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Golden Gate College Bulletin School of Law 1956-1957

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GOLDEN GATE COLLEGE
BULLETIN

Vol. LX



1956-1957

SCHOOL OF LAW

Fifty-sixth Year

SAN FRANCISCO, CALIFORNIA

SCHOOL OF LAW

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

BULLETIN

1956-1957

Fifty-sixth 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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WILKIE COURTER*Equity, Practice and Procedure*

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, 1953-1955; private practice since 1955; on Golden Gate College faculty since 1949.

GERALD S. LEVIN

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, 1931-1956; member of the firm, 1953-1956; President, The Bar Association of San Francisco, 1953; Judge of the Municipal Court of the City and County of San Francisco, State of California, since 1956; on Golden Gate College faculty since 1944; on leave of absence, 1956-1957.

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, Pfotenhauer, Moltzen and Cooper, 1953-1955; Bryant and Moltzen since 1955; member Phi Beta Kappa; on Golden Gate College faculty since 1949.

JAMES S. MOORE III*Future Interests*

A.B., University of California, 1942; LL.B., Hastings College of the Law, 1950; Trust Department, Bank of America, since 1951; admitted to practice in California State and Federal Courts, 1951; on Golden Gate College faculty since 1955.

VARNUM PAUL*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.N.R., 1942-1946; in private practice since 1933; member of firm, Vaughan, Paul & Lyons since 1953; on Golden Gate College faculty since 1938.

JOHN SPARROW

Criminal Law

A.B., Harvard College, 1938; LL.B., Harvard Law School, 1941; admitted to practice in Massachusetts, 1946, California, 1947; Commander, U.S. Navy, 1941-1946; associate, McCutchen, Thomas, Matthew, Griffiths and Greene, 1946-1947; Deputy District Attorney, Alameda County, 1947-1953; associate, Johnson & Stanton, 1953-1954; Assistant U.S. Attorney, Northern California, 1954-1955; Associate Attorney, Board of Regents, University of California, since 1956; on Golden Gate College faculty, 1951-1952 and since 1954.

HOWARD J. TAUBENFELD

Introduction to the Study of Law; Equity; Real Property

A.B., Columbia College, 1947; LL.B. Columbia Law School, 1948; admitted to practice in New York, 1948; California, 1955; in private practice, New York, 1948-1954; legal consultant to the United Nations, 1952-1953; author of articles in American Journal of International Law and other publications; on Golden Gate College faculty since 1955.

CASPAR WILLARD WEINBERGER

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; member of the California legislature since 1952; on leave since 1952.

GENERAL INFORMATION

History

Golden Gate College, an affiliate of the Y.M.C.A., is a non-profit educational institution of collegiate grade. The Law School, established in 1901 by the Board of Directors of the San Francisco Young Men's Christian Association was the first law school in California to offer evening instruction. In 1910 it was incorporated with the right to confer degrees. Golden Gate College was established and separately incorporated, under its present name, in 1923.

The Law School is accredited by the Committee of Bar Examiners of the State Bar of California.

Location

The Law School is located at 220 Golden Gate Avenue. This central location, in the downtown district, is readily accessible to all parts of the bay area.

Purpose and Objectives

Experience and the democratic tradition indicate the need for the evening law school as an important and necessary part of our legal educational system. Golden Gate College Law School is dedicated to furnishing ambitious and qualified men and women the opportunity to obtain high quality legal instruction, qualifying them for admission to the bar and successful practice of the law.

The school has a faculty composed of successful practicing lawyers, teaching subjects in which they are particularly qualified by training and experience, and several full-time professors who are available for student consultation and assistance at all times.

The curriculum of the school and the "case method" of instruction conform to the accepted standards and methods of the leading law schools. The major emphasis of the Law School program is to give a sound foundation in the basic principles of law, an understanding of the historical and social forces which have affected their development and shaped their present character, and of the forces which today may affect or modify our legal institutions.

The "common law heritage", necessary to an understanding of our legal system, is the basis of the Law School curriculum. The course of study is designed to qualify the graduate for admission to practice in any State, but pro-

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 \$15.00 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. 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.....	\$135.00
Law Association Fee.....	2.50
	<hr/>
	\$137.50
<i>Summer Session:</i> Tuition for 4 units.....	\$ 60.00

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.

Veterans

Golden Gate College is approved for training under Public Law 346 (G. I. Bill) and Public Law 16 (for disabled veterans) and Public Law 550 (Korean Bill).

Veterans who have been discharged under conditions other than dishonorable may be eligible for educational benefits under the G. I. Bill. It is recommended that the veteran inquire at the local office of the Veterans Administration regarding specific details of his eligibility.

Veterans must enroll before the end of the second week of the semester to obtain full tuition from the Veterans Administration.

If a veteran has not obtained authority from the Veterans Administration, he must make payments for tuition fees, books and supplies. Should a veteran receive his authorization after enrolling, he will be eligible to receive reimbursement for the period approved by the Veterans Administration.

The above rules apply to World War II veterans. Ask the college for specific information regarding Korean War Veterans.

California veterans who are no longer eligible for training under the G. I. Bill may still apply for educational benefits under California Veterans Educational Institute Act.

Books and Supplies

Students must obtain all required case books and texts. In addition, each student must have a good law dictionary and a set of the basic California Codes. Although the school maintains adequate library facilities, students who intend to do most of their preparation at home will find it necessary to purchase certain additional texts and other materials to supplement their study. All books can be purchased through the College Bookstore at list prices.

Golden Gate Law School Association

Professional and social activities in the law school are arranged by the officers of a student organization, the Golden Gate Law School Association. Opportunity is thus afforded to become socially acquainted with the other men and women students and with the faculty members.

GOLDEN GATE COLLEGE LAW ALUMNI ASSOCIATION

OFFICERS

IVAN T. CRASE, '17, *President*,
Assistant Commissioner, California State Corporation Commission.

SAMUEL C. SHENK, '43, *Vice-President*
Attorney-at-Law, San Francisco

THEODORE M. MONELL, '22, *Secretary-Treasurer*

ADMISSION REQUIREMENTS

1. *Beginning Students—Regular Status.* The applicant must have successfully completed three-fourths of the work acceptable for a bachelor's degree at a recognized institution of collegiate grade, with an average at least equal to the average required for graduation in the institution attended. Not more than ten percent of the credit presented for admission shall be in non-theory courses in military science, hygiene, domestic arts, physical education, vocal or instrumental music, or courses without intellectual content of substantial value.

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 be over 23 years of age and must take the Law School Admission Test, administered by Educational Testing Service. For information about this test, including Bulletin of Information and Application Form, write Educational Testing Service, 20 Nassau Street, Princeton, New Jersey, or P. O. Box 27896, Los Angeles 27, California, or communicate with the Dean of the Law School. *No application for admission to special status will be considered until a score report has been received on the Admission Test.*

3. *Advanced Standing.* All applicants for admission with advanced standing must (a) be eligible for admission to regular status, (b) be in good standing at the Law School last attended and (c) present proof of satisfactory completion of the courses for which credit is requested, at a Law School approved by the American Bar Association. A minimum of two years' attendance is required of all students admitted to advanced standing.

4. *General.* All applications for admission are subject to the approval of the Dean of the Law School and the Law Faculty Committee on Admissions.

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 achieve a satisfactory average in any 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 $4\frac{1}{2}$ 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 (4 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 (6 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 (2 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 - Income (3 units):

A detailed study of the Federal Income tax.

Taxation - Estate and Gift (2 units):

A detailed study of the Federal Estate and Gift Taxes and a consideration of the principal features of the California Inheritance and Gift Tax.

Torts (6 units):

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

Trusts (3 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 (2 units): Insurance Law (2 units):

Agency (2 units): Labor Law (2 units):

Creditors Rights (2 units): Security Transactions (2 units):

Seminar in Legal Problems (2 units):

Individual research in selected legal problems. Prerequisites: satisfactory completion of two years law study and approval of the Dean.



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.