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Caveat, October 2, 1978

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CAVEAT

Happy Rosh Hashana!!

Golden Gate University School of Law

Vol. XIV, No. 7

October 2, 1978

STUDENT SUMMERS

ADVOCATE OR ADVERSARY

After completing my first year at law school, immediately as a matter of fact, with no recovery period from the vestiges of the last exam, I began my first legal job as a law student. I was selected by Migrant Legal Services (a non-profit corporation founded by Boalt Hall Law Students to offer experience to law students in migrant legal issues) to live and work in Salinas, California, under the direct supervision of Jerome Cohen, Sanford Nathan, George Lazar, John Trujillo, Mary Mocine and William Monning, the law firm of the United Farm Workers of America, AFL-CIO. I spent most of the summer working with George Lazar in the litigation unit, though did a few projects for the Agricultural Labor Relations Board section of the office. Besides this summer project, the largest undertaking of Migrant Legal Services, MLS also has the Tax project and the Christmas project. I first heard of MLS during the TAX Project, though I never took part in it. The Tax project involves helping migrant workers with their tax returns during the 6 to 8 weekends before April 15. The Christmas project is like the summer project, only instead of a ten week commitment, the student may stay as long as he/she wishes and is primarily located in the Imperial Valley rather than the Central Valley. However, the summer project with the UFW's legal staff is the focus of MLS and I lived and worked with students from Boalt, UC Davis, the Univ. of S.F., and one person from San Fernando Valley College of the Law, in one house in Salinas and learned about labor law in the flesh.

It was an exciting opportunity to leave the fishbowl of law school, with its predominantly middle class anglo outlook, and return to a viable labor union again. Before coming to law school I had been involved with a labor union local in Santa Cruz (The American Federation of State and County and Municipal Employees, local 1728) and when I left, as local 1728's second president, to attend law school, it was with the idea of becoming an advocate that could remain in touch with the workers on the line or in the shop. The year at law school, with only theoretical legal problems to deal with and a constant and insidious behaviour modification through the low level competition and isolation had left me disillusioned and I hoped to use this summer to reaffirm my original inclinations.

Though the experience in Salinas is one I would repeat again and the knowledge learned about both labor law in general and agricultural labor law in specific was extensive, the two most cathartic experiences of last summer were not directly connected with labor law. The first was watching the struggle of the UFW to remain a labor movement, to maintain its early strength in the face of a successful campaign in California over the last fifteen years. The UFW was the first union to use the law as an affirmative weapon in a labor organizational campaign, but now the law is forcing the UFW into the mold of other large labor unions and the roots are struggling to remain alive. The second experience, was actually more of a realization, that I don't want to be a "lawyer". It seems that being a "lawyer" requires that one be faintly suspicious of everyone, perhaps a result of the adversary system, and the isolation seems to be a hazard of the trade. Maybe its possible to remain an advocate of peoples rights within the system without losing sight of the people, but it doesn't look easy. The law tends to force both movements and people into manageable molds.

Since I've been back, I've been elected to the Board of Directors of MLS and would be interested in talking to others here at GGU, first year students especially, interested in any of the projects of MLS. There are some research projects available now, with Martin Luther King Service Centers and the Woodlands Service organization. Also, if you are interested in helping me to start a chapter of MLS here at GGU, call me at 552-7429 or attend the next board meeting of MLS on Sunday, Oct. 1, at 7 p.m. in Room 37, Boalt Hall, UC Berkeley.

Kevin Robinson
Second year student

CHILD CARE CONCERT A HIT!

The Trish Nugent concert, a major fundraiser for Child Care at GGU held on Friday, September 22nd, was a huge success. An audience of approximately 100 people warmly received Trish and her musical cohorts Carol Vendrillo, Robin Flower, and Judith Hill.

The evening's repertoire consisted primarily of Trish and Carol's own compositions from their recently released album *Foxglove Woman*, as well as several new songs which demonstrated that Trish and Carol are, undeniably, two, ascending talents.

Robin Flower's guitar and vocal solos proved equally exciting, showcasing a number of Woody Simmons pieces from Woody's album *Oregon Mountain*. The "sleeper" of the evening was Judith Hill, whose versatile harmonica threatened to steal the show at several points.

The Child Care Committee would like to thank all of you whose donations and enthusiasm contributed to the concert's success. In particular, we would like to recognize: Alan French, Barbara Goldsmith, Marge Holmes, Dennis Hyde, Susan Jeffries, Bianca Larson, Charma Pipersky, Deborah Wilder, Frances Wisch, Maggie Falkenrath, Mark Foster, Barbara Beery, Jenny Hurwitz, Patricia Cummings, David Cooper, Nancy Carter, Deborah Arbuckle, Pat Warner, the GGU Bookstore, and the GGU Maintenance Crew.

B.A.R. RAFFLE -- THE WINNER IS...

The winning number of the B.A.R. raffle is: 058537. Congratulations!

If you are the lucky winner, you can pick up your new B.A.R. course outline and outline on Professional Responsibility from Marge Holmes (Dean's Office) upon presentation of your ticket stub.

Special thanks to Michael Sharpe, B.A.R. Rep, for offering the outlines to the Child Care Committee.

[The Child Care Committee apologizes for the limited publicity the raffle received. Some confusion existed last week concerning the *Caveat's* deadline for announcements. Stay tune, however, for another raffle, to take place later this year.]

CHILD CARE SCRIBBLES:

Hello Out There. Are you listening? The Child Care Committee needs a treasurer, preferably someone who has previous accounting experience. The position would be on a voluntary basis.

We are also recruiting a Child Care Coordinator. This position would be paid: \$5/hour, ten hours per week, for five months. The Child Care Coordinator would work closely with the Child Care Committee, and would have an active role in formulating funding, programming, and staff recruitment for the Child Care Center, which is scheduled to open in March 1979. All interested people should submit a brief biographical sketch and statement of interest to the Child Care box in Faculty Center East.

**

Planning Workshops. The Child Care Committee has arranged two workshops for laypersons interested in developing their knowledge about the planning of a child care center. The workshops will be given at GGU on Tuesday, 10/3 and Thursday, 10/5, between 3:00 and 5:00 PM, and will be given by Patty Siegel and Bernice Lee, co-directors of Childcare Switchboard, a local child care referral agency.

The three foci of the planning sessions will be funding, educational programming, and staff recruitment. All interested persons are invited to attend. Check the Child Care Bulletin Board for location.

**

New Mailbox. In addition to the Child Care Bulletin Board, located on the wall of Room 205, the Child Care Committee now has a box in Faculty Center East.

**

Upcoming Meeting. The next Child Care Committee meeting will be held on Friday, October 6th, in Room 209 at noon.

Gay Rights

GAY RIGHTS SYMPOSIUM AT HASTINGS

An extraordinary event took place last weekend, September 23 & 24, when over 200 attorneys, law students, professionals, and laypersons assembled from across the nation at Hastings College of the Law for a two day symposium entitled Gay Rights Under the Law.

Although it took place in the shadow of proposition 6, the Briggs initiative, the symposium concerned itself the whole range of legal rights and disabilities of gays in the United States. The topics covered in the 17 hour conference were: litigation strategies, employment discrimination, criminal law, gay prisoners, child custody, lobbying for legislation, and legislative alternatives.

San Francisco Supervisors Carol Ruth Silver and Harvey Milk, and Undersheriff Jim Denman joined lobbyists, psychiatrists, civil rights workers, and many attorneys active in the field of gay civil rights, as members of the eight panels of the symposium. Members of the audience were permitted to ask questions of the panelists, and the entire conference was video taped and will be available after editing.

The mood of the symposium was business-like and cautiously optimistic. Only one panelist, Jo Daly of the San Francisco Human Relations Commission, expressed open pessimism about the current situation. Daly predicted that if proposition 6 passes in California, it would be followed by legislators rushing aboard the anti-gay bandwagon with implementing and extending legislation. Then, as has already happened with proposition 13, the measure would be imitated in other states throughout the nation. Daly also assailed proposition 13 for being the cause of death for 20 human relations commissions throughout the state, and predicted that the San Francisco HRC would be defunct by 1980.

No other panelist was as openly pessimistic as Daly, but it was clear that the great exuberance and optimism that characterized the gay civil rights movement in the early seventies has been replaced by anxious concern and more realistic attitudes towards the scope and difficulty of the task of setting gay people free. The lesson of Miami, St. Paul, Wichita, et nauseum, is that gay rights legislation, passed in near secrecy because it lacked public support, cannot survive a repeal effort at the polls. Even if never subjected to a repeal effort, such midnight legislation would be useless, since the very effectiveness of anti-discrimination statutes depends upon wide public knowledge and understanding of their existence and provisions. Trapped in a chicken or egg dilemma, those who work for gay rights must now combine their legislative efforts with public education and support, since each is a necessary pre-requisite to the other.

The symposium was successful in imparting a great deal of current information of great practical value. Strategies were exchanged as groups and individuals from all across the country met in this mutually supportive environment. A feeling of hope and guarded optimism emerged from the knowledge that so many able and dedicated individuals were working for what must be the most fundamental human right of all, the right to love whomever you please. If mankind is indeed perfectible perhaps we will look back 50 or 100 years hence and wonder why there was ever any debate about it.

Tony Sacco

ANNOUNCEMENTS

WOMEN'S ASSOCIATION MEETING: Oct. 4 at 12:15 in Room 205 Women students, faculty, and staff are cordially invited to attend. Please bring your ideas for continuing and new activities/directions for the Women's Association.
CHAIR: Susan Patterson 661-1629

TAP DANCING CLASS: Anyone interested, please leave name at Student Association in Room 520 (across from cafeteria).

REGISTER TO VOTE NO ON PROP. 6: The deadline for registering to vote in the November election is October 7th. Those of us who are concerned about stopping passage of Prop. 6 have set up a table in the second floor to register you (it only takes a few minutes and will not destroy your home-state residency) and to answer any questions you may have about Prop. 6. There will also be a meeting on Thursday at noon in Room 205 to talk about what else we can do. Please join us.

FSC MEMBERS: Mailslots have been set up for all student members of the FSC. Please check in the Faculty Center on a regular basis for new developments and announcements.

VIDEO TECHNICIANS NEEDED: Irregular hours. To operate equipment for filming to cassette tapes and for playing tapes. \$3.50/hour. See Molly or Barbara in the Deans' Office.

DISCOUNT RATES FOR NUTCRACKER BALLET: Group discount rates for the S.F. production are available for all performances in December. Groups must have at least 15 persons. Anyone interested in undertaking organization of such a group can get the information and application from Molly in the Deans' Office.

LEONARD WEINGLASS, TRIAL ATTORNEY, TO SPEAK: In his exclusive Bay Area speaking engagement, Mr. Weinglass will discuss his most recent work, the Bill and Emily Harris case, as well as his other criminal trials including Skyhorse-Mohawk, Pentagon Papers and the Chicago Eight. Thursday October 5th at 12 Noon in the Moot Courtroom, Kendrick Hall, University of S.F. School of Law. Sponsored by the National Lawyers Guild. Seating limited.

NEWS FROM PLACEMENT CENTER: There will be a panel discussion on "Interviewing", Wednesday Oct. 4 at 4 p.m. in Room 505. The panelists will be 4-5 attorneys practicing in diverse fields of law. Sponsored by a committee from the San Francisco Bar Association.

ESSAY CONTEST: The Schwab Memorial Award Essay Contest is conducted each year by the Section of Family Law of the American Bar Association. The subject is any aspect of family law, and the contest is open to law students in the second and third years of all ABA-approved law schools, and to those first year students enrolled in said schools where the subject of family law is part of the first year curriculum. Each entry must be the work of a single individual. Entry blanks may be secured from the Family Law Section, American Bar Association, 1155 East 60th St., Chicago Ill. 60637. Closing date is April 16, 1979.

THIRD WORLD COALITION: There will be a meeting on Thurs. Oct. 5th at 5 p.m. to discuss and organize tutorials for Third World first year law students by second and third year law students. The place will be announced in class and posted on the Third World Coalition Bulletin Board next to the south (Dean's Office) elevator.

REPEAT: Applications for graduation are now due! Please pick one up (if you haven't already done so) and turn it in to the Registrar, Room 200. This application triggers a personal appointment and guarantees that your name will be placed on the appropriate graduation list. We are in the process of interviewing students who anticipate graduation within the current academic year. This office will consult with each candidate so that we can ascertain if all required courses, residency requirements, and semester units necessary for graduation will be achieved.
Wally Walker, Registrar

PAD TO HOLD NIGHT BAKE SALE

Tuesday night, Oct. 3rd, Phi Alpha Delta will hold a bake sale. Fresh baked goodies will be available at discount prices. Please plan on lending your sweet tooth to this fundraiser.

STUDENTS!

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Letters

Dear Mr. Jain,

8 September 78

On June 19, 1978, pursuant to a financial aid award letter issued by your office, I went to the cashiers' office for my check. I was told that there was none there for me and that I should see your employee, John McCarrick.

I approached Mr. McCarrick in his office after being told to do so by the secretary. I told him of the situation and he appeared to look through several stacks of paper. He finally told me that there was no check for me. I expressed my frustration and discontent with what seems to be a pattern of experiences with the Financial Aid office. He raised his voice and said, "Don't tell me, tell Paul Jain" and began screaming saying "get out of my office". I said I was not leaving until the matter was resolved. He continued to scream "Well, if you're not leaving, I am" at which point he took his cigarettes and ran out of his office leaving me sitting there.

I walked out into the area where the secretaries have their desks and was at this point visibly upset at this treatment. I said I did not think this rude behavior was appropriate. Mr. McCarrick then screamed "You're the one who's rude" while standing in the public area around the secretaries desks. With many people around, he continued to yell personal insults at me. Then, rather than leaving the office, he left me standing there with the matter completely unresolved and ran in to your office.

I believe that this incident is more egregious than the usual way students are treated by the Financial Aid staff. I am sure you are well aware of the plethora of incidents and complaints levied against you and your department, particularly by Law School groups.

I believe this behavior is entirely inappropriate and intolerable for any office employee, much less one whose whole existence and purpose is to help students. I expect that you will take appropriate action in this matter, including a formal letter of apology to me.

Yours truly,

Elizabeth Price

Dear Ms. Price,

September 26, 1978

Mr. John McCarrick was on vacation when I received your letter; therefore, this response to your letter was delayed.

After discussing the incidence with Mr. McCarrick, it appears that you were in control of the situation. Also, it appears that what occurred, which was unpleasant for both of you, could have been easily avoided with little understanding and cooperation.

I hope in future such an occurrence will be averted by mutual understanding and cooperation. I assure you that the Financial Aid Office Staff is generally cooperative and patient with students.

Sincerely,

S. Paul Jain, Director
of Financial Aid

Dear Students,

The AALS inspection team has informed me that it is their collective opinion that we meet the minimum standards required for admission to A.A.L.S. membership.

We will receive a copy of a detailed written report from the team within three weeks which will set forth both our strengths and weaknesses as perceived by the team. This report will be submitted to the Accreditation Committee which will consider our application for membership at its Accreditation Committee's recommendation, and it is expected that the final decision on our application will be made by the governing council at its early January meeting.

I think we have reason for cautious optimism about our application.

Congratulations to us all!

the Dean

PREZ'S CORNER

YMCA PASSES: YMCA passes for the Embarcadero Y are now here. Passes are being distributed in the SBA office on the mexxanine until a permanent location can be found to distribute the passes. Hours for pick up and return of Y passes starting today will be M-F noon-12:30, 2:45-3:15, and 6:15-6:45. THESE HOURS WILL BE STRICTLY ENFORCED. You can return the pass at times other than the one listed if you can't return it during the regular hours by slipping it under the SBA door, but you will have to pick up your student i.d. (which you must leave with us in return for the pass) during the pick-up and return hours. You may keep the passes for up to 26 hours, but it is hoped that you will return the pass as soon as you can so other students will have the use of the passes. The ONLY hours the passes may be used at the Y are M-F 7:30 a.m.-10:00 a.m., 2-4 p.m., and 6:30-9:00 p.m., and Saturday noon-4 p.m. These hours are being strictly enforced by the Y. You can't enter before times listed and must leave the building by the times mentioned (not just stop swimming, etc.) If you show them your pass and leave a driver's license or credit card at the P.E. desk on the second floor of the Y (which is where you go in the building to sign in and use the facilities) you will get a free locker and towel. The Y agreed to let us have passes for 1 year (they had previously said 3 months) and then they will re-evaluate our membership, but because the prices for the passes this year are almost 3 times as much as last year (we paid \$25 a pass for approx. 7 months compared with \$35 a pass for 3 months now) we are considering checking out other Y facilities (like Civic Center and Chinatown) for next semester if we can get a better deal at these places.

GRADUATION SPEAKERS: Graduating students who have suggestions for speakers at graduation should give Molly (in the Dean's office) the speaker's name. In recent years speakers have not been paid. All graduation costs are paid for out of the graduating fee that students pay, so graduation costs are kept to a minimum. Students should consider this in suggesting possible speakers. Requests in the past for speakers like Woody Allen have not been seriously considered by the Dean's office, so students should also consider this in making their suggestions.

SBA MEETING: This Thursday, 10=5, 5 p.m., room 508. We will finalize Budget procedures. At the last meeting we finalized some portions of the procedures. David Cooper will be contacting organizations who will be submitting budget requests to the SBA to give you information on what you will need to include in your budget requests.

SCHEDULING COMMITTEE: The SBA will select (I don't know manner of selection yet) 5 students to sit on the scheduling committee (1 1st yr. day, 1 1st yr. night, 1 2nd yr. day, 1 2nd yr. night, 1 3rd yr. night). The committee will be setting up the 1979-80 schedule of classes. Most of the work will begin next semester and continue through the summer, so students must be here this summer. Only work this semester will be a meeting with the Dean and former members of the committee. Put note in SBA box with name, no., and yr. if interested. More details next week in Caveat.

Alice Montgomery

The students, faculty, and staff
would like to express
our deepest condolences
to Prof. Roger Bernhardt
for his recent loss of his wife.

ACADEMIC STANDARDS PART II

- V. End of re-examination year
In order to continue, any student re-examining under the terms of IV.b. above must have (1) a cumulative GPA of 1.9 or above, counting re-examination grades and (2) a cumulative GPA of 1.75 in those courses in the first-year day curriculum.
- VI. At the end of the second-year day or third-year night, students with a GPA of 1.9 or above may continue.
- VII. Graduation
A 2.0 (not a 1.99999) is required for graduation. This must be achieved in the semester in which grade sheets are submitted to the Registrar with the student's 84th unit. A student may not take a No Credit to reduce the number of units. There shall be no waiver of this rule.
- The Committee on Academic Standards has provided the following interpretations:

1. Mid-Terms

It was agreed by the Committee that re-examiners stand in the shoes of first-year students and must fulfill all course requirements, including mid-terms or other mid-year assignments such as a paper. Mid-year grades will count for re-examiners to the same extent that they count for first-year students.

2. Summer School

Given the late date at which spring grades are often posted, it was agreed that students who have just completed re-examining will be allowed to register for summer school, subject to the condition that if, when grades are posted, they fail to meet the standards set out in PP V. of the Rules and are academically disqualified, they will then be dropped from summer school and have their tuition refunded in full. These conditions will be spelled out in summer school registration materials. Finally, in no event may summer school grades be "related back" so as to alter the status of a student who unsuccessfully re-examined.

Evening Division Re-Examiners

The question arose as to when a student in the evening division may be academically disqualified. The relevant provisions of the Rules are: (1) PP V., which requires that at the end of the re-examination year a re-examining student must have a cumulative GPA of 1.9 or above, counting re-examination grades and a cumulative GPA of 1.75 in those

courses in the first-year day curriculum; and (2) PP VI., which provides that students with a GPA of 1.9 or above at the end of second-year day or third-year night may continue. In addition, PP IV.a. of the Rules extends the right to re-examine in courses in the first-year day curriculum to first or second-year night students.

It was the consensus of the Committee that PP V. of the Rules controls and that a night student re-examining after having completed one year of night school must achieve a 1.9 cumulative GPA to continue. The provision of PP VI. not requiring a 1.9 cumulative GPA until the end of the third-year night was interpreted as applying to non-re-examining students and successful re-examiners.

To illustrate, assume that a first-year night student received grades of C, C- and D in Contracts, Civil Procedure and Torts, respectively. Such a student would be required to re-examine in Civil Procedure and Torts, but could enroll in either Criminal Law or Property due to the passing grade achieved in Contracts. Assume further that at the end of the re-examination year the student's GPA fell between the 1.75 and 1.89 levels, including a grade of C- or less in Criminal Law or Property. Under the Rules this student would be academically disqualified, notwithstanding the facts that (1) the third-year night has not yet been completed and (2) the new units were in a course in the first-year day curriculum.

Varying the facts, if the student achieved a GPA in the 1.90 to 1.99 range, including a grade of C- or less in Criminal Law or Property, the student could, at his/her option, re-examine in that class the following year. Re-examination would not be required, however, as the GPA is not under 1.75. If the GPA was 2.0 or above, there would be no right to re-examine, even though Property and Criminal Law are part of the first-year day curriculum.

Re-Examiners Not Taking Any New Units

It was agreed by the Committee that a re-examiner not taking any new units is required to achieve a 1.9 cumulative GPA. The provision of PP V. requiring a 1.75 GPA in those courses in the first-year day curriculum was interpreted as applying to those students who are re-examining and taking new units.

Effect of Passing Torts or Civil Procedure in First Year

It was agreed that a re-examining evening student who passes the 5-unit Torts or Civil Procedure course may enroll in Property or Criminal Law during the re-examination year even though they are 6-unit courses.

THE SBA PICNIC BREAKS ALL RECORDS!!

Never in the history of GGU Picnic-dom has there ever been a gathering like the one that sprawled over the grounds of Marx Meadow last Sunday. A crowd of almost four hundred collected at Golden Gate Park to play and feast in the heat of the Indian Summer sun. The variety of vegetable dishes which were contributed by the students and faculty was an eye and a mouthful for the most discriminating gourmet.

The SBA provided beer, soft drinks, hamburgers, and hot dogs to augment the pot-luck fare. Under the able direction of Sandy Van Broek all the provisions arrived on schedule, and soon meat was sizzling on the grill and tops were being popped by thirsty Golden Gators in the Miami Beach, Florida weather. Throughout the afternoon the buffet affair continued in Roman fashion with many returnees to the table of delectables.

At the same time, the Student vs. Faculty softball game kept everyone in suspense, as the students again mounted a valiant effort to rout the formidable opposition. However, nothing could stop the grizzled and battle-experienced foe from their ultimate victory.

On the volleyball court, the lines were drawn differently. A composite group of faculty members and students challenged the "A" team which appeared to be invincible. In spite of their obvious skill and strength, the group was soundly trounced by the champion "A's". Football also dominated the playing field with every participant being battered to his or her heart's content.

Without a doubt, the picnic was one of the finest that the SBA has hosted. Many students have already begun the arduous task of building a softball "Armada" for next year's contest. P.S. We had soyburgers and they went over N.E.

BIG!

A BIG THANK YOU for working on the picnic to the following wonderful people: Faith Tsuchiya, Sheila Gaughn, Mike Waughtel, Sandra Moreno-Kirkpatrick, Chuck Crane, Larry Bittner, Anne Hipshman, Amy Rodney, Danny Hernandez, Ann Weitzer, Tom Casazza, David Sternberg, Rich Hechler, Alice Montgomery, Rick Doyle, Diana Taylor, Michael Pitts, Craig Correll, plus cooks and carriers at the picnic.

Thanks also to the people who brought vegetarian dishes. By the way, your bowls and utensils are in the SBA office on the mezzanine.

Sandy Van Broek, 2nd year rep.

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