

Winter 1980

Alumni Forum, Winter 1980

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ALUMNI FORUM

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Winter 1980

UNIVERSITY OF
WASHINGTON

Law School Granted AALS Membership

The Law School has been granted full membership into the Association of American Law Schools (AALS), the primary law school organization in the country. The five-year quest for membership was approved when the final requirement—completion of the expanded facilities of the new building—was met during mid-1979.

“While the ABA is technically the accreditation body for the nation’s law schools, the AALS is the national and most effective forum for curriculum impact and development of law school programs,” explained a delighted Dean Judith McKelvey. “The ABA is really a forum for attorneys. AALS membership means that our students are now eligible for Master’s programs at any AALS school, our faculty are eligible to participate on AALS subject area committees—such as Indian Law, Art and the Law, Real Estate, and Clinical Programs, to name just a few—and our admissions efforts will continue to grow in the future.”

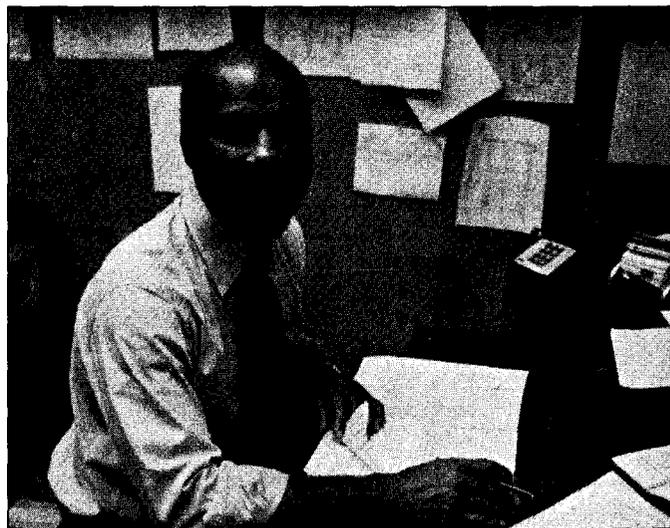
Two of the more stringent AALS requirements centered on the number of full-time faculty and the physical plant capacity—library facilities in particular. With 28 full-time faculty and the library offering over 100,000 volumes since the completion of the new building, the AALS powers-that-be finally realized we had come of age.

“I think we’ve been a quality law school for quite some time now” said McKelvey. “What the AALS membership really means is that the rest of the law schools in the group have finally realized that fact. In a sense it’s an indication that the law school has finally ‘matured’ in the eyes of the other schools around the nation.”

Of the 170 or so schools with ABA approval, about 136 have been accepted into the AALS. Membership benefits also include potential faculty exchange programs, visiting faculty programs, and inter-school programs in developing areas of the law. And, contrary to rumors floating around the halls for the past few

months, acceptance of the school was “without any strings attached,” said the Dean. ■

Henderson Nominated for Federal Judgeship



Thelton Henderson

Associate Professor of Law Thelton Henderson beamed with pleasure when he learned of his nomination in January as a judge for the U.S. District Court, Northern District of California. Henderson came to Golden Gate in 1978 as a visiting professor and was appointed in 1979 as an associate professor. Prior to coming to Golden Gate, Henderson, who is a 1962 Boalt Hall graduate, was instructor and assistant dean at Stanford. He now teaches civil procedure, administrative law, and professional responsibility.

Henderson’s nomination must go through an appointment process, which he estimates will take three to four months before he will don his judicial robes.

“My immediate goal is to be as good a judge as possible,” Henderson said. “I want to work hard to justify support from a lot of friends who came through, including a lot from Golden Gate.” ■

**Land Use II, Women
and the Law Conferences:
*See page 2 for details.***

Land Use II

Preservation of agricultural lands and developments in coastal land regulation and conservation are the topics for the second National Land Use Conference to be held at the Law School February 25-26, 1980.

"Downzoning," "takings," the liability of government officials for land use decisions, inclusionary zoning aimed at low and moderate income people and land use and energy will be just a few of the seminar subjects for discussion.

The Hon. Laughlin E. Waters, U.S. District Court Judge in the Central District of California and Chairman of the ABA Special Committee on Housing and Urban Development will be the keynote speaker at the series of lectures and seminars.



United States District Judge Laughlin E. Waters

Some of the speakers from last year's enthusiastically received conference will give repeat performances, including Daniel O'Connell, the 1979 Conference chairman, and Robert Freilich of the University of Missouri. They will present an update on developments in growth management.

Other experts on zoning, agricultural land conversions, and coastal conservation and management from California and other western states will lead seminars during the two-day conference. Discussions on the role of public officials and administrators will also be held.

Conference chairman Arnold Sternberg, GGU Law School Professor, said the sessions will concentrate on practical experiences and solutions to problems.

For information about the conference and registration—which will be at a discount rate of \$95 for all GGU Law School Alumni who so identify themselves—contact Professor Sternberg at the School of Law. ■

Women & the Law

Sara Nelson, Co-Director of Quixote Center and one of the community organizers of the Karen Silkwood case, and Eva Paterson, co-counsel in the recently settled case against the Oakland Police Department involving police refusal to intervene in domestic assaults, will be the keynote speakers at the 11th National Conference on Women and the Law.

Nelson will talk on the public education and litigation efforts during the successful suit by Silkwood's parents against Kerr-McGee Nuclear Corp., the nuclear energy company for which Silkwood worked.

Paterson will speak on the human rights movement and women's role in the movement.

They will speak at the Friday night reception during the three-day conference to be held Feb. 28-March 2 at the San Francisco Civic Auditorium.

One of the coordinators responsible for attracting the Conference to GGU, Judy Bloomberg, speaks with intensity and enthusiasm about the planned gathering.

"There's nothing else like it," she said. "The attraction of the Conference is *women*. We're getting women from all over the country who are experts in their areas of practice. They'll participate in skill seminars for attorneys on such topics as Title VII litigation, trial advocacy, and immigration law."

The Conference began in 1969 as basically a student conference aimed at attracting more women into law schools and the profession.

"Now it's expanded considerably," Bloomberg said, "because we have different needs."

Thus, participants in the day-and-a-half trial advocacy training will perform opening or closing arguments and conduct direct and cross-examination of witnesses. Each participant will be critiqued on her execution by women faculty members.

Another related workshop, among the dozens to be offered, will deal with the way language is used in the courtroom and the results flowing from men's or women's language.

Marilyn Endriss, the other coordinator of the Conference, is the moving force behind this workshop. Based on a study she has completed, Endriss feels that the way women talk and interrogate witnesses or deal with partners often expresses a lack of power.

"Women tend to use language which cuts down their assertiveness. They use more tag words and questions. For example, a woman will say, 'if you wouldn't mind, will you run this errand for me when you get time?' instead of just asking, 'will you run this errand?'"

The linguistics workshop is intended to make women attorneys aware of the differences so they can use more "powerful" language.

Caucuses for lesbians and minority women as well as regional groups will also be held.

"We've tried to design the Conference to draw women from many different backgrounds and areas," Bloomberg said. "We want paralegals and legal secretaries to attend. I know a feminist history teacher and a community organizer for a private foundation who both learned of the Conference and are excited about it. That makes me think it'll be a success!" ■

Legislative Proposals for the Select Commission on Immigration and Refugee Policy



by Bill Ong Hing
Associate Professor,
Golden Gate University
School of Law

The present immigration laws of the United States reflect the knee-jerk reactions of Congress to various political and social events of history. The patchwork is riddled with inconsistencies, and the policies which underlie those laws are at times difficult to identify. Thus, the confusing laws coupled with recent public concern over the numbers of undocumented aliens and refugees in the country forced Congress to take some action.

In typical response, Congress formed a commission to study the situation. Public Law 95-412, signed into law October 5, 1978, established a Select Commission on Immigration and Refugee Policy to "study and evaluate existing laws, policies and procedures governing the admission of immigrants and refugees to the United States" and to make administrative and legislative recommendations to the President and to the Congress.

While the final recommendations on major policy issues will certainly influence overall immigration laws, there are other more narrow areas that the Select commission should recommend legislation on as well because of several inequitable situations that presently exist. The following is a summary of some of these areas.

A. Statute of Limitations for Deportation

The present grounds for deportation do not provide any statute of limitations. As long as the person is not a citizen, and even though he/she has been a lawful permanent resident of the United States for twenty-five years, the person is deportable if he/she falls within one of nineteen deportable classes, Section 241(a) of the Immigration and Nationality Act, 8 U.S.C. §1251(a). Thus, longtime residents who have been convicted of possession of marijuana or who were discovered to have been Nazis are subject to deportation proceedings. See e.g., *Lieggi v. INS*, 389 F.Supp. (N.D.Ill., E.D. 1975) (reversed without written decision at 559 F.2d 530 (7th Cir. 1976)); *Carreon-Hernandez v. Levi*, 543.2d 637 (8th Cir. 1976); *U.S. v. Walus*, 453 F.Supp. 699 (N.D.Ill., E.D. 1978).

The absence of a statute of limitations is inconsistent with even most criminal laws of American jurisdiction except for the most heinous crimes. Thus, a humanitarian statute of limitations of perhaps ten years should be included in at least some, if not all, of the deportation provisions.

B. Fourth Amendment Exclusionary Rule in Deportation Proceedings

Claims of unreasonable searches and seizures in violation of the Fourth Amendment are generally unsuccessful in deportation proceedings. The United States Supreme Court has been critical of warrantless searches and roving patrols by Border Patrol agents. *Almeida-Sanchez v. U.S.*, 413 U.S. 266 (1973); *U.S. v. Brignoni-Ponce*, 422 U.S. 873 (1975). But, impressed by the large estimates of undocumented workers, the court has allowed routine vehicle stops at fixed checkpoints more than sixty miles from the border. *Martinez-Fuerte v. INS*, 428 U.S. 503 (1976). And although one federal district judge has held that the INS

must have reasonable suspicion that a person is an alien in the United States illegally before engaging in questioning, *Marquez v. Kiley*, 436 F.Supp. 100 (S.D.N.Y. 1977), the INS does not accept that ruling outside of that district.

A troublesome issue would arise, therefore, if a deportable alien were arrested in clear violation of the Fourth Amendment, or if evidence of deportability were thereby obtained. Because deportation proceedings are considered civil rather than criminal in nature, courts have expressed hesitance to apply the exclusionary rule in deportation hearings. See e.g., *Cabral-Avila v. INS*, 589 F.2d 957 (9th Cir. 1978); c.f., *Wong Chung Chee v. INS*, 565 F.2d 166 (1st Cir. 1977). Very recently, the Board of Immigration Appeals struck a devastating blow to aliens whose Fourth Amendment rights have been violated by explicitly ruling that the exclusionary rule does not apply in deportation proceedings. *Matter of Sandoval*, Interim Decision No. 2725 (BIA 1979).



May we see your immigration visas please?

Thus, today an order of deportation will be sustained even though the alien has been illegally arrested and the evidence of deportation is tainted. This is true in spite of the fact that a criminal prosecution of the same alien for illegal entry would likely be tossed out of Federal district court.

This result is not acceptable. The situation breeds further abusive behavior by immigration investigators and agents whose antics have recently resulted in several criminal indictments against such agents. The infamous conduct of such officers, so Gestapo-like, can only get worse after the carte blanche blessings of the BIA in *Matter of Sandoval*, supra. Illegal tactics by INS officials are as repulsive as analogous police activities whose fruits have been traditionally excluded. The stakes of deportation hearings are as high as, if not higher than, most criminal cases, and the policies underlying the exclusionary rule are as relevant.

An exclusionary rule should therefore be enacted which would exclude all evidence from deportation proceedings where the evidence was obtained in violation of the alien's Fourth Amendment rights.

C. Elimination of the English Literacy Requirement for Naturalization

The English literacy requirement for naturalization, Section 312 of the Act, 8 U.S.C. §1423, continues to serve as an effective deterrent to citizenship for most elderly immigrants. Without the benefits of naturalization, these persons are prohibited from entering the mainstream of American life. For example, all federal civil service jobs and certain state police positions and local teaching posts are limited to citizens. Of course, the right to vote is only extended to citizens. (Continued on page 4)

The Staff of Life

All too often students and faculty take for granted the people that really make the school run smoothly. I am referring, of course, to the staff. The people that made sure you were registered for the right course, received the correct grades (if not exactly the ones you wanted!) and finally made sure you did all you had to do to graduate from this illustrious institution. In this issue, and from time to time in the future, we'll introduce some members of the present "staff of life."

Molly Stolmack is the Administrative Assistant to the Dean of the Law School. She's worked at Golden Gate for the last 6½ years, and primarily works on special projects of the school. Her recent responsibilities included revision of the catalog, work as the FSC's recording secretary, and making arrangements for graduation exercises.



Molly Stolmack

Originally from the Chicago area, Molly has lived in California for "many years." She has three children—including a daughter, Bari, who graduated from the law school in 1974—and an eight-year-old grandchild. Her husband is an electrical engineer, and Molly had a short career as a teacher at the demonstration nursery at the University of Cincinnati before the family moved out west.

"The changing nature of the job makes it interesting," says Molly, "but I don't have as much student contact since we moved into the new office set-up recently. I like the students here, and it would really be nice to see my old and new friends more often!"

Wally Walker is the Registrar of the law school, with work on graduation, securing, posting and recording grades, and certifying students to the various State Bar committees his main work responsibilities. A native of the Bronx, New York, Wally began working at the business school in 1971, then switched to the law school office in 1977.



Wally Walker

Wally also does part-time work as a "literary promotional consultant," in charge of W. W. Enterprises, a company he started in 1974. In his work in this field, Wally designs album covers, catalogs, and brochures, with clients in recent years including Aretha Franklin.

If you still haven't gotten your civil procedure grade from first year, or if you're about to cut a record album, Wally would be glad to be of assistance!

Barbara Goldsmith has been a secretary in the Dean's office for the past 2½ years since she first arrived in San Francisco from Ohio. Barbara works on just about everything at one time or another, and is probably the first one students complain to no matter what the problem is.



Barbara Goldsmith

Although she enjoys her present position, Barbara hopes to get into the health field, perhaps working as a midwife at some time in the future. After first beginning work, she thought of going to law school, "but after considering the job market and seeing the expressions on the faces of first year law students, I decided not to apply!" ■

Immigration *(Continued from page 3)*

Congress' preservation of the English literacy requirement for naturalization is irrational. There is no constitutional requirement to condition citizenship on English literacy nor is there any historical evidence that the framers of the constitution intended our society to be uniform in language or tradition. To the contrary, history reveals that the thrust of independence for the colonies was diversity and sovereignty, and a guarantee of rights for all people. The United States has always held its arms open to all peoples and has promoted its "melting pot" image to all the world.

Furthermore, the English literacy requirement for naturalization is completely inconsistent with the position of Congress on the right to vote. In the 1975 amendments to the Voting Rights Act, Congress strongly indicated its strong opposition to English literacy requirements for the franchise in its mandate to state and

local governments to provide bilingual ballots and voter materials. The amendments came in recognition of the fact that non-English-speakers are as well-informed as the English-speaking electorate. The next logical step for Congress to take has not arrived: namely, the elimination of the English literacy requirement for naturalization so that these people can meet the citizenship requirement to register to vote.

There is an administrative alternative that can be suggested as a compromise. History and government questions, which are customarily administered in English, could be given in the immigrant's native language during the naturalization examination. This procedure would be consistent with the statutory layout of the English literacy and history/government requirements which fall under two separate subsections of Section 312. Naturalization rights will then become more readily available to our elderly immigrants who have historically been the most loyal residents of the United States. ■

Law Alumni Reception: A Festive Success

More than two hundred people attended the Law Alumni Wine and Cheese Reception held November 30 at the University. It was the largest group of Golden Gate law alums ever to gather together at one time. The event was a monumental success. And, it was fun! Classmates got together after several years; they had the opportunity to meet the many fine, new faculty members; it was an occasion to chat with favorite professors from law school days, and a chance to view the new building and law school facilities. All of this amid an atmosphere of relaxed warmth and gaiety!

We were especially pleased to welcome several former Golden Gate Law students who attended and graduated from the YMCA facility: Mr. and Mrs. R. J. Richert (1941), Mr. and Mrs. Nick Elchinoff (1957), Mr. Andrew Basey (1958), and Mr. Justin Gross (1960).

Without exception, all who took tours of the new building thought the facilities outstanding. Visitors saw an auditorium that seats 800—the scene of the recent California Supreme Court hearings. In addition, the William Randolph Hearst Student Center and the Staff and Faculty Lounges impressed all who remember having to go outside the University for a place to eat. The Board Room and hand-made conference table left alums with the sensation that their once small, strictly practical school has grown into a symbol of professional success in academia.

The Child Care Center caught the attention of all who toured and especially pleased those alums who had voiced an interest in such services years ago. Finally, a comment often heard by tour leaders: "What do the students who are not prepared for class do without pillars to hide behind!"—for, indeed, the pillared classrooms have been replaced by brightly lit, wide open and comfortable learning facilities.

If you were unable to attend this event, but look forward to similar reunions with alumni, take note. We are planning other events in the near future. As the Law Alumni Association

becomes a reality and committees begin to organize functions, you will be regularly notified of lectures, luncheons, class reunions, and conferences sponsored by the Law School. If you are interested in being on a planning committee, please let me know.

Thank you to all who attended the Wine and Cheese Reception and helped make it a success. Also, a special thanks to the



students who helped coordinate the event and lead facility tours: Moss Jacobs, Robert Waligore, Susan Adler, Cordia Farrell, and Charma Pipersky.

Sandra Bovetti,
Associate Director, Development-Law

Alumni Notes

William H. Howard ('73) and *Rita S. Grobman* ('73) were married on January 1, 1980, in Carmel, Calif. Bill is now pursuing a career in Patent Law. Rita is a Managing Editor at Matthew Bender in San Francisco.

Eric Jacobs ('79) has accepted a position as an associate with Fleischmann & Farber, San Francisco.

Ruth Astle ('74) opened a general practice in Moss Beach, CA, this past October. She also gave birth to a son, David Joseph Somas (Somas is her married name) on June 3, 1979.

Richard Bridgman ('48) has been re-elected secretary of the 5100-member California Trial Lawyers Association. ■

Where Are They Now?

Do you know the whereabouts of . . .

Abrams, Phillip	Jayce, William
Adler, Lee	Kaplan, Robert B.
Armstrong, Mark Lee	Lanter, Marvin
Baity, James	Lee, Robert E.
Baker, Robert S.	Light, David H.
Bishop, Maureen	Luedus, Scott Wm.
Bogard, Ron	Mazzi, David R.
Bolden, Andrea L.	Mead, Dale C.
Bryant, Julienne	Metcalfe, David R.
Budd, Amelia (Mimi)	Middleton, Joan
Chikasuye, C. Wm.	Morris, Abby
Cotton, Robert Lee	Nixon, John R.
Coughlin, Patrick	Novoson, JoAnn
De Leonardis, Wm. Justin	Polse, Norman
Dikovics, Stephanie	Rossiter, David
Donaldson, Howard	Savner, Steve
Eley, Christopher K.	Shapiro, Jeffrey
Free, Frank	Storey, Sam
Friedman, Marvin	Waluch, Paula
Grappo, David M.	Weinberger, Lawrence W.
Hanson, Vic, III	Weinberger, Michael
Harrison, Jerome P.	Weiner, Barbara E.
Hewlett, Everett, Jr.	White, Robert D.

If so, please contact Sandra Bovetti at 442-7000, ext. 7554.
Thank you. ■

. . . With A Little Help from our Friends

Many of you are in the process of making your last payment on your three-to-five year pledge to the University Building Fund. To those of you who helped make this beautiful new facility a reality, allow us to thank you, once again, for your faith in and support of a sincere endeavor. You have been able to see our new building and tour the facilities, I am sure you agree your financial assistance was impressively and soundly allocated.

How goes our newest fund-raising campaign—the Annual Fund? Since the mailing to you in September, we have received \$175 for scholarships, \$15 for the Law Library and \$1485 for law-unrestricted use. These amounts represent gifts from 35 alums. There are now 1812 law alumni; so, as you can readily see, we have a ways to go to get everyone involved. Now is as good a time as any. Why not send a contribution toward an area you thought underfunded while you were in law school. Every little bit *does* help. Be sure to indicate the purpose to which you wish your gift applied: scholarships, law library, unrestricted, building, child care. Mail your check to Golden Gate University, Development—Law, 536 Mission, San Francisco, CA 94105. ■

Special Development Note—

Frederick W. Bradley ('68) helped create the cornerstone for our new Law School Endowment Fund. With a gift of \$5,000 from the Frederick Worthen Bradley Foundation, a scholarship was created. Known as The Frederick W. Bradley Scholarship Fund, the endowed funds will yield a semi-annual award to financially needy students.

Rick is a long-time friend and supporter of Golden Gate's Law School. He served as president of the Law Alumni Association before it merged with the University-wide Alumni Association in 1974. Rick is a partner in the firm of Mead, Bradley & Keenan in San Francisco. The Law School's administration, faculty, staff and student body join in thanking Rick for this gift directed toward an area desperately needing funding—law scholarships. ■

Boster Resigns Admissions Post

Janis Boster, Director of Admissions for the Law School, has announced her resignation as of February, 1980. In an open letter to faculty and staff, Janis included the following: "I've been happy here and I wasn't job-hunting. I was recruited by Hastings during a national search last fall for someone to fill what is for them a new position. Their offer comes to me at a time in my life when my own professional interests dictate the choice I've made.

"In spite of feeling flattered and facing an enormous salary increase, this has not been an easy decision for me mainly because I like you and this place so much. We pride ourselves on being unique here, and while I think that's not *always* true, I harbor no delusions that life will be the same for me at the big law school down the street."

We wish Janis the best of luck in her new position. ■

Law Review Celebrates First Decade

The Golden Gate Law Review is about to publish its tenth volume of case studies and analysis, with the re-birth of the Notes and Comments Issue a highlight of this year's activity. After a one-year hiatus to help the staff reach its goal of producing current issues at the proper time, Notes and Comments will feature articles on cases such as *Robins v. Pruneyard* (solicitations at shopping centers) and *Herbert v. Lando* (freedom of the press) and *Wellenkamp v. Bank of America* (invalid mortgage clauses).

The Ninth Circuit Survey Issue will again cover the latest cases on Federal civil procedure, immigration law, securities, taxation, labor law, and related topics. The Women's Law Forum will feature articles on subjects such as sexual harrasment of employees and sterilization abuse, and the WLF also includes a survey of California law relating to women's issues.

All three issues constitute Volume Ten, with subscription information available by contacting the Editor, Golden Gate Law Review, either by mail or phone (442-7000, ext. 7587). ■

Alumni's Kids Welcome

GGU's Child Development Center has now opened its doors to children of alumni. Children must be between three months and five years of age.

Fees are \$50.00 weekly; \$11.00 daily for four or more hours; and \$6.00 per day for under four hours.

The Center provides lunches, diapers and formula for babies, and a developmental program for each age.

To enroll your child(ren) contact Susan Powell at the Center, 442-7000, Extension 7543. ■



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