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## Caveat, November 20, 1978

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# CANOEAT

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

Vol. XIV, No. 13

November 20, 1978

## NEW NAME Woman's Law Forum

The women's issue of the law review is now officially known as the Women's Law Forum. The name reflects our sense of ourselves as providing a medium for the discussion of legal issues that affect women, viewed from a feminist perspective.

The Women's Law Forum will publish its inaugural issue in the winter, its second issue in early summer, and annually thereafter.

The Forum is unique in that we are the only school funded law review devoted to the legal problems faced by women, in the nation. Harvard Women's Law Journal, and the Women's Rights Law Reporter (Rutgers), are not financially supported by their schools. Unhappily, great fund-raising energies are necessarily expended by those staffs, which have resulted in long lapses in publication and other woes resulting from underfunding.

To justify our school's continued support of this unique review, we seek to establish a large subscription list. This also enables us to attract advertisers, and increases our credibility generally. We especially hope for subscription support from our own student body.

For a subscription to the Women's Law Forum, drop your name, address and zip off in Fran Leonard's box in the Law Review office. The price is a mere \$3.50 per issue, for which you will be billed later. Please, no money now. We appreciate every subscription we get!!!

## LABOR LAW J.P. Stevens Strife Movie

At noon on Tuesday, November 21, an organizer for the JP Stevens Boycott Committee will show the movie TESTIMONY in room 205. This film graphically illustrates the working conditions created by JP Stevens, the number one labor law violator in the U.S., which has amassed over 1200 labor and health and safety violations. It has also consistently exceeded OSHA standards on cotton dust levels, allowing one in five Stevens workers to be disabled by Brown Lung.

Since Stevens doesn't recognize the rights of workers to organize or to work in a safe environment, a national boycott has been called against their products. The boycott has been particularly effective in strong labor areas like Pittsburgh, Birmingham and Boston. Recent court decisions giving the ACTWU access to more areas of the plants have resulted in more workers signing union cards.

In the Bay Area on December 1, a large coalition of labor, churches, women's groups, community groups and students will start a campaign to remove Stevens products from Liberty House stores. Through leafleting, phone calls and store visits, the coalition will show Liberty House the broad support for the boycott. Liberty House was selected as the target during this sensitive period of

the year primarily because it's six Bay Area stores carry a higher percentage of Stevens goods (from 50% to 85%) than other local stores. The committee has recently convinced Hink's, a Berkeley department store, to completely remove Stevens products from its shelves.

If you would like more information, or would like to participate in the December campaign, come to room 205 at noon, Tuesday Nov. 21; or call Louis Quindlen at 653-0807.

## EXTERNS

**EXTERNSHIPS:** Now is the time for students to give serious attention to the possibility of taking an Externship placement for the Spring, 1979, semester. An Externship is a semester away--a full time job at a carefully selected and approved legal agency or court. A list of the main available Externships is posted outside the Placement Office, and includes Equal Rights Advocates, Public Advocates, the Federal Public Defender, the California and Alaska Supreme Courts, and others.

In particular, students should be aware of the Externships at the United States Attorneys Office in San Francisco. In addition to the possibility of placement in one of the four major divisions of the office--Criminal, Civil, Tax and Lands/Environmental--Golden Gate has initiated three special new CRIMINAL TRIAL EXTERNSHIPS. These full-time placements will have students serving as "second chair" attorneys to the three attorneys in the special Drug Enforcement Unit of the Criminal Division. These three slots are EXCLUSIVELY for Golden Gate students, and it is important, if we are to retain and expand these special opportunities, that we fill the positions with motivated, excited people who will make a full commitment to the program. It will involve special seminars in federal practice, litigation strategy and federal drug law, as well as giving each student their own cases in magistrate's court.

STUDENTS INTERESTED IN THE CRIMINAL TRIAL EXTERNSHIPS AT THE U.S. ATTORNEYS OFFICE SHOULD NOT APPLY DIRECTLY TO THE OFFICE, BUT SHOULD CONTACT PROFESSOR MARC STICKGOLD PRIOR TO THANKSGIVING VACATION.

Anyone interested in applying for any other Externship should (1) submit a resume, high quality writing sample and cover letter directly to the interested agency (addresses and phone numbers are on the sign outside the Placement Office); (2) simultaneously submit a copy of your resume and the cover letters (a list of all places to which you apply) to Professor Marc Stickgold; (3) follow up in about a week with a phone call to the appropriate contact person.

**NOTA BENE:** The law library will be closed for Thanksgiving vacation on Thursday and Friday, November 23 and 24.

**FACULTY NOTE:** Washington State Judicial College is now offering a full-time course on judicial burn-out. The staff of this paper is researching the possibility of admitting law school faculty members to this program. Anyone interested?

-From the National Law Journal

# ANNOUNCEMENTS

FROM THE DEAN'S OFFICE

AALS: Although we had been notified by the Accreditation Committee of AALS that we were being recommended for full accreditation, the Executive Committee has recently decided not to accept that recommendation. While this is a great disappointment to all, it probably means no more than a one-year waiting period, after which the accreditation will be granted. Meanwhile, we are investigating ways to appeal this recent decision. We'll report further developments as they occur.

## EXAMS

Evidence: All day sections examination will be given December 11, 9 - 12 a.m.

Property: Both first-year sections A & B will be given December 11, 1 - 4 p.m.

All students who took a final exam in Henderson's Professional Responsibility Class have received a Credit. No grades will be given.

Any student who needs to change an exam time due to back-to-back scheduling conflicts must fill out a "Request for Early/Late Examination". These forms are available from Marge Holmes in the Deans' Offices.

CLINIC CREDIT: Anyone interested in obtaining clinical credit for work with organizations representing working women (i.e. Women Organized for Employment, Union WAGE) for next semester, should contact Barbara Rhine, extension 274.

ALUMNI FORUM: Applications are still being taken for the position of staff writer for the Alumni Forum. If you are interested in this position please leave your name in the Alumni Forum mailbox in the Faculty Center. For more information please see last week's Caveat.

ATTENTION 1ST YEAR CLASS: A number of faculty members have volunteered to serve as advisors to the first year class. All first year students have been assigned a faculty advisor. Each faculty advisor will schedule a meeting with his/her advisees in the near future. Notices will be posted on the first year bulletin board outside the entrance to the Faculty Center.

FELLOW STUDENT ILL: Bonnie Solow is a patient at Mount Zion Hospital in Pavillion 3. She has been quite ill and will be out of school for awhile. We all wish you a speedy recovery!

BRC 1ST YEAR NIGHT REP: Mary Selby is the 1st year night representative. If you would like information regarding tapes, study aids, membership, seminars, lectures, etc. please see her in the Faculty Center or in the hallway. She will be setting up a BRC table soon. Watch for the announcement in the Caveat.

LONDON LAW PROGRAM OPENS: A summer program offering study in law relating to international business will open July 1 in London England. Sponsored by the University of San Diego, a feature of the program will be clinic internships with London firms. Both internships and the courses offered relate to international business products. The courses are: Comparative Antitrust, Comparative Business Enterprises, Comparative Products Liability, International Commercial Arbitration, International Insurance, and Tax on International Transactions. The outstanding faculty includes Warren Schwartz of Georgetown and Virginia, Detlev Vagts of Harvard, Ian Kennedy and Clive Schmitthoff of King's College London, Richard Roddis of Washington, and Charles Irish of Wisconsin. USD also sponsors summer law programs in Guadalajara, Oxford, Paris, and San Diego.

# EDITORIAL

I'm tired of hearing that we, at GGU, are blessed with the privilege of student government. Experiences of the past few months prove that student government, as it exists here, is for the purpose of cooptation, as much as for the purpose of providing an effective means for self governance. The acts of the university, and by the law school as well, show that the studentbody is still subject to the arbitrary wielding of authority.

Two examples come immediately to mind, though I'm sure there are many more. Several weeks ago, in response to what the officials of the university, in no doubt good faith felt was a serious problem, actually seized student bicycles parked within the building. No attempt was made by the officials to contact the student body, as a whole, through this paper, the SBA, or the FSC, to attempt to work out the problem. In fact, what did happen was rude, irrational and violent. I know that the members of our student government work very hard in dealing with problems as they arise, attempting to provide procedures that safeguard student funds and student goals. The acts of the university, in this perhaps insignificant situation, proved to me that they are not willing to use those avenues of communication which we have strived hard to maintain. This lack of cooperation between the students and the university is seen on all levels; it creates an atmosphere where we become the adversaries of the university. Their ability to become vindictive in response, denying our most reasonable of demands, has become all too evident.

A second case, that dealing with the law school's decision to end smoking access during finals, shows their unresponsiveness to our needs. Their methods in attempting to solve a problem, is to hit head-on; then, let us find some reasonable alternative. This type of action prevents student input at the most critical stage, before problems arise. The duties of the SBA have become merely the allocation of student monies for student organizations, with occasional (which I term for the lack of a more apt word) guerilla insurgencies attempting to solve these various blockades put in our path. Have we been fooled into believing that we have any voice in the destiny of our law school community?

The above problems may seem trivial. But, it is my firm belief that they represent a basic sentiment on the part of the university and the law school that we should not be the ones entrusted with solving the problems which necessarily arise in student life.

I don't mean to dump on the SBA, I feel they have done a good job thus far this year. However, I do feel that the University and the law school have put too many impediments in our path. We can scream just so loud and long. After awhile, you just give up and accept things for the worse. I hope we continue not to accept this state of affairs. But, more importantly, I hope we won't have to continue to fight for everything we seek.

P.S. Where did Otto get the Five Grand from, anyhow?

E.G.

LITIGATION NOTE: The University of California at Davis has an interesting litigation seminar. The program's director contacted the local fire department about their upcoming practice exercise. While the local firemen were practicing, the police arson squad was present making a fictitious report. The neighbors were the witnesses. Also, a local insurance company filled out a fictitious 15-year report on the building. The defendant was a third year law student, charged with arson. The purpose of the exercise was to give the litigation team an opportunity to examine witnesses as to their real observations, rather than reading from a prepared script. Give you any ideas, Bernie?

# Legal Clichés

The bar association should be forewarned concerning an occupational nervous affliction that recently reached epidemic proportions in our state. Although this particular disorder has been endemic to the legal profession for centuries, its current prevalence gives cause for concern. It was first described by two English physicians attendant at the Inns of Court, Doctors Bancroft and Whitney, from whom the illness takes its name. A reference to a modern legal-medical dictionary shows it to be defined as:

**BANCROFT-WHITNEY'S DISEASE:** A psychological order peculiar to the legal profession and manifested principally by the victim's inability to speak in any terms other than case headnotes, statutory quotations or legal clichés. Considered incurable. See also Advance Sheet Syndrome, p. 129.

The effects of this disorder can be devastating. Take the recent situation of my partner and myself.

I had just taken in what I thought to be the most promising personal injury case in months, and I wanted to share my enthusiasm with my partner. Shortly after closing time I found him in the library, reading advance sheets and liberally sampling the bottle of MacNaughton's that we keep for emergencies behind Wigmore on Evidence. (This after-hour practice is known in the firm as "Following the rule in M'Naghten's" or alternatively as "Referring to Wigmore." Outsiders have termed it as our "Irresistible Impulse.")

"Let me tell you about this case I just took in," I exclaimed excitedly. "Our client gets clobbered in this intersection and..."

He interrupted immediately. "If two vehicles collide within an intersection, it establishes that they were simultaneously approaching a given point within that intersection."

I helped myself to some Wigmore and ignored the obvious. "Anyway, our guy does not see the other car until..."

He dropped the advance sheet and held up his hand for silence. "A party will not be heard to say that he looked and did not see what was there to be seen."

"Will you let me finish? The deception rule..."

Again he interrupted. "The defense of deception is not available to a disfavored driver who did not see the favored vehicle until the instant before the collision."

"Well," I ventured, "the jury might give us a break."

"Your arguments are not clear, cogent or convincing," he scoffed. "Where the facts are undisputed, there is no question for the jury, but merely one of law for the court."

"If he doesn't let it go to the jury, I'd appeal it."

He shook his head firmly. "Considering all the evidence in the light most favorable to the plaintiff, we cannot say that the trial court would be in error."

At this juncture we had both been behind Wigmore several times. "Look," I said angrily, "stop quoting me headnotes. Maybe this isn't the best case in the world, but it's better than anything you've brought in for a long time. Last month you didn't even make expenses."

He shrugged. "An agreement to share profits implies an agreement to share the losses."

"And while we're on the subject of what's wrong with this partnership," I continued hotly, "leave at new young secretary alone."

"Don't be ridiculous. She is and remains a snaste female. Practically a child of tender years."

"What you mean is chased female. I saw you running her around the Xerox room."

"Your remarks are obscene," he sneered. "They are utterly without redeeming social value."

Now I could feel the malady affecting me and I cursed myself for my weakness. Reaching unsteadily for what remained behind Wigmore, I cried out.

"You're being arbitrary and capricious!"

"Well you're being willful and wanton!"

"I'm going to seek affirmative relief."

"Are you suggestitng that in futuro we do business separate and apart?"

"I'm telling you that you have been guilty of cruel treatment of me and have inflicted personal indignities upon me, rendering my life burdensome, so that it is no longer possible for me to remain your partner!"

"Does this mean that our agreement is null and void?"

"It means that it's of no further force or effect."

"In that event I will no longer be responsible for your debt, default or misdoings," he rejoined. "And I'll want the library for myself, free and clear of any encumbrances."

It was at this point I gave him part of the library. Volume V of Martindale-Hubbell right in the kisser.

\* \* \*

After the hearing on my action for dissolution and an accounting, the judge took the matter under advisement and I awaited his written opinion anxiously. When it finally came I tore open the envelope and eagerly scanned the letter of transmittal.

"Enclosed herewith please find..." the letter began.

After that novel introduction I knew I was in trouble and hastened to the enclosed memorandum. The opinion of the learned trial judge (no mean legal scholar himself) follows:

Plaintiff seeks a dissolution and accounting claiming he has no plain, speedy and adequate remedy at law. It appears from the evidence herein that plaintiff, while under the influence of, or affected by the use of, Wigmore, willfully, unlawfully and feloniously struck his partner, defendant herein, with great force and violence, in on or about the face, with an instrument or thing likely to produce great bodily harm, to-wit Volume V of Martindale-Hubbell (1968 Edition), causing defendant great and unbearable pain and suffering.

While it is true that defendant appeared to provoke the assault by his continued and inexcusable flaunting of legalese, the court finds that provocation is not a defense and that in any event defendant was not then and there responsible for his conduct inasmuch as he was suffering from an advanced case of Bancroft-Whitney's Disease, a/k/a The Advance Sheet Syndrome. Therefore it is the order of this court that plaintiff's action be, and it is hereby, dismissed with prejudice.

After all, he who comes into equity, must come in with clean hands.

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## IMPORTANT NOTICES:

1. Tuition for the Spring, 1979, Semester will be \$112.00 per unit.
2. No exam will be rescheduled except in case of emergency. This is a change of procedure from last semester. Please take this into account when registering for the Spring Semester.
3. Confirm your reservations on time! You must register (paying tuition and all fees) during the week of January 8-12, 1979. Those who do not may lose pre-registration choice of courses.
4. Graduating students: Applications for graduation during the current academic year are now due.
5. The absolute LAST DAY TO REGISTER (pay at least one-third tuition and fees) for Spring, 1979 Semester is January 19, 1979. No registration accepted after this date. Graduating students in particular should keep this very important date in mind. If you anticipate problems, monetary or otherwise, you should visit the Associate Dean or the Law School Registrar well in advance of the Jan. 19, 1979 deadline.
6. First year students: All 1st year students should participate in the pre-registration. First year students will completely fill out the actual registration form in preparation for the final registration period in January.

FINAL REGISTRATION will take place the week of January 8-12. These are the important dates to keep in mind:

- January 8-12: Register during this week. Changes (free drop/add) are made during this week. A drop/add fee of \$5:00 is effective Jan. 15.
- January 12: Last day to pay tuition without a late fee. Last day to confirm reservations made during the pre-registration period. Reservations not confirmed by Jan. 12 will be purged.
- January 15: Late fee of \$10.00 in effect. Open registration for Consortium students.
- January 19: Last day to register for Spring, 1979 Semester. Last day to add classes to existing program.

BECAUSE OF PRE-REGISTRATION THE FINAL REGISTRATION PERIOD IS BEING SHORTENED TO TWO WEEKS. YOU MUST COMPLETELY REGISTER (PAY TUITION AND FEES) BY JANUARY 19.

## HOW ABOUT IT!

Rumor has it that the new building will not be ready until May 1. Well, now we all can see the beautiful facing on the building, and frames for the windows. And the roof's just about on. But, what do we know about construction? It seems, there must be a plethora of things yet to do. The statement that we will be in by January 1, seems a bit too general. Will all our classrooms be in the new building? Some? Few? None? What about the law school library? It seems part of the building project includes a remodeling of the business school library; and, to prevent two moves they will go in first. When will the law library go in. But, the most important question remains unanswered: will the Caveat be able to move into its new office? How about it, will someone tell us what's going on.

The deadline for submission of material to the Caveat for next week's issue will be Noon on Wednesday, Nov. 22.

# PREZ CORNER

LAST SBA MEETING OF THE SEMESTER: Tues., 5:00 p. m., room 203. Agenda items: Report of student members of FSC Committees (Admissions, Academic Standards, Evaluations, Curriculum, Budget, Hiring) on decisions and actions that have been made this semester, selection of 3rd year day rep to replace Larry Bittner, miscellaneous budget allocations, tuition, scholarship fund drive, spring SBA book-sale.

EXAM TAKING TECHNIQUES MEETING: This Wed., 2:45-4:00, room 205, 6:00-6:45 p.m., room 303. Upper division students will be present to answer questions about exams, how they studied for different instructors exams, how they study for exams in general, and any other information that first year students want to know. They will share their own personal experiences- there is no one perfect solution for getting through finals. All students are urged to attend. We could still use a few more upper division students to speak. Let me know if you are willing to share your experiences with first year students (863-7880).

STUDENT MEMBERS OF THE SCHEDULING COMMITTEE: Following are the student members on the committee which will be responsible for the 1979-1980 course schedule: 1st year day- J. Maurice Rogers, 1st year night- Steven Runchey, 2nd year day- Bob Richardson, 2nd year night- still to be selected, 3rd year night- Jody Hawke. Students are encouraged to talk to their individual reps about concerns they have about the scheduling. A survey will be passed around both concerning the summer schedule and next year's academic schedule. All students are urged to complete these surveys when they are passed out (probably next semester).

FSC AGENDA: The last FSC Meeting of the fall semester will be Nov. 30, 3:00 p.m. The FSC will be discussing proposed standards for promotion, retention, and tenure of faculty members, a proposal to require final hiring candidates to make an oral presentation to interested FSC members, discussion of change in academic standards to require a 2.0 g.p.a. rather than the current 1.9 g.p.a. for continuation into the final year, and a report of the clinic committee on proposed revision of the clinic policy at GGU. These meetings are open to students, although only student members of the FSC are permitted to speak. All students are encouraged to attend.

Alice M. Montgomery



### ATTENTION STUDENTS

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