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Law School Searches for New Dean

by Nancy M. Lashnits

The Law School is looking for a new dean. Dean Judith McKelvey has announced her resignation as of June 1981.

Nancy Carol Carter, the chair of the dean search committee, talked with the Alumni Forum recently about the search:

"The committee over the summer talked to various constituencies of the law school so we could formulate criteria for choosing a new dean. We’re conducting a nationwide search, and we should start a serious review of applications by mid-September."

The dean search committee is composed of four faculty chosen by faculty vote, Allan Brotsky, Mort Cohen, Mike DeVito and Ms. Carter; two GGU trustees, from the law school committee, Louis H. Heilbron of Heller, Ehrman, White and McAuliffe, and David J. McDaniel of Cotton, Seigman and Ray, both of San Francisco; one student representative, Willa Chapman (’81); and one alumni, chosen by Dean McKelvey, Alex Najjar (’77) of Shartsis, Friese and Ginsberg, San Francisco. Pres. Otto Butz is ex officio on the committee.

Ms. Carter said that the search may take the entire year, culminating with an appointment to begin July 1, 1981. She said, "This is an important choice because the school is at a critical point in its development." So the committee will not settle for second best, even though appointment of an acting dean would not be good for the school.

"Under Judy's leadership the law school achieved the prerequisite accreditation standards, we moved into a new building and the faculty was strengthened," Ms. Carter said. "There's a shared feeling that we're at a turning point. We're ready to go on to bigger and better things."

From talking to many people involved with the Law School, Ms. Carter said the committee has learned the basic things people want to keep: the innovative curriculum and programs, the sense of humanity, the emphasis on high quality teaching and the practical experience students acquire for the practice of law.

"But the school's reputation hasn't caught up with its performance," Ms. Carter said. "People would like to see an additional program of development that brings our reputation into line with where we see ourselves in relation to other law schools."

"Also, people want to see a solidification of the financial position of the school and financial development that will remove the school from its total dependency on tuition," Ms. Carter continued. "One critical area will be in scholarship funding of which the school has very little. That hurts us in recruitment of disadvantaged students, minority or otherwise."

Thus, the dean search committee is looking for someone who not only will administer the law school and be its academic leader, but also take a fund-raising role and represent the law school in the legal community.

The search committee has advertised at other law schools, in the legal community and in higher education journals. The committee hopes word of mouth will be another fruitful source of applications.

"It's exciting looking for a new dean because of what it will mean for the school," Ms. Carter said, "but it breaks my heart that Judy is leaving."

Second Time Running
Kosel Captures Gorfinkel Award

Her favorite word is "nurd," which she uses especially in her commercial transactions classes to describe those who are "crazy enough" to become junior creditors. For whatever reason—her colorful language or, as she hopes, because "my students enjoy class and learn something,"—Prof. Janice Kosel has for two years running won the John A. Gorfinkel Award for GGU's outstanding law professor.

Prof. Janice Kosel

Reticent about her personal life, she nevertheless will catalogue her professional activities: She sits on the Board of Directors for Legal Assistance for Seniors in the East Bay; has recently published a Nolo Press, Bankruptcy-Do It Yourself, book based on the new law which went into effect in 1979 and is appearing on a variety of state-wide talk shows to publicize the book; has been appointed to the state bar UCC Committee for three years; is working on two scholarly articles on the new bankruptcy law and, with Prof. Tony Pagano, on the division of a family home upon dissolution.

Kosel was introduced to teaching by a "fluke." "Someone had taken a visitorship at another law school when I wanted to get out of practicing law." So in 1974 Kosel came to Golden Gate Law School, and the relationship has been advantageous to both. Family law is one of her favorite courses, although she prac-

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New Clinics

Experimental Ninth Circuit Clinic Will Aid Indigents

At the request of the Ninth Circuit Court of Appeals, Prof. Mort Cohen has instituted a new, experimental clinic at GGU. The Ninth Circuit has appointed Cohen, with law students under his supervision, to represent indigent appellants in areas where there are no already existing funds to pay attorneys.

Criminally convicted appellants, therefore, are not included because the federal government guarantees appointed attorneys for those appeals. Indigent appellants in civil rights cases, however, have no such rights, and that is the type of case the experimental attorney appointment is designed to reach.

For the new clinic, Cohen has been appointed attorney for two appeals—one in which a prisoner's rights of access to his medical records is at stake; the other which raises the issue whether a prisoner has a right to refuse mind altering drugs. This latter case, Cohen says, is similar to a mental patient's right to refuse drugs which has been recognized in the federal courts.

Working on the clinic are Sondra Napell and Natalie Modro, both class of '82. They will contact their clients, obtain records from lower courts and prepare research and appellate briefs. "Most importantly, they'll determine what a sensible rule would be in each of the cases so that they can argue to the court the rule it should fashion with respect to the issues," Cohen said.

While Cohen now expects to make the oral argument, he is hoping to convince the Ninth Circuit eventually to permit students to argue before them. "There's no reason not to permit them," he said. "Other courts have permitted it."

And because of the long delay in federal court between filing the briefs and making oral argument, Napell and Modro may be attorneys and capable of arguing themselves by the time the case is before the court.

Law School Receives Federal Grant for Immigration Law Clinic

The Law School has been awarded $50,436 by the United States Department of Education for the development of an in-house Immigration Law and Deportation Clinic, the first of its kind in the country for law students.

The director of the Clinic, which is slated to be in full operation by spring, is Prof. Bill Ong Hing, the former director of the Immigration Law Unit of San Francisco Neighborhood Legal Assistance Foundation and a present member of the Staff Advisory Group of the federal Select Commission on Immigration and Refugee Policy. According to Professor Hing, the approved budget includes funds for the retention of a full-time immigration attorney who will serve as a clinical instructor, a secretary, supplies, equipment and library materials.

Twenty-five to thirty students will be selected as participants in the program which will provide advanced study in immigration law and deportation defense practice. Classroom instructors will include noted immigration practitioners, Immigration and Naturalization Service personnel and immigration judges.

Law Students Return to Public School—But as Externs

Two law students, fresh from their first year, spent their summer as externs for the Oakland Unified School District legal office.

The externship was set up by Michael Sorgen, legal adviser for the school district. Sorgen is a Fulbright scholar, taught school law at Golden Gate University last year.

Sorgen developed the externship to give students an integrated view of legal practice in a public agency.

The students not only put to use the knowledge from their first year courses but also learned upper division courses such as evidence and labor law. Working many long and fast moving days, Juliet Gee and Doris Caldwell, both class of '82, learned the importance of those dry courses such as civil procedure.

Sorgen said, "the complexity of school law and working for a public agency provides a rich experience for law students. The use of attorneys by school districts is growing with the increased amount of litigation. This is one area where preventive lawyering can be practiced."

School law involves contracts, torts, property, criminal law, civil procedure, as well as constitutional law, conflict of laws and special education due process laws. Ms. Gee and Ms. Caldwell were given full opportunities to dabble in these areas.

For Caldwell, the summer culminated in her first day in court. She represented the district in a small claims court action in which the judge ruled in the district's favor.

Gee, under the guidance of Sandra Woliver, assistant legal adviser, prepared a case and represented the district in a special

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GGU-ers Help Out
Green Beret Doctor Finally Freed at Segal’s Urging
by Nancy M. Lashnits

For ten years and four months Bernie Segal, much of the time aided by GGU law students and alumni, worked on the same criminal case—the murders of Green Beret Dr. Jeffrey MacDonald’s pregnant wife and their 2½ and 3-year-old daughters.

In 1970 MacDonald was a doctor, just finished his internship, with the Special Forces at Fort Bragg, North Carolina. One night he was awakened by the screams of his wife and children. His family was murdered by more than 100 blows from ice picks and clubs. He himself was stabbed in the lung and suffered other blows.

Dr. MacDonald said that three men and a woman wearing boots and a floppy hat over long blonde hair, committed the atrocity.

Military investigators, however, thought the incident a domestic killing and charged the doctor with the murders.

A relative of MacDonald’s asked his own attorney to recommend a good criminal lawyer with military law experience, and Bernie Segal, then an attorney in Philadelphia, came into the case.

Prof. Bernie Segal

Segal had not met MacDonald and proceeded on the assumption that “the police only arrest those who are obviously guilty.” He wondered at himself taking on a client who had committed such a horror. But he changed his mind after he learned that neither Dr. MacDonald nor his wife had traces of alcohol or drugs in them after the murders and that, after a psychiatric examination, the doctor had no mental illness.

Eventually the military court found the charges against MacDonald “not true,” and a woman Segal had located to be the woman in the floppy hat present during the murders.

For several years, in what Segal characterized as a “desultory” investigation, the federal government toyed with the case while Segal conducted a letter-writing campaign to the attorney general’s office pointing out the necessity for a speedy trial.

During this time, in 1972, Segal came to GGU and from that point the case was overwhelmingly staffed by GGU students and alumni: Sara A. Simmons, ’76, who for six years worked on the case as a student and as associate counsel at trial; Wendy P. Rouder, ’79, who worked for two years as an attorney on the case; Stephen Siegel, ’79, who worked for two years as student and attorney; and Orrin L. Grover III, ’74, Deborah Honig, ’76, and Mark Hasencamp, ’75, who all worked on the case for a year.

The government got an indictment charging MacDonald with the murders in 1975. Before the trial, however, the Fourth Circuit, in what is known as MacDonald I, ordered the indictment dismissed on speedy trial grounds. The U.S. Supreme Court overturned that decision, stating it would not permit an appeal of what it said was an interlocutory decision (denial by the trial court of a motion to dismiss on the speedy trial issue).

MacDonald finally went to trial in 1979 and was convicted. Evidence from the woman in the floppy hat, who had previously made statements about the incident but at the time of the trial suffered a “loss of memory,” was excluded.

In MacDonald II, handed down in July 1980, the Fourth Circuit again ordered the indictment against MacDonald dismissed on the speedy trial issues. This decision is not final, however, because the court has not yet made a decision on rehearing.

Nevertheless, Bernie Segal was quite pleased when MacDonald was released from prison in August.

Nor does Segal think the government should petition for certiorari to the U.S. Supreme Court. He’ll ask to meet with the Solicitor General to discuss the appropriateness of appealing the Fourth Circuit’s decision.

“The MacDonald case is concededly unique on its facts,” Segal says. “And it’s highly unlikely that a major prosecution like this will be dropped, then picked up again.”

Segal feels that a major factor in the favorable ruling from the appellate court was his letter-writing campaign telling the government prosecutors that MacDonald was being hurt by the lack of action.

“I planted the seeds in those letters which came to fruition in the appellate decision,” Segal says.

Bookstore Growing Up and Out

As any of you alums who have been in it have seen, the bookstore has grown tremendously. It doubled in size over the summer, and its services are equally expanding.

The goal is to meet the needs, not just of students, but of alumni and professionals, with current emphasis in this expansion on law and taxation.

The bookstore is now northern California’s sole retail outlet for CEB. It will soon carry the full line of Shepard’s and Practice of Law Institute titles, as well as maintain the ALI-ABA publications.

James Smith, manager of the bookstore, reports that the demands on the bookstore and volume of business has quadrupled within the last five years. “I hope the expansion of the tax law section will help meet the increased demands,” he said.

Nor has he forgotten students. The bookstore has expanded its collection of hornbooks.

“The outlook for the next two years will be to develop and publish a booklist and provide bibliographic services to professionals in the community,” Smith said. “This should lead to more personal service and attention to the practitioner. We’ll also be able to complement computer services such as Lexis and Westlaw.”

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Faculty Updates

Thelton Henderson Sworn as Judge

An "alumnus" of the faculty, Thelton E. Henderson, was publicly sworn into office as a judge of the U.S. District Court for the Northern District of California on July 30. Chief Judge Robert Peckham presided over the ceremonies which many of Henderson's former students and associates from Golden Gate and Stanford attended. Henderson was at Stanford for almost ten years as a professor and as assistant dean of the law school, where he established the minority admissions program. At Golden Gate Law School he taught administrative law and professional responsibility. His door was always open to students.

Golden Joins California Tort Reporter

Prof. Mike Golden has accepted a position as the Procedure Editor for the California Tort Reporter. Golden will be responsible for cases dealing with procedure or remedies and having tort ramifications.

"I'm delighted with this new post," Golden said.

Golden finds the California Tort Reporter to be "one of the few journals of its kind to maintain both a high quality of analysis and a practical orientation for the California practitioner."

The Reporter is the development of GGU's Neil Levy and Leonard Sacks, an attorney specializing in torts. The CTR presents an analysis of recent tort cases and their potential impact for the practitioner.

Goetzl Conducts Legislation Course

Professor Tom Goetzl, who has authored various bills introduced into the California and Tennessee legislatures, will be imparting that skill to GGU students this year.

Goetzl is conducting a year-long course in legislation drafting. The course grows out of his observations that, "law schools fail to give students enough exposure to the legislative processes. The importance of these processes is often overlooked. Most of the emphasis in legal training is in the litigation procedures and judicial process."

The course will minimize this void in the students' training. They will be better prepared for involvement with the legislative branch of government, whether as legislative staff counsel or as a practitioner who may occasionally lobby for passage of a bill, whom Goetzl terms an "incidental lobbyist."

Students in his course will learn basic skills in identifying problems and determining whether they are susceptible to legal solutions. Students will work with various interest groups and will learn how to draft proposals and have them introduced into legislation. They will also learn the lobbying process.

Goetzl will try to give some students an opportunity actually to have bills introduced into the legislature and to testify before committees.

More Faculty

Bill Ong Hing over the summer published an article in GGU's Law Review (Vol. 10, No. 1, p. 1) on "The Ninth Circuit: No place for drug offenders"; continued as consultant with the Congressional Select Commission on Immigration and Refugee Policy; evaluated the Southeast Legal Aid Center (Southern California) for the Legal Services Corp.; appeared on KNBR radio in a debate against a Zero Population Growth representative on immigration issues; assisted in the Chinatown/North Beach Law Day; and spoke at the State Department in Washington, D.C., on foreign policy considerations in immigration at the Asian American Leadership Conference.

Nancy Carol Carter presented a program in May for the North Bay Library Cooperative at a workshop entitled Public Access to Legal Information; and attended a national meeting of the American Assoc. of Law Libraries in St. Louis. "The highlight of the meeting for me," writes Nancy, "was the approval of a new Northern California Chapter which I have spent the past year helping to organize. Its first organizational meeting was held September 12 at GGU."

Another GGU traveler to the East Coast this summer, Joyce Saltalamachia attended a seminar in Washington, D.C. on Congress and the Legislative Process. Joyce has also become a member of the newly organized legislation committee of Queen's Bench, which was established to monitor and study proposed California legislation dealing with subjects of interest to women.

Barbara Rhine, on maternity leave during last year (She had a "beautiful girl!") has returned to full-time teaching. Her courses include labor law I and II, OSHA-Workers' Comp, and a possible Labor Law Clinic. She co-authored with Martin Staubus ('79) an article entitled "Workers' compensation and the meretricious spouse; 62 years of irreconcilable differences," at 15 Cal. Western L. Rev. 1 (1979).

Myron Moskovitz had a busy summer. Among his activities: In May Myron spoke about Proposition 10 (the anti-rent control initiative) on several radio and television programs. He also wrote an article on Prop. 10 which was published in several newspapers. In June, West published Myron's Problems in Criminal Law, in Johnson's Criminal Law, Second Edition, with a Teacher's Guide written by Professors Johnson and Moskovitz; CEB published his 1980 Supplement to the California Eviction Defense Manual, the 1980 Supplement to California Damages Guide, which he co-authored, and selected him to prepare program materials and serve as panelist on a series of programs on rent control this fall. In July, Myron conducted two training sessions on landlord-tenant law for municipal court judges in San Francisco. He is now writing a major portion of California Landlord-Tenant Practice, to be published by CEB. Finally, Myron is representing the City of Cotati, defending against a lawsuit brought against the city by landlords challenging the constitutionality of sections of the city's rent control law.

Now that school has started, he can relax!

Segal Bows to “Windblown Idea!”

The way Prof. Bernie Segal tells it, San Francisco Public Defender Jeff Brown was vacuuming a rug one Sunday afternoon when the idea hit him.

"That's a very wind-blown idea!" Segal retorted.

Nevertheless, he spent the summer of '80 as consultant to Brown, conducting a special training program for 15 young attorneys in the municipal court division of the public defender's office. The idea was to use a different approach to improve the advocacy skills.

"Since they already were working as lawyers and were in court endlessly," Segal explained, "I trailed after them each day, (Continued on Page 5)
Ronald M. Schwartz, '79, has joined the Oakland law firm of Hains, MacGown & McNerney.

Timothy A. Stewart, '73, an Agana, Guam attorney, was recently appointed a member of the Board of Trustees of the Guam Territorial Law Library.

Elizabeth Price, '78, is an attorney in the Office of the General Counsel, Department of Health and Human Services, in the Civil Rights Division, Washington, D.C.

Patricia Cummings, '79, writes, "I've been busy."

"The day after the February Bar Exam I was hired by the U.S. Dept. of Agriculture Office of the General Counsel, for all USDA agencies in several western states and the Pacific Islands. The position was an honors entry-level law clerk which automatically converted to an attorney position when I was certified in May."

"In April I was asked to speak at Federal Women's Week activities day. I gave talks to two groups of women representing four different federal agencies within USDA."  

"Another aspect of my job is that I recently received a designation as a Special Assistant United States Attorney for the Eastern District of California. As such I am currently prosecuting a criminal case for the Forest Service, one of our major clients."

"Last, but not least, on June 21 I was married to Richard N. McCombs."  

Walter L. Gorelick, '70, has been appointed a judge of the Tulare County municipal court by Gov. Brown. Gorelick had served as chief public defender in Tulare County and is a certified specialist in criminal law.  

Steven M. Goldblatt, '77, has joined Purdue University's Department of Building Construction and Contracting as an assistant professor.

Karen Anderson Ryer, '77, announces the opening of her new office Ryer & Ginsburg at 506 Fifteenth Street, suite 400, Oakland, for the general practice of civil law.

Rita W. Whalen, '77, formerly attorney for the Federal Intermediate Credit Bank of Sacramento, has become an associate of the Petaluma law firm of Lafranchi, Mickelson, Hirschfield & Hudson.

Ben Alamanoo, '71, has been appointed Chief Counsel for the California State Employees Association in Sacramento.

Carl G. Borden, '79, of Piedmont, California, has been appointed Assistant Legal Counsel for the California Farm Bureau Federation.

Kenn Bovetti, '73, is a candidate for the 32nd District seat in the California State Assembly. He has been practicing law in Visalia.

Chris Cogley, '76, has joined the general practice law firm of Selby, Updegraff and Smith in Newton, Iowa.

Francis Maureen (Bishop) Corn, '75, is a mining attorney for Northern Energy Resource Company in Portland, Oregon.

Henry M. Domalski II, '77, has completed his first year with the law offices of Chandler and Thong-ek in Bangkok, Thailand, where he is primarily engaged in corporate and international law.

Roger L. Neathery, '71, is President of the Sunnyvale-Cupertino Bar Association.

Richard M. Rosenberg, '75, has been elected Vice Chairman of Wells Fargo & Co. and its principal subsidiary, Wells Fargo Bank. He joined Wells Fargo in 1960 and had served as Executive Vice President since 1975.

Kosel (Continued from Page 1)
ed corporate law and municipal finance for three years with Or­rick, Harrington, Rowley & Sutcliffe, San Francisco. "Family law is fun," Kosel explained, "it's something everyone should know for personal reasons and for practicing law."

"I'm close with students—some as personal friends and some become professional friends," Kosel said. "And I'll stay in teaching as long as it's fun. It gets more fun every year."

That may be the real reason she's twice been voted the outstanding professor—it's hard not to learn from someone who's having fun on her job.

Delinquent Loans Cause Headaches for School and Students

GGU's National Direct Student Loan (NDSL) delinquent amount has risen to more than $500,000. In addition, the school has assigned over $150,000 uncollectable loans to the Department of Education for collection. Owing to these large amounts of defaulted loans at GGU, each year the school faces increasing difficulties in justifying its request to the Department of Education for additional loan monies.

Last year the school paid over $25,000 in collection costs, an amount which otherwise would have been available for lending to needy students. Payments alumni make on a regular basis will allow other students to obtain a loan from the revolving fund. One of these students may be a friend of a family member.

New Scholarship Created by Asian Law Students

The Asian Law Students Association (ALSA), active for a year, was officially recognized this year. The organization has announced the creation of a scholarship fund from which awards will be made to Asian law students at Golden Gate.

ALSA, whose purpose is to provide assistance to fellow Asian students, will administer the fund through a trust, with awards made by a board of faculty members. Contributions and inquiries may be made c/o Asian Law Students Association Scholarship Fund at GGU.

Windblown Idea (Continued from Page 4)

spending an hour with one and then another. I'd watch them in court, make a detailed analysis and right after their appearance would go over their performance and make specific suggestions for better work."

"Let me give you an example," Segal, an inveterate story­teller, said.

"One member of the group had a motion to suppress hearing and knew the cop's story of how he came to seize the grass from the defendant was inherently incredible and just didn't happen that way. The assistant p.d. needed to make the judge perceive the incredibility of the story.

"The cop," Segal explained, "who was riding on a very noisy motorcycle—BRROOMM! VRRUUMM!—managed to come right up on some suspects while they were carrying grass."

"The assistant p.d. showed up in court with a very large chart under her arm which showed by diagram, drawings and measurements her disbelief of the story.

"The district attorney prosecuting the case said in much sur­prise, 'Hey, this is only a suppression hearing!'"

"'I know,' the p.d. said, 'But I intend to use this chart.'"

"As soon as the judge came into chambers," Segal recounted with some glee, "'the D.A. moved to dismiss the case because he was so intimidated!'"

And that's what Segal taught those public defenders over the summer.

What's Happenin'?  

Have we heard from you lately? We'd like to find out about your new job or appointment or any articles or presentations you've given. Or, perhaps you'd like to let other alumni know of the events in your life — new marriages, new children, whatever. We'll publish it. Send your news to Law School ALUMNI FORUM, Golden Gate University, Second Floor, 536 Mission Street, San Francisco, CA 94105.
First Year Night Student Wins Environmental Law Essay Contest
by Juliet L. Gee

Ash Sudhakar, a night student in the class of '83, recently won an award in the Association of Trial Lawyers of America Environmental Law Essay Contest.

During his first year at GGU, Sudhakar researched the issue of damages in the Three Mile Island incident under the supervision of Assoc. Dean Marge Holmes. The resulting paper, "Damages From Three Mile Island: Balancing Equities—Safety vs. Energy," won the national award for outstanding performance.

Sudhakar, who has a degree in civil and structural engineering, attempted to clarify the mysticism and misconceptions surrounding the use of nuclear power. He presented an analysis of the pros and cons of nuclear energy production. He told the reader the basic principles of nuclear power and analyzed the risks of radiation with those of other power sources.

The paper also presented the history of the Nuclear Regulatory Commission and the Atomic Energy Commission and discussed their strengths and weaknesses. He suggested these commissions be reorganized for public safety. The balance of NRC functions should shift from design review to monitoring operating reactors, he wrote.

No mass scale energy production can be made risk free, Sudhakar contended. Using a risk-benefit analysis, he said nuclear energy may be a short-term answer to the urgency in developing nations for energy production. While nuclear power is not risk-free, it can be made safer by more remote sites for the plants and better management.

Sudhakar found that the remedies available to those injured by nuclear accidents are often insufficient. They are complicated by bureaucratic red tape and technicalities. The greatest problems facing lawyers in helping clients recover losses in the event of nuclear accidents will be to establish causation, to fall within statutes of limitation, and to formulate a duty of care toward the injured.

Those in the legal profession, he concluded, need to learn more about energy production in order to make legislative changes in this area where an injured party is almost always barred from recovery.

Public School Externs (Continued from Page 2)
education due process hearing. She also won her first motion to dismiss in an unfair labor practice charge before the PERB.

Both students found the newly developed summer externship for GGU students to be a most enriching experience.

"I’m much more enthusiastic now about law school," Gee said.