2-1967

The Caveat, Feb/March 1967

CAVEAT

VOL. 2 No. 2 GOLDEN GATE COLLEGE SCHOOL OF LAW FEBRUARY / MARCH 1967

UP SPRUNG A SPRING GUN

The following article appeared in the 12-14-66 issue of the San Francisco Examiner: "Bloemfontein (South Africa) -- South Africa's highest court, ruling in a case involving a trap rigged with a shotgun, has upheld a man's right in certain circumstances to kill or wound in defense of property.

The trap set by store owner Hendrik van Wyk killed a burglar. The merchant was acquitted of culpable homicide, but the government said the verdict raised certain questions and sought an appeals court ruling.

Van Wyk's trial disclosed that his store, at Messina near the Rhodesian border, had been broken into nine times in two years. His night watchman refused to keep watch because he feared for his life, and a watchdog had been stoned to death.

Van Wyk then set the trap.

He aimed the gun so low that a burglar would be wounded in the leg, and then put a notice on the door: 'this is a shotgun trap.' Anybody who goes in here and gets hurt does it on his own responsibility.'

A 22 year old African, David Moyo, tried to break into the store a few nights later. Pellets hit him in the left hip and he died a few hours later.

Chief Justice Lucas Styn said the state had failed to prove that the defendant exceeded legitimate bounds of self-defense.

He held that if van Wyk had set the firearm deliberately to kill or set it negligently so it could cause death, he would have exceeded those limits. But he had not been proved to have done these things.

continued on page 3

A PROPOSAL FOR THE INSTRUCTION OF LAW

By Robert S. Pasley
Cornell Law School

In 1870 Christopher Columbus Langdell introduced his case system at Harvard. The "lecture," in the form of a monologue, was the accepted method of instruction, and although cases were not altogether ignored the text was the approved medium of study. Student participation was not encouraged and rote learning and memorization were the order of the day.

Langdell determined to change all this. Back to the cases, he cried. To solve the practical difficulty of making the cases available to the students, he hit upon the happy expedient of collecting a limited number of leading cases in a single book, and his "Selection of Cases on the Law of Contracts," published in 1871, was the result.

Received at first with skepticism, the new method gradually won adherents. Today, almost a century later, any American law school which does not place primary emphasis on the case method of instruction is regarded as hopelessly outmoded and reactionary.

Advantages of the Case Method

Langdell's theory was that the law is a science, with a few basic principles or doctrines, which like other sciences can best be learned inductively. "Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth, extending in many cases through centuries. This growth is to be traced in the main through a series of cases; and much the shortest and best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied. But the cases which are useful and necessary for this purpose at the present day bear an exceedingly small pro-

continued on page3

STUDENTS RECEIVE AWARDS

Dean John A. Gorfinkel of the Golden Gate College School of Law has named the recipients of annual scholarship awards. The student winners were announced recently.

Recipients of the Corpus Juris Secundum Scholarship Awards by the West Publishing Co. and the American Law Book Company are: **Dennis R. Watt, John J. McEvoy, Richard L. Katz, and David T. Loofbourrow, Jr.** The Corpus Juris Secundum Awards are made annually to the students who have made the most significant contribution to legal scholarship.

The recipients of the West Publishing Company Hornbook Awards for academic achievement were also announced. They are: **Howard W. Haworth, Jerome Edelman, Donald M. Velasco, and Frank T. Pagnamenta.** The West Hornbook Awards are made to the students who have achieved the highest grade averages in their respective classes.

S. B. A. Notes

Minutes January 16, 1967

Members Present:

P. Stephens, President

1st year	2nd year
P. Welton	D. Loofbourrow
A. Zais	T. Long
M. Ellett	
3rd year	4th year
R. Marshall	B. Williams
A. Warner	A. Barsamian
L. Handleman	J. Houser
J. Schneider	

M. Golden, Faculty

Meeting called to order by President Stephens.

1. Question of vending machines was first discussed: The school is now in the process of calling for bids which will cover entire school for next year. Should a selection be made in the near future, new machines will be tested during remainder of year.
2. It was reported that due to acceptance of plans no S.B.A. office could be designated. However since free space is available it will be up to the S.B.A. to deal with the school for such space.
3. An additional $25.00 was voted to subsidize the operations of the Law Wives bringing the total to $75.00.
4. The next question involved the method of selection of the CAVEAT Editor. Question was tabled for time being until more thorough discussion could be held at the next meeting.

-R. Marshall, Secretary-

1966-67 S.B.A. BUDGET

In response to requests the 1966-67 S.B.A. Budget is printed below:

REVENUE

Balance forward '65-'66	1686.70
Actual income, Spring	2017.00
Est. income, Fall	2000.00
Total Income	$5703.70

EXPENSES, (SPRING)

Spring Dinner (actual)	1331.20
Placement Program	250.00
CAVEAT Sept.-Feb.	600.00
Law Wives	75.00
Office, (postage, etc)	150.00
Total Spring Expenses	$2381.20

EXPENSES, (FALL) estimate

Fall Dinner	500.00
Student Info. Ser.	100.00
9th Circuit ALSA Convention	1100.00
Office Expenses	150.00
CAVEAT March-June	400.00
Total Est. Fall Expenses	$2250.00
TOTAL EXPENSES	$4656.20

RECENT CASES OF INTEREST

Vice v. Automobile Club of Southern California,
April 28, 1966. 50 Ca. Rptr. 837

In 1962 John Martin Wyne was 87 years of age with major physical and mental disabilities. He was blind in one eye, partially blind in the other, almost totally deaf and did not wear a hearing aid. He had been refused a drivers license in 1952 and declared incompetent to drive by the Department of Motor Vehicles.

Wyne apparently applied to the Automobile Club of Southern California for a policy of motor vehicle liability insurance. The application was approved and the policy issued.

Wyne believed that this policy cured his unlicensed status and thereby duly qualified him to drive. While driving he struck and injured 2½ year old Vice who was walking across a public highway.

Vice brought an action against the Automobile Club for negligence and did not make Wyne a party to the suit.

The Superior Court dismissed the complaint and Vice appealed to the District Court of Appeals.

??PROXIMATE CAUSE??

WHEN AN INSURANCE COMPANY ISSUES A POLICY OF LIABILITY INSURANCE TO AN UNLICENSED PERSON, IS IT NEGLIGENT??

Consider the person in California who, under certain circumstances, is required to obtain a policy of liability insurance before he will be issued a drivers license. (See CVC sections 16371, 16430, 16431, 16431, and 16451.)

What about the unlicensed, incompetent person who does not drive but owns a vehicle that is driven by a chauffeur? Should such status preclude issuance of a policy of liability insurance?

After considering such problems, the District Court of Appeals espoused an extension to the doctrine of entrusted care which could form a basis for finding liability on the part of the Automobile Club.

The Court indicated that the Automobile Club would be liable for negligence:

1. if the Automobile Club had the erroneous belief entertained by Mr. Wyne, or
2. if Mr. Wyne had independently formed his belief, communicated it to the Automobile Club and the Automobile Club did nothing to correct his error, and

continued on page 3

RECENT CASES OF INTEREST

continued

3. if Mr. Wyne drove in reliance upon the policy issued as a panacea for his unlicensed status and was involved in an accident resulting from his negligence.

Vice failed to plead negligence on the part of Wyne so the judgement of the Superior Court dismissing the suit was affirmed.

QUERY:

1. Is this a proper extension of the doctrine of entrusted care?
2. What did the Automobile Club entrust to Wyne's care?
3. Would the extension apply to the issuance of liability insurance to an alcoholic? If so, what if he is involved in an automobile accident as a result of his negligence when he was not intoxicated?

UP SPRUNG A SPRING GUN

continued

Two of the five judges considered van Wyk failed to give adequate warning of the shotgun trap."

For those persons who think we should do our own research, we wish to point out that the South African Law Reports for December 1966 are not yet available. From a reading of the foregoing (without having the benefit of the Court's entire opinion), the decision apparently follows the majority American viewpoint on the subject. One interesting aspect of the case appears in the dissent, that being the element of adequate warning of the trap, which two of the Judges seem to feel would absolve a man from any culpability.

*****

NOTE TO SUBSCRIBERS: Due to Examinations, no January issue was published. Instead we publish this month on enlarged issue. The next issue will be published at the end of March.

A PROPOSAL FOR THE INSTRUCTION OF LAW

continued

portion to all that have been reported . . . It seemed to me, therefore, to be possible to take such a branch of the law as Contracts, for example, and, without exceeding comparatively moderate limits, to select, classify, and arrange all the cases which had contributed in any important degree to the growth, development, or establishment of any of its essential doctrines; and that such a work could not fail to be of material service to all who desire to study that branch of law systematically and in its original sources."

Few today would accept Langdell's basic thesis. Law is more an art than a science, and the case system, as used by Langdell and his followers, is hardly an exemplar of the inductive method of science or of sound historical scholarship. Nevertheless, it has proved extraordinarily successful, for a variety of reasons.

First of all, despite its revolutionary appearance, it was not really new at all, but was a harking back to the methods used in the Middle Ages. The Year Books furnish a striking example. Professor Plucknett says of one volume of these which he edited:

"The present volume, like its immediate predecessors, bears unmistakable traces of patient study in the class room. Many of the cases here printed have a concluding paragraph which states in general terms the principles involved . . . , sometimes showing that the principle can be extended to other cases . . . Sometimes the comment distinguishes the instant case from some other case . . . , but the commonest type of remark is a query of what would have happened if the facts had been slightly different...

"We can hardly doubt that the explanation is that these reports were made the starting point of class teaching, and that they sometimes, at least, afforded matters for disputation."

This sounds like a perfect description of any good set of notes taken by a modern law student of a class conducted under the case system.

The medieval "reading" was much more akin to a law school "class" than to the typical college lecture, even though the latter has inherited the name. In the Inns of Court, a senior Utter-Barrister would be selected to deliver a course of readings on some statute during the summer or Lenten vacation. "He that is so chosen shall reade some one suche Act of Statute as shall please him . . , and that done, doth declare such inconveniences and mischiefs as were unprovided for... and then reciteth certain doubts and questions which he hath devised, and that may grow upon the said statute, and declareth his judgment therein. That done, one of the younger Utter-Barresters rehearseth one question propounded by the Reader, and doth by way of argument labour to prove the Reader's opinion to be against the law, and after him the rest of the Utter-Barresters and Readers, one after another in their ancienties, doe declare their opinions and judgments in the same; and then the Reader who did put the case endeavoreth himself to confute objections laid against him, and to confirm his own opinion, after whom the judges and sergeants, if any be present, declare their opinions, and after they have done, the youngest Utter-Barrester again rehearseth another case, which is ordered as the other was."

Secondly, the case method was fortunate in having an extraordinarily able group of teachers. Langdell, Ames, Williston -- their names read

continued on page 5

Don't Take Our Word for it . . .

Read what the following students have to say about . . .

NORD BAR REVIEW COURSES

● DON HAZLEWOOD (Hastings) comments:
"Lectures were good - I think the objective questions and answers are helpful - as were the scathing comments on style and approach."

● RICHARD W. JOHNSON (Golden Gate) has this to say:
"I was very impressed and greatly helped by your method of teaching and examination."

● WILLIAM E. TRAUTMAN (Boalt) writes:
"In light of my success, I, of course, appreciate the simplicity of your course as compared to others given in California. As you promised in your initial brochure, unnecessary preparation was avoided."
"I think the way your course was run was exemplary. I admired the fact that despite the strain of travel and a new course, etc. you were under last summer, you maintained a sense of humor, which made the "chore" enjoyable. The practice exams, the grading system and the tricks of the trade were all very helpful."

● DANIELLE TRAVIS (Hastings) comments:
"Many thanks for your help in offering such a fine course of instruction as well as constructive criticism in grading our exam questions."
"Enclosed is a copy of answers to questionaire of California Dept. of Education:
Q. "How would you rate the instruction?"
A. "Superior and excellent!"
Q. "Would you recommend this school to others?"
A. "Positively yes"
Q. Additional remarks—
A. "Dr. Nord has an outstanding course, is an able competent professor and is a credit to his professions of lawyer and teacher."

● E. M. RISSE (Boalt) has this to say:
"I felt at the time and still feel the course was very effective, and the best of those offered in San Francisco (as determined from comments by persons taking others)."

● DAVID LYMAN (Hastings) writes:
"In regard to the course itself, my overall comments are very favorable, and it was a pleasure to have studied under you for the summer. I am very much in favor of the type of system that you employ, that is, one man instructing in all of the courses. This affords personal contact and further makes your "How to" experience more readily available. I feel the individual attention to problems as they arose in class and to our particular failings and strong points is one of the major selling points of your course."

● R. K. BIRKIE (Hastings) comments:
"I am sure that the stress you placed on writing the exams was instrumental in my passing the bar."
"I hope you have a great deal of success in California. I will certainly recommend your course."

● CRAIG JORGENSEN (Hastings) has this to say:
"I think you are definitely 'on the right track'. I have passed the word and will continue to do so."

● PAUL A. GEIHS (Hastings) writes:
"Needless to say, your review course was most beneficial in helping me to pass the California Bar. I will recommend it highly."

● F. M. WALKER (University of San Francisco) comments:
"Your general presentation in the study materials and the question-answer lecture method were succinct and helped me tie up the "loose ends" of my legal knowledge."
"Thanks for the swell course. I think your 1-man system is the best."

● RUBY L. RODGERS (Santa Clara) has this to say:
"Thank you for a very stimulating review course. I didn't expect to enjoy it so much."

● ERIC OLSON (Harvard) writes:
"I was seriously, seriously worried that I might not pass (thus blemishing not only my own record, but causing you to lose your first Harvard graduate) because rather than being able to hold a job where I was given time off to attend lectures and a month off with pay to study just before the Exam, I was holding down a full time job and had no time off until the day before the exam. If it had been necessary for me to attempt to review on the basis of the totally comprehensive materials of the Wicks course, I am sure that not only would I have been unable to review all the written materials, but I would have been bogged down in such a mass of material in those courses that I could have reviewed that I never could have written it all down anyhow."

LECTURE FACILITY: Masonic Temple, 25 Van Ness Ave., San Francisco, California

SUMMER SESSION SCHEDULE: Registration: Advance registration by mail. Classes meet Thursday and Friday evenings from 6 to 10 P.M. and Saturday 9 A.M. to 1 P.M. for 8 weeks. June, July and August (dates to be fixed when Exam date is announced.) Tape lectures available for each school.

FOR FURTHER INFORMATION:

NORD CALIFORNIA BAR REVIEW COURSE
111 NEW MONTGOMERY STREET, SUITE 300 • SAN FRANCISCO, CALIFORNIA 94105 • PHONE: 781-2987

REGISTRATION PLANS:

LECTURE COURSE: Fee $175, payable upon registration

Optional Registration Plans for Lecture Course allow you to find out for yourself whether our course is as good as we say it is:

(a) $25.00 payable upon registration, entitles a student to the first two weeks of the Lecture Course, fully refundable if the student then elects to withdraw from course; or

(b) $50.00 payable upon registration, entitles the student to use the Course materials during the school year and to the first 2 weeks of the Lecture Course, $25.00 of which is refundable if the student then elects to withdraw from the course.

CORRESPONDENCE COURSE: A complete correspondence course, completely paralleling the lecture course. Fee: $175, payable upon registration.

The Course is supervised by Dr. Melvin Nord, formerly of the law faculties at Wayne State University and University of Detroit and a practicing attorney. Dr. Nord has done graduate work at the University of Michigan, is the author of numerous articles and books, has had over 20 years of teaching experience on the collegiate and graduate levels, and has taught refresher courses for over 20 years. All the Bar Review Course Materials have been personally prepared by Dr. Nord, and he delivers all the lectures.

A PROPOSAL FOR THE INSTRUCTION OF LAW *continued*

like those of the heroes enshrined in a Hall Of Fame. Truly there were giants in those days, but they have had worthy successors -- men like Llewellyn, Stevens, Whiteside, and those younger men who continue the grand tradition in the law schools throughout the land. Brilliant, learned, quick of mind and tongue, disputations, witty, sarcastic, occasionally even sadistic, devoted to teaching above all else, the American law school teacher, at his best, has had few equals and has rarely been surpassed, a worthy successor to the great teachers of the past, such as Socrates and Abelard, whose methods he has adopted.

Inevitably this has its effect on the students. Those who are able to survive the first traumatic experience of the transistion from college to law school learn to read, to think, to analyze, to argue, to persuade, in short, to be lawyers. In truth it was, and is, "Spartan Education," but it is effective, unbelievably so. No wonder that Provost Levi of Chicago, formerly Dean of the law school there, has said:

"The esprit and spirit of the modern law school are the wonder of many graduate departments and other professional schools . . . We have created a liberal arts graduate program and have given to it a generalist professional thrust to justify an across-the-board attention to precision and structure within a common subject-matter. We have substituted the law for the classics . . . We are giving the modern counterpart to a classical education . . . The result is a powerful intellectual community in which a continuous dialogue is not only possible . . . but is insisted upon . . . The subject-matter may be that of the social sciences, but we are the inheritors of the humanistic tradition."

Excellent as it is, the case system has its weaknesses as well. Paradoxically, I suggest that it is at one and the same time not sufficiently practical, nor yet sufficiently theoretical. Let me try to explain what I mean.

On the practical side, the criticisms have been voiced many times: (a) the preoccupation with opinions of appellate courts, with corresponding neglect of trial court records, statutory and legislative materials, and administrative proceedings; (b) the emphasis on legal doctrine as apposed to "fact research" and functional considerations; (c) inadequate training in the lawyer's skills of drafting, legal writing, examination of witnesses, argumentation in court, negotiation, and counseling of clients. There is considerable merit in these criticisms, but they have at times been overstated. Few law teachers would accept all of Mr. Arch M. Cantrall's proposals, voiced in 1952, that as a minimum the law school should train its students in all the basic skills of practice (he lists fifteen or more, each of which might take a year to cover adequately), or his assumption that the method of instruction followed at the Army's Command and General Staff School is superior to that used in law schools. And yet I agree with his basic contention that the law schools can do a better job of teaching theory and at the same time teach at least some of the basic skills of practice.

Actually, the law schools are doing a good deal more of this than they are usually given credit for, with the introduction of "problem" courses, courses in estate planning, in the art of negotiation, in legal counseling, in trial practice, and so on. I would suggest, though, that these courses be made part of a well organized and coordinated program in "legal method," extending over the entire three years, starting with bibliography and the use of the library and covering the drafting of legal instruments, the art of brief-writing, the trial of a lawsuit, and other fundamental skills. I would propose that this three-year program be made mandatory for all students, rather than largely elective as at present. And I think serious consideration should be given to reinstating the requirement of an apprenticeship or internship after graduation and before admission to the bar, but without the exploitation and starvation wages which used to prevail.

On the theoretical side, I think the case system fails to give the student an adequate conception of the role and function of the law in society, of its historical development, and of its philosophical implications. Courses in these areas are offered in most law schools, but they are usually electives, regarded by students as mere frosting on the cake, "cul-

continued on page 6

A PROPOSAL FOR THE INSTRUCTION OF LAW

continued

tural subjects," not really to be taken seriously, like the "bread-and-butter" courses necessary for passing the bar.

This is not merely the complaint of an academic purist. If, as Professor Julius Stone has observed, it is the duty of lawyers (and there are about a quarter of a million lawyers in this country) "to preserve and advance the indispensable and enlightened cooperation in the maintenance of fundamental democratic processes and forms, on which free government depends," how can they be expected to do this if their education gives them no conception of what the law is about, or indeed of why such an institution as the law should exist at all?

At the 1956 Conference on the Education of Lawyers for their Professional Responsibilities, sponsored by the Association of American Law Schools, the view was widely shared that "The broad impact on problems of public responsibility of the legal education since Langdell's institution of the case method in 1870, was a negative one." This unfortunate result was attributed by many to (1) the Socratic method, (2) the case method, and (3) the separation of law and morals. Professor Robert E. Mathews saw the central problems of legal education as "the difficulty of communication to law students of a capacity to perceive the presence of ethical values, and of the desire to identify these values, and espouse them in their life and work."

A non-lawyer participant at this conference, the late Professor Edwin E. Aubrey, formerly Chairman of the Department of Religious Thought of the University of Pennsylvania, deplored the prevalence of the conception of ethics as conformity with prevailing mores (a view which he thought was picked up in college courses in ethics and sociology). He pointed out that this was a concept which could not be reconciled with the history of moral progress, and made this rueful observation:

"And, if I ask them (i.e., my students) how they would ever explain the Hebrew prophets and their ethical message on the basis of conformity to the group, unfortunately, the question doesn't elicit any response because most of them have never heard of the Hebrew prophets."

Last December I attended a meeting of the American Section of the International Association for Philosophy of Law and Social Philosophy, at which a Symposium was held on "Philosophy and Legal Vocationalism: Theoretical Considerations and Practical Proposals." The consensus was that the law schools had gone too far in their emphasis on professional training and that much greater attention needed to be given to theoretical and jurisprudential studies. One speaker, Professor Jerome Hall, thought that a third of the student's time should be devoted to such subjects.

While I might not go this far, I do think that every law student should be required to pursue an integrated program covering such subjects as Jurisprudence, Legal History, Law and Society, Roman Law, Comparative Law, and International Law, and that he should have to take one such course each semester (this would be about one-fifth of his time).

You will see that I am proposing that 20% of the student's time be devoted to legal method and 20% to theoretical studies. Public Law (including Criminal Law) cannot be neglected, nor can Civil and Criminal Procedure and Rules of Evidence. Obviously, something has to give. The only thing that can give is the area of substantive private law, which in the present curriculum occupies about two-thirds of the student's time. I am not such a zealot as to minimize the importance of substantive private law: obviously it is the central corpus of our legal system. Its various branches must be taught, and the law schools must have experts in these branches. But not every school need have an expert in every specialty. Nor need every student be expected to take all, or even most, of the courses offered. We have long since abandoned such a notion in the undergraduate college. We no longer think that any lawyer can know all the law. I suggest that it is time to abandon the notion that every law student must take all the so-called "basic" courses. I even advance the heretical notion that it is not necessary that every first year student must learn the basic law of Contracts, Torts, and Property, and that these form the foundation of his later studies. I don't believe that they are any more basic than other subjects, such as Commercial Law, Corporations, or Trusts, to name a few. Most of what the student learns will no longer be the law 10 or 20 years hence. But what will not change (barring a revolution) is the common-law method of approach, of reasoning, of research, of analysis. For these, a relatively few courses of substantive law, well taught by acknowledged masters and taught to the smaller groups which would be taking each subject, would, I submit, be not only adequate, but superior.

This would, of course, require that the young lawyer continue his legal education after law school, and it would require some change in the approach of the bar examiners. But these are not insuperable objects. "Continuing Legal Education" is becoming more and more popular with practicing lawyers. And I am sure that the bar examiners had to revise their methods when the case system was introduced 95 years ago.

All of this calls, of course, for imaginative but sensible curriculum planning. We haven't had enough of it in the law school world, but a few daring ideas have been advanced, and I foresee great ferment in this area.

Reprinted from "The Forum" of the District of Columbia FBA.

A REPLY FROM GILBERTS

For the curious and for those who like to cite Gilberts as authority, The CAVEAT herein reprints a letter from Mr. William A. Rutter describing the credentials of Gilbert Law Summaries:

Dear Sir:

Thank you for your interest and inquiries regarding the Gilbert Law Summaries.

The summaries were first published in 1955 for use by the Gilbert Law Refresher, a bar review course. When the course was absorbed by the California Bar Review Course several years later, the summaries were placed on the retail market and we continued to use the "Gilbert" name.

As you observed in your letter, the summaries are designed as a supplement to, not a substitute for, a regular course of law study. They are used and accepted for this purpose by students in most law schools throughout the country, and particularly here in California.

The undersigned is the author of each of the summaries. They were originally written while I was studying for the bar examination myself, but of course have been substantially revised and expanded in the subsequent years. I still do practically all of the revising and up-dating of the summaries myself, although I now have two editorial assistants and occasionally engage specialists in particular fields (e. g., tax) to review and critique the summaries in their fields.

In response to your inquiry regarding my background, I was graduated from U.S.C. Law School in 1955, was Coif and editor of the Law Review. Since my admission to the Bar, I have been a member of the law firm of Irmas & Rutter in Beverly Hills, and have an active general practice.

From 1963 to 1965, I was a lecturer in law at the School of Law, University of Southern California, where I taught courses in both Equity and Restitution.

In 1965, an associate and I founded the Bay Area Review Course ("B.A.R."), and I teach Conflicts of Law in this course. As you perhaps know, Professor Michael Golden from your own law school is one of the outstanding lecturers in this review course, along with top instructors from Boalt Hall, Stanford, U.S.F., U.C.L.A., etc.

It is our constant aim to publish materials which are complete enough to focus attention on all key problems in the subject area, which explore the doctrines and reasoning which are so essential to understanding the law, and which at the same time are concise enough for assimilation and review.

This, of course, requires a continual process of revising, editing and upgrading of our materials. In this connection, we of course will welcome the comments of your readers as to any of our summaries. The observations and evaluations of our materials by the law students who use them are of vital help to us in our efforts constantly to improve the summaries.

We trust that the information herein answers your inquiries. You, of course, are free to publish this letter.

Very truly yours,

GILBERT LAW SUMMARIES

WILLIAM A. RUTTER

Gadfly

All too many law students seem to think that a law school is for training students to pass bar examinations. As a consequence, material having no direct relevance to the bar exam is relegated to the cosmic garbage can. To say that law schools are prep schools for passing bar exams is to say that passing the bar makes one an attorney. Passing the bar entitles one to legally practice law and no more.

People who think this is the purpose of a law school are in reality asking for both a dull education and an inadaquate preparation for practice. The qualities which a good law school should instill in their students are not subjects for bar examinations. They are, however, qualities which make one a lawyer with "style" rather than a mere practitioner. Diciplined thought, an orientation, a questioning attitude -- they may help you on the bar but they are not essential.

One suspects, irrationally perhaps, that the bar-exam oriented students are the same ones who ask on the first day of class what will be on the final and will probably ask their first employer what time they HAVE to be in in the morning and how much vacation they will receive (with pay of course).

It is not pure nonsense to propose that the law school grant the LLB immediately upon admission and that the State Bar issue its certificate immediately afterwards to those students aflicted with the get-the-degree and pass-the-bar mania. If nothing else this would make the law school more interesting for those left.

There has been much questioning regarding the quality of education received at this law school, most of which has been directed toward non-student elements. It is suggested that the students themselves are subject to major question insofar as those attitudes herein discussed manifest themselves in the student body. -Editor-

CAVEAT

PUBLISHED MONTHLY BY THE STUDENT BAR ASSOCIATION GOLDEN GATE COLLEGE SCHOOL OF LAW, SAN FRANCISCO

EDITOR IN CHIEF
MICHAEL COLLINS
ASSOCIATE EDITOR
ALBERT CUNNINGHAM
CIRCULATION MANAGER
LARRY HANDELMAN
ADVERTISING MANAGER
EDWARD CECIL
BUSINESS MANAGER
ALAN LACY
REPORTERS
J. EDELMAN W. J. FAHRES R. HARNEY