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hastings law news

Vol. 19, No. 7

Hastings College of the Law

San Francisco, California

April 1, 1986

Spring break in Nicaragua

A delegation of UC students just returned from a two week fact-finding tour of Nicaragua. Hastings was represented by third-year student Lynette Parker. Far her perceptions of Nicaragua and its future, see story, page 3.

Administration may have made unauthorized fee increase

BY BOB YATES Editor-in-Chief

Dean Bert Prunty may have initiated a student fee increase in 1984 in violation of the Regulations of the University of California. If it is determined that such a fee increase was unauthorized, Hastings students may, as a group, be currently overpaying tuition by \$6000 per year.

The fee in question is the "incidental fee" collected from each student in the fall semester. The fee is used to support such activities as ASH, LEOP recruitment, and the Child Development Center. In 1984, Prunty initiated an increase in the incidental fee from \$42 to \$46. No student vote was taken on the matter of the fee increase or its appropriation. Prunty directed the \$6000 generated annually by the increase to the Child Development Center.

A legal memorandum, obtained by the Law News, written by former General Counsel Aletha Owens to Prunty states that no increase in incidental fees is permitted without a student vote.

In the memo, dated August 28, 1985, Owens explains that with respect to incidental fees, "the College has followed the University of California Rules and Regulations since 1978." Under the University of California Regulations applicable in 1984, the incidental fee was divided into two categories. "compulsory fees" and "voluntary fees." Both, she explained, had to be approved by a student vote.

Rule 62 of the Regulations states: "Compulsory fees may be established only following an election in which two-thirds of the voting pool, as specified prior to the election in campus regulations, vote in favor of compulsory fees."

Rule 34,132 states: "The voluntary fee is collected following an election in which a

substantial number (as specified by the Dean in advance of the election) of students participate. At least a majority of those voting must vote in favor of the collection of the fee."

In her memo to Prunty, Owens explains that the last time students voted for a change in incidental fees was in 1977 when the fee was increased from \$40 to \$42. No student vote was taken on the 1984 increase.

In an interview, Prunty acknowledged that no student vote was sought before he initiated the 1984 increase. He said, however, that he is uncertain whether a student vote was required.

"There was no student vote to my knowledge," Prunty said. "However, I don't think the process was as clear as it seems."

"There was no attempt by anyone to circumvent the process," he said. "The Regulations are and were ambiguous. In the future, we don't plan to impose further fees of this kind without a student vote."

The current general counsel, Max Jamison, said in a statement that regardless of the method of initiating a change, all Child Development Center fee increases have been approved by the Board of Directors.

Jamison, who was a member of the Board of Directors at the time of the 1984 increase, said he doubts there was a student vote. "I don't think there was a vote on that particular increase," Jamison said. "What they [the Board] relied on was the initial vote of the students setting up the Child Development Center [in 1977]."

At its meeting March 21, the Board of Directors approved a new Regulation, again specifying that a student vote must be sought before increasing incidental fees. The new Regulation, however, states that only a simple majority of students voting are needed for an

ASH budget increase in students' hands

BY MARIANNE BOWERS
Staff Writer

A referendum to increase the student incidental fee by \$10 will be included on the ballot in this week's election. If approved, the fee increase would generate about \$15,000 to be distributed by ASH to student organizations.

A committee co-chaired by second-year students Steve Elie and Manny Miranda was formed early this semester to put the referendum on the ballot. According to Elie, the committee was formed to address the fact that this year ASH had only \$12,000 available to distribute to 37 student organizations requesting \$32,000.

Currently, ASH receives \$6 out of the \$46 incidental fee collected from each student in the fall semester. The remaining \$40 goes to support the

Child Development Center, LEOP recruitment, and other campus activities. According to Fiscal Services Analyst Jack Padilla, ASH's share of the incidental fee has not increased since 1977 when the allotment went from \$5 to \$6.

Elie, who is running for ASH president in this week's election, explained that if the fee increase is approved, he would like to see most of the additional funds allocated directly to student organizations. He said that the job of allocation will be up to next year's ASH Finance Committee

subject to approval by the entire ASH council.

Third-year ASH representative David Mongan said he is opposed to the fee increase at this time

because he said he is dissatisfied with the way ASH handled this year's budget.

"I don't believe ASH should have more money to play around with until they're responsible with the money they have," Mongan said. He said he feels ASH didn't spend enough time reviewing the Finance Committee's recommendations. "Until ASH puts in the machinery to make itself more efficient. I think they should be limited to what they have."

Elie defended ASH's current system of distributing funds to student organizations. He explained that the Finance Committee looks to such factors as the size of an organization's membership, planned activities and the number of students benefitted, services provided, and fund raising ability.

The referendum will be on the ballot this week along with the election for ASH executive officers (see box at right). Pursuant to regulations tentatively approved by the Board of Directors last month, the referendum will pass if a majority of students voting approve it. However, the regulations also require at least 50 percent of the student body to vote on the referendum for there to be a valid election.

If approved, the incidental fee increase will take effect for the 1986-87 school year. Any fee increase passed by students must be given final approval by the Board of Directors.

Who's running ...

Elections for the ASH executive offices and the fee increase referendum will be held Wednesday, April 2 and Thursday, April 3 on the second floor, 200 McAllister Street. All registered students are eligible to vote. The following are the candidates for the five ASH executive offices:

E ST. O. V.

Lance Bury Steve Elie Rebecca Kleinman

Ellen Bell

Sharm

-

Vice President

Sherry Glassman Kevin Taylor

Treasure

President

Holli Thier Tom Toller

Secretary

Joy Warren Mike Kanellos

Director of Arts & Rec Susan Burns Hope Kalmus

For the Law New endorsement, see editorial, page 6.

in brief.

"Dancing in the Streets," a fund-raiser dance, will be hosted by the Asian/Pacific law students of Hastings and Boalt this Friday, April 4. The dance will be held at the Fort Mason Conference Center (Buchanan Street & Marina Boulevard) from 9 p.m. to 1 a.m. Tickets may be purchased in advance for \$8 by calling 565-4735, or at the door for \$10. All are

Open hearing Friday

Hastings has published its Environmental Impact Report on its proposed development at the corner of Golden Gate and Hyde. Students should watch their SIC folders for more information and should plan to attend an open hearing on the report at 2 p.m., Friday, April 4 in classroom B.

Graduation party

This year's graduation party will be held on Thursday, May I at Fort Mason from 8:30 to 12:30. There will be an open bar and Pacific Brass and Electric will provide entertainment. The admission price will be approximately \$8 to \$10 per person for graduating students and their guests.

First and second-year volunteers are needed to tend bar and take tickets. Interested students should contact Lynda Robisch by April 15

Commencement tickets still available

Third-year students who have not yet picked up their five tickets to commencement, are encouraged to do so by coming to the Office of Student Services, Room 213, 200 McAllister. Tickets not claimed by Monday, April 14 will be considered extra and distributed to students requesting extra tickets.

Help needed for commencement

Students and staff are needed to help with commencement. The ceremonies will take place Thursday evening, May 22 Volunteers are needed to usher, organize the processional, take tickets, and serve at the reception. Interested students should contact the Academic Dean's Office, third floor, 200 McAllister.

Until next year...

This is the last issue of the Hastings Law News for the 1985-86 school year. Applications are still being accepted for next year's editorial board.

1040 help for the Tenderloin

As the dreaded April 15 deadline approaches. Hastings students have had an opportunity to alleviate some of the stress and fear associated with filling out the old 1040. The Business and Tax Club at Hastings has organized a Volunteer Income Tax Assistance center on campus to serve the Tenderloin area. The VITA service is a nation-wide program sponsored by the Internal Revenue Service which provides taxpayers with help in preparing their tax forms. Tom Ruthenberg, BATCH vice-president and coordinator of the VITA program at Hastings, revealed the details of this first-ever effort.

Having undergone a day of IRS training, twenty Hastings students qualified to assist taxpayers in filling out forms and advising them about such things as allowable deductions. A class on tax was not a necessary prerequisite, and Ruthenberg said that the training materials are "self-explanatory. Unlike paid professionals, the VITA volunteers are not liable for their errors, but if any complex tax issues are encountered, the "client" is referred to the appropriate IRS literature or advised to seek professional help. Ruthenberg stressed that the emphasis is on assisting taxpayers to learn how they

volunteers will not actually prepare forms unless it is a matter of last resort.

Residents of the Tenderloin were notified of the program through flyers distributed at the Farmers' Market and an article in the Tenderloin Times. Tax assistance was provided on March 22 and 29 in the Old Commons. Two more sessions will be held on the Saturdays of April 5 and 12. The service is available to anyone, including students, and costs nothing.

When asked about the benefits to the student volunteers, Ruthenberg replied that, aside from providing some exposure to tax, participation in the VITA program was "a bonus on the resume which employers can see." He said he also believes that the experience provides valuable practice with the client/professional situation and a sense of satisfaction at performing a needed service.

In summing up BATCH's goals for the VITA program, Ruthenberg said, "We hope to get a good base going for next year, and help some people in the meantime." He envisions an on-going Hastings commitment to the IRS and encourages more students to volunteer for VITA next year.

Free

The Hastings Law News is accepting applications for the 1986-87 editorial board. Positions available include Editor-in-Chief, Managing Editor, News Editor, Features Editor, and Op-Ed Editor. Applications are available at the News office, Room B-24, 198 McAllister.

Beer attracts donors

Four times as many people gave blood at this semester's semi-annual blood drive than did last fall. The drive, sponsored by the National Jewish Law Students Network, produced 126 units of blood and kept the staff of the visiting Erwin Memorial Blood Bank so busy that many donors were turned away by the long lines.

Dena Bloom, president of the NJLSN, explained that the long lines to give blood were due to the Blood Bank's failure to predict the overwhelming response to the spring drive. At the fall blood drive in November, only 32 students and faculty donated. Bloom explained, however, that the fall drive was poorly timed and lacked sufficient publicity. This semester's drive, held February 12, was well-publicized and featured a keg contest for the first-year section donating the most blood

Although Bloom said she warned them that she predicted a turnout of more than 100 donors, the Blood Bank administrators only provided staffing to handle 50 people.

"They underestimated a first-year law student's thirst for

beer," Bloom stated. "Although there were 126 people who did give, many more that wanted to left because of the long lines," she explained.

Bloom said that the Blood Bank will be better able to predict turnout at future drives and a similar problem should not occur.

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School loses PACE

BY JERRY EVERARD News Editor

For the first time since 1981, the academic dean's office last month released to students the results of student evaluations of professor performance.

The Performance and Curriculum Evaluations are completed by students in every class during the final days of the semester. According to acting Academic Dean Gail Bird, the PACE are intended to serve two purposes.

"I see basically a dual purpose. One is for student use so that students planning their schedules can have the benefit of their fellow students' views," Bird explained. "Second, they are used in promotion and tenure decisions."

Bird said that the most recent evaluations are retained in each professor's portfolio. She said that as a professor, she has received her evaluation every year, so she is confident that professors do receive copies of the results.

Until last month, however, the most recent evaluation available to students was fall 1981. Second-year student Ginger Lindsey brought this to Bird's attention in early March. Since then, the fall 1984 evaluation has been put on file at the Library. The evaluations for 1982, 1983, and spring 1984 have apparently been misplaced, Bird explained, and may never be available to students. As for the reports since 1984, Bird assured that they would be forthcoming.

According to Bird, reports for spring and fall of 1985 have been delayed due to the "disappearance" of the company which processed the reports. She explained that in the past, Hastings paid a local computer software company to develop a program to compile the figures into a report format. That company went out of business this summer forcing the academic dean to find an alternate means for compiling the reports.

Bird said that progress is being made on this problem. "I have contracted with a programmer to develop software. We have all of them [evaluations], but they have not been collated," she explained.

Bird said she hopes that the more recent reports will be out within a month.

Faculty presses demands

BY BOB YATES Editor-in-Chief

The faculty and administration are closer to an agreement on the organization and distribution of power at Hastings following discussions at the March 21 Board of Directors meeting. Professor Stephen Schwarz, head of a faculty committee on the matter, said that the administration and faculty have narrowed their differences to three major points of disagreement.

The dispute over so-called "governance" matters began to arise last year following an ABA Site Committee report that was highly critical of the school's administration. In the report the ABA examiners stated that they discovered a "current state of muted ill-feelings" on campus and that Dean Bert Prunty tended "to overide, if not ignore, the faculty," Prunty himself was described in the report as "autocratic and disdainful" and "high-handed and arbitrary."

Following the ouster of Academic Dean Wayne Woody last fall, the Board of Directors formed a committee headed by Director John Knox to consider reorganization of the College. The faculty, in response, formed its own committee chaired by Schwarz.

At a closed session of the March 21 Board meeting, the two committees presented their views. Schwarz said he came away from the meeting with a feeling that progress had been made in resolving the dispute. He said that the faculty and the "Knox committee" are apart on only three major issues:

 The method by which faculty representatives are appointed to the committee that will search for a new academic dean. The faculty would like to vote for their representatives, the administration would like them appointed by Prunty.

 The faculty would like to have prior approval on the selection and renewal of deans. The faculty complains that presently they are only consulted after the fact to "ratify" Prunty's decisions.

 The faculty wants the academic dean to be given a specific term of office or contract, not to exceed five years. They complain that currently the academic dean serves only at Prunty's pleasure, subject to removal without faculty consultation.

The faculty proposals to the Board closely parallel the allegations made by Professor Louis B. Schwartz in his complaint filed with the ABA Accreditation Committee on November 7. In his complaint, Schwartz alleges that in failing to give the faculty the control it is entitled to, the Hastings administration has violated several ABA standards.

In particular, Schwartz alleges that Prunty has attempted to take the control over academic decisions away from the academic dean's office and the faculty. In his complaint, Schwartz asked the ABA to send a special investigator to Hastings to examine the current situation.

Schwartz said he is pleased with the apparent progress the faculty committee has made with the Board.

"Although the faculty committee didn't address all of the issues, a satisfactory termination of the current crises would be sufficient for me to withdraw the complaint." Schwartz said.

Hastings represented on Nicaraguan tour

BY BOB YATES Editor-in-Chief

We read about the war in Nicaragua in the daily newspapers and debate with our friends whether the U.S. should support the rebel "Contras." But short of writing a letter to our congressman, few of us think about doing anything more. Lynette Parker did. She spent her spring break in the Central American country.

The third-year student represented Hastings in the UC Students Protocol for Peace Delegation. The group of 18 students and two professors went to Nicaragua on a fact-finding tour to meet with government and opposition leaders. Parker said that the delegation's goal is to bring back to the U.S. a better understanding of the Nicaraguan situation.

"Unlike the perception we get in this country. Nicaragua is not totalitarian," she said. "There's a very strong positive feeling within the country. People there really have a say in the direction in which their country goes."

Parker explained that the delegation met with Sandinista government representatives such as Dr. Paul Oquist, chief economic advisor to President Daniel Ortaga, and Assemblyman Jose Luis Villavicencio who is drafting a new Nicaraguan constitution.

She said they also spoke with opposition leaders Alvin Guthrie, head of the Independent Trade Union, and Lino Hernandez of the Permanent Commission on Human Rights.

But the people she enjoyed talking

with most, Parker said, were the citizens on the streets.

"They face the same problems everyday as we do," she said. "I was surprised at what a large percentage of the population that seemed very young. I wonder how many of these people will survive. It hurr me to think that some of these 16-year-olds I spoke with may not be alive tomorrow."

Parker said she was surprised at the willingness of people on the street to talk openly about the government.

"We met people with all different ideas, including people who were critical of the government," she said, "Although some people said they were scared to talk to us, they did anyway."

The delegation had planned a trip to the north part of the country to visit a resettlement camp for people fleeing the Contras. The group never made it to the camp though.

"When we got to the town of Estalli, we found out that the settlement camp had been attacked by Contras," she explained, "so we were turned back."

Parker explained that their next project is to disseminate the information they gathered in Nicaragua

"One of the things we're concerned about is how responsive people here will be," she explained. "We've been told that what we say might be written off as Nicaraguan propoganda."

What is her impression of Nicaragua? "I'd love to go back," Parker said. "But first I've got to work on my Spanish."



The delegation attracted crowds of children near the town of Estelli in war-

Put down those books

BY DAVID W. GINN

Tired of learning by the casebook method? Maybe you want something a little more challenging than the video games in the basement? The Library now has a set of computer learning software that will let you apply your legal skills to computer-simulated "real life" situations. Created by the Center for Computer-Assisted Legal Instruction, the software gives students the opportunity to obtain a sophisticated understanding of specific legal topics without the boredom of rote learning or the anxiety of being called on in class.

One of the software programs, for example, takes you through direct and cross examination of a witness. After each question is posed by opposing counsel, you are asked whether you would object to the witness answering the question. If you do object, the computer will rule on your objection

by stating "sustained," "overruled," or even "I think I will let the witness go ahead and answer the question." Following the ruling is an explanation of the grounds supporting the ruling. Sometimes the computer will surprise you by asking you to supply grounds to support your objection.

In addition to the rules of evidence, the software programs test skills involving civil procedure, torts, insurance law and professional responsibility. There are also tutorials on how to draft a complaint, and a primer on legal citation form.

The software can be checked out at the Library's circulation desk for use at home and is compatible with IBM or similar personal computers running MS-DOS 2.01 and above. Because some of the disks have not yet been formatted for student use, the Library has asked that you give the staff a few days notice before you plan to check out the disks.

features

One person's art is another person's Diptych

BY KRISTINA LINDOVIST

If you have noticed that there is something different about the patio area in front of the 200 McAllister Building, you are not alone. The new fixture in the once barren area is a large curious-looking red-and-blue painted steel sculpture. The sculpture, the creation of the well-recognized Bay Area artist Richard Mayer, is on an extended loan to Hastings.

Initially the sculpture was displayed in front of the San Francisco Public Library in conjunction with the 12th International Sculpture 1 xhibition in 1982. Mayer, who since 1984 has had another sculpture on display in the garden outside the Hastings Afumni Center, approached the Hastings Art Committee to voice his interest in the exhibition of more of his work at Hastings. The committee, headed by Hastings Art Curator Ruth Schlesinger, shared Mayer's enthusiasm and eventually selected "Gary Diptych #1" to be displayed at the entrance to 200 McAllister.

It is particularly fitting that Mayer's work is exhibited at Hastings. As Schlesinger explains. Mayer is "quite a mover and a shaker in the field of law." An advocate of "artists' civil rights," Mayer has been responsible for enactments of various legislation relating to the interests of artists.

According to Schlesinger, reaction to the unique sculpture has been favorable, "The administration has been enthusiastic," she said "and the faculty seem to like it." The students, however, appear to feel a bit differently towards the artwork. It has been compared by students to everything from the likeness of an "abstract tree" to a series of "seals twirling balls on their noses" to a "giant carrot."

Not surprisingly, the artist has his own personal perspective on his creation: "Thrust into space as a blade of articulated color, this piece contradicts our usual space expectations of three-dimensional sculpture in the round," Mayer explained. "It functions more like a two-dimensional drawing in space."

The future plans of the Hastings Art
Committee include the selection of another
sculpture to replace the "Oblique Ascension"
by Roslyn Mazzilli, which until early last
month occupied a conspicuous spot on the
Beach in front of the 198 McAllister Building.
Because the amount of time that the selection
entails, a new sculpture for the Beach may not
be chosen until late spring or early summer.
Schlesinger explained. So until then, the
Hastings community will have to rely on
Mayer's "giant carrot" to satisfy its asthetic
appetite.



Sculptor Richard Mayer puts a new coat of paint on "Gary Diptych #1." Photo by Brian Condon

BARPASSERS ENROLLEE QUESTIONNAIRE - WINTER 1986

When asked how BARPASSERS compared with another bar review course taken:

"The distinctive feature of this course is the integration of the separate aspects of the exam so that you can get a sense of being well prepared for all three parts."

When asked what your view of the BARPASSERS course as a whole was:

"There was genuine concern with imparting only that which is essential for passing the California Bar exam."

Carl L. Williams, Hastings graduate

When asked how BARPASSERS compared with another bar review course taken:

"Barpassers has a much more logical approach to preparation for the bar exam,....."

Bayard J. Miller, Hastings graduate

When asked to comment on how BARPASSERS compared with the other bar review course taken:

"BAR/BRI focused on detail to a ridiculous degree. I found I knew a ton of detail when I finished – but had no structure to organize it or apply it with. BARPASSERS was \underline{far} superior! It's focus on test-taking and overall structure (the charts) really helped. Also – Patti & \underline{Jim} have such positive attitudes, it rubs off— & with outlooks like theirs, there is no need for hiring hypnotists ..."

When asked what your view of the BARPASSERS course as a whole was:

"Great!! I felt pretty confident with course & much more so than with BAR/BRI."

Hastings graduate

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appeal to students

on the members of the 65 Club.

BY MARK S. COON Staff Writer

In many ways, Professor Raymond Sullivan personifies the success with which Hastings' 65 Club has made the transition from philosophy to practice. The Club was initially conceived as a vehicle for supplementing Hastings' regular faculty with professors and jurists who had achieved a measure of distinction in their respective fields prior to coming to the law school. The architects of this idea believed that the accomplishments of the "65'ers" in their previous legal careers would add to the value and breadth of the courses taught by these professors at Hastings.

Truly, it would be difficult to search out a professor who could bring more career experience to bear on his class than Sullivan does in Appellate Process. Sullivan, after all, spent the lion's share of his legal career as an appellate court judge. ultimately serving on the California Supreme Court, alongside such emminent jurists as Chief Justice Roger Traynor, and Justice Mathew O. Tobriner.

Sullivan got his start in law during the early 1920s, working his way through night school at St. Ignatius Law School - now the University of San Francisco - teaching English, Latin, and algebra during the daytime. Describing St. Ignatius, Sullivan recalled how it used to be

"It was this clapboard bungalowstyle building that was surrounded on all sides by shirt factories," he said. "It was not like your typical modern law school.'

In his course at Hastings, Sullivan's familiarity with Latin shows in his frequent translations to English of those legal terms that are often used but rarely understood for their literal meaning. It's a nice touch.

After graduating from law school. Sullivan spent almost 30 years as a litigator, arguing cases before courts of appeal in both the state and federal systems. When first approached with the idea of becoming a justice, on the California Court of Appeal, First District, Sullivan had grave doubts as to whether he would enjoy taking on that role. However, after serving for only a short time, he realized that the right decision had been made.

'I loved being a judge," he said. "I found it incredibly rewarding playing a part in the administration of justice. But it's not by any means a position that's free from pressure. From the first day, you realize that each opinion you write is going to be scrutinized at every turn, especially in a state like California, where the rulings of the appeal courts get a lot of attention from other jurisdictions."

Sullivan is quick to point out how much his colleagues added to his judicial career. Of particular note on the Court of Appeal was the late Justice Mathew Tobriner, who is regarded as one of the more

influential justices to have served in California.

Sullivan and Tobriner also served together on the California Supreme Court, alongside Chief Justice Roger Traynor. All three were close friends, Sullivan explained, and shared a feeling of excitement at sitting on the court during a time when many assumptions in law were being challenged.

The main architect of many landmark opinions during this era was the Chief Justice. Sullivan describes Traynor with open admiration.

"He was an outstanding judge, with an unswerving jurisprudential sense." Sullivan said. "He was easily one of the best state judges to have ever served on an American court. His style, so clear and distinctive, shone through in each of the opinions that he wrote, yet in spite of his achievements he was really a modest man.

During their time away from the court, Traynor, Sullivan and Tobriner often socialized together, sometimes taking long hikes at Mount Tamalpaias. Unfortunately, the three never had the opportunity to teach together at Hastings. Tobriner died just prior to taking on a faculty position here. Traynor and Sullivan. of course, ultimately became Hastings professors.

During his years here, Sullivan's Appellate Process course has proved extremely popular, in spite of the fact that it is one of the more difficult classes at Hastings. During the



Professor Raymond Sullivan

interview Sullivan expressed surprise at the tough reputation of his course. "It IS a fair exam though, isn't it?" he asked. Perhaps the obvious practical value of taking a course specifically tailored to California law accounts for it's desirability. Equally attractive, though, is Sullivan's obvious enthusiasm for the subject matter, and

the law in general.

Students who have taken the course always recount the highly entertaining anecdotes that Sullivan tells, ranging from the story of the supreme court justice who was challenged to a duel, to tales of lawyers whose oversights have landed them up the proverbial creek. Certainly the most commonly remembered aspect of the class though is Sullivan's last-day-of-class speech, during which he exhorts the class to make its mark in the legal world, and expresses his confidence that each student will be a fine lawyer. Coming from someone with Ray Sullivan's credentials, it's difficult for such a speech not to leave a lasting impression.



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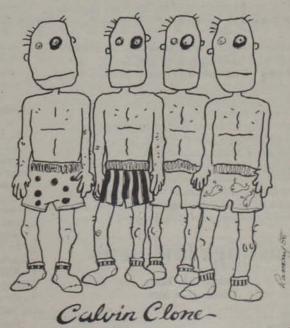
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editorial

Our picks

The Law News separately interviewed each of the 12 candidates for the five ASH executive offices. In the interviews, the candidates tended to agree on the major problems that will face ASH next year. First, all the candidates were aware of the importance of improving ASH's esteem in the eyes of the students and the administration. Second, each of the candidates seemed genuinely concerned about increasing the level of student involvement in campus activities. Finally, each was critical, to varying degrees, of ASH's process for distributing funds to student organizations.

Each candidate was aware of ASH's need to increase the size of its treasury. Most said they were in favor of the fee increase proposal on this week's ballot, and many other good fund-raising ideas were put forth.

The Law News used these interviews and other background information to arrive at the following endorsements:

In the race for president, neither Rebecca Kleinman nor Lance Bury have sufficient ASH experience to be effective. Kleinman failed to demonstrate a basic understanding of the workings of ASH and her level of commitment is in doubt. Bury, although presenting a number of good ideas, has an abrasive style that may antagonize students and the administration.

While Ellen Bell is currently an experienced member of the ASH Executive Board, her mediocre record this year has placed her ability to be an effective administrator in question. The Law News endorses Steve Elie for president. Elie has had a great deal of ASH experience and has a strong faculty and administration record. He is an effective leader.

We strongly endorse Joy Warren for the position of ASH secretary. Warren demonstrated this year her great organizational and parlimentary skills. Her opponent, Mike Kanellos, cannot match Warren's experience and understanding of the job.

For the important position of treasurer, we recommend Holli Thier. As a former member of the Finance Committee, her ideas for improving the budget process are informed and realistic. The other candidate, Tom Toller, presents a mixed platform of both good and

Susan Burns favorably distinguished herself from Hope Kalmus and has earned the Law News endorsement for director of arts and recreation. Burns was highly dedicated this year in her job on the Arts and Rec Committee and possesses impressive organizational and communicative skills.

The toughest choice for endorsement lies in the vicepresidential competition. Both Sherry Glassman and Kevin Taylor are sincere, dedicated people. We highly recommend both candidates but must give the slight edge to Taylor for his polite diplomatic skills.

Many invaluable ideas were presented during these interviews and we hope that those who are not victorious this week will find other methods for placing those ideas into action.

hastings law news

Robert M. Yates Editor-in-Chief

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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

GREAT MOMENTS IN LEGAL ETHICS I AM NOT A CROOK I AM NOT A LIAR I AM NOT A DESPUT PRESIDENT RICHARD HASTINGS DEAN BURT SAN DIEGO MAYOR PRUNTY RAISES STUDENT M. NIXUN TRIES TO ROGER HEDGELOCK INCIDENTAL FEES IN COVER UP HIS DENIES THE PERJURY VIOLATION OF UC REGULATIONS WHICH WATERGATE COVERUP. CHARGES HE WAS TO REQUIRE STUDING APPROVAL BE CONVICTED FOR

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Cancel Child Care contract

I agree with Mr. Bury's opinion (March 4) that a disproportionate allocation of ASH funds has deprived students of fair representation. I am appalled at this inefficiency and upset that my contribution is so poorly managed. Imagine my shock upon discovering that I contribute an even larger amount to a much smaller special interest - 14 reserved child care spots.

Like most students, I willingly pay dues to support those groups to which I belong. I concede that some groups such as the Law News or the clinics need general support, but they also serve virtually the entire student body. It is unfair that the majority is obliged to support groups which serve a small minority of students. The child care service is a classic example. It serves less than one percent of the students. and yet its funding allocation is greater than that received by ASH, which theoretically serves the entire student body ASH's financial problems should be solved by cancelling the child care contract and "redistributing" the funds to student groups. If properly allocated, the funds can serve a greater number of student interests

Thomas P. Toller

Pass the Rolaids Editor:

Your feature article on restaurant reviews (March 4) gave us a serious case of heartburn. We've been burping up that article for the last three weeks. Let's

dispense with the appetizers and get to the main entree of

The article's editor seems to have forgotten a basic tenet of journalism — don't forget your audience. The audience this article addressed was those students with an annual income in excess of \$70,000 and a pathological need to be seen in all the right places. Meanwhile, the students in the audience it should have been addressing were eating at McDonalds, staring across the street at Max's Opera House, The Inn at the Opera, J.A. Mellon's and Squids, with Big Mac secret sauce dribbling out the corner of their mouths dreaming of the day when they too can order a \$37.00 green salad served by a yodeling Italian.

However, until that momentous day for us all comes, a convenient, quick and charming alternative lives on at the corner of Golden Gate and Hyde: the Studio Cafe. The Studio Cafe is the home of the last honest \$2.60 Blue Plate Special attentively served up with an exotic foreign accent. Even trebledamages-rich professors from Hastings eat there. We invite all of you out there to forever wipe secret sauce from your mouth and enjoy real California Blue Plate Special cuisine in a setting that Norman Rockwell would love to paint. Bon Appetite.

Tim Murphy Hans Herb Marianne Bowers Elie Miller

Thanks

Editor:

As this school year draws quickly to an end, I write to express my thanks to people

who have made this year better than the last. As law students we are trained to look for problems, not to see changes on the positive side. Though all may not be perfect, overall I think that Hastings may become a school that we can feel good about. I did not feel this way last year, so something must be going right.

I'd like to thank:

The staff of the Hastings Law News for putting out an interesting and informative

The person(s) responsible for getting photocopiers that produce readable copies for five cents:

The Curriculum Committee for asking for student input;

The students who attended the Curriculum Committee meeting and showed that they care about the future of Hastings;

Lance Bury, for stirring up some interest in how ASH money is spent:

Bob Yates, and others, for continuing the ASH money debate:

David Daniels, for an illthought article that provoked well-thought responses.

Those who took the time and effort to respond to

The Records Office, for making changes that reflect uncommon good sense;

The staff of the Dining Commons for offering a menu that tempts me to eat

I hope everyone had a nice break, and has a good

William R. Brown

Op-ed The decision: Moot Court or journals? The decision articles.

ear students will soon have to decide whether to opt for law journal or Moot Court participation. To help make that decision

BY GARTH GERSTEN

The question really isn't "Why Moot Court?" Rather, the question is "Why not Moot Court?" Moot Court is one of the few programs at Hastings that has a practical bent to it. More importantly, Moot Court can be a lot of fun.

Moot Court is a supervised workshop in appellate argumentation using live cases, mostly from the current docket of the United States Supreme Court. The Moot Court program gives you the opportunity to argue about affirmative action, abortion, church and state, pornography, Fourth Amendment search and seizure, and almost any other controversial topic that the Court is considering.

The Moot Court brief is written with a partner in a very short and intense period of time. LW&R memos are child's play comparatively. Writing under pressure is a skill, and far better to be doing it now, rather than when your client's case is on the line. You will also experience the joys and heart attacks of working with a partner on a joint project. Both names go on the brief, and you are jointly and severally liable for what appears in it, just like in real life. When finished, you will have a polished, error-free, argumentative writing sample that prospective employers may enjoy. You will also be thoroughly familiar with a hot area of the law upon which you can converse at length at cocktail parties and interviews.

Once the brief is in, you can relax. But, in January and February, the real fun begins: oral argument. You will argue your case before a panel of judges and attorneys who will be assuming the roles of Supreme Court justices. For fifteen minutes, you will speak and be interrupted by an endless barrage of questions which will call into question your very ability to form a logical sentence that has some relation to law, almost like real life. Surviving oral argument is a proud achievement. And, it is an achievement. Oral argument asks you to be an attorney; it asks you to be an advocate. Most importantly, it teaches you to think before speaking. Mom's advice is practical, after all.

Moot Court is not an easy two units. You will work, and you will acquire skills. And, there is a certain satisfaction when you read the opinion when it finally comes down in your case. Not only will you understand it; you will know the whys and wherefores, and whether the Court is competent or not.

The Moot Court program offers many rewards. The best briefs and oral presentations receive awards (and not just slips of paper). The program participates in seven different intercollegiate competitions offering travel at Hastings' expense.

By all means, do the writing competition. Keep your options open. But the Moot Court experience is not to be missed!

Garth Gersten is a third-year student and member of the Moot Court Board.

My eight months on the Hastings Law Journal have been hectic and exciting. Since August, I have written a "note," citechecked three articles, and managed to find "spare time" for a few other odd jobs. Even though I was a bit "stressed-out" at the end of December. I still recommend the experience to

In terms of the actual work required on a journal, writing a "note" is by far the most substantial project. Simply stated, a note is the ultimate legal research paper. In order to receive unit credit and fulfill the university's writing requirement each staff member must complete a note of "publishable quality. This involves work exhibiting a high level of legal scholarship on a specific topic that has never been written on before. The text of a note is usually between 30 and 50 triple-spaced pages. In addition, the note must be thoroughly footnoted, and the page length of this section is often the same as

As an alternative to writing a note, some journals allow staff members to write one or more "case comments." These are original issue-oriented works of 'publishable quality" that deal with landmark decisions. The top studentwritten notes and case comments comprise approximately one-half of the material published by the various law journals in each issue

In addition to writing a note or case comment, each journal member is required to spend a certain number of hours completing various other assignments, including word processing, reviewing manuscripts for possible publication, indexing, answering phones, working at bake sales, and 'citechecking.

Citechecking can be dull and tedious. However, the reputation of a law journal depends a great deal on the quality of the works it publishes. The accurate support of an author's argument lends a great deal to that quality Almost every assertion by an author in an article, note, or case comment must be supported by authority. In turn, this authority must be verified for accuracy, that is, checked to make sure that the cited authority states what the author says it does. All footnotes must conform to proper "bluebook" style

Finally, a comment regarding "resume value." Being on a journal represents some prestige to some people, including recruiters from some law firms. Yet the resume value of journal participation seems far too speculative, at a high price, to be the determining factor in deciding whether or not to join. There are on the other hand a number of legitimate reasons to participate - interaction with other students, opportunity to improve writing, editing, and research skills, potential for publishing, and a chance to be part of a team.

Dan York will be a note editor on next year's Hastings Law Journal.

BY JAMES WONG

Lam a member of BATCH and A/PLSA's Steering Board.

In answering Mr. Lance Bury's call for action (March 4 Op-ed), some additional facts must be brought to the reader's attention.

Mr. Bury feels ASH short-changed him. Since ASH has \$12,000 for 1,500 students, and BATCH has 40 members, then BATCH deserves \$360 (or 3%) - instead of the \$50 actually allocated.

He further alleges that LEOP groups were allocated funds disproportionate to membership. He of activities, previous attendances, and three officers implies that this was due to the LEOP members on the Finance Committee. Lastly, he proposes a mandatory count of members at events by an 'attendance sheet.'

These arguments are charming but blatantly misleading.

ASH distributes its fund based on a slew of criteria. Membership is only one factor. Quality of previous programs, proposed programs, fundraising, past history and other factors contribute to the allocation. A place on the budget must be earned. Organizations must show their programs are worth budgetting, otherwise anybody can claim money for

Mr. Bury didn't even get his numbers right. A/PLSA has an active roster of 120. General meetings pack 60+; over 100 helped with LEOP admissions; our dances draw 300+; the National Conference will draw 500 national members to Hastings next fall; even regular meetings draw over 30 members.

Furthermore, his numbers assume no overlap in membership. He sees funds cut up like a pie between organizations with mutually exclusive

memberships. Moreover, organizations are "targetted"; like all LEOP groups cater to their own

A/PLSA has dozens of overlapping members. It is not targetted to anyone, either. Everyone is welcome to our functions. Does this then mean that we cater to 1,500 students?

Budgeting is deadly serious business. No funds mean no programs.

A PLSA submitted a typewritten proposal outlining our programs, with detailed descriptions went to the interview. BATCH, on the other hand, drew a "rough" sketch, and sent one officer who didn't even bother to find a substitute. Is it any wonder ASH was more impressed by LEOP groups?

If Mr. Bury's complaint is against the budget, then he should say so, and leave LEOP groups out even for "illustrative purposes." If the process is the villain, then we are also victims.

Most disturbing are the moral accusations against LEOP students.

There are minorities (like myself) not a part of LEOP, just as there are non-minority LEOP students. What's more. LEOP students can be just as objective as non-LEOP students. LEOP membership on the Finance Committee does not mean LEOP advantage, or bias.
Finally, I challenge Mr. Bury's authority to bring

this action. As a BATCH member, I and others like myself, were never consulted. We read about it in the Law News, I urge all other members to join me in advising Mr. Bury to drop this farce. Nobody's laughing anymore. Cease and desist before BATCH's credibility is totally destroyed.

ASH requests Tobriner spot

The following letter, drafted and approved by ASH, was sent to the Tobriner Memorial Advisory Committee. The letter was signed by ASH President Donna Cole-Wallen.

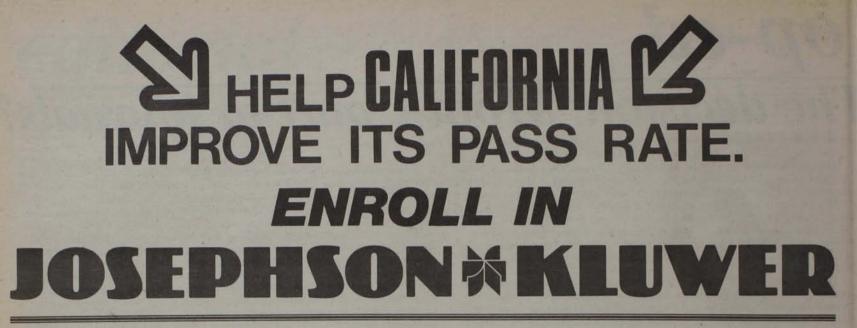
To the Members of the Committee:

We, the elected representatives of the student body at Hastings College of the Law, thank you for bringing the Honorable William Joseph Brennan Jr. to Hastings for the Third Annual Mathew O. Tobriner Memorial Lecture. We are honored that Hastings is the forum for this important lecture

We are concerned, however, with the way the lecture of November 18, 1985, was handled. As the enclosed ASH Resolution and article from the Hastings Law News indicate, very little publicity was directed toward students. The student body at Hastings was unaware of Justice Brennan's lecture until five days prior to his arrival. Furthermore, the location of the lecture itself was inadequate to accommodate the large crowd that should have been anticipated for a lecture as important as the 'In Defense of Dissents" lecture by Justice Brennan.

We feel that these and other logistical problems with the November 18 lecture could have been avoided with proper planning.

Therefore, we respectfully suggest that a student be appointed to act as liaison to the Mathew O. Tobriner Memorial Advisory Committee. Such a liaison would be beneficial to the committee by keeping it apprised of student concerns. This could help alleviate future problems similar to those that occurred this year.



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