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Caveat, November 17, 1976

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CAVEAT

NOV 19 1976

GOLDEN GATE UNIVERSITY

Vol. XII, No. 14

Golden Gate University Law School

November 17, 1976

BAKKE PANEL PRESENTED AT G.G.U.

By Cindy Duncan

Dean Judy McKelvey and Constitutional Law Professors Marc Stickgold and Mike DeVito presented a well-organized and informative panel discussion regarding the recent Bakke decision on Monday, November 15, during the noon break in the auditorium. The presentation was timely, as the U.S. Supreme Court also chose Monday to suspend the California Supreme Court order that struck down the U of C's special admissions practice on grounds that it violated the equal protection clause of the Fourteenth Amendment. The move by the Supreme Court can be interpreted as an invitation to the University of California to appeal within thirty (30) days. At this time it is unknown if the University will appeal. Several civil rights and Third World organizations have asked the Regents not to deal due to the potentially disastrous national result should they lose at the Federal level. Given the current Supreme Court, such a possibility is highly probable.

Judy began the discussion by laying out the legal mechanics involved in the Fourteenth Amendment, specifically, equal protection, adjudication. Marc tackled the majority opinion and explained how the court chose the "compelling interest" test over the "rational basis" test (a decision which in and of itself usually determines the outcome of an equal protection challenge).

After determining the University's goals were compelling, the court concluded, however, that the means were not constitutional. By employing the "compelling state interest" test, the burden of proof was on the University.

The Court found that the University did not meet its burden of showing that means were not available that would be less obtrusive to the white majority. Marc concluded with an analysis of the four alternatives to the special admissions program offered by the court in the opinion.

Of particular interest was the second alternative suggested: Admissions programs may discriminate on the basis of economic disadvantage or geographic locations, as long as it is not based on race. Mike DeVito noted that even though this sounded initially appealing, a Boalt Hall statistical study showed that whites predominate when special admissions are based on disadvantaged economic status.

Mike ended the presentation with an interesting analysis of the lone dissenting opinion of Justice Tobriner who argued that the majority erred in not using the "rational basis" test, which would have shifted the difficult burden to Bakke to prove that he would have been admitted except for the special admissions program and that the program was unconstitutional.

I was a little disappointed that the panelists did not devote more of their presentation to the actual affect of Bakke on Golden Gate University. Even though we are a private institution, state action could be argued on at least four grounds. GGU is therefore definitely subject to the decision. Pat Ostini, Director of Admissions and a member of the Admissions Committee, said that the committee is currently evaluating our admissions program in terms of Bakke and is preparing a proposal to bring before the FSC.

WHAT'S UP WITH WALLY?

PANEL: Thursday, November 18, Barristers Club of San Francisco presents a panel on the issue of reverse discrimination in employment and education, 12 noon, 5th floor auditorium. See Placement board announcement for details.

INTERVIEWS: Thursday, November 18, California Rural Legal Assistance, for graduating students. Monday, November 22, DNA-People's Legal Services, for Navajo and Hopi Indian Reservations in Arizona, New Mexico and Utah. Graduating students should sign up now and bring your resume to Wally.

SUMMER: Federal Government job listings are out. Check the Placement board for details.

NIGHT STUDENTS: If I'm tied up or not in when you're here, please call 391-7800 ext. 285 so that we can arrange a convenient time to meet.

GRAFFITI: (On desk in front of Room 207)

Now is the time for all reasonable persons to quit law school.

Reasonable persons are not in law school!

NEW EVALUATION FORM



Above is a miniaturized version of the new evaluation form as agreed upon by the Evaluation Committee at their meeting last Tuesday.

Seriously though, because the committee was unable to agree on much of anything, it was decided that the old form will be used this semester. A new form will be designed for use next semester when the committee is able to work without the time pressures it was under this semester. The feeling was that the evaluation form is important enough to merit time and thought, and the present deadline allows for neither.

Virginia Saftlas
Connie Tavel

TEACHER TUMBLER - ANOTHER NEW COLUMN

Always keeping the interests of our readers at heart, the Caveat Editors present you with something to do in class --- scrambled professors.

1. S C M R C A T L D I O G K
2. E E R L B N L I I W
3. D A C A L E L A N E N G
4. T H I M S M I J
5. N A C O B H U B O L
6. S C H R A U L D E E I U T
7. R E A R H E N G O B R R D T

Just rearrange the letters to find the names of your favorite and not-so-favorite professors. (The letters represent both first and last names.)

8. M U D E E L Y Y J C K V
9. T O D V I K I E E M
10. R A I L B A N D E
11. N O S E L A J K
12. C A N C A R Y E T N R
13. G A P N O T Y N A O
14. S E N K H A M N A U

OFF THE WALLS - FROM THE WOMEN'S BATHROOM IN THE LIBRARY

QUESTION WOMAN:

IF YOU COULD BE ANYTHING BUT A LAW STUDENT, WHAT WOULD YOU BE? (3 FANTASIES MAXIMUM.)

1. Handywoman - plumbing, cars etc.
2. Social Director
3. Professional wine taster, full time (i.e. classy alcoholic & get paid for it)
1. FAT LADY IN THE CIRCUS
2. NUDE SKY-DIVER OVER SAN ANTONIO
- 1) full time professional athlete & part time alcoholic
- 2) full time alcoholic & part time faith healer
- 3) full time psychotic or English teacher
1. Gypsy
2. Unicorn
3. Four year old
1. someone rich enough to lay around nude all day and eat lion-lions.
2. person who takes care of the birds at the San Diego Zoo.
3. the Woodyair Blimp Pilot.
1. A Seal
2. A double rainbow over Maroon Valley
3. The wind gusting through the canyon & meadow of the desert.

LETTERS TO THE EDITORS (AND FROM THE EDITORS):

Dear Editor Carlos:

I think it is absolutely disgusting that you associate yourself in such a highly coveted professional position with the other two "editors" of the Caveat. (I will discreetly not mention names. I'm sure you know who I mean.) All they do is right articles that arouse people and never base anything on objective facts. Furthermore, I've heard that one of them took her bra off and the other one changed shirts write in public daylight in the Caveat office due to the heat while you suffered and left yours on. Such behavior is despicable! I wish you would liberate yourself of those two.

Sincerely,
Name Withheld
Upon Request

P.S. I also wrote to you because you don't get enough attention, but it's no wonder with a collective.

Dear Student:

I read your letter with delight and encouragement. I associate myself with the other two Caveat editors only because it is a task which I know must be shouldered by someone. There are too few among us who are ready to run the gauntlet of immorality and fight for common decency.

The disgusting displays of nudity you so accurately describe in your letter are the kind of conduct in which my fellow editors engage with impunity, and the conduct is exemplified by the characters of those who have been given the sacred trust of bringing the news to the student body. They have forgotten the meaning of the words modesty, purity and virtue, and they live by a creed of vulgarity, iniquity and libertinism.

While my eyes have never been closed to the countless moral transgressions which have taken place before me, my tongue has been silent. I had hoped that my sober example would serve to encourage my prodigal associates to mend their foul ways. Unfortunately this has not occurred. I appreciate the opportunity your letter affords me to express myself regarding this matter. I can no longer remain silent in the face of such depravity.

D. Carlos Kaslow

GOOD (?) NEWS FROM THE ABA

The National Conference of Bar Examiners reported that bar admissions reached a record high for the sixth consecutive year in 1975. In 1975, 34,930 persons were granted permission to practice law in the individual states, the District of Columbia, Guam, Puerto Rico and the Virgin Islands. The admissions boosted the total number of lawyers in the United States to more than 400,000, also a record high.

Of the 1975 admissions, 34,144 were by passing the bar examination and 786 were by receiving a diploma. (In five states -- Mississippi, Montana, South Dakota, West Virginia and Wisconsin -- state university law school graduates are automatically admitted to the bar. Marquette University graduates are also admitted in Wisconsin without taking a bar examination.) An additional 12,000 persons failed to pass state bar examinations.

California led the number of admissions with 4,905. New York was second with 3,413 followed by Florida, Illinois, Texas, Pennsylvania, Ohio, New Jersey and Massachusetts.

California ranked sixth lowest in the United States in the percentage of passing the examination -- a not so encouraging 56%. (Arkansas had a passing percentage rate of 94% as did Guam, Kansas and Oklahoma.)

According to the ABA, new lawyers looking for jobs face a buyer's market. David Kilmer of David J. White and Associates, a Chicago-based management firm, wrote in an article of Student Lawyer that even some of those in the top 10% of their classes are having trouble finding jobs. Kilmer says that those in the best position for finding jobs are Spanish-surnamed women who graduated in the top quarter of the class; worst off is the white male who graduated in the lower half of his class or is a night-school graduate.

Starting salaries this year ranged from \$9,600 for a law firm non-patent post in Chicago to \$28,000 for a corporation position, also in Chicago. (This compares with a low of \$11,000 and a high of \$28,000 last year.)

The article covered Atlanta, Boston, Los Angeles, Milwaukee, New York City, Philadelphia, Phoenix and Washington, D.C.

To the Editor, Caveat:

Perhaps lawyers are justifiably amused at the attempts of a non-lawyer to obtain justice against one of them, especially without payment of the customary stipend. After all, a lawyers (sic) business is the sale of justice, isn't it?

But even on that assumption, your cynical lead article on Donald Donaldson's billion dollar suit against Professor Bernhardt was a little unpalatable. What gives Professor Bernhardt the right to sanitize the voters' choices of mayoral candidates? Isn't that the sort of mentality that invites debates between the Humphreys, the Nixons, and the Johnsons, and leaves the McCarthys and the McCloskeys out in the cold.

Alan French
First Year

Dear Mr. French:

1. I am not a lawyer.

I was not amused by Mr. Donaldson's attempt to obtain justice.

I am in favor of non-lawyers who try to handle their own legal problems when they are able to do so.

I am not in favor of non-lawyers who handle their legal problems as abysmally as Mr. Donaldson handles his. (Neither am I in favor of anyone who attempts anything and doesn't do the job to the best of his/her individual capability.)

By simply telephoning GGU, he could have discovered that this is a private institution. But he did not. As a result, he sued both Riles and Dumke along with Roger. You and I as taxpayers are paying for the time it takes the attorneys for the State of California to demur to this complaint. I do not find this particularly amusing.

2. The suit against Roger is in the amount of \$400,000,000.

As you noted in your letter, this was an article not an editorial. I neither support what Roger did nor do I criticize what he did. The article sets forth Mr. Donaldson's complaint and Roger's recollection of what happened.

You most assuredly have the right to find the article cynical and unpalatable. I assume that Mr. Donaldson would agree with you and I assume that Roger would not. There is obviously a difference of opinion as to what took place at the mayoral candidates meeting. That, I assume, is why they are going to court.

Diana C. Baker
Second Year



By D. Carlos Kaslow

CRUISING THE CITY

Dave Alexander plays blues piano with the spirit and conviction of Ray Charles before he could command ten dollars per head, and in the tradition of Jimmy Reed (a guitarist) who was one of the best when being the best didn't translate into recognition and dollars if you were black. I have heard Dave play his piano at a number of clubs over the last few months and have been impressed by his style, versatility and sheer stamina.

Dave Alexander sings of the big industrial cities of the Northeast and Midwest when the heritage of the rural South was only a generation distant, of the people on the ghetto streets, and the problems and ironies of urban life. His voice has the power of the urban environment he sings about, yet possesses a melifluous quality that transports the listener into the world his songs de-

pict. The rhythms he delicately types out upon his piano beckon the body to sway, and his improvisations launch the careful listener on a roller coaster of emotional thrills. The man is an unqualified master of the blues.

I first saw Dave play at the New Coffee Gallery, a depressing cavernous structure on Grant north of Broadway. This area was once the center of the West Coast beatnik scene twenty years ago. A dozen people were present that night, and a dozen people were held spellbound by this enchanter and his piano while he played for three and a half hours without a break. Lately, Dave has played at the Palms on Polk, The Outer Cafe at Carl and Cole (he will be playing there later this month), and Gatsby's in Marin. Dave Alexander is a blues man, a member of a dying breed. The opportunity to hear this masterful practitioner of the art should not be missed by any blues lover.

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CALIFORNIA LECTURE SERIES

- sponsored by the University of California at Berkeley, Institute of Governmental Studies.

November 22 - Monday

Paul Gates, Professor of History
Cornell University - "California
Land Policy & Its Historical
Context: The Henry George Era"

January 19 - Wednesday

Ron Robie, Director of Water Resources,
Sacramento - "Water Issues Facing California"

February 16 - Wednesday

Assemblyman John Vasconcellos,
San Jose - "Education Issues Facing California"

March 16 - Wednesday

Assemblyman John Knox, 11th District - "State, Local & Federal Relationships"

(Ed - we have it on good authority that this discussion will not deal with the Wayne Hayes matter.)

The lectures will all be held in the Alumni House commencing at 8 PM. No charge.

FINANCIAL AID

Remember that December 1st is the deadline for students who are not presently receiving financial aid to submit applications for the Spring, 1977, semester. This also applies to those students who applied for Fall, 1976, only and now wish to continue through the Spring, and also to those who did apply for Spring but were not awarded. The Office of Financial Aids, room 107, stresses, however, that there is only a limited amount of NDSL funds available, as well as some college work-study funds.

For those students interested in FISL through Bank of America, June Ahern, a student aids councillor of the bank, will be visiting GGU each Thursday, beginning November 17th. She will be in room 508, between 12:30 and 1:30 to assist you.

Office of Financial Aids - ext. 272

WOMEN'S ASSOCIATION MEETING

The Women's Association will meet on Thursday, November 18, at 3 PM in Room 203.

ANOTHER F.S.C. MEETING!

The next F.S.C. meeting will be held on Thursday, November 18, 1976, at 3:00 PM in Room 502. The agenda will be as follows:

1. Curriculum Committee Proposal for Litigation (RHB).
2. Evaluation Committee "Confidentiality" Policy (MM).
3. Motion not to expand faculty size (JLB).

(Ed - whether or not you are interested in what goes on behind closed doors, agenda item number 2 could be very important to all of us.)

SIERRA CLUB FILM

West Chichagof is a film about Alaska; a film about the effect of clearcutting for lumber in the Tongass National Forest.

The Environmental Law Society is pleased to present this Sierra Club production on Friday, November 19, Room 205 at 12 noon. All are welcomed and encouraged to attend.

ENVIRONMENTAL ESSAY CONTEST

The Association of Trial Lawyers of America has invited GGU law students to participate in their Seventh Annual Environmental Law Essay Contest. The theme of this year's competition is "Nuclear Energy: Legal Remedies for Lethal Problems".

Deadline for submission of essays is not until April, 1977. Further information will be presented in the Caveat next semester.

For details on the competition, see the Environmental Law Board on the second floor or contact:

Ms. Barbara Stein
National Coordinator
ATLA Environmental Law Essay Contest
Cambridge, Mass 02138

SPEAKER:

Change! Gil Graham, attorney for the International Hotel's residents, will speak at GGU on Monday, November 22. This is a change from the previously announced date of Thursday, November 18. The discussion of the struggle against eviction and "redevelopment" will be at noon in Room 205. Y'all come now, y'hear.
(This change was made so as not to conflict with the Barrister's panel on reverse discrimination in employment, also scheduled for Thursday noon.)

ATTENTION CLIENT COUNSELERS:

Golden Gate's competition to select a team of two students to represent the school in the American Bar Association - Law Student Division's Client Counseling Competition in March will be held during the week of January 17, 1977. The sign-up sheet is on the SBA bulletin board.

NIGHT SOFTBALL RETURNS TO GGU

The undefeated Golden Gate Law School softball team faces its stiffest challenge of the year Thursday night at 6PM under the lights. Their opponents are the highly heralded USF 3rd year law students. This USF team has been playing together for three years, and just recently won the USF intramural softball championship. The game is at Hayward Park, at Turk and Gough in the city.

POINT -
COUNTERPOINT -
COUNTER-COUNTERPOINT

- Cindy - Is it not amazing how we can put out a four page issue with only two and one-half pages of material?
- Carlos - Oh, we're doing this column again. Let me see
- Diana - Well, this is one issue my mother won't be sending on to my grandfather.

Caveat will not be published the week of November 22-26. (If you don't like it, you can go stuff a turkey.)

For the next issue of Caveat, turn in all items for publication by 10 AM on Tuesday, November 30, to the faculty center east in the Caveat box or to one of the editors.

Please bear in mind that the views expressed in the Caveat are not necessarily those of the Law School, Student Bar Association or the Editors.

Editors: Diana Baker
Cindy Duncan
Carlos Kaslow

Staff: The entire staff (with the exception of Mark Derzon who may be certifiably insane) has quit.