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Caveat, November 21, 1977

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CAVEAT



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Vol. XIII, No. _____ Golden Gate University School of Law

November 21, 1977

Faculty Student Council Meeting

New Vote on Dues Increase

COMMITTEES TO DRAW UP EVALUATION FORMS ON DEANS
ON DIVERSIFYING FACULTY ADOPTED
EVALUATIONS OF JMW & ESC REJECTED
by David Cooper

Thursday afternoon saw the second meeting of the FSC this year. Administration present: Judy McKelvey, Sharon Golub, and Molly Stollmack taking minutes. Student ESC reps: Beth Price (Curriculum), Gail White (Budget), Joanne Schulman (Hiring), Connie Tavel (Evaluations), David Rubinoff (Admissions), Richard Wright (SBA President) Faculty: Stickgold, Weiner, Rosenak, Bernhardt, Calhoun, Kosel, Minkus, Golden (Chairperson), Jim Smith, Jones, Charles Smith, Pagano, Deutsch, Bader, Goetzl, Allen (Placement), Moskovitz, Rhine, Segal.

Self Study Committee: Dean Judy is requesting that the various committees and bodies within the school submit information on their function in preparation for the report to the ABA on the school's continuing accreditation. She is meeting with Marge Holmes (last year's SBA president), Richard Wright and committee heads next week to discuss the state of the school. The report, to be circulated before the ABA investigation in February will include a statement of the school's philosophy.

Grading Resolution: Tony Pagano defended his resolution that an upper and lower limit be placed on course grade averages. He explained that his motion was different from a curve in that it would allow teachers to decide on their own distribution of grades with the only limitation that the class' average be within a designated limit. As to the exact placement of where the limit should lie, Tony indicated that he would prefer to see this determined by the Academic Standards Committee (ASC). He said that the figures he put in his resolution were only tentative and that they had nothing to do with grade inflation. Tony said that the purpose of the resolution was to protect students' averages from the effects of low-grading teachers. Student David Rubinoff suggested that the ASC already took these factors into account when reviewing class grades. Myron Moskovitz, member of the ASC, indicated that as a teacher he would prefer such a limitation. A straw vote revealed that a majority wanted the ASC to explore the possibility of such a policy. The committee will report back next semester.

Resolution to have Permanent Visitor Faculty: The aim of such a resolution would be to bring a "real" visiting professor to the school which apparently means a professor from another school rather than a practicing lawyer who wants to teach for a year. Although support was indicated for such a position, a number of Council members, particularly those on the Hiring Committee, felt that setting aside a permanent faculty slot for this purpose could interfere with increasing the number of minorities and women on the faculty. Currently there are 22 permanent faculty positions. Two more "slots" will be filled this year bringing the number up to 24 next fall. The decision on the proposal was tabled until such time that the University authorizes the Law School to open a 25th position.

Resolution on "Pluralizing" the Faculty: Tony Pagano's resolution was amended to read as follows: "to adopt as a primary hiring goal the need to diversify our faculty profile to more closely reflect the pluralistic character of our city, state, or nation." (Formerly it was "... of our state and nation." No change was made in the ambiguity of having a need as a goal although this was brought up.) The resolution was passed after some discussion concerning whether such a resolution could get the

The results of the SBA dues increase election showed that 153 people voted for the increase and 107 people voted against the increase. However, the check-off list revealed that only 178 names were checked off, leaving a total of 82 unaccounted for votes. Additionally five pieces of paper with "No, on the Dues Increase" were found in the ballot box. Therefore, there will be another vote taken on Tuesday and Wednesday, November 22 and 23, 1977. The polls will be open at the following times, and all students are urged to express their opinion on this issue.

TUESDAY, NOV. 22

8:30 AM - 9:00 AM
10:30 AM - 11:00 AM
1:00 PM - 1:30 PM
6:30 PM - 6:50 PM
8:15 PM - 8:30 PM

WEDNESDAY, NOV. 23

8:30 AM - 9:00 AM
11:30 AM - 12:00 Noon
1:00 PM - 3:00 PM
6:30 PM - 6:50 PM

school in trouble and whether it was really necessary in effecting the practices of the Hiring Committee. Tony emphasized that while the committee has been operating as if this was already the stated policy, it was still the job of the FSC to state the institution's policy on the matter. He also added that without the resolution there was nothing to insure that next year's committee would operate under the same priorities. It was agreed that the resolution would not conflict with present hiring priorities.

Resolutions on Evaluating Administration, SBA, FSC:

Originally there was only one resolution on the floor which was to set up an ad-hoc committee to draw up forms for evaluating the Deans and the administrative staff by faculty and students. As the discussion progressed (digressed or regressed depending on one's point of view) a new resolution for evaluating the SBA came to the floor. This is how the ball game went: Bernie Segal suggested that the proposed ad-hoc committee consider the SBA as an alternative "communicator" of student feedback to the administration. Through misinterpretation, Bernie's suggestion was translated into a motion by Roger Bernhardt to amend the resolution so that the committee would also draw up forms for evaluating the SBA. After Bernie explained that his idea had nothing to do with evaluating the SBA the new motion was temporarily withdrawn. There was a 15 - 4 vote in favor of setting up an ad-hoc committee and in favor of encouraging the committee to consider the SBA as an alternative evaluating forum. After this Roger moved that the SBA be an evaluated body as well and that evaluation forms be drawn up by committee. Mark Stickgold amended into the new resolution an evaluation of the FSC as well. Roger defended his motion on the ground that the FSC had an interest in seeing that the SBA was representative in as much as the Council seats students chosen by the SBA on that understanding. Richard Wright, explaining that he was not necessarily against the resolution, said that he thought that as a body the SBA was already more scrutinized than either the faculty or the administration. Lani Bader said, "Soon we'll spend all our time evaluating each other and then change the word to 'investgate'." Bob Calhoun, echoing Lani's sentiments, moved to amend the resolution so that all standing committees of the SBA and FSC be evaluated. This amendment failed as did the whole new resolution.

The final result of this agenda item is that the faculty will form a committee to draw up forms that teachers will fill out to evaluate the Deans and administrative staff. The SBA will form a similar committee for the student version of these forms.

Clinic Column

Demo Against Racism in State Bar

Students who are enrolled in General Clinic this semester must fill out the student certification form which is available in the faculty center on the shelves just inside the door. No credit will be given until this certification has been submitted. Please return the completed form to the clinic box in the faculty center by November 30.

Students who are interested in receiving general clinic credits for next semester and who have not obtained a placement can contact the clinic office for current placements.

The following is a partial list of job placements offered through the clinic program.

- Labor Law: AFSCME Local 1695,
Arbitration and grievance hearings
- Civil Rights: IMAGE
Actions against the government for employment discrimination against Latinos.
- VANTAGE
Advocacy for the legal rights of the disabled.
- Poverty Law: Welfare Advocacy Unit, San Francisco Neighborhood Legal Assistance Foundation.
- Legal Aid Society of Marin, San Rafael
- St. Anthony's Dining Room,
Legal counseling at the dinner line.
- Title VII: San Francisco Office
Sex discrimination suit against Marin County
- Community Law: General Practice in the Haight
Paid Position
- General Practice - Title VII, Berkeley
- Law Offices of Carol Ruth Silver, SF
- Tax: Taxation Section of the California State Bar

by Bill Taylor

Friday, November 18th, a city-wide collection of law students picketed the Sheraton Palace Hotel. Their activities were aimed at the celebrants at the California State Bar's 50th Anniversary Ceremony.

The Third World Coalition for Justice in the Legal System with substantial aid from the National Lawyers Guild chapters throughout the Bay Area, staged the picketing to protest what they allege to be racism in the State Bar.

They point out that only 1% of the State's lawyers are third world (La Raza, black and Asian), yet the State's population is over 25%. The groups contend that white attorneys can't and don't adequately service third-world communities. They also contend that the glut of lawyers in California is non-existent in third-world communities.

The issue which is felt to impact most upon third-world applicants to the State Bar is the bar exam, on which the third world first time pass rate is approximately half that of whites (70%). More third-world input into the construction of the exam, and less reliance on the Educational Testing Service (ETS) designed and graded multi-state portion of the exam is advocated by the Third World Coalition.

It is feared that a private enterprise answerable only to their self-created sales results is determining the professional class of this country. ETS sells the Scholastic Aptitude Test. It sells the professional school exams (LSAT, MCAT, etc.). It sells the multi-state portion of the bar exam and other professional licensing exams.

The recent tendency of the State Bar has been to turn over increasingly more bar grading work and weight to ETS. Such a trend is being fought.

(Editors Note: On the ETS -- an additional point of emphasis -- ETS is the only organization writing pre-college and graduate tests. In fact, then, ETS standards on acceptable academic performance are the only means by which students are allowed entrance into any of the higher educational institutions! RE)

Students Refuse to Pay SBA Dues

Several students have written a letter to Dean McKelvey stating they will not pay their SBA dues next semester. They are basing their refusal on first amendment freedom of expression grounds. A copy of the text of the letter follows. The Caveat hopes to have the Dean's response in time for publication in the next issue. MD

Dear Judith McKelvey:

According to the Caveat of October 24, 1977, the Law School's chapter of the National Lawyers Guild has been granted a tentative budget of \$600 for the 77/78 academic year, plus the money the chapter received in voluntary registration check-offs. It appears that the \$600 budget is allocated from the mandatory student SBA dues collected at registration. We find this process of NLG funding in direct violation of our constitutional rights.

The NLG is a political organization. Since the SBA dues are mandatory and are allocated to campus-based political groups such as the NLG, that makes us non-consensual supporters of a political group which we in fact oppose. This is in violation of our first amendment right of freedom of expression.

The issue here is much more than just the NLG. We urge that you declare a moratorium on the collection of any SBA dues until the collection process is altered so as not to violate individual constitutional rights of students. Until that time we will refrain from paying the

mandatory SBA dues at registration, and we believe a substantial number of students share our feelings.

We want to emphasize that we are objecting to these mandatory dues being given to political organizations. We have no objections to them being used for such non-political purposes as the Caveat and the picnic.

There are several questions we would like answered regarding this matter.

1. Do the Law School and the University approve of the existence of political groups on campus?
2. Do the Law School and the University approve of these groups being funded out of mandatory student fees?
3. To what extent does the Law School and the University participate in the collection of these funds?
4. What sanctions, if any, will the Law School and the University impose on any students who refuse to pay the mandatory SBA dues?

Please inquire into the matter.

Yours truly,

John Voss
Gary Reing
Mark Derzon

announcements

ALASKA CHIEF JUSTICE COMING HERE

Next Monday, November 28, Chief Justice Robert Boochever of Alaska will be at the school. There is no schedule yet, but it is expected that he will speak with students and faculty. Alaska's Court, which hears so many cases of first impression, is particularly interested in new law. People who are interested in meeting with Justice Boochever should keep their eye on the walls for announcements.

WOMEN'S ASSOCIATION MEETING

There will be a Women's Association Meeting on Nov. 30 at noon in room 209. Items for the agenda may be added to the list in Women's Lounge.

PROPOSED CHANGE IN SPRING SCHEDULE

It is proposed that the Monday sessions of Segal's spring Evidence class be moved to Thursdays, 10:45 - Noon. See Sharon Golub if you object.

MOOT COURT COMPETITION DEADLINE SOON

The American Patent Law Association is sponsoring a national Moot Court Competition with a \$500 award to the winning team. A copy of the problem is on reserve in the library in the Moot Court reserve folder.

GGLS may enter one team of two students. The team must be officially entered not later than 30 Jan., '78. The team must write both Appellant's Opening Brief and Respondent's Brief, due not later than 24 Feb., '78. Regional oral argument rounds will be held in Los Angeles 31 March, '78. Regional winners will compete in National rounds in Washington, D.C. 19 April, '78.

Any persons interested in competing should contact Steve Alexander (621-1309) or leave a note (giving name, mailing address, phone number, and the name of the competition) in the Moot Court Mail Box, Faculty Center East. If more than two persons are interested, the Moot Court Board will organize some form of competitive selection process. DEADLINE: 28 Nov., '77. Steve Alexander

POLICE DECOY DEBATE

GGU is proud to announce:

Police Decoy Program: A Debate
Wednesday, Nov., 23
12:15 - 1:30
Room 207

Pro: Lt. Charles Bean, Street Crimes Unit, S.F.P.D.
An attorney from S.F. District Attorney's Office.
Con: Philip Martin, private criminal defense attorney,
Martin, Reed, and Van Vlear
Dennis Riordan, Deputy State Public Defender and
representative of National Lawyers Guild
Criminal Justice Committee.

Chairperson: Myron Moskovitz

Come air your views, ask questions, and hear those with first hand experience!

SECTION A SENIORS PARTY

Don't forget to come to Breen's (on the corner of Jessie and 3rd) this Wednesday, November 23. Most people will probably arrive after Wills and Trusts ends at 1 PM, however there are rumors that several of the Section A notables plan to boycott that class in order to get an edge on.

SBA MEETING

Wednesday, Nov. 23, 3:30 pm. Agenda:
Affirmative Action meeting; ABA Evaluations input; FSC committee reports; Fundraising; Special election; Non-smoking area in Hallway.

TIME CARDS

This week the cards are due in Tuesday, Nov. 22.

THANKSGIVING ISSUE

The Caveat will come out next Monday, right after Thanksgiving. That will be the Caveat's last issue this semester. All announcements will be due on Wednesday no later than noon!

In the meantime, Good Yom Tov and Happy Turkey! (What about a Hubbard squash?)

Your Editors: David Cooper
Mark Derzon
Ruth Edelstein

Legal Fictions

by Cal Zamansky

-If a trial court judge is presiding over a controversial case for which there is little or no precedent, and he wishes to pass the buck to a higher court, should he decide the case by "trial and error"? (Listen folks, they can't all be legal gems!)

-It is often the case that truth is more bizarre than fiction. For the past few months, a friend of mine who lives in Chicago has been sending me newspaper clippings concerning a horror story that has been steadily unfolding there.

Last spring, a man riding a motorcycle up Michigan Avenue swerved in front of an automobile. The driver of the automobile couldn't stop in time and ran the cyclist down, driving directly over the man's legs in the process. One of his legs was so severely injured, it would have to be amputated. The other leg, although badly damaged, could have been saved.

When the man was rushed to the hospital there was an intern working in the emergency room. Since all the on-duty surgeons were unavailable the intern performed the emergency surgery. The first thing he did was amputate the wrong leg. Then, necessarily, the other leg had to be amputated.

Naturally, the Chicago legal community has been up in arms over the whole incident. The man is suing both the doctor and the hospital. Apparently, according to all the articles my friend has been sending me, this is the major topic of discussion in Chicago these days.

Last Friday, the Chicago Tribune carried an editorial in which it stated that the cyclist doesn't have a chance to collect anything from either the doctor or the hospital. The reason given: He doesn't have a leg to stand on.

Of course, he can't kick, but he's just wondering who's going to foot the bill.

-Wouldn't it be perfect if Beverly Sills owned the San Francisco Opera House. That way we'd have no trouble with the covenant in the lease which "requires the landlord to maintain the common arias".

on bread & water

FINANCIAL AID -- TUITION REMISSIONS

In an effort to alleviate the severe financial hardships which so many students are faced with, limited financial aid in the form of tuition remission will be available through the law school, beginning with the Spring 1978 semester, to all law students who, after having applied for all available forms of financial aid through the University Financial Aid Office, were awarded financial aid packages which, according to the needs analysis, left them with \$100 or more in unmet need.

If you applied to the Financial Aid Office for some combination of FISL, NDSL and work-study (first year students are not expected to apply for work-study) at the beginning of the year, there is no need to re-apply. If you did not apply for all available programs, December 1 is the deadline for spring applications. Again, no one will be considered for tuition remission who has not first applied for everything that is available through the Financial Aid Office.

There is no separate application form for tuition remission. Everyone who has applied for a financial aid package will automatically be considered.

There are no academic restrictions; being on probation or re-examining are not disqualifications.

As to those students whose financial aid packages leave them with \$100 or more in unmet need (according to the needs analysis), it is our hope to award approximately one-third of unmet need (i.e., a student with \$300 in unmet needs would get \$100). This percentage may be reduced once the total amount of unmet need is brought up-to-date. This up-dated information should be available from the Financial Aid Office in time for spring registration. However, in case it isn't available everyone should be prepared to pay the first third of spring tuition under the deferred payment plan. Should tuition remission awards not be made until after spring registration, they will be credited to student accounts so as to reduce the unpaid balance.

Special consideration in the amount awarded will be given to students with an ethnic or cultural disadvantage, as well as to students with physical handicaps. It is our present intention to award students who fall into these categories two-thirds of their unmet needs (provided their unmet need is \$100 or more and they have applied for all available programs). If you fall into one of these categories and wish to be considered for a higher award, please submit a brief, simple statement to the Deans' Offices no later than December 15, 1977. The burden of coming forward is on you; no one will automatically be put into one of these categories.

Dean's Ad-Hoc Committee on
Tuition Remission

SCHOLARSHIP INFORMATION

Scholarship Information Services has completed researching and compiling a file of external sources of financial aid. Information on some fifty to sixty scholarship/fellowship/loan sources is now available for use in Associate Dean Golub's office. Many of the scholarship sources allow nation-wide any academic discipline applications while others require specific organizational or ethnic group membership or geographic residence.

The entire file has been broken down into categories of academic, general, membership/geography, minority, and women to facilitate the individual student's search. There is also a short bibliography for printed materials on financing a college education.

Please feel free to use the file during regular Dean's

offices hours. A list of spring deadlines for financial aid application to many of these sources will be printed in the first January issue of the Caveat.

Karen Hawkins

SCHOLARSHIP

1978 Western Trial Lawyers Association Scholarship Competition

Prize: 1st prize \$1000 and trip for two to WTLA convention in Hawaii

Eligibility: Full-time law students not graduating prior to December 1, 1978.

Subject: Products Liability

Deadline: February 15, 1978

Letters

PLEASE DON'T SQUEEZE THE CAVEAT

Dear Editors:

I want to complain about the lousy quality of the toilet paper in the Johns.

An Inflamed Student

(Editors Note: In order to alleviate this problem, we have decided to print all future editions of the Caveat on Charmin bathroom tissue. MD)

SBA Holds Meeting

The SBA held an executive committee meeting last Thursday. Judy McKelvey came and informed the group that every seven years the ABA comes to each law school to review their accreditation, and this is the year for Golden Gate. She stated that the school is going to present to the ABA a self evaluation. If any students have anything they'd like to see in this report to be compiled by the Dean, see your SBA rep. or leave your suggestions in the SBA mailbox, or give them to the Dean yourself.

The SBA asked Judy for administration funds to send Mike Rosas to the National Conference on the Bakke case at Howard University in Washington D.C. The Dean turned down the request.

There will be an SBA meeting early next semester dealing specifically with affirmative action at Golden Gate Law School. The tentative date is January 25, 1978, at 3 PM.

Frank Free is going to chair the SBA evaluation of the faculty and the administration.

A replacement for Pat Coughlin, 2nd year day rep. will be chosen next semester.

Joanne Schulman of the hiring committee reported that the committee is doing interviewing now. She stated that the resume file at 55 New Montgomery is open to all students to inspect. If anyone knows of any qualified candidates, have them contact the school. The committee has limited funds but will be flying out about three candidates in the near future. When they come out they'll be available for all students to meet, and in addition will give a sample lecture so we can get an idea of their teaching skills.

The next SBA meeting is Wednesday, November 23, 3:30 PM.