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Caveat, April 14, 1981

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the Caveat

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GOLDEN GATE
UNIVERSITY

Vol. XVI No. 27

The Publication of
Golden Gate University School of Law

April 14, 1981

THE PROMISE OF THE 80'S?

by Suzanne Marria

At the April NLG Labor Committee meeting, Rick Degolia, chief steward of the International Longshoremen's and Warehousemen's Union, local 6, spoke about the planned closure of the Colgate manufacturing plant in Berkeley.

Degolia set the context of this closure by pointing out that statistics show that in the last 4 years, between 29 - 33% of manufacturing plants with more than 100 employees have closed down either on a temporary or permanent basis. He noted the figures reveal this pattern in each geographic quadrant of the continental U.S.

Locally, Colgate-Palmolive recently told 300 employees it would permanently close the Berkeley plant. The corporation intends to maintain its 3 other U.S. plants as well as the 48 plants outside of the U.S. In the early stages of recent contract negotiations with local 6, the company denied closure was possible. However, Colgate finally announced to the Berkeley workforce that a recommendation was made to corporate directors to permanently close the plant. As negotiations continued, the company asked the union for any "suggestions."

When rumors of a closure first circulated, union members began considering alternatives to dissuade the company. Discussions included a product boycott, worker owned and managed takeovers, and meetings were held with unions at MACK truck and other plants undergoing the same move.

The Berkeley city council was approached and voiced support for the employees' concerns. Not only would there be unemployment, but the city would lose thousands of dollars in tax revenues.

However, after receiving considerable input from the international union, the local executive decided to accept the closure as a fait accompli and negotiate terms of severance pay, retirement benefits, etc., with the company.

The increasing and devastating recurrence of plant closures is a problem which neither government nor the union movement is prepared to handle.

cont.p.6

SBA Endorses Late Grades Proposals

by Leslie Tick

This year's SBA had its final meeting on April 9 at 5:30 p.m. Wine and cheese were enjoyed by all.

The first order of business was the endorsement of a proposal on how to deal with the problem of late grades. The proposal was written by Wally Walker, Les Minkus, Arnold Sternberg and Tommy Norton. It contains the following provisions:

- professors are to grade ten blue books per day (the current quota is five per day);

- professors will be fined \$50 per day for each day during the first week they are late, and \$75 per day thereafter;

- Such fines will be deducted from the paychecks of fulltime, part-time and visiting professors;

- all money collected through late fines will be put into a scholarship fund to be distributed by the Scholarship Committee on the basis of unmet need;

cont.p.6

IMPORTANT WOMEN'S CAUCUSES APRIL 17

On the last day of classes, Friday, April 17th, two caucuses of GGU women will be convening as follows

12:00 Noon, Room 326 -- LIL Meeting; Discussion about the political position of lesbians at GGU; planning for next year.

3:00 p.m., Room 322 -- General Women's Association Meeting; structuring our priorities and leadership for the fall.

Both meetings are extremely important. Please make an effort to attend, even if you don't think you will be able to take an active role in organizing. We need each other's ideas and visible support. The later caucus has been planned to coincide with the always-fabulous end-of-the year SBA party.

Letters to the Editor

Dear Editor:

It's unfortunate indeed
That some colleagues see the need
To protect U.S. Marines
Who can adequately defend themselves
-- it seems.

Yet these same freedom fighters
sit idly by
(Dreaming of contingency fees pie
in the sky?)
While we all get it up the wazoo
Courtesy of the faculty "New Right"
of Goo Goo U.

A. Nonymous

(The following letter to students is from
Elizabeth Greene, who left her position
as Office Manager to become Assistant to
the Director of Jewish Family Services on
Friday, April 10.)

To Members of the Women's Association, LIL,
NLG, TWC, BALSA, SBA, La Raza, Asian Law
Students, Gay Student Coalition, and other
humanists among the Law School Community:

As many of you already know, my last day
as Office Manager of the Law Faculty Centers
was Friday, April 10. Therefore, I want to
take this opportunity to relay this special
farewell to those of you who have treated the
support staff like intelligent individuals
worthy of respect. Your strength and determination
in trying to keep the FSC from becoming
a FC, in fighting for minority rights vis-a-vis
student admissions as well as certain professors,
your good humor in the face of piles of
administrative crap, as well as many uplifting
incidents too numerous to mention, have meant
more to me than I can express.

GOOD LUCK ON YOUR FINALS. Once you're all
hotshot lawyers, please don't stray too far
from your law school activism and ideals --
and don't forget us "9 to 5" ghetto dwellers.

Elizabeth Greene

Dear Editor:

A Caveat without Cindy's Column is like
the Chron without Caen.

Also, congratulations to GGU's Bookstore.
It's the nicest, warmest run bookstore on the
coast.

Rex O'Day
First Year Night

To the student body and faculty:

Fellow students and I are aware that
as a result of her Letter of two weeks
ago, Marcia Minuck has been subjected to
some rather shabby treatment at the hands
of the professors her Letter referred to.

We share a disappointment in what
appears to be the faculty's inability to
handle criticism in a mature fashion.

I must take the blame, to a certain
extent. I persuaded Ms. Minuck and Ms.
Shanteau to sign their names to the Letter,
rather than Annette Cooper's. I mistakenly
assumed the possibility of faculty retribution
was a myth, a TV invention, and beyond the
realm of GGU.

The only logical conclusion we can arrive
at is that, if the system were not after all
foolproof and if professors were indeed able
to discover students' exam numbers, Marcia
and Cherie and I (and a dozen other students)
might be in deep trouble when exam-grading
time came around.

Cindy Ossias

Dear Editor:

Recently there has been much discussion
about the writing and research program in the
Caveat. The last thing I saw was a pseudo
memo from "Rich Koyle."

This last piece of garbage, and I use the
word aptly, is defamatory. It in no way leads
to a clarification of the issues and their
resolution.

I have many complaints about the program
but I do not think that the discussion to date
has focused on the issues.

1. There is a great need for a handbook.
Many students, myself included, need a strategy
for research. Only in the second semester did I
find a decent article. We also need a writing
strategy and time allocation techniques. This
has to be formally taught. It is not sufficient
to say you'll learn it. Some do, some don't.

2. There ought to be a grading division
between writing and research. Perhaps even a
grade for each. Now your grade is an aggregation
of two distract dimensions and students often
don't know where they need work.

3. There ought to be a grading checklist --
as in the UCLA Handbook Appetite Advocacy --
that a student can use to check his/her efforts
before turning in an assignment. The tutor
should then use a checklist. In this way the
student could see where he/she has gone wrong.

4. There ought to be more practice exercises
which would not be graded, e.g., how to write
points, rules of law, so that the student has
some feedback prior to turning in an assignment.

5. The tutors ought to be given more specific
directions on what to cover in class. To write
an office memo we were told to read Honisberg.
Only after turning in the assignment and
complaints were we given the format of a memo
in detail. There is a

cont.p.5

life is rough

by Cindy Ossias

This is my last column of the semester. I have nothing witty to say; in fact, I have nothing even faintly amusing to say at this point. Exams are approaching and I'm as on edge as everyone else, perhaps even more so. Almost everyone who has congratulated me on my illustrious position of Caveat Editor has also questioned how in the world I can find the time. My answer was always, "I don't know. I just do."

I worry a lot. I've put on 10 pounds this semester. I try to make room among the Caveat, the body-hate and the general insecurity to study and absorb what I have to.

I constantly try to quell the desire to "escape" (and I don't mean to Sacramento). The voice that used to whisper "You can't do this...you're not capable..." is screaming these days. It screams when I wake up. It screams when I'm in class. It screams when I drive my car, when I pet the dog, when I look at the stars. It screams.

Oh, gawd. Another depressing column. Rex, is this what you wanted?

As long as I'm on a maudlin tack here, I'll go one step further and alienate 8/9 of the school:

The one thing I'll regret about the passing of the dread First Year is leaving the confines of Section B. Lest you think Section B is made up of an all-around swell bunch of people, some are competitive; some are nice, nasty, witty, dull; some are complete asses while others have learned to hide that part of themselves most of the time (That must mean we're all...oh,no...). In fact, some of us can't stand each other. But also in fact, we seem to have established an easy comederie early on, a cohesiveness, something...There were enough of us who were extroverted enough (i.e., insecure to a point just short of complete obnoxiousness) to want to make contact with a substantial number of others. We opened up to each other quickly

(and only recently closed down). Things have changed since August, but I'm grateful that, in the dehumanizing environment law school is, I spent my time here so far among a generally supportive, at times warm and loving group of people.

We've had major disappointments: We were toasted by the administration and faculty as being, along with the rest of the first year class, older, more experienced, hence potentially more valuable to the legal community than many past classes. Then we were treated like children. We were sold on the school's reputation for progressiveness, solidarity, fairness, and respect for The Student. Then we were summarily disenfranchised from the Faculty Student Council, without a shred of Due Process, and treated to successive performances of a sharply divided, generally immature faculty.

We've tried not to sit still for this, but we're law students. We have other things to do besides engage in political activism. We have to learn the fucking law. The antics of the Authority Figures have done more to distract and demoralize the student body than drugs and television and the ascension of the right wing all put together ever could.

I'm sure some of you are saying, "Isn't it convenient that she has her own column and that she also decides what is and is not printed in The Caveat..."
Yeah. Power corrupts, all right.

So much for my little Ode to Section B. A tirade. Next fall, if I'm still in a position to assail you with my every thought, I'll make an honest attempt to rediscover my sense of humor.

Meanwhile, I'd like to wish everyone good luck on your final exams, and thank you for reading my words all year and not sending me any nasty letters. Can Caen be so lucky?

One more thing: this last column is dedicated to Harris, whose "Mr. Taback Tries to Leave Washington, Quickly" article was lost. (I'm getting better at writing passive sentences...)

LAW REVUE by W.J. Bard

© 4-12-81



POLICE BRUTALITY

Most states have adopted "fleeing felon" statutes that allow local police officers under certain circumstances to shoot at a person who is suspected of committing a felony. This use of deadly force is the most volatile aspect of the police brutality problem.

"The Police are Getting Away with Murder," an article by Phil Smith in the March issue of Student Lawyer, examines this problem and the resistance that a complainant encounters when he takes his case to the police department or court.

Smith writes, "At the heart of the debate is the question of whether a gun should be treated as a defensive weapon to be used only to protect the officer, or whether it also should be considered an offensive tool that can be used to prevent a suspect's escape."

While federal law enforcement agencies have chosen the defensive approach, state statutes have opted for the offensive. "The perception is that under the guise of the fleeing felon rule the police are committing murder," Harvey Brinson of the Justice Department's Community Relations Service told the author.

In addition to police use of deadly weapons, the incidence of excessive force, or street brutality, also has caused a sharp increase in public complaints and alarmed the Community Relations Service, the U.S. Civil Rights Commission, and the Police Foundation.

Although these agencies, the ACLU, the NLG, and community groups agree the problem of police brutality is growing, they do not agree on how to punish it or prevent it. Some think that local police officials should bear the responsibility for setting the standards and then enforcing them. However, internal discipline in police departments has not been an effective deterrent.

A victim of police brutality who is not satisfied with the action of a police department may bring a civil suit against the officer. The officer also may face criminal prosecution by the government. These court actions likewise have not been successful in curbing police brutality because both judges and jurors are predisposed to favor the police.

Philadelphia district attorney Edward Rendell explains, "A policeman stands for right and for law and order, and a policeman tells the truth. That's what most people believe from childhood -- it's difficult to go against that."

Because of the lack of success of civil and criminal actions, the Justice Department Civil Rights Division and others believe that the fed-

eral government should take a larger role in dealing with local police brutality.

Barbara Brooks of the Civil Rights Commission reports, "Congress should enact some legislation which would authorize civil actions by the Attorney General against appropriate government or police officials where there are clear patterns and practices of abuse."



FAREWELL MESSAGE FROM SBA

PRESIDENT AMY LOCKS

Dear classmates:

We have almost completed another school year. Congratulations!

Thank you for your support and encouragement as well as constructive criticism which has guided me through this year as SBA President. There have been many frustrations this year: the removal of students from the FsC, continuing late submission of grades, unilateral faculty decisions regarding academic standards, etc.

I wish you strength and humor in your dealings with these and other upcoming issues.

Good luck with exams, papers and the future!

Sincerely,

Amy Locks
SBA President



SUMMER 1981 CLASS SCHEDULE

Accounting for Lawyers: Murphy
Tuesdays 6-8:40; 2 units
Community Property: Pagano
Thursdays 6-8:40 and
Saturdays 9:30-12:10; 2 units
Corporations: Bader 4 units
Monday/Wednesday 6-8:40
Evidence: Segal 4 units
Monday/Wednesday 6-8:40
Insurance: Khachadour 2 units
Thursdays 6-8:40
Jurisprudence: Bernick 1 unit
Tuesday 6-8:15
Professional Responsibility: Hecht
Tuesdays 6-8:15; 1 unit
Tax 1B: Cadgene 3 units
Monday/Wednesday 6-7:55
Wills & Trusts: Canty-Letsome
Tuesday/Thursday 6-8:40
4 units

Some professors have announced attendance requirements, supplemental classes, etc. Please see the posted schedule for additional information.

Letters to the Editor

lot of work that goes into writing and research and it doesn't have to be increased by lack of useful paradigms.

I hope my suggestions have contributed to the discussion. I hope that others will now forward to advance, rather than sidetrack the discussion. Argument ad hominem is useless in writing and research, as in legal argument, and therefore ought to be discarded.

Stan Naparst
1st Year Night

P.S. I will be glad to work on a committee to improve Writing and Research.

(Editor's Note: Truth is a defense to defamation. The "pseudo memo" referred to above was, in fact, a genuine, bonafide memo.)

Dear Editor:

The most recent letter by the First Amendmeters appears to be a final attempt to make a legal argument out of a political question. The constitutional argument itself -- that the free speech rights of Marines are being usurped at GGU -- has no legal merit. Basically, the argument in favor of Marine presence is that while Golden Gate is a private university, its facilities have traditionally been used as a public forum. Therefore, the authors conclude, equal access must be given to all groups.

Existing case law on this topic clearly does not support this position. Even the cases most favorable to their views, i.e., that facilities of a private institution can be construed as a public forum, do not apply to this university. GGU does not have the requisite state involvement. The limited use of its facilities for mayoral debates and judicial hearings does not suffice. See Marsh v. Alabama, 326 U.S. 501 (1946); Amalgamated Food Employees v. Logan Valley Plaza, 391 U.S. 308 (1968).

The tenacity with which certain students cling to using the First Amendment when it is not actually applicable is quite revealing. Have legal blinders actually made it impossible to examine an essentially political question -- or is the law being used to mask potentially unpopular political beliefs? While I am clearly opposed to the opinion of some -- that the Marines are the great defenders of democracy and should be invited to GGU -- it is at least an up-front political point of view. On the other hand, the strictly legalistic position obscures political content and purports neutrality or agnosticism

toward the Marines. In fact, it also objectively supports the Marines. The recent student assertion that the El Salvador discussion has been a diversion from the "real issue" would be laughable were it not so serious.

As students of GGU, the real issue is our support or opposition to the administration's invitation to the Marines. Considering that it has educational extensions on many military bases in the country, GGU has clear reasons for maintaining good relations with the military. Many students, however, who are also substantial financial contributors to GGU, have clear reason to not want them recruiting on this campus. The Marines are both a symbol and an active part of U.S. foreign policy. Throughout history, this policy has resulted in the obliteration of the resources and people in countries around the world in order to benefit a corporate few. Presently, U.S. competition with the Soviet Union is so dangerous that we will be very lucky if we do not see WW III during our lives.

The case of El Salvador could not be more relevant to whether or not the Marines should be brought to this university. While some students may talk of the U.S. military keeping the world safe for democracy, U.S. policymakers certainly have a different vision for the world. In El Salvador, the U.S. has promoted the most anti-democratic and repressive forces in this country. Supported by the large influx of modern and sophisticated U.S. weapons, and instructed in their application by U.S. military "advisors," the El Salvadorean security forces have been responsible for over forty civilian deaths per day. The increase of military aid that the U.S. is now providing will only prolong this misery for the people of El Salvador. But, of course, the U.S. needs to take such action to save the world from the horrors of Communism. For some of us, it is the ideology of the U.S. policy-makers and the Marines that produce horror -- not the idea of Communism or autonomy for other nations.

Are these issues that are pertinent to the rest of the world to be ignored when a Marine, with his fictitious brochures, drops in at a law school? Perhaps if the administration also invited the Ku Klux Klan to recruit GGU students as Klan advocates, this would also be supported by constitutional principles. Hopefully, the intellectual masturbation enjoyed by some will not prevent others of us to view questions politically as well as legally -- and to continue to take

cont.p.6

LETTERS TO THE EDITOR: cont.from p.5

action where we know it is important to do so.

Carol Shaw
2nd Year Night

Dennis Thornton
2nd Year Day

Dear Editor:

Thank you, Ed Daneri, for donating your skill, time and patience to teach the Spanish for Lawyers class. Although Ed would be hard to replace, I hope that the administration will find another instructor to teach this class and continue to offer students the opportunity to refresh their Spanish and be conversant with legal terminology in that language.

Renee Bolle

Dear Editor:

Just a bit of trivia...

Who has been a participant in nine of the 14 Annual Trivia Bowl Contests held in Boulder?

Who is in the Trivia Bowl Hall of Fame?

Who came in Second in this year's contest?

The answer is ... Rick Stott, a first year Section B Golden Gate Law School student, that's who. Rick went to Boulder for a week of hair pulling and brain picking along with 256 other participants from all over the country.

Rick picked up much of his musical knowledge as an FM radio disc jockey and running a music store. Rick would be tough competition in a Trivia of Law contest. Maybe that is why he asks so many questions in class that never even occur to me. Congratulations Rick!!

Donna Lipinski

SBA cont.from p.1

- the Dean will have the power to revise the ten exams per day standard for professors who have many large classes;

- the fine may be excused by the Dean when lateness is due to extenuating circumstances (which may not include outside work).

The SBA voted to endorse this proposal with the following additions:

- that first year and graduating seniors' exams be given priority, and

- that the Academic Standards Committee, in reviewing the grades, hold them for no longer than five working days or the same sanctions will be applied to members of the committee.

THE PROMISE OF THE 80's? cont.from p.1

Degolia's comments graphically illustrated the effect of such closures on those employees least able to re-enter the job market. To paraphrase Degolia, where will a person who has worked for 20 years for this company and is now between 45 and 55 (which was retirement age under their current contract) find another job? They'll have to start from the bottom with no seniority benefits and do heavier, dirtier work. At Safeway now in the warehousing operations, employees are timed by computer while loading stocks. These workers won't be able to compete. As for Colgate, when the union attempted to negotiate transfers to other Colgate plants (asking for rights to preserve seniority only for accrued benefits), the company said anyone was welcome to apply and would be considered with all other (new) applicants.

EVENING OF SOLIDARITY WITH

THE PEOPLE OF EL SALVADOR

The Student Bar Association is sponsoring a presentation by the Committee of Progressive El Salvadoreans. Two speakers, one from the Commission on Social Justice of the San Francisco Arch Diocese and one from the Revolutionary Democratic Front, will present their views on the political and social situation in El Salvador. A recently completed visual program (either a slide show or film depending upon equipment availability at GGU) will be presented.

This program will be held on Friday April 17 at 7:00 p.m. in Auditorium A (following the end of the year party!).

THE CAVEAT

The Publication of
Golden Gate University School of Law

Cindy Ossias
Managing Editor

Susan Bush.....Production Editor
Joel Morgenstern.....Copy Editor
Charma Pipersky.....Staff Person
Leslie Tick.....Staff Writer
Elizabeth Tippin.....Logo



✻ ANNOUNCEMENTS ✻

Interviewing Workshop

Review of interviewing strategies and techniques. Wed. April 15, Room 223. Bring your lunch!

APPLICATIONS FOR FIRST YEAR W & R

TUTOR POSITIONS DUE MAY 1

Applications for the position of Writing and Research Tutor for the 1981-82 First Year Legal Writing and Research Program are now being accepted. Applications should be submitted to the Associate Dean's Office no later than 5:00 p.m. on Friday, May 1, 1981.

Applications must consist of:

- recent resume, including a summer telephone number;
- a writing sample;
- a brief cover letter describing your writing and research skills.

These positions will pay \$1,000 for the semester and a total of two academic credits. Applicants will be evaluated on the basis of their overall performance in law school and their other relevant experience.

Contact Associate Deans Holmes and Pevna-Manhan for further details.

JULIAN BOND TO SPEAK ON

THE RESURGENCE OF THE KU KLUX

KLAN ON APRIL 28

The San Francisco Lawyers' Committee for Urban Affairs presents the Honorable Julian Bond, speaking on "The Resurgence of the Ku Klux Klan" on Tuesday, April 28, at noon in the Concert Room of the Sheraton Palace Hotel. The cost (which includes lunch) is \$10.00 per person.

Also featured is Alice Lyttle, speaking on "The Klan In California: What Can Be Done?" This event is co-sponsored by two dozen other legal organizations including the A.C.L.U. and the N.L.G.

For reservations call 392-3960.

Second Annual AJS Essay Contest

The American Judicature Society is holding its annual essay competition.

The winning essay will be published in Judicature, and the author will receive a \$1,000 cash prize, a Society membership, and a trip to the Society's annual or mid-year meeting.

For further information, contact: Mayo H. Steigler, Director of Communications, American Judicature Society, 200 West Monroe Street, Suite 1606, Chicago, Illinois 60606.

N.L.G. SPONSORS UNEMPLOYMENT

COMPENSATION APPEALS SEMINAR ON APRIL 25

The National Lawyers Guild "Unemployment Project" will sponsor a seminar on "Unemployment Compensation Appeals" on Saturday, April 25 from 10:00 a.m. until 12:00 noon in Room 308.

Speakers include John Malley, an Administrative Law Judge, Greg Gadsby, an Unemployment Insurance Office Determination Supervisor, Tom Nevins, an employer representative, and a member of the Unemployment Project.

The Unemployment Project is a group of Bay area law students who staff an office three nights a week. The volunteers serve phone-in or walk-in clients who have questions concerning their unemployment compensation.

For further information about either the project or the seminar, please call 647-3140 on Monday, Wednesday or Thursday, from 6:00 p.m. to 8:00 p.m.

N.L.G. SUMMER JOB OPENINGS

The Bay Area Chapter of the National Lawyers Guild announces two summer job openings at their San Francisco office, in addition to the large number of work-study positions available through the Guild with progressive law offices in the area. The two openings are: Work Study Coordinator and Treasurer.

The Work Study Coordinator runs the NLG's work-study program. The position requires lots of contact with law students, attorneys and law schools. Also Minimum bookkeeping.

The Treasurer keeps records of membership dues, sends out dues bills and participates in some of the daily work at the Guild office.

For further information about these two positions, or to inquire about other, legal openings, contact Bob Garay on Mondays or Wednesdays at 285-5066.

The National Association of Black Women Attorneys (NABWA) will hold its Eight Annual Convention from May 21 through May 24, 1981 in Washington D.C. The theme of the convention is "We Have To Do It Ourselves."

The convention includes awarding a scholarship, open to black female law students, for the best essay related to the convention theme. See Associate Dean Marge Holmes for contest rules and application forms.

The Association's purpose is to devise means and mechanisms to inspire more young black women; and to raise the visibility of black women attorneys throughout the professional world.

All black women students are urged to attend the convention, to become associate members of the organization, and to participate in the scholarship contest.

AN EXTREMELY SHORT STORY

by Randy Colfax

Now that the school year was coming to a close, Sam began to feel repentant for the things he had done. He was sorry for the anguish he had caused his professors. He was sorry for the disruptions he had caused in the library. And he was very sorry that he had not studied harder.

Sam also began to forgive people for the ways that they were. He forgave the arrogant. He forgave the thoughtless people who jammed into hellbound elevators even though they really wanted to go up. He forgave all the people who write whining "See What They're Doing to Us Now" letters to the Caveat. The only person Sam could not forgive was himself.

While at first Sam had felt let down by law school, he was sure now that law school felt let down by him. After nine months he still hoarded traces of individuality that distracted him from following the reasoning in every dissenting justices' opinion. He still wondered if the legal system was really as much of an answer to social problems as it pretended to be. He knew that he had thwarted the very purpose of the first year of law school; he still felt human.

Sam sat in the library one afternoon and pondered his dilemma. He

knew that he had some of the basic qualities to make a good lawyer. His suspicious attitude toward women was a good example. At school, they were law students, but they were still women. Or, they were dressed as law students, but they could be just women. Sam was proud of his realization.

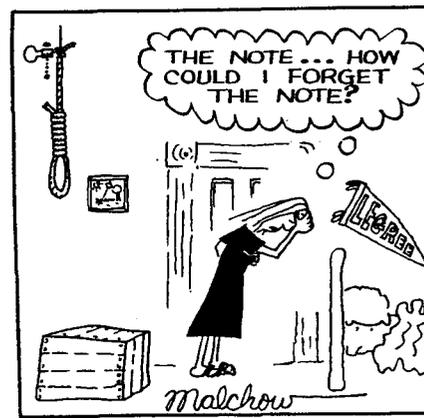
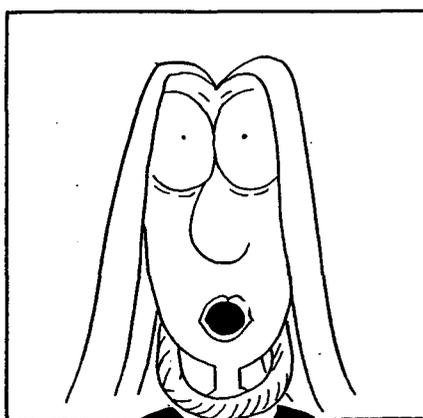
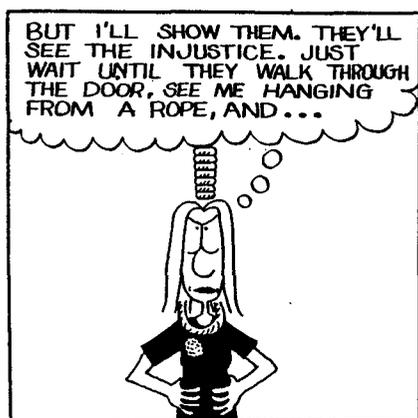
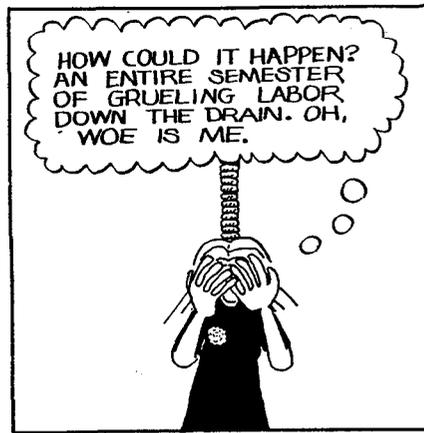
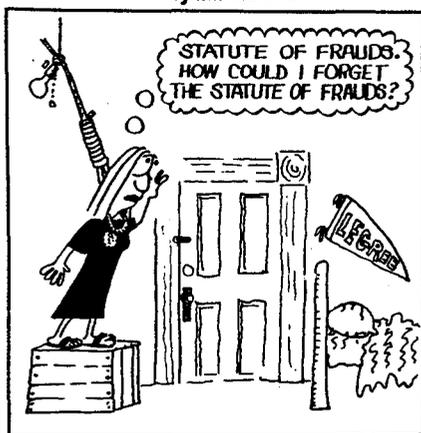
Besides, it look as if being a lawyer was just a matter of playing silly games, and Sam loved games. He could easily imagine boggling his opponents' minds with a bottomless bag of tricks. Better yet, every time a client came in to sue somebody, Sam would have a chance to think of a way to create a bigger and quicker headache for the enemy than he ever could by cranking up the judicial machinery. Criminal law and tort law were just formalized systems of revenge anyway -- it would be easier to keep a big cage full of monkeys around and slip them into people's homes and offices at night where they could wreak havoc whenever a quick-fix was needed. He could buy cases of the trick soap that turns hands blacker and blacker the more one washes. He could throw dead rodents into people's furnaces.

Being a lawyer was going to be great, Sam decided, if only the next two years of law school didn't wreck it for him.

Next year: Sam is forced to grow up.

Lophole[®]

by hal malchow



OIO

GGU Refuses to Bargain with LOCAL 3

The following Memo from Otto Butz was submitted to The Caveat by Elisa Chandler,

Law Faculty Secretary. Her letter appears immediately afterward:

GOLDEN GATE UNIVERSITY

M E M O R A N D U M

April 2, 1981

TO: Golden Gate University Staff
FROM: Otto Butz, President *O. Butz*
RE: Status of NLRB Proceedings Involving OPEIU, Local 3

The purpose of this memo is to inform you of Golden Gate University's position concerning the recent ruling of the National Labor Relations Board certifying OPEIU, Local 3 as the representative of certain of the University's employees.

The University has consistently taken the position that the results of the close NLRB election held on March 4, 1980 (41 for the Union and 38 against the Union) were adversely affected by the last minute material misrepresentations of fact made by the Union concerning wage rates and wage increases obtained for its members at other institutions. Notwithstanding those contentions, the NLRB has now dismissed the University's objections to the election without even granting it the right to a hearing.

The only way by which the University can now appeal the ruling of the NLRB to the federal court is to refuse to bargain with Local 3. This is the alternative which the University has elected to pursue. While it seems strange that the law requires an employer to engage in this conduct in order to obtain court review of an order of the NLRB, our attorneys have advised us that such is the only course of action which may be taken to achieve that result.

The University remains strong in its conviction that, because of the Union's campaign misrepresentations, the NLRB should either have set aside the election and conducted a rerun election or, at the very least, should have granted the University its basic and fundamental right to a hearing. Since the NLRB did neither, the University has elected to pursue the appeal procedure described above.

You will be kept advised as to the status of this most important issue.

To the Editor:

This memo does not accurately represent the status of the Union but is clearly indicative of the University's dirty underhanded tricks to keep its employees from unionizing at all costs. And why should the University Administration favor employees' use of bargaining power to gain protection and control over our wages and working conditions...

The NLRB has certified Local 3 as our bargaining agent and the University has already had many opportunities to argue its case against the Union.

To refuse to bargain with Local 3 is not only a violation of our rights to legally certified union representation, but it is part and parcel of the University's ongoing attempts to keep an effective employee organization (or any organization at all) from emerging. Without an effective organization of employees the University will continue to maintain its control over our

wages and working conditions and continue to keep our wages at less than comparable with other financial district businesses without any employee say in this matter.

This is just part of the University's campaign to keep the Union out. When the University lost in its efforts to prevent a majority vote in favor of Local 3 (with the aid of a well known union-busting consulting firm), it began legal attempts to prevent Union certification with the representation of a well known union-busting law firm.

Meanwhile back at GGU... the University used tactics of intimidation and even firing to keep union organizers and sympathizers out (and promotion to keep anti-union scabs in). And because the wages at GGU are far from reasonable and the attitude amongst employees is widespread apathy (since the University administration from the top

cont. p.12

Job Announcements

San Francisco Trial Lawyers Assn.

Encourages students to join SFTLA by offering discounts on events, a forum to seek job opportunities and a chance to meet trial lawyers and judges at monthly meetings. Dinner meetings are held on the last Thursday of the month. Membership fees: \$30.00 per yr. See Placement Director for more information and applications.

THE PLACEMENT OFFICE WILL BE OPEN THROUGHOUT THE SUMMER.

Judicial Clerkships *****

If you are a second year student thinking about a judicial clerkship upon graduation now is the time to apply. (April 15- July1)

Jobs!

The following firms and agencies have work-study positions available.

- S-104
Legal Assistance for Seniors
- S-219
M. A. L. D. E. F.
- S-314
Withy, Miller, Gerstler & Dobel
- S-331
Legal Aid Society of Marin
- S-355
Bay Area Center for Law and the Deaf
- S-428
Freedom Foundation International
- S-453
Contra Costa D.A.'s Office
- S-459
Attorney General's Office
State of Nevada
- S-461
California Coastal Commission
- S-153
Juvenile Justice Legal Advocacy Project
- S-200
Contra Costa County Legal Services
- S-225
San Francisco Neighborhood Legal Assistance Foundation
- S-226
Legal Aid Society of Alameda County
- S-235
S.F. Residential Rent Stabilization and Arbitration Rent Board
- S-248
Law Offices of Carol Ruth Silver
- S-249
Bay-View Hunter's Point Foundation
For Community Improvement

CLINICAL POSITIONS NOW AVAILABLE

- S-126
Bay Area Lawyers for the Arts
- S-462
Law offices of Agnes L. Ruth
- S-486
San Francisco Public Defender
- S-494
Calif. Rural Legal Assistance
- S-127
Dylina and Enjasmich
- S-139
Law offices of Charlotte DeVito
- S-121
District Attorney of San Francisco
- S-164
City of Berkeley
- S-221
District Attorney of Marin County
- S-225
S.F. Neighborhood Legal Assistance Foundation
- S-257
Law office of Stan Gardner
- S-259
Consumer Group Legal Services

FIRST YEAR STUDENT DOUGLAS APPOINTED TO DIRECT MARIN CENTER FOR INDEPENDENT LIVING

The Board of Directors of the Marin Center for Independent Living have appointed Robert J. Douglas Executive Director of the agency. Douglas, who was formerly Director of Peer Counseling at the Center, received his Bachelor's Degree in Psychology at Syracuse University. He holds a Master's Degree in Rehabilitation Counseling from N.Y.U. His previous work experience includes managing a program to train disabled persons in their rights under Section 504 of the Rehabilitation Act of 1973, consulting with local affiliates of United Cerebral Palsy, managing a fast food chain, and working as a marriage and family counselor and a rehab counselor.

Douglas is a first year evening student at Golden Gate University.

The Marin Center for Independent Living is a community based service organization of disabled people. Its programs include peer counseling, advocacy, attendant care and referral, housing, retrofitting and accessibility, transportation and recreation.

✻ ANNOUNCEMENTS ✻

A.L.R.B. SEEKS SUMMER AND

FALL LAW CLERKS -- BOTH

PAID AND CLINICAL OPENINGS

The Agricultural Labor Relations Board (A.L.R.B.) is seeking law students for paid and clinical positions this summer and the fall semester. Student would work in the General Counsel's office in Sacramento and in regional offices located in Salinas, Oxnard, San Diego, El Centro and Delano.

The Sacramento office handles court litigation and serves as a back-up center for the regional offices. The regional offices conduct representation elections, investigate and try unfair labor practice charges, and seek injunctions in superior court in certain cases.

A list of office addresses and phone numbers (for applications) is posted on the Externship Bulletin Board, or may be obtained from the Placement Director, Portia Stewart.

YMCA Users: Buy your tickets now for Dead Week and finals weeks. The SBA office will not have regular office hours at that time.

New SBA Meets: The new SBA will conduct its first meeting on Thursday, April 16 at 5:30 in Room tba.

All students are welcome to attend.

Newly elected officers are:

Pres. Jim Scherer
Nite VP Larry Shallberg
Day VP Jim Fisher
Secretary Leslie Tick
Treasurer Donna Lipinski
Third Year Reps: Meli Cook & Tom Norton
2nd Year Day Reps: Charlotte Thetford & Rosalie Wohlstatler
2nd Year Night Reps: Pete Fowler & Roberts
4th Year Night Reps: Dave Haas & Clifton
ABA/LSD: Brenda Comer & Gary Rozier

SBA TRADES P-3 FOR P-9

The SBA has traded Room P-3, formerly available for group study and discussion and organizations, for Room P-9. P-3 will be used during the day by the child care center as a sleeping room for infants.

BOVARNICK REPORTS A FINANCIALLY

SUCCESSFUL YEAR

Steve Bovarnick gave the Treasurer's Report and was pleased to announce that, despite the fact that the SBA inherited a \$4,000 deficit, it is currently in the black. With that happy news, the SBA voted to appropriate an additional \$150 to the end of the year party (for live music and additional liquor); \$50

to print postcards for students to send to the proper people to protest the killing of Legal Services.

FINAL FSC MEETING

The next FSC meeting will be this Thursday, April 16, at 3:00 p.m. in Room 322. This will be the last FSC meeting of the semester. Some very important matters will be discussed, including a report of the Dean Search Committee, and reports from the Writing and Research and Tutorial Committees. The last item listed on the agenda for the final FSC meeting is the resignation of Chair Tom Goetzl.

Fall '81 Class Schedule: The tentative class schedule for the fall of 1981 semester will be available sometime during this spring's exam period. Schedules may be picked up at the Registrar's student window. This means that students who want to graduate in December, 1981, can view the tentative fall schedule before Summer pre-enrollment.

Next Fall, The Caveat will reassemble its staff. Some positions will be available, with partial tuition remission as compensation. Please think about what you might like to contribute to your law school newspaper.

ANTI-NUKE GROUP HOSTS FOLK

SINGER LEVY AT SFSU

On Thursday, April 30, Students for Alternatives to Nuclear Energy (S.A.N.E.) will present singer/songwriter Mark Levy at 12 noon in the Barbary Coast at San Francisco State University, 1600 Holloway Ave. Mark's music is topical songs with an anti-nuclear and anti-war focus, performed in a variety of styles, from folk to rock to reggae.

G.G.U. students, staff and faculty are invited to attend this free concert.

* Partytime! *

END OF YEAR PARTY SLATED

FOR FRIDAY, APRIL 17

The SBA and PAD will co-host the annual End-Of-Year Party on Friday, April 17. Everyone is invited to attend! So, come one, come all to the 5th floor auditorium from 3 to 6 p.m.

Beer, wine, snacks and music will be provided. If you have any special favorites, bring enough to share!

Anyone volunteering to help clean-up will be welcome.

FUNDRAISING PRIORITIES

(The following is excerpted from a statement released by the Dean's office)

At present Golden Gate University School of Law is supported only by tuition revenues. Tuition has increased by 300% in the last 6 years and is already at a level which many students can no longer or are unwilling to bear. As a result we are beginning to lose some of our best students (most of whom do not want to transfer) to the less expensive state supported schools and to lose good first year applicants for the same reason. In addition we are no longer able to meet the full financial aid needs of a large number of enrolled students. Thus the law school has a great need for outside funding sources not only to continue the growth and development of its programs but also to maintain and attract high quality students and faculty and to support the ever expanding needs of the law library.

The law school is presently unendowed and the University (which always operates in the black) is marginally endowed. In addition, the law school alumni, a traditional source of funds for most law schools, is not as yet a potential source of funds because the vast majority of its alumni are young graduates of the past 10 years. Thus other sources of funds must be found in the next five years.

The law school's immediate needs are funds to defray operating expenses and provide financial aid and scholarships. Such funds would make it possible to keep tuition within reasonable bounds and make it possible to provide funds (loans as well as scholarships) for students to meet their financial needs. The school's long term needs are for endowment and capital improvements. To meet its short term needs, the law school believes that in addition to direct financial aid monies, funding for various programs and projects and clinics would probably be the best way to begin its fundraising. In addition to encouraging creativity of the faculty, this latter kind of funding would provide dollars for individual faculty salaries, support services (space, secretarial equipment) for the faculty, research stipends for students and library support.

The school's new fundraiser is John D. Carter of San Rafael, California. He has directed more than 25 fundraising campaigns in the Bay Area, most recently at Hastings and at St. Luke's Hospital.

This Thursday, Attorney Jeff Lewis and former Black Panther Joe Veale will present an analysis of the political and legal implications of the prosecution of Bob Avakian, Chairman of the Revolutionary Communist

Party, and sixteen co-defendants (known as the "Mao Tse-tung Defendants"). These arrests grew out of a political demonstration opposing Chinese Vice-Premier Deng Xiaoping during his 1979 U.S. visit.

In a classic example of government prosecutorial bootstrapping, the original misdemeanor charges were raised to 25 felony counts and the possibility of 240 years in prison through a series of Grand Jury indictments. Subsequently, in the face of a broad based protest the trial judge granted defendants' motion to dismiss on grounds of prosecutorial vindictiveness. The Court of Appeals reinstated the charges and in the process broke legal precedents to redefine prosecutorial vindictiveness. In light of the renewed vigor the government has demonstrated in prosecuting the "Mao Defendants," Bob Avakian has been forced to seek political asylum in France.

This case raises significant political and legal questions with which we as future lawyers will have to deal. This is an opportunity for all law students interested in the First Amendment to see the workings and failings of "Constitutionally protected activity."

Jeff Lewis currently practices law in Oakland. He has represented defendants in numerous politically motivated prosecutions. He is a member of the National Lawyers Guild and also practices labor law.

Joe Veale is still politically active and has spoken at other law schools on this and related topics.

The presentation will be Thursday, April 16 in Room 322 at 12:00-1:30 p.m.

by Brian Thornton

union

cont. from p.9

down has never given us reason to feel pride about working at Golden Gate or any idea that they have our interests in mind at all), it is easy to see why there is employee turnover in astronomical proportions. No doubt all of these tactics at the University level serve as an effective means in conjunction with legal efforts to prevent any employee voice in policy-making at Golden Gate.

It is ironic that this must be addressed to a student newspaper, but I know that there are GGU students who have and who will continue to support the Union effort. I also feel obligated to ask you to protest the use of your tuition dollars for these union decertification efforts and to lend support in favor of the workers' right to an organization in whatever way you can.

Elisa Chandler
Law Faculty Secretary