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Caveat, February 20, 1979

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CAFEAT

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

Vol. XIV, No. 21

February 20, 1979

FSC MEETING

WE ARE HERE AS ON A DARKLING PLAIN
SWEPT BY CONFUSED ALARMS OF STRUGGLE AND FLIGHT
WHERE IGNORANT ARMIES CLASH BY NIGHT

The first Student-Faculty-Council (FSC) meeting of the semester was perpetrated last Thursday. Creeping through a crowded agenda, the council approved without debate a new policy statement regarding faculty evaluation; to wit, that "The primary criterion for retention, promotion and tenure is teaching excellence; the standard for promotion and retention prior to tenure is potential for excellence by the time the tenure decision is to be made. Matters other than teaching performance, such as the faculty members contribution to scholarship and to the law school and outside communities, shall be considered affirmatively". This policy was immediately amended upon a motion by Bob Calhoun that "contributions" in the form of school committee work be considered both affirmatively and negatively. Cursory debate upon the amendment concerned the problem of due process notice to the two faculty members currently up for tenure; some concern being expressed that one of the two "would be killed by by this if the amendment applies retroactively". Notwithstanding such solicitude, the amendment passed by a vote of 17 to 2. So much for administrative due process.

Announcement was then made that there would be no change in the current policy on student academic standards. Students with a G.P.A. of 1.9 will be allowed to continue their coursework. Mike Golden taking judicial notice that the school's history reveals those unfortunates to have performed adequately after self-rescue from the slough of despond.

The bulk of the meeting concerned the report of the clinical education committee to the council. Marc Stickgold presented the report, recommending that the total number of allowed clinic credits be set at 16, that the maximum not include credits gained in simulation courses which do not have a regular field-work component, that no more than 25% of total credits may be taken in non-classroom courses. No action was taken on these recommendations as heavy debate flowered over the question of restricting student access to externships by setting a minimum G.P.A. requirement for application for an externship. The committee recommended that no minimum G.P.A. be set, after much back and forth over the wisdom of such laxity on the one hand and the elitist implications on the other. The few students in attendance were unanimous in opposing any G.P.A. test of worthiness for an externship, while the faculty who spoke to the issue in general took the opposite view. The council did pass a proposal, however, to the effect that externships will henceforth require "full disclosure". Upon application for an externship, students will be required to waive confidentiality of their G.P.A. and class standing, which information will be turned over to the prospective employer.

The council adjourned a short time later, scheduling consideration of the body of the clinical education report for their next meeting set for Thursday afternoon at 3:00.

Jeff Kerwin



GOLDEN GATE UNIVERSITY

LAW REVIEW

Writing Competition

The Law Review will conduct its annual writing contest from Wednesday, March 7 until Wednesday, March 14. One-half the staff members for next year are selected on the basis of this contest; the other half are selected on the basis of grades.

Successful candidates will be given the opportunity to choose which issue they wish to write for: Women's, Survey, or Notes & Comments; subject to the needs of the Review. It should be impressed on all potential candidates that Law Review membership represents a substantial time commitment -- it is not a mere honorarium. Two academic units are available for writers (they are not free), and can be withheld by the Board of Editors for lack of performance.

Members who come on the Review through the writing contest should be prepared to spend a few days after final exams for an orientation and training program. "Write-on" members will be given assignments over the summer (if feasible) thus having an advantage over "grades" members because of early topic selection, issue selection and earlier discharge of assignments. A second orientation and training program will be set up for "grades" members. (Staff member(s) will be conducting brief informational meetings in W&R classes during February 15-22).

First and Second Year Day students, and Second and Third Year Night students are eligible to enter. Quotas are weighed in favor of the selection of "first time eligibles" (First/Day and Second/Night).

Contest rules will be available at the library desk on Wednesday, March 7 at 3 p.m., and due back in the Law Review office by Wednesday, March 14, 7 p.m.

The Third World Coalition would like to personally thank all second and third year law students who volunteered for TWC's Fall tutorial program. Due to the surprisingly disappointing participation from the first year class many tutors were unable to actively participate. The program was set up not only for the benefit of the first year class but also as a review for the tutors. The cooperation among our student body to help and support each other in our academic struggles creates an atmosphere that gives GGU a sense of personal identity.

The tutorial program is based on the phone tree concept. The student calls a tutor and makes an appointment and the rest is history. The names and phone numbers of all tutors and their preferred academic subject/s will be available before dead week. Priority will be given to third world students but the program will be open to the entire first year class depending on the availability of tutors.

Any second or third year law student who would like to participate as a tutor please call-- Robert Saenz--929-7229 or leave message in the TWC mail box in the faculty center.

PRELIMINARY OBSERVATIONS OF
A FIRST YEAR LAW STUDENT
OR
WHAT THE HEEL IS GOING ON
AROUND HERE?

Becoming a lawyer is more than just learning the law. It involves a mental alteration that goes to the personality. A little self observation would undoubtedly indicate some change in habits and attitudes since entering law school. Everyone, in particular first year students, can attest to the great amount of time and mental energy expended in preparation for classes and for tests. There is a lot of deprivation of personal pleasure as well as long periods of physical exhaustion although, in a perverse manner, studying law can be pleasurable. Such conditions are conducive to a mental alteration and change in personality. And under these conditions we are constantly being fed the law. I do not deem all this as a coincidence.

We do choose to be here though. No one has forced us to come. It is what we want. However, it is fairly obvious that there is a hell of a lot more going on around here than just the study of the law, and by just being aware of this there is no reason why we can't have a little more control over our individuality as well as what we turn out to be after three years at "the Gate".

It has been six months since we first entered the classrooms of Golden Gate. What has happened in that time? Perhaps a better question to pose is what is exactly happening? It is not easy to be conscious of all the subtle social and psychological processes that are taking place along with the processes involved in law study when you are trying to make sense of the formula for damages in a multi-party torts suit involving several cross complaints, understand when you can have a class action suit, figure out what probable cause is, learn the statute of frauds, and read the property text book.

In spite of what appears to be a permanent state of mental siege, the processes that are taking place in conjunction with law study are starting to take a definite form. It becomes a little easier to figure out what the hell is going on.

To be specific, I suspect that there is more being taught in our classes than what we are lead to believe. We are being taught how to think. The symbols we used to employ to provide us with meaning are being replaced by legal symbols which we are now asked to employ in our thought process. This does seem to be necessary, because if you are confronted with a situation in which, for example, you are asked to decide whether there was a contract formed, or a situation in which you are to decide what crimes, if any, were committed, you must employ the legal symbols (that is, definitions, concepts, or ideas) in each of these respective areas of law to decide the meaning of the situation (was there a contract formed? Were there any crimes committed?). It is a manipulative process in that you are asked to manipulate the various legal symbolic variables to arrive at a definition of the situation.

These symbols must be assimilated into our minds and employed in the conscious analysis process when we read cases or attempt to address a hypothetical set of facts. In these situations we attempt to apply the law to the facts. We are defining, reasoning, and analyzing in terms of the legal symbols we are taught. These symbols control, or rather, it dictates the picture of reality we see. The law, or as I have been referring to it, the legal symbol, becomes our means of vision. This mental symbolic process has a very profound social and psychological (if not metaphysical) effect. And it appears that we are readily accepting the symbols (which is the basis of this mental process) without much meaningful

questioning of their basis and legitimacy.

When a computer is used to analyze a situation or answer a question the conclusion it reaches is based on the information programmed into it. The conclusion is limited to, in terms of, and logically consistent with the information programmed into it. It knows of nothing else. The legal symbols we are taught are the mind's programs. Given these legal symbolic programs, we take a situation and define and analyze it in terms of these symbols. This is what we are asked to do. This is what is being taught to us.

We are given the symbols and asked to utilize them but we are not given their basis or foundation. We are being taught what is "legally" right and wrong and what is and is not, but not necessarily why. We, in effect, are being taught the rules of the game and how to use them but we are not shown the foundation of the meaning they take on. There is so little time and energy to question its legitimacy so we accept it and employ its meaning in our analysis as does a computer that has been programmed. By virtue of its employment it has an effect on our conception of reality and our value structure.

Ultimately each of us as individuals will have to critically assess what parts of this experience contain productive and non-productive methods of perceiving the law.

Action Alert

One of our U.S. Senators, S.I. Hayakawa introduced legislation on Feb. 8 to increase the amount of farm acreage eligible to receive federally subsidized irrigation water. The intent of the 1902 federal reclamation laws was to discourage large corporate farm holdings and encourage family farms. This was done through several provisions, including a mandatory residency requirement of the landowner and a limitation of 160 acres for parcels eligible to receive federally subsidized water. Hayakawa's proposal would eliminate the residency requirement and double the acreage allowance, as well as eliminate leasing limitations which would facilitate the hammering together of immense tracts by corporate farmers such as Exxon, the Kern County Land Company, Sunkist and Spreckles.

A growing body of research points to the doubtful economic and social advantages of large scale farming. Heavily capital-intensive farming methods have been designed, some at U.C. Davis, at the behest of large growers seeking mechanization in order to avoid dealing with labor union demands. Concentrated planting of single crops have intensified the need for synthetic pesticides and fertilizers. Water and soil have become polluted as a result. The efficiency level of acres held by corporate farms in delivering food to our tables is poor, as compared with family farms. Quality and quantity are lower and cost is higher.

Much of the agricultural land we eat from is held as tax shelters. Little motivation exists among such holders to provide people with plentiful, nutritious, inexpensive food, or with safe, reasonably paid employment. In order to meet the limitations of mechanized harvesting, strains of produce have been developed which are inferior in taste and nutritional content. A cube shaped tomato will be in the markets soon! Are you even satisfied with the tomatoes we now get. The main requirement they must meet is the capacity to withstand being dropped from a height of 6 feet, according to their genetic designers.

If you are tired of being manipulated at the dinnertable and in the supermarket you might make your feelings known to your (?) representative in Washington, Senator Hayakawa.

Georgia Schwaar

ANNOUNCEMENTS

ATTENTION SENIORS: The senior class request for money for the graduation ceremony was narrowly saved from defeat at last week's SBA meeting and tabled until the Feb. 20 meeting. If you wish to see the reestablishment of the tradition of SBA funding with our dues of our graduation, come to this week's meeting, Tuesday, Feb. 20, Room TBA, and demonstrate support for this budget request.

SBA Class Reps: Sheila D'Amico, Craig Correl, David Rubinoff

PIN-BALL TOURNAMENT LIVES! The second annual Mole Pin-Ball Tournament will commence this week after mid-term break. All comers are invited to participate, and sign-up sheets will be placed on the second floor vending machines this week. Last year's champ, Mr. Chuck, will play this year's winner for the grand prize, a front row seat at the Beauty Contest. Mr. Chuck says, "I remain the greatest, Schwartz be darned!" A consolation prize will be awarded to the person who can best answer the question: "Who is Gary Reing, and why isn't his name connected with this year's tournament?" Mike S. says, "New York's gain is S.F.'s gain!" Close, but no flipper. B.Y.O.Q.

WOMEN'S ASSOCIATION BULLETIN: Concern has been expressed within the Women's Association about the way in which the SBA is treating the budget request submitted this semester by LIL. A limited discussion of some of these concerns has been posted for your reading in the second floor women's lounge. Women's Association members are encouraged to attend today's SBA budget meeting, scheduled for 5:00 in room 322, when LIL's money request will be discussed and voted upon.

TALENT SHOW MEETING: Let's Get our Act Together! It is time to organize the Annual Talent Show. At this meeting we will decide on the date for the talent show and form committees. Some of the major areas are: Tickets, Sound/Lights, Refreshments and recruiting talent. Come with your ideas, comments, suggestions. If you cannot make it to the meeting, submit your ideas, etc. There will be a talent show box on the counter in the Library. DATE: Thursday, February 23
TIME: 12:15 p.m.
ROOM: 320

LESBIANS IN LAW: Potluck/meeting. Sunday, March 11 at 5:00 in San Francisco to get ourselves better organized. It's particularly important that GGU women attend. Call 285-5081 for details/directions.

LAW PLACEMENT NEWS: Elizabeth Sisk, recent graduate of GGU, is presently serving as a law clerk at the Superior Court in Fairbanks, Alaska. On Thursday, March 1, Libby will be speaking about her experiences clerking for Judge James Blair and collecting resumes from 3rd year students for the Judge to review. This is a post-graduate clerkship which begins in August, 1979 and pays about \$20,000 for the year. More information is available in the Placement Office.

The meeting is being held at Hastings Law School main building, at 198 McAllister St, second floor, Room D, at 3:45 PM. The reason we are not hosting this event at GGU is because it occurs during our spring break. Also, we are aware that many 3rd year students will be taking the Professional Responsibility exam that day; Libby is also sitting for that exam which accounts for the time of the meeting.

If you are unable to attend, but wish to submit a resume, leave it with me (Laura Greenfield) and I will deliver it to Libby.

PREZ CORNER

STUDENT SCHOLARSHIP DISTRIBUTION: From student donations, fundraisers, and hopefully, faculty pledges, there should be between \$2,000-\$4,000 for distribution to students this semester in the form of scholarship/financial aid. Because of the small amount of funds available we are asking that only students with cases of extreme hardship apply for these funds. To apply, please write a letter explaining your situation and the amount you feel you need in aid and turn it in to Marge Holmes by Friday, 2-23-79. If you have any questions, please give me or Marge Holmes a call.

SBA MEETING: Tues., 2-20, 5p.m., rm. 205. Budget requests for Lesbians in Law and Graduating Senior Class will be discussed as well as SBA goals for the remainder of the semester. Alice M. Montgomery

A discouraging lack of communication was displayed in Monday's meeting with Otto Butz, Dean Judy and John Teitheid. Otto and John defensively evaded the searching questions of the 100+ crowd. Among the issues discussed was the physical condition of the classrooms, security in the new building, the effect of the move on AALS accreditation, and other issues of moment to students.

Otto Butz referred several times to the humble beginnings and the shoestring operations of this school. Inadvertently he pointed out one of the major problems with the functioning of the school. Operating a nine-million dollar+ project on a shoestring is bound to be problematic. Of course, we have the benefit of hindsight, but I think that this points out a badly needed new direction in the running of Golden Gate University. The hiring of a financial planner is a step in the right direction, but as the school grows in student body and financial resources it will be increasingly necessary to run the school on a more organized and thought-out manner. Although many of our problems are solveable, they also could have been prevented by a greater degree of supervision, control, and foresight. This is an important goal to incorporate into Otto Butz's "longer view".

The main problems that were voiced Monday stem from the lack of communication between the Administration and the students. Much of our anger has been built up because there has been little information flowing between the two groups. There is a dearth of information on the new building's progress, solutions to current problems, and plans for the future. Because of this there appears to be a "tough-luck-but-you're-stuck-with-it" attitude from the Administration. There is also no official mechanism of handling complaints; Marge Holmes has been saddled with the job.

Some possible solutions: The solution proposed at Monday's meeting is a good start: a student committee to act as a go-between for students and the Administration. To my mind the most important function that this body can serve is to inform students of the Administration's decisions, policies, and plans that affect their interests, and to communicate to the Administration the needs and problems of the students. It is currently done, if at all, in a very ad hoc manner.

In addition, there should be a permanent ombuds-person to act as an official interface between students and the Administration. Also, I would personally like to see a resident professional counselor to which students can go with their problems. Everyone knows what a difficult experience law school is, and how hard it is to get someone sympathetic to listen. Having a resident counselor might help students to cope with the pressure.

MENS REA

... AND WITHOUT CONSULTING RESTATEMENT SECOND THAT THESE PIPES ARE SHAKING FROM SOME ONE POUNDING ON THEM...



"HI, I'M 'CORN Y CONTRACTS'! I HAVE A LOT TO TEACH YOU FIRST YEAR STUDENTS!"



LEARNED HAND?

KEN EDGEMAN ©

THE WORLD OF KONTRACTS

LUCY V. ZEHMER

HEY, MA! LUCY HERE WANTS TO BUY THE FARM!!



PEPPER-CORN?



CONTRACTS CONSIDERATION

MAKES THE WORLD GO 'ROUND