THE DOCKET
UCLA SCHOOL OF LAW

Volume 44, Number 4 THE DOCKET February 1996

Library architects and law student planning committee member Michele Logan-Stern admire a model of the new library

Dean Prager Honored at Ground-Breaking Ceremony for New Law Library

by Robert Jystad

"Susan, this day is for you!" exclaimed Professor Bill Warren, former dean of UCLAW. Professor Warren, along with many attending dignitaries, lauded Dean Prager's visionary perseverance in conducting the campaign for a new state of the art library. Disregarding her many naysayers, Dean Prager pursued her vision despite declining state revenues and a sour state economy. In addition to lobbying the legislature, the Dean boldly initiated a drive for private donations. She was overwhelmingly successful, collecting more than $11million in private contributions.

The largest gift, $5 million, came from the Hugh and Hazel Darling Foundation. The Ahmanson Foundation added $1 million. Ralph and Shirley Shapiro, David and Dallas Price (UCLAW class of '60), and the John Stauffer Charitable Trust donated $500,000 each. GTE made its mark with a gift of $350,000, the first gift in the law school's history from a major corporation. Bob and Marion Wilson (past president of the UCLA Foundation) committed $250,000. UCLAW alums gave $4.5 million, one third of which were gifts of $25,000 payable over 5 years.

See photos related to this event on page 15.

The Dean expressed great pride in these latter gifts, many which came from alums who earn fairly modest salaries. One gift came from a city attorney who caught a lucky streak in Las Vegas and came home with an extra $17,000, all of which she decided to donate to the school. Another alum chose to forego a long-awaited vacation.

To PRAGER on p.15

New UCLAW Journal Is Making Waves

by Andrew Gilmour, 3L

Move over law journals — there's a new kid on the block. The new *UCLA Journal of International Law and Foreign Affairs* begins publishing this spring in what promises to be a dynamic first issue.

Founded last year, the *UCLA Journal of International Law and Foreign Affairs* (or the "JILFA") has accomplished what few law journals have ever done: it has become interdisciplinary. Merging international law ("IL") and international relations ("IR") under a single cover, the JILFA has broken new ground in a unique approach to studying international phenomena.

"International law and international relations aren't mutually exclusive categories of international studies," says Editor-in-Chief Ravi Mahalingam. "They are intertwined and complementary. We feel they should be discussed in the same breath."

The JILFA has recruited graduate students from outside the law school to fill its ranks. Complementing a group of more than twenty law students are about ten others from

To JOURNAL on p.14

CAREER DAY

PILF Lines Up Employers for Students

by Laurie Cambra Seplow
Office of Career Services

Another successful Public Interest Career Day was hosted by UCLA School of Law Office of Career Services, UCLA Public Interest Law Foundation (PILF) and the Southern California ABA Law Schools on February 3, 1996. After weeks of preparation and a team of thirty coordinated by Cathy Mayorkas, the UCLA School of Law/ Public Counsel Public Interest Director, UCLA proudly welcomed representatives from more than fifty organizations and 350 students from area law schools.

Public Interest Career Day provided students an opportunity to network and gain career education about the practice of public interest law through information tables, panel discussions, brown bag lunch discussions and a keynote address by Mercedes Màrquez, of Litt and Màrquez. Ms. Màrquez, who specializes in the areas of housing, discrimination and sexual harass-

To CAREER on p.11

PEOPLE v. SIMPSON

Arenella Closes The File

by Gerardo Camacho

At the recent UCLAW event entitled "The O.J. Simpson Case - Explaining the Unexplainable; How Should We Interpret The Jury's Verdict?", Professor Peter Arenella delivered a powerful message: not only was the Simpson jury altogether correct in its verdict, but the media, himself included, was often fundamentally incorrect in its coverage of the case.

To the overflow crowd of over 300 alumni, UCLAW supporters and other important figures (including District Attorney Gil Garcetti), Arenella first addressed the issue of the correctness of the verdict. He poignantly argued that race, as opposed to racism, is what played a major role in the decision. "What this case has shown," he stated, "is that our world views are tremendously colored by the color of our skin, and the whole purpose of juries is to make use of

To ARENELLA on p.11

Prof. Peter Arenella with Dean Susan Prager

Law Librarians Lead UC Protest

by Linda Maisner, esq.

Some law students may have noticed many of the UCLA Law Librarians marching in the "U.C. has no Heart" Valentine's Day demonstration, or noticed the librarians wearing T-shirts that day imprinted with "U.C. Unfair to Librarians." Or you may have read the inaccurate article in the *Daily Bruin* about the march (although I admit to the first quote.) As a result, the editors of ***The Docket*** have asked me to write about this event and what led up to it. I must disclose at the outset that I am the President of Local 1990, the UCLA branch of the union representing UC librarians, so this article will certainly be biased, but I will try to give an accurate statement of facts and issues.

THE ISSUE: This is a dispute over librarians' status and wages as academic employees in the University. All employees deemed "Academic" (tenured and tenure track faculty, librarians, lecturers and academic researchers) have University-wide set salary scales. For at least the last 15 years, all Academic employees were offered the same "range adjustments" to their respective salary scales. Range adjustments are a bit like C.O.L.A.s (Cost of Living Increases) but are not necessarily linked to the Cost of Living. However, the intent is to help offset the effects of inflation on the salary scales over time.

Because of the miserable budgetary situation at UC beginning about five or six years ago, these range adjustments have been either non-existent or minimal — certainly in no way near the level of even the mild inflation we've experienced. In fact, in 1994, not only were there no range adjustments, but all academics (including librarians) took a pay cut.

In 1995, the University proposed to restore the seriously slipping real level of academic salaries at UC by offering a 3% range adjustment for tenured and tenure-track faculty, and a 1.5% range adjustment for "all other" employees (including all other Academics.) They also propose for the next few years to widen the gap between the tenured faculty and other academics even further by offering, for instance, 5% range adjustments to Senate faculty in 1996/7 and only 2% to "all other employees." And a similar differential range adjustment is pro-

To LIBRARIANS on p.11

Law Review Presents Affirmative Action Symposium

by Raul Jauregui

On Saturday March 2, the UCLA Law Review will host a number of respected legal scholars for what promises to become the definitive examination of affirmative action. The day long event will take place at Dickson Auditorium, where panelists will present their innovative thoughts on both sides of this timely debate.

Following an opening address by the Honorable Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, the panelists will address topics ranging from the legitimacy of Affirmative Action programs in education, to the meaning and value of diversity, to a comparison of race preferential policies in the U.S. and post-apartheid South Africa. Harvard Law professor Richard Fallon will explore the possibility of expanding "merit-based" affirmative action to reflect a greater range of economic disadvantages, while Yale Law professor Akhil Reed Amar will discuss whether the Bakke

To LAW REVIEW on p.14

News & Notes

Moonlighting on Mulholland

Dean Cheadle Key Figure in the Preservation of the Santa Monica Mountains

by Robert Jystad

Just north of Los Angeles, the San Andreas fault veers sharply east and skirts the L.A. basin. "The Big Bend," as it is called, is the locus of the perpetual tectonic activity that gave us the Santa Monica Mountain range. UCLAW Dean of Students Elizabeth "Liz" Cheadle, newly elected chair of the Santa Monica Mountains Conservancy, is charged with its protection.

At a recent interview with the Docket, the Dean explained the structure and purpose of the Conservancy, one of five public conservancies established by the California Legislature since the early 1980's. Marshaling public and private funds, the Conservancy purchases land tracts from private individuals and other agencies and ensures their preservation by managing them as parks (they currently manage more than 20,000 acres) or reselling the lands to other state and federal government park agencies for public use.

Whenever a public agency attempts to sell real property holdings in the mountainous regions of Ventura or Los Angeles counties, the Conservancy can demand to buy the land at its original acquisition price. The Conservancy also plays a role in protecting privately owned lands by providing input to regulatory agencies during the environmental review process.

For example, the new Getty Museum in the Sepulveda Pass wanted to buy a plot of adjacent land owned by UCLA. The Conservancy stepped in and demanded to purchase the land at UCLA's acquisition price, which in this case turned out to be zero — the property had been a gift. UCLA fought back, arguing that it was not a state

To MOONLIGHTING on p.14

UCLAW Dean Elizabeth Cheadle, chair of the Santa Monica Mountains Conservancy

Daniel Geraldi, Molly Dillon, Hon Kong Solicitor General Daniel Fung, David Fleck and Chris Patay at Mr. Fung's presentation

Solicitor General on Hong Kong After 1997

by David L. Fleck

A crowd of ninety-two curious faculty and students welcomed Mr. Daniel Fung, the Solicitor General of Hong Kong, to UCLA School of Law on February 9, 1992. He ended a 10-day tour of the United States in Los Angeles and delivered a lecture on "The Rule of Law in Hong Kong After 1997." He offered what some people described as a particularly optimistically prognosis of Hong Kong's future after China regains possession of the British colony on July 1, 1997. However, he described himself as cautiously optimistic.

In this event co-sponsored by the UCLAW International Law Society and the Center for Pacific Rim Studies, Mr. Fung argued that China has too much to gain by leaving Hong Kong society as it is. Since 1979 China has established a number of Special Economic Zones which have become areas of extreme capitalism. One of these zones has also been given its own People's Congress to govern its own political destiny. So China is no novice in these matters. Furthermore, Hong Kong represents a gem which China can hold out to the world. With its own hard currency, Hong Kong will be the world's gateway to the most populous nation and China's gateway to the world. Lastly, China seeks eventual reunification with Taiwan. It follows that China would seek a smooth and peaceful transition within Hong Kong because this would stimulate reunification efforts with Taiwan.

Mr. Fung's lecture was followed by questions from the audience and a dinner at the Faculty Center where professors from the law school and other departments posed their own questions. Members of the his entourage told us later that questions from these two groups were some of the most insightful queries of their lecture tour which included audiences in Washington, DC, Michigan, Georgia, New York and Massachusetts. Also, at least twice as many students and faculty attended Mr. Fung's lecture at UCLA than at any other stop he made, including Yale, Harvard and other law schools. (In fact,

To HONG KONG on p.14

UCLA International Law Society Notes

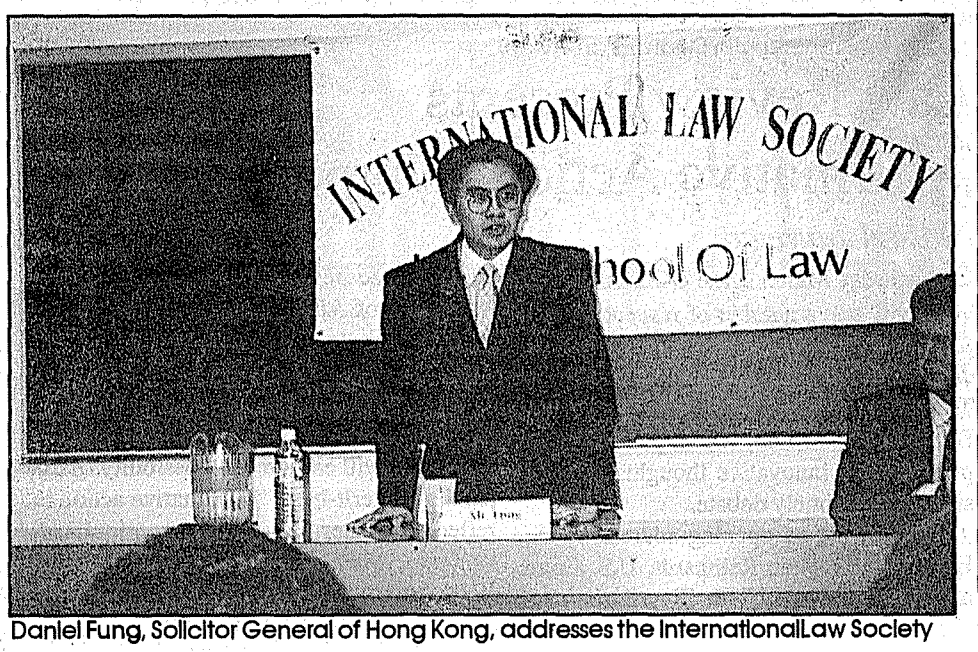
by Molly Dillon

As Co-President of the International Law Society, I wanted to inform everyone of our upcoming conference and also about some our plans for the future. This year has been an exciting year for ILS. Last semester we had two patio socials, a fund-raiser, and three speaking events including Mickey Kantor's appearance for a question and answer session with UCLAW students.

This semester we were honored with a visit from the Solicitor General of Hong Kong, Mr. Daniel Fung. I hope that many of you were able to hear his speech on the rule of law in Hong Kong in 1997 following the reversion to Chinese rule.

Currently we are very busy planning the International Law Society's third annual conference. This year it is entitled "International Environmental Law and Policy: From Conflict To Cooperation". The conference will consist of three panels which deal with different areas of global environmental concern and is aimed at promoting the common yet often conflicting goals of prosperity and environmental pres-

To ILS on p.10



Daniel Fung, Solicitor General of Hong Kong, addresses the InternationalLaw Society

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News & Notes continues

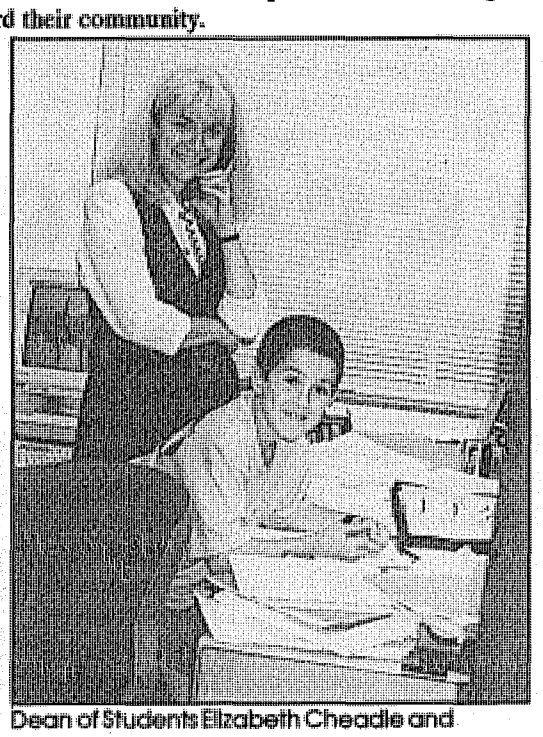
PILF and Public Counsel Form Partnership

EXPANDS STUDENT PRO BONO OPPORTUNITIES

Four years ago, Public Counsel, the nation's largest *pro bono* law office, initiated a partnership with UCLA School of Law to incorporate public service activities into the law school curriculum and to expand *pro bono* activities. Public Counsel believes that law students should integrate *pro bono* work at the very earliest stages of their careers. The Partnership continues to encourage first, second, and third year law students to volunteer at community legal service organizations. The Partnership recognizes the significance of the contribution that can be made by law students and the importance of instilling in students a sense of responsibility toward their community.

The Partnership's new Public Interest Director, Catherine Mayorkas, serves as the principal liaison between law students, UCLAW and Public Counsel. Catherine earned her law degree from Georgetown University Law Center and her MBA from UCLA's Anderson Graduate School of Management. She was most recently Co-Director of the Los Angeles Learning Centers, a national education reform effort. Before that, Catherine practiced law for six years, specializing in business litigation. Catherine's mission with the Partnership is to expand the breadth and depth of UCLAW-based public interest and *pro bono* activities and to enhance the coordination of these activities with those of other local law schools and community legal service organizations. Catherine is available to talk with stu-

To PRO BONO on p.10



Dean of Students Elizabeth Cheadle and protégé Carter Rubin Cheadle

Getting Started in a Public Interest Career

Former DOCKET *Editor Sue Ryan, Others Offer Inspiration*

by Trang Phan, 1L

"Lean ... life has been very, very lean," said Sue Ryan of her work in the public interest field. Surviving on an income of $8,000 the past year, Ryan says there were times when she had to stretch a can of beans for days. Despite such a meager existence, it's apparent the Ryan's life is a fulfilling one. So fulfilling, it seems, that she can even laugh at her lack of luxury. "It's why my hair's like this," Ryan says, referring to the frizzy crop she sports apparently due to lack of funds to get a trim.

Speaking at a panel on "Getting Started in a Public Interest Career," Ryan's story is an inspiring one. She had been doing social work for 10 years before she entered law school. After her studies, she headed out to Tucson and started a practice out of her own pocket. As a new lawyer who was still learning how to practice, Ryan felt she couldn't justifiably charge her clients and thus did all her work *pro bono*. Eventually, Ryan's practice became more established in the community and with the additional help of two students on PILF grant funds, Ryan says that her practice built up.

Other panelists shared similar inspiring experiences. K. S. Park of Korean Immigrant Workers Advocates (KIWA) spoke of his growth as lawyer when he became challenged by KIWA and his own personal desires to come up with something new or different to contribute to his community. Both Park and another panelist, Edgardo Quintanilla of Central American Resource Center (CARECEN), have received fellowships for the visions and commitment they had for the public.

Quintanilla spoke of how people have asked him how it is he formed the commitment and vision that helped earn him a NAPIL fellowship. Quintanilla urges that these are things that have to have been developed long before one even thinks of applying for a fellowship. Apparently, working for the public interest is not just an idea that pops out of the blue into one's head.

Certainly, Ryan and Park, as does Quintanilla, have exemplified the long-time development of the desires that it takes to devote themselves to work in the public sector. Their careers are those that would earn respect and admiration. But it would seem that for these three, the personal satisfaction they feel in making an impact in or improving their community would outshine any recognition they may get for their work. It's certain, at least, that personal satisfaction outweighs any monetary awards or other career luxuries for these three for they all concede that public interest work is often long and taxing but doesn't yield a big income.

Another panelist, Margaret Crow-Rosenfeld of Public Interest Clearinghouse, gave a positive overview of the abundant resources to which one can refer to find a job in the public interest field. Among other resources, she recommended *Lawful Pursuit for Careers in Public Interest Law* by Ron Fox and Harvard's *Public Interest Job Search Guide*. Yet, Crow-Rosenfeld would probably also agree that although the work is plentiful, the pay is small. Apparently, the government is getting increasingly skimpy with providing funds for the public interest field.

With these possible deterrents in mind,

To RYAN on p.10

Upcoming Career Education Programs

by Rosemarie Benitez
Office of Career Services

The following is a list on upcoming Career Education Programs sponsored by the Office of Career Services for Spring 1996. Career Services encourages your attendance:

Tuesday, March 5 — "Job & Career Options In and Around Law" — Hindi Greenberg — 4:00 — 6:00 — Room 1347

Wednesday, March 6 — "Law Careers in Entertainment/Film & Television" — Alumni Panel — Career Services & Entertainment Law Society — 4:00 — 6:00 — Room 1327

Thursday, March 14 — "The Teaching Side of Being a Law Professor" — Faculty Panel — cosponsored Career Services & Clerkship Committee — 12:15 — Room 2448

Saturday, March 16 — Sole Practice Symposium — cosponsored Career Services & Law School Career Advisors of Southern California — to be held at Whittier Law School

Saturday, March 23 — Government Ca-

To CAREER on p.14

Records, Financial Aid, Dean of Students

Informing Students of Administration Announcements More Efficiently

In an attempt to reduce the volume of wasted paper, the Records, Financial Aid and Dean of Students offices will no longer distribute administrative announcements to student mailboxes. Instead, effective immediately, students should check the "law.announce" electronic bulletin board on the Law School network throughout each day. You may access law announce through UseNet News.

Notices posted to the law.announce bulletin board will include such topics as: financial aid deadlines, new loan options, availability of law forms, change in window or office hours, graduation information, bar application deadlines, add/drop/PUNC deadlines, changes to course offerings, changes to course meeting times/dates, registration of student organizations, locker information, missing books or personal items in the law school lost and found, etc.

If you need help accessing law.announce, refer to the blue LAWNET manual or stop by the computer lab, room 2357 for assistance. Thanks for your cooperation!

UCLAW "GIVE 35"

Time is running out to satisfy your "Give 35" pledge and be eligible to receive a Pro Bono Service Award at this Spring's awards ceremony. A wide array of volunteer opportunities are still available with the following organizations:

AIDS Service Center
Alliance for Children's Rights
American Civil Liberties Union (ACLU) of Southern California
American Jewish Congress
American-Thai Education and Research Institute
Anti-Defamation League of B'nai B'rith (ADL)
Asian Pacific American Legal Center
Bet Tzedek Legal Services
California Lawyers for the Arts
California Women's Law Center
Central American Resource Center
Center for Human Rights and Constitutional Law
City of Pasadena Human Services and Neighborhoods Department
Clinica Legal Community Legal Services
Constitutional Rights Foundation
CourtWatch Project: Domestic Violence Program
El Rescate Legal Services
Fair Housing Opportunities Center
Family Law Center
Harriet Buhai Center for Family Law
Hollywood/Mid-Los Angeles Fair Housing Council
Inland Counties Legal Services
Korean Immigrant Workers Advocates
Lambda Legal Defense and Education Fund (LAMBDA)
Legal Aid Foundation of Long Beach
Legal Aid Foundation of Los Angeles
Legal Aid Society of Orange County
Legal Services Program for Pasadena and San Gabriel — Pomona Valley
Levitt & Quinn Family Law Center
Los Angeles Center for Law and Justice
Los Angeles County Bar Association:
- AIDS Legal Services Project
- Dispute Resolution Services
- Domestic Violence Project
- Homeless Shelter Project
- Immigration Legal Assistance Project

Los Angeles Free Clinic
Los Angeles Gay and Lesbian Community Services Center
Los Angeles Gay and Lesbian Volunteer Legal Services Corp.
Mental Health Advocacy Services
Mexican American Legal Defense and Educational Fund (MALDEF)
Municipal Court of California (Los Angeles Judicial District)
NAACP Legal Defense and Educational Fund, Inc.
National Health Law Program
National Senior Citizens Law Center
Natural Resources Defense Council
Protection & Advocacy, Inc.
Public Counsel:
- Affordable Housing Project
- Child Care Law Project
- Children's Rights Project
- Disaster Relief Project
- Community and Charitable Organizations Project
- Homeless Assistance Project
- Immigration Project
- Micro-Business Assistance Project
- Volunteer Legal Services Project (Consumers/Homeowners/Renters)

Public Interest Research Groups (PIRGs)
Public Law Center
San Fernando Valley Neighborhood Legal Services, Inc.
Santa Monica City Attorney's Office
South Bay Free Clinic
Western Center on Law and Poverty
Western Law Center for Disability Rights
Women Lawyers Association of Los Angeles
Working People's Law Center
YWCA Battered Women's Shelter

In addition to the volunteer opportunities with the foregoing organizations, a number of volunteer opportunities are sponsored by the UCLAW community, including:

El Centro Legal
UCLA-First AME Church Legal Clinic

For more information regarding any of the listed organizations and the available opportunities, contact Catherine Mayorkas, Clinical Wing, Room 1470.

Entertainment

The Contraceptive Device Which Left Thousands of Women Sterile and Bankrupted A.H. Robins, Inc. in the Process

Book Review and Commentary by Bruce Barnett

Bending the Law: The Story of the Dalkon Shield Bankruptcy. University of Chicago Press, 1991.

Too often, the analysis of case law in class leaves me cold. The judge's points are usually well taken. Then the professor finds some logical inconsistencies. But I keep thinking, "how did the plaintiffs' and defendants' fare when all the arguing was done?"

Every now and again a particular law suit under discussion strikes me as being more poignant than the others. Such was the case when my bankruptcy class came to *A.H. Robins Co. v. Piccinin*, 788 F.2d 994 (4th Cir. 1986), cert. denied, 479 U.S. 876 (1986). Circuit Judge Donald Russel did no more than hint at the complex medical and social impact behind legal questions in his introductory statement about "injuries allegedly sustained by the use of an intrauterine device [manufactured by A.H. Robins] known as a Dalkon Shield."

I am sure that few students shared my interest in this subject; I was the target (along with countless other medial students and physicians) at the time of A.H. Robin's abortive effort to popularize the contraceptive. (At this point, it is too late for me to be shy about my age. I attended medical school from 1971 to 1975 — the exact time Robins was promoting its new intrauterine contraceptive, the Dalkon Shield).

Fortunately, *Bankruptcy*, a text written by our own Professor William Warren, acknowledges that an entire universe of people and feelings coexists with case law. Professor Williams cited Richard Sobol's investigative report *Bending the Law*. I was unable to resist the invitation, and found the book at the UCLAW library.

The first chapters of Sobol's book engaged both my legal and medical interests. I had long known that the Dalkon shield was an imperfect product. But I did not know that A.H. Robins, even as it sold the product, had sufficient warning of its product's dangers.

In the course of my training in Harvard, the Dalkon Shield was never considered a preferred contraceptive. In fact, all intrauterine devices were looked at as somewhat risky. But the Dalkon shield was considered the most risky of all.

Moreover, I remember how very difficult it was to remove one of these contraptions. The Dalkon shield had been designed, after all, with the specific intent of resisting removal. The Dalkon shield was supposed to be superior to other devices which failed because they fell out prematurely.

By the time I graduated from medical school, marketing of Dalkon shield had

To DALKON on p.10

WHITE vs. COLORED: Racism in Recycling Can't All Trash Just Get Along?

by Steve Chahine, 3L

By all accounts we are an extremely diverse campus: diverse students, diverse opinions, diverse trash. Yet in our attempts to create an environment conducive to toleration, compassion and sensitivity we occasionally revert to the same unacceptable mentality we have strived for so long, through education and awareness, to shed. To quote Dr. Martin Luther King Jr., "A threat to justice anywhere is a threat to justice everywhere." For this reason I must bring to our collective attention a systemic practice of institutionalized racism taking place every day on our very campus. To compound matters, these

The White Trash bins are frequently cleaned and the plastic liner replaced. But why then is the Colored Trash receptacle always full?

acts of bigotry are committed by the same group of individuals who pride themselves in their alleged diversity: namely ourselves.

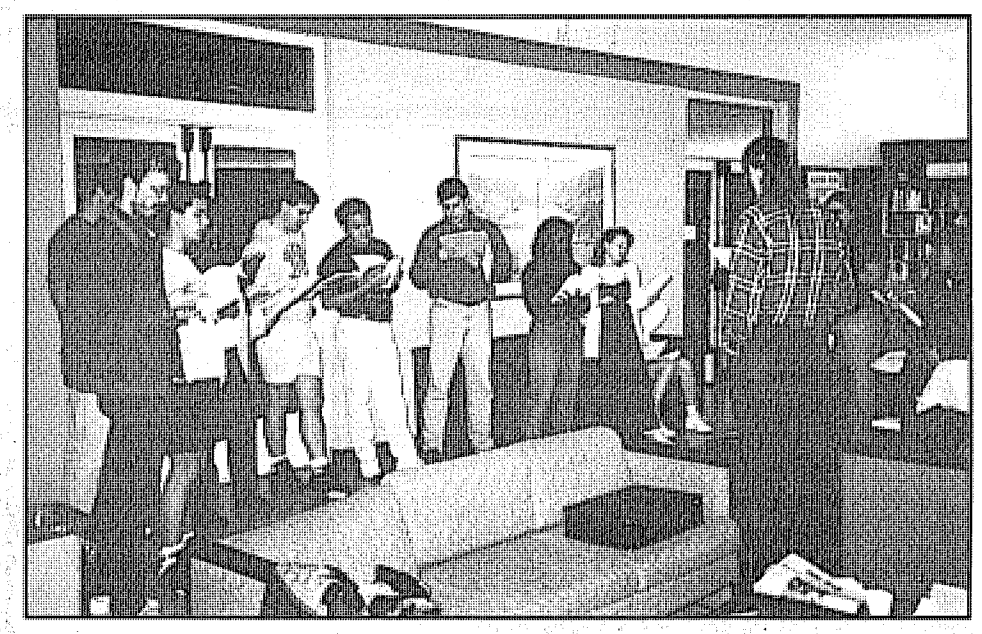
Every day I check my mail I am pleased to find it filled with multi-colored flyers and messages from a wide array of student groups and organizations. We take it for granted that within our mailboxes these flyers are intermingled side by side. We forget the days in the 40's and 50's when each student had two boxes, one for white flyers and the other for colored flyers. But simply removing this partition has not done away with long-standing prejudices. Because once the flyers go from being "mail" to being "trash", the old biases come flooding back.

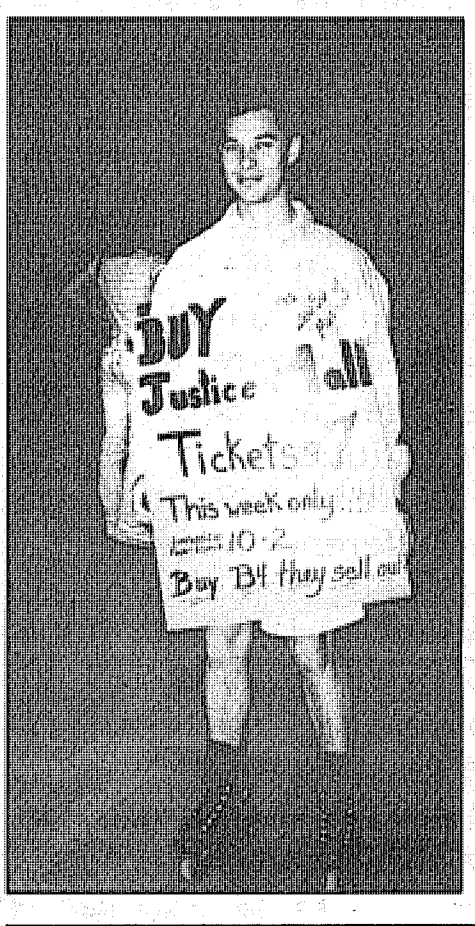
We are all familiar with the seemingly innocuous recycling bins strewn throughout the student lounge. But how many of us actually study them, see what the conditions within them are truly like? The canisters requiring "WHITE TRASH ONLY" are sturdy, metal and arid. Painted a cool blue, each has a sign attached to its surface listing precisely what kind of White Trash is allowed. Each is lined with an attractive and sterile matching white plastic bag. In fact, these bins are specifically manufactured for the sole purpose of keeping White Trash segregated.

The conditions surrounding the "COLORED TRASH" containers are markedly different. They are not containers at all. They are simply 100 gallon garbage bins with a hole crudely cut from the non-matching lid. An oversized black garbage sack is placed within each one. Finally, the sign is a hand written, make-shift command to place any and all Colored Trash within.

The differences between the two do not end here. It has been observed that the White Trash bins are frequently cleaned and the plastic liner replaced. But why then is the Colored Trash receptacle always full? Not once have I thrown away a colored flyer without having to stuff it in the already brimming bin. Furthermore, I am sure all of you notice that some of our fellow classmates don't even throw their trash in the bin proper. They simply rest it atop the lid. I am most offended when I find lunch sacks and plastic cups in the Colored Trash containers. Who would dare throw away a banana peel or candy wrapper in a White

To TRASH on p.13





Justice Mall. **ABOVE:** The cast rehearses **BELOW:** A supporter drums up enthusiasm

Justice Mall Delivers

Ken Graham once again displayed his eclectic talents with an amazing adaptation of the music of Mussorgsky into a lighthearted spoof of law school. Not to mince words, the show was stimulating.

Darron Flagg and Peggy Chen played superbly and Flagg's deft arrangements of the 19th century music made the small law school band indistinguishable from a philharmonic. We saw only the first performance, and its cast was wonderful. Special mention has to go to all the leads: Sean Morris as J.B. (union organizer), Maya Alexandri as Bea (phone sex operator), Andrea Hoffman as Paula (religious freak), Alex Lee as Dante (nerd), and Megan Saterlee as Liz (computer hack). Also Kris Knaplund's mafioso shtick is forever embedded on this writer's brain.

Best scene goes to Tony Lee (Prolix) and Maya Alexandri for the "biggest model penal code I have ever seen" phone sex scene. Reports have it that Ken Karst was likewise brilliant at faking an orgasm in front of his colleagues during the second performance.

The cast for both performances appears on page 14.

Opinions

TRIAL LAWYER AS CLIENT - Part 2 (OF 3)

by E. Robert (Bob) Wallach

The Docket *presents the second of three installments of e. robert wallach's account of his indictment and trial in Federal court.*

As a plaintiffs' personal injury lawyer — especially in the days when I was handling a large volume of cases — I learned quickly that no one knows the case better than the client. The lawyer must use this knowledge. To be effective, the advocate must become the client through familiarity with the client's life. That is vital because persuasion in a courtroom is not the mere facile use of words; it is life made real for jurors. Jurors must understand the client, and they must care about the consequences of the verdict. Raoul Magana, dean of California plaintiffs' personal injury lawyers, taught me that most important lesson of my 31 years of practice. At the beginning of my career he told me of the first major verdict for a paraplegic — a legendary Magana win. He had spent a week living with his client, watching the mother tend her son in every way, right down to evacuating his bowels with her finger. Long before the day-in- the-life films, the best advocates understood the need to communicate reason and human drama to the jury.

I felt that my lawyers must understand me as a person and as an accused to portray me effectively to the jury. I resolved to be more than a typical client. I began to share relevant experiences with my lawyers through detailed narratives on the events of my years with Wedtech, my motivation as a lawyer and teacher, the social causes with which I had been involved, my friends, my much-misunderstood relationship with Ed Meese, my liberal politics. I set out to show my lawyers who I was as a person and what I saw as the problems and the potential of my case. The door opened, and in a very short time my trial team and I bonded and formed a real friendship.

Although I am glad the door opened for me, I believe that such a door should not have existed in the first place. The lawyer who does not listen to the client from the very beginning deprives the client of full representation and reduces the possibility of success. The human element is the foundation for all else that must occur in trial preparation and at trial. How can you choose a jury without knowing what type of person likes or dislikes your client? How can you plan cross-examination without a thorough review of the witness's contacts with your client? If you do not understand your client's life, how can you decide which aspects to emphasize at trial and which to avoid? If you do not understand the client, how can you explain what motivated your client to give an innocent explanation of sinister events? The client generally has the best insights into all these issues and countless others. The lawyer-advocate's job is to ask the right questions.

There is a caveat: Spending intensive periods of time together can present some

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Editorials

Early Impressions from Late Interviews

Students at the UCLA School of law take for granted that each of their classmates acts courteously and with good will. Law firm representatives coming to our campus to interview second and third year students likely share that presumption, or else they might not have taken the trouble to travel from cities as far away as New York to meet us.

But the law firms' representatives, being cynical by nature, are easily disillusioned. During the most recent on campus interview program (OCIP), no fewer than 74 students failed to appear as scheduled for interviews with a number of firms, giving no notice or making apologies for being a "no show." We will be lucky to ever see those firms on campus again. If they do return, we have Bill McGeary and his staff in the career offices to thank.

OCIP provides nearly half of our students their first law jobs. Nevertheless, we all hear UCLAW students complain about the on campus program. The malcontents are spoiled. Law students from Southwest and Loyola marvel at the opportunities OCIP provides UCLAW students. OCIP is a remarkable UCLAW resource.

Granted, OCIP is not every student's idea of a good time. Some students dislike the indignity of facing an interviewer who is obviously interested in only those students with a high GPA. Female students discover that sexist attitudes and behaviors still make their way into the interview process.

OCIP may be a humiliating experience for some, or a mechanical process for others. In either case, missing appointments is neither mature nor an effective response. Such behavior seriously undermines the OCIP program, to the detriment of all students.

We want law firms to hold the UCLA School of Law, its faculty and students, in high regard. It is because of this concern that the Dean should feel entitled to institute strict rules that exclude from OCIP all students who will not take the career office efforts seriously, or whose behavior jeopardizes the reputation of the entire student body.

As St. Jerome wrote over a millennium ago, "early impressions are hard to eradicate from the mind." If we do not place our best foot forward, UCLAW may become known among some lawyers as the school of bad-mannered students, notwithstanding the outstanding ethics which characterize our faculty and student body.

Traffic Jam on UCLAW's Information Highway

Students can not count on easy access the UCLAW computer system for word processing or other extended uses after 10 AM. At that that time, Monday through Friday, there are many more students than there are computer terminals. The two dozen or so lexis and westlaw terminals in the library do not effectively relieve the computer lab over-crowding.

This is a new phenomenon. Last year we can remember only rare moments when all terminal seats were taken. Does UCLAW have fewer terminals than before? Or are there more students who appreciate the efficient software and outstanding printing capacity. In other words, is the computer system at UCLAW a victim of its own success?

We applaud the system now installed. But the system does not help those who cannot gain access to it. It is not reasonable for students to fear "rush hour" at the lab. UCLAW students should feel confident that they will find no mechanical obstacles to their legal work when they arrive at the computer lab, regardless of the time of day. We need more terminals.

Letter to the Editor ...

Dear DOCKET:

Could it be mere coincidence that, according to a recent memo from Career Services, the percentage of members of the class of 1995 employed three months after graduation (64%) is almost the same as the percentage of A's and B's under the old draconian grading curve?

— Anon

Dear Anon:

Your point is well taken although you might consider taking Professor Sander's statistics course. Even without the data, we are pretty confident that GPA and job placement are highly correlated (right — like .99). But the correlation between GPA and the curve is a tad more remote because of a phenomenon called "regression toward the mean." The UCLAW mean is about 78 and, although the new curve will push it up (actually its equivalent under a 4-point scale), the percentage of the 1995 class with GPAs of 75 and above is guaranteed to be higher than 64%.

Characteristic	Management Consulting	Industry *
General Nature of the Work:		
Organizational structure	Unstructured	Structured
Variety of work	High	Low
Breadth of business issues	Broad	Narrow
Duration of projects	2 - 6 months	1 year or more
Driver of work	Client needs	The Company's needs
Decision-making role	Make recommendations	Contribute to decisions
Experience with business results	Removed from results	Live through results
Daily Responsibilities:		
Definition of responsibilities	Unpredictable	Well-defined
Analyses/approaches used	Inductive, analytical	Deductive, tactical
Initiative required	Self-starter	Guided
Learning curve	Steep with each new project	Gentler curve, may plateau
Level of management contact	Senior executives	Middle management
Team composition	Changing	Stable
Personal and Career Fulfillment:		
Nature of work schedule	Uncertain	Routine
Degree of travel	Sometimes heavy	Varies by position, but generally less travel
Stability of work surroundings	With each project, a new office, new faces, new issues	One office, one desk, relatively stable set of co-workers
Emotional variety	Peaks and valleys, triumphs and challenges	Less variability
Types of skills developed	Broad skills, integrated solution development	Deep skills, specialized solution development
Performance feedback	Frequent informal feedback, more self-appraisal	Formal feedback less frequently from superiors
Promotability	Limited by skill	Limited by number of positions
Future career options	Broader, but must demonstrate required skills	Narrower, but skills are assumed

* WHILE THE TABLE MAKES DIRECT COMPARISONS, IT IS IMPORTANT TO NOTE THAT THE NATURE OF AN INDUSTRY EXPERIENCE CAN VARY SIGNIFICANTLY WITH THE TYPE OF INDUSTRY, COMPANY, AND POSITION.

UCLAW PUBLIC INTEREST LAW FOUNDATION ANNOUNCES ITS

— *THIRD ANNUAL AUCTION* —

WHEN: TUESDAY, FEBRUARY 20, 1996 AT 6:00 PM
WHERE: GRAND BALLROOM, GRIFFIN COMMONS, UCLA
WHY: TO RAISE MONEY FOR SUMMER GRANTS WHICH ALLOW UCLAW STUDENTS TO WORK IN PUBLIC INTEREST LAW ORGANIZATIONS.

WE NEED YOUR HELP AND SUPPORT!!

IF YOU WOULD LIKE TO DONATE, OR IF YOU KNOW ANYONE WHO CAN DONATE:
SPORTS EQUIPMENT, TV SHOW SCRIPTS, SPORTS TICKETS, DINNERS,
WEEKEND GETAWAYS, HOTEL ROOMS, THEATER TICKETS, OR ANYTHING ELSE,
OR
IF YOU WOULD LIKE TO ATTEND THIS EXCITING AND FUN EVENT,
PLEASE CONTACT CHRISTINE WALDRON 2L, ANNE MANALILI, 2L OR ARLENE BERGER, 2L.

DALKON

from p.6

ceased, but the complications from its use were on the rise. Women with a Dalkon Shield suffered pelvic infections at a far higher rate than the general population. Before the end of my first year of ob-gyn residency, I had operated on more than a few women with pelvic abscess apparently caused by the Dalkon shield.

In far too many cases, the Dalkon shield was not a temporary contraceptive, as marketed, but instead lead to permanent infertility. Thousands of personal injury law suits descended upon A.H. Robins. Amazingly, despite widespread appreciation of the device's shortcomings and health hazards, the Dalkon Shield was not withdrawn from the market altogether until 1984.

In 1985, A.H. Robins accepted that the end of product liability law suits was nowhere in sight. The cost of defending the suits, and the penalties pending were staggering, exceeding A.H. Robins assets. A.H. Robins had no choice but to declare a "chapter 11" bankruptcy, which permitted it to reorganize its business under provisions of United States bankruptcy law.

The bankruptcy accomplished a number of goals. First, bankruptcy stayed all lawsuits against A.H. Robins under 11 U.S.C. § 362(a). In order for any of the injured women to resume their discovery or other legal actions, they would have to appeal to the bankruptcy judge for a relief from stay under 11 U.S.C. § 362(d) and 11 U.S.C. § 105.

Second, the bankruptcy forced all individuals with claims against A.H. Robins to present those claims in conjunction with the plans to reorganize A.H. Robin's assets and liabilities. The bankruptcy court could induce women injured by the Dalkon Shield to accept monetary awards that were less than ideal. This might be necessary in order to limit liability, permitting A.H. Robins to sell its company and thus providing a fair chance of paying something to all who were injured. The bankruptcy court could eliminate the right to punitive damages if such claims were likely to preclude the successful reorganization of the company.

Sobol does not hide the fact that he looks at the A.H. Robins bankruptcy from the perspective of a plaintiff's attorney. The book's publisher tells the reader that Sobol "has specialized in class action litigation asserting the civil rights of minorities and women." But it would be hard for even a corporate defense attorney to not sympathize with Sobol's position; the bankruptcy court displayed far more concern for the economic survival of a corporation and its principals than it did for the lives and suffering of many women who lost their fertility or their lives as a consequence of using the corporation's product.

Sobol is particularly critical of the role played by the bankruptcy judge in this case, Judge Robert Merhige. From Sobol's perspective, Judge Merhige "encouraged and was committed to protecting an illegitimate resort to Chapter 11. . . .The A.H. Robins Company entered Chapter 11 with intentions of creating a limited fund from which all Dalkon Shield claims would be paid and placing the value of the company in excess of the fund beyond the reach of the injured women." Sobol at 327.

Those of us exposed to the doctrines and legislative history behind bankruptcy law might not characterize Judge Merhige's approach so harshly. Judge Merhige had the right to exercise considerable power under 11 U.S.C. § 105 in order to achieve an optimal solution to the awkward problem of claims exceeding assets.

Sobol is convinced, nevertheless, that Judge Merhige's management of the bankruptcy denied women sufficient compensation for their injuries. But there is always a risk that without a strong bankruptcy judge chapter 11 reorganizations may deteriorate into a chapter 7 dissolution. Sobol spends virtually no time discussing what a chapter 7 dissolution would have meant to the injured women.

Law students learn that injured parties may gain little in a chapter 7 resolution. The dissolved company must first pay for its post-bankruptcy operating costs. It must divest assets in payment of claims secured by property liens and court-approved priorities. The bankrupt company must pay for administrative expenses, consisting largely of lawyers' fees and other costs following the bankruptcy filing. The injured parties who assert a tort claim are nearly last in line to be paid as "general unsecured" claimants.

In the end, Sobol admits that the A.H. Robins bankruptcy and reorganization finally provided funds which were "far greater than anyone expected when the bankruptcy began." Sobol at 341. He is still unsatisfied, though, because the reorganization plan approved by the court essentially denied women the right to be paid in accordance with a jury determination of their claims. But, the alternative was to face a risk that many claimants would receive no payment at all while the slow wheels of justice ground out one verdict and one appeal at a time on many thousands of claims.

A.H. Robins was sold to American Home Products as part of the reorganization. It does not seem fair that the bankruptcy court permitted attorneys and corporate executives to make millions of dollars while women severely injured by the Dalkon Shield received nothing or waited years to receive only a portion of their fair award. Such inequities, unfortunately, are not unique to the bankruptcy process.

An individual claiming personal injury damages may seek justice outside of the bankruptcy court once the stay against her action is lifted. The problem is, of course, that plaintiffs will find this course of action unrewarding when the company is insolvent.

Bankruptcy does not provide for individualized justice. In Sobol's own final words, the bankruptcy system is "designed to allocate a fixed fund among a far larger number of claims without the intrusion of independent evaluations." We have yet to come up with a better solution.

PRO BONO

from p.4

dents about volunteer opportunities, summer internships, post-graduate fellowships and career opportunities. Students can find her in the Clinical Wing, Room 1470.

VOLUNTEER OPPORTUNITIES WITH PUBLIC COUNSEL

Public Counsel is the public interest law firm of the Los Angeles County and Beverly Hills Bar Associations as well as the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. Public Counsel's staff of nine attorneys and over 9,000 volunteer lawyers and law students assist indigent children, youth, adults and families, as well as eligible community organizations, in a number of areas. The value of free legal services contributed in 1994 is estimated at nearly $22 million. Public Counsel's activities are far-ranging and impact a wide spectrum of people who live at or below the poverty level.

Following is a list of various projects sponsored by Public Counsel, each of which seeks law student volunteers:

Volunteer Legal Services (Consumers/ Homeowners/Renters)

Public Counsel volunteers represent defrauded consumers, students cheated by deceptive trade schools, debtors suffering form collection agency harassment, home equity fraud victims, tenants victimized by slumlords and victims of housing discrimination. The Project conducts regular Tuesday night clinics where clients are matched with volunteer attorneys.

Children's Rights

Staff attorneys, social workers, law students and social work interns work with *pro bono* attorneys in assisting children in civil legal matters such as guardianship, special education,government benefits, emancipation, teen parents issues, and blocked trust accounts. The Family Peace of Mind program provides representation to children whose parents are dying of AIDS. In connection with California's Healthy Start program, the Project provides legal services at various school sites to at-risk youth.

Affordable Housing

Public Counsel works with community-based nonprofit affordable housing developers and associations of tenants interested in purchasing their units, to provide the necessary transactional legal assistance to help increase the stock of quality, low income housing in Los Angeles. In the last three years, Public Counsel volunteers helped make possible the creation or preservation of over 4,000 units of affordable housing.

Child Care Law

Public Counsel is dedicated to increasing the number of desperately needed child care spaces in Los Angeles County and assisting existing facilities to continue their operations. To that end, the Child Care Law Project provides advice and *pro bono* representation to low income family home day care providers and nonprofit child care centers on licensing, zoning, insurance and landlord/tenant issues, as well as other concerns; helps local governments develop ordinances and policies related to child care; and makes presentations on legal issues of concern to the child care community.

Community and Charitable Organization

The project assists nonprofit organizations, from battered women's support groups, to providers for the homeless, to concerned citizens' coalitions for educational quality, to environmental groups providing wilderness experiences for children, to groups working on behalf of eradicating adult illiteracy, to name a few.

Homeless Assistance

Public Counsel has provided representation to over 15,000 homeless individuals and families before administrative agencies to secure shelter, clothing, food and other vital benefits. The majority of volunteer advocates are summer law associates and law students. Public Counsel also provides direct legal services to the growing homeless and at-risk youth population, and acts as a resource to service providers working with such homeless youth.

Immigration

The Immigration project currently provides *pro bono* representation to individuals from over 30 different countries. Individuals seeking political asylum based upon racial, religious, or political persecution and immigrants with long-term ties to the United States are provided with representation in immigration and federal courts.

Micro-Business Assistance

Public Counsel provides *pro bono* business law assistance to micro-enterprises run by low income graduates of entrepreneurial training programs operated by community development organizations.

Disaster Relief/Urban Recovery

Public Counsel initially created the Urban Recovery Legal Assistance Project (URLA) to assist victims of the 1992 civil unrest and to work with groups such as Rebuild LA on long term solutions. The project is now assisting individuals and community organizations requiring legal help as a result of the 1994 Northridge earthquake. To date, URLA has helped over 2,500 individuals and small businesses affected by urban disasters.

Major Litigation

Public Counsel also co-counsels with private bar volunteers on a number of major litigation matters. In the recent past, these matters have included: a challenge to the County's failure to provide sufficient visitation by social workers to at-risk children; provision of safe, clean housing for the homeless; preservation of family day care in poor neighborhoods; challenging local "anti-loitering" ordinances which discriminate on the basis of race; and many others.

STUDENTS INTERESTED IN VOLUNTEER OPPORTUNITIES, PUBLIC INTEREST INTERNSHIPS AND EMPLOYMENT OPPORTUNITIES, AND SUMMER GRANTS CAN CONTACT CATHY MAYORKAS IN ROOM 1470 AND BECOME INVOLVED WITH THE PUBLIC INTEREST LAW FOUNDATION (PILF). STUDENTS CAN CONTACT THE PILF CO-CHAIRS: HOLLY TRAUBE, 2L AND KELLY ROZMUS, 2L.

RYAN

from p.4

panelist moderator, Scott Wylie of Public Law Center, ended the session by urging students to plan carefully for a public interest career. He advised that students wisely budget loan money for law school now so that when they graduate, they won't be forced to forsake the option of a public interest career by having to look for a job that will cover a $70,000+ financial aid debt.

ILS

from p.2

ervation. Each panel will consist of about four to five speakers of various viewpoints and expertise on their topic.

One of the panels will look at the impacts which NAFTA has had on the environment since its inception two years ago. Another panel will address environmental concerns of and about industrializing nations. Additionally, there will be a panel which discusses business issues and the environment including the establishment of international guidelines and environmental impositions of banks which lend to businesses operating across borders.

The conference will be a day long event and will be held at the law school on Thursday, March 7. The event will be open to everyone. Even if you are unable to attend all day, you are welcome to come to the panel which most interests you. Look for fliers with more details when the event approaches. We hope to see many of you there.

The International Law Society is soon looking forward to its fourth year in existence. The current administration would like to thank the ambitious first year students who founded the organization just two years back. Next year we hope to have even more active participation. We plan to join the national charter organization, "International Law Society Association", which would better link us to common societies at law schools nation-wide. This would help us take advantage of International Internships offered to law students as well as the possibility of sending a team to the "Jessup Moot Court Competition". We invite any of you who are interested to get involved.

ARENELLA

from p.1

those differing views."

Arenella then used the domestic violence issue as a case in point. He explained that "the public and the media thought the jury just didn't get it. But that jury, maybe having seen much more domestic violence than most, considered the fact that spousal abusers generally don't kill their spouses. Perhaps the jury did get it."

Arenella agreed that the physical evidence was strong but he noted that the evidence of tainting was also plentiful. "Not only were Fuhrman and Vannater, two key investigators in the case, caught lying under oath, but Fuhrman admitted on tape to planting evidence in the past and Vannater admitted to carrying some of Simpson's blood to the crime scene." Also citing the video that did not show a sock where police records said it should be, and the fact that no one saw the large amount of blood on that sock when it was found, Arenella concluded that "the physical evidence becomes riddled with reasonable doubt."

Arenella then outlined the major procedural mistakes committed by the prosecution, stressing the rush to have Simpson surrender. "That greatly hampered the State's case," he said, "a longer, more leisurely grand jury investigation would have avoided the creation of Simpson's right to a speedy trial and would have allowed the prosecution to freeze much of the defense's testimony."

"In an apparent effort to make up for this mistake and influence the public and potential jurors that the State had a strong case," continued Arenella, "the prosecution then turned the subsequent pre-trial hearing into a mini-trial. The state ended up freezing much of its own witnesses' testimony which came back to haunt them, including Vannater's "Simpson was not a suspect" statement.

Other big mistakes were the decision to change venue from Santa Monica and bad delivery of the forensic evidence. "I spent 50 hours studying all the leading articles on forensic evidence, and even I couldn't understand the State's case," Arenella explained. "And remember, jurors are not allowed to ask questions or make comments. They are completely passive."

In the second half of his presentation, Arenella switched his focus to the actions of the media in covering the Simpson trial. "I was often appalled by the ignorance of reporters' questions," Arenella complained, "although the media is extremely powerful in terms of creating public opinion, they were only concerned with great pictures and interesting sound bites, never substance." Arenella did not spare lawyers form sharing in the responsibility for badly serving and misinforming the public. "Lawyers who sell their souls to the media, myself included, must understand that their statements are guaranteed to be spun and taken out of context. I understand that now."

Arenella admitted that his biggest mistake was participating in the *Los Angeles Times Legal Pad* series, where several respected commentators were asked to sum up the case's daily events. "The problem was," he explained, "that the format demanded that something be said for each side everyday, good and bad, and in 50 words or less. This made accuracy and completeness impossible." Arenella then proclaimed that he "will never do this again."

At the end of the evening an audience member asked the inevitable, "in hindsight, could O.J. have been convicted?" Pausing for a moment, Arenella then responded that an acquittal was still possible. "However," he added, "if all of the mistakes I outlined were avoided, the chances of a hung jury would've increased. And on retrial, the chances of conviction are always higher."

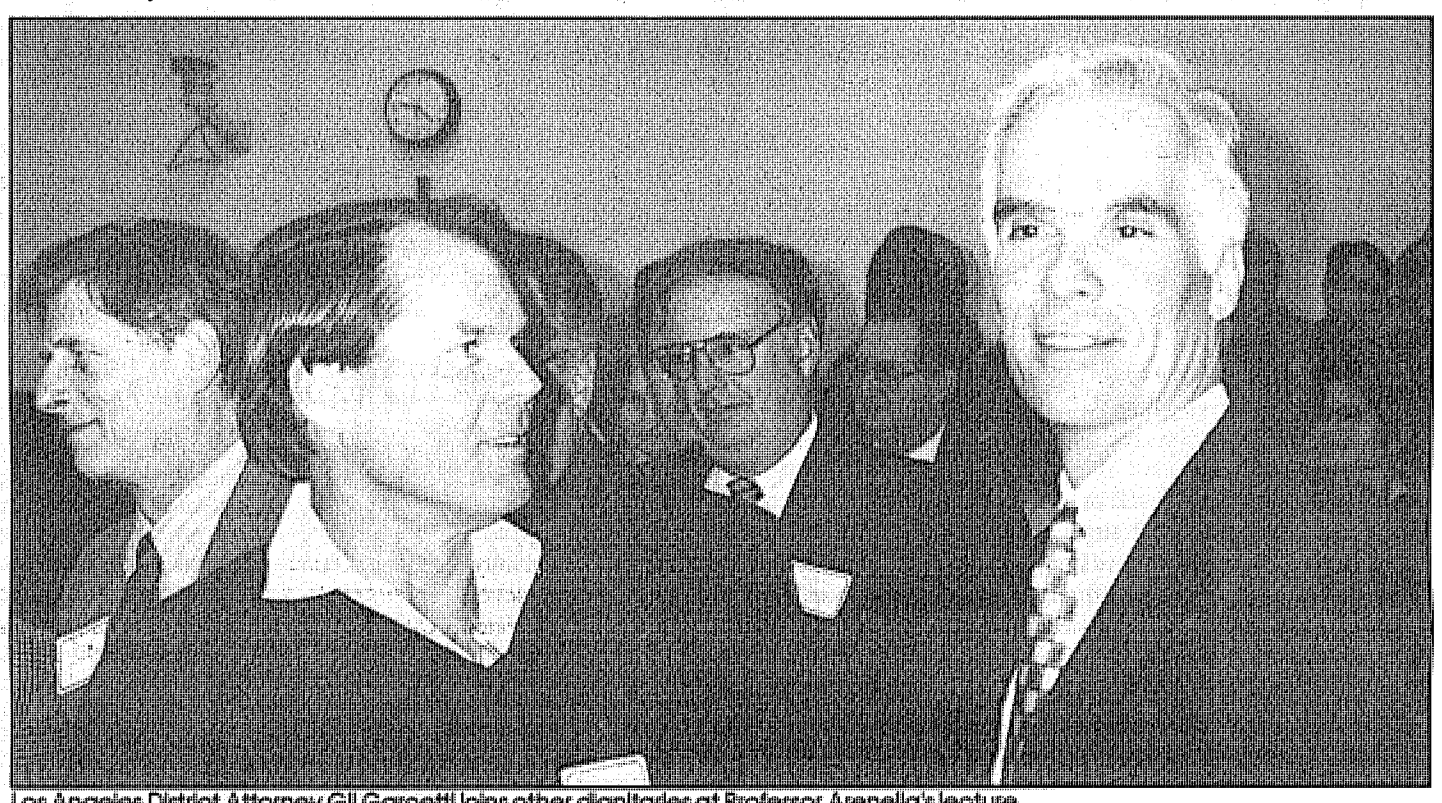
CAREER

from p.1

ment, gave an inspiring speech on the challenges and rewards of practicing public interest law. Over forty agencies maintained information tables where students could talk at length with agency representatives and gather relevant literature. In addition, throughout the day students from area law schools participated in close to three hundred interviews with both private and non-profit public interest organizations. Among others, the NAACP Legal Defense and Educational Fund, Inc., Public Counsel, and Public Interest Research Groups (PIRGs) interviewed for summer or permanent positions.

Of particular interest to many were the panel and brown bag lunch discussions on topics ranging from Domestic Violence to Getting Started in a Public Interest Career. For example, the day ended with a panel discussion on Criminal Law where federal and state prosecutors and public defenders, as well as private criminal lawyers, discussed their perspectives on racism, classism and injustice as they relate to the criminal system. Topics addressed included the insight and understanding that people of color bring to the prosecution of criminal cases and the political pressures surrounding the three strikes law.

Yet again, Public Interest Career Day proved to be an outstanding educational and career broadening experience for all students who participated. For any additional information about Public Interest Career Day or the organizations that attended, please contact Cathy Mayorkas, Public Interest Director, or The Office of Career Services. UCLA School of Law through The Offices of Career Services and its public interest programs is committed to enhancing the educational and career opportunities for all students interested in practicing public interest law.



Los Angeles District Attorney Gil Garcetti joins other dignitaries at Professor Arenella's lecture

LIBRARIANS

from p.1

posed for 1997/1998.

Again, I want to emphasize that range adjustments are not "merit" increases, they are adjustments to help compensate for what is happening in the underlying economy.

WHAT MAKES LIBRARIANS SO VALUABLE:

U.C. Librarians are truly academics, selected on the basis of academic credentials and their knowledge of the goals and methods of the academic enterprise, and skilled in contributing to the research and teaching functions at all levels. Most UC librarians have not only a Bachelors degree and a Masters degree in Information Science, but also advanced degrees in other substantive fields. Many have additional Masters degrees, some have Ph.D.s. Almost all the UCLA Law Library reference librarians have J.D.'s. Librarians at U.C. are promoted via a process of Peer Review, modeled on the faculty method of tenure review. As with facultypromotions, librarians must participate in university service, scholarship and efforts beyond their day to day job duties. However, as a feminized profession, librarian salaries have always been notoriously low for the level of education and intellect required.

The highly skilled professional librarians shape the collections, including the online database collections, that students and faculty are offered. Librarians make sure students will be likely to "stumble" across the right book when looking under a particular subject heading by extensively analyzing the contents of vast quantities of new materials that arrive daily. Perhaps most visibly, reference librarians help make the students' research efforts efficient and successful by helping to analyze what they need and connecting them with appropriate information resources, at the same time instructing them "on the fly" in proper research strategies.

THE UC LIBRARIANS' DETERIORATING FINANCIAL SITUATION:

Two pieces of data are important to know in order to understand the devastating effect the differential range adjustment will have on UC librarians, and by extension on the quality of the U.C. Library System.

First, the median salary of a UC librarian is only about 50-
60% of the median salary of a tenured faculty member, perhaps not inappropriate given the more rigorous training and selection required for the tenure track faculty. As a consequence, even were the librarians to continue to receive the same percentage range adjustments as tenured faculty, the tenured faculty member would still be receiving almost twice as many dollars as would the librarian. As wide as the salary gap between librarians and tenured faculty is already, the University's present plan will widen it even more, and UC librarians will be left in the position of receiving salaries markedly less (in real dollar value) than what they earned five or six years ago and even more markedly less than what tenured faculty earn.

The second piece of data is that the entry level salaries of UC librarians have for a number of years been less than those offered at Cal State Universities and most large metropolitan Community College Districts. With regard to Law Librarians, the lagging salaries are even more striking. Locally, U.S.C. Law School offers substantially higher salaries (we lost two excellent librarians to USC Law Library several years ago), as does Loyola Law School. In recruiting, we have found it increasingly difficult to persuade national candidates to apply for our open positions, since our salary levels are now so completely inadequate to the cost of living in Los Angeles.

THE LEGAL CONTEXT:

For the past fifteen years, the UC librarians and the UC lecturers have had collective bargaining agreements with U.C.. Each group has its own bargaining agreement (denoted a Memorandum of Understanding). We are represented by U.C.-A.F.T. (The U.C.part stands for University Council, although it may as well stand for University of California, since it only represents U.C. academic employees.) AFT of course is American Federation of Teachers, with whom we are affiliated. (While UC-AFT has members from the tenured and tenure track faculty, and we have garnered quite a bit of support from tenured faculty members, tenure track faculty members are not represented under any collective bargaining agreement.)

The librarians M.O.U. with the University will be expiring this June. It is a very weak contract, but the best our tiny little group (around 400 represented librarians University-wide) could do. The point in contention now is our salary clause which says:

"Provided a timely agreement is reached at the bargaining table...the

To LIBE on p.13

TRASH

from p.6

Trash bin? Yet why is this behavior so quickly tolerated with Colored Trash? It is this subconscious racism that makes the problem so insidious.

Our administration, which likes to pride itself with its world renown diversity, claims this segregation is Separate but Equal. However, I have more than proven this to be an absolute fallacy. So many decades after *Plessy v. Fergusson* it is appalling to see the same excuses being used to justify acts of bigotry and hatred. I must note, and am sure you are all aware, that the administration continues to print virtually all of its flyers on white paper. Not once have I seen a goldenrod note from the Career Office or Dean. Maybe the occasional green message from the Records Office, but ONLY when the vast stores of white paper are thoroughly exhausted.

The administration, in defending their so-called "Recycling Policy," argues that this segregation meets the rational requirements test. They claim that Recycling Plants eventually segregate the paper themselves, and insist we pre-segregate it for them. Our administration must be reminded that this is a publicly funded, state school. Simply because a private paper mill has chosen to adopt a racist recycling policy in no way justifies our stooping to their sordid level. Granted, it may be more expensive to recycle White and Colored Paper together, but how many times has a price tag been used to justify long-standing hatred?

Even the words we use to describe this evil are repulsive: "Colored Flyers", etc. Such terms are archaic slurs that have no place in our tolerant and diverse environment. I prefer the term "Flyers of Color" instead. When the color precedes the object it modifies, this implies we see color first. And notice that in this discussion not one word has been made of the CONTENT of the flyers. Is it not even conceivable that a pink, blue, or even one of those unbelieveably gaudy neon flyers may contain a more valuable message than a white one?

I, myself, am not immune. I have been conditioned by my culture to associate White Flyers with official, important, and intellectual messages, while associating Flyers of Color with advertisements, party invitations, or similar trivialities unworthy of even being read. I wonder if I am the only person who upon pulling a heap of multi-colored papers from my mailbox, reads the White ones first, as if they are more important or hold more meaning.

I will propose we take this discussion to the next logical step: To analyze the entire practice of Recycling as a whole. Few would disagree that all trash is created equal, but historically some kinds of trash have been given preference over others. For years only select kinds of trash have found their way to the Recycling Plant, while others are simply left to rot in a landfill. This has prompted many campuses and organizations to adopt a program of Affirmative Recycling. By creating a level playing field, all trash, from privileged aluminum cans to common used tissues, have an equal opportunity to avoid the proverbial garbage dump.

However, it seems that in our attempts to treat all trash equally, we lose sight of the big picture and get bogged down in trivial details. The other day in the student lounge I had just finished a delicious apple when I attempted to find its proper receptacle. I dared not throw the apple core in the White Trash bin or the Trash of Color bin and ventured further. I could find nowhere in the student lounge and went out onto the courtyard. To my amazement, the garbage bin I normally use had a blue lid on it with the words, "NEWSPAPER ONLY" neatly printed on it in, (of all ironies for newspaper) white ink. The bin next to it said "ALUMINUM ONLY" and another "GLASS ONLY". I soon came to the realization that the natural process of oxidation would biodegrade the apple core in my hand long before I would ever find an acceptable place for it. In my haste I threw it on the roof.

On the other extreme, Conservative cynics have argued that we should do away with UCLA's Affirmative Recycling altogether. They have grown tired with paper quotas requiring that they vary the paper color in their printers and copying machines. These quotas, they say, reinforce feelings of inferiority among Trash of Color. In fact, they are not quotas at all; merely guidelines that more realistically mirror the multi-colored paper environment we all live in. Our Anti-Affirmative Recycling policy, recently adopted by the UC Regent, proposes to have unmarked bins scattered throughout campus by 1997. Thus, all trash is to be collected together regardless of color, content, composition (or decomposition as the case may be), and financial need. Without guidelines, however, it is feared that Trash of Color will fail to find its way to Recycling Plants. The Conservatives argue that if the trash merits recycling it will be recycled, regardless of color.

I argue for a middle ground between these warring factions. Affirmative Recycling is still necessary to level the playing field, but care must be taken not to infringe the rights of other trash in our zeal for diversity.

Let us make the Chinese art of Origami our symbol, where the paper is colored on one side and white on the other, where the folds contrast the two hues yet harmonize them at the same time. Otherwise, we will be forced to live our lives in the black and white monochrome squalor of hatred and prejudice, like so much common trash.

LIBE

from p.11

University agrees to increase the current salary scale for librarians by approximately the range adjustment percentage(s) funded for academic employees by the Budget Act for each fiscal year for the University of California."

The clear intent was to prevent us having to bargain every year over salary adjustments by tying us to the most important academic group, the tenured faculty members.

The UC Lecturers, whose contract will not expire until 1997, have this same type of "me too" clause. And their salary clause is non-reopenable during the life of the contract. When the University announced its plan to offer lesser range adjustments to non-tenure track academics, it initially announced that it would also give the lesser amount to lecturers. When it was pointed out that the lecturers had a non-reopenable salary clause, the University agreed to abide by the contract, and the lecturers have been and will continue to be awarded the higher range adjustments offered to tenure track faculty — at least until their contract expires in June of 1997.

Unfortunately, the librarians contract has a re-opener clause, allowing each party the option to reopen one article each year and allowing the option of opening the salary clause each year. Although the librarians' contract does not expire until June 1996, in 1995 the University reopened the librarians' salary clause in order to take out the language tying us to academic salary range adjustments. We have had three intense bargaining sessions with the University's bargaining team since last summer. They have not offered us any "sweetener" to give up this salary clause, only offering us the minimum 1.5% range adjustment already given to all other U.C. employees. By the end of 1995, both parties determined that they were at impasse. Both parties will now be going to mediation on February 29th.

As of this writing, the librarians have received NO range adjustment — not even the 1.5% given to all other University employees last November. THE LIBRARIANS BELIEVE THE UNIVERSITY MUST HONOR OUR CURRENT CONTRACT AND AWARD US THE SAME RANGE ADJUSTMENT OFFERED OTHERACADEMICS. We have filed both a grievance under the contract, and are about to file an Unfair Labor Practice.

POLICY ISSUES:

From a policy viewpoint, this seems to be a battle the University did not have to take on. The librarians' contract was going to expire this June anyway and the salary clause would be gone. While the University had the legal right to reopen the salary clause before that date (although we don't think they had the legal right to unilaterally impose new terms on us), they have bought a whole lot of bad will for the very small amount of money saved.

U.C. has been diminishing the role of librarians for some time now. Over the last five years, the number of librarians has decreased by 20% — at a time when the University was expanding its student body. As a result of this, UC Librarians are working harder than ever to try to maintain a first class library system with first class service.

Our negotiations over the past years with the University have been best characterized as pretty much one-sided — they told us what they wanted to change in the contract and we felt we really had no choice but to accept it. However, the current salary struggle is regarded by most UC librarians as the last straw in a long series of decisions by UC administrators to diminish our influence and status and this time librarians are fighting back with whatever resources we can muster.

WHY SHOULD STUDENTS CARE ABOUT THIS:

Basically, it has to do with quality of education and eventually with institutional rankings. The shrinkage in numbers of U.C. Librarians means that a less professional level of service is now being offered at most reference desks on campus. In most branch libraries, service at the reference points is being offered increasingly by library assistants, rather than credentialed librarians.

In addition, the increasing workload for those librarians left at UC means that librarians have less time to keep up with the rapid technological changes happening. UC Libraries may no longer be able to stay in a leadership position in the use of information technology.

The UCLA Law Library, thanks to the extraordinary support of the UCLA Law School administration, has been able to maintain its high level of service. But to give the best service to our law students, especially in an era of interdisciplinary studies, we must have the support of a well developed UC library system in general, one with an excellent collection and highly skilled colleagues to advise us and you when we refer you to non-law materials.

Recruiting top notch librarians was difficult enough because of the low salaries relative to the high cost of living in California. The current struggle is now making UC even less attractive and is giving UC the reputation of being "not a good place for librarians." If UC is not a good place for librarians, it will just be a matter of time before it ceases to be a good place for scholarship.

Thanks for hearing our side, and remember, if we librarians make a little noise on campus, DON'T SHUSH THE LIBRARIANS.

THE AFFIRMATIVE ACTION DEBATE: DISCORD AND DIALOGUE

"Anyone who believes we are living in
a colorblind society is both dumb and blind."

"Affirmative action is government subsidized racism."

"If we never had affirmative action,
would minorities be any better or worse off today?"

"Yeah, I've benefited from affirmative action and I'm proud of it."

"I look at you and think if it hadn't been
for affirmative action, you'd never be here."

"White men have suffered from affirmative action?
Have you seen a list of the CEOs of the Fortune 500 companies?
Forget that, just look at our faculty!"

"As long as we have discrimination,
we need affirmative action."

"What do you mean by affirmative action, anyway?"

"The only people who have really
benefited from affirmative action
are white women."

"Do you really think that poor blacks in South Central LA really care about affirmative action?
How about getting the drugs off our streets instead."

"Why doesn't anyone have any data
on the costs and benefits of affirmative action?"

"Why do we keep on telling minorities
'It's okay, we expect less from you?'"

"When is affirmative action supposed to end?"

How much do you know? What do you believe?

UCLA Law Review

proudly presents

AFFIRMATIVE ACTION:
Promises and Problems in the Search for Equality

A Symposium on the Future of Affirmative Action Policies

Saturday March 2, 1996
9:00 A.M. To 5:30 P.M.
Dickson Auditorium
UCLA

Justice Mall Cast

With reference the review on opage 6, the cast of Justice Mall is as follows:

Paula Varsi	Andrea Hoffman / Ayanna L. Chambliss
Jerome Boyle	Sean Morris / Richard Jackson
Beatrice Potter	Maya Alexandri / Jenna Cummings
Dante Q. Otay	Alexander M. Lee / Matt Mulford
E.R. Dunne	Megan Satterlee
Dr. Gaia Hotspots, Ph.D	Pegeen Rhyne
Tereza Alcoa	Liz Cheadle / Alison Anderson
Debra Debitz	Debra Westerberg / Ray Caldito
Professor A. Prentice Prolix	Tony Lee / Ken Karst
Gina / Gino Stera	Marjorie Purcell / Ruben Garcia
Jordan Columbo	Tom Blankinship / Randy Clement
Chrissie Columbo	Casey Prager
Docket Reporter	Hoaithi Nguyen / Mark Paul Estrella

MOONLIGHTING

from p.2

agency. The Attorney General agreed to represent the SMMC in a lawsuit against the Regents over the property.

In the end, UCLA was allowed to sell that parcel to the Getty, but agreed to transfer other lands to the Conservancy, including one piece that is now a part of Topanga State Park. UCLA, in turn, also obtained another parcel of land known as Stunt Ranch, which is now a part of the University's Natural Reserve System, creating a win-win for everyone.

The structure of the agency is also unique. In a laudable effort to reconcile the divergent interests in the area, each board member is appointed by a different public officer or governing body. Dean Cheadle was appointed by the State Senate, through its President Pro Tem, Senator Bill Lockyer. Other board members are appointed by the City of Los Angeles, the County of Los Angeles, the County of Ventura, the National Park Service, the State Resources Agency, the State Assembly and the Governor.

Prior to coming to UCLA, Dean Cheadle worked as senior staff attorney and spokesperson at the SMMC (a NEXIS search for her name results in several entries). Last summer, Lockyer appointed her as a board member to the SMMC. The board soon thereafter elected her vice chair. A few weeks ago, when then-chair Ed Begley, Jr., resigned, the board elected Dean Cheadle to chair the Conservancy.

Dean Cheadle has several victories at the SMMC to recount, including gifts of land from Jack Nicholson, Warren Beatty and Barbra Streisand, a $20 million acquisition in Topanga Canyon,which brought to an end the longest running land-use battle in Los Angeles County history, a 3,000-acre purchase last year of lands owned by Chevron Oil for more than 100 years in the Santa Clarita Woodlands, and a purchase from the Presbyterian Church U.S.A. that will be turned into a conference grounds and campground for at-risk youth.

It goes without saying that she is a great asset to the law school. Her many experiences with the confluence of opposing forces, no doubt, prepared her well.

JOURNAL

from p.1

the Departments of Political Science and Economics. The JILFA's diverse article base for the inaugural issue reflects its commitment to a merger of politics and law.

"We've obtained articles from some of the top names in IR and IL," says Babak Nikravesh, JILFA's Chief Articles Editor. "We have one of the top three or four IL professors in Europe writing about federalism in the European Union, a Member of Parliament from Germany on his country's role in the New World Order, a Harvard IR professor discussing conflicts over fresh water, and a professor of political science from Purdue with a jurisprudential assessment of nuclear war in the Middle East."

The journal has also begun to create a forum for debating hot international topics. Writing about Eastman Kodak and Fuji Film's trade dispute before the Office of the U.S. Trade Representative, writers from those two companies contribute contrasting position papers to JILFA's "Point-Counterpoint" section. "The timing of these articles is critical," notes Nikravesh. "We'll be publishing our first issue a little more than a month before the USTR is due to render its opinion on the matter."

In light of meager institutional support, JILFA has raised several thousand dollars from corporations that believe in the value of its product. "We're thinking differently from other academic journals," observes Mahalingam. "Most UCLA publications don't strive for a readership much broader than the campus community. We've set our horizons very high, as we are trying to appeal to business and government leaders in addition to students and academics."

The breadth of JILFA's subject matter and potential audience augurs well for its continued success. "We feel this journal is satisfying a need that's crying out to be met," Mahalingam says. "In a way, by merging related disciplines that deserve to hear each other, JILFA is correcting a flaw inacademia." Not only that, but it is leaving behind a legacy reflective of its founders' vision and creative energy.

HONG KONG

from p.2

the morning after his UCLA lecture, only 20 people attended his visit to USC.)

To all of those who made Mr. Fung's visit to UCLA extremely successful, the UCLAW International Law Society thanks you.

LAW REVIEW

from p.1

decision is still good law.

Whether for, or against affirmative action, all the presentations promise to provide insight on this provocative topic. The papers presented at the symposium will be published in the August issue of the Law Review. Professor Karst will moderate the discussions following the presentations, and professors Littleton and Volokh will provide responses to the panelists. The format is designed to allow a great deal of audience interaction with the panelists.

UCLA students pay only $15.00, this is a great bargain when compared to the $150.00 for practitioners. The law review hopes for great student participation. Registration can be arranged by leaving a note and/or a check for $15.00 payable to UC Regents in either Darrin Mollett (2L) or Raul Jauregui's (2L) box.

CAREER

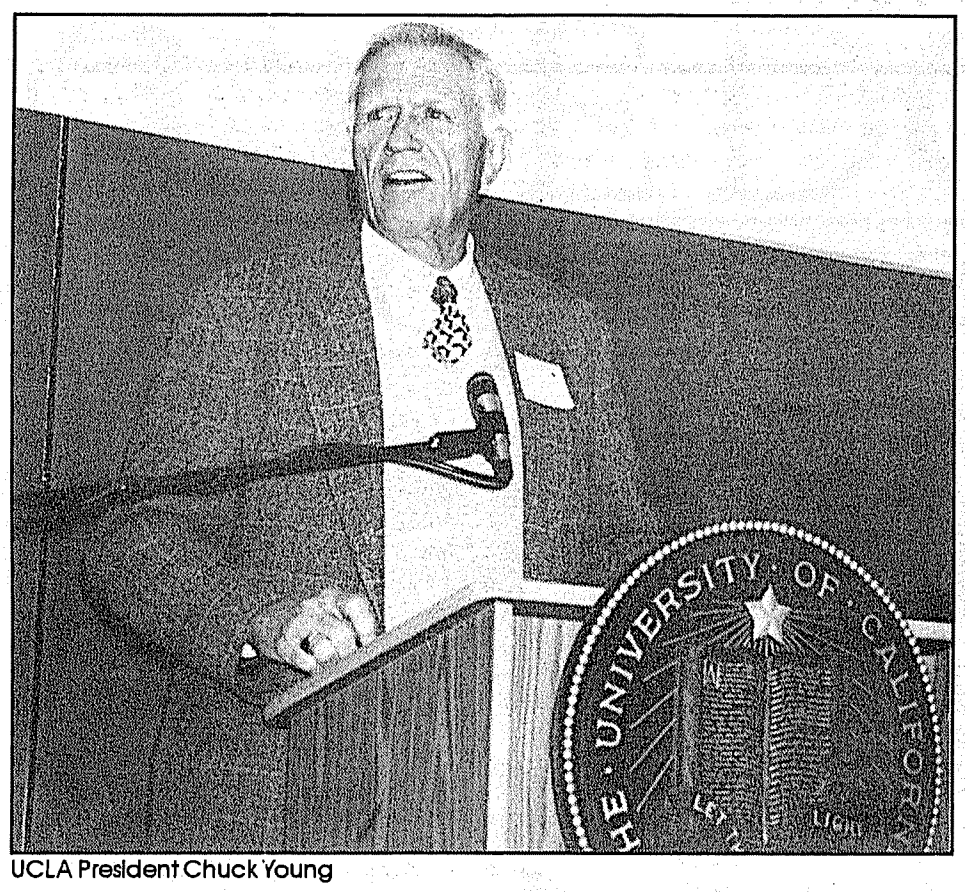
from p.4

reer Day — cosponsored Career Services & Law School Career Advisors of Southern California — to be held at Loyola Law School

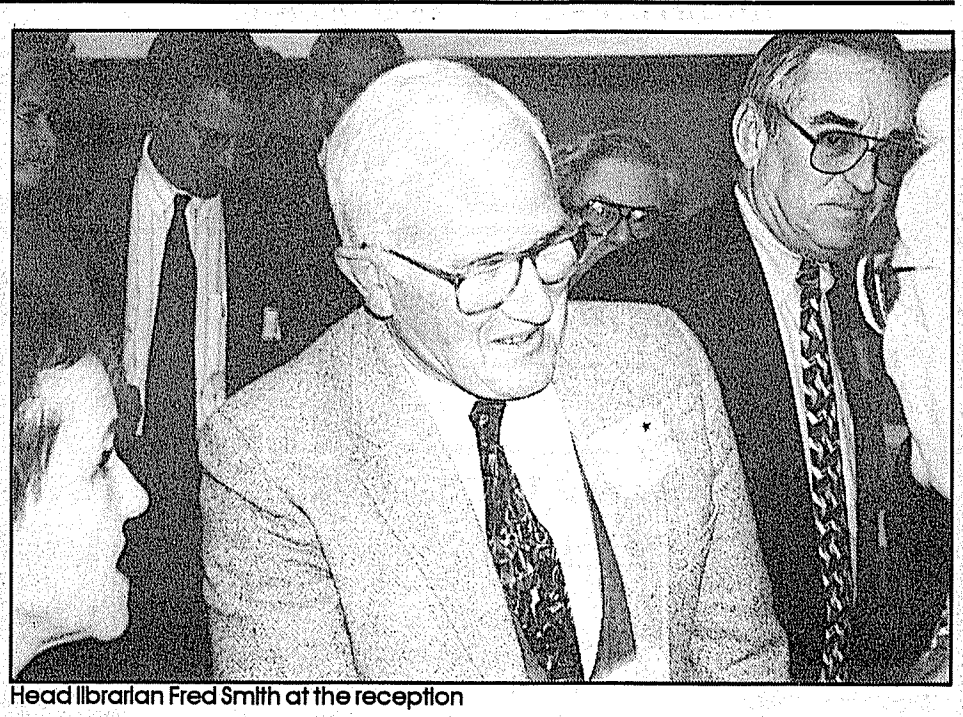
Thursday, April 18 — "The Scholarship Side of Being a Law Professor" — Faculty Panel — cosponsored Career Services & Clerkship Committee — Room 2448

Saturday, April 20 — Entertainment Careers — cosponsored Career Services & Law School Career Advisors of Southern California — to be held at Southwestern Law School

Tentative Program — **late March** — Alternatives to Legal Practice- Alumni Panel — Career Services



UCLA President Chuck Young


Head librarian Fred Smith at the reception

Breaking Ground

Carefull planting saves old tree.

PRAGER

from p.1

According to Buzz Yudell, the chief architect who spoke at the launch, "It takes a whole community to raise a building." He was referring not only to the UCLAW community, but to his own team, many of whom were present. The Dean and other speakers acknowledged the efforts of many UCLAW staff who were crucial to the project, especially, former head librarian Fred Smith, librarian Myra Saunders and Joan Tyndall in the Development Office.

The new library will have enough shelf space to double our current holdings. The tower reading room will permit beautiful views of the campus and Westwood. From the North reading room, students will be able to relax their eyes on the Santa Monica mountains. Perhaps the most welcome news of all is that students will no longer get kicked out at midnight. The new library will contain a 24-hour reading room, complete with phones, bathrooms, refreshment machines and computer strips.

WALLACH

from p.7

problems for the attorney and the client. When we lawyers plan the timing of evidence, we often speak about juror fatigue. We seldom talk about lawyer and client fatigue. Preparing and trying a case for four months is a physical and emotional ordeal. The client who sees the lawyer begin to wilt physically is weakened mentally, and vice versa. During trial preparation, as in trial, the lawyer and the client need each other to be healthy and to have a positive attitude.

Even with effective communication and thorough preparation, many imponderables can affect the trial's outcome. One of the most obvious is the judge. Trial lawyers know that, especially in a federal criminal trial, the presence of a jury does little to diminish the judge's power to influence the outcome. We all have seen good, bad, and mediocre judges, and as lawyers, we learn to adapt to them. In fact, many lawyers who confront a biased judge become all the more determined to prevail.

The Judge Who Has Prejudged

It is important to prepare for the judge. As the trial approaches, learn as much as possible about the judge's track record. In my case, investigation of the judge showed we would face a real struggle. He was known for tough sentences,and no one could recall an acquittal before him in 15 years. He was the archetypal government judge, and we had no peremptory challenge. Our concerns were quickly confirmed. The question then was what to do.

When it comes to appearing before a judge who has prejudged a matter, the lawyer's view of the appropriate response is not always consistent with the client's. The lawyer's aggressive handling of a case may conflict with being invited to the next circuit conference, protecting the next client in dealings with the same prosecutors, or maintaining status in the club. For the lawyer, a plea bargain may be worth serious thought. After all, when compromise is discussed, the merit of the cause is but one consideration. The client sees matters differently. To the client, a plea is no option if it means — as it does — the loss of honor. If a lawyer's most difficult task is to defend an innocent person, the innocent person's most difficult task is to resist the pressure to trade a lifetime of honorable conduct for the cessation of an unjust prosecution. The lawyer must not add to that pressure.

Honorable lawyers have difficulty envisioning a courtroom devoid of fairness. I knew I was in serious trouble when the judge ruled it irrelevant that the chief government witness against me had committed perjury. Happily, the court of appeals reversed this ruling and my conviction. Unfortunately, the reversal came only after a four-month trial to a guilty verdict and a 21-month wait while the case was on appeal — 21 months during which I was suspended from practice.

Because it is difficult for good lawyers to imagine a biased judge, it is difficult for good lawyers to respond when they encounter one. But there can be no question that it is counsel's firm obligation to take whatever action is necessary to confront a judge who counsel believes cannot sit fairly. It requires great courage. Advocacy programs and instructional articles carefully avoid discussion of the biased judge. And no amount of preparation, commitment, or skill can overcome a judge determined on an outcome. The lawyer must find alternatives.

In my case, I saw two approaches. I watched counsel for a co-defendant flatly refuse to be intimidated. All lawyers know the danger of confronting a judge in the jury's presence. Juries love judges, and you do not argue with someone the jury loves. These attorneys did. At various times, they demonstrated measured but perceptible disdain; at other points, they just ignored the judge; at still others, they fired back pointed rejoinders. The judge found himself off balance. By contrast, my counsel alternated between courtesy and staunch argument in reasoned tones with flashes of exasperation and anger.

No doubt there are other approaches. Frankly, I am not sure what response is best. I do feel, however, that a lawyer must challenge a facade of justice. Challenge statements or rulings that demonstrate bias. The record must become a vehicle for carrying burning pages to the appellate court for review. My lawyers preserved the record well in my case, and the appellate decision is the system's vindication.

Another imponderable of trial is the unexpected turn of events. Ours came in the third month of trial. The judge announced that a juror had just remembered that the judge was once in his parents' home with the juror present, attending a Quaker discussion group. "Do counsel object?" he asked in that way judges do to suggest that no one should. There were three alternate jurors. Counsel quickly said no. Trial lawyers have to think fast at times, even when under other circumstances it might take hours or days to reflect on the implications of a matter. This decision did not take 30 seconds. No one consulted me, and I was stunned. The power of a judge is significant enough without the added imprimatur of his having attended a religious function in a juror's own home. When I asked my lawyers about their decision, I heard sound reasons. Some counsel liked the juror (as I had), and no one was enthusiastic about the first alternate.

But on the fifth day of jury deliberations, the decision's impact became apparent. A 68-year-old juror called in ill. It was Saturday, and the jury was to deliberate on Sunday as well. The judge was leaving for Europe with a bargain ticket the next Tuesday evening. These are the human variables with which lawyers live and clients die. The judge asked to speak by telephone to the juror alone. Counsel agreed. When it was over, the judge had excused her.

We all knew she was the lead defense juror — a woman who had served on three civil juries and three federal juries, including a grand jury, and the only juror with experience. During the government's close, she had so visibly reacted to an admission of a critical error in the chief government witness's testimony that it had been hard for me not to leap up and embrace her. After the verdict, the legal press quoted the juror as saying she would never have voted to convict. Meanwhile, my case was decided by the juror who knew the judge, as one of an 11-person jury.

Mr. Wallach's description of jury selection and his account of his testimony continues in the conclusion of this article, in the next issue of THE DOCKET.

Just look at the numbers...

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