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CAVEAT



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SEP 12 1977

INSIDE ACADEMIC STANDARDS

By Mark Derzon (presently a member of the Academic Standards Committee)

The committee serves two basic functions. First it looks at the grade sheets for all classes before they are released. If the members see anything that "shocks the conscience" they can refuse to approve the grades and instead send them back to the instructor. Although the school has no formal "curve" requirements, there is strong pressure on all profs, particularly first year profs, to stick to a standard bell-shaped curve with a mean somewhere near 2.5. This is relaxed in the upper division courses, especially small seminars, and last year we even approved the grades of an instructor who gave 11 A's and 4 B+'s to a class of 15 students. There is no requirement that any number of A's or F's be given out. In fact out of all the grades given out last semester (more than 2000) only 2 were F's.

The second function of the committee is to hear individual petitions from students. Cases often arise that don't fit exactly into the rules, or that for some reason deserve special attention and perhaps an exception to the rules. Here are some examples of cases we heard last year.

A student received an F in a course she felt she deserved a passing grade in. She asked the committee to review her exam. The committee refused. Another

student, L. D. [redacted] presented the committee with a doctor's letter stating she had health problems at the time. The committee allowed her to re-examine on a credit/no credit basis. Another student complained her instructor had lowered her grade too much because of non-attendance. The committee decided that the instructor hadn't made it clear enough how much attendance would count and gave the student a "credit" in the course.

What cases are within the jurisdiction of the Academic Standards Committee? Anything they want to hear. I've heard reports of people going to the Dean or the Associate Dean with a problem and being told that the Academic Standards Committee doesn't hear that type of case. If that happens to you, don't stop there, speak to one of the student members on the committee and ask them if they think a petition is worthwhile.

Filing a petition for an appeal is simple. Write up the facts of your case and submit them to Sharon Golub or a committee member. You will be allowed to present your problem personally to the committee members who will then vote on how to resolve it.

New student members will be chosen in about a month. Anyone interested in serving on the committee should contact the present committee members, Ruth Ratzlaff, Robby Willenkin or myself for more information.

Affirmative Action: the Background

By Bill Taylor

Affirmative Action is a euphemistic phrase whose meaning has changed over the years of its use. It is now contended that the phrase means reverse discrimination against white males in particular and white people in general. It originally was understood to mean a federal government-sponsored program to offer "disadvantaged Americans" opportunities of employment, education and housing that had previously been unavailable due to racism.

Affirmative Action began as a campaign promise of Jack Kennedy, who, like President Carter, actively campaigned to and won by obtaining the votes of black Americans. Kennedy introduced the concept to Congress. Lyndon Johnson ran the program through Congress on the strength of sympathy votes for a slain President's moral commitment as much as his (Johnson's) astute political maneuvering.

When, in the middle sixties, Affirmative Action became the law, it was recognized that social imbalances,

e.g. disproportionately high minority unemployment, social injustices, and severely limited educational opportunities were the results of systematic racist practices of America's white population on most of its population of color. The theory behind Affirmative Action was to require systematic over-compensation for the wrongs suffered by people of color as a group to eventually correct the evident imbalances in education, housing and employment.

Depending on which administrations were in power, and depending on the political fortunes of those administrations, Affirmative Action legislation was generally enforced or only mildly enforced. It wasn't until the legislation was applied to northern cities in the late sixties, that political and legal challenges to its implementation became active and pronounced.

During that time period and up until the present, "progress" could be seen as a dubious and arguable proposition. On one side it was argued that the programs hadn't worked because they were never really en-

forced. The other side argued that recent placings of minorities in high places showed that equality of opportunity had been achieved. That was answered by documenting this country's penchant for elevating a few representatives of a class (people of color, poor people, women) and proclaiming the achievement of the goal of equal opportunity.

The realities were, and still are, that unemployment figures still show twice the percentage of unemployment for third world peoples as for whites; discriminatory housing patterns and practices still pervasively exist; and that two separate education systems exist - one white (private academies or suburban) and one of color (public and urban). Also, in education there now exists the reality of the Pakke case and the potential for dismantling the entire Affirmative Action mechanism previously set up.

That prospective dismantling isn't alarming to groups favoring such programs. What is alarming is that no replacement programs are even suggested. The Pakke case signals the end of the white culture's commitment to opportunity for people of color in this country.

(This is the background article in a series of articles concerning the Pakke case decided by the California Supreme Court last year and which is now on appeal before the U.S. Supreme Court. The case will be heard in October. We plan to have at least two more articles on Pakke; one of the decision itself and one on its implications. People are invited to submit their opinions as articles or letters. Ed.)

ORIENTATION REPORT

The work of this summer's Orientation Committee was finished on Friday, August 12 with the orientation program for new day and evening students. This year's orientation was condensed to one day instead of previous years' two-day affairs. The condensed program was organized by Georgia Schwar, Ruth Ratzlaff, Diane Beaufait and David Cooper at Dean Judy McKelvey's request. The motivations for the condensed program were to reduce the days given up by students to attend and to allow Dean Judy time to return from the ABA conference that week.

Reactions to the program by beginning students were mixed. Some whom we talked to felt that there was too much for one day encouraging frenzy rather than alleviating worry. Others felt favorable, telling us that it was a good opportunity to get to know people and organizations. Other reactions were ones of indifference. As usual acoustics were terrible.

Attendance at the informal small group discussions was very small this year as compared to last year possibly due to the crowded program. Evening discussion groups were almost non-existent when Writing and Research tutorials ended at 9:30 p.m. Some tutors felt that it was a bad idea to have small group leaders present during the tutorials.

One innovation this year was having fresh vegetables and iced tea at the social hour instead of the traditional doughnuts and punch.

D.C.

REGISTRATION BLUES

One of the big questions this week was did preregistration actually make any difference? This is the first time that this system was tried out at the school. The difficulty in determining whether it made any difference was that nobody involved in running registration this year had anything to do with it last year.

Judy McKelvey told the Caveat that the purpose of the new system was to give the Registrar and Deans an advance look at the sizes of classes in order to determine whether to create new sections or cut offerings that were under-enrolled. Apparently the only section added was an extra unit of Professional Responsibility although some classes were moved at student request due to conflicts. Judy told us that there was some anxiety at preregistration due to a perception by students that the offerings were thin. She emphasized, however, that the pre-registration list of courses only covered those offered by full-time faculty because of difficulty in pinning down schedules for the part-timers in advance. The new list is therefore less threadbare.

The pre-registration does not appear to have diminished the overcrowding in Tony Pagano's Wills & Trusts classes. Pre-registration for his day-section was 99 and there was a waiting list this fall. Tony tells us that many students have registered for the night-section but are attending days instead. This is supposed to be a "no-no" and Judy's advice to Tony on this was to oust the extras with "moral suasion". Tony's response to this advice was typically skeptical. His night class had a preregistration of 55 but about 75 people showed up for his first class including some people from USF. Tony told us that he felt that a pre-registration figure of 99 should have tipped off the schedulers that over-crowding was just around the corner. He felt the answer to the problem was not more chairs but more sections, and that this could be accomplished through student pressure. He speculated that this might have the effect of decreasing the number of offerings however. Lani Bader's Corporations class also had a preregistration figure of 99. There are now 102 registered with 7 on the waiting list.

Pre-registration has however speeded up the registration process. Nancy Messerer, Registrar since June, failed to preregister for her classes: "I thought I'd only have to fill out the same forms again in the fall, but we're using the same completed forms filled out in the spring." This has resulted in leaving the staff more time to correct errors on the forms such as year and line numbers.

Wally Walker, Assistant Registrar, said that although time was taken up in the spring it was worth the effort since it is more important to save time now that there is an influx of new students. He pointed out that without pre-registration everybody in over-crowded classes was left hanging; with it, only those who failed to pre-register are left suspended. Judy also emphasized that students should view pre-registration as a class reservation.

Molly Stolmack told us that taking registration out of the hallway was one of the biggest improvements. All people involved felt that the process could be improved next year. The Registrar's Office wants to keep the same forms for pre-registration while the Dean's office presently favors a less formal system for the Spring.

(Continued last page, column 1)

announcements

FROM WALLY'S OFFICE

Third and fourth year students. Federal government application deadlines range from mid-September to early November. Likewise, larger law firms and corporations review resumes and make hiring decisions during this time period.

If you are seriously interested in considering employment with the Federal Government, larger law firms or corporations, on Tuesday, August 30, from 12:15 to 1:30 p.m., and from 5:30 to 6:45 p.m., Room 209, I'll be available to review and answer questions concerning resume preparation, government applications and form 171, cover letters, writing samples and interviewing. If the above times are inconvenient, please come in and see me.

Those of you who are interested in small law firm, public interest firm, public defender, district attorney and State of California attorney positions, for example, I will schedule similar meetings during the Spring semester. These firms/agencies usually require bar passage prior to hiring consideration. December graduates may wish to stop by the office sometime this semester to discuss attorney job search preparation for post-graduate employment.

ATTENTION USED BOOK SELLERS

If you have books in the S.B.A. Book Exchange, be sure you come to the basement lounge between 12 and 6 p.m. on Monday, August 29 to reclaim any unsold items. All books not picked up will be donated to organizations in need of legal materials. Those of you unable to come at that time may designate a friend to do so. Your friend will need a written, signed authorization. Or you may pick your books up during the last days of the sale. Checks for sold items will be available for pick up after Labor Day. Watch the Caveat for information about where and when.

FISL APPLICATIONS

September 8, 1977 is the last day that Wells Fargo Bank will accept FISL applications from "new student loan borrowers" for this year.

CONFERENCE: COPYRIGHT REVISION ACT OF 1976

Bay Area Lawyers for the Arts, Inc. (BALA) and Comment, the journal of communications and entertainment law, will present a two-day conference for attorneys and law students on the new Copyright Revision Act of 1976. The Conference will take place on Saturday and Sunday, September 17th and 18th, at Hastings College of the Law, in San Francisco, from 9:00 am to 4:30 pm. For more information contact Bob Heyman at Bay Area Lawyers for the Arts, 332-2224 or 775-7200.

LAW LIBRARY

The Law Library will be closed Monday, September 5, Labor Day.

SBA MEETING

SBA President Richard Wright announces that this Fall's first SBA meeting will be held this Wednesday, August 24, at 4:30 p.m. (Room to be announced). Representatives are required to attend. All students are invited especially 1st year students who are interested in becoming representatives. Also all people interested in positions on Faculty Student Committees (FSC) should attend.

The Agenda will include:

- Treasurer's Report
- Committee Reports
- Organizing Elections for:
 - 1st year reps
 - Night Vice President
- Gripes
- Ideas
- Special Projects
- Student Scholarships

ENVIRONMENTAL LAW SOCIETY MEETING

The Environmental Law Society will hold its first meeting of the year on Wednesday, August 24, at noon in Room 203. This will be an important organizational and direction-setting meeting, so all interested students (especially first year) are urged to attend.

DOWN THE MOLE HOLE

The first meeting of the M.O.L.E.s was held last week. It was decided that the first project of the group would be the showing of the Marx Brothers film, Animal Crackers. The M.O.L.E.s will be sponsoring later in the year a World Series of Poker. Watch for details in the Caveat.

CORRECTION

Kathy Dyson, Secretary to the Dean, appeared as Kathy Byson in our last issue.

Another Correction

Lakes Law Books does sell used books.

The Caveat encourages all students to contribute to the paper. We have a mail slot in the 2nd floor faculty center. You must submit articles or notices by noon on Thursday in order for them to appear in the following Monday's issue.

Women's Association

We're meeting this Wednesday at 5:30 pm.

One benefit unnoticed by most students is that book ordering went a bit smoother during the summer because professors had some advance warning as to the number of students they could expect. Mary Selvy and Jeanne Lawrence told us that preregistration had no beneficial effect however, where professors' negligence in ordering late has resulted in the failure of books to get to the bookstore on time. Allan Cadgene take notice.

D.C.

LSAT Culturally Biased Says ABA Magazine

(Released by American Bar Association, Division of Communications, July, 1977)

Cultural backgrounds play a major role in the failure of black students to match their white counterparts in law school aptitude tests, says an article in the spring issue of "Learning and the Law," an American Bar Association publication.

The LSAT test, used by most law schools in judging admissibility of applicants, is geared for those used to playing "sophisticated abstract intellectual games," claims the article written by Dorothy R. Clark, instructor and counselor for undergraduate LSAT workshops, University of Maryland.

She asserts that "the average black applicant, if there is such a person, seems to have a special set of self-defeating dynamics going into such a (testing) situation, reflecting minority status and effectively concealing ability."

Ms. Clark said the scores of black LSAT testers nationally have been running about 100 points lower than whites on a possible range of 200 to 800.

She said the LSAT is geared for students who are "attuned to this kind of (intellectual) game throughout a long period of acculturation stretching back to early childhood.

"Not only do they share that similarity, they also come from largely white, upper-middle-class, college educated families with a tradition of intellectualism."

Ms. Carpenter said the test fails to measure the actual abilities of those without such an intellectual game-playing background.

"In other words," she said, "the LSAT is culturally biased."

"Having to abandon experience and common sense seems to be what bothered many of the intelligent black students most about the entire LSAT, aside from its overwhelming white overtones and assumptions," the counselor said. "From what I know or can intuitively guess about the life of the black citizen in this country, you cope with reality day in and day out in a way few whites have ever had to, and you have no screen behind which you can disappear, as most whites can. It is dangerous to lose touch with reality even for a minute."

She said there is another "huge obstacle that cannot help but affect the performance of many or most black applicants: A verdict appears to have been rendered in advance, before the test has opened the test."

on bread & water

This is a column that will appear from time to time as necessary. In it we'll have both announcements out of the Financial Aid Office as well as reports on financial aid from investigating students.

This week Diane Beaufait was concerned that the catalogue lead one to believe that FISL loan people could not partake in the deferred payment program. This is what she found out:

The Deferred Payment Plan for tuition is available to Financial Aid students. Payment schedule is as follows:

FISL Students

Amount due depends on when your FISL check arrives at Golden Gate. If your check arrives before September 16, then 1/3 of the tuition is due. If your check arrives on or after September 16, 2/3 of the tuition is due. And if your check arrives on or after October 14, the total tuition for the semester is due.

NDSL Students

Your check may be applied to payment of the first 1/3 of your tuition.

The reason this announcement is being made is that this is contrary to the policy set forth on pages 42-43 of this year's Law School Catalogue. Luckily for Financial Aid students, the policy stated there will not be followed; rather the policy set out here will be followed -- that is the deferred payment plan for tuition is available to students on financial aid.