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THE CAVEAT

VOLUME XVII, ISSUE 6

MARCH 1992

LAW STUDENTS RALLY AGAINST GRADING POLICY

by Miles Dolinger

It all began on February 14, when 140 law students poured into Room 316 to find out why GGU law students have such low grades, and why 10 percent of the third year class may not graduate. Learning that GGU's stringent grading policies, including the new 2.15 g.p.a. graduation requirement, are due solely to the administration's attempts at increasing the bar pass rate, a record 452 students voted approximately one week later to express their opinions on the student-proposed changes to the present grading policy. After receiving 85-90 percent support on most proposals, students delivered their first formal proposal to the Academic Standards Committee on February 28th. Requesting higher means, a lower g.p.a. requirement to graduate, and the addition of plus grades, the proposal, and the fate of all law students' future grades, lies in the hands of Lani Bader, Margaret Wynne, Bob Calhoun, and Mort Cohen.

The issues were first presented at the initial grading policy forum, where SBA third year representative Mike Herald and SBA president Jennifer Martin explained that GGU had the lowest grading mean requirement in Northern California, in addition to the highest g.p.a. graduation requirement. "Golden Gate University has a policy of grade deflation," explained Herald, pointing to Dean Pagano's own words in an open letter the Dean had written to legal employers. Pagano's letter states that the GGU administration deflates students' grades in an effort to make them work harder. According to the letter, a GGU law student can't graduate with much more than a 3.5, yet top students at other schools graduate with 3.8s and 3.9s.

The means, which professors are forced to follow, can be lower than the actual g.p.a. requirement to graduate, according to the SBA-conducted surveys. In addition, one who receives all Cs in required courses needs 18 credits of "B-" to graduate. "With forced low means, this usually translates to needing to be above average or above the mean in 4 to 5 of your required classes," said Josh Dale, a third year law student. "The inequity is that the student handbook describes a "C" exam as one that is good enough to pass the bar, but all Cs won't get you a degree from this school."

The general feeling of the students at the meeting was that it is terribly unfair and exploitive of students to let them stay in school in good academic standing with a 2.0, and accepting money for three years, and then at the end denying them the prize that is graduation with a kind "sorry." Regarding Dean Pagano's earlier statements in the Recorder to the effect that GGU had a responsibility to the public to turn out quality lawyers, the students felt that the bar exam itself already accomplishes this screening, and thus, the Dean's stated policy was no justification for prohibiting students from even taking the bar.

Students ended the February 14th meeting agreeing to put the issue to the general law student population, and one week later held a student vote. In an unprecedented voter turnout, students voted in overwhelming support of several grading policy changes which were then submitted to the Academic Standards Committee. The proposal which was ultimately submitted contained the following: (1) "Restore the graduation requirement of a 2.0 grade point average in required classes; (2) Stop using forced low grade means; (3) Institute a standard plus and minus grading system; and (4) Allow students to repeat a class in which a grade of C- or lower was received. (Continued on page 2.)

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Is There Anybody Out There ?

This column is dedicated to the spirit of optimism and success which does exist here at Golden Gate University School of Law. Inevitable student/administration conflicts aside, good things are happening at Golden Gate. The quality of the teachers and the students is increasing, Dean Pagano has responded to student requests to diversify the faculty, (most recently hiring an hispanic women professor to begin teaching next fall), mock trial teams are winning, law reviews are thriving, public interest loan assistance is on its way, et cetera and et cetera.

But I am concerned about the perceived lack of school spirit around here. More than a few times have I heard students already promising never to give GGU one dime after they graduate, and I find this disturbing. Is our school really so bad, or is this a criticism exaggerated and misplaced by the problems of the bigger picture, e.g., the poor economy, AIDS, the environment, (the democratic party), and/or the widening gap between the rich and the poor resulting in frightening levels of poverty and crime? A large number of students are getting what they wanted out of this law school and are successfully moving towards their goals. It is only too bad that the only voices we hear are the disgruntled ones. That's not to say they should be silenced in any way, for their desires and criticisms are important and do benefit us all. The point is only that I think student morale is adversely affected when the happy majority keeps silent.

That is where the Caveat comes in. I am tired of printing so many articles criticizing the school. I don't want to talk (as much) about elitist faculty members and administrators who treat us like for-profit numbers. I would much rather pump up the student body with entertainment and even flattery. The problem is that students feel they are too busy to write a short article describing their great work experience, or the interesting things their club is involved with. Offering cash for submissions didn't seem to work, and the SBA rejected the idea of conditioning club expenditures on Caveat submissions reporting on their events. Nonetheless, the Caveat needs more good news! I dare you to share! Convince me that we are not having an apathy crisis, that you are active in a variety of curricular and extra curricular activities, and that some of you are actually glad you came to Golden Gate. Convince me that you are not interested solely in furthering your own personal goals, but value a sense of community among students, which involves sharing your experiences. Finally, convince me that you believe the Caveat is not a wasteful means to foster community spirit.

--Miles J. Dolinger

GRADE POLICY (Cont'd)

On February 20, before the student vote was tallied, Dean Pagano met with about 100 students to hear their concerns. While emphasizing how important he felt the bar pass rate was, both in helping GGU grads find jobs as well as in the minds of the University Trustees, the Dean explained the two aspects of the current grade policy in which he was the most interested: How the 2.15 rule would impact graduating students; and how the grading scheme, in general, affected our competitiveness in the job market. Dean Pagano said he would like to help the upper end of the curve to make their transcripts look better (GGU's top students only have gpa's of 3.5-3.6) to employers. He was not, however, willing to help the bottom of the curve by dropping the 2.15 graduation requirement, which he defended as a "method which gets people to work harder." Further, the Dean stated he would not be opposed to imposing the 2.15 on first years.

Regarding current third years who do not meet the 2.15 requirement, Dean Pagano was reassuring that a g.p.a. of less than 2.15 would not mean an automatic cut, and that some of those students would, in fact, graduate. (Pagano reported that there were currently 14 students below a 2.15, the lowest being 2.07.) The Dean said that once all the grades come in, he would review everyone in the danger zone on a case by case basis. He suggested offering some students delayed graduation on condition they take an intensive writing workshop over the summer, but was generally against allowing students to repeat classes.

Dean Pagano's own proposal, which he recently submitted to the Academic Standards Committee, included removal of forced means in non-required classes, grade inflation, and a requirement that at least 30% of all grades must be 3.0 or above. In addition the Dean proposed phasing in the 2.15 graduation requirement by requiring a 2.05 to move from 1st year to 2nd and a g.p.a. requirement of 2.10 to move from 2nd year to 3rd year. The Dean also asked the Committee to help him set criteria to determine which graduation candidates in the 2.0-2.149 danger area should graduate or not, and what conditions he might impose.

A meeting of the Academic Standards Committee was scheduled for the week of March 16. Student representatives to meet with the Committee will be Jennifer Martin, Tod Manning, and Bonnie Moore.

In a recent interview, I asked Manning to comment on the Dean's position. "The Dean has consistently shown his position to be narrowly fixated on the low bar pass rate and his proposals simply manipulate numbers without solving the problem," Manning said. "Low bar pass rate is not the problem," he said. "The problem is students' poor performance in school, and low bar pass rate is only a symptom." I then asked whether this suggests a joint responsibility between the students and the faculty. "Exactly," Manning said.

A QUESTION OF TRUST

by Miles Dolinger

On Saturday, February 7, several law student groups hosted the second in a series of feminist jurisprudence panel discussions, this one focusing on the issue of sexual relations between attorneys and their clients. The panel, which was moderated by GGU Professor Joan Howarth, featured Caroline Forell, Associate Professor at the University of Oregon Law School; Peter Rutter, Associate Clinical Professor of Psychiatry at the UCSF School of Medicine; Barbara Bryant, Adjunct Professor and Director of the sexual harassment clinic at Boalt Hall School of Law; and Henry Contreras, chief consultant for California Assemblywoman Lucille Roybal-Allard. Approximately 60 students and attorneys attended. The panel also fulfilled two credit-hours for Continuing Legal Education (CLE).

All of the panelists agreed that although sexual relations between female attorneys and male clients do occur, the overwhelming majority of cases, especially the problematic ones, occur between the male attorney and the female client, and for this reason all of the panelists limited their discussion to the latter situation.

Introducing the issue, Caroline Forell explained the problem as one based on a disparity in power, and described the general situation where the female client becomes dependent on a particular attorney, giving rise to opportunities for the attorney's abuse of that power to force a sexual relationship. Even in "consensual" relationships, Forell said, breach of trust problems pose very serious risks. Conflicts between personal trust and fiduciary duty can adversely affect the client's legal rights and remedies within her case, as well as her rights against her attorney, should a conflict arise.

Dr. Rudder's presentation was particularly insightful into the problems which can arise between professional men and their female clients who get involved in sex, where the professional relationship is based on trust. His book, *Sex in the Forbidden Zone: When Men in Power Betray Women's Trust*, is an authority on this specific issue and is published in several languages worldwide. Dr. Rudder studied the effects of sexual relationships between psychotherapists and their patients and between religious leaders, priests, rabbis, etc., and their 'confessors,' and believes the same psychological dynamics take place in the attorney/client relationship.

The theory behind the 'forbidden zone' is that when one is in a state of emotional or psychological vulnerability, submission to and dependence on someone in a position of power is an "ordinary and expected human experience." Because of the inevitable emotional harm and powerlessness resulting from a professional bringing sex into his relationship (Continued on page 8)

TONY BASTONE DOING WHAT HE CAN

by Ed Taylor

It is no secret that the legal job market is at a virtual standstill, and no one knows the anxiety of GGU law students better than Placement Office Director Tony Bastone, who is doing everything he can to generate employment opportunities for us, short of holding our hand and giving us away. As Bastone puts it himself, "the function of the Placement Office is not to place students, but to assist students in their efforts of place themselves through access to the resources of this office and its staff." These resources include resume assistance, interview skills videos, job listings, and campus interviews, all of which Bastone generates by networking within the legal community.

Bastone also has a unique, aggressive approach of going out and visiting potential employers every week to drum up interest in GGU law students as law clerks and interns. This week, for example, Bastone met with the in-house counsel of No. Cal. Insurance, who is himself a Golden Gate graduate. As a result of the meeting, No. Cal. will be looking for spring volunteers and summer interns from GGU. Bastone also takes monthly trips to visit employers around the state. He recently spoke on "Recruiting the Recruiters" at a National Law Placement Association regional meeting in Newport Beach.

Tony Bastone also seeks to generate interest in GGU students by planning speakers for brown bag lunches and creating law placement symposiums. He co-hosted the Northern California Public Interest Law Careers Fair at Hastings on February 29, and is planning GGU's 6th annual law placement symposium for March 25 - 27. The symposium will feature a resume writing seminar and an interview panel, and will conclude with Legal Career Options Day.

To get a jump on GGU's placement needs for next year, Bastone has recently commenced a mailing to over 2,000 California employers inviting them to come interview at GGU next fall.

Bastone feels he is doing his part to sell GGU law students in this tight market, and would encourage students to take advantage of the opportunities he is creating, and likewise, to be assertive, if not aggressive, in generating their own opportunities and selling themselves.

Regarding advice to students looking for jobs, Tony suggested beginning the resume mailing process with self evaluation, giving thought to your grades, the area of law in which you are interested and the geographic area where you would like to work. Bastone said the currently "hot" areas are health care, environmental, bankruptcy, tax and international law. □



GGU MOCK TRIAL TEAM: AN EXHILARATING EXPERIENCE

by Joan Cox

Last Friday evening, I sat in on Bernie Siegel's Mock Trial seminar with seven second and third year students, who were preparing for an upcoming trial competition with three "coaches," including Bernie Siegel himself. The seven students were among the ten students handpicked by a 5-member panel, including Siegel, to compete nationwide.

Each fall, a mock trial class is offered to second and third year law students who have completed (or are currently enrolled in) Evidence and Trial Advocacy. The class typically seats 40 or 50 students. During the semester, students participate in three or four trials. Then 15 or 16 of those students are picked to compete in the semi-finals. From those semi-finalists, a random number of finalists are chosen. This year's class is the largest ever with 10 students participating: Jim Treppa, Christina Cline, Heather Elrick, Yvonne Floutsis, David Lehr, Steve Forster, Peter Calandrella, Jerry Robertson, R.J. Waldsmith and Keith Lyon.

The students are coached in their trial preparation by Professor Siegel, Wendy Rouder and Arlin Armstrong. All three are lawyers; Armstrong also has a Ph.D. in theater. The seminar is graded pass/fail and involves a large commitment of time -- 16-18 hours per week, according to the current participants. So why make that kind of investment? It is a great preparation tool for prospective litigators and looks good on a resume as well. Of the seven students, four intend to pursue a career in civil litigation while the other three are split between the public defender's office and the district attorney's office.

Golden Gate recently hosted a mock trial competition at City Hall, placing third. At the end of March, GGU will compete in Chicago against 20 other law schools, including John Marshall, Harvard, George Washington, St. John's, University of San Diego and Whittier. Competitions are sponsored and trial scenarios are created by the ABA Criminal Defense Division and by the Young Trial Lawyers Association of America. Recent topics have included personal injury, obstruction of justice and government fraud.

The three coaches have three very different styles: One is enthusiastic and intellectual, another is sonorous and dramatic, while the third is thoughtful and serious. As they listened to various closing arguments, they encouraged students to first and foremost be themselves, and adapt their closing arguments to their own stylistic strengths and weaknesses. They praised such snappy phrases as, "One beat up and one covered up." And they took otherwise mundane statements, "Officer Char hit the victim three or four times," and added some flair: "Officer Char raised his night stick and beat the vicim not once, not twice, but three and four times!"

Professor Siegel emphasized the fact that a closing argument is not just a chronology and reiteration of the facts that the jury has heard, but rather assembles the case into a cohesive unit. He displayed an unbridled enthusiasm for his field, saying few ever feel the kind of exhilaration at the end of the day after having developed an examination or cross exam or closing that one is pleased with. He said only those who have been involved in litigation (or narcotics) have truly experienced it!

OPINION

WHOSE "MISSION" IS IT?

by Alan Adelman

"The primary goal of GGU School of Law is to provide (our) students with the intellectual and moral foundation which will enable them to become ethical, competent, and socially responsible professionals."

"We emphasize not only traditional scholarship, but participation by the faculty in all efforts designed to increase the availability and quality of legal services actually delivered to the public."

The administration and faculty have incorporated the above ideals into their documented "Mission Statement." As GGU law students, how do you react to these stated ideals? Many perceive that this "mission" is in fact being effectively realized. Many others, however, shake their heads in utter disbelief, perceiving this "mission" to be unmitigated

fiction. Is the law school really providing its students an "intellectual and moral foundation?" Are faculty efforts really "designed to increase the availability and quality of legal services actually delivered to the public? Or are these merely words of rhetoric to appease the ABA, or are they genuine expressions of what the School of Law is conscientiously attempting to accomplish?

Even if these are worthy ideals, who should carry the responsibility of realizing them? Each student individually, the faculty, the administrators themselves? What should happen to those students, faculty, and administrators who don't have what it takes to satisfy the standards of this "mission?" How is it determined who doesn't have "what it takes?"

If you don't espouse to these ideals, what do you think the School's "mission" (Cont'd on p. 8)

CAVEAT invited the candidates for President of the Student Bar Association to respond to the question: "What do you think GGU law students need most and how do you think you can achieve that?"

SBA PRESIDENTIAL CANDIDATES

KIERAN JOHN FLAHERTY

Golden Gate students most need a boost in morale, and this is not as trite as it may initially appear. One dictionary definition of morale is, "a state of individual psychological well-being based on such factors as a sense of purpose and confidence in the future." Law students at GGU have this sense of pending doom as they enter the work force, a lack of pride in their school, and many feel they are not getting from GGU what they have bargained for in terms of tuition dollars. This negativity snowballs, causing less drive for students to study, faculty to teach, and administrators to cope. Our reputation in the legal community is, and will continue to be, hurt by poor morale.

Realistically, our job prospects circumstance is not that different from other fields. By elimination of the problems causing poor morale and enhancing the advantages GGU has to offer we can make our school more liveable while we are here and more viable as we enter the work force.

We are not alone, nor are we powerless. Most of the goals students have are shared by the administration and faculty, albeit at times we disagree on the means to achieve the end. There is, however, common ground. Diplomacy and compromise, kept in check by devotion to the needs of my constituency and the most reasonable manner of achieving those needs, can usher in an era of continued progress and reform.

I will work to improve student morale by removing the obstacles which physically make GGU a difficult place to be a student, i.e., classroom overcrowding, poor lighting, and facilities problems involving the building (most of which are under reconstruction and will soon be completed). Students will take pride in their school when grading reforms are completed such that the grading policy accurately reflects the abilities of our students. The current SBA has achieved much, and I support the majority of the goals and reforms which are currently in progress. I intend to see that the student movement to change grading policy is followed up on. I am also committed to student representation in the making of policy at GGU. The greatly improved orientation, the SBA picnic, SBA symposiums, and sponsoring of events has left a legacy of innovative ideas from the current SBA which I will continue. The future of the CAVEAT will be explored so that it can be a tool to help achieve students' goals.

SBA under my leadership will work professionally and in a well-organized fashion, capitalizing on our potential for progress in areas where we (cont'd on p. 8)

TOD MANNING

What the law students of GGU School of Law need most is a high quality education. The Student Bar Association (SBA) can help ease the process of law school so that it is easier for the faculty to offer, and for the students to receive, a high quality education.

The needs for academic advising, academic assistance, review of final exams, honest grades, and equitable grade and graduation policies are clear. These are all elements of high quality education. All of which can be expanded or instituted at the urging of the students through the SBA. My goals are to expand these elements if they already exist, and to institute them if they do not.

The time has come for the law students to have an even stronger and more productive SBA, one which represents all the students, whether they are full-time, part-time, day, night or mid-year. The SBA should help the administration and faculty to bring about the necessary changes to ease the process of providing a high quality education. However, none of the proposed changes will lessen the responsibility of the individual students to put in the study hours that are required to take advantage of what is being offered.

If the SBA can achieve the goals of providing academic advising for all students; academic assistance for all required courses; effective exam reviews; grades given honestly, whether high or low; and equitable grade and graduation policies, then this school will have taken major steps towards providing an even higher quality law school education. If these changes occur, the morale of the entire law school community would increase significantly; the reputation of the law school would rise because of a higher bar pass rate; and proud alumni would promote the school in the legal community, in recruiting, and in job placement.

I can't achieve all of these goals. Only a strong SBA working in conjunction with the faculty and administration over a number of years can do so. As SBA president I will offer help, guidance, experience, enthusiasm, initiative, and integrity as the SBA strives to implement these changes.

Please vote. Vote for me or for someone else, but please vote. The administration pays attention to what we do and what we don't do. Apathy is noticed just as much as an actively involved and concerned student body. The more active the students are in requesting positive changes, the more responsive the administration will be, and visa versa. Vote.

PUBLIC INTEREST LAW FOUNDATION 2ND ANNUAL PLEDGE DRIVE TO BENEFIT GGU'S LOAN ASSISTANCE PROGRAM

DONATE A DAY OF YOUR SUMMER EMPLOYMENT FOR THE PUBLIC INTEREST:

From March 17 through March 31, the Public Interest Law Foundation (PILF) will be holding their second annual Loan Assistance Program pledge drive. As the title suggests, this event is the second of what PILF hopes will become an annual Golden Gate tradition. Like last year, PILF is again encouraging students to pledge a day's wages from their forthcoming summer employment to support the Loan Assistance Program. Students are also encouraged to seek matching funds from their summer employers. Of course, any and all contributions are welcome. Last year, PILF received approximately \$6,000 in pledges and this year PILF hopes to substantially surpass that figure. As an incentive, a minimum pledge of \$60.00 will now qualify donors for the PILF raffle, chock full of free bar courses and other nifty surprises. A pledge of \$75.00 or more also gets you a free PILF t-shirt, featuring the distinctive PILF logo. Besides helping out a worthy cause, this fashionable t-shirt will make you the envy of all your law school classmates.

public interest law, PILF hopes to increase the number of Golden Gate grads working in this area. Currently, the number of GGU students going into public interest law is less than 5%, although 25% to 50% of loan recipients express similar interests.

Here's how the Loan Assistance Program works: if at any time during your legal career you accept low paying public interest work, you are eligible to apply for assistance. Applications are reviewed by a committee consisting of representatives from the Dean's office, the Financial Aid office and the student body. Because public interest law encompasses a variety of legal disciplines, the Program will be of benefit to anyone seeking work as a public defender, district attorney, tenants' rights advocate, or family lawyer. Public interest law may also include clerking for a judge, environmental law, immigration law, disability rights, First Amendment work, consumer protection, art law, teaching or work for private firms with low-income or indigent clients.

DON'T FORGET TO PLEDGE. THE PUBLIC INTEREST CAREER YOU SAVE COULD BE YOUR OWN.

In addition to the pledge drive, PILF is pleased to announce that Golden Gate University recently approved a sum of \$75,000 to be added to Loan Assistance Program's endowment. This will be added to last year's endowment from the University of \$25,000 and the \$16,000 collected from student fees last fall. Interest from this \$116,000 principle will be used to help repay the educational loans for those GGU Law School alumni who choose low-paying public interest jobs.

Typically, about 25% to 30% of public interest lawyer's salary goes to loan repayment. The recommended maximum is 15%. By easing the financial burden on law school graduates who choose to practice

In the not too distant past, Golden Gate's reputation in the legal community was enhanced by the school's strong public interest focus. With the Loan Assistance Program in place, PILF hopes to restore this reputation and attract a new generation of students interested in public interest work. Your donation can help achieve this goal. It might also help expand your career options as well.

PILF is still looking for volunteers willing to sit at pledge tables or otherwise participate in the pledge drive. If interested, place your name and phone number in the PILF mailbox on the 14th floor of the faculty center, or come by any of the PILF meetings on Wednesdays at 4:00 p.m..

--ALAN KORN, MEMBER, PILF

ABA INSPECTION:

DEAN OPTIMISTIC ABOUT HEALTH OF ABA ACCREDITATION

by Ed Taylor

The ABA inspection committee was here at Golden Gate just recently, from March 14 to 18th. The inspection team consisted of six law professors from around the country: two deans, three professors and a law professor/librarian. In addition to evaluating the school's assigned "self study," the team planned to visit classes and make itself available to meet with students off-campus.

As a practice, the American Bar Association (ABA) periodically reviews all of the law school's operations under its accreditation for the purposes of renewing its accreditation. Dean Pagano explained that it is not a pass or fail inspection, instead it is the ABA's way to help the school improve its education.

The standards by which the ABA evaluates a school include faculty/student ratio, clinical programs, faculty salaries, teaching quality, student quality, alumni success and other indicia of the quality of the educational program.

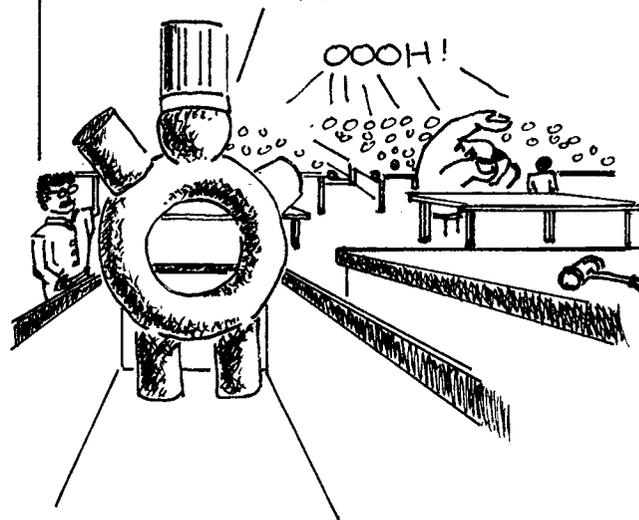
At Golden Gate the inspection team was expected to focus on a serious concern it had after our last inspection a few years ago which criticized the law school for co-mingling too much of its tuition revenues with the University. However, Dean Pagano explained that the ABA's last inspection report provided the law school with the needed leverage to lower the financial contribution the law school made to the University. As a direct result, the law school now has a sizable monetary surplus earmarked for law school use, he said, and the ABA's concern is expected to be satisfied.

The ABA's last inspection report provided the law school with the needed leverage to lower the financial contribution the law school made to the University.

Other concerns expressed in the ABA's last inspection report have also been addressed: The faculty student ratio has gone from 30/1 to 25/1; the clinics are more closely supervised; the amount of scholarship money has increased; the percentage of minority students and faculty at the school have improved; and major improvements have been made in the area of faculty scholarship. In addition to addressing the ABA's past concerns, the Dean is encouraged by our superb faculty and the steady improvement in the LSAT scores of incoming students, which is at an all-time high of 37 with this year's MYA class. Although Dean Pagano thinks our recent poor showing on the bar exam, which was next to last of all California ABA accredited schools,

SO, MR. DOUGHBOY. DO YOU SEE THE HAND THAT ASSAULTED YOU IN THE COURTROOM TODAY?

YES (SOB), THERE HE IS, I'D RECOGNIZE THAT DIGIT ANYWHERE!



IN APOLOGY--

Hi, I'm the guy. The cartoonist. The unintentional user of outmoded stereotypes.

I'm sorry. I'm sorry that I offended Latino readers by using a "bandito" character to convey an unrelated joke. As most of you hopefully know, a similar gentleman uttered a similar line in the John Sturges film, "The Magnificent Seven", produced in 1960. I hope it's obvious that I used the character and the line to parody a student concern with the registration process, and not to degrade Latino individuals. I figured it would be a joke everyone would "get". However, common understanding does not equal cultural appropriateness, and it appears it is I who didn't "get it."

Stereotypes are wrong because they are shortcuts for thinking, a capitulation to our more base desire to avoid making intelligent choices. Perhaps it was worse that I used a stereotypical image as a vehicle to make another point, since that truly exemplifies the pervasive nature of shortcut thought.

Cartoons present ideas, just like all other editorial media, and should be screened so that only those messages one wishes to defend are communicated by them. My desire is that we all contend for the truth, since it is only in the marketplace of ideas that the fraudulent, or irresponsible things we hold inside can be challenged, and brought to light.

Once again, I'm sorry. If we must contend, let's do it over things we believe, and have pondered within ourselves, not over shortcuts for thought, which cheapen who we are.

—Brodie Stephens

will be considered by the committee, he does not think it will have too great an effect on their final evaluation, as GGU has done well on the previous five bar exams.

Dean Pagano said he felt confident GGU will earn a favorable report.

Presidential Candidates (Cont'd)

and the administration are in complete agreement, but only have slight differences on the proper means to achieve those goals. We will continue the new tradition of this year's SBA of hard work blended with exciting ideas. Please vote responsibly.

Morale at GGU will improve, we will progress.

THE CAVEAT WELCOMES YOUR INSIGHT, YOUR OPINION AND YOUR HUMOR.

PLEASE SUBMIT ARTICLES IN HARD AND SOFT COPY (3.5" DISKETTE) TO THE CAVEAT MAILBOXES. NEXT DEADLINE: APRIL 9.

...WHOSE MISSION? (Continued)

should be?

Dean Pagano has a viewpoint or two on how to accomplish our mission, which he expressed in a recent interview. Pagano wants the students to study rigorously outside of class, contribute insightfully in class, and accept that some are destined to excel and some to fail. Pagano wants the faculty to find ways to motivate the students to work, and not to leave it up to the "adult" students to do it on their own volition. Pagano also wants the Professors' assessments of "minimum competence" to be more honest and more in line with those of the State Bar examiners'.

But hey, maybe the bottom line is that this is OUR MISSION. As we are the ultimate professionals which the law school will be letting out on the streets, as free-thinking individuals we have the ultimate responsibility to perform. We are each at this school of law to work towards something. Whether we like it or not, each of "our own missions" adds up to "our mission."

ATTY/CLIENT SEX (Cont'd)

with his client, Dr. Rudder thinks free consent is an impossibility. For this reason, he thinks there should be an absolute ban on attorney - client sex, as there is in other professions, such as psychology and medicine.

Professor Forell, a law Professor at the University of Oregon, described the potential harms in this power relationship specific to the legal profession. She defined the dangers encompassed by attorney/client sex as a women's issue, because like sexual harassment, it involves a power hierarchy between men and women which is exacerbated by the power hierarchy in the attorney/client relationship.

Because of this vulnerability, the introduction of sex into the relationship by the one in power can be severely damaging emotionally and can even lead to what psychological clinicians refer to as "post traumatic stress disorder." Furthermore, this violation does not require an affirmative sexual act or advance, but is made by the mere suggestion of sex. Dr. Rudder emphasized that, "this injury often occurs before the act the question of trust is made when it becomes clear that the professional has another agenda."

From the psychotherapist's perspective, Dr. Rudder said this violation felt by women victims of their professional confidants is similar to that felt by victims of sexual harassment or even rape: a loss of self, guilt and shame caused by such a betrayal of trust, combined with helplessness to even fight back, and women having no accepted vocabulary to even describe how they feel and are treated. In a typical situation of concern, a woman seeks legal counsel in a divorce proceeding. She is emotionally vulnerable because of the pain inherent in

divorce. Resolution of her life and possibly the lives of her children is dependent on the knowledge of her lawyer, who must act as legal counsel, problem solver and personal counselor. In this situation, Professor Forell said, the attorney has an easy opportunity to take advantage of this emotional/sexual opportunity. Professor Forell also thinks that a psychological "transference" sometimes occurs, where the client inadvertently adopts the attorney's sexual desires. She said that even if attorneys would normally refrain from actively pursuing their desires, they are not trained to handle the situation of the client making advances towards them.

Besides the emotional harm from the immediate breach of trust, once initiated, Professor Forell emphasized the difficulty the woman client has in ending the sexual relationship because of the potentially disastrous consequences on her case. She argued that women in divorce proceedings often have limited resources preventing them from finding other representation and thus have no choice than to submit to their attorney, who holds her fate in his hands. Furthermore, Professor Forell argued that sexual relations with the client will adversely affect the lawyer's judgment to the prejudice of the client, in dissolution cases, for example, where personal negotiations are paramount. For all of these reasons, Professor Forell thinks it should be attorneys' responsibility to make sure sex does not occur, whether forced or consensual.

Professor Forell's views are the subject of her article, "Lawyers, Clients and Sex: Breaking the Silence," upcoming in GGU's Women's Law Forum. (Cont'd p.9)

**** CLUB NEWS ****

by Ed Taylor

On February 25, Professor Peter Fowler spoke to the SPORTS AND ENTERTAINMENT LAW SOCIETY regarding the legal aspects of the film production process. Plans are in the works for a sports figure panel and a fund raiser.

The PUBLIC INTEREST LAW FOUNDATION (PILF) met on February 26 to discuss its pledge drive. The proceeds of the fund raiser are used to assist GGU alumni in the public sector. PILF also sponsored a panel on how to conduct a public interest job search.

PHI THETA PHI recently celebrated the formation of its GGU chapter with refreshments. The fraternity plans to be very active, sponsoring exam writing, study skills and career workshops. Other concerns include charity and social functions. It will hold its initiation ceremony in the third week of March. Plans are in the works for a softball game in early April.

Joan Reiss, Regional Director of the Wilderness Society, spoke with members of the ENVIRONMENTAL LAW SOCIETY regarding attempts to preserve our natural resources from the poor management practices of the current federal administration. She also spoke about the Society's efforts to prevent the over-development of Yosemite National Park. Alex Naar, President of the ELS, was sponsored by the Dean to attend the ABA's national environmental law conference in Washington D.C..

SBA NEWS: Professor Lani Bader prevailed upon the powers that be to allow a student representative on the University Presidential selection committee. That student will most likely be Warren McBroom, the current SBA Vice-President. The spiring shindig at Rock'N' Bowl on March 13 was a big hit. SBA elections are the week of March 23, so vote, vote, vote!

WHEN IS A "C" NOT A "C"?

Student: Professor, I am having difficulties understanding why passing grades of C are not high enough to graduate. Would you please explain this concept?

Professor: Well...you see, sir, the C you received in your UCC class indicates that your scholastic legal abilities are supposedly sufficient to pass the bar, notwithstanding the fact that your C in UCC and other classes are not sufficient to graduate from this superb institution of higher education. Suffice it to say, sir, your ability to use logic and succinctness in espousing your positions on your exams is, unfortunately, just not sufficient. You see?

Student: No.

(Apologies to Socrates and all women students. Miss, madame, women, etc., don't rhyme with "C".)

--Tod Manning

ATTY/CLIENT SEX (Conclusion)

Currently there is no state law regulating attorney/client sex. Legislative attempts to make sexual contact between attorneys and their clients automatic grounds for disciplinary action have been beaten down by the State Bar, this according to Henry Contreras, Chief Assistant to Los Angeles Assemblywoman Lucille Roybal-Allard, who is the sponsor of such a bill in the state legislature. In opposition to the bill, the State Bar lobbied the legislature to let them handle it as they do other issues of professional responsibility, but this has been inadequate to address the problem, Contreras said. First, clients are unaware of any prohibitions or bar standards. And secondly, you cannot have adequate enforcement when the bar is regulating itself in a closed forum which excludes consumer advocates. Contreras said the bar is just not acting on complaints, and knows of no attorney ever being so disciplined for having sex with a client.

Roybal-Allard's bill, AB 415, is modeled after state legislation regulating medical practitioners and psychotherapists, and addresses attorney/client relationships in the areas of marital dissolution, child custody and criminal law. AB 415 has recently been reintroduced in the state legislature and is waiting for passage. A similar bill, AB 1440, has also been proposed.

All of the panelists agreed that the main obstacle to enforcement of attorney/client sex restrictions is the state bar, which they say is simply not believing women. This is symptomatic of the greater problem of women's believability in sexual harassment, rape and domestic violence cases.

Barbara Bryant, who directs the Boalt Hall Sexual Harassment Clinic, thinks "men's fear of false claims is paramount," and Professor Forell added that "male attorneys are obsessed with false accusations" and "have an unfounded fear of their perceived vulnerability to blackmail." Barbara Bryant encouraged the audience to consider the power structures and patriarchal interests keeping the current system in place.

The second major obstacle is the existence of healthy consensual relationships. Opponents of sex restrictions appeal to their right to privacy and freedom of association. Professor Forell reminded the audience, however, that the right to privacy is not absolute, and must be weighed against the attorney's fiduciary duty to protect his client.

When the relationship is truly consensual and desired, Dr. Rudder suggested that "the ethical [and less burdensome] alternative is to end the professional relationship and wait until the power cloud has cleared."

Dr. Rudder made the analogy to getting on a plane which is destined to crash and knowing there is to be only one survivor. "We rejoice when people survive high-risk behavior, but we also need to protect people and warn them about extremely dangerous situations," he said.

Profile by Susan Kalra

Professor Joan Howarth is in her second year at GGU and was recently offered tenure-track status. She is currently teaching Torts and Remedies and is advising the 'Feminist Jurisprudence' speaker series.

CAVEAT: You have a varied background in public interest law, starting with the ACLU. Tell us about some of the issues you have worked on.

PROFESSOR HOWARTH: When I was with the ACLU I dealt with some issues concerning prisoners' rights. That grew out of a law review note I wrote at U.S.C. about constitutional issues on conditions of confinement. My office was particularly interested on working on issues relating to women in prison, incarcerated mothers, for example. In the early 1980's I did some work drafting legislation dealing with a halfway house program, whereby custodial parents would get out of prison slightly early and then be confined to a halfway house with the child. The idea behind the program was to help these women experience being good mothers. When you have mothers in prison, there are policy issues beyond simply punishing the mother; there are also issues about enhancing the possibility that the child is going to have a good life.

I started off working on police cases -- unreasonable force issues. One of the most visible cases involved the Los Angeles Police Department using a battering ram on the front of a tank to burst into crack houses. I was also involved in cases concerning sexual harassment by police officers. Then I moved on to death penalty work, including representation. The two cases that I still have are from the ACLU.

C: Now you are still practicing and you teach Torts.

H: Yes. It is important to me to continue to do some kind of public work, even as I teach. I think it enhances my teaching and keeps my skills sharp to have some ongoing representation. It has also been my major motivator. Having clients reminds me that part of my motivation for teaching is for the future clients of the students.

C: Any thoughts for students who might want to pursue a career in public interest law?

H: I never interviewed for a position that I didn't know I would love, which was a real privilege. The most unhappy lawyers that I know are the ones who have settled for jobs they don't believe in. So even if it means making sacrifices in your lifestyle to keep your loans low,

or making sacrifices about where you live, ultimately that sacrifice will be well worth it. It is really important to find a way to make the money that you need to make without giving up your values.

I really appreciate the great student support here at GGU for the loan forgiveness program. The next few years will be critical, so that enough of a fund can be built up to make the repayments meaningful.

C: As a professor, what is the most important message that you try to convey to your students?

H: Two things. First, I hope that what students get from me is an affirmation of respect for the job of lawyering and representing clients. Law has been a wonderful profession for me, and I believe it can be wonderful work. I hope I convey respect for the students' goal to become excellent attorneys. Second, I hope that the students get a sense that they bring their values to every legal question. It is not a matter of learning a body of rules and how those rules work; it is a matter of bringing your values to virtually every legal problem you encounter. I really appreciate the students here and the variety of experiences they have had. So, my goal is not to have people ask simply what the right answer is, but to have them discover what the best answer is.

C: Explain what you are doing, and what is upcoming for the Feminist Jurisprudence speaker series.

H: After spring break we have two events planned. The first will be a film that raises issues about the use of

violence against oppression. Professor Treuthart will lead a discussion after the film. In April, we have tentatively scheduled a live presentation related to race and feminism, dealing with the criticism of "essentialism." Basically that criticism says that when we speak of a large category, such as "women," what people perceive the term means is white, middle class, heterosexual women. The problem with this perception is that the diversity of the category gets lost.



THE CAVEAT

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