

11-3-1976

## Caveat, November 3, 1976

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# CAVEAT

NOV 10 1976

Vol. XII, No. 12

Golden Gate University Law School

GOLDEN GATE UNIVERSITY November 3, 1976

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## BERNHARDT'S BILLION \$ BABY!

Roger Bernhardt, one of our illustrious faculty members, is currently being sued for four hundred million dollars (\$400,000,000). His co-defendants, Wilson Riles (Superintendent of Public Instruction) and Glen Dumke (Chancellor of the California State Universities and Colleges), have also been sued for four hundred million dollars (\$400,000,000) each. This brings the alleged damages to a grand total of 1.2 billion dollars, a mere pittance.

Apparently, the lawsuit is based on an incident which allegedly took place in the Fall of 1975. Roger had invited the five major mayoral candidates to speak during lunchtime. (The candidates you will recall were Arbagelata, Ertolla, Feinstein, Marks and Moscone.)

The meeting was originally scheduled to be held on the second floor. At this time, Roger was approached by

the plaintiff, Donald Donaldson, a candidate for mayor, who requested to speak. He was also upset at not having received an invitation. Roger explained that he anticipated four of the five mayoral candidates and had planned to allot them fifteen minutes each to state their platforms. Roger advised Donaldson that he didn't see how he could squeeze in another speaker. However, Roger said that he would organize another meeting at a later date if Donaldson wished to participate. Donaldson got angry. And that's the last Roger heard from Donaldson ... until the complaint.

The meeting was moved to the auditorium and, as it turned out, only two candidates arrived to speak, Marks and Moscone. Roger did not see Donaldson again and has no idea if he attended the meeting.

The complaint alleges that Roger conspired to deny the plaintiff his First, Ninth and Fourteenth

Amendment rights. It alleges that Riles and Dumke should have been aware that Roger was doing this.

The plaintiff is acting as his own attorney and the complaint is full of some real gems. For example, "... Roger Bernhardt is an employee (official capacity unknown)...", "... with malice of forethought..." It is unknown why Donaldson choose to sue Riles and Dumke. Presumably, he thinks that Golden Gate is a public school. (The complaint is on reserve in the Library if you want to see how not to write a complaint.)

Roger is accepting contributions to his legal defense fund. Just drop by his office. We've got a long way to go to reach our goal of four hundred million dollars! Keep those pennies and nickles pouring in!!

Support the G.G.U. One!!!

### EVALUATIONS COMMITTEE LIVES

Last Thursday the SBA selected two students to serve as student reps on the Evaluation Committee. Chosen were Virginia Saftlas, 2nd year day, and Connie Favel, 1st year day, SB. The committee is currently in the process of redesigning the form used for evaluating faculty members, and the student reps would like to know what ideas the students have regarding the evaluation form. If you have any suggestions pertaining to the design and lay-out of the form, the areas of evaluation to be stressed, written comments v. quantitative evaluations, or anything else on the form, please leave them a note in the SBA box, Faculty Center East. A copy of last year's form has been posted on the SBA bulletin board for 1st year students and those with short memories. Also, unfortunately, they are in a time bind since they must be designed, approved, and printed (by our notorious copy center) within the next couple of weeks ...so please do this as soon as possible.

### PLACEMENT NEWS OR

#### WHAT'S UP WITH WALLY?

This Friday, Nov. 5, noon to 1:00, former dean, John Gorfinkle, will speak on, "The Individual Practitioner as an Endangered Specie," in Room 205. John is a delightful speaker and his talk will enlighten, entertain, and challenge. Open to all students and graduates.

First Year Students. In late January or early February, Placement will hold an orientation covering summer legal employment, how to write a resume and preparation for Fall '77 clerkships.

JAG. Army Judge Advocate General Corps will interview on campus, Tuesday, November 16, in the morning. Interested graduating students and graduates should sign-up now.

Non-Legal Jobs. Students are signing up to do a variety of jobs. What's needed are folks who will hire the students. Let's go faculty, students, administration who need work done!!!

### Best Dressed Faculty Award:

The race was tight! (Several male faculty members were seen spending their entire paychecks at Brooks Brothers!) But the award goes to Marc Stickgold - he has his hair done at Sassoon's.

### NEWS FROM THE REGISTRAR OR CAROL'S CORNER

This notice was recently received from the Committee of Bar Examiners, State of California.

Subject: Non-use of Electric Typewriters on Examinations.

"...Commencing with the February 1977 General Bar Examination, applicants will not be permitted to use electric typewriters (other than battery powered) to type their examination answers and no facilities for the use of such typewriters or for the charging of batteries will be provided in the examination centers..."

The complete notice is posted on the Bar Exam bulletin board.

# EDITORIAL REPORT - F.S.C.

## LETTERS TO THE EDITORS:

The following is a report of the FSC meeting held last Thursday, October 28, from 3 PM to 5 PM. We could probably summarize the relevant portions of the meeting in one or two short paragraphs; however, we feel you would miss the flavor of chaos that permeated the proceedings. So --- this is how the meeting went - blow by blow.

I. Howard Moskowitz (citing the Caveat's lead article of last week) said that something ought to be done about allowing political views to be expressed on the GGU campus. Dean Judy stated that she was acting at the request of Teitscheid and would check things out further with him. Howard wanted to know what could be done before the election. Michael Golden (Chairperson) pointed out that there was nothing the FSC could do about it.  
Up-shot: Nothing was going to be done before the election.

II. Marge Holmes presented a motion to add another student (Admissions) to the FSC. (Derzon - seconded) Michael DeVito suggested a friendly substitute motion which would eliminate the Student-Representative-At-Large and substitute a student from the Admissions Committee. Marge rejected the friendly substitute. Michael presented it as an unfriendly substitute. (Pagano - seconded) Roger Bernhardt presented a substitute motion to DeVito's substitute motion. Roger would rather have a student representative from the Budget Committee so he proposed to have one representative from each committee plus the SBA President. (Calhoun - seconded) Michael withdrew his substitute motion.

Mark Derzon pointed out that the group can't just do away with Howard's position. Howard was elected by the student's to serve on the FSC for the term. Since Howard is graduating in December, Roger amended his substitute motion to take effect on December 1, 1976. (There was some haggling over dates and a request that Howard guarantee that he would graduate.) Finally, Roger amended his amended substitute motion to take effect on January 1, 1977. Both Howard and Mark noted that this would unseat Howard prior to the end of his term. Marge pointed out that the Budget Committee is merely advisory to Dean Judy. Mort Cohen said that this didn't make any difference, the person could still vote at the FSC meeting. Bob Calhoun spoke for student participation. He said that he was not in favor of expanding the size of the FSC but, since the faculty had increased, one more student doesn't matter. Tony Pagano offered a friendly amendment to Roger's amendment. His proposal would be to seat Budget immediately and seat Admissions when Howard leaves. Larry Jones advised that he would like Admissions seated immediately in view of Bakke. Ken Hausman called the question. (Three in favor - the rest opposed.) Discussion continued. Myron Moskowitz brought up some issue but it trailed off. Nancy Carter suggested that we seat both Admissions and Budget and allow Admissions to vote now and allow both to vote when Howard leaves. Tony put forth a friendly amendment that Budget should vote now and Admissions should vote later. Nancy accepted the friendly amendment. Jan Kosel called the motion. (Defeated) Discussion continued. Mark Derzon said that he doesn't want to support a motion that would eliminate the Student-Representative-At-Large. The Student Rep is directly elected by the students whereas the committee members are appointed. The motion was called, the vote was taken. The motion passed with Goetzl voting against. (Ed. - There may have been others who voted against but from my vantage point on the floor he was the only one I could see.)

Up-shot: As of Howard's leaving or January 1 (whichever comes first), we will no longer have a Student-Representative-At-Large. In the meantime, we will have one representative from each committee plus the SBA President. Until Howard leaves, Howard will have one vote and Budget will have one vote. Admissions will be seated in an advisory capacity. The net increase in student representation is one with a corresponding loss in direct representation.

III. Jan Kosel (Hiring Committee) reported that they have around 400 resumes. How do they get through them? Pagano suggested that subject matter needs should be discussed. For example, we need a permanent tax person. (At this point, someone noted that Ken Hausman and Alan Cadgene were in the room. Since they are visiting professors and the result of the discussion may affect them, should they leave? Michael Golden said that the FSC had already decided that it was up to Ken and Alan if they wanted to stay. They stayed.) Roger Bernhardt stated that maybe subject matter needs should be discussed in the negative. For example, we don't need more crimes oriented people. Bill  
(See Page Three)

Letter to the Caveat:

As a student employee of the library, I am appalled at the behavior that I have recently observed in the library. Trash is being left on study tables by persons who are too inconsiderate to take thirty seconds to drop cups and food remains in a wastebasket. Not only is trash being left on the tables but there are those who insist on leaving books strewn all over the place after using them. Failure to reshelve books after use means that other students must waste valuable time aimlessly looking for books. And of course, I must stay late after work at 11:00 p.m. to clean up the "mess."

The cooperation and mutual respect among the student body at Golden Gate has been one of the features that distinguishes this school from others. I would hate to think that this laudable aspect of Golden Gate is deteriorating. With the coming of finals, now is the time to help make life easier for all of us. Are you one of the guilty ones?

Denise Mills

Editors, The Caveat:

We noted with interest your bestowal of the Best Dressed Faculty Award on Ms. Nancy Carter. It is common knowledge that Ms. Carter has long coveted this recognition and has consulted with Mr. Pagano, your first designate, for dressing tips, or more correctly, how to catch six (or so) eyes of the Caveat editors.

Being apprised of Ms. Carter's glory-seeking nature, we know that she will never reveal the fact that this honor should be shared. True, her incomparable body has been the instrumentality for displaying the very essence of high fashion, but the salient question is: whence comes those flashy rags? This my friends, takes us to the heart of our message. As managers of the Salvation Army store at Sutter and Polk, we wish to take this opportunity to claim our share of credit for Ms. Carter's success. Although long a leader in the retail fashion industry, offering stylish clothes which combine experience with proven durability, we have suffered from an image problem (not unlike, we might add, the institution at which you toil away your youth).

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(Letter - from Page Two)

If you have the integrity that God gave three hamsters (or the editors of the San Francisco Examiner) you will inform your readers that the fashionable happy booker, Ms. Carter, is one of our best customers.

Couturely yours,

Dirnd L. Ragland  
Belle Bottom  
Weskot Cravat

Managers, Salvation Army Boutique

Dear Editors:

One more word on the Mao controversy: I was the author of the Mao article and I've been very interested in the multi-media exchange between Mr. McAlpine & Ms. Breault. Now I'd like to get my last word in.

The original article's purpose was to challenge commonly held assumptions concerning the universality of certain aspects of human nature and to do this through an examination of the practice of the Chinese Revolution and its guiding principles expressed in the works of Mao Tse-Tung.

Ed McAlpine's letter demonstrated some examples of such unchallenged assumptions, as that "freedom and equality are antagonistic to each other." From this assumption (learned within the context of the American capitalist experience) he can only see Chinese society today as equalitarian to the degree that it is not libertarian. This understanding of China today is certainly born out if one never believes the "Revolutionaries and Visionaries" and relies solely on what one can gather by the reports of the International Commission of Jurists and from the American mass media. I find that "constant indoctrination" is not a fault of the Chinese Revolution alone and that Ed's assertion that "by aspiring to direct the very thoughts of man (sic) it becomes unnecessary to demand his obedience" is a lesson well-learned by the American ruling class. Please check out the story yourself - avail yourself of literature on both sides - then judge. In this regard I would recommend Unita Wright's presentation on Monday.

One last thing, Ed rails against Mao as theocrat and totem. This concept was addressed in the very core of my article. If you must mark up my drawing, at least read the article.

Thank you,  
David Cooper

(Editorial - from Page Two)

Weiner commented that Jan Kosel's survey (which listed the courses professors could teach) was not accurate. Although there are a number of professors that could teach a number of different crimes courses, they couldn't teach all the courses offered in any one semester. If we actually offered all the courses listed, we'd have to hire more crimes people. Dean Judy stated that we have not had enough crim law courses in the past. But if you keep hiring crim law people, you get more and more crim law courses. Dean Judy said that she hated to eliminate an area but we have to do something. Marc Stickgold felt that it would be better to focus on the qualifications rather than on specific subject matter background. Bill Weiner said that he was not opposed to looking at what we do need but was opposed to looking at what we don't need.

(Ed. - By now, you have all heard of the Bakke decision. Basically, the decision says that an institution cannot have different standards for one group as opposed to another if the standards are based on race. Presumably, the Bakke decision only applies to policies. No policy was adopted at this meeting and the views expressed were those of the individual members of the FSC. However, in an excess of caution, the remaining discussion has been edited.)

Myron said that if we can get a good \_\_\_\_\_ in the crim area - it's more important to hire him. (Ed - or her?) Mort Cohen felt that we must look for people who can fill the needs. We can't get professors and then, because we need a course in a specific area, dig into their backgrounds and see if they might be able to teach that course. However, we must sacrifice for \_\_\_\_\_ and he said that he would be willing to give up his field if we could get a good \_\_\_\_\_ candidate. (Roger held to his opinion that we don't need more crimes people.) Myron suggested that we offer more advanced criminal procedure courses to make use of people with crimes backgrounds. Bader pointed out that the basic assumption has been that the faculty is a group of generalists. That's simply not the case anymore. We have specialists and that's the way it ought to be. Tony Pagano said that it doesn't make any sense to hire the best criminal lawyer if we need a Wills & Trusts professor; Nancy Carter agreed adding that you don't do someone a favor if you hire them and they don't teach their subject. You don't expand crimes if you have a bunch of crimes people. Roger moved that the FSC declare that criminal law and litigation be given the lowest priority by the hiring committee. (Dean Judy-seconded) Tony Pagano said to forget it. The FSC did this last year and then went and hired a criminal lawyer. Rosenak suggested that maybe we should vote to hire one and then maybe the FSC won't. Tony said that we shouldn't interview anyone who is primarily interested in crimes or litigation (with the exception of \_\_\_\_\_ people). Calhoun felt it should be left up to the committee. We don't want to mandate one rule for \_\_\_\_\_ and one for \_\_\_\_\_ and then stick the committee with it.

Dean Judy would support the low priority language. (Judy said that this would not have affected Bill Weiner anyway. Bill was the best person and that was the basis for hiring him.) The low priority language allows the committee discretion. Goetzl felt we should start picking the direction we want to school to go. Larry Jones suggested that we should reject criminal law specialists who are not \_\_\_\_\_. (Ed - this idea brought the group back to square one.) Bill Weiner said that he could agree that we need a tax person because he'd heard people bitching about the limited choice in Wills & Trusts. (Ed - Pagano laughed along with the rest of the FSC members.)

Michael Golden restated Roger's motion. (Ed - he has an amazing memory!) Richard Wright moved that we table the entire discussion until after the FSC considers Affirmative Action. It was tabled. Myron moved to table everything until after the Affirmative Action discussion.

IV. The discussion commenced regarding Affirmative Action. Dean Judy said that the Bakke decision may affect hiring. She's looking into it. Roger moved that the FSC adopt a policy to pursue vigorous hiring of \_\_\_\_\_ subject to the restraints of Bakke. He withdrew this motion to hear Bob Calhoun's motion. Calhoun explained that last year we had specific goals which could get us into trouble if there were a lawsuit. Calhoun told the group that he had drawn up a vague motion which says nothing in one sense but says that the FSC would do everything that they can. (Ed - Briefly, the motion said that we should seek candidates who could relate to the needs of minorities, etc.) Calhoun felt that the FSC should pass something general to give the committee guidelines but avoid being unconstitutional. Myron opposed this until we know more about Bakke. Golden offered a statement that said that to whatever degree it's constitutional, the school is com-  
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(Editorial - from Page Three)

mitted to affirmative action. Myron proposed that the group substitute the word "low income" or "disadvantaged" for the word minority in Calhoun's statement. Roger said that he would prefer that the statement not read "disadvantaged faculty members." Myron suggested that the FSC remove all standing policies of affirmative action so we can start with a clean slate. (Hausman - seconded) Cohen asked about what difference this would make. If we're going to be sued it doesn't matter if our criteria is rescinded. Richard Wright commented that none of this made any sense at all. He said that the FSC ought to move on and get down to what we're going to do. A vote was taken on Myron's motion to rescind all prior guidelines. It passed with DeVito and Pagano voting against. (Ed - Again, there may have been others voting against.)

Dean Judy said that she would like some affirmative statement regarding hiring policy. Calhoun introduced his statement as a motion. Bader opposed it. His feeling was, if the university has a policy, why should the law school have one? Roger noted that since there was no substantial disagreement, why haggle over a statement? Myron suggested that all this should wait until we get a memo regarding the Bakke decision. (This idea died for the lack of a second.) Stickgold said that he'd like some information about the candidates who had been identified regarding their fields, etc.

Up-shot: The FSC rescinded all prior hiring policy guidelines. Jan Kosel still has 400 resumes.

Meeting adjourned at 5 PM. (To reconvene this Thursday at 3 PM)

#### WOMEN'S ASSOCIATION NEWS

The Women's Association has placed a suggestion box in the Women's Lounge, 2nd floor, for suggestions as to projects, speakers, activities etc. for the current year. All women, whether active in the Women's Association or not, are urged to contribute any ideas they might have so that we can get a better idea of what the women's community at the law school is interested in. Thank you.

#### QUESTIONS ABOUT WHERE TO GO FOR HOUSING, HEALTH CARE, WOMEN'S RAP GROUPS, OR RECREATION??

The Dean's office has the answers in a big red book called "Social Service Referral Directory". This book lists in alphabetical order hundreds of organizations, one of which may be just what you need. This directory should be especially helpful to those students who have not previously lived in the Bay Area. Check with Molly or Mary Jo to see the book.

For the next issue of Caveat, turn in all items for publication by 10 AM on Tuesday, November 9, to the faculty center east in the Caveat box or to one of the editors.

Please bear in mind that the views expressed in the Caveat are not necessarily those of the Law School or the Student Bar Association.

Editors: Diana Baker  
Cindy Duncan  
Carlos Kaslow

Staff: Mark Derzon, Bonnie Maly,  
Mary Gerber, Sandra Golvin, Roberta Klein, and Diane Baker.

#### SECURITIES REGS IN THE DAY?

A sign-up sheet is on the Dean's bulletin board for students who would be interested in having a day course in Securities Regs. in the Spring. If there is enough interest Les Minkus will teach this course instead of Education and the Law because of the small enrollment for that class.

#### REMEMBER:

Monday, November 8, at 3 PM in Room 205 -

Unita Blackwell Wright, a founder of the Mississippi Freedom Democratic Party, will speak on her trip with the women's delegation to the People's Republic of China.

The film, Freedom Railway, will be shown (free of charge). It shows the building of the railroad from Tanzania to Zambia, Africa, by 14,000 Chinese people aiding 40,000 Africans.

Sponsored by the National Lawyer's Guild and the U.S.-China People's Friendship Association.

Is Weiner's Procedure Civil?

#### ENVIRONMENTAL LAW SOCIETY

The Environmental Law Society will meet Tuesday to discuss plans for the Fall semester finale and to lay the groundwork for activities in the Spring. All are welcome and encouraged to attend. Tuesday, November 9, Noon in Room 203.

#### EXPERT WITNESSES WANTED

by Bonnie Maly

The following letter was written by a would-be GGU law student, Phyllis Learman. She came to the Bay Area last summer to enter law school and was here for orientation and a few classes. Then she had to return to Connecticut to litigate for custody of her children. It seems her husband is using her law-student "status" as an argument against a mother having custody. In August some men and women at GGU who are also single parents signed a list to act as references for Learman. She is unable to contact people individually because the list has been lost. This letter is a reply to one GGU student who wrote a letter in support of a person's ability to be a law student and a parent at the same time. It is printed to emphasize that Learman needs more written testimony from people in similar situations. If you can take a few minutes of time to write something evidentiary for Learman, please do it:

10 Wild Rose Road  
Westport, Ct. 06880  
October 22, 1976

Dear Mary\*,

Thanks so much for your letter. Anything at all postmarked San Francisco lifts my spirits and gives me hope that I will return, but the content of your letter is just what I need for my case. I am a bit disappointed that I haven't heard from others at GGU, but I know how hectic life in law school can be. May I use copies of your letter as an example to encourage others to put their empathy on paper? Let me know if you object; otherwise I will go ahead.

I have taken a job as a secretarial trainee in a gigantic law office (where else?) in Stamford (25 minutes from Westport). The purpose is, of course, to learn anything I can about legal work and take home a paycheck. There are 65 attorneys and supporting cast of hundreds. A very conservative firm with a dress code: women must wear skirts or dresses. But I'm trying to ignore the up-tight atmosphere and make the best of my experience for this year.

As winter approaches, I think more and more of how I belong in California and in school. There has been no progress in my case toward that end, but I will let you know how it turns out.

Thanks again,

Phyllis (Gold Learman)

\*Mary Matson has extra copies of her letter for format purposes. (Phone: 843-9759)