Caveat, March 15, 1976

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FSC MEETING FEBRUARY 26, 1976

FSC RESTRUCTURES FIRST YEAR PROGRAM

At its February 26th meeting the FSC adopted a new first year schedule for both the day and the night sections and gave tentative approval to a faculty taught writing and research program.

Beginning next school year the entire Civil Procedure course will be taught during the first semester and the entire Torts course will be taught during the second semester. Each of these courses will be reduced from six to five units. The Writing and Research Program will be compressed into one year instead of the present two, and it will be worth two units per semester instead of one.

The FSC also tentatively approved a restructuring of the Writing and Research Program providing for full time professors as instructors with student teachers acting as assistants. Some details still to be decided are: how many course units the professors teaching the course will receive, and whether the professors will be reading and evaluating the students' papers. Lani Bader insisted on a budgetary impact report and Dean McKelvey promised to have one ready for the next FSC meeting.

At this point in the meeting the CAVEAT reporter was dismissed. There was then a discussion on whether the school's budget would permit the hiring of two new faculty members for next year with Pres. Butz and Dean McKelvey. To date, the only collective move of the faculty has been a vote at the last FSC meeting to table hiring for one more week, pending negotiations and possible settlement.

In response to students' fears that salary demands, if met, would disproportionately affect (i.e., decrease) the number of new faculty to be hired (a major justification for the tuition raise), it was explained the two are not mutually exclusive in terms of the budget. There is available money for both the hiring of the new faculty members and for the demanded faculty salary increases (16% as opposed to Butz's offer of 12%). This increase would meet the cost of living increase and begin to bring the faculty salaries closer to parity with faculty salaries at comparable institutions.

Concerned students, staff, and faculty met together on Thursday, March 11, at a meeting called by certain faculty members to inform the FSC student reps. of the faculty's current dispute over salaries for next year with Pres. Butz and Dean McKelvey. To date, the only collective move of the faculty has been a vote at the last FSC meeting to table hiring for one more week, pending negotiations and possible settlement.

The difficult question of the process by which the Evaluation Committee makes its decisions has been of concern to a number of students. Below we have tried to set out the general process the committee uses.

EVALUATION COMMITTEE REPORT

Student Evaluations are perhaps the most important of the criteria used. The gross scores in each of the five categories on the evaluation form are averaged in the same way you figure your G.P.A. Comments are summarized. Where the scores are remarkably high or low no more need be said. In many cases, however, scores will be somewhere in between. The committee will then weigh the teacher's performance in his or her particular area of expertise against the general needs of the school. Likewise, the individual's ability to act as a resource is looked at. The committee will also look at the individual's non-teaching activities such as what he or she has written or what he or she has done for the community or for the school's community relations. These criteria are then discussed and weighed. As each individual is unique, the criteria take on a different weight for each person. The process is difficult, often agonizing, for the committee tries to be as fair and objective as possible.

Committee discussions are strictly confidential because of the subject matter—people. The committee process requires open discussion and sensitive areas are often brought up. Statements taken out of context are a fertile source of rumors which may prove harmful to the individual discussed as well as to future credibility of the decisions of the committee.

Keep in mind that the evaluation forms you fill out twice a year are critically important in this process as they provide the committee with student opinion on a particular teacher. The evaluations will be passed out in classes in the next week or two. Please take time and consider them carefully.

Barbara Herzig

Admissions Director, Pat Ogilvie, articulated that the staff learned two days ago that they would only receive a 6% increase, which does not even begin to meet the 8-10% cost of living increase projected for the Bay Area during 1976-77. The gross underpayment of the law school staff, coupled with the faculty salary dispute and students' frustrations over tuition raises for non-existent cuts in the Board of Trustees.
The following is a letter received by the CAVEAT editor. It was not signed, and we would appreciate the author identifying him/herself.

**LETTER TO THE EDITOR**

The following is a letter received by the CAVEAT editor. It was not signed, and we would appreciate the author identifying him/herself.

**FSC "OPEN MEETINGS"**

And the FSC said, "Let there be open meetings! And there were open meetings, to a point . . . about 2/3 through the first meeting. Then came the sacred issue of faculty hiring, personnel matter most holy. And the rule came from the officiating priest to clear the temple of observers. And as the Hiring Committee Chairman began to intone, "You have seen the candidates. . . ." came a voice from the assembly, saying, "In light of the latest economic uncertainty about the budget, I move that we table consideration of hiring for next year." And a respondent creid instantely, "Seconded, Amen" and many other Amens were heard. And the vote followed quickly and was almost unanimous. And the students and the faculty said unto them "What the hell is going on here?" And followed the explication of the text, BUDGET, Chapter 1, Verse 1 about the uncertainty of the JOU increase in faculty salaries which had been part of the budget submitted to the Great High Priest, Otto Butz. The faculty have determined to fight, and pending the outcome do not want to vote to spend money for new faculty. (And note, fellow students, that this also throws into question all those nice explanations of what our increased tuition will be going for. . . ) And some faculty uttered heart felt mea culpns that the students' right to attend meetings may have been unjustifiably curtailed. And some students and one faculty noted that by their actions the faculty showed bad faith on the issue of the students' right to find out first-hand how decisions were made and why. We were assured, however, that the holiness of the cause outweighed the unhollness of the methods. Clearly the closing of the meeting had not come to no one. And so we can draw this lesson from the very first open meeting: the FSC gives and the FSC takes away, and answers to no one.

**THE SEGAL CONTROVERSY : PROFESSOR SEGAL'S STORY**

The following is a letter sent March 9, 1976 to Dean McKelvey from Professor Segal. Professor Segal has allowed CAVEAT to reprint the letter in its entirety. Even though the retention committee has voted a second time not to retain Professor Segal wide-based student support of the Professor still exists and will continue to work for his retention. Whether or not these students succeed, exposure of the tactics used by the committees voting on Professor Segal's retention can only be helpful. Perhaps that knowledge will permit more timely student input and prevent the loss of another outstanding faculty member.

Dean Judith McKelvey March 9, 1976
Golden Gate University Law School
536 Mission Street
San Francisco, California 94105

Dear Judy:

It had been my firm intention to submit my resignation from the faculty of the law school effective today.

I had been impelled to this sad decision by the series of events of recent weeks relating to the question of my retention on the faculty. In the course of this process I have been the victim of a systematic effort to falsely malign and belittle virtually everything that I have done as a teacher and a lawyer. The final blow was the shocking procedure of the so-called 'reconsideration' proceedings that were to re-examine the subject of my retention.

I had been told that I would finally be given an opportunity to appear before the retention committee to expose some of the deliberate falsehoods that had been uttered against me. Instead, I was left sitting for 1½ hours until word was sent to me that the committee had made its decision again without giving me an opportunity to be heard in my own behalf.

I cannot tell you the sense of disbelief that overcame me when I realized that the law school had chosen the Star Chamber as the model for its proceedings. Don't law school teachers believe in practising due process as well as talking about it? Wouldn't a minimal sense of fairness and conscience have required the retention committee to give me a fair hearing? The realization that the answers to all these questions was in the negative was depressing.

The decision to deny me retention was made in an atmosphere that was totally poisoned by smear and slander which I was never permitted to answer. Members of the retention committee have publicly admitted that in January they voted against my retention on the basis of patently false statements made about me behind closed doors. When this was exposed, and when a large number of students protested the action of the retention committee, there was a hasty promise made to 'reconsider' the decision.

When a 'reconsideration' meeting was held in February it broke down into an incredible assault on my character, without an opportunity for me to be present and be heard. That meeting was adjourned, without a decision, for another week. At the next meeting the decision was affirmed to not retain me, but still without me being given an opportunity to be heard.

In the final analysis the "big lie" technique worked. I came to realize that the endless process of lies had tarnished me even in the eyes of my supporters on the retention committee.

Given these circumstances I came to the conclusion that I did not want to continue the painful process of having to associate with those persons who had been participants in this malicious destructive effort. My personal sense of well being, I concluded, would be better served by my immediate resignation.

But, the trouble with that decision was that while it might have soothed my own deep sense of hurt, I would have abandoned my responsibilities to the students enrolled in my classes. It was because I enjoyed working with them that I had come to teaching in the first place. It seemed totally contradictory to my beliefs to make them the inadvertent victims of my own frustrations.

It was because of these feelings that I regretfully came to the conclusion that I was not free to resign immediately. My only compromise with those feeling was to write you this letter so that no one would misunderstand the reasons why I shall continue to give my best efforts to my classes for the balance of the term.

Sincerely,

Bernard L. Segal
Associate Professor
***SURVEY***

HOW WOULD YOU HANDLE IT??

Last semester the Women's Association published an article in the CAVEAT on our settlement with the school administration over recruitment materials. We had been mailing out such materials to all potential female applicants under the return address and postage of the admissions' office. This is standard practice for student organizations in most other schools. Because of a complaint to a GGU trustee from one potential applicant about a letter and a list of women to contact (judged to be objectional) the WA is no longer allowed to mail out this material through the admissions office except when solicited. The objectional rating is based on women students identifying themselves as lesbian, bisexual, politically active, older, having children, etc. Not only was this list excluded from the initial mailings, but a handbook prepared by the WA and containing much practical information about law school and Bay Area resources was likewise excluded.

The current status, the result of an "adhesion compromise" with Dean McKelvey, is that a postcard is sent with application materials in lieu of the above materials. The postcard gives the option to solicit all the previously included material and in no way is an appropriate substitute. In fact, the response rate is no more than 5%. We feel the postcard defeats the concept of recruitment: That this institution has the responsibility of reaching out to applicants instead of waiting for them to request information vital to a decision to apply.

On Nov. 18 the SBA passed a resolution saying that "the autonomy and vitality of this law school are not well served by the uncontested submission to outside intimidation." The entire student body, present and future, is affected by this arbitrary policy. The WA is considering several alternatives to this dilemma of recruitment procedure. If you have ideas about this please turn over this insert and write them out. Return your comments/suggestions to the box on the table near the lounges. You don't have to be blue frog or a woman to respond to this survey. Or come to the next WA meeting on Thursday, March 18, from 3-4:20 in Room 207.

The Women's Association
tent benefits, pointed to the crucial underlying problem — all residual law school funds flow back to the general university fund; the basic issue being, the law school does not have final control over its funds.

The students present, strongly felt that in addition to supporting faculty salary demands, this issue should not be separated from the need to demand that the underpaid (and overworked) staff receive at least a cost of living increase in their salaries for next year. It was also felt that it is essential that students, staff, and faculty unite and work together for a common goal to revise the current budgeting process and urge law school control of law school funds, which seems to be the crux of the financial dilemmas faced by all three groups.

SBA President, Marge Holmes, urges all interested students to attend the SBA meeting on Monday, March 15 (see bulletin board for time) to discuss these and other pertinent issues.

EXCELSIOR!

Caveat: United we stand; divided we fall.

Cindy Duncan
staff reporter
POST SCRIPT: The last one was so great, the next is clearly in the offing. Check Caveat for time & place.

Paradise Lost? The case is re-opened on who tempted whom.
CAYEAT is published weekly by students of Golden Gate University School of Law. Opinions expressed are not necessarily those of the University, Law School or the Student Bar Association. Deadline for materials to be published in the following week's issue is Thursday, noon. Editor-in-chief: Dianne L. Niethamer Staff: Mark Derzon, John Fisher, Rita Whalen Cindy Duncan.

Thursday, March 18, 1976

WOMEN'S ASSOCIATION MEETING: Room 207 from 3:00 p.m. to 4:20 p.m. Results of survey on recruitment procedures will be discussed. Everyone welcome.

Tuesday, March 16, 1976

PLACEMENT SUMMER INTERVIEW: Honolulu-based Life of the Land's Environmental Research & Law Program director will be here on Tuesday, March 16, to interview 1st and 2nd year students for non-paid summer intern positions in Hawaii. This non-profit corporation seeks enforcement of laws dealing with environmental protection. Please see Wally for particulars.

LAW SCHOOL ISSUES ALUMNI NEWSLETTER

In an effort to establish and maintain closer contacts with law school graduates, the law school now publishes a six-page newsletter named the ALUMNI FORUM.

The FORUM is initially scheduled to come out twice a year, presents faculty and alumni profiles; news about the school's students, programs, faculty and building project, and discussion of issues that affect the practicing attorney.

News tips and story ideas are welcome and may be left in the ALUMNI FORUM box located in the faculty center.

Also, the FORUM is looking for an associate editor who would be willing to take over editorial responsibilities next year. Applicants for the position must be willing to write some material for the spring issue, must be available to learn the FORUM's operating procedures and must be able to assume management of the FORUM next year. The editor will receive a 2/3 tuition remission next year.

Any person interested in applying for the position should check the dean's bulletin board for application details. Steven F. Krikava

LITIGATION COURSE NEEDS JURORS:
FIRST YEAR STUDENTS REQUESTED TO ENTER POOL

Any first year student who is interested in participating on a jury panel for trials to be held pursuant to the litigation course, should submit their names to the jury pool as soon as possible. The issues which will be presented to the jury for resolution involve landlord-tenant cases. The trials will last one day and are scheduled to be heard from late March through April. To submit your name to the jury pool or for further information please contact the T.A.'s for Litigation, Sara Simmons or Christine Mummey in Room 220 in the Faculty Center or call 391-7800 ext. 302.

F.A.D. NEWS

A tour and lecture describing the functions, techniques, and goals of the local F.B.I. office has been approved for April 6, 1976. Further details will be posted on F.A.D. bulletin boards.

John Vogt, first year law student and F.A.D. member, has recently begun his externship with Vic Lascano, a San Mateo attorney, and GGU alum.

CONCERNED ABOUT PASSING THE BAR? Consider:
- Only 1% of the California Bar were third world persons in 1967, while at the same time 23% of the California population was third world.
- The first time pass rates for the period 1970-73 were:
  - White students - 74%
  - Third World students - 38%
- The discrepancy exists with repeat takers also. Over 90% of the whites in 1970-72 ultimately passed; while only 66% of third world persons passed.
- At the current rate of third world admissions to the Bar, it would take 20 years for third world membership in the California Bar to reach 3%.

If THIS CONCERNS YOU, please attend a mass meeting and walk to the State Bar to be held at Hastings Law School on Friday, March 26, 10:30-12:30.

PLEASE NOTE!!! FRIDAY, MARCH 26, 10:30.

sponsored by the Third World Coalition for Justice in the Legal System.