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The Docket

Monday, February 11, 1980 UCLA School of Law Volume [illegible], Number [illegible]

Ruling by Court Throws Admissions Into Doubt

By Ana Lopez

The law school's admission program may be invalidated for the second time in as many years, if an appellate court ruling against race-conscious admissions is upheld—an event generally considered unlikely.

In a recent decision, *De Ronde v. The Regents of the University of California*, the California Court of Appeal held that the use of "race, color, ethnic origin, or ethnic status" violates the California Constitution. In *DeRonde*, the court relied on reasoning in the California *Bakke* decision which held that the use of quotas in a medical school admissions program was unconstitutional.

Although the California Supreme Court based its decision in *Bakke* on the federal constitution, the appellate court, in adopting the *Bakke* opinion, reasoned that the state constitutional question was addressed by "necessary implication." Therefore, the appellate court concluded that the California *Bakke* decision, which is squarely counter to the United States *Bakke* decision, rests on "independent state grounds."

Last year, the Law School had to revamp an admission program that reserved space for set numbers of minority students, after the U.S. Supreme Court ruled in *Bakke* that racial quotas violated the equal protection clause of the Fourteenth Amendment. Justice Powell's opinion in that case, however, allowed race to be taken into account in admissions decisions, and the Law School's year-old "diversity" plan does just that.

Stephen Yeazell, Chairperson of the Admissions Committee, said "the case is wrongly decided. The question decided in *DeRonde* was previously decided by another California Court of Appeal, and *De Ronde* acknowledges that that case is squarely opposite. So there are at least two cases in the opposite direction.

"Furthermore, *DeRonde* doesn't do much in the way of convincing someone it's right," Yeazell added. "It's a broad opinion—hardly a model of craftsmanship. It fails to persuade me that it's right on the merits."

SBA President Jose Velasco described the opinion as an "expose of two justices' personal feelings on affirmative action programs." Adding that *De Ronde* is a "poor opinion", Velasco, who clerked for California Supreme Court Justice Matthew Tobriner last fall, stated that "the opinion is lacking in analysis. It's based on the presumption that merit is equal to standardized test scores. What it fails to note, however, is the differences between minorities and their Anglo counterparts."

Yeazell, who was a member of the committee which admitted the first UCLA law school class under its new "diversity" program, said that the "notion that you can predict professional competence from the predictive index rank," a premise heavily relied on by the appellate court, "is not only not 'obvious,' but completely refuted by the evidence." Yeazell added that the opinion is "silly and tragic because it reflects a profound misconception of what the law school program is all about.

"The whole notion that admission to law school is something someone is automatically entitled to because of high marks is a fundamental mistake; as is the notion that you can make a prediction about the sort of lawyer someone will be in that linear sort of way."

Expressing optimism that *DeRonde* would be reversed, Dean William Warren pointed to a recent California Supreme Court case, *Price v. Sacramento Civil Service*, which was decided one week after *De Ronde*,

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Ralph Nader debunks the Great Myth: 'Law school is the easiest professional school to get through—including dermatology school.'

Nader: 'Don't Get Isolated'

By Howard Posner

About 150 persons crowded into the Moot Court Room (which is designed to hold less than half that number) on a Tuesday morning to hear Ralph Nader talk about law and the law school experience.

Nader spent a miniscule amount of time stumping for two projects, a California Public Interest Research Group and the Equal Justice Foundation, both of which have been pushed here in the past without taking hold.

The rest of his talk was about the "superfluous rigor" and "empirical starvation" of law school, which he felt haven't changed nearly enough since his days at Harvard more than 20 years ago.

"The Harvard client was Mr. Power, and it was obvious from the selection of courses. There was nothing in poverty, environment, or corporate crime—we just barely reached embezzlement by April,"

(Continued on Page 4)

Press, Courts Meet in UCLA Symposium

by Howard Posner

"The press has discovered a mission—and it's a holy mission—to publish whatever it knows," said Jonathan Kirsch of *Newsweek*. "The new rule is 'publish and be damned'."

Kirsch gave the keynote address at a symposium entitled "Media on Trial: The Press and the Courts in Conflict," presented by UCLA extension on Saturday, February 2.

In addition to Kirsch's speech, the day-long program consisted of a panel discussion about confidentiality press access to hearings, and the role of the press in the justice system generally; and a mock trial in which the "government" attempted to restrain publication for national security reasons. Kirsch, a reporter who graduated Loyola Law School in 1973 (as did Shiffrin) said "the legal system and the press are now locked in a very bitter struggle," one that stems as much from differences in temperment as from conflicting interests.

"Lawyers seek to do justice through process. Reporters also see themselves as doing justice, but they ses authority as inherently corrupt."

Distrust of Power

"The press distrusts powerful people," Kirsch said, noting that when Woodward and Armstrong began working on *The Brethren*, their book about the Supreme Court, they got there a few steps ahead of David Halberstam, another prominent journalist.

"It's significant that the reporters who broke the story of the Imperial Presidency turned next to the Imperial Judiciary."

Kirsch feels the function of the press has been threatened by recent court decisions—not so much by *Herbert v. Lando*, which allows a libel plaintiff to take evidence on the defendant's state of mind before publication, but by *Gannett v. DePasquale* (which affirmed the constitutionality of closed preliminary criminal hearings) and the *Stanford Daily* case (which approved a search of a newsroom), both of which hinder newsgathering efforts.

The question of press access to hearings occupied much of the discussion by Shiffrin's panel, where, for the most part, lawyers found secrecy necessary to protect the rights of criminal defendants while members of the press talked in terms of maintaining public scrutiny to ensure above-board dealings.

Just the Facts?

At one end of the issue was U.S. District Judge Manuel Real who said "the public has an interest in the facts only, not in the operation of the criminal justice system."

But, said Richard Spangler of KGIL Radio, if the public and press are denied access, there will be no evaluation if improper charges are brought, or improper disposition made of cases."

The whole notion of the press

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Federal Judge Manuel Real (left) and California appellate Justice Bernard Jefferson disagree on most issues of conflicting press and courts: Real tended to favor the courts, Jefferson the press, at a symposium in Dickson Auditorium.

The DOCKET Goes Under?

Alternative Placement. . . page 2

'The Brethren' Reviewed. . . page 7

'Interview Horror Stories'. . . page 10

Fun, Games, and an explanation of sorts inside.

To all UCLA Law School Faculty, Students and Staff!

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Money Can't Buy Alternative Placement

By Katherine McDaniel
Member, SBA Placement Committee

It has been argued that the Law School needs an Alternative Placement Center, or at least more placement funding so that the current Placement Office can take on responsibility for finding students alternative legal positions. It is said that the Placement Office spends so much time and money placing students with big corporate firms during the fall interview season, that there is an obvious lack of energy and funds devoted to alternative placement.

People get alternative jobs through a casual, spotty process that appears to depend largely on luck. . .

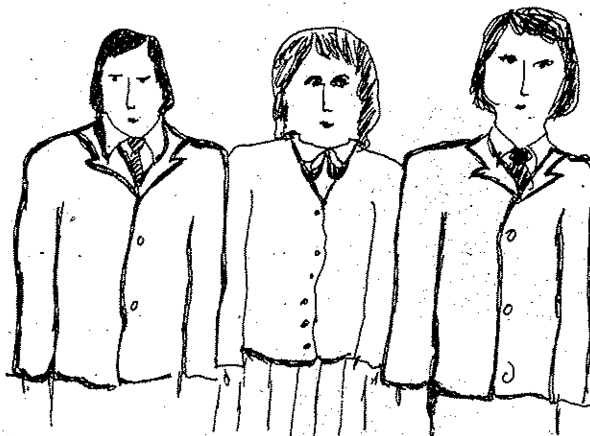
Unfortunately neither an alternative placement office nor more placement money will be enough to solve entirely the very complex problem of alternative placement.

I do not mean to defend the Placement Office. It is all too evident to any preoccupied law student that fall interview season is the Placement Office's major activity, consuming most of its Xerox budget and all of its time from spring, when firms are first contacted, through December, when the last interviews take place, not to mention First-Year Placement orientation resume workshops and mock interviews. The one-third of the student body that gets placed through this process gets more than its fair share of placement money.

But when alternative careers come up, the subject generates a lot of confusion, due in large part to misunderstandings about what is meant by "alternative careers", and to lack of information about the process by which they are required.

I would define "alternative careers" to mean those career paths selected by students who have special, non-traditional, non-corporate interests in some field or practice of law, and who are certain enough of those interests to be willing to accept less pay and less prestige to pursue them.

This definition encompasses minority students who want to work in their minority communities; students who want to pursue a career that is technically non-legal; students interested in a particular legal field such as communications law and would consider several working environments including government agencies, private law firms, and private communications companies; students who want to do legal aid or government work or teach law. In other words, these students want to structure their work life around special interests they have rather than around which firms offer them jobs.



There is a substantive difference between the process by which students can obtain jobs with large firms and the process by which they get that first job in their alternative career paths.

The firms are concerned with getting bright law students to work for them, and assume that they will have to teach those students almost everything they will need to know about practice. Consequently, students who interview with them seem pretty interchangeable, and they tend to differentiate students on the basis of grades, looking at the students' appearance and personality once the grade threshold has been met. Big law firms also can predict almost exactly how many new attorneys they will need a year from now, which lends some certainty to their hiring process. They know that all they have to do is go to the top ten law schools during the fall, interview several students at each, make offers to a couple of students at each school, and they will end up with their quota of law clerks and new associates for the next year.

By contrast, people get alternative jobs through a very casual, off-hand, spotty process that goes on all year round and appears to depend largely on luck. The very fact that in each student's case the process "appears to depend upon luck" has resulted in a situation where the Placement Office has virtually thrown up its hands and students have been left to flounder for themselves in seeking such positions.

Actually, there is a process going on, and it is not "luck." It is a very sophisticated social process called "networking". Networking is the process whereby people meet other people interested in the same thing, and these people introduce them to others, and so on. Networking has been known by less savory names, such as the "old boy club," which connotes ethnic and religious discrimination and other disagreeable traits. But the social phenomenon of networking is still there, and in the contest of alternative careers it is probably the single most important placement factor.

The reason is this: people who hire for alternative positions have very little margin for error. They want to make sure the person they hire is really interested in the job and will fit in well with other people in the operation.

. . . it isn't luck, but a very sophisticated process called 'networking.'

In addition, job openings in alternative positions are few and fall open at irregular times of the year, so employers cannot accurately predict employment needs and must fill positions as they fall vacant. Some employers, especially in

(Continued on Page 9)

How Do You Fit In Here? A Survey

By Merril Bernstein

The Docket, in response to the plethora of surveys going the rounds, has designed its own survey, guided by the soundest of scientific principles (and the incoherent babblings of one of its staff members after a fitful evening at the Bratskellar), and intended to give you deeper insight into yourself, to give us deeper insight into you, and to take up approximately 11 inches of dead space in this issue of the paper.

Highlighters ready?

1. Your primary goal in life is to: (a) retire at 25 (b) get rich quick (c) bomb the distribution room.

2. Since entering UCLAW, your social life has: (a) disintegrated (b) vanished (c) self-destructed.

3. Your favorite form book is: (a) Bender's (b) Deering's (c) Penthouse.

4. When you receive a rejection letter from the firm of your choice, you: (a) file it neatly away in the appropriate folder in your two-drawer steel file cabinet (b) use it to paper the south wall of your bathroom (c) shred it and use the pieces for a wastebasket fire over which you toast a voodoo doll image of the interviewer.

5. Torts is: (a) the biography of Mrs. Palsgraf (b) a high-calorie, fat-creating, cholesterol-level-increasing unaffordable delicacy (c) what you are about to do to the turkey who typed "insert Part B here" in your Moot Court brief instead of *inserting* Part B.

6. You decided to go to law school because: (a) you had an overwhelming desire to hide from reality for another 3 years (b) you register 8.9 on the Richter scale watching "The Associates" (c) you always wanted to wear a three-piece charcoal-gray pin-striped suit and carry a pocket watch.

7. You decided to come to UCLAW because: (a) Los Angeles is about as far removed from reality as you can get (b) California has lots of nifty earthquakes (c) you always wanted to wear a three-piece charcoal-gray pin-striped suit when it was 102° in the shade.

8. Law school has increased: (a) your ability to get along with law school nerds and other flotsam (b) the amount of time you spend hiding in dark closets and under beds (c) your blood pressure.

9. Your favorite piece of modern fiction is: (a) *How to Succeed in Law School Without Really Trying* (b) *The Brethren* (c) the ingredients label on your dehydrated pre-processed artificially-flavored freeze-dried dried dinner.

10. On a scale of 1-10, law school has been and is being a: (a) 2 (b) 9½ (c) -13.

11. The preceeding questions have been: (a) insightful (b) thought-provoking (c) inspiring.

For your handy tear-out scoring guide and a *personalized* evaluation of your test results, walk (do not run) to the page indicated below.

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The Not-so-subtle Art Of Judicial Writing

By Raj Seshu
Self-Appointed Wag

In the haze which overcomes me after awakening with my head atop an open casebook, I often wonder how judges do it—it's almost as if they're conspiring to make my life miserable (Emotional Distress? Torts?? "Fraud vitiates consent"?!?). After the first hundred times or so, it occurred to me that the conspirators followed certain rules and, upon reflection, I compiled (always in the same haze) a short list:

1. The passive voice is to be used often by the judge who has contemplated the rationale behind the Legitimizing Effect of Obfuscation, which is further increased by the use of prepositional phrases, as well as an overall average of greater than forty words per sentence. An illustration will be elucidating: "The conclusion here is inescapable that the loan company was paid its loss by the American States Insurance Company and the plaintiff-appellee received partial reimbursement by acquiring the three acres of land through their attorney as trustee, which would have left Cook with no opportunity at all for recoupment on the sale of the land if there was any equity therein, by foreclosure had he not been discharged as heretofore set out in this opinion."

2. Paragraph breaks are meaningless in a well-written opinion: the flow of thought should render unnecessary this somewhat ornamental practice.

3. If you can't make a necessary distinction, search until you find one. Fine judges make finer distinctions: lack of provocation isn't malice, doing something isn't being something, doing nothing isn't not doing something, and not doing isn't nothing-doing.

4. Out-of-jurisdiction cases which hold in accordance with a competent judge's opinion are useful precedents. The rest are merely irrelevant.

5. If someone ever does get up the nerve to wade through the boxes of paper necessary to contain your well-written opinion, make certain that a lazy reader cannot avoid reading the entirety of discussion on a point. Periodically, you may give little hints about your conclusions in your choice of adjectives, but never cease the give and take of opposing argumentation: objective meandering is the essence of judicial legitimacy.

6. Never forget your conscience! It may be shocked any time a holding is unjustifiable by other means.

Note that so far, the rules have been applicable to both trial and appellate opinions. There are special principles that apply only to appellate review.

1. Distinction between trial court's findings of fact and findings of law: what you leave untouched is fact, what you overrule is law.

2. How to make a policy change: always use the first case which becomes available—if it

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The Docket

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...Nader

(Continued from Page 1)

Nader told the crowd of UCLA students, most of whom never got to embezzlement at all.

"We were concerned with crime in the streets, not crime in suites," he concluded.

Food for Thought

Harvard was not in the business of producing Ralph Naders. "In the seventh week of my first year, I asked a professor why there was no course in food and the law.

" 'Food?' he asked.

" 'Yes,' I answered. 'We eat it.' I had to say something.

"He said he imagined the material that would be in such a course wouldn't constitute a sufficient intellectual challenge to Harvard law students. I asked what would.

"He looked up at the sky, a glow came over his face, and he said 'Tax.'

"Never once was there discussion of the fact that the overwhelming number of people in the country couldn't use a legal system.

"Law school is a place where you're exposed to superfluous rigor—distinctions without a difference. They pit you against each other, so that applied social science — otherwise known as civic action — never occurs to you.

Instead, Nader pointed to exercises like law review ("Where 50 bright students spend 30 to 40 hours a week checking footnotes") as an example of law students insulating themselves from the world.

Wrong Questions

Nader told of finding pages of a casebook, apparently ripped out one by one by a distraught student. Law student Nader followed the trail of pages, "curious with a new-found tunnel vision—I wanted to find out what book it was." When he found out, "I asked, 'why that one?' I was asking the wrong question."

Such myopia pervades legal education, said Nader.

"In contracts, do you still study 'Meeting of the minds'? How quaint. Eighty per cent of all contracts are contracts of adhesion.

"Strictly construing them against the maker is a retail solution. What about the wholesale solution, the preventive solution? Collective negotiation, for example.

Consumer Benefit?

"The whole economy should be justified in consumer benefit. Instead, we're trained to always look at it from the producer's side, whether our training is Ricardo or Marx."

"The corporate structure pervades everything. A big corporation that's mismanaged doesn't go bankrupt—it goes to Washington," he said, noting that the prospect of huge corporations laying off thousands of workers gives the companies political clout in obtaining subsidies and loan guarantees (of which there are $400 billion outstanding, Nader noted). "*Concentration* gives Chrysler and Lockheed leverage."

Delawareness

Corporation law at Harvard, said Nader, concentrated on the permissive law of Delaware, which he called "the lowest common denominator."

"The whole thing would invite satire—if law professors knew what it was."

Nader urged students "not to get isolated. Go into areas where the law has observably failed. A lot of people are a reflection of what they see every day.

"Law schools should sprinkle blue-collar workers in among law students. You'd be astounded at what they would tell you."

Above all, Nader told students not to be intimidated by law school.

"Law school is the easiest professional school to get through—including dermatology school. You should spend maybe 20 percent of your time on classes. The rest should be spent on an education that's geared to your values.

"What's that law firm downtown? O'Melveny and Myers? They should be on the Ten Most Wanted List. But reporters refer to that firm as 'prestigious.'

Price is Right

"Law firms have learned their lesson. They're buying students out now," said Nader, who urged students to take an approach other than economics to the employment process.

"Ask yourself what kind of work you want to do, and what kind of client you'd want to represent, if money were no object. It's a hypothetical—you know how to deal with hypotheticals.

"Then plug in money. Figure out how much it takes to get you to give up something you want. You may find that if you go for a big salary, you're selling yourself cheap."

In the course of his one-hour talk, Nader touched on some other subjects:

— "In the 1960's, there was a change in the law schools stimulated by the marchers and demonstrators. The change came not from the intellect, but from the fires in the streets."

—"Nobody would ever accuse Harvard Law School of foresight. You know why there was never foresight at Harvard? You couldn't footnote it."

—"What does the LSAT test? Eye movements?"

A Nader research group has just published a report highly critical of the Educational Testing Service (ETS) which administers nearly all tests used in higher education admissions.

"The LSAT doesn't test determination, stamina, judgement—all the things that have made civilization progress. And psychometrics are inexact —ninety percent of the time they predict as well as a throw of the dice.

"But ETS allocates the career and education opportunities of millions of people. . . If a government agency had that kind of power there'd be an uproar."

—"The head of the Internal Revenue Service told me he didn't understand the insurance part of the Code. And all the actuaries who could understand it are working for the insurance companies. I told him 'I know you can't say it, so I'll say it: it's unenforceable, isn't it?' He just smiled. That's one reason insurance companies pay even less tax than oil companies."

'Senile' Editor Ousted; Docket Future Grim

UCLA — A special student-faculty-staff committee has ousted the editor of the UCLA Law School newspaper, after apparently determining that he had grown too senile to run the publication adequately.

"It seems apparent from even a casual reading of *The Docket*," the Committee on Journalistic Performance said in a press release, "that Howard Posner, its editor, has grown incapable of handling the task, and that the job should be given over to someone less worn by the ravages of time."

Posner is 23.

In a telephone interview, the defrocked editor called the Committee's statement "a distortion."

"I had planned for some time to make this issue of *The Docket* my last, and had hoped to use it as an opportunity to show the ropes to new people who might inherit the awesome mantle or responsibility. The response was pretty meager, so I'm closing up shop.

"Perhaps the problem is that the law school just can't support a tabloid-sized newspaper, and something more modest — or nothing at all — would be more appropriate.

"Then again," he reflected, "the problem may be that this law school is full of illiterate crypto-fascist pigs who wouldn't know a newspaper from a kumquat if their lives depended on it. But I don't take it personally."

But a report by geriatric specialist Carl Maria von Weber, M.D., apparently leaked by a Committee member, tells a different story.

"The pattern is clear: the subject shows an inability to distinguish fact from fantasy, and a total lack of input-gathering capacity, as well as patent inability to count the number of pages in his publication. The tendency to bring the past wishfully into the present and occasionally to use the wrong rhinoceros in the middle of a sentence are all indicators of senile dementia," wrote Weber.

"While it is rare to find such an advanced case in one so young, it should be pointed out that this syndrome occurs to some extent in nearly all law students. Normally, however, it does not become serious until they become judges or professors."

One faculty member who chose to remain anonymous commented, "We all knew the kid was going last year, when he attended a faculty and wrote some crazy story about something called a 'diversity plan.' As far as I can see, he just made it up. I mean, can you imagine a faculty as intelligent as this one enacting something so preposterous?

"I think he hallucinated a lot, and he would dwell on the hallucinations — on the front page, too. You know we haven't had any Chicanos here since 1957."

If *The Docket* folds, it will not be the first time. The paper has started and stopped a number of times in its history. In 1977 a virtually defunct *Docket* was revived under the leadership of noted telephone solicitor "Smart" Alec Nedelman.

It was then that Posner's unique journalistic style, characterized by one media observer as "sort of a cross between Westbrook Pegler and Eugene Ionesco," first came to the attention of UCLA Law School.

Insiders say the editor's deterioration began last fall. "I think it started with his last admission story," said a particularly shifty anonymous source. "He had to interview Yeazell, you know."

Of late, students and staff on the second floor have heard Posner playing "Looney Tunes" on his guitar and shouting, "Le Doquette, c'est mois!" to no one in particular.

Posner has no plans to write an editorial on the demise of *The Docket* or attempt to recruit a new staff. Instead, he will finish law school and then attempt to fulfill a lifelong dream of crossing the Pacific in a boat made entirely out of law firm rejection letters.

Kriss-Kross Puzzle

By Gary Craig

Kriss Kross puzzles are solved by fitting the words supplied into their proper places in the diagram. The words are in alphabetical order according to the number of letters. You are given the word COPYRIGHT in position. To proceed, look for the 7-letter word that begins with "P". Continue in this manner until the puzzle is solved. Solution is on page 10.

4 letters	5 letters	6 letters	7 letters	8 letters	9 letters
DEAN	AUDIT	ATTEST	CHATTEL	INCHOATE	COPYRIGHT
FICA	CHECK	CYPRES	DEFENSE	PROCEEDS	EXEMPTION
ITEM	DEATH	DIVEST	DISSENT		REASONING
JURY	DRAFT	EXPERT	GARNISH		TURPITUDE
LIEN	OFFER	FUTURE	JUSTICE		
LOAN	SERVE	INJURY	PARTNER		
LSAT	STAND	INVEST	RECOVER		
RULE	STUDY	REFORM	RES IPSA		
STAY	TRUST	REPORT	TESTIFY		
WEST	TRUTH	STATUS	SUBSIDY		
	YIELD	TALMUD	WARRANT		
	YOUTH	TENANT	WITNESS		
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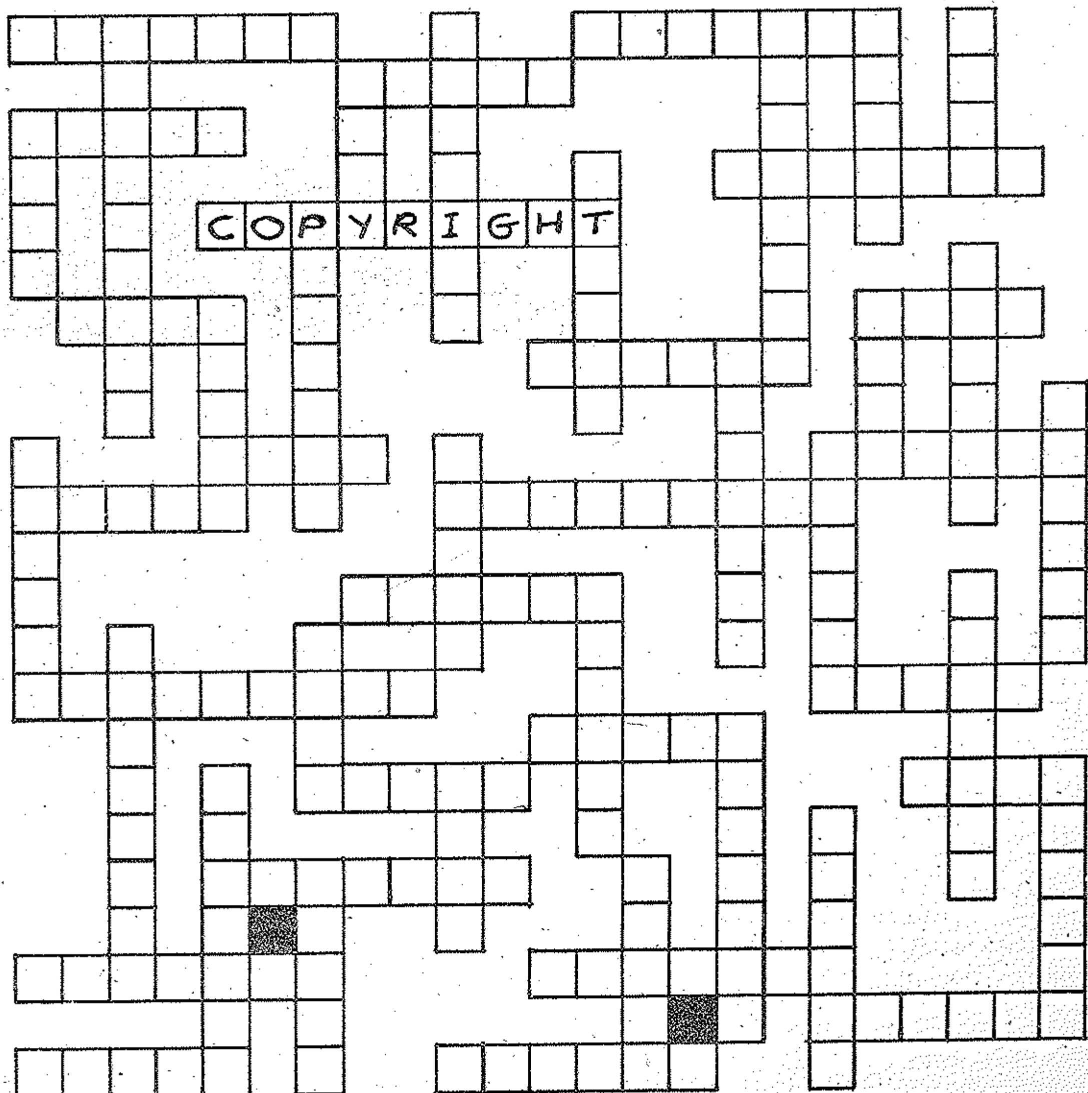

... symposium

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acting as watchdog on the criminal justice system met with skepticism from defense attorney David Kenner, who noted, "Seldom do newspaper headlines say 'Judge Properly Applies Exclusionary Rule in Murder Case.'"

Richard Borow, an attorney who teaches trial tactics here, pointed out that the public interest in information will be advanced only by the press: "The defendant wants secrecy. The prosecution wants to sustain a conviction, which means having the fewest ripples. So the judge isn't going to vindicate the first Amendment."

U.S. Attorney Andrea Ordin suggested that both interests could be served by allowing the press access to hearings, but delaying reports until some later date. There would be less news coming out of the hearings, since papers are less likely to publish old news, but the press could still exercise its watchdog function.

California court of Appeal Justice Bernard Jefferson noted that the court has an independent interest in its own integrity—"The integrity of the system is based on public view of the system.

As We Like It

"An absolute press right of access would increase dismissals of defendants. That's all right if that's what society decides it wants."

Kenner: "Seldom do newspaper headlines say 'Judge Properly Applies Exclusionary Rule in Murder Case.'"

Kenner wasn't the only panelist critical of the way the press handles criminal justice. Roy Ulrich of radio station KPFK felt that an emphasis on sensational cases was irresponsible—and expensive.

"There were 30 venue changes granted last year in Los Angeles County, at a cost to the taxpayer of $67,000. You won't find that covered in the press. The Hillside Strangler case may appeal to our prurient interests, but in terms of getting along in the world, it's not that important," he said, calling the press portrayals of the Strangler suspect "irresponsible."

But Ulrich still believes in press access to preliminary hearings, his view of the *Gannett* case a succinct one: "The law is an ass."

Clerk and Tell?

The subject of confidentiality between judges and clerks was less of a hot issue to the panelists than might have been expected in light of the widespread debate about *The Brethren*. Judge Real suggested that his clerks will have to agree in the future to share the royalties if they go public, but the judges all reacted negatively to a question from Shiffrin about imposing confidentiality by a written contract.

"There is no legal impediment to such a contract," said Jefferson. But if you need a contract, then what you really need is a new research attorney."

From the other side, Carol Breshears of KFWB radio said "It is incumbent upon the press to get information any way it can," which includes plying clerks for information about what goes on in chambers."

Keynote speaker Kirsch linked the problems of confidentiality in chambers to an unnecessary secrecy and distrust of the press among the judiciary, a paranoia particularly pronounced in the current chief justices of the California and United States Supreme Courts.

"Warren Burger has made an annual spectacle of himself at the ABA Convention by repeatedly changing the rules under which he could be photographed."

Steven Shiffrin, moderator

Bird on the Line

Chief Justice Rose Bird of California, said Kirsch, has been little better, moving the Court's press officer into a different building, discontinuing regular times for publication of opinions, and making reporters on deadline wait two days for a comment (often "no comment") over the phone.

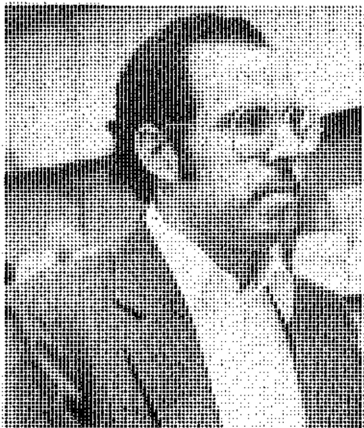
During the recent hearings into the Court's proceedings, related Kirsch, "Jerry Faulk, one of Rose Bird's attorneys, walked into the press room, put his feet up on a desk, and just talked for a while. It was all off the record, of course, but it was very informative and very helpful, and I couldn't help thinking that if Rose Bird knew how to just walk in and talk, the coverage of *Caudillo* and *Tanner* cases would have been very different, and we might not be having this hearing at all."

... DeRonde

(Continued from Page 1)

and which upheld a race-conscious affirmative-action employment program.

Although it can be distinguished on many grounds, (the most important of which is that there was a prior finding of past discrimination), Warren thinks Price is significant because a new court majority (Tobriner, Manuel, Bird, and Newman) in favor of affirmative action has emerged. He added "The state *Bakke* decision was effectively overruled by the change in composition of the court."

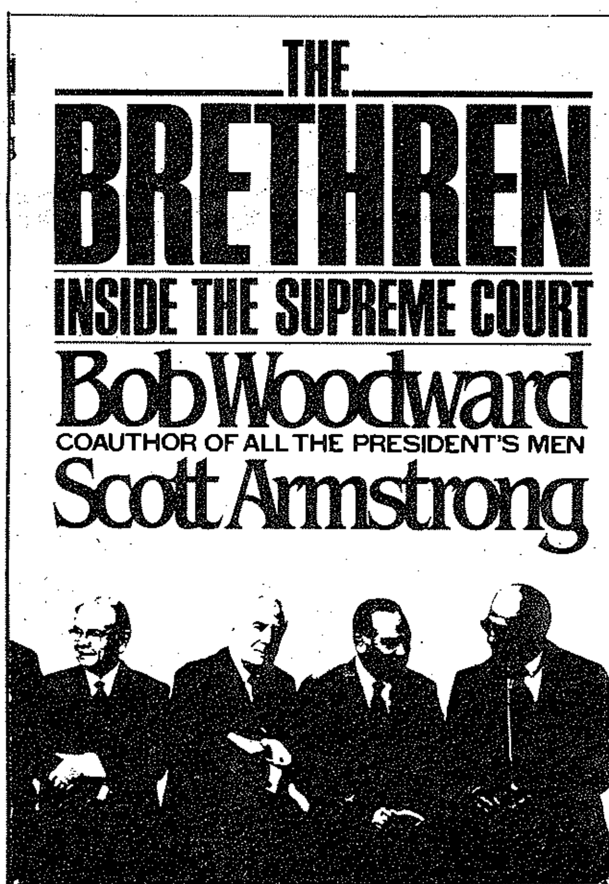


Velasco: the political trend is anti-affirmative action.

Yeazell noted that "at the very least *Price* indicates that there's substantial doubt that *De Ronde* is right on the merits."

Warren added, however, that "because the issue of admission to Davis Law School was mooted by *DeRonde*'s graduation from another law school, it's possible that the California Supreme Court will grant a hearing on the petition and then dismiss on justiciability grounds."

Velasco, who agreed that it was likely that the court would reverse on procedural grounds, cautioned against "taking a complacent attitude toward the case. The opinion should not be taken lightly. At the very least, it indicates the political trend of the state—which is anti-affirmative action. The present composition of the court is unpredictable. Although it's unlikely that the court will uphold *DeRonde*, it's not unthinkable."



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Book Review?

'The Brethren': Worth all the Commotion

By Howard Posner

Perhaps there is a hermit in some hinterland on this continent who does not know of Bob Woodward and Scott Armstrong's book *The Brethren* (Simon & Schuster, 467 pages, $13.95), a spicy, controversial chronicle of all the things Warren Burger doesn't want told about the workings of the Supreme Court in his tenure as Chief Justice.

But here in the heart of civilization (if that term applied to Westwood isn't altogether too silly), it would be hard even for a law student to avoid the hype, hoopla and brouhaha that surround *The Brethren*. Much of the debate about the book's legitimacy, accuracy or propriety seems misplaced or irrelevant, but there is some justification for the hype and hoopla—whatever its flaws, *The Brethren* is a staggering piece of journalism and an important bit of history that ought to be (and may rapidly become) required reading in these environs.

The most important image is of a Court driven not by precedent or principle, but by the political climate and its own public image.

The Brethren reminds the reader from time to time that it tells a story. Once upon a time, it goes, the Supreme Court was dominated by its "liberal" wing (Earl Warren, Hugo Black, William O. Douglas, Thurgood Marshall, William Brennan). A president named Nixon attempted to reverse the direction and turn the Court into a spearhead of responsible conservatism by appointing conservative justices, including Burger. But Burger has proved to be so uninspiring a leader and so mediocre a jurist that the leadership of the Court has instead drifted into the center, where Justices Byron White, Potter Stewart, and John Paul Stevens (and to a lesser extent Lewis Powell) occupy pivotal positions and control the flow of the court.

But the message of *The Brethren* is dwarfed by its medium. Woodward and Armstrong spent years interviewing former Supreme Court clerks, a process that the Justices would like to think would turn up nothing more than outraged refusals to violate the sacred confidentiality of chambers. Instead, the reporters turned up spadefuls of politics, personality, internal bickering and hand-holding, horse-trading, vote-bartering and jousting with historical phantoms.

We learn that Burger was inclined to hold up his vote at conference so that he could see which way the wind blew and vote with the majority. Not only did such shenanigans keep down the number of times he would find himself in a small minority on the court he was supposed to lead, but as ranking justice in the majority, he could then assign the opinion—often to himself, so that he could moderate its tone. In one case, he voted five times — two reverse, two affirm, and one pass.

(His fellow justices soon got wise to the maneuver, and took to sandbagging Burger by slipping in rewrites and revisions that left him author in name only, particularly when they found his analysis unclear or just plain inadequate.)

We learn that Rehnquist often got questionable opinions through by writing outrageous distortions of the law, and then "compromising" when other justices insist he remove them. We knew there had to be some trick to it.

And if you were outraged by at Rehnquist's opinion in *Paul v. Davis* (holding that a citizen had no cause of action against officials who erroneously published his name as an "active shoplifter") note that Woodward and Armstrong quote one of Rehnquist's clerks as saying it was "the worst Rehnquist opinion ever."

The most important image in *The Brethren* is the continuous one of a court driven not by considerations of precedent or law or principle, but by the political climate of the day, and consideration of its own public image. That the court frequently reasons backward from a politically-motivated decision will hardly come as a shock to anyone, but to read about it on virtually every one of 400 pages may shake one's hard-won faith in legal analysis. Against it all, Harlan's legal purism—stare decisis above conscience—seems an anomaly.

The large picture may be the most important in *The Brethren*, but it is the little ones that make the lasting impressions: Black and Douglas imposing their will by being old curmudgeons and threatening to cut off their noses to spite the court's face; the Justices hurriedly conferring in the middle of oral argument before sending a note to their clerks in the gallery telling them that the rule against street shoes on the fourth-floor basketball gym, called "the highest court in the land", would thenceforth be strictly enforced; Thurgood Marshall shouting "what's shakin', Chiefy baby" to Burger in the halls or humoring tourists who thought he was an elevator operator with "Yowsa, yowsa."

Lawyers are put off by the lack of documentation: but footnotes don't ensure truth.

Some pictures are pathetic: Douglas, finally retired after a debilitating stroke, trying to hang on as a tenth justice; or Harlan, so blind that he signs his hospital bedsheet instead of a cert petition.

And some pictures are just silly—clerks watching for obscenity in films and shouting "There it is! I know it when I see it."; or Burger, already stunned when Melville Nimmer said "Fuck the Draft" arguing *Cohen v. California*, and upset that the Court had found such expression protected by the First Amendment, pleading with Harlan not to say "that word" in his oral announcement of the decision ("It would be the end of the Court if you use it, John").

Both the method and the madness of *The Brethren* have drawn fire from some quarters. Is it ethical to gather such material from clerks who are under an obligation to keep them confidential? Suffice it to say that the question makes no sense to a journalist, especially since no law was violated, and the information obtained is invaluable in understanding how this country's court of last resort works.

Lawyers particularly are put off by the lack of documentation, an obvious necessity in a book built around off-the-record interviews. A few quibbles with accuracy have surfaced in the press. Did Brennan vote against a convict who he felt should have gotten a new trial, just to avoid clashing with Harry Blackmun, who he was trying to pull away from Burger's influence? One clerk has surfaced to say it isn't true, but he also first denied talking to the authors and then admitted he had, so he looks impeachable.

Ultimately, a tome like *The Brethren* can hope only to be substantially accurate. Inaccuracies creep in at the source level, and there is no way to get an "official" version. A few things need to be taken with a grain of salt, particularly an annoying tendency to introduce a justice's inner thoughts, often from left field ("It was. . . a question of a person's right to dispose of his property as he wished. Black felt strongly on the subject. He wanted no interference with his plans to have his court papers destroyed when he died.")

The accuracy of The Brethren, like that of any investigative report using confidential sources, must be taken or left on faith. For believers in Deep Throat, it's no problem. Everyone else will have to weigh faith in the courts against faith in the press—remembering, please, that footnotes do not ensure truth.

... Survey Results Under This Headline

(Continued from Page 2)

Scoring

1. (a) 1 (b) 2 (c) 3
2. (a) 3 (b) 3 (c) 3
3. (a) 3 (b) 2 (c) 1
4. (a) 3 (b) 2 (c) 1
5. (a) 3 (b) 1 (c) 2
6. (a) 2 (b) 1 (c) 3
7. (a) 2 (b) 1 (c) 3
8. (a) 1 (b) 3 (c) 2
9. (a) 2 (b) 3 (c) 1
10. (a) 2 (b) 1 (c) 3
11. (a) 5 (b) 5 (c) 5

*Add the score for **your** answer to the score of the answer you **should** have given (if you can't figure it out, we're certainly not going to tell you), multiply by your hat size (in centimeters) or your I.Q. (whichever is larger), divide by the number of nervous breakdowns you've had since entering law school (current breakdown excluded) less the hours spent playing tiddlywinks in the back row of 1345, and multiply by 12% of the outrageous salary you expect some poor firm to be paying you in 5½ years (round off to the nearest $10,000 and no, you needn't include fringe benefits). The End. (Note: If you've managed to get this far without your calculator self-destructing you should probably seriously consider another profession — applied physics, say — or at least tax law.)*

159-12,343 points

Congratulations! You are a genuine law school Nerd! Your spouse/live-in/goldfish will leave you during the third week of your first semester but you won't notice until after the bar exam. You are the only body remaining in the RBR at 11:59 p.m.; you have a complicated highlighting system involving 18 different colored pens (plus gold glitter for special emphasis); you brief each and every case on its own individual 3x5 index card (color-coded by date, jurisdiction and presiding judge). You will probably grow up to be a law school professor.

49-158 points

Average. The basic stuff of which law school student bodies are made. You pass in class but feel guilty about it. You take five casebooks home every night but end up watching "Mork and Mindy" or leafing through moldy copies of Mad Magazine or clipping your nose hairs, and then you feel guilty about that. You've outlined every subject (but only through the first two days of class), briefed every case (in the first 10 pages of the book), and spent every evening (that your car battery died and the AAA took 4 hours to get here) in the library. You will eventually be hired by some desperate firm and find, to your and everyone else's amazement, that you are not totally incompetent after all, especially when inspired by a fortnightly paycheck. Still, you will always harbor fond hopes about being reincarnated as a GSM student.

3-48

You, friend, are a prime specimen of that ignoble class — law studento disasteruis. You pass when the professor asks for the time of day; you gave up taking notes when your Bic ran dry in mid-September, and you don't believe it's legal unless Gilbert's says so. You study by sleeping with old exams under your pillow and praying there's something to osmosis and you dare to upset the equilibrium of the law school social environment by dating (gasp!), partying (shock!), and other such degenerate practices. Your classmates will gang together and buy you a defunct practice in a little-known corner of El Monte, so as to prevent you from sullying the great name of UCLAW in the major metropolitan centers, and in fifteen months you will have stashed your first million in a Swiss bank account, had a jacuzzi installed in your private office suite, and traded your 1969 Volkswagen in for a gas-guzzling, mink-lined Silver Shadow.

—Merril Bernstein

Movie Review?

The Lexis Films

by Jonathan Steinberg

A few keenly alert film fanciers were on hand recently to see a preview of a remarkable new series of films produced under the aegis of the Mead Corporation, creators of the LEXIS legal research system. The films, waggishly titled "Lexis Modules 1 through 5" were, on first glance simple exemplars of the instructional film—yet the perspicacious and sophisticated audience quickly pierced that artistic veil.

These are remarkably audacious films, advancing the state of the filmic art. Hand-held camaras, filled with damaged super-8 film, were used to full advantage—moving from scene to scene with an almost Parkinsonian instability. Overexposure and vertiginous, queasy camera angles were used to a degree not attempted since Godard's *La Chinoise*.

The subject matter, reflecting Robbe-Grillet's seminal work on the identity of form and substance, is eerie and troubling. Strange leering faces and dreary automatons drone stultifying instructions to the viewers, and then announce "I'm a lawyer", thereby masterfully erasing the clouds of tension and confusion which attended their earlier perorations.

Perhaps the most satisfying moment occurs when one of the drone-men types the portentous phrase "estoppel in pais" onto the LEXIS screen (screen on screen—the film within a film). The quaking camera zooms its astigmatic lens toward the LEXIS screen and the audience is treated to a whirring, belching sound-track worthy of John Cage as the computer "digests" (as does the reader) this pregnant, talismanic phrase. The viewer and what he views digest together—a Last Supper of the electronic age.

These startling, deeply troubling yet ultimately redeeming films will run for limited engagements at nearby law schools.

. . . Money can't buy alternative placement

government, cannot hire for attorney classifications until after applicants have passed the Bar, which means that they could not use fall interview season even if they could predict their employment needs.

Alternative employers consequently tend to hire people they know personally, because they don't feel they can use the placement process set up by law schools and because they want to insure that the hiree has a good personality and will be a hard, competent worker.

The alternative placement "process" therefore works like this. When a position falls vacant, the alternative employer calls around to find out if any of his personal acquaintances or associates is interested in the job or might know of someone who would be interested. One person recommends

There is not much the Placement Office can do to make personal contacts for students. . .

another who recommends a third, and the alternative employer eventually interviews this round-up of applicants and selects one for the job. Or perhaps he finds one who is exceptionally qualified, comes with the highest recommendations and appears to be personally agreeable, and he hires that applicant without particularly examining the others.

The trick, for a student interested in an alternative career, is getting in this "network" so that when a job comes up your name will be mentioned to the prospective employer or you will be tipped off that it might be a good idea to run your resume by his office.

Your goal, as a student interested in alternative practice, is to make sure that someone, somewhere, knows you and knows that you are interested in working in a particular field and that you are a reasonably competent and charming person. Which means that you have to make contacts.

Contacts are best made through working relationships — volunteering a few hours a week at the community legal aid clinic, taking a part-time law clerk job in a small estate-planning law firm, or walking precincts for a political candidate.

Another means of making contacts is social — attending meetings of the L.A. County Bar Association's Real Estate Subcommittee, going to L.A. Women Lawyers' luncheons, or working on a benefit for the Asian-American Bar Association.

School activities that take students outside the parameters of the law school can generate good contacts, especially extern and clinical programs' whereby you can impress the sponsor with your work and be considered for permanent employment when positions later open up.

Alumni and professors can be great contacts, especially if they personally adopt you and refer you around to places that just might be considering hiring another attorney or clerk in a particular area of law.

And finally, probably the best contacts you have are the other students at law school who can pass on information they have about different practices of law and persons in those fields you might be able to contact for jobs. Your fellow students might even be in the enviable positions of choosing among several different jobs in the same general area of practice, and can pass on information about the jobs they leave or turn down to others interested in doing the same kind of work.

The point is that there is not a whole lot the Placement Office can do to make these personal contacts for students. What the Office can do is work towards creating a law school environment where such contacts are more likely to be made, for instance by arranging employment panels by co-sponsoring them with student groups, or by implementing an alumni referral system which might be physically located somewhere in the Office.

. . .but if it can't handle putting students and the legal community together, the Administration should do something to get the networking process rolling.

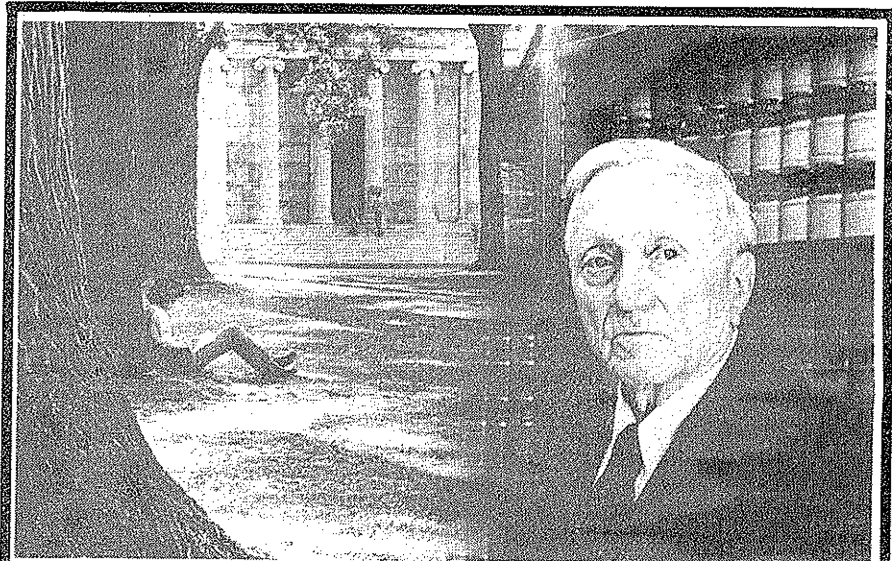
Right now the Placement Office reacts more than it acts. A complaint is generally met with a suggestion that the complainant draw up a solution, which is usually enought to send him away for good. It will be necessary to involve people who know more about the legal community than the current placement officers, and who have the inspiration to explore alternative job options and make contacts. No single placement officer will be able to handle that task adequately.

But the administration should not give up and ignore the overwhelming concern about alternative placement. Nor should it use the time-tested trick of waiting until all the concerned students graduate, justifying its delay on the grounds that it never received a detailed plan of what students wanted, or didn't have the money to execute what proposals it did get. If the current placement officers can't handle putting legal community and students together, the Administration should work with the community (especially alumni) or hire people who can get the networking process rolling.

What we students need to do, if we are interested in becoming informed about the variety of careers available and making sure we have employment options, is to get going ourselves by forming student groups interested in finding out about various legal practices. Setting up student groups insures that the information that each student finds out about a certain legal practice — both what it is like to practice in that field and how they go about hiring — will not be lost when that student walks out the law school door, but instead will be shared among interested students. And contacts can then be made between the students as a group and the legal profession by inviting in speakers, having parties with alumni, and sending representatives to professional group meetings and conferences, to establish familiarity with UCLA and with individual UCLA students. Later, as alumni, these students can reach back and assist other UCLA students who want to break into the same field.

My hope is that eventually student groups will become so strong that they will have all the professional contacts and funding they need to have a network independent of adminstrative help from the Placement Office or Law School Administration. That is the present state of affairs at GSM, where the Associated Student Body (ASB) is funded entirely by corporations and the Annual ASB Dinner far outstrips the Dean's Dinner in the number and prominence of the invitees from the business community. Other student groups, such as the Accounting Society, Marketing Club, and Public Interest Management Association, are independent and self-supporting groups that run their own speaker programs and wine-and-cheese parties with business representatives, and through these devices establish a network among professionals that later pays off in the placement process.

But for now, at the Law School, we need a joint effort to create this network, and although that effort will take some funding and the efforts of talented and knowledgeable people, it will also require students who are genuinely curious about alternative legal careers, and willing to invest time and energy in developing professional contacts.



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. . . writing

(Continued from Page 2)

happens to be inappropriate you can clarify or limit the holding after the effects have become clearer. Changing circumstances always provide suitable justification for policy changes, but, if necessary, throw in some "factors" which you've "balanced".

3. How to dissent from a policy change: clearly, the majority has dared to do something which was within the powers of the legislature. Not only could the legislature have done so, it failed to do so. Moreover, disastrous consequences can always follow from nearly any policy change: because none of them have ever been instituted in the particular jurisdiction, local factors and circumstances make the majority's position untenable. Finally, the weight of the jurisdiction's established authority is against the policy change. (Next week in this column: Statute Drafting in a Nutshell)

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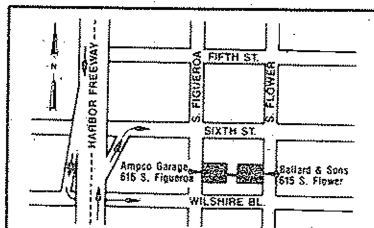

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Job Interview Horror Stories

By Susan Schwartz

What happened to all those horror stories about job interviews? We've been sitting in the Docket office night and day, feverishly awaiting those bon mots; only one story made it into the Docket mailbox. Our vigil was in vain; no humorous anecdotes were slipped under the door in the dead of night (as a matter of fact, the only things that slipped under the door lately are these little brown bugs that are apparently attracted to the sandwich remains we've nonchalantly scattered around the office in the course of our two-month vigil. We digress).

Listen fellas, you're not fooling us. We know that interview season is no piece of cake; we've heard it described as being less pleasant tha a trip to Marathon Man's dentist. Less fun than the Professional Responsibility Exam. We've heard stories of interviewers who made Brando's mad Colonel Kurtz seem like Captain Kangaroo.

Oh, we've heard a few real beauts in the years we've been in law school. We're fond of the story (true, all too horribly true) about the Santa Monica attorney who interviewed a prospective law clerk in his Santa Monica office, with his inflatable BoBo doll bobbing around behind his shoulder. When the would-be clerk looked chagrined at some of his rather blunt questions ("Like being charcoal-grilled" is how she later described the experience), the attorney glibly commented that she did not seem to be having a very good time, and probably wouldn't fit in very well at the firm (She should have heeded his warning—she spent the summer. . . .but oh, well, we digress again, and that really is another story). Also up there on our list of faves is the one about the earnest young woman who had almost completed a grueling day of callbacks when the attorney she'd been speaking to had a heart attack (was it something she said?). Or the one about the bright young man whose callback consisted of ethical horror stories. When he mentioned that he'd have a hard time representing any of the clients that had been mentioned, he was informed that they were some of the firm's cleaner clients (he decided he'd rather go with another firm). We also liked the story about the too-hip-to-be-true Beverly Hills entertainment lawyer who picked up one student's two-page resume and commented on how he hated long resumes, then insulted her national origin and place of birth, then told her she looked kind of glum. Oh well, some days are like that.

We were amazed by the story of one fellow student: she was chastised by a female interviewer for having taken time off to raise her child ("How can you possible explain this five-year gap in your education: Don't you think five years is a little bit excessive?"). She had the good sense not to be civil with her interviewer past that point.

Howard Posner, who we at the Docket call Fearless Leader (it really upsets him—you should try it sometime) had a novel experience with a p.i. defense firm: at the end of the interview his interviewer jumped up, thanked him, and said "You seem like a really interesting person. Are you sure you want to work for us?" He also swears he got a rejection letter that began "I enjoyed talking to you this morning. . ."

Maybe it was the horror of dredging up the past that caused so few of you to answer our call for stories. Maybe it was fear of competition (in law school? Oh well). Maybe. . .oh well, it doesn't matter. Our sincere thanks to Schuyler Moore, who gets the Docket Mother Courage award for having the guts to dredge up the past and to write it down. His well-written story is printed in the sidebar. If it dredges up some of your unpleasant memories, write them down and send them to Docket, and if there is another Docket (but we digress yet again. Ask Howard), maybe we'll print them.

and the winner is . . .

Oh God how I hate wearing this suit. And who invented ties? It's like lynching yourself. And why is today so hot? I could cook my lunch inside my suit . . . I wonder if I look like a lawyer. . . Oh no, the door's opening.

"Hello, you must be Schu . . ."

"It's pronounced 'Skyler'."

"Oh yes, come in. I'm Mr. Fiddle of Fiddle, Faddle, Dilly and Delay. Sorry about being an hour and a half late."

"Oh that's fine." I say with an idiot grin.

"Says here on your resume you're a transfer student from Davis."

"Uh-huh."

"I didn't know Davis had a law school." Silence. . . He continues, "You know we don't interview there anyway." More silence. I should say something, No, I shouldn't. Be cool, just detach, make it through this and go home and have dinner. "Well tell me Schu. . ."

"It's pronounced 'Skyler'."

"Of course. Tell me Skyler, what are you like?" I can't even start to respond; I don't know the answer. So I just look at him and shrug. "Hm. . . Well tell me why you chose our firm to interview with."

"I want to do tax law."

"But we do litigation."

"I mean I want to do litigation." Why did I say that?

". . . I see . . . Well where did you work last summer?"

"I, uhm. . . I took a vacation." I'm getting the distinct impression that this is not going well.

"Well let's look at your work experience. It says you were a mechanic. . . and a stereo salesman. . . and a caddy, and you taught swimming. Not exactly law related, is it?"

"Being a mechanic involves warranties and contracts and legal stuff like that." I wonder if they'd catch me if I lynched him with my tie. I'd have to cross my name off all the interview time sheets. . .

"Tell me how you see yourself in ten years, Skyler."

". . . as a lawyer." What the hell am I supposed to answer? I just pray I'm still not a student.

"OK, you don't mind if we end early, do you Skyler? It's not that I'm not enjoying talking to you, it's just that it's getting late."

"No. Not at all."

"We will be getting back to you. Very soon."

"Fine."

"*We'll* call *you*."

—Schuyler Moore

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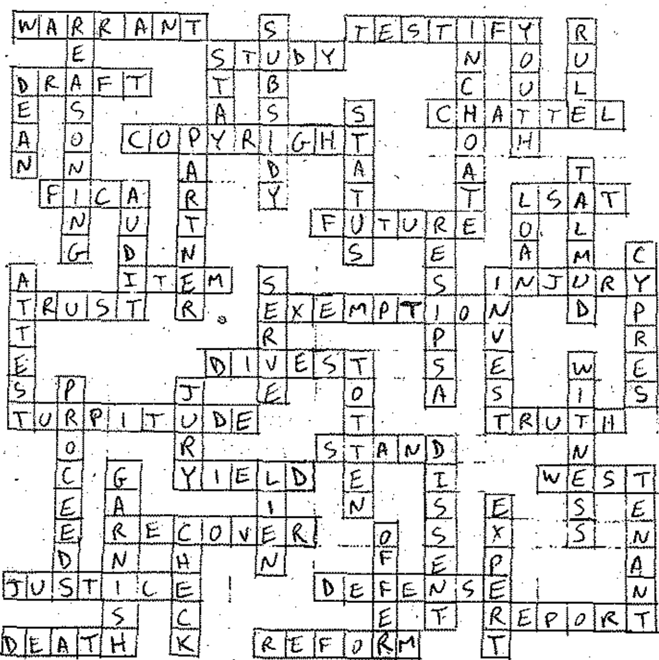

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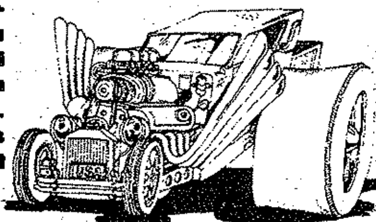

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Why are so many first year students enrolling in bar review courses?

Until a few years ago no one thought about a bar review course before their senior year. Today, however, close to half of all those taking courses enroll in their first or second year of law school and early enrollments in at least one major bar review course — the Josephson Bar Review Center (BRC) — are at an unprecedented rate. There are three apparent reasons for this development none of which have anything to do with preparation for the bar exam itself.

First, more and more law students are looking ahead at the spiraling costs of legal education in general, and bar review courses in particular. Over the last three years tuition costs of bar review courses have risen between 20-30% ($100-$150) in most states and the next three years could be worse. *Under special early enrollment programs students, with only a moderate deposit, may freeze the course price at 1980 rates.*

Second, in return for the benefit of assured enrollments and anticipated lower marketing costs, the BRC course has developed an extremely attractive package with the Center for Creative Educational Services (CES) which provides immediate benefits that substantially exceed the required deposit. The newest program (terminating February 22 in most states) provides a generous assortment of study aids and cash discounts which many first year law students have found to be irresistible.

By increasing the deposit to $50 the student receives free first year outlines in four major areas (Contracts, Criminal Law, Criminal Procedure and Torts), a free cassette tape program on "How to Write Law School Exams," two 50% cash coupons on *Sum & Substance* of law tapes (worth about $30) and a Preferred Student Discount Card entitling the student to a 10% cash discount on all CES purchases made from a CES or BRC office. Moreover, the student can exchange the four first year outlines for another four outlines in the second year at no extra cost. The value of the outlines and discounts exceeds $100 and the ability to freeze the bar course tuition probably saves another $100 or so.

Third, there has been a conscious effort by BRC to remove psychological impediments to early enrollment by allowing free transfer to any BRC course in the country in the senior year (for the student who is not sure what state he or she will practice in) and a no penalty withdrawal for students who drop out or fail out of law school.

Another factor which has undoubtedly contributed to the early enrollment momentum is the increasing reputation of the BRC courses and CES materials and tapes. Special impartial studies done by law school administrators have consistently shown that BRC students outperform others at each level of class standing. Much of this success is attributed to BRC's unique Programmed Learning System and its emphasis on writing and testing skills. As a result, in 1980, BRC expects to enroll over 14,000 students nationwide. At the same time, the CES Sum & Substance series of books and tapes has gained widespread recognition among both law students and teachers as the finest law study aids available.

Whatever the reasons, however, the facts are clear: more and more first year students are thinking ahead and enrolling in BRC courses now.

Machiavelli's 'The Prince At a Public Hearing'

By Van Ajemian

During the early sixteenth century, Niccolo Machiavelli tried to compose a work entitled *The Prince at A Public Hearing*. Unfortunately, because of the Papal "sunrise" laws (namely, that all public hearings had to begin at sunrise), Machiavelli himself never attended an Italian public hearing, inasmuch as he never got up before 10 A.M. But if he had composed such a work, this is what it would have looked like.

THE DOZEN DOS

1. If you dress in suit and tie, with hair combed and face shaved, the commission will identify with you. You will have an advantage over the majority of other speakers, who will come casually dressed.

2. Do have your proposal written, and make copies for the commission, the media, and everyone's uncle. The proposal should have reproduced in it an *L.A. Times* article, a chart and a map (visuals are important in that they attract interest and leave a positive impression). Put the commission's copies of the proposal in a binder with a transparent cover, to which your business or calling card is attached (the worst which could happen is for the commissioners to remove the proposal, throw it away, and keep the binder).

3. Keep the written proposal concise, under ten pages, using nothing smaller than 10 point type (IBM Selectric II, with self-correcting ribbon, is ideal for this).

4. Seek out the media before the hearing; give them copies of your proposal. The first page of the proposal should have an article, chart or map reproduced on it to quickly catch the media's attention.

5. When called to the microphone, thank the commission or make a *good* joke (if you are Armenian, just try pronouncing your own last name). No anecdotes, though.

6. Do refer the commission to the article, chart, and the map. Give examples from your own and your friends' experiences.

7. Look the commissioners in the eye. Improvise; do not read from the proposal. Limit your time, considering (1) how long everyone has sat, (2) air comfort in the room (too warm or too cool?), (3) nearness to lunchtime or to a break, (4) how tired the commissioners look (in which case you may wish to get and hold their attention by addressing them personally when complimenting or making a particular point).

8. Do commend the commission on alternative proposals which they have prepared before or offered during the hearing.

9. Do compliment the commission for good past decisions. Not only will the commissioners feel good, but they will believe that your interest in their thankless work is continual.

10. If you are sitting where the commissioners can see you, stay awake, refrain from yawning, act as if you are taking down notes, look up contemplatively, and nod sympathetically when the commission reacts to a speaker.

11. Do meet the commissioners during a break or at lunch, offering some tea and sympathy. Do not meet them after adjournment unless your proposal comes up between the last break and adjournment (the commissioners are very eager to get home after adjournment.)

12. Do write down the names of speakers who make cogent proposals which are acknowledged as such by the commission. Mention such persons' names during your own presenation, acknowledging the worth of their proposals. Give such persons a copy of your proposal if you wish to organize to pursue further a solution to the problem at hand. Remember to have your business/calling card attached to the proposal. (Speakers who make cogent proposals are wont to collect other proposals, so a binder is not necessary).

THE DOZEN DON'TS

1. Do not accuse the commission in any way of inadequacy, incompetence, inactivity. Remember, you are trying to win over the commission, not the audience.

2. Do not seek applause or other support from the audience. Do nothing to make the commission imagine an "us vs. them" situation.

3. Do not ask the commission embarrassing questions to which they would probably have no answer.

4. Do not interrupt when a commissioner is speaking (like courtroom etiquette toward a judge).

5. Do not remind or criticize the commission for bad past decisions.

6. Do not stray from the subject matter. (If you have been a resident for sixteen years, say so, quickly. Do not give a history of your move from Detroit and do not name the last ten mayors of Fresno.)

7. If you have to go to the restroom, do it before the hearing. Do not fidget, gesticulate widely, step about, or move your mouth away from the microphone. (You would not be able to do "Swan Lake" even if you tried.)

8. Do not criticize a different commission for the problem at hand, unless the commission before which you are speaking has already made such criticism. (Reason: you might be criticizing a commissioner's friend.)

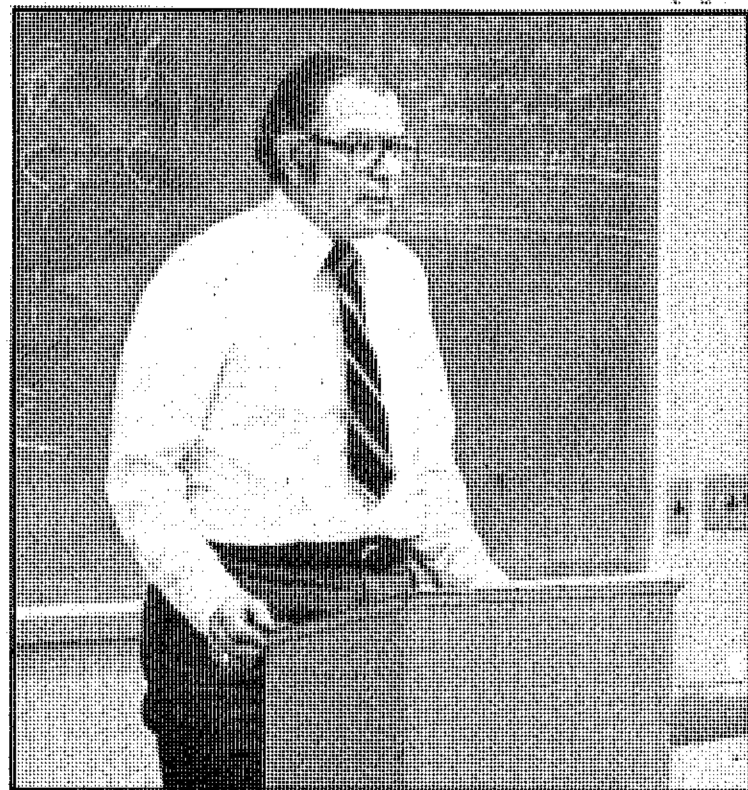
9. Do not propose a radical, fantastic, or improbable solution. (For one week before the hearing, do not watch "Bionic Man" reruns or read Jerry Brown's speeches.)

10. Do not leave the commission guessing as to your sources of information. Use footnotes!

11. Do not sign up to speak as an individual; sign up as a representative of an organization. You will probably be called sooner and you will be given more time.

12. Do not get up and leave your seat while the commission is watching. Suffer with the commissioners. (If you must leave early, make sure you find a seat before the hearing from which you can make your escape undetected.)

Remember, you are trying to persuade the commission, not score points with the audience. The commission will be making a decision, not the audience.



The use of solar energy is not so much a technological problem as "an economic and socio-political issue," said Dr. Marshall Alper of Cal Tech's Jet Propulsion Laboratory in a talk sponsored by the Environmental Law Society here.

Conversion to solar and other renewable energy sources (wind and tide, for example) will hinge on their cost relative to those of fossil fuels, which change rapidly. "Natural gas is still a good buy, but if you bought a Gold Medallion home a few years ago, the best thing to do is go solar." He noted that a change in the taxation structure can alter the economic picture for solar power overnight.

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