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HASTINGS LAW NEWS

Volume 20, Special Edition

Hastings College of the Law

San Francisco, California

April 27, 1987

Attorney General Says Charges Against Dean Prunty Are Insignificant

In a statement issued by Board Chairman Harold S. Dobbs following the suspension of Dean Prunty last Wednesday by a six to four vote of the Board, Dobbs indicated that the allegations against Prunty would be forwarded to the Attorney General's office for review, but, according to Assistant Attorney General Carole Kornblum, no evidence of wrongdoing by Prunty has yet been received by the Attorney General's office. Kornblum was quoted in the Recorder as saying that the accusations against Prunty are "not significant," and that the Attorney General's office would "prefer not to get involved." According to Kornblum, the only issue that requires investigation by the Attorney General's office is the misuse of scholarship funds by the Board, which took place prior to Prunty's appointment as Dean.

The statement by Dobbs cited "certain matters . . . regarding the use and handling of College funds by the office of the Dean," as the reason for the Board's suspension of Prunty. Chairman Dobbs declined to state specific allegations against the Dean, but other Board members and press reports have confirmed that the allegations consist of the following:

1. Prunty used discretionary funds to pay tuition for college courses taken by Director of Administrative Services Noel Shumway and Administrative Assistant Patricia Dolter.
2. Prunty used discretionary funds to pay parking tickets incurred while attending hearings on the school's budget in Sacramento.
3. Prunty loaned an undisclosed amount of money from the discretionary fund to Administrative Assistant Dolter.
4. Prunty paid dues to the Bohemian Club out of the discretionary fund.
5. Prunty used discretionary funds to reimburse staff and faculty members who attended a women's rights luncheon sponsored by Assembly Speaker Willie Brown.

All of the allegations against Prunty involve a fund known as the "Dean's Discretionary Fund." According to Board Vice-Chairman Myron "Doc" Etienne, "the Board has never set a policy for the handling of that fund." The fund has been used by Prunty to support student activities such as "Law Revue" and the Third Year Class Party and consists of both designated and undesignated funds. Sources in the Fiscal Office of the College told the Law News that the funds used to pay Bohemian Club dues had been designated for that purpose by the donor of the funds and that the money loaned to Dolter had been repaid.

In a statement released last Friday by his attorneys, Dean Prunty said that "there is no truth to any suggestion that I have used funds in the Dean's Discretionary Account for any purpose not wholly consistent with the best interests of Hastings."

According to Board Member John Knox, the allegations against Prunty are "not substantive," and represent an attempt by Dobbs to procure the Dean's removal for some unknown reason. "there is definitely some kind of hidden agenda here," stated Knox, "I just don't know what it is." Another Board Member, who asked to remain unidentified, believes that Dobbs initially attempted to use Prunty as a scapegoat for the misuse of funds that occurred in the 1970's. "your treatment of the issue," the Board Member stated, referring to the Law News, "made it impossible for that plan to succeed, but it was too late for Harold [Dobbs] to change his story."

"These are things which normally would

be winked at," ASH President Elie told the Law News, "and as far as I know, there have never been any guidelines for the use of the fund." "The danger is," Elie continued "that this issue will obscure the fact that scholarship funds were used by the Board to buy real estate."

The cost for the Board's ongoing investigation of Prunty, according to the school's Fiscal Office, has already exceeded \$104,000.00. This has prompted criticism from both faculty and members of the Board. One faculty member, who asked to remain anonymous, stated that "Dobbs is so eager to crucify Dean Prunty that he seems willing to bankrupt the school just to find out how much Prunty spends on postage stamps each month."

The Law News has learned that \$25,000.00 of the money spent so far on the audit of the Dean's discretionary account was taken from the "Annual Fund," which consists of donations from the school's alumni.

Counsel Wants Dean's Job

General Counsel Max Jamison wants the job of Acting Dean after the suspension of Dean Bert Prunty goes into effect June 1, according to sources in the administration and on the Board. Jamison, who could not be reached for comment, reportedly told a member of the Board that the crisis precipitated by Prunty's suspension would justify the appointment of Jamison as Acting Dean, even though he is not a member of the tenured faculty as required by the Governance Rules of the College.

The Governance Rules are an agreement between the faculty and the Board as to how the College is governed. The Rules require that any appointee to the position of Dean be a member of the tenured faculty, but the Rules do not expressly indicate whether any appointee as Acting Dean must conform to the same requirement. According to the Rules, an appointment as Acting Dean must be approved by majority vote of the faculty unless the appointment is made during the summer. Since Dean Prunty's suspension takes effect June 1, many faculty members are concerned that the Board will attempt to appoint Jamison without their consent.

Although no official faculty position on the issue has yet been announced.



General Counsel Max Jamison

one faculty member told the Law News that the faculty was "unanimous" in its opposition to Jamison. Many faculty members do not regard the prospective suspension of Dean Prunty to amount to the creation of a vacancy. "It is presumptuous to talk of filling a vacancy by appointing an Acting Dean when no vacancy has occurred in the first place," stated one member of the faculty.

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EDITORIAL

Chairman of the Board Harold S. Dobbs has attempted to justify the recent suspension of Dean Prunty by releasing a vague statement alluding to the "use and handling," by Dean Prunty, of funds "unrelated to matters concerning . . . certain real property commonly known as the West Block Properties." Chairman Dobbs has declined to be more specific, citing a concern for the reputation of Dean Prunty and the need for further investigation. We cannot help but be reminded of Senator McCarthy and the lists of communists he kept, conventionally unrevealed, in his briefcase. Innuendo and rumor are powerful weapons in the hand of an unscrupulous man, and Dobbs has repeatedly proved himself to be entirely void of scruples.

Several members of the Board have stated publicly that the allegations against Prunty are trivial. One Board member called the charges "ludicrous," and another said that the accusations were "a joke." Even the Attorney General's office has characterized the allegations as "not significant." The *Law News* has reviewed the charges that have been made and finds them to be entirely without substance. The fact that the Board has suspended the Dean upon such baseless charges is evidence of the self-interested arrogance of its Chairman and the spineless acquiescence of a majority of its members.

Even if the charges against Dean Prunty were substantial, unrepented and entirely proved, it is surely hypocritical of the Board to levy such charges when its own Chairman and General Counsel continue to go unpunished for the misappropriation of millions of dollars in minority scholarship funds -- a misappropriation which, it must not be forgotten, took place prior to Prunty's appointment as Dean. The fact that Dobbs remains Chairman of the Board and Max Jamison is employed as General Counsel puts the lie to any explanation the Board could possibly give for the action it has taken against Prunty. The Board must set its own house in order before it presumes to find fault with Prunty's administration of the College.

The Board will have an opportunity to recover its integrity in June when Dobbs' tenure as Chairman is up. If the board fails to elect a new Chairman, it will prove that it is unworthy of its trust and that it ought to be dissolved. Government of the College by the University Regents is clearly preferred to government by a clique of self-interested mediocrities.

Charges Insignificant

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Other faculty members have expressed the opinion that, during the suspension of Dean Prunty, the Academic Dean should assume the responsibilities of Dean. A provision in the Rules of Governance that specifically named the Academic Dean as "the senior officer of the College under the Dean" and empowered the Academic Dean to act in the absence of the Dean was stricken from the final draft of the Rules by the Board on recommendation of its General Counsel, Max Jamison.

Opposition to Jamison is not limited to the faculty. One member of the Board told the *Law News* that the idea of Jamison serving as Dean was "preposterous." Board member John Knox stated that "Jamison is qualified by neither experience, background or temperament to be Dean of any school."



Board Chairman Harold Dobbs

PROTEST

RECENT ACTIONS OF THE

BOARD OF DIRECTORS

FRIDAY, MAY 1, 1987 11:40 a.m.
on the beach

FREE BEER

STUDENTS PLAN PROTEST

A broadly-based committee of students was formed last Friday to demand an independent investigation of recent activities of the Board, including the audit and suspension of Dean Bert Prunty. The committee, which calls itself the Committee for an Independent Investigation, is comprised of students from all three classes, members of a variety of student groups and students who belong to no campus groups at all, according to Dena Bloom, one of the Committee members.

The Committee is directing its efforts toward organizing a protest demonstration on the Beach, scheduled for Friday, May 1st at 11:40. The Committee is also circulating a petition which will be presented to Professor Sam Thurman, chairman of the Faculty Executive Committee, at Friday's rally. The text of the petition is as follows:

"We, the undersigned, are disturbed by the past and recent allegations regarding the conduct of a Dean and the Board of Directors. The Board's unilateral action in investigating its own and the Dean's alleged misconduct is improper and represents a conflict of interest.

"As students interested in maintaining the prestige and integrity of the Law School, we support and demand the creation of a committee comprised of faculty, students and alumni, empowered and recognized by the Board of Directors, to conduct an independent investigation into these matters. We further demand that the Board of Directors cooperate to the fullest extent with this committee.

"The duty of this committee will be to make findings of fact and report those findings and recommendations to the Hastings Community and to the California State Legislature."

Although the petition and demonstration appear to have originated as a "grass roots" movement, the demands of the Committee for an independent investigation have been endorsed by ASH President Elie, ASH President-elect Ellen Schned and next-year's ASH Executive Officers.

HASTINGS LAW NEWS

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