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Golden Gate College Bulletin School of Law 1954-1955

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GOLDEN GATE COLLEGE
BULLETIN

Vol. LVIII



1954-1955

SCHOOL OF LAW

Fifty-fourth Year

SCHOOL OF LAW

ACCREDITED BY THE
COMMITTEE OF BAR EXAMINERS,
STATE BAR OF CALIFORNIA

BULLETIN

1954-1955

Fifty-fourth Year



CO-EDUCATIONAL EVENING CLASSES

GOLDEN GATE COLLEGE

AN AFFILIATE OF THE YMCA OF SAN FRANCISCO

220 GOLDEN GATE AVENUE

SAN FRANCISCO

Telephone PROSPECT 5-5774

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JOHN A. GORFINKEL, *Associate Dean*

FACULTY

PAUL S. JORDAN, *Dean*

Domestic Relations and Community Property

A. B., University of California 1925; J.D., 1927; admitted to practice in California State and Federal Courts, 1927; with law firms Byrne & Lamson 1927-1933; Byrne, Lamson and Jordan 1933-1946; Lamson & Jordan 1946-1948; Lamson, Jordan and Shea, 1948-1952; Lamson, Jordan and Walsh since 1952; member Phi Delta Phi; on Golden Gate College faculty since 1933.

JOHN A. GORFINKEL, *Associate Dean*

Introduction to the Study of Law; Constitutional Law; Taxation.

A.B., University of California, 1926; J.D., 1929; J.S.D., 1931; admitted to practice in California State and Federal Courts, 1929, and to U. S. Board of Tax Appeals, 1932; and to U. S. Supreme Court, 1943; editorial staff of California Law Review, 1927-1929 and associate editor, 1928-1929; Deputy Corporation Commissioner, State of California, 1933; Enforcement Department, Office of Price Administration, 1942-1947; Executive Officer and Assistant Deputy Commissioner for Enforcement, 1945-1947; in private practice 1929-1942 and 1947-1952; author of legal articles in California Law Review; member Phi Beta Kappa and Order of the Coif; on Golden Gate College faculty 1933-1942 and since 1947.

CHARLES J. BARRY

Trusts

LL.B., University of San Francisco, 1928; LL.M., University of San Francisco, 1932; admitted to practice law in California State and Federal Courts, 1928; Deputy Clerk, United States Circuit Court of Appeals, 1928-1933; law clerk to Honorable Francis A. Garrecht, United States Circuit Judge, 1933-1943; Assistant Inheritance Tax Attorney, Sacramento, 1943-47; Associate Inheritance Tax Attorney, San Francisco, 1947-1951; Senior Inheritance Tax Attorney, San Francisco, 1951; on Golden Gate College faculty since 1952.

GEORGE A. BLACKSTONE

Property

A.B., University of Nebraska, 1943; LL.B., Harvard Law School, 1948; Board of Editors, Harvard Law Review, 1947-1948; admitted to practice in California State and Federal Courts, 1949; associated with McCutchen, Thomas, Matthew, Griffiths and Greene, 1948-1953; Assistant U. S. Attorney, Northern California, since 1953; member Phi Beta Kappa; on Golden Gate College faculty since 1953.

WILKIE COURTER

Contracts, Equity

B.S., University of San Francisco, 1932; LL.B., 1936; admitted to practice in California State and Federal Courts, 1936; legal advisor to Wartime Civil Control Administration, 1942-1943; U. S. Army, 1943-1946; in private practice 1936-1942 and since 1946; on Golden Gate College faculty since 1946.

JAMES J. DURYEA

Torts, Practice and Procedure

A. B., College of Pacific, 1944; LL.B., University of San Francisco, 1949; admitted to practice in California State and Federal Courts 1949; U. S. Marine Corps, 1942-1946; Teacher, San Francisco Unified School District, 1948-1949; associated in private practice of law with Remington Low since 1949; partner, Low & Duryea, since 1953; on Golden Gate College faculty since 1949.

GERALD S. LEVIN

Equity, Trusts

A.B., University of California, 1927; LL.B., 1930; Harvard Law School, 1930-1931; admitted to practice in California State and Federal Courts, 1931 and to U. S. Supreme Court, 1936; Senior Attorney, U. S. War Department, 1943-1945; associated with Pillsbury, Madison & Sutro since 1931; member of firm since 1953; President, The Bar Association of San Francisco, 1953; on Golden Gate College faculty since 1944.

ALLAN R. MOLTZEN

Business Associations

A.B., University of California, 1939; LL.B., Harvard Law School, 1942; Associate Editor, Harvard Law Review, 1941-1942; Lieutenant Commander, U. S. Navy, 1942-1946; admitted to practice in California State and Federal Courts, 1946; associated with Pillsbury, Madison & Sutro, 1946-1953; partner, Bryant, Pfothenhauer, Moltzen and Cooper since 1953; member Phi Beta Kappa; on Golden Gate College faculty since 1949.

VARNUM PAUL

Evidence, Torts

A.B., University of California, 1930; LL.B., 1933; editorial staff, California Law Review, 1931-1933; admitted to practice in California State and Federal Courts, 1933, and to U. S. Supreme Court, 1945; Lieutenant Commander, U. S. Navy, 1942-1946; in private practice since 1933; member of firm, Vaughn, Paul & Lyon since 1953; on Golden Gate College faculty since 1938.

GOLDEN GATE COLLEGE

DONALD A. PEARCE

Business Associations

A.B., University of California, 1922; J.D., 1924; admitted to practice in California State and Federal Courts, 1924; Claims Department, Employers' Liability Insurance Corporation, 1924-1925; Claims Department, Western Pacific Railway Company, 1925; Lieutenant Commander, U. S. Navy, 1943-1945; Assistant Commissioner, Division of Corporations, State of California, since 1926; collaborated with Professor Henry Winthrop Ballantine on Corporation Law, 1931 and 1938; on Golden Gate College faculty since 1928.

WARREN H. PILLSBURY

Evidence

B.L., University of California, 1909; J.D., 1912; Harvard Law School, 1909-1910, 1912-1913; admitted to practice in California State and Federal Courts, 1912; Assistant in political science, University of California, 1913, and instructor in law, University of Illinois, 1914; Referee and Assistant Attorney, Industrial Accident Commission, 1914-1923; Attorney for the Commission, 1923-1926; in private practice, 1926-1930; Deputy Commissioner U. S. Employees' Compensation Commission for district 13, since 1927; author of legal articles in California, Harvard, and Virginia Law Reviews; on Golden Gate College faculty since 1914; on leave since 1951.

CECIL F. POOLE

Criminal Law

A.B., University of Michigan 1935; LL.B., 1938; LL.M., Harvard Law School; Admitted to practice in Pennsylvania, 1938, and in California, 1946; in private practice in Pennsylvania, 1938-1941; Attorney for National Labor Relations Board, Washington, D. C., 1941-1942; U. S. Air Force, 1942-1945; Special Appellate Attorney and Chief, Briefing and Appellate Unit, Office of Price Administration, 1946-1947; Assistant District Attorney, City and County of San Francisco, since 1949; on Golden Gate College faculty since 1952.

HERBERT POTHIER

Contracts, Wills

Ecole Superieure de Commerce, Switzerland; LL.B., Hastings College of the Law, 1935; admitted to practice in California State and Federal Courts, 1935; Senior Attorney, War Labor Board, 1943-1945; Office of Alien Property, Department of Justice, 1945-1946; in private practice since 1937, associated with Marcel E. Cerf, Robinson & Leland since 1946; on Golden Gate College faculty since 1944.

JAY L. SHAVELSON

Domestic Relations

A.B., University of California at Los Angeles, 1949; LL.B., University of California, 1952; member of Phi Beta Kappa; contributor to the California Law Review; U. S. Navy, 1945-46; on Golden Gate College faculty since 1952.

JAMES B. SMITH

Commercial Law, Conflict of Laws, Property

University of California, 1936-1939; Hastings College of the Law, 1939-1941; LL.B., University of San Francisco, 1946; admitted to practice in California State and Federal Courts, 1946; Oakland Recreation Department, 1938-1941; Captain, U. S. Army, 1941-1946; in private practice 1947-1952; partner, Duggan, Smith & Lawlor, 1948-1952; on Golden Gate College faculty since 1947.

CASPAR WILLARD WEINBERGER

Practice and Procedure

A.B., Harvard College, 1938; LL.B., Harvard Law School, 1941; admitted to practice in California State and Federal Courts, 1946; Captain, U. S. Army, 1941-1945; Law Clerk to Judge Orr, U. S. Circuit Court of Appeals, Ninth Circuit, 1945-1947; associate, Heller, Ehrman, White & McAuliffe since 1947; member Phi Beta Kappa; on Golden Gate College faculty since 1949.

SCHOOL OF LAW

ceeding on the assumption that most students intend to practice in California, full instruction is given in all significant phases of California law.

The location of the school affords unusual opportunities for research and for observation of law and government in action. The Civic Center and Federal Office buildings, the United States Court of Appeals and District Courts, the State Supreme Court and District Court of Appeals, the Superior and Municipal Courts and most Federal, State and local government agencies are located within a few blocks of the school.

Law Library

The school maintains an up-to-date law library, conforming to the standards required by the State Bar of California for an accredited law school and adequate for student study and research. The extensive facilities of the San Francisco City and County Law Library, located on the fourth floor of the City Hall, and in the Mills Building, are also available for student use. The school library is open during the day and evening, including Saturdays, Sundays and holidays.

Tuition and Fees

(a) The tuition fee is \$13.50 per semester unit; (b) the Law School Association fee is \$2.50 per semester, except summer; (c) the Graduation fee, payable at the beginning of the final semester, is \$20.00. Tuition and fees are payable each semester, on enrollment; they may be paid in full, either at registration or by the opening day of the course, or they may be paid in four monthly installments as provided in the General Bulletin (pp. 37-38). For courses extending over more than one semester, course tuition will be prorated, on a unit basis, between the semesters. Tuition and fees for students taking the full course are:

<i>Fall and Spring Semesters:</i> Tuition for 9 units.....	\$121.50
Law Association Fee.....	2.50
	<hr/>
	\$124.00
<i>Summer Session:</i> Tuition for 4½ units.....	\$ 60.75

Refunds

Although fees are not refundable, the tuition accounts of students who withdraw or are dropped will be adjusted and refunds made or credit given on request according to the schedule in the General Bulletin of the College.

ADMISSION REQUIREMENTS

1. *Beginning Students—Regular Status.* The applicant must have satisfactorily completed at least one half of the work required for a Bachelor's Degree at a recognized institution of collegiate grade with an average of C+ or better. Applicants who have completed the requisite number of units with an average of less than C+ may be admitted only upon approval of the Dean. The work should be primarily in the liberal arts and social science fields. Where the major college work has not been in such fields, approval of the Dean is required.

2. *Beginning Students—Special Status.* A limited number of applicants who cannot qualify as regular students, will be considered for admission as special students. Such applicants must: (a) be over 23 years of age; (b) be at least a graduate of high school with an average grade of B; (c) satisfactorily pass an entrance examination, including standard psychological, English and legal aptitude tests; (d) give evidence of such business or professional experience as will compensate for the lack of college education. All admissions to special status require the approval of the Dean.

3. *Advanced Standing.* An applicant for advanced standing will be considered only if he (a) could qualify for admission to regular status; (b) presents proof of satisfactory completion, at a law school accredited by the Committee of Bar Examiners of the State Bar of California, of the courses for which he requests credit; (c) establishes his honorable dismissal from the law school for which he requests credit. A minimum of two years attendance at Golden Gate College Law School is required of all students admitted to advance standing. All admissions to advanced standing require the approval of the Dean.

COURSE OF STUDY, SCHOLARSHIP AND DEGREE REQUIREMENTS

1. The course of study for the degree of Bachelor of Laws (LL.B.) is four years.

2. Requirements for the degree are: (a) Completion of 84 units of study in accordance with the prescribed curriculum and with a limited number of elective courses; (b) an average grade of C+ or better; (c) completion of a course in American History or evidence of satisfactory completion of such a course prior to entering Law School. (This last requirement must be satisfied before admission to the fourth year of the Law School.)

3. Requirements for Advancement. Students must maintain an average grade of C+ throughout the law course and must have an accumulated average of C+ in 84 units in order to qualify for graduation and the LL.B. degree. Students who fail to maintain a C+ average in any given year will be dismissed by the school for scholarship deficiency. Normally dismissal will be made at the end of the academic year, but the school reserves the right to dismiss at any time a student who fails to maintain the required standard.

4. Classes meet three evenings a week, usually Mondays, Wednesdays and Fridays, from 6:50 to 9:20 p.m. Occasionally, a fourth night is required for a short time during a semester.

5. The school year consists of two semesters of 18 weeks each and a summer session of nine weeks. Class sessions falling on school holidays are made up during the semester. Consult the college calendar, page 2, for session dates.

6. A student may commence the study of law at any session; normally students entering in the spring semester, will require 4½ years to complete the curriculum.

7. Office hours. The college office is open on week days from 8:00 a.m. to 8:00 p.m. The Dean's office is open to all students at scheduled hours and by appointment.

8. Examinations. Each student is required to take a final examination in each course and such additional examinations as the instructor prescribes. Examinations must be taken at the time scheduled. If it is impossible for a student to be present at the scheduled time, application must be made, in advance of the scheduled date, for permission to take a special examination and approval obtained from the instructor and the Dean. A fee of \$5 00 is charged for each special examination.

9. Attendance and Withdrawals. Attendance is required at not less than 80% of the class sessions. A student must notify the college, in advance whenever possible, of any circumstance that will cause his absence from class and request authorized leave therefor. Students who have been absent for two consecutive weeks, or who have missed more than 20% of the scheduled classes in any semester, without authorized leave, will be dropped from the course. Students who find it necessary to withdraw from Golden Gate College must notify the Registrar promptly in writing or in person of their intention to discontinue classes, stating in full their reasons. A student who, at the time of withdrawal, has not paid in full his current charges for tuition and other fees, cannot be granted an honorable dismissal or statement of work completed until all outstanding charges are paid. Students attending under the G. I. Bill, who withdraw from school during the semester, are required to return their books to the College bookstore.

10. Prizes. Three awards are given members of the graduating class for scholastic achievements:

The Bancroft-Whitney Prize—A set of Annotations to California Codes, The Civil Code and Code of Civil Procedure.

The Bender-Moss Prize—Hillyer's Annotated Forms of Pleading and Practice.

The Recorder Printing and Publishing Company Prize—A year's subscription to the Advance California and California Appellate Reports.

DESCRIPTION OF COURSES

The required curriculum of the Law School consists of those courses which are regarded as essential to a comprehensive legal education and are designed to cover the fields of legal study sufficiently to enable a student to qualify for successful practice of the law.

The school program is designed to provide an orderly progression from year to year. Therefore a student should plan to take each year, the courses recommended for that year. Failure to do so may delay graduation and any departure from the recommended curriculum must have the Dean's approval.

Business Associations (6 units):

A. Corporations:

Characteristics of corporations (de facto and de jure); officers, directors and stockholders; powers and liabilities; subscriptions, promoters; assembling of funds; incorporation; management and control; capital; profits; stock transfer; merger; consolidation and reorganization; dissolution.

B. Partnerships:

Nature and formation of partnership; partnership property; power of the partner to act for the partnership; remedies of creditors for the enforcement of partnership obligations; relations of partners between themselves; dissolution and winding up.

Commercial Law (6 units):

Introduction: Types and function of instruments, documents and contracts used in commercial transactions. Negotiable Instruments: Elements of negotiability; negotiation; of holders; liability of parties; discharge. Sales: Passage of title; lien and stoppage in transitu; sales financing devices; protection of bona fide purchasers and creditors; warranties.

Conflict of Laws (3 units):

Nature, source and proof of foreign law; domicile; power to adjudicate or determine rights, including jurisdiction of courts and enforcement of foreign judgments; power to create rights, including choice and application of foreign law in torts, contracts, workmen's compensation, personal status, marriage, divorce, property rights and inheritance.

Constitutional Law (6 units):

The judicial function of interpreting and enforcing written constitutions; the nature of the Federal system, separation and delegation of powers, relations between the Federal government and the states, interstate relations, Federal legislative powers; Constitutional limitations on governmental action, due process and equal protection of the laws, privileges and immunities of citizenship, impairment of contracts, political and social rights, freedom of speech, religion and the press; State and Federal regulation of matters in or affecting interstate commerce.

Contracts (7½ units):

Mutual assent, consideration, third party beneficiary contracts, assignments, joint obligations, statute of frauds, performance, express conditions, implied conditions, impossibility, illegal contracts, discharge, novation, release, accord and satisfaction, arbitration and award.

Criminal Law (3 units):

Criminal procedure, nature of crime, elements of a crime, attempts, jurisdiction, modifying circumstances, culpability, privilege, parties, conspiracy, former jeopardy, homicide, rape, assault and battery, larceny, embezzlement, false pretenses, receiving stolen property, robbery, burglary, arson, and forgery.

Domestic Relations and Community Property (4½ units):

Domestic Relations: Marriage; husband and wife; antenuptial and postnuptial agreements; annulment; divorce and separation; separate maintenance; parent and child; reciprocal rights, duties and obligations of parents and children; adoption and legitimation; minor's rights and obligations; minor and incompetency guardianships.

Community Property: Historical background of system; sources of community property; rights and interests therein of respective spouses; agreements relating to community property, including settlement agreements; liability for debts of spouses.

Equity (5½ units):

Historical introduction and development of equity jurisprudence, including procedural reforms, in England, Canada and the United States; specific relief against torts with particular reference to the use of injunctions and defenses thereto, injunctions in labor disputes, law enforcement by injunctions, relief against illegal governmental action; bills of peace, interpleader, quia timet, removal of clouds on title and quieting title, and declaratory judgments; specific performance of real property and chattel contracts, including examination of the following subjects: adequacy of legal remedy, uncertainty in terms of contract, mutuality and lack of mutuality, consideration in equity, misrepresentation, mistake and hardships as defenses; express and implied conditions, laches and the statute of limitations, part performance and the statute of frauds, equitable conversion by contract and will, and equitable servitudes; restitution, reformation and rescission for mistake including misrepresentation and nondisclosure; jurisdiction, powers and procedures of courts of equity.

Evidence (6 units):

Judicial notice; functions of judge; functions of jury; burden of proof and presumptions; other acts; remote and prejudicial evidence; examination of witnesses, refreshing recollections; impeachment; competency and privilege; illegally obtained evidence; the hearsay rule; authentication of documents; best evidence rule; parole evidence rule; adequacy of evidence; evidence in proceedings before administrative bodies.

Introduction to the Study of Law (3 units):

An introductory course for beginning law students designed primarily to train them in the legal skills necessary to the proper use of legal materials, case law and statutes; courts and court organization; procedure and its importance; analysis of cases; development of case law by synthesis of decisions; interpretation of statutes. Legal Ethics.

Legal Writing and Research (2 units):

Training in (a) use of library facilities, including use of statutory and case law, reports, digests, citators, encyclopedias and loose leaf reports; (b) preparation of legal memoranda, opinions and briefs.

Personal Property (2 units):

Possessory interests in chattels; finding, bailment, and lien; acquisition of ownership by purchase, accession, confusion, judgment and gift; fixtures, emblements.

Practice and Procedure (6 units):

The civil action; joinder of actions and parties; subject matter, form and construction of pleadings; complaint, bill of particulars, demurrer, answer, counter-claim, cross-complaint, amendments; verification; motions; provisional remedies; special proceedings; probate procedure; appeal procedure. Moot courts are organized to give practice in the conduct of civil actions, arguments and trial.

Real Property (6 units):

Adverse possession; prescription; surrender of leaseholds; execution of deeds, delivery and acceptance; descriptions; estoppel by deed; the recording acts; Title Insurance and Torrens Act. Easements and profits; licenses; lateral and subjacent support; creation of easements by implication; covenants for title; running of covenants, formal requirements, type of covenant, legal and equitable enforcement. Estates in land.

Real Property—Future Interests (1½ units):

Background and classification of future interests; class gifts; gifts by implication; characteristics of future interests; rule against perpetuities; rule against restraints on alienation; effect of partial invalidity.

Taxation (4 units):

Federal taxation of decedents' estates, income, and gifts, with close attention to the details of the Internal Revenue Code, the regulations of the Treasury Department and Tax Court and Judicial decisions; Federal tax procedure.

Torts (6 units):

The law of civil injuries, including intended and unintended interference with personal and property interests and liability without fault.

Trusts (3½ units):

Trustor, trustees, cestui que trust, creation of trusts, remedies, duties, liabilities, priorities, statute of frauds, statute of wills, constructive and resulting trusts, charitable trusts, modification, termination.

Wills (2 units):

History and definition of wills and testaments; testamentary capacity and intent; wills distinguished from other dispositions of property; kinds of wills; execution, revocation, republication and revival of wills; descent; powers and duties of executors and administrators; distribution; legacies.

ELECTIVES

Administrative Law (1½ units):

Agency (1½ units):

Creditors Rights (1½ units):

Insurance Law (1½ units):

Labor Law (1½ units):

Security Transactions (1½ units):



Official U. S. Navy Photo

Airplane view showing location of Golden Gate College, close to the Civic Center in downtown San Francisco. 1. Golden Gate College, Y.M.C.A., 200 Golden Gate Ave. 2. Y. M. C. A. Hotel. 3. Federal Building. 4. Public Library. 5. State Building, location of California Supreme Court. 6. City Hall, location of Municipal and Superior Courts and San Francisco Law Library. 7. Veteran's Building. 8. Opera House. 9. Civic Auditorium.

GIFTS

Golden Gate College welcomes gifts to its Endowment, Building and Improvement Funds which will enable it to expand and improve its educational program. For those who wish to assist the College through voluntary contributions, a suggested form of bequest follows:

I hereby give, devise and bequeath to Golden Gate College, (here insert the amount of money or describe the personal property or real estate) to be used for the general purposes of the college.