

UCLA

The Docket

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Journal

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Bill Rutter gives prize to Schwartz

By Norm Schindler

PROF. GARY SCHWARTZ WINS TEACHING AWARD

By Ted Hulbert

Professor Gary T. Schwartz has been named recipient of the 1987 Rutter Award for Excellence in Teaching at the UCLA School of Law.

Professor Schwartz teaches courses in torts, workers' injuries and administrative law. He has written articles

recently on products liability and on tort law in an economic context.

Attorney William A. Rutter established the annual award to recognize excellent teaching in a profession which places major emphasis on research and writing. §

ASSOCIATE DEAN AMBROSE SPEAKS ON DIVERSITY

By Jesse Cardenas and Deanne Castillo

Docket: Can you explain the faculty's reasons for changes in retention grades and other associated items?

Ambrose: The caveats to begin with are that the faculty is a diverse bunch itself and any one statement of their thinking about this would be, I think, misleading as to some faculty members, maybe even most faculty members, just trying to find some generalization. I think that the faculty's concern was to provide a combination of responses. The first, was to augment the amount of support to students. The second, was to provide students a realistic reflection of their progress here and the likelihood that they would be able to enter the profession based on

their performance here. That has something to do with the retention standards. Thirdly, on admissions, was to provide a greater amount of uniformity and fairness, and to some extent expedition in getting through our admissions process so that we would be getting more of the students who would be likely to succeed in this law school.

Docket: What assurances will the administration make in regards to their commitment to the diversity program? Will the student body reflect the City of Los Angeles, which is diverse and of many nationalities?

Ambrose: I think that's been the under-

standing. Just to go back in history, at the time we instituted our current diversity program, predictions were coming all over the place from the students who were very unhappy with what we were instituting, that the program was going to go by the wayside. Students, community members were up in arms over the very diversity program that we had in place here and I think the suspicion is understandable, history being what it is. The history of this law school, being what it is, it is not surprising to me that what happened once this diversity program was put in place was that the amount of diversity in this school increased. I think it has a lot to do with the fact that this law school for 20 years has been very much in the forefront on this issue, and it has actually become a very significant part of the identity or self image of the faculty and administration here. It's something we're proud of; it's something we feel special for and I think people would feel that there was a very significant loss, not just by the loss experienced by students who didn't come here, but a loss to our own sense of what this law school is. And that's why I don't think there will be any diminution in this law school's commitment. It just would do too much violence to the very fabric of this law school.

Docket: I think the reason that a lot of people perceived the diversity program to be threatened is because it is now in the hands of one person, Mickey Rappaport, and a lot of people feel that he is not in touch with the needs of the minority community, nor is he particularly sensitive to the grey areas that the minority groups on campus look into when they review applicant's files. Is there going to be a committee formed to set

HUMOR

A FEW INDISPENSIBLE POINTERS FOR THE FIRST YEAR

by Docket Staff

Welcome to Law School! Before anybody else gets to you, we want to orient you to Camp UCLA Law. Ignore the sound of the gates closing behind you as you read on. . . .

Some professors will regale you with their ideas on how to be a law student the first day or so of class. The compassionate ones may suggest how to read a case, take notes in class, prepare for a law exam. Others, however, assume you have been a law student before and forego the preliminaries. This modest proposal attempts to stop any gaps you may not even be aware exist until exam results are in. The points are laid out in no particular order; feel free to speedread until your own personal fear slows you up.

1) DON'T

UNDERESTIMATE LAW SCHOOL EXAMS. A kindly professor told one class this the last day of the semester. You know what they say about preparing your introduction last? Be on the alert that every sentence uttered from the instant you begin watching the clock is exam fodder.

Some clever souls try and pinpoint the case, statute, rule, lecture or week that will "be" the exam. Wrong. An exam is ALL YOU STUDY and, for most of you, WHAT YOU LEARNED. For the rest, it's the class you missed, the footnotes you didn't read, or the syllabus you skimmed.

2) ANYTHING OPTIONAL . . . ISN'T. If the prof takes the trouble to mention that commercial outlines are an "alternative" resource, he or she

means that what isn't fully explained (frequent), but what will be the crux of the exam, is taught by the renowned "Professor Geel-bare" or one of his greybeard counterparts. Ignore this advice only if you are confident that you are a functioning Reasonable Person, with a fully developed Rational Legal Mind. If you aren't, it's wise to use outlines from week one; cost, pride, or principle have nothing to do with rationality. If you aren't sure what these concepts mean, see Kristine Knapland.

3) COMPETE ONLY WITH YOURSELF. A noble sentiment. But what about that large handful of people in your section, secretly focusing radar guns on everyone else and calibrating--along the curve, of course--each P.E.S. (probable exam score)? Then there are those in the early days of second semester, who pass for the first time because they are otherwise engaged in figuring E.C.R. (estimated class rank) to see how many exam

numbers they topped. 4) YOU WON'T LOSE FACE IF YOU PASS IN CLASS. Really irk your professor by arranging for everyone called on that day to pass. After 10 or so passes, she/he'll say something like, "This was assigned for today, wasn't it?" in a cold voice. An infinitely entertaining event, which also threshes out the Class Achiever, the one who wants to show that "I KNOW," to confirm intellectual leadership or some such vain ambition.

But beware the language you use when declining to answer. One hapless initiate who once said, "I pass," was rejoined by the professor, "Is that a prediction?" numbing the students (some to the point of muteness lasting the entire semester). Nobody came cheerfully unprepared to that class again. Better to admit, "I'm not

See POINTERS p.6

See DEAN, Page 5

LETTER TO THE EDITOR

By Scott McMillen

The last Docket editorial (March 1987 issue) on the AIDS controversy demonstrates the author's ignorance and misunderstanding of a deadly disease and of a minority group. The theme of the editorial, that AIDS has been turned into a forum for gay rights, is a distortion of the harsh reality of this crisis. The gay community has never welcomed AIDS as advantageous for promoting gay issues; by contrast, AIDS has been used as a forum to attack gay rights by those who would prefer to deny gay men and lesbians the basic human rights of love and expression.

Many of us can remember when AIDS was referred to as GRID, for Gay-Related Immune Deficiency Syndrome. This acronym was at first used despite the fact that the hemophilic community has always had the highest incidence of the AIDS virus (with figures now approaching 100%) and intravenous drug users a relatively high proportion as compared to other groups. And, although the statistics show that the AIDS virus has been recorded in every group in society except the lesbian community, AIDS has been used to attack Civil Rights legislation, such as the repeal of a gay rights ordinance in Houston. To say that the gay community and its friends are responsible for turning AIDS into an issue to promote gay rights is to put the blame on the victims of increasing repression.

In the face of an epidemic that threatens the lives of millions of Americans, the gay community has been the only group, outside of health care professionals, to attempt vigorously to diffuse this crisis. Organizations that provide services for people with AIDS remain staffed predominantly by gay men, and literature aimed at educating the population on how to stop the spread of AIDS originated in, and still remains primarily focused at the gay community. It is unfortunate that many outside the gay community associated the disease with homosexuality; if more seriousness were paid from the outset to the AIDS education promoted by the gay community, the loss in human terms to the entire American population would certainly have been much less.

Education is the only current means available to stop the spread of AIDS. The view expressed in the editorial, however, distorts the benefits of education and safe sexual practices. Mr. Benton fails to point out that the data from the

recently published McKusik study was gathered in 1983, a time when education and understanding about the disease was considerably less than it is today. Even more curious is Mr. Benton's assertion that condoms break in 50% of all anal intercourse. I am unaware of any study conducted to test breakage of condoms in anal intercourse; studies focus instead on the incidence of the AIDS virus among people who use condoms. In a study conducted by WPIX - TV in New York, it was found that 60% of all female prostitutes in Newark whose partners did not use condoms tested positive for the AIDS virus. Among those who insisted that their partners use a condom, however, none were seropositive. This evidence is, of course, not to say that condoms do not break from time to time. If Mr. Benton took the time to educate himself about the spread of the AIDS virus, however, he would discover that intercourse with a condom is listed only as a "possibly safe" activity. Activities considered "safe" would be mutual masturbation, hugging, and petting. Furthermore, the author misconstrues AIDS risk reduction as being a liberal or conservative issue. It is, rather, an issue of humanity, and that is why people such as the Surgeon General and the Catholic Bishops of California can agree that education is necessary to stop the spread of AIDS.

The possible solutions listed in the editorial are not well-thought out and demonstrate the author's lack of knowledge of the subject. Although he ultimately rejects the idea of quarantine, he suggests contact tracing, a method that has been proven to be prohibitively expensive and practically useless. He complains that "homosexual rights [are used] to slice away at sensible laws." But what laws is he referring to? Much of the problem has been that there have been virtually no laws, especially sensible ones, since the beginning of the AIDS crises. With the decision by the Supreme Court in the Arline case, the increased attempts to educate everyone in AIDS risk reduction, and the enforcement of the L.A. County anti-AIDS discrimination laws, a progression is now just beginning toward sensible. It has been heaped on the victims of AIDS. The editorial alleges that "the liberal legal community has bent over backwards to find excuses to permit those with AIDS or the AIDS antibody to spread this disease with impunity." Perhaps Mr. Benton does not realize that it takes a

second person to complete the unsafe sexual act or needle sharing that transmits the AIDS virus, and that is why education is so important. Those of us who have worked with people who have AIDS know that it is the last thing on their minds to "spread this disease with impunity." It is useless to heap more blame on those who have suffered so much; it is time to recognize that people with AIDS are legitimate and equal

members of society and need to be treated humanely.

One final point needs to be made about homophobia. I find it outrageous that those who initially identified AIDS only as a problem of the gay community now complain that it has been turned into a forum for gay rights, a forum responsible for educating people about the "exotics of homosexual

See LETTER Page 11.

SHARTSIS, FRIESE & GINSBURG

of San Francisco

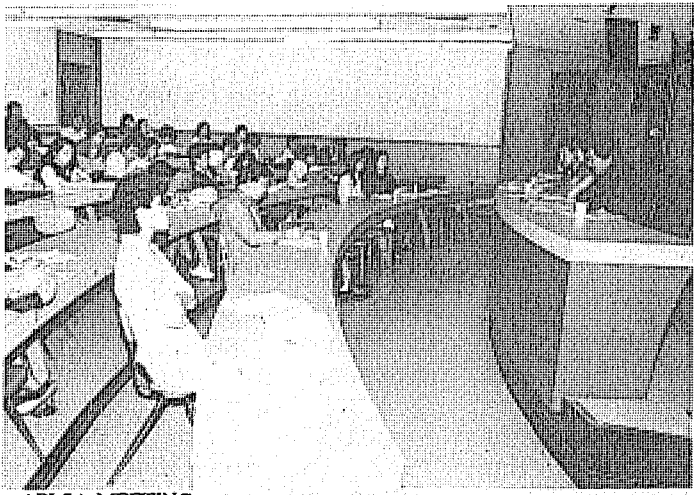
invites 2nd and 3rd year students
of the UCLA Law School
to interview on campus
on October 23, 1987

Shartsis, Friese & Ginsburg is a firm of 24 attorneys
with a sophisticated commercial practice.
We seek students with the highest academic
qualifications.

BARGER & WOLEN

Barger & Wolen is a 32-attorney
firm in downtown Los Angeles, with a
sophisticated business litigation and
corporate practice. We are interviewing
this fall for well-qualified students to be-
come summer associates with our firm
next summer, and encourage you to review
our firm resume and NALP form at the
Placement Office. We will be interviewing
on campus on October 2 and are
committed to hiring at UCLA. (Seven of
our attorneys are UCLA Law School
graduates.)

Those who wish to contact our 1987
UCLA summer associates should speak
with Adam Salis or David Lippman.



APLSA MEETING

ASIAN PACIFIC LAW STUDENTS ASSOCIATION: A PROUD TRADITION

By Co-Chair Reginald W. Chun

Law School is like a haunted house; you aren't sure if you are doing the right thing by going in, and when you do, you know why you dreaded it. In this house of horrors, you'll love to hate the time you spent here. You never seem to get enough sleep here, and fun here consists of watching students torture others

with the "socratic needle" or trying to scare others with each other's abashed, minute knowledge of legal unknowns. It's never good to show feelings and emotions here; everyone's trying to be brave.

We the members of the Asian Pacific Law Students Association

(APLSA) welcome you to this unforgettable experience called "law school." You will meet your life-long friends here, make professional contacts, learn of your 150 year history as Asian Pacific Americans and best of all, get the inside track on avoiding the traps and false doors of legal education. Our organization exists to help Asian Pacific Americans succeed in achieving their highest potential as contributing lawyers to the Asian Pacific American community. We come from all over the United States with a common heritage and an uncommon perspective; we can make the effort by participating, leading and contributing to APLSA's varied programs and activities throughout the year.

APLSA continues its 15 year

See APLSA, page 4

Pircher, Nichols & Meeks

Invites UCLA's Second and Third Year

Students to a reception

at the

UCLA Faculty Center

in the PLAYA ROOM

on

August 27, 1987 (5 - 7 PM)

Refreshments and Hors D'oeuvres will be served

PIRCHER, NICHOLS & MEEKS
10100 SANTA MONICA BLVD.
LOS ANGELES, CA 90067
(213) 201-8905

ALFRED F. DELEO, HIRING PARTNER

HAIGHT, DICKSON, BROWN & BONESTEEL

Haight, Dickson, Brown & Bonesteel, a dynamic, growing Santa Monica firm, will be interviewing second year students for the 1988 Summer Program, and third year students for positions as associates. The firm offers a sophisticated practice, superior training, and a congenial atmosphere.

On - Campus Visits
Wednesday, October 7
Friday, October 9

MORRISON & FOERSTER

Morrison & Foerster will be interviewing second and third year law students at UCLA on the following dates:

September 28 and 29

Los Angeles office
San Francisco office

September 30

Washington, D.C. office
Denver office

UCLA law students who clerked for the Los Angeles office in the summer of 1987 were: Joyce Lee, John Lodise, Lynn Pilchak, Janet Rich and Nancy Zamora.

Morrison & Foerster, 333 S. Grand Avenue, Suite 3800, Los Angeles, California 90071. Recruiting Coordinator: Judy Frye (213) 621-9460

APLSA

Continued from page 3.

tradition of training leadership for the communities we serve. As a guardian of equal access to legal education, APLSA will continue to advocate the concerns of the grossly underrepresented Asian Pacific American and minority community, with other Third World community organizations within the law school and UCLA campus. APLSA has

close ties with all the Asian Pacific American Bar Associations, and the Los Angeles area Asian Pacific American law student organizations. As a member of the 17 organization-strong undergraduate Asian Pacific Coalition, APLSA also offers a wealth of opportunities for law students to get involved in issues affecting UCLA.

Putting you close to the community through innovative educational programs on and off campus, APLSA re-affirms your proud cultural heritage, so you can build on creating your

own history as an Asian Pacific American in any setting-- corporate, government, or community.

APLSA combines professional development and social activities to maximize those occasions where you need a break from the grinding stress. We have at least two organized parties so fellow sufferers can revel or mourn, liquid bar review courses with sympathetic lawyers, and other social activities you can write home about. Our mentor program with other Bar Associations and our own

second and third year veterans transforms your law school tribulations into one of bearable intensity. We will continue to have small bar course review sessions as part of our growing policy of meeting our student's changing academic needs.

We hope to have an exciting year with you so come and join us in shaping your years at law school into an educational and growing experience you won't forget. Stop by! Our meetings are on Mondays, at 12 p.m. in Room 1337. The people united will never be defeated.

ADAMS, DUQUE & HAZELTINE

will host a Reception at the Faculty Center on Tuesday, August 25th from 6:30 to 7:30 p.m. Second and third year students interested in learning about our Los Angeles, San Francisco and San Diego offices are invited to attend. We will interview on-campus on September 23rd.

CORBETT & STEELMAN

CORBETT & STEELMAN is a growing AV-RATED 11- attorney Irvine firm with substantial practice emphasizing sophisticated business litigation. We are interested in interviewing third year law students with good interpersonal and writing skills as well as superior academic achievement. Our firm offers a challenging practice with salaries and benefits competitive with major Los Angeles law firms. Third year students please make an appointment with the placement office to speak with us Friday, September 25, 1987 between 9:00 a.m. and 4:00 p.m. Second year students are urged to send their resumes in confidence to:

Hiring Partner, Corbett & Steelman,
18200 Von Karman Suite 200,
Irvine, CA 92715

WYMAN, BAUTZER, CHRISTENSEN, KUCHEL & SILBERT

Wyman, Bautzer will be conducting on-campus interviews with second and third year law students on Monday, September 21, 1987 and Tuesday, September 22, 1987. We invite all interested students to interview for summer associate and permanent associate positions.

We will also be hosting a cocktail party for second and third year law students in the California Room at the UCLA Faculty Center on Monday, September 21, 1987 from 5:00 - 7:00 P.M. Please join members of our firm in this relaxed atmosphere and learn more about the exciting opportunities at Wyman, Bautzer.

If you are unsuccessful in obtaining an on-campus interview but would like to submit a resume directly to the firm, please contact our Recruiting Coordinator, Donna Francis, at 213-282-5457

up guidelines for Mickey Rappaport, and if so, will there be any minority faculty members represented on that committee?

Ambrose: Well, the committee hasn't been selected. There will be an admissions committee, there always is. It will be formed relatively soon. There will almost certainly be minority members on that committee. I say only almost because I am not the appointing power and I can't actually make that commitment. This committee will surely set up guidelines. The other thing to keep in mind is that Dean Rappaport doesn't, I think, want to decide the cases in the grey area. One of the things that was adopted at this faculty meeting was a provision for referral of cases to the admissions committee for decision. That was instituted in large part on the initiative of Dean Rappaport. So, the most difficult cases would be presented to a larger group. So I don't think that he is eager to grab all this decision making for himself.

Docket: But a large percentage of the decision making will be held by him, right?

Ambrose: Well, I don't know exactly what percentage, but I think you can figure under the existing system, large portions of cases wind up being non-controversial and everyone agrees on those. Those cases would be decided by him [Dean Rappaport] and presumably being decided sooner, which would be advantageous from the point of view of actually getting people to come here.

Docket: Will the cases being decided by committee be set up the way they were last year or just by one committee?

Ambrose: I could be wrong, they may decide they want to structure it otherwise, but the way the faculty passed it, the cases would be referred to the admissions committee.

Docket: Which makes sense if they want to get rid of the inconsistencies.

Ambrose: Right, exactly. Now, the other thing to keep in mind is that Dean Rappaport works in conjunction with the Chair of the committee so that it is not just one person, and again I don't think it is in Dean Rappaport's interest that it all be viewed as concentrated in one person. Among other things,

the meetings he has with perspective applicants becomes a bit more awkward when they realize they are talking to the decision maker rather than a person who is just passing the cases on. So I think the fusion of responsibility to the Chair of the committee and the marginal cases to the committee itself is very healthy for the functioning of the Dean of Admissions and the admissions office.

Docket: What kind of statement do you think it makes when people hear that faculty members were relieved that they were no longer going to be part of the admission process because they thought it was taking up too much of their important time?

Ambrose: I don't think that that is the source of the relief. I think the source of the relief is that the sense of some faculty members that they were participating in something that was very unfair and in some respects arbitrary.

Docket: Because of the different groups?

Ambrose: Yes, I think that they were feeling that there was not a lot of sense to who was getting admitted into law school. I think that was disturbing faculty members a lot.

Docket: There has been criticism in regards to the faculty meeting being held in May, at a time when student input would be at a minimum due to finals. How does the administration answer that?

Ambrose: Well, I think one thing that Dean Prager has said is that she thinks that it was not ideal that the discussion began when it did and she was the first to acknowledge that. There were a variety of things that contributed to that. Probably one of the most important was that her responsibilities as the President of the Association of American Law Schools didn't end until January and that was a

very time consuming responsibility. But I think one of the things we would point out is that we had student representatives at every faculty meeting at which this was discussed. That actually began in March. So, while it is true that the specific proposals didn't come up until April, there was certainly some indication earlier on, beginning early in March, that this was something that was going to be coming up and we did try to involve the student representatives as early as the faculty. And I think we've done what we could under the circumstances to make sure that people were informed all along, but I think that's the response we have.

Docket: From my perspective as a student, it appeared that this was being done in a rush fashion. I grant that I was not a student here last year, therefore I am not aware of what was proposed last year. However, since the enactment of these new support services, why didn't the administration elect to see whether the support systems would make a difference 3 years down the line first, before acting on changing the retention grades and so on?

Ambrose: Well, I'm not sure when exactly you can mark the time when things are effective or not effective. I think the feeling, at least on my part, was that we should move these things along simultaneously. The change in retention rules was a very small one insofar as it effects dismissal, moving the dismissal line from 64 to 65. Presumably whatever support programs we institute this Fall will be operative toward the students to whom this new retention rule will apply. The somewhat more dramatic retention rule relates to probation. For those students there will be an opportunity to experience the new support programs for 2 years before any dismissal standard gets put into effect. So I think the sense was that we can move along

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MCKENNA, CONNER & CUNEO

THE LOS ANGELES OFFICE OF
MCKENNA, CONNER & CUNEO
INVITES UCLA SECOND AND THIRD
YEAR STUDENTS TO INTERVIEW
WITH THE FIRM'S REPRESENT-
ATIVES ON:

WEDNESDAY, SEPTEMBER 30
THURSDAY, OCTOBER 1

First year students may inquire after
December 15, 1987 and before January
15, 1988 to:

Julie Inouye,
Manager of Legal Recruiting
444 South Flower Street,
Los Angeles, CA 90071

STOREY & ROSS

PHOENIX

Storey & Ross is a growing 40-attorney firm, which specializes in Real Estate, Commercial, Lending, Estate/Trusts, and Litigation. We are interviewing second and third year students at the following schools:

USC	October 19
UCLA	October 20
Hastings	October 19
Boalt Hall	October 20 9:00-1:00
Stanford	October 20 4:30-7:30

Please contact your placement director for more information regarding Storey & Ross.

Send resumes to:

Storey & Ross, P.C.

Attn: Vicki Bramanti, Recruiting Coordinator

Court One-Fourth Floor

4742 N. 24th Street

Phoenix, AZ 85016

CONT PAGE 1

prepared." "I didn't read the case," or, weaker, "I read it but didn't understand it" ((the prof may draw you out on this, so say you didn't read it when you really didn't, or people will start to titter at your predicament).

Professors might also accept, "I haven't bought the book yet," especially late in the semester. If ever *invited* to perform (rare), say in a hollow voice, like Melville's Bartleby the Scrivener, "I would prefer not to."

5) GET MARRIED. An illuminating experience in Civil Law. There's nothing like a good domestic squabble to give you the edge on understanding the Adversarial System. Even if you've only watched one, you know *your opinion* just doesn't prove you're "more likely than not" right unless you have black-and-white backing you up (it's so triumphant to open a book and say, "See, it says so right here; in _____ v. _____ or Rule _____"). If your opponent is thus proven right, you know how to be smug with, "Well, that's the *exception*; anyway, the dissenting opinion is cited more often."

There are plenty of marriageable prospects in Los Angeles. Boys can hit on the sorority girls writing inane graffiti in the library. Girls should frequent happy hours at Carlos and Pepe's in Santa Monica. Or take the easy way out; fall passionately in love with someone down the row from you in Contracts and become the class couple. Whatever, get your emotional needs taken care of, but don't bury them deep--they'll erupt at the most inconvenient times, like midway into your first exam.

6) MAINTAIN OUTSIDE INTERESTS. Buy why? When you're an attorney, law--or at least the case of the moment--will be your all-consuming interest. What the sage advisors presumably mean

when they offer this is play in or watch a softball game once a week, in anticipation of doing so for your firm's team.

7) BE LAID BACK. Pin you Carl's Jr. "Service Excellence" award over your desk at home.

Or perhaps your mother's last seasonal letter to her entire address book, proclaiming you the new lawyer in the family. Or commit to paper, and carry it close to your person, the little testimonial you gave to your friends all summer about how hard you're really going to work to prove yourself and make it in law school, etc. Anything to make you feel relaxed yet challenged enough to give 10-12 hours a day to the study of law. §

FIRST YEARS: WRITE FOR THE DOCKET

WIN:

- 1) FRIENDS
- 2) INFLUENCE
- 3) JOB EXPERIENCE
- 4) PRESTIGE

A First Year Dictionary

By Maile Luuwai and Susan Stott

"The Law" - an ambiguous term with very little meaning. We all enter law school thinking we are going to learn "the law." Well, forget it ... you never will. The only thing that is absolute about law school is that *nothing* is absolute, and if you're 100% sure you're right, you haven't learned anything.

"Optional" - This means you probably should do it ... if you value your grade.

"Highly Recommended" - This means mandatory.

"Mandatory" - If you don't know what this means, you shouldn't be here.

"Sectionmates" - These people will be your best friends and your worst enemies (especially at exam time). One thing is for sure, you'll be sick

of their faces by the end of spring semester.

"The Reasonable Man" - We don't know one, do you?

"Dating" - Forget dating law students. Most of the men will be chasing sorority girls. Most of the women will be laughing at the men chasing the sorority girls.

"Sex" - Eliminate it from your vocabulary because first years don't get any.

"Class Idiot" - Always talking but saying nothing.

"Fear" - The 50 minutes of class on the only day you haven't read your cases.

"Total Boredom" - 50 minutes of Civil Procedure 5 times a week.

"Law School Dive" - Mom's in Brentwood.

"Easy Score" - Second

year men picking up on first year women.

"Insanity" - Deciding to be a lawyer in the first place.

"Murder" - What you'd like to do to the asshole who always seems to know *all* the answers.

"Torts" - French pastries.

"Contracts" - Things you put out on people when you want to eliminate them.

"Criminal Procedure" - What criminals study in order to learn how to commit crimes.

"Civil Procedure" - When you act nice to somebody.

"Property" - (Proper - tea) This is a formal gathering of a few friends to enjoy tea and crumpets.

"Happiness" - The state of drunken stupor experienced after your last final spring semester. §

FINIS

ERVIN, COHEN & JESSUP

Ervin, Cohen & Jessup is a dynamic general business law firm of approximately 45 attorneys located in the heart of the financial district of Beverly Hills. We offer a unique blend of challenging and sophisticated practice with an informal environment. Our informal structure allows young attorneys to take important responsibility for major matters. We are seeking outstanding second and third year students for our litigation, corporate, tax and real estate departments.

Interested students should see our recruiters on campus this Fall or write directly to Sandy Williams, Recruiting Coordinator, Ervin, Cohen & Jessup, 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, California 90212.

'ADEQUATE CONSIDERATION'

By David Portnoy

To: All first year students
From: D.P.
Re: Some thoughts on starting law school

A leisurely perusal through any daily newspaper will confirm what most of you already know, or at least sense: the law touches nearly every part

of our daily lives. You need not be Joan Collins or Ollie North to realize that judges and lawyers control many of the day-to-day mechanics of the earthly existence to which each of us is ultimately doomed. So you came to law school to become a controller rather than a controllee. Or at least a somewhat richer controllee. Fair

enough.

I came to law school because the things which I had heretofore (forgive the dreaded legalese) been interested in seemed connected to, in one way or another, the law and those who practiced it. The Political "I" recognized that the vast majority of political actors were themselves lawyers, or had at least gone to law school. The Religious-Ethical "I" noticed that lawyers, or at least those from the

top law schools, seemed to lead reasonably comfortable lives.

After one year of law school, there are only a few things I can promise you. Unless you were a business major in college, or a graduate of a vocational school, law school will probably be the most down-to-earth, practical education you could imagine. You will spend the next three years here studying "cases" of men (mostly) who have in some way

become so entangled with one another that they need certain third parties (we'll call them lawyers and judges) to help pry them apart, resolve their differences, and send them on their respective ways. Whether it was some poor guy who lost his footing on the subway, or some overanxious starving fellows who decided to eat an unusually "hearty" meal, lawyers and judges have spent an awful lot of time and mental energy trying to solve the problems we, the human race, have been able to concoct. (Exam hint #1: No two fact situations are ever quite the same.)

Even before I started college, a friend of the family, a businessman, told me that the one year he spent in law school was the best education he ever experienced. I'm tempted to agree. Even if the only thing you learn this year is that you don't really want to be a lawyer, recall the wisdom of Polonius, who implored his son Laertes to "know thyself." You will learn a lot about the real world in law school. You should also learn a lot about yourself, where you belong, what you really like to do.

"The Paper Chase" and "One L" both took place at some faraway University back East. This is UCLA, the land of "The Sure Thing" and "L.A. Law." So relax. You're in for a tremendous year of practical education and personal discovery. Enjoy!§

PARKINSON, WOLF, LAZAR & LEO

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THE DOCKET was recognized for excellence in the 1987 American Bar Association Student Division Newspaper Competition. Writers interested in publishing articles on matters of interest to law students are encouraged to contact The Docket, UCLA School of Law.

DEAN

Continued from Page 5.

simultaneously with additional support and that the retention rules don't have any significant effect until those new support programs have had an opportunity to have their impact. Part of the problem with all this support effort is that we're operating without a lot of sure guidelines. It is not as if there has been a lot of programs in place in other places that we can have some real confidence that it will have a specific impact. If that was the case, I think it might be more justified to wait. But given the uncertainty of the consequences of these programs, the feeling was we ought to give them a try and in fact students won't experience any serious consequences until they have had a try. But since we're not sure what impact they are going to have it seems like we can just be trying programs and trying programs indefinitely and yet the problems could persist and persist. That's the best explanation I can give you. One of the consequences at being at the forefront is that you don't have have a lot of other people who have tried things and who can tell you what the results of them are. But that's okay, they'll learn from us.

Docket: How do you answer the criticism to the administration's actions in regards to the Bar passage rate, don't you think that there is more that could have been done than having one Section 5 for support services?

Ambrose: Well, you're posing the question in a way that I wouldn't pose it. To say that support services are not the answer is not exactly the way I would express the thought. What I would say is that we ought to be attempting to provide considerable support to students to try to assist them. Furthermore, I wouldn't suggest that Section 5 was the only form of support we're providing. In addition to Section 5, we have the summer program we instituted last summer for the first time and we'll be continuing this summer. We have individual tutorials that we provide for students both for 1st year and beyond. We have the T/A system in which upper-class students sit in on the, I guess the courses, for two 1st year classes in each section and provide review sessions and hypotheticals for the students. Part of our support service has been to make sure that every student has at least one midterm in their first semester of their first year. Plus, we have instituted this whole Bar preparation program this year. So, my feeling is that Section 5 is hardly the only form of support we're providing.

Should more support be provided? Yes, I think so, and that's one of the things that the faculty committed itself to. Probably the most significant thing that was done was the allocation of one additional full-time faculty position, a person who would work with Kris Knaplund to provide more support services. I think that's a very significant commitment by the law school. We are about to embark for the search of that individual right now. And I think the thing, well, several other things, one is to create a faculty committee that will be devoted specifically to that task. There will also be a set of fund raising priorities that will include getting money for consultants who will assist in additional diagnostic work mainly. The Dean and I have already begun meeting with faculty members in the Graduate School of Education who are quite knowledgeable about the programs and literature in this area. I wish I could tell you that they think there's some specific proven program that we can be instituting that would advance our support efforts. Their feeling is that the state of knowledge is sufficiently undeveloped, that we could be attempting some useful experiments. That's not exactly what we wanted to hear. But we're happy to put in place things that we think have a chance in providing us with useful information and a chance of providing help to students. I think we're going to need to bring in some consultants to help us with figuring that out and I think we're going to make some real advances.

Docket: The integrity of Section 5 has been questioned. How do you answer the criticism that students who really needed Section 5 were not admitted because they were beyond help?

Ambrose: Yeah, I think that's been a misunderstanding of what's gone on for Section 5. Now I am going on discussions I had with Kris Knaplund and my impression is that what she was concerned about in selecting students for Section 5 was among other things, people's record of attendance, doing the work, in other words, her sense that people were actually going to do what was necessary to derive the most out of Section 5 rather than some arbitrary cut-off point based on grade point average or something like that. But I'm not the person who was directly involved in that. I think the main concern that Kris [Knaplund] has had is that Section 5 requires a real commitment and she wanted to make sure that the people who were going to be in there were people who were going to make

that commitment.

Docket: Will that be the policy in the future or will there be some type of modification? It seems that if a student is getting "D's," then that student should be admitted because of the fact that the student needs the support. A student who gets a "B," but wants an "A" is not in dire need as opposed to a student who gets a "D" and needs a "C." I realize that this is only the second year of this particular program, however, are there any proposed changes?

Ambrose: I am not aware of them, but keep in mind that if there is another faculty person available to provide that kind of assistance, that the amount picking and choosing among students will be lessened.

Docket: I believe I read something that the administration was going to take into account the ethnicity of this new faculty member, is this still true? Are we looking at recruiting a minority faculty member who can relate more, I think, to minority students?

Ambrose: It has been discussed. It is a matter of how one states it. I think the way we like to state it in order to remain within the requirements of the University and the law is that we would like to hire somebody who has the greatest capacity to understand the students, and to stimulate the students to do

well. Our sense is that a minority person would be the type of person most likely to do that and that would be something we would keep in mind.

Docket: Is the law school considering an attendance policy for at least 1st years?

Ambrose: I think that will be considered. We already have an attendance policy if the faculty member announces it. The real question is whether to switch the presumption. This is the way I would frame it, to say that there is mandatory attendance unless the faculty member says no. The way the system currently operates is that there is no mandatory attendance unless the faculty member says yes. So what I think will be a subject for discussion is whether to switch that presumption. I think that there are some faculty members who will be very unhappy if we established a mandatory attendance policy that faculty members could not opt out of. So I think the most serious possibility is that we would talk about switching the presumption.

Docket: Thank you Associate Dean Ambrose for the time spent with us. §

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A MAJOR POLICY CHANGE AT CAREER PLACEMENT

By Henry Tovmassian

Last semester a third year law student accepted an offer of permanent employment with a local law firm. After taking the Bar Examination this July, the student was informed by the law firm that he was not going to be hired. The student obtained his offer by interviewing through On Campus Interview Process (OCIP). As a result the Career Placement Office (CPO) is

implementing a new policy, effective immediately, to sanction such actions. The following is the specific language of the policy:

STATEMENT ON EMPLOYMENT OFFERS FOR INCLUSION IN EMPLOYER INFORMATION PACKET

Offers extended through the OCIP must be honored by the employer. UCLA Law

School is prepared to sanction any employer who does not honor an offer of permanent employment. Once an offer of permanent employment is accepted by a student, if the employment agreement is unilaterally cancelled by the employer after April 1 and prior to the start of work date, the employer should ordinarily compensate the student with a minimum of eight weeks of the agreed salary to help finance the student during his or her search

for other employment.

Bill McGeary, director of CPO would like everyone in the legal community to know that this incident was the first in the last five years. And although such incidents do not occur very often, CPO is working for law students and wants to assure that such mistreatments do not occur again. §

MANATT, PHELPS, ROTHENBERG & PHILLIPS

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Manatt, Phelps, Rothenberg & Phillips will be interviewing second and third year students on October 15th and 16th on the UCLA campus.

GRAY, CARY, AMES & FRYE

Invites UCLA's Second and Third Year Students to a *reception*

at the

UCLA FACULTY CENTER

on

October 7, 1987 (5:00 p.m.)

RSVP Olivia Solis

at the Office of Career Planning

206-1117

Book Reviews By Eve Lichtgarn

Judging Credentials: Nonlawyer Judges and the Politics of Professionalism

By Doris Marie Provine
University of Chicago Press
1986, 248 pages, \$30.00 cloth,
\$13.95 paper

Forty-three states currently authorize the use of nonlawyer judges in their courts. About 13,000 lay persons hold judgeships in courts of limited jurisdiction. In many states (New York is one), nonlawyer judges outnumber the lawyer judges. Doris Marie Provine declares immediately in her extensively researched book, "The actual inferiority or incompetence of nonlawyer judges has never been demonstrated and, in my opinion, will not be demonstrated. Nonlawyer judges, my evidence and other research suggests, are virtually indistinguishable from lawyer

judges in how they conceive and perform the key elements of their jobs."

Provine supports her thesis with facts gathered from a variety of research methods. Judging Credentials is about as dry and styleless as a Christmas tree in August, but, like the Christmas tree, the manuscript has some interesting adornments. Provine's diligence has produced valuable statistics, observations and survey results which indicate a general even-handedness in the exercise of due process guarantees and judicial discretion between lawyer and nonlawyer judges. One amusing passage, however, seems to undermine her point. A nonlawyer judge in Kentucky was questioned for his erroneous handling of a drunk driving case:

Q: Are you familiar with the Fourteenth Amendment to the Constitution of the United States, as to what it provides?

A: Yes, sir.

Q: What does that provide?

A: Right off hand I don't ... something about judicial. I think one of them is judicial procedure or something or another. I'm not for sure...

Q: Are you familiar with the term "due process of law" or "equal protection of the law?"

A: Yes, sir.

Q: In legal meaning?

A: No, that's beyond me.

Ironically, Judging Credentials is not for a lay audience. Its highly technical approach to the subject of nonlawyer judges may be of limited appeal and interest to anyone but lawyers. §

deliberation and verdict. He is entertaining--almost to a fault.

Wishman tries to be all things to all people; the sagacious trial attorney sharing his years of courtroom experience and the flippant lawyer telling hackneyed old court room jokes. He falls into the trap of repeating the one about the flamboyant defense counsel who supposedly stood before a jury during summation, pointed to his beautiful female client and said, "I ask you, ladies and gentlemen of the jury, are those the legs of a murderess?" and the one about the male juror who fell asleep during a molestation case only to be awakened by the attractive woman juror next to him passing a note containing a lewd proposition which he excitedly accepts, but which turns out to be an item of incriminating evidence written by the defendant and submitted for jury inspection. These lapses into locker room humor are only supposed to demonstrate that a criminal attorney must maintain a sense of balance or else lose all sense of sanity.

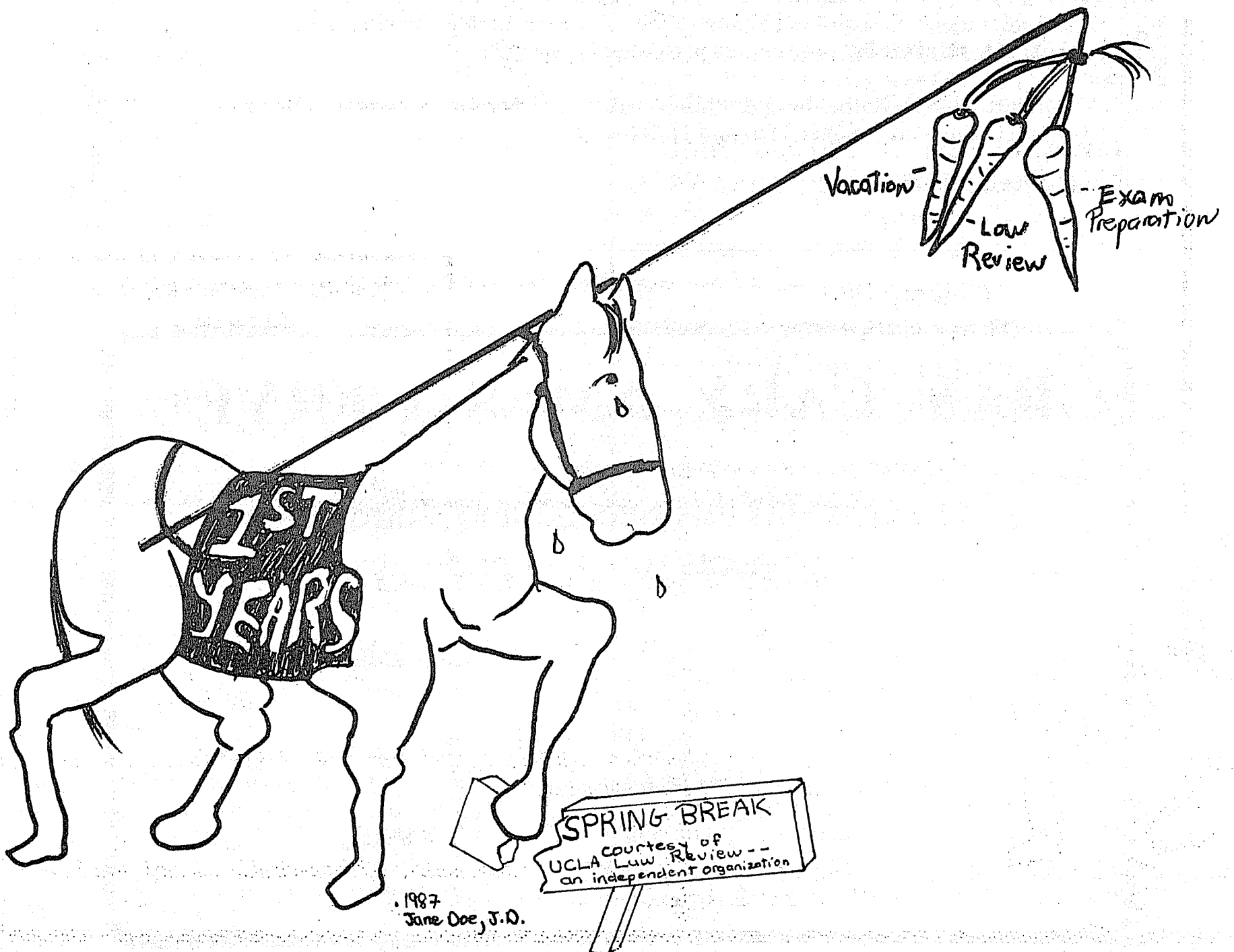
Wishman, also the author of Confessions of a Criminal Lawyer, does offer the kind of insight and observations about juries that can be obtained only through experience.

CONT ON PAGE 12

Anatomy of a Jury: The System on Trial

By Seymour Wishman
Times Books
1986, 322 pages, \$17.95

Criminal attorney Seymour Wishman must be a frustrated novelist, judging from his book, Anatomy of a Jury. He opens with a graphic, gory description of a murder scene that would satisfy any reader of crime fiction before he embarks upon the legal odyssey of jury selection, trial,



LETTER

Continued from Page 2.

behavior." The attempt at education, however, has been to alert people to the exotics of unsafe sexual behavior (yes, difficult though it is to concede this is true, non-gays are also capable of rather exotic behavior). I also personally find it offensive that the author uses the term "homosexual" in his editorial rather than "gay." The stodgy legal profession may persist in using "homosexual," but it is a clinical term which refers to the ability to engage in a sexual act with a member of the same sex, and is offensive to the lesbian and gay community. "Gay" (for men) and "Lesbian" (for women) refer to the ability to carry out a relationship, on many levels, with a member of the same sex. We in the lesbian and gay

community are tired of those closet homophobes who insist that they "could care less what people do behind closed doors," but who would also deny lesbians and gays the rights to express affection in public, to have access to equal housing and employment, and to marry and raise a family.

The only point on which Mr. Benton and I agree is that AIDS is a disease, not a gay disease, and needs to be treated as such. This recognition, however, is long overdue in the United States, and the AIDS epidemic should not be used as an excuse by some members of our society to continue to deny lesbians and gay men basic human rights to which we are entitled.

Those wanting more information on AIDS and risk reduction should contact the hotline of the AIDS Project/Los Angeles at (800) 922-AIDS. §

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Citicorp Plaza
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* * * *

RSVP Sally Crawford at
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Student Contacts: Tori King (3L)
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Calendar of Law Firm Receptions (clip & save)

August 25, 1987 (6:30 pm)
Adams, Duque & Hazeltine

August 27, 1987 (5:00 pm)
Pircher, Nichols et al

Sept. 21, 1987 (5:00 pm)
Wyman, Bautzer et al

October 2, 1987 (6:00 pm)
MacDonald, Halsted et al

October 7, 1987 (5:00 pm)
Gray, Cary et al (San Diego)

(an advertising supp.)

CONT FROM PAGE 9

Although the trial presented in Anatomy of a Jury is based on an actual murder proceeding, it contains elements from other trials to enhance its usefulness as an example of the jury system at work. The result is more a pastiche than a prototype. However, the book's Notes section contains references to real cases and articles which provide amplification of specific issues and avenues for further reading. Just what you needed. §

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This fall we are interviewing in the Los Angeles area at UCLA, USC, and Loyola law schools and at many of the major law schools throughout the country. We will be interviewing both second and third year students. If you are unable to schedule an interview at the law school, please send your resume to:

Lee Anne Larrabee
 Recruiting Coordinator
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 & Samuelian
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