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# hastings law news

BEST DAMN LAW SCHOOL IN THE TENDERLOIN

Vol. 19, No. 7½

Hastings College of the Law

San Francisco, California

April Fools' Day, 1986



## Groping for harmony

*The faculty and administration seem to be getting along better after thrashing out their differences. Here, Gail Bird, Keith Wingate, Patsy Oppenheim, and Kevin Tierney prance for joy following a climactic faculty-administration meeting. Said Tierney, "I feel like I'm in one of my own lurid exams." See story, page 6.*

## Hastings slips to 0th

# School's out forever

The Faculty Curriculum Committee, headed by Professor Warren Shattuck, this week proposed the abolition of Hastings College of the Law. The recommendation appears to be the latest in a series of responses to criticism leveled at Hastings last year by the ABA Accreditation Committee.

While the proposals made by the Curriculum Committee, headed by Warren Shattuck, have collectively addressed a range of activities, this latest idea is by far the most comprehensive. It does, however, share one characteristic with other ideas considered by the committee, headed by Warren Shattuck: It is aimed at weakening one of the school's strengths. Warren Shattuck, who heads the committee, said of the new recommendation, "This time I believe we've scored a direct hit."

The flurry of activity of the Curriculum Committee, headed by Warren Shattuck, began with a reassessment of the Clinicals and Externships programs. "The Hastings catalog brags about how close Hastings is located to the courts, other government offices, and the downtown legal community," said committee chair Warren Shattuck. "We realized right away that this feature might attract bright applicants to Hastings and decided it had to be stopped."

A second proposal was aimed at the Moot Court program. According to a committee source who requested a new identity under the *Hastings Law News* Source Relocation Program, "Hastings has one of the best Moot Court programs in the country. That rubbed some people here the wrong way." The second proposal, like the first, was rejected by the full faculty.

Reaction to the latest proposal has been mixed. When asked to comment, Dean Bert Prunty said, "Are you guys ever gonna let up about that Tobriner thing? Oh, the new proposal? Well, I don't anticipate it will have any drawing power with the faculty."

The proposal presents a sticky legal problem as well. Hastings was created by statute, and it is unclear that the faculty is empowered to terminate the school's operations. When wakened for his legal opinion, General Counsel Max Jamison said, "Look, I deserve this position. If I didn't think the Board of Trustees was going to take care of me, I wouldn't have gone to the trouble of getting senile."

Whatever the outcome of the proposal, the Class of 1986 will graduate as planned. "We wouldn't think of cancelling graduation," said Prunty. "There'd be something poetic about having the speaker for Hastings' final graduation be Rose Bird."

# Bert to Donna: 'Piss off'

Dean Bert Prunty filed a nonacademic grievance today with Acting Coach and Academic Dean Gail Rose Bird against the *Hastings Law News*, Donna Clove-Wallen, and 1498 unidentified Does believed to be students at Hastings College of Law and Real Estate Holding Company. The grievance seeks to stop all negative comments made about his administration and selection of art work.

"I'm tired of hearing about it," Prunty squealed when asked about the grievance. "I've got four years left on my contract, so everybody had better just get used to me."

Prunty said he was concerned about the general lack of recognition he gets. "I'm able to walk down the halls unmolested," he wrote, "but let me send a memo, and everyone is after me."

The grievance against the *Law News* concerns stories published last fall commending the Records Office. Prunty was not given credit for the improvement in that office. Prunty characterized the stories as "totally disregarding the chain of authority." In the grievance Prunty wrote, "As Dean of this school, I serve the students' interest. The Records Office proportionately does not serve as much as I do, therefore I deserve more credit. See Graph A."

Prunty was assisted in the preparation of his complaint by second-year tax student Lance Bury.

The complaint against Clove-Wallen is directed at her inability to provoke an argument with the administration. "It is tough to justify how good a job I am doing when the students get complacent," Prunty wrote.

Reached for comment, Clove-Wallen stated, "I apologized once in my life, and I'll never do it again. So, shut up!"

Dean Bird called the grievance "unprecedented." She announced a committee of faculty and community members to investigate the claim. Named to the committee are former faculty member Eva Patterson, Professor Louis B. Schwartz, former ASH President Kevin McCarthy, and former Academic Dean Wayne Woody. Professor Mary Kay Kane was named to chair the committee. "I'm not sure about the procedure for this matter," Kane said. "It's such an uncivil thing to do."

Director of Student Services Patsy Oppenheim was caught unawares by the grievance. When contacted by the *Law News*, she said, "This is the first I've heard of it. It's tough to do my job when the administration won't tell me what is going on."

# Another DeBias event

Several changes in this year's commencement exercises were announced today by Dean Bert Prunty. Jack DeBias has been appointed to organize and plan the festivities.

DeBias revealed that plans to use Davies Symphony Hall had fallen through. Since every major hall in San Francisco is unavailable the evening of May 22, and to hold the exercises any later would intrude on the administration's vacation plans, the exercises will be held in the Louis B. Mayer Room (Old Commons) in the 198 McAllister Building.

"We've held several major Hastings events there in the past, so I foresee few problems," DeBias said.

DeBias indicated that the size of the Louis B. Mayer Room would be adequate. The room seats a maximum of 500 persons. Many of those seats, DeBias said, would be occupied by faculty, rich alumni, and invited guests of the Board of Regents. Additionally, the top 10 percent of the graduating class as well as the editorial board of the *Hastings Law Journal* would be allocated seats in the Louis B. Mayer Room. "We'll have Rooms A, K, and the Moot

Court Room set up for graduating third-years to view the event on TV," DeBias said.

ASH wrote a well-drafted but routinely ineffectual letter of complaint. "We really missed the leadership of Hector Chincilla on this matter," Hector Chincilla said.

In other commencement developments, Chief Justice Rose Bird told Hastings that she would be unable to speak at the exercises. She has a previous engagement at a dinner party on her behalf at San Quentin's Death Row. DeBias indicated that the search for a replacement speaker had already occurred. "The new speaker is very prominent in his field and very much in the tradition of previous Hastings' commencement speakers," DeBias explained. "David Stern, commissioner of the National Basketball Association, will deliver the commencement address."

Director of Student Services Patsy Oppenheim was caught unawares by the changes in commencement. When contacted by the *Law News*, she said, "This is the first I've heard of it. It's tough to do my job when the administration won't tell me what is going on."



# editorial

## I'm in charge

BY BOB YATES  
Editor-in-Chief

That's right, Editor-in-Chief. Who wants to know? Listen, I've been getting a lot of flak from a few of you N.E.G.-types out there claiming I brandish the title of Editor-in-Chief like I was Hearst.

So what?

This is my newspaper and I'll run it the way I damn well please. If you've got a problem with that, write a letter to the editor. I'll see to it that it gets in the proper file.

Free speech? Hey, I don't see that as a problem. I've never had any trouble saying exactly what I wanted. If you got a problem, get your own paper, Jack.

And just to show that I'm fair, I'm giving plenty of advance notice to the pinhead neo-liberals that from now on, we're not running any more of that anti-apartheid garbage. Who cares? Lighten up guys, this is law school.

Oh, and another thing. I don't want to hear any more crap about this paper being too conservative. I asked Bert Prunty and he said I'm doing a fine job.

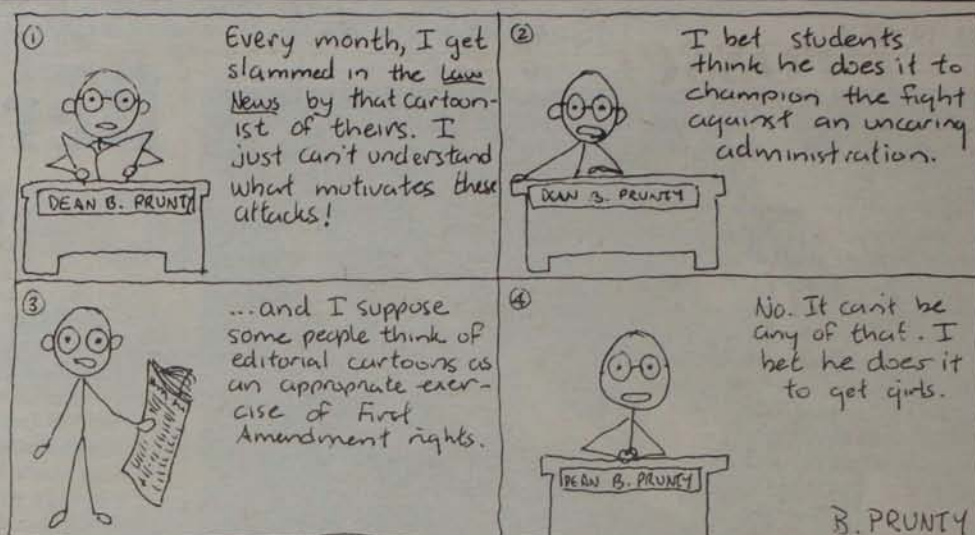
You're probably wondering who on Earth I'm going to find to replace me as Editor-in-Chief when I graduate and head off to the Nebraska hinterlands. After a long, hard search, I've finally found someone I admire nearly as much as myself. I'm proud to announce that the Editor-in-Chief of the 1986-87 *Law News* will be none other than my pal, Lance Bury.

Now I know some people are going to be suspicious of this arrangement. They're going to say, Lance and Bob have been buddies for so long that there must be some sort of fishy deal here.

No such thing. Listen, I've got it all figured out. Lance is a shoe-in for ASH president, right? That, along with the editorship of the *Law News*, will make him the most powerful guy on campus. People will have to listen to him. If you think the doctrine of free speech had a hard time this year...

So in closing, I would just like to make one final comment to all the people that made the newspaper possible this year. To the editors, writers, photographers, and support staff. To the faculty and administration. And particularly to you my adoring fellow students:

Piss off.



## letterslettersletterslettersletters

### Roll call

#### Editor:

We are changing our name to Students Against Nuclear Weapons Insanity Club at Hastings. Please make a note of it. Thank you.

the true facts. The position you advocate is deleterious and dangerous.

Hastings College Republicans

the General Counsel while he's asleep, is that the best possible notice under Mullane?

Lance Bury

### Fire on the left

#### Editor:

We can't believe the garbage you printed last issue as your lead editorial. It is clear that you are ignorant of the true facts. The position you advocate is deleterious and dangerous.

National Lawyers Guild,  
Student Chapter, Hastings

### Now they tell us...

#### Editor:

Since we're leaving soon, we thought we'd come clean. We only did the journals to get good jobs. Frankly, we don't care if another issue is ever published.

W. P. Keane,  
Clerk, Judge Lynch, U.S.D.C.  
David Thill,  
Brobeck, Phleger & Harrison  
Tom Ruby,  
Pillsbury, Madison & Sutro  
Ken Wilton,  
MacDonald, Halsted, et al.

### Fire on the right

#### Editor:

We can't believe the garbage you printed last issue as your lead editorial. It is clear that you are ignorant of

### Dream Service

#### Editor:

I'm planning on suing Hastings. If I serve process on

## hastings law news

Robert M. Yates presents  
an April Fool Production

Directed by Robert M. Yates  
Produced by Robert M. Yates  
Written by Robert M. Yates, Mark Segelman, and Garth Gersten  
Cinematography by Brian Condon  
Technical assistance by Nancy Georgiou  
Special effects by the Alternative Law Journal  
Wardrobe by Kevin Tierney  
Titles by Rovenger

*Hastings Law News* is published sporadically by some students of Hastings College of Law whenever we get enough stuff to print. The content is not the responsibility of the Editor or Editorial Board, but reflects the views of the administration, faculty and Board of Directors. The College prescribes to the principle of freedom of expression for its student editors. So we can say FUCK if we want to.

Questions and comments should be directed to Dean Bert Prunty at 565-4700. Service of process may be made on General Counsel Max Jamison, if you can catch him when he is awake.

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# features

## Prosser: The Dean of Torts is no stiff

*This is the eighth in a seven-part series on the interesting lives of the members of the 65 Club.*

While no longer as active as he once was, William Prosser is probably still the most famous member of Hastings' notorious 65 Club. He was the reporter for the Restatement of Torts 2d, the author of one of the most popular Torts casebooks in print, and a former dean at both Hastings and Boalt. He now basks in the luxury of semi-retirement he feels he has earned.

"At first, the administration wasn't too happy about my decision to cut back," he acknowledges. "Once I died, however, they had a change of heart."

Being dead hasn't been much of an obstacle to this venerable old scholar. Last year, the 5th edition of his famous hornbook, *Prosser on Torts*, was published. "That was a big thrill for me," he said. "The new edition really cuts into the used book trade, and with more new books being sold, those royalties are pouring in again."

For the first time, however, Dean Prosser had to share billing for authorship of the torts hornbook. "I've never met the Keetons, and I was worried that people would think I was too old to crank out a new edition by myself. But then I figured, what the hell. If you can't take advantage of being deified after death, you might as well go on living."

Most students know Dean Prosser only from the portrait of him, in full professor robes and a funny little hat, hanging in the second floor hallway of the 200 McAllister Building. "I was pretty drunk when that picture was taken," he confided. "We'd just had the faculty Christmas party and someone had spiked my drink. Is that kind of behavior actionable yet? Anyway, when I woke up a

few days later still dressed like that, I knew there was trouble. You know, every once in a while, I sneak over to look at the picture. Some day, I'm going to figure out how to get rid of it without committing a tort."

Dean Prosser spends almost all of his time holed up in his office in 198 McAllister, where he painstakingly reads each new torts-related case that gets published. Although Prosser expresses reservations about some of the current applications of tort law, he admits to some bias in favoring its encroachment into contract law.

"Professor Corbin and I have this little wager going about which law would prevail in this area. If the trend continues, he's going to owe me big."

As a former dean, Prosser has some very definite opinions on the current Hastings administration. "Deanships used to be for the pre-eminent scholars of the day. Now it seems that any lawyer with a board of directors in his pocket can be put in charge of a law school. On the whole, the dean we have now isn't so bad. But I *do* wish he'd stop responding to complaints by blaming underlings. And every time he justifies a questionable decision by saying, 'I know this is what Dean Prosser would want,' I just about turn over in my grave."

What lies ahead for Dean Prosser? "Right now I'm negotiating the movie rights to my hornbook. Coppola is interested, and we've got some other feelers out. And [Justice Benjamin] Cardozo and I may do the lecture circuit with some kind of point/counterpoint presentation. I really think he blew the *Palsgraf* case, and I figure if we're going to fight about it anyway, we ought to make it public and rake in some bucks."

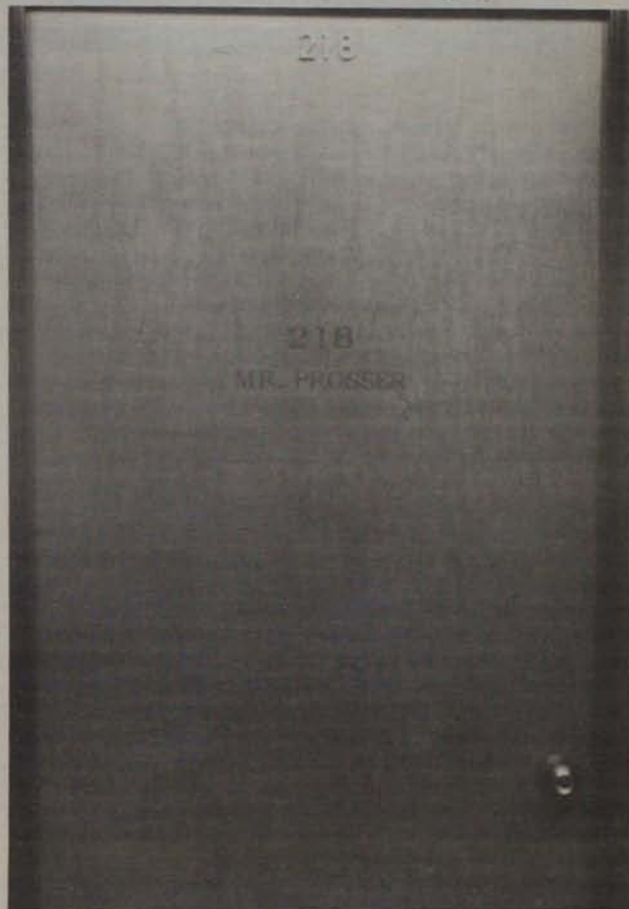


Photo by Dean David Snodgrass

*Dean William Prosser was out every time our photographer came to take his picture. Prosser's secretary said she didn't know when to expect him back. This is the best we could do.*

## Herb is found; I'm O.K. Are you? women flee Iowa

Folks in the Plains are downright ecstatic. The search for the only Hastings faculty member not to have served on a journal is over. Herb was found in Iowa over the weekend walking to a Burger King. Yes, our own beloved Herb Hovenkamp is saying good-bye to Hastings to take up residence at the University of Iowa.

When asked why he was headed into the nation's heartland, where the corn is as high as a elephant's eye, Herb indicated that the law in Iowa is much friendlier.

"They are very progressive in their views on family law and sexual freedom," Herb explained. "Iowa also has a better football team than Hastings."

Herb was well-loved by many of his students, one in particular. Many students mentioned how attentive Herb was towards them. "He always said that students and faculty should be closer together and was always available to meet at the strangest

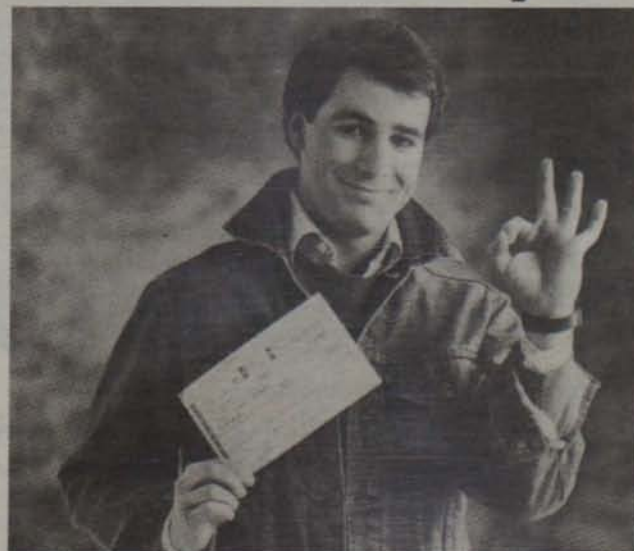
hours," said third-year student Candee Trix.

"He was real hot" said Lolita (last name withheld), a 1985 graduate of Hastings. Yes, Herb's predelection for Texas Jalapeno peppers brought him fame and distance in the hallways.

Hastings Law News contacted River City librarian Marion Hill to ask her about the imminent arrival of Herb. "First a pool hall, and now this!" she exclaimed, as she began packing to take a new job in Gary, Indiana.

Herb was a real heavyweight on the Hastings faculty. He never was content to just discuss the big cases. Indeed, Herb spent most of his time at Hastings using small suits in class.

Herb will be long-remembered for his sterling work on the Journal Review Committee. His insights were remarkable. Although the committee report was three months late, it was well-received. The *Law News* has learned, however, that Herb's initial report was severely edited by the other members of the committee.



**Jim (not his real name) just got his annual gonorrhea check-up from Hastings Student Health Services, a full service facility. He's clean and ready for action. Are you?**

**When was the last time you were checked? Come in soon. Complimentary pills while you wait for your results.\***

\*Test results may be released to the State Bar and appropriate governmental agencies.



# in brief . . .

## Have a heart?

The Health Services Office recently announced the creation of the 65 Club Organ Bank. The Organ Bank will distribute lungs, kidneys, and brains to 65 Club professors who are currently going without. Presently there is a great need for hearts. Interested donors should contact the Organ Bank's president, William Prosser.

## The Versateller is down

Bank of America staged a lock-out of Hastings funds at its Golden Gate branch on March 27. B of A branch manager Mark Bender was reported to have said, "Listen, if you don't like apartheid, we don't want your money."

## Give us your huddled masses

Director of Admissions Tom Wadlington announced last month that Hastings is undertaking a new admissions policy to increase enrollment. Wadlington said that for the 1986-87 school year, Hastings will admit every applicant for admission regardless of criminal record or ability to read. The goal: 12,000 students admitted for the Class of 1989.

## Wake up Max

The school's unlawful detainer action against Tenderloin resident Leon Washington was dismissed this week by Superior Court Judge Ira Brown. Brown ruled that Hastings' general counsel, Max Jamison, had been sleeping on his rights. Said Jamison, "I thought that all you could get from sleeping on your rights was those funny wrinkles on your face."

## Musical chairs

Acting Academic Dean Gail "This job sucks" Bird announced the creation of two new chair endowments. The chairs will be designated the Roger Hedgecock Chair for Professional Responsibility and the Edwin Meese Chair for Criminal Justice. Interested applicants should contact Steve "I'll never be associate dean again" Schwarz.

# Prunty gobbles up S.F.

A special *Hastings Law News* investigative team, composed of third-years with nothing to lose, has uncovered a pattern of wanton spending by Dean Bert S. Prunty. Records recently smuggled from Hastings show that in the past four months, Prunty has acquired several choice pieces of Bay Area real estate on behalf of the College. The acquisitions include several Tenderloin hotels, the Marriot Hotel, Golden Gate Park, the San Francisco Zoo, and Davies Symphony Hall. A deal to buy Yellowstone National Park apparently fell through when Prunty learned that Old Faithful no longer was.

When reached for comment, Prunty was at first reluctant to speak about the purchases. "The Tobriner thing again? Won't you people ever forget about that? Oh, the land purchases. Er, I mean, what land purchases?" Later, however, Prunty agreed to speak in exchange for certain undisclosed photographs and negatives.

"The purchases make a lot of sense for Hastings," Prunty said. "There are some shortcomings in the school's facilities, and we decided the time had come to address them. Just for the record, though, I still believe the Louis B. Mayer Room was adequate for Bill Brennan."

Prunty was willing to supply some sketchy details on the uses to which the new property might be put. "The zoo, for example, is an ideal facility for our needs. I think it would be a great place for commencement. Every year, one graduation speaker or another inevitably says 'It's a jungle out there.' Now they can say it with sound effects." While there was no immediate word on what Prunty would do with the zoo's current residents, there are indications that some of them may apply for admissions.

Prunty was particularly excited about the purchase of Golden Gate Park. "I'm particularly excited about the purchase of Golden Gate Park," he averred. "The students have wanted a place to lounge ever since I've been the dean. Now, they can sun in the park between classes, and we can once again use

the 198 McAllister Beach for hideous sculptures that cost a lot of money." Prunty did not respond to the comment that students were free to use the park *before* its purchase by Hastings.

Not everyone in the Hastings community was pleased with the purchases, however. Former dean and current Criminal Procedure student Wayne Woody was upset. "I'm upset! I bet he bought all that stuff with the money he saves by cutting back on deans."

Student spokesperson Donna Clove-Wallen called the Prunty landbuying spree "a purchasing orgy the likes of which have not been seen since Imelda Marcos left home without her Philippine Express Card." Clove-Wallen's comments were relayed from her luxury suite in Sacramento, where she is attending some type of irrelevant conference on something or other.

Jack DeBias, former Prunty aide, believes the spending is an overreaction to the Tobriner lecture fiasco. "He wants never to be caught off-guard again," DeBias testified. "He's thinking of buying City Hall and converting it into a luxury palace so Ferdinand Marcos will have a place to stay in case he's ever selected by students to speak at graduation. The man has been bonkers since that lecture. You know, it's not like I didn't do a good job. Hey, I don't anticipate the drawing power of Ferdinand Marcos, but he won't listen to me anymore."

Tenderloin residents are also unhappy. Prunty has indicated that the neighborhood hotels have been purchased for "the generation of income." "We've given a lot to this area," Prunty intoned, "and now I think we should be getting something back. And none of that fancy landlord-tenant stuff. I know the law."

Another major concern is where the money to pay for the property will come from. Prunty assured the *Law News* that he has "several major credit cards, so don't worry." Others are not convinced. Said student Lance Bury, "I smell a major fee increase. He better give the Marriot to BATCH."

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(continued on page 9)

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