

Winter 1992

Class Action, Winter 1992

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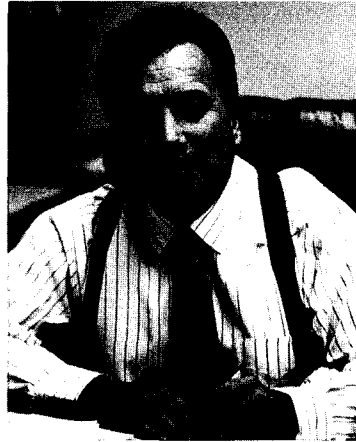
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Class ACTION



LAW SCHOOL
HOLDS FIRST
SUMMER STUDY
ABROAD PROGRAM
IN THAILAND

Over the last four years, there has been tremendous growth in the number and scope of programs and activities offered at the Law School. You have read about many of these in news articles in past issues of Alumni Forum. However, we at the Law School believe that many of these programs warrant more attention than it is possible to give them in the limited space of the Forum.



As a result, we bring you Class Action, an annual alumni magazine which will serve as a replacement for the Winter issue of the Forum.

Inside these pages you will get an in-depth picture of some of the Law School's achievements over the last few years. An article on Skills Training, for instance, discusses the comprehensive strides we have made through our Litigation and Writing and Research programs. Our cover story on International Law features our first summer study-abroad program in Thailand. The article on the Conditional Admissions Program underscores our commitment to increasing the enrollment of minority students at the Law School.

I encourage you to let us know what you think of this approach and welcome your suggestions for articles you would like to see in future issues of Class Action.

A handwritten signature in black ink, which appears to read "A.J. Pagano". The signature is stylized with a large, looped "A" and a long, sweeping underline.

Anthony J. Pagano

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SKILLS TRAINING

Knowledge of courtroom procedures and legal writing make GGU Law students more marketable than some of their peers at other schools. Faculty and students explain how this knowledge is acquired.

GOING THEIR OWN WAY

Not everyone with a J.D. degree ends up practicing law. Three alums discuss the ways they've tailored their legal training to suit their own interests.

A GLOBAL PERSPECTIVE

The International Law Program at GGU has grown tremendously in recent years. Summer study in Thailand, a Visiting Ukrainian Scholar, and a Fulbright Conference are only a few of the many results of this growth.

A DIFFERENT PATH

LSAT scores and undergraduate GPAs are not always clear-cut indicators of success in law school. This new program provides an opportunity for those whose skills may not be evidenced by their scores.

PURSUING THEIR DREAMS

Working for a government agency or non-profit organization can be an ideal way to gain experience, but it often means working for no-pay. A special work-study program enables students to be paid to have the "job of their dreams."

CLOSE-UP: PROFESSOR JOAN HOWARTH

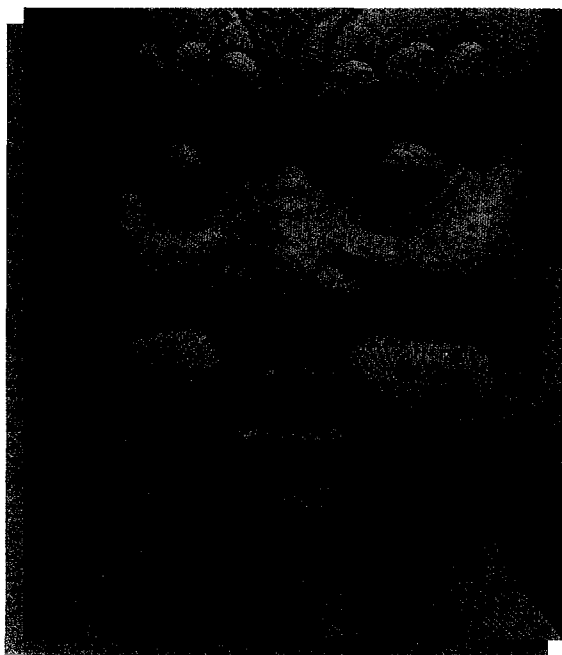
Since joining the Law School staff, Professor Joan Howarth has made a great impression on both faculty and students. This profile of her work, thoughts, and ideas explains why.

EVIDENCE AND ARBITRATION

Professor J. Lani Bader is the Law School's expert on arbitration law. He provides some insights into the applicability of the rules of evidence to arbitration hearings.



STUDENTS PRACTICE THEIR COURTROOM SKILLS IN A TRIAL ADVOCACY CLASS.



THE SUMMER STUDY ABROAD PROGRAM OFFERS STUDENTS AN OPPORTUNITY TO EXPLORE THE WONDERS OF THAILAND.

Skills Training

"In recent years the number of students participating in litigation classes has increased tremendously."

Making the transition from student to attorney can be difficult for some law school graduates. While law school provides the legal theory necessary for students to become competent lawyers, the actual practice they need often does not come until they are on the job.

For the typical GGU Law School graduate, however, this transition is easier because of the training students receive in specific skills that they will need on the job. The Law School prides itself on offering in-depth litigation and writing and research programs as part of its commitment to preparing students for careers as lawyers. These programs provide law students with the hands-on training and practice they will need when they work in the legal community.

One of the areas in which the school has developed an outstanding reputation is litigation. "Golden Gate has the most comprehensive litigation program of any law school in the country," said Professor Bernie Segal, who, through his talents and energy as the program's mentor, has built up the school's curriculum in this area over the last 17 years. As a result of the program, he explained, "students come out of law school with an understanding of all the techniques of a trial. The program looks at every aspect of litigation, from the thinking and planning stages all the way to the appellate review of a case."

Students interested in litigation are encouraged to take Trial Advocacy, a basic skills course that teaches students "what questions to ask, why they should be asked, and how to ask them," said Professor Segal. Students learn how to orga-

nize information, cross-examine witnesses, introduce physical evidence, and deliver opening statements and closing arguments. "The course concludes with a full trial in an actual courtroom in City Hall," he added.

Concurrently with Trial Advocacy, students can take Mock Trial, "which is devoted solely to the development of trial skills by trying cases," Professor Segal noted. Students act as counsel for both sides of a case and serve as witnesses and jurors. "This gives them a perspective on a trial that attorneys frequently don't have, such as what it feels like when lawyers don't ask clear questions or are seemingly hostile to witnesses," Professor Segal explained.

During the spring semester, the Mock Trial Competition Program enables students to participate in several competitions a year, including the National Trial Competition, which is co-sponsored by Texas Young Lawyers Associates and the American College of Trial Lawyers. This year GGU will host the 17th annual regional competition of this event; in prior years the Law School has won the regional competition four times and has been a runner-up five times.

Other courses that provide specialized training in litigation include Civil Litigation, Criminal Litigation, Pre-Trial Advocacy, Appellate Advocacy, and Lawyering Skills.

"Students are also encouraged to participate in the criminal law clinic," said Professor Segal, where they can gain experience by working with government agencies and in public defenders' offices.

The litigation courses are primarily taught by Professor Segal, Professor Wendy Rouder, Professor Susan Rutberg, and by a number of adjunct professors. Both Professors



Rouder and Rutberg have extensive litigation experience — Professor Rouder as a deputy public defender in the San Francisco Public Defender's office and as an Assistant to the Oakland City Attorney; and Professor Rutberg as co-counsel in the murder and conspiracy trial of activist attorney Stephen Bingham and as a trial attorney for the Bayview-Hunter's Point Community Defender.

In addition, both are graduates of the GGU program. "They took their training, went out and distinguished themselves as trial lawyers, and now are bringing their knowledge and experience back into the Law School to inspire students in what they can achieve and do," said Segal.

Jerry Robertson, a fourth-year student who has taken several of the courses in the program, is impressed by the caliber and experience of its instructors. "They bring in specific skills. A lot of times at other schools professors try to teach all the classes themselves," even though they might not have direct experience in a particular area of expertise. "Professor Segal tries to import this expertise into the classroom," he said.

In recent years, the number of students participating in the litigation classes has increased tremendously, said Professor Segal. Approximately half of the students at Golden Gate take at least one of the litigation courses during their stay at the Law School, and for good reason. "Employers who have hired our students are uniformly impressed," he said. Many of those conducting interviews tell students, "How I wish I had been given litigation training opportunities when I was in law school."

"The program provides practical skills that many associates have to spend time getting when they're in the field," said Jerry Robertson. "At GGU you get a head start. It allows you to focus on a higher quality of lawyering."

Another area of skills training for which the Law School is well known is writing and research. "Writing and Research is probably the most important course you take in law school because it affects everything you do when you practice law," said Lisa Croft, member of the Class of '91 and currently a tax and estate planning attorney with McDonough, Holland &

Allen in Sacramento. "The skills you learn in that course are transferrable to any field of law, and they're going to be used a lot."

According to Professor Michael Zamperini, Director of the Writing and Research Program, the first-year Writing and Research course provides the "building block skills students are going to need no matter what they do in law." The classes, taught by Professor Zamperini and practicing attorneys, offer students instruction in conducting research using a specialized law library and transforming their findings into cohesive, written communication, both expository and persuasive.

*"Golden Gate
has the most
comprehensive
litigation program
of any law school
in the country."*



PROFESSOR BERNIE SEGAL DISCUSSES TRIAL TECHNIQUES WITH STUDENTS IN THE MOOT COURTROOM.

In a typical class, students are assigned to read a statute and several cases and are presented with a current factual situation. They are then graded on how well they can communicate in writing how the statute and cases can affect the situation one way or another. The purpose of this, said Professor Zamperini, is to help them develop skills in analyzing the readings and teach them to write legal briefs, memoranda, and documents.

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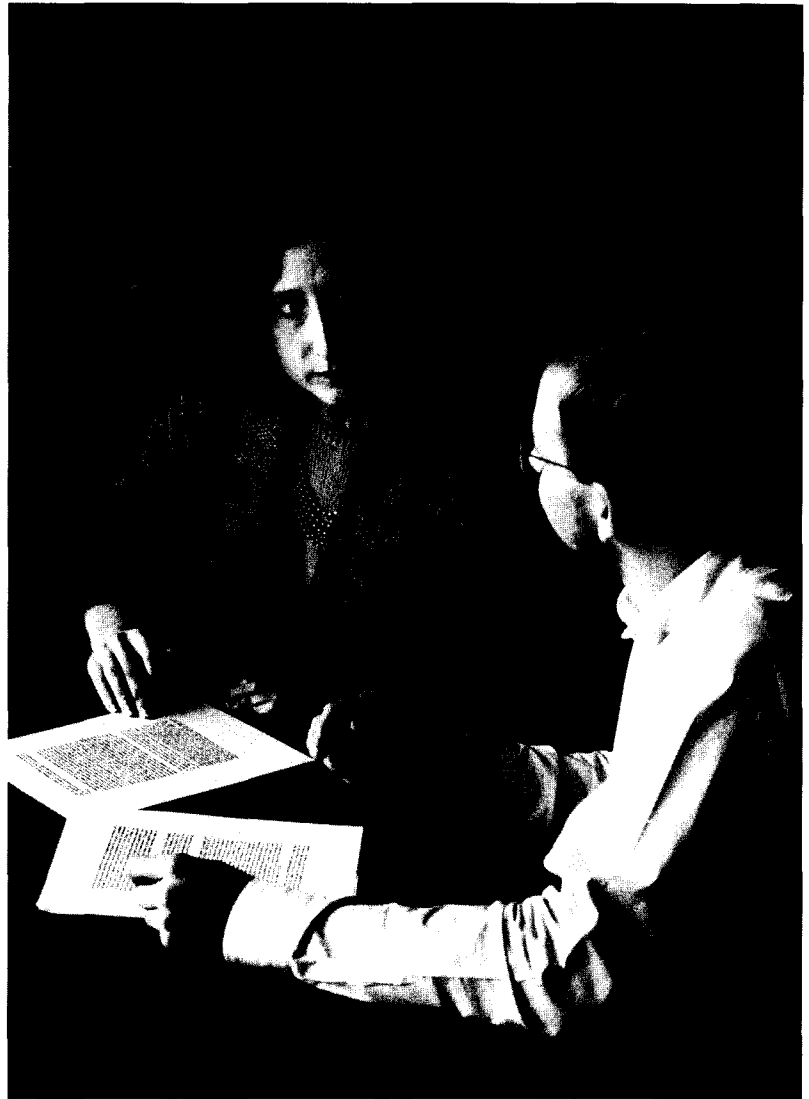
Beginning next year, the Law School plans to institute a required course for second-year students to supplement the first-year program. Conducted by Professor Barbara Anscher, Director of Advanced Writing Programs, this course will highlight appellate brief writing.

"The focus will be on writing, but there will also be lessons about oral advocacy," said Professor Anscher. The class will culminate with a mock appellate competition program that will offer students an opportunity to present oral arguments in front of a panel of judges comprised of GGU alumni. "The primary benefit of the course will be to help students write in a more sophisticated way," said Professor Anscher. "In the first year they learn the basic skills needed for legal writing. By the second year when they feel confident with legal reasoning, they will be able to start sharpening their writing skills."

Further opportunity to polish these skills comes during the third year, when students take Legal Drafting. This course presents them with written problems and exercises that are modeled on fact patterns that practitioners commonly face.


Professor Zamperini believes the Law School's Writing and Research Program is "one of the ways to give students an edge so they know how to operate in a law firm." The skills taught can be applied in summer jobs and internships as well as in jobs obtained after graduation.

Graduate Lisa Croft firmly believes the program had a significant impact on her career.



PROFESSOR BARBARA ANSCHER WORKS WITH A STUDENT ON HIS LEGAL WRITING.

During her first summer job, one of her initial projects was to write a major research memorandum. The firm she worked for was so impressed by her writing skills that she felt they believed she could do no wrong no matter what she did for them subsequently. At her current job, she is constantly involved in drafting documents and correspondence and "writing legal concepts to the client in a manner that can be easily understood. People in the firm will say to me, 'I'm so glad we hired an attorney who can write,'" and she credits her training at GGU for these skills.

"This is a very practical application," said Professor Zamperini. "In anything they do, students have got to communicate. Some students may never try a criminal case, never work on a domestic case, and never write a will, but they always will have to research and always will have to write." 

GOING THEIR OWN WAY

■ When Jayson Pahlmeyer, '74, was in law school in the early 1970s, he got together a bunch of friends and formed a wine tasting group. That group led to an interest and passion for winemaking that had a tremendous effect on his career direction — today Jayson heads Pahlmeyer Wines in the Napa Valley.

■ Sharman Spector, '76, grew up hearing about the fabric business from her mother at the dinner table. After earning her J.D. degree, she decided to see first-hand what the business was all about, and she is now a partner at Britex Fabrics in San Francisco.

■ Mike Hannon, '72, probably never dreamed he'd be flying around the Hawaiian islands the way some people drive around the California freeways. But his position as head of Hannon Realty Limited enables him the flexibility to do just that and more.

All three of these GGU alumni are engaged in pursuing careers in business that reflect their personal interests and talents. But all of them believe the training and grounding they received in law school helped them achieve success in their chosen fields of business.



After graduating from college in the late sixties, Jayson Pahlmeyer got a job working for Wells Fargo Bank. What interested him most about the organization was the company's office of general counsel. As a result, after three years on the job he entered GGU Law School in the early 1970s.

While a student, Jayson formed an informal wine tasting group made up of fellow law students and faculty members who would meet regularly at members' houses to taste and discuss wine. Sometimes the tastings would be followed by elaborate, gourmet meals prepared by member Michael Haas, '74.

Jayson graduated in 1974 and moved to Washington, D.C., where he worked as an attorney for the General Services Administration, specializing in contract litigation. He earned an



JAYSON PAHLMMEYER'S RED TABLE WINE IS ONE OF THE FEW BORDEAUXS IN CALIFORNIA

LL.M. degree in construction contract litigation from George Washington University, and soon after he returned to the Bay Area to start a law practice with his old friend Michael Haas — Haas & Pahlmeyer, based in Oakland with an emphasis on real estate, architectural, and engineering clients.

But throughout his blossoming law career, Jayson maintained a fascination with wine and winemaking. "I found myself spending more time reading wine journals than reading law journals," he chuckled. In 1980 he bought some land in the Napa Valley and planted his first vineyards.

Then in 1985, Jayson moved to Northern Spain for a year. During his stay, he began making trips to Bordeaux, France to learn more about winemaking. By 1986, after he had returned to the U.S., he had his first commercial harvest and released his first Chardonnay. It was at this point that Jayson elected to leave his law practice for good and concentrate on making wine.

"I do the whole business, from the making to the selling of the wine," Jayson explained. His red table wine is a Bordeaux blend of five varietals. "I'm one of the few vineyards in California that has these five varietals planted," he noted. In

"One of the things I have found helpful from my experience as a trial attorney is the ability to get up before an audience and speak."

*"Knowing in the
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California, where there are more than 600 wineries, "you've got to have a little market niche." Jayson maintains 55 acres of vineyards growing on steep hillsides because he believes "mountain-grown fruit gives you better quality." He produces 1,000 cases a year, and the wine retails for \$32 a bottle. "It's a world class wine," he said. "When you only make 1,000 cases, you've got to have something extra special."

Jayson is involved in the hands-on production of the wine — planting, harvesting, bottling — as well as in marketing the finished product. Much of his sales are done by contacting distributors in major cities across the country who sell the wine to restaurants and wine shops. He also has a private mailing list. "I sell over half of my wine directly to the consumer," he said. Occasionally, he will be invited to put on wine seminars and tastings in restaurants and hotels around the United States. "One of the things I've found helpful from my experience as a trial attorney is the ability to get up before an audience and speak," he noted.

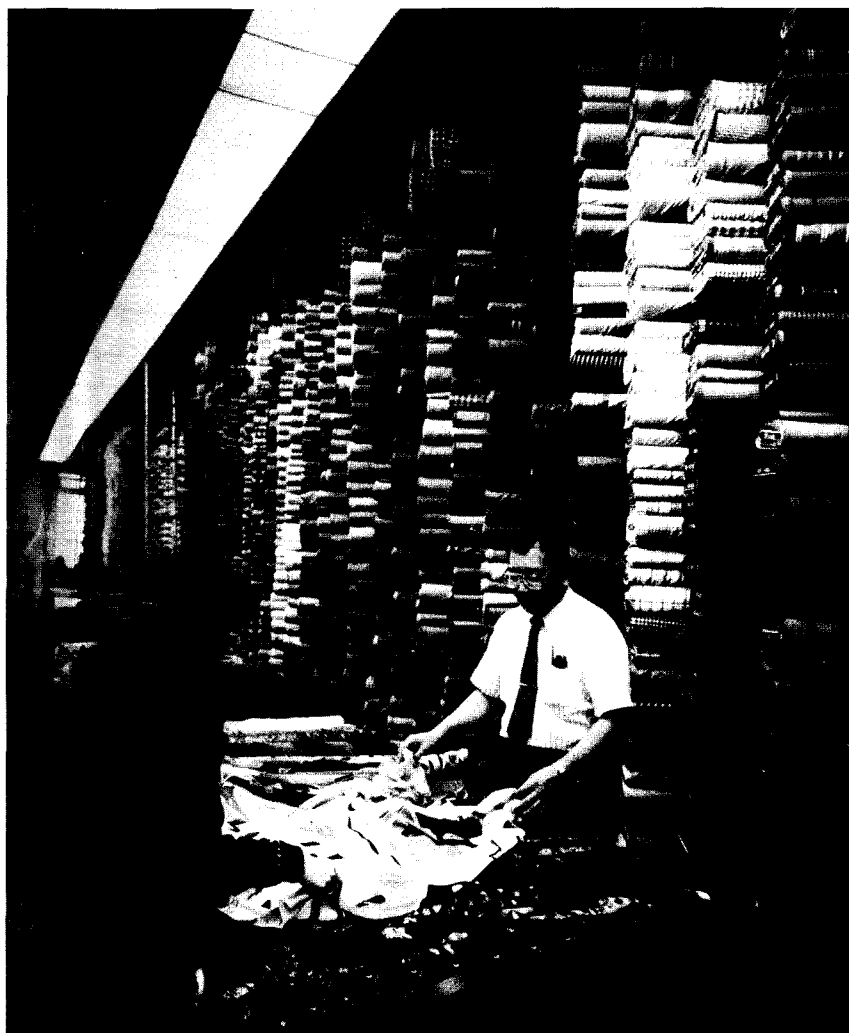
For Jayson, although the transition from lawyer to winemaker has been quite a radical one in lifestyle, the skills he developed as a lawyer still come in quite handy. "Although the wine business is very romantic, it's still a business," he said. "Law school really gives you the basics to do business in just about anything. It gives you a leg up on any endeavor."

Sharman Spector grew up hearing about Britex Fabrics from her parents, who started the business more than 30 years ago and moved it to its present location in downtown San Francisco in 1966. By the time she was a teenager, Sharman was learning about fabric first-hand by working in the store after school and during summer vacations. So it was probably no surprise to anyone that Sharman eventually ended up working in the business, where she is now a partner. What may have come as a surprise to many, however, is that before she joined the business, Sharman spent three years earning her J.D. degree at GGU Law School.

Although to some a law degree might not seem the appropriate credentials for running a fabric store, Sharman disagrees. "The training was invaluable," she said. "It taught me that there are always two sides to every question and there are lots of different ways to look at the same problem." On a daily basis, she said, "I fall back on some of the training such as distinguishing between one situation and another. Knowing in the back of my mind I was going to end up in business, I took what was important for me out of it. I'm very proud that I did it."

Sharman's days on the job are filled with a flurry of activity. Along with her mother Lucy, Sharman and her sister Beverly are very much involved in the day-to-day operations of Britex. A typical day for Sharman encompasses selling merchandise, handling deliveries, pricing fabric, dealing with the public, and making buying decisions. "The day's just full of a variety of things," she explained, the most important of which is "taking care of the customer. Without the customer, you don't have anywhere to go."

"The focus of the business changes continually," she commented, depending on the interests of the consumer. The notions department, for example, has grown tremendously from basic buttons and thread to sophisticated trims, ribbons, appliques, and other materials. As an example, Sharman recalled when author Danielle Steel came in the store and spent



CUSTOMER SERVICE IS A VITAL PART OF DOING BUSINESS AT BRITEX FABRICS.

\$1,000 just on appliques to put on her children's clothing.

"We try to be very fashion focused," said Sharman. "There are always new things in fashion." Sharman credits her mother for putting Britex into the forefront of fashion through its elegant fabrics and couture and by making it into the San Francisco landmark it has become. "She's worked very hard to build it up," noted Sharman.

"People from all over the world work here," she continued, estimating that among the store's employees more than 25 languages are spoken. "It's really exciting," she said. "I'm never bored. I'm very proud to be part of it."



Most early morning commuters get in their cars every day and fight the freeway traffic. Some prefer to take the bus so they have time to read the paper. Others have the leisure of being able to walk to work. But Mike Hannon is no typical commuter. He commutes to his office every morning in an airplane.


Mike is a real estate developer who makes his home on the Hawaiian island of Maui while conducting business out of two offices, one in Honolulu, Oahu, and the other in Princeville, Kauai. Mike reached this point in his life through a career path that included a background in law, a fascination with real estate, and, above all, a love for surfing.

Growing up in Laguna Beach, Mike spent many hours riding the southern California waves on his surfboard. After a brief stint at Whitman College in Washington, he transferred to the University of Hawaii — a much better environment for a surfer. It was there that he met his wife Irene and realized he wanted to make his home in the islands.

After college, Mike attended GGU Law School, earning his J.D. in 1972. Upon graduating, he passed the Hawaii Bar, and in 1973 returned to Hawaii to work as in-house counsel for a real estate development firm, Hawaii Kai. In 1979, he left the firm and joined the Princeville Development Corporation (PDC). Then in 1983, things began to change. A division of PDC splintered off into a separate company, and Mike became the chief operating officer and director, remaining in that role until 1986.

But by 1987, Mike decided it was time to strike out on his own. With his brother, Theodore, he purchased a hotel in Waikiki and a condominium in Princeville and soon found himself in the timeshare business. Not only did this enable him to have a job that had him flying around from island to island on an everyday basis, it also afforded him the opportunity to tailor his workday to his longstanding passion for surfing — in his office, Mike keeps a surfboard, and every day at lunchtime when the weather is good, he heads for the beach!

Although managing real estate is different from practicing law, Mike said, "The business we're in is a very legal business — there are all kinds of deeds, mortgages, licenses. All your relationships are governed by legal documents. The timeshare industry is heavily regulated. We spend a lot of time making sure we comply with regulations. Having a legal background is helpful in that regard. It's a very valuable background."

Many people finish law school thinking all they can do is practice, Mike said. Sometimes they consider other ventures but don't know how or when to make the move. "Law school is a great background for business," he explained, because "business is so involved in legalities these days." Someone with a law degree may be just as prepared as someone with an M.B.A. What's important to remember, he said is not to wait until it's too late to make the change. "Just go out and do it!" he finished. 

"We spend a lot of time making sure we comply with regulations. Having a legal background is helpful in that regard."

A Global Perspective

"This March the Law School co-sponsored and hosted the Regional Meeting of the American Society of International Law."

It's not everyday that the average law student has an opportunity to study international law in an international setting. But this summer, students from Golden Gate University School of Law will be afforded a first-hand glimpse at the legal systems of Thailand, Malaysia, Indonesia, Singapore, and other Pacific Rim countries as part of GGU's first summer study abroad program in Bangkok, Thailand.

"The purpose of this program is to introduce students to an entirely different environment and let them see how the laws related to international trade relations are being taught," explained Professor Sompong Sucharitkul, the Law School's Distinguished Professor of International and Comparative Law and Director of the Summer Program.

Students enrolled in the program will take classes at Chulalongkorn University, studying Current International Legal Problems, International Contracts, International Trade Law, and other subjects taught by both professors at the university and practicing attorneys.

Although this is the first time such a program has been offered by GGU, said Professor Sucharitkul, "We do eventually plan to do others. It is my hope that next year we will start another program in Europe, possibly in the Benelux countries."

The summer abroad program is only a small component of the Law School's extensive offerings in the area of international law, much of which has been developed since the arrival of Professor Sucharitkul in 1990.

Professor Sucharitkul himself brings a wealth of experience in international law to his position

at the Law School. For 15 years he served as Thailand's ambassador to Japan, Italy, Greece, Israel, France, and the Benelux countries. He served 10 years as a Member and Special Rapporteur on the International Law Commission, represented Thailand in the United Nations General Assembly for nearly three decades, and was Chairman of Thailand's delegation to the Third U.N. Conference on the

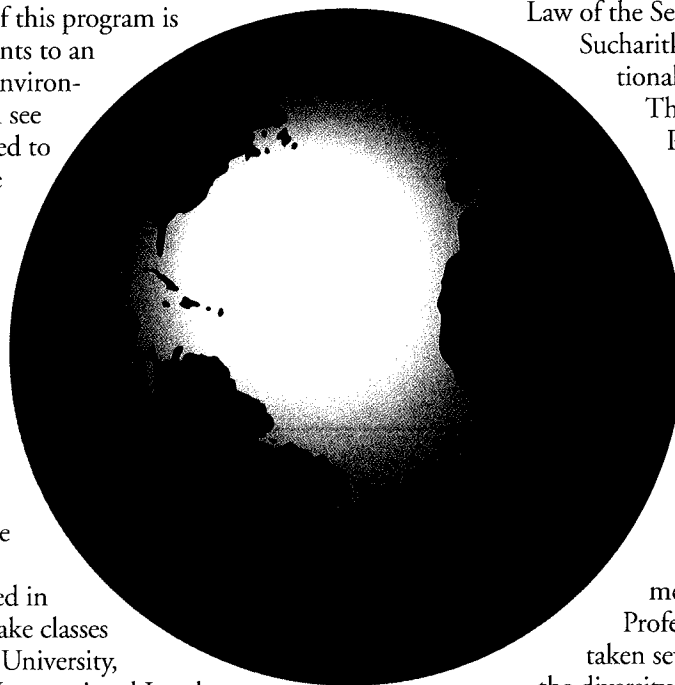
Law of the Sea. Professor

Sucharitkul has taught international law at universities in Thailand, as a Fulbright Professor at the University of North Carolina, as Robert Short Professor of International Law and International Human Rights at Notre Dame Law School, and as a visiting professor at Lewis and Clark Northwestern School of Law.

Since his appointment at Golden Gate, Professor Sucharitkul has taken several steps to enhance the diversity of courses within the international law program. Basic courses such as Comparative Legal Systems and International Business Transactions can be supplemented with more advanced classes in European Economic Community Law, International Dispute Resolution, or Law of the Sea.

The Law School now offers a Certificate of Specialization for students who take at least 20 units in courses related to public international law, corporate law, private international law, or international economic law.

Beginning in the fall of 1992, said Professor Sucharitkul, "We hope to enter the post-J.D. degree market in international studies by offering an LL.M. in Comparative Law." Plans for the development of this program are currently





underway, he said, and more information will be available in the spring.

In addition to the regular curriculum, the Law School sponsors special events related to international law. Last April, Professor Sucharitkul successfully organized the First Annual Fulbright Scholar Symposium. Called, "Challenges for the World Legal Order," the seminar featured Fulbright scholars from Poland, Spain, Turkey, Hungary, New Zealand, and Japan, speaking on European unification, collective peacekeeping, and Pacific Rim partnership.


This March the Law School co-sponsored and hosted the Regional Meeting of the American Society of International Law. This conference addressed significant international problems affecting the Pacific Region in the 1990s and included presentations by Peter van Fenema of the International Institute of Air and Space Law in Leiden, The Netherlands; M. Soeparno, chairman of Garuda Airlines in Jakarta, Indonesia; Soogeun Oh, Fulbright Scholar from Inha University in Korea; and A.O. Adede of the Codification Division of the United Nations Secretariat, among others.

The Law School has also been successful in the area of international law competitions. Last February, Golden Gate University School of Law was awarded second place in the 1991 Regional Philip C. Jessup International Law Moot Court Competition, after defeating teams from Loyola, Stanford, Western State, and UC Davis in a series of preliminary rounds. Preparation is already underway for the 1992 competition. Five students will be coached by Professor Sucharitkul, with assistance from Professors Larry Jones and Michael Zamperini.

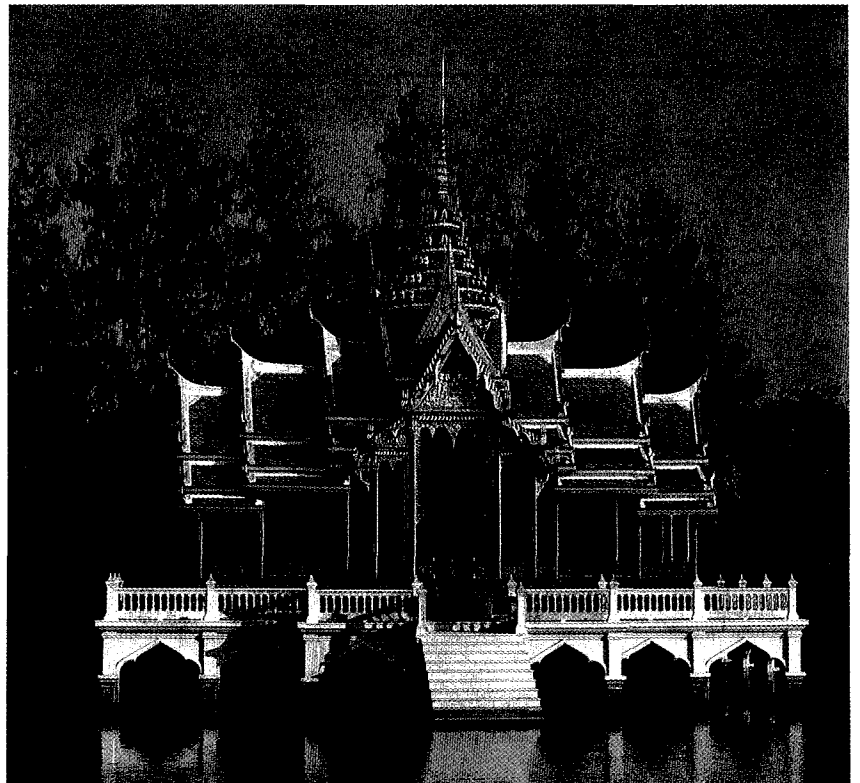
Finally, one of the highlights of the Law School's international law program this year has been the honor of being selected to host a Soviet legal scholar. Alexander Martinenko of Kiev has joined the Law School faculty for the spring 1992 semester. He is teaching a seminar on current legal problems in the Soviet Union as well as participating in international and comparative law classes of other faculty members. Professor

Martinenko was also be a participant in the American Society of International Law Conference in March.

Professor Martinenko has a background in international law and constitutional law. He has worked as a legal scholar and researcher for the Ukrainian SSR Academy of Sciences, Institute of State Law in Kiev, and he is currently researching people's rights in the modern international law of the Soviet Union. When he is not teaching at GGU, he will be working with the San Francisco law firm of Heller, Ehrman, White & McAuliffe.

"Golden Gate is one of only a handful of law school chosen for this honor," said Associate Dean Marc Stickgold. "The addition of Professor Martinenko is a great opportunity for both students and faculty to learn about Soviet law. This is a tremendous asset for the Law School's international law program." 

"The summer abroad program is only a small component of the Law School's extensive offerings in the area of international law."



THE SUMMER STUDY ABROAD PROGRAM WILL INTRODUCE STUDENTS TO THE LEGAL SYSTEMS OF PACIFIC RIM COUNTRIES.

A Different Path

*"It's the best way
of finding out
whether or not
you're ready for law
school. I'm very
grateful to the pro-
gram—it should
go on."*

Kay Writer always knew she wanted to go to law school. Even as a youngster in India, she dreamed about a career in law. Thanks to the Conditional Admissions Program at Golden Gate University, Kay is now a first-year law student at GGU and is well on her way to making her dream come true.

Created to help increase the number of minority students in the Law School, the Conditional Admissions program is designed to seek out those students who may possess the analytical skills needed for a career in law but who have been passed over for admission because of low GPAs or LSAT scores. The program enables these students to enroll in a free six-week summer session where they learn about the rigors of law school by taking classes in substantive law and legal writing and taking practice exams similar to those offered in the regular curriculum. At the end of the session, those who have performed successfully are offered admission into the entering fall class.

In the summer of 1991, GGU enrolled its first group of students into the program, which was organized and directed by Professor Mike DeVito, one of the founders of the Council on Legal Educational Opportunity (CLEO), which operates similar programs at schools throughout the United States. To select the participants for the program, Professor DeVito reviewed 300-400 applications from minority, non-native English speaking, and non-traditional white students who had been denied regular admission to the Law School. According to Professor DeVito, in considering the applications, he looked for some indication that the standardized predictors such as GPAs and LSAT scores were not completely

indicative of the ability of the students. He took into consideration the students' academic backgrounds, English speaking skills, circumstances under which they had attained their education, and whether or not they had to work while in college.

"People who have to work full-time or part-time are probably not going to do as well as people who don't," said Professor DeVito. "It's very difficult to get continuous good grades under those circumstances."

When the program started, DeVito had enrolled 20 students of varying ages and backgrounds. The ethnic mix of the group included 50% Asian, 25% Hispanic, 20% African-American, and 5% Native American students. The students were required to take two substantive courses: one focusing on the intentional torts portion of a standard first-year course in torts, taught by Professor DeVito; and a second

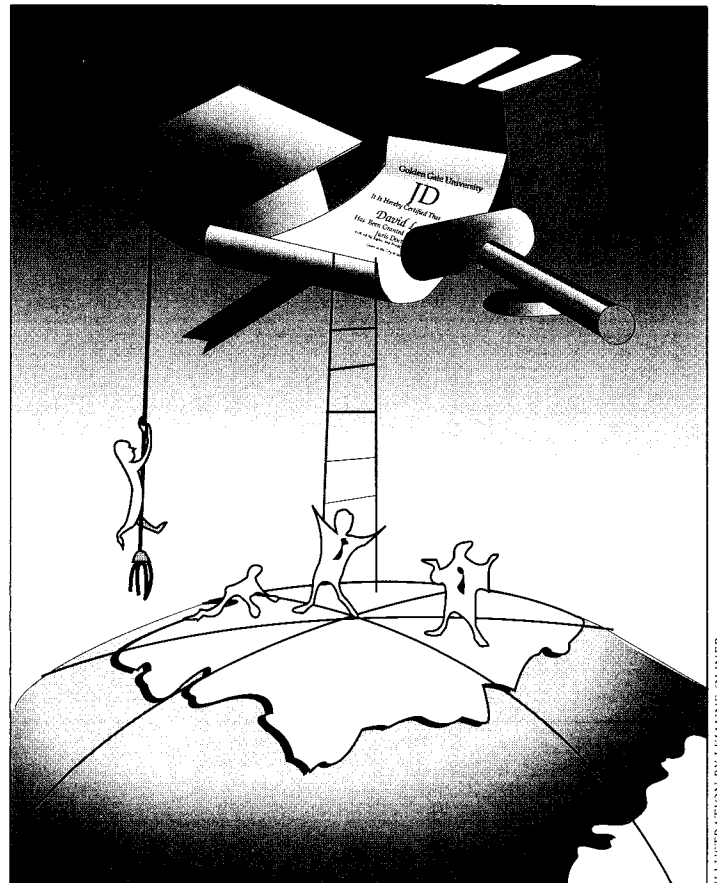


ILLUSTRATION BY LIZANNE OLINER

addressing the discretionary abstention doctrine of a course in federal jurisdiction, taught by Professor Phil Jimenez. In addition, the students took a section in legal analysis and legal writing led by Professor Frank Valdes, which emphasized preparation for taking standard law school exams.

During the course of the six weeks, the students had regular reading assignments and were tested on the material "with typical law school exam questions," said Professor DeVito. "We wanted to give people real law school tests and see if they could perform on these tests," he explained.

At the end of the program, the participants were evaluated to determine whether or not they were likely candidates for the fall class. "We thought they did quite well," said Professor DeVito. "Seventeen of the 20 clearly demonstrated the ability to do successful first-year work." Of the other three, he added, "We felt they did well enough to give them a chance." Essentially, he said, "everyone in the program passed it," and all of the students were offered admission into the fall 1991 entering class. As a result of the Conditional Admissions program and the recruiting efforts of the Law School's Admissions Office, approximately 30% of the 1991-92 entering class are students of color.

Janice Johnson was among those who participated in the summer program and elected to enroll in the fall. A former high school teacher and presently a captain in the army stationed at the Presidio, Janice said the decision to enter law school meant a second career change for her, and the Conditional Admissions program helped smooth the transition.

"Any advantage in law school is going to help, and this program definitely puts you at an advantage. The instructors were helpful and cordial both in and out of class," she noted. Not only did she get a sense of what the course requirements were all about, she explained, she was able to understand "the discipline of law school, which is so different from undergraduate and graduate school. I think it's a great program and am happy to have been in it," she said.


Another participant in the program, Kay Writer, believes Conditional Admissions is a



CAPTAIN JANICE JOHNSON SHARES A LAUGH WITH CLASSMATE MATT PACHKOWSKI.

tremendous opportunity for students because it can open doors which might otherwise remain closed to them. "Most of the people would not have been given a chance were it not for the program," she explained. "The program got me in. It gave me a lot of self-confidence. I had a very positive experience, and I'm very grateful I was selected. It's the best way of finding out whether or not you're ready for law school. I'm very grateful to the program — it should go on."

According to Professor DeVito, the program will go on. Plans are already underway for next summer's program. "We've tried to incorporate suggestions that were made for next year," he said. This time, "It might be useful to have three substantive courses" to allow the students more of a sense of the workload of law school. In addition, he said, "Some of the students from the first program have offered themselves as student assistants for subsequent programs."

Overall, he noted, everyone involved in the Conditional Admissions program was pleased with its outcome. "My philosophy is to give people an opportunity for education so they can choose what they want to do with it," he explained. The Conditional Admissions program is designed to do exactly that. 

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Pursuing Their Dreams

Two years ago Julie Webb, currently a third-year student, heard about the International Institute of San Francisco, an organization that provides legal assistance to immigrants. Thinking that it might be a good place to work for the summer, she applied for a job there. Upon being told that she was free to work as a volunteer, but the Institute had no funds with which to pay her, Julie was forced to find a paying job elsewhere. But last fall, as a result of the GGU Law School's Public Interest Work Study Program, said Julie, "I was able to go back to the Institute and say, 'Now I can come fully funded.'"

The Public Interest Work Study Program enables students to gain work experience with

at something that would be good for their training rather than at something they did just to make ends meet," explained Associate Dean Elaine Andersson who administers the program. "Generally, what students should do is look at this to develop the job of their dreams. They should really think to themselves, 'If I could fashion the best possible experience for myself, what would be the best place for me?'"

The program is open to any student who qualifies for work study money. Seventy percent of the funding is provided from government work-study allocations, and thirty percent comes from general scholarship funds within the Law School. "In the past the Law School's contribution was about \$10,000; this year, we increased it to \$60,000," said Dean Andersson, bringing the total amount of money available to approximately \$200,000. "People are funded for one semester or one summer," she continued, and the average grant is between \$3,000 and \$4,000. "Students have used the money to work for some really interesting places."

During her tenure at the International Institute of San Francisco, for example, Julie Webb was assigned to staff attorney Ann Block. "I was given cases on a variety of immigration issues," she said. One of these involved a man from China who was seeking political asylum in the United States. He had been a leader in the Tienmen Square demonstration and had masterminded the transportation to the square of a statue called the Goddess of Democracy, "a symbol of freedom and a statement of what the students were trying to make in their uprising," said Julie. "I had to document articles written about him to show that he had a well-founded fear of punishment if he were to return to China."

In another case, the organization was trying to secure a suspension of deportation for a man from Iraq. Julie needed to prove that it would have been a hardship for him to return to his country because of the economic situation there since the war. To do so, she researched a report prepared by a fact-finding group that had just returned from studying the economic conditions in Iraq. "This was a real, current political topic



AS A RESULT OF HER WORK STUDY EXPERIENCE, JULIE WEBB NOW HAS A MORE THOROUGH UNDERSTANDING OF IMMIGRATION LAW.

government agencies and non-profit organizations and be paid to do jobs for which they would normally have to volunteer. When these agencies are unable to pay students, the Law School provides work-study matching funds to qualified applicants, allowing students the flexibility to be more selective about where they want to work.

"Since most of our students need to work to augment their budgets, we would like at least once in their careers for them to be able to work

that was interrelated to the work we were doing," said Julie.

"I've always been interested in immigration law, so it was a good experience to have the chance to try it," she continued. From working for the Institute, Julie learned that "you have to be able to understand your clients and relate to what they've been through to be able to communicate that effectively to a judge.

"I think the work study program is very important. The more federal money that's cut from social services, the more critical is the need for people who can work for free or for low salaries to do some of the work that's needed."

Another individual who has benefitted from the Public Interest Work Study Program is third-year student Paul Stickland, who used the opportunity to clerk for Judge Donna Hitchins of the Superior Court of San Francisco. "She was great to work for," he said. "She wanted to make the experience very educational for me." As a result, Paul had the opportunity to write an order for the judge on a property assessment case, conduct research, and observe in the courtroom.

"She was more than willing to let me sit in on different conferences or trials she was having. She gave me opportunities to do research and observe for her — from a professional standpoint, that was very interesting. I learned an incredible amount from her in terms of doing everyday things in the courtroom. She would point out to me what the attorneys were doing wrong in a trial, and that was very helpful."

Paul met Judge Hitchins when he was elected co-chair of the law student committee of the Bay Area Lawyers for Individual Freedom (BALIF) last year. When he later contacted her about the possibility of clerking for her, she was interested but told him she had no funds with which to pay him. Consequently, Paul applied for funding through the Public Interest Work Study Program.

"Having the opportunity to work for a judge increases my marketability once I graduate, and it enhances the reputation of Golden Gate because judicial clerkships are very competitive. If we have Golden Gate students in these positions, it exposes the school to good publicity. Getting the

work study made it possible for me to work there. I couldn't have taken the job if I weren't paid for it," he finished.

The actual process of applying for this funding is relatively easy, explained Dean Andersson. Once a student has identified the organization he or she wishes to work for, the applicant needs to submit a letter describing the details of the job and its relevance to the student's career development. In addition, a letter from the agency verifying that the student has been approved to work there should be submitted, along with proof of eligibility for work study funds. If all the paperwork is in order, said Dean Andersson, "In general, we've pretty much been able to fund everyone who applies," unless special circumstances warrant otherwise. Last summer, 20 students received Public Interest Work Study funding;

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WHAT PAUL STICKLAND LEARNED ABOUT THE INNER-WORKINGS OF THE COURT SYSTEM WILL HELP HIM LATER AS A PRACTICING ATTORNEY.

"ONE OF THE SECONDARY BENEFITS OF THIS PROGRAM IS THAT IT CAN SERVE AS A STEPPINGSTONE INTO A CAREER SPECIALTY."



THE RESEARCH SKILLS THERESA KOLISH (L) ACQUIRED AT THE FEDERAL TRADE COMMISSION COME IN HANDY IN HER CURRENT JOB AS ASSISTANT TO PROFESSOR MARGARET WYNNE (R).

during the past fall semester, an additional seven were funded.

One of these was second-year student Theresa Kolish, who spent last summer working at the San Francisco office of the Federal Trade Commission as an associate in the consumer protection division. Through this position, she was able to obtain a thorough understanding of the inner-workings of the organization.

"They set it up so it was a real learning experience," she said. "They would rotate me on various cases, and they encouraged me to try a lot of different things."

Twice a week, for example, Theresa staffed the consumer protection hotline and answered questions from outside callers. "That was one of the most interesting aspects of the job because there was instant gratification. People would call with credit problems, and even if I had to give them bad news, at least they knew."

Another project involved monitoring funeral homes to make sure they were complying with federal regulations and not conducting unethical work practices. "People will spend thousands and

thousands of dollars on funerals they can't afford," said Theresa, and part of her work entailed investigating one particular company to ensure they were not taking advantage of their clients.


For yet another activity, Theresa researched a number of popular weight-loss programs to document their validity. She did this by conducting witness interviews with individuals enrolled in some of the programs.

"The job was hands-on with a lot of guidance, and I got a lot out of it. I felt I could make mistakes which could be turned into real learning experiences." In addition, she noted, working on the inside of a government agency provided a first-hand contradiction of many of the negative comments she'd always heard about bureaucracy. "The commitment of the attorneys to do the right thing was really inspiring," she noted.

"The work study program opens a lot of doors for students that would remain closed otherwise. I was in a position that even if I had wanted to volunteer, I was financially unable." Additionally, she said, "Having the job on my resume has helped me get other job interviews."

In fact, one of the secondary benefits of this program is that it can serve as a steppingstone into a career specialty or as a method of calling attention to potential future employers. Since his experience working with Judge Donna Hitchins, said Paul Stickland, he has been interviewed by a public interest firm that is considering him for a permanent position when he graduates from law school in May. "I think the reason I got that interview was because I'd clerked for Donna," he said.

Through her affiliation with attorney Ann Block of the International Institute of San Francisco, Julie Webb, too, has established contacts which may impact on her future. "Ann has gotten me in touch with an attorney who's considering the possibility of hiring me," said Julie.

It is exactly because of these future possibilities that Dean Andersson encourages students to take advantage of the Public Interest Work Study Program and to make the most out of the opportunity. "Use this program to develop the best possible job experience for yourself, and set your standards very high. Try for the most prestigious court you can find, try for whatever government agency really has something that would be of interest to you. This money is to help people build their experiences," she continued. "Use it to shoot for the best possible job you can imagine in terms of advancing your career." 



PROFESSOR JOAN HOWARTH

It's lunchtime on a Thursday afternoon, and Room 304 is buzzing with activity - students pushing tables together, unwrapping sandwiches, and chattering excitedly in anticipation of the program they've come to see. The occasion? A brown bag lunch seminar with Professor Joan Howarth.

Since her arrival as a visiting professor at GGU in 1990, Joan Howarth has earned the respect of both students and faculty. Her commitment to her work and her experience in public interest law have contributed to her reputation as one of the Law School's finest faculty members.

When she graduated from law school at the University of Southern California in 1980, Joan thought she might like to pursue teaching law as a career. But after spending a year as a writing instructor at Stanford Law School, Joan realized that before she could be effective as a teacher the way she wanted to be, she needed to get hands-on experience practicing law first.

After working for a few years as a criminal defense lawyer, Joan joined the Los Angeles affiliate of the American Civil Liberties Union (ACLU) as a staff attorney, where she specialized in police practices, death penalty work, and criminal law. "It was like winning the lottery — at least that's how it seemed to me," she said, because that particular branch of ACLU was one of the most progressive offices in the country, and Joan was able to do a good deal of public education activities as well as legal work. Eventually, she was promoted to assistant legal director and later became associate director of the affiliate.

After several years of this, Joan decided it was time to pursue her original dream — teaching law. She accepted a visiting professor position at the University of California, Davis, teaching Torts and Remedies. "I liked it and



SINCE JOINING THE LAW SCHOOL STAFF, PROFESSOR JOAN HOWARTH HAS DEVELOPED AN EXCELLENT RAPPORT WITH BOTH FACULTY AND STUDENTS.

decided I wanted to make a career out of it," she explained.


A year later, in 1990, Joan was offered a visitorship at Golden Gate. "I had worked with law students from Golden Gate before," she said. "It seemed like a lively place with lots of students and faculty interested in public interest work. It seemed like a good fit for me." Joan was so well received by both the students and faculty that at the end of the year, she was offered a full-time, tenure-track position at GGU.

Since coming to Golden Gate, Joan has distinguished herself as an outstanding instructor who is deeply interested in both sharing her own experiences in the field with her students as well as learning from them. "My litigation was serious advocacy — I had a position on every possible issue. Teaching requires a much broader point of view and openness to ideas," she explained.

"I am impressed by Golden Gate and what it's trying to do for its students," she continued. "Because it is smaller, I know that my ideas can be heard.

I think it's a good place — the students are a challenging and interesting group of people, and the faculty are terrific colleagues."

At GGU, Joan teaches Torts and Remedies, and next year will take on Constitutional Law. She is also actively involved in the Women's Association and in organizing a series of Feminist Jurisprudence speakers' forums, which she hopes will become an ongoing program at the Law School. In addition, Joan is still working on several cases from her days at ACLU — she is currently representing two inmates on California's death row and recently argued before the California Supreme Court.

"I'm eager to try to help people represent clients well and be able to do good work as lawyers," she noted. "I know first-hand the tremendous satisfaction of working in public interest law and hope to be able to help students prepare for those jobs and get those jobs." 

Evidence and Arbitration

One of the most misunderstood issues of arbitration law¹ is the applicability of the rules of evidence to arbitration hearings. The conventional wisdom is that the rules of evidence do not apply in arbitration, and § 1282.2 (d) of the Code Civ. Proc. would seem to unequivocally support that wisdom: "(in an arbitration proceeding) rules of evidence...need not be observed."²

Further, the majority of arbitration proceedings in this country are conducted under one version or another of the commercial rules of the American Arbitration Association (AAA), and those rules are explicit in their statement that "...The arbitrator shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary."³

The difficulty with the straightforward application of Code Civ. Proc. § 1282.2(d) to arbitration hearings is that some rules of evidence are grounded in considerations of public policy and have a substance and content that has nothing to do with the normal concern to which evidentiary rules are usually directed: the trustworthiness of the evidence to which the rules is sought to be applied.

For instance, assume that a highly probative (and perhaps dispositive) bit of evidence is contained in an attorney/client communication. We would be horrified to think that the content of that communication is fair game in an arbitration proceeding. Yet is that not the probable result of the application to the proceeding of Code Civ. Proc. § 1283.2(d)?

Although we can take some solace from the fact that § 1282.2(d) appears to be discretionary ("...need not be observed"), it would be of little comfort to think that in the worst case an arbitrator could ride roughshod over the policy reflected by the attorney/client privilege and require that the communication be disclosed. Further, one can always argue that in fact Code Civ. Proc. Section 1286.2(e) *requires* that the arbitrator hear and consider the content of the communication in making his or her award. After all, § 1286.2(e) sets forth as one

of the only grounds on which one may vacate an award that "...the rights of (the moving party)... were substantially prejudiced by the refusal of the arbitrators...to hear evidence material to the controversy...." If the content of the communication is such that it is dispositive of the controversy, should not the refusal of the arbitrator to force its disclosure trigger the application of that section?

The answer is that it is too glib to simply say that the rules of evidence have no application to arbitration. Certainly, the normal rules of exclusion need not be applied, and it is clear that § 1282.2(d) is intended to give the arbitrator the freedom to deal with questions of hearsay and the like in such manner as the arbitrator may think best. However, a relatively obscure section of the Evidence Code has foreseen the problem created by the application of § 1282.2(d) to evidentiary privileges. Section 910, which is applicable to the entire division of the Evidence Code dealing with evidentiary privileges, provides as follows:

Except as otherwise provided by statute, the provisions of this division apply in all proceedings. *The provision of any statute making rules of evidence inapplicable in particular proceedings, or limiting the applicability of rules of evidence in particular proceedings, do not make this division inapplicable to such proceedings* (emphasis added).

Section 901 of the Code defines a "proceeding" for the purpose of § 910 as:

...any action, hearing, investigation, inquest, or inquiry (whether conducted by a court, administrative agency, hearing officer, *arbitrator*, legislative body, or any other person authorized by law) in which, pursuant to law, testimony can be compelled to be given (emphasis added).

Further, it would seem that even in those cases to which the Federal Arbitration Act has application, the California Evidence Code would supply the relevant law with respect to privileges. That is because § 510 of the Federal Rules of Evidence provides that:

...in civil actions and proceedings, with respect to an element of a claim or defense as to which State law supplies the rule of decision, the privilege of a witness...shall be determined in accordance with State law.

Since almost all arbitrations (whether the Federal Arbitration Act has application or not) are "proceedings...as to which State law supplies the rule of decision...", it would seem that the California Evidence Code and its privilege sections will almost always have application.

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1By "Arbitration" I mean a proceeding subject to the provisions of the California Arbitration Law (Code Civ. Proc. § 1280 through § 1299) or the Federal Arbitration Act.

2See *Pacific Vegetable Oil Corp. v. CST Ltd.*, 29 Cal 2d 228 (1946); *Frantz v. Interinsurance Exchange* 229 Cal.App. 2d 269 (1964).

3Rule 31 of the Commercial Arbitration Rules of the American Arbitration Association (AAA). Although the Association has many different versions of the Commercial Rules which are industry specific (such as the Construction or Textile Industry Rules), all of the versions have a provision similar to Rule 10. See also the AAA's *Guide for Commercial Arbitrators* at 20: "One guiding principle must be kept in mind: *everything that could further understanding of the case should be heard.*"

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