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Caveat, March 23, 1976

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CAVEAT

Vol. XI No. 23

Golden Gate University School of Law

March 23, 1976

F.S.C. MEETING OF MARCH 18, 1976

Approximately 30 students attended last Thursday's F.S.C. meeting where the faculty and student representatives voted to lift the order of secrecy the Evaluations Committee had placed on itself in regards to Bernie Segal, deny a reconsideration of the differential tuition rates, and reject a proposal that in the future a 2/3 vote of the F.S.C. would be required to pass a motion to reconsider. Hiring matters were also discussed, but the student spectators and CAVEAT reporter were excused from this portion of the meeting.

Howard Moskowitz presented a motion to the F.S.C. stating that the members of the Evaluations Committee not be prohibited from discussing the factors considered and the criteria applied by the committee in its decision not to retain Prof. Segal. Although confidentiality is generally the rule in personnel matters, primarily to protect the individual's right of privacy, Howard argued that since Prof. Segal had waived his right to confidentiality, there was no longer a compelling reason for the committee to remain quiet. It was hoped that free discussion would lead to an end of the rumors and speculation regarding the decision on Prof. Segal's employment. The motion was passed by a vote of 11-6.

Prof. Tony Pagano introduced a motion to require a 2/3 vote to sustain a motion to reconsider. He noted that several issues have been coming up for reconsideration and that generally it was a waste of time. Jann Gurvich, the student rep from the hiring committee, noted that Robert's Rules of Order call for only a majority vote to pass a motion to reconsider. After some debate on whether Robert's Rules applied to the FSC, and on the merits of the motion, the FSC voted to kill the motion by a vote of 10-7.

A motion to reconsider the differential tuition rates was then placed before the FSC by Student-at-Large Representative Howard Moskowitz. Dean Judy McKelvey spoke as to the unadvisability of such a reconsideration, as the merits of the differential tuition rates were discussed fully at the December 4, 1975 meeting and the Board of Trustees of the University had already passed on the matter. At this point Howard asked to introduce student Mark Derzon who had circulated a student petition expressing a desire that the matter be reconsidered: 160 students had signed the petition. Mark was refused permission to speak but was allowed to submit the petition. Several faculty members spoke as to their dislike and the unfairness of the differential rates but felt it was a dead issue. Tom Goetzl pointed out that the whole arrangement might back-fire on the FSC when the current first year class is the third year class and demand like differential tuition when the next tuition hike is announced. Howard argued that students, even those who are financially aided by the rates felt it an unfair and discriminatory policy and as such should be struck down. The motion was defeated 11-7.

A substitute motion was introduced by Student Rep. John Harrington that if one or more of the proposed new faculty for next year was not hired, the savings thus accrued from his/her salary be passed along directly to those students adversely affected by the differential rates. An amendment was proposed by Prof. Larry Jones that the money be passed back to these students through financial benefits such as scholarships or some form to be determined by the F.S.C. and not in the form of a tuition rebate. This amendment was not acceptable to the maker of the original motion, and was therefore offered as a substitute motion. Before either motion could be considered, however, a motion to table discussion until the next meeting was proposed, as the issue would be moot if indeed 5 faculty positions were offered and accepted for next year. The motion to table was passed by a vote of 10-9.

The meeting was then closed to discuss hiring matters.

Dianne Niethamer

(Ed. Note: The FSC article of the March 15 issue of CAVEAT was written by Mark Derzon)

SBA BOARD OF GOVERNORS HOLD FIRST MEETING

Dean McKelvey spoke to the group about the importance of communications and suggested she meet with representatives every 2 weeks to keep us informed on anticipated issues. During a lengthy discussion, other suggestions came up, such as:

1. FSC should meet regularly, its minutes should be clearly written and posted promptly.
2. SBA should appoint a monitor to make sure FSC agendas are posted early with pending motions attached.
3. The students on each committee should choose a representative to come to SBA meetings.
4. The CAVEAT should be used to publish minutes and reports.

A resolution was passed regarding each Committee holding an open forum to discuss that committee's function and policies. The first forum will be held next week for the Scheduling Committee.

Applications for the CAVEAT editor are being solicited. The cut-off date is March 26 and interviews will begin March 29.

A resolution was passed urging all members of the Evaluations Committee to introduce a revision of the current evaluation form by next fall.

Complete minutes and resolutions are posted on the SBA Bulletin Board.

Regular meetings are scheduled every Monday at 5:00 P.M. Agendas are posted on the SBA bulletin board at least two days in advance and extra copies are in the SBA box in the Faculty Center.

We urge all interested students to attend the SBA meetings. We hope any ideas you may have for improving communications will be presented for discussion at our next meeting, March 22.

Marge Holmes
SBA President

LAW REVIEW STAFF SELECTION PROCEDURES FOR 1976

Any student interested in applying for a law review staff position should carefully read the following eligibility guidelines. Please note that there are separate guidelines for students eligible for law review for the first time and for students who have previously been eligible for law review.

I. Students Eligible for Law Review Staff Positions for the First Time

A. First year day students, second year night students, and transfer students are eligible to apply for law review staff positions under the rules set forth under this category. First year night students are not eligible to apply for law review until they enter their second year of night school.

B. Fourteen staff positions will be filled from students eligible in this category on the basis of a writing competition.

1. To enter the writing competition, applicants must submit to the editors a typed, double-spaced, five (not four or six) page explication of one of the California Supreme Court opinions listed below. The primary purpose of the writing competition is to reveal the writing abilities and analytical skills of the participants; consequently outside research on the selected opinions should not be conducted. All writing sample explications must be identified only with the law school exam number assigned to the writer. Explications must be deposited in the special box which will be provided in the Law Review office. The office is located at the rear of the Law Library. NO writing sample will be accepted after 6 PM, March 29, 1976. Writing samples will be evaluated on the basis of their organization, analysis, statement of the case and overall impression. Staff selections for applicants in this category will be announced Monday, April 5, 1976. Any person selected to join the Law Review staff who cannot be contacted within two weeks will risk replacement by a waiting list candidate, as defined in section B (3). The content of the explication should be defined only by the imagination and insight of the writer. No further clarification regarding the nature and form of the explication need be given here.

2. Writing samples must explicate ONE of the following opinions:

Bloom v. Municipal Court, 16 Cal. 3d 71 (1976)
Townsend v. Superior Court, 15 Cal. 3d 774 (1975)
Weirum v. RKO General, Inc. 15 Cal. 3d 40 (1975)

3. All writing samples submitted by applicants in this category but not selected by the editors will be ranked so that a confidential selection waiting list can be established. This waiting list will be utilized as described in section C (1) below.

C. Fourteen staff positions will be filled from student eligible in this category on the basis of cumulative grade point averages at the end of the 1975-76 academic year.

1. A simple numerical ranking of the cumulative grade point averages of all students in this category will be compiled as soon as all grades for the 1975-76 academic year have been submitted. The 14 students with the highest cumulative grade point averages will automatically be invited to join the staff. If any invitations are not accepted, additional individuals will be invited to join the staff until fourteen positions are filled on the basis of cumulative GPA. If anyone is selected pursuant to the writing competition AND achieves one of the fourteen highest cumulative GPAs, that person will be deemed to have been selected on the basis of academic performance. This will make available a writing competition position which will be filled by the first person on the confidential selection waiting list described above in section B (3).

II. Students Previously Eligible for Law Review Staff Positions

A. Second year day students and third year night students are eligible to apply for law review staff positions under the rules set forth under this category.

B. Nine (9) staff positions will be filled from students eligible in this category on the basis of the writing competition.

1. Any applicant for a staff position in this category must submit a writing sample conforming to the requirements set forth in section B (1) above, EXCEPT the writing sample must explicate one of the United States Supreme Court opinions listed below. The format and submission date requirements of the writing samples in this categories are identical with those described in section B (1).

2. Writing samples must explicate ONE of the following opinions:

Rizzo v. Goode, 46 L.Ed. 2d 561 (1976)
United States v. Moore, 46 L.Ed. 2d 333 (1975)
Michigan v. Mosley, 46 L. Ed. 313 (1975)

3. Writing samples submitted by applicants in this category but not selected will be ranked on a confidential list as described in section B (3) above. This waiting list will be maintained separately from the list described in section B (3) above.

C. Four (4) staff positions will be filled from students eligible in this category on the basis of cumulative grade point averages at the end of the 1975-76 academic year.

1. A simple numerical ranking of the cumulative GPA s of all students in this category will be compiled as described in section C (1) above. The 4 students with the highest cumulative GPAs who are not already on the staff of Law Review will be invited to join the staff. If any invitations are not accepted, additional individuals will be invited to join the staff until four positions are filled on the basis of cumulative GPA. If anyone is selected pursuant to the writing

competition and achieves one of the four highest cumulative GPAs, that person will be treated as described section C (1) above.

Participation in Law Review is a uniquely rewarding academic and intellectual experience and offers students the opportunity both to make an original contribution to legal journalism and to add to the overall body of knowledge of the legal community. Law Review staff members are also eligible to receive academic credit for their work on the review. The editors therefore encourage all interested students to submit writing sample applications for staff positions.

The Editors, Volume 7, Golden Gate University
Law Review

LETTERS TO THE EDITOR

I would like to take issue with the letter by Sid Hymes re Bernie Segal which you printed in the January 27th issue of the CAVEAT.

First, the Evaluations Committee has never officially considered Bernie for tenure. In April of 1974 Bernie's retention for 1975-76 was in issue. Bernie asked us not to retain him if we would not tenure him in the Spring of 1975. Since his evaluations in his first two years were so low that we could not possibly grant him tenure, we gave Bernie notice that 1974-75 would be his final year at Golden Gate. We reopened that decision last winter and granted Bernie a one year extension.

Second, at no time last year were evaluation statistics misrepresented. From 1972 to 1974 Bernie had the lowest evaluations statistics average of any full-time faculty member. His evidence evaluations for fall 1974 were better, but still not up to tenure level.

Third, the student members did not vote on the basis of personal dislike. In the Spring of 1974 I attended all of Bernie's Criminal Procedure classes (I had Moskovitz) from spring break until the end of the year because I was appalled at his bad evaluations. The student members (at least in April 1974 and last winter) have consistently attempted to vote the wishes of the entire student body as reflected both by evaluations and mass meetings.

Fourth, although I have no direct knowledge, I have serious doubts that the current student members voted on the basis of personality appraisals. I further doubt that 65% of the student evaluations gave Bernie fours or fives. Since this material is confidential I can only assume that the information came from Bernie himself, or is entirely manufactured.

Finally, it is not surprising that the evaluation committee has not yet officially released its results. The committee never releases its results officially. Although I disagree with this policy, the committee has never varied from it. Perhaps Sid is recalling the unofficial student survey taken last year but not repeated this year.

Bob Baker
Student Member
Evaluations Committee 1973-75

Pres. Butz remains firmly committed to his salary raise offer of 12%, refusing to consider the 16% raise requested by the faculty. (As reported in the last Caveat, the 16% raise would only begin to bring the faculty's salaries up to parity with faculty salaries at comparable institutions.) In addition to rejecting the 16%, Butz has indicated that he does not fear faculty organization around this issue because in reality, due to the glutted market conditions, they have no bargaining power.

On Tuesday, March 16, the faculty voted to let the Hiring Committee carry on "with business as usual," in order to avoid jeopardizing the hiring of new faculty members for next year. At this same meeting, they also voted to unionize.

There has been no change in the status of the staff raises for next year. In essence, the staff will be working for less money (7% raise) next year in light of the projected 8-10% cost of living increase for the Bay Area. It does not appear that circumstances for the overworked and underpaid staff will improve, unless they too organize.

Cindy Duncan
Staff Reporter

FREEDOM OF SPEECH?

Howard Moscovitz introduced another unsuccessful motion to reconsider the staggered tuition rates at the last FSC meeting. I helped collect petition signatures supporting the motion and spoke with many students about their feelings on the matter. Because of my involvement with the issue, Howard invited me to the meeting to address the committee on the merits of reconsideration. At the meeting the chairperson refused to allow me to explain to the FSC the sentiments that over half the students expressed in the last SBA election.

It was a bizarre ruling. The chair of the FSC should not determine who is allowed to address the committee. Any FSC member, whether faculty or student, should be allowed to invite any guest to address the full committee. In a school financed 90% by student tuition, we've reached an all-time low in representative government when one person wielding a gavel can silence the opinions of over half the student body. The FSC owes us a lot more than that.

Mark Derzon

CAVEAT is published weekly by students of Golden Gate University School of Law.. Opinions expressed are not necessarily those of the University, Law School or the Student Bar Association. Deadline for materials to be published in the following week's issue is Thursday, noon.
Editor-in-chief: Dianne L. Niethamer
Staff: Mark Derzon, John Fisher, Rita Whalen
Cindy Duncan.

notice!

CAVEAT EDITOR FOR 1976/1977 TO BE SELECTED

JOB OFFERING:

LAW STUDENTS CIVIL RIGHTS RESEARCH COUNCIL

Law Students Civil Research Council (LSCRRC) is accepting applications for its summer internship program. LSCRRC places students with organizations or individuals who focus on civil rights, civil liberties and public interest issues. LSCRRC encourages interns to reach their maximum creativity by creating their own projects. Students participating in the program are encouraged to work in areas near their schools, in communities where they live, or in localities where they intend to practice. The summer program runs for 8 to 10 weeks, depending upon the amount of money available. Students are paid a subsistence stipend of \$85 a week. LSCRRC seeks to place students who qualify for work-study.

For applications and more information contact:

Kathy King 647-4730

Bill Taylor 548-5446

or Wally in Placement office.

Applications must be in by March 29 in the placement office, at which time interviews will be scheduled.

SAN QUENTIN SIX FORUM, MARCH 24 at HASTINGS

There will be a fund-raising educational forum for law students on the San Quentin Six trial at Hastings on Wed. March 24 at 8:00 P.M. \$1.50 donation. Speakers include: Charles Garry, Leonard Weinglass, Howard Moore, Ruth Astle, Ericka Huggins, Dave Dillinger, Craig Haney (Stanford Prison Experiment), Gertrude Mayes (SQS Defense Committee), Mort Cohen, and more.

SCHEDULING COMMITTEE FORUM

Want to know how your classes are scheduled? The scheduling committee is holding open forums on Thursday, March 25, at the following times:

12:30 p.m. Room 205

6:00 p.m. Room 207

All members of the Committee, including Rita Whalen, Barbara Kennett, Marge Holmes, Roger Bernhardt, Mike Golden, & Larry Jones will be present.

This is your opportunity to find out how the Committee works and to voice your complaints and problems with class scheduling.

PLAN TO ATTEND!!!

P.A.D. NEWS

The F.B.I. Tour will be conducted April 6, 1976. If you signed up to go, please check the list on the P.A.D. bulletin board to see if your name was chosen (there were limited slots and not everyone who signed up can go). Meet on the second floor at 2:45 on April 6.

Applications are now being accepted for the editor of the Caveat for 1976/1977. This is a full tuition remission position.

Any person interested should leave a resume plus a brief statement of ideas on what he/she thinks the Caveat should be and can be in the SBA box in the Faculty Center.

All applications must be in by 5 p.m., Friday, March 26. Interviews will be held the following week.

Special Women's Association Meeting

Thursday, March 25, 1976

Room 205, from 5-5:30

Priscilla Camp will discuss the Philadelphia Women in the Law Conference, which she recently attended. Everyone welcome.

SETON POLLOCK TO SPEAK ON LEGAL EDUCATION AND LEGAL PRACTICE IN ENGLAND

Mr. Pollock just retired as the Secretary for Legal Aid of the Law Society of England, an association comprised of all the solicitor in England and Wales. He is the author of "Legal Aid - The First 25 Years".

He will make two appearances in San Francisco, both of which are sponsored by The Barristers Club, the Bar Association of San Francisco, USF Law School, Hastings Law School and GGU Law School.

He will speak at GGU March 25 at 12:00 noon, check with the Dean's office for room location. The meetings are part of the Bar Association's Bicentennial Program.

COMPLETE LISTING OF SUMMER LAW PROGRAMS ABROAD

A complete listing of summer law programs is now available from Student Lawyer, a magazine published by the Law Student Division of the ABA.

The listing covers 24 programs in Europe, South America, Central America, and Asia, describing courses offered, requirements for admission, and room, board, tuition and transportation costs.

Originally published in the February edition of Student Lawyer, the listing is now available separately for 50 cents from the magazine, 1155 E.60th St., Chicago, Ill. 60637.