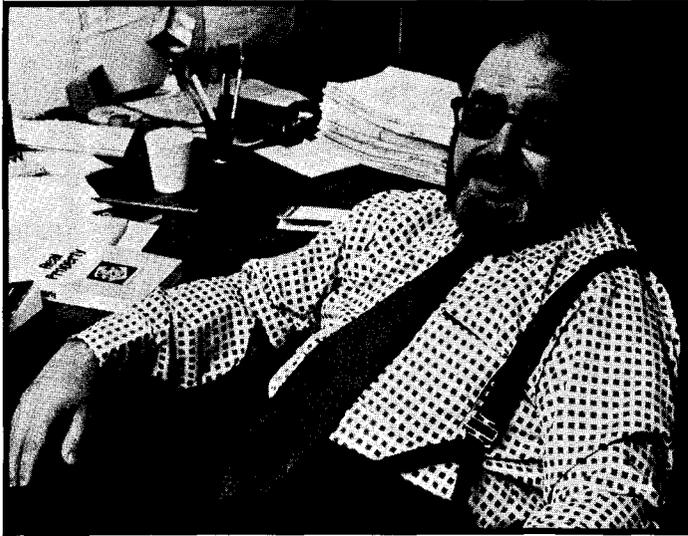
Habeas Corpus petitions, criminal defenses, legislative drafting) and a team approach is emphasized.

In 1970, the law library was moved to a nearby building in order to accommodate its growing collection and to provide more space for students to study. Since then, the collection has more than doubled to 75,000 volumes and the library now is staffed by five professional librarians.

In light of all these developments, the university's recently announced decision to commit itself to a building project presents a welcome opportunity for the school to consolidate its past growth as well as provides a catalyst for future growth.

Plans for the building include a moot courtroom, a 600-seat auditorium and more office and administrative space, as well as a new law library.

Thus, completion of the project will eliminate physical constraints and permit the school to continue to expand its programs.



*Roger Bernhardt*

# Bernhardt has book published

By Susan Ware

Roger Bernhardt, law professor at Golden Gate University, published a new book on real property last fall. The book, part of West Publishing Co.'s "Nutshell Series," organizes the rules of property into a clear guide "to which a student or lawyer can turn for reliable guidance," according to West.

Among Bernhardt's other writings are his many contributions to the Continuing Education of the Bar (CEB), including the annual supplement to CEB's *Real Estate Transactions*, 1967, and major contributions to *California Real Estate Secured Transactions*, 1970.

The book of which Bernhardt is most proud is his *California Real Estate Finance*, 1971, revised 1975, the casebook he uses in his Real Estate Finance course at Golden Gate. He currently is under contract for a book to be published in 1976 on California mortgage law.

Roger Bernhardt isn't an esoteric scholar of obscurity; he is a popularizer of the law. His goal is to make the law clearer to students, lawyers and judges. Among recent events that illustrate his success are his being chosen best teacher of the year by the June 1975 law school graduating class and being cited in *Greene v Municipal Court* (19 Cal App 3d 811).

Besides local bar activities, Bernhardt is involved in San Francisco community politics: the mayor's Citizens' Committee on Community Development, housing chairperson of the Planning Association for the Richmond and chairperson of the Inner Richmond Citizen's Advisory Committee for the Rehabilitation Assistance Program (RAP) — a program which enforces the building code by, among other things, making available money at low interest rates to enable owners to comply.

A full-time faculty member of Golden Gate University, he teaches Real Property, Real Estate Finance, Land Use, Real Estate Planning and Litigation. He is a graduate of the University of Chicago with a B.A. and an M.A. in Humanities-Philosophy and a J.D. in law. He has been in private practice in San Francisco and has taught at other law schools.

# Teaching staff adds four

Four new professors joined Golden Gate Law School's faculty for the 1975-76 school year.

Robert Calhoun, LL.B., 1970, Yale University, is teaching evidence and criminal procedure this spring. Calhoun's experience includes clerking for Richmond Levet, U.S. District Court, Southern District of New York; three years as public defender in Alameda County, and teaching at Hastings College of Law.

Janice E. Kosel, J.D., 1971, University of California (Boalt Hall), is teaching commercial transactions, local government and family law. She spent three years doing corporation and municipal finance work with Orrich, Herrington, Rowley & Sutcliffe in San Francisco and was a visiting professor at Golden Gate last year.

Deene Solomon, LL.B., 1965, Harvard University, teaches individual and corporate taxation. She is a specialist in taxation law and began her legal career in the tax division of the Justice Department. She also was an associate of Brobeck, Phleger & Harrison in San Francisco.

Coleman Bresee, J.S.M., 1967, Stanford University, is a visiting professor at Golden Gate this year teaching pleadings and practice and advanced criminal procedure. He has worked as assistant U.S. attorney for the Northern District of California and as deputy district attorney in San Mateo County. Bresee remains active in private practice in San Mateo.

# Professor stays active in human rights suits

By Steven P. Krikava

Golden Gate University Law Professor Morton P. Cohen's concern for the rights of persons often ignored by the rest of society has kept him actively fighting to preserve those rights.

Among his most recent activities was a law suit last November that brought about the release of all persons who had been jailed without being represented by counsel for public drunkenness in San Francisco.

In the future, no person arrested for drunkenness may be denied representation, but "what that will mean, I can't really predict," Cohen said. He said his underlying goal in the suit was to call attention to the way we treat drunkenness, and he hoped that he could help to get it treated as a disease rather than a crime.

Cohen's other public service activities have included: member of the board, National Jury Project; member of the advisory counsel for the Attica Legal Defense; member of the advisory counsel, American Civil Liberties Union Conference; member of the President's Commission on Children; National Lawyers' Guild.

His publications include *Survey of Voir Dire for State and Federal Courts*, 1975, National Jury Project; *Materials for Civil Procedure for Courts' Personnel*, 1973, Wayne State University School of Law.

This semester, Cohen is teaching a prisoners' rights course and directing the Western Center for Constitutional Rights clinic at Golden Gate, as well as teaching a procedure course at the University of California (Boalt Hall).



*Mort Cohen*

# Alumni involvement needed

Among the greatest assets of Golden Gate University School of Law are its graduates and their contributions to making this a great school. Their input helps give direction to our growth, and their financial support helps make growth possible.

But there is plenty of room to expand the graduates' roles.

The primary goal of this publication is to keep our graduates informed about

the school's developments as well as providing another medium for discussion of professional issues.

Beyond that, and at least as important, we intend to make this publication a true forum.

Letters, guest editorials and articles from our readers are welcome. By providing a special medium for law school graduates to communicate with each other, we offer the opportunity to our

readers to express their views on school developments and on the legal profession.

Also, we request news from our graduates of developments in their careers, which we will note in a special alumni column.

Please address all correspondence to: Editor, Law School ALUMNI FORUM, Golden Gate University, 536 Mission St., Room 210, San Francisco, Cal. 94105.

## Dean's letter

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This is the first issue of the Alumni FORUM. The second issue will be printed in late April 1976. Thereafter, winter and spring issues of the FORUM will be published during each academic year.

In this issue we have attempted to bring you up-to-date about the law school. As you will read in the newsletter, significant changes have occurred at Golden Gate since 1965. The law school moved to its present downtown location in the late 1960's and has already outgrown its facilities. The student body has grown enormously. The size of the faculty has more than doubled and the size of the library collection has nearly tripled.

Certain things have not changed. The faculty, students and administration have managed to maintain the close relationship which has always been a distinctive and unique feature of the school. In addition, the University administration and Board of Trustees have continued their support to the law school and maintained their commitment to the increasing excellence of its program. The latter is well illustrated by the recent University decision to institute a fund-raising campaign for a much-needed new building.

The law school is a vital, growing institution. We invite you to learn more about it. We invite you to participate in its activities.

—Dean Judith McKelvey

## Update

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- Dean Judith McKelvey is the new president of California Women Lawyers, a new statewide organization whose purpose is to advance women in all aspects of the profession. She also just has been elected to the Board of Directors of the San Francisco Bar Association.

- Wally Allen joined Golden Gate as law school placement director last September. Formerly with the Peace Corps, Vista and Kaiser Aluminum (as college relations director), Allen's approach is in-school preparation for the job market through law related work experience, clerking opportunities and guidance in writing resumes and conducting interviews. He is actively seeking alumni support and participation.

- The Golden Gate Alumni Directory will be available about Feb. 1. Please contact Marcia Cahill, 391-7800, ext. 307, to receive a copy.

## Classes open to attorneys

Attorneys who might be interested in exploring newly developing areas of law, studying subjects new to them or brushing up on old subjects are eligible to audit classes at Golden Gate Law School.

Among the courses offered this year are Art and the Law, Economics and the Law, Civil Rights Litigation, Real Estate Planning, Sex Discrimination, Admiralty, Indian Law, Workers' Compensation and Land Use.

Both day and evening classes are open to audits, subject to space limitations, and auditors are charged the same fee as other students.

Anyone who is interested should contact Carol Goldman, law school registrar, at Golden Gate (391-7800) for a complete list of courses offered, a class schedule and registration information.

## Actual cases reviewed in Appellate Advocacy

The Appellate Advocacy program at Golden Gate Law School differs from more traditional moot court programs in that it uses transcripts and records of actual cases pending before California appellate courts instead of hypothetical problems.

In this way, the experience is more realistic because students have to comb through records to determine the issues involved; thus, an academic endeavor involving predetermined issues is avoided.

Appellate Advocacy at Golden Gate involves intensive training in the analytical skills needed for effective written and oral argument. Each student in the course is personally supervised by a faculty member who personally critiques all assignments.

Because of students' recognition of the need for forensic preparation for trial lawyers, the demand for seats in the course is high.

In addition to the Appellate Advocacy program, the school also selects students to participate in both state-wide and National Moot Court competitions. Last year, two Golden Gate students, Steven Winter and Elaine Andrews, placed first in the brief writing competition for the 9th circuit region of the national competition.

# Ban on lawyer advertising

By Steven P. Krikava

"Should lawyers be allowed to advertise their services?" — a question that's been answered with a firm "No" by bar associations for a long time — now often is rephrased "How should lawyers be allowed to advertise?"

At present, nearly all states prohibit advertising and publicity by attorneys with statutes or state bar rules similar to California "Rules of Professional Conduct" 2-101: "A member of the State Bar shall not solicit professional employment by advertisement or otherwise."

Some advocates of legal advertising claim that lawyers do advertise already by running for public office, by joining country clubs and by other social and community activities. They argue that bar associations ought to recognize the reality of the situation and permit advertising so that all segments of the public have access to information on the availability of legal services.

The California state bar now is discussing a pilot program that would loosen some restraints on lawyer advertising. If the program is approved, California attorneys will be permitted to buy display ads in the telephone directory Yellow Pages, up to one-sixteenth page in size, that publicize fluency in foreign languages, office hours, acceptance of credit cards and other consumer information. Availability of a fee schedule may be included, but fees charged and photographs or art work would not be allowed.

However, there's a suit pending in U.S. District Court, Northern District of California, that demands more than limited displays in the Yellow Pages. Consumers Union of the U.S., Inc., with several other consumer groups and attorneys, claims that the rules banning ads, as enforced by the state bar board of governors, violates the First Amendment of the U.S. Constitution by interfering with their right to receive and disseminate information about legal services.

A representative of Consumers Union said that such action as the proposed California pilot program doesn't go far enough in serving the interests of consumers.

Traditionally, opponents of legal advertising have argued that it would "stir up" frivolous litigation, harm clients and damage the profession's dignity.

The oldest of these arguments is that of stirring up litigation; opponents of ads fear that calling attention to the availability of legal services will induce persons to sue under circumstances where no legal remedy has been recognized. Advocates of legal advertising counter that such a claim discredits the court's ability to uncover and deal with frivolous suits.

Furthermore, according to the Tennessee Law Review, volume 40 (1973), "Advertising, Solicitation, and Prepaid Legal Services," the stirring up theory "emphasizes the peace of the community, looking upon litigation as a socially disruptive means of settlement. . . . Such a view discriminates against the poor, ignorant and timid." A passive judicial system serves only the wealthy, knowledgeable and aggressive.

Next, opponents of ads claim that clients will suffer from attorneys taking cases when there is no reasonable basis for recovery, from attorneys who take more cases than they can handle, from misrepresentation in ads and from increased fees to cover the expense of advertising.

On the other hand advertising advocates claim that fees will be

reduced because of the increased consumption of legal services generated by ads and because of increased competition also generated by ads. As regards overreaching, underrepresentation and misrepresentation, they claim that statutes, government agencies and bar associations will control such abuses adequately.

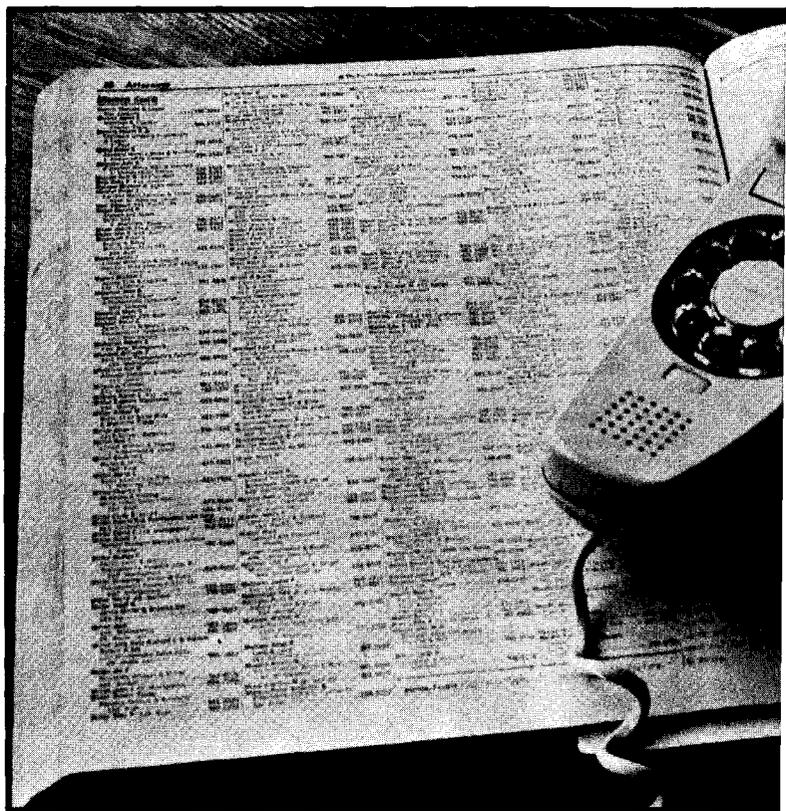
Finally there is the charge that advertising will damage the profession's dignity.

However, Valerie Baker in the UCLA Law Review, volume 22 (1974), "Bar Restrictions on Disseminating of Information about Legal Services," reports, "Studies reveal that a large number of people believe lawyers' services are prohibitively expensive and that others feel that lawyers are thieves and interested only in fees."

An editorial in the Los Angeles Times, Aug. 31, 1974, noted, "The popular view that shyster lawyers are the rule rather than the exception has been given impetus by the shenanigans of attorneys in the mess known collectively as Watergate."

Advocates of legal advertising point to such reports and argue that there is nothing inherently immoral about advertising and that it's necessary to restore the profession's integrity.

Furthermore, advocates contend that the ban controverts the



*Should this be the only direct link between consumers and lawyers? Some groups are attacking bar association bans*

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# nder attack

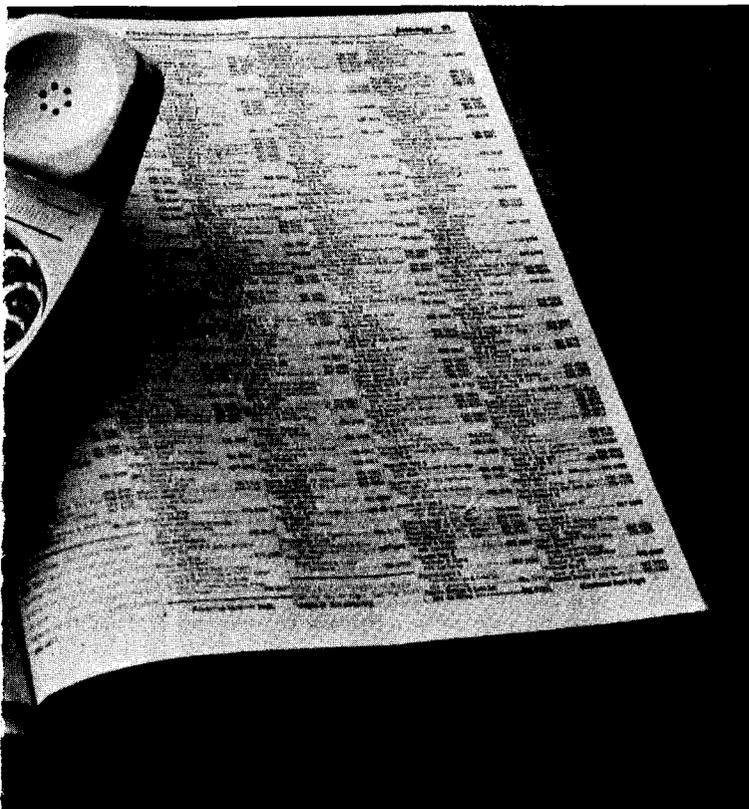
duty imposed by the American Bar Association Code of Professional Responsibility to educate persons to recognize their legal problems and to assist in making legal services available to them; the ban tends to restrict such a flow of information.

But the most influential factor now in the debate is that legal advertising has been labeled a consumer issue, with consumer groups, like Consumers Union, claiming that advertising would be in the consumers' interests.

The powerful force of consumerism may end up being the deciding factor, regardless of the merits of opposing arguments.

This view is especially evident from a report on the Conference on Lawyer Advertising last Dec. 6 in Chicago. Mortimer H. Herzstein, member of the Bar Association of San Francisco board of directors who attended the conference, reported that though conferees generally opposed legal advertising, the tone of the conference was one of anticipation of what to expect when it's finally permitted.

In Herzstein's comments on the conference, he concludes, "There will be some form of lawyer advertising — we should tailor it to the needs of the consumer ourselves. We'll probably do a better job while protecting the integrity of the profession."



*on advertising of legal services and are threatening to take the final decision away from the legal profession.*

## Graduate gives valued help in school projects

David Lawson remains intensely involved in Golden Gate Law School, though he was graduated in 1971 and now is with Chickerling & Gregory in San Francisco. This spring he is teaching a course in conflicts at Golden Gate, is the alumni chairperson of the Law School Building Committee and is coordinating a tutorial program for minority students at the university.

The tutorial program began last fall and is sponsored by the Barristers Club of San Francisco. In its first semester, it involved 20 students and 27 attorneys and because of its initial success, it's being continued.

"Generally, the program gives a student a chance to get together with a young lawyer in each field and to discuss the subject," Lawson said. It also is aimed at boosting students' confidence and at helping them with legal writing.

The program involves two two-hour sessions on each course in the students' curriculum. Lawson points out, however that it's still a pilot program and therefore the format is very flexible and can be changed to meet student needs as they arise. Weekly planning sessions provide the opportunity to discuss and implement modifications and alterations.

Encouraged by the response of the Golden Gate students, Lawson says the Barristers Club may expand its program next year to include minority students of other Bay Area law schools.

In an effort to raise the money still needed for Golden Gate's building project, an all-university campaign is being conducted and Lawson is directing the law school part of the drive.

As alumni chairperson of the Law School Building Committee, Lawson is coordinating the solicitation of law alumni, within the framework of a university-wide program. His committee is made up of alumni, faculty and student volunteers.

In the campaign, which begins Feb. 1, all prospective contributors will be contacted personally by a volunteer. Lawson encourages anyone who has questions or who wants to help to call him at (415) 421-3430.

## Alumni conduct panel

Three Golden Gate Law School graduates who are now in private practice participated in a panel discussion at the school last November on the challenges and problems of setting up a law office.

The discussion centered on how to set up an office and develop clientele and explored the costs involved. After each panelist talked about his experiences, the two-hour program ended with questions from the audience.

"I thought it went extremely well," said Mel Honowitz, '73, who planned and organized the panel. He said he is considering conducting another discussion during spring semester.

The other two Golden Gate graduates on the panel were Norm Stone, '73, Honowitz's partner, and Steve Landes, '72, who has a firm in Albany. Two other Bay Area attorneys, Rodney Johnson and James Bruen, also participated.

About 40 persons attended the discussion, which was presented as a program of the law school placement office. It was open to alumni and students, as are all placement office programs.

# Student news

## Law Review surveys Ninth Circuit decisions

Golden Gate University Law Review will undergo several noteworthy changes during the 1975-76 academic year. The major change will be publication of an annual Ninth Circuit survey.

The survey, to which a new third issue will be devoted, will provide a summary and analysis of the decisions of the United States Court of Appeals for the Ninth Circuit — the only circuit court of appeals not presently surveyed.

The survey issue, which will be published in early 1976, also will serve as a vehicle for introducing the review's new policy of publishing a limited amount of non-student material.

All of these changes are a reflection of the review's commitment to scholarly excellence and practical usefulness. This commitment has enabled the review, already in its sixth year of publication, to become an established part of legal journalism.

It is fully indexed in the leading legal indexes, is cited as a reference source by publishers of legal research materials and is cited with growing frequency by legal writers.

In an effort to generate greater alumni support for the review and to expand attorney interest in the review as a useful legal publication, a special alumni subscription rate of \$7 per year has been established. Individual issues are \$4.50, survey issue is \$5.

Subscription requests can be sent to Golden Gate University Law Review, 536 Mission St., San Francisco, Cal. 94105. California residents must add six percent sales tax except BART county residents who must add 6.5 percent.

## Students clerk for judges

Golden Gate's judicial clerkship program, which places law students with superior and appellate court judges for a semester of work, is developing well says Mary Minkus, associate dean of the law school and coordinator of the clerkship program.

The program successfully places several students each semester, in the Bay Area and throughout the state. Recent clerkships have included Robert Howell who was with Judge John B. Molinari, California Court of Appeals, in San Francisco, Karen Spelke and Robert Baker, who clerked for California Supreme Court Justice Donald Wright during summer, 1975, and James A. Reuben, this semester's clerk with San Francisco Superior Court Judge Donald Constine.

Participants in the clerkship program mainly are involved in research and writing memoranda of law. At the same time, they get a judge's perspective of the operations of the judicial system.



**GOLDEN GATE UNIVERSITY**

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