

4-16-1979

Caveat, April 16, 1979

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CANON

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

Vol. XIV, No. 28

April 16, 1979

ELECTIONS

SBA RUN-OFF ELECTION RESULTS:

President

Daniel Hernandez' 210* Winner
Willa Chapman 121

Day Vice President

Walter Riley 146* Winner
Mark Nissenbaum 101

Night Vice President

Michael Grimes 36* Winner
Steven Runchey 20

2nd Year Night Rep

Mary Selvey 25* Winner
Dorothy Dana 14* Winner
Karl Brandes 4

3rd year day rep

Robert Haden 51* Winner
Wendy Young 47* Winner
Phillip Bacharach 32

ANNOUNCEMENTS

NATIONAL LAWYERS GUILD ANNOUNCEMENTS:

1. The Golden Gate Chapter of the N.L.G. is hosting a general meeting on the United FarmWorkers of America, AFL-CIO and their current struggles in the lettuce fields. Five strikers from Salinas and UFW spokespeople will be at GGU on Wednesday, April 18 at 7:30 p.m. in Auditorium B. This meeting is co-sponsored by the NLG-S.F./Bay Area Chapter and O La Raza. All are urged to attend.

2. Migrant Legal Services, a non-profit corporation of law students, will be interviewing students from Golden Gate, U.S.F., Hastings and Boalt for summer employment. Employment will consist of working with labor law and migrant legal issues with the United Farm Workers and other organizations and is a 10 week commitment. Interviews will take place the weekend of April 20-23. Interested students should contact Kevin Robinson 552-7424 or the Migrant Legal Services Office, Room 37, Boalt Hall, U.C.B. 642-1398.

3. Graduating 3rd year students interested in working in LaPaz, California with the United Farm Workers of America, AFL-CIO should contact Kevin Robinson at 552-7429 or MLS, Rm 37, Boalt Hall, Berkeley, 642-1398 to set up interviews during the weekend of April 20-23.

4. Migrant Legal Services, a non-profit corp. dedicated to aiding Farm Workers, invites you to spend an evening with Cesar Chavez in solidarity with the farmworker movement. This benefit for MLS will take place Saturday, April 28th at the Finnish Hall, 1819 - 10th St., Berkeley. A homemade Mexican dinner and full evening of entertainment will be provided. Dinner from 5 pm to 7 pm with formal program beginning at 6:30 p.m. and salsa dance from 9 pm to 1 am. For tickets, contact Kevin Robinson at 552-7429 or MLS, Rm 37, Boalt Hall, UCB, 642-1398 (day) or 848-9088 (night).

SPRING SEMESTER EXAMS: Please remember, as you were put on notice at Spring 1979 Registration, there will be NO re-scheduling of exams except in case of emergency. Two exams in one day is not an emergency. Marge Holmes

NOTA BENE

ATTENTION 1979 GRADUATES: Graduation packets have been mailed with pertinent information regarding graduation ceremony and party. Included also is job placement information. If you have not received yours please check in the Dean's Office.

FINAL NOTICE - SENIOR GRADUATION PARTY: Saturday, April 21, at Kirby Cove-Golden Gate Recreation Area. Exit Alexander Ave. from Hwy. 101 and follow our signs! Seniors, friends, family, faculty: Don't miss it. Square dance music by The Arkansas Sheiks. Bring your own picnic, as long as you can carry it in (approximately 1/2 mile). Motorvehicles must stay up on the hill! No Pets. Be there or be square, BABY. Call Mike McGuire 664-5852 evenings for further info.

SUMMER WORK STUDY: First year Law Students are eligible to apply for Work Study funds for the Summer, 1979. Also, during the Summer session you do not have to be attending classes to receive Work Study. However, you must submit a proper application and qualify based on Need. For further information regarding Summer Financial Aid, please contact the Financial Aid Office, Room 100, or by calling 442-7270.

Applications are available in the Financial Aid Office, Room 100, and the Deadline Date is April 19, 1979.

LAW PLACEMENT NEWS: Dear Students,

The Law Placement Office will be open during study week, exams and all summer. There is still time to get a summer job and we will continue to receive job ads all summer for part-time and possibly full-time jobs. Please stop by if you need help. Happy summer vacation.

Laura Greenfield

NATIONAL LAWYERS GUILD: The N.L.G. is presenting a subjective preview of next year's classes by second and third year students and graduates. All first and second year students are welcome. Thursday, April 19 at Noon in Room 205.

POETRY READING: Wednesday, April 18 at 12:00 Noon, Fifth floor Auditorium. Come share some wine, cheese, poetry, music, etc. to celebrate my Birthday! Charles Holzhauser

A.B.A./L.S.D. NEWS: Employment opportunity - 3rd Year students. Applications are being accepted for the position of Assistant to the President Elect/President of the American Bar Association. Employment will start in the summer of 1979 and requires a commitment of two years.

Law School graduation and a demonstrated capacity for excellence in writing are essential. Extensive travel may be required. The starting salary will be competitive with first year placements in the Chicago area.

The duties will concern legal matters and administrative functions, i.e. edit and draft articles, memoranda, reports, and public expressions of the Pres.-Elect/President; assisting in policy decisions and ensuring that those decisions are implemented; advising Pres.-Elect/President; acting as a liaison between Pres.-Elect/President and other ABA and public leaders; handling correspondence, committee appointments, travel and speaking engagement schedules.

Cont'd page 3

PREZ CORNER

Frances Lish Challenge to SBA Election: On Monday the Election Committee of the SBA met to hear Frances Lish's challenge to the Presidential Election. The committee concluded that the election was valid and that the run-off election should continue. Following is the report of the election committee on this matter:

Frances Lish has challenged the SBA presidential election. The issue, she says, is that the election is invalid because only five announced candidates appeared on the ballot. Frances Lish's name was misspelled as Liss on 58 ballots. The remaining 354 ballots contained her name correctly spelled.

In her letter to the SBA dated April 4, 1979, Frances says 'The election process just concluded for SBA President for the 1979-80 school year is invalid. I was an announced candidate for this office. My name did not appear on the ballot. Please rule on the validity of an election held under such conditions. As remedy I request that my name appear on the run-off ballot or in the alternative that the entire election process be repeated. Certainly at a law school a candidate is entitled to expect a lawful election. Thank you for your full consideration of this problem.'

We have reached the unanimous conclusion that the election is valid. In reaching this decision we analyzed the vote and separated the ballot count into three categories and the total. The categories and total are: (1) misspelled (2) corrected (3) correct and (4) total.

Chart (All votes)

	<u>Misspelled</u>	<u>Corrected</u>	<u>Correct</u>	<u>Total</u>
Lish	15	18	23	56
Pitts	5	35	26	66
Liss	1	17	18	36
Hernandez	20	84	67	171
Chapman	17	33	25	75
Joe	0	4	0	4
write-ins	0	0	5	5
	58	191	164	413

In none of the three categories or in the total does Frances' vote enable her to become one of the two top candidates eligible for the run-off. Frances came in fourth in two categories where her name was spelled correctly and third in the one category where her name was misspelled as Liss.

We believe it would be unfair to the other candidates and to the student body if we were to hold another complete SBA presidential election and a run-off.

We also believe it would be unfair to all of the candidates if we were to place Frances's name on the run-off ballot along with the two top candidates.

We believe that any confusion that might have resulted from this misspelling was insignificant. Frances, herself, said that she did not notice the misspelling at the time she voted.

We regret that Frances's name was misspelled and we have tried to deal with the situation in an equitable manner for all concerned.

After considering all the factors we conclude that the election was valid. This decision is unanimous. Craig Correll, Alice Montgomery, David Rubinoff, Sheila D'Amico

The next avenue of appeal will be the SBA meeting on Tuesday, 4-17, at 5 p.m., room 326. After that, the Judicial Council will hear the appeal.

JUDICIAL COUNCIL: The Judicial Council is a body set up to hear complaints from students at GGU law school. It is composed of the Dean of Students of the University (Pat O' Brien), the law school faculty chair (Janice Kosel), and 5 law students (only 3 sit at any one time). The SBA at its Tuesday meeting this week, 4-17, 5 p.m. will select the student members of this committee. Any stu-

dent desiring to sit on this committee to hear Frances Lish's challenge to the election, should submit their name in writing by placing it in the SBA box in the faculty center on the second floor addressed to Sheila D'Amico, the secretary of the SBA. Names must be submitted by Tuesday at 3 p.m. and nominees should attend the SBA meeting Tuesday. Nominees may not be members of the SBA Board of Governors or officers. Any person present at the meeting will be allowed 2 challenges of nominees for cause (cause being active participation in the Presidential campaign for President). 1st, 2nd, 3rd, and 4th year students are eligible for nomination. Association members may ask questions of the nominees at the meeting and then the SBA Board of Governors will vote on the individual nominees. Selection will be by majority vote of the SBA. 5 members will be selected and 3 of the 5 appointed to sit on this matter. Any further questions, contact me at 863-7880.

CAVEAT EDITOR SELECTION FOR NEXT YEAR: Sign-up sheets are now on the vending machines on the second floor for Caveat Editor(s) for next year. 30 Credits of tuition remission are given to be divided up between the editor(s). At the Tuesday meeting of the SBA we will consider a proposal by Ed Garson concerning the number of Caveat Editor(s) and their functions. Deadline for sign-up for Caveat Editor is Wed. at 7 p.m. Interviews will start probably on Thursday, 4-19. Any students who are interested in interviewing the candidates, leave your name and number in the SBA box. You must sit through all the interviews to entitle you to vote. A writing sample &/or a brief statement of your experience and your view of the role of the Caveat is expected of each candidate.

SBA MEETING: Tuesday, 4-17, 5 p.m., room 326. ALL OFFICERS AND REPS MUST ATTEND. THIS IS AN IMPORTANT MEETING. We have several items to discuss and if we do not complete them on Tues, we will have another meeting on Thursday. Agenda items: Frances Lish challenge, selection of members of the Judicial Council, proposal by Ed Garson concerning Caveat Editor(s), constitutional amendments (pick up copies in SBA box), and budgetary matters. THIS MEETING IS OF THIS YEAR'S SBA. NEXT YEAR'S OFFICERS AND REPS DO NOT TAKE OFFICE UNTIL 4-26.

SBA FACULTY EVALUATIONS: The SBA will be distributing faculty evaluations for completion by students this week. Please complete an evaluation for each instructor you have had this year. This form is designed to give students information to help them decide which instructor they will take for a particular course. The results will be published in the first Caveat next fall and will be posted on the SBA office door during the summer. Please take the time to complete these forms. Put them in the SBA box in the faculty center or the box outside the SBA office as soon as possible.

YMCA PASSES: Y passes are good until 4-30. I have been called for jury duty starting today and will need people to help pass out Y passes during the week. If any of you can help me with this, please leave your name and number in the SBA box.

THANK YOU: I wanted to take this chance to thank all of the students who have been so supportive of me, both with words and help on projects and activities this year. I have really enjoyed being SBA President and getting to know so many of you this past year. There are too many people to list and thank, but I have really appreciated your support and encouragement. As I am a 3rd year night student, I will be around next year also. I know that Danny will be a great SBA President and ask all of you to give him your support. Thank you so much and have a good summer.

Alice Montgomery



SUMMER SCHOOL 1979 REGISTRATION ANNOUNCEMENT

OFFICE OF THE REGISTRAR

HOURS OF REGISTRATION - SUMMER, 1979

WEEK # 1

- Monday, May 28, 1979: Memorial Day; Holiday- NO REGISTRATION
- Tuesday, May 29, '79: Golden Gate University GRADUATING STUDENTS ONLY
(ONLY students who will graduate in Summer, 1979; Fall, 1979 or Spring, 1980 may register today.)
Hours: 10:00 - 6:30 PM
Registration CLOSED 1:00 - 2:00 PM
- Wednesday, May 30: Open Registration
Hours: 10:00 - 6:30 PM/ CLOSED 1:00 - 2:00 PM
- Thursday, May 31, '79: Open Registration
Hours: 10:00 - 6:30 PM/CLOSED 1:00 - 2:00 PM
- Friday, June 1, 1979: 10:30 AM - 5:30 PM
(LAST DAY TO REGISTER WITHOUT LATE FEE)

WEEK # 2

- Monday, June 4 thru Thursday, June 7, 1979: \$10.00 LATE FEE IN EFFECT.
Open Registration
Hours: 11 AM - 6:30 PM/ CLOSED 1:00 - 2:00 PM
- Friday, June 8, 1979: LAST DAY to register. Hours: 10:30 AM - 5:30 PM

PLEASE NOTE: The absolute LAST DAY TO REGISTER, paying at least 1/3 tuition and fees, for summer semester is June 8, 1979. NO REGISTRATIONS ACCEPTED AFTER THIS DATE. Graduating students in particular should keep this very important date in mind. If you anticipate problems, monetary or otherwise, you should visit Associate Dean Marge Holmes or Registrar Wally Walker well in advance of the June 8, 1979 deadline.

All balances from previous semesters must be cleared prior to registration. Students with outstanding balances may not register! Payment in full is encouraged, but at least one-third of the tuition & all fees must be paid upon registration. This deferred payment plan is available to all students.

Be careful in your course selections. Any change in your program at a later date will cost FIVE DOLLARS PER COURSE CHANGE.

(OVER)

OTHER IMPORTANT ANNOUNCEMENTS

GRADUATING SENIORS: Please mark your exams accordingly, in bold letters:
GRADUATING SENIOR!! This is to expedite grading so that all deadlines are met.

SPECIAL ATTENTION, GRADUATES: If you owe the university any money at the time of certification to the Committee of Bar Examiners, you will NOT be certified as having been awarded a degree by Golden Gate University. This could, of course, present serious problems for students who hope to sit for the Bar Examination in any state. All previous balances should be cleared by May 1, 1979 to insure timely and proper certification to the Committee of Bar Examiners.

PRE-REGISTRATION, FALL 1979: Pre-registration by mail is coming for the Fall, 1979 semester. You can reserve a seat in classes you wish to take in the Fall by mail, and then confirm them during the normal registration period at a later date when you pay tuition and fees.

If you wish to participate in the pre-registration by mail, leave your summer change of address, be it temporary or permanent, with the registrar's office so that you don't miss fall pre-registration.

COMPUTATION OF G.P.A.
(GRADE POINT AVERAGES):

Quite a few students have asked me to demystify the computation of G.P.A.s so that every student will be able to calculate individual standing. Its really a simple process if you begin with this formula:

A= 4. grade points; B+= 3.5; B= 3; C+= 2.5; C= 2; C- = 1.5; and D= 1. grade point. An "F", "Incomplete", "Credit", "No Credit" or Withdrawal is equivalent to zero grade points.

EXAMPLE: If the course in question is a 4 unit class and the FINAL grade of "B" is achieved, 12 grade points (4 units X 3 grade points per unit) will be assigned by the University Record's Room.

EXAMPLE: If the course in question is a 3 unit course and the FINAL grade of "C+" is achieved, 7.5 grade points are assigned. (3 X 2.5)

EXAMPLE:	<u>FALL 1978 SEMESTER</u>	<u>AT. UNITS</u>	<u>SEM. UNITS</u>	<u>GRADE</u>	<u>GRADE POINTS</u>	<u>G.P.A.</u>
	Prof. Respon.	0	2	CR	0.	
	Wills & Trusts	4	4	A	16.	
	Debtors Rights	3	3	B	9.	
	Clinic	0	2	CR	0.	
	Totals	7	11		25.	

3.57

In the above sample (11) semester units were attained, but only (7) attempted units were utilized to compute the G.P.A. If you need additional assistance figuring your own GPA, do not hesitate to ask.

OFFICE OF THE REGISTRAR

(OVER)

ANNOUNCEMENTS

Cont'd from page 1.

If living in Chicago and the above duties, responsibilities, etc. sounds enticing please send your resume, as soon as possible, to:

Ms. Chris B. Bardwell, Dir. Employment & Compensation, American Bar Association, 1155 East 60 60th St., Chicago, Ill. 60637. Phone (312) 947-4152.

If I can be of any help in applying for this highly regarded position please contact me at 834-5571 or leave a message on the student message board. Thank you all for re-electing me as your ABA/LSD representative. Don't forget our big Spring Party on Friday April 20th.

Judy Middlesworth

WOMEN OF GOLDEN GATE LAW SCHOOL: Remember the Wine & Cheese Gathering at Dru's? Great Food, Great Drink, Great Company, Great Music... Well, here we go again - it's the Annual Wine and Cheese Potluck Banquet Honoring Third Year Women Law Students. This will be THE gathering of the year. Don't miss this final opportunity to see all your friends and familiar faces before summer vacation starts. All the Big Names will be there, and even some little ones. Tuesday, April 24th at 6:30 at Golden Gate - the room will be announced later. If you're coming (and there's no good excuse for not coming), sign up in the women's washroom near the library.

ALL GGU WOMEN: Hastings Women's Association has invited us to join them for Clara Foltz Day, April 20 (Friday) 11:30 a.m. to 3:30 p.m. This event to be held at Hastings will include speakers, food, etc.

TALENT SHOW THANKS: Students, Faculty & Staff. To conserve space I will not list individual names but that does not diminish the appreciation we feel for your participation and hard work to make this year's Talent Show a success. Thank you for your dedication, cooperation and talent.

Women's Association

PROPOSAL FOR 11th NATIONAL CONFERENCE ON WOMEN AND THE LAW: Anyone interested in drafting the final bid proposal to hold the Women and the Law Conference at Golden Gate in the Spring of 1980 should attend a meeting at Noon, Wednesday, April 18, in Room 312.

Thanks a lot. If you have any questions, etc., please call me at 441-2618 in the afternoon, or 648-1751 evenings, or leave message somewhere?

Ellen Shapiro

HIKING CLUB: The Hiking Club will meet at noon on Thursday, April 19, in Room 203. The date and location of the First Annual Midsummer Law School Camporee will be decided. This will be an easy weekend backpack trip in the Sierras. Plans will also be made for a rafting trip this summer. If you are interested but cannot attend, call Howard Klepper at 548-6709.

LAW REVIEW TO CONSIDER NON-STAFF ARTICLES: The Editors of the Law Review will consider for publication articles written by non-staff members which meet our criteria-which are of publishable quality. Since our policy has not been formulated at this time, those interested should contact the Editors of the Law Review after Final Exams.

CHILDCARE UPDATE: GGU has submitted to the S.F. Bureau of Building Inspection its second application to locate the Childcare Center at the plaza level of the old building. Formal approval should be granted in two to three weeks. At that time, we will apply to the state for our day care license.

At the last Childcare meeting, the personnel and admissions committees were formed. Any students wishing to be included on these committees should contact one of the members. Phone numbers are listed on the Childcare Bulletin Board, second floor, between rooms 203 and 205.

Our sincere thanks to everyone who attended the April 3 general meeting.

NEXT CHILDCARE MEETING: April 20, 12:15 p.m., Room 203.

LESBIANS IN THE LAW: Donna Hitchens, director, Lesbian Rights Project, will speak about the woman's movement and future political organizing at Noon, Thur., April 19, Room 306.

People interested in working on next year's CAVEAT staff, either in the capacity of Editor, Reporter, Manager, etc., should sign up on the 2nd floor Coke Machine by Wednesday, April 18. A brief writing sample will be required stating your interests in next year's CAVEAT and what you perceive its goals should be.

INTERESTED IN PART-TIME CLERKING?

Work at your own convenience on memos, briefs, general research and clerking work. \$5.00/hr. Send resume and writing sample to:

Babette Donaldson
220 Redwood Highway
Mill Valley, CA
94941



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OF ASKING TOO
MANY RHETORICAL
QUESTIONS -



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QUESTIONS?
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Letters

Dear Caveat:

We'd just like to say a big "Thank-you" to Alice Montgomery. Non-CAVEAT readers probably don't know that Alice is the 1978-9 president of the SBA and author of the now famous PRZ' CORNER.

Among her many attributes, Alice has three that are important in any one but particularly in the leader of an organization. Alice communicates. She works hard. And, Alice cares.

Alice began working even before the SBA took office last year and she'll continue to work after the new SBA takes office this year.

In spite of recent campaign rhetoric to the contrary, Alice led the SBA in its successful attempt to lower fall tuition last year and led the SBA in meetings with Pres. Butz, John Teitscheid, Dean McKelvey, and Assoc. Dean Holmes re the new building and tuition.

She organized the SBA representatives and officers into a working unit which started last summer to plan for the 1978-9 school year.

Besides her official duties such as presiding over SBA meetings and representing students at FSC and trustee's meetings, Alice also saw to it that students raised funds to attempt to match the faculty scholarship contributions. And, of course, Alice practically single-handedly distributed "y" passes.

You can see that Alice is a worker. She's a communicator, too. Her weekly PRZ' CORNER kept the student body apprised of what the SBA was doing. She scheduled the Tuesday SBA meetings at 5 p.m. so both day and evening students could have equal access.

But most of all, Alice cares. She cares about people and she cares about this school. The next president has a hard act to follow.

We just wanted her to know how much her effort and energy are appreciated. Thanks Alice.

Anne Hipshman, Night Vice-President
David Cooper, Day Vice-President
Ralph Eliseo, Treasurer
Sheila D'Amico, Secretary
4th Night Rod Guyette
4th Night Tom Andres
3rd Day David Rubinoff
3rd Day Craig Corell
3rd Night Richard Clark
3rd Night Diana Taylor
2nd Night Chuck Crane
2nd Night Phil Robertson
2nd Day Danny Hernandez
2nd Day Sandy Van Broek
1st Day Mark Nissenbaum
1st Day Mary Canning
1st Night Steve Runchey
1st Night Colleen Hoy

Dear Editor:

While competition is hardly foreign to a law student, scholarly contests are normally run with clear or equal criteria. One may even contact a professor after an examination to clarify what happened and why. Nevertheless, the Law Review refuses to clarify this basis for rejection of papers this year without differentiating those rejected for possible plagiarism and those for deficient writing or analysis. In light of their changing the rules in midstream, we the undersigned would like notice as to suspected plagiarism in our papers so that we may defend our honor and our work, and insure fairness when judged by our grades next Fall.

We feel a response from the 1979-80 Law Review editors as well as the advisor is appropriate.

Liz Shivell
Jean M. Ouellette
Mo Malvern
Michael Pitts

BAKKE, THE FIRST STEP; WEBER, THE SECOND?

Weber v. Kaiser Aluminum and Chemical Corp. and the United Steelworkers of America (USWA) was filed in 1974. Weber charges that he was excluded from a skilled trades training program in violation of Title VII of the 1964 Civil Rights Act. The skilled trades training program is a much applauded element of the 1974 Master Agreement between Kaiser and the USWA. The program provided that 1 white from the white seniority list and one black from the black seniority list would be admitted to the skilled trades training program until blacks received parity with their numbers in the community.

The essence of Weber's complaint is that he has more seniority than two blacks who were admitted to the training program over him. Prior to the training program only those with more seniority, experience and skills were moved up to the skilled trades.

That the necessity for the training program is obvious by looking at the facts. When Weber filed suit; 46% of Gramercy, Louisiana population was black; blacks made up 39% of the towns workforce; blacks had only 15% of the jobs at Kaiser; but 2% of the skilled trades employees at Kaiser were black.

The Federal District Court of Appeals found for Weber, and the Fifth Circuit Court of Appeals reaffirmed for Weber. The Fifth Circuit stated on November 17, 1977, "In the absence of prior discrimination, a racial quota loses its character as an equitable remedy."

In other words, since Kaiser had not publically admitted, nor had Kaiser been proven to be discriminatory, the implementation of racial quota's to overcome centuries of racial imbalance was held to be "discriminatory". This bit of legalese needs no further analysis. Ironically, when the USWA pressed hard for the training program, Kaiser acquiesced, realizing that by doing so it could not be found legally liable for past discriminatory practices because of the existence of the affirmative action program.

The Weber case is currently before the United States Supreme Court. This issue is no longer in the hands of the electorate or the legislature. The outcome of this case will effect 30,000 affirmative action programs across the land. The increase of dissention within labor if Weber should emerge victorious, would be disastrous, especially in the face of the anti-labor offensive now under way. The impact on the entire society would be disastrous.

John Patterson
Delegate
San Francisco Labor Council

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