

Fall 1979

Alumni Forum, Fall 1979

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ALUMNI FORUM

Vol. 5, No. 1

RECEIVED Fall 1979

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State Supreme Court Inquiry:

GGU Hosts Historic Judicial Hearings

With the paint barely dry and jackhammers pounding in the distant background, Golden Gate's new auditorium served as the venue for the unprecedented hearings of the Commission on Judicial Performance into allegations of judicial misconduct by members of the California Supreme Court.

At issue was whether any of the Justices deliberately delayed a decision in any of several recent cases, including *People v. Tanner*, which severely undercut the "use a gun, go to jail" law, and if any improper leaks occurred about those cases. (The decision in *Tanner* was reversed on rehearing later this year.)

Beginning in early June the hearings at first provided much information to attorneys and the public about how the court decides to take cases and the procedures it follows once hearings have been granted. While none of these processes was confidential, few practitioners had the occasion to know of these internal procedures unless they had served as clerks or externs with the court.

After this general testimony on procedures, the hearings focused on the actions of several of the justices and accusations from some newspapers that *Tanner* had been purposely delayed until after confirmation elections last November. Four justices were up for confirmation at that time: Chief Justice Rose Bird, and Associate Justices Wiley Manuel, Frank Newman, and Frank Richardson. (All four were confirmed, though an organized cam-

paign against Chief Justice Bird resulted in her confirmation by a narrow margin.)

Justices Richardson, Manuel, Tobriner, Clark, and Chief Justice Bird, as well as numerous staff attorneys and court personnel, all testified at the hearings before they were ordered closed to the public in mid-July as a result of a motion to that effect by Justice Stanley Mosk that was granted by a State Court of Appeal in Los Angeles.

The hearings left the new auditorium and moved to the chambers of the Commission on Judicial Performance in the State Building on McAllister. After three months of hearings and oral arguments, an interim State Supreme Court, composed of seven appellate justices drawn by lot, decided that the hearings must remain closed to the public. The court ruled, however, that transcripts of the hearings will be made public, due to the unique nature of the past proceedings.

After conclusion of the hearings, the Commission will decide whether to file formal charges against one or more members of the court.

11th Women and the Law Conference Set for Spring

More than 2,000 people are expected to attend the 11th National Conference on Women and the Law, which is sponsored by the School of Law and scheduled for February 28-March 2, 1980.

A variety of daily workshops will focus on problems affecting Third World women, lesbians, and older women in their contact with the legal and political systems in this country. Overview panels will be presented on such topics as violence against women, international women's issues, and women as criminal defense or prosecuting attorneys.

Many of California's and the nation's leading women attorneys will participate in the workshops and panels. Many of these are also on the steering committee which is responsible for the program. They include attorneys as diverse as Lisa Yee, an attorney for the Asian-American Legal Defense and Education Fund, New York; Henrietta Turnquist, a private attorney in Atlanta; Abby Abinanti of Abinanti & Tripp in Eureka; Judith Scott, of the United Auto Workers, Detroit; and Judith Kurtz, of the Equal Rights Advocates, San Francisco.

For more information about registration for the Conference, write to the 11th National Conference on Women and the Law, c/o Golden Gate University School of Law, or call the Conference office at (415) 442-7258.



Paul Gilnes — San Francisco Examiner

Chief Justice Rose Elizabeth Bird was one of five California Supreme Court justices testifying at GGU this summer.

Faculty news

Rick Koyle Named to New Administrative Position

The Law School has an additional Associate Dean, someone to lighten the load of Associate Dean for Student Affairs Marge Holmes. The new Associate Dean for Academic Affairs is Rick Koyle, a 1975 graduate of Columbia Law School.

Koyle will handle class and exam scheduling, co-ordinate student evaluations of faculty, act as the Dean's representative to various student-faculty committees, and be the trouble-shooter for faculty and administrative problems.

In addition to his administrative duties, Koyle, 34, is directing the writing and research program. He has taught legal drafting and professional responsibility at GGU for more than a year, and also taught a crash legal drafting course for tutors during the first few weeks of Fall semester to help them sharpen their skills.

Prior to coming to GGU, Rick was an associate with Landels, Ripley & Diamond, San Francisco. He previously clerked for Senior Judge Gus Solomon of the U.S. District Court in Portland, Oregon, after graduation from law school.



Rick Koyle: New Associate Dean

Kosel Chosen Top Prof at 1979 Grad Ceremonies

Janice E. Kosel, Associate Professor of Law, received the John A. Gorfinkel Award as the Law School's outstanding professor. Margaret "Kiwi" Petrie received the Paul S. Jordan Award for outstanding graduate, and Ms. Petrie and James Molesky received the International Academy of Trial Lawyers Award for Litigation. The J. Lani Bader Award for academic excellence and the GGU Law School Litigation Award both went to Victoria Gold.

The graduation exercises included a commencement address by Mathew O. Tobriner, Associate Justice of the California Supreme Court, with 230 graduates receiving Doctor of Jurisprudence degrees. Additionally, the first two graduates of the Master of Laws Program in Taxation were awarded LL.M. degrees at the June 2 ceremonies.

Goetzl Returns: A Droit Moral Law for California Artists

"No person, except an artist who owns and possesses a work of fine art which the artist has created, shall intentionally commit, or authorize the intentional commission of, any physical defacement, mutilation, alteration or destruction of a work of fine art."

So states the heart of a controversial new act signed by Governor Brown on August 1, drafted by Professor Thomas M. Goetzl. The California Art Preservation Act, Civil Code Section 987, permits the artist to seek remedies in the form of injunctions and actual and punitive damages, the latter to be awarded to an organization engaged in activities involving the fine arts in California.

As president of the Northern California Chapter of the Artists Equity Association, which promoted the new law, Goetzl appeared on a local television show in late August and discussed the new statute.

"This is a rather revolutionary development in property law," Goetzl has said. "For the first time, artists' rights to protect their reputations are exalted over the property rights of collectors."

Goetzl said one motivation for the Art Preservation Act, bills for which have also been introduced in the Oregon, Washington, and Tennessee legislatures, stemmed from an incident in which the Pittsburgh Area Airport Board fixed in place, and repainted in county colors, a mobile by Alexander Calder. A much-embarrassed Calder had no recourse, Goetzl related.

Other attorneys, however, have stated that there is still no real protection for artists when others mutilate their work. They feel the Art Preservation Act may be pre-empted by the 1978 U.S. Copyright Act and may be struck down as unconstitutional in federal court.

Goetzl adamantly disagrees:

"This statute is *not* pre-empted by federal law. Look at the Copyright Act. There's nothing in there which provides any equivalent protection for artists."

Civil Litigation Reporter Hits the Presses

After several months of preparation the CEB's *Civil Litigation Reporter* has finally hit the newsstands. Edited by Golden Gate Professor Mort Cohen, with assistance from Elliot Smith and Ann Bouliane of the Class of '80, the first issue of the Reporter includes a feature article on the new California Arbitration Law, with a practical guide for attorneys on how it works and its affect on their practice. Also included are summaries and analyses of the major California and federal cases in the areas of civil litigation, evidence, attorneys' fees, and appellate practice.

The second issue of the *Civil Litigation Reporter* has a feature interview with Associate Justice Mathew O. Tobriner, California Supreme Court. Justice Tobriner gives his views on the current state of the legal profession, and offers practical advice for attorneys who seek to have petitions for hearings granted by the California Supreme Court. For more information, contact CEB in Berkeley, CA.

Judicial Externs: How They Spent Their Summer "Vacation"

In addition to hosting the hearings on the California Supreme Court this summer, Golden Gate had ten students serving as Judicial Externs for the court during this period. This is quite an accomplishment for the School when one considers that the positions were open to students from across the state, and that only twenty-nine externs were chosen for summer positions.

Golden Gate has had externs at the court in the past, with at first one student, then three, and another four a year ago. No doubt the good work of those students helped pave the way for the large number of students who received appointments last semester.

Externs are primarily responsible for handling petitions for hearings, although during the course of their appointments most worked on calendar memoranda, and some assisted in reviewing opinions before publication. With each justice's staff expected to handle seven to ten petitions each week, as well as cases that had already been accepted for oral arguments, the term "invaluable" was often used by staff attorneys and justices in describing the externs' contributions.

In the normal situation, an extern first receives "the box" of a case. This includes the petition for hearing, an answer if one has been submitted, the clerk's transcript, recorder's transcript, and all appellate briefs. The extern must then research the points raised in the petition, and decide whether to recommend a "grant" or "denial" or one of the intermediate categories, such as "denial submitted." The tests used are those in the California Rules of Court, and include the significance of the question of law and whether a conflict exists in the State Courts of Appeal.

After the memorandum is completed, including a summary of the facts, issues raised, recommendation made, and reasons for that recommendation, a staff attorney reviews the memorandum, whereupon it is submitted to the justice for his or her approval. Further research may be required by the justice, or the memorandum will be approved for circulation to the other justices.

About 70 petitions are on the agenda for each weekly conference, which is usually held on Wednesday. The conferences are closed to all but the seven members of the court. About 20 of the 70 cases are put on the "A" List for priority discussion, while the remaining 50 are on the lower priority "B" List. About three cases per week are granted hearings by the court, and these are then placed on the calendar for oral argument a few months later.

Externs will often have a chance to prepare a "calendar memorandum" which summarizes the points of law and issues

raised in more depth than in a conference memorandum. This calendar memorandum will often serve as the basis for the opinion of the court in that case. Additionally, many justices will seek input from externs on opinions or dissents in preparation with an eye toward hearing a "fresh viewpoint," as one justice characterized it.

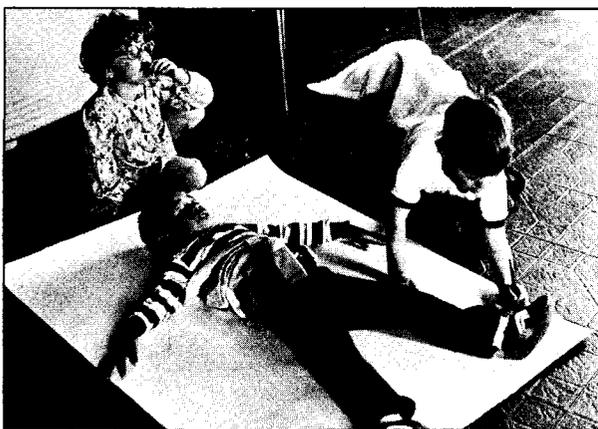


The Judicial Externs at the California Supreme Court this past summer were: Robert Haden: Justice Manuel; Barbara Bryant, Ed Garson: Justice Newman; Mike Waughtel, Alice Montgomery: Central Staff; Elliot Smith: Justice Richardson; Amy Rodney, Lynn Rossman, Michael Carbonaro, Joanne Frankfurt: Justice Tobriner.

Judicial Externships for students are available at other courts as well, and also during Fall and Spring semesters. For more information on the Judicial Externship program, contact Associate Dean Marge Holmes.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z A B C D E F G H I J K L

Birth Announcement: The GGU Child Development Center



"Don't move that foot until we file a complaint!"

After years of planning and fund-raising, the GGU Child Development Center has finally opened. Located in remodeled quarters on the plaza level of the original building, the Center offers a program for children from three months through five years old.

Susan Powell, Director of the Center, explained that the goal of the program is to provide "a warm and secure atmosphere to encourage curiosity, individualism, and independence."

The Center is open from 8:30-5:30, with a moderate fee of \$50 per week full-time or \$30 per week part-time. Breakfast, lunch, snacks and formulas are available, as are vision, hearing, and dental screenings. The developmental program includes areas such as sensory and kinesthetic movement, science and math, art, language development, and self and social awareness. More information is available from Ms. Powell, c/o GGU Child Development Center.

O P Q R S T U V W X Y Z A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Faculty updates

Dean **Judy McKelvey** has been appointed to a subcommittee of the Joint Federal Courts Committee of the Bar Association of San Francisco. The subcommittee will study and report upon the experience in the Federal District Court for the Northern District of California with the experimental arbitration system. The Dean is also a member of the Special Committee to Study Law School Accreditation Standards in California, a committee of the State Bar of California.

GGU Sponsors Public Interest Law Consortium

By Trina Ostrander, Project Director,
Public Interest Law Clearinghouse

Golden Gate is among the Bay Area schools sponsoring a new project to train and improve the effectiveness of local public interest attorneys.

The Bay Area Public Interest Law Consortium consists of two programs: The first, the Public Interest Clearinghouse/Resource Center, will provide the communication and centralized resources now lacking in the local public interest community. The Clearinghouse is staffed by law students from the participating schools who work on individual projects and thereby gain exposure to the broad field of public interest practice.

Projects the students are now working on include:

- A comprehensive directory of public interest law organizations in the Bay Area, so that attorneys and clients can quickly locate an expert in a specific field, or an attorney who may have done the work now being contemplated by another, or an attorney who may be able to assist in a special project.
- A newsletter reporting recently filed lawsuits, legislative activity, and other information which can broaden the scope and increase the efficiency of local public interest operations.
- A library of sample pleadings and briefs from public interest cases, to reduce the time and effort involved in public interest and *pro bono* practice.
- The second annual California Public Interest Law Conference, held in October at the University of Santa Clara.

The second Consortium project is an innovative academic Public Interest Law Program. Ten students will be selected from each of the participating schools to enroll in the Program beginning in their second year. (This year only, students will be chosen in their third year as well, and given retroactive credit for work completed in public interest fields.) Chosen on the basis of academic potential as well as demonstrated commitment to community service and public interest practice, these students will enroll in a three-unit Public Interest Law Seminar in the spring. An additional nine units of public interest clinics or electives will be required of the Program's students, as well as work in the Clearinghouse. (Each school will identify its course offerings in public interest areas, and will give priority enrollment to members of the Program. Thus, the students will be encouraged to take advantage of any innovative or unique classes taught at any of the participating law schools.) The Public Interest Law Program students will also be eligible for a range of non-traditional clinical and externship placements which the Clearinghouse is developing.

Any alumni interested in hearing more about the Consortium or in contributing ideas for it are encouraged to call Associate Dean Marge Holmes or Trina Ostrander or Paul Perdue at the Clearinghouse office at 25 Taylor Street #614, San Francisco 94102; 557-3079.

Associate Dean **Marge Holmes** and Dean **McKelvey** spent the beginning of the summer in Alaska, meeting with members of the State Court System, Public Defender's Office, and alumni, students, and potential students from the 49th state.

Professor **Myron Moscovitz** had a busy summer in the landlord—tenant law field. In June Myron chaired six panels for CEB on Residential Landlord—Tenant Law, and during July he spoke on related topics to the San Diego Bar Association, the Contra Costa Bar Association, and the San Francisco Paralegal Association.

Also in the field of Real Property, but with a different emphasis, Professor **Roger Bernhardt's** new *California Mortgage and Deed of Trust Practice* has just been published by CEB. Though Roger is modest about his many accomplishments—including his *Real Property Nutshell*—this new publication has been cited by observers as a major work for all real estate attorneys in the state. Speaking of the *Nutshell*, Roger's present plans include taking a semester off next spring to completely revise that outline to reflect numerous changes in the law that have occurred since its publication a few years ago.

Speaking of comings and goings among the regular faculty, Professor **William Weiner** is taking the year off on a leave of absence. Professor **Tom Goetzl** has just returned from a year at Memphis State University, Tennessee, and some of his accomplishments of the past year are highlighted elsewhere in this issue of the *Alumni Forum*.

Professor **Bob Calhoun** has just completed a monograph on California Speedy Trial Law for CEB.

Law Librarian **Nancy Carter** served on the Steering Committee for the 72nd annual convention of the American Association of Law Libraries, which met in San Francisco June 30—July 5. Nancy also reports that her garden was a moderate success this summer, with the green beans doing well and only a few worms in the tomatoes.

Professors **Tony Pagano** and **Lani Bader** are among those faculty members preparing articles for publication in the near future. Professor **Allan Cadgene** is currently working on a tax article as well. More on these in our next issue.

Professors **Bernie Segal** and **Marc Stickgold** received tenure after review procedures were completed during the Spring semester. Congratulations to both of these fine teachers!

Professor **Jim Smith** is working on his outline for a new text on the Uniform Commercial Code.

Lecturer **Neil Boorstyn** spoke on copyright law at the annual meeting of the State Bar Association held in September in Los Angeles. He is currently preparing a book on copyright law, scheduled for publication next year.

New Courses and Faculty:

Marc Stickgold is teaching a Constitutional Law Seminar for those students interested in pursuing current areas of Con Law in greater depth. For students interested in an advanced level of international law, **Donald A. Weadon, Jr.** is teaching a new course on International Business Transactions Law, with an emphasis on export regulation and related topics. Mr. Weadon is an international business and foreign trade attorney in San Francisco, and has appeared as a guest lecturer in International Law in the past.

Also joining the Law School this Fall on a part-time basis is **Henry Hecht**, an Associate with Heller, Ehrman, White & McAuliffe, San Francisco. Mr. Hecht is teaching a class in Counseling, Interviewing and Negotiating. Included in Mr. Hecht's experiences is a stint with the Watergate Prosecutor's staff in Washington, D.C.

Alumni notes

With the *Alumni Forum* now going to press three times each year (Fall, Winter and Spring) we have the opportunity to do a bit more in-depth coverage of alumni notes. Please feel free to inform us of articles written, new appointments, and other items that may be of interest to your classmates and alumni in general. And don't forget to include your graduation date as well!

Neil Levy to Edit New "California Tort Reporter"

The new "California Tort Reporter," a monthly service designed to help personal injury practitioners keep up with current developments, has been launched by Professor Neil Levy of GGU and Encino attorney Leonard Sacks.

Each issue will provide both an overview of current California cases and a detailed analysis of the impact of these new decisions on tort law and trial practice.

"We hope to provide one current source of information on developments in this rapidly changing field" said Levy, who served as the past editor of "California Law—Trends and Developments" and is currently Law Editor of the California Trial Lawyers' Association "Forum."

Many GGU Law alumni will be receiving complimentary copies of the first issue of the "Reporter." Others who would like an introductory copy should call or write to Professor Levy.

Sandra's Corner

With the intent of strengthening the base of support for the Law School and its programs, it has been decided to re-create the Law Alumni Association. There are approximately 1800 Golden Gate Law School graduates, scattered throughout California, the nation and a few abroad (Thailand, Australia, Japan, Israel). Many of these people have expressed an interest in keeping in touch with classmates and the University as well as giving something back to the Law School and the students struggling to achieve their J.D. An Alumni Association would provide the structure necessary to pull together the energy and resources of alums who would like to participate on one level or another.

The Association would be a "friend-raising" as well as a fund-raising group. Also, it is hoped that graduates will stay in touch with both the Placement and Admissions Offices to help enhance the reputation of the School through employment opportunities and recruitment of superior students. In return, the Association will provide seminars, social activities, and a vehicle for sharing information on job possibilities as well as career achievements of our graduates.

You will be hearing from us shortly regarding the Association. If you are interested in helping with membership, please give me a call. Our first official function will be a Wine and Cheese Party, to be held on November 30.

One last thing: Can't resist the chance to deliver an important fund-raising message. You all should have received the mailing regarding the Golden Gate University Annual Fund. Even though the deadline for the cruise drawing has passed, do not hesitate to mail your contribution to us now. The purpose of the Annual Fund is still very much alive—to raise money for the support and growth of the Law School. The new building may no longer be the focus for your giving. If not, be sure to designate the Law School and the area to which you wish your gift applied: scholarships, library, general unrestricted, child care. An aside: scholarship money is desperately needed for worthy students who are having trouble making ends meet at \$121 per unit. We would appreciate any support you could provide.

Keep in touch. I would love to hear from you. Call me—Sandra Bovetti, Development Office, (415) 442-7000, Ext. 7554.

• *Richard A. Krimen* ('65) has been appointed Assistant Chief Counsel in Northern California for the State Compensation Insurance Fund, San Francisco. Krimen began his career with the State Fund in 1958, working in claims adjustment, training, and rate and classification analysis. He joined the legal department after passing the Bar in 1965, and has done workers' compensation litigation work in recent years.

• The Pacific island of Guam is the home of *Timothy A. Stewart* ('73), who has just been appointed a member of the Standing Committee on Discipline of the United States District Court for the District of Guam.

• *Diana Richmond* ('73) has announced that two Golden Gate alums, *Benna F. Norman* ('74) and *Karen D. Kadushin* ('77), have joined her office in San Francisco as associates. They will be working in civil litigation emphasizing personal injury, contracts, and domestic relations.

• *Michael J. Haas* and *Jayson L. Pahlmeyer* (both '74) have formed a partnership for the general practice of law, under the name Haas & Pahlmeyer. The office is located in San Francisco. Mr. Pahlmeyer also recently received an LL.M. Degree from George Washington University with a specialization in Government Procurement Law.

• *James A. Reuben* ('76) announces the opening of new law offices in San Francisco, under the name of Reuben & Balkevich.

• *Christine Hodgson* ('76) has been appointed Staff Attorney for Memphis Area Legal Services, Memphis, Tennessee.

• *Michael C. Jonas* ('76) is now working as a Trial Attorney for Pacific Gas & Electric Company.

• *Larry J. Shapiro* ('76), a partner in the Oakland law firm of Weiler & Shapiro, has been appointed as a referee for the Hearing Department of the State Bar Court, for District Number Three.

• *Michael Marowitz* ('78) has been appointed a teaching fellow at Stanford University School of Law, beginning Fall, 1979. Mr. Marowitz served as a law clerk to the Honorable Herbert Schwab, Chief Judge of the Oregon Court of Appeals, and served as Editor-in-Chief of the Law Review during his last year at Golden Gate.

• *Brian E. Kerss* ('79) is working as an associate with Welton & Van Dam, San Francisco. The general practice litigation firm has an emphasis on plaintiff PI litigation and labor law.

• *Donna Courtney* ('79) has been awarded a Reginald Heber Smith fellowship for work in Native American law at Spokane, Washington.

• *Michael B. Hansell* ('77) has opened a law office in Pleasant Hill, CA. He previously worked for the Contra Costa County Probation Department.

• *Loren C. Hu* ('78) is an Attorney-Advisor for the Office of the General Counsel of the Maritime Administration, U.S. Department of Commerce.

• *John W. McKenney, Jr.* ('78) has accepted a position with the General Counsel's Office of the U.S. Department of Commerce, Office of Minority Business Enterprises.

• *Yvonne M. Metzger* ('74) has relocated her law offices to Larkspur, CA.

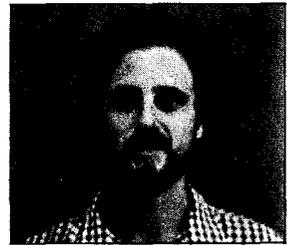
• *Dean Sandford* ('62) has been promoted to Chief Patent and License Counsel of Union Oil Company of California's Science and Technology Division in Brea.

• *Lynda L. Sands* ('77), now Lynda Sands Moerschbaeher, has been appointed Assistant General Counsel for Yale University.

• *Bari M. Stolmack* ('74) has been appointed legal counsel to the Chairman of the Public Employment Relations Board by Governor Edmund G. Brown, Jr.

• *John Frederick Vogt* ('78) has opened his law office in association with the firm of Hawes and Keyes in Fresno.

• *Delia Chilgren* has been appointed Government Affairs Counsel for Fireman's Fund Insurance Company, San Francisco.



The Salmon Were Biting!

Law Students Trek North to Alaska for the Summer

Four GGU law students spent the summer roaming the vast expanses of Alaska as part of a study on the criminal sentencing procedures for the state.

The study, sponsored by the Alaska Judicial Council, is the second attempt to discover the extent of racial discrimination in the sentencing of defendants in the state. An earlier related study by the Judicial Council indicated that native Alaskans and blacks received stiffer sentences and longer periods of probation for most felony convictions, even though the crimes and the defendants' backgrounds were similar to those of white defendants.

The present study of all felony charges leading to convictions since August 1976 should shed further light on the magnitude of this discrimination.

The law students, Terri Ellen Gordon and Kevin Robinson of the class of '80, and Eric Ostrovsky and Nancy Lashnits of the class of '81, joined eight other staff members who traveled the state from Fairbanks to Ketchikan and from Juneau to Kodiak and Bethel. They researched the backgrounds, economic and family histories, employment and schooling experiences, type of legal assistance, and mental and physical health of 1500 defendants who had originally been charged with felonies. Some of these charges were reduced to misdemeanors, but all defendants were sentenced.

The workers also obtained information on the type of crime, the manner in which it was carried out, whether or not a weapon was used or a victim hurt, the manner in which the case was disposed, and details about the sentence imposed.

The information collected will be analyzed and compiled in final form and the summary of findings should be ready about the

first of the year.

"The fact that the earlier study caused such a turmoil in Alaska, which led to the study we worked on," Robinson commented, "makes me think a similar study should be done in California."

Meanwhile, our GGU students received a splendid education in criminal law and the judicial system in Alaska, both in cities like Anchorage and in the "bush," the small towns of interior Alaska.

"I found out that there's some humanity in the criminal justice system," Ostrovsky said. "Certain judges seemed to take the time to consider their sentences and make thoughtful comments."

"Being an Alaskan," he continued, "I got a different perspective of the criminal offender from the study from what I previously thought. I was surprised to find that so many of the offenders were young and that so many of them already had been through the system."

Going to Alaska for the study gave the other students their first taste of the North. "I fished the king salmon run on the Kenai Peninsula," Gordon said. "It was great!"



Nancy Lashnits, Eric Ostrovsky, Terri Ellen Gordon, and Kevin Robinson recently returned from their backwoods adventure.



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