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The Caveat, November 1973

CAVEAT

Volume IX No.4 Golden Gate University School of Law November 1973

INTERVIEW WITH MARY

For this issue of the *Caveat* I decided to interview Mary Minkus, our new Assistant Dean. There were a couple of reasons. First, I hadn't interviewed a woman yet and therefore felt I should correct that situation if possible. Second and most important, the job of Assistant Dean is a position that has been resurrected just this year. Earlier in the year I had been searching for someone in authority to sign a document for me and Ms. Minkus had graciously done so. However, I was left with the impression at the time that her job was still far from being set in a mold. So I decided to drop by, now two months later, and see if order had yet been created out of chaos.

I went in with my tape recorder one afternoon completely in the dark as to this person I really only knew as the Assistant Dean. To get things off on the worst possible start I couldn't get the cheap ***Caveat*** tape recorder to work. Ms. Minkus, however, has magic in her fingers. As soon as she took over the controls the machine worked perfectly.

Ms. Minkus was born in Iowa and raised in Vermillion, South Dakota. She attended the University of Oklahoma where she majored in Radio and Television Drama. After graduation she had a variety of

MASSAGE PARLOR AD

by Jeff Blum

Rumors of an attempt by some *Caveat* staff members to place a full page advertisement for a massage parlor in the paper, has led to a conflict with the Women's Legal Association and others. The advertisement, which reportedly would have given the newspaper $65 towards printing costs, came under rapid fire by the Women's Association for its alleged sexist nature. One Women's group supporter attacked the advertisement, calling it "in keeping with the prurient filth which daily bombards the billboards and newspapers of America". The supporter continued by calling such advertisement a "lavish and lascivious attempt at making women little more than the object of man's lust."

In response to the alleged advertisement, the Women's Group came out with a petition, reputedly to muster up enough support to block its publication. The petition, while apparently being successful, also met with some adverse criticism of its own. One student, upon hearing of the petition declared "let them petition, we'll get a petition going ourselves. We're entitled to some relaxation every once in a while."

Although most of the paper's staff members were unavailable for comment, two were. One member strongly criticized the advertisement, agreeing with the Women's Group's comments about its sexist nature. Another member however, on being questioned stated "I don't know, I only work here."

TRIAL LAWYERS MEET

The California Trial Lawyers Association has moved up the date of its annual convention.

The convention will be held Nov. 8-11 at the Sahara Tahoe Hotel, Stateline, Nev. The theme will be "Moving Into the Second Decade," according to CTLA President Floyd Demanes of Burlingame.

Comprised primarily of educational seminars, the convention will also feature prominent speakers and will elect officers for 1974.

The California Law Students Association and the Association of California Trial Secretaries will hold their statewide conventions concurrently.

Additional information and pre-registration forms may be obtained from CTLA, 1020 12th Street, Sacramento 95814, telephone (916) 442-6902.

CHESS COLUMN

by Boris Norym

Recently, the annual Golden Gate Championship Match was held, for the coveted J. L. Bader Protective Cup. Last year's winner, M. M. Golden, defended his Cup against this year's challenger, R. H. Bernhardt. Here are the results of the 2-out-of-3-games series.

Game 1

White (Golden)	*Black* (Bernhardt)
1. P - K3	P - K5!! (a)

(a) A brilliantly conceived, aggressive move, but highly illegal (as Golden quickly points out). Bernhardt forfeits Game 1.

Game 2

White (Bernhardt)	*Black* (Golden)
1. P - K4	Resigns!! (a)

(a) As Golden correctly diagnoses, mate in 38 moves has become inevitable. He gracefully resigns. Good sport!!

Game 3

White (Golden)	*Black* (Bernhardt)
1. P– K4	P - K3
2. K - K2? (a)	Q - R5
3. K - K3??	Q x RP
4. K - Q4???	Q x R
5. K - K5???? (b)	Q x N
6. K - B4?????	Q x B
7. K - K3??????(c)	Q x Q
8. K - Q4?????	Q x B
9. K - K5*:1*"	Q x N
10. K - B4?????	Q x R
11. K - K3?????	Q x RP
12. K - B4?????(d)	Q x P
13. K - K3?????	Q x P
14. K - B4?????	Q x P ch
15. K - N4?????(e)	Q x P
16. K - N5?????	Q x p ch
17. K - R4?????	B - K2 ch
18. K - R5!!!!!!!!	Q x P?????????????(f)

Stalemate.

(a) *Seems to be leading with his chin.*
(b) Where the hell is he ***going?***
(c) You're going around in ***circles!***
(d) Reverses direction.
(e) Beginning to thrash about wildly.
(f) Falls into Golden's beautifully laid trap. As Golden well knew, Bernhardt's insatiable lust for pieces made him unable to resist taking the last pawn. Golden keeps the cup!

INTERVIEW

jobs, such as working for psychiatrists and then finally with a doctor teaching at the University of Oklahoma. When the doctor came to Los Angeles Ms. Minkus came with him and his family. A year later, she quit her job to attend law school at Stanford, from which she graduated in 1962. In the intervening years between 1962 and the present she worked for a law firm on the Peninsula, met Mr. Minkus, raised two children to school age and is now the Assistant Dean of Golden Gate Law School.

I must confess that the idea of an assistant dean was new to me. Therefore, the first question I asked was just what did the assistant dean do?

"I asked Judy McKelvey the other day, 'What is my job?' and Judy said, 'It's to do everything that nobody else wants to do, which is most things'."

"The first thing I have to do is to learn everything I can about the school. I have to learn about what everyone connected with the Law School in any way is doing in order to have an overview. If I am to be effective in what I assume is my goal I have to know where all the problems exist and what can be done about them. To be sort of an information center in order to be able to help whoever heeds help: students, teachers, administration, strangers. Then there are just the nitty-gritty jobs like putting out the catalog."

One of the tasks which she sees ahead of her is in working with the part-time teachers.

"Problems have arisen as a result of the difficulties of communicating with faculty who are not physically located within the school, and yet it is the part-time faculty which enables us to offer as varied a curriculum as we do. I'd like to see what can be done to minimize the problems."

Since this was Ms. Minkus' first few months of formal acquaintance with Golden Gate I was interested to find out what she thought of the school.

"The thing I enjoy so much here is the openness, the accessibility of the faculty to the students; the attitude of everybody on the staff is fantastic. At Stanford you thought fifteen times before you went to see a professor, then at the last minute you put it off to the next day and thought again. To be able to spend time talking with the professors is an awfully important thing, I think. Here everybody seems accessible. I am very impressed with the students and with the faculty whom I've gotten to know in the last two or three years through Les."

How about spare time activities?

"I love to cook. I am a great cook in all modesty. I play four chords on the guitar and do that regularly.

"I like to write, and I was writing a book about myself and my life this summer and I sent it off to an editor. He wrote back a kindly letter saying it stinks. So I am somewhat discouraged about writing now, and I don't have the time right now.

(continued on page 3)

WOMEN'S ASSOC

by Kathy Henry

The Women's Association was formed as a support and project center for the law school's women. All are welcome to participate in the Association's general affairs and special projects.

Meetings are held at noon, for the day division, and at 6:00 p.m. for the evening division. Notices announcing meetings are posted in the Association's Office, located in the Women's Lounge on the second floor. Other notices, correspondence and items of interest are also posted in the Office.

On Monday, October 29, there will be meetings to elect the Association's four Coordinators – one from each of the first year class' sections; one from the second and third year classes; and one from the night division. These people will be responsible for the general organization of the group for the academic year. Women interested in applying should sign the list in the Office.

The weekend of October 19 to 21 the Western Regional Conference was held in Salt Lake City, Utah. Two women, Judy Browne and Marg Holmes represented Golden Gate's Women's Association. They will report on the conference at a future Association meeting.

The Association also sponsors various special projects. Currently there is a speaker's group and a group concerned with input, by the women, into the selection of the new Dean. If you have a project interest, come to the meeting and express your interest. You may find that there will be others willing to work with you in the same area.

INTERVIEW

"I am interested in eventually doing some pro bono work for a group here in the city that is trying to assure that the city complies with some state legislation regarding accessibility for the handicapped to all public buildings and transportation."

The next thing I wanted to know was what Ms. Minkus thought about the women's liberation movement.

"In general I think that it is most necessary. People have to believe in it and work in it and the only complaint I have with Women's Lib in general is the lack of humor. I think people often lose their perspective and humor when they get into this kind of work.

"Specifically, here at Golden Gate I've become so much more aware since I've been here and my feelings are so much more positive about Women's Lib. I was one of three women in my law school class and the only one who graduated in '62. The attitudes I felt at that time I took for granted, the second class citizen business, but never like it

CONSULTANTS OUT

SAN FRANCISCO – A San Bernardino court has ruled that doing business as a "divorce consultant" without being an attorney, is the illegal practice of law. Judge Joseph B. Campbell ordered Norman J. and Sandra Corey of San Bernardino to cease and desist their operations.

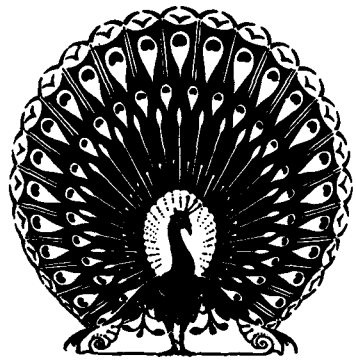
In his opinion, Judge Campbell said that "obviously only an attorney is in a position to determine whether or not the particular factual situation is such that a petitioner is in a position to proceed without an attorney without risk of adverse legal repercussions, and most certainly a layman is in no position to make such a fundamental determination".

The couple had advertised that "for a low fee we will provide necessary forms with personal consultation" for purposes of divorce. Neither person was a lawyer, or had substantial legal training. The State Bar of California, which brought the suit, pointed out that "Mr. Corey's prior employment was as a termite inspector . . . his only prior legal experience was the handling of his own dissolution proceeding some months prior to opening his 'consultation service'."

The Coreys claimed they were meeting the needs of the public by providing services of a consultant at a low cost. Not so, the Bar said; they and others like them "are not in actuality performing such a service but are creating potential problems". In some cases, the Bar pointed out, people got into such a legal tangle through the "service" that they later had to pay an attorney anyway to straighten out the mess.

Other courts have pointed out that even though filling out papers may only involve putting checkmarks in boxes, those checks must involve a legal question which only a trained professional is competent to answer.

Nor are these "consultant services" anything like medical or dental assistants who perform routine tasks, the Bar contended. Medical or dental assistants act under the supervision and authority of a licensed physician or dentist, who is himself responsible if errors occur. Here the "consultants" have no one supervising them. A customer damaged by bad advice would have little or no recourse against such a consultant, the Bar pointed out.



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BIAS CLAIM LOSES

Characterizing appellants' statutory claims as "frivolous," the Ninth Circuit Court of Appeals affirmed a district court ruling dismissing a racial discrimination suit against the Arizona Bar Association.

Appellants were prospective lawyers and had taken the Arizona bar examination. Failing, they brought suit in state courts against the state bar association for racially discriminatory practices in the grading and administration of the exam. Finding no success in those courts, they sued the Supreme Court of Arizona and the bar association in federal district court. The district court dismissed their cause because it had no jurisdiction.

The appellate panel affirmed, stating that the claims "may be heard only by the Supreme Court of the United States on Certiorari to the state court (*Mackay v. Nesbitt*). The court called the claims brought under the Equal Employment Opportunities Act "frivolous".

MOTIVATION FOR LAW SCHOOL

by Jeff Blum

Someone once called law school "the most narrowing experience of my life." Indeed, I have found myself "eating, breathing, and living" law school, to the exclusion of all else. And, continually running through my mind is the question for what apparent reason, where's the motivation? I take little comfort in the knowledge that all first year law students question their motives, and even less in the knowledge that second and third year students do as well. Yet, we all have our reasons; personal justifications do exist.

Some people find justification by abstractly considering law school as some sort of a mental challenge; a perpetual mind stimulator. But clearly, law school offers more for most people, than an exercise in brain teasing; fiddling with this possibility, grappling with that one. Truly, there are easier ways to exercise the mind, and to challenge your mental capacity against others, so as to expand knowledge, if such an expansion is possible. Why then go to law school?

Closely aligned with the so-called mental challenge law school purports to offer, is a general respect law students seem to illicit for assumedly having a high degree of mental competence. Respect is a motivation in itself, one which presents great possibilities for wielding power, and creating influence. Most people are openly responsive to people they respect, and clearly law school can offer the opportunity to generate such responsiveness.

Perhaps the most tangible motivation for attending law school stems from a future desire to either earn much money, or to be secure. Unfortunately, many people still believe three years of drudgery now holds all the answers for the future. Security may come upon finding a job as an attorney after school, but it will be untenable security at best. Money may become available, but it won't begin to flow, if at all, until after an initial period of possibly 8 - 10 years of apprentice-like work; more or less the dirty work of a firm, unpleasant, time consuming, and probably very boring.

There is a way to avoid bitter confrontation with these more tangible, and less tenable motivations, and that is to discover motivation in the law itself. Law is in many ways an abstraction which remains a mystery to most people. To be offered an opportunity to unravel its many mysteries, after so many years of speculation about its qualities, is perhaps to maintain the purest of motivations. And, to sincerely maintain the desire to unravel some of law's more mystifying qualities, is to find strength within the scope of its narrowness and limitations.

The more tangible reasons for studying law are a major part of my motivation, as they are of most peoples'; that desire to earn money and security through three years of hard work. However, in light of the untenability of these motivations, it clearly is justifiable to look elsewhere for motivation; as to unraveling law's inate mysteries. I think it's necessary to be able to look somewhere for this motivation, it's an important thing to have.

MAN FOR ALL SEASONS

It was a raid on a house of prostitution.

A burly policeman hauled one of the customers to his feet. The eyes of the two met. They were stunned; they knew each other.

The policeman, by day, was a professor of law at Georgetown University. The youth he was arresting was one of his students.

The following day, the young man, out on bail, came to the professor's office. "I need an attorney," he explained, "Will you help me?"

The situation was unique. But . . . why not? The professor assented.

He appeared before the corporation counsel (who screens cases) and successfully pleaded for a dropping of the charges. The youth, much relieved, was handed back his $15 bail money, and instructed by the professor to give it to the Salvation Army. That constituted the legal fees.

At the professor's request, the youth returned for another visit the next day. This time, the purpose was a confessional. The policeman-professor-lawyer was also a priest.

Father Joseph M. Snee, a 55-year-old Jesuit, is now working as a public defender in Pittsburgh. He's logged more than 2,000 hours as a policeman, mainly in the District of Columbia. He was the first Catholic priest to be granted permission by his church to engage actively in the practice of law, and in 1969, he became the first priest to argue a case before the United States Supreme Court.

And there's more. He's been a legal consultant to the Department of Defense, holds five graduate degrees from various universities, and is reputed to be a top notch chef.

Why such a variety of activities?

"We Jesuits are teachers," Father Snee explains. "In order to teach something, we have to have a knowledge of the subject."

So, when he began teaching law, it followed that he would have to become a practicing attorney. The priest pleaded with his church for permission for 10 years . . . and finally received it. Now, Father Snee says, when he teaches law, he can relate course materials to real world problems lawyers encounter.

He first donned a badge when he was assigned to teach criminal law. It would be beneficial, he thought, if he could learn something about the criminal: his patterns, his attitudes, his motivation.

Frequently, the priest has had occasion to administer last sacraments during routine police calls. He does this whenever he knows that the victim is a Catholic — or whenever he's in doubt. "I've always thought that it couldn't hurt," he told us, "and it just might help."

Father Snee has taught Constitutional law at various schools including the University of Utah, the University of Texas, and the University of West Virginia. When he tells students about argumentation before the United States Supreme Court, he has first hand experience to rely on. Not long ago, the rotund, benign-faced barrister stood at a lecturn, addressing the nine high court jurists.

He was representing an indigent with the imposing name of Daniel Jackson Oliver Wendall Holmes Morgan. The client, an inmate of Leavenworth (federal) Prison, had brought a $93 million suit in the Kansas courts against his warden and others for alleged batteries, including innoculations with harmful substances. Morgan had opposed the defendants' removal of the case to federal court and was sustained by the Tenth Circuit Court of Appeal. It was this decision which Father Snee was appointed to defend.

In taking the case on, the priest spotted a major obstacle: "The Court of Appeals opinion unfortunately was not supported by any one of the cases which they cited or by any sound reasoning."

Father Snee thus found himself in the position of defending the result reached by the lower appellate court while disavowing that court's reasoning.

He lost. But he's grateful for the experience, and hopes he can pass on some benefit to his students.

What field will Father Joseph Snee enter next? That's unpredictable. But if he's ever assigned to teach admiralty, he'll probably become a sea captain.

BAIL BILL

SACRAMENTO – Governor Reagan has signed into law a bill which will require justice, municipal and superior courts in California to establish uniform bail schedules for all felonies, misdemeanors and infractions.

At the present time, state law does not require a uniform bail schedule. The legislation, AB 1277, by Assemblyman Mike Cullen, D-Long Beach, cleared the Senate Judiciary Committee and the full Senate before the Legislature adjourned earlier this month.

Under present procedures, some superior court, such as that in Los Angeles, have bail schedules for specified offenses, but most municipal courts do not. It is argued that the failure to provide such a schedule often requires that a criminal defendant arrested on a Friday evening must spend the weekend behind bars because a magistrate is unavailable to set bail. The schedule would enable law enforcement personnel to collect the prescribed bail pursuant to the offense charged.

If the arresting officer feels that the scheduled bail is inadequate and the arrest is made without a warrant, the officer could file a declaration setting forth the reasons why bail should be adjusted upward. The arresting agency could then detain the suspect for eight hours during which time they could locate a magistrate and request an adjustment of the bail.

The declaration by the officer would have to state the facts and circumstances requiring increased bail, and be signed by the officer under penalty of perjury.

At the present time courts in Los Angeles County operate under an informal bail schedule.

The bill will become effective on Jan. 1, 1974.

YES ON M

by Ann Menasche

PROPOSITION M:
DECLARATION OF POLICY: It shall be the policy of the people of the City and County of San Francisco that low cost, quality child care be made available to all San Francisco children. Child care shall include infant care, pre-school and after school programs. Policy shall be made by the parents and faculties at each center. Funding shall be procured by the City and County of San Francisco.

It is often said that one can tell the quality of a society by how it cares for its children. It is thus ironic that the United States, the richest, most powerful country in the world, is unable or unwilling to provide quality childcare for all its children. In San Francisco, for example, there are over 13,000 working women who have children under 6 and over 20,000 with children between six and seventeen. Yet San Francisco has only 3,000 places in full-day childcare centers (public and private), and few other after school programs to serve older children's needs. The cost of private childcare is often too high to help any but the rich, and as a result, thousands of children are left inadequately cared for during the day, while their parents work.

To make matters worse, federal cutbacks threaten to close down or reduce the capacity of existing centers, forcing many women, who, because of low salaries, are unable to afford full time babysitters, to quit work. For single mothers, this may mean going on welfare, and for others it means a serious cut in their family's living standards, disastrous in these inflationary times. Lack of childcare thus hurts Black, Chicano, Asian, and working class people most severely.

In addition, many women, who have become feminists, have come to recognize the inherently patriarchal and oppressive nature of the nuclear family, and to realize that the prerequisite for the liberation of women and children is the universal availability of childcare. A key demand of the growing feminist movement is for free, 24 hour quality childcare centers controlled by those who use them. Social responsibility for the caring of children would not only free women and children from financial dependence on men, but would allow all parents, and women particularly, to choose work, study, job training, activity in community affairs, or staying home with young children. Now most women are denied this kind of choice.

Social responsibility for childcare would also

mean that children would no longer have to depend on the financial, emotional, and intellectual resources of their own families, but would have, in addition, the benefit of support and love from other adults and other children. All children would be guaranteed the best food, shelter, clothing, intellectual stimulation, education, creative development and emotional support, unlike now where some children suffer from malnutrition, while other children live in luxury. Many psychologists agree that the first few years of life are crucial to a child's development. Why shouldn't the idea of public education be extended to these early years?

It is important to keep in mind of course, that the oppressed nationalities – Blacks, Chicanos, Asians, and Native Americans, must have control over the childcare in their own communities so that the racist nature of the present public schools is avoided and they will be able to teach their children pride in their own culture and history.

We are a long way from these goals. But the last year has shown the militancy and willingness of non-White women, working women and students to fight for quality childcare. Several sizeable demonstrations were held in San Francisco last spring against threatened federal cutbacks, which demanded that the present childcare system be not only maintained but expanded. Out of this general political and organizational climate, Child and Parent Action (CAPA) was formed with the purpose of putting a childcare initiative on the ballot for San Francisco. Over the summer, CAPA collected over 20,000 voters' signatures on petitions to place the referendum on the November 6 ballot. Proposition M has gotten the endorsement of women's groups such as NOW, Trade Unions, Community groups, and such individuals as Mayor Alioto and Flo Kennedy. The passage of Proposition M would be an important first step toward the goal of universal quality childcare. *VOTE FOR THE CHILDREN! VOTE "YES" ON PROPOSITION M!*

U.S. v. SATAN

Misc. No. 5357, United States District Court, W.D. Pennsylvania, Dec. 3, 1971.

Civil rights action against Satan and his servants who allegedly placed deliberate obstacles in plaintiff's path and caused his downfall, wherein plaintiff prayed for leave to proceed in *forma pauperis.*

The District Court, Weber, J., held that plaintiff would not be granted leave to proceed in *forma pauperis* who in view of questions of personal jurisdiction over defendant, propriety of class action, and plaintiff's failure to include instructions for directions as to service of process.

Prayer denied.

Gerald Mayo, pro se.

MEMORANDUM ORDER

WEBER, District Judge.

Plaintiff, alleging jurisdiction under 18 U.S.C., 241, 28 U.S.C., 1343, and 42 U.S.C., 1983, prays for leave to file a complaint for violation of his civil rights in *forma pauperis.* He alleges that Satan has on numerous occasions caused plaintiff misery and unwarranted threats, against the will of plaintiff, that Satan has placed deliberate obstacles in his path and has caused plaintiff's downfall.

We feel that the application to file and proceed in *forma pauperis* must be denied. Even if plaintiff's complaint reveals a *prima facie* recital of the infringement of the civil rights of a citizen of the United States, the Court has serious doubts that the complaint reveals a cause of action upon which relief can be granted by the court.

We question whether plaintiff may obtain personal jurisdiction over the defendant in this judicial district. The complaint contains no allegation of residence in this district. While the official reports disclose no case where this defendant has appeared as defendant there is an unofficial account of a trial in New Hampshire where this defendant filed an action of mortgage foreclosure as plaintiff.

The defendant in that action was represented by the preeminent advocate of that day, and raised the defense that the plaintiff was a foreign prince with no standing to sue in an American Court. This defense was overcome by overwhelming evidence to the contrary. Whether or not this would raise an estoppel in the present case we are unable to determine at this time.

If such action were to be allowed we would also face the question of whether it may be maintained as a class action. It appears to meet the requirements of Fed. R. of Civ. P. 23 that the class is so numerous that joinder of all members is impracticable, there are questions of law and fact common to the class, and the claims of the representative party are typical of the claims of the class. We cannot now determine if the representative party will fairly protect the interests of the class.

We note that the plaintiff has failed to include with his complaint the required form of instructions for the United States Marshal for directions as to service of process.

For the foregoing reasons we must exercise our discretion to refuse the prayer of plaintiff to proceed in *forma pauperis.*

It is ordered that the complaint be given a miscellaneous docket number and leave to proceed in *forma pauperis* be denied.

D.A. ON VOIR DIRE

The following is an excerpt from Prosecution Course, *from the Dallas County District Attorney's office. The book was developed as a part of a course for new prosecuting attorneys in Texas. The section quoted is from the chapter on "Jury Selection in a Criminal Case" by John Sparling, an assistant D.A. in Dallas. Sparling was the first Dallas prosecutor to get a 1,000-year sentence for a convicted felon; he is also known for his prosecution in the Guzman-Lopez case, involving the killers of two Dallas County sheriff's deputies.*

... Who you select for the jury is, at best, a calculated risk. Instincts about veniremen may be developed by experience, but even the young prosecutor may improve the odds by the use of certain guidelines – if you know what to look for.

The following outline contains very little substantive law because I presume that any prosecutor is as able to look it up as I. The outline does, however, contain one prosecutor's ideas on some things that need to be said to the panel, and some things to look for in a juror . . .

III. What to look for in a juror.

A. Attitudes

1. You are not looking for a fair juror, but rather a strong, biased and sometimes hypocritical individual who believes that defendants are different from them in kind, rather than in degree.

2. You are not looking for any member of a minority group which may subject him to oppression – they almost always empathize with the accused.

3. You are not looking for the free thinkers and flower children.

B. Observation is worthwhile.

1. Look at the panel out in the hall before they are seated. You can often spot the showoffs and the liberals by how and to whom they are talking.

2. Observe the veniremen as they walk into the courtroom.

a. You can tell almost as much about a man by how he walks, as how he talks.

b. Look for physical afflictions. These people usually sympathize with the accused.

3. Dress.

a. Conservatively, well dressed people are generally stable and good for the State.

b. In many counties, the jury summons states that the appropriate dress is coat and tie. One who does not wear a coat and tie is often a non-conformist and therefore a bad State's juror.

4. Women

a. I don't like women jurors because I can't trust them.

b. They do, however, make the best jurors in cases involving crimes against children.

c. It is possible that their "women's intuition" can help you if you can't win your case with the facts.

d. Young women too often sympathize with the defendant; old women wearing too much make-up are usually unstable, and therefore are bad State's jurors.

The Texas Observer.

CLAIBORNE V. McLEAN

Although the driver of a car was clearly negligent in hitting a steel bridge abutment, the girl who was riding with him could not recover for her injuries since she had been contributorily negligent in failing to protest that the driver was not taking proper precautions for their safety. The driver and the girl had been "petting" until only about a minute before the accident.

The girl admitted that she had been lying on the front seat of the car with her head in his lap and had removed her clothes exposing the upper half of her body to his sight and touch. The court concluded that the girl had so aroused and distracted the driver that he was hardly aware of what he was doing at the time of the accident.

The court rejected the argument that since the driver had removed his hand from the girl one minute before the impact and lit a cigarette, her conduct could not have been the proximate cause of the accident. That argument erroneously assumed that in such a short interval of time the driver, with the girl's body still exposed, could have regained his composure and again devoted his attention to driving.

Moreover, the girl was also contributorily negligent in reaching for the cigarette which he attempted to hand her underneath the steering wheel when he saw another car containing people who knew his father. The boy was concerned since his father did not know that he smoked. – *Claiborne v. McLean et al.* Tennessee Court of Appeals, Eastern Section. June 29, 1966.