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## Caveat, February 3, 1976

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# Caveat

Vol. XI No. 16

Golden Gate University School of Law

February 3, 1976

## STUDENT MEMBERS OF THE EVALUATIONS COMMITTEE SPEAK OUT FOR THEMSELVES

On January 27, two letters-to-the-editor were published in the Caveat directed towards the Evaluation Committee. This letter is in response to both letters since they both relate to the decision not to re-hire Prof. Bernie Segal.

We have divided this response into two sections: a short summary for those of you who only wish to know the outcome of events, and a longer explanation for those who are seriously interested in the issue of both Bernie Segal and the decision-making process of the committee.

### I. Synopsis of Events

The decision not to re-hire Bernie Segal was not quickly or easily made. At the time the decision was made, the committee felt satisfied that all relevant information had been considered. We also felt that we had, basically, all of the information that was going to be made available to us. Apparently we were either misled or just incorrect, albeit unintentionally. At least this is the opinion of the student members of the committee--Alan Silver, Barbara Herzig, Henry O'Neill, and Doug Taylor.

In light of recently furnished information received by some of us, and a meeting on Jan. 27 held with a number of students who are very concerned, we have come to the conclusion that a reconsideration of the entire question is necessary. In addition, we also feel that a thorough review should be made of the entire set of criteria on which these decisions are based.

A meeting has been set for February 17, at which time the committee will meet and consider any and all information that is discovered by us or brought.

We would like your input.

Feel free to contact us before this meeting.

In addition, an Ad Hoc committee has been formed to develop a new and statistically valid evaluation form. Any people who are interested or who have special skills in the area should please contact Alan Silver, or just come to the first meeting which will be held on Tues. Feb. 3 on the second floor at noon.

### II. Further Comments

We, as the student representatives, would like to bring the entire situation out into the open so as to dispel any fears or doubts anyone has with respect to either our competency or sincerity as student members of the committee.

On Jan. 27 we met with a group of Bernie Segal's proponents and discussed certain items, conflicts in evidence, and possible misunderstandings of facts that were not brought to our attention at the time the decision was made. We support a reconsideration of the question under more informed circumstances.

We are all committed to making certain that the process is fair and as objective as possible.

The fact that a serious lack of communication exists did not minimize our consideration of the student sentiment on the matter.

The process of rectification has already begun. We representatives are now conducting an investigation of the entire matter, including the process and criteria used by the committee. This can only be effective with the cooperation of the entire student body, faculty, and administration.

A meeting will be held on Jan. 29 between Bernie Segal and the student members of the committee. All information, old and new, will be verified during the course of this, and other, meetings. No area of inquiry will be neglected.

As a necessary element of this process, it is imperative that any student who has feelings on the matter should communicate them to us directly. We make only one request, and that is that everyone really think about how they feel, and why, before talking to us. It is an important issue that merits serious thought by all. To be really fair and just it is necessary that we remove, as best as possible, all emotion so that we do not lose sight of the real issues at the heart of the matter, both the short term and the long range. This request is not only from us, but also from Bernie and everyone else that has been involved.

We can be reached in a number of alternative ways. We are generally around during the day, and can be found by yelling out our names on the second floor or in the library. Letters can be put in the SBA or Evaluation Committee boxes in the faculty center. Our phone numbers have been printed in an accompanying flyer at our request, and are also available in the Dean's office. We will also be making ourselves available, on an individual basis, on the second floor during the early evening next week, up to the time of the beginning of classes. In this fashion every member of the student body who so desires can let us know how they feel, regardless of what class they are in or when they attend classes.

GGU Law School is, in reality, a very small school, and it is not necessary that such lack of communication should exist in such a close environment. It only helps to foster a dissection and disunity among the student body. If we devote our energies towards working together, we feel that we can resolve any problem. If we spend our energies fighting amongst ourselves we will only get tired and angry--a sad state of affairs.

(con't on next page)

We feel that GGU, as a whole, is composed of an incredible number of outstandingly capable and caring people. Unfortunately, these qualities sometimes disappear behind a cloud of doubts and insecurities.

We hope that this controversy will be a vehicle for the school to reevaluate some of its procedures and commit ourselves to making sure that we practice what we preach-- justice, due process, and full consideration of the rights and feelings of others. As individuals, each member of GGU, both faculty and students, should feel that they are getting every consideration possible, whether the issue be an academic or a personal one.

As to the mechanics of the issue, i.e. what the criterion are for deciding questions of retention, tenure, etc., we can only say that the entire process is being looked at for flaws and ways to improve it. It is the type of soul-searching that we recommend to everyone so that we can determine what needs to be corrected, and who is committed to doing the correcting.

Due to a lack of space in this issue, we can not give more details. Any of us will be more than willing to meet with you individually or in a group if you are interested. We will appreciate all of the input and help that we can get. We are making our decisions with representative roles in mind, you can be assured.

We hope that this atmosphere of community interest continues with the calm that has been maintained to this point. It will give us the greatest chance at being the most effective.

In closing, let us only repeat that which we made clear at the Jan. 27th meeting with the student group: We, as student representatives of the committee, are committed to reaching a just conclusion on every issue that comes before us. We realize that it is imperative, for the school to be able to be known as the outstanding institution that it is, that we deal with all issues such as this one with the most sincere and committed attitude possible towards the school, the student body, and the community.

Respectfully,

Alan Silver  
Barbara Herzig  
Hank O'Neill  
Doug Taylor  
Student Representatives of the Eval. Committee.

FIRST WESTERN CONFERENCE ON MUNICIPAL  
PRODUCTIVITY AND QUALITY OF WORKING LIFE  
MARK HOPKINS HOTEL  
SAN FRANCISCO, FEBRUARY 5-7, 1976

Mayors and councilmen and other local government officials from 11 Western states will meet at the Mark Hopkins Hotel, Feb. 5-7 during the first Western Conference on Municipal Productivity and Quality of Working Life. The three day event, sponsored by Golden Gate, will focus on the problems of municipal government and the growing need for increased productivity in the public sector. Contact the school of Public Administration for more information.

#### SBA PRESIDENT'S COLUMN

At the SBA Board of Governor's meeting on Wed. January 28, 1976, the SBA passed two important resolutions:

1) That the student-at-large representative to the Faculty-Student Council be elected in a general election.

It was felt that the students in this previously appointive position have generally been unresponsive and unrepresentative to many student needs. We have had extended discussions of this problem, and hope that general election will improve communications. The FSC has yet to accept this proposal.

2) That the evaluations committee consideration of tenure for Bernie Segal be re-opened. The SBA, Board of Governors, supports the four student reps to the student-faculty evaluations committee in their call to re-open the matter and urge all students to make their feeling known to the student reps. on that committee.

At the FSC meeting on January 22, 1976 the SBA presented a motion to permit students to attend FSC meetings. Apparently because of an ancient problem of student disruption of the FSC meetings the motion failed. However, a substitute motion to permit the Editor or her representative from the CAVEAT to attend the FSC meeting and report thereon was unanimously approved. Although many students see the FSC as the decision-making body of the Law School, in reality the majority of the decisions which affect students are made at the various student-faculty committees (Hiring, Scheduling, Evaluation, Budget, Curriculum, and Admissions,) and, generally, just announced or approved at the FSC meetings. Therefore student interested in specific school policies should direct their ideas and problems to the student reps on those committees. For those interested in FSC happenings, the minutes and agenda of the FSC meetings are posted on the "This Week" bulletin board across from the front elevator.

Next SBA meeting: February 11th 5:00 p.m.  
SBA Dues Increase Forum: February 3, 12:00 Rm. 207  
SBA Elections: February 18, 19  
Deadline for nominations: February 6th

Lynda Brothers

SAN FRANCISCO BAR ASSOCIATION  
ELECTS SEVEN DIRECTORS:  
DEAN JUDY MCKELVEY AMONG THEM

Winners in the election for seven directorships of the Bar Assoc. of San Francisco are: Paul Alvarado, Estella Dooley, Stanley Friedman, Kenneth Hecht, Judith McKelvey, James E. Merritt, and Sandra Shapiro.

Officers for 1975 are: President: Robert G. Sproul, Jr.; President-Elect: James J. Brosnahan; Treasurer: Frank E. Farella; Secretary: Luch K. McCabe; Immediate Past President: E. Robert (Bob) Wallach.

The seven new directors were nominated by the Nominating Committee. Two additional candidates entered the race, Stephen Bley and Maxine Mackler, by filing petitions.

The actual results in numbers of votes are as follows: James E. Merritt, 751; Judith McKelvey, 741; Kenneth Hecht, 665; Sandra Shapiro, 654; Paul Alvarado, 640; Stanley Friedman, 605; Estella Dooley, 519; Stephen Bley, 512; Maxine Mackler, 449.

The Faculty-Student Committee, the governing body of the law school, is teetering at the brink of adopting an open-meeting policy, and students can play an important role in tipping the balance. At present, attendance at FSC meetings is closed to all students except the six student representatives and invited guests.

At the January 21 FSC meeting, some 20 students demanded admittance to hear discussion of the tuition increase controversy. After a five-minute flurry, the FSC voted to allow the students in--but only for that meeting. (By the way, a motion to reconsider the tuition question failed, 11-10).

Coincidentally, that meeting's agenda already included a petition from the SBA Board of Governors that would do away with the need for such confrontations. The SBA petition called on the committee to "immediately adopt a permanent policy of conducting its business publicly and openly; except that when individual personnel matters are to be decided, such committee go into executive session unless the person under discussion waived his/her right to such closed session."

When the FSC voted, the petition failed on a vote of 9-9. The positive votes came from the six students and Professors Calhoun, DeVito, and Moskovitz. All other faculty either voted no, abstained, or were absent. A substitute motion to allow the Caveat editor to attend passed unanimously, but just as important, the FSC agreed to take the matter up again at its February meeting.

Students who think they have a right to see how and why decisions with direct relevance to their lives are reached should actively seek support for the SBA petition from all faculty members, including the Dean. It is long past time that a school which advertises itself as a "community of faculty and students working together" open up to community scrutiny the decision-making process that affects us all.

(While you're at it, you might also ask your favorite professor to support the SBA petition to add a second alternate student member to the FSC. The present faculty-student ratio on the committee is 20/6 with two additional faculty planned for the fall.)

Howard Moskovitz,  
Second-Year SBA Rep

Jann Gurvich,  
Student Hiring Committee  
Rep. to the FSC

Last year Golden Gate received approximately 10 applications for each vacancy in the first year class. The years of ever increasing numbers of applications are over, however. The national pool of LSAT takers last year decreased by about 6%. This year, most California law schools have fewer applications-- Golden Gate is down 25%. Since Golden Gate has traditionally accepted one of every three applicants, it is critical that our applicant pool remain large enough to insure a well qualified entering class as well as significant numbers of women and minorities.

Although most recruitment visits take place in early Fall, our late application deadline (May 1) makes it possible for us to recruit during the Spring break. We are therefore planning extensive campus visits during the latter part of February and early March to approximately 40 California undergraduate schools. These visits will utilize the expertise and enthusiasm of current Golden Gate law students and will involve either individual counseling or group sessions with prospective law students. Students who visit California schools will be reimbursed for travel expenses. In addition to the California visits, we hope that students who will be returning to their home states during the break will visit their undergraduate campuses.

Students who are interested in the admissions process but who are unable to serve on the admissions committee will find this a good opportunity to insure the continuance of a qualified, diverse student body. The reputation of a school depends largely on its graduates. In this we have been fortunate in the past, but our efforts are needed to assure continued excellence.

Interested students should contact Pat Ostini, Law Admissions, as soon as possible.

#### PLACEMENT CENTER ANNOUNCEMENT

wednesday, february 4  
HOW TO CONTACT LAW FIRMS AND AGENCIES: THE PERSONAL INTERVIEW PROCESS.  
A panel presentation by 5 GGU law school alums covering effective ways to contact firms/agencies, and how to interview -- preparation, the interview itself, closing and follow-thru. 12 noon to 1:30 p.m., Room 207.

#### FILM REVIEW BY JOHN FISHER

##### ONE FLEW OVER THE CUCKOO'S NEST Milos Forman, Director

In 1966, Frederick Wiseman made a documentary film about life inside the Massachusetts Correctional Institute at Bridgewater ( a hospital for the insane.) The finished product, THE TITICUT FOLLIES, was a brutal film showing at best an indifferent attitude by the state toward its charges. The Commonwealth, through its then Attorney General, one Elliot Richardson (Wiseman was represented by a James St. Clare) obtained a court order requiring the destruction of the negatives and all prints. On appeal (356 Mass. 251, 249 N.E.2d 610, cert denied 398 U.S. 960) the order was modified to prevent public showings only.

In 1975, when Milos Forman shot his film of Ken Kesey's novel at the Oregon State Hospital in Salem, his efforts met with the full cooperation of the authorities (the hospital director even plays his fictional counterpart in the film.) In fact the experience of working on the film was declared to be good therapy for the 100 inmates that appear in the film.

The film is the story of a prisoner (Jack Nicholson) who feigns insanity to get out of a work detail. Once transferred into the hospital, he turns the ward into a battle for control between himself and the authorities outside, symbolized by the Big Nurse. Only when it is too late does he learn that instead of serving a fixed term, he will have to stay until the doctors say that he can leave.

Nicholson is good in his role of McMurphy, the inmate and rebel. The film fails in its handling of the critical role of the Big Nurse (played by Lousie Fletcher.) In the novel she stood for the all of the constraints imposed by society upon the will of the free individual. Fletcher is not so overwhelming as she is simply a routine hassle that must be overcome during the course of each day. The role is simply one that cannot be reduced to a flesh and blood human being. Among the supporting cast the standouts are Brad Dourif (as Billy Babbitt), Sidney Lassick (as Cheswick), and William Redfield (as Harding).

Whether Forman's film or Wiseman's earlier film is closer to what goes on in these places is hard to say without actually having been there. Forman's film got the State of Oregon seal of approval - at least it plays in Portland.

LETTERS TO THE EDITOR:

SEGAL CONTROVERSY

I wish to protest the non-retention of Bernie Segal as a faculty member of Golden Gate University Law School.

The non-retention of a nationally recognized trial attorney is a serious blow to the depth of Golden Gate University Law School faculty. The dearth of qualified competent trial attorneys is well-known. Mr. Segal's willingness to devote enormous amounts of time working with students interested in trial work is unparalleled among the law school faculty. I have enrolled in his Criminal Trial Tactics and had looked forward to further training in the Litigation package and the Mock Trial Competition.

Whether Mr. Segal's talents and energy have been considered by the Evaluations Committee is unknown. The criteria for evaluating faculty performance are unknown. The results of student evaluations are unknown. Secrecy rather than protecting confidentiality and reputations has given rise to insidious rumor particularly regarding faculty voting motives. Appallingly the Evaluations Committee gives the public appearance of the Roman Senate rather than as a committee of judicious scholars.

Mr. Segal's valuable expertise should be retained on the Law School faculty. Criteria for evaluations and results of student evaluations should be made public to justify the retention and non-retention of faculty. Golden Gate Law School will build its reputation by the quality of its graduates' expertise. Let us not lose teachers of that expertise.

Valerie Ranche  
2d Year Day

TUITION INCREASE

The recent FSC decision not to reconsider the ill conceived and divisive policy of staggered tuition rates should not be considered a "fait accompli", as the Dean put it. Two weeks ago an ad hoc group of students met to discuss alternatives. The consensus of the large group present at that meeting was to continue resistance to such blatant opportunism by "representatives" of the student body. In an effort to gain more background information, a group of students met with GGU President Otto Butz to discuss the rationale behind the proposed tuition increase. A number of other approaches are under consideration; more information is forthcoming. We solicit your ideas and participation.

Charles Herrington  
Richard Maxion  
Anne Treseder  
Gary M. Reing

UFW FILM : "FIGHTING FOR OUR LIVES"

February 5, 1976 (Thursday)  
Noon in the Auditorium

Also, the latest info on the  
Funding crisis of the Farm  
Labor Board

IN RE MATTER OF PROFESSOR BERNIE SEGAL

The student representatives who sit on the Evaluations Committee and participate in the decision-making process to retain or terminate faculty members have decided to support a move for another meeting of the entire Evaluations Committee to reconsider the prior decision to terminate Professor Bernie Segal. They want as many students as possible to express their views regarding this matter by way of letter or verbal communication. All letters may be left in the Law Faculty Center in the box marked "Student Members of the Evaluations Committee." The four student members and their respective phone numbers are:

Barbara Herzig . . . 387-5693  
Hank O'Neill . . . . 285-2162  
Alan Silver . . . . 763-5613  
Doug Taylor . . . . 752-8376

P.A.D. announces its spring semesters program in criminal procedure applications, as practiced outside the law books.

All students are invited to participate in the following:

1. Police ride-along program with the Berkeley Police Department.
2. February Lawyer's Night - an informal seminar with several active police officers.
3. March Lawyer's Night - an informal seminar with representatives from the Public Defender's Office.
4. Tour of San Quentin - date to be announced, held in conjunction with Hasting's Chapter of P.A.D.
5. Tour of local F.B.I. facilities - tentative.

Further details will be posted on P.A.D. bulletin boards. All activities limited to space available.

The next meeting of P.A.D. will be held Tuesday, February 3, 1976 at 12:30 p.m. in room 205. Guests are welcome.

B.A.R. DIRECTOR STEVEN DAITCH TO VISIT GGU.

Steven Daitch (Director of B.A.R.) will be available to answer any and all questions students may have regarding the First Year B.A.R. review course on Feb. 10 in room 207.

For further information, see Doria or Pat.

WOMEN'S ASSOCIATION NEWS ITEMS

Assertiveness Training: a class is now forming, sign-up sheet and all information is in the Women's Lounge. Do it by Wednesday.

Women's Workshop on Women's Rights: next Thursday, February 5, 1976 in Room 205 all interested women are asked to gather to discuss the formation of a Women's Rights workshop with a view towards community action. Please bring any resources, materials and information to the meeting.

SBA ELECTIONS TO BE HELD IN FEBRUARY

Elections for Student Bar Association offices will be held February 18 & 19, 1976. The offices which are available include President, Vice-President (Day), Vice-President (Night), Secretary, Treasurer, ABA/LSD Representative, and Second & Third Year Representatives, (Day and Night), and Fourth Year Representatives (Night).

A special election issue of the CAVEAT will be published on February 17th. Candidate statements should be submitted by February 12th.

Nomination for candidates is accomplished by submitting a petition signed by ten students. Petitions must be submitted to the SBA box in Faculty Center by February 6th, 1976.

Candidates may campaign February 6th - February 17th.

Views expressed in CAVEAT do not necessarily reflect the views of the law school or university. Submit all materials by Thursday noon to be published in the following week's edition.

Editor: Dianne L. Niethamer  
Conspiracy Corner: Mark Derzon  
Sports: Rita Whalen