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Volume 31, Number 5

Friday, March 18, 1983

Punched Plainclothes Cop Over Racial Slur

UCLAW Student Goes on Trial

By John Williams

Even though Chestopher Taylor has not taken the California bar, the third-year law student is now working on a case that he will probably remember as the most important of his legal career. He is currently preparing, under instruction from an attorney, for his own criminal trial.

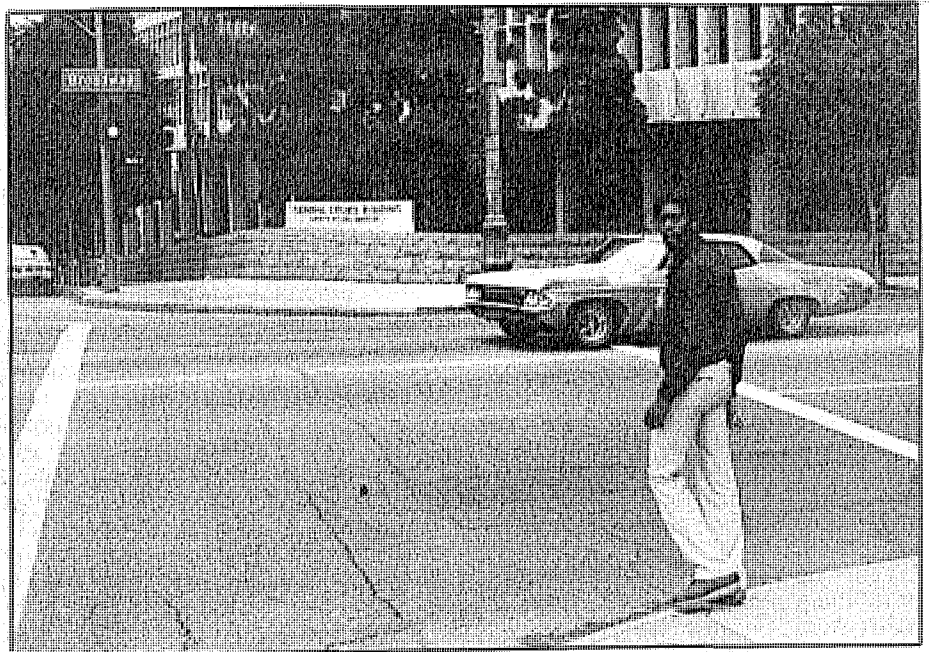
Taylor, 28, stands accused of punching a Los Angeles police officer last September while working as an extern for the City Attorney's office. The District Attorney's office is charging Taylor, with battery against a person (California Penal Code 242), a misdemeanor. If found guilty, Taylor can be sentenced to a maximum of either a \$1,000 fine or a six-month county jail sentence, or both.

Chestopher, a member of both Law Review and Moot Court, claims his behavior was justified because the white police sergeant, who was off-duty and in plain clothes, called him a "nigger" and tried to attack him after a traffic dispute during rush-hour on the morning of September 23, 1982. Trial is set for 8:30 a.m., Monday, March 21 at the downtown Los Angeles Municipal Court.

Taylor's attorney, Walter Gordon, is representing him for a relatively low fee on condition that Taylor, who has ample experience in legal research and writing, will perform a substantial amount of the work in the case. Prior to working at the City Attorney's office last fall, Taylor clerked at the United States Attorney's office in downtown Los Angeles for the summer.

Gordon conducts a solo practice in the heart of the Los Angeles black community. He also teaches Advanced Criminal Procedure at the UCLA Law School, where he first met Taylor in the two-unit course. Gordon graduated from UCLA Law School in 1976, Order of the Coif, and later earned a Ph.D. in Social Theory at UCLA in 1979.

The incident is alleged to have taken place on the morning of September 23,



ENROUTE TO COURT: Chestopher Taylor walking on Feb. 27, to LA Municipal Court. Taylor is shown about to cross the crosswalk where he allegedly punched a police sergeant over a racial slur.

while Taylor was on his way to his job at the City Attorney's office. At 8:43, Taylor arrived at the corner of Broadway and Temple streets. Proceeding across Broadway with the morning rush-hour crowd, Taylor says he spotted a blue Subaru sedan moving toward the crosswalk. "Several pedestrians screamed out 'Watch that car!,' but the car refused to stop for the people in the crosswalk," said Taylor.

According to the police report, the light changed to red while the vehicle was in the intersection. Pedestrians then began crossing Broadway in front of the car. After the vehicle came to a stop at the north side of the south crosswalk, Taylor approached the two white males in the vehicle, shouting at the driver through his open window.

"I told him that he should wait until the crosswalk is clear before proceeding

and that he had almost hit me and other pedestrians," says Taylor. "He then mumbled something to his friend in the passenger seat. I then said, 'If you have something to say you should say it to my face.' Then suddenly, he yelled out 'Move on nigger!,' and proceeded to open the car door. But I managed to block the car door from opening and then I landed a right, flush to his jaw."

The police report states, however, that Taylor struck the driver, LAPD Sergeant James Murphy, without provocation.

Taylor was placed under arrest by an LAPD detective who observed from the south-west corner of Temple street. Sergeant Murphy and his passenger John F. Whipp, both of LAPD's Juvenile Division, then got out of the vehicle,

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Irish Law Union: Lightening the Load for Law Students

by Barbara Riegelhaupt

The picture in last spring's yearbook is what attracted Lisa O'King's attention to the Irish Law Union.

"I saw there were a lot of people having a lot more fun than me who liked to drink," said O'King, who acquired the "O" as part of her membership in the organization. "I made a commitment that I would join the Irish Law Union my second year. My motto now is drink more, study less because I got better grades doing that last semester."

If drinking more and studying less were not the organization's only goal, it certainly was a prominent one when three now-third-year students conceived the idea of the Irish Law Union during John Varat's contracts class two years ago.

"We wanted an organization whose sole purpose was to make law school more enjoyable," recalled Nora Quinn, one of the original trio, which also included Dean Gloster and Dan McCarthy.

The Irish idea grew in part from Quinn's and Gloster's heritage and in part from the perception that the law school already had too many organizations designed for narrow groups of students.

"On St. Patrick's day, everyone is Irish—there are no divisions of blacks, Chicanos, men, women, Jews, Christians—so we figured why not have that all year round," explained Quinn, whose Irish ancestry makes the addition of an "O" or a "Mc" an unnecessary part of her membership in the Irish Law Union. "Also, having people change their names was entirely too humorous to pass up."

Chris-Peter Browne, a second-year student, was among those who surveyed the student organizations last

year and quickly seized on the opportunity presented by the Irish Law Union.

"Given all the possibilities, I decided I'd rather be Irish," he said with a smile, adding that the Union served as his support group during his first year in law school. Browne explained that he added neither an "O" nor a "Mc" to his name because there is an old Browne clan in Ireland. "I'm not claiming to be a descendant of anyone around there, but I've got the spirit and I've got the right name."

In addition to the name changes, another unusual aspect of the Irish Law Union is that everyone automatically is a member. "You can't opt out," says Quinn. (However, all but 20 have, so far, opted for passive membership.)

So that nobody would get the wrong idea and think the Irish Law Union wasn't a serious organization, Quinn, McCarthy and Gloster did register it with the proper authorities at Murphy Hall last year, and they even submitted a request for funds written in Irish brogue to the Student Bar Association. They got about \$100.

Various tasks were assigned to willing members. Rick McWyckoff is vice president in charge of bars, Ira O'Hershkowitz is vice president in charge of kegs, and Jackie McKiether is vice president in charge of the pot of the gold at the end of the rainbow (that means she's treasurer, since she has an M.B.A.).

Wyckoff's job is the most critical, according to several members, since it is up to him to decide when and where to hold the Irish Law Union's "bar reviews."

"Whenever Rick wants to, he puts up a notice and we have a meeting," Quinn said. "The idea is to meet and talk with people not in your section,

people you don't know. And you also get to see a lot of bars in LA."

The Irish Law Union also has a few more serious goals and activities. Its founding members had planned to initiate faculty-student brunches before the law school itself started a faculty-student lunch program. The Union did hold a stress management workshop last year, and this St. Patrick's Day will mark the second annual Irish Law

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Placement Office Sponsors Forum on Post Graduation Survival

By Ruth Jones

On April 13, the Placement Committee will present "Survival, the After Graduation Job Search." The purpose of this evening forum is to provide information on the resources available for the after graduation job search and to provide tips on how to survive until a permanent job can be found.

The first half of the evening will consist of short presentations by speakers on their specific topics of interest. Afterwards informal discussions and small group sessions will be held. The speakers have not as yet been selected, but the topics will include free-lancing, the politics of setting up your own firm, trends in the legal marketplace, working for a corporation, and the services of a matching firm. There will also be tables with information on resume writing and interview techniques.

The program is scheduled to begin at 5:00 p.m. and refreshments will be served. The Placement Committee hopes this program will assist students in making the transition between school and permanent employment.

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Irish Law Union: Law Students Getting Loaded

From page 2

Union Liars Contest. The Union sponsored a team in the women's intramural basketball league this season, and plans for a faculty-student women's basketball game to benefit a battered women's shelter also are in the works. A "day at the races" at Santa Anita Park took place in February. (Member Rocky O'Schmidt hit the exacta.)

Perhaps the Irish Law Union's most noteworthy achievement, however, was last month's bake no-sale, which looked like every other organization's brownie-and-bagel affairs except the food was given away for free. Another new venture is the poetry and comics board, which is located beside the other organizations' message boards in the main hallway of the law school. I had to rip down some announcements that were in the way," admitted Quinn, who explained that no formalities were observed before member Cheryle Jackson (Irish name, hence no "O" or "Mc") made the signs for the board. "People have a bad attitude. They think you can't do things in law school

without permission."

Not all Irish Law Union members share Quinn's enthusiasm for these ambitious pursuits, however. Asked if she were aware of the poetry and comics board, which thus far has not met with resounding success, O'King replied that she was, "but I ignore it. I think we need to maintain a narrow focus."

She acknowledged that the bake no-sale, which she skeptically organized with Mary O'Barnes, could have hurt the Irish Law Union's image.

"It seems inconsistent with our image of just being worthless scumbags," said O'King, who studiously avoids formal extra-curricular activities. "But on the other hand, it was really so different, and all the other organizations have these things to raise money. We decided to do it to lose money, and that does seem consistent with our overall approach."

Besides, she continued, "people really liked it. Everybody was kind of surprised, and it did cheer people up."

For that reason, she's also willing to endorse the St. Patrick's Day Liar's

Contest, which will include three old categories—lies, faculty lies and tag-team lying—and one new one—complaints. For the complaint category, entrants must both lie and complain, which Quinn said eliminates any complaints about too much work and vending machine food.

Quinn is hopeful that the Irish Law Union will survive beyond the UCLA tenure of its three founding members, but she expressed concern because the organization foundered somewhat while she was on an externship last fall. No one remembered to submit a budget request, for example.

"We got too powerful on campus, and Dean Prager had me sent to West Virginia," explained Quinn, who spent last fall at the Research and Defense Fund. "And then when I got back again, they got rid of Mary O'Hare, who was our faculty advisor."

The Union is attempting to fill the advisor gap right now, Quinn said, and it has solicited resumes and writing samples from a number of prospective candidates. "The competition is pretty stiff," she said.

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Clerkships and Conflagration— How Law Students Can Survive Nuclear War

By Steven Arbuss

SAN FRANCISCO:

Here I am, on a judicial externship, and boy, I am happy as can be. The more naive student probably thinks that externships are popular because they offer "real life" application of legal skills and a chance to escape the routine of study, class and exams. Not so. Law students on externship know something that the rest of you don't—an externship provides great security in the event of nuclear war.

In order to insure an orderly reconstruction of society following a nuclear confrontation, federal agencies are developing comprehensive plans to rebuild our Nation out of rubble. Clearly able-bodied workers, farmers, engineers, elected officials and postal clerks will be needed to reestablish an economic system. But government planners have also realized the importance of judges and lawyers, who are needed to enforce criminal law and maintain the system of private ownership of property.

Although the exact details are necessarily secret, the plan probably calls for evacuation of judges and court

personnel into shelters built inside mountains or deep underground. The jurists would patiently wait in these subterranean chambers until the rumpus caused by a nuclear exchange had subsided. Then they would emerge into what was left of America, clearing aside the charred and glowing remains to reinstitute the Constitution, the

Reverse Discrimination, or Perverse Recrimination?

By Avery Goodman

Reverse discrimination at the UCLA School of Law has reached unacceptable proportions. It behooves those who are shocked and dismayed to speak their minds. As I hear the muffled but unhappy groans of first year students, I cannot help but recall my own initiation to the twisted forms of "liberalism" every student here must undergo.

I can clearly remember the shock with which I received my first information about special test-taking seminars, given exclusively to minority students. A white student, who had

federal court system, and, we hope, attorney's fees.

Hence the true reason to participate in the UCLAW externship program: those of us who work for judges or certain government agencies are guaranteed entry into official shelters when the sirens blow. Now, I'll admit
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been achieving low scores on his final exams, wanted to attend. Upon learning, through intensive research, where the seminars were being held, he walked in to be greeted by angry faces. He was politely asked to leave by some of the offended students, and the professor concurred. The word was quickly spread and finally reached my ears a few days later.

About a week after that, one of the professors involved felt compelled to make an explanation. He said, "Many of you have become suspicious... feeling that you are being excluded from something and put at a disadvantage. All I can say is this: How do you know I'm not sleeping with one of the girls in the class and giving her A's? You don't. You simply must trust me — just as you have to trust me to follow the anonymous grading system. I assure

Please turn to page 9

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UCLAW Student Standing Trial. . .

From page 1

identified themselves as police officers, and handcuffed Taylor. The arrest was made directly across the street from where the trial will be held on March 21.

Taylor was transported to Parker Center where he was fingerprinted and then placed in a holding cell. Ten minutes later, he was released on his own recognizance. The release papers indicated that his arraignment was scheduled for October 7.

On the morning of Sept. 27, Taylor received a telephone call from LAPD detective Hopson. Hopson asked Taylor for a statement concerning his version of the incident. Taylor replied that he would prefer to consult with his attorney before he made any statement in connection with the incident. According to Taylor, Hopson replied, "No problem," and then he hung up.

At his October 7 arraignment appearance, Taylor learned that no charges had been filed against him at that time. A bailiff then told Taylor to contact the

District Attorney to determine the disposition of his case. Taylor immediately telephoned Deputy District Attorney Martin Oghigian, who according to the arraignment papers, had been assigned to the case.

Taylor asked Oghigian whether charges would be filed against him by the DA's office. "Oghigian then shouted over the telephone 'So you're the guy who hit the police officer!' I told him that I did hit someone but there were mitigating circumstances. But Oghigian then demanded that I go right over to Hopson and give him a statement without the presence of my attorney. Then I replied that I didn't have to give a statement without consulting with an attorney." In a recent telephone interview with the *Docket*, Deputy District Attorney Oghigian said, "I think I believe Chester, but the moral of this story is that police are not all bad and that you should be on the level with them or face the consequences."

Three weeks after his call to Oghigian, Taylor received a letter indicating that he had been charged with the felony of violations Penal Code section 243, battery on a police officer. This charge was later reduced to the misdemeanor of battery against a person.

On February 27, the Municipal Court denied Taylor's motion to obtain Sergeant Murphy's personnel files. Taylor requested the files in order to determine whether any police abuse complaints have been filed against Murphy. Taylor is currently seeking a Writ of Mandamus from the Appellate Division of the Superior Court reversing the denial.

At the upcoming trial Taylor will make another motion aimed at obtaining a dismissal of his case on the grounds that the police officers willfully failed to obtain the names and addresses of material witnesses.

Gordon said he cannot predict the outcome of the case.

APLSA Hosts Asian Community Conference

The Asian/Pacific Law Students' Association (APLSA), last seen protesting proposed changes in law school admissions policies, turned its energies toward the community on February 12. Almost 200 students, lawyers, and social service workers attended a day-long conference at UCLAW, which addressed a variety of community concerns. APLSA and the Committee of Asian/Pacific Lawyers sponsored the conference.

Workshop panelists discussed topics such as the need to obtain legal and financial redress for aging Japanese-Americans interned without due process during World War II, and the special language and cultural difficulties facing battered Asian/Pacific women. The panelists also spoke about the movement to unionize local restaurants and garment factories, where the women making the clothes sold in department stores are often paid less than \$1 per hour. Other workshops dealt with the proposed immigration restrictions and employment discrimination.

"We had excellent response from students and other conference participants, and we want to channel that into programs at the newly organized

Southern California Asian/Pacific Legal Center," said APLSA co-chair Dolly Gee. The Center's goal is to educate the community on solutions to common legal problems, according to Acting Director and UCLAW alumnus Stewart Kwoh. "We also hope to handle impact litigation that affects the Asian/Pacific population in California," he said. Gee noted that the Center will rely largely

on student volunteer. "There's a lot of work to be done," he added.

All those interested in helping with projects now underway at the Center are invited to call 746-6029, or drop by the office at 620 West Olympic Boulevard, second floor, from 10 a.m.-noon, Monday, Tuesday, and Thursday; 5-8 p.m., Wednesday; and 1-5 p.m. on Saturdays.

Law Librarian Battling for Life: Blood Donations Requested

Sylvia Merritt, Reference Librarian at the Law Library since 1965, is in the UCLA Medical Center undergoing extensive treatment for leukemia. Her doctors are hopeful that they will achieve a remission with this treatment and that she will be able to leave the hospital in three or four weeks. For the present, Sylvia has limited the number of visitors who may see her.

The treatment Sylvia is undergoing requires daily blood transfusions, and many donors are needed since blood is in short supply at this time. If you are willing to donate blood for Sylvia,

please call the Blood Donor Center, 50888, state that you wish to donate blood for Sylvia Merritt, a leukemia patient in the Medical Center and make an appointment. Due to the nature of her illness, blood needed for her treatment must be donated at the Blood Donor Center only.

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Prof. Hagman's Papers Placed in Special Collections at UCLA Libraries

When professor Donald Hagman fell to his untimely death this summer, the tragic event abruptly cut short one of the most prolific careers in American law teaching. Don Hagman, whose energy, dedication and diverse interests are amply described elsewhere (see, 29 UCLA Law Review 761-796 (1982), produced in all too brief a career a wealth of books, articles, speeches and papers. A large amount of material "in progress," and a mass of documents, papers and books, which he had assembled to support his scholarly activities, were left in his office, arranged for his own personal ongoing research.

Several people were involved in deciding what to do with the materials which remained in Don Hagman's office, including his widow Ilene Hagman, and their children, his long-term research associate, Madelyn Glickfield, Dean Susan Prager, Law Librarian Fred Smith, his student research assistant, Maria Protti, and Ms. Julie Orzack, his secretary.

Although there was a general interest in keeping unique parts of Hagman's materials at UCLA, it was evident from the outset that a frozen archival collection would not perpetuate Hagman's fast paced, trail blazing research. Some of the materials were

more suitable for preservation by the family members, while other best incorporated in the working collection of the Law Library or other campus libraries.

Before any of the materials were disposed, contents of the office were inventoried. Manuscripts in process were identified; Madelyn Glickfeld and Maria Protti worked tirelessly with publishers to finish editing these manuscripts for publication. Materials desired by the family were set aside for them.

Then, materials of a purely transitory significance, such as advance sheets were discarded. Monographs, casebooks in land use planning and real property, which fell within the scope of the Law Library's collection were identified, and checked against the Law Library's holdings. Eventually materials which were not already in the collections were added.

Much consideration was given to

where to store the documentary sources, which constituted that portion of his materials most suitable for archival collection. It was agreed that these materials would be best preserved at the Department of Special Collections of the University Research Library here at UCLA. This location was the logical choice, because of its special facilities, staff's training in archival conservation techniques and familiarity with processing such collections.

The research materials of professor Don Hagman, as the man's influence itself, have enriched several environments. Their influence is the product of his intellectual endeavors. The materials are not a sterile collection gathering dust, but distributed and made available for prospective use. The Law Library, other libraries on campus, and Special Collections, all contain portions of Don Hagman's collections, and thus bear testimony to the impact of his interdisciplinary studies.

Surviving Nuclear War

From page 4

that the prospect of being confined for months in close quarters with a bunch of lawyers is frightening and revolting. But look at the bright side. Students from law schools with inferior

externship programs, especially the prestigious Eastern ones, will likely be killed or disabled. The job prospects for UCLA graduates will thus be greatly improved. Shrewd externs will use the time spent underground to make "connections" with judges or lawyers from big firms. BAR/BRI prices will decline, and, we hope, the on-campus interviewing program will be destroyed.

Nuclear war offers other big advantages for the law student. Since most law books, court records and legal documents will be destroyed, we few remaining legalist will be able to rebuild the entire system from scratch. Let's say you've always had trouble understanding executory interest. During the post-war reestablishment of property rights, all you have to do is leave that stuff out. Simple as that. Or suppose you are unhappy with the diminished capacity defense. Just forget about it! Discretionary reconstruction of legal principles will promote the evolution of a jurisprudence which will be efficient and more fun to use.

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From page 4

you, nothing is going on."

It seems to me that when students share the same classrooms, and are going to be awarded the same degree, they should be treated the same. Upon learning of my dismay, a black friend of mine, who was also a first year at the time, informed that the seminars were worthless anyway.

All this leads to several interesting questions.

(1) If the seminars are worthless, why is it that those who claim them to be worthless still attend?

(2) If they are worthless, and serve no purpose, why are they being given?

(3) Why are they cloaked in secrecy, with information on times and places being sent only to minority students?

(4) Why should a student in his right mind trust a professor who is willfully excluding him from those seminars?

(5) Finally, if "nothing is going on," why are non-minorities excluded?

These questions have not, and cannot, be answered effectively by the apologists of reverse discrimination. Minority students do not have a monopoly on poor grades. Given the rigidity of the grading system, in which only a certain set percentage of each class will receive A's, that which is given to one group must, inevitably, be taken away from another. It has been well accepted that a system which deliberately discriminates based on race, creed or color is unconstitutional.

I cannot say the exact extent to which these practices distort the natural

balance of grade distribution. What is clear is that they will result in the serious erosion of UCLA Law School's reputation. Unfortunately, this erosion may already be taking place. I am saddened by the fact that those who preach the most about Constitutional rights are the first to violate their own prescriptions. I do not doubt that the professors and students involved embarked on their plan with good intentions. But it is time for them to make amends to the rest of the law school community for their grave errors in judgment.

U.S. Involvement in El Salvador Draws Fire at UCLA Forum

By Barry Rosenbaum

The United States' involvement in El Salvador was challenged in a forum held here at the UCLA School of Law. The March 8th presentation by Mark Rosenbaum of the American Civil Liberties Union and actor David Clennon, best known for his recent role as consul Phil Putnam in the film *Missing*, was sponsored by eight law student organizations and attracted a capacity crowd of 160.

The forum specifically addressed the alleged murder of Michael Kline, a 21 year old American citizen who was pulled off a public bus while traveling across El Salvador to visit friends in Costa Rica. According to allegations, he was later summarily executed by El Salvadorian soldiers on October 13, 1982. A subsequent autopsy report revealed that he had been shot from a distance of less than 14 inches, despite soldiers' allegations that they fired at Kline while he was trying to "escape". Various bruises on his body also indicated that he had been beaten and tortured before his death.

The Kline family was continuously given conflicting reports by the State Department as to the circumstances surrounding the death of their son. As a result, in December of 1982, the Kline family, accompanied by Mark Rosenbaum, Leonard Weinglass, and David Clennon, went to El Salvador on a fact finding mission to discover the actual circumstances surrounding Kline's death. Upon their arrival in El Salvador, the Kline delegation was given a cold

reception by the U.S. Embassy and found the embassy to be extremely uncooperative. For example, when the Kline family sought a helicopter to go to Morazan province to interview the military personnel involved, the embassy stated that it was impossible to get a helicopter—they simply didn't have the funds. Yet when the Kline delegation insisted that they would go to Morazan on their own, that the news media was interested in the story, the embassy was able to locate a helicopter within two hours. The true circumstances surrounding Michael's death were never revealed by the military and remain a mystery to this day.

El Salvador was described by Mark Rosenbaum as "a country whose government is at war with its own people". The presence of the military was everywhere and the fear felt by the citizens prevented them from openly communicating with the delegation. Both speakers emphasized that the death of Michael Kline was only one of 38,000 civilian deaths that had occurred at the hands of government forces since 1979. Furthermore, they stated the U.S. government was directly implicated in these murders. It was the United States which supplied the arms and training which enabled the El Salvadorian government to carry out these alleged executions. Both speakers therefore condemned increased U.S. military involvement in El Salvador, contending that it would only result in continued bloodshed.

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Canons of Coolness

A Style Manual for Aspiring Attorneys

By TDB

Legal argument is, basically, the construction of an appearance. This much you know. A member of the UCLA law faculty once put the point this way: "In a legal argument, you know ahead of time where you want to go. Your only problem, really, is to rig up what will look like an argument to get you there." And, well, there it is. No one is very interested in whether the argument is actually valid or the conclusion true.

This retreat from substance is especially apparent in case law. Legal arguments frequently involve showing that case law says or implies a certain thing. But everyone knows how violently judicial thinking can spasm

over a relatively short time—say, lunch. This has left case law wildly inconsistent. Which is a good thing, because it means that whatever you want case law to say, it probably does say it. So, there's no problem; stop worrying.

Around the time you notice this it ought to be dawning on you that being good at law means being able to create a look, that competent lawyering is the mastery of a highly refined style. And that's all it mainly is. This is a hard realization. Some probably came here with thoughts about justice and fairness. You were going to help protect them, keep them warm. (Those who came from the mid- and north-west probably still backslide in this direction) But, after a term of so, who

can be that wide-eyed anymore?

Well, so much for substance. And, when you first saw all of this, you thought that things were going to be easier than you expected—a lot easier. Wrong. Style is not basically simpler than substance. You've got some hard choices to make and they're about to start coming at you thick and fast. Mastering a style of argument just is not enough. You need a whole *gestalt*, a viable pose. You want to be hip in law school, and the price on screwing up is ostracism, failure, and no Ferrari down the road. The criteria of hipness, the canons of coolness, make demands along many dimensions. Or so it seems.

First, lets talk clothes. Here the main question is "What sex are you?". This is important, since women law students must dress up and male law students must dress down. Any random look around the school will confirm this. Most male law students cultivate a kind of low-rent prep look, i.e. button-down oxford shirts, Coach belts, loafers or Topsiders. They usually tone this down with faded jeans instead of the more standard chinos. Some tone it up with a Harris tweed. Still others let things get a little slovenly, which is actually an option for males.

But who can stand the sort who always shows up in a suit? This is definitely trying too hard. Everyone knows that they've sold out in law school, but nobody likes to be reminded and this kind of guy does just that.

Things are entirely different for women. It no secret why—viz. the profession is still almost completely sexist. Now, one of the worst attitudes men adopt toward professional women is a brute refusal to take them seriously. And you don't need to wait for your first job to be around this mindless bigotry: it sits next to you every day in class. So the time to take the offensive is now. This means adopting a relatively more serious style, hence the dressing up.

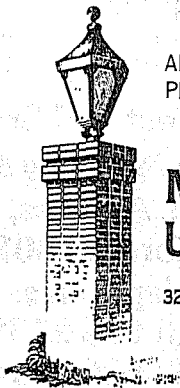
Now, *how* you dress up matters. Of course. Most women seem to aim at a look which is somewhat conservative and upscale. But this isn't strictly necessary. You can show up looking like you walked out of an *LA Weekly* ad, if you've got the nerves for it and if it doesn't turn out to be attractive in the wrong way. Mistakes of the latter

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Mastering Legal Style: Canons of Coolness. . .

From page 10

kind will get you written off as a dilettente.

Let me just make a remark in passing. A theme has been emerging for a few paragraphs now, namely, that hipness in law school is more of a high-wire act for women than for men. Now, no woman law student really needs to be told this. Even less do they need to hear it from some self-congratulating schmuck writing a *Docket* by line. I know this. My (palpably weak) excuse for going on as I have is that I was asked to write this. I am recording my observations on law school culture more or less in the spirit of descriptive anthropology. Good science requires completeness. So some amount of harping on this nasty theme is impossible to avoid.

Now that I have set up completeness as an ideal for myself here, I feel the need to fall short of it. But then most of what I have said so far is pretty obvious. Any semi-conscious reader can easily see how to go on with the same vibration. And there are more complex matters to explore. Style's waters do run deeper.

So enough about clothes; on to idioms. There are rules of language use which are essential to a convincing law school style. Once again, I will limit myself to only a few.

A first rule is: always answer quickly. This ain't philosophy. If you are in a discussion, see some subtle point, and stop to unravel it, everyone will conclude that you don't know what to say and have thus lost the argument. A diseased inference, I agree. But, in a way, you have lost the argument. In this context, getting it right is vastly less important than getting it fast. You'd better remember this unless you like having your ass handed to you by people who are basically cretins. So, no stopping to think.

And no intellectual remarks either. This is really important. When you went to law school you kissed goodbye the luxury of wondering out loud what justice is, what notions of responsibility are coherent, etc. . . And, for some it may have been a hard parting—something they don't like to remember. For others, of course, the luxury never held any appeal. In either case, you are only screwing yourself when you bring up stuff you picked up in Morris' seminars on moral psychology or legal philosophy. In fact, try not to learn anything from him; it can only keep you from a successful image, a really viable set of manners.

It's not hard to predict what will happen if you blow this. You will be in a group of people standing around at a party, for example. Maybe that attractive law student you've been wanting to meet or impress is there. People are talking property, and no one has noticed that the presupposed notion of property is unintelligible in just the way that Locke's is (—viz. the explanation of initial acquisitions commits what looks like an important non-sequitur.). So you point this out.

Now you are really screwed. A tense, embarrassed silence falls over the group. Some squint at you vacantly as you blunder on trying to retrieve the situation. Others begin to clear their throats, and drift off for another drink. Those who remain dismiss your remark as irrelevant (which, in a way, is true). And that person you wanted to impress glides away with one of those designer-jeans hipsters who've long since learned to avoid gaffmasters like you.

Another important conversation rule is: know your firm names. Otherwise you are going to get waxed in a certain

kind of verbal contest. Someone will open with "Jones just interviewed with Mannatt." Now this is virtually always enough for everyone to know what's going on. But how many times have you heard the conversation continue: "You mean Mannatt, Phelps?"; "Yes, Mannatt, Phelps, Blah." . . . Well, and by now you are trapped in a paranoid race to the end of the firm's name. And, if there is an odd number of partners and the other guy started first, its mathematically impossible for you to win. (This is true since the rule stipulates that you can only add one name at a turn.) So you had better be able to come up with something like "Ah...yeah... Didn't they defend the makers of the Dalkoñ shield?". And so on.


A last remark. I was standing in the men's can one day eavesdropping on two guys who were suiting up for interviews. One was saying to the other that he had decided to wear a pink shirt that day since he was interviewing a liberal firm. It's this kind of attention to detail, I think, that can make for a great law career.

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CALIFORNIA SUMMER 1982 PASSING RATES FIRST-TIMERS

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In the all applicant group, Josephson BRC students had a higher passage rate at 15 of the 16 schools. At the 16th school the BRC passing rate was the same as the non-BRC rate. Students who did at least 80% of the BRC Programmed Learning System (PLS) assignments did better at every school. *The average BRC advantage for PLS students, compared to non-BRC students, was 21%; for all BRC students it was 14%.*

In the first-timer group, Josephson BRC students who did at least 80% of the PLS testing had a higher passage rate at 15 of the 16 schools. The all BRC student group outperformed non-BRC students at 12 of the 16 schools, and there was one tie. *In the entire first-timer group, BRC PLS students outperformed non-BRC students by an average of 14%; the all BRC student's average advantage was 5%.*

	OFFICIAL SCHOOL ¹	NON-BRC STUDENTS ²	BRC PLS STUDENTS ³	ALL BRC STUDENTS	BRC ADVANTAGE ⁴
Cal Western	36%	35%	64%	37%	29%
Golden Gate	46%	39%	74%	60%	35%
Loyola	75%	74%	79%	76%	5%
Pepperdine	62%	60%	69%	65%	9%
Southwestern	47%	46%	67%	49%	21%
Stanford	93%	90%	88%	96%	
U. C. Berkeley	82%	82%	92%	82%	10%
U. C. Davis	76%	77%	89%	74%	12%
U. C. Hastings	76%	78%	83%	74%	5%
U. C. L. A.	78%	74%	86%	80%	12%
U. S. D.	66%	66%	77%	67%	11%
U. S. F.	61%	57%	89%	71%	32%
Santa Clara	66%	62%	73%	71%	11%
U. S. C.	82%	82%	77%	81%	
McGeorge	80%	70%	91%	81%	21%
Whittier	45%	40%	60%	60%	20%

¹ Figures supplied by state

² All students choosing a study program other than BRC

³ All Students following BRC program by completing at least 80% of the Programmed Learning System (PLS)

⁴ Advantage of BRC students using PLS versus all non-BRC students

⁵ Note all BRC students at Stanford did 6% better than all non-BRC, however 1 of 9 PLS students failed resulting in a lower PLS rate.

⁶ Note all BRC students at USC passed at 1% less than non-BRC but only a few completed PLS.