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UC Hastings College of the Law

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hastings law news

Vol. 19, No. 4

Hastings College of the Law

San Francisco, California

January 14, 1986



We missed our queue

This semester for the first time in recent memory there were no early-morning long lines at Add/Drop. For the details on how this miracle was pulled off, see the editorial on page 6.

Photo by Jim Partridge

Faculty vote scheduled for Friday

Journals face sanctions if publish late

BY BOB YATES

Editor-in-Chief

If the proposals submitted by the faculty committee reviewing the school's law journals are approved Friday, the journals must publish "on time" by next year or face sanctions.

The Ad Hoc Faculty Scholarly Publications Committee was created early last semester by former Academic Dean Wayne Woody. The committee was to investigate two perceived problems in the administration of the journals: tardy publication and a low percentage of students who publish student notes.

The committee completed its review in mid-November and submitted five proposals for changes in the operation of the journals to the faculty. The faculty is scheduled to vote on the proposals on January 17. If approved, the new procedures will take effect immediately.

(For an abridged text of the proposals and the reaction of one of the journal editors, please see page 7.)

Perhaps the most controversial of the proposals is Proposal II. It requires the journals to take steps "to place themselves on a schedule of timely publication." As of early last semester, the journals were from four to nine months behind schedule in publication. If the journals fail to publish "on time" by the end of the 1986-87 academic year, actions will be taken in the way of "sanctions and increased faculty control."

Committee chairman Professor David Levine said that specific sanctions have not yet been considered by the committee. He said, however, that withholding credit from journal editors who fail to comply is a possibility.

"We're putting the journals on notice that by the end of 1986-87 they must be on time," Levine said. "Reduction of credit could be talked about. But we don't want to be in the position of holding specific punitive threats over them."

Proposal III reduces the number of credits some journal participants may receive by one unit. Second-year students will still earn two credits for their participation, but third-year editors will receive one credit less than they currently earn. Students will be permitted to regain the lost credit by successfully publishing a student note.

The fifth proposal will change the timing of the first-year writing competition for journal selection from spring break week to the first week of summer. In a preamble to the proposals, the committee wrote that holding the writing competition during spring break "is excessively disruptive of the schedules of the first year students at a critical time in their career [sic]." According to Levine, if the proposals are approved on January 17, this year's writing competition scheduled for the week of March 10 will be postponed.

ASH demands apology for handling of Brennan lecture

BY BOB YATES

Editor-in-Chief

An estimated 600 students crammed the Louis B. Mayer Auditorium November 18 to hear Supreme Court Justice William Brennan speak at what the administration acknowledges was a poorly-planned Tobriner Lecture. Many more were turned away at the door and ASH is now asking the administration for an apology.

Although Brennan was scheduled to speak at the Third Annual Tobriner Lecture several months in advance, students were not informed of the date, time, and location of the lecture until five days beforehand. On the day of the lecture, students began to fill the seats in the auditorium about three and a half hours before the lecture was to begin. The front two-thirds was reserved for guests invited by the administration. Students quickly filled the approximately 150 seats in the back third of the auditorium and were soon standing in the aisles.

Two hours before the lecture was to begin, Director of Security Robert Owens announced that all students were to leave the auditorium for

security reasons. When students refused to leave, Owens promised that if they left he would soon let them back in and that students could sit anywhere but the first two rows. Students reluctantly left and the auditorium was closed.

By the time students were permitted back into the Mayer Auditorium an hour later, hundreds had crowded into the Hyde Lobby. Students again were allowed only to sit in the back third of the auditorium. An overflow crowd of more than 400 filled the aisles and back of the auditorium five deep and dozens of students crowded onto the balcony.

Before Brennan began his speech, "In Defense of Dissents," he acknowledged the large crowd and said that what he was going to speak on was "for the students."

After the lecture ASH officers and representatives drafted a resolution asking the College administration to publicly apologize for the mishandling of the event.

Dean Bert Prunty acknowledged that the lecture was improperly handled but said that the

(continued on page 2)

How journals would be affected . . .

	Currently	If proposals adopted
Proposal I	Faculty Committee was to dissolve this semester	Committee will continue through '86-87 and supervise progress of journals.
Proposal II	Journals have self-imposed goals for timely publication. As of early last semester, were four to nine months behind schedule.	If not "on time" by May 1987, sanctions or increased faculty control possible at Committee's discretion.
Proposal III	Second-years: 2 credits Executive Board: 4 credits Other editors: 2-3 credits No extra credit for publishing	Second-years: 2 credits Executive Board: 3 credits Other editors: 1-2 credits Extra credit for publishing note*
Proposal V	Writing competition at spring break. No grade-on without writing for some journals.	Writing competition in summer. Grade-on without writing.

* Proposal IV provides for a narrow exception in the case of preemption.

Bird appointed academic dean

Associate Dean Gail Bird has been appointed to temporarily fill the gap created when Academic Dean Wayne Woody was dismissed last fall. Bird will serve as acting academic dean until the Board of Directors decides whether it will make a permanent appointment.

Dean Bert Prunty explained that the Board, along with the faculty, is studying the position of academic dean to determine whether the post should be maintained. The academic deanship, which was created in 1979, is being examined by two committees, one headed by Professor Stephen Schwarz, the other led by Board member John Knox.

"I would very much like to have the matter resolved by the next Board meeting in March," Prunty said.

Prunty said he feels the position of academic dean should be maintained in some form or another. "The need for the custodianship of the academy is obvious," he said. "The title is not

important. What is important is the description of the job and the person who holds it."

Bird moves into the position of academic dean after serving a semester as associate academic dean. She is the fourth person to hold the position following Prunty, who served in 1979 and 1980, Barbara Caulfield, who acted as interim dean in 1981, and Woody, who was appointed to the post in July 1981.

Prunty said that if the Board decides to name a new academic dean, Bird will probably return to her position as associate academic dean. "Gail Bird is a super person," he said. "She is doing this as a service to the College."

No one will be formally appointed as associate academic dean while Bird serves in her new temporary position. Prunty noted however that three former associate deans, professors Schwarz, Richard Cunningham, and Mary Kay Kane, have agreed to informally assist Bird.

in brief...

Financial aid procedures

All financial aid recipients need to sign for their financial aid awards during the first week of spring semester. This process will take place in the Louis B. Mayer Student Lounge (Old Commons), during the week of January 13 through 17, from 7:30 a.m. through 1 p.m. daily. All financial aid recipients are required to sign for their awards and will receive their checks (if appropriate) during this week.

Support starving law students

ASH is holding its semi-annual Book Exchange every day this week from 10 a.m. to 3 p.m. in the pingpong room, basement 198 McAllister. Come in and buy used casebooks from fellow students at a fraction of the new book price. Students wishing to sell books should drop them off at the Exchange Monday and Tuesday of this week.

Spring schedule changes still available

Students may still make schedule changes through January 17. No appointment is necessary. Just come in to the Records Office.

Loan deferments

Loan deferment forms should be brought to the Records Office immediately so they can be processed.

It's a short week

There will be no classes Monday, January 20 in observance of Martin Luther King's birthday. Take advantage of the three-day weekend and start working on those outlines. It's never too early to start.

Graduation checks completed

Preliminary graduation degree checks are in student folders at the Student Information Center. If you are planning to graduate in May and have not received a degree check, please contact the Records Office immediately.

Tuesday is Newsday

The *Hastings Law News* will be published the first Tuesday of every month during the spring semester. The next issue will be published Tuesday, February 4. Deadline for submission of articles and letters is this Friday, January 17.

Apology

(from front page)

administration will make no formal apology.

"An apology is not appropriate," Prunty said. "I regret the handling of the situation. Some things happened that ought not to have happened. For example, students should not have been asked to leave [the auditorium]."

The dean said that Jack DeBias, assistant to the academic dean, supervised the planning of the lecture. Prunty explained that DeBias had never planned the Tobriner Lecture before and had no information on the planning of previous lectures.

"The principal problem was that we had a new person responsible for it," Prunty said. "He did a good job considering he had no leadership."

"No one anticipated the drawing power of Bill Brennan," the dean added. "We simply weren't prepared for it."

Prunty acknowledged the fact that invitations were sent to the editors of the *Hastings Law Journal* but none of the school's other three journals were invited.

"There were mistakes made in handling the invitations," he said. "There was no intent, just oversight. That will never happen again."

DeBias said that he was surprised at the anger expressed by students over the handling of the event. He said he hopes students understand the difficulty in planning the lecture without any prior experience.

"I wonder if people had all the salient facts before them, if they'd be that angry," DeBias said. "We're dealing with human limitation. We're asking for some indulgence and some understanding."

Prunty promised that next year the Tobriner Lecture will be handled differently to ensure more students are permitted to hear the speaker.

"We can't control student interest," he said, "but we can do a hell of a lot better job than we did."

ASH President Donna Cole-Wallen said that in light of Prunty's refusal to apologize, ASH would be willing to accept a "recognition of student dissatisfaction" published in the *Hastings Weekly*. She said that if such an acknowledgement is not published, she will consider taking the ASH resolution outside the school to the committee that supervises the funding of the Tobriner Lecture.

Hastings third in state

Bar pass rate up

The school's bar pass rate for the most recent exam rose to 77 percent, the third highest rate in California. This year's rate represents an increase from the 1984 rate of 68 percent when the College was fifth in the state.

(Note: Unless otherwise indicated, all numbers refer to pass rates for the first attempt.)

The LEOP pass rate at Hastings also showed a marked improvement over last year. Of the 35 LEOP students who sat for the exam, 16 passed, giving a pass rate of nearly 46 percent. The school's non-LEOP pass rate was 79 percent.

Among the ABA-accredited law schools in California, the pass rate was 62 percent. Stanford and UC Berkeley both had higher pass rates than Hastings, posting totals of 90 percent and 82 percent, respectively. This year, however, Hastings edged UC Davis and USC; both schools had higher pass rates than Hastings in 1984.

A total of 466 Hastings graduates sat for the July 1985 exam, and 308 passed. The pass rate for Hastings graduates repeating the exam was 28 percent.

July 1985 Bar pass rates

Hastings

First attempt	77.2%
LEOP	45.7%
non-LEOP	79.4%
Repeat attempts	28.3%
1984 First attempt	68.2%
1983 First attempt	80.8%
1982 First attempt	76.6%



ABA-accredited schools

Stanford	90.1%
UC Berkeley	82.2%
Hastings	77.2%
UC Davis	75.6%
USC	70.7%
UCLA	68.4%
McGeorge	66.9%
Santa Clara	58.8%
San Diego	57.0%
Loyola	53.9%
Southwestern	51.6%
USF	49.4%
Pepperdine	48.4%
California Western	41.0%
Golden Gate	35.0%
Whittier	33.8%

Information provided by the State Bar of California and Hastings Records Office.

Five Professors granted tenure

All five professors up for tenure review at the December 4 faculty meeting were granted tenure, according to acting Academic Dean Gail Bird. Bird said that the awards of tenure must be ratified by the Board of Directors at its March meeting.

The professors who received tenure were:

John Diamond
Herbert Hovenkamp
Daniel Lathrope
Kelly Weisberg
Keith Wingate

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"Who says you can't get the Best, for less?"

Law News survey

Third-years: Administration ignores student opinion

BY ANNE O'REILLY

Eight out of 9 third-year students responding to a *News* survey said they believe the College's administration does not respect student opinion. The six-question survey, which was conducted in November, was designed to gauge attitudes of students who are in their third year at Hastings. More than one-third of the Class of '86 responded.

Only 12 out of the 161 respondents said they believe that the administration respects the opinion of students. In a related question, respondents were asked to rate the administration's concern for students on a scale of 1 to 5, with 1 being the lowest. Nearly half rated the administration's concern at 1 and more than one-third rated it at 2.

Respondents were asked to judge, from a list of issues, which matters the administration considers most important. About half answered that they feel "national reputation" is the school's highest priority. But one out of seven respondents said they believe that "works of art on campus" is the primary concern of Hastings administrators. None of the students responding considered student services, Moot Court, or the law journals as the foremost concerns of the administration.

Although the school's administration fared poorly in the survey, a majority of the respondents seemed generally pleased with the College as a whole. Given the opportunity to "do it all over again," five out of six students said they would go to law school. Of those, 65 percent said they would again go to Hastings.

Nearly three out of five students said they would recommend Hastings to someone interested in attending law school but less than one-quarter of the respondents said they plan to contribute money to the school as alumni. Seventy percent said they will not contribute.

In addition to the six questions asked in the survey, students

KGO television building donated to College

The number of buildings owned by Hastings was increased to 12 last month with the donation of the old KGO television studio on Golden Gate Avenue.

The five-story structure was donated to the College by the American Broadcasting Co. after local television affiliate KGO vacated the building and moved to a new studio near The Embarcadero. Located next door to the north end of the school's 198 McAllister Street building, the donated property is worth an estimated \$5 million.

College administrators have not yet announced any formal plans for the 52,000-square-foot building.

A special report on the KGO building and the other properties owned by Hastings will appear in the February 4 issue of the *News*.

Hastings slips to 19th

Hastings is now ranked 19th among the 175 ABA-accredited law schools, according to the 1985 edition of the widely-cited *Gourman Report*. The new ranking represents a slip of one position for Hastings from the last edition of the rating service. In 1982, Hastings was ranked 18th.

The *Gourman Report*, published by National Education Standards, seeks to score law schools on more than a dozen factors including faculty qualifications, admissions requirements, school administration, and curriculum. Although Hastings' overall score increased slightly from 4.45 in 1982 to 4.48 in the current report, three other law schools, the University of Texas, Iowa, and Georgetown, moved into the top 20 displacing SUNY-Buffalo and Boston University.

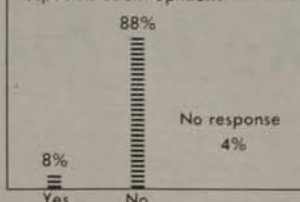
The *Report's* author, Dr. Jack Gourman, said that the rating is widely used for recruiting by some of the nation's

largest law firms. "I give Hastings a high recommendation to any law firm that contacts me," Gourman said.

The 1985 rating of the nation's top 20 law schools is indicated below. Parentheses indicate 1982 ranking.

- 1 Harvard University (1)
- 2 University of Michigan (2)
- 3 Yale University (3)
- 4 University of Chicago (4)
- 5 UC Berkeley (5)
- 6 Stanford University (6)
- 7 Columbia University (7)
- 8 University of Pennsylvania (8)
- 9 Duke University (9)
- 10 Cornell (10)
- 11 New York University (11)
- 12 University of Texas (23)
- 13 UC Los Angeles (13)
- 14 Northwestern (12)
- 15 University of Virginia (16)
- 16 Vanderbilt (14)
- 17 Iowa (32)
- 18 Georgetown (24)
- 19 Hastings (18)
- 20 University of Minnesota (22)

Do you feel the administration respects student opinion?



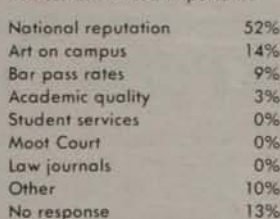
were also invited to write comments.

Several students issued rather bleak declarations which reflected on their entire law school experience. One student wrote, "Coming to law school was the worst single decision of my life." Another stated, "These three years of law school will soon be an unforgettable nightmare."

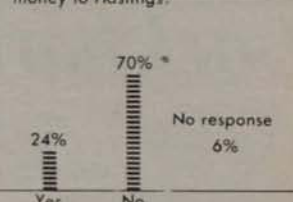
The majority of the comments, however, focused on specific issues such as contributing money to Hastings, the school's art collection, and the administration's attitude toward students. Nearly all were negative.

"I will never contribute money to a general fund," one student wrote, "the administration seems to be following a policy designed to alie-

What do you think the administration considers most important?



As an alumnus, will you contribute money to Hastings?



nate potential alumni."

Concerning the art collection, one respondent stated, "When there are so many problems to address, I find it extremely pitiful that the administration's 'crowning achievement' is an art collection." Another asked, "Are we a museum or a law school?"

Comments regarding the administration's attitude toward students shared a common negative theme. "It's too late to win me as a loyal alumnus," one student wrote. "It's time the school stopped treating its students as the 'enemy' and started respecting them for what they are: the reason for the school's existence."

InfoTrac is on-line

BY DAVID GINN

The Library now has a fast and easy way to find law review and magazine articles on any topic. The new InfoTrac system utilizes state-of-the-art video-disc search and retrieval technology to make legal research a matter of pressing a few buttons.

InfoTrac is like a "computerized card catalog" which provides a quick means to get a listing of all the articles written on a particular topic. Topics can be searched in either of InfoTrac's two databases, LegalTrac and InfoTrac. LegalTrac database contains citations to over 800 domestic and foreign law reviews, bar journals and legal newspapers. InfoTrac database has citations to more general magazines and newspapers such as *Time*, *Newsweek*, the *Wall Street Journal* and the *New York Times*.

InfoTrac is not a full text system like Lexis or WestLaw. InfoTrac only lists the name, article title and citation. You still have to go to the shelf to get the article you want. Another limitation with InfoTrac is that it only lists articles indexed after 1980. A representative from Information Access Co., the company who produces InfoTrac, stated that there were no plans to put older citations on the videodisc. Instead, Information Access Co.'s goal is to provide monthly updates to the system, so that the information on InfoTrac is the most current available.

Using InfoTrac is simple; no manual or training sessions are necessary, and all the commands are written right on the keys. All you do is type in the word you want InfoTrac to

look for, push the button labeled SEARCH/ENTER, and in about five seconds, the computer will show you all the articles under that topic, as well as some references to other subjects. If you want to delve deeper into your topic, or branch off into another area, all you have to do is move the pointer on the screen to the reference you want and push SEARCH/ENTER again. If you find you've gotten lost or off focus, a push of a button labeled "Back Trac" will lead you step by step back to your original topic.

Printing out references is also a matter of pushing a button. Faster than you can say "for-

ward triangular reorganizations," the printer attached to the terminal will print out not only the citation, but also the subject heading you found it under. When you are finished searching and printing out references, you will find yourself with a neatly printed bibliography on your topic.

Linda Weir, public services librarian at the Library, said that students really like the new system. "The response from students has been fantastic," she said. She added that user surveys show that most people who use the system feel it saves them a lot of time and the information they obtain is relevant to their research.



InfoTrac, located on the fourth floor in the Library, provides instant reference to over 800 periodicals.

Photo by Jim Partridge

features

Lockhart keeps Nike in business

This is the fourth in a seven-part series on the members of the 65 Club.

BY NANCY GEORGIU
Features Editor

Undoubtedly, the thickest volume that a Hastings student ever has to carry is Professor William Lockhart's constitutional law textbook. Familiar to the Hastings student population in his suits and Nike tennis shoes, "Wild Bill" Lockhart is living testimony that age does not necessarily slow one down.

Lockhart came to Hastings by invitation after teaching more than 35 years at law schools in the East and Midwest. "I was invited to Arizona State and Hastings," he reflected, "and I visited Arizona State first. I found Hastings to be a far more exciting environment. There was a young faculty here, which made it interesting, and I also had friends on the faculty."

Lockhart attended Drake University as an undergraduate, and then continued on to Harvard, where he obtained his masters and law degrees. Upon graduating from law school, he worked in general practice for four years.

"During that fourth year," he said, "Drake had an emergency opening for faculty. They asked me to go teach

there. I taught general subjects, including torts and taxation.

"Of course," he clarified, "back then, it was the closest constitutional-type area we had. And taxation wasn't what it is now."

Upon hearing of his teaching post at Drake, Harvard Law School sent him an invitation to return to Cambridge.

"They asked me to come back to the top teaching position," Lockhart laughed. "I said no."

But in 1938, persuaded by fellow professors, Lockhart accepted Harvard's offer and moved to Cambridge. His tenure at Harvard was short. The following year he headed west to Stanford where he taught until 1946, taking out three and a half years during World War II. Again Lockhart moved, this time back to the Midwest where he spent 28 years teaching at the University of Minnesota.

"Choper and Kamisar [co-authors of the constitutional law textbook] were on the faculty there," he explained. "When I decided to write the textbook, I hired them. It took about a year to a year and a half to put together the first edition."

During most of his time at the University of Minnesota Lockhart held the position of dean of the law school as well as professor. In 1974, at the age of 68,

he retired.

However, this was only a temporary absence from the academic world, as it turned out. Hastings beckoned him westward, and once again, Lockhart picked up and moved to the Bay Area.

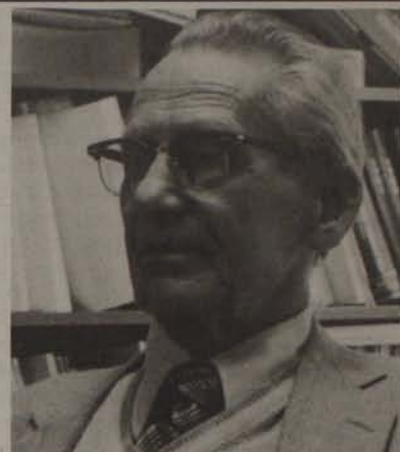
Lockhart said he has seen many changes in the law and in the legal profession during his six decades in the academic community.

"In the 1960s there was a shortage of lawyers," he said. "Students could pick and choose over what areas of law they wanted to get into. There seemed to be less concern over getting a job. Now, it seems that people's concerns are towards money. They also can't pick and choose too much."

"Of course," he added, "the good students can still do that."

Lockhart said he believes that the business and commercial world has been influencing students' decisions. "The popular area 15 to 20 years ago seemed to be public interest law," he observed. "Now, people appear more interested in business law careers, although there is still representation of the public interest faction."

Lockhart said he is currently busy updating his textbook, *Constitutional Law*, and anticipates the sixth edition to



Professor William Lockhart

be out in March.

Allowing an impish smile to slip across his face, Lockhart added, "I'm also working on the yearly supplement, as well as working on the two spin-off books. One of those books, *American Constitution*, is used mainly in political science courses."

Despite all the time he spends writing and editing, Lockhart said he manages to find the time each year to travel back with his wife to their summer home in Minnesota.

"We have a summerhouse on a 21-acre island there which has been in the family since 1926," he explained. "We go back there every summer. I'm the chief maintenance man."

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'The Fish' is lured to law

BY DANIEL SMITH
Staff Writer

Here's one for trivia buffs. Which '60s rock 'n' roller is now a San Francisco attorney? Are you stumped? The answer is Barry Melton, a founding member of Country Joe and the Fish.

The road from performing artist to attorney was a long and unusual one for Barry Melton. Raised in New York and Southern California, Melton began playing guitar at age 5½. He moved to San Francisco in 1964 and enrolled in San Francisco State University intending to major in pre-law. This was, Melton thought, to be the first step in fulfilling a longtime dream of becoming an attorney.

His stint at SF State lasted only one semester, as Melton dropped out to play music full-time. In August, 1965, Melton formed Country Joe and the Fish with Joe McDonald, another local musician. McDonald was "Country Joe" and Melton was "the Fish." The group started out as a folk duo. One of their first engagements was with the Students for a Democratic Society, playing at the first campus "teach-ins" against the Vietnam War.

In 1966, Country Joe and the Fish made the jump from acoustic folk band to electric rock band. The change brought the social issues spoken to in the lyrics to the attention of the main record buying public — the youth of America. Barry Melton made the leap from protest singer to pop star in one year.

Country Joe and the Fish appeared at the Woodstock music festival in 1969, and performed on some of the tracks on the Woodstock soundtrack album. In 1970, however, the band broke up.

That same year Melton registered as a law student with the California Bar Association after passing the College Equivalency Test. He said he thought studying law at home would give him an opportunity to spend

more time with his wife. He signed up for a law study correspondence course and hit the books. This lasted less than nine months. Columbia Records called with an offer Melton couldn't refuse. He put together a band and was soon on the road again as a solo artist.

He continued to tour and make records until 1977. That year was a turning point for Barry Melton. He resolved to go through with his legal education. He found that his registration with the California Bar and the correspondence course were still valid. He dusted off his law books and began to study in earnest. In the music business, however, the road means money. The road sells records and pays the bills. Barry Melton went back on the road but this time he took his law books with him.

He studied law every free minute he could spare. On the road, when he wasn't performing, doing interviews, recording, or doing sound checks, Melton was locked in his hotel room with his books. When he returned to San Francisco, Melton would go to Lake's Law Books on McAllister Street and buy everything Hastings was using at the time. He finished the correspondence course in January 1982 and passed the California Bar Exam on the second try.

Melton is now a partner in the Haight Street firm of Melton, Duncan and Hirshbein. One of his partners, Dan Duncan, also came to the law from the world of rock 'n' roll. He was formerly the road manager for John Lennon and Yoko Ono and also for Herbie Hancock.

With all this past experience in the music business, you could expect that Melton and his partners would derive most of their business from entertainment law. They actually do only about 30 percent entertainment-related work. Melton said he has also become a good juvenile criminal lawyer, because the court appointments in this are consistent and he enjoys working with the kids.

Melton said he believes that law schools fail to teach new attorneys basic business principles needed to run a successful law practice. "A lot of attorneys make the fatal mistake when they start up their own practice of emphasizing making money over creating successful relationships which will help build their business," he explained. "The same principles which apply to running a good law office apply to running any business, a music business, a restaurant or anything else." Melton said he feels that law schools would greatly assist their students by offering courses which teach new attorneys basic principles of good business.

What about Barry Melton's music? It is still there, but has taken a back seat to his legal career. Melton still performs around the Bay Area frequently. He is a member of The Dinosaurs, a local band made up of former members of several well-known '60s rock 'n' roll bands. When The Dinosaurs play without keyboardist Merle Saunders, formerly of the Saunders/Garcia Band, the outfit is known as Fish and Chips. Barry Melton is again the "Fish." "Chips" is John Cipolina, formerly lead guitarist for Quicksilver Messenger Service. Melton also has his own band and recently performed with David Crosby. He says, however, that he will never be a serious touring musician again. "It would take a great amount of money," he said, "to get me to go back on full tour again."

Melton said he enjoys his dual careers despite the long hours. He explained that the two fields speak to two different needs in his personality.

"Music is suited for a young man, it is geared to the emotions. It is a giant emotional release. Law is an intellectual endeavor."

Melton said he has come to enjoy his music more than he ever did before he started his law practice. "The combination of the two is great," he said, "because I get paid for both."

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Proposals made without adequate investigation

The proposals

- I. That the Faculty Ad Hoc Scholarly Publications Committee be continued through the spring semester 1986 and the academic year 1986-87.
- II. That the four Hastings scholarly publications be required by the end of the academic year 1986-87 to place themselves on a schedule of timely publication. A publication is "on time" when, in the case of issues bearing the month of publication, it is distributed during that month. In the case of an issue bearing a season of the year as publication date, the issue is "on time" when it is distributed by the last day of that season. If timely publication is not substantially achieved by any journal, the Committee may at that time recommend to the faculty that particular actions be taken in the way of sanctions or increased faculty control.
- III. A student who participates on a journal during his or her second year of law school shall receive two units of credit for the performance of all duties including the writing of a note that is deemed by the Executive Board to be of "publishable quality."

Additionally, any student who actually publishes a note shall receive one additional unit of credit in the year in which it is conclusively determined that the note will be published.

For purposes of receiving credit, a number of third year law students, not to exceed seven per journal, may be designated by each journal as members of its Executive Board. These students may receive three units of credit.

Other third year law students who actively participate on a journal or occupy an editorial position, but not as members of the Executive Board, shall receive one or two units of credit for such participation, the number of units awarded to be in the discretion of the editor-in-chief.

IV. In exceptional cases a student may receive one unit of publication credit for the completion of a note which has been deemed worthy of publication, but has been preempted by another publication.

V. No scholarly publication may begin a writing competition for the purpose of selecting new members earlier than the day following the last scheduled examination day for the spring semester preceding the academic year for which the selection is to be made.

No scholarly publication may require that students who would ordinarily be selected on the basis of grades must additionally participate in a writing competition as a prerequisite to invitation to join that scholarly publication.

A year of progress

BY DONNA G. COLE-WALLEN

What is student government? Student government is an elected group of individuals who share a common interest. That common interest being to improve their school. "Improve" can mean many different things to the individuals involved, which is why student government often gets bogged down in determining what it should and shouldn't do, rather than doing.

This year ASH, through the hard work of its officers, representatives and other interested friends has attempted to get beyond philosophical haggling in order to produce actual improvements. Hopefully, each small project will contribute toward the overall picture of an efficient, effective and responsive student government.

ASH has been "doing" this year! This past semester ASH completed the budget and faculty-student committee appointments in record time. We established five internal committees: Academic Policy, Student Services, Arts & Recreation, Communications & Public Relations and Special Issues. ASH conducted first-year elections in time for the second ASH meeting and helped coordinate the third-year class committee elections. We started creation of by-laws, initiated the Inter-Student Group Planning Committee meetings, sponsored a topical discussion of the LEO Program. On our own and with the help of other student organizations ASH sponsored events such as the Information Fair (with Student Services and the ABA/LSD), Book Exchange (with the Child Care Center), Movie Night, Aerobics Classes (with two different instructors, four nights per week), Battle of the Bar Review Courses (with ABA/LSD), beer bashes and IM Football. ASH was instrumental in getting the Escort Service off the ground and in aiding the Alumni Board of Governors to endorse the third-year class commencement speaker choices. ASH completed a report on student concerns at Hastings and conducted a student survey with over 1000 responses (results to come soon). In addition, ASH passed numerous motions, including the Tobriner Lecture Resolution.

This spring, Hastings students can look forward to the Book Exchange, Coed IM Softball, the Inter-Student Group Planning Committee, a major fundraising event including a raffle and Monte Carlo night, completed by-laws and a petition and election to increase student fees in order to increase the ASH budget.

ASH is attempting to be the type of student government all students can be proud of. While we can't accomplish drastic changes in school policy or service provision overnight, we can and are trying to do as much as possible to improve Hastings. If you feel that there is an issue, service or event that we could be working on, please let us know.

Donna G. Cole-Wallen is the president of ASH.

The response

BY W. P. KEANE

The Ad Hoc Faculty Scholarly Publications Committee is more commonly known as the "Faculty Journal Review Committee." This latter title, however, is a misnomer. The Committee in fact has "reviewed" very little. The Committee's "review" last semester consisted of asking the four journals for written responses to a series of statistical, superficial questions on topics such as unit allocation to members, publication schedules, and number of student notes published. The four editors-in-chief also were given one two-hour meeting at which to appear personally before the Committee. Never were the journals asked about internal operations, such as editing policies, the quality of article manuscripts received, or the evaluation process for student notes. These circumstances should cause the journals to ask one question of the Committee that the Committee did not ask of the journals: Why?

Put simply, the Committee members appeared to have unshakable preconceived conclusions about the journals. Among the most egregious misconceptions were that the journals are guilty of "chronic tardy publication," primarily because they over-edit, and that third-year executive board and non-board participants who do not publish their notes or comments are receiving too much credit. Much of what the Committee is recommending for faculty approval was non-negotiable from the start. As a result, there was a notable lack of fact-finding to determine whether these conclusions were in fact true, or whether there was a causal relationship between any of the factors.

It is no secret that the father of the "timeliness/over-edit" complaint is Committee chairman Professor Hovenkamp, who is obsessed with the idea that a journal's prestige is directly linked to its timeliness. In an October 11, 1985, Committee memorandum to the editors-in-chief, Professor Hovenkamp stated that "[t]o put the matter bluntly, many articles that appear four months late are simply unread" Really, professor. In fact, an informal October survey showed that the last issue of each of the law journals of the nation's top 20 schools on the average was more than four months late. *HLJ*'s first of six issues this year was four months late; the other issues will be between one and three months late. The other journals' publication schedules reflect a similar pace or are not far behind, with showings of recent improvement. We have never denied that there is room for improving our publication schedules, but there seems little to warrant the threat of "sanctions" if "timely" publication (defined by the Committee as publishing within the month or season of an issue's cover date) is not achieved by May 1987. Ironically, the Committee made absolutely no inquiry into the steps and procedures that current boards already have instituted to ensure that the journals' self-imposed goals for timely publication are met.

Related to the timeliness issue, one of Committee's suggestions is a "reduction in the number of hours devoted to editing or rewriting . . . article[s]." It is also no surprise that some of the Committee members, again led by Professor Hovenkamp, who published in *HLJ* two volumes ago, believe that the journals over-edit. In fact, most of the Committee members have never published in *CLQ*, *Comm/Ent*, or *HICLR*. The only Committee member to publish with one of the journals in the last year is Professor Levine, whose article will appear in *HLJ* this month. Professor Levine has said that, in fact, he was very pleased with the editing of his article. Furthermore, the Committee asked nothing about the journals' editing policies and operations. Considering the committee's lack of first-hand experience with the journals' editing policies and the depth of the questions asked of the journals last semester, one reasonably can conclude that the Committee knows very little about the internal operations of the journals.

A second blunder the Committee has made from its inception was its belief that giving students an extra unit for publication requires that all non-publishing students lose a unit in their third year. This is especially unfair to the journals' executive board members, who forego part-time jobs and other opportunities to spend anywhere between 30 and 70 hours per week to manage sizeable organizations that transform professors' rough-draft manuscripts into publishable works. How can the Committee argue that these board members need "motivation," which is the purported purpose for offering an extra unit to students who publish?

This article is intended to raise only a few of the concerns that we have had with the faculty's "review" of the journals thus far. These questions and concerns must be asked of faculty members — by students — so that the faculty's vote on the Committee's recommendations can take place in an informed and cooperative environment. Additionally, we hope that the Committee will do more of its homework before it makes any further recommendations in the future. This article also has another purpose: to communicate to the faculty the journals' one unshakable position. We will not accept, under any circumstances, "increased faculty control," which the Committee suggests as a potential sanction if the journals do not satisfactorily meet the Committee's publication deadlines. Such action would blatantly ignore the by-laws of these organizations as well as the principles upon which student-edited law journals were founded. The mere suggestion is an insult to those students whose diligence and dedication enables this law school to continue to be represented by four law journals with national reputations for excellence.

W.P. Keane is the editor-in-chief of the Hastings Law Journal.

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