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# THE DOCKET

Vol. III, No. 2

UCLA LAW STUDENTS' ASSOCIATION

December, 1958

## Justice Traynor Accepts Law Day Bid

### Eighteen Seniors Set To Graduate

Congratulations will be in order January 29 for 18 members of the third year class when UCLA graduates its seventh mid-term class.

No formal graduation ceremony will be held until June. Members of the January '59 class are encouraged to return at that time and participate in their class' activities.

Included in this group are Stanley A. Black, Milton B. Miller, Marvin S. Prager, and Jack Schwartzman, all member of Law Review.

M. Robert Osterman, M.D., will add LL.D. to his title as will John Griffith Davies, Australian Olympic swimming champion who won the 200 meter breast stroke event in the 1952 Olympics held in Helsinki, Finland.

Other candidates for degrees are: Max Abrams, Don Fjelstad, Errol Robert French, Sherwin Goldstein, Louis Helmreich, Albert Jay Hillman, Earl William Kavanau, Urban Joseph Schreiner, Alfred Lee Swanger, Charles Stimmel Vogel, Donald Karl Wadsworth and Donald Chester Wickham.

### Due Date For Registration Forms Set; Papers Ready At Information Window

Special registration forms for law students, available at the information window in the law building should be completed and returned to that location by January 7, 1959.

Accompanying the form must be a check covering the exact amount due or an official fee deferment slip. Students attending under veteran subsidies should go to the cashier's office, Window 3, in the administration building. There they will be told where they may obtain the fee deferment slip.

Registration packets for students having followed this procedure will be ready for distribution January 22. These packets are to be filed

### Finals' Wake Planned

Plans for a party for members of the third year class to take place January 27, the evening following the last final exam, are now being formulated.

The party is to be held at the Budweiser Brewery in Van Nuys.

### LA Bar Federal Defender Program Gets Assist From Student Volunteers

Unique to the state of California and to UCLA Law School is the program being sponsored by Professor Murray L. Schwartz by which 22 student volunteers will aid local lawyers participating in the voluntary defender program in federal courts.

Because no paid public defenders are provided for indigents accused of federal crimes, the Los Angeles Bar Association has appointed a Federal Indigent Defense Committee whose chairman is Richard F. C. Hayden, Esq., to bring together lawyers in the area who want to volunteer their services without charge to indigents who request help.

To assist these attorneys, the UCLA law students have volunteered to help out in any way they can. Generally, the aid to be given can be broken down into two categories:

at the time of enrollment, January 27 or 28, 9 a.m. to 12 noon and 1 p.m. to 5 p.m.

Transfer students and students taking irregular or reduced programs must have their schedules approved by the assistant dean prior to registration.

Registration for students not complying with the procedure outlined will be Wednesday, February 4, from 8 a.m. to 5 p.m. at the south entrance to the art building.

It is requested by the administration that as many students as possible register early as the seating charts will be made up before enrollment of those registering February 4.

### Noted Jurist To Spark Eventful Law Day; Queen To Be Crowned At Barristers' Ball

Appearing as the featured speaker, Justice Roger J. Traynor will highlight the program of activities at UCLA planned in observance of National Law Day, Saturday, May 2, 1959.

During the day the finals of the Pound Competition, an alumni luncheon and a law show will round out the events. Guided tours of the school will be conducted for friends, guests and relatives of the students.

Climaxing the events will be the crowning of a queen at the "Barristers' Ball".

The Law Day Committee, headed by Donald Freeman, requests all students, alumni and faculty members who are interested in the observance to help in the planning and preparations for the occasion.

Law Day will have four main functions:

First, to give the laity and undergraduates an opportunity to see and inquire about the school and to gain a better understanding of its methods and objectives in the legal training process.

Second, to acquaint the Los Angeles legal profession with the school.

Third, to give an opportunity to the students to reflect on the purposes for the study of law, to meet and talk with members of the California Bar, and to take that one last fling before digging in for the June examinations.

Fourth, to afford a chance to the alumni of the law school to take a new look at the alma mater and to meet with fellow alumni and professors.

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### School Library Receives Constitutional Collection

The American Academy of Public Affairs through its president, Colonel W. Jefferson Davis, has donated to the law library its collection on Constitutional law and Constitutional principles announces Louis Piacenza, law librarian.

The collection totals 172 volumes and many pamphlets which are out of print. To this gift the Academy will annually add books and periodicals which seek to preserve the basic principles of Constitutional government.

### Family Law Added To Spring Courses

Appearing on the spring schedule will be a new course in Family Law to be taught by Professor L. Dale Coffman. This will replace the Seminar in Selected Labor Legislation which was previously scheduled.

At this time no other information about the schedule is available although the office announces that information concerning courses to be taught this summer will be out far enough in advance of spring registration so that students who are accelerating may plan ahead.

# Hybrid Vents His Views On Medical Malpractice Suits

(M. Robert Osterman, M.D., will graduate from UCLA Law School in January. Because of the increasing number of medical malpractice suits flooding our courts, the *Docket* has requested that he present his views concerning this problem.)

M. Robert Osterman M.D.

A medical education and over twelve years of practice as a medical specialist with its attendant exposure to the constant threat of malpractice litigation should have conditioned me for a typical reaction response on this subject. Predictably, I should have been anxious to seize this opportunity to launch into an intense tirade of malignant epithets picturesquely expressing degrees of revulsion towards the legal profession, our allegedly traditional oppressors in this field. Happily, I confess that this compulsive combat impulse, ubiquitous amongst a large segment of the medical profession, has been abated because of my legal education.

## Position Stated

My present position on this subject will no doubt qualify me for honors in the How To Lose Friends and Alienate People Club, since such neutrality will be viewed with distrust and disfavor by both my medical and legal colleagues. From the very commencement of my legal education many of my medical associates have prodded me to advise the members of the Bar of the myriad injustices constantly perpetrated upon them by the legal profession. On the other hand, my colleagues in the latter profession have been conspicuously outspoken regarding their hopes that I might be influential in exposing what some of them have characterized as the medical conspiracy.

There is nothing heretical about my presently unbiased posture; it is merely the inevitable consequence of abandoning a strictly partisan perspective. Of course, then, it would seem ideal for all doctors to undertake a complete legal education and vice versa. Within the framework of this seemingly facetious suggestion lies the solution for bridging the chasm perpetually separating the two professions. There is a palpable need for a more harmonious relationship between doctors and lawyers, and this can only be accomplished through the medium of education. It is absolutely essential for each to have a more complete understanding of the other's activities and problems.

## Solution Suggested

It is my firm conviction that comprehensive and aggressive programs of education regarding each others peculiar needs should be instituted at the respective professional school levels. I am certain that a course on the substantive law of negligence, properly applied in the medical school curriculum would prove both enlightening and profitable to the medical neophyte. Likewise the budding attorney would gain considerable insight and understanding from specific seminars on the various common

medical problems. Such education would inevitably lead to a mutual respect and a gradual elimination of the friction points.

There have been allegations and accusations made by each group against the other; like the mud slinging in a political campaign most are unfounded in fact and at the very least grossly exaggerated. Lawyers have been guilty of propounding the idea that doctors have joined in a conspiracy, the so called silent treatment, to pre-

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## Administration Explains Intricacies Of '65 Rule'; Dean's Discretion To Be Used For Close Cases

Because some misunderstanding appears to have developed with respect to the so-called "65 Rule", the administrators of the law school wish to clarify the application of this rule.

The first year, and each semester or summer session thereafter, constitutes a grading period. A student who fails to maintain a 65 average in any grading period will be dismissed for poor scholarship, subject to the possibility that the dean may exercise his discretion to permit the student to continue on probation for one further grading period.

A student on probation who fails to make a 65 or better average in the second grading period will be dismissed; the dean is not authorized to permit him to continue.

The rule further provides that a student with a cumulative average below 65 at the end of his second year will be dismissed, and that a third year student with a cumulative average below 65 will not be permitted to graduate.

Some examples of the operation of the rule may help to clarify its meaning:

1. A student who completes his first year with an average below 65 will be dismissed unless the dean, in his discretion, permits him to continue into the second year. This discretion will be exercised sparingly and only in cases where on the student's overall record there appears to be reasonable expectation for substantial improvement.
2. A student who completes his first year and enters summer school before receiving his first year

## Ain't It The Truth!

Getting out a magazine is no picnic.

If we publish original matter, they say we lack variety.

If we print jokes, folks say we are silly.

If we don't, they say we are too serious.

If we publish things from other papers, we are lazy.

If we are out rustling news, we are wasting time.

If we are not out rustling news, we are not attending to business.

If we don't print contributions, we lack appreciation.

If we do print them, the paper is full of junk.

Like as not some fellow will say we swiped this from some other paper.

So we did!

(From the University of Miami School of Law's *Barrister* who borrowed it from *Writer's Monthly* who reprinted it from *Catholic Opinion*.)

## Knowledge Clears Vagueness of Law

By the Editor

As exam time rolls around, many students may be bemoaning the fact that the law is often ambiguous and at best is far from specific.

Those who wish that a formula reducing law to a science could be devised may take heart from knowledge of the fact that this problem has troubled others.

The following is excerpted from an article by Professor James T. Brand appearing in the *Brief*, publication of Stetson University College of Law, St. Petersburg, Florida.

Dean Prosser in a recent speech before a western Bar Association told a story about an old Indian Chief who had intently watched the construction of a lighthouse on the coast. Finally, the job was finished and the lighthouse was put into operation. Someone asked the Chief what he thought of it, but the old Indian merely shook his head and said, "Lighthouse no good. Fog, him come in just the same."

Dean Prosser was illustrating the uncertainties of the law which still persist despite efforts of countless generations of lawyers, scholars and judges to erect legal beacon lights which would guide those who are tossed on the sea of litigation into a safe harbor.

Students of our law schools will quickly agree that in spite of all the judicial decisions in the case books which have been set up as beacon lights for their guidance, the "fog comes in just the same." They may be confused, but they should not be discouraged.

The Anglo-American judicial system which builds the law, case by case as conditions change, may at times produce uncertainty and confusion. But it is that same system which makes possible the moulding of old rules to meet new conditions . . . . Therefore, when you see an area of uncertainty surrounding an ancient rule of law, be not disturbed. It may mark the point at which new concepts of justice are gradually being hardened into law to meet the problems of an expanding future.

The fog comes in just the same, but it will gradually blow away as your legal education progresses.

## THE DOCKET . . . .

Vol. III, No. 2

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(Judged best all-round entry in the 1957-58 ALSA Student Bar Newspaper Competition.)

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The opinions expressed in *The Docket* are those of the writer and do not necessarily represent the views of *The Docket*, the University, the Law School, or the Law Students' Association.

## Bar Results Show High Number Pass

Results of this year's fall bar exam show that 89 per cent or 115 out of 129 UCLA Law School graduates taking the exam for the first time passed it.

This is the second highest fall percentage in the school's history. In the fall of 1953, 33 out of the 36 men taking the exam were admitted to the bar, thus achieving a percentage of 91.7, the highest in the school's history.

## Law Grad Learns Political Lesson

by Douglas MacRae

Martin Schnitzer, 1952 UCLA law graduate, was unsuccessful in his bid for election to the California Assembly from the 60th District. His defeat was neither unanticipated nor discouraging since he ran on the Democratic ticket in an area containing 61 percent registered Republicans. The fact is that he gained 7,000 votes over his predecessor's tally.

Schnitzer points out that following the 1960 census, the 60th District may contain a majority of registered Democrats, and this, coupled with his having once run, will perhaps give him a decided edge should he again seek election to the assembly.

This was Schnitzer's initial attempt at seeking public office. He states that he enjoys campaigning and believes that he has acquired an education in the practical side of politics. Although he met many people, he observes that he hasn't noticed any increase in his law practice resulting therefrom.

While there was no direct financial cost to him resulting from the campaign, it usurped a great deal of his time. Schnitzer estimates that he delivered nearly 150 speeches over a period of six months to Democratic clubs, the League of Women Voters, the Westwood Exchange and various service clubs. Says he, "It is necessary to the preservation of your practice that you have a partner to keep things going at the office while you are out campaigning."

After graduating from law school, Schnitzer accepted a position with the firm of Gray, Binckley and Pfaelzer in Los Angeles where he remained for five years. In 1957 he and Arthur Alef, also a 1952 graduate of UCLA Law School, went into partnership and opened an office in Beverly Hills, California.

## Libel Show Correction

The annual libel show, reported in the last issue, will be presented in Room 120 at noon, Thursday, December 18, instead of Friday, December 19.

## Poli Sei Prop's Book Added To Law Library

(This is the second in a series of book reviews prepared by Mrs. Dorothy L. Heizer, acquisitions librarian.)

*The Role of the Supreme Court in American Government and Politics, 1835-1864* is the title of a volume written by Professor Foster H. Sherwood of the UCLA Political Science Department, for which he recently received an award from the American Academy of Public Affairs of Los Angeles.

Because of its interest in constitutional law and constitutional government, the American Academy of Public Affairs annually selects for recognition an outstanding work in that field.

Published in 1957 by the University of California Press, Professor Sherwood's book covers a period marked by new interpretations of constitutional law. Matters coming before the Supreme Court in those formative years included expanding commerce, disputes between states, slavery, and wartime executive and judicial powers.

This volume is among many concerning the Supreme Court to be found on the library shelves. Other recent acquisitions include the following titles:

*The Marble Palace: the Supreme Court in American Life*, by John P. Frank, is an analytical account of how the Supreme Court is organized, with emphasis on the working relationships between justices.

*The Supreme Court as Final Arbiter in Federal-State Relations, 1789-1957* by John R. Schmidhauser, studies the origin of the Supreme Court's power and the manner in which it is exercised.

*Desegregation and the Supreme Court*, edited by Benjamin M. Ziegler, presents varying viewpoints on Supreme Court action in a vital national issue.

## Hybrid Vents Views

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vent recoveries in malpractice litigation. They cite the reason for this is the pressure of censure by the medical societies, and the threats and pressures exerted by the medical malpractice insurance carriers. This is an inaccurate appraisal since I know of no case of censure where medical testimony has been given in good faith, and no situation of loss of insurance coverage by an expert medical witness in a malpractice action.

### COOPERATION NEEDED

The medical profession bears some grudge against attorneys whom they hold responsible for pursuing an overwhelming number of purely vexatious and frivolous medical malpractice suits. Statistics regarding the high incidence of such litigation would appear to lend some credibility to such a

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## Rice's Tax Text On Family Planning Due For Publication This Spring

Professor Ralph S. Rice has completed a text, *California Family Tax Planning*, to be used in the Continuing Education of the Bar program next spring.

As the author says in the introduction and Chapter I, the book was written primarily to give the California general practitioner, who hasn't time to become a tax expert, "... at least a limited acquaintance with recurring tax problems which involve family



arrangements for the distribution of property and income during the lifetime, and at death, of family members."

The text was prepared from the viewpoint of seeking to avoid litigation through careful tax planning.

Professor Rice joined the UCLA faculty in 1952. At present he teaches Federal Estate and Gift Taxation and State and Local Taxation. Next semester he will teach Advanced Problems in Taxation and Income Taxation.

When asked what tax savings devices he was utilizing to conserve the profits to be realized from publication of his book, the author rejoined, "Just say that I eat in my own restaurant."

## Graduates Assume Legal Positions

Warren Abbott '58, Norman Epstein '58, Philip Griffin '58, Mrs. Joan Gross '55, and Mrs. Bonnie Hansen '54, are with the California State Attorney General's office.

Robert Dicker '58, has become clerk to Justice Turney Fox, replacing Charles Fonarow '57, who is entering private practice in Beverly Hills.

Philip Lanzafame '58, and Donald Drew '57, are with the Legal Department of the California State Division of Highways.

Richard Apel '58, is with the Los Angeles firm of Musick, Peeler and Garrett.

Gerald Barton '58, and Harold Bryman '58, are touring Europe.

William Calfas '58, is in private practice with his brother.

Dennis Carpenter '58, is in private practice in Costa Mesa.

Sanford Gage '58, is with the Los Angeles City Attorney's office.

Mrs. Nancy Goodman '58, is in practice with her father, Mr. Frank Belcher, of the firm of Belcher, Kearney and Fargo.

Bernard Greenberg '58, is teaching at Harvard Law School.

William Masterson '58, and Wesley Nutten '58, are with the firm of Sheppard, Mullen, Richter, Balthis, and Hampton.

Richard Stein '58, is doing graduate work at New York University.

## Final Exam Schedule

Monday, January 19	Morning	Constitutional Law
	Afternoon	Creditors' Rights Procedure
Tuesday, January 20	Morning	State and Local Taxation
Wednesday, January 21	Morning	Commercial Transactions
	Afternoon	Restitution Property
Thursday, January 22	Afternoon	Security Transactions
Friday, January 23	Morning	Community Property
	Afternoon	Federal Jurisdiction
Saturday, January 24	Morning	Legal Research and Writing
	Afternoon	Torts
Monday, January 26	Morning	Federal Estate and Gift Taxation
	Afternoon	Law and Accounting
Tuesday, January 27	Morning	Contracts
	Afternoon	Trade Regulations
Wednesday, January 28	Morning	Trial and Appellate Practice
	Afternoon	Equity
	Afternoon	Criminal Law

## Federal Defender Program

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towards mitigation of his sentence?"

"It is hoped that this program will be substantially assisted by student participation," say Professor Schwartz. He also notes, "Not only does this program afford an excellent opportunity for law students to perform a public service, but it also enhances their own legal education by allowing them to observe the law in action."

David Yaffee '58, is with the firm of Monteleone, McCrory, and Atkinson.

# Packers Win One Title, Lose 2nd As Best Football Season Ends

By Thomas Nast

Greenbag Packers rounded out the flag football season by copping the Independent League championship title from the Black Lions, but losing the All-U title to the champions of the Fraternity League.

In taking the Independent League championship, the Packers, led by the redoubtable Larry Moreno, Greenbag tailback, avenged an early season defeat at the hands of the Black Lions by edging the Lions four first downs to one.

It was a bitterly contested game from start to finish with the referees marching off more yardage in penalties than both clubs combined gained offensively. Spirit ran high as opposing players squared off on several occasions. The referees were hard pressed to keep the game from becoming a mass brawl.

Moreno deserves much credit for the win. His fine running, with the help of good blocking by Leon Farley and Dick Wolfson, enabled the Packers to get the winning first downs in spite of the numerous penalties which kept the ball deep in Packer territory most of the game.

The only scoring threat occurred late in the first half. With the ball on the Packers' 35 yard line, Moreno started a left end run. Hank Steinman, Packer right end, got behind the Lion defenders on the

right sideline. Moreno lofted a long heave toward Steinman, but the ball sailed over his outstretched fingertips by miles.

In the All-U championship game against the Phi Psi's, Fraternity League champions, Moreno teamed up with Savery Nash on a touch-down pass play, but the failure to convert spelled a Packer defeat as the fraternity men scored and converted late in the game. Final score was seven to six.

Special mention goes to Ray Cardenas who coached the Packers this year, their most successful to date.

## Hybrid Vents Views

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conclusion. This impression is unreasonable since a recent study, initiated by a medical society, indicates that only the smallest number of malpractice actions are initiated at the behest of attorneys. It is my opinion that the most salient reasons for the lack of medical cooperation, in the form of expert testimony, are firstly the desire to discourage this purely harassing litigation, and secondly the treatment afforded the expert in the courtroom especially on cross examination.

It appears to me that there is merit to the arguments made by both, but because of the inherent problems existing in the practice there is no simple formula to be applied as a cure all. Today more than ever it is of great public interest for both professions to sincerely cooperate in the proper presentation and analysis of medical problems which so often are faced by juries. Conscientious efforts made in this direction are already proving fruitful.

### NOTICE TO ALUMNI:

The *Docket* would appreciate receiving any news of interest concerning your activities and any engagement, marriage, or birth announcements. Please keep in touch. Send your notes to: Alumni Editor, UCLA *Docket*, School of Law, University of California, Los Angeles 24, California.

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# Volleyballers Fix Sights On Crown

By Lane Tilson

In volleyball, the Greenbag Packers continued the strong showing of law school teams in UCLA intramural athletics by stepping out to a fast start as league play began.

As of this writing, the Packers have racked up six wins thus becoming the champions of their league. They are now top contenders for the All-U title which they won last year.

Comprising the current edition of the Packers are setters Russ Pratt and Don Regan, and spikers J. B. Hutchins, Roger Peters, Lane Tilson and George Hall. Thus far, they have shown a sharp offensive game and good defensive court coverage.

## What Others Say

From the University of Wisconsin Law School's *Advocate*.

A professor of law said to his students: "When you're fighting a case if you have the facts on your side, hammer them into the jury, and if you have the law on your side, hammer it into the judge."

"But if you have neither the facts or the law?" asked one listener.

"Then," answered the prof, "hammer the table."

# Fraternity and Sorority Notes

## Phi Alpha Delta

by Leslie Light

During the month of December, the McKenna Chapter ended its fall luncheon and social programs on a high note. Chapter activity for the remainder of the semester will be devoted to the pledge educational meetings under the direction of Stan Weinstein.

At the final fall luncheon, held at the California Racquet Club, December 4, Richard L. Oliver spoke about the evaluation and negotiation of a person injury settlement. He added to the interest of his topic by illustrating his remarks with current case examples and answering questions from the members.

Marking the end of the social season, the chapter's annual holiday dinner dance held December 12, also took place at the Racquet Club. Good food and music, corsages for the dates, cigars for the fellows and door prizes helped to mark a memorable evening for the 50 couples attending.

Spring social plans include the District Conclave at the Ambassador Hotel, parties at several of the local brewery establishments and, of course, the initiation program and banquet.

# Intramural Bowlers Continue To Lead In League Play

By Leslie Light

As the intramural bowling season draws to a finish, the law school's number one team, the Greenbag Packers, composed of Sy Goldstein, Les Light, Al Moon and Stan Weinstein, continues its supremacy in the Independent League.

The school's number two team, the Tort Feasors, featuring Mort Devor, Paul Krentzman, John Schenck and Larry Weisberg, is a little bit further down in the standings, but is having the excitement of closer competition.

The Packers, with 29 points in the win column out of a possible 30, is one of the strongest intramural bowling quartets in recent years. A look at the records down at the Westwood Bowl quickly shows why the Packers must be rated as one of the favorites for the All-U crown. The team's members have the top four individual averages in the Independent League and as a team they hold the current intramural season's high team game of 751 and high team series of 2199.

## Phi Delta Phi

by Dale V. Cunningham

In the senior classroom just before Thanksgiving, Pound Inn welcomed its fifty-eight future members with the official pledge ceremony. President Pat Crowell officiated and Professor York emphasized the meaning and purpose of Phi Delta Phi.

Social Chairman Craig McManigal has provided us with one of our best seasons yet. Early in November, Pound Inn packed "The Drunkard," and each entertained the other for a lively evening. An LSA dance pre-party at the Tower Restaurant in Culver City gave the chapter a thankful Thanksgiving weekend. To save our respective ids prior to walling in for finals, a Christmas party will be held at the Theta Xi fraternity house.

\* \* \*

## Phi Delta Delta

Phi Delta Delta initiated two second year students and pledged four first year students, November 12. Ceremonies were followed by a cocktail party.

New members are Miss Patricia Bell and Mrs. Joan Barnhart. Pledges include Mrs. Adah Aragon, Mrs. Mary Burrell, Mrs. Christina New and Miss Johanna Pick.

Officers for the year are Mrs. Louise Dale, president and Miss Bobby Ralph, treasurer.