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## Caveat, September 11, 1978

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# CAVEAT

Golden Gate University School of Law

Vol. XIV, No. 4

September 11, 1978

## NONTENURED PROFS GET THE FRANCHISE ON TENURE COMMITTEE

BUT DEAN JUDY DRAWS THE "BOTTOM LINE"

The Faculty Student Council has reorganized the Evaluations Committee so that it will now include non-tenured as well as tenured instructors. Up until this last Thursday's FSC meeting the Committee, which decides on whom to recommend for tenure, retention and promotion, was composed of only the tenured faculty (currently about 14) and 2 students chosen by the Student Bar Association.

Last Winter, when Prof. Laurie Deutsch did not return, many students and some of the non-tenured faculty were disturbed by rumors that she was denied retention by the Evaluations Committee in spite of favorable student evaluations. Whether or not Deutsch had indeed been turned down for retention, the resulting student and faculty uproar lead to the formation of an ad-hoc committee which was to draw up recommended changes in the structure and procedures of the Evaluations Committee. The ad-hoc group which included tenured and non-tenured staff as well as students recommended that the Committee be composed of 9 tenured faculty members, 4 non-tenured, and 2 students. Other recommendations concerning criteria for retention and confidentiality rules were also drawn up but will be voted on at the next meeting.

At the outset of Thursday's meeting Dean Judy reiterated that ultimately it was the University Board of Trustees which has the power to grant tenure and that she would not approve of any reorganization plan jeopardizing the Committee's image with the Board. She defined such a committee as one where a majority of the tenured professors on the Committee could be overridden by students and non-tenured faculty on questions of tenure. As it developed this was clarified to mean that she would find unacceptable an Evaluations Committee wherein non-tenured faculty and students (possibly in conjunction with a minority of tenured profs) could grant tenure to an instructor contrary to the wishes of a majority of the tenured members of the committee. Some discussion then ensued as to how the proposed changes would conflict with Judy's "bottom line". Since a 2/3 majority is required to grant tenure, the proposed structure could conflict with it in only one circumstance - where 5 tenured vote to deny tenure and the other 10 members (4 tenured, 4 non-tenured, and 2 students) all vote to grant tenure. Mike Golden moved that the proposal be amended so that in such a circumstance the wishes of the 5 would be controlling. Mike DeVito (the chair of last year's Committee and co-author of the recommended changes) argued against the amendment on the grounds that he would prefer to leave the Dean with the option to go along with the Committee's majority if she so chooses. Golden's amendment was defeated 12-4.

Roger Bernhardt then moved to amend the proposal to allow all tenured faculty a seat on the Committee even though only nine would vote. Once again DeVito argued against the amendment on the grounds that it would unnecessarily encumber the Committee with too many members. Roger's amendment went to a 13-2 defeat, Myron Moskovitz being Roger's only supporter.

At this point the original reorganization plan was on the floor. Larry Jones spoke out against the plan asserting that no non-tenured faculty or students should be on the Committee (as was true a few years ago) on the grounds that non-tenureds could still have input on the committee and the exclusion of students and non-tenureds would increase candor and confidentiality. Myron had indicated earlier that he was opposed on the ground that

## Alternative Law Forum

It's time again for the annual Alternative Law Practice Forum sponsored by the Bay Area National Lawyers Guild. This yearly event gives law students an opportunity to get together with students from other law schools and to meet practicing attorneys and legal workers from the area.

Workshops on housing, labor and criminal law, anti-sexism, native-american rights, immigration, and other subjects will be conducted by people currently working in those fields. One panel will cover the various affirmative action struggles which took place in Bay Area law schools this past spring. Over the years, many students have found the "Extravaganza" to be fun as well as rewarding in exposing them to alternative legal practice.

Saturday, September 16: Hastings College at Hyde and McAllister. 10:00 am to 4:00 pm. \$1.50 donation to cover costs including provided child care. Bring a bag lunch.

## Viva la huelga!

The United Farm Workers of America, AFL-CIO, are involved in a strike against Pacific Mushrooms in the Central Valley. UFW was certified as the bargaining agent in a ALRB election held in January, winning overwhelming support of the 200 workers.

The negotiations, which have been underway since January, have broken down, with Pacific Mushrooms refusing to negotiate the medical and pension aspects of the contract. Unfair labor practice proceedings have commenced, but the Farm Workers need your support either in person or through donations of food and money.

To help contact Kevin Robinson at GGU (552-7429), Fred Ross at USF (282-1652) or Migrant Legal Services at Boalt.

the inclusion of non-tenureds may lead to conflicts of interest if tenure becomes limited to a set number of professors. Those speaking for the plan included Professors Bob Calhoun, Bill Weiner and Mort Cohen citing among their reasons in support the need for trust, objectivity, and the reduction of the non-tenureds' "second class" status in the school. The motion passed 15-5. Mike Golden, Jan Kosel and Roger Bernhardt joined Larry and Myron in opposing the plan. All voting students joined the majority.

David Cooper

(Ed.Note: You well may wonder who's got tenure and who hasn't. The following professors are tenured: Roger Bernhardt, Mort Cohen, Mike DeVito, Mike Golden, Larry Jones, Les Minkus (on leave), Myron Moskovitz, Ted Rosenak, Jim Smith, Lani Bader, Tom Goetzl (on leave), Neil Levy, Tony Pagano. Dean Judy received tenure before being appointed Law Dean. Bernie Segal and Mark stickgold come up for consideration this year.)

# O P E D

## ANXIETY AND MORE . . .

It's the third week of classes, and by now you have an idea of the "Catch 22" situation in which you have put yourself. Now you can begin the arduous process of assimilating the mountains of material like an illiterate blind person reading braille for the first time. But one of the shiniest keys to unlocking the perverse logic that lurks behind a Cardozo, Learned Hand, or Traynor opinion is the clear understanding of your own ignorance, your own "blindness". And believe me, no better forum can provide you with that understanding than the law school classroom. Continually, you will find yourself in the position of being "damned if you do, and damned if you don't" whenever you form an opinion and express it, be it in a brief, an oral or written response in class, or an exchange with your classmates. A natural outgrowth of that uncomfortable position will be an increasing sense of anxiety, the anxiety of having the validity of your well-prepared opinions contested, the anxiety of being wrong, the anxiety of not measuring up to your own expectations, the anxiety of failing. And yet, it is through your growing anxiety that you begin to grasp the parameters of your own ignorance. You begin to recognize the characteristics of your own "blindness". Finally, when your level of anxiety reaches the point of anguish and intolerableness ( I'm mad as hell and I'm not going to take it anymore! ), you are miraculously transformed ( It's my hypothesis that it is a bio-chemical shift ) into a person who uses anxiety as a device, rather than simply as a pure emotion, and applies it to the task of gaining the knowledge and the skills necessary to participate in the world of law. Suddenly, some morning you will discover a new face in the mirror, one with a hint of gauntness that was never there before. As you study it carefully and systematically, noting every wrinkle, you may have an absurd urge to grieve and to let a few tears flow down your cheek. When this happens it's just a signal of your "coming of age". You are now a paradoxical beast that is, at one and the same time, detached and compulsive. You are a student of the law.

My sincere welcome to all  
of you,

Michael Pitts  
Night Editor.

## CELIBACY AND THE LAW

My friend Henry Monfa was the first to give me the idea that celibacy was the answer to all law school-related problems and pressures. Being celibate meant never expending one ounce of energy on any non-law-related matter. And especially not on sexual relationships.

Henry told me that when he was in law school, he kept his mind off sex by Shepardizing unnamed cases. Every time he felt that particular urge, he'd yell, "Give me a number." Henry's friends, who empathized with him, would shout numbers. Eventually the librarian ceased her whispered admonitions and Henry would race to Shepard's to find ecstatic release and renewed energy. (Henry would get a very special tingle whenever he'd find a little "q" following a citation.)

I used to laugh at Henry. But now I'll admit that, although Shepardizing may not be the answer, perhaps celibacy is.

Here it is, only the fourth week of law school, and all around me relationships are tumbling, victims of someone's quest for a legal career.

Is it possible for law students to have nurturing relationships and survive the ordeal of law school? Or are law school and relationships mutually exclusive?

Typically, students thrust into the law school atmosphere fall prey to the practitioners of thought reform. Deprived of the comfort of friends and family and of much that is familiar, we display all the classic signs of sensory deprivation.

We receive neither positive reinforcement nor feedback from our classes. Little wonder, then, that we seek all our nurturing from our relationships. It's almost as though we become giant sponges seeking to quench an insatiable thirst.

We so desperately need nurturing that we ask for far more than any human can deliver. But we are so parched by our thirst that we are unable to nurture in return.

We become parasites instead of partners.  
What can we do to survive?

Is there some unknown energy source we can tap to keep our relationships intact? (If you see any of that energy around, grab it, you'll need it for exams.) Should we worry about our lack of relationships? Or should we become celibate and put all our energy into the law?

Maybe, like my friend Henry, we can get our nurturing from Shepard's. I don't know what the answer is, but I sure do need the nurturing.

Will somebody out there please give me a number?

ARISTIDE



# ANNOUNCEMENTS

**PHI ALPHA DELTA:** A Bake Sale sponsored by PAD will take place Tuesday beginning at 9 a.m. on the second floor. Also, all interested students are enthusiastically invited to a meeting Tuesday at 3 p.m. in Room 209.

**WOMEN'S ASSOCIATION:** A meeting is scheduled for Thursday, September 14, at 12:15 in Room 209. All women are welcome. Bring ideas and inspiration. An agenda is posted in the 2nd floor women's "lounge" (bathroom) for you to fill in the spaces with any items you wish to discuss.

**PLACEMENT CENTER:** Here is a summary of all on-campus interviewing scheduled to date.

<u>September 12</u>	4:30 p.m., Room 209, Presentation by the Committee on the Employment of Minorities in the Law, Bar Association of San Francisco. Lawyers on the Committee will discuss the special summer job program for minority law students and will show a videotape of a mock interview. This videotape might be of interest to the general law student body.
<u>September 19</u>	Army JAG
<u>September 21</u>	Tobin and Tobin (law firm)
<u>September 26</u>	Touche Ross
<u>October 16/17</u>	FCC
<u>November 3</u>	NLRB

In addition the SEC would like to see resumes of interested 1979 graduates. If you need help writing your resume, please see me. If you have a resume to submit, drop it by the Placement Center.

**DEAN'S OFFICE:** All applications for graduation are now due. December and June grads should see the registrar for application and appointment to review their files.

Any graduating student who hopes to transfer units from tax school to School of Law should see the registrar (Wally) as soon as possible.

## COUNTERORIENTATION

Last Wednesday the Golden Gate Chapter of the National Lawyers Guild held a "counterorientation". About 70 people attended the day session at noon and 10 people came to the evening meeting during the hour before night class. The noon meeting had two speakers on the difficulties of 1st year who advised those in attendance that room could be made for non-law study activity even during the heavy 1st year. A speaker from the NLG regional office described Guild projects in the area which touch such areas as Native American rights, Housing, Anti-sexism, Labor, Unemployment, and anti-nuke work. Ending the day orientation was an abridged presentation "An Activists Guide to School Politics". The evening session was mostly an informal discussion on alternative study methods for night students.

This year the school Guild chapter plans to be more actively involved in school politics and is currently working with the Third World Coalition on plans for watchdogging the progress of affirmative action at GGULS.

People who are interested in joining the Guild chapter should leave their name a number in the NLG box in the Faculty Center. Folks who are interested in NLG Bay Area projects can contact the Regional office at 285-5066 or come to the Alternative Law Practice Forum this Saturday (see announcement).

David Cooper

# CHILD CARE CENTER

**Trish Nugent Concert:** Trish Nugent, folksinger and guitarist, will perform at GGU in a benefit concert on behalf of child care on Friday, September 22, at 8 p.m. Joining her will be Carol Vendrillo, Robin Flower, and Judith Hill. Child care will be provided. Donations are \$3.50. Tickets are available for purchase in the Dean's Office (Room 201) Monday through Friday, 9 a.m. to 6 p.m.

Trish is well-known throughout the women's community in the Bay Area for her clean, vibrant singing and richly conceived songs. She has just released an album entitled "Foxglove Woman," which also served as background music for the acclaimed documentary "Word Is Out."

**Bar Course Outline Raffle:** A bar course outline will be raffled in conjunction with the Trish Nugent concert. Raffle tickets will be 25 cents each or five for a dollar. Look for the ticket booth during lunch hour over the next two weeks.

**Job Announcement:** A proposal has been submitted to the SBA and Women's Association to create a temporary, paid position of Child Care Coordinator. The Child Care Coordinator would work closely with members of the Child Care Committee (now composed of students from the Law School and two administrative representatives). Tasks would include coordinating (1) Funding--a parent payment plan and solicitation of private foundations, (2) Recruitment of a professional full-time Child Care Center director, and (3) Educational programming for the Center's initial six months. The appointment would extend from October 2 to November 30, 1978, and would involve a commitment of 10 hours a week. The recommended wages are \$5 an hour.

Funding of the position will be the topic of serious deliberation at the Women's Association meeting scheduled for September 14 and the SBA meeting on September 20.

In anticipation of funding approval, applications for the position are currently being accepted. All Law School students are eligible to apply. Applicants should submit a statement and brief biographical sketch to the Child Care Committee mailbox located in the basement mailroom no later than 5 p.m., Friday, September 15.

For further information contact Pat at 524-8256 after 7 p.m.

**Child Care Meeting:** The next meeting will be held on Friday, September 15, at noon in Room 203.

**Bulletin Board:** A Child Care Bulletin Board has been installed on the wall outside Room 205. Look there for all child care-related information.

**Miscellaneous:** A copy of the Child Care Funding Application, 1978-79, submitted by the Law School Child Care Committee to the Office of Child Development in June 1978 has been placed on reserve in the Law Library. The proposal was recently denied by OCD, thereby creating an even more severe funding problem for the Child Care Center.

SUPPORT THE CHILD CARE CENTER



# TWC: off and running

The Third World Coalition met last Wednesday to elect new officers for the fall semester and to define its goals and objectives for the coming year.

The following students were selected to represent the organization:

President-Sandra Moreno Kirkpatrick,

Vice-President-Wayne Scriven

Secretary-Steve Lau

Treasurers-Robert Saenz & Lynn Ogawa

The primary objectives of the TWC will be to follow through on the implementation of the various proposals approved by the Faculty Student Committee last Spring Semester, especially in the areas of Special Admissions and Faculty Hiring.

All students who support the efforts of the Third World Coalition or desire more information are invited to participate. Future meetings will be announced.

PICNIC: WE NEED EQUIPMENT FOR THE SOFTBALL GAME. If anyone has bats, gloves, balls, or bases that they would be willing to loan for the SBA Faculty-Student Picnic on 9-24, please call Sandy at 835-5688 immediately or leave a message with your name and number in the SBA box in the faculty center.

WE ALSO NEED SOME BIG WATERPROOF TUBS, CONTAINERS, GARBAGE CANS, ETC. WHICH WE CAN USE TO PUT THE BEER, SOFT DRINKS, ETC. IN AT THE PICNIC. Please call Sandy at 835-5688 or put note in SBA box.

IF ANYONE HAS A TRUCK OR VAN AND CAN HELP US TRANSPORT FOOD AND DRINK FOR THE PICNIC TO GOLDEN GATE PARK ON SUNDAY, 9-24 OR CAN HELP US PICK UP THE FOOD AND DRINK ON SAT, 9-23, call Sandy 835-5688 or put note in SBA box.

NOTES NOTES NOTES

# PREZ'S CORNER

SBA MEETING TUESDAY, SEPTEMBER 12TH, 5:00 p.m. room 203. We will be approving the budget allocation procedures which the SBA will use in allocating money to the various student organizations as well as other budgetary matters that come up throughout the school year. I would like all the student organizations who will be submitting budget requests to contact me and let me know who is in charge of preparing the budget requests for their organization so that I can let you know what the procedures are. Please call me after Tuesday, at either 391-7800 extension 280 or at home 863-7880, preferably Wednesday, or put your name and phone number in the SBA box in the faculty center.

UPDATE ON YMCA PASSES: As you know from my article last week, we were waiting for the person who had the power to okay off-time passes for us to come back. I received the call I was waiting for on Thurs. The woman I spoke to said that the Director did not feel comfortable making the decision whether to give us the passes and he wanted the membership committee to decide this question. The membership committee is meeting this Tues., 9-12 and they will consider our request at that time. Marge Holmes and myself will submit letters to the committee in support of our request. The Director and the woman I spoke to who is on the membership committee were both in favor of our getting the passes. If the membership committee takes no action on our request and rules unfavorably, the woman told me the Director may either go over the committee's head (which is unlikely) or he will submit our request again on 9-28. The reason our request may be granted on 9-28 should the membership committee vote unfavorably is that on 9-28 the committee will have been broken down into 2 committees rather than just 1 and the chair of the present committee (who is opposed to granting our request) will most likely be removed as chair or will not sit on the committee that will have the power to decide our request at the 9-28 meeting. So, it appears there will be a final decision on our request at either the 9-12 or the 9-28 meeting which should be favorable to us. But there are no guarantees. The woman I spoke to seemed encouraging; though. I will put the outcome of the Tues. meeting on the bulletin boards in the classrooms.

## ELECTION RESULTS:

### 1ST YEAR DAY, SECT. A

Michael Berch 10

\*Mark Nissenbaum 54 Winner

### 1ST YEAR DAY, SECT. B

Bill Crews 4

\*Mary Canning 21 Winner

Alan Gordon 14

### 1ST YEAR NIGHT

Thomas Leathers 7

\*Colleen Hoy 23 Run-off

\*Dennis Leming 12 Run-off

\*Steven Runchey 12 Run-off

Because the top candidate did not receive a majority of the total votes cast (54) and the two runners-up were tied there will be a run-off election today only. Voting will take place before, on break, and after class today 9-11.

### 2ND YEAR DAY

Daniel Hernandez 50 Winner

Jeffrey Weinstein 8