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The Caveat, May 1966

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CAVEAT

Volume 1 No. 5

GOLDEN GATE COLLEGE SCHOOL OF LAW

MAY 1966

PICNIC JUNE 12

The annual Law Wives Picnic, co-sponsored this year by the wives and the Student Bar Association, is scheduled for 12 noon, Sunday, June 12, at the Marin Town and Country Club, Fairfax.

Arrangements have been made to include outdoor barbecuing and swimming for the group, as the Club's facilities provide seven pools in addition to wading pools for children, and group picnic areas. Tennis, volleyball, and other activities are also available for the sportsminded.

The Club normally has fixed rates for individuals and children, but since the cost will be subsidized by the Student Bar, all facilities plus hamburgers, hot dogs, unlimited beer and soda pop will be made available at a cost of \$1.00 per family. A student and his or her date will also be admitted for the same price.

Tickets are now available through the various class representatives. Students are urged to purchase tickets early so that the Law Wives can anticipate the number for which food and drinks must be ordered. Seniors, for whom classes are finished, may sign up on a special sheet on the bulletin board and purchase tickets at the picnic.

Directions to reach Marin Town and Country Club will be posted on the bulletin board. In addition, it is hoped that a special mailing including details will be sent to all students.

129 v. 129

After an active campaign for S.B.A. President, ballots were cast on May 3 and 4. The ballots were counted, and for a short period of time, it appeared Jerry Edelman had won, 105 to 104. However, it was soon discovered that two classes had not voted; the 4th year evening class, and the 1st year spring evening class. The election committee, after prolonged discussion on all sides, allowed these two classes to cast their votes. The final vote was again counted and both Stevens and Edelman had received 129 votes!

The newly elected board of governors of the S.B.A., at their first meeting on May 12, discussed various alternatives to break the tie. It was decided that in fairness, to all parties

concerned, both candidates and students, a complete re-election would be held; this time by mail.

Every student will receive a ballot in the mail, together with a set of instructions that must be completely complied with in order for his ballot to count. The Student Bar will rent a post office box to collect the ballots, and at the appointed hour stated in the instructions, the ballots in the box will be removed and no others accepted. The ballots will be counted by the election committee, and the winner announced.

To avoid the possibility that your vote will not be counted, all students are urged to mark and mail their ballots as soon as they are received.

PAD Wounded but not Dead

The statement of the faculty as reported in the last issue of Caveat temporarily slowed down the progress of installing a chapter of PAD. In its wake the fraternity steering committee drew up the following list of questions which they submitted to the Dean:

- (1) Can the fraternity have a faculty advisor?
- (2) Can the fraternity hold meetings in a classroom?
- (3) Can the fraternity have speakers in a class room available only to fraternity members?
- (4) Can the fraternity use the bulletin board?

The answer to all four was in the affirmative and the Dean suggested that since the bulletin board was crowded the group install additional bulletin board space.

With developments at their present posture, Joe Mehrten, PAD committee chairman indicates that the national headquarters of PAD is being contacted to ascertain their attitude. As yet there has been no official answer.

The annual area conclave for PAD was held over the weekend of April 16 and 17 at the Sheraton Palace Hotel. This is reportedly a small convention-like affair of the Hastings, Bolt, University of San Francisco, Stanford, and University of Santa Clara chapters. Jerry Edelman, member of the fraternity steering committee attended portions of the function as a

guest. Supreme Justice of Phi Alpha Delta, Eldon S. McGaw, expressed the view that PAD is very anxious to establish a chapter at Golden Gate College.

RECENT CASES OF INTEREST

INOUE V. BLACK 238 A.C.A. 36:

Judgment of nonsuit affirmed in action for damages for medical malpractice. *Res ipsa loquitur* held inapplicable. Plaintiff underwent surgery for a back injury. The neurosurgeon wired together the first and second cervical vertebrae with two pieces of stainless steel wire which were expected to break ultimately but which would permit the ligaments to heal while it held the bones together in the body but was not expected to cause any physical damage. Two years after the operation, x-rays revealed that the wire had broken into relatively small fragments, an event not expected by the defendant. One fragment had migrated downward to the lower spine. Surgical removal of some of the wire fragments would be necessary. The plaintiff contended primarily that *res ipsa loquitur* required the case to go to the jury. It was held that the evidence established a reasonable probability of negligence on the part of someone, but it did not point the finger of probable fault at the defendant. The expert testimony established that the wire was of the proper kind, that it had been properly tested by the defendant, that it had been installed in a manner neurosurgical practice, and that its fragmentation in plaintiff's body was unexpected and unique. It was entirely possible that the wire had left the manufacturer's plant with hidden flaws or that there had been metal fatigue during long storage in the hospital supply room. Common experience reveals defendant's negligence as one of several available speculations, but not as a probability. Neither the manufacturer or the hospital was sued and with only one of the several involved agents before the Court, negligence could not be inferred without some evidence reasonably pointing to the surgeon.

S. B. A. NOTES

Since a new president had not been formally certified, the meeting was opened by Pano Stephens, last year's Vice-President.

Nominations were opened for Vice-President, who would officially conduct the meeting. Duly nominated were A. Barsamian and R. Marshall. Mr. Barsamian was elected by a 7 to 5 vote.

Mr. Barsamian not in attendance, Mr. Marshall conducted the next item of business; that of certifying the vote for President.

- 1.) Report of the election committee Henry Geller - Chairman, Mr. Geller reported that the spring semester 1st year students and the 4th year students had been given an opportunity to vote. The final result with these additional votes was Mr. Edelman 129 and Mr. Stephens 129.
- 2.) New Election. Since the election was officially a tie a new vote is

required as provided by the constitution. Mr. Long and Mr. Schneider were appointed as the election committee. There was discussion concerning the procedure to be followed for the new balloting.

It was moved, seconded and passed that ballots would be mailed to each student.

This mailing would include an envelope for the ballot and a return envelope on which will appear the voters name.

Ballots would be mailed to a special P.O. Box and not removed until ten days after the mailing. Names on the return envelope would then be checked against the student roster. Ballot envelope would then be opened and counted

at a special meeting of the Board of Governors.

- 3.) Election of remaining officers. Mr. Barsamian (having arrived) opened nominations for secretary. Mr. Marshall was duly nominated and nominations closed. Mr. Marshall was elected by acclamation.

Nominations were opened for Treasurer. Mr. Handelman and Mr. Long were duly nominated. The candidates left the room and two balloting were held; both resulting in a 6 to 6 tie. Due to lack of time the election was held over until the next meeting.

The Meeting was adjourned at 6:45 p.m.

- Respectfully submitted -
- R. L. Marshall, Sec. -

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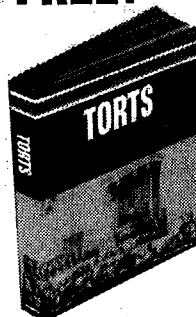
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BAR EXAM CHANGES

The Committee of Bar Examiners of the State Bar of California has just announced several extremely important changes applicable to the August 1966 Bar Examination.

The length of the bar examination itself has been reduced. Instead of six half-day sessions, there will be only five (i.e., 2½ total days, instead of 3). The total number of examination questions will be reduced from 29 to 24. The examination procedure remains the same: the bar candidate will be required to answer each of the four questions during the first session, and any four out of five questions during each of the remaining sessions.

Sales has been eliminated as a bar examination subject.

Four subjects have been placed on an option basis -- Community Property, Wills, Trusts, and Federal Estate and Gift Taxation. Questions in these subjects will be spaced throughout the examination so that the bar candidate may elect not to answer same (while at the same time, of course, restricting his choice in optioning out other courses).

The Committee of Bar Examiners frankly states that it intends to lay ever-greater emphasis on the "cross-over" questions raising issues in several subjects at the same time. The Committee has publicly stated that it intends to avoid questions which are prone to rigid, mechanical-formula analysis.

Additional changes in scope of the Bar Examination seem to be in the offing, but will not be effective for the forthcoming exam. The Committee of Bar Examiners advises that it is considering adding several courses to the Bar Examination. Commencing with the August 1969 exam, it is contemplated that Criminal Procedure, Civil Procedure and Federal Income Tax will be added to the present bar subjects. Further, the Committee is considering giving the bar candidate a wider range of selection in answering questions -- apparently through allowing the candidate to choose from a greater number of questions each session.

Colloquy

FOUND TACKED ON A BULLETIN BOARD AT HASTINGS COLLEGE OF LAW

Mr. Cox - In a moment of levity, we composed this, last night.

With no prior knowledge,
I started to college,

At Hastings to learn of the law.

I knew there'd be courses,

To tax my mind's forces,

But Contracts has put me in awe.

Exchange of conditions,

Inequitable decisions,

And contracts insuring a job.

Are all so confusing,

It must be amusing,

For Corbin to laugh while I sob.

Offer, acceptance,

Rejection, reliance, taught.

Are words that the casebook has

I've learned of rescission,

In depth with precision,

The Restatement I've heartily fought.

Of revocation and rejection,

I've read with affection,

But study and try as I might,

I'll just never learn,

How the hell to discern, right.

The difference between privilege and

Up late with my Wicks,

I pray the test picks,

A question I might somehow know.

Though I'm filled with fright,

At the thought of my plight,

There remains a chance that I'll show.

I pray that if I,

Detrimentially rely,

On my blackletter Gilbert's so clear,

My exam, though awful,

Will pass by estoppel,

And I'll be back at Hastings next year.

- Sec. B, Contracts -

The new, smiling face at the library counter belongs to the Canadian lass Mary McLuhan. Miss McLuhan, from Toronto, has attended the University of Windsor and the University of Toronto, where she majored in Journalism. Mary travelled across Canada in 1965 to San Francisco, where she became a model for Design Research, before coming to Golden Gate. Miss McLuhan contemplates making a profession out of journalism, working as a continuity writer for advertisements on television networks.

Badfly

On many afternoons our library resembles a cross between the engine room of the Queen Mary and the floor of the New York Stock Exchange. Although many students have complained about the situation, little, if anything, is being done to eliminate the problem. With the addition of the full time day section this coming fall, the problem will only increase unless corrective measures are soon taken.

Some of the noise could be removed by simply oiling door hinges and tightening loose door knobs. Pipes that have a penchant for banging should be wrapped with a heavy insulating material which would absorb most of that sound.

If a wall was installed between the lobby and the library proper, (parallel to the first shelf of Atlantic Reports) the vast majority of the conversations that normally carry into the library from the lobby area would be eliminated. Double glass doors could be installed to allow access from the lobby into the library.

At the north end of the mezzanine are two vacant rooms, either one of which could be converted into a 'seminar' room for students who wish to discuss various law and course related problems.

Since the library will have comparatively little use during the daytime this summer, that would seem to be the opportune time to begin a remedy of this situation.

- Editor -

LETTERS TO THE EDITOR

This space is reserved each month for comments from members of the faculty and the student body on subjects related to the legal profession, Golden Gate School of Law, or articles that have appeared in the CAVEAT. All letters should be signed, and the students year in school noted. Letters may be left with one of the secretaries in the library or deposited in the box on the second floor.

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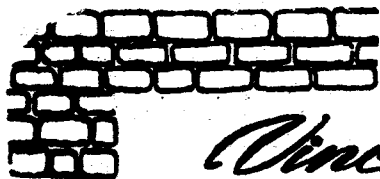
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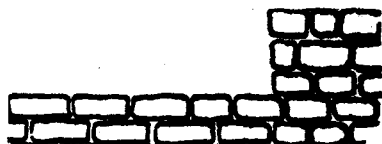


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