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## Faculty review of law journals

BY BOB YATES  
and JERRY EVERARD

A comprehensive faculty review of the school's four scholarly publications is underway that may lead to dramatic changes in the way the journals are operated. The review could result in withholding of funding and academic credits for those publications found deficient, according to Academic Dean Wayne Woody.

Woody said he asked the faculty to examine the student publications in response to past complaints of inequities among the four journals. He said he asked Professor Herbert Hovenkamp to lead a five-member faculty review committee that will "look at the entire operation of each journal." The other members of the committee are professors Mary Kay Kane, Brian Gray, Rudolf Schlesinger, and David Levine.

Woody explained that the faculty committee will thoroughly examine the publications and make proposals for change to the faculty at large. "I've asked them to look at all functions and requirements for journals, including budgets, and have asked them to make recommendations," he said. "I suspect some recommendations for changes will be made," he added.

The dean said he is particularly troubled by the drop in the number of student notes published. He explained that, although there is a national trend among journals to publish fewer student notes, "It is something to be concerned about."

"The question is: 'Are we

satisfied?' " Woody asked. "It is an issue of credit, it is an issue of budget, it is an issue of number of notes published."

Woody said that, in addition to the decline in the number of student notes, there is inequity in the relationship between staff size and notes published among the four journals. He explained that the *Hastings Law Journal*, with a staff of 82, published eight student notes last year, while the *Hastings International and Comparative Law Review* (HICLR), with a staff of only 35, published 10 notes.

The dean said that he is also concerned with the failure of the periodicals to publish on schedule. He said that one of the proposals being considered is the withholding of academic credits from student editors who fail to publish the scheduled number of issues.

"Should the journals get credit if they don't publish their quota?" Woody asked. "We have an interest in having students receive academic credit only for valuable experiences."

He acknowledged that often the problem of publishing on schedule is the fault of the previous year's editorial board. "It's tough for a new board to have to play catch-up ball," he noted.

Woody added, however, that the school has a stake in keeping the publications on schedule. "The school has an interest in the law reviews' standing," he said. "It's largely what the school is known by."

The dean said he hopes to have a report from the faculty committee by

the end of November. The faculty at large will then vote on proposed changes in the journals' operation. Any changes enacted will be effective beginning in the 1986-87 school year, Woody explained.

Editors of the student publications said they first reacted to the news of the faculty review with some anxiety.

"I first felt general consternation," said Ken Wilton, editor-in-chief of *COMM/ENT*. "My fear has lessened considerably though. I don't think anything should be changed, but if so, maybe they can make some good suggestions."

Tom Ruby, editor-in-chief of *HICLR*, said he was uncertain of the reason behind the review but added, "I hope this opens the lines of communications."

"Periodic reviews are probably good," Ruby said. "There is room for improvement."

Both Wilton and Ruby said they strongly disapproved of the proposal to withhold academic credit for a journal's failure to publish its scheduled issues.

"It's a patently absurd idea," said Wilton. "There can be many reasons why we don't come out with a set number of issues."

To threaten withholding credits would "make board membership a gamble," Wilton said. "Most people wouldn't want to be on a journal third year."

Ruby noted that tardiness has been a long-standing difficulty. "It's an old problem," he said. "We are behind,

but for the last four or five years we haven't gotten further behind." He said that withholding credits will not solve the problem. "We have to count on the credits to graduate," he explained.

Wilton said that the editors-in-chief of the four journals got together and requested an ex officio spot on the faculty review committee. He said that the editors want to be actively involved in the review process so that the committee will look at the publications from the proper perspective.

"We want to be in on the decisions so we don't sit there at the end of the semester without having input," Wilton said. "I have a fear that they will ignore the background behind the things they see."

Wilton said that the faculty committee has acknowledged the editors' request for ex officio status but has yet to act on it. Committee member Levine said that no decision has been reached on whether to let a student editor sit on the committee.

"This is technically a faculty committee," Levine said. "We have a goal for seeking appropriate input from the journals."

Editors Wilton and Ruby both expressed concern that the faculty and administration have unexpressed motives in calling for the review. "I hope there is not something else underlying it," Ruby said. Echoes Wilton, "If there is some other purpose behind this, I'd like to know. If not, great, we look forward to it."

## Lake's Law Books closes doors after long life

BY DANIEL SMITH  
Staff Writer

On July 3, Hastings and the San Francisco legal community lost an old friend. On that day, Larry Lake closed the retail walk-in part of his business, Lake's Law Books.

An institution in a business of institutions, Lake's Law Books has served the San Francisco legal community for over 60 years, the last 25 from its location at 138 McAllister Street.

Larry Lake, the third generation of Lakes to run the family business, cited the proliferation of student-oriented law bookstores as the primary reason for his decision to close. He said he will continue to operate Lake's Law Books as a phone-order and a catalogue business out of the McAllister Street storefront.

Founded in 1923 by Larry Lake's grandfather, a former salesman for Bender Moss, Lake's was originally located on Kearny Street. The store moved to McAllister Street in 1960, where it was known as "the Hastings bookstore." The store retained this title until Hastings opened its own store in the basement of 198 McAllister in 1967.

Lake's was for most of its history the only student-oriented legal bookstore in San Fran-



Photo by Brian Condon

Lake's Law Books went out of business this summer after 63 years of service to the San Francisco legal community.

cisco. However, in the last few years Golden Gate University, University of San Francisco and Lincoln Law School have all opened up their own law bookstores. This development plus the introduction of Law Distributors to San Francisco was too much for the student book market to bear, Lake explained.

The student book market was not the only market to decline in the last few years for Lake's. Larry Lake said that attorneys had stopped coming in his store to browse. "Satur-

days used to be our best days," he explained. "Now, attorneys do all their book shopping over the phone," he said. Lake chalks this up to the decreasing average age of lawyers entering the market. "They would rather be out sailboarding on weekdays," he said.

Nevertheless, many Bay Area attorneys called up Larry Lake to wish him well after the closing of the bookstore. Attorney Melvin Belli, an old customer, sent Lake a letter expressing his regrets on the store's closing.

Lake's contributed not only books and supplies to Hastings over the years. The store hired primarily Hastings students for staff and regularly contributed gifts for Hastings writing contests and other competitions. Lake said that he will continue to support Hastings in any way he can, although he said he will have to find something other than the traditional gift certificates to give to the winners of the annual Moot Court competition.

Lake said that his new co-tenants at 138 McAllister, Barpassers, should pick up the student jobs lost by the closing of his store. Lake's will continue to stock a selection of law books of general interest.



# in brief...

## ASH Aerobics

ASH Aerobics will be held in the Ballroom at McAllister Tower. Classes will be held from 5:45 to 7:00, Monday through Thursday. For more information, contact Ellen Bell.

## Movie night

Thursday, October 3, is movie night. ASH will be showing a double feature: *Trading Places* and *The Paper Chase*. Admission will be \$2 in advance, \$2.50 at the door. Refreshments will be served. See the *Weekly* for more information.

## Saint Thomas Moore Society

The Saint Thomas Moore Society at Hastings will hold its first event of the year, a mass and pot luck dinner, on Friday, October 4, in Room 2101, McAllister Tower. The Mass will begin promptly at 6:00 p.m. For more information, contact Jim Hammer.

## Clinical Instruction

Clinical Instruction enables students to earn academic credit and gain practical experience by working (without pay) for either a judge or practicing attorney. There are still many judicial externship and clinic opportunities available for the spring 1986 semester. Inquire at the Clinical Office, Room 212, 200 McAllister.

## Moot Court competitions

Do you need honors and activities for your resume? The Moot Court Program sponsors seven intercollegiate competitions for second and third year students. You must have a 2.2 GPA to participate. Information is available at the Moot Court Office or from Garth Gersten.

## Library Reference hours

There has been a slight change in the Library Reference Desk hours. A Reference Librarian is available at the Library from 8:15 a.m. to 6:00 p.m., Monday through Friday, 9:00 a.m. to 5:00 p.m. Saturday.

## Rose Bird to speak at ABA/LSD meeting

California Chief Justice Rose Bird will be the keynote speaker at the fall circuit meeting of the ABA/LSD. The meeting is scheduled for Saturday, October 5, at Stanford Law School. This is a chance for you to meet ABA/LSD members from other schools, our circuit leaders, and Bay Area attorneys. Carpools will be organized on Thursday, October 3, at 2:30 in Room G. Leave a note for Colleen McCall or Harriet Hawkins if you need more information.

## Patino Fellows on committee

This fall, three Tony Patino Fellows will be serving on the Screening and Selection committees for the Tony Patino Fellowships, which have been established at the University of Chicago School of Law and Columbia University.

Joanne M. Hooper, Class of '84, will be serving on Chicago's committee on October 4. Annemarie Hassett, Class of '85, will serve on Columbia's committee on October 17.

## Summer in London

McGeorge School of Law will offer a program of legal study in London this summer. The program, conducted in cooperation with the Inns of Court of London, will provide students with a unique opportunity to sample the training scheme used for barristers in England. The session is scheduled for June 8-28. For more information, contact the International Programs Office at McGeorge at (916) 739-7195.

## In brief...

This in brief... section is a space reserved specifically for student organizations, faculty members, and administrative departments to make announcements of general interest to the Hastings community. Space is limited so please keep announcements brief and to the point (no more than 50 words). Submit announcements at the *Hastings Law News* box in the Student Information Center. Deadline for the November 5 issue of the News is Friday, October 18.

## October Book Sale

Friends of the San Francisco Public Library are sponsoring a Book Sale on Sunday, October 20 at Fort Mason, Pier 2, from 11 am to 4 pm. 8,000 titles from Art to Zoology, hardcover and paperback, will be on sale at 30¢ each, or 4/\$1.00. Proceeds to benefit free programs of the San Francisco Public Library. For further information please call 558-3857.



Photo by Brian Condon

Students discuss issues confronting the activist legal community at the fifteenth annual Alternative Law Day.

# Day for alternative law

BY DANIEL SMITH  
Staff Writer

On September 7, the National Lawyers Guild held its fifteenth annual Alternative Law Day at Golden Gate University. The day-long presentation was intended to introduce the Guild and the activities of the activist legal community in the Bay area to local law students.

The day was broken up into a number of workshops. The workshops cut across a broad range of topics, many of which are not covered in law school curriculums. The subjects ranged from law school stalwarts, such as criminal law and labor law, to newly developing areas of the law, such as disabled rights and lesbian/gay rights.

Other subjects included landlord/tenant law, environmental law, international human rights, legal issues of third world communities in the Bay Area, women's rights, police brutality, immigration law, employee discrimination, poverty law, prisoner's rights, Native American law, and demonstrations.

The Politics of Law in California workshop dealt with the effects of electoral politics on the judiciary in California. Another, Humanizing Law School, offered guidance and suggestions to students for dealing with the stresses of law school's competitive atmosphere.

Alternative Law Day was kicked off with a keynote speech by Mary Dunlap. Dunlap is a prominent local civil rights attorney, and law professor at Golden Gate University and New College of the Law.

Dunlap urged approximately 100 listeners to "disturb what needs to be disturbed." Only by disturbing people can change be affected, she said. Dunlap exhorted the students to approach the study of law as an agent of change, without

forgetting their own needs. She pressed her listeners to find out not only what they do well, but also what they feel good doing.

Dunlap encouraged the building of coalitions as another goal of Alternative Law Day. She stated that the progressive law movement presently seems to be divided. Alternative Law Day presented a good opportunity for the divergent elements of the Bay Area's progressive law community to come together, she explained.

Of special interest was a presentation by the Stephen Bingham Defense Committee. Bingham is a Bay Area attorney charged with complicity in the August 21, 1971, shootout at San Quentin Prison that left prison activist George Jackson and five others dead.

Bingham and one of his defense attorneys urged the law students in attendance to become involved in his case by assisting in the legal preparation of Bingham's criminal trial, by attending the trial itself, or by donating money to help pay for the cost of his defense.

The make-up of the workshop leaders reflected the diversity of the local activist legal community. The leaders were drawn from many sources, including law schools, public interest law groups, legal clinics, solo practitioners, and law firms. Many were members of national organizations, such as the NAACP and the ACLU.

The workshops were designed to introduce the students to opportunities in the Bay Area in many non-traditional areas of the law. The leaders urged the students to become involved in the legal community while they are still in law school. The students were introduced to the many clinics, projects, and externships being offered by organizations which one participant described as being outside the "corporate carpet to success."

# classifiedscclassifiedscclassifieds

**WANTED:** 2 tix for S.F. symphony Oct-Nov. Call 552-6038.

**J.B.** — Thanks for two wonderful years! Casey

**RESPONSE:** On 9-11-85, I understood Shattuck's lecture. You must have a local problem!

**IMB XT** Compatible, 2 drives, 256K, hi res monitor for \$950. 668-0913.

**LIZ,** Elaine, Susan, Mona, Cathy, Karen, Steve, Mark, Bob — THANKS for the Scoop! — N.G.

**IT'S** rush hour... anyone seen pee-wee?

**PICCOLO** for sale. \$150, excellent condition. Call 626-9073.

**FOR SALE:** 1980 Yamaha 650 Special, 10k, \$950. Call 626-9073.

**SKIP:** Hey dude, do third-year's really study? Jodie, Muffy, and Ainsley.

**HEY** Chuck, got any spare change — pennies...niekels?

**CONGRATS** Mark, for winning the Bay Guardian's cartoonist/artist award.

**JOHN,** Heather, Wiley, Gary, Eric 1 & 2, Philip, Jan, Andrea, Kate, you all made my day. — Nancy.

**DIANE** — How's Jim? Been to any good seminars lately?

**GOOD** luck in your applications, Steve. You'll do just great.

**BETTY** and Betsy: Don't worry, the fun is just beginning. Happy reading! From the Moot Court topic B section.

**JILL F.** Have you leaned how to use your Macintosh yet? — An Apple Fanatic.

**GEEK!!** How is you Con Law Quarterly note coming along? Remember the No-Doz...

**LUCY R.** Any hot spots in Oakland?

**PROFS.** Schwartz, Walsh, Kane, Tierney, Barrett, we're still here. Thanks for a challenging year. The Class of 1987, Section 6.

**TASHA M.** How's it going? Good luck this year. You're going to do much more than "reasonably" well.



# Selection of speaker commences

BY JERRY EVERARD  
News Editor

Amidst concern of another student-Board confrontation, preliminary steps were taken last month for selecting the 1986 commencement speaker.

Lynda Robisch, spokesperson for the class of 1986, explained the students' position as one of demanding input. "Our bottom line is that students should at least have an equal say," Robisch stressed.

Dean Bert Prunty emphasized that the Board of Directors will retain control over the decision. "The Board has decided that the Board will make the decision," Prunty said.

Prunty further emphasized, in a heated debate at the Board meeting on September 20, that the Board's decision was final. "I don't think anything should lurk through this meeting that will give the senior class any idea that it has any veto power."

The selection of senior class representatives was the first step taken in an involved process of choosing the commencement speaker.

Robisch, Mark Segelman, Jesse Yanez, Jeff Goldfarb, and Bernadette Davison were elected by the senior class to represent the class's choice for speaker. One third of the senior class turned out to vote.

In a memorandum from Prunty to the members of the student committee, Prunty outlined the selection process. "The [Ad Hoc] committee reviews the recommendations submitted by your class, Board members, alumni and faculty," the memorandum stated. "The members select several names to be placed on the invitation list or alternate list. These names are submitted to the Board of Directors, whose members make the final decision."

The six-person Ad Hoc Committee consists of Board

member Myron "Doc" Etienne, ASH President Donna Cole-Wallen, Student Services Director Patsy Oppenheim, a faculty member, an alumni representative, and Robisch.

The student committee polled the senior class on September 18 to determine the class's choice for speaker. A list was compiled to present to the Board at its September 20 meeting.

Chief Justice of the California Supreme Court Rose Bird, was the students' number one choice. Bird outdistanced second place William Brennan 333 to 92 prioritized votes. Other nominations to come out of the student poll, in which 136 members of the class voted, include: Mario Cuomo, Lawrence Tribe, Geraldine Ferraro, Willie Brown, Jesse Jackson, Alan Broussard and Cruz Reynoso.

Before the September 20 meeting of the Ad Hoc Committee, Robisch was not optimistic. "They should know to expect a fight," she said. She said she expected stiff opposition to any student demands for control. "I don't think they're going to budge," she predicted. "Their position as of Wednesday was that they would not budge."

In preparation for the Board meeting, Robisch said she did some foot work and discovered that, "we are the only school that doesn't allow students to select their commencement speaker." She said she called several schools in the Bay Area.

Robisch noted that discussion of the selection process was removed from the Board's agenda the night before the meeting.

At the Board meeting, Robisch presented the Board with the list of student nominees seeking tentative approval of the names. Prunty strongly objected to any Board indication of approval.

"I won't act on the list under any circumstances unless there is input from the faculty and alumni," he said.

Despite Prunty's objections, many Board members said they felt the student list should be given tentative approval. The Board passed a motion stating that it "has no objection to these names with the understanding that additional names may be supplied by alumni and faculty."

Despite dismal expectations and concern over a confrontation, the Board meeting produced positive results and an air of cooperation between the Board and the students.

Etienne opened the Ad Hoc Committee meeting on the morning of September 20 with an expression of desire for cooperation. "I dislike intensely the confrontational approach to the process." He went on to comment, "As a Board member, I would never support a person you oppose."

Etienne guaranteed the students an important role in the selection process. According to Robisch, Etienne has promised to conduct telephone conferences with the student committee to keep them informed during the list compilation stage, ensuring that the students approve of all persons on the list which will be finally submitted to the Board.

The student committee has been assured of much control over the list which is presented to the Board for approval. Control over the list of nominees in effect allows control over the selection process.

According to Goldfarb, Etienne further promised that he would instruct Prunty to provide the student committee with a bi-weekly update of those persons whom he has contacted to speak, their responses, and a list of persons to be contacted the following two weeks. Etienne said he hopes to have an invitation list compiled by October 15.

The student committee, in a second meeting with Etienne reviewed a list of nominees submitted by the faculty. The faculty list contained the names of four nominees not already on the student list. Upon expression of disapproval of two of the names on the list, Etienne excised them, according to Robisch. As Goldfarb stated, "We have the power of approval."

The faculty's suggestions added Isaac Asimov and Professor McCade to the list of nominees under consideration. Robisch, Cole-Wallen, and Goldfarb expressed optimism

after the Ad Hoc committee meeting. "I have very good feelings about this," exclaimed Robisch. "The meeting this afternoon went really well."

The student committee plans to propose a different means of selecting the commencement speaker in the future. According to Robisch, the proposal suggests that future committees consist of an equal number of both students and Board members. Before any person could be selected to speak, he would have to receive two-thirds of the votes of the committee.

## Selection of commencement speaker

### Legacy of antagonism

The selection of the commencement speaker has been anything but pacific in recent years. It is on a history of antagonism that the selection process continues.

The class of 1983 selected comedian Robin Williams. Some of the members of the Board of Directors were not pleased with this choice and expressed a desire to assert more control over the selection process.

Eva Paterson, a civil rights lawyer in San Francisco, a member of the national board of the American Civil Liberties Union, and former teacher at Hastings, was selected by the following class. The class of 1984 held elections and selected Paterson not once, but twice.

Claiming that Paterson did not have sufficient prominence or national stature, the Board did not agree that she should speak. The Board constructively vetoed the class's selection by burying determination of the issue in an ad hoc committee.

In response, the class attempted a compromise. A class resolution proposed that either Paterson speak or that there be no speaker, or in the alternative, to have two speakers. The Board decided to have no speaker.

Some students, believing that the Board did not have the power to veto the class's choice, challenged the Board in court. The court enjoined the Board from prohibiting Paterson from speaking.

During the summer of 1984, the Board reviewed its policy on selection of commencement speaker. It made sufficient changes in the rules governing the selection process to make it clear that complete control would thenceforth rest with the Board.

The selection of Peter Ueberroth last year was characterized by Board control. Despite much grumbling by the class of 1985 over the means employed, the majority of the class was apparently pleased with the final choice, thus avoiding a confrontation.

## New policy of checking attendance visible in class

BY LIZ NEWMAN

Students returned to school this year to find a new presence in many classrooms: Attendance monitors. The monitors enter classrooms after the lecture period has begun and note absences on seating charts supplied by professors.

Academic Dean Wayne Woody explained the use of attendance monitors is experimental now. He said that the monitors take attendance in the Constitutional Law courses and in Labor Law.

The dean said that the attendance monitor program was initiated at the re-

quest of several professors who sought assistance in taking roll. Woody emphasized that the program does not represent a departure from the school's attendance policy.

"The policy regarding class attendance is, and has always been, one in which regular attendance is a requirement," Woody explained. "Regular class attendance is demanded of every student and failure to maintain this standard may warrant that action be taken against him or her."

Woody said that each law school is required to prove that it maintains an attendance policy before it is given ac-

creditation by the American Bar Association. "How each law school enforces the policy of attendance varies," the dean explained. "Only a few medium-to-large sized schools are able to keep attendance records and do so on a continuing basis."

The dean said that the policy at Hastings has always been to leave the enforcement of class attendance to the classroom instructor. Each professor is given the option of whether or not to take attendance, he explained.

Woody explained that several professors indicated that they wish to take attendance but complained that roll-

taking is too time-consuming. The attendance monitor system was developed in response to the problem, he said.

Professor William Lockhart said that he feels that regular classroom attendance is important. "There is a tendency, particularly for second year students, to become negligent in attending class because of greater outside demands and an increased sense of confidence," Lockhart said. "Attendance checks are one way of assuring that this does not happen."

He explained that he did not like taking attendance himself because "the

(continued on page 9)



# editorial

## What's Up Doc?

We have launched once again into the agonizing process of choosing a commencement speaker. In recent years the selection process has produced confusion, bitterness, and law suits. The problem always seems to come from a failure by the Board of Directors to effectively communicate to students how the speaker will be chosen. The conflicting signals coming from last month's Board meeting portend another year of confusion and misunderstanding.

A few days before the Board meeting, Dean Prunty issued a statement to the five-member student committee elected to represent the third year class. Prunty set forth the selection procedure, as he sees it: The senior class will make three nominations for speaker. To that list will be added another nine names submitted by faculty, administration, and alumni. The 12-name list will then be reviewed by a six-member ad hoc committee, of which only two are students. The committee will make recommendations to the Board which will have discretion to accept or reject the committee's proposals. The Board will compile an invitation list from which Prunty is to work in inviting potential speakers.

Not much say for us kids, is there?

At the Board meeting, Prunty reaffirmed his belief that students should be allowed to *recommend* speakers and no more. He vigorously objected to the Board's looking over the students' preliminary nomination list for fear that the students will get the impression that they have some say in the matter. He emphasized that he did not want the Board to give the senior class "any idea that it has any veto power."

The Board felt differently. Over Prunty's objections it agreed to look at the student list.

Later, Board Member Doc Etienne showed the student committee the nomination list compiled by the faculty. To the committee's surprise, Etienne permitted the students to veto names they disapproved of. Etienne further promised to relay to the committee all other nominations submitted to the board to give students the opportunity to approve or reject the names.

Doc and the dean seem to have two different opinions as to how this process is to work. Students are understandably confused. Let us hope that Doc speaks for the Board and that, finally, students will have some genuine control over who speaks at their commencement.

News Item: Administration to prioritize services to students.

— Hastings Law News, September 10, 1985



## lettersletterslettersletters

### Respect LEOP confidentiality

#### Editor:

Under Hastings' administration policy, the LEOP status of students is confidential. This policy serves to protect the privacy of students. However, professors who learn of their students' LEOP status through administration-sponsored LEOP receptions and administration-encouraged faculty/student "chats" have found it appropriate to distribute this information, at least in letters of recommendations requested by students.

I requested that the administration enforce its policy of confidentiality by asking professors to inform students that the information would be included in a letter of recommendation. If that is not possible, I suggested students be informed that, along with the administration's confidentiality policy, there be additional policy that the professors have the freedom to divulge the information. Dean Woody's response was to convey my concern to the faculty. It is unfortunate that the administration is not concerned if it misleads students. It is even more disheartening that some faculty members give such little consideration to the possible harm their letters of "recommendation" may cause.

LEOP students should be aware that this "confidential" information can, and is, used by some professors in writing their letters of recommendation. All students should ask professors precisely what will

be in their letters. Further, if a student feels a professor knows some potentially prejudicial information, that student should affirmatively request that the information not be relayed to anyone else. LEOP status, and other privileged information, can be helpful to a future employer. However, it should be the prerogative of the student to convey this type of information.

Rebecca Mass

### LSAT's equal excellence?

#### Editor:

The *Write Stuff's* editorial (Sept. 10) on the perceived decline in prestige of a Hastings's law degree is sadly analogous to the homeowner's concern for his property value when the ethnic neighbor arrives. The unanointed first year students having already

arrived, Hammer & Klassen can only lament, "There goes the law school."

The proposal to reduce enrollment to prop up admissions standards will ultimately erode the diversity and course offerings at Hastings. Implicitly, this proposal will undermine the Legal Education Opportunity Program. Before we embrace retrenchment, I would suggest personalizing the admissions process and offering incentives to exceptional applicants. This approach has been successful in maintaining admissions standards at many universities faced with a declining applicant pool.

The prestige of attending Hastings is founded on the dedication and commitment to excellence of its faculty and students. Unfortunately, the operative standard for *The Write Stuff* is the score on a five hour reading test.

David H. Mann

## hastings law news

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Questions and comments should be directed to *Hastings Law News*, Hastings College of the Law, 198 McAllister Street, San Francisco, California 94102.

## Coming Attractions

In the next issue of *Hastings Law News*:

- ★ Gary Hart at Hastings
- ★ Clerking in Korea
- ★ Point-Counterpoint: Do we need a new Constitution?
- ★ And much more...

Coming November 5 to newsstands everywhere



# op-ed

## A proposal for sane nuclear development

BY BRANT H. DEVERN

The strategic balance of power between the United States and the Soviet Union is currently very unstable. Although the chance of nuclear war is unlikely, the incentive to attack one's opponent is ever increasing. Various measures — a nuclear freeze, ban on underground testing, ban on flight testing — have been proposed, though these fail to get at the root of the problem. Arms control efforts (SALT I, SALT II, START, INF) have also failed to solve this problem of increasing instability. The current instability is the result of an unyielding accumulation, on both sides, of multiple warhead land based missiles (MIRVed ICBMs). Although this is not the only reason for the current instability it is the major reason.

Why are MIRVed ICBMs so destabilizing? As long as one side has many warheads concentrated on few missiles they are extremely threatening weapons and thus make attractive targets for the enemy. Also, with the possession of MIRVed ICBMs, one side only need launch a fraction of its land based missile force to destroy the entire land based missile force of the opponent. Therefore the incentive is to strike first, and not second. It is this incentive to strike first which is responsible for much of the current instability.

For example, if the Soviet Union had 5 missiles with 10 warheads on each missile, it would have a total of 50 warheads spread over 5 missiles. Assume the U.S. had the same. Scientists tell us one must strike an enemy

silo with 2 warheads to assure oneself of destroying the enemy missile in its silo before it is launched. Thus, to destroy 1 U.S. missile the Soviets must launch 2 warheads at it, and as each Soviet missile has 10 warheads, 1 Soviet missile can destroy 5 U.S. missiles. That means for the Soviets to destroy the whole 5 missile/50 warhead U.S. force, they would only have to launch 1 of their 5 missiles. The U.S. could do the same to the Soviet force. Thus, as long as both sides possess multiple warhead missiles the incentive is to strike first and use only a fraction of your force to destroy your opponent's whole force. To combat the possibility of such a pre-emptive or first strike, opponent forces may be launched on warning — opting to use rather than lose one's MIRVed ICBM force.

Other forces of strategic triad are not characterized by the same stability. Nuclear armed submarines (SSBNs) are vulnerable to attack, and thus there is no incentive to launch then pre-emptively. They do not suffer from the use or lose philosophy. Bombers are slow, recallable, and subject to anti-aircraft forces. Bombers are poor first strike weapons being primarily a second strike or retaliatory weapons system.

Thus, the correction for the current instability is not a freeze, test ban, or Reagan buildup. The answer lies in reducing Soviet and U.S. forces of MIRVed ICBMs. MIRVs were developed to overcome anti-ballistic missile systems (ABM). SALT I outlawed ABM systems so multiple warhead missiles no longer serve any purpose

except to needlessly threaten opponents and bring us that much closer to the brink.

As stated, MIRVed ICBMs are not the only reason or answer to reducing the threshold of attack. Several things can and should be done. The following is a brief list of some of the major tasks we need to undertake.

1. Banning the development, testing, and deployment of MIRVed ICBMs, and their replacement by single warhead missiles.

2. Banning medium range ballistic missiles from European soil. These are the Pershing IIs on the U.S. side and the SS-20s on the Soviet side. These missiles are too quick, too threatening, invite attack and are thus destabilizing.

3. The continual maintenance of a credible second strike force. These are the "needed" weapons. They are only retaliatory in nature, and serve to prevent an attack through the threat of assured response. These forces should never be frozen, nor testing barred. We need a credible, reliable and continuously renewable second strike force so we are not forced to rely on MIRVed ICBMs to provide us with a deterrent capability.

4. The removal of all battlefield nuclear weapons (i.e. nuclear land mines, nuclear artillery shells) from the East-West German frontier to prevent their use in the early stages of an attack. For example, a 100 mile free zone on each side of the frontier would do much to lessen the threat of initial use of nuclear weapons which many realistically fear may lead to an all-out

nuclear exchange. The U.S., due to its weak conventional posture in Europe may be forced to use or lose the weapons in the early stages of an attack.

5. The buildup of U.S. and allied conventional forces in Europe and at home. Military planners all say it is easier to defend than to attack. There is no reason why Europe cannot be defended conventionally. We should not have to rely on a nuclear defense. It wouldn't be cheap, but it's preferable, and it can be done.

6. Mentioned last, but not least, is that the U.S. and the Soviets need to be committed to reducing the threshold of attack. The Reagan Administration does not appear to be so committed; neither do the Soviets. One need not have to wait for the other.

Some of you won't agree with my analysis. But whether you do or not you must realize that it is a complex issue which requires thought and commitment.

Reductions, as echoed by the Reagan Administration, sound good but it needs to be reductions in the right weapon systems. Peaceful relations between the superpowers may make such discussions of attack thresholds unpopular — but it is the peacetime thoughts, discussions, and actions that may prove to be our savior in wartime.

*Brant H. Devern is a second year student from Redlands, California.*

## New student group against apartheid

BY RIVA ENTEEN

Victoria Mxenge, a Black South African defense attorney was recently shot in front of her home by the South African "death squads," two weeks before she was to defend 18 members of the United Democratic Front (UDF). A few weeks ago, her husband, a defense attorney, was shot in front of their daughter. School children, striking against their brutal government, are fired on, with 500 arrested, 10 killed, along with their teacher.

With news such as this commonplace since the summer, the movement for divestment has grown rapidly. Some colleges and universities are responding to student protests, worrying about the financial risk in South Africa, and are ending their investments in companies dealing with South Africa. The American Committee on Africa, an organization that supports independence movements in Africa, estimates that \$266 million in such stocks has been divested by university endowments and pension funds. Since the protests against America corporate involvement in South Africa erupted on campuses last April, 15 universities have divested \$37.5 million worth of stocks.

Hastings's strike against apartheid last April was in response to a national call for such actions, during the groundswell of campus outrage against apartheid. Building on the strike, this fall students have formed the Hastings Anti-Apartheid Coalition (HAAC)

which continues to push for Hastings divestment from South Africa and a principled condemnation of apartheid. HAAC is composed of representatives of many student organizations, including BLSA, NLG, La Raza, A/PLSA, NALSA, Clara Foltz, LIL, GLSA, and SANWI, and looks forward to building support for anti-apartheid work in the student body as a whole.

HAAC is planning a day of anti-apartheid actions on Friday, October 11, as part of a national anti-apartheid weekend of protests. Following that day of action, HAAC will sponsor a series of educational presentations on South Africa, including speakers such as Willie Brown.

On September 20, HAAC presented a list of demands at the Hastings Board of Directors meeting. The demands included the following: 1) Withdraw all funds from the Bank of America (a major investor in South Africa) and place funds in a bank which refrains from South African investments; 2) Adopt a policy of refusing to invest in any corporation doing business with South Africa; 3) Establish a committee to discuss investment process and policy composed of students, faculty, staff and Board members; 4) A Board statement condemning apartheid as morally repugnant and urging President Reagan to take immediate forceful and effective steps to bring about the full enfranchisement of all South Africans.

The board will take the issue under consideration

and address it again at its next meeting. However it refused to act on the petition signed by 400 students last spring, and made no decision about setting up a committee, and did not provide a report on Hastings's financial investments which we were promised would be made public.

Financial investments in South Africa are increasingly risky business, as evidenced by President Botha's recent announcement that he was suspending trading on the stock market, freezing loan repayments for four months and reinstating currency restrictions that make it more difficult to pull money out of the country. Thus, by appealing to Hastings on their own terms, financial considerations, they must take the school's money out of South Africa.

In addition to the fiscal considerations, there could be a legal obligation to divest. During the civil rights movement in the 60's, many states passed laws that prohibit universities from investing in companies that have a discriminatory system. A Wisconsin judge interpreted such a statute to require the University of Wisconsin to divest its South African investments.

Whatever the reason Hastings is forced to change its policy of supporting apartheid, fiscal or legal, the students are united and motivated by the commitment to justice and freedom for the South African people.

*Riva Enteen is a third year student from San Francisco.*



# features

## Views from backstage

*Editor's note: This article was compiled after interviewing a number of Hastings students and their families. The names of those interviewed were changed in order to ensure candid responses.*

BY NANCY GEORGIU  
Features Editor

Walking into Contracts class last fall was a journey back to the past for Mark. However, the attorney was able to leave the class knowing that he wouldn't be called to answer the next question, or write a brief on *Davis v. Jacoby*. He had already paid his dues. "It was an interesting experience," Mark said of his return visit to law school. "It's amazing how quickly one forgets the paranoia that law school generates."

Why the return down memory lane? Mark, an attorney who specializes in landlord-tenant relations, was visiting Hastings with his fiancée, Ellen. Now in her second year, Ellen commutes from Palo Alto by train and juggles studying with a job in Redwood City. Mark said he originally believed that he would be prepared for Ellen's venture into law school, but as the first year progressed, he realized that he hadn't been correct.

"First year is something special," he recalled. "It breaks down different ways of thinking. The second year is more humanistic. Although Ellen has more work, it's less emotionally draining."

**"People would say, 'You're supporting him through law school, and as soon as he finishes he'll leave you.'"**

Ellen's fourteen year-old daughter, Adrienne, said she wishes that she had more time to spend together with Ellen, but since both are in school, she realizes the difficulties. "We still do things," she said, "and I think it's a good idea that she's in law school."

Adrienne added, however, "I wouldn't want to do it. There are too many lawyers in the family."

Students who have children often feel overwhelmed with the additional responsibilities, as well as twinges of guilt for leaving their spouses to be primary caretakers.

Trevor and Sheryl have a two-and-a-half-year-old son, Darryl. Sheryl, a second year student, commutes from Marin County while Trevor is left balancing his responsibilities at work and looking after Darryl.

"I'm Mr. Mom," Trevor joked. "I'd like Darryl to have more time with his mother, but it isn't possible right now." In addition, Trevor said he would like to enjoy Sheryl's company more often.

"When Sheryl gets home from school, Darryl demands a lot of atten-

tion, which can be frustrating for me," Trevor explained. "But we do have our own evenings out. Last year, Sheryl had tickets to the symphony, so Friday nights were spent at dinner and the symphony. Sometimes it was romantic, sometimes not, but at least we had more time together. We're doing it again this year."

Carl and Kim, who have been married for eight and a half years, have a two-year-old son, Brian. Kim takes BART to school from Fremont, leaving Carl to take Brian to doctors' appointments and they babysitter's. Carl is the president of his own company, which also brings the strains of economics into sharper focus.

"This year isn't as bad as last year," Carl said. "In the cold cruel world, the dollar reigns. Law school is one alternative which makes sense, and I've always encouraged Kim to go through with it."

Carl's main concern, though, is evident. "Between my job, Kim's school, and Brian's needs, the child is the hardest job of all. I can relate to single parenthood."

Most couples without children seem to find more time to relax and enjoy "quality moments" together. Dinner or evenings away from studying were popular events.

"One of the best things to do is to go out for dinner," said Debbie, wife of a third-year student. "It doesn't matter if it's McDonald's or a five star restaurant. The important thing is to be able to sit down and talk."

Debbie's husband, Frank, is a particularly active student. He is a member of the *Hastings Law Journal*, and is starting his second year as a Dean's Discussion Group leader.

"Rather than staying home and watching him read, or not seeing him at all," Debbie said, "it's better to travel. Debbie is a business entrepreneur working in computing, and she explained that her work often requires her to make out-of-town flights to various business associations."

Before Frank began law school, they both read *One L*, which describes law school life, written by a former Harvard student. "It brought to mind things we expected," she said. "We figured if we saw each other at all, it'd be amazing."

One helpful factor is Frank's commute time on the train, which he said helps him to study before arriving home. "When he's home, he's ready to relax," Debbie explained.

Another couple, Paul and Carolyn, are also finding "quality time" less often than before Carolyn began law school a year ago. Carolyn is currently working on her note for the *Hastings Law Journal*. Paul said he is relieved that his work as an engineer is keeping him busy.

"We don't have to feel guilty about not seeing one another as much as we'd like," Paul said. "But we both do

feel numb. We're coasting through this, and we know we'll be out of it soon. Still, it is depressing."

Another "law school widow," as she laughingly refers to herself, is Megan, a respiratory therapist. Her husband, David, is a third-year student active on Moot Court Board and other school organizations. Megan's job keeps her working night hours, and since David goes to school during the day, they usually bump into each other just as Megan is returning home from work.

"I'll come bouncing into the room, full of energy," Megan said, "and he will be just waking up."



Megan readily admitted to being involved with David's school activities.

"When he was in his first year," Megan said, "I loved to hear about his cases and the rules. Now it's too complicated for me. But I have been a witness for his Advocacy trial, and I like to come down to school and help him out in his different activities."

"I'd like to take him to the hospital and show him what I do," she added, "but I think seeing the IV's would make him woozy."

One of Megan's "pet peeves" is the reaction she received from people after telling them that she and David were going to get married and move to California where he would start law school.

"It was a few weeks before David started Hastings and I had to find a job and adjust to being married," Megan explained. "People would say, 'You'll never see him, he'll be at the library,' or, 'You're supporting him through law school, and as soon as he finishes, he'll leave you.'"

Both Megan and Debbie mentioned that in retrospect, however, the time doesn't seem so long. "It doesn't seem as though two years have already gone by," Megan said. "The commitment hasn't worn off, and it will continue after law school."

A refreshing change from the stereotypical law school drudge is one second year student, Tasha. Her husband, Rick, was a Merchant Marine, but after seeing how relaxed Tasha was

during her first year at Hastings, he decided to follow her example. Rick currently attends law school at Golden Gate University, and finds his first year not particularly stressful.

"Lots of my reasons for being so calm are due to Tasha," Rick conceded. "We have the same expectations and pressures, and have compatible schedules."

He said he notices, however, a change in his socializing since he started law school. "Last year, if I wanted to throw a party," he admitted, "I would go ahead and do it. This year, I'm more careful, and because I need to be organized, I have to plan my weekends in advance."

Christine, a second year student at Boalt, and her husband Evan, a second year student at Hastings, said that the high points of tension tended to be around finals and job interviews.

"It was difficult in the spring," Christine said, "but then during the summer, when we were both working, it was easier. We were able to entertain at night, and attend the different functions of the firms where we were working. Now that we're seeing more of one another, and don't have the fears of first year hanging over us, it's a lot easier."

Newlyweds Steve and Julie had an idea of what to expect, since Julie had already finished one year of law school when she and Steve married last summer.

"The only difference is that Julie seemed more overworked and tired last year," Steve said of Julie's first year experience. "We're adjusting," he explained. "I'm trying to understand and cooperate, and I realize she's under a lot of pressure with assignments and job interviews. I try to relate to it. I don't always succeed, but I try."

Steve said he firmly believes that Julie is reaching towards a positive goal. "The opportunity to go to law school doesn't happen to many people," Steve said. "Once you're in the workforce, it's very difficult to return to school. With more responsibilities, it becomes harder both financially and mentally to go back."

Keeping that thought in mind, Steve said he is anxiously anticipating Julie's graduating from Hastings, so that he can pursue his own goal of earning his M.B.A. degree. Until then, he explained, he is "taking care of the more mundane chores," and waiting for Julie to buy him a Porsche.

Although law school's demanding hours create havoc and some measures of sacrifice in the lives of Hastings students, the many spouses of these students expressed the feeling that the education is worthwhile.

"It is a short-term period," Carl said, "so I know it will work out."

"There's light at the end of the tunnel," Trevor commented. "Law school will be over soon, and we'll all be happy."



# Glory lost at 100 McAllister

BY BOB YATES  
Editor-in-Chief

Today it is known simply as McAllister Tower, a 250-room apartment building providing modest housing for Hastings law students. But in its glory days in the 1930's, it was a first-class hotel offering some of the most luxurious accommodations in the city.

San Francisco's new William Taylor Hotel opened to the public on January 15, 1930. Built by the Methodist Church, the great tower actually housed two facilities. The main portion of the 28-floor structure was a 500-room luxury hotel, while the western part of the building held a four-story Gothic cathedral. The Methodist Church saw the dual-purpose building as the only means by which it could maintain a downtown cathedral on expensive San Francisco real estate. It turned the management of the hotel over to a private company.

The grand hotel was heralded as one of the city's finest. A magazine of the era reported: "While the exterior elevation and finish are mastery in treatment and awaken admiration as the dignified pile rears its

outlines against the sky, it is in the interior planning and arrangement that the most consummate skill has been shown—always bearing in mind the dual nature of the building."

The William Taylor's managers boasted that the hotel's location at McAllister and Leavenworth was ideal. "Street car connections make access easy. Parking facilities are most convenient."

Perhaps the most striking characteristic of the building is its enormous size. The cathedral, known as the Great Hall, could accommodate 1800 worshippers. Two auditoriums downstairs could seat a total of 900 people. A large gymnasium was housed in the basement. The main floor of the hotel featured a coffee shop, while the elegant dining room was on the second floor. The third and fourth floors provided dozens of private banquet and meeting rooms. At 320 feet in height, the William Taylor was the tallest hotel west of Chicago.

But the 1930's was no time for a luxury hotel and the William Taylor went bankrupt in 1934, a victim of the Depression. Two years later, under new management, it was reopened as the Empire Hotel. The Empire's crowning glory was the new Sky Room, a spectacular penthouse restaurant and cocktail lounge with a panoramic 360 degree view of the city from the 24th floor.

The building was requisitioned by the federal government during the wartime emergency in 1942. For 36 years the tower housed the government, its luxury suits converted into office space. The domed ceiling and elaborate stained glass windows in the Great Hall were concealed by a false acoustical ceiling and the cathedral was used for storage.

In 1978, Hastings purchased the structure and renovated Floors 5 through 19 as student apartments. The gymnasium, the Great Hall, and the Sky Room remain vacant and unused. The Tower's manager, Kathi Horton, remains hopeful that funds can be found to restore more of the old building. "It was once so beautiful," she said. "I hope we can recapture that."

*Photos, clockwise from upper right: Main dining room of the William Taylor Hotel; hotel lobby as it appeared in 1930; walnut-paneled coffee shop at hotel's east entrance; 1930 Civic Center skyline; stained glass windows in today's neglected Great Hall; the main dining room has been converted into a student lounge and TV room.*

Two photos below by Bob Yates. Remainder courtesy of Architect and Engineer.





# Schlesinger: Women work harder

*This is the second in a seven-part series examining the colorful backgrounds and insightful perceptions of the members of the 65 Club.*

**BY KRISTINA LINDQVIST**  
Staff Writer

Professor Rudolf B. Schlesinger, an expert on international and comparative law, began his life of law, appropriately enough on another continent. Born in Germany, he received his Dr. Jur. degree from the University of Munich, and then went on to study at Columbia Law School. After serving as a law clerk to Chief Judge Irving Lehman of the New York Court of Appeals for two and a half years, Schlesinger spent three and a half years practicing law on Wall Street. In 1946 Schlesinger was offered a teaching position at Cornell Law School, where he remained until his retirement in 1975. He then joined the Hastings faculty as a member of the 65 Club.

When asked how he entered the world of teaching, Schlesinger responded with a grin, "By accident!" In a more serious manner he went on to describe the social climate responsible for his career change. Schlesinger said that after World War II, in the late 1940's, many law students had a heightened awareness of international relations, and accordingly, an increased interest in international and comparative law. Under student pressure, Cornell initiated a program of interna-

tional legal studies. Because of his expertise in the area of comparative law, Schlesinger was offered a position on the Cornell faculty.

Schlesinger said he did not find the transition from practicing law to teaching difficult. "Standing in front of a judge is similar to standing in front of a class," he explained.

Schlesinger found that he preferred teaching to practicing for the reason that as a professor he could spend more time getting to the bottom of a given problem, something which was difficult in the fast pace of a law firm. He said his obsession with thoroughness in analyzing and resolving an issue is one of the traits he learned from a man whom he remembers with great respect and admiration: Chief Judge Irving Lehman.

Schlesinger said that through the years during which he acted as Chief Judge Lehman's law clerk, the two men developed a very close working and personal relationship. From this rapport, he said he learned three important lessons about law. First, he developed a sense of the enormous complexity of law. Second, he found that one should never stop one's search for answers until one has exhausted all possible sources. And finally, Schlesinger came to believe that one can stand up for principle without giving up civility.

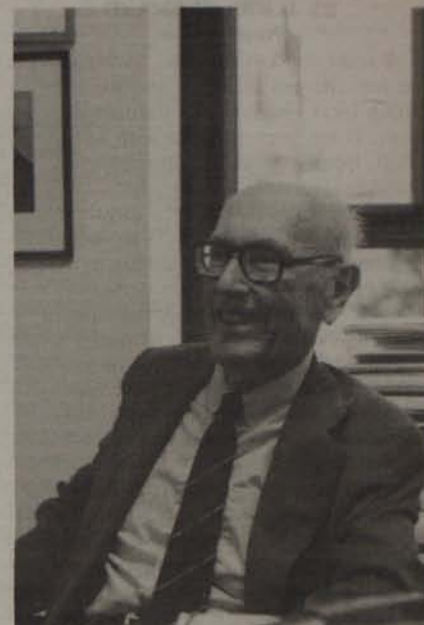
It is clear that Schlesinger remembers

with great fondness the time he spent working with Chief Judge Lehman. Reflecting back he sighs, with a hint of nostalgia, "Those were the days."

Schlesinger said, however, he is also enjoying his years at Hastings. He said he finds the diversity of Hastings students "refreshing." The diversity inherent in the Hastings student body is one of the major differences observed by Schlesinger between East and West Coast law students. He attributed this distinction to the high percentage of Hastings students who have worked in other areas than law or have traveled extensively prior to their admission to Hastings. Schlesinger said he believes that these backgrounds contribute to a "richer body of varied experience."

In his 37 years of teaching, Schlesinger has witnessed major changes in the composition of law students as a group. When he began teaching in 1948, women made up less than 10 percent of all law students. Today, 45 percent of all law students are women. This change, contends Schlesinger, has affected the typical law school class. He said he believes that because women are perhaps more self-selected, they tend to work harder. Their drive, in turn motivates the men to work harder, he explained.

Another major change Schlesinger has observed is the increased competitiveness of today's law students. He said he feels that the students at the top



**Professor Rudolf B. Schlesinger**

law schools are better than they used to be. This has affected his teaching method. Where in the past Schlesinger used the pedagogical method of repetition to "hammer home" the important points, he now finds the repetition is unnecessary and even excessive. Schlesinger says with a laugh, "If I repeat a point, my students say 'Oh, poor old Schlesinger, he's forgotten that he's already covered that point!'"

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# Recreational fees charged students not uniform

BY JERRY EVERARD  
News Editor

Recent concern over the discrepancy in fees charged Hastings students by other local University of California schools has been wrought with confusion. Responses to this discrepancy have ranged from outrage that Hastings is not treated as a member of the University of California to delight that other campuses are willing to share their facilities.

The campus at Berkeley has offered Hastings students the use of their facilities for \$39 per semester or about \$10 per month. The campus at San Francisco (UCSF) is charging \$20 per month.

Bill Manning, the Director of Recreational Facilities at Berkeley defended the fee charged Hastings students on grounds that, "It is our campus philosophy that other students pay the same fee as Berkeley students to use the facilities." Berkeley students pay \$28.50 per semester, he explained, to cover interest on building bonds plus a \$10 per semester operations fee.

Manning pointed out, "Berkeley students do not have the option whether or not to pay the fee." Hastings students are charged what Berkeley charges its own students, he explained.

The fees Hastings students are charged by UCSF are not so rationally calculated. Students at UCSF pay \$22.50 per quarter for use of the athletic facility, or \$7.50 per month.

Al Minvielle, the manager of Programs, Recreation, and Operations at UCSF conceded that, "The fees are relatively arbitrary." The \$20 per month fee is the same fee that campus charges the public within a limited radius of the school, he said.

Minvielle described UCSF's policy as a desire, "to not compromise the quality of service any further." UCSF has the smallest facilities of all the University's campuses. A large influx of users could burden the facilities, he said. "We could end up with people standing in line to use a lane at the pool for fifteen minutes."

According to Tracy Taylor, UCSF's Athletic Facilities manager, UCSF allows all other campuses of the University of use its facilities. Hastings and the school of Podiatry are exceptions.

This creates an anomaly. Berkeley students are permitted to use UCSF's facilities despite the fact that UCSF's

are not permitted to use the Berkeley facilities. Hastings students are not permitted to use UCSF's facilities; Hastings has no athletic facilities for UCSF's students to use.

Hastings students are not permitted to use the San Francisco facilities because "Hastings students and podiatry students do not pay anything for athletic facilities," said Wayne Hiroshema, manager of the Recreation Department. "Berkeley students do pay tuition to help keep some part of the University's facilities up to date," he said.

Contrary to popular belief, there is no University-wide fee which is used to build and maintain athletic facilities. Neither Berkeley students nor Hastings students pay any fees which are used in part by UCSF.

Minvielle stressed that if San Francisco opened up its facilities to Hastings students, use demand would probably be too high, resulting in a corresponding decrease in quality of services.

Minvielle explained that, "We have tried to negotiate with people at Hastings for facilities development here but got no response." According to Minvielle, UCSF has proposed that Hastings charge a mandatory fee at the same rate as the fee charged its students so that Hastings students can use UCSF's facilities.

"A mandatory fee would provide support and revenue for facilities expansion," he said. Minvielle contends that quality would be maintained because the fees collected would be sufficient to maintain the facilities.

Minvielle explained that, in the absence of a mandatory fee imposed on Hastings students, "the differential price structure is the only way to maintain quality of services."

## College and the U.C.

It is often said that the university of California consists of nine campuses: Berkeley, San Francisco, Davis, Irvine, Santa Cruz, Los Angeles, Santa Barbara, San Diego, and Riverside. What about the University of California, Hastings College of the Law?

Hastings's standing with the University is different than that of the other campuses. Hastings is an affiliate of the University.

Hastings cut the ribbon in 1878 and at once became affiliated with the University. The next year, the University was elevated to Constitutional status. The Constitution of the State of California provides in article 9, section 9, that the status of institutions affiliated with the University prior to 1879 will not change.

The Education Code of California, section 99201, states that Hastings "is affiliated with the University of California and is the law department thereof."

Hastings and the University have worked together for over one hundred years. Much of the activities of the College and the University are inextricably intermingled.

During these hundred plus years of affiliation, the court has had an opportunity to discuss the relationship between Hastings and the University. In *Foltz v. Hoge* (1879), the court stated "that the University and the affiliated College should constitute one institution and be governed by the same laws."

In the case of *In Re Students of Hastings College of the Law* (1910), the court asserted, "the Legislature, by its many appropriations, and by its appropriations for suitable buildings for the law department of said College has, time and time again, recognized the Hastings College of the Law as a department of the University."

The distinction between an affiliate college and a member campus appears to be almost solely financial. Director of Student Services Patsy Oppenheim explained, "All the U.C. campuses go to the state with their billion dollar budget all in one package and Hastings traipses alongside with its million dollar budget."

The distinction between an affiliate college and a member campus appears to be almost solely financial. Director of Student Services Patsy Oppenheim explained, "All the U.C. campuses go to the state with their billion dollar budget all in one package and Hastings traipses alongside with its million dollar budget."

## Attendance

(from page 3)

roll-taking process can be an annoying burden and a waste of class time, given the large class size."

Professor Samuel Thurman expressed similar problems with his efforts to keep attendance records. "It was because of our concern that we were losing valuable time that we approached the administration with a request for help in taking attendance."

The dean emphasized that the use of attendance monitors is currently experimental. "The experiment is merely an attempt to standardize the attendance policies within those courses

where a number of professors had requested assistance in taking roll," he said.

Despite the appearance of attendance monitor in some classes, Woody stressed that there are no plans to change the present policy of leaving the enforcement of class attendance in the hands of professors.

"While the experiment has proven to be successful for a few courses," the dean said, "there is little possibility of expanding the program." He explained that a lack of financial resources make enlarging the program unfeasible.



Photo by Bob Yates

¡Ole!

On Friday, September 20, LA RAZA hosted its "16 Septiembre" Independence Day celebrating in the Old Commons. More than 300 students attended. The theme of the event was "Independence through education." Highlights of the afternoon included music by Nueva Cancion.

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Much has happened to bar review since those easy going days of the '60's and early '70's: We've seen the exam move from August to July; we've been treated to the addition of the MBE's multiple choice questions; and we're now facing this challenging new beast the Performance Test. Notwithstanding all of these changes,



*For years I've said to myself that there's got to be a better way to pass the bar. Now with the Barrister Project's creation of BARPASSERS, that better way is here.*

the nationally-operated traditional bar review giants (BAR/BRI which since 1974 has been a subsidiary of a Fortune 500 company and BRC which has recently been sold to a European publishing conglomerate) still devote the great bulk of their time to substantive law lectures which are taught in large part by professors who although nationally recognized as scholars in their fields have little or no expertise in the special techniques which are necessary to master all three parts of the new and comprehensive California Bar Exam.

So what is available for the student who needs some extra help in technique? Well, if he needs writing technique, there's always a writing course — for an extra fee; or if she needs MBE technique, there are some fine MBE workshops — for an extra fee; or if he or she needs to sharpen performance skills there are several weekend clinics — for an extra fee. But the total bill for these extra courses could almost double the cost which the student pays for the basic course offered by the nationally-operated traditional bar review giants.

For years I've said to myself that there's got to be a better way. Now with the Barrister Project's creation of BARPASSERS, that better way is here.

BARPASSERS schedule is uniform throughout the state and is now firm for both winter '86 and summer '86 courses.

Substantive law preparation is always the first item of each week. The schedule is not subject to the vagaries of the travels of the transcontinental professors used by

the traditional giants because all of BARPASSERS substantive law sessions are pre-recorded and edited with state of the art big screen video technology in broadcast quality studios. This permits us the total freedom to design an intelligently paced and structured schedule for ease of understanding and maximum retention of the law presented. For example, the weeks alternate between subjects which are tough and subjects which are easier to grasp; all MBE subjects are presented up front leaving maximum time for hands-on practice. We have significantly redesigned the traditional bar review curriculum. For example, Remedies is not taught as a separate course, but as an integral part of Torts, Contracts, and Real Property. This may not be the way Remedies is tested in some of the other states in which the giant traditional courses operate, but it is the way Remedies is tested

in California and it is the only way the candidate for the California Bar Exam should approach the subject. Other course such as Criminal Law and Criminal Procedure, Wills, Trusts and Community Property, all frequent candidates for cross-overs, are taught in tandem.

After the substantive law sessions there's study time with a specially designed syllabus telling the student how to use that study time most effectively.

*We have designed an intelligently paced and structured schedule for ease of understanding and maximum retention of the law presented.*



And then at the end of each week, there are live workshops focussing on writing, MBE or Performance Test technique where the student gets plenty of expert guidance and plenty of time for hands-on practice, practice, practice... which is so essential to success and to making the bar exam a once in a lifetime experience.

All of these workshops — writing, MBE and Performance Test — are provided for the basic course price at no extra charge. Even more important than the price saving, however, is the integration factor. All parts of the course are put together so that there is no conflict between the substantive law sessions, the student's study time, and the technique workshops. BARPASSERS is able to offer this unique service because it is the only full service bar review course designed from the bottom-up for the new three part California Bar Exam and *only* for the California Bar Exam. BARPASSERS is not a national giant trying to produce a basic course which is then cut or expanded to serve local needs. That system may work well in states with high pass rates; the recent and shockingly low California rates demonstrate beyond a shadow of a doubt that the systems used by the national giants just do not work when they come up against the rigorous standards applied by the California Examiners to California's new three part comprehensive bar exam.

Compare BARPASSERS schedule with the schedules of the nationally operated traditional bar review giants and you'll see that BARPASSERS puts it all together in one package, under one roof, at one reasonable price.

If you want to pass the California Bar Exam, call BARPASSERS at our toll-free number: 1 (800) 2 PAS BAR (272-7227).

Sincerely yours,

James K. Herbert

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## Sexual orientation added as basis

# Board amends discrimination policy

BY BOB YATES

Editor-in-Chief

The official non-discriminatory policy of Hastings was amended by the Board of Directors at its meeting September 20 to include sexual orientation as a basis for discrimination. The language adopted by the Board was condemned, however, by representatives of the Gay Law Students' Association and Lesbians in Law as not going far enough to prevent sexual preference discrimination.

At a meeting characterized by several student presentations, the Board also discussed South African divestment and the selection of this year's commencement speaker.

The non-discriminatory policy amendment, submitted by the administration, adds sexual orientation to the list of enumerated discrimination bases which already include sex, religion, ethnic background, age, and handicap. An employer who discriminates, as defined by Hastings's policy, is not permitted to use the facilities of the Career Services Office, Director Myron "Doc" Etienne explained.

The amendment, however, only prohibits discrimination that is "unlawful." Lawful discrimination based on sexual orientation would presumably be tolerated by Hastings. The Armed Forces are legally permitted to discriminate based on sexual preference.

Etienne emphasized that it was

crucial to prohibit only unlawful sexual preference discrimination. Otherwise, he explained, Army, Navy, Marine personnel recruiting students for the Judge Advocate General's Corps would be barred from campus. He said that should Hastings refuse to permit the military to use the placement facilities, the school might endanger its right to federal funds.

Ed Power, spokesman for the Gay Law Students' Association, told the Board he opposed restricting the policy statement to only unlawful discrimination. "What we're trying to do is challenge Hastings' support of entities that discriminate," he said.

"The question has been: 'How much does the University have to do under the law?'" Powers explained. "But this is not the question that should be addressed. Rather, we should ask, 'How much can Hastings do to protect its students?'"

Power told the Board that the law schools at Harvard, Columbia, and NYU have adopted non-discriminatory policies for sexual orientation without regard to the lawful/unlawful distinction. Etienne countered, however, that those schools are affiliated with undergraduate campuses where military recruiters are permitted. Hastings has no other campus, he pointed out, and therefore the military would effectively be barred.

Directors Ralph Abascal and John Knox voiced approval of Etienne's proposal and the amendment, prohibiting



Photo by Jerry Everard

Third year class Representative Lynda Robisch presents the Board with a list of student choices for commencement speaker. Seated from left, directors Joseph Cotchett and Ralph Abascal, Dean Bert Prunty, and General Counsel Aletha Owens.

only unlawful discrimination, was adopted by the Board.

Another major item on the Board's agenda was discussion of the student-proposed divestment of the school's stock in companies doing business in South Africa. The divestment is urged to protest South Africa's policy of racist segregation.

Last spring the Board was presented with a three-point petition signed by 400 students urging divestment of the school's portfolio. At that time the Board sent the petition to the Committee on Finance for study and recommendations. Director Max Jamison,

chairman of the committee, said at the September 20 meeting that he was prepared to make a report to the Board. Before his report, however, Harriet Hawkins, spokesperson for the Hastings Anti-Apartheid Coalition, was permitted to address the Board.

Hawkins handed the board members a new 13-point petition and urged the board to take immediate action. The new petition contained several new demands not expressed in the earlier three-point petition including a demand that each Board member disclose his personal investments in companies doing business in South Africa and a demand that the Board support imprisoned South African Activist Leader Nelson Mandela as commencement speaker.

Board Chairman Harold Dobbs called the new petition "a brand new shopping list." He was joined by Jamison who said that the new demands "go far beyond what the committee was prepared to report on."

The Board agreed that the Committee on Finance should not give its report until the new petition could be examined. A new report on both petitions is scheduled for the Board's December 13 meeting.

The Board also discussed the selection process for choosing this year's commencement speaker. Third year class Representative Lynda Robisch presented the Board with a preliminary student list of speaker nominees and asked the Board to give tentative approval to the names. She said she wanted to determine whether the Board had objections to any of the nominees before the students voted on the list.

Dean Bert Prunty vigorously opposed the Board's granting of tentative approval saying that to do so would give students the impression that they have "veto power."

"I won't act on any list under any circumstances unless there is input from faculty and alumni," Prunty said. "I don't think anything should lurk through this meeting to give the senior class any idea that it has any veto power."

Despite Prunty's objections, Director Joseph Cotchett urged the board to "give a nod of approval to the list." The Board passed a motion stating that it "has no objections-with these names with the understanding that additional names may be supplied by the alumni and faculty."

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