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THE CAVEAT



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ISSUE 4

FREEDOM OF COMMERCIAL SPEECH EXPLORED IN Moore v. State Board of Accountancy

by *Bonnie Moore, 2L*

In the previous issue of the Caveat, I described the background of Moore v. State Board of Accountancy. The case was filed as an equity case with the only question being "Who gets to use the words "accounting" and "accountant?"

The California statutes allow unlicensed accountants to perform all accounting services except certified audits. They also contain restrictions which prevent a person from representing himself/herself as a CPA without a license. The State Board of Accountancy interpreted this restriction by writing a regulation which prohibits everyone, except CPA's, from using the words "accounting" and "accountant." This regulation has been selectively enforced only against people who directly compete with CPA's.

The constitutional question has two aspects: First, what are the rights of people *outside* of the licensing scheme who are adversely affected by overly broad regulations? Second, what is the true impact on the consuming public? As an unlicensed accountant, I claim that my First Amendment rights are being violated because I have been prevented from accurately describing the work which I am legally entitled to perform. The Board claims that there is a potential that members of the public will be misled and deceived if individuals other than CPA's use the questioned terminology.

Beginning 16 years ago, the doctrine of commercial speech rights arising from the First Amendment has been the subject of a number of cases involving state licensing boards and affected individuals. In all of the cases involving professional services, the challenger has been a licensee of the subject state board. The issue has always been whether or not, and to what degree, a board may suppress the dissemination of advertising information involving the licensed services. The state's highest court has never considered a case involving a person outside of the licensing scheme who is affected by an overly broad regulation.

In dealing with the question of professional services, a line of reasoning has developed. The courts have held that professionalism and the quality of services will not

be adversely affected when professionals truthfully advertise, and have struck down virtually all restrictions imposed by boards. The courts have held, further, that any allowable restrictions must directly advance a governmental interest and cannot be more extensive than necessary to serve that interest. The courts have also held that a State may require reasonable disclaimers for the purpose of preventing misleading, or potentially misleading, advertising, but have held that disclaimers must be enacted through a legislative process.

As an unlicensed accountant in California, I claim that the work that I am entitled to perform is most accurately described as "accounting." The Board claims that this work must be called "bookkeeping." Professor Emeritus Maurice Moonitz of UC-Berkeley, a leading expert, scholar and author of accounting textbooks, testified as an expert witness on my behalf regarding the differences between "accounting" and "bookkeeping." He also spoke about the unavailability of sufficient apprenticeship positions which prevents many qualified individuals, like me, from obtaining a CPA certificate. These individuals make up a large portion of the unlicensed accountants. In its decision, the California Supreme Court unanimously adopted Prof. Moonitz's definition, and declaring that the work in question must be classified as "accounting."

Armed with this definition, the court was then required to determine whether an individual who performs accounting services, is entitled to use the terms which most accurately describe their work, and whether or not Constitutional protections are available to them.

The Board argued that members of the public may be misled and deceived by people like me, who claim to be accountants but who do not possess a license. The Board presented the results of its two-question survey which indicated the public's belief that all people who claim to be accountants are licensed. Thus, the Board claims that the only way to control potential deception is to restrict the use of the terminology to people whom the Board chooses to license. The dissenting opinions severely

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Appellate Advocacy -- Cruel and Unusual Punishment?

by (because of non-anonymous grading in Appellate Ad., author's name withheld by request)

Q: What is required, worth one credit, is as time and energy consuming as four classes, and is of negligible practical value?

A: (Hint: It rhymes with scapelate tradvocacy.)

Ask any 2nd year who is taking Appellate Advocacy this semester what he/she is doing this weekend and, from the agonized looks, you'd think that a double hypoclonic was on the agenda. No, it's not quite that pleasant, it's Appellate Ad. Appellate Ad. seems to be GGU's "reward" for those who survived the cut after first year. You thought you were fortunate to make it to second year??!! HA! Between the artificially low mandatory grade curve of 1st year, the indifference of the administration, and the distinct possibility that even if you make it to third year you may not graduate, you would think that this school had exhausted all legal methods of pain and torture. Think again. The administration has imposed the Appellate Ad. requirement.

The Appellate Ad. program is a virtual study in deception. The GGU Law student believes that for a mere six classes, one gets a whole credit - what a deal! Not until the second class does the ugly reality set in. This reality amounts to a 310 page library (containing 16 cases); additionally required text, supplement, and handbook; a 20 page brief; and oral arguments before a panel of three "judges." Hmmm. There seems to be a gross imbalance here. Not that writing and arguing an appellate brief is trivial. I really do want to learn how to write well! However, having so much work for one measly credit only serves to enrage me; learning is no longer a priority. I simply want to get the project done and over with so that I may turn my attention toward my other four classes and perhaps toward extracurricular activities.[....]

Now really, what is the justification for this extra burden on our already weary backs? One reason that I have heard is that this program is a taste of reality - this is what appellate lawyers do. While I agree that 20 page briefs are the stuff of which appellate lawyers' dreams are made, let me point out some weaknesses in this contention. First, if you haven't already noticed, WE ARE NOT LAWYERS. If we were, I believe we would be the ones getting paid, not the faculty. Even if we were lawyers, would we be typing up the table of authorities and making sure all cites conform to Bluebook form? Would we be making sure that all five copies of the brief are bound with black tape and have the correct cover color? I think not. If we were attorneys, we'd have clerks, associates, and secretaries running around doing the monkey work.

And who is to say that we will become appellate attorneys? That is a specialized field and I'd bet that most students would not in their worst nightmares want to be appellate attorneys. While we allowed ourselves to be subjected to Writing and Research, it was at least justified by the fact that most law schools impose the same requirement (the fact that other schools don't grade this class is [...] beyond the scope of this article). Is GGU Law School making a desperate attempt to distinguish itself? In certain areas, GGU Law School has made a name for itself. Notable examples are our (usually) high bar passage rate and our Trial Advocacy Program. As for the overused bar passage rate excuse, it does not apply to Appellate Advocacy, as this is not a bar subject. While the success of the Trial Advocacy Program might serve to justify Appellate Ad., there are huge differences between the two programs. First and foremost, Trial Ad. is not required. Even though Trial Ad. is time consuming, the amount of work and reading is on a par with other 3-credit classes. Also, Trial Ad. is interesting and one actually learns things from each class and assignment - two important qualities which Appellate Ad. is sorely lacking. This divergence explains why students are clamoring to take Trial Ad. and would rather have a root canal than take Appellate Ad.

What I find humorous is the attempt to glamorize the program by adding the competition for best brief and best argument a la mock trial. One has the opportunity to advance to the semi-final then to the final rounds and then to make the "prestigious" Moot Court Board. BIG WHOOP! For all the pain, the "winner" gets to plot the torment of future appellate advocacy students - is this the military??!! The Handbook hints at possible personal gain for excelling at "The Program:" extra credit and financial "assistance." These bribes only enhance the the course's glaring failure to attract any genuine educational interest. I believe that Appellate Ad. is an insult not only to our intelligence, [...] but to the value of our time. We may be only law students, but we are not brainless peons whom the administration can manipulate when it serves their needs. I want to rise above the indifference of this school. I have survived 1st year "boot camp" and I feel I should have the right to choose at least some courses. Appellate Ad. has taken my attention away from the classes and organizations that I do care about. It may only be a one credit class, but it is a symbol of our impotence in this school. If we give the administration an inch, they'll take a mile. Let's not give them that inch.

Mid-Year Admit Meeting Update

by Whitney Gabriel, '92 MYA

On September 15th, 1992 MYA's got together to come up with an agenda for a later meeting with Dean Margaret Hughes. Students at the meeting discussed the many problems unique to MYA's. Individuals also voiced frustration at the amount of time and energy MYA students have had to divert from their studies to deal with the series of problems, miscommunications, noncommunications, and nonworkings in the MYA "Program." Most in attendance agreed that a major difficulty is there is not a real "program" in place.

Twenty-three students (almost half of the entire MYA class) attended the lunchtime meeting, which was a tremendous turnout considering the meeting time did not allow Night MYA's to participate. Future meetings will be held at a time convenient for Night MYA's; not only do the Night MYA's face the same problems as the Day MYA's, but they also have the problems that are unique to night students.

The group was able to formulate an outline for a proposal to Dean Hughes. A smaller "solutions committee" has been formed and had their first meeting September 21st. This group would like 2nd, 3rd, and 4th year MYA's to get involved, so if you are interested in helping, please leave a message in Christe Carlson's mailbox in the SBA office (lower level law library). Any ideas or suggestions about how to solve the problems of the MYA Program would be appreciated.

* * *

3L Calendar Watch

by Miles J. Dolinger, 3L

There it is - the light at the end of the tunnel. We can just barely make it out, but more than that, we know it's there. We can feel it. When people ask me what year of law school I'm in, my shoulders relax a little as I respond, "My last."

That's not to say law school gets any easier; just more tolerable. The severe demands for discipline and intellectual and physical time remain a sludge-like barrier. Groan. It's only easier now because now we understand the sludge. We know it. We have learned to love it, in a zen sort of way. Kinda' sick, isn't it?

Of course, there are many exceptions. There are those of us who are born with a gift and don't have to work as hard for the same grades. They are masters of issue spotting and instantaneous, precise analysis. True power brains, objects of envy.

Then there are those who have the gift of discipline. Simply put, they have the capacity to study all the time.

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Bonnie Moore Case

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criticized this logic as not being relevant to the real question in this case.

As an unlicensed accountant, I claimed that a Catch-22 situation exists. Unlicensed accountants have been prevented from advertising for the past 40 years; therefore, the general public does not know of our existence, and does not know that we are legally allowed to perform accounting services without a license. It is no wonder that the public believes that all accountants are licensed! This uninformed public perception, my attorney argues, should not be the controlling factor in establishing constitutional rights.

I also claim that the true impact on the public is that accounting fees are artificially high because the consuming public is unable to make an informed decision. If, in fact, the public becomes aware that many accounting services are legally available at more reasonable rates, the forces of competition will bring costs down and market-driven factors will have a positive effect on the quality of services. Justice Mosk, in a frequently quoted comment, correctly identified the real impetus behind this regulation as professional protectionism, not an altruistic interest in the welfare of the consumer.

All seven of the justices agreed that, as an unlicensed accountant, I have a First Amendment right to accurately advertise my professional abilities, however, the court split in its application of previous commercial free speech holdings to the facts in this case.

Four of the justices interpreted the regulation in a new light which allows me to use the restricted terminology, IF I also provide some indication that my work does not require licensing. In other words, the court rewrote the Board's regulation in order to include a disclaimer. The three dissenting justices followed the rulings of other similar cases and determined that the regulation should be struck down in its entirety.

In a broad sense, this decision, as it stands, allows state boards, any boards, to enforce regulations which are admittedly overly broad and unconstitutional. The individuals who are adversely affected can no longer count on their fundamental constitutional rights. They must, instead, spend seven years and \$300,000, as we have in this case, in order to obtain an exemption from the judiciary system. For this reason, we are applying for review by the U.S. Supreme Court.

Next issue: The Impact of the Present Decision

* * *

Club News

Women's Law Association

At its September 8th meeting, the Women's Law Association (WLA) elected new officers for this year. Our new co-presidents are **Beth Kohn** and **Whitney Gabriel** and our new co-administrators are **Susan Leff** and **Jacqueline Serrao**.

The WLA's campaign to have California Senate candidate Barbara Boxer speak at GGU looks promising. Her headquarters have informed us that if she comes to talk to the law students, it will be near the end of October. We will continue in our efforts to make this happen. Special thanks go out to **Whitney** who initiated contact with Boxer's headquarters and started the student petition to her to GGU. Please keep close check of the **Law School News** and the WLA bulletin board on the third floor because there may be short notice on this event.

The WLA will also be tabling outside the school for senate candidates Boxer and Dianne Feinstein. We will be handing out information, selling bumper stickers and registering people to vote. Remember, if you haven't yet registered to vote, the last day to do so is October 5th.

For our upcoming brown bag speaker series, WLA has invited a GGU alumna who is an officer for Queen's Bench, a professional association for women attorneys. A past president of the WLA, she will discuss her experiences in the legal field since graduation and what Queen's Bench is all about. For another brown bag speaker meeting, WLA has invited another GGU alumna to talk about her experiences as an attorney for a public defenders' office. The WLA is also attempting to bring in an attorney from the district attorney's office

for this particular brown bag meeting in order to get the distinct viewpoints from both sectors of the legal profession.

The WLA invites all students to attend its meetings and functions, and is open to ideas for events this year. The WLA is very excited about its scheduled activities and all the projects out on the horizon. To become involved, please check the **Law School News** and the WLA bulletin board on the third floor for information about our next meeting and future events.

International Law Association

Contact Person: Alilda Duangjak (415) 751-5107

For the past couple of weeks, the members of the ILA have been busy getting its many projects under way. At this moment, the ILA is 35 members strong, not including officers. We are expanding exponentially and hope interest will continue to grow. **Professor Larry Jones** has become a member; the ILA is not confined to students. Everyone is welcome to join.

On September 10, interested members met to discuss the **International Law Journal**. In order to give GGU added prestige, the ILA wants to start a separate journal that is separate and independent of the **Law Review**, to address issues of interest and concern in the international arena. With this in mind, members are starting out by contacting other California law schools to find out the who, what, where, and how of starting an international law journal (we know the why). **Professor Franco Ferrari**, who is visiting for a semester from Italy, has worked on an international comparative law journal in Europe. Professor Ferrari strongly supports our starting a journal, and his experience will be a valuable resource.

Those interested in participating in the Jessup Moot Court competition met with **Professor Sucharitkul** on September 15th. In order to be on the team, a five page brief and an oral argument are required. The briefs will be reviewed by Professor Sucharitkul, and a panel of three judges will hear the oral arguments. Though it will be a challenge, the competition will give those who want to practice international law a unique and vital experience. Good luck to everyone!

The first installment of the ILA's International Law Speaker Series will be held on September 29th. Attorneys from Baker & McKenzie, Morrison & Foerster, and other firms will be speaking. And for all you social mongers, a wine and cheese reception will follow.

GGU Law Students for Clinton/Gore

Contact Person: Andrew Olshin 759-0752

San Francisco Supervisor **Roberta Achtenberg, Esq.**, and San Francisco Speaker's Chairman, **William F. Terheyden, Esq.**, will speak about the future of this country and answer questions from the audience, on Tuesday, 29 September 1992 at 12:00 in Auditorium C.

While Achtenberg will be representing the Clinton/Gore campaign, and Terheyden will be representing the Bush/Quayle campaign; this will not be a debate. Everyone is welcome. Here is an opportunity to listen to the issues and ask questions. Seize the opportunity!

A special invitation is extended to **Messrs Dolinger, Oppenheimer, and Steele**. Your questions are especially welcome.

Letters to the Editor *(Letters reflect the views of their authors and are not necessarily the views of the Editor, the Student Bar Association, or the Law School.)*

GRATEFUL....

Dear Editor: In response to Tod Mannings's flaccid plea for journalistic debate and in the spirit of non-conformist political opinion (I'm probably the only conservative to ever attend GGU) I offer my genuine and unequivocal support for President Bush in his bid for re-election.

Contrary to the unwarranted hysteria fostered by the entrenched bastions of liberalism--the media, academic institutions of higher learning, and Bay Area espresso bars--George Bush has provided quite effective leadership over these past four turbulent years. To name just a few of his many successful achievements:

1. The Arms reduction Treaty with the former USSR: Signed by Boris Yeltsin which virtually eliminated the threat of a nuclear holocaust.

2. The Clean Air Act of 1990: The most stringent piece of environmental legislation ever passed, while taking a balanced approach towards clean air controls without excessive regulation.

3. The American Disabilities Act of 1989: Providing employment access to 43 million Americans who suffer from physical disablement.

4. The Gulf War: Where President Bush displayed his true courage in galvanizing the world to liberate Kuwait from a brutal aggressor.

5. The Civil Rights Act of 1990: A common sense approach to eradicating discrimination without employing racial quotas.

6. The North American Free Trade Agreement of 1992: An historic accord to expand the channels of free trade throughout this continent.

Now, before the Oppenheims and Dolingers of the world start

deliriously shouting "WHAT ABOUT THE ECONOMY!" as self-appointed financial savants are prone to do, let me first say that these six substantive achievements were accomplished with the help of a majority of Democrats in Congress. They get credit too. But it is simply unconscionable for smug liberals to diminish the import of these policy initiatives by incessantly yelping about the economy. These six items resulted from hard fought political struggles, they benefit each and every American, and I salute President Bush and all Congresspersons, both Republican and Democrat[,] who helped carry them to fruition.

As for the most talked about and least understood issue of the day--the American economy--I have some rather heretical comments to make. All in all, the economy is not nearly as bad as the doomsayers would have you believe. Only a demagogue of the highest degree would compare our current state to that of the Great Depression. Presently, the stock market is hovering at the 3200 level--the highest its ever been--as opposed to the Great Crash of 1929 where the market plummeted to the floor.

Remember the misery index of the Carter years? Inflation was breaking through the roof at 13%, 20% interest rates were suffocating the real estate market and unemployment was soaring at 10%. Currently, inflation has been neutralized to the rate of 3% annually and interest rates have been lowered to 7%. Yes, the current national employment rate--7.6%--is still too high, but it's still a far cry from the Great Depression rate of 25% or even the Carter "malaise" years.

I agree with most people that our present economy is not performing

as well as it did under Reagan, but its not that bad and constant complaining about ain't gonna make it better. [sic]

A few words about Clinton. Here's a man who's never worn [a] military uniform, yet thinks he's capable of leading the most powerful arsenal in the world. Amazingly, he's never even held a job in the private sector, yet thinks he's capable of running a nearly \$5 trillion economy. Regardless of your sentiments towards Mr. Bush, you have to be hopelessly divorced from reality to think Clinton has the mettle to run this country.

A final bit of advice to the white, middle-class intelligentsia who revel in harping on the negative: you woke up this morning free, healthy and well-fed and rolled out of bed into the most generous and prosperous country in the world. You could be starving in famine-stricken Somalia, you could be the victim of 'ethnic cleansing' in war-torn Yugoslavia, you could be fighting for your life in the cancer ward at S.F. General. You're not: so stop whining, stop complaining, stop bitching and moaning, be grateful for what you have and reelect Bush.

D. David Steele, 3L

(This was the only letter received by The Caveat in support of President Bush. Editor)

Question Authority...

Dear Editor: This letter is the result of my frustrations in attempting to receive funding for Phi Delta Phi from the SBA.

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Letters to the Editor

(continued from page 5)

The purpose of this letter is to apprise students of what goes on at SBA meetings and how decisions are made regarding the allocation of fees collected from each of us at registration. My hope is that you will be upset with the practices [outlined] below and voice that **a n g e r t o Y O U R REPRESENTATIVES.**

There are five criteria with which an event must comply in order to receive a share of the student fees we pay: 1) educational value, 2) venue, 3) accessibility to students, 4) past treatment of the event and 5) the image portrayed by an event of GGU students and GGU. To these criteria I address the following complaints.

Educational value: This is a fine goal, but many worthwhile events have no direct educational value to the students involved. Take, for example, community service events. The SBA has specifically denied funding to community service events on the basis that there is no educational value (it should be noted that if the event is held on campus your chances are better; if it is off campus, forget it). Social events such as faculty student mixers, though, are found to meet this criteria.

Venue: Events held on campus are favored over those which are not. This too is a problem, because of scarce room availability, the university's prohibitive policies regarding noise and alcohol, and the limited duration of evening events.

Accessibility to all students: This is a good criteria, but as it is currently being applied, it is not. The SBA makes judgements regarding the sincerity of a group's offer to be open to "anyone interested," but does not consider who an event is designed to benefit. For example, Phi Delta Phi events

are always open to all, but the SBA determined that this was not true. Meanwhile, they see no problem funding a minority student club whose programs, though open to all, directly benefit only a small portion of the law school population. I am not saying that those events should not be funded, but judgements [as to whether] the event [is] really open to all is improper on the part of the SBA.

How the event has been funded in the past: This is a worthless standard. It favors events which are annual, or at least those which were held last year. What is the relationship between having had the event before and its value now? What about new clubs? What about new ideas? Why should an annual event be favored?

Image the Event Promotes of GGU: Again a fine standard, but it subjects a club to the personal opinions of the SBA representatives. My concern here is the lack of consistency.

Outside of these criteria, it seems incongruent to me that SBA functions are not put to the same tests. Phi Delta Phi can be denied \$200 for a social event in the same meeting that a \$1500 SBA picnic is discussed. What is the educational value? What is the venue? Etc... This problem is even more apparent with events such as Rock 'n Bowl. The picnic at least serves the purpose of welcoming students and is an annual event attended by a number of the faculty. Can this be said of Rock 'n Bowl?

I urge you to attend an SBA meeting and check my facts. See how money is being allocated, and voice your opinion. **YOU HAVE A RIGHT TO, AND SHOULD, QUESTION THE SBA.**

Izzy Sanft
Magister, Mash Inn
Phi Delta Phi

Curriculum Committee Report

by Jim Cavanaugh, 2L

Report on Curriculum Committee meeting held September 3, 1992 and comments regarding elective course offerings.

The Curriculum Committee is chaired by Professor Myron Moskovitz and consists of Professors Joan Hollinger, Joan Howarth, Susan Kupfer and Michael Zamperini. The student representatives on the committee are Jim Cavanaugh and Izzy Sanft. Professors Devito and Andersson and Dean Stickgold also attended.

The main item on the agenda of the committee's first meeting was the recent faculty decision to move both semesters of constitutional law into, and half of civil procedure out of, the first year. (Along with other adjustments to some required courses' credit hours and schedulings, these changes were to take effect Fall 1993 for full-time day students.)

General recognition by the faculty that an earlier exposure to constitutional law would better serve the students academically was the primary motive for these changes. However, various important curriculum scheduling concerns remained unsettled, and the committee was asked by the faculty to consider whether these changes should be "revisited."

After a great deal of discussion, the group reached a consensus that keeping all of civil procedure in the first year was desirable. Thereafter, various alternative schedules were discussed, and the committee voted unanimously to recommend that the faculty keep all of civil procedure in the first year, that criminal law not be removed from the first year curriculum in any schedule permutation, and that only one semester of constitutional

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Bush's Segregationist Past

by Professor David B. Oppenheimer

When black Republican Condoleeza Rice addressed the 1992 Republican convention, she spoke eloquently on her experience as a child with segregation.

When traveling from her home in the South to the Northeast, there were no hotels in which her family could stay, no restaurants in which they could eat.

Professor Rice's first-hand report of her humiliation was moving. But in her ringing endorsement of President Bush, she failed to note his role in the politics of segregation.

When Bush entered public life in 1963, segregation was at the forefront of public debate.

The year had begun with George Wallace's inauguration as governor of Alabama, where he drew his line in the sand and called for "segregation now, segregation tomorrow, segregation forever."

In April and May, Martin Luther King Jr. led thousands of nonviolent demonstrators to jail in Birmingham. As the nation watched in growing horror, the demonstrators, many of them children, were attacked by the police with dogs and water cannons.

In that year, segregation of hotels, restaurants, restrooms and drinking fountains was the norm throughout the South. Unless carried out by the government, such discrimination was legal.

Similarly, blacks were routinely barred from all but the most menial jobs; no federal law prohibited such discrimination.

In June of 1963, President John F. Kennedy, largely in reaction to the public's response to the Birmingham demonstrations, sponsored a civil rights act. Its major provisions prohibited racial discrimination in public accommodations and employment.

That August, hundreds of thousands demonstrated their support of the act in the memorable "March on Washington."

In the Republican Party, the Rockefeller wing pushed Kennedy for an even more liberal law. The Goldwater faction opposed the bill.

In September 1963, Bush announced his candidacy for the U.S. Senate and denounced the civil rights legislation. The "correct approach," he explained, was "moral persuasion."

When the law was enacted the following spring with the support of Bush's opponent, Senator Ralph Yarborough, Bush complained that the law was "passed to protect 14 percent of the people." He "worried about the other 86 percent."

Once the U.S. Supreme court decided in December 1964 that the law was constitutional, most segregationists

outside the Deep South were quieted. Grudgingly or not, they accepted the mandate that they share the use of public accommodations.

The politics of racial divisiveness turned to other symbols. But for that brief period nearly 30 years ago, George Bush revealed to the nation his views on segregation.

For his supporters to point now to the evil of segregation, while calling for his re-election, is an act of hypocrisy that should not go unchallenged.

(Originally printed in the San Francisco Examiner, 20 August 1992.)

3L Calendar Watch

(continued from page 3)

Objects of envy? Maybe. One wonders if discipline is an inherent quality or if it is something one can learn. Is it just sheer desire and ambition? Masochism? All I know is I had better acquire some more discipline by the time graduation rolls around, for the bar exam is no time for the library-shy. Groan². I wonder if Barpassers can give me a deal.

On the other side of the coin are those with little or no discipline. Look around. The upperclasspeople of this type who have managed to remain in school are either of the power brain strain or they are of another mold: risk-takers who have managed to stay in school by sheer tenacity, optimism and the support of powers higher. Objects of envy, definitely.

And then there are the rest of us. Your typical Golden Gate Law School Joe or Jane. Hanging in there. Watching that calendar. Watching that job market. Still not exactly sure why we are here, but trying to do the best we can to build a future while retaining sanity and self. Of course, many of us can go work for relatives and have such unglamorous practices as workers compensation consulting in Downey, Ca., but that option is not very interesting. Professor Goodlaw suggested that eventually we would all get our turn to be state politicians. There are also growing law opportunities in our U.S. Territories and Trusts, where you can see exotic places, meet interesting people and not have to wear green all the time. If you find yourself identifying with this group, please join me in a toast to opportunity.

This is only a public reminder of the obvious. We are all different, yet we are the same. And we are not alone. It's a push-push world we live in. Look hard for what you want and take comfort and pleasure where you find it. Things will get better. :)

by Miles J. Dolinger, 3L

* * *

Academic Disqualification--It Can Happen To You!

by Penny Mason, 2L

I am writing this article to tell you that "it" can happen to you and, more importantly, how to prevent "it" from happening. ("It" being academic disqualification.) I will be writing a series of articles discussing the various tools available to law students, so that you can do well in law school and avoid academic disqualification.

What is academic disqualification? You are academically disqualified if at the end of your first year of law school (or first three regular semesters for MYA's) you do not have a cumulative GPA of 2.00 or above.

The number of people academically disqualified and who leave law school for other reasons at the end of their first year ranges from 12-15% per year. You should be aware of this statistic so that you will not become one of those students who are not mailed a registration packet for the second year of law school.

Many of you are probably thinking, "Academic probation could never happen to ME! I had a 3.8 GPA in a difficult and competitive undergraduate major and I've never received anything less than a B! I could never get below a 2.00 in law school." Well, think again! That's what I thought until I fell below a 2.00 and was put on academic probation.

Law School exams, as you first year students will soon realize, are unlike any other exams you may have taken in the past. Your entire class grade is based on how well you do on one exam. If you don't know what to expect on the exam or you're just having a bad day or you're tired from staying up too late studying, you won't do well on your exam. And the grade on this exam will become your final grade in the course.

In addition, 1L's fall under the new grading policy which mandates that 13-20% of the students in each class will get a grade of C- or below in first year required courses.

If you are academically disqualified, you are no longer enrolled in law school. You cannot repeat the courses in which you did not do well. Furthermore, you cannot reapply to GGU for at least one year nor to other ABA law schools for at least two years. Even then, some schools won't consider your application if you have already been academically disqualified at another law school. You could always go to a non-ABA accredited law school in California, but that would be limiting, since you would only be able to practice in California.

The purpose of this series is not to scare you but to tell you about the various resources available, so that academic disqualification will not happen to you. The focus of this article is the resources available in the reserve room in the basement of the law library.

The reserve room is filled with numerous tools that can help you do well in law school. Keep in mind that the reserve room, like the rest of the law library, uses the Library of Congress numbering system, which means that materials are organized by subject. To find something in the reserve room, look in the reserve room card catalog located near the door, or ask the reserve room attendant for assistance.

Old Exams: The most recent old exams are kept in the file cabinet behind the reserve room attendant's desk. The exams are filed under the professors' names and the exams must be checked out from the attendant. If your professors are new, their exams probably won't be in the file cabinet. If this is the case, you should ask your professors to put some exams on reserve. Also, you should copy the old exams now, so you can avoid the rush at finals and before they get stolen by your fellow students.

Older exams are kept in orange books in the reserve room and are bound according to year, going back to 1978. You should look at these exams even if there are recent exams on file for your professors. The only disadvantage to looking at old exams is that answers are not usually provided.

Tapes: The reserve room carries cassette tapes for all subjects tested by the California Bar, many of which are also required first year courses. Listening to these tapes is very helpful to give an overview of the important aspects of the course. There are two different sets of tapes, one set is provided by Bar Bri and the other set is provided by Barpassers. The Bar Bri tapes must be checked out with the Bar Bri tape player since the tapes play at a slower speed than ordinary cassettes. Bar Bri tapes may be checked out for four hours. The Barpassers tapes play on ordinary cassette players and may be checked out for two hours. The Barpassers tapes may be taken home overnight, if they are checked out after 7pm and returned within an hour of the opening of the law library. You must ask the reserve attendant for these tapes.

Bar Outlines: The reserve room has outlines from the bar review courses for students to check out. These are really good for giving you an idea of what the important aspects of the law are.

Hornbooks: The reserve room has hornbooks, which are very detailed treatises on the law. The hornbooks can be checked out for two hours, or 24 hours if there is a 24 hour sticker on the book.

Course Outlines: The reserve room also has commercial course outlines to help you as you study. The Gilbert's Outlines are organized alphabetically on the

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--It Can happen To You!

(continued from page 8)

shelf next to the reserve room attendant's desk. The rest of the outlines are organized by subject and can be found on the first two shelves as you enter the reserve room. Gilbert's Outlines can only be checked out for two hours. Some of the other commercial outlines can be checked out for 24 hours if there is a 24 hour sticker on the outline.

Old Bar Exams: The reserve room also has copies of old California Bar Exams given every February and July. These are organized by year and are located on the first shelf as you enter the reserve room, call number KF303.C3E47. These are especially good for first years to look at because answers are provided, unlike professors' old exams. The only disadvantage is that not all subjects are tested every year, so you may have to hunt through stacks of old bar exams before you find the subject you are looking for.

How to do well in law school books: The reserve room also carries books offering advice on how to do well in law school. These are very useful and offer some specific strategies on dealing with studying, note taking, outlining, and exam taking. These books are located on the first shelf as you enter the reserve room, around call number KF280. However, there are actually more books on this subject in the general stacks of the law library, in the KF200 section.

These are just some of the resources available in the reserve room. Remember, if you can't find what you're looking for, just ask the reserve room attendant or the reference librarian. They are there to help you.

Curriculum Committee Report

(continued from page 6)

law be taught in the first year. It should be well noted that practical concerns as to accommodate students' interests such as criminal law externships, civil litigation programs, and summer clerkships were widely acknowledged and advocated at this meeting.

In another matter before the committee, Professor Susan Rutberg submitted a proposal to the committee that the course in Lawyering Skills be increased from two to three units to better cover the three subjects - interviewing, counseling and negotiating. The committee assigned a further study of the matter, and Professor Rutberg's proposal will be more fully considered at the curriculum committee's next meeting on September 17.

ELECTIVE COURSE OFFERINGS

The scheduling of elective courses is not within the jurisdiction of the curriculum committee. Associate Dean Stickgold and members of the law school administration make scheduling decisions as to elective

course offerings based on a variety of considerations, not the least of which is the recent history of actual student enrollments in particular elective courses. Following the curriculum committee meeting, I spoke with Dean Stickgold and expressed my concerns about what I perceived to be a widespread dissatisfaction among upper division law students with the choices and sequences of the elective courses offered this fall and the offerings proposed for Spring 1993.

My understanding from this discussion with Dean Stickgold is that the law school administration will be receptive and flexible, to a point, in the choices of elective course scheduling. Nevertheless, practical matters predominate and actual demand for particular courses will definitely be significant to the choices offered by the law school. Dean Stickgold told me that at some point in the past the SBA had developed a polling method to gather student preferences for electives and passed this information along to the law school administration. Apparently, the deadline for decisions on Spring 1993 elective course offerings is approximately October 1, 1992.

1992-93 SBA Officers Directory

| | | |
|--------------------------|-------------------|----------------|
| President: | Kieran J Flaherty | (415) 821-3459 |
| Vice Pres. Day: | Miles Dolinger | (415) 665-3543 |
| Vice Pres. Night: | Alex Lubarsky | (415) 347-6191 |
| Secretary: | Michele Shuster | (415) 362-5033 |
| Treasurer: | Chris McGrath | (510) 463-7357 |
| 4th Yr Rep: | Jeff Owens | (415) 285-7184 |
| 3rd Yr Day Rep: | Kirsten Keith | (415) 969-7578 |
| 3rd Yr Day Rep: | Marty James | (510) 256-4418 |
| 3rd Yr Night Rep: | Darlene Clarke | No Number |
| 3rd Yr Night Rep: | Allison West | (415) 459-1566 |
| 2nd Yr Day Rep: | Alilda Duangjak | (415) 751-5107 |
| 2nd Yr Day Rep: | Eric Ferraro | (415) 567-0277 |
| 2nd Yr Night Rep: | Stacey Kepnes | (415) 931-5859 |
| 2nd Yr Night Rep: | Charles Bass | (415) 821-9328 |
| MYA Day Rep: | Christe Carlson | (415) 337-4675 |
| 1st Yr Day Rep: | Mark Figueiredo | (415) 992-3184 |
| 1st Yr Day Rep: | Kay Paden | No Number |
| 1st Yr Night Rep: | Cynthia Eng | (415) 387-1066 |
| 1st Yr Night Rep: | Mike Chodnicki | (415) 776-1749 |

These are the home numbers (where provided) of your elected representatives. If you don't like something that is going on, or if you would like to see some things done differently around here; call your Rep and tell them what you think. Let them be your voice to the SBA and the GGU Law School administration. These people ran for these positions and they *want* to help you. Help make GGU Law School a better school, voice your opinion.

Notes From The Editor

by *Tod Manning (Editor-in-Chief)*

Not all lawyers believe that they are superior to others, but that is sometimes difficult to believe. Did any of you feel a little bit of indignation when you read in the Appellate Advocacy article on page three, that attorneys have secretaries to run around and do the "monkey work" for them? A piece of free advice: Be nice and *considerate* to everyone, especially your secretary. If you ever let your secretary know that you think the work he/she does is "monkey work," that is exactly the quality that *your* work will have when they're done with it. Your legal secretary can make or break you; and if they are really good, you won't even know they did it. For years I carried around an Andy Capp comic strip that showed Andy getting on an elevator and asking the elevator operator, "Third floor please, if it isn't out of your way." Then he said, "Always be nice to people on your way up; you never know who you're going to meet on your way back down." Think about it.

Next...

Congratulations to the new SBA Reps: **Marty James, Eric Ferraro, Mark Figueiredo, Kay Paden, Cynthia Eng, Mike Chodnicki**. Even though they were just elected, they attended the SBA meeting on 22 September, something which six of your other elected Reps did not do... **Mr. Jeff Owens**, where are you? Your constituents need you.

REGISTER TO VOTE!!! Register at the Registrar of Voters Office in City Hall room 158, between 8:30 and 5:00. **Last day to register is October 5.** Vote and make a difference in this world... All letters to the editor are welcome and will be printed subject to space, taste, and editorial comment. But, please do yourselves a favor and check that your facts are not only correct, but that they are actually facts... If you want to complain about something, do so constructively. It is easy to tear something down, but it is much more difficult to build something better.

Do you have something you want to sell? Looking for a date? Want to send a message to someone special? Looking for a roommate? Use **The Caveat** for any ads or personals you may have... Still looking for an Advertising Editor - Help!

Where are the articles from the student clubs which were a condition of their receiving funds from the SBA? So far only the ELS, ILA, and WLA have sent anything in to **The Caveat**.

Many thanks to **Carolyn West & Bert McMeen** for their assistance in proofing and editing this paper. **Next deadline for The Caveat is October 2.** Please submit copy on a floppy disk, using Word or Wordperfect!

The Student Bar Association: The President's Perspective

by *Kieran John Flaherty (SBA President)*

The SBA rolls into October with many successes already achieved, and much work still remaining to be done. Thankfully, we have several new representatives to help us with the remainder of our fall agenda. **Eric Ferraro** and **Marty James** are filling the second and third year seats which were vacated over the summer. The newly elected First Year Day Reps are **Mark Figueiredo** and **Kay Paden**; the new First Year Night Reps are **Cynthia Eng** and **Mike Chodnicki**.

Fall projects include a Candidates' Forum for representatives of the Bush/Quayle and Clinton/Gore campaigns who wish to inform and educate GGU Law students about the upcoming elections. Also, be sure to remember the **SBA Picnic on Saturday, October 24** in Golden Gate Park. The next issue of **The Caveat** will include details of the event, a map, and transportation information. We've reserved a large area in Speedway Meadow with ample room for another intense series of softball and volleyball games. The grounds also include barbecues and washroom facilities. The SBA will provide food, beer, and soft drinks. The picnic runs from noon to dusk, and we're confident that this fall's late start on San Francisco's famous Indian Summer will carry warm weather over into late October. Mark your calendar!

We are also pleased to announce the **Second Annual GGU Law Students' Fall Dinner for the Homeless**. Last year we served hot delicious meals to hundreds of indigent people and their children. The food was donated, prepared, and served by GGU Law Students, with SBA members coordinating all the arrangements. It was a rewarding experience for all of us who were involved and we encourage all of you to participate to whatever extent you are able this year. The Dinner is planned for sometime in November, generally a week or two before Thanksgiving since many organizations sponsor dinners the weekend of Thanksgiving. Last year's Dinner received positive media coverage, and this year's event will be included in an article in the ABA's Student Lawyer. It's an excellent way to show our concern for the community and to demonstrate the generosity of GGU Law Students. Please join us!

Finally, I want to thank the SBA Executives for all their hard work this fall: **Chris McGrath, Michele Shuster, Alex Lubarsky, and Miles Dolinger**. Keep up the great work, it's deeply appreciated.

Next SBA meeting is October 7th at 5:30.