

12-4-1978

## Caveat, December 4, 1978

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/caveat>

 Part of the [Legal Education Commons](#)

---

### Recommended Citation

"Caveat, December 4, 1978" (1978). *Caveat*. Paper 139.  
<http://digitalcommons.law.ggu.edu/caveat/139>

This Newsletter or Magazine is brought to you for free and open access by the Other Law School Publications at GGU Law Digital Commons. It has been accepted for inclusion in Caveat by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

# CAVEAT

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

Vol. XIV, No. 15

December 4, 1978

## FIN. AID

STUDENT FINANCIAL AID DILEMMA  
BUDGET COMMITTEE REPORT, FALL, 1978

Once the selection of the new student members, Michael Pitts, Dick Grosball, and Vic Abrunzo, was completed, the student arm of the Budget Committee immediately set out to confront one of the most demanding fiscal issues the student body, as a whole, faces: the inadequate supply of financial support funds.

SBA President, Alice Montgomery, voiced her deep concern about the fact that there was a \$100,000 deficiency in funds available to meet the financial needs of law school students for the 1978-79 school year. As a short-term measure to ameliorate the effect on the students, GGU Vice President of Finance and Administration, John Teitscheid, offered to match funds with the law school to raise the amount of financial aid coming directly from the university to \$75,000. However, we still remain short of funds for this year, and there is no guarantee that an offer from John will be forthcoming to supplement our aid deficit for the 1979-80 school year. In addition, for the School's long range goals, Dean Judy McKelvy has been authorized to hire a Law School Funds Developer. She intends to have the position filled by the spring semester, but, realistically speaking, no large sources of additional aid income will be generated by the beginning of the next school year.

The dilemma with which the school is grappling is the present lack of any funding sources to meet the anticipated financial aid deficiency for the next school year, with both the cost of living and the price of attending this institution destined to rise.

With Alice Montgomery's encouragement, the Committee moved to accelerate the process of funds development by compiling a list of foundations, charitable trusts, and endowment funds which appeared to be likely candidates for grant proposals from the school. That compilation, together with the Committee's suggestions for its use, was presented by Dick Grosball at the SBA meeting on Nov. 21st under the title, "External Funding Sources for the GGU Law School".

During its research, the Committee recognized the applicability of the information to many areas of school activity. It kept in mind the value of the sources not just for scholarships, but also for aid to child care, women, minorities, the library, special projects, the aged, civil rights, and community development. The Committee recommends that the administration, the faculty, and the active organizations fo the school review and consider the report for its possible application to their particular objectives. Additional information on the report's contents will be presented in the Caveat next semester.

Michael Pitts  
Night Editor

## EXAMS, EXAMS

I guess the greatest understatement I can make is that exams are upon us. There are some things we should all remember. First, take good care of yourself. Your alertness and health are the best study aids you have. Sleep and proper nutrition is the way toward a healthy body. Drugs, optional. Second, don't expect to be able to study for long hours. Saturation is a fairly common phenomenon; what happens is that you reach a plateau in your learning, where adding effort does not add results. Third, plan you study time carefully. Be sure to mix in some time for play. You will find that after a little diversion, covenants running with the land will become clearer. Remember, nothing should be absolutely clear. And finally, be confident. It is quite possible for you to become your own worst enemy. Cater to your nueroses if it will make you feel better. Remember, your goal is clear; "You came here with a head full of mush, but you'll leave thinking like lawyers."

## PREZ CORNER

YMCA PASSES: Starting today through Friday, December 22nd the YMCA Passes should be picked up and returned to Barbara in the DEAN'S OFFICE. See notice on SBA office door for details. The passes expire 12-26 but the law school will be closed the week of 12-25 -1-1. Bruce Spencer is checking out the possibility of getting Y passes through the Civic Center Y for spring semester. We hope to have Y passes available soon after spring semester starts provided the SBA approves the allocation.

BICYCLE SPACE: Just a reminder that the bicycle space that has been rented in the garage expires Dec. 6th. From this date on, students may continue to park their bicycles in the garage, but you will have to pay 25 cents a day. One student locks his bicycle to a parking meter- this might be one solution for students who cannot afford the parking fee. Any questions concerning this should be directed to me, 863-7880. It is my understanding that there will be a bicycle rack in the new building- hopefully this will be set up when we come back spring semester.

VOLLEYBALL: I have been trying to reach the Physical Education Director at the Y to confirm 2 more volleyball games, one today and one 12-11 from 3-4 but have been unsuccessful. I assume there will be a game as scheduled, but check the vending machine today to make sure or see me. You will need a Y pass in order to play.

Good luck on exams. Have a good vacation.  
Alice M. Montgomery

# Letters

Dear Caveat:

Dear Caveat:

Charles Smith is into his second year of teaching at GGU Law School -- and he might not be back to teach his third. Charles Smith is GGU Law School's first Third World, full-time law professor and word has it that based on poor student evaluations, Charles will not be retained for another year. (Ironically, last year student evaluations were considered of little importance in the decision whether to retain Laurie Deutsch.)

Affirmative Action means more than merely "hiring" and "admitting" minorities and women -- it means confronting and dealing with the overt as well as unconscious racism and sexism in our everyday lives. The goals of affirmative action are not achieved when the first Third World or woman professor is hired. It's really once they are hired that we as students of these professors are faced with our own racist and sexist attitudes.

When a white male law professor has a disorganized day (or semester), or is particularly harsh, or just doesn't have the right questions let alone answers, students grumble, exchange snide remarks, or communicate some constructive criticism to the teacher, or laugh it off with a "c'est la vie" attitude -- but somehow, the anger or disappointment of the student slides. White students feel secure, comfortable even if the professor is an ass or a slack. We grumble, but somewhere we find rationalizations. There's something to the fact that they are white, we are white, they are men and the legal profession has always been dominated by white men -- and there is security in banking on that tradition.

But what about when a woman professor or Black or Chicano professor has organizational problems, or conveys material in a way that isn't crystal clear (when is it?) -- to what standards are they held? Where is the support for them? Why is there so much tolerance for faults in white male professors while none is allowed for women and minority professors? Without realizing it, because we are not accustomed to women and minorities in this role, we're far more critical and hold them to a higher standard. In effect, we are enforcing a double standard.

There's no question that the women and minority professors hired at GGU are qualified to be teaching us, otherwise they wouldn't have been hired. The point is that once they are hired as professors, there has to be some committment on the part of the administration as well as the students to assuring that their first teaching experience is something they can build on, rather than a first step out the door. Otherwise, we are going to be faced with a situation of a lot of minority and women hirees who just didn't make it.

Sandra Moreno Kirkpatrick's letter published in the CAVEAT last week made several concrete suggestions for how the burden on new minority and women professors could be eased. However, such measures will have no substance unless students take stock of their own racist and sexist attitudes and think twice about condemning the pedagogical capabilities of minority and women professors, and think again about offering such professors their own criticisms about how the teaching could be improved... before it's too late.

Wendy Lefler and Polly Levin

At the risk of preventing the Third World Coalition's statement on the action taken by the Evaluations Committee from dying a natural death, I respond to it.

The policy behind affirmative action in the hiring of faculty is essentially two-fold: (1) to provide non-whites and women the opportunity to teach and (2) to provide non-white and women students with role models which are worthy of emulation. Affirmative action is not designed to provide poor teachers with jobs or to provide students with proof that retaining one's job has no correlation to the quality of performance. (I take no position on Charles Smith, who has never taught me a course).

It does not advance the Third World's position to level blanket charges of racism against the white students at GGU. Clearly this is not overwhelmingly true or minority faculty would probably never be hired. Nor is it appropriate to compare Third World and female teachers to the worst of the white, male tenured faculty (and there are some slugs), because the ability to teach is a threshold question for new teachers. If a professor cannot teach, retention cannot be justified.

Whites and males have little reason to support affirmative action save the satisfaction which an act of altruism provides. It is enough to say that altruism is a frail force. It is not strong enough to make the majority of students support affirmative action, if it means the retention of a teacher whose performance is unsatisfactory. If the Third World Coalition makes the rest of us choose between affirmative action and good teaching, they will lose all credibility and they will deserve to lose it.

Gregory W. Sacra

Dear Third World Coalition:

Your letter supporting the retention of Prof. Charles Smith was read with great interest.

But a second consideration exists which must be balanced with the desire to create an affirmative-action based faculty and student body.

This consideration is the practicality of receiving adequate instruction, particularly in the bar courses. This need is unmet by Prof. Smith.

This conclusion is painfully borne out every Monday and Wednesday as only 6 to 12 students gather in a class with an enrollment of between 30 and 40. Most students have given up on in-class learning of the principles and have long since retired to Nutshells and Hornbooks.

Lastly, I would like to mention that I fairly bristled to have "not so subtle racist attitudes" ascribed to myself and to my classmates. This is an absolutely unwarranted and unethical charge.

Racism is oftentimes a legitimate accusation, but it can also be bandied about with extreme recklessness and become the last refuge of a weak argument.

I hope you will speak with students attending the classes of those teachers who come under fire before you mount defenses based on goals which we all support, but which defenses are not relevant to all situations.

Sincerely,  
Stuart MacKenzie

# UCLA LAW SCHOOL HUNGER STRIKE

Students at UCLA Law School began a hunger strike last Wednesday to oppose the adoption of a new admissions policy proposed by UCLA Con Law Professor Kenneth Karst. The strike and sit-in was called by the campus Black-American Law Students Association, the Chicano Law Students Association and the Asian-American Law Students Association.

Karst's proposal was to be voted on this past Friday, December 1 by the law school faculty. Among other items the student groups oppose are the proposal's plan to return to an emphasis on standardized criteria, the relegation of student participation in admissions to a purely advisory role, and the pinpointing of diversity as the major purpose in the recruitment of third-world and disadvantaged students.

Karst, known to GGU students as one of the authors of the Con Law Sum and Substance book, claims to have drawn up the new procedures and policies in compliance with his understanding of the Powell opinion in the recent Bakke decision. The plan specifies that diversity is the major objective of the recruitment of "non-traditional" admittees. Protesting students claim that this is an insult to third-world students in that this objective stands for the proposition that minority students are in the school merely to add "color" to the law school atmosphere rather than for the objective of insuring that their communities have the trained advocates that are needed.

The Karst Plan would eliminate the special admissions/regular admissions dichotomy and would, in its place, give third-world and disadvantaged applicants a plus factor in the interests of diversity. 60% of the admits would be "non-diverse" and 40% may be admitted for diversity purposes. The plan specifies however that these figures are not absolute and that if the Admissions Committee was to decide that there was not a sufficiently high number of qualified diversity admits that more than 60% would be non-diverse. Protesters feel that in light of the increased emphasis the plan places on standardized GPA/test score criteria and in light of the fact that plus factors for diversity may be given for attributes other than disadvantaged and minority status, that it is probable that far less than 40% of the entering class will be third-world or disadvantaged.

Particularly irksome to the protesters is the continued deterioration of student input in admissions decisions. Beginning in the late 60's, third-world student organizations reviewed all third-world applicants' folders, interviewed all serious applicants, and had an opportunity to present their recommendations and arguments for admission or rejection before the Admissions Committee. At that time it was the policy of the Committee to accord to the organizations' recommendations "substantial weight" which meant that in most cases the recommendations were followed. The organizations claim that since the time of the California Bakke decision these recommendations have largely been ignored. Under the Karst Plan the substantial weight policy would be dropped altogether and organizations could only submit recommendations in writing. Furthermore, the previously mandatory interviews with the organizations would be made voluntary.

One student representative of UCLA's Balsa chapter told us that this de-emphasizing of minority-student recommendations is indicative of a trend away from recruitment for the needs of the community towards recruitment for the needs of the law school.

David Cooper

# ANNOUNCEMENTS

## LAW LIBRARY HOLIDAY SCHEDULE

Saturday	Dec. 23	10 AM - 5 PM
Sunday & Monday	Dec. 24 & 25	CLOSED
Tuesday-Friday	Dec. 26-29	8 AM - 5 PM
Saturday-Monday	Dec. 30-Jan.1	CLOSED
Tuesday-Friday	Jan. 2-5	8 AM - 5 PM
Saturday & Sunday	Jan. 6 & 7	CLOSED
Monday	Jan. 8	RESUME REGULAR HOURS

**CORRECTION:** Judy McKelvey's counselees will meet at 5:30 p.m. Wednesday, Dec. 6, room 205 before the night Contracts make-up class.

Marge Holmes will meet with her counselees at 6:00 p.m. in room 203.

**FOUND:** Molly has a BART ticket which was lost a week or two ago. If the owner can identify it by original value and remaining value she will return it.

**CONGRATULATIONS CONNIE!** The law school administration has just learned that in her first year of law school in Spring 1977, Connie Hosemann was awarded one of the prizes for "outstanding performance as a winner in the Environmental Law Section Legal Essay Competition" of the Assoc. of Trial Lawyers of America. Although her essay was submitted through the Deans' Office the school was never notified that we had a winner. It is probably an unusual achievement for a first-year student to write a prize-winning paper in a contest with such wide appeal and it's never too late to say congratulations to Connie.

**JUVENILE JUSTICE SECTION of THE BAR ASSOC. OF S.F. THIRD ANNUAL SEMINAR:** Saturday, Dec. 9, 9:00 a.m. - 1:00 p.m. Hastings College of Law, 198 McAllister, Classroom B. The program will be devoted to the representation of minors accused of delinquent acts from intake through disposition, Juvenile Court procedure and courtroom technique, detention hearings and other matters relating to delinquency cases. All seminar participants will receive the 1978 edition of "California Laws Relating to Youthful Offenders" as well as a printed syllabus of the topics to be covered. Pre-registration is required. Registration fees for BASF and LRS members is \$15; non-members \$30. Your check made payable to The Bar Association of San Francisco should be sent to 220 Bush St., 21st Floor, S.F. 94104.

**ABSOLUTE LAST DAY TO REGISTER FOR THE SPRING '79 SEMESTER IS JANUARY 19, 1979.**

**CLASS RESERVATIONS:** Please confirm by Jan 12, 1979. Those who do not may lose pre-registration choice of courses.

**DECEMBER '78 GRADS:** Please submit your applications for graduation by December 8, 1978.

Friendly Home-Town Service

**Terminal Drugs**

501 MISSION

10% DISCOUNT

We have everything: cosmetics, liquors, tobacco, cards, etc.

This is the last issue of the Caveat  
for this semester. The editors  
would like to wish all

# HAPPY HOLIDAYS

and

# GOOD LUCK!

Dear Dean McKelvey:

We are writing this letter in behalf of ourselves and other students similarly situated.

We are 3d year law students who plan to graduate in June 1979. Due to various reasons, we were not able to pre-register on the one day (Monday, November 23, 1978) designated for students in our class standing. When we did pre-register on the open pre-registration days (Friday, November 17 and Monday, November 20) we were informed the following classes were closed:

92469 Remedies	Golden	3 Tu/Th	10:45-12:00	209
92521 Community	Property	Burns	2 Wed	6:50- 8:30 TBA
92559 Remedies	Tyson	3 Mon	6:50- 9:30	203

These are BAR courses we want to take next semester. It will be our last opportunity to do so.

We were informed by the registrar, Wally Walker that he and the associate dean, Marge Holmes were in the process of trying to solve this problem. Nevertheless, we felt compelled to make our problem known to you and the administration in writing as soon as possible so that appropriate action may be taken before it is too late.

If we can be of assistance, please contact us. We will have time to discuss this problem during the following times: Nov. 22, 1978 - Dec. 1, 1978. After this time, we will all be too involved with preparing for final examination to give this matter the attention it deserves.

Please DO NOT respond to our earnest and sincere request for a solution to our problem with "let's wait and see next semester, things will work out". We think you can appreciate our situation. We have many other contingencies to consider without having to add still another variable.

If we do not hear from you by Thursday, Nov. 30, 1978, we will contact you. Thank you for your consideration.

Sincerely,  
Roberta Willenkin  
Nina Dong Honbo

DISCOUNTS ON NEW SCM and ROYAL  
ELECTRIC PORTABLES

KLEYN TYPEWRITER CO.

512 MISSION

MC

VISA

Dear Ed:

The story you carried about the UC Davis Litigation Seminar using live witnesses to enhance the experience of student lawyers was an interesting one. I appreciate the suggestion that we might follow such a format here at GGU. The only trouble with that suggestion is that it comes six years too late. That is exactly what we have been doing for the students in both Civil and Criminal Litigation Trial practice.

In Criminal Litigation the students are handling a robbery that actually took place, albeit with willing participants. The victim went into the streets and was mugged by a robber. The robber was later arrested by a "police" officer. Everyone actually experienced the event. No one is working from a script. The challenge is how well the students interview the parties; how well they examine the witnesses in court about events that they actually experienced. The same is true of the Civil Litigation Trial Practice program where there was an actual incident between a security guard in a store and a patron. The parties actually experienced the event.

The program at GGU is unique. There is not another one in the country in which every student in the program is afforded the opportunity to deal with a realistic situation in the controlled environment of a teaching program. Thanks for your interest, however.

Bernard L. Segal  
Associate Professor of Law

#### ATTENTION STUDENTS

SHARP POCKET CALCULATORS  
Business - Scientific - Math.  
32 Models to choose from -  
Priced from \$10.95



BUSINESS EQUIPMENT COMPANY  
(Right across the street)  
531 Mission Street  
392-1005