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Caveat, September 23, 1974

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CAVEAT

VOLUME X No. 2 Golden Gate University School of Law September 23, 1974

COMMITTEES

All of the students for the student-faculty committees have been chosen. The faculty members and the students are as follows:

Hiring Committee:

Mike Golden, Chair
Bob Schubert
Les Minkus
Jonathan Segal (1st D)
Pat Peterson (3d D)*
Judy Samber (1st D)

Curriculum Committees:

Short Term

Roger Bernhardt, Chair
Judy McKelvey
Mike DeVito
Barbara Herman (2 N)
Valerie Karpman (2D)
Darlene Azevedo (2D)

Long Term

Roger Bernhardt, Chair
Judy McKelvey
Janice Kosel
Mort Cohen
Myron Moskovitz
Pamela Harrington (2D)
Roni Schwartz (1st D)
Carol Larson (2 D)

Academic Standards

Mary Minkus, Chair
Judy McKelvey
Bernie Segal
Janice Kosel
Alan Lagod (3d N)
Denise Mills (1st D)
John Kerbleski (2 D)

Evaluation

Jim Smith, Chair
(the rest still undecided)
Bob Baker (2 D)
Ginny Irving (3 D)
Marcia Meyers (1st D)
(Larry Weinberger (1st D) if expanded to 4 students)
(Mike Keenan (1st D) if expanded to 5 students)

FIRST YEAR ADMISSION STATISTICS

Dianne L. Niethamer

As of September 3rd, here is the break-down by sex and minority status of the first year class:

	WOMEN	MEN
DAY	88 (45.4%)	104 (54.6%)
NIGHT	38 (38.0%)	62 (62.0%)
TOTAL ¹ .	126 (43.1%)	166 (56.9%)
BLACK	4	14
CHICANO	3	9
ASIAN	3	6
NATIVE AMERICAN	1	0
TOTAL ² .	11 (39.0%)	29 (62.1%)

1. The total number of students is 292; 192 in the day sections and 100 at night.

2. The total number of minority students is 40 or 15.8% of the first year class.

The percentage of women in the first year class is slightly up from last year. Parity has not yet been reached but is the ultimate goal of the university.

The low number of minority students is a matter of concern to the Admissions Office and a new policy on minority admissions will be considered by this year's Student/Faculty Admissions Committee.

If you want a voice in next year's statistics, watch for interview sign-ups for the Admissions Committee sometime in November. Students hold three of the six committee seats. Members review and make final decisions on most of the admission applications and establish admission policies.

* Represents students at the Faculty Meetings on Tuesdays for this Fall.

NOTES FROM THE STUDENT ESTABLISHMENT

Judy Browne, SBA President

Monday, September 23rd are the first year elections. The balloting will take place on the second floor in the hallway all day and night.

The SBA has decided to totally subsidize the cost of our faculty-student family picnic. That will include providing the beer, hamburgers, hot dogs and soft drinks. Myron Moskovitz and Larry Jones are presently organizing a faculty soft ball team to beat the students. I naturally assume that we will have no trouble at all finding a team to wipe out their efforts. The organization of said team, I suppose, will be spontaneous and organized at the picnic as opposed to sign-up sheets. There will also be volleyball and frisbee at the picnic, plus anything else your heart desires and you can get away with.

Sign up sheets are presently posted all over this school for openings in various and sundry positions. Karen Campbell, the SBA Treasurer, has resigned because of heavy outside interests not allowing her time to fulfill her SBA functions. There is an opening in the SBA for a 3rd year Night representative because of the non-return of a student, and we need a representative at large to sit on Tuesday Faculty Meetings. If you are interested in any of these positions, please sign up on one of the sheets on the walls in the hallway, indicate what position you are interested in, and give your phone number. Someone from the SBA will call you and arrange a time to talk with you and others interested in the same position.

Also, this is the final call for those students interested in being ABA-Law School Division representative. There is a separate sign up sheet for those who have not already talked to Peter Borromeo about being on the ballot. All student members of the ABA-LSD will have an opportunity to vote on their new representative Tuesday, October 1st and Wednesday, October 2nd on the second floor of the school.

NLG NEWS

Cynthia Spinola

ATTICA - A group of people have volunteered to do Attica work in conjunction with Professor Mort Cohen. Second and third year students are needed. If you are interested, please contact Professor Cohen.

DOC WATSON CONCERT - Five dollar (\$5.00) tickets to the October 18 Doc Watson Concert will be made available by NLG for \$4.50. Watch for where and when. In the meantime, you can direct any questions to Bob Baker, or Polly Thomas at 285-5067.

DORON WEINBERG LECTURE - The national NLG President and a Guild delegation recently returned from Cuba where they had traveled at the Cubans' invitation. On Thursday, Sept. 26 at 8pm at the Unitas House on Bancroft Way across from Boalt Hall in Berkeley Weinberg will show slides and speak about his experiences.

'74 SUMMER PROJECTS - Bill Monning, a USF student who did UFW work, and Doug Elliott, a Hastings student who worked for the Lawton-Gardener Defense Committee, will speak at noon on Thurs., Sept. 26 in Rm. 203.

If you have any Guild Announcements that you would like published in CAVEAT or ON NOTICE please contact Cynthia Spinola, 221-0076

Students interested in working on CAVEAT staff or contributing articles can contact the editor, Kathy Henry, by leaving their name and phone number in CAVEAT mailbox in the Faculty Center.

Views expressed in CAVEAT are not necessarily those of the law school, nor of the Student Bar Association.

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Conference Notes

The time for the 4th Annual Western Regional Conference on Women and the Law is fast approaching, and we'd like to tell you who some of the participants are.

Saturday morning, Sept. 28, the keynote panel will discuss the ramifications of US. Supreme Court abortion decisions and the proposed constitutional amendments re fetal rights. Members of this panel will be: Margie Pitts Hames, Atlanta, Ga., one of the attorneys in the Doe v. Bolton decision; Harriet Pilpel, New York City, a member of the National Board of Directors of Planned Parenthood; Roy Lucas, Bay Area attorney in the Roe v. Wade decision; Prof. David Louisell, Boalt Hall Law School; and Dr. Frances Filice, US.F. Dept. of Biology.

The keynote speaker at the Banquet Saturday evening will be Ms. Joanne Garvey, a partner in the S.F. firm of Cotton, Seligman, & Ray. Ms. Garvey was the first woman to sit on the Board of Governors of the State Bar of California and its first woman vice president. She is also the only woman to have served as president of the S.F. Barrister's Club. The topic for her keynote

address will be "Sex and the Law: PG or X-rated".

The Sunday luncheon, sponsored by the Nat'l Association of Women Lawyers, will have Joan Dempsey Klein, Presiding Judge of the Los Angeles Judicial District. Her topic will be "Women's Legislation and Male Legislators".

Ellen Agress from the Citizens Communications Center in Washington, D.C. will lead a workshop on "Women and the Media".

"How to Acquire an Effective Political Voice - Lobbying & Campaigning for Political Office" is being put on by Gerri Sherwood, a NOW lobbyist in Sacramento, and Mari Goldman, Esq., a member of the Joint Committee on Legal Equality in Sacramento.

A Legal Worker Panel will be led by Catherine Day Jermany from the Nat'l Paralegal Institute and Dana Galsworthy, a UFW legal worker.

This is only a partial listing. Everyone involved is excited, and this promises to be a very informative and educational experience for us all.

Registration for Golden Gate students is going on now.

WORKSHOPS

Housing

Please plan to contribute housing, if you can, and your presence at the workshops and Banquet.

Following are a few guidelines for those housing participants:

- 1) Sleeping quarters don't need to be fancy. A sleeping bag or blanket and pillow on a couch or floor should suffice.
- 2) Please try to either provide transportation or steer your guests toward the proper public transportation to get back and forth from the Conference.
- 3) Sunday morning only coffee and doughnuts will be served at the Law School. If you could provide some sort of breakfast Sat. morning, it would be appreciated.
- 4) Friday night, Sept. 27, is registration at the Sheraton Palace Hotel. A housing table will be set up there. Plan to attend, if at all possible, so you can meet your guests there.

By providing housing to participants from outside the area, your registration fee will be waived. This is an opportunity to save \$5 and meet some interesting people, so sign up on the housing list!!!

Saturday, September 28:

2pm - 3:45pm

Women in Traditional and Alternative
Legal Practice

Rape

Sex Discrimination in Employment:
Problems and Remedies

Women's Credit

Legal Ramifications of Marriage

Lesbianism - Lesbian Mothers

Accommodations - Private Clubs

Advanced Litigation in Reproductive
Health/Feminist Medicine

4pm - 5:45pm

Prostitution

Women as Trial Attorneys

The Female Juvenile and Justice

Insurance Discrimination against
Women

The Equal Rights Amendment and
Equal Protection

Use and Abuse of Legal Assistants

Self-Health Planning, Contraception,
Midwifery, Involuntary Sterilization

Sunday, September 29:

9am - 10:45am

Discrimination of Women in the
Criminal Justice System

Affirmative Action as a Tool for
Achieving Employment Opportunities
for Women

California Community Property Laws,
Dymally bill

Legal Problems of Pregnancy

Legal Workers Panel (emphasis on
public legal assistants)

Sex Discrimination in Education

Guild Workshop - Working Women in
SF Bay Area

Women and the Media

11am - 12:24pm

Welfare Laws and Women

Child Care Centers

Feminist Problems of the Woman DA-PD

Age and Sex: The Double Bind - Social
Security, Pensions and Age

Discrimination in Employment

Lobbying and Political Clout

How to Do In Pro Per Divorces

Labor Law

UPDATE: Tenant Law

The implied warranty of habitability came to California with the help of the San Francisco Neighborhood Legal Assistance Foundation and Myron Moskowitz. Caveat emptor previously controlled rental agreements, leaving unsatisfactory remedies to the tenant whose landlord failed to keep an apartment in good repair after entering a lease arrangement. In Hinson v. Delis, 26 Cal. App. 3rd 62 (1972), argued by Moskowitz, numerous defects constituting violations of the municipal housing code of Richmond developed during the tenant's occupancy of the apartment. The landlord, despite notice from the tenant, failed to correct them. Hinson, the tenant, sought a declaration which obliged her to pay the full rent only after the landlord complied with the duty to substantially obey the housing codes. She also asked for an injunction against the landlord filing an eviction action for nonpayment of rent. The Court of Appeals reversed a lower court judgment for the landlord and remanded with instructions to recognize an implied warranty of habitability in the lease agreement. The Court concluded that error had been committed in denying the declaration sought by the tenant in the face of findings that the defects constituted substantial violations of the housing code and had not been caused by the tenant. The Court outlined the factors to be considered in determining the materiality of the landlord's breach of warranty. The seriousness of the claimed defect and the length of time for which the defect persists are to be considered. Minor housing code violations alone will be considered as trivial and will not entitle the tenant to a reduction in rent; the violation must be material and affect the tenant's apartment or the common areas used by the tenant. If the tenant claims that all or part of the rent is not due as a result of defects, the trial court may require, at the request of either party, rent payments to be made to the court while the tenant remains in possession of the premises, until the action is settled. The trial court can determine how the rent paid into the court should be distributed at the time of judgment. In this way, the tenant is not absolved from all liability for rent, but remains liable for the reasonable rental value, as determined by the trial court, for such time as the premises remained in violation of the code. The tenant must give the landlord notice of the defects and allow a reasonable time for repairs to be made. Using the theory

that no one may benefit from his/her own wrongdoing, the decision give the landlord a defense to an alleged breach of implied warranty that the damage was caused by the tenant's own wrongful action.

In Green v. Superior Court, 10 Cal. 3d 616 (1973), Hinson was enforced and held to apply to attempted evictions by a landlord for a tenant's nonpayment of rent based on the landlord's failure to properly maintain the rented premises. Green was represented by the SF Neighborhood Legal Assistance Foundation and by Myron Moskowitz, who also filed an Amicus brief for the Court. The Supreme Court reversed the Municipal Court's order of eviction, stating that as long as the landlord refused to make the repairs, Green could not be evicted for refusal to pay rent. In its decision, the Court overruled the doctrine that a landlord has no duty to the tenant to make repairs and can evict the tenant for refusal to pay the rent. The Court noted the growing body of law recognizing the scope of the landlord's duties with respect to maintenance and concluded that when a landlord rents property today, she/he will be held to have made an implied warranty that the premises are habitable. The Green decision states that the implied warranty is breached when the landlord does not comply substantially with local and state housing codes; that the landlord cannot force the tenant to waive his/her rights to habitable premises by signing an agreement containing such a waiver; and that in an eviction action, the tenant has the defense that the landlord violated the warranty. As in Hinson, if the defense is raised, the Court may order the tenant to pay rent into the Court to be distributed based on the findings. If the tenant pays the amount to the landlord, s/he cannot be evicted. If the Court so determines, the tenant may not be liable for any rent if the premises are deemed to be worthless.

STATE BAR QUESTIONNAIRE - regarding student financial conditions has been passed out in some classes and will be available in the hallway, with Kathy Dyson, during the day and in the Dean's Office on Monday and Wednesday evening. PLEASE FILL OUT THIS QUESTIONNAIRE AND RETURN BY FRIDAY, SEPT. 27. The State Bar will be looking at the results with a view to possible scholarships for law students. Help some law students, and perhaps even yourself.

ANNOUNCING

LOCKER LOTTERY - Approximately 100 lockers are available. Since demand far exceeds supply a drawing will be held to determine who gets to pay \$6.00 to share a locker with someone else. Applications for the lottery can be obtained in the Dean's Office. The previously published waiting list is no longer operative. A list will be published based on the lottery winners.

PHI ALPHA DELTA NOTES

Phi Alpha Delta is now selling C.E.B. books on campus. Forms are available from any PAD member or from the PAD box in the faculty center. A list of books available at half price will be posted shortly on the PAD notice board.

Now that PAD is acting as a defacto speaker's bureau, we need suggestions as to the type of speakers who will be of interest to the student body. Any suggestions will be appreciated. Just leave them in the PAD box or give them to any PAD member. Also, PAD will be sponsoring a number of movies this year; requests here will also be appreciated.

The PAD annual picnic will be on Saturday, Oct. 5. All PAD members, friends, associates and persons interested in working with or joining PAD please contact Mark Sheppard at 668-7136 or at school for details.

For those working on the LSAT, the date is Oct. 12. Members or prospective members wishing to work and defray membership costs please contact Mark.

Our next meeting will be Wed., Oct. 12 at 12:10 and 6:15 in room 203. All members and prospective members please attend. As usual, ALL students, faculty, and interested persons are invited and welcome.

P.S. You only have to attend one of the meetings.

VOTER REGISTRATION - the deadline to register to vote in the November elections is October 6. You can register at Rm. 158 in City Hall from 8-5, weekdays, if you are a SF resident.

TAX I - for next semester will have five class meetings this semester:

October 25
November 1
November 8
November 15
November 22

Class will not meet on November 29 or December 4.

MEETINGS

DEANS' - Judy McKelvey and Mary Minkus will meet with students to answer any and all questions on:

Tue., Sept. 24 at 6:15 in Rm. 205
Wed., Sept. 25 at 3:00 in Rm. 207

All students are welcome, but particularly Second, Third, and Fourth year students.

LAW REVIEW - On Oct. 2 at 3pm in Rm. 207 Les Minkus, Judy McKelvey and Peggy Gannon will meet with all students interested in law review to discuss law review's present functioning, and the proposed changes and their background. Students should pick up a copy of the proposals in the Faculty Center prior to the meeting. First year students are urged to attend.

BAY AREA COALITION Suzanne Marychild

GGU women have joined students from all Bay Area law schools to deal with the sex discrimination prevalent in the San Francisco legal community: not only do many of the largest law firms still refuse to hire women attorneys, but those which do often give the women the least interesting and most laborious assignments. In addition to investigating local firms, the Coalition will attempt to provide a forum for women to air their grievances and to work collectively to change the existing situation. Plans include a social gathering in October for all women lawyers, law students and legal workers (including secretaries).

Interested students can contact Suzanne Marychild, a third year day student.