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## Biafra assails rock lyric censorship

by David Kahn  
and Renee Fenton  
Staff Writers

Starting with a broad historical perspective of censorship in the United States and ending with the story of his personal brush with Los Angeles authorities, Jello Biafra spoke to a crowd in excess of 125 students at Hastings on February 11. Biafra is the former lead singer of the the Dead Kennedy rock group. He was recently acquitted of charges of "distributing harmful material to minors" which arose from an allegedly obscene poster included in a Dead Kennedys album. A political activist, he garnered 3.5% of the vote in the 1979 San Francisco mayoral election.

The event was sponsored by the National Lawyers Guild, COMMENT, Con Law Quarterly, and OLEOP. While the lecture lasted for three hours, it seemed to keep the interest of those in attendance.

Biafra began his lecture with an historical overview of censorship in the United States. Biafra discussed "attacks on the First Amendment" that have been directed at such famous entertainers as Fatty Arbuckle, Little Richard, and disk jockey Allen Fried. He noted that under the Hayes Rules, an early restriction on the motion picture industry, there was a government employee with the title of "Bust Inspector," whose sole job was to examine women's busts to make sure they were minimally displayed in the movies. Commenting on the history of the anti-rock'n'roll movement, Biafra claimed that the KKK started the fight against rock music by calling it "race music," and that the right wing tried to use this monicker to take rock music off the air.

Biafra criticized the Parents Music Resource Center (PMRC), a group whose members include the wives of several U.S. Senators, which convinced the Senate Commerce Committee to hold hearings on rock music.

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## Bomb threat closes College

by Ron Zollman  
Staff Writer

A bomb threat phoned in to the office of the dean on Feb. 16, which resulted in students being evacuated from the 198 and 200 McAllister buildings, turned out to be a hoax.

Hastings Security Chief Robert Owens said that the call, the first bomb threat at the school since the 1970's, came at about

## FORUM

ASH presidential candidates face tough issues.

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## FEATURES

IBM or Macintosh? — the computers square off.

...see page 11.

## NEWS

Rowdy demonstrators disrupt AIDS panel discussion.

...see page 3.

# Hastings Law News

San Francisco, California

March 8, 1988

Volume 21, No. 5

*Thurman blasts Board for ignoring faculty*

## Faculty, Board divided on role of CFO

by James P. Ballantine  
News Editor

As the College searches for two top officers—the Dean and the Chief Financial Officer (CFO)—serious differences divide the Board and the faculty regarding the appropriate functions of the positions. The Board and faculty have not agreed upon definitive job descriptions for the positions, but both sides indicate that they are in the process of seeking

agreement on these issues.

While the ongoing debate does not affect job responsibilities of the current Dean and CFO, its outcome will determine the governance structure of the College when the positions are filled.

The Board and the faculty are sharply divided on three essential issues: the appropriate scope of the CFO's responsibility, the relationship between the CFO and the Dean, and whether the CFO should report to the Dean or directly to the Board.

Both faculty and Board members have expressed grave concerns regarding the CFO's role in the operating structure of the college.

The Board's view is expressed in a draft of proposed by-laws for the College submitted to the Board March 1 by Robert Kerley, currently serving as CFO on a consultant basis. The job description in the bylaws had been given to recruitment consultants retained to find candidates to fill the CFO position.

The bylaws specify that the

CFO reports directly to the Board, so that the Dean holds no authority over the CFO. The CFO is also given broad responsibilities over financial planning, and budget preparation for the entire College.

But the faculty has serious concerns with these key provisions. "We [the faculty] are at odds with" the current CFO job description, said Professor Samuel Thurman, Chairman of the Faculty Executive Committee, at a Board CFO search committee meeting Mar. 3.

Thurman noted that the CFO's position is "too close to the academic operation" of the college for a non-academic official. He also commented that the CFO's broad responsibilities give him power over academic governance.

Thurman expressed particular concern that the Board did not consult with the faculty in the preparation of the CFO's job description.

Agreeing with Thurman, Dean Daniel Lathrop indicated that the Dean, who functions as chief operating officer of the College, should have direct authority over the CFO. Thurman and Lathrop agreed that virtually all other law schools operate under such a structure.

Kerley disagreed with Thurman and Lathrop, and asserting that there is a fundamental difference between Hastings and other law schools. He indicated that a CFO reporting directly to the Board was appropriate for Hastings' needs. Board chairman Harold Dobbs said the Board was particularly interested in receiving an independent financial report from the College's financial officer and in exerting more control over the College's finances than it had before.

Director James Mahoney noted that while the interim organization plan establishing the CFO last spring "brought furor with the faculty," the school had been in a "deplorable financial

## Resume service runs rampant with mass mailings

by Renee Fenton  
Staff Writer

Services providing resumes and computerized mass-mailings for students seeking summer jobs with law firms have recently fallen under fire by both students and firms. One service in particular has been severely criticized and was recently banned from conducting further commercial activity in the McAllister Tower lobby.

The Office of Career Services recently received numerous complaints from San Francisco

law firms getting a large number of mass-mailed resumes and cover letters from Hastings students. The office could not determine an exact number of firms involved, because other Hastings departments have also received complaints. Some of the firms thought they were listed on an employment board located at Hastings, and demanded to be removed. The staff at the career center concluded that the mass-mailing problem came from students' participation in computerized job search programs.

Jan Wilkens runs a service

used by many students. Advertising on flyers posted throughout Hastings, Wilkens prepares resumes, cover letters, and envelopes to send to prospective employers. Until recently, Wilkens met with students in the McAllister Tower lobby and 200 McAllister building. Most of her customers appear to be first year students.

Wilkens' service currently costs 95 cents per mailing, which includes a cover letter and envelope; resumes cost between \$15.00 to \$20.00. Subscribers have paid between \$80.00 and \$200.00 for the service.

After seeing the results of the service, many students have expressed dissatisfaction. The most common complaint is that Wilkens' service produces few actual interviews. Many subscribers have said that they sent mailings to over 100 firms and legal organizations, but received very few, if any, interviews. While Wilkens does not guarantee results, students have commented that it makes little sense to pay over \$100.00 for a service that winds up producing no results.

Although Wilkens does not guarantee interviews or jobs,

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9:10 AM. The male caller said that a bomb would explode at Hastings at 10:45. He spoke to Dean Daniel Lathrop's secretary for less than a minute, Owens said, and when asked where the bomb was located, the caller laughed and hung up.

Once students were cleared from the building, San Francisco Police bomb squad, security and maintenance workers searched for the bomb. The searchers found nothing, and

students were allowed to return to classes at 10:55.

Unlike this fake threat, said Owens, who has been at Hastings for eight years, in the 1970's two bombs were actually found on school premises. One was found in the Large Reading Room in the 198 Building, and, Owens was told, had "enough plastic explosive to level a block, and would have gone off if the detonator had worked. The other bomb was found on The Beach.



# McAllister Tower loan in default

by Chris Palermo  
Editor-in-chief

At a meeting held Mar. 4, the Board of Directors moved to refinance the Tower, received an audit of fiscal 1986 books containing stinging criticism of College financial management, and heard reports from officers of the College on asbestos removal, status of the College by-laws, and development activities.

## Tower to be refinanced

The Finance Committee recommended continuing bank negotiations aimed at refinancing \$7 million in existing indebtedness on McAllister Tower. The College bought the Tower from the federal government but entered a default classification after missing a \$362,000 debt

service payment. Details of how the default occurred were not immediately available.

On Dec. 22 the Department of Education offered Hastings a 67% discount on the debt if Hastings paid in full by the due date of the next bond payment. The Board decided to accept the offer at its December meeting.

Under the offer, Hastings would pay the government \$2.3 million by May 1 to retire the debt, which otherwise would cost the College over \$10 million to retire under the outstanding 33-year note.

At the Mar. 4 meeting the Finance Committee recommended that the Board authorize Chairman Harold Dobbs to sign documents entering into a bank loan to generate the \$2.3 million. Upon motion by Director James Mahoney, the Board instructed Chief Financial Officer Robert Kerley to negotiate the loan limited to a term of 10

years paid at the prime rate plus two percent. Kerley had worked out such terms in preliminary negotiations. The Board asked Kerley to present the results of his negotiations at the April 8 Board meeting.

Board members expressed concern that the loan would be made at a variable interest rate with no cap, which could cost the College thousands of dollars should the prime rate increase in the next decade. Kerley agreed to seek a capped interest rate on the loan.

The loan will be secured by floors 5-19 of the Tower, which were the security for the outstanding note.

## Audit report critical of management

The Board received an audit of fiscal 1986 books completed by Peat, Marwick, Mitcher & Co. The audit, presented in detail to the Finance Committee by Peat, Marwick accountants

at the Committee's Mar. 3 meeting, contained 14 pages of recommendations for improving College financial management. The recommendations revealed numerous instances of shoddy bookkeeping and inadequate management of accounting procedures.

Among the deficiencies noted included long delays closing ledgers, numerous accounts out of balance, failure to perform bank reconciliations, delays of over a month in depositing checks, and failure to collect outstanding accounts receivable. Similar practices were reported in 1984 and 1985 audits conducted by Peat, Marwick.

Kerley noted that College books had been improved substantially since the audit began. Kerley has spent the last year reorganizing financial procedures at the College, but estimated that another year would pass before College re-

cordkeeping would meet professional standards.

The Board moved to respond to this criticism by asking Kerley to respond to each comment prepared by Peat, Marwick. At the Board's direction, Kerley will establish a schedule for implementing financial controls to bring College financial controls up to professional standards. The Finance Committee, which met for the first time in a year on Mar. 3, will supervise and report on improvements made.

The College will be subject to U.C. oversight beginning with the current fiscal year according to recent legislation prompted by College investments in real estate.

## Dean reports on asbestos, speakers

Dean Daniel Lathrope reported that the College com-

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# Resume service shut out of Tower

(continued from page 1)

she does advertise that the firms on her list do hire first year students. She also claims that her service can target mailings to law firms that reflect specific areas of interest requested by the students. Citing their rejection letters as evidence, students allege that her computerized lists do neither. For example, many first year subscribers report that they received a substantial number of rejection letters indicating that their firms do not hire first years. Other firms responded that they are too small to even hire summer clerks.

Students have also commented that Wilkens' lists are incomplete. One first year student had specifically requested that Wilkens provide her with a list of San Francisco area firms specializing in health care law and medical malpractice. The student said that she "felt ripped-off," after learning that Wilkens included only a few of these types of firms, and had even left out a particular firm which she had expressly requested information on.

Students have also charged that many of the problems with Wilkens' computerized service

stem from the large volume of subscribers that she deals with. Her service is also advertised and used at several other Bay Area law schools. Meeting with Hastings students in the McAllister Tower lobby, Wilkens would meet with over 20 students in one day. According to Wilkens, these fifteen-minute meetings are to provide students with information on her service and allow her to inquire about the individual needs and interests of her subscribers. Students have complained that Wilkens encourages interruptions of these meetings by al-

lowing unscheduled students to pick up orders, make corrections, etc. Students have found that these interruptions distract Wilkens, and take her attention away from the information and details that her work requires.

Students have suggested that the sheer volume of work Wilkens attempts to furnish has led to mistakes and inaccuracies in her work. The mistakes have been both small and substantial. Some students report receiving mailings addressed to firms they specifically had requested not to receive. A num-

ber of students also reported that Wilkens' computer caused cover letters and envelopes to be addressed to the wrong firms, or not addressed at all. While Wilkens warned students to check for errors, many of the mistakes were not ascertainable by the students. However, unnoticed errors, such as misspellings in the name of the firms and the listing of incorrect hiring partners were quickly noticed by firms.

Many complaints have also come from Wilkens' use of the McAllister Tower lobby as her rent-free office. She apparently relocated to the Tower after Hastings requested her to leave the 200 building upon receiving complaints from students last year. However, during the past year much of her work continued to be conducted out of the lounge area on the second floor of the 200 McAllister building.

According to Sandra Parks, a secretary with the building management firm at McAllister Tower, Ms. Wilkens first claimed that she would be meeting only occasionally with students. "She went overboard," Parks said, commenting on the unexpectedly high level of activity from Wilkens' service. During the last week in February, the management informed Wilkens that she could no longer use the lobby to meet with students. According to Parks, the building office received complaints from student residents of the Tower, and, surprisingly, from law firms receiving mass mailings from Wilkens' service. The firms even indicated that the poor quality of the mailings was "causing more problems to students than helping," Parks said.

# Jello Biafra assails rock censorship

(continued from page 1)

Biafra considers himself a point man against Tipper Gore and the PMRC which she leads. Gore is the wife of Presidential candidate Senator Albert Gore, Jr. He argued that this group has taken up where Joe McCarthy left off in targeting individuals or groups that it opposes and then trying to break or bankrupt them as a form of punishment. He called such actions "financial harassment," citing the burden of legal fees. He claimed that the far right, the religious right and U.S. Attorney General Ed Meese are all in cahoots in trying to limit the artistic freedom of rock musicians, as well as the First Amendment freedoms of all Americans. He noted that the Meese pornography commission sent letters to the Seven-Eleven chain of convenience stores, causing them to remove magazines from their shelves. He called this "black-mail," and noted that while the letter was directed at pornography it resulted in the chain

banning some rock magazines.

Closer to home for Biafra was the letter sent by the PMRC to the Recording Industry Association of America. The PMRC wanted record companies to "reassess" their contracts with rock groups. According to Biafra, tactics like these bear a disturbingly close resemblance to those used by the "McCarthyites." The PMRC advocates a rating system for rock records similar to that used for movies. The ratings, O for occult and V for violent, prove the PMRC's link to the religious right, he claims. According to Biafra the PMRC wants the U.S. run as a theocracy. As evidence, he noted that a certain "reactionary" reverend, Jeff Ling, works closely with the PMRC. Emphasizing PMRC's power, Biafra noted that John Denver, who testified in the Senate hearings against the rating of records, was dropped by RCA Records after testifying and has since not been able to secure a new

contract.

Biafra used his personal legal problems as an example of the danger of censorship. He recounted that his personal life and artistic career, his finances, and his band were dominated for 1½ years by his court battle against the City of Los Angeles. Biafra views himself as living proof that powerful right wing groups can destroy people's lives based on the skimpiest of legal authority.

Biafra vividly recounted his arrest on the morning of June 2, 1986, when he was awakened in his Mission District apartment by Los Angeles and San Francisco police. The nine police officers broke a window to enter his apartment, and, according to Jello, "wrecked havoc," turning the apartment upside down.

Biafra was charged with violating Cal. Penal Code aa 3813.1, Distribution of Harmful Matter to Minors, a rarely used California statute. Conviction

of this statute carries fines of up to \$2000 and 1 year in jail.

The basis of the charges was a poster entitled *Landscape #20: Where Are We Coming From*, which showed abstract genitalia, and was vigorously inserted into the last Dead Kennedys album *Frankenchrist*, the poster was determined by the Los Angeles City Attorney's office to fit the definition of "harmful material" under the code. For this alleged offense, Biafra would spend the next one and one-half years of his life and over \$80,000 in legal fees, while his band, creative efforts, and personal life dissolved.

The former lead singer of the Dead Kennedys intimated that there was a connection between the PMRC's objection to the *Frankenchrist* album and his arrest. He also noted that his arrest, which was publicized by the City Attorney's office, came the day before municipal elections. He compared his arrest and apartment search to TV

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# First Amendment debated & halted at AIDS forum

by T. Lynn Fleischer  
Staff writer

A Hastings panel discussion exploring proposed mandatory testing for HIV (AIDS) antibodies erupted when community activists began demonstrating, preventing a panelist from speaking. The demonstration interrupted an otherwise informative panel discussion, which was held Feb. 21 in the Old Commons.

The demonstration was

aimed at U.S. Congressman William E. Dannemeyer, the sole panelist to support a mandatory testing program for the antibodies. Dannemeyer was called "a fascist" by community protesters, who appeared to have attended the event specifically to prevent Dannemeyer from speaking.

Dannemeyer, a Republican from Orange County, received his J.D. from Hastings in 1952.

The panel, in addition to Dannemeyer, consisted of var-

ious experts in medicine, law and social work. Other than Dannemeyer, the panelists supported anonymous voluntary testing programs, as opposed to mandatory testing. These voluntary programs currently are unique to California.

Also on the panel was Chuck Hanson, a second year student at Hastings who has AIDS. Hanson provided an emotional account of the severe social problems encountered when the government interferes with AIDS testing results.

The panelists provided information and statistics promoting an anonymous testing program over "confidential" or mandatory testing programs. Mandatory programs are now under examination in other states and for the U.S. military. The speakers maintained that anonymous programs provide a greater incentive for members of high-risk groups to receive voluntary testing. Members of these groups tend to fear discrimination and backlash in the work place and the community.

They also stressed that voluntary programs promote education about the AIDS virus.

The forum broke down when Dannemeyer began to present his case for mandatory testing. As he began to speak, a group of about 25 community demonstrators began marching around the room, shouting and demanding for the removal of the Congressman.

"I don't believe Fascists have a right to free speech," said one demonstrator. Amidst shouting of obscenities and Nazi slogans aimed at Dannemeyer, Hastings students, frustrated and angry with the interruption of the forum, attempted to stop the demonstration. Their pleas to the demonstrators to recognize the First Amendment rights of their opponents went unheeded or unheard above the calls of "fascism." Campus security and other members of the audience attempted to quiet the mob, but were unsuccessful. The protesters settled down only after Dannemeyer left the forum to catch a plane.

Many students who attended the event to listen to both sides of the issue indicated that they were unable to do so due to the demonstration. According to several observers, what could have been a lively and informative debate was ruined, leaving many students frustrated. One Hastings student said that the event turned out to be a "waste of time" because of the interruption.

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## New scholarship funds available

by Lani Battiste  
Staff Writer

After many years of inactivity, the scholarship program at Hastings is showing signs of revitalization with the release of four new scholarships this spring, and the creation of a new Scholarship Coordinator position within the administration.

In late January, the Office of College Relations distributed information sheets through SIC folders announcing the availability of the Mildred W. Levin Scholarship, the Arthur M. and Eugenia Sammis Memorial Scholarship, the Ingemar E. Hoberg Memorial Scholarship, and the William Blackfield Memorial Scholarship. The scholarships are a compilation of both new and previous endowments, with varying criteria for eligibility. The immediate availability of these scholarships is a result of the combined efforts of the Board of Directors, the Office of College Relations, the Office of the Academic Dean, the Faculty Committee on Financial Aid, the Office of Financial Aid, and most importantly, the generosity of the donors who have made the endowments possible.

Roger Hardy, Director of the Office of College Relations, said some scholarship funds donated years ago were held since federal financial aid funds were abundant. As Hardy pointed out, "it is not unusual for colleges to hold onto such funds for periods of time, because the money will be used for the students in case of emergencies."

However, Hardy also pointed out that if scholarship funds are held, donors do not have the opportunity to see their gifts put to work. With the creation of the new Scholarship Coordinator position, Hardy hopes that the difficulty of distributing the endowed funds may be unified with the creation of a development program which may encourage donors to make more private money available to the college.

Most private donations are "unrestricted funds," which are

designated for student use only. On February 29 the new Scholarship Coordinator, Edward Gray, began the difficult task of distributing these unrestricted funds. This process will include establishing the terms and mechanics of distribution. Hardy noted, Gray "will need to tailor the private financial aid, first by putting all of the funds into one pot, and proportion each award based on an individual student's need."

Hardy hopes that the new Scholarship Coordinator will not only cure past "inefficiencies" in distributing privately donated funds, but also create "a model program." Gray's duties will also include interaction with donors, and planning a ceremony between recipients and donors. The ceremony will be after April 1, the projected date of selection of the recipients.

Hardy anticipates that interaction with donors will revitalize the development program at

Hastings. Hardy noted that state-subsidized schools like Hastings usually do not have the funds to create positions designed to raise money for such specific purposes as scholarships. If the scholarship program is successful, Hardy hopes that the College will receive more contributions like that from Arthur Anderson & Co. which will be distributed in the form of a grant for tax students. The grant may be distributed this spring or next fall. Hardy expressed optimism that success of the revitalized scholarship/development programs will lead other prestigious firms to follow suit.

Wendy Miyasaki, Fund Steward for the College noted that while more scholarships will be released in the fall, the selection and distribution process is still in experimental stages. Before implementing the next round of scholarships, College Relations will experiment with the current procedure of distri-

bution, and will modify the procedure, if necessary, before releasing more funds in the fall. Miyasaki emphasized that the scholarships are new funds and are not related to the misappropriated scholarship funds used for the West Block property.

Awards for the various new scholarships are as follows: the Levin Scholarship will make two awards of \$750.00 each; the Sammis Memorial Scholarship 2 awards of \$1200.00 each; the Hoberg Scholarship will make two awards of \$1500.00 each; the Blackfield Scholarships will make five awards of \$1500.00 each. Although qualified students must have demonstrated financial need for the current academic year, the awards of funds will be used to reduce

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# Monte Carlo Night—a rake's paradise

by Ellen Schned  
ASH President

If a fun filled spring semester and a break from the academics is what you are seeking, that is what A.S.H. intends to provide. Several events are slated for this semester, starting with Dean Diamond's "Celebrate Thursdays." Every Thursday afternoon during March, the Dean along with A.S.H. and the office of Student Services will be sponsoring a "get-together" in the Alumni Reception Center. These receptions will provide students with the opportunity to take a break from their studies, to mingle with faculty and other students, to take note of the art gallery, and to enjoy refreshments (ranging from ice cream sundaes to pretzles and beer). This is just one of the many events designed to bring the students and faculty closer together.

The faculty are mingling with the students in other non-classroom forums: the softball field and basketball court. The faculty, along with seventeen student teams are participating in coed intermural softball, played every Saturday from 8:30 to 5:30 at Julius Kahn stadium in the Presidio. Twenty-four teams, including Dean Lathrop's faculty team, entered the 3 on 3 basketball tournament. The "Three Amigos" (Mike Cox, Rich Nielson and Eric Newell) were victorious. For information on the A.S.H. Golf tournament on April 8th, contact Paul Orbuch. A pool table has been added to the rec room in the basement of the 198 building, and the ping pong table has been moved down the hall to room B-27.

A.S.H. aerobics continue in the mezzanine of McAllister Towers Monday through Thursday, complete with a variety of instructors, new mats, weights

and an excellent stereo system. Now is the time to get in shape for spring break. Students, faculty, the administration and alumni are encouraged to participate. Check the S.I.C. for the schedule.

Gambling was rampant on March 4th, as A.S.H. hosted "Monte Carlo Night '88". Special thanks goes to the events' coordinators, Gina LiMandri and Kim Gelman, in addition to everyone who helped organize the event, deal and sell concessions. On March 3rd the students were pitted against the faculty in a "Trivia Pursuit" tournament, produced by Professor Wang and sponsored by A.S.H. and the Hastings Volunteer Association (the cultural and service organization of Hastings).

There will be a fundraising and friendraising benefit for Tim Benetti (a member of the Class of 1989 who was injured in a car accident) on March 31

at the Hall of Flowers in Golden Gate Park. This will be one of the best celebrations of the year, complete with music, dancing, spirits and a list of great prizes to be raffled off (including a limo ride donated by Professor Downs, trips, lunches etc.). Contact Andrew Bendon for further information.

Law Revue, a campus-wide musical and comedy production will be the evening of April 8th. This event promises to be very entertaining as you will witness the hidden talents (or lack thereof) of your classmates, teachers and alumni. Notify Tim Murphy or Linda Solow if interested in performing a number or helping with the event.

A master calendar of all campus events has been placed outside the A.S.H. office. Please notify A.S.H. Secretary Susan Burns if your organization is planning an event and it will be posted.

## Students have a voice

As part of the movement to increase student input at the college, groups of students have had the opportunity to interview each of this year's candidates for faculty positions and the Deanship. The national search for a Dean continues, with student representative Dan Stromberg taking on an active role in the Dean Search Committee.

The Hastings Board of Directors are kept apprised of student concerns by virtue of a written and oral report I present at each monthly Board meeting. I am currently working with Board member Charlene Mitchell to help formalize student representation on the Board through either a Board resolution or incorporation of a proposal into the Boards by-laws.

I am working with the Board and Dean Lathrop to enable  
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# Hodel defends Hetch Hetchy drainage proposal

by Bruce Cumming  
Staff Writer

Interior Secretary Don Hodel, armed with a polished slide show, confronted an initially hostile audience of Bay Area civic leaders in the latest battle over the Hetch Hetchy reservoir. Though at first the audience was skeptical of the Secretary's proposal to dismantle the reservoir, their reaction to his comments and the tone of

their questions indicated that Hodel at least held his own during the speech given Jan. 29 at the Commonwealth Club.

Hodel's proposal calls for a study to determine the feasibility of draining the Hetch Hetchy reservoir and allowing the Valley to return to its natural state. The reservoir lies 13 miles northwest of the Yosemite Valley.

Describing the natural splendor of Yosemite National Park, Hodel noted that "its outcroppings of granite monoliths

astride the high Sierras makes Yosemite one of nature's most spectacular settings." According to Hodel, the grandeur of granite formations in Hetch Hetchy Valley is comparable to that of the Yosemite Valley.

Hodel said that the Hetch Hetchy Valley, now part of Yosemite Park but currently under 360,000 acre-feet of water, could be returned to its natural state, and serve as a sister to Yosemite Valley. Hodel noted that Yosemite Valley is severely overcrowded during the summer tourist season, and development of Hetch Hetchy could relieve some of the present pressure on Yosemite.

Hodel carefully explained that he is simply advocating a study of the feasibility of the restoration of Hetch Hetchy Valley. He maintained that he would not support the drainage of the valley unless the study found "an economically feasible way to replace the water storage and power relied upon by San Francisco and other communities."

O'Shaughnessy Dam, which impounds the water of the Hetch Hetchy Valley, creating a reservoir, supplies hydro-electric power to the Bay Area. At least one quarter of San Francisco's water supply is derived from the reservoir, which also provides water to many peninsula cities.

Hodel accused his opponents of overlooking that he only advocates a study of the issue. He charged that "some have concluded that this [proposal] is impossible and have taken a negative position which I believe is premature."

"I am not afraid getting the facts," Hodel said, "whether they support the idea or not.

Those who oppose the idea, however, seem to fear what further study would reveal."

Hodel predicted that the study will find feasible alternatives for the lost power production and water storage. Power O'Shaughnessy Dam

rectly to San Francisco, bypassing Lake Lloyd, Lake Eleanor, New Don Pedro Reservoir, and the Bay Area Delta, all of which lie downstream from the Hetch Hetchy Lake. Hodel advocated letting the water flow through the valley unimpeded and then into the lakes and the Delta. Eliminating the O'Shaughnessy Dam would allow the water to flow into the lower lakes. Little water would be lost, but its storage site would simply be changed, Hodel claimed.

Hodel also explained that "the idea to restore Hetch Hetchy Valley is wholly consistent with President Reagan's philosophy and this Administration's record of environmental accomplishments," drawing laughter from the crowd. Cynicism over the Administration's sincerity in protecting the environment was underscored by the presence of picketers protesting Administration plans for off-shore oil drilling.

A question and answer session followed the speech, and most of questions asked why Hodel wishes to dismantle a reservoir system that works, when the country faces so many other pressing concerns. Hodel repeated that he simply advocates a study into the feasibility of restoring the Valley. It would be unwise to "kill the idea in the crib," before learning whether it is feasible, he responded.

Other questions concerned his proposal to open the Northern California coast to offshore drilling. One questioner asked how Hodel could on the one hand advocate restoring the Hetch Hetchy Valley and on the

(continued on page 13)

# Speakers to probe off-shore drilling

by Charlie Steak  
Special to the Law News

The Environmental Law Society will address California off-shore oil drilling in its ongoing speaker series. Environmental organizations and citizens of California are joining to oppose plans of the Department of the Interior and the oil industry lobby to lease 1.2 million acres of near-shore tracts along the coast of northern California.

The proposed sale is the first of many planned; two others include sites off the coast of southern and central California. The tracts to be leased are on the outer continental shelf and under the Federal Government's jurisdiction, but environmentalists note that the risks of offshore oil drilling fall directly on coastal communities.

Principal problems include air pollution, difficulty cleaning

up or containing oil spills at sea, dumping of millions of tons of drilling muds containing toxic metals into the ocean, and the displacement of commercial fishing activities.

The Department of the Interior's planned sale is currently being challenged by California Attorney General John Van de Kamp on behalf of the California Coastal Commission and the State Land Commission. Similar legal actions have been filed by Oregon, Washington, national environmental groups and many local governments.

Speakers in the series will include an advocate for California's local coastal governments and a representative of the oil industry. Speakers will be announced in the Hastings Weekly and the lobby of the 200 building.

(Charlie Steak is a first-year student and serves as co-president of the Hastings Environmental Law Society.)



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Records • Views • Reviews

## Features

Games • Diversions

## Filling the void in pop music

by Michael Cox  
Staff Writer

Presently, there is a complete void in pop music. No clear cut superstar currently reigns over the pop realm. In recent years the likes of Bruce Springsteen, Madonna, Prince, Whitney Houston, and Michael Jackson have captivated the public. Unfortunately, the past year has, for the most part, seen the release of a lot of mediocre music. After all, wasn't the soundtrack to *Dirty Dancing* the number one album in the nation for more than a month.

Yet, this void cannot last much longer considering the public's voracious appetite for creating popular idols. Certainly, there is no shortage of musicians who would love to fill this void. Three artists with current albums that could affect the pop charts are Bryan Ferry, Michael Cooper, and Terence Trent D'Arby.

One year ago, I would have said that Bryan Ferry was a shoe-in for pop superstar status. As lead singer of Roxy Music, Ferry was mainly responsible for their highly successful album *Avalon*. He then followed that success with the release of an excellent solo album, *Boy Meets Girl*. Ferry only

needed to put out one more great album to have fans and music critics crown him "king of pop-dom". I for one would not have bet against him releasing another great album. Unfortunately, Ferry's latest album, *Bete Noire*, is more like the final performance of an Olympic gymnast who has scored tens on two earlier performances and now only needs to score a nine-point-five to win the gold medal. The gymnast gives a safe performance, but not a great one.

On *Bete Noire*, Ferry seems to be following a formula for making music; a formula he fashioned after the successes he had with *Avalon* and *Boy Meets Girl*. However, great music rarely results from a formula, but instead is the by-product of fresh creativity.

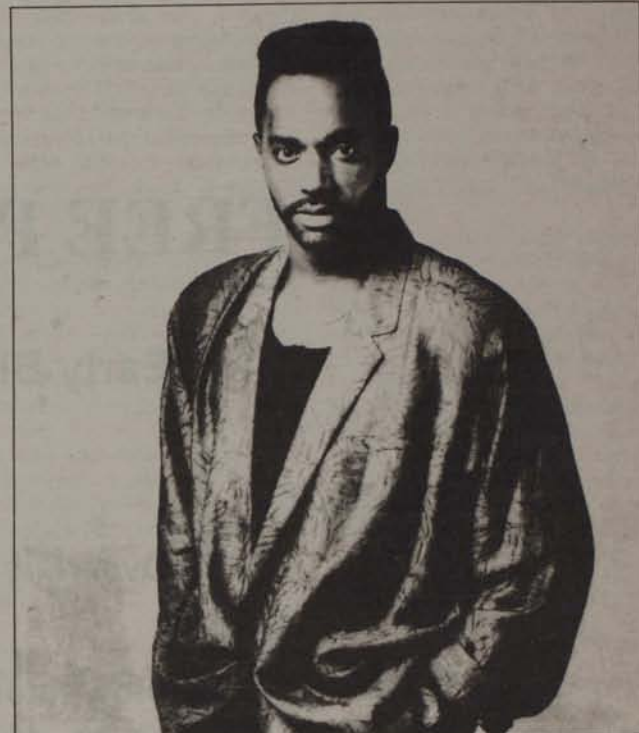
I'm not saying that *Bete Noire* contains bad music. On the contrary, Bryan Ferry still makes better music by formula than most current pop music. Yet, this album does not satisfy the high expectations I have for music made by Ferry. Especially when his past work shows that he is quite capable of meeting those expectations.

Pop music fans and critics probably do not have high expectations of Michael Cooper, primarily because they have

never heard of him. Yet Cooper is a veteran of the music industry. He was the lead guitarist and one of the lead vocalists for the band Con-Funk-Shun.

Con-Funk-Shun released a total of twelve albums, including four that went gold. The band's success was limited by labels, however. Their music was classified as "black" or "funk" music and thus ignored by Top-Forty stations. Meanwhile, white musicians, such as Hall & Oates, ABC, George Michael, and Robert Palmer, were able to make similar music, calling it "new wave," "pop," or "blue-eyed soul," and received mass exposure on Top-Forty stations. It was Con-Funk-Shun's desire to get around these labels and gain access to the Top-Forty radio market that led to the band's demise. During the mid-1980s, they took the hard edge out of their music and employed a host of pop record producers in an attempt to soften their sound to meet pop-j expectations. As a result, the music they created was just not happening. Instead of gaining new fans, they lost a lot of their old fans, myself included.

With the release of his first solo album, *Love is Such a Funny Game*, Michael Cooper has broken away from Con-Funk-Shun. For this album, Cooper



Michael Cooper's lack of notoriety belies his experience.

has stayed away from pop producers. He has instead teamed up with Jay King, a maverick Sacramento-based soul producer whose work includes Timex Social Club's *Rumors*, and Club Nouveau's debut album *Jealousy*.

On *Love is Such a Funny Game*, the San Francisco Chronicle reported that Cooper and King have followed the philosophy that "a black group should not water down its sound in order to cross over to the pop market." That philosophy is most evident on "To Prove My Love," the first single released from the album. Cooper describes the tune as "high-tech Con-Funk-Shun," obviously referring to the earlier sound of Con-Funk-Shun, because the spice and hard edge of funk is quite apparent here. So far the song has been a huge success on Billboard's black singles chart, but has been largely ignored by top-forty outlets.

This pattern of non-exposure will probably not hold for Cooper's next single, a funk-up remake of Carole King's classic song "You've Got a Friend." This song is hot and it is doubtful that pop stations will ignore such an excellent remake, even if the result is a funk song. I predict that this song will find its way into the top ten of Billboard's pop singles charts, and I would not be surprised if it even becomes the number one song in the nation. It's ironic that Cooper will probably have his largest pop success at a time when he is creating music he refuses to water down for the purpose of crossing over to the

pop classification.

Terence Trent D'Arby is not overly concerned about categorization on his debut album, *Introducing the Hardline According to Terence D'Arby*. D'Arby seems only interested in making good music which is accessible to both fans of rock music as well as soul fans.

I cannot recall a debut album which shows as much musical maturity as this one. The lyrics are intelligent; all written by D'Arby except for a remake of the Smokey Robinson tune, "Who's Lovin' You." Then there are D'Arby's vocals. They are sensational, and I can assure you that D'Arby is not hesitant to display the power and versatility of his singing ability. In fact, the way he sings at times seems to be outright cocky. You can almost hear him saying, "That's right, I'm bad and I know it." Not many artists, especially new ones, could get away with this attitude, but D'Arby escapes harsh criticism because his vocals are so good that they back up any claim his attitude makes.

D'Arby has already scored one hit off of this album with the exhilarating dance song "If You Let Me Stay." His second release is even better. The song is titled "Wishing Well" and seems destined for top-ten status.

D'Arby's debut album will establish him as a force to be reckoned with on the pop music scene. Yet, it will take D'Arby one or two more albums before he will be able to earn legitimate superstar status in the

(continued on page 15)

## Sua sponte

## Haight too hip to be square

by Dino Velez  
Features Editor

Some people have expressed their dismay at the lack of new places to find a "different" environment. These people claim that the SOMA club scene has become a suburban-poser mecca replete with fashionable restaurants such as Taxi, Rings, and Julie's Supper Club. Fortunately, the area near Haight and Fillmore has emerged to rejuvenate "art-culture."

The NocNoc Club has an interior like an aluminum Airstream camper turned inside-out. The barstools have wooden "sissy bars" and upholstery straight from "Daktari." The black and white televisions placed throughout the bar feature stars such as Cal Worthington languidly drifting without a vertical hold. The DJ

starts with Tom Waits and can segue right into a bit of East Indian Sitar. Like the music, the crowd has a diverse range. Patrons' appearances range from the Everly Brothers to Jack Lord and Elvira's sisters.

A bar called 13% fits into the same genre as the NocNoc Club. The music is a little loud, but the crowd definitely has "atmosphere." I spotted a dull little couple through one of the interior cut-outs and they seemed well out of their element in a place where sweaters and "white tennies" are frowned upon. Suspended clarinets and slide projectors cut the air overhead and help cast the little light aiding one's sight.

On the quieter side, Toronado plays it cool. Its dominating feature is a silver-anodized aluminum bar which runs the length of the bar. Aqua halogen lamps and chopped off street lamp bask the place in a soo-

thing glow. A black and white TV plays videos, such as Paul Newman in "Hud." Toronado also offers a virtual plethora of beers from almost every country and a number of "cool" waters. All of the beverages are served by a unique bartender who looks like he came straight out of "Repo Man." A jazz DJ, playing items such as Miles Davis' "Nefertiti," lays down music that's interesting without being intrusive.

If you want calm, go to the Water Club. It offers all the serenity of a sanitarium. A blue, iridescent light casts the invitation for some "quiet time" to the street. Inside, lava lamps cover the white walls with a warm, fluid light. The Club offers about a dozen types of bottled water, and the opportunity to relax in white leather bean bags. It's true '60's retro splendor with ambient sounds acting as a narcotic.



# Symbolism dominates *de Florette*

by Leah Kalish

*Jean de Florette* and its sequel, *Manon of the Spring* take place amid the Provencal scenery of Southern France. The harshness of the landscape, its unpredictability, its color and beauty, parallel the story's contrasting themes.

While the two French films contain magical moments, the story is dominated by the darker human side. The cheerful scenes heighten many disturbing underlying themes.

*Jean de Florette* is the story of two entrepreneurs. Ugolin (Daniel Auteuil), from the country, runs a seemingly harmless business. The other, Jean (Gerard Depardieu) has moved from the city to his family estate with his wife and young daughter. His new business undertaking also seems harmless. When Ugolin's plans are thwarted by Jean's project, a one-sided battle begins. Both Ugolin and Jean seek a priceless commodity: water.

Ugolin and his crafty uncle (Yves Montand) go to great lengths to destroy Jean, under the guise of befriending him.

Perhaps these two films realistically portray human relationships, but if so, it is also a depressing portrayal. The viewer's possible stereotype of a country bumpkin versus city slicker is challenged as the villagers own large estates and shrewdly manage their affairs. Further, the country folk are neither naive nor pure. Greed and self-interest motivate Ugolin and his uncle, the last two members of a previously numerous and grand family, the Souberains.

Jean, for whom the film is named, innocently embraces his new station, leaving himself open to foul play by the Souberains. On the other side, Ugolin's conscience temporarily awakens, but his slightly Machiavellian uncle dissuades him from his good intentions.

The story continues in *Manon of the Spring*, picking up ten years after *Jean de Florette*. The battle for water has transformed into a battle of love and revenge.

Emmanuelle Beart plays Jean's silent daughter, the beautiful Manon. Now a young woman, Manon lives the life of

a shepherdess, shunning human contact and roaming the hills with her herd of goats. She comes to know the village's secret and plots her revenge against the villagers who destroyed her father.

*Manon of the Spring* is a reminder of the incredible importance of water to a community. Crops flourish when there is plenty, and despair reigns during time of drought. In a wonderful scene, a petty bureaucrat arrives during a heated town meeting to solve the water problem, and barely leaves with his life. The villagers are proud. Yet, when their livelihood is threatened they fall prey to petty gossip and frustrations.

During the story the audience learns secrets unbeknownst to the characters. The story is actually a mystery which unravels for both the viewer and the characters at its conclusion. This technique of sharing secrets and delivering a crucial detail at the end effectively forces one to remember the entire story, and to connect the pieces together with the new information.

# Art gallery features works on paper

by C.J. Gorham

Two Bay Area print artists are now on display through April 7th in the Hastings Gallery of Art. Theodora Varnay-Jones and Kazuko Watanabe each have a unique style, expression and use of color, and create beautiful and intriguing works. While the artists' works are characteristically distinct, the two contrasting styles complement each other when the works of these two friends are shown together.

Theodora Varnay-Jones works' entitled "On the Surface - #1" and "On the surface - Opposed #2" are dark and subdued prints. A variety of natural browns and greens resembling grasses and sticks stand out from the overall darkness. At first glance, her works seem to have a Japanese influence. The graceful flow of soft colors in front of the dark and simple backgrounds are reminiscent of the tone of many Japanese artists.

Theodora describes her work as representing contrast or duality; the contrast between manmade articles and natural things. The title "On the Surface" has two meanings. First, the title describes her technique and how everything is placed on one surface. Secondly, the title describes how people

see things; we can only see the surface, never what is underneath or behind. "On the Surface-Opposed #2" draws the viewer deep into the steel gray and dark blue of the background, while the light colors of the grass like features resemble the grasses of a wheat field.

The use of the word background in respect to the works of both of these artists is somewhat of a misnomer. Both use the monotype technique. In simple terms, monotype is a printing process in which only one print can be made. Theodora prints her entire work at one time. The colors, texture and forms are placed and created upon her surface of plexiglass and then positioned and printed. In contrast, Kazuko Watanabe adds colors, texture and form at various stages. To provide further contrast she uses thin Japanese paper. In the end, both varied styles result in one print.

Kazuko Watanabe says she knows and can picture what she is trying to create, but that the end product usually varies quite a bit from how she pictured it. Although she strives for darker and more subdued colors, many of her prints exhibit bright and rich reds, yellows and oranges.

My favorite, "Skyrid IV", reminded me of a vibrant sunset over the ocean. Some of the

colors triggered emotions, while other colors in the overall tone of the piece created a peaceful and tranquil feeling. In her pieces entitled "Toy Box", she incorporates a multi-colored etching into a dark and ominous background and achieves a striking contrast.

Both artists have worked in the Bay Area for a number of years, and though there are numerous print artists in San Francisco, the two say there are only limited presses to use. Neither felt that they have been influenced by any particular style or genre of art, nor did they feel that their work had any underlying messages.

In addition to working on a commissioned work for Walt Disney's Epcot center, Watanabe has an upcoming one woman show in Don Soker's Gallery in July. Varnay-Jones will have a one-woman show in September at the same location. Don Soker generously loaned the works of both artists for this exhibition at Hastings.

If you like to look at art, this show will satisfy your creative eye. Even if you do not normally see fine art, expand your horizons and take a glance at some truly pleasing prints. The show is open on Tuesdays and Thursdays between 1:30 and 3:30 p.m. in the Gallery, 2nd Floor, 200 Building.

# Question Woman

by Audrey Israel  
Staff Photographer

Do lawyers have a duty to represent the poor?



Ron Silberstein, second year:

Yes. The only way this country comes close to equality of justice is through equality of access, and the underrepresented by definition are neither represented nor do they have access.



C. Keith Wingate, Professor of Law:

Yes, because part of the obligation lawyers have is to contribute to the judicial system and society at large.



Emilia Sweeney, third year:

Yes. I don't know why others have a duty but I think I do because I should give back to the community that helped me become an attorney, and because I have an overall sense of duty to the community at large.



Netzahualcoyotl Avelar, third year:

Yes because the government provides students with loans and they could place conditions on the students to get those loans. The majority of students get through law school with those loans. It's everyone's responsibility.

Marta Lawson, third year (not pictured):

No. Lawyers do not have a duty. I intend to represent the underrepresented myself. It's a good thing to do but if it doesn't come from the heart, forget it. People should be allowed to choose. Doctors are not obligated to work for the poor; lawyers shouldn't be required to either.

## The Lateral Hand

To those who wait in their rooms,  
don't come  
out to face the crowded day,  
who see the night velvet  
with rage and hope,  
to those who wait  
please Lord,  
send the stars  
and the patterns of leaves.  
Not pressed in pages  
but in full bloom,  
in lacy contrast to  
the summer dawn.  
Bring memories of gentle rain  
and smiles,

of families no longer known  
We cannot understand  
why.  
We cannot understand  
the death.  
But we know remorse  
we know each other  
we know the lateral hand,  
the power of caring  
for one another.

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# Forum

*En banc*

## ASH candidates must confront tough issues

The issues confronting the College are politically complex; the administrative machinery of Hastings is labyrinthine. To achieve substantive goals quickly, our next ASH president must keenly understand how decisions are made and implemented at every level of the College. We must consider each presidential candidate's ability and knowledge in the following areas:

**Administration**—The new president must be familiar with the governing structure of the College. The president must understand the Board, College officers and administrators, College departmental structure, adjunct support organizations, and the College's unique relationship with the State Legislature. No president can function effectively without knowing how the Board formulates and executes policy, since students are affected by and benefit from those policies.

**West Block properties**—The Board promised that proceeds from a loan against West Block assets would be available by March 1. That promise has been broken. The president must vigilantly ensure that misdirected restricted funds are recouped from the West Block, safely deposited in their new trust account, and properly managed. The president must also monitor disbursements from the repatriated funds—both to ensure that those entitled to such funds receive them, and to prevent those ineligible from making frivolous claims.

**Role of the CFO**—Our new president must acutely understand the emasculation of the Dean's role by the recent creation of a Chief Financial Officer. As we discussed in this space last month, the president must lobby for the return of the CFO's duties to the Dean.

**Alumni contacts**—Hastings alumni are our primary ties with the legal community, sources of potential employment, and principal sources of funding for many projects. The president must work closely with current alumni organizations to improve alumni/student interaction.

**Faculty-student ratio**—Our president will be the beneficiary of a decreasing student body and an enlarging faculty. The improved faculty-to-student ratio will immeasurably improve Hastings' reputation among law schools. Our president should actively support this trend by lobbying for further reductions in class size.

**Curriculum**—More faculty will permit new course offerings. Unfortunately, students are forced to take a bloated first-year curriculum and, as a practical matter, a year-long Constitutional Law course. Consequently, unless the number of required units is reduced, students will not be able to invest in expanded upper division course offerings. Accordingly, the president should lobby to create more electives.

**Tower gymnasium**—The president must continue the achievements of the present ASH administration, specifically by improving the refurbished gymnasium in McAllister Tower. The president must prepare to implement phase two of the development plan—the acquisition of weight machines and exercise bikes, and the installation of showers and locker rooms. Furthermore, the president must monitor College plans to build a Great Hall auditorium in the Tower to ensure that the gym is preserved or relocated to an adequate and acceptable space.

**Budget**—ASH administers a budget of more than \$20,000. The president's familiarity with the budgetary process is critical; no ASH function is more pernicious than distributing funds to student groups. Presidential candidates must outline precise criteria for distributing such funds. Candidates should also discuss how they favor using surplus ASH operating funds.

**Student services**—Finally, the President must ensure continued smooth operation of student services and activities, from intramural sports to book exchanges. Candidates should comment—albeit realistically—on new services they would provide, how they will be implemented, and how existing services can be improved or eliminated.

As these issues indicate, the ASH president cannot be merely a passive prognosticator of student sentiment. Students should vote wisely, after considering the president's ability in the areas given above. The president must be a strong person who is equally effective chairing an ASH meeting or arguing the students' case before the Board of Directors, administrators and alumni. The president will inherit many responsibilities, but with those duties will come great opportunity for progress. ■

## Women litigators experience bias

by Julianne Sylva  
Staff Writer

The first article of this series focused on the changes that the recent influx of female law students may bring to law practice and education. This article addresses a few of the problems that women litigators encounter in their practices, as well as some of the solutions that they suggest.

For this article, three litigators were selected on the basis of their experience and knowledge in the field, as well as the variation of their views and work experiences. This is a summary of their perceptions which the author believes is a fair representation of the various attitudes and conditions women litigators can expect to face.

### District Attorney / Private firm

The first woman interviewed was a deputy district attorney for several years, and now works for a private firm in San Francisco. She encountered little discrimination while working in the D.A.'s office. Rather, the emphasis was on her ability to prove herself, much as any other deputy D.A. had to. She, as well as the other deputies, gained great exposure to the court system; in fact, she went to court the day after she received her Bar results.

While this attorney did not experience much discrimination in the public practice, she did notice a subtle difference in the treatment she received in the civil sector. She works for a firm that has very supportive members but which has older clients. At times, these clients

have difficulty in perceiving women as competent and capable.

### Government position / Assistant U.S. Attorney, Nevada

This attorney may have different views on sexism, since she grew up helping her dad in his welding supply store. After attending law school in California, she accepted a clerkship with a District Attorney's office in Nevada. Since then, she has held a large number of attorney positions for both the state and federal government.

In her current position, she must work closely with many state and federal agencies, among them the F.B.I. and the A.T.F. (Alcohol, Tobacco and Firearms). She said that she has not experienced much sex-

(continued on page 9)

## Ipse Dixit

## Bankrupt liberals prove hypocritical

by Chris Palermo  
Editor-in-chief

Annoyed that only one Letter to the Editor arrived on my desk this month, I will attempt to induce some of you to write with a little provocative exposition:

### The "marketplace of my ideas"

Poor Representative Dannemeyer. He was invited to Hastings to participate in a debate on the merits of imposing mandatory testing for the AIDS virus, and he accepted the invitation on relatively short notice. The reception he received was far from gracious.

Poor, naive Representative Dannemeyer. He came to Hastings, purportedly a law college, purportedly a forum for the exchange of ideas, purportedly a center of learning; instead, he was derided, jeered, and stifled in his attempts to express his views by a motley band of loudmouths.

"I don't believe Fascists have the right to speak," one protester told our reporter later. Well, Voltaire would disagree, and so would I. This protester's comment reveals a rather narrow view of the First Amendment; free expression for some ideas.

It would be easy to condemn this incident as another exam-

ple of liberal hypocrisy, as a revelation of the weaknesses of that bankrupt ideology. I could easily deride those on the left for professing, as they are fond of doing, the "absolutist" view of free speech—that no speech should be curtailed by government—and contradicting themselves by drowning out speech merely because it is said by a conservative. Unfortunately, this incident does not provide such an easy mark.

What is redeeming about the jeering of Dannemeyer is that the organizers of the event and the panelists representing views opposed to Dannemeyer all condemned the incident. Apparently, radicals in the gay community heard the panel was being organized and spontaneously appeared. How a group of irresponsible visitors were allowed to wreak havoc here is beyond me. Some student, or a participant on the panel, must have leaked the news to the disrupters; this campus event was not publicized in the general community.

Therefore, my indictment of those who profess the virtues of free speech, yet only condemn that with which they disagree, is not misplaced.

To be fair, conservatives are sometimes guilty of the same sin. For example, members of the Reagan Administration have touted the benefits of loosening broadcasters from the stric-

tures of government regulation, but those same conservative thinkers believe that obscene speech may legitimately be censored.

This position is not necessarily contradictory. One can believe in what Holmes termed the "marketplace of ideas" while upholding society's right to excise obscene non-ideas which offend rather than contribute to the search for truth.

Of course, the line between offensive speech and that which contributes to political or ideological discourse is fuzzy, probably indefinable, as the recent *Falwell v. Flynt* case indicates. But at least conservatives courageously admit their philosophies; liberals present a facade of favoring the free exchange of ideas, revealing upon closer scrutiny that their marketplace of ideas includes only choice morsels of opinion compatible with liberal philosophy. I find this deplorable.

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# Pat Robertson's morality—a worthwhile goal?

by **McGregor Scott**  
Opinion Editor

Oh how the mighty have fallen! First Jim Baker, then Jimmy Swaggert, then Jerry Falwell. Mix in Oral Roberts and the great white hope, Pat Robertson, and we've got quite a group of candidates for

Dante's Inferno. The utter hypocrisy, greed, and arrogance associated with each of these men is enough to cause any right-thinking American to cringe. Seldom has organized religion been represented by such a pack of cheats. And yet, there is something going on here. The very fact that literally millions of Ameri-

cans have come to follow these men and others like them, giving freely of their hard-earned dollars to support them in high style, demonstrates that a very significant percentage of the American population is searching and looking for something that is lacking in contemporary society. And that something may very well be a shared sense

of community morals and standards. While the political pundits made mountains out of Richard Gephardt's economic message after the Iowa caucuses, they missed out on an even more essential message sent by the Republican voters of that state. In giving Pat Robertson 25% of the vote, Iowans indicated that

there is something in the man's message that they liked. And that message centers around a feeling that America has lost its sense of moral purpose and that, indeed, our ethical standards have fallen atrociously low. I am not condoning the Robertson candidacy, which I view as the worst thing that could happen to the Republican party; there is, however, something very real that Robertson has tapped into.

Americans want to feel good about their country, and to feel that it is doing the right thing. Sometimes, acting morally and doing what realpolitik demands is impossible. However, we as a people want to know and feel that we are acting morally whenever possible. This has been a part of our national consciousness since we emerged as a world power in the late 1800s. We expect our leaders to be examples of moral and ethical rectitude. However naive or simplistic this feeling may be, it does exist. What other country in the world would have thought twice about ending the Second World War by dropping the first atomic bomb? Or even considered paying reparations to those Japanese-Americans interned during that war? Or been so concerned with the plight of Blacks in South Africa? My point is that morality and ethics is a very real part of the American political scene.

The same people who demand this morality of our governmental policies and leaders also want and expect this same standard in their day to day lives. Those who voted for Robertson in Iowa are representative of something very real happening in this country. We are losing control of our standards and our sense of faith in ourselves and our country. Except in rural areas, we have lost our sense of community and all

## RUMBLINGS

### Jello Biafra's prosecutors knew obscenity when they saw it

by **Sinistro Publius**

One couldn't help but notice the incongruities. There stood Jello Biafra, the creative force of the (defunct) Dead Kennedys, a miscreant in the eyes of the

religious right, and the epitome of contemporary counterculture, espousing his view of the First Amendment to 200 law students. Then again, it's not so strange that this recent obscenity/free speech defendant has an interest in the subject. After

all, his arrest and trial threatened his freedom, broke up his band, chilled his artistic energy, wiped out his finances, and engulfed his life for the past two years. The Hastings crowd expected a rambling eccentric with a mo-

hawk, and was thus surprised by Biafra's "normal" appearance and scholarly presentation of the history of censorship of the arts in America. He focused on forgotten and shameful eras and events. For instance, he highlighted the time when black musicians, such as Fats Domino and Muddy Waters, played what was termed "race" music and the entertainment industry restricted its radio airplay to "race" stations and record distribution to "race" music stores. However, when Elvis Presley copied this style it became "Rock and Roll." Still objectionable, but not so tainted so as to keep it from the lucrative white market.

But it was Biafra's perspective as a defendant that was of most value to law students. It was fascinating to hear this articulate artist (non-lawyer) give his impressions of the voir dire process, or offer an analysis of his attorney's strategic decision not to take the stand. Few Americans can describe in the first person what it feels like to be on trial, to face time in jail, because his ideas and expressions are considered "harmful." Most of all, it was uplifting to hear him speak of the respect and gratitude he felt towards the lawyer who handled his case pro bono. Since the late

## Women in litigation experience bias

(continued from page 8)

ism there, except for an occasional "young lady" from a widely respected and highly sincere judge. While some may be offended by this sort of remark, knowing the context in which it was made and the sincerity of the person who made it, it does not offend this litigator.

Rather than feeling discrimination from men, she experiences much more from other women lawyers. She stated that many of them have a "constant chip on their shoulders". She states that a sly cattiness is very prevalent among the women lawyers of Nevada.

**Large and Small Government Agencies / Large Private Firm**

The last attorney interviewed has had a much different experience than the Nevada attorney. She said that the worst treatment she has ever received in the court room has been sex related—not related in any way to her client or to her actions as an attorney.

She has had several instances of sex discrimination by a judge and said that in one instance it was so severe that after the trial, which she lost, the bailiff, the court reporter, and the court clerk went up to her to apologize for the judge's behavior! For this attorney, the worst courts in which to try a case are located in Contra Costa County and Walnut Creek, while those in San Jose and

San Francisco are among the most favorable, with a few exceptions in the latter area.

**Summary of Recommendations for Court room Presence**

- \* **SPEAKING** Lower your voice. Try to stand on the side of the judge where he can hear you. Never interrupt other counsel, as women never get away with it. Do NOT whine. Speak up, rather than staying silent because you are fearful of making a mistake.
- \* **BEHAVIOR** Avoid court room antics, again, because women cannot get away with it. Be yourself. Many suggested not to act too soft, or too tough, but if it is a decision between these two and being yourself, choose yourself.
- \* **HUMOR** Try to keep a sense of humor. One litigator suggested that if all else fails, smile and use a situation to your advantage.
- \* **DRESS** Try to avoid dressing at the height of fashion in the court room. This does not mean to dress frumpy, or to be a "man clone" in a navy suit and white shirt, but this does mean to avoid lots of jewelry and to dress professionally. ■

## Letters to the Editor

Letters are accepted from anyone but must be typed or legibly handwritten double-spaced. Letters should be clearly marked as such and must bear the writer's signature, name and telephone number. Frequent or lengthy contributors will be limited to ensure that a forum is

available to everyone. We cannot print letters without signatures, but names will be withheld upon request if the circumstances warrant such action. Letters do not represent the opinion of the Law News, its staff, or Hastings College of the Law.

## Racism widespread

**To the Editor:**  
Just wanted to thank you for writing the article entitled "Discipline standards too low" [Feb. 9 issue]. I am a Hastings employee and wish to state that racial discrimination runs rampant throughout this prestigious college. Facilities is not the only department with prob-

lems on this subject. I shall not mention the names of the other departments, but they do exist. Thanks again for taking an interest in Hastings staff. We are usually in the background.

**A Hastings employee**

(Editor's note: our policy is to never print anonymous letters except when the writer's safety or job security might reasonably suffer as a result of publication. This letter is such an exceptional case.)

## Correction

In an opinion article published in the Feb. 9 edition on this page, "Discipline standards too low," two errors apparently appeared. According to Maintenance Supervisor Dominic DeAngelo, the story he told to LaChappelle did not contain a character identified as black. DeAngelo has also informed us that he expressed no opinion regarding the firing of Al Campanis and Jimmy "The Greek" Snyder.

## Hastings Law News

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## Cum Grano Salis

### Grading change misguided

by Theodore L. Laufer  
Executive Editor

Hastings is considering relaxing its grading curve by increasing the number of B grades awardable. Academic regulation 1101 currently provides that 40 to 55 percent of grades should be B minus and above. The proposed amendment would change the numbers to 50 to 65 percent. The percentage of A grades awarded, 5 to 15 percent for first years and 10 to 20 percent for upperclassmen, would remain unchanged.

Two arguments have been advanced in support of the change. First, the system penalizes Hastings students in the job market. Comparable law schools award a higher percentage of A and B grades; as a result, job applicants from other law schools at any given class rank appear more qualified than similarly ranked Hastings students. Since many employers are ignorant of the rigor of Hastings' tougher curve, Hastings job seekers become disadvan-

taged in the job market. If our grading system is relaxed so that it falls in line with other schools, the argument goes, job prospects will thereby increase.

Second, proponents of the change feel that students who have been accustomed to receiving superior grades throughout their lives will be psychologically harmed if they receive C's in law school; lower grades can discourage students from trying harder in their second and third years.

I respectfully dissent.

It is conceded that Hastings grades its students more strictly than comparable law schools and that some employers will in fact discriminate against Hastings applicants as a result. Still, at the heart of the argument that our grades should approximate those of other schools is that, as Saturday Night Live's Fernando often mused, "It's better to look good than to feel good." In other words, form is more important than substance. A's and B's indicate superior and above average performance, and those schools which hand these grades out en masse corrupt the system. What does a B

(continued on page 13)

## RUMBLINGS

(continued from page 9)

1970's Biafra has been one of the underground punk movement's most influential thinkers. He offers stark and confrontational criticisms of our culture through songs such as "California aaber Alles" and "Why I'm Glad the Space Shuttle Blew Up." The Dead Kennedys' (or DKs as they are known to their faithful) final album, *Frankenchrist*, was Biafra's indictment of the desensitization of this Nation's people. This theme is consistent from the cover photograph of a group of fat, middle-aged Shriners driving toy-sized replicas of convertibles during some all-white Mid-Western parade, to the hard-edged lyrics of the tracks. Many of what the mainstream press terms as "disaffected youth" have found anthems in the DKs shocking, insightful work.

It's ironic that Biafra was charged with disseminating obscene materials to minors (a poster inside the *Frankenchrist* album entitled "Penis Landscape"), when his purpose for including it was to confront the viewer with our culture's commercial, mechanical and emotionless perception of sex. It is a bit dismaying that the one student organization, the Asso-

ciation of Communication, Sports and Entertainment Law, which would seem to have the most interest in co-sponsoring this event, decided to back out at the last minute. One ACSEL member told me he didn't want the group associated with Biafra because "the poster is obviously obscene." I guess he knew it when he saw it.

Hats off to the Black Law Students Association for a fine

series during Black History Month. The events drew big crowds and offered something for the mind, the heart, the ears and the stomach. Let's hope for a repeat next year. ■

("Rumblings" is written by several contributors; *Sinistro Publius* is their composite pseudonym. The column is compiled and interpolated by Law News staff writer Matthew Davis, a second year student.)

## Pat Robertson

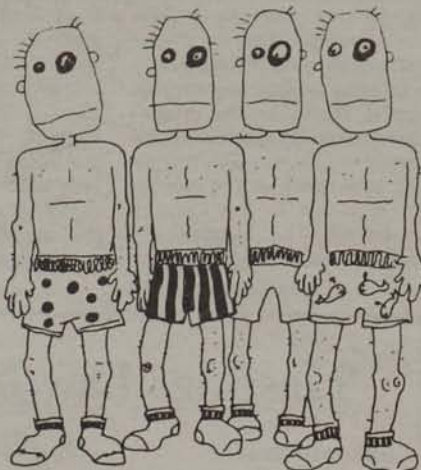
(continued from page 9)

that that connotes. Due to a number of causes, our families are falling apart. Recently, Time magazine ran an article about public schools, and compared a list of the ten leading school discipline problems in the 1940s with those of the 1980s. Among the items from the 40's were talking, chewing gum, making noise, running in the hallways, getting out of place in line, wearing improper clothing, and not putting paper in wastebaskets. In comparison, the items from the 80's included drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, assault, burglary, arson, and bombings. Can there be any

greater indication of the depths to which we've fallen, than the actions of our school children?

Those who voted for Pat Robertson in Iowa have sensed this general decline in our moral and ethical standards. The preacher's pitch of a return to a gentler time, yes, a more religious time, is touching something out there. The important message for the serious candidates in each party is that the electorate is ready this year for something different. The people are ready for a return to morality, a return to a sense of community, and a return to having faith in themselves, their leaders, and their country. ■

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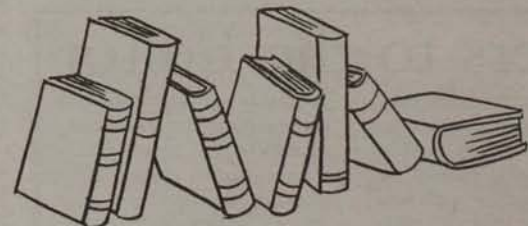
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# IBM or Macintosh?— depends on your budget

by Bruce Cumming  
Staff Writer

The most frequent question law students ask me when they find out I am "computer literate" is; "which is the better computer for me, an IBM or a Macintosh?" The correct answer, of course, depends on a student's needs.

The single major advantage to buying a IBM PC is price. For about 800 dollars you can

buy an IBM PC clone with a printer. The usual configuration includes a computer with a monochrome monitor, (the television set-like thing you see on top of a computer), and two floppy drives, (what you store your files on disk). Several San Francisco vendors sell these clone systems: CrescentCom, Bay Area Computers, and Micro 1.

If you add in \$125 for Word Perfect 4.2 you have a complete computer for under a \$1000. A comparable Macintosh system

would cost \$2300. This constitutes a Mac + with two drives and an Image Writer Printer. I use the word comparable here in a very loose sense because the two systems represent different hardware and radically different design philosophies.

The IBM is the present standard, the Macintosh will be the standard in the future.

Outside of price, few other arguments can be made for IBM and compatibles. One benefit of the IBM system is that it is now

the standard in law offices. More legal specific software programs are available for the IBM PC programs. These programs cite check documents, manage dockets, and bill clients. Further, some students will feel more comfortable with the machines that will most likely inhabit her future office.

If you can afford to spend the extra money, go with the Macintosh system. The Macintosh system is easier to use. It's based on graphics rather than text.

Moving a file in DOS (IBM) from one disk to another requires that you type: "copy A:file.doc B:file.doc" then "del A:file.doc." On the other hand, with the Macintosh you use the mouse to point to a picture of the file you want to move, press a button, move the mouse to a picture of the other disk on the screen, and finally release the button on the mouse. A mouse is a cigarette box-like object you push on your desktop which moves a pointer on the computer screen.

The Macintosh is also "friendlier" than the IBM. Not only is its interface much more intuitive (as evidenced by the example above), but the interface is consistent from program to program. To save a file you "pull" down a list of option from a bar at the top of the screen, (much like pulling down a window shade), and point to the save option, REGARDLESS OF WHAT PROGRAM YOU ARE USING. In the IBM world, how you save a document depends on what program you are using. Every time you want to learn a new program you have to learn a new set of commands for that program, even for the common operations it shares with other programs. In sum, the Mac is faster and easier to learn, and it's more fun. Some people develop intensely personal relationships with Macs.

One final recommendation for choosing IBM clones is lap-top capability. Though the Macintosh is a portable machine, there is no lap-top version yet. If you want a lap-top you must go with the IBM (DOS) system.

I realize that a whole book could be devoted to comparing these two systems. The Macintosh system I have described was for comparison only. I would recommend the upgraded MAC SE for 200 dollars more.

In parting, I want to follow up on how to purchase the WordStar+ Legal Edition. If you don't have access to an old copy of Wordstar, call Software for Less at (616) 957-0077 or ACP. They both sell a Wordstar 3.3 for about \$50.00. You MIGHT be able to upgrade this to Wordstar 2000 Legal edition for another \$150. Check with the company you want to buy the old version from as well as MicroPro publishers of Wordstar.

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## Faculty, Board divided on role of CFO

(continued from page 1)

state" at the time, referring to differences which arose between the Board and then Dean Bert Prunty last spring. These differences caused the Board to strip the Dean of financial responsibilities and vest them in a CFO reporting directly to the Board.

At the time, the Dean was unquestionably the chief execu-

tive officer of the College, accountable to the Board for all aspects of its operation, including complete financial management. The Dean's supervision of financial operations was reaffirmed by both the faculty and the Board in modifications made to the college governance structure in early 1986.

The faculty voiced strong objections to the Board's reorgan-

ization of the College governance structure last spring. The Board originally claimed that the establishment of an independent CFO position was only a temporary measure, but the structure has remained unchanged for 11 months.

Criticizing the establishment of the CFO position last spring, Thurman warned that the CFO's financial control over the

academic program could jeopardize the College's accreditation.

ABA approval standards require that the faculty substantially govern the operation of the school. While the Dean must be a tenured member of the faculty, the proposed job description for the CFO requires no connection to the faculty or academic background. Many of the candidates currently considered for the position have no background in academic institutions.

Thurman suggested that as a possible compromise to between the Board and faculty positions, the CFO could report directly to the Dean, but could also have a line of communication to the Board.

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# Administration says asbestos no threat

by Ron Zollman  
Staff Writer

Asbestos is currently being removed from the 198 McAllister St. building at Hastings; however, Hastings administrators have indicated that there is no safety hazard. Yet, one long-time maintenance worker has complained that workers have been exposed to the cancer causing mineral.

Hastings Facilities Operations Supervisor Dominic DeAngelo said that asbestos was used in the construction of the

198 Building in 1950 and its expansion in 1969. "Some of it's in the floor tile, some in wall boards, pipe-wrapping and fire-proofing," said DeAngelo, who is also a certified asbestos control manager. He added, however, that he believes "the asbestos situation at Hastings is perfectly safe."

Expanding on the risks associated with asbestos, DeAngelo said, "Asbestos is only dangerous if it's airborne," so "there's only danger if you bust it up."

However, former Hastings maintenance worker John LaChapelle thinks there is a risk.

In a letter to Hastings General Counsel Max Jamison, LaChapelle reported that he believed maintenance workers were exposed to asbestos fibres during the remodeling of the Trust Office in 1986.

He wrote that two workers were assigned to cut a hole in a wall at the Hyde Street Lobby, when "I saw there was gray snowy dust falling over [the workers]... work was stopped immediately and we started erecting a ceiling to floor barricade... to keep the dust away from students and others in the area."

DeAngelo responded, "What they experienced was plaster dust, not asbestos dust." He added, "The wall they bumped into was four inches from asbestos," so there was no possibility of the asbestos being knocked down by contact with the wall.

Despite this purported lack of exposure, DeAngelo sent a letter to workers, at their request, confirming, "You were working... between the period of November 15 and February 26, 1986 in the presence of an asbestos coated structural beam located above the south wall." But he said that it was common in the past to build with asbestos and that the letter does not mean the workers were actually exposed. "We issued letters to crew that maybe they might've been exposed to asbestos, but that was just to satisfy them," he said.

DeAngelo did say that the "air samples we took are better than the air outside," since asbestos has been used for many purposes, including brakes on old cars, and is still in the atmosphere in small quantities. "Hey, I'm concerned with your safety as much as my own. The health, welfare, and well-being of students and staff comes before anything," he emphasized. All workers at Hastings are trained to work with asbestos and given annual health examinations at the Berkeley Medical Center, according to DeAngelo.

Dean Daniel Lathrope delivered a comprehensive report on the situation to the Board of Directors at its March 4 meeting. Lathrope said the College completed a survey of all accessible space in the 198 Building during the winter and estimated the total cost of removing asbestos as \$477,000.

Lathrope said the high cost was due to the need to remove sprayed-on asbestos fireproofing from structural steel members of the building, a process requiring specialized safety equipment. Asbestos was also found in acoustical ceiling tile, pipe lagging, and wallboards.

The College began the first phase of the removal during winter break by removing the bulk of exposed material. The College plans to continue removing asbestos in crawl spaces and ceilings when school is not in session.

In December, Lathrope said, the remodeled Trust Office area adjacent to the Hyde Street lobby was cleaned and certified asbestos-free.

The primary means of asbestos exposure is through particles suspended in air. But Lathrope said that air sampled in the building during the survey proved cleaner than air outside. At the Board meeting, General Counsel Max Jamison emphasized that College air samples are well within prescribed Environmental Protection Agency guidelines. "Only a catastrophic event" could disturb enough asbestos to cause a problem, Jamison said.

Lathrope suggested that the Board seek state funding to meet the high cost of removing asbestos. The Dean said results of the survey were scrutinized by U.C. Berkeley industrial hygiene laboratories, which verified that the report contained all information necessary to file a state funding request.

The asbestos clean-up began in January and should be complete "probably by summer," with most of the work being done on weekends and holidays, "just because we don't want to get people scared," DeAngelo said.

## Proposed grading policy

(continued from page 9)

mean if it is awarded to one in the 65th percentile? Hastings does not live in a vacuum and cannot pretend to be a tail wagging the dog; still, it need not simply follow the leader either.

In addition, would a reasonable employer evaluate a GPA without appraising himself of the school from which the grades were earned? Would a reasonable prospective employee desire employment from an employer who did not make such an appraisal?

While as a practical matter the job market has some merit, the "psychology" argument is preposterous. Each day as I walk to and from school I see people vomiting in the streets, eating out of trash cans, having dialogues with several imaginary persons simultaneously, literally dying before my eyes, and I am supposed to have pity for a law student with a bruised ego? Anyone who expects me to do so deserves the bad grades he seeks to avoid.

Proponents maintain that a student would be more encouraged by receiving a B minus instead of a C plus grade when his examination warranted this

result. Personally, I think both C pluses and B minuses are mediocre grades and I would not be happy to receive either one. More importantly, as an employer I would be almost as equally unimpressed with a B minus as with a C plus on an applicant's resume, and I'm sure many employers feel the same way.

Proponents also claim that bad grades can adversely affect student morale and thus decrease the incentive to work as hard in the second and third years. A student who blames poor upper division performance on his bad first year grades refuses to accept responsibility for his subsequent performance. To suggest that grading be relaxed to pamper such an individual is ludicrous.

On the other hand, poor grades yield an opportunity to demonstrate character. As an employer I would be very impressed with an applicant who had poor or mediocre grades initially but improved later on.

Essentially, the demand for inflated grades is hypocritical.

Most students came to Hastings on the basis of superior grades and LSAT scores. I doubt if many of these students complained about the system when they were its beneficiaries. To complain at this stage, when one has reaped virtually all the rewards the grading system has to offer, is contemptible. He who lives by the grade should die by the grade.

One student suggested that grades should be more uniform because there are more bright people here. Implicit in this statement is that merely by attaining law school we have somehow "made it," and are to be awarded accordingly. The day one announces he has "made it" is the day he begins to lose it.

Grade inflation is like Reaganomic deficit financing. It gets us high, makes us feel great, but is empty and corrodes our national fiber. In this age of declining US competitiveness we should be making grading systems more strict, not less so.

For all these reasons, I submit that the present normalization scheme should be retained.

## Hodel defends Hetch Hetchy drainage

(continued from page 4)

other hand support offshore drilling. "Aren't these inconsistent environmental policies?" he was asked.

Hodel explained that the President charges the Secretary of the Interior with responsibilities that frequently conflict. The two most important of these charges are to protect the environment and to encourage energy development on the Federal Lands. When dealing with the national park system, Hodel said, he wears his environmental protection hat; when dealing with multi-use Federal lands he wears his resources development hat.

He went on to explain his support for oil exploration on Federal lands and in Federal waters. The encouragement of

the production of domestic oil promotes the nation's long-term security, he asserted. "If we don't develop the energy poten-

tial of Federal property, we will become increasingly dependent on foreign oil and especially OPEC," he admonished.



Dean Diamond hosted his weekly mixer last Thursday in the Alumni Reception Center.

Law News Photo by Audrey Israel

## Blackmun to deliver Tobriner Lecture

U.S. Supreme Court Associate Justice Harry A. Blackmun will deliver the 1988 Tobriner Lecture, Dean Lathrope disclosed late last week. Blackmun has not yet determined the topic of his address, but has asked for suggestions from the Hastings faculty, according to Lathrope. The lecture is tentatively scheduled for Nov. 15.

Blackmun was named to the Supreme Court in 1970 by Richard Nixon. Appointed as a strict constructionist, he quickly moved into the liberal wing of the Court. Among his best-

known opinions is the controversial 1973 abortion decision, *Roe v. Wade*.

Blackmun was awarded a B.A. degree *summa cum laude* in mathematics in 1929, and an LL.B. in 1932 from Harvard University. He clerked for John B. Sanborn, presiding justice of the 8th Circuit U.S. Court of Appeals, from 1932 to 1933. He practiced law in Minnesota and New York from 1934 until 1959, when he returned to the 8th Circuit, this time as a justice. He served on the Court of Appeals until his appointment to the High Court.



# Maintenance worker fired

by Dino Velez  
Features Editor

Maintenance worker John LaChapelle was fired Feb. 16 by Maintenance Supervisor Dominic DeAngelo. According to DeAngelo, the termination resulted from "misconduct and insubordination" by LaChapelle. However, the two dispute the circumstances surrounding the firing, and over 50 faculty and staff members signed a petition requesting reinstatement of LaChapelle.

LaChapelle was fired after he hung a rope around a beam exposed by an open ceiling in the Old Commons. DeAngelo told the Law News that the exposed beam, which is covered with asbestos overspray, may have

posed a safety problem, and that he asked LaChapelle to

hang the rope differently but LaChapelle refused. DeAngelo said he fired LaChapelle only after he repeatedly refused to follow this order and threatened DeAngelo.

According to LaChapelle, DeAngelo asked him who hung the rope and fired him when he said he had. LaChapelle indicated that he then understood he was fired for ignoring a standing order to get DeAngelo's approval before entering ceilings in 198 McAllister. In defense, LaChapelle explained that Foreman Dwayne Pinkston specifically directed him to hang the rope. Despite this explanation, DeAngelo again fired LaChapelle.

LaChapelle said after he understood he was fired he told DeAngelo "you're not my boss anymore and I refuse to take orders from you and Dwayne both." LaChapelle stated that he also told DeAngelo it was common knowledge that DeAngelo had wanted to hurt him for a long time, and now DeAngelo should hit LaChapelle "if he was man enough to."

However, DeAngelo said LaChapelle made these statements before he was fired, and that they led to his dismissal.

In a Written Notice of Intention to Dismiss, DeAngelo notified LaChapelle he was being terminated for insubordination and refusal to follow a direct or-

der, and for misconduct of a nature requiring dismissal. But on the day he was dismissed, LaChapelle says, Facilities Director William Sellier told him he was fired because he entered the ceiling of the Old Commons.

The policy not to enter ceilings of 198 McAllister was designed to prevent exposing possibly dangerous asbestos. Yet LaChapelle maintains both he and Pinkston discussed that the beam was completely encased in concrete. They concluded, there would be no asbestos on the beam because it was unnecessary for fire protection, and if it was present it could not pass through the concrete.

However, DeAngelo said

LaChapelle was not fired for following Pinkston's direction to enter the ceiling. "He did exactly what he was told to do," DeAngelo said, reasserting that the firing was due to LaChapelle's refusal to rehang the rope.

The campus community reacted strongly to LaChapelle's dismissal. Over 50 faculty and staff members asked the College to rescind LaChapelle's dismissal in a letter sent to Dean Lathrop Feb. 29. The signers recognized LaChapelle's "many skills and his courteous demeanor" and asked that his many years of service be considered. Lathrop had no immediate comment. Currently, LaChapelle's only recourse is to pursue his administrative remedies.

# Courts protect journalists' sources from scrutiny

Chandra K. Slack  
Staff Writer

Protection of confidential news sources and the reporter's privilege formed the base of a discussion sponsored by the Hastings Association of Communications, Sports & Entertainment Law (ACSEL) on February 18. Panelists included Judith Epstein and John Carnes, partners in Crosby, Heafey, Roach & May, an Oakland firm specializing in media law, and co-directors of the California Association of Newspaper Editors Action Line, which gives editors, publishers and reporters access to information about pressing legal problems in this area.

The conversation centered around "shield laws," which have been enacted in about half of the states in this country. The laws protect the reporter's privilege not to reveal a confidential source or surrender unpublished material gathered in investigation of a story. These laws are under fire now, said Epstein, due to "increasing demands to produce sources and source materials" in court.

According to the panelists, courts in many states have carved out so many exceptions to the "shield laws" as to make them virtually ineffective. In California, for example, the statutory shield law protects both confidential sources and unpublished information accumulated as part of the news gathering process. However, the courts limited this protection by excluding information which is "close" to that which is actually published, effectively opening the door to any interpretation of "close." Responding to this limitation, in 1980 California voters elevated the privilege of source confidentiality to constitutional status. This elevation limits the courts' discretion in

ment, the defense counsel had to show that the information sought went to the heart of the case, would affect or have a strong possibility of affecting the outcome of the case and could not be obtained elsewhere. The trial court, however, side-stepped the requirements waiving the reporters' privilege and in requiring disclosure.

The panelists identified four factors set out by the California courts for consideration before requiring disclosure. First, they must consider the nature of the litigation and whether or not the reporter or editor invoking the privilege is a party to the action. They are more likely to waive the privilege where it is a criminal action, and where the reporter or editor is a party to the action. Where the reporter or editor is a non-party to a civil action, the privilege is practically absolute. Second, the information sought must be relevant and integral to the claim or issue in the action. Third, the party seeking disclosure of the information must have exhausted all other sources of obtaining that information. Fourth, the courts must consider the need for confidentiality. If the disclosure would harm any individual, a court will not be inclined to violate its confidentiality. On the other hand, if the disclosure is related to a matter of public concern, a court will be more likely to order disclosure.

Panel proponents of the reporter's privilege argued that the explicit protection provided in both the California Constitution and the First Amendment to the U.S. Constitution is intended to protect the free flow of information and to facilitate vigorous investigative news gathering. Any infringement of the privilege, they argued, would severely chill investigative reporting and the editorial process. Also, they said, allow-

ing the press to be drawn into the fray of modern litigation increases the potential for people to manipulate the press, and decreases the effectiveness of the press as a check on government and business.

Opponents balanced the interests protected by the privilege against other constitutional protections. They argued that confidentiality of sources and source materials is of negligible importance when compared with the Sixth Amendment right to a fair trial.

To illustrate the complex and difficult problems which can arise from the application of confidentiality provisions in California, John Carnes discussed a murder case involving the reporter's privilege. The case involved a multiple murderer who confessed to three different law enforcement agencies before confessing again in an interview with a Bay Area reporter. The reporter's resulting story focused on the psychological aspects of the defendant's crimes so that most of the factual information from the interview was not published. After publication of the story, the reporter and her unpublished notes were subpoenaed by the defense. The defense counsel intended to question the credibility of the defendant's confessions by focusing on the discrepancies between the confession given to law enforcement agencies and to the reporter.

The reporter refused to disclose her unpublished material under both the qualified privilege of the First Amendment and the California constitutional reporter's privilege. In order to circumvent the First Amendment of both the First Amendment and the California constitutional privilege. Instead, the trial judge weighed the interests at stake: the reporter's interest in protecting her sources and un-

published material against the defendant's interest in his life in a death penalty trial. Because her interests were not as vital as the defendant's, and because the defendant was not a "confidential" source, the trial judge ordered the reporter to testify.

The reporter has appealed this decision; oral arguments before the California Supreme Court are scheduled for sometime during March. This case will be the first California decision to balance the California Constitution's protection of reporters against a defendant's Sixth Amendment right to a fair trial. The reporter asks

that the reporter's privilege be given deference equal to other relational privileges recognized by the courts, including the doctor/patient, attorney/client, and priest/penitent relationships.

Carnes noted that an accommodation sometimes used to avoid ordering full disclosure is an in camera proceeding, where the judge examines the information sought in her chambers, often obviating the need for full disclosure in court. Many broadcasters and reporters object to this accommodation, however, seeing it as a compromise of the principles underlying their privilege, according to Carnes.

## On the Docket

**Third Year Class Council** announces the following upcoming events:

**3/9: Barbeque on the beach**

Celebrate the coming of our last Spring Break!

**3/24: Third Year Class Party at Clv DV8**

Open bar (beer, wine and champagne), hors d'oeuvres and dance, dance, dance for \$12. Tix available from Third Year Class Council members and on the beach.

**4/15: Beer on the Beach**  
Featuring music by the Platonics! Dance, dance and dance some more!

**Celebrate Thursdays with Dean Diamond**

Enjoy ice cream sundaes and refreshments with the Dean, faculty and students in the Alumni Reception Center from 1:00 to 3:00 weekly through April 7.

**HICLR presents** its annual symposium, "Legal Issues Affecting Japanese Trade with the United States," on Saturday,

March 26, at 8:30 AM. Student tickets are \$40. For more information contact David Lui at the HICLR office.

**Associated Students of Hastings Elections-ASH** elections are coming up soon! Anyone interested in running for an ASH office must pick up a candidate's packet from the ASH office after March 9.

Executive candidate application forms are due March 24. Campaigning begins March 28; elections will be held April 6-7. A Candidates Forum featuring all ASH Executive Office candidates will be held April 5 at 5:30 p.m. (room TBA).

Class representative application forms are due April 11, campaigning begins April 12, and elections will be held April 14-15.

Those interested in running for ASH office may learn more about the process by visiting an ASH meeting, held Mondays at 5:45 p.m. in Room A, or by speaking to a current ASH officer or class representative.



# McAllister Tower loan in default

(continued from page 2)

pleted a survey of asbestos located in the 198 Building (see story, page 13). Lathrope announced that President Ronald Reagan has been invited to speak to the graduating class at commencement ceremonies. Previously, New York Governor Mario Cuomo had been invited.

## Development proceeding

College Relations Committee Chair Mahoney reported that College fundraising efforts are proceeding toward specified goals, with comfortable progress made in all categories except

unrestricted gifts. The College set a goal of \$120,000 in donations but to date has received only \$30,000. However, that amount exceeds the \$26,000 received last year.

Mahoney and Development Director Roger Hardy noted that the number of College donors has increased to 598 from 349 last year, but that the average gift amount has declined to \$376 from \$533. Hardy said the figures indicate that the College is attracting a broader base of givers.

## Bylaws draft delivered

Bylaws Committee chairman

Ralph Abascal reported that a new draft of College bylaws has been completed by Kerley. The bylaws were completed after Board members expressed concerns that a new CFO could not be hired until College officers' job descriptions were finalized in the bylaws.

Initially, the bylaws committee sought to consolidate prior bylaws with myriad changes made by the Board in the last 18 years. However, the task proved cumbersome, prompting Kerley to create new bylaws. The bylaws remove financial control from the Dean and vest it in a Chief Financial Officer, prompting division between the Board and faculty over governance of the College (see story, page 14).

## MICHAEL COOPER

(continued from page 6)  
pop music industry. j

Where does this all leave us? Well, we are still left with a void in pop music, but Terence Trent D'Arby provides me with an optimistic view of the future of pop music. Also, I would not count out Bryan Ferry yet. He is still capable of making great music if only he would use his creative abilities instead of relying on a formula based on past successes. As for Michael Cooper, I doubt that he will ever become a pop superstar. Cooper will always be handicapped simply because he is a funk musician. But I, for one, will always appreciate the great music he has made and continues to make.

# ASH president

(continued from page 4)

students to make recommendations and submit budget requests for next years state and nonstate budgets. There are many areas in which students desire improvements but are told nothing can be done because the budget is set 12 months in advance. By addressing the problems now, results may be seen within the next few years which will benefit both current and future students.

Improving ties with the alumni has also been a strong priority this year. A.S.H. has been working closely with the 1066 Foundation (a private alumni organization) and the Alumni Association. This has enabled us to secure funds for the gymnasium, and co-sponsor several events including the 3rd year class reception, ice cream socials, chili night, and 1st year bar-b-ques, receptions, etc. Our goal is to encourage alumni support of the college and improve job networking. The alumni has also been asked to help support college programs such as the Student Loan Amnesty Project and the Learning Resource Center.

An A.S.H. committee lead by representatives Matt Davis and Dave Anderson, is working with the administration and the alumni to provide a desk top publishing center and laser printer for the college. This would enable students and groups to produce high quality newsletters, instruction manuals, letterhead, flyers, and resumes,

thereby saving thousands of dollars yearly in professional typesetting and word processing expenses. This will also serve to strengthen our ties with the alumni and the community by improving the channels of communication, and informing the public of the valuable programs Hastings has to offer.

A.S.H. has recently purchased a high quality stereo and P.A. system for use by organizations. This will enhance many events such as speaker programs, aerobics, panel discussions, dances, beer on the beach and law revue. It will also reduce the costs of these events, by eliminating the need to rent this equipment from other sources.

## Gearing up for the gymnasium

The renovation of the gym in the basement of McAllister Towers is continuing on schedule. It will be available for basketball and volleyball play when completed in March. Efforts will continue to secure funds for weights, nautilus equipment and exercise bicycles.

Operational expenses for the gym will be approximately \$12,000 annually. To meet this expense, A.S.H. will be requesting that students support a moderate increase in their incidental fees, paid along with registration fees, which funds student services. Additional information will be forthcoming.



Hastings danced and drank to the sound of the Beat Freaks in an event sponsored by HPILF on Feb. 25.

Law News Photo by Audrey Israel

# Jello Biafra

(continued from page 2)

movies about the KGB. He said that the intimidation arising from the search of his apartment was punishment alone.

The artist of the controversial poster, H.R. Giger, has won an Oscar for his work in the movie *Alien*. He has also done record sleeves for such artists as Emerson, Lake, and Palmer as well as Blondie. Biafra found witnesses to testify in his trial that Giger is very respected in Europe. According to Biafra's interpretation, the poster was directly related to the concept of the album. The Dead Kennedys have been noted for integrating their music with their album art, and for being overtly political.

All parties in the distribution chain of the album were charged, including the printer, with the exception of the retail record store. Biafra claimed that the large and powerful Warehouse Records chain had avoided facing any charges by removing all Dead Kennedys records from its shelves, and that this demonstrated the

harmful peripheral effects to the First Amendment such regulation laws can produce.

Fortunately for Biafra, he was able to find an able and competent criminal trial attorney, Phil Schnayerson of Garcia & Schnayerson in Hayward. Schnayerson defended Biafra for expenses only, which ended up totalling over \$80,000. Schnayerson is credited with keeping the jury's perceptions focused on the issues of the case rather than on Biafra's attitudes and the social merits of punk music. Other attorneys and the ACLU also lent some support.

Opposing Biafra's lawyers were attorneys from the LA City Attorneys office, lead by Michael Guarino. According to Biafra, Guarino at one point during the trial called the First Amendment "a loophole." Biafra contended that there is a strong possibility at least one police witness lied on the stand. Biafra saw it as a kind of poetic justice that the conservative Guarino, apparently disturbed

by the Giger poster, had to eat, sleep, and dream of H.R. Giger and the Dead Kennedys for a year and a half.

Biafra indicated his hopes that his acquittal, after getting a hung jury, will serve as an example and inspiration. In order to fight what he perceives as censorship, Biafra founded the No More Censorship Defense Fund in San Francisco. Biafra purports that his case shows just how close we are to censorship, and demonstrates the pernicious powers of intimidation which can be wielded by the far right of this country.

Based on his recent experiences with the judicial system: "What you've picked to study here is ONE HELL OF A BORING PROFESSION" [emphasis added]. He described the business of being a trial attorney as "how to be a pompous ass for maximum effect to help your client." Fortunately for Jello Biafra, the boring attorneys on his side bested the boring attorneys opposing him.

# Scholarship funds

(continued from page 3)

loan indebtedness.

## Application Update

The Financial Aid office continues to report that counselors are seeking solutions to afford students the same financial aid allowance with the new Congressional Methodology as they received in the past. Tom Wadlington, Director of Financial Aid and Admissions, said "if a student feels the new methodology does not reflect his or her financial aid need, he or she is encouraged to question the resolution of need determination."

Wadlington also stressed that because the Financial Aid Office will have the latitude to determine financial aid need on a case-by-case basis, information on each applicant must be available soon to speed up the lengthy and cumbersome process of needs analysis. Wadlington urges students to make the financial need determination process more efficient by adhering to these guidelines:

1. Financial aid applications and supporting documents submitted this spring for

academic year 1988-89 should be as complete and accurate as possible;

2. Each student should submit an accurate summer address where he or she can be reached quickly;
3. Students should be ready to respond promptly to requests for additional documents or information.

Because of its enormous complexity, the specific impact of the new Congressional Methodology is still unclear. Wadlington cautions that Congressional Methodology may require considering summer associate and law clerk salaries in determining need analysis for academic year 1988-89. Work-study positions, however, will not be affected by the new method.

Wadlington commented that "although the Financial Aid office will not know how the new method affects anyone until applications are actually processed," students should know that "there will be alternative ways to move in determining need analysis. Need analysis will not be as rigid as it was first assumed to be."



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