

4-1-1974

Caveat, April 1, 1974

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"Caveat, April 1, 1974" (1974). *Caveat*. Paper 41.
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CAVEAT



VOLUME IX No. 15

Golden Gate University School of Law

April 1, 1974

TRAYNOR TO SPEAK

Jack L. Kessler, retiring Editor-in-Chief of the Caveat, is to be honored at a dinner given in the French Parlor Room of the Sheraton-Palace Hotel on Friday, April 13, 1974, at 8:00 p.m.

Mr. Traynor served as a Justice of the California State Supreme Court from 1941 to 1956 and as Chief Justice of that court from 1956 until his retirement in 1970. Mr. Traynor has been widely hailed as one of the most distinguished and progressive Justices ever to grace a California court. He wrote the majority opinion in many landmark decisions including *Greenman v. Yuba Power Company*, 226 Cal.2d 405; *Face v. Iron Heel*, 192 Cal.2d 116; and *Forman v. Norton*, 218 Cal.2d 323. His speech topic is 'Appellate Practice in California - Advise to Attorneys.'

Unfortunately, Mr. Traynor declined the invitation, saying that he planned on washing his hair that night.

SUIT FILED

Fifteen members of the first year class have filed a 9.7 million dollar damages suit against Michael Golden, a professor of law at Golden Gate Law School.

Alleged in the complaint for compensatory damages are intentional infliction of hearing injuries and for an assault and attempted battery when Professor Golden allegedly threw his 4.9 lb. 3 1/3" loose leaf binder at the fifteen students, all seated in the front two rows.

In addition to damages the suit seeks injunctive relief from Golden and silicon ear plugs for the complainants. A demurrer has been filed by attorneys for M. Golden. The demurrer states the common law rule regarding the duty of coterminal land owners to provide lateral support. Attorneys for M. Golden have requested leave to amend, which the trial court judge has granted.

Oral arguments were denied for Golden unless he agrees to present oral argument in courtroom C of the Municipal Court House. Trial is to be held in courtroom A.

TORTS

An Ode by Wm Prosser

I thought I made a better grade
in Torts.
I tried to read so many law reports.
I learned a lot from reading Mr.
Leon Green,
How judges try to be so sly
Behind the law's protective screen.
I learned to psycho-analyze the courts.
Gee, I thought I made a better grade
in Torts.

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TORTS

Examination day I felt real fine.
I picked three issues out of every
line.
To dialectic arguments I tried to
call a halt,
And wrote a lot about the thought
Of negligence without a fault.
I said commissions should re-
place the courts.
Wow, I thought I made a better grade
in Torts.

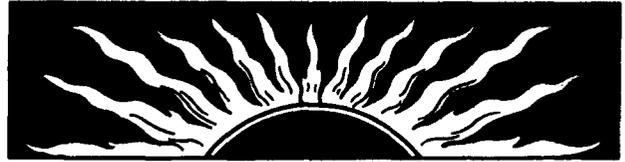
Because a lawyer never should give in
I tried to show how either side would
win.
I praised in glowing phrase the Torts
Restatement's rules;
The courts today do what they say,
Or else they're thought a pack of fools.
You never need to cite the old
reports,
Gosh, I thought I made a better
grade in Torts.

Insurance rates I viewed with grave
alarm.
We can't afford to pay for so much
harm.
The "adequate award" is an emotional
device.
For broken necks and other wrecks
The law should set a ceiling price.
The dead and injured ought to be
good sports.
My, I thought I made a better grade
in Torts.

Do you remember Mrs. Palsgraf's
case,
Those fireworks that damn near
wrecked the place?
The reasoning of Cardozo made my
head go round and round,
But after all, I can't recall,
does Prosser say the case is sound?
Or is not what's the rule that
he supports?
Shucks, I thought I made a better grade
in Torts.



My teacher was a fellow named Malone.
Perhaps I might have learned more
on my own.
I thought we went to school to
learn the meaning of the laws,
But in the fall his talk was all
about the meaning of a cause.
I bought Malone martinis by the
quarts--
Hell, I should have made a better
grade in Torts.



INVESTIGATION

D.A. ANNOUNCES INVESTIGATION

In the aftermath of a shootout
at the Berkeley Day Car Center
which left two police injured and
16 children suffering from literary
shock the Alameda D.A. has announced
an investigation. Based on evidence
found at the scene, a license tag re-
ported by a Berkeley co-ed, and several
back issues of the Caveat the
D.A. has stated he has firm leads.

The plates to the 1958 Chrysler
New Yorker [s/s, air, AM-FM,
low mileage] have been traced to
owner J. Kessler, a noted Bay
Area journalist. The powder puff
blue sedan was seen leaving the
area shortly before the melee end-
ed. Mr. Kessler affirmatively
denied being in the area, and as the
soft spoken bespeckled journalist
left the police station amid his
throng of associate editors he
gibed at "those damned knee-jerk
radicals who've set me up, they'll
get theirs!" He was followed to a
waiting 1958 powder puff blue
Chrysler New Yorker by a smiling
delegate from the Chilean Counsel
appointed to represent him.

THE JR. PARTNERS

An Ode by Wm Prosser

Suppose you have a client who's
on trial for his life,
He bought a gun on purpose to
assassinate his wife;
There is no hope, he'll get the
rope, his case cannot be won--
Who then persuades the State's
Attorney he must waive the gun?

The junior partners! the junior
partners!
They're the ones who bring in
all the fees;
They are the aces; they win the
cases,
They change the appellants to
appellees.

A lady fair comes in some day,
says she wants a divorce;
Her husband has a sweetie that
she wants you to unhorse.
Whom do you send to see this dame,
and wave the magis wand,
And make the co-respodent really
want to correspond?

The junior partners! The junior
partners!
They're the ones who bring in all
the fees;
They are the aces; they win the cases,
They change the appellants to appel-
lees.

You have a case comes up next week,
your client's out of town,
Your motion for continuance is
turned down with a frown;
While counsel for the other side
scents victory and smiles,
Who bribes the bally minute clerk,
and steals the bloomin' files?

The junior partners! The junior
partners!
They're the ones who bring in
all the fees!
They are the aces; they win the
cases,
They change the appellants to
appellees.

A bankrupt wants to save a few odd
coins and baonds and stocks;
Hw wants you to preserve them in
your safe deposit box.
And when on the iniquity of htis
you have enlarged,
In whose box do you stash the
stocks until the man's discharged?

The junior partners! The junior
partner!s
They're the ones who bring in all
the fees!
They are the aces; they win the
cases,
They change the appellants to
appellees.

A steno had a baby when she still re-
mained unwed,
The senior's hair was auburn, and
the baby's hair was red.
Who was it that cam forward and
admitted all the blame?
Who was it made the girl a bride,
and gave the child a name?

The junior partners! The junior
partners!
They're the ones that bring in all
the fees.
They are the aces; they win the
cases.
They change the appellants to
appellees.

PRIZES LEAKED

Prince Gustav, heir to the
Swedish throne, reportedly let
leak the deliberations of the
Noble Prize committees initial
choices to a close confidant,
a Parisian madame who wishes to
remain anonymous.

According to reports of the major
wire services the final contenders
are: Ann Menasche's letter to the
Editor re the Chilean Junta and
the February 19th edition of the
Pataucli Book Club News. The prizes
this year will be: 1st Place:
16 free credit hours at GGU law
school, 2nd place: 35 free credit
hours at GGU law school, 3rd: no
probation.

SLAVERINGS FROM THE MAW

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Upon the recommendation of the Grievance Committee the SBA has nationalized the Moveable Feast by a unanimous vote. It was also agreed that entire cafeteria operation will be run by Ann Menasche without pay (since taking pay would be to make a capitalistic profit from basic human needs).

In recognition of her achievement in accepting the committee's recommendation, and in making the motion to nationalize the Moveable Feast, the SBA awarded to President Brown a three foot tall engraved sterling silver loving cup, a framed vellum Award of Merit, and the prestigious Tim Stearns Award, which carries a \$500 stipend. Also, Ann Menasche was awarded the SBA Pat On the Head Award by virtue of which, by paying \$2.00 she can have her name put on a plaque which is somewhere in the basement.

Vocal leftist and friend of the workers Steve Rosen was given the soluble Leopard Spots Award in recognition of his successful work with a firm representing major down town corporations.

The Banlon Perpetual Trophy was awarded to Mike DeVito by Travesty Industries corporation. Mike was also the uncontested winner of the Wine Pedant of the Year Award, which included a bottle of Chateau Porte d'Or '53 (3 parts Ripple, 2 parts Coca-Cola), presented by Gallo. "A good wine, but not a great wine," says Mike.

An Honorable Mention goes to Jay Pahlmeyer for his feigned interest in Mike's carrying's on.

The Bar Mill Award went to Mike Golden for the searching profundity of his lectures. He also won the Yankee Trader Award when it was learned that he uses his B.A.R. lecture notes to teach his courses here. He was given a sampler embroidered with the motto, "Silence is Golden".

Speaking to the honors awarded to Golden, Les Minkus praised him saying, "His ethical standards are at least as high as a corporation director in Delaware." Golden came in second in the Sartorial Splendor Competition, which was won by the Caveat Editor.

The SBA gave Peg Gannon the New-Found Importance Award on the basis of its finding of fact that she didn't act like the biggest guppy in the puddle before her coronation as Law Review editor.

Other SBA actions included passing a resolution in support of the Gary Thugman Defense Committee. Gary Thugman is a militant organizer in Pasadena who is being framed by the racist, reactionary Pasadena police. He is accused of raping and setting fire to a little old lady. The only witnesses are thirty bus passengers on their way to an episcopal convention. Thugman's testimony clearly shows that the witnesses are all police agents. The resolution was introduced by Margie Siegal. True Facts - Margie Siegal lives in a lily white section of Berkeley.

The deafening silence of Golden Gate's revolutionaries during the recent city worker's strike may have been caused by their having been miffed by the personal inconvenience of the streetcars not running. No trolley, no Trotsky.

The all-important and infinitely coveted Self-Righteousness Award actually could not be awarded this year because it was impossible to decide among so many eminently qualified contenders, and because general massacre of the winner and of the judges by the disappointed contenders was feared. Prominent among those considered were Larry

Lockshin the Women's Association membership, the Campus Left collectively (how else?), Dick Sherman, the SBA Board of Governors, and others too numerous to mention.

LETTERS

Editor:

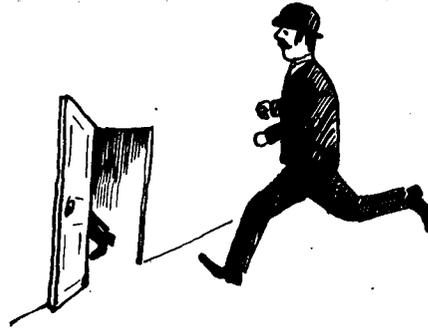
Recently I had the opportunity to take what promised to be an exciting seminar. For weeks I had waited, and now finally here was the first day of Elephant Law IA.

As I strode into my first class I noticed that my professor was a large man wearing a wrinkled grey suit. He was bald except for a few colorless coarse strands on his massive pate, and he looked at you from out of small round eyes that suggested distance, no matter how close you got. I had the feeling it would take time to get to know him.

But I had long felt that elephants had not been accorded their due rights and privileges, so when the professor started speaking, my thoughts turned away from him and into the legal world of elephants.

Within 15 minutes I was convinced that of all the courses I had taken, elephant was the weightiest. Whereas ordinary lawyers carried a briefcase full of books, elephant lawyers carried a whole trunk full. And one of the main things I remember is once you've learned elephant law, you never forget it.

One case we discussed concerned a man who unhappily found himself underneath an elephant, and died from the effects thereof. The widow's lawyer said, "that's one small step for an elephant, one giant squish for a man." But the elephant lawyer argued, "If a man were to step on a rat accidentally, would the rat's wife bring a wrongful death action against the man? No, because her husband was a rat. Now bearing in mind that an elephant is to a man as a man is to a rat, who can say that such a man can bring a wrongful death action against the elephant? For when a man is as a rat then it is time to eradicate him, which is exactly what the elephant did."



MY FATHER SAID TO ME

An Ode by Wm Prosser

When I was but a callow youth
and training for the bar,

My father he said to me,
The things they teach in law
school will not get you very far,

My father he said to me.
Don't waste your time in wading
through advance sheets and reports,
For any clerk can dig out law
in contracts or in torts,
And a lot of long citations are
not relished by the courts,

My father he said to me.

Oh the things you learn in law
school, son
Are not the things you need,
You'll find the practice of the law
is very strange indeed.

So if you'd be a lawyer, to
These words of mine give heed,
The things you learn in law school,
son

Are not the things you need.

The man who burns the midnight oil
you'll find is quite a dub,

My father he said to me,
You'd better spend your evenings
at the Deomocratic Club,

My father he said to me.
The man who knows a judge a
certain dignity attains,
And a fat and juicy reference
will pay you for your pains,
And to land a good receivership
requires lettel brains,

My father he said to me.

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MY FATHER SAID TO ME

Oh the things learn in law school,
son,
Are not the things you need,
You'll find the practice of the law
Is very strange indeed;
So it you'd be a lawyer, to
These words of mine give heed--
The things you learn in law school,
son Are not the things you need.

You study Perpetuities, and subjects
of that sort,
My father he said to me;
The next five years you'll spend
around the muni-sippal courts,
My father he said to me.
And though you are a shark at
Trusts, you'll find when you are sent
To places where they never hear of
Blackstone or of Kent,
The best you'll get a chance to
say is "Judgment by consent,"
My father he said to me.

Oh the things you learn in
law school, son
Are not the things you need,
You'll find the practice of the law
Is very strange indeed;
So it you'd be a lawyer, to
These words of mine give heed--
The things you learn in law school,
son
Are not the things you need.

HARD TIMES

by Joe Altschule

Students of this institution, or any like it, would do well to reflect on the state of their innovative thought. For example, the men's room blackboard at this school, long a harbinger of humorous excellence, has indeed fallen upon inglorious times. Where bits of chalk once spewed forth gems of invective, gingerly laced with cogent relevancies, now resides verbiage running the dull gamut from pious platitudes to an occasional quaint conundrum. Carrying these coals to Newcastle, we can well do without.

Rather let us rededicate ourselves, a Renaissance if you will, to those lofty witticisms, which by the sheer weight of

their own special magic, tend to lift the quality of thought to that just lower than the Angels. Mind you, I am not asking for the great stuff right off the bat, surely we can't expect that — not the heavies, the biggies right away; we must walk before we can run. We aren't expecting things like, "How can I know if Feminique is for me?"; on the very first attempt. But what we do ask is an effort of some worth.

If originality is the barrier between style and that blackboard, then I submit that phrases of interest need not be original. For example, a seemingly common, ordinary epithet can be transformed into an item of relative humor, when it is ascribed to the proper party. What then is a proper party? Note the difference — to write on the board, "Aw *Shit*," is not only mundane and dull; but has all the style and grace of corrective shoes. But — to write, "Aw *Shit*" . . . *Cleveland Williams*; the very fact that this quote is now linked to Cleveland Williams evokes a certain lyrical imagery that carries with it a haunting refrain of pathos, rapture, poetic majesty which is itself the quintessence of literary perplexity.

A word about institutionalized humor. While this has its place on a law school blackboard, really, what else can be written about Blackacre? *Blackacre to the Indians*, *Ralph Williams was born on Blackacre*, *Blackacre is a racist statement*. Ever try to title search *Blackacre*? I got laid on *Blackacre*, etc. You begin to see the possibilities, but the originality is not there.

Personal, institutionalized rancor is a basic beginning for blackboard humor. The most crude example of this would be something like, *Jack has a hickey*. (This type of thing is invariably scrawled in giant, oversized script, giving a great clue as to the lack of mentality of its author. Too, this type of abomination can be found done in crayon, depending of course upon locale.)

One step beyond this would be something like, *Jack has a hickey . . . from Steve*. This of course speaks for itself. But the master can combine the personal attack, involve it with the bizarre, make it sufficiently esoteric so it seeks only a rarified intellectual level of perception. This then is your goal.

