The Docket

UCLA School of Law

Volume 30, Number 5 Monday, April 19, 1982

Yvonne Burke Speaks Here on Legal Aid

by Kathy Forbath

Yvonne Braithwaite Burke spoke to an audience of over one hundred UCLAW students, professors and staff members on April 6 about "Legal Aid and Reganomics." The program was sponsored by the UCLA Public Interest Law Foundation.

Burke, who has served as a California legislator, congresswoman, member of the LA Board of Supervisors, and is now a partner in a securities law firm, rapped the Reagan Administration for "turning the clock backwards" in the areas of legal services and civil rights.

"We are seeing a continual erosion of the goals that have been set for providing legal services to the poor," said Burke. She cited the "drastic cut back" in Legal Services funding under the 1982-83 budget as an indication of Reagan's desire to "dismantle Legal Services."

According to Burke, federally funded Legal Services programs

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Dean Assails Office Takeover

Dear Colleagues:

I think a word is in order about the disruption of our Records Office on Monday.

We had been told on Friday that there would be "informational picketing" at the Law School on Monday. When we learned that students, apparently most of them law students, had entered the Records Office, Susan went down to talk with the leaders and I called the campus police. Susan told the leaders that we would not tolerate their occupation of Law School offices and that she feared that we were heading toward some arrests. When I got to the Records Office (successfully mounting the furniture barrier), I told the group that they must leave and that the police would soon arrive to remove them.

While we were waiting for the police to arrive the students were caucusing. I asked one of their leaders why on earth they had decided to disrupt the law school this time. He replied that they feared that the faculty would meet late in the semester or in the summer to change the minority program. I assured them that the Admissions Committee did not plan any such action. We had been verbally telling them this for months. They asked me if I would say so in writing. I wrote a brief statement to that effect. They left before the police arrived.

After the major disruptions at the Law School in the Spring of 1978, I had a series of meetings with campus administrators and law faculty members about what our response should be to future disruptions. I concluded that we should not tolerate any disruptions of the operations of the Law School in the future and that when students occupy offices or classrooms they should be quickly removed. I regret that we must turn to the police in these matters, but I know of no better solution. Susan intends to continue this policy.

/S/ Bill
W.D.W.
April 13, 1982

Admittees Coalesce

Picketers Invade Records Office

Last Monday, about 200 Admissions Coalition members and onlookers jammed the lobby of the law school to listen to speeches and exhortations from radical attorneys Dan Siegal (of *Siegal v. State Bar*) and Linda Ferguson (UCLAW alum and member of the National Conference of Black Lawyers). When the speeches ended, demonstrators paraded up and down the south corridor, past the records office. Before you could say "offacious intermeddler", about 25 students had taken over the administrative offices, while a hundred others chanted outside.

After considerable confusion, Deans Warren and Prager met with Coalition leaders to work out a settlement, which was reached after about 45 minutes of heated discussion. The protestors walked out, less than an hour after they had entered, and both sides claimed victory in the aftermath.

The Coalition was protesting what it claimed was the unsettled status of the administration's proposed changes in the admissions procedure. The proposals include eliminating student interviews and Asian ethnicity as components of the diversity admissions program. The Administration had originally contended that interviews were superfluous and that Asians didn't need special admissions programs. Coalition members also complained that the Admissions Committee is refusing to discuss admissions policy with Coalition representatives. The Administration insists that it does not intend to implement the proposals, which were tabled, and that it has been unable to confer with Admissions Coalition representatives because of the unusually high volume of applications received this year. Nevertheless, Coalition members seem to be unpersuaded. The agreement, signed by Deans Warren and Prager, specifices that the Deans will utilize their authority in good faith to prevent any admissions policy changes for remainder of the semester and over the summer. No liquidated damages were specified.

The demonstration's immediate results were of dubious value: the Coalition received assurances that the administration would not do what the administration has already promised it would not do.

More importantly, Dean Prager promised that the administration with meet with Coalition representatives next year. Both sides appear to agree on one point: the existing level of dialogue is unacceptly low.

Introducing New Dean: . . . Heeeeeere's Susan!

by Barbara Riegelhaupt

When Susan Westerberg Prager was an undergraduate at Stanford in the early 1960s, the world told her that a woman did not belong in law school. She would take up a man's place to earn a degree she obviously would never use.

"I felt myself shying away from what my instincts told me I should do," Prager recalled recently.

In 1982, the score is clear: Instincts 2, World (1960s) 0. Nearly two decades after she pushed aside her attraction to the law to pursue a doctoral program in history, Prager has established herself as a lawyer in a way few women have. She will be one of only two women in the country serving as dean of a major law school when she steps into the position Dean William Warren will vacate on July 1.

It didn't take Praeger much time as a history doctoral candidate to realize her initial inclinations about law and law school deserved more attention than she originally gave them.

"I took two law courses when I started my history program, and it just felt right," said Prager, 39, who then decided to go to law school despite the world's thoughts on the issue. "And in a way, it was a good thing I waited. I worked in legislative bodies in between (U.S. Senate, House of Representatives, California Legislature) and, as a result, I think I was better organized for law school. Secondly, I had the good fortune of coming to law school when there were beginning to be significant numbers of women. My class was 10 percent, and that was a large jump over the previous year. There were enough of us, and enough diversity of women, that it made it easier to be here."

Prager, who graduated from

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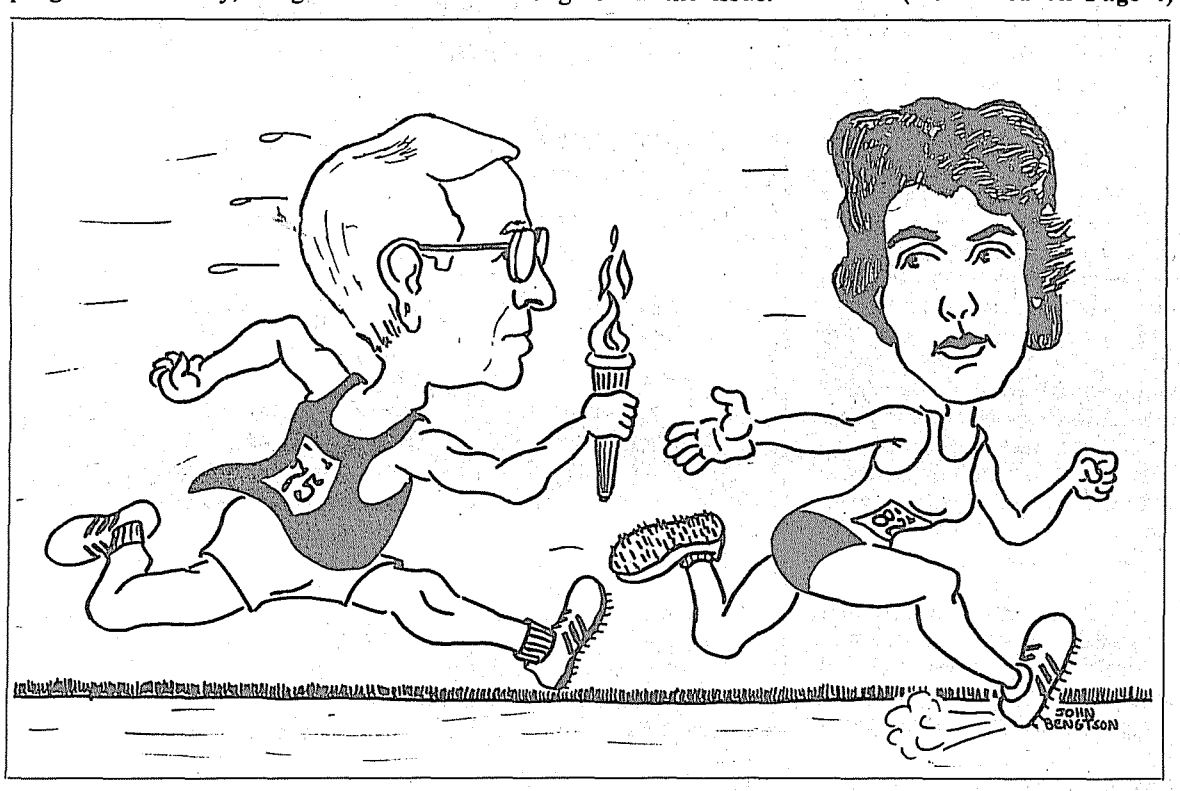

Latinos and the Law Symposium a Success

by Dennis Perez

More than 130 people from all over California and as far away as Washington, D.C. attended the Latinos and the Law Symposium held at the UCLA School of Law on March 20, 1982. The symposium featured panel discussions on reapportionment, police misconduct, youth gangs and political strategies in the 1980's.

The program was opened by remarked from Dean William Warren. He expressed personal satisfaction in addressing the symposium, the first of its kind to be held at a California law school. Dean Warren also acknowledged the successes attained by past UCLA Latino law graduates as he introduced the first key-note speaker, Antonia Hernandez. Ms. Hernandez is a UCLAW alumnus and currently serves as associate counsel for the Mexican American Legal Defense and Education Fund (MALDEF) in Washington, D.C. She stressed, "We need more Latino lawyers," and spoke on issues which face all minority communities.

The first panel addressed the issue of reapportionment. Dr. Richard Santillan, a political science professor at Cal-Poly Pomona, moderated the discussion. His opening comments cited increased Latino participation in policy making arenas, in particular in the recent state Assembly redistricting planning.

Republican Assemblyman Ross Johnson, a member of the Elections and Reapportionment Committee, commented that Latinos are more involved in the process "but," he added, "Latinos are no better, no worse off as a result." Addressing the proposed initiative to create a non-partisan reapportionment committee, Assemblyman Johnson said it would benefit his party and Latinos by creating more balanced districts wherein both groups would be able to elect representatives.

Dr. Bruce Cain, a professor at Cal-Tech in Pasadena, and author of a book on reapportionment, disputed Johnson's assertion that Latinos did not benefit very much from the recent redistricting plan. According to Dr. Cain, Latino input was dramatically felt. He said that this was evidenced by the fact that results show 16 Assembly districts are now comprised of more than 30% Latinos. As far as the proposed non-partisan reapportionment committee, Dr. Cain cautioned that it contained "no guarantees," adding that there was little "existing sympathy among Anglos toward Hispanics."

Elaine Zamora, Chairperson of the Los Angeles Chapter of Californions for Fair Representation, said her group had met its primary goal of influencing the redistricting process. Although dissatisfied with the results in Los Angeles County, Ms. Zamora was pleased with the overall state-wide redistricting plan.

Several other panel discussions were held on such topics as gang violence in the Latino communities, police, misconduct, and Latino political strategies for the '80s.

The La Raza Law Students Association wishes to thank all the students and faculty who helped to make the Symposium a success. Our special thanks to Dean Warren, Prof. Reginald Alleyne, Prof. Gerald Lopez,

Opinion

The Graduation Speech You'll Never Hear

Speaker: Barry Goldner

Ladies and gentlemen of the jury. You have been summoned here today to see that justice is done. These students you see before you, bent and haggard, are the victims of a sinister plot. Many of these victims were mere children, others merely sheep led to slaughter. The defendants in this case: Dean William Warren, alias "Billy the Kidd," the other members of the administration, and the faculty, have committed many heinous and atrocious crimes against these unsuspecting law students. The defendants claim full responsibility for their acts but attempt to cloak their dastardly deeds by claiming that their acts were done in the name of legal education. (Long pause)

Ladies and gentlemen of the jury, the defendants are charged with the following crimes: (slow pace)

— 350 counts of criminal infliction of emotional distress;
— falsely imprisoning 1,000 students per year; (if no laugh: "Is this microphone on?")
— 350 counts of severe mental cruelty;
— 350 counts of torture and cruel and unusual punishment;
— operating a prison facility without a license;
— 453 counts of attempted murder . . . by forcing the students to consume food not fit for human consumption. I refer, of course, to the vending machines.

All but ten of the defendants *deny* that they are guilty of these charges. Ten of the defendants, all professors, have pleaded innocent by reason of insanity. The prosecution agrees that nine of the ten should be acquitted. *But* (pause) Professor Varat's inability to use a declarative sentence is *not* sufficient to justify an insanity defense. (Pause — begin slowly)

But, dear jury, the 350 student victims, plus countless others, now call upon *you* to do justice upon the remaining defendants. You have heard evidence of the torturous boredom and incredible confusion which the students were forced to endure for three years. You saw several students *actually break down* on the witness stand as they related their classroom experiences of Professor Mellinkoff and Professor Jones. And, of course, there is Professor Jordan, who tortures his students with writer's cramp before putting them out of their misery.

Other students recounted their horrifying experiences of being subjected to the slow and excruciatingly painful ancient Grecian torture known as:

"The Socratic Method."

Many of the defendants have mastered this ancient torture, such as Professors Nimmer, Graham, and Lopez. Professor Varat, however, is charged merely with "attempting" this

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EDITORIAL

Playing Hooky in the Records Office

By MahaRaj Khalsa

The Admissions Coalition's occupation of the Records Office last Monday would be laughable were it not so damaging to their cause. It is hard to imagine a maneuver that could more effectively derail any chance for genuine communication between the Administration and the Coalition. The pseudo-revolutionary antics of the Coalition's leaders can only serve to convince the Administration that these individuals do *not* express the viewpoint of mature and responsible members of the UCLAW community.

I believe that the concerns of the minority students on the admissions issue are valid. Further, I believe that the Administration is open and responsive to these concerns. What has been missing is clear, coherent and patient discussion of these issues, in an atmosphere of mutual respect. The "bugle call" to storm the bastions is ludicrously inappropriate, even counter-productive. This mentality will never, *ever* enhance the Coalition's credibility with the Administration or the rest of the student body.

How ironic it is that the Admissions Coalition's actions will only bring about the very hostility they seem to expect from the Administration. Could this be unintentional?

Confusion over Diversity Criteria

By Michael Lackner

I am puzzled by some claims made by the Admissions Coalition about the controversy surrounding the diversity admissions program, and would appreciate clarification.

First, the Coalition objects to the fact that "clearly admissible" diversity students will now be admitted without a time-consuming interview. I fail to see what is wrong with this. If these students would be admitted regardless of the results of an on-campus interview conducted by the appropriate ethnic student organization, then why not save time and simply admit these students straight away? By avoiding this delay in admissions, the UCLA School of Law will insure that a greater number of these exceptional students will accept the UCLA offer.

Secondly, the Admissions Coalition objects to the proposal that the interview program for diversity applicants be discontinued. Like the Coalition, I too feel that on-campus interviews are a valuable means of obtaining information, particularly for those applicants not clearly eligible on the basis of past academic performance. Such interviews often serve to identify those who truly intend to engage in public service, as opposed to the mock-altruists that all too often appear on written applications. Also, such interviews often will reveal a sharp mind that may not be honestly reflected by past grades. Indeed, other major law schools do conduct interviews as a part of their regular admissions program.

However, I am troubled by the present interview program currently in place at UCLA. I fail to understand why interviews are deemed appropriate solely for ethnic minorities. If interviews are of some benefit, on would expect that benefit to transcend race. In addition, I object to the fact that the present interviews are conducted by special interest student organizations that appear to be politically and philosophically biased. Members have admitted that the political orientation of their groups tends to be somewhere to the left of center, as evidenced by the various posters and statements displayed in their offices. I thus fear that an interviewee would feel compelled to pass the litmus test of "social consciousness," self-indulgently defined by the interviewing organization. I would be just as offended if applicants were screened by the National Lawyers Guild, or for that matter, by the Bruin Republicans. Such on-campus interviews can only serve to restrict intellectual diversity in the law school.

True diversity would be better served by a more neutral interview program, perhaps conducted by the faculty or administration. I recognize that individual members of the faculty or administration also may have biases. Nonetheless, I believe that these biases would tend to be less pronounced — or at least conflict sufficiently to cancel one another. If the faculty and administration are not interested in such a program, other alternatives may be available. For example, an interviewing committee composed of students with truly diverse liberal and conservative philosophies could be established. However, if these alternatives prove impractical, diversity would probably be better served by discontinuing the interview program altogether, rather than continuing the present biased approach.

Third, the Admissions Coalition objects to the proposal that Asian applicants be treated the same as non-minority applicants. Admittedly, Asian Americans have suffered in the past from racist attitudes and government policies. As an extreme example, we are all aware of the internment of Japanese Americans during the Second World War, and the resulting financial losses caused by the virtual confiscation of their property. No one can argue that Asians are not, in a very real sense, an ethnic minority in this country. However, that is not the issue. Other ethnic and religious minorities have been victims of discrimination in this nation, and yet their ethnicity

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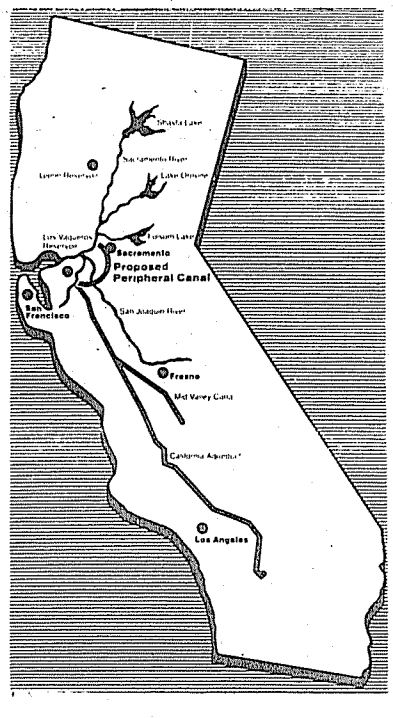
Peripheral Canal: Vote No

by James Brusslan

On July 19, 1980, Governor Brown signed Senate Bill 200, which authorized a package of water projects, including the construction of the controversial Peripheral Canal. The Peripheral Canal is a proposed 43 mile-long channel which will be capable of diverting 80% of the Sacramento River waterway around the Sacramento-San Joaquin Delta, into the state aqueduct and down to Southern California. The Legislative Analyst's office predicts the cost of the project package to be $3.68 billion "plus other unknown costs." These unknown costs may require an outlay by California taxpayers of up to $19.7 billion.

After the state adopted the Peripheral Canal legislation, opponents of the project gathered enough signatures to qualify the issue for the state's first referendum in almost 30 years. California residents will determine the fate of the Peripheral Canal next November. We of the *Docket* urge you to vote "No" on the Canal.

Proponents of the canal are centralized in the southern half of the state. Southern San Joaquin Valley agribusiness companies have the most to gain from construction of the canal. These farming interests, which include Getty Oil, Texaco, Shell, and Tenneco, claim that current surface water levels are insufficient for optimal crop production. To supplement their needs, the corporations have been forced to pump additional water from the ground, which has resulted in depletion of the San Joaquin water table. Dangerous concentrations of fertilizers in the reduced levels of groundwater threaten the quality of drinking water for southern San Joaquin Valley residents. The agribusiness companies hope to solve these problems through increased allocations of water from the Peripheral Canal.



Another strong proponent of the canal is the Metropolitan Water District (MWD), which serves, amongst other areas, Los Angeles. MWY argues that Southern California will soon be in dire need of a new water source. In 1985, the Metropolitan Water District's entitlement to Colorado River water will be cut almost in half. Currently, the MWD's region uses about 850,000 acre-feet per year of its 1.2 million acre-feet per year entitlement of Colorado River water. The entitlement will be reduced to approximately 650,000 acre-feet per year. The MWD speculates that water from the Peripheral Canal will be necessary to replenish the lost Colorado River water.

Opponents of the canal are represented by a broad-based coalition of agriculture, business, labor, governmental and environmental communities. Their most forceful argument is that the predicted water shortage is a myth. Currently, the MWD has entitlements to much more water than it uses. The canal's opponents believe that even after the 1985 reduction in Colorado River water, the Los Angeles area will have a water

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The Docket

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Movie Review

Reds, Missing

by Jeffrey Douglas

Not that I am complaining, mind you, but where are all the Great Depression-style movies? There are 10,000,000 unemployed (give or take a million). Herbert Hoover has been reincarnated as the President of the United States. So where are Busby Berkeley and Shirley Temple? Aykroyd and Belushi were not Bing Crosby and Bob Hope. Here we are in the midst of the "Great Recession" and the new American films are thought-provoking and political. Look at the recent crop: "French Lieutenant's Woman," "Reds," "Whose Life Is It Anyway," "Absence of Malice," "Taps," "Shoot the Moon," "Missing," "On Golden Pond." Even "Pennies From Heaven," "The Border," and "Rollover" have pretensions to political content. I do not understand why it is happening, but I am luxuriating in the unusual opportunity to view movies not aimed at the Osmond Family.

"Missing" is the true story of the disappearance of an American writer, Charles Horman, in Chile during the 1973 coup which overthrew the leftist Allende government. The film, which marks the American debut of director Costa-Gavras ("Z"; "State of Siege"), has engendered great controversy. The State Department issues a press statement in an embarrassing attempt to discredit the accuracy of "Missing's" premises: that the United States Government secretly participated in the coup against a democratically elected government, supported the incredibly murderous activities of the Junta, and conspired with the Junta to cover-up the details of Horman's disappearance.

The consternation of the State Department is quite understandable. The film exposes the immoral aspects of American foreign policy of the '70s more effectively than any "white paper" or documentary could accomplish.

The power of "Missing" lies in its artistry. The movie is much more than an expose of covert American imperialism. It is an exciting fast-paced drama, offering stand-out performances by Jack Lemmon as Charles Horman's father, and Sissy Spacek as Charles' wife. Yet "Missing" is a sophisticated story of the search for understanding between parent and child. It is not just Charles Horman who is missing. Jack Lemmon is missing any basis for respecting or loving his son (or daughter-in-law). "Missing" portrays that more profound search as well.

Costa-Gavras and company have accomplished the difficult task of making a film with both artistic integrity and commercial attractiveness without sacrificing the political "message." It is a thoroughly satisfying movie.

"Reds" is also a film about real lives — politics, love, history, and aesthetics are blended into a tremendous cinematic event. Warren Beatty's magnum opus provides a panoramic view of a part of American history which has been conveniently misplaced. "Reds" tells the story of the turbulent personal lives of journalists Louise Bryant (Diane Keaton) and John Reed (Beatty) during the early twentieth century. More than an excellent love story, "Reds" exposes its audience to forgotten forces in American history and culture: the development of the radical American labor movement, the American Communist Party, and, most grandly, the Bolshevik Revolution.

The astounding aspect of "Reds" is that it was ever made at all. The film adopts a positive stance toward revolution as a means to effect change; an ambiguous stance toward Bolshevik Soviet Union; and a negative stance toward the capitalistic assumptions of early 20th Century America. Written, directed, produced, and starring Warren Beatty, "Reds" establishes Beatty as one of the most extraordinary talents in Hollywood history.

Extraordinary cinematography, inventive technique, memorable soundtrack, and virtuoso individual performances make "Reds" one of America's finest productions.

Stiffer Penalties Needed

Medical Records

There is a serious flaw in the California Penal Code on the penalty for falsifying medical records. We are amazed to learn that altering or forging of medical records is only a misdemeanor, punishable by maximum fine of $500.

This is a serious gap in the law. It gives a strong economic incentive to a dishonest physician to cover-up his medical malpractice, or the malpractice of his colleagues. Given the volume of malpractice suits and the potential size of the recoveries in these suits, there is an obvious incentive for a physician to alter a patient's chart, in order to mask his own negligence. Such an alteration is often quite effective in covering up a negligent misdiagnosis, for example. Similarly, a dishonest physician if often financially encouraged to alter or create false medical records in order to conceal the negligence of colleagues. This is particularly true in the case of specialists, whose income largely depends on referrals from other physicians. Thus, a specialist may be tempted to avoid documenting an obvious medical problem negligently caused bya referring colleague in order to encourage greater patronage by that colleague in the future. This can lead to the creation of a false medical record and a threat to the health of the patient. On the other hand, a specialist who fully documents the negligence of a referring doctor risks not only the loss of that colleague's business, but also the business of other referring physicians who hear of the case. Furthermore, the ease of covering up medical negligence also lowers the

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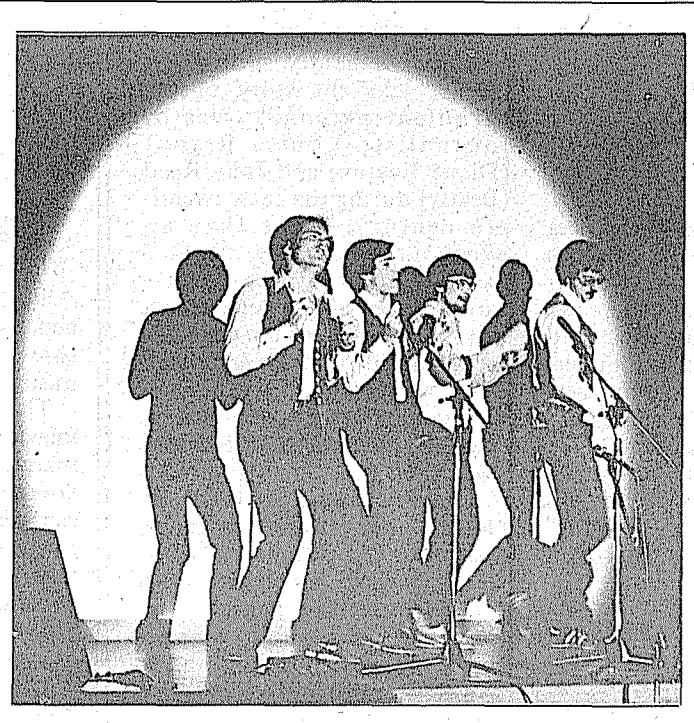
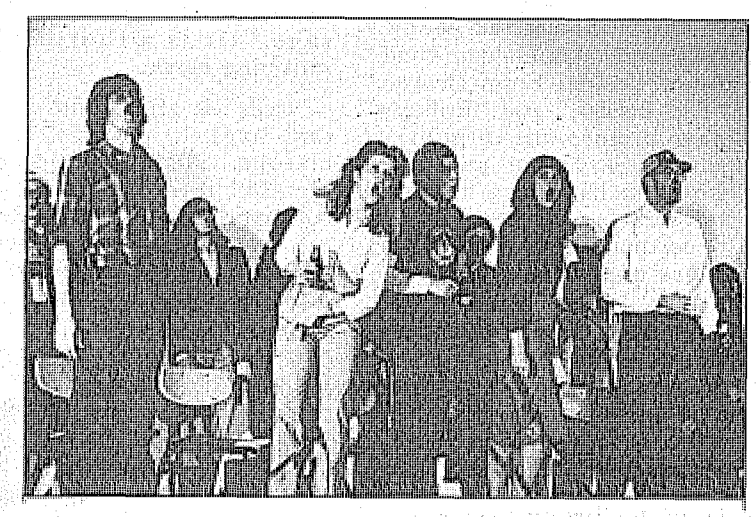
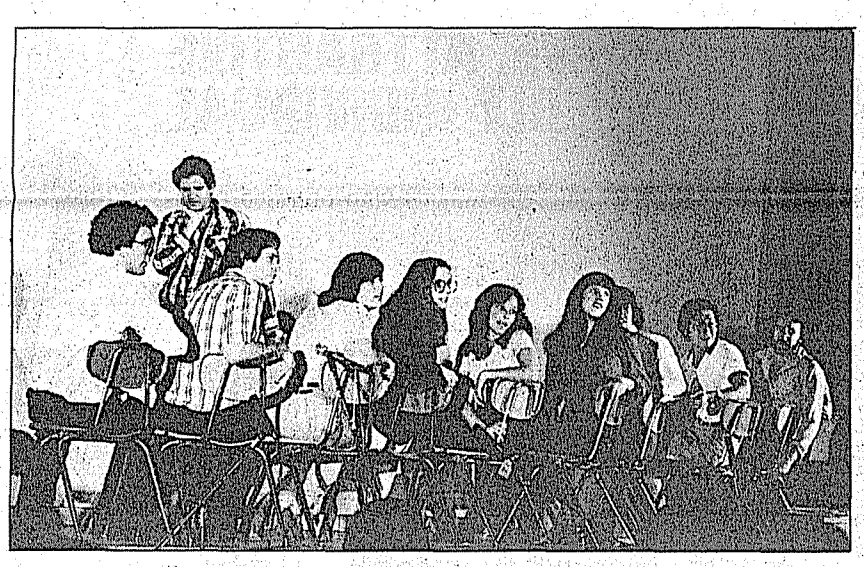


Law Revue 1982





Prager . . .

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UCLA School of Law in 1971, discovered while she was still a student that she was more intrigued with teaching law than practicing it. Professor Hank McGee, who was then teaching a family law course, asked Prager if she would like to conduct a one-hour class on her law review comment topic—California's then new no-fault divorce law.

"The exciting thing was that I had spent months working on this and students were asking questions and looking at things in a way I hadn't," Prager said. "The next year, I did it again. I liked the give-and-take with students and, like a lot of things in my life, it just came together because it felt right."

The deanship apparently is another one of those things. Prager at first had doubts about her abilities when confronted with Warren's offer of the associate dean position four years ago. She was just returning to school after taking time off to have a daughter and already was uncertain about how the balance between home and school would work. "But that was like many things in life that seem more formidable when you're contemplating them than when you're doing them day to day."

Nevertheless, the knowledge that she could handle the associate dean's job day to day did nothing to prevent those same doubts from reappearing last fall when she discovered Warren would be resigning.

"The worry was over whether as dean I could organize myself and the place to get all the things done and done well without feeling I had removed myself from my family," Prager said. "It was also related to the issue of whether I wanted to have another child."

But after encouragement from her husband, Jim, a lawyer and UCLA classmate, and a decision to defer the child question a little longer, Prager concluded that she wanted the job and could do it well.

"I have really liked being associate dean," she said with a smile. "That's something you're not supposed to admit. I like this faculty a lot, and it's much easier to think about being dean of this law school because it is a very special place. While we have problems in being as good as we can be, I still think all-in-all it's a good, warm place."

Because of her sense that the law school is a "good, warm place," Prager said she was taken aback following her appointment by questions asking what she planned to do differently. "My initial reaction was that I don't want to do anything different for a while."

Yet Prager acknowledges that pressures form outside the law school and discontent within will require change during her tenure.

The future dean anticipates increased efforts by outsiders to affect what goes on in law school classrooms. For example, she noted that the American Bar Association has proposed that every student be required to take at least one clinical course.

"We are not ready in legal education to do that yet," Prager said. "There are not enough faculty yet for that. It's not as if you can hand a teacher a book and say go do it. Clinical education is not like that."

She stressed, however, that UCLA will continue its prominent role in clinical education. Professors Alison Anderson and Jerry Lopez experimented this year by introducing clinical-like lawyering techniques into the first-year program, and Prager said their efforts will be expanded next fall.

"We will try to put together a section of faculty willing to try something different, to help focus students on the role of a lawyer as a person who serves clients," she explained. "We're going to try to have the first week of school in that section taught jointly by all the section faculty as a mini-course introduction to the first year and it will address legal process kinds of questions."

A proposal to increase class participation points and other curricular issues also are concerns to many students, Prager said.

"We have a number of students who are not at all happy with the institution," she said. "I certainly want to work to make this as good a place as I can in terms of people's feelings about the school while they're here. One problem is bigness—it's hard to make students feel they're important when you have a student population of 1,000 to 1,100. But we do need to work at things that will bring faculty and students and staff together."

The monthly coffee hours have been a good idea, but are "a drop in the budget," Prager said, adding that she would like to have more gatherings and not just social ones. She suggested reviving a program designed by last year's student-faculty

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Diversity . . .

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is not considered for diversity purposes. The issue is whether, as a result of past or present discrimination, Asian law school applicants are under-represented in the regular admissions program. They appear not to be.

Examining the admissions statistics for the current first year class, one finds that 26 Asians were admitted through the regular admissions program. This means, of the 584 students admitted under that program, 4.5% were Asian. Using the Coalition's terminology, a "proportional representation threshold" of 4.1% would suggest fair representation. Within the regular admissions program, 53% of the students offered admission were from California (6% Asian) and 47% were from outside the state (2% Asians nationally). The percentage of Asians regularly admitted exceeds this threshold. Therefore, it appears that Asians are not under-represented in the regular admissions program. Given this fact, there is little justification for treating Asian applicants differently from their non-minority counterparts.

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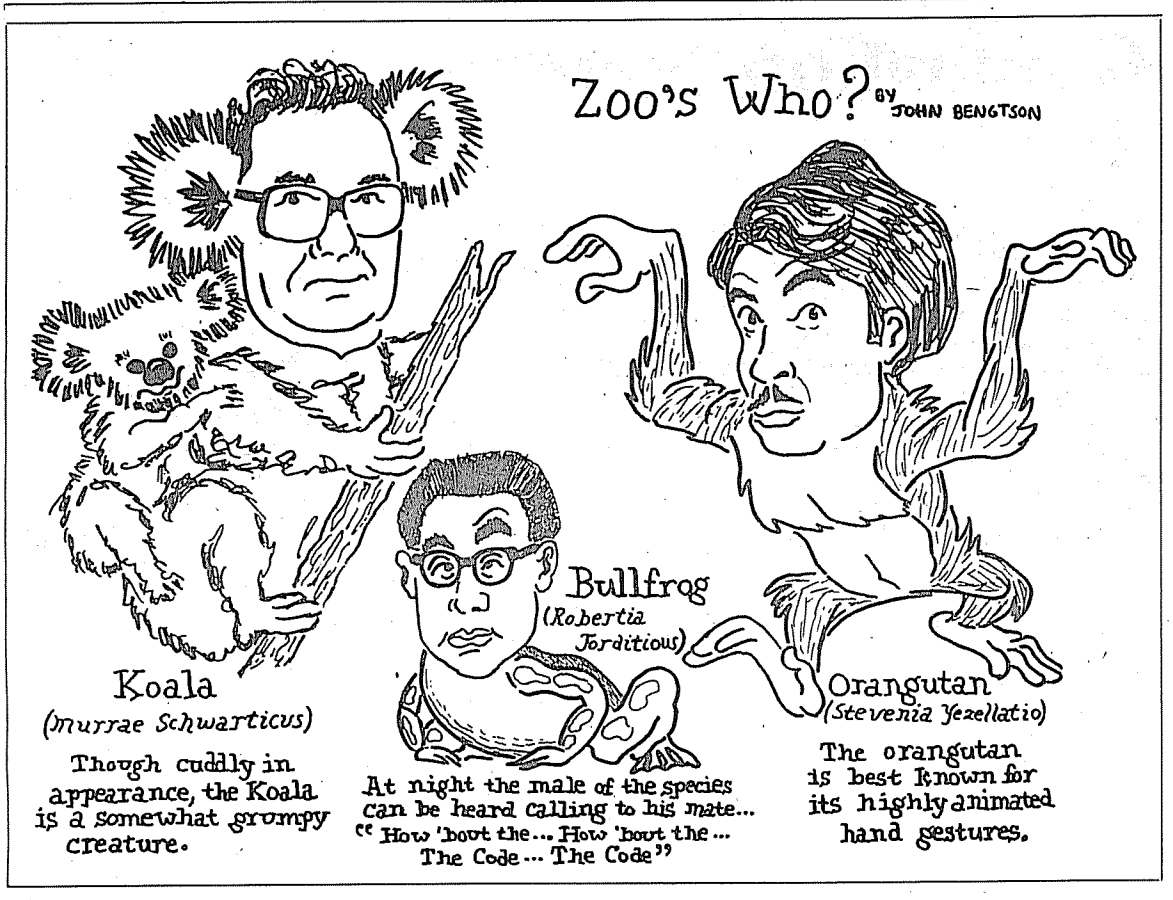

Peripheral Canal . . .

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surplus. In the unlikely event that the MWD exhausts its entitlements, opponents are confident that conservation measures having little or no impact on the lifestyles of Southern Californians can make up for the lost Colorado River water. Measures include urban and industrial conservation, water re-use and better use of underground storage aquifers. A recent study in just the Coachella and Imperial Valleys, such as lining canals with concrete and altering irrigation methods, would save 438,000 acre-feet per year, two-thirds of the lost Colorado River entitlement.

A second argument against the canal is that its construction would result in further water subsidies by Los Angeles residents, in favor of southern San Joaquin Valley agribusiness interests. Presently because the MWD owns a surplus of entitlements to water originating from the Delta, the district sells water to San Joaquin Valley farmers at very low prices. For instance, MWD's wholesale rate, paid by Los Angeles residents is $124/acre-foot. Opponents believe that increased electricity costs to transport Peripheral Canal water over the Tehachapi Mountains will preclude the MWD from pumping canal water to the Los Angeles area, unless it is absolutely imperative. Thus, although Los Angeles area residents will pay for the Peripheral Canal water entitlement, the MWD will resell the water cheaply in the San Joaquin Valley.

A third argument in opposition to the Peripheral Canal is made by northern California organizations including farmers in the Delta, and Bay Area

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Prager . . .

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relations committee, in which groups of students signed up randomly to attend dinners at faculty members' homes.

One of the biggest problems in the coming years will be the financing of legal education, both for students and the school, Prager said. Alumni increasingly will be asked for support to enable the school to grow and to provide scholarship aid.

"We have a very diverse, good student body that we want to maintain," Prager stressed. "We're concerned about the federal cuts in loans, especially since our pool of scholarship money is now relatively small. And you don't raise that kind of money overnight."

Despite student concerns that recent changes in the admissions process will diminish the school's diversity, Prager said she is confident that the decision to eliminate student interviews of minority diversity applicants will not have such an effect.

"I think many faculty feel the problem with the (interview) system is that it does not tend to produce new information about applicants, and it delays the admissions process and disadvantages us in getting students," Prager said. "Understandably, a number of students are unwilling to take us on faith. But we do have a strong commitment to a program of admissions that produces large numbers of minority students . . . If anything, that commitment has grown stronger as we've seen the tremendous success of the program."

Students who opposed eliminating the interviews have contended that faculty members choosing from among a pool of minority applicants would pay less attention than would student interviewers to whether the minority students intended to return to their communities to work. But Prager minimized that assertion.

"Our experience is that no one can really evaluate what someone is going to do once he or she gets this degree," she said. "Some students who have been the most vociferous on this issue over the years are not 'back in the community' now. So we're a little leery about that criteria for admission.

"The misperception is that our goals are different here," she continued. "All of us want to have people who will succeed at this education and then use it. But I can see how it's difficult for many students to believe us on that."

The selection of Prager as dean was itself discussed as a potential problem for the law school and its prestige during early speculation about possible candidates for the position. As a young UCLA alumnus who has not yet established herself as a scholar, Prager was thought to be unable to give the school the boost toward Top 10 classification that a Harvard

"I worried about that," Prager admitted. "While my scholarship is well regarded in my own field, I have not had enough out there to really say I'm John Ely (a constitutional law scholar) who just became dean at Stanford.

"I think it would have been nice for the school if we could have added a star to the faculty, but the difficulty with that is it's hard to learn enough to be confident that the person has the qualities the faculty thinks the school wants . . . .

"On the other hand, I think in terms of national recognition, I have been involved in national efforts relating to legal education. (For example, she is a member of the Association of American Law Schools executive committee.) In that sense, I think I've had a broader exposure than many others, and I think that's going to be useful both in terms of reputation of the school and in the rest of the law school world."

Peripheral Canal . . .

(Continued from Page 5)

industries and municipalities. Currently, two large stations are pumping water from the delta, for use in the southern part of the state. As freshwater leaves the delta, saltwater from the San Francisco Bay flows into the area. Increased salinity is lowering the yield of food crops grown in the delta. Farmers worry that additional freshwater depletion of the delta, caused by the construction of the Peripheral Canal will aggravate the problem. Although protective measures have been built into the project, and incorporated into the California Constitution, farmers are concerned that State administrators will abandon these safeguards in dry years when Southern California demands more water. Bay area municipalities and industries, dependent on fresh water flows from the delta into the San Francisco Bay, share the farmer's skepticism.

A fourth argument against the canal comes from fishing interests and environmentalists. These groups are concerned that fish and their eggs will be flushed from the delta and Sacramento River, into the unnatural habitat of the Peripheral Canal, where they can not survive. Although the project contemplates construction of a giant screen to protect the fish, the screen has not been successfully developed. Finally, the groups believe that the Peripheral Canal is only the beginning of a series of projects that will divert water from the north to Southern California. They fear future damming of whitewater streams, such as the wild and scenic Eel and Klamath Rivers.

The Peripheral Canal is one of numerous issues that seems to pit more populous Southern California against environmentally conscious and water-rich Northern California. Looked at in its most simple terms, the state-funded project will take water from the north, where two thirds of California's water originates, and divert the northern water for the enjoyment of Southern Californians. However, when the project is analyzed, it is apparent that most Southern Californians have little to gain from the Peripheral Canal. That's why we urge you to vote against the Peripheral Canal, Proposition 9, next November.

Graduation Speech . . .

(Continued from Page 2)

offense, since there was no evidence to show that he ever successfully completed this crime. (If insufficient response: "Excuse me, your honor, but will you please instruct the jury that it is inappropriate to sleep during the closing argument.")

The instances of cruel and unusual punishment are too numerous to mention. You have heard countless students tell you how they were *torn* from their family and friends and thrown into severe isolation. Most of the students suffered from:

acute depression,
fatigue,
receding hairlines,
expanding waistlines,
poor eyesight,
and malnutrition,

before they were rescued from their plight by the sorority girls from 1 Phelta Thi.

You have also heard some of the most infamous instances of mental cruelty known to twentieth century man. For example, Jesse Dukeminier, alias "The Duke," uses the Rule Against Perpetuities to reduce his victims to mindless mumblers. Then there's Professor Sumner, alias "Sunny Jim," who has perfected the double whammy torture: first, he offends his students with poor taste humor, and then, he bores them with golf jokes that are so old that the game of golf hadn't even been invented when the jokes were first told.

The students, placed in solitary confinement, were forced to endure a dank, dark, and dingy dungeon which is referred to as the "Law Library." Forced to read books with microscopic print and little or no light, many of the students now suffer from impaired or complete loss of 'vision.'

The defendants have committed the forementioned crimes against thousands of students which have passed through the *hollowed* halls of the UCLA Legal Educational Facility. The defendants show no remorse, *no remorse*, for their crimes. *In fact,* they plan to continue, *they plan to continue* perpetrating this bizarre host of trials and tribulations upon 350 *more* unsuspecting first year students.

In order to mitigate the harm done to these poor students, I beg you, the jury, to consider the implementation of the following proposals:

First, each first year student should be given a microscope with which to read the textbooks, and further, all footnotes should be banished.

Second, the students should be allowed conjugal visits, at least once a month, in the study rooms above the reserve room in the Law Library.

Third, sorority girls should be banished from the Law Library. And,

Fourth, Professor Yeazell should be placed on a daily dosage of lithium.

These proposals are a start, ladies and gentlemen of the jury, but they do not negate the harm which has been done to the students and their families. The students, subjected to three years of tyranny and deprived of their reason and imagination, were almost rendered virtual vegetables. Many were almost forced to sell themselves into bondage with some of the most notorious law firms known to man.

But this day attests their indomitable spirit, (not to mention their ability to consume massive quantities of vending machine food.) For three years, these students have set aside their lives for the meager and solitary existence of a law student. Now, they are free to follow their own paths and to follow their hearts. Today is the day they begin their new journey and enter a new phase of their existence. Yes, dear students, we are now free to move on to bigger and better vending machines.

Medical Records . . .

(Continued from Page 3)

quality of medical care, by reducing the likelihood that incompetent doctors will be discovered or held accountable.

The meager $500 fine now imposed on fraudulent alterations of medical records serves as no deterrent to medical practitioners who may be tempted to falsify their records. The authorized six-month prison sentence provides little additional deterrent, for it is hardly ever applied.

The lenient treatment of this crime as a misdemeanor is particularly shocking in light of the felony treatment accorded the falsification of various business and governement records. California Civil Code §§470,471 treat alteration of business records as a form of forgery. Even sending a false telegram or telephone message with intent to defraud is punishalbe as a felony (Cal. Civ. Code §474).

The light punishment accorded medical record falsification is simply not justifiable, given the seriousness of the crime and the difficulty of detecting it. We feel that the punishment must correspondingly be increased to provide a meaningful deterrent. The fraudulent creation or alteration of medical records should be punished as a felony, carrying a maximum fine of $10,000.

A petition advocating this position is presently posted on the door of *The Docket* office (Room 2476D). We urge all students, faculty, and staff to sign it. Copies of the petition will be sent to Diane Watson and Art Torres, who respectively chair the State Senate and Assembly Health committees.

Alaska L. Rev.

The Cool Alternative

by Ken Kahan

As the end of the school year rolls around, many first year students contemplate whether they will ever set foot inside a law school again. Even for those motivated individuals who wish to become members of a law review, the thought of spending a summer in the law library is less than appealing. Rejoice! There is an alternative!

In 1970, the Alaska Bar Association commissioned the UCLA Law School to publish a scholarly review of developing statutory and case law in Alaska. Today, the review has a staff of 38 members and the largest circulation of any law review published at UCLA. The *Review* receives many articles from scholars and practicing attorneys and encourages UCLA law students to publish casenotes or comments on Alaska's developing law.

The *UCLA-Alaska Law Review* gives students the chance to "write onto" the review during their second and third years. Each fall, the *Review* holds a casenote comment competition in which students select and write about a recent Alaska Supreme Court decision, or develop a detailed outline for a comment. Those who submit casenotes that demonstrate good analytical and writing skills or comment outlines that demonstrate an original approach to a legal issue and in depth research are then invited to join the *Review*.

There are a number of benefits to membership on the *Alaska Law Review:* First you get a chance to polish your writing and editing skills, under the guidance of experienced editors. Second, anyone who wishes to publish an article will be given the opportunity and support necessary to publish their piece. Third, you can make a significant contribution to the development of the law in our largest and perhaps wealthiest state. The Alaska Bar funds this publication, and the supreme court actually sends us the briefs of the cases it decides. This unique relationship with the legal system in Alaska indicates the importance they place on our work. Finally, the production assignments while rigorous, are not oppressive in volume, so you get the benefits of learning about legal research and analysis without having to sacrifice the rest of your law school existence.

For all of you motivated students who want to take a breather this summer, consider your alternatives. If you'd like to find out more about this organization and its work, please join us for refreshments at our orientation meeting this Monday, April 26, at noon in the faculty/conference room, 2423. Or, drop by our office, room 2477 G in the north wing.

To the Class of 1982

A Plea, a Threat, a Remembrance, and a Toast

by RaM

There's not much time left,
So I hope this rhyme's deft
At describing our calm, displayed always.
It's our last term for class —
For professorial sass —
Won't see us any more in the hallways.

But we've held our breath
And wished Mellinhead death,
So we can get out with a "pass."
Now we play it cool,
Drink beer and skip school,
Do hard drugs and come stoned to class.

So now here we are:
Just three months from the Bar
And the end's still not nearly in sight.
First it's final exams,
Then those Bar Review scams,
Then the Bar, which is no one's delight.

It's required, we admit,
And we should do our bit
But just think, if we fail, what we'd lose!
So about this appointment
To the Cal Bar's annointment —
It's be nice if they'd just let us cruise.

Hey — we've been around
And successes abound
From Moot Court to Law Review, too.
Is it asking too much
For a class that is such
To be excused from the Bar Exam blues?

In three years we've learned
To know just what we've earned
And it's not treatment just like the rest.
There's no way that we,
Such purveyors of glee,
Should sit for some damn three-day test.

To fulfill our potential
We need not a credential
Yet the lawyers think there's more to prove!
But some things should change;
That damn State Bar's so strange
And it's high time we upset their groove.

I say let's abstain
From this test we disdain
And crash the Cal Bar by brute force,
Let's steal all their books,
Give them dirty looks
And yell obscenities until we're hoarse.

But we weren't always
The Kings of the Hallways —
There were times when we weren't too slick.
The prof would ignore us
Or out and out bore us.
Being called on would just make us sick.

We studied all night
So it'd be alright.
When Professor Schwartz played hide the ball.
It just wasn't fun
Living under the gun
Of a Sumner's or Yeazell's harsh call.

But when first year was through
We had nothing to do
Except try not to snore loud in class.
Our sections divided
And egos collided:
Second year was a pain in the ass.

Third year was the worst;
They called it a first
When one of us answered a question.
We looked out of place,
That blank look on our face;
Just sitting there caused indigestion.

Yes, school was a bore.
There was something more
Than listening to professors, we knew.
Our Gilbert's collection
Became our protection
And supplied us the bullshit we threw.

But the law school, in fact,
Turns out a class act:
There are many things here we've adored.
This place is our treasure,
Our life's cheerful measure —
To be honest, this place we've abhored.

So what can we say
On graduation day
That would summarize all of this nicely?
We have learned to think,
And to know lawyers stink.
And to analyze this so precisely.

But we get no respect;
We know what to expect
From all those who hate our profession.
True; some of us are cold,
Others much more than bold,
But don't view this as any confession.

So savor the fact
That we're through with this act
And think back to our very first day.
First they called us "rookie,"
Then we got no nooky —
Next you know we make 35K!

I say hoist your drink
And lean back and think
Of the knowledge you've gained as a student . . .
More drink would be nice —
Some toot would suffice —
But studying more would be prudent.

But before we do that
Let us take off our hat
And salute that we've come this far.
It hasn't been easy —
(made us often queazy!) —
BUT TONIGHT LET'S GET RIPPED AT THE BAR!

Moot Court Team Receives Praise

March 16, 1982

Dear Dean Warren:

On behalf of the Moot Court Board of the Marshall-Wythe School of Law at the College of William and Mary, I wish to inform you of the commendable job done by the moot court team of Donna Crowley, Jon Schlueter and David Van Iderstine as representatives of the UCLA Scool of Law at the Eleventh Annual Marshall-Wythe Invitational Moot Court Tournament. The tournament was held on February 27, 1982 in Williamsburg, Virginia and Donna, Jon and David did an exceptional job of exhibiting their outstanding capabilities as moot court advocates.

It was a privilege to have a team of such high calibre as the representatives of UCLA. Every member of your student body, faculty and administration should be proud of these students as the representatives of your fine school.

Sincerely,
Allen R. Grossman
Tournament Justice
Marshall-Wythe Moot Court Board

Yvonne Burke . . .

(Continued from Page 1)

aim at providing the poor with access to the legal system. Legal Services lawyers are active in two areas. The first is helping secure indivduals' rights, as in the case of a woman who has lost custody of her child or a senior citizen whose social security has been cut off. The second area is that of class action suits where, according to Burke, "Legal Services can have tremendous social impact."

"It's those class action cases that have annoyed our president most," Burke said.

"Those of us who were involved in the Civil Rights Movement worked hard to guarantee the protection of individuals' rights. But those rights can only be protected if there is access to the courts." Burke said.

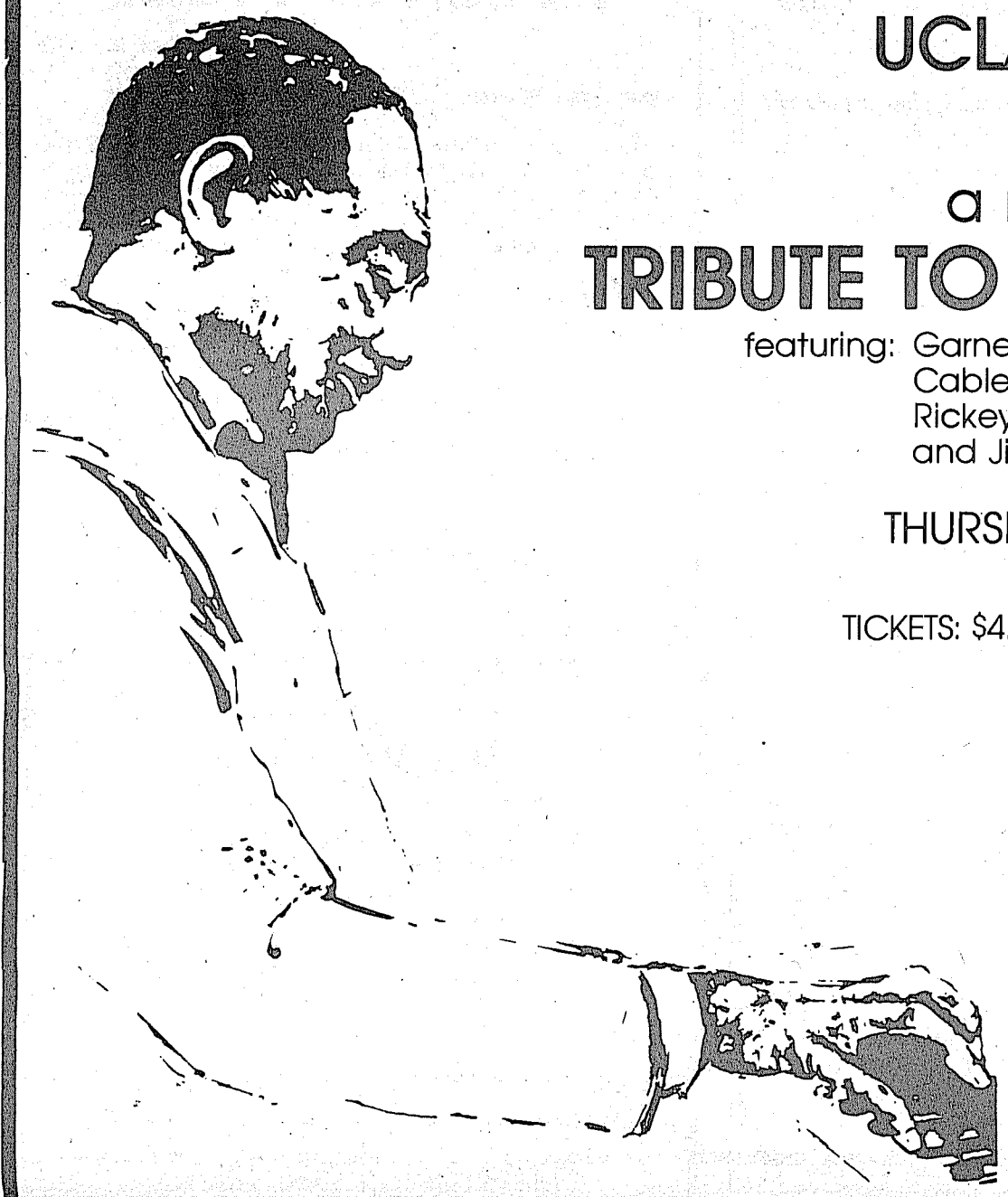
While for a time the federal government had "taken on the responsibility of acting as the protector of civil rights," according to Burke, today the government "is more often on the other side." She cited as an example of this the recent attempt to provide tax exempt status for segregated schools. Burke said the Justice Department, which had once been "an arm of the Civil Rights Movement," failed to take a stand agaist segregation in this case.

Since the government has "withdrawn" from the responsibility of protecting civil rights and has simultaneously cut Legal Services funding, "someone has to fill the vacuum," according to Burke. She identified three groups with the potential for taking up that responsibility—individual attorneys who will do "pro bono" work, re-emerging civil rights organizations, and public interest law firms. Burke feels the greatest hope lies with the last group.

Diversity . . .

(Continued from Page 4)

The Admission Coalition's position appears to be that because these accepted Asian applicants disproportionately reject the UCLA offers of admission, more offers of admission should be allocated to Asian applicants. If what we seek is equality of opportunity this position is unjustified. Asian applicants are fairly, and proportionately, admitted in the regular admissions program. This hardly seems a reason to consider the race of an Asian applicant as relevant for diversity purposes. Of course, Asian applicants would continue to be eligible under the diversity program, if they manifest truly diverse characteristics. Such factors as age, interesting experiences and background, work history, outstanding achievements, and disadvantages overcome would be considered. In this context, focusing on factors other than race seems to be a fair approach.



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