

Spring 1981

Alumni Forum, Spring 1981

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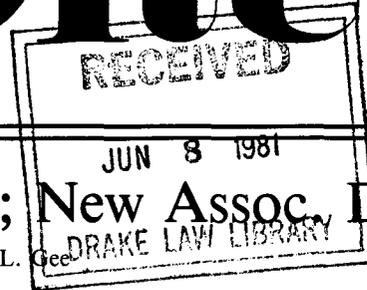
ALUMNI FORUM

Vol. 6, No. 3

Spring 1981

Marge Holmes Bids Farewell; New Assoc. Dean Arrives

By Juliet L. Gee



After three years as Associate Dean of Student Affairs, Marge Holmes is leaving.

Marge Holmes is a graduate of GGU. A year after she graduated, she became Associate Dean and put her prior administrative experience to hard work. When she initially took the position, she planned to reevaluate her goals after a three year period. So, after three years of teaching, and advising students, Holmes has decided to embark on a new career in the full-time practice of law.

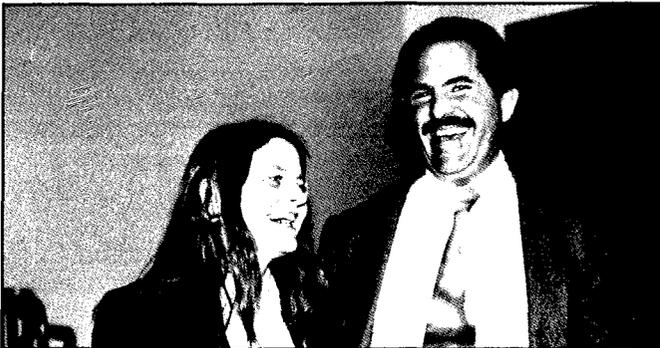


Photo by Juliet Gee

Marge Holmes and Jon Pevna

Holmes will go into private practice with the firm of Rueben, Quint and Valkevich, a professional corporation located at 300 Montgomery St. Holmes and James Rueben were classmates and partners in a client counseling competition. While they were students, they had talked about practicing law together. Ironically, they will now have that chance.

The practice is primarily civil litigation. While Holmes's interest is employment discrimination, she taught community property and an interest in real property blossomed. She anticipates her practice will be a mixture of real property, commercial and family law.

Since she has never before practiced full time, Holmes is not sure how she'll like it. She is both excited and apprehensive. She has been interested in doing actual trial work since she externed with the Equal Rights Advocate, where she did a simulated trial.

But Holmes is not leaving GGU completely. She plans to teach next year part time.

"The education students get here is second to none," Holmes said. "This is one of the few schools geared toward the practitioner. It gives students a practical sense of what law is about."

Holmes is impressed with her replacement, Jon Pevna. "He has many creative ideas," she said. She is confident that Pevna will be able to function well at GGU.

"I'll miss all my friends at the law school," Holmes said. "I hope students stay in contact." ■

Jon Pevna has been named as the law school's new Associate Dean of Student Affairs.

Before coming to GGU, Pevna was a consultant specializing in court management and a project manager for the Judicial Council of California. A graduate of U.S.C., Pevna has taught Civil and Criminal Procedure at U.S.C. and the University of San Fernando Valley.

When asked what attracted him to GGU, Pevna said he was impressed by several factors, "especially the sense of responsibility that the law school has to the community, which I find to be a rare quality. The non-traditional and student oriented philosophy of the law school is very much like my own."

Pevna hopes to continue the role of associate dean as a liaison between students, faculty and administration.

As associate dean, he plans to identify resources for the law school. He plans to work with Jack Carter to help identify fund raising sources. Pevna would like to utilize resources like the California League of Alternative Resources and the Volunteer Bureau to help develop the child development center, to act as consultants and to help put together interview training material for students.

Pevna would like to involve alumni in a more active role in the law school. With the assistance of alumni, Pevna plans to develop a strong alumni association. Alumni can then be involved with the school on an ongoing and organized basis. "Alumni are valuable sources of information and experiences," Pevna said.

Pevna would also like to get the alumni involved with students. "Students," he said, "don't know what it's like after they graduate. For many, this fear of the unknown creates anxiety." Pevna feels that alumni can lend a sense of security to students by sharing their experience on job seeking and interviewing.

"There is more to law school than passing the Bar," Pevna said. "The thought processes which students develop are important." While not all students come to GGU to become practicing attorneys, Pevna feels graduates should not be left to sink or swim. He would like to develop a program to help students pass the Bar. In addition, he believes that alumni need to give feedback to the school so that the administration can evaluate its programs more effectively.

Pevna plans to work closely with the Student Bar Association. He would like to see the SBA become more cohesive. "If the SBA works as a group to present their priorities and expectations," he said, "they can achieve more of their goals."

Pevna also plans to work closely with Portia Stewart to expand placement options for students. Having worked with the California Supreme Court for six years, Pevna can draw upon his experiences and statewide contacts to develop traditional and alternative judicial externships.

Pevna emphasizes that he is accessible to both students and alumni. He urges alumni to feel free to call him or drop by with information, ideas, and suggestions. ■

Do You Want a Law School Alumni Association?

With the greatly improved reputation and standing in the legal community that GGU has gained in recent years, many alumni have expressed an interest in establishing an alumni association which would focus on the law school rather than on the entire university as it presently does.

Such an alumni association would serve as a support group for the law school and help maintain and improve the quality of the school. An active alumni association could help recruit good students to the law school and assist in placing them upon graduation.

An active association also helps to broadcast the good name of the school and make it better known in the minds of the members of the legal community.

Alumni have a stake in the future of GGU Law School. You can have an impact on the school's future through an alumni association.

Please fill out the following questionnaire and return it to:

Law School Dean, Golden Gate University Law School, 536 Mission Street, San Francisco, California, 94105

Name _____

Address _____

Phone _____

1. Would you be interested in joining
 - a. A formal law school alumni association? _____
 - b. A local chapter? _____
 - c. Both? _____
2. Would you attend social events as part of the alumni association, eg., luncheons
cocktail parties
other? _____
3. Would you help set up either a local or centralized association? _____
4. Would you attend an organizational meeting in early fall?
 - a. At the California State Bar Meeting? _____
 - b. On Campus? _____
 - c. If you're interested in a local, non-Calif. chapter, at your own state bar meeting? _____
 - d. Other (Specify) _____

Recruiting

1. Are you willing to talk to admittees who cannot come to the

campus but who want to talk to graduates?
(They will call you.) _____

On Campus Student Activities

1. Would you be willing to tutor students in an area of law?
Area _____
2. Would you talk to third year students and bar examinees on how to review for the bar exam? _____

Job Placement

1. Would you contact the Placement Office when positions become available in your office? _____
2. Would you talk to groups of students about how to get into your particular area of law or type of practice? _____

Fund raising and Development

1. Would you work on a committee for fund-raising to identify prospective donors, etc.? _____
How much time could you devote? _____
2. Do you know of a person or organization that might contribute to the law school or to a particular program in the law school?
Name _____
How could this person or organization be approached?

GGU Energizes New Adjunct Professor

By Nancy M. Lashnits

One guest lecturing experience at Golden Gate and Bob Nielsen was hooked. When a former professor of international business transactions left for Washington, D.C., Nielsen applied for the job.

Nielsen, one of the newest adjunct professors at the law school, is corporate counsel for Castle & Cooke, Inc. He says he teaches international business transactions for selfish reasons as well as for the benefit of the students.

"The process of teaching is as much a learning process for me as anything else," Nielsen commented. "It capitalizes what I know. It's



Photo by Juliet Gee

Prof. Robert Nielsen

like synthesizing case materials before finals."

And while Nielsen, who received his J.D. from Columbia Law School in 1970, claimed teaching the course is not difficult, but a "pleasure," ten looseleaf binders full of course materials he has selected himself are evidence of the nights and weekends he has devoted to his first teaching experience.

"Invariably I'm drawn out from work when I go over there (to the law school) on Wednesday nights," Nielsen said. "But when I come out of the class, I'm really energized!"

He said when he started teaching he had no opinion of what the students would be like. "Why do you want to waste your time over there?" some colleagues had asked. "But I was very, very pleased," Nielsen said. "The students have a high level of enthusiasm for learning."

The course itself, Nielsen explained, is something of a mixture of international law, commercial transactions and tax. The part that is international law are the treaties and international bodies that govern the commercial transactions aspects—the movement of goods, people and capital.

The students learn how to spot issues in these areas, and then how to carry out specific kinds of transactions, for example, export-import, licensing, or foreign direct investment.

He remains interested in helping law students in starting their careers, and plans to devote a session of his class to a career symposium in international business law. ■

Affirmative Action under Attack

By Samuel A. Norman

Foundation for the Advancement of Minority Enterprise, Inc.

Editor's Note: This Issues Forum is excerpted from a speech given by Mr. Norman, '74, to the Fifth Annual Nevada Economic Development Co. Regional Procurement Summit Conference which was held recently in Las Vegas.

Affirmative action programs in this country continue to experience heated opposition and stepped up legal attacks.

Last year at this time, all eyes and ears were focused on the Supreme Court of the United States as the justices grappled with the question presented in the *Fullilove v. Klutznick* case of whether Congress acted in a constitutionally permissible manner in conditioning the receipt of federal grants for local public works projects under the LPWA upon the requirement that 10 percent of the grants be allocated to minority business enterprises. It was believed that the fate of minority enterprise and affirmative action programs hung in the balance.

But even though the Supreme Court through Justice Burger stated that "Congress' use there of racial and ethnic criteria as a condition attached to a federal grant is a valid means to accomplish its constitutional objectives, and the minority business enterprise provision on its face does not violate the equal protection component of the due process clause of the Fifth Amendment," and Justice Marshall, the sole minority justice, in his concurring opinion stated that "Congress had a sound basis for concluding that minority owned construction enterprises, though capable, qualified and ready and willing to work, have received a disproportionately small amount of public contracting business because of the continuing effects of discrimination and in these circumstances remedying these present effects of past racial discrimination is a sufficiently important governmental interest to justify the use of racial classifications," this opinion might only prove to serve as a finger in the dike of opposition to the swelling tide of attacks against affirmative action programs generally and more specifically, attacks against set-aside programs at both the Federal and State levels.

The United States Supreme Court in its opinion in the *Fullilove* case did not deal with the question of the authority of administrative subdivisions of both Federal and state governments to establish stacked deck affirmative action programs absent Congressional authorization. However, it is conceivable that in the near future this very issue will be before the United States Supreme Court by way of a challenge by the Associated General Contractors to regulations promulgated by the Department of Transportation on April 30, 1981.

Billions of dollars are at stake. In fiscal 1979 alone, DOT awarded grants totalling 13.3 billion dollars of which only 360.4 million went to minority contractors and only 90.3 million to women-owned firms.

At this juncture in our history, the minority business community must give pause and serious reflection as to the role of the courts in protecting our economic interests. Although the *Fullilove* case shed some light on this area, it is not a guarantee that affirmative action programs will continue to serve as the vehicle to bring minorities into the economic mainstream. The court must be viewed as another political body which mirrors the image of the people. In this light we can include and evaluate the actions of other political forces on the question of affirmative action.

On July 21, 1980, Representative Parren Mitchell, D-Md, Chairman of the House Task Force on Minority Enterprise, filed suit against the General Services Administration charging that GSA awarded illegal contracts totaling at least 300 million dollars in fiscal 1979 that lacked subcontracting plans for small and socially and economically disadvantaged firms. In his suit which

was filed in the United States District Court for the District of Columbia, Mitchell asked the court to develop procurement rules and guidelines for all federal agencies that require government-wide compliance and enforcement of the provisions of PL 95-507, and remedy immediately all contracts that are outstanding at GSA since July 1979 and bring them into compliance with the law. He further asked the court to decide that where GSA failed to take steps to comply with the law such action be determined "a statutory violation and a material breach of their ministerial duties."

This request is more than a notion, for in 1979 Congressional hearings revealed that more than nine billion dollars in government contracts were illegally awarded by federal agencies without required subcontracting plans for small companies. The point of all this being that even though the *Fullilove* case held our round in the area of affirmative action, the battle is not over. Serious challenges in both the judicial and political arenas are being made on affirmative action. In this environment, we cannot sit back and wait for others to solve our problems.

The minority business community is a part of a larger community considered to be small business. But although small describes the status of the individual businesses, it does not describe the role that small businesses play in our economy. Small business accounts for over 55 percent of all non-agricultural employment and 45 percent of the Gross National Product. It also produces over 50 percent of all new inventions, innovations, and patents. Between 1967 and 1976, 66 percent of all new jobs were created by firms of less than 100 employees, many located in the center of large cities. However, just as there are differences between the needs of large businesses and small businesses, there are differences between small businesses and minority businesses. Any solution must recognize this fact as well as the fact we must become producers of goods as opposed to consumers.

To this end, we at FAME propose the following programs for consideration as a beginning step toward minority business viability:

- That the minority business community develop regional joint venture pools whereby the larger minority businesses within a defined national region would go into a pool which would be accessible to smaller minority businesses to form joint ventures in an effort to increase bonding capacity, job capability, and capital accumulation. The more money we can control, the greater our chances of developing employment opportunities for minority workers as well as a capital base from which we can develop production capabilities.

- Surety companies should be given some tax incentives through investment credits or the like to develop a bonding pool which could service those minority businesses which do not meet conventional guidelines. Along with the establishment of such a policy, the SBA should re-evaluate its policy of criteria for bonding guarantees.

- Finally, lending institutions should be allowed similar tax credits as the surety companies in developing loan programs which include government contracts as a component. To this end, the SBA should consider allowing business development expense money to businesses which receive contracts under PL 95-507. Presently, such funds are limited to 8(a) firms only.

These recommendations, to be sure, touch only the tip of the iceberg. However, there is no time for long deliberation or delay. I feel we are on the threshold of serious change in this country. We can either realize this and begin to take matters into our own hands or sit back and continue to react to and suffer under policies that are not in our best interest. I am convinced that our future need not be determined by our past. ■

Bill Ong Hing testified before the United States House of Representatives Subcommittee on Population and Migration on April 28. During the last few months he has also appeared on Channel 2's *Asians Now* program; spoke on Deportation Defense Strategies before the State Bar Assoc.; and addressed the March meeting of the Assoc. of Immigration and Nationality Lawyers.

Neil Boorstyn's book *Copyright Law* will be published in June by the Lawyers Cooperative Publishing Co. He also recently published "Copyrights, Computers, and Confusion," in the *State Bar Journal*, April 1981.

Susan Bartlett Foote will speak at a women's health issues seminar sponsored by the Dept. of Public Health at the Univ. of California, Berkeley, on May 21. She will speak on "Toxic Shock: An Example of Regulatory Failure?" Her book review critiquing Temin's *Drug Regulation in the United States* (Harvard Univ. Press 1980), will appear in *Ecology Law Quarterly*, expected to come out in June. Foote has also been appointed to the Consumer Advisory Panel of the Pacific Telephone Company as one of a panel of ten statewide consumer advocates to review and critique company policy and to ensure compliance with previously filed consumer council recommendations. And, Foote was recently nominated to serve on the Board of Directors of the Berkeley Law Foundation, a non-profit organization which provides grants for public interest law projects.

Tom Goetzl was an unsuccessful independent candidate for Berkeley City Council in the April 21 election. He also spoke at an Art Law Symposium in Seattle sponsored by Gonzaga University School of Law.

Nancy Carol Carter spoke at a program in March to 60 reference librarians of the Alameda County Library System on the use of statutory and administrative law materials. She also served on an ABA inspection team in late April for evaluating the accreditation of the Univ. of Bridgeport School of Law in Connecticut. ■

Harlick Finds Teaching A Challenge



Prof. Robert M. Harlick

Prof. Robert Harlick recalls teaching at Golden Gate when the law school first moved its classes out of the YMCA gym. He began his long career with the law school when his former partner, Peter Maier (now at Hastings) asked him to fill in for a month. Harlick has been with the law school ever since.

Harlick is an adjunct professor who teaches Estate and Gift Taxation and Estate Planning. While he usually teaches part time, this semester he took on the challenge of a full-time load when he added Wills and Trusts to his repertoire. Students find his classes entertaining, as he uses anecdotes from his many experiences to illustrate a rule.

New Fundraiser Will Call You!

He's a man you'll soon be hearing from.

But for now, Jack Carter, the Law School's new fundraiser, is busy after just a month at work going through what he calls the "drudgery" of identifying in what areas GGU needs money, and who will give it for those needs.

Soon, after he meets with law school committees to decide the priorities, high among which are scholarship money and loans, he'll get to the fun part: designing solicitations.

"Fund raising is very simple," Carter said in a recent interview. "You identify the problems and then solicit people in such a way that they can't say no!"

Carter, who has conducted fund drives for St. Luke's Hospital and Hastings Law School in San Francisco, said his secret is to get prospective donors to answer the question whether or not to give. "There are a million ways to avoid answering the question," Carter said, "and prospects will use any of them to avoid it."

His lists of potential donors include foundations, corporations and community leaders as well as alumni. "People want to give," Carter said, "And it's especially older people who become more philanthropic. Their major battles are over; they get more reflective and kindlier."

He admitted that competition in fund raising has increased tremendously in the last ten years.

The trend also has moved toward money being given to social programs rather than institutions, as schools have discovered. So, Carter said, the law school has to design programs such as the new Immigration Clinic that people will want to support.

Carter graduated from the University of Omaha and received a Master's degree from the Columbia School of Journalism. He has conducted fund raising campaigns for a variety of politicians, for the American Conservatory Theatre and the San Francisco Opera Assoc. and the University of California's Health Services bond issue. ■

National Lawyers Guild Presents Immigration Seminar

The National Lawyers Guild presented a seminar, Immigration Consequences of Criminal Convictions, at GGU on May 2nd. The morning seminar dealt with legal representation of the alien criminal defendant.

Charlotte Fishman, managing attorney of GGU's Immigration Law Clinic and visiting professor, was one of the eight panelists who spoke on plea bargaining, post-conviction remedies under the Immigration and Nationality Act and issues with respect to apprehension of aliens. ■

Harlick said he enjoys teaching. He finds it challenging because teaching causes the practitioner to continuously relearn the subject matter. "Teaching can be very emotionally gratifying, especially when classes move along at a high energy level," says Harlick.

He likes GGU because it has a wide diversity of students. "The law school has a nice environment and provides good opportunities for night students," Harlick notes. However, he would like to see either an increase in the number of required bar courses or better advising to students on courses they should take to help them better prepare for the bar.

Harlick also practices estate planning and probate law. His firm, Pelavin, Norberg, Harlick & Beck has hired a GGU grad William Herle in the area of public utility law. ■

Alumni Notes

1958

Richard D. Bridgman of Oakland has been re-elected secretary of the 5100-member California Trial Lawyers Association for 1981.

1965

Richard A. Krimen has been named to the position of Chief Counsel of the State Compensation Insurance Fund, California's leading workers' compensation insurer.

1966

Allen Kent has joined the law firm of Rifkind, Handelman & Kent in Redwood City.

1970

Walter L. Gorelick, former Public Defender of Tulare County, has been named Judge of the Tulare-Pixley Municipal Court in Tulare.

1972

David V. Ainsworth has been named Assistant General Counsel of American President Lines, Ltd., which is headquartered in Oakland.

1973

Timothy A. Stewart was recently elected President of the Board of Trustees of the Guam Territorial Law Library.

1974

Benna F. Norman has become an associate with the firm of Leland, Parachini, Steinberg, Flinn, Matzger & Melnick of San Francisco.

1975

Linda M. Betzer has been appointed trial attorney for the Organized Crime and Racketeering Strike Force of the U.S. Department of Justice in Kansas City.

1976

Leonard Bernstein has relocated his offices for the practice of law in import-export, customs, tariff regulations and international trade matters to 1721 Seabright Avenue in Santa Cruz.

Elaine Andrews recently joined the law firm of Ruskin, Barker & Hicks in Anchorage.

1977

Roberta Klein was appointed last October to the position of law clerk to The Hon. Stephen Reinhardt, United States Court of Appeals for the Ninth Circuit in Los Angeles.

Craig K. Welch has become an associate at the San Francisco law firm of Hoffman, Kelly, Stokes & Izmirian, which specializes in reorganizations, insolvency and bankruptcy law.

1978

Susan A. Wilkinson has become associated with John N. Cooley in the new firm of Cooley & Wilkinson, which is devoted to the general practice of law in Napa.

Martha E. Friedberg has relocated her law practice to 1440 Broadway in Oakland. Her practice emphasizes immigration law and includes personal injury and other civil matters.

Sophie Voisenat recently celebrated the first anniversary of Attorney's Service Legal Clinic, which she founded and now operates.

1979

Lawrence Norton has opened an office in San Mateo in which he specializes in computer law.

1980

Barbara S. Bryant is law clerk to The Hon. Marilyn H. Patel, Judge for the United States District Court for the Northern California District.

Terri Ellen Gordon and *Walter Riley* have both been named Deputy Public Defenders in Stockton.

James A. Tiemstra, along with Craig Welch ('77), has become an associate at Hoffman, Kelly, Stokes & Izmirian.

Patrick Donnelly has been named a Deputy Public Defender in Milwaukee.

Robert T. Haden has become a partner with his father in the firm of Haden, Dawson & Haden, of Merced, which handles general civil and criminal matters. ■

Joint Degree Gives Law Student Opening to Business

By Nancy Conway

Do you know the difference between asset and equity?

Carol Kingsley, '81, didn't when she began a combined J.D./M.B.A. Tax degree, but she is leaving GGU with confidence and skill in the business world.

Kingsley is on her second career. Prior to law school she worked in health care planning. Her B.A. and M.A. are in the social sciences. She had never had any business education or exposure before beginning the joint degree program which was one of her criteria for selecting GGU.

The combined degree program is a heavier workload, an additional 6 units per year to graduate with her law school class. Kingsley took 15-18 credits a semester, compared with the normal upper division load of 12 units, and attended summer school both summers. "My first summer school was very enjoyable," she said. "I went to Cambridge University in England and studied history of law, international law and comparative law."

Kingsley worked throughout law school and has been on law review. Last summer, she worked at the U.S. Attorney's office in the Tax Division. She said she's managed this full workload quite well, but points out that it is certainly possible to stretch out the program more than she has!

The joint degree program has been an "incredible learning experience" for Kingsley, who says, "I once felt crippled whenever people would talk about investments and balance sheets." She embarked on the program in the belief that the M.B.A. would round out her own knowledge, make her law degree more marketable and make her a more competent attorney.

She has not been disappointed. "You never know how much you've missed until you have it. Looking back tax law is involved in everything.

"You have to have tax law for community property settlements, trusts and estates, corporations and partnership law, gifts to children and spouses' investments, and any real property transaction."

Comparing the two learning experiences, Kingsley said business school provides more technical knowledge while law school emphasizes conceptual thinking.

Kingsley thinks both are important. She feels that in her practice she will be able not only to make the legal decision but also to figure out the problem using math formulas and other technical skills, making her much more valuable to her clients.

She feels law school classes like corporations and tax fail to provide any significant exposure to the business world.

Kingsley, currently employed by the Bank of America's Tax Department, advises people taking the joint degree to monitor carefully their own credits to insure that they meet State Bar requirements and to check in with an adviser every semester.

Kingsley is highly enthusiastic about the program and eager to begin practicing tax law. ■

Placement Center *(Continued from Page 6)*

placement center in their support and assistance," says Stewart. She would like to involve any interested alumni in workshops for students with such topics as salary negotiations and what to look for in the first job. She plans to develop a feedback system between alumni and the placement center to assist alumni in job referrals. Also in the planning is a new Alumni Directory which should be published by 1982.

Stewart urges alumni who are interested in changing jobs or who are searching for jobs to send her a resume for her file. By fall, she hopes to be screening and distributing resumes to firms who recruit on campus. Any alumni interested in working on placement center workshops should contact her. "Alumni are always welcome to stop by for advice, counseling or to offer suggestions," says Stewart. ■

Exciting Changes Afoot at Placement Center

By Juliet L. Gee

The placement center has been undergoing some exciting changes since Portia Stewart became placement director last September.

Stewart is a native of San Francisco. She has a degree in administration and legal processes from Mills College. Before coming to Golden Gate, she served as a public relations/sales representative for Trans World Airlines. As part of her duties there, she organized workshops on how to advance within the organization, on how to write resumes, and on interviewing strategies.

Stewart has been with GGU for a year and a half. She worked as Assistant Director of Admissions before assuming her current title of Placement Director. Since taking the position, Stewart has been inundated with information and reorganization activities.

Stewart has joined the National Association of Law Placement which she feels will help build the placement office into a viable force for students and alumni. "The Association is an organization which provides professional development training, resource materials and enhances interaction among all ABA law schools throughout the United States," Stewart explained.

Additionally, Stewart has been actively contacting firms and agencies asking them to recruit on campus. Since the standard interviewing period for most firms is from September through December, Stewart is currently in the process of sending out several hundred invitations requesting firms to interview on campus next fall.

Some changes in the placement office have already become noticeable. There has been a physical revamping of the office. Job files have been updated and there are many more listings in the files. Stewart brings with her the motto, "The door is always open." She is available to students and alumni on both an appointment and drop-in basis. She provides job counseling and counseling on developing alternatives to traditional law practices.

Photo by Juliet Gee



Placement Director Portia Stewart

The placement library has been expanded to include greater numbers of listings and Stewart has instituted a resume service. Students and alumni submit resumes to the placement office. The resumes are then catalogued according to the applicant's interest. Stewart will notify applicants of listings and interviews scheduled in their area of interest.

As many of you will have noticed, Stewart has also instituted a placement newsletter for recent graduates. The newsletter informs graduates of job openings, interview schedules and salary ranges. This service is available to recent graduates and alumni wishing to make employment changes.

Among her plans for working with alumni, Stewart intends to initiate a networking system. "Alumni are integral to the success of the

(Continued on Page 5)



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