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Caveat, February 26, 1976

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caveat

Vol XI No. 20

Golden Gate University School of Law

February 26, 1976

UNOFFICIAL SBA ELECTION RESULTS**

*Run-off required
W- Winner

PRESIDENT

*Marge Holmes 113
*Vicenta Montoya 80
Charlie Herrington 49
Rene Feinstein 41
Denise Mills 39
Allan Silver 31
Write-ins 13

VICE-PRESIDENT (NIGHT)

W- Amalia Attruia 53
Write-ins 17

Vice-President (Day)

W-Karen Kadushin 160
Ian Macrae 35
Write-ins 14

SECRETARY

W- Bonnie Maley 140
Ann Devor 74
Write-ins 12

TREASURER

W-Art Swenson 164
Write-ins 32

ABA/LSD REP

W-Stephanie Breault 115
Allen Lenefsky 58
Write-ins 12

FSC REP-AT-LARGE

* Howard Moskowitz 125
* Bacon/Shulman 99
John Harrigan 52
Write-ins 7

2d YEAR DAY REPS

W- Michael Moarowitz 62
W- Bob Long 21
Write-ins 47

2d YEAR NIGHT REPS

W- Sandy Young 26
W- Bob Norton 5
Write-ins 7

3d YEAR DAY REPS

W- Ira Brackens 52
W- Doug Taylor 18
Write-ins 21

3d YEAR NIGHT REPS

W- Alex Najjard 14
W- Ray Olmstead 4
Write-ins 5

4th YEAR NIGHT REP

W- Jake Frailing 3
Write-ins 7

REFENENDUM

1. INCREASE SBA DUES TO \$4
Yes- 139 No- 211
2. TUITION CHECK-OFF
Yes- 178 No- 135
3. AGREE WITH STAGGERED
TUITION
Yes- 174 No- 176
4. MAINTAIN MINIMUM STANDARDS
Yes- 132 No- 196
5. GGU DOES NOT HAVE STUDENT
INPUT
Yes- 133 No- 99

**These results are unofficial and are subject to ratification by the out-going SBA Board of Governors, as required by the SBA Constitution. The SBA had not met as of press time. Check the SBA Bulletin Board for the final results. Run-off election will be 2/25-26.

ADMISSIONS RECRUITMENT

The admissions office needs several more volunteers to visit Bay Area schools during the March break. Schools we have not yet scheduled are: Stanford, USF, St. Mary's, Lone Mountain, Sonoma State, and Hayward State. Please contact Pat Ostini in law admissions as soon as possible.

FINANCIAL AID FOR SUMMER 1976 AND ACADEMIC YEAR 1976-77

Applications for the National Direct Student Loan and College Work Study for Summer 1976 and Fall-Spring 1976-77 are now being accepted.

APPLICATION DEADLINE DATES

Summer, 1976 : April 19, 1976
Fall/Spring 1976-77
All students presently
enrolled at GGU: April 2, 1976

All entering students: May 15, 1976

Students applying for the Federally Insured Student Loan should submit their applications eight weeks prior to the beginning of the semester to insure receipt of their loan checks in the beginning of the semester.

For applications and further information please contact the Financial Aid Office, Rooms 102 or 106.

SCHOLARSHIP INFORMATION :

There are currently three scholarship funds and one legal writing contest soliciting applicants. They are:

THE LAWYERS WIVES OF SOLANO COUNTY, offering a \$500 scholarship to a second or third year law student (1976-1977 term) who is a resident of Solano County or a graduate of a Solano County secondary school.

ROBERT E. DAUBER MEMORIAL SCHOLARSHIP, offering a \$1,000 scholarship to a California law student who is a resident of Riverside County, California.

LAWYERS' WIVES OF SAN MATEO COUNTY, offering a \$350 scholarship to a student of an accredited Bay Area Law School who is a resident of San Mateo County and in need of financial aid.

LEGAL WRITING CONTEST OF INTERNATIONAL ASSOCIATION OF INSURANCE COUNSEL, offering a \$1,000 first prize and a \$500 second prize for an article submitted on a subject of the author's choice in the field of insurance, tort and compensation law.

If you are interested in any of these funds, please check the bulletin board near the Dean's office where all scholarship and contest information is kept. Application and deadline information will be found there in the form of a letter from each of the organizations offering the aid.

LETTER TO THE EDITOR:

Tuition increases have the usual effect of stimulating student interest in budget formulation. Such student interest can be positive both in informing the students of the details of the school's operation and in effectively voicing student perceptions of priorities in budget expenditures. A review of this school's budget will reveal it to be lean, efficient and small, particularly when compared to other schools and measured against the high quality of education provided.

I would however, take exception to the views expressed by George McLemore (2/8/76, Caveat). Mr. McLemore suggests that if a substantial portion of the recent tuition increase is designated for retention of ABA accreditation and acquisition of AALS accreditation, such designation is not of benefit to current students, and hence the burden, i.e. the tuition increase, ought not to be borne by current students. I would disagree. A review of the standards required by both ABA and AALS accreditation reflects the substantive pre-requisites for a school's ability to provide a quality legal education. To meet those pre-requisites (e.g. additional faculty) now will rebound immediately to the benefit of current students, even if, as in the case of AALS, accreditation is delayed. Further, the significance of AALS accreditation, once achieved, will have benefits to graduates, as well as current students, in the job market and in access to graduate schools.

I might also point out that the major obstacle to AALS accreditation in money terms is physical plant, and that the revenues to be used for the new building are not coming out of tuition.

I wholeheartedly concur with Mr. McLemore that increases in financial aid might be appropriate. Indeed, I would support a further tuition increase to fund such increased aid if it were necessary.

Alex A. Najjar
2nd Year

REPLY TO MOOT COURT CRITICISM

Last semester, as in past years, GGU was invited to send a team to the Roger Traynor Moot Court Competition. In order to evaluate applicants' skills, an intramural competition was held. Two people applied. They were not selected to represent the school, and GGU did not enter a team. This prompted criticism from the two applicants and the editor of the Caveat. This letter will attempt to answer those questions and prevent misunderstandings regarding future intramural competitions.

In their "Comment to the Editor", the applicants correctly stated the skills evaluated in the competition: "writing and forensic ability, especially...the ability to respond adeptly to judges' questions...." However, they expressed concern at the lack of "established criteria." The Moot Court Board recognizes that it would have been wiser to publish all the factors to be considered in evaluating the oral and written performance, however the criteria used to evaluate the two entrants were thoroughly discussed at the meeting held prior to the competition. The factors which will be taken into account in evaluation of written and oral arguments are published, together with the problem for the spring competition.

However, an Editorial published with the Comment stated that the applicants were "led into believing they would be judged on their potential and then given the reason for their rejection as 'not qualified without further instruction.'" If this amounts to a charge that the applicants were deliberately misled as to the standards applied or the requisite level of skill, then it is false. It was made very clear to all interested persons that the Board reserved the right to select no team if, in the Board's judgment, there were no two applicants who would be capable representatives of GGU. The Board promised to arrange practice oral arguments and to attend to administrative problems confronting any team selected; but it was clear that no team would be selected unless the applicants demonstrated that they were qualified. At no time did the Board promise to arrange special tutorials in appellate advocacy for "potentially qualified" applicants.

The Editorial asked why instruction isn't being offered the applicants. Moot Court competition rules prohibit special assistance by faculty or non-team students in the preparation for a competition. Faculty assistance is limited to a general discussion of legal issues and judging practice arguments. Students are free to enroll in the Appellate Advocacy class as part of their regular course of study. Such enrollment is recommended for people interested in state or national competitions.

The Editorial asked why the applicants weren't allowed to tentatively prepare under faculty supervision and instruction. One answer follows from the above remarks concerning faculty involvement in the competition. Additionally, the Board thought it unfair to all concerned, and especially to the two applicants, to encourage their undertaking the enormous amount of work which preparation for competition entails, in the hope that they would later be found qualified.

The Editorial asked why the competition was conducted so late in the semester. The competition was delayed until after the second-year students had finished their briefs for writing and research, in order to encourage their participation.

Questions were also raised concerning the prerequisites for competition for a team and the selection of future teams. These questions will be answered in detail in the materials accompanying the problem for the spring competition.

In response to other specific questions: the number of persons on a moot court team varies in different competitions, but is usually 2 or 3; what competitions GGU enters in the future will depend upon the availability of interested, qualified applicants. The Board shares the Caveat editor's disappointment that GGU is not represented this year. We sincerely hope that the spring competition will produce a team capable of successfully representing GGU in the 1976 National Moot Court Competition.

Elaine Andrews
Moot Court Board

INTRAMURAL MOOT COURT PROGRAM

The GGU School of Law has created an Intramural Moot Court program to serve two functions. The primary purpose is to provide all second and third year students an opportunity to develop persuasive writing and oral advocacy skills. The type of skills that are stressed are those which are critical to successful appellate advocacy -- the ability to research and write a thorough and convincing appellate brief and to respond in an effective and persuasive manner in oral argument before the court. A secondary purpose of the Moot Court program is to provide students interested in entering inter-school and national competitions a realistic and preparatory experience. It will also provide the most objective method of selecting the best advocates for these competitions.

The GGU Intramural Moot Court Competition will take place during the fall semester each year. Participation in the fall intramural competition will be a prerequisite to entering any outside competition. Those who excel in the intramural competition will be selected to join the Moot Court Board and will become responsible for directing the Moot Court competition the following year. Additionally, those who demonstrate the most outstanding advocacy skills will be chosen to enter the inter-school and national competitions.

SPRING COMPETITION

In order to initiate the Moot Court program as promptly as possible a special spring competition will be held this year. This spring competition will serve three purposes. It will allow all second and third year students an opportunity to develop their oral and written advocacy skills. The two students who demonstrate the greatest competence on the oral-weighted scale (70% oral, 30% brief) will be selected to enter the National Moot competition for 1976. (Graduating students are not eligible to enter the National Moot Court Competition, however). The students who excel on the brief-weighted scale (70% brief, 30% oral argument) will be chosen as members of GGU's 1976-77 Moot Court Board and will be responsible for directing the Fall competition.

The Moot Court Board reserves the right not to enter a team in the 1976 National Moot Court competition.

All students who wish to enter any inter-school competitions next year (which take place in the Spring) or who wish to be considered for the National competition in 1977 must participate in the Fall, 1976 Competition at GGU.

Please consult the Moot Court Bulletin Board (near the Dean's Office) for additional information on guidelines and regulations. Several sample copies of the problem are posted. Packets containing all necessary materials for those interested in participating are in the Faculty Center.

THE MOOT COURT BOARD

FILM REVIEWS by JOHN FISHER

BARRY LYNDON

Stanley Kubrick, Director
THE MAN WHO WOULD BE KING
John Huston, Director

For those not born to great wealth, two of the traditional methods of acquiring it are to marry it or to take it from someone else. BARRY LYNDON is about the first approach, THE MAN WHO WOULD BE KING, is about the second. BARRY LYNDON is the story of an 18th Century lad (played by Ryan O'Neal) who marries it in the form of Marisa Berenson only to lose it through his reckless spending and the enmity of the son of her first marriage. The first half of the film proceeds at a less than glacial pace during which young Redmond Barry flees from a duel over his first love, is robbed, and then enlists to fight in the Seven Years War. Eighteenth Century society seems to consist of the aristocracy and cannon fodder. Barry is eventually introduced into the elegant surroundings of the monied nobility, whose principal diversion seems to be gambling. It is here that he meets the Countess Lyndon, assuring himself of the fortune that will later be depleted in a vain attempt to acquire a title and an independent source of wealth.

Like Kubrick's last two films, 2001: A SPACE ODYSSEY (1968) and A CLOCKWORK ORANGE (1971), BARRY LYNDON is a film of powerful visual images. The night interior scenes are lit only by the light that would have been available in the 18th century, resulting in a cheery orange glow produced by candlelight.

In THE MAN WHO WOULD BE KING, the setting is 19th Century British India (the story is by Rudyard Kipling, played in the film by Christopher Plummer). Two ex-soldiers (Michael Caine and Sean Connery) set off across mountains and deserts to conquer an empire in an area in which the last European visitor was Alexander. Displaying the bravado that won the Empire (If a Greek can do it, we can do it"), they go forth to offer their services to whatever local power that might need them. By good fortune, Connery is regarded as a divine son of Alexander, and their objective is achieved when the priests inform them that they can do what they want with their gold. The plan goes astray when Connery takes his role seriously and decides to stay to found a royal line to rule over the area in accordance with his ideas of British justice.

Huston previously explored the theme of men setting off into the wilds to pursue gold in THE TREASURE OF THE SIERRA MADRE (1948). In THE MAN WHO WOULD BE KING there is no hint of distrust with greed and suspicion going on among the partners. Like Redmond Barry, all they had to do was walk away with what they had, and they fail because they did not know when to quit.

The next edition of CAVEAT will appear March 11, 1976. Deadline for materials to be published in this edition is 8:00 P.M. Monday, March 8, 1976.

Views expressed in CAVEAT do not necessarily reflect the views of the Law School or the University. Published weekly by students of Golden Gate University School of Law.
Editor: Diane L. Niethamer
Conspiracy Corner: Mark Derzon

FSC ACCEPTS 2 OF 3 SBA PROPOSALS

At its February 12 meeting the Faculty Student Committee considered three SBA proposals aimed at increasing student rights at GGU Law School. Two were passed while the third one was defeated. Another proposal from faculty member, Neal Levy, which actually reduces student voting power at the FSC meetings was passed.

Open Meetings

The FSC adopted a measure to open up its meetings to spectators, thus ending two years of secret sessions. The final version of the motion which passed 11-5, differed slightly from the original SBA proposal. It limits the amount of spectators to a "reasonable" number, and provides for a review of the decision at the end of the term.

SBA Selection of Student Admissions Committee Members

By a wide margin, the FSC voted to allow the SBA to choose the student members of the Admissions Committee in the same manner that they select other student committee members. Until now they were chosen by faculty members of the Admissions Committee. This policy had been under criticism lately. It was suggested that the faculty should not decide what best represents student opinion, but rather should keep their hands off the selection process.

Student Representation at FSC Meetings

The SBA introduced a proposal to add one more student member to the FSC, but it lost by a 9-6 vote with Tom Goetzl the only faculty member voting for it. Howard Moskowitz, speaking for the proposal, pointed out that the present FSC is composed of 20 faculty and 6 students. He argued that the extra student representative is needed to maintain that ratio when the faculty increases to 22 next year.

Neal Levy proposed a motion to clarify existing rules. Until now the FSC had allowed any student member from each of the following committees to vote at the FSC meetings; Hiring, Academic Standards, Curriculum, and Admissions. Under the amended Levy proposal which passed easily, each committee must designate one student to be its voting member of the FSC for an entire term. If she's absent, that committee is unrepresented at the meeting.

Mark Derzon
Caveat Reporter

JUSTICE REHNQUIST INVITATION

A letter which the editors of GG Law Review recently sent to Justice Rehnquist as a matter of protocol in light of his appointment as the Circuit Justice for the Ninth Circuit generated a gratifying amount of student interest in law review's activities. The Justice's response may also be of some interest.

Dear (editors),

Thank you very much for your letter congratulating me on my assignment as Circuit Justice for the Ninth Circuit, and for sending me a copy of your latest issue. I am sorry to say that the press of Court business prevents me from acceding to your wish that I write a brief foreword for your inaugural Survey of the Ninth Circuit, but I extend my very best wishes to you in this undertaking.

Sincerely,
(Signed) William H. Rehnquist

GOT A PROBLEM?

No matter what your problem is, you can bet that San Francisco has an agency to help you with it. In order to assist you in locating the proper agency, GGU Law School keeps a copy of the Social Service Referral Directory in the Dean's office. This directory lists almost all of the hundreds of public service agencies serving San Francisco and gives a description of each. There are organizations listed dealing with alcohol abuse, family counselling, child care, anonymous drug analysis, mental health, prison reform, legal aid, etc. If you'd like to look at the directory, stop by the Dean's office anytime.

BARRISTERS CLUB OF SAN FRANCISCO MARCH 3, 1976 Luncheon Announced

TOPIC: THE FREEDOM OF INFORMATION ACT, THE BANK SECRECY ACT AND THE CALIFORNIA PUBLIC RECORDS ACT.

SPEAKERS: Ronald L. Fein, Chief Deputy Commissioner, California Department of Corporations; David M. Greenberg, partner, Greenberg and Christison; Irving L. Gubman, Counsel, Bank of America.

PLACE: Gino's Restaurant, S.F.

Students are encouraged to attend this and all functions of the Barristers Club. Students may attend the program portion of the luncheon without charge. Phone Maryann Gallagher at 983-1204 for reservations.

COMMISSION ON THE STATUS OF WOMEN TO HOLD PUBLIC HEARING ON LEGISLATIVE PROPOSALS REGARDING THE ADVANCEMENT OF WOMEN : March 4, 1976 in S.F.

The legislative committee of the Commission on the Status of Women will hold public hearing on legislative proposals regarding the advancement of women. If you feel more laws are necessary to further eliminate sex discrimination in the education, in the labor market, in the home, or in the professions, come present your ideas.

If you wish to testify contact Catherine Smallwood at 558-3653 to reserve time. Written testimony will also be accepted.

The hearing will be held at Ben Franklin Jr. High School, Geary and Scott, S.F. March 4, 1976 from 7 to 10 p.m., in Room 14, downstairs. Child care and parking are available.

REHNQUIST RESOLUTION PASSED BY THE SBA

On February 11, 1976 the out-going Board of Governors of the SBA passed the following resolution by a vote of 5-3.

WHEREAS freedom of the press is one of our most basic and cherished liberties;

BUT WHEREAS freedom of the press does not mean that editors are immune to criticism for their actions;

WHEREAS an invitation to write the introduction to the Law Review's "Ninth Circuit Survey" is a distinct honor;

WHEREAS the SBA Board of Governors does not feel that Justice William Rehnquist, whose votes on the Supreme Court are consistently repressive of human and civil rights and liberties, is worthy of that honor,

The SBA Board of Governors hereby resolves to protest the Law Review editor's invitation to Justice Rehnquist and urges that they rescind that invitation forthwith.