

Spring 1977

Alumni Forum, Spring 1977

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

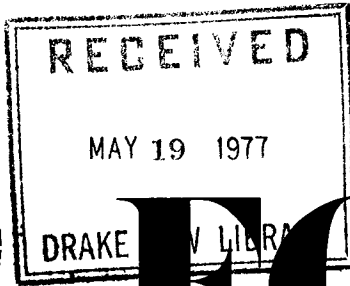


Part of the [Law Commons](#)

Recommended Citation

"Alumni Forum, Spring 1977" (1977). *Alumni News*. Paper 7.
<http://digitalcommons.law.ggu.edu/alumnews/7>

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 Alumni News by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.



ALUMNI FORUM

Vol. 2, No. 2

Spring, 1977

Going Up: A new home for Golden Gate University

Was it an earthquake? No, it was the sound of progress. A new era in the history of Golden Gate University began this term in a roar of rubble, as adjacent buildings were felled to make way for the school's new home. Official ground-breaking ceremonies were held on April 14, 1977. The demolition began on schedule, and if the trend continues, Golden Gate's present first-year students will spend a term or two in the new edifice before they graduate.

Plans for the eight-story building (six above ground, two below), include a Moot Courtroom, complete with judge's chambers, jury room, and seating for 75 spectators; a 600-seat auditorium divisible by partitions into two or three smaller lecture halls; and a spacious new law library.

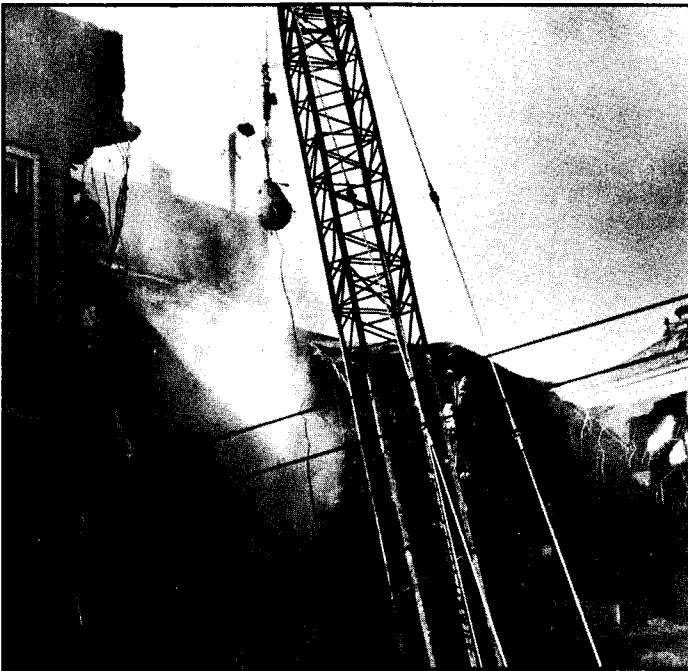
In addition to classrooms and administrative offices, the building will house faculty and staff lounges and a Student Center. The new structure, designed by the architecture firm of William D. Podesta & Associates, San Francisco, will be integrated floor-

by-floor with the present building, which is also scheduled for major remodeling.

The configuration of the building will be unusual because of an inverted "ziggurat" type of construction, wherein the upper floors will be stair-stepped out to Mission Street to create an open, spacious ground level and yet use the site to full advantage.

Golden Gate's Business Manager and Controller, John H. Teitscheid, who has been coordinating the \$9 million project, has actively gathered input from each department to make sure that all the school's requirements can be met in this multi-purpose structure.

"The building had to be designed literally from the inside out," said Teitscheid. "What resulted is a building ideally suited to meet the University's needs and an exterior design that's probably more attractive and imaginative than anything we might have come up with otherwise."

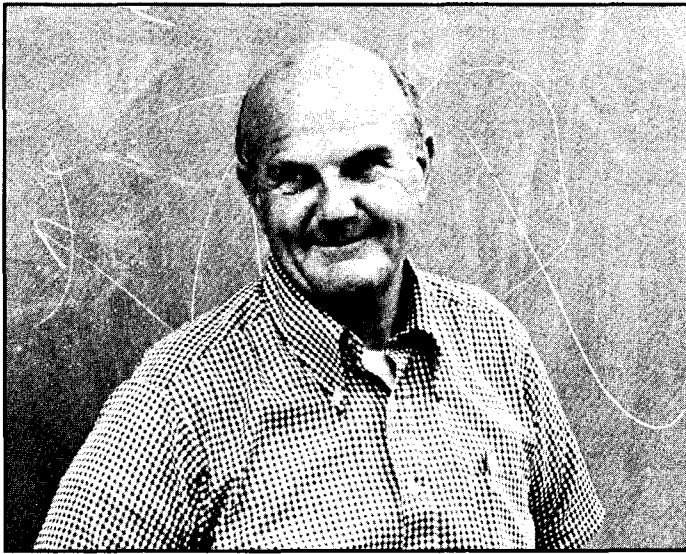


Lowering the boom - demolition begins.

Students take Moot Court honors

Bill Taylor and Ira Bracken won the Balsa (Black American Law Students Association) Moot Court Competition for the western region held at the University of San Francisco March 4 and 6. Taylor, a third year student, is presently on a leave of absence to get his Masters in tax at Golden Gate. Bracken is also a third year student. Thirty-eight schools competed in the western regional competition. Briefs involved preparing defenses for the NAACP relating to a recent case in which the NAACP was required to post a two million dollar bond in a suit by the Southern Merchants Association. Taylor and Bracken travelled to Cleveland, Ohio, on March 26, to compete in the national competition.

Golden Gate was represented for the first time in the Jessup International Moot Court Competition held in San Diego on March 4 and 5. The team of Stephanie Breault, Charles Herrington, Laurel Murphy, Susan Pintar and James Yasky took second place for their briefs prepared on the problem of a dispute arising from the efforts of a major power to halt the international proliferation of nuclear weapons. The students were advised by Professor J.E. Marsh who teaches the international law course at Golden Gate.



Professor James B. Smith

James B. Smith, the students' professor

By Elizabeth Sisk

Glancing at the plaque containing the names of the recipients of the John A. Gorfinkel Outstanding Instructor Award, Professor James B. Smith's name stands out. The award has been presented for the past seven years and Smith has been the honored professor for four of those seven. The selection of the award is made by a vote of the graduating students. When asked why he thinks he has been selected so frequently Smith modestly demurs with a shrug, his friendly smile and a claim that "it's not because of academic intellectualism."

Professor Smith denies having any definite teaching "technique." He has observed other professors but has never seen any specific technique which seemed appropriate for adoption. "I try to prepare well for classes — you can never over-prepare," says Smith. What about student participation — does he stress it for a particular reason? "I always took it for granted that students participated a lot," he remarks. Smith's relaxed attitude results in congenial, involved classes, being skillfully led through the intricacies of the Uniform Commercial Code or some bewildering aspect of contract law. To their amazement students emerge with an understanding as well as a fascination for the nuances of the particular subject which initially seemed so impossible. Perhaps therein lies the key to finding Smith's name so consistently on the roll of outstanding professors.

With such a successful career as a law professor, one would expect to hear that Professor Smith always knew teaching was his calling. Instead, he tells how during his last year of law school at the University of San Francisco, the professor for one of the courses in which he was enrolled became ill and student Smith took over. After he began practicing law in San Francisco, Golden Gate needed a teacher for a business law course and Smith was recommended by the dean at U.S.F. Smith says he "wandered over to the law school" where he taught on a part-time basis and later became one of the first full-time professors at Golden Gate Law School.

Presently Smith teaches Commercial Transactions and Contracts. Because of his fluency in business law, one would assume

Golden Gate offers American Indian law

By Elizabeth Sisk

"American Indian law is the perfect legal field for me," says Nancy Carol Carter of her specialty, "It allows me to use my masters in history in a legal setting." Carter, Director of Law Library Services at Golden Gate and Assistant Professor of Law, was an editor of the "American Indian Law Review" at the University of Oklahoma where she studied for her J.D.

The course work in the Indian law seminar is directed at surveying the legal position of the Native American in terms of land rights, political rights and general legal rights. Students write papers on topics of their own choosing which Carter hopes will be suitable for publication. Professor Carter herself recently published an article in the "American Indian Law Review" entitled "Race and Power Politics As Aspects of Federal Guardianship Over American Indians: Land-Related Cases, 1887-1924."

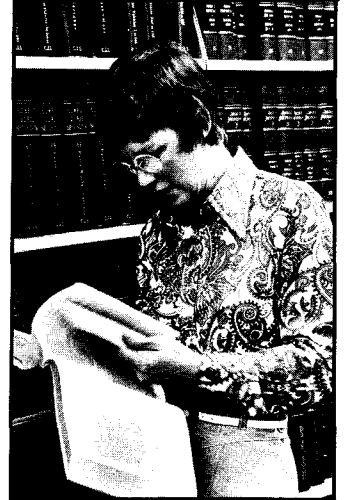
In addition to her obligations at Golden Gate, Carter recently agreed to supervise preparation of an index to the "American Indian Law Review" for its first five volumes. She feels that the index is of special importance because the publication is the only scholarly legal journal in the country which emphasizes Indian law. Though Carter's work on the index is on a volunteer basis, the project provides a paid, part-time job for a Golden Gate law student.

In her role as Director of Law Library Services, Nancy Carter is enthusiastic about the library facilities, present and future. "We meet and exceed the standards of the American Association of Law Schools in every respect but space," said Carter, noting that the new building will solve any space problems. In addition, the new library will be wired to accommodate a computer research retrieval system which Carter believes will be instituted in the not too distant future.

The Golden Gate Law Library currently employs eight full-time staff members and seven part-time student employees. Five of the full-time staff members hold Masters of Library Science degrees and two of the five have J.D.'s as well. The library provides inter-library loan privileges to approximately 43 law firms and organizations in San Francisco. Golden Gate alums are welcome to use the library facilities.

that it has always been his specialty. Another wrong assumption. Smith started teaching contracts when he took over a course mid-semester for an ailing professor. He previously taught real property, conflicts, remedies, creditors' rights, and contract drafting, a course which he designed.

Professor Smith's publications include: CEB's *California Commercial Law II* dealing with commercial paper, *Business Law, California Edition*, and *Real Estate in California*. When not in the classroom Professor Smith can often be found on the golf course.



Nancy Carol Carter

Alumni news

Alumni luncheons successful

Golden Gate Law School alumni from various sections of Northern California renewed friendships and learned about Golden Gate Law School, 1977, at the recent alumni luncheons. Luncheons were held in Oakland, San Francisco, Palo Alto, Sacramento and Marin County and brought together approximately 170 people in all. Speakers at the luncheons included former Deans John A. Gorfinkel, Paul S. Jordan, and Dean Judith G. McKelvey.

Alumni notes

- Richard D. Bridgman, '58, was elected to the Board of Governors of the California Trial Lawyers Association for the 1977 term. Mr. Bridgman practices in Oakland and is a partner in O'Neill, Bridgman & Schock.
- David Orozco, '66, recently was elected Chairperson of the Bay Area Equal Employment Opportunity Officers Council.
- Joseph E. Russell, '69, has gone into private practice in San Francisco. He formerly was with Morrison & Foerster in San Francisco.
- Conrad D. Breece, '72, became a partner at Cotton Seligman & Ray in San Francisco as of January, 1977.
- David Ainsworth, '72, is now Senior Counsel in the Law Department of Matson Navigation Company, San Francisco.
- Diana Richmond, '73, has been elected to serve as secretary of the Golden Gate University Alumni Association Council. Ms. Richmond practices with Stern, Stotter & O'Brien in San Francisco.
- Neil Franklin, '74, is Managing Attorney of the Lewiston office of Idaho Legal Aid Services, Inc.
- Nancy Sevitch, '74, has joined the Stephen Adams law practice in San Francisco.
- Joseph J. Kubancik, '74, recently joined the firm of O'Connor, Cohn, Dillon & Barr in San Francisco. Mr. Kubancik previously practiced with VISTA in Austin, Texas, where he also earned an L.L.M. at the University of Texas School of Law.
- Katherine Hill, '75, is a partner in the newly-formed firm of Brown & Hill in San Francisco.
- Mark L. Webb, '75, recently became an Assistant U.S. Attorney for the Northern District of California.
- Delia M. Chilgren, '75, won the San Francisco Barristers Club's first annual literary contest with a selection of contemporary poems. Ms. Chilgren is a legal editor with Matthew Bender, specializing in California property law.
- Jonathon Ellison, '75, is a staff attorney in the Lewiston office of Idaho Legal Aid Services, Inc.
- Elaine Andrews, '76, has joined the Alaska Judicial Council as Staff Attorney in Anchorage.
- Darlene Marie Azevedo, '76, has joined the Oakland firm of Wald & Greedman.
- Joe Gruber recently was appointed Traffic Referee for the Northern Judicial District of San Mateo County.
- Richard C. Vanden Brul has been elected trust investment officer of Security Trust Company, Rochester, N.Y. Mr. Vanden Brul is also an adjunct professor at Rochester Institute of Technology.

Justice Jesse W. Carter: A portrait of greatness



Who are those serious scholars whose portraits exhort students to study from their imposing positions on the walls of the Golden Gate Law Library? One of them is Jesse W. Carter, Justice of the Supreme Court of California from 1939-1959 and a 1913 graduate of Golden Gate College of the Law.

Research by Nancy Carol Carter, Director of Law Library Services, reveals that the late Justice Carter was something of a renaissance man. A native Californian, Justice Carter was also a miner, a railroad shop worker, a city and district attorney, counsel for the State Dental Board, a member of the first State Bar Board of Governors, a Rotarian, a Boy Scout leader, an expert on water law, a student of poetry and literature and a state senator.

Shortly after graduating from Golden Gate, Justice Carter moved to Redding where he practiced law and held political office from 1914 until his election to the Supreme Court in 1939. As an attorney he was known for his keen mind and advocacy skills. In his twenty years on the bench he developed a reputation for extensive understanding of the common law and for its use in the protection of individual rights. He was the only justice to consistently dissent in the court's decisions sustaining the "witch hunting" laws during the McCarthy era.

Justice Carter is particularly associated with the development of tort law in California. It was during his tenure that the California court assumed national leadership in that area of the law. In 1948 Chief Justice Gibson spoke of Carter's opinions as "reminiscent of the tall timbers of his early life, standing far above the forest and stretching heavenward to receive the full force of the elements, but rugged and determined to search for and discover new and undeveloped horizons . . . one of the truly great men in California's judicial history." As pointed out by one writer, considering this was not an obituary statement it constituted a wonderful tribute from a colleague.

The vigorous and varied career of Justice Carter ended in 1959 when he died at age 70. He had remained on the bench, active and alert, until one month before his death. The late Judge Oliver Carter, U.S. District Judge for the Northern District of California, was the son of Justice Jesse W. Carter.

Note: For more information on Justice Carter see 10 Hastings L.J. 353 (1959) and *Supreme Court Justices of California*, J. Edward Johnson (1966), pp. 161-169.

Interested in meeting with students to discuss the practice of law? This fall, Golden Gate is instituting a program to enable law grads to meet with students. Alums interested in participating should contact Placement Director Wally Allen by mail or call him at 391-7800, x 285.

Computers and the law

By Susan H. Nycum

Had the development of commercial aviation been accomplished in the same time span as the development of the commercial computer, the 747 would have been produced six months after Kitty Hawk! Unlike the airliner, which has constantly increased in size and cost, the computer has become dramatically smaller and less expensive. In its 30 years of existence it has evolved from a room full of custom-made machinery to the everyday pocket calculator. Indeed, computer components have become consumer goods, and hundreds of hobby shops have sprung up to service thousands of do-it-yourself computer makers.

Computer equipment (hardware) is made to work through the use of computer programs (software). Computer technology is indispensable to medicine, outerspace exploration, record keeping, inventory control, computer assisted instruction, the stock market, automated bank tellers, reservation systems, voting machines, and automobile fuel injection systems. Software and communication systems enable computers to transmit data across local and national boundaries in millionths of seconds.

This technology has spawned legal questions which have led to massive antitrust suits (IBM) and securities fraud litigation (Equity Funding). Counsel in these matters read like a who's who of the legal profession. But there are many more legal uncertainties which concern the smaller client.

How can an attorney protect the proprietary interests of a client wishing to license rather than sell his software products, intellectual properties neither contemplated by the present patent structure nor adequately addressed by the new copyright law? How does one draft a contract to automate a business using several computer suppliers? What are the legal liabilities when something goes wrong with a computer system and injures third party interests? What are the sales and use tax applications to software? How should a U.S. or District Attorney prosecute a computer crime? How do you audit through a computer? What are

the responsibilities of government agencies and private enterprise maintaining automated personal information systems under the various privacy laws? How do you introduce evidence contained in computer files?

These are some of the issues faced by single practitioners and house counsel alike. They are present and real and may be among the problems of the next clients who walk through your door. Are you prepared to advise them?

Editor's Note -

The author is an associate at Chickering & Gregory in San Francisco. Ms. Nycum formerly was associated with Stanford University Law School as a Law and Computer Fellow and Research Associate. She has also served as Assistant Director of the Stanford Campus Computer Facility. Prior to her work at Stanford University Ms. Nycum managed the User Services and Operations division of the Carnegie-Mellon University Computer Center. She is vice-chairman of the California Bar Association's Committee on Computers and Law and is a Member of Council for the American Bar Association's Science and Technology Section. Her article on "Computer Abuse" may be found in the American Bar Association Journal, April, 1975, issue.

A program on computers and the law is on next year's agenda for Golden Gate's Advanced Legal Education Program (ALEP). In addition to answering some of the questions raised by Ms. Nycum, the program generally will assess repercussions of computer applications in the law of evidence, tort, contract, privacy, and intellectual privacy. On April 19, Golden Gate University's Center for Management Development offered a one-day seminar entitled "Business Survival and Computer Security" which emphasized control and auditing techniques in the use of computer systems.

Speakers' Forum provokes debate

By Professor Thomas M. Goetzl

Last semester Dean McKelvey and I were continuing a conversation we had had many times before. This time, however, we determined upon a course of action.

We agreed that law students at Golden Gate University are afforded ample opportunities to acquire the skills and knowledge necessary to become successful lawyers. Yet, perhaps because of the very volume of materials thrust upon students, inadequate time is devoted to thoughtful consideration of some of the more amorphous issues. What ought to be the parameters of the role of law in society? How can a lawyer reconcile the role of advocate for a particular client with that, for example, of parent, consumer, or citizen at large?

In an effort to provoke critical thought and discussion of some of these problems, a School of Law Speakers' Forum was instituted to invite distinguished individuals to share some of their ideas regarding the proper role of law and lawyers in society. The intention was to draw these persons from a broad range of disciplines.

Our first guest speaker was the Honorable Robert H. Peckham, Chief Judge of the United States District Court for the Northern District of California. Judge Peckham identified some of the abuses of discovery which occur in the litigation process and out-

lined steps some courts are taking to obviate them. Our second guest was Sheriff Richard Hongisto who explained some of his views on crime, its causes, and its control.

Charles Reich, best-known as the author of *The Greening of America* and for 14 years

Professor of Law at Yale, was our next guest. His talk centered on the lawyer as human being and on what sort of responsibilities and questions that role suggested. The last speaker of this 'season' was Laura Nader, Professor of Anthropology at U.C., Berkeley. Professor Nader discussed the implications of studies made of the grievance-alleviation (resolution?) behavior of particular groups of people, in this country and elsewhere.

All four of these speakers addressed a full auditorium — just wait 'til we have our new auditorium! — where students, faculty and other guests received them warmly. The response to this year's guests has assured continuation of the School of Law Speakers' Forum. Plans have already begun for next year's program of speakers.



Professor Thomas M. Goetzl

Western Regional Finals . . . Golden Gate hosts National Mock Trial tourney



Left to right: Professor Ted Rosenak, team members Mac Vogeley, Lucy Robins, Mary Margaret Ward, Maggie Kaplan, Mark Solit and Professor Bernard Segal.

By Robert Shubow

The case of *United States v. James Boyd* went to trial 14 times recently in San Francisco, and, as usual, the attorneys were the winners. The litigators were students, gathered here from all over the western part of the country to compete in the Western Regional Finals of the National Mock Trial Competition, held here on January 28-30.

Golden Gate University School of Law, as last year's winner, hosted the three-day event which pitted teams from as far eastward as Arizona and Colorado to as far north as Washington, in realistic courtroom confrontations. The co-winners of the tourney this year were the University of Washington and California Western School of Law.

This competition marked the third year for the national competition. Unlike moot court, which is purely appellate advocacy, the mock trial tests all the skills employed by trial attorneys, from cross-examination technique and knowledge of the rules of evidence, to underlying strategic decision-making and rhetorical persuasion of jurors. Each team of students took the same case. This year a prison guard was being tried for aiding the escape of a prisoner. The students had to be prepared to argue both sides of the case and were told 30 minutes before each trial whether they were to prosecute or defend. The topic for the competition alternates each year from a civil to a criminal case.

The verisimilitude of the trials from start to finish was impressive. Every case was tried in front of a twelve-member jury composed of students. The juries rendered a verdict on the merits of the case, but did not decide the winning team.

That decision was made by a three-judge panel which sat on each case. One presiding judge ruled on evidentiary matters. Forty-two lawyers and judges from the Bay Area, including several Golden Gate alumni and law professors, donated their time to serve as competition judges.

The roles of the various witnesses and parties to the case were ably portrayed by 56 volunteering students who improvised their responses after the minimal advance preparation which the rules allowed. In addition, 14 people served as bailiffs. Testimony was preserved by 20 student court reporters who recorded the trials.

The final touch of realism was provided by the location itself. All trials were conducted in courtrooms of the Municipal Court of the City and County of San Francisco. The courtrooms were made available courtesy of Judge Albert C. Wollenberg, Jr., Presiding Judge of the San Francisco Municipal Court.

Credit for the smooth operation of the event went to Professors Bernard Segal and Ted Rosenak who coached the Golden Gate teams. Professor Segal is one of six Directors on the Board of the National Mock Trial Competition. Segal was assisted in organizing the event by students Gary Reing and Christine Mummy.

The Mock Trial competition has proven to be an exciting educational opportunity for all concerned, including the first year students who served on the juries. "For some, it was their first chance to see a whole trial, compressed to its essentials, and to function as jurors," Segal noted. In addition, the event involved the whole local legal community, and provided a meeting ground and a forum for practicing attorneys to share the fruits of their experience with students eager to learn.

Fellowships available to lawyers

Fellowships and stipends are being offered by the National Endowment for the Humanities for persons in professions, including lawyers, desiring to take time out from their profession to study the historical, social, cultural and philosophical dimensions of their professional interests. The intention of the awards is to improve the quality of the leadership in the professions. Preference will be given to applicants with at least five years of professional experience. Further information and application instructions are available from the National Endowment for the Humanities, Fellowship and Stipends for the Professions, Washington, D.C. 20506.

Student news

Fall Bar results high

Seventy-eight percent of the Golden Gate University law students taking the Fall California Bar Examination for the first time earned passing grades. The passing rate statewide was 59%. Students in the top half of the graduating class from Golden Gate achieved better than a 94% passing rate. Commenting on the scores, Dean McKelvey stated, "The Bar results are exceptional compared to the state average and reflect the high caliber of our students and professors."

Students participate in extern programs

Six Golden Gate law students participated for law school credit in the High School Law Project, a program aimed at educating high school students about their legal rights and duties. The Project was sponsored by the University of San Francisco School of Law and involved 20 students in all. Law students team-taught four one-hour classes per week to high school students who were offered the law course as an option to a traditional civics course. Students from Golden Gate included Richard Alexander, William Benjamin, Paul Traub, Mark Derzon, Rene Feinstein, and Myron Okada.

In another extern program, Equal Rights Advocates, Inc., five students worked and studied full-time for an entire semester under the direction of attorneys at the public interest, non-profit corporation. Students worked on actual cases being handled by Equal Rights Advocates, Inc. In addition they were responsible for taking a simulated sex discrimination case from initial interview to trial. Participating students from Golden Gate were Marge Holmes, Mary Millman, Priscilla Camp, Eileen Schwartz, and Kim Harmon. Students from Boalt Hall, the University of San Francisco and the University of Santa Clara law schools also took part in the program.



Talent show SRO hit

Participants in the "Golden Gate Revue" performed to an enthusiastic, sell-out crowd March 11, in the first annual Golden Gate talent show. Featured acts included Professor Larry Jones playing a composition by Bach, Professor Myron Moskovitz singing and playing guitar, and a myriad of student performers singing, dancing and poking fun at law school. Proceeds from the show went to La Casa de Las Madres.



GOLDEN GATE UNIVERSITY

536 MISSION STREET
SAN FRANCISCO, CALIFORNIA 94105

Nonprofit Org.
U. S. POSTAGE
PAID
San Francisco, Calif.
Permit No. 8212

Vol. 2, No. 2

The ALUMNI FORUM is published twice yearly by Golden Gate University School of Law for graduates of the school and for all others interested in the school and its affairs.

Editor, Elizabeth S. Sisk;
Associate Editor,
Robert Shubow.

Please send address changes, letters-to-the-editor, comments and requests to:
Editor, ALUMNI FORUM
Golden Gate University
School of Law
536 Mission St.
Room 210
San Francisco, CA. 94105

LAW LIBRARY 66F7
DRAKE UNIVERSITY
DES MOINES IA 50311