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Caveat, September 22, 1975

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caveat

Vol. XI No. 5

Golden Gate University School of Law

September 22, 1975

PETITION GRANTED BY THE FACULTY - STUDENT COUNCIL

We, the undersigned, hereby petition this Committee to waive the Professional Responsibility course requirement for all students completing their Law School work in Dec. 1975.

The reasons for this petition are as follows:

(1) The Bar Examination in Professional Responsibility will be given on Oct. 11, 1975, but the course is not scheduled to commence until October 13. Since persons taking the Bar Examination in February, 1976 are "strongly urged" to take the October Professional Responsibility examination, the course will be of no help whatever in preparing for the Bar.

(2) Students received no official notice that the Professional Responsibility course would be required until about August 1, 1975, when registration materials were mailed. Thus, students planning to graduate in December, 1975 had no alternative but to take this course during Fall Semester, 1975.

PASSED 8-4 BY THE FACULTY-STUDENT COUNCIL
SEPTEMBER 11, 1975

ABA APPROVES NINE SCHOOLS FOR PARALEGAL TRAINING

The American Bar Association has moved into the paralegal accrediting field, granting final approval to eight institutions and provisional approval to another.

The schools that received final approval were: Bentley College, Waltham, Mass., Cumberland County College, Vineland, N.J., The Institute for Paralegal Training, Philadelphia, Lone Mountain College, San Francisco, UCLA University Extension, Los Angeles, University of Minnesota, Minneapolis, University of West L.A., Culver City, and Villa Julie College, Stevenson, Md. Provisional approval was granted to Cleveland State Community College, Cleveland, Tennessee.

Schools that apply for ABA approval are judged on several criteria, including curriculum, instructors, and physical facilities. Most offer two-year programs.

In addition, the ABA's policy-making House of Delegates has authorized its Special Committee on Legal Assistants to work with appropriate groups and organizations toward establishment of a permanent, broadly-based body to assume the accreditation responsibility. Paralegals are used by lawyers to handle such activities as research, interviewing and preparation of briefs. They are viewed by many as one means of reducing the cost of legal services, making them available to a much wider segment of the public.

GOLDEN GATE UNIVERSITY LAW REVIEW: PAST AND PRESENT

In comparison with the new academic year, which is less than one month old, this year's law review is indeed venerable. Preparation for the first issue (to be published around Christmas) and the second and third issues of volume 6 have been underway since last April. Although student and non-student interest in Golden Gate University Law Review (nee Golden Gate Law Review; a professionally redesigned cover and new name are but two of this year's improvements), and hence our subscription rates, are at an all time high, in some ways there continues to be a lack of familiarity with past, present, and future law review activities.

As those who have glanced at the first three volumes of the Review know, the publication began and attempted to survive as a student "legal research group" devoted to empirical research. The goal was to accumulate the kind of data (relating to, for example, small claims court, urban housing, high school legal education, and skills valued by attorneys) which is rarely published but which can be of genuine practical value to policy-makers. Unfortunately, most of the comprehensive empirical research projects could not be completed during the time available, and therefore a more conventional "law review format" was adopted in 1973 with volume 4.

Volume 4 continued the exclusively student-written policy, and also retained the multi-student project in an effort to maximize the number of students on the staff. The projects entailed more traditional legal research, however, with an emphasis on analyzing significant California legislative schemes. Volume 5 introduced separate comments on significant recent decisions as well as an emphasis on multi-student articles which both explore controversial developments in the law and suggest solutions to potential problems.

Volume 6 will preserve the policy of publishing case comments. Student articles will also be published, but there will not be multi-student efforts. In addition, for the first time the editors have arranged to publish non-student material. Every effort will be made to insure that this major policy change will not reduce the number of pages devoted to the publication of student material - a concern which primarily motivated the previous "all-student" policy.

However, the major innovation this year relates to the Review's new third issue. The United States Court of Appeals for the Ninth Circuit, which has its seat on Mission Street, within walking dis-

Law Review, continued

Law Review, continued

tance of school, is one of eleven Federal Courts of Appeals. It is the second largest and one of the most influential. It was also the only federal court of appeals which did not have its decisions surveyed annually by a local law review. Accordingly, volume 6 will publish our First Annual Ninth Circuit Survey. This is an ambitious undertaking, but an extremely important, interesting, and meaningful one. The legal community has already taken significant interest in the survey; law review members have been and will be working closely with the judges and other officials of the most important federal court in the western part of the United States; and Golden Gate students will be publishing material that will be more widely read (there are thousands of attorneys that specialize in Ninth Circuit practice) than the recondite articles which seem to dominate many law reviews. To help manage all this activity the review has hired an Administrative assistant, Ms. Jaymi Osborn, whose help has already been invaluable.

Those interested in law review participation should plan to enter the writing competition in March, although $\frac{1}{2}$ of the staff is selected on the basis of class standing in June. Graduating students and first year night students are not eligible for membership. Be alert for announcements since minor changes in the staff selection procedure have been known to occur.

For obvious reasons, I have held off these next sentences until the end; I hope my patience will be rewarded. The Review is doing good things - and by reflecting well on the school all of us are benefitted, but it is also a financial millstone around the school's neck. The school's students can, of course, support the Review through subscriptions, although none do at present. Now, we could try a fast one, like they do at Hastings and many other schools,

and simply extract enough extra in student fees to pay for subscriptions for all students (and then ostensibly hand the books out for free), but I consider such a policy unscrupulous and exploitive (and besides, the SBA turned me down). So, the best I can do is offer a reduced student subscription rate (\$7 per year rather than \$8).

Please subscribe; you will, in essence, be freeing law school dollars for use elsewhere.

Dick Harmon
Editor-in-Chief

Golden Gate University Law Review

CASE NOTE by John Fisher

This case may be of interest to Calif. readers, especially since California also has a specific right to privacy guarantee in its Constitution. Prosecution for possession of marijuana case, but the facts are not stated. Petitioner's motion to dismiss denied by lower courts. Petitioner's major arguments were that (1) prohibiting the possession of marijuana (MJ) was a denial of his right to privacy and (2) that classifying MJ as a dangerous drug while not so classifying alcohol or tobacco is a denial of due process and of equal protection of the laws. RABINOWITZ, CJ for a 5-0 Court
After analyzing the basic two-tier test used in determining whether a state action encroaches on an individual's const'l rights, the Court noted with approval recent US Supreme Court decisions making a more intensified inquiry under the rational basis test. To test Ravin's claims the court would first see if there is any proper governmental interest in restricting MJ and would then see if the means chosen bear a substantial relationship to the legislative purpose. If the right to privacy is interfered with, then the means must be close and substantial. The Court then discussed GRISWOLD v. CONNECTICUT (394 U.S. 479) (right to privacy, possession of contraception info) and STANLEY v. GEORGIA (394 U.S. 557) (right to privacy, possession of pornography), as refined in later decisions, and concluded that the Federal right to privacy arises only in connection with other fundamental rights involving the home, and that the immunity from prosecution is absolute only when the private activity will not harm or endanger the general public. ROE v. WADE (410 U.S. 113) is cited as a case where the right must yield.
The Alaska Constitution guarantees the right to privacy but the right yields to the needs of the state to protect the public health and welfare. The court concluded that there is no fundamental right to possess or smoke MJ. The Alaska privacy amendment is based on the state's tradition of its citizens prizing their individuality and settling there to achieve a measure of control over their own lifestyles not found in other states. Alaskans then have a right to possess and ingest MJ in a personal, non-commercial context unless there is a legitimate interest in proscription. The Court noted that MJ does not present a public health problem, nor does its use lead to violent, aggressive, criminal behavior, or to the use of more dangerous drugs. The Court found legitimate state interests in preventing the use or possession of MJ while using an automobile, in avoiding its spread to adolescents, and concluded that there is no right to buy or sell it or to use it in public. This does not justify the

continued

state's intrusion into the right to privacy by prohibiting the possession of MJ by an adult for personal consumption in the home. The Court noted that in finding the above to be constitutionally protected, it did not mean to condone the use of "psychoactive substances" On the other issues, the Court found no denial of equal protection in regulating MJ while not so controlling alcohol or tobacco (which may not be politically popular). As for the claim that the classification of MJ is irrational, the Court noted that MJ classifications have been struck down only where MJ was included among the most dangerous drugs and thus it is not irrational to classify it with "depressant, stimulant, or hallucinogenic " substances.

All members of the GGU Law School Community are invited to write-up cases of general interest. They do not need to be as long as RAVIN v. STATE of ALASKA, and do not need to be typed. Submit to the CAVEAT office or mailbox by Thursday, noon.

WORLD AFFAIRS COUNCIL
OF NORTHERN CALIFORNIA

For a quarter of a century, the World Affairs Council of Northern California has sponsored programs to keep the community well-informed on international developments.

The World Affairs Council is a non-profit educational organization which is supported entirely by contributions from over 3,000 individual and corporate members. It was founded in 1947 by a group of prominent San Franciscans who were anxious to keep their community involved and up-to-date with the international scene. The Council is governed by an elected Board of Trustees which directs the activities of a paid staff.

The Council's wide-ranging programs anticipate major issues and focus attention on subjects that will make tomorrow's headlines. Their 1971 conference on trade with China was in the works long before America's ping pong team was invited to Peking. Names like John F. Kennedy, Henry Kissinger, and even Daniel Ellsberg appeared on Council agendas weeks and months before they made headlines.

World figures in the prime of their importance such as Khrushchev, Nehru and de Gaulle have also been major Council speakers.

The World Affairs Council as an institution is neutral. They try to inform, to enlighten, but not to advocate. Membership in the Council is open to all. The headquarters is in San Francisco, but programs are also conducted on the Peninsula, in the East Bay, in Marin County, and through affiliated councils in Fresno, the Monterey Peninsula, Sacramento, San Jose, and Stockton.

Check the announcement on the "Notice!" page of today's CAVEAT on program and other practical information on The World Affairs Council.



CONSPIRACY CORNER

Mark Derzon

Two weeks ago in Sacramento we came within an eyelash of having Nelson Rockefeller as President. There are a lot of questions in my mind about this incident that haven't been satisfactorily answered.

Two weeks earlier, two men were arrested and charged with conspiracy to assassinate the President in Sacramento. They are now being held in L.A., each with a \$100,000 bail. Their elaborate plans included explosives, high powered rifles, and an escape through the sewers of Sacramento. Why was Ford walking through the crowds when such a serious threat on his life existed?

Why did the California highway patrol order all Sacramento police to stay away from the Ford entourage and then fail to supply protection themselves?

Why was Fromme even allowed to perform her "Street Theater" act when the FBI, the local police, and the secret service knew she was in the area and had been making vague threats against Ford's life?

Why is Fromme being treated like the little darling of America?

Why did the FBI supply Manson with credit cards and money?

I'm sure Ford would also like to know the answers to some of these questions. It seems to me like his lease at the White House is about to expire. It's time for him to grab his coat and grab his hat and get on the next bus to Grand Rapids. Ford is being squeezed out of the presidency, and his slogan for the rest of the year ought to be "stay alive in '75"



CAVEAT is published by students of Golden Gate University of Law weekly. Views expressed in CAVEAT are not necessarily those of the University or Student Bar Association. "Conspiracy Corner" reflects the views of Mark Derzon exclusively. Opinions, articles, and drawings are welcome. Submit to CAVEAT office in Law Library by Thurs. noon for following Monday's issue. Editor-in-Chief: Dianne L. Niethamer
Conspiracy Corner: Mark Derzon
Film Articles: John Fisher
Sports: Rita Whalen

Staff and Contributors:

Andra Pearldaughter
Bob Long
Phil Smith
Joel Marsh
Dick Harmon

notice!

AFFIRMATIVE ACTION COMMITTEE

Phil Smith

There will be a meeting of the Affirmative Action Committee in Rm. 209 Saturday September 27th at 11:00 A.M. All third world students are encouraged to attend.

PHI ALPHA DELTA (PAD) Bob Long

There will be an organizational meeting of those students interested in revitalizing Dirksen Chapter of PAD on Thursday, September 25, 1975 from 3:00 to 5:30 in Room 207 International Placement Director Jim Freeman and Deputy Attorney General Jeff Gunther will be there to answer questions and discuss future plans.

NLG

September 26, 1975 (Friday) Labor Law Committee and Women's Labor Law Project: Joint Forum: Women and Labor; Hastings Law School 8 p.m.

September 27, 1975 (Saturday) NLG Fall Student Extravaganza. All day affair at Hastings Law School featuring Speakers, Workshops, and a Party.

WOMEN'S ASSOCIATION

MEETING: 3 p.m. Thursday, September 25 in Room 205. Will last until about 4:30; please all women, day and eve, attend.

POT-LUCK: September 28, 1975 (Sunday) 2 p.m. in Berkeley. For the address, directions and information on what to bring, consult the notice in the Women's Lounge.

WOMEN IN THE COURTROOM CONFERENCE:

The Women's Association is pleased to announce that the Conference held last Saturday (9/13) in conjunction with Queens' Bench was an outstanding success, with over 250 women and men in the legal profession attending the conference.

SAN FRANCISCO SYMPHONY STUDENT TICKETS

Official on-campus ticket sales will begin on September 29 through October 24 for student season tickets to the 1975-76 season to the S.F. Symphony. Wednesday night seating at the Opera House is available for as little as \$2.75 per concert. Students have a choice of a complete series of 24 concerts, or either of two half-series of 12 concerts. Tickets can be purchased through Gloria Dralla, 3rd year day at the Faculty Law Center.

FIRST YEAR STUDENTS : LAW PLACEMENT -- HOW IT WORKS WITH YOU AND FOR YOU

Wally Allen, Director

Just how important are student law-related jobs as far as graduate placement is concerned?

What about summer 1976 employment?

What placement center resources are available to assist in your job preparation and search?

Need any help with your resume?

An opportunity to discuss/share ideas with Wally,

Date: Thursday, September 25

Time: 3:00 to 3:40 p.m.

Place: Room 209

WORLD AFFAIRS COUNCIL OF NORTHERN CALIFORNIA

For members of the Golden Gate community who are interested in international developments, the World Affairs Council of Northern California offers wide-ranging programs on topics of current interest. A non-profit and politically neutral educational organization, the Council is located at 406 Sutter St. where most of its evening programs take place.

Council programs usually feature prominent individual speakers and panels. The Council's September calendar includes Indonesia's Foreign Minister Adam Malik, Ambassador Edwin Martin, who headed the U.S. delegation to the World Food Conference, and Stanford's Dr. Peter Witonski, an expert on Portugal's changing political scene. The Council's evening programs are open to students for a nominal 50¢ charge. The programs are often preceded by a wine and cheese reception. In addition, the Council hosts an annual reception for the San Francisco Consular Corps, and sponsors other programs in conjunction with individual consulates. The Council also has a sizeable library of books and materials on international affairs, which are continually updated and available on loan. Anyone interested in attending Council functions may check its monthly bulletin, "Spotlight", posted on the bulletin board near the public telephones on the second floor of GGU or may call the Council at 982-2541.

Joel Marsh