UCLA DOCKET

LAW SCHOOL STUDENT BAR ASSOCIATION

VOLUME VII, NUMBER 3 March, 1963

CONTRA

LEGISLATIVE INTENT

A Blessing Or A Crutch

A Fiction At Best

(SEE TEXT, PAGE 6)

UCLA Law Professor Arvo Van Alstyne discourages the use of legislative intent materials. He points out that courts rely on such materials as a "decision writing device" and probably are influenced only marginally. The Professor claims that there are already too many sources to research and that intent materials would only be an additional burden. He notes that legislative intent is "fiction" and often the legislature did not have any clear cut notions of all the areas that the law they make may cover at the time of passing on a bill.

A Decisive Factor

(SEE TEXT, PAGE 7)

Attorney Herman Selvin, chairman of the California Law Revision Committee, calls for setting out legislative intention in a more formal manner. He suggests that the State adopt a system similar to that of the Congressional Record as used by the U.S. Congress. This, he claims, will make the legislators' intention available. As it stands now, the attorney points out that statutes are not really clear and a practicing counsel needs some source to turn to in order to ascertain what the legislature had in mind.

Alumnus Oberhansley Dies Awaiting Trial

Frank B. Oberhansley, a 1956 Law School graduate and Van Nuys, California, attorney since 1957, died of a heart attack in December while waiting for his case to come before a jury trial in Municipal Judge Harold C. Shepher's courtroom in Los Angeles. He was 38 years old.

Oberhansley, 6850 Van Nuys Blvd., had been defending Mr. and Mrs. Gary Sylvester, 8526 Dorrington Ave., Van Nuys, on a public nuisance charge arising from neighbors' complaints about their barking dogs.

Born in Spanish Fork, Utah, in February, 1929, Oberhansley attended both the University of Utah and the University of California at Los Angeles where he received his A.B. degree in Political Science. He graduated from UCLA School of Law in 1956 and was admitted to practice in California in 1957, when he associated with the law firm now known as White, Oberhansley & Fleming.

He served in the armed forces of the United States and was active in the United States Army Reserve, holding the rank of captain. He recently served as president of the Legal Aid Society of San Fernando and as president of the Van Nuys Junior Chamber of Commerce.

He was a member of Phi Alpha Delta Law Fraternity, American Bar Association, State Bar of California, and of the Los Angeles Bar and San Fernando Valley Bar associations.

He is survived by his widow, Melva, and three children: Suzanne, 11; Bertrum, eight, and Phillip, four years of age; and by his parents, John B. and Harriet B. Oberhansley of Spanish Fork, Utah.

Slate Law Day Observance Plans

Law Day will be observed at UCLA Law School on May 3. The chief activity is a Moot Court final round.

The Student Bar Association has scheduled a dinner-dance on May 4 in connection with the program.

Moot Court Honors Program members are completing plans for Law School's Law Day activities, May 3. Heading the program will be the final competition of the Roscoe Pound moot court competition.

Two teams will argue **New York Times v. Sullivan**, now before the U.S. Supreme Court from the Alabama Supreme Court. Participants will be Gary L. Taylor and Bruce L. Nelson, petitioners, and Alan Goldin and Barry Marlin, respondents. Members of the bench have not yet been announced.

Two Grads Make Grade Win Judge Appointments

★ ★ ★ ★ ★ ★ ★ ★ ★

William Keene Selected for Municipal Seat

Earlier this month Gov. Edmund G. Brown appointed William B. Keene as a Los Angeles County Municipal judge. He is the second UCLA Law School graduate to be appointed a judge in California.

Judge Keene's appointment followed hard on the heels of the appointment of Mrs. Joan Dempsey Gross to municipal judgeship — the first Law School graduate on the California bench.

Judge Keene, 38, was a top student in the Law School's first graduating class in 1952. He is a native of Ohio and attended Alhambra High School.

A Democrat, he was graduated from UCLA where he was student body president. During World War II he served with the U.S. Army's Ninth Infantry Division.

Upon graduation, Judge Keene was a deputy district attorney from 1953 to 1957 and was associated with the firm of Dryden, Harrington, Horgan and Swartz from 1957 to 1962. Since that time he has been a partner in the firm of Morgan, Holzhauer, Burrows, Wenzel & Keene.

He and his wife, Patricia, have three children. The family home is at 435 29th St., Manhattan Beach.

In making the appointment, the Governor said: "Mr. Keene's five years of experience as a deputy district attorney and his subsequent five years in private practice give him the qualifications which point toward a fine career on the bench."

He succeeds Judge William E. MacFadden who was appointed to the Superior Court.

JUDGE KEENE

Joan Gross, '55 Alum Takes Bench Position

Mrs. Joan Dempsey Gross has been appointed by Gov. Edmund G. Brown to Los Angeles County Municipal judgeship. She is the first UCLA Law School graduate to be appointed a judge in California.

Graduated in 1955, Mrs. Gross joined the Attorney General's staff as a deputy specializing in tort trial work, criminal apeals, narcotic forfeiture work and fish and game matters.

The 35-year old Republican is a member of Phi Delta Delta legal fraternity and the Women Lawyer's Club of Los Angeles. She was named Woman of Tomorrow in 1956 by the Welfare Foundation of Los Angeles.

Mrs. Gross was graduated from San Diego State College and later was a swimming star with the Buster Crabbe Aqua Parade. She left a job as a physical culture teacher at UCLA to study law.

JUDGE GROSS

A fifth generation Californian, Mrs. Gross lives with her sons Marc, 7, and Brad, 5, at 2936 Bentley Avenue, West Los Angeles.

Her professors here remember her as an outstanding scholar. They believe that because she is "understanding" and "sympathetic" she will perform her duties well.

In appointing Mrs. Gross, Gov. Brown said that she has "proved both capability and knowledge in the law." He predicted that she would "distinguish" herself on the bench.

Mrs. Gross succeeds Judge Kathleen Parker who was selected to the Superior Court.

Middle Ground Held on Admission Standards

Special Report
By STUART M. OSDER

When law school is discussed, the conversation invariably turns to the flunk-out or drop out "rate". All law schools are said to experience a static percentage rate of mortality among students, ranging between 18 and 60 percent—measured from the first day of the first year to the last day of the third.

Boalt Hall over a period of three years softened the drop-out rate by 16 percent due to increasingly tougher entrance requirements and improved attitudes of students, the school reported. A spokesman predicted that the trend would continue and drop-out numbers would dwindle.

Assistant Dean of UCLA Law School, James L. Malone, a member of the Research and Development Committee of the Law School Test Council, observed that there seemed to be a similar rate of decline here.

Requirements for entering a law school are not based only on Law School Test scores and undergraduate grades, Malone pointed out, noting that these are not always "determined factors." He compared the requirements imposed by Harvard (drop-out rate two percent) with UCLA Law School's higher drop-out rate, and "lower" entrance requirements from the standpoint of test scores and grades: "I'm not convinced that this emphasis on very high test scores and grades does not prevent the prospective student with other desirable qualities — who could become a sincere and capable member of the profession— from entering a good school."

Malone noted that the present Law School first year class undergraduate grade average is 3.0 and average test score is approximately 550. He added that this represents harder entrance requirements than imposed on previous classes, and less stringent than we'll be imposed on future first year classes. In line with this, Malone commented that only twenty-two first year students had left the school so far—a lower number than in any

(Continued on Page 3)

Out of the Ivory Tower

News from Faculty Row

Professor **Benjamin Aaron**, delivered an address on "Seniority Transfer Rights" to the Midwest Seminar on NLRB Policy Changes at the University of Chicago in February.

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Professor **L. Dale Coffman**, accepted an appointment by Los Angeles Mayor Sam Yorty to membership on the "Mayor's Community Advisory Committee."

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Professor **William Cohen** is a Consultant for the Mental Deficiency Study, George Washington University and was one of the lecturers for the lecture series on the Law and Contemporary Society presented by University Extension. He spoke on "Problems of the First Amendment."

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Professor Edgar A. Jones, Jr. attended the National Academy of Arbitrators Annual meeting in Chicago.

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Professor Harold E. Verrall recently completed a study for the California Law Revision Commission on rights of landlords when tenants abandon rented property and repudiate lease agreements.

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Dean **Richard C. Maxwell** attended the Annual Oil and Gas Institute of the Southwestern Legal Foundation in Dallas. A meeting was held in conjunction with the Institute of the Editorial Board of the Oil and Gas Reporter. The dean is West Coast Editor of the publication.

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Professor **Paul O. Proehl** is continuing research in Nigerian foreign investment and economic development law and returning to Nigeria again next summer for field work. He recently took part in a conference on "Law and Economics" at Cambridge, Massachusetts, sponsored by M.I.T. and is joining with Continuing Education of the Bar, State Bar, L.A. Bar and American Society of International Law in planning a two-day meeting in May on "Legal and Tax Aspects of Doing Business Abroad."

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Professor **Herbert E. Schwartz** spoke at the Sacramento Estate Planning Council Forum Day, February 18, on "Gifts to Minors."

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Professor **Murray L. Schwartz** was a Panelist, American Society of Legal and Political Philosophy, New York City, and has recently returned from a tour of East Africa. He visited universities in Khartoum (Sudan), Addis Ababa, (Ethiopia), Dar es Salaam (Tanganyika), Kampala (Uganda)—lectured on Criminal Law and United States Constitutional Law and United States Legal Education and legal profession in Khartoum and Dar es Salaam.

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JAMES L. MALONE, Assistant Dean of the UCLA Law School, was the guest speaker at the Discussion Club in St. Louis in December. The subject of the speech was "Today's Higher Education — A Problem in Balancing."

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Professor **RALPH S. RICE** will be speaking at a meeting of The Peninsula Estate Planning Council in May, at San Mateo, on "The Use of Securities in Estate Planning." Professor Rice, with Professor Anthoine of Columbia and Dean Griswold from Harvard, participated in a round table discussion at the annual meeting of the Association of American Law Schools in Chicago. The three-man panel discussed "New Techniques on Teaching Taxation."

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Professor **MELVILLE S. NIMMER**, recently attended a meeting of the Panel of Experts, appointed by the Librarian of Congress, to advise on new Copyright Law. He also addressed, at a luncheon meeting, the Lawyers Association of the Copyright Office made up of all of the lawyers employed in the Copyright Office.

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Professor **HAROLD MARSH, JR.**, is the author of Chapter 4 of the new handbook of "The Continuing Education of the Bar dealing with Family Law. This chapter by Mr. Marsh covers the subject of "Property Ownership during Marriage," including community property, joint tenancy and other forms of ownership between husband and wife. He has published, in collaboration with Professor Richard W. Jennings of the Berkeley campus, a new casebook on "Securities Regulation — Cases and Materials." Issued by the Foundation Press in January, 1963, this is the first casebook to be published on this subject. It covers the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and also to a lesser extent State Blue-Sky laws.

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Professor Marsh and Professor **WILLIAM D. WARREN** have assisted in drafting the Bill to be introduced in the 1963 Legislature to enact the Uniform Commercial Code. Professor Marsh is noted as a consultant to the California State Bar Association and the California Bankers Association and Professor Warren is a consultant to the California Commissioners on Uniform State Laws.

McQuade Named As Assistant of Dean

McQUADE (l.) & WELLS

By DAVID JOHNSON

Mrs. Francis McQuade, former UCLA Law School administrative assistant, has been named asssitant to the dean, a position created January 1. Mrs. Gail Wells has assumed Mrs. McQuade's former duties.

The new assistant to the dean title was necessitated by greatly increased activities in the law school concerning both students and faculty, Dean Richard Maxwell said.

"We've had a large expansion and tremendous increase of necessary administrative duties," Dean Maxwell explained. "The only way it can be handled decently is under this kind of re-organization.

"Our administrative overhead is the lowest of any major law school in the country," Dean Maxwell emphasized, pointing out Boalt Hall School of Law has two assistant deans who hold LL.B degrees while the Stanford School of Law has two such assistant deans and an associate dean.

The UCLA Law School will double in size in the next five to ten years, with great pressures to reach that point earlier, Dean Maxwell said.

As the law school grows in size and reputation greater burdens are placed on professors to attend meetings, study sessions and generally make their presence more felt, Mrs. McQuade said. This participation is only a small part of the added administrative burdens on the dean's office and other Law School facilities, Dean Maxwell indicated.

Faculty travel arrangements will, nevertheless, comprise a good share of Mrs. Well's new duties. "We make the reservations and putty up the cancellations after the professors change their minds — often on 15 minutes notice," Mrs. Wells mused.

The new administrative assistant is now in charge of nine non-academic employees plus occasional part-time student workers who shuffle through the paperwork that makes the Law School run.

On top of the usual administrative bulk, the dean's office is busy with physical expansion plans under the pressure that within seven years or so the school must be ready to handle 1000 students.

The pinch for room has already moved Mrs. McQuade's office upstairs to room 257. "But there just wasn't room downstairs and Mrs. Wells had to be near the personnel she supervises," Mrs. McQuade said.

Mrs. Wells has been on the Law School staff for over four years. "I've been here 'since the beginning of time,' " Mrs. McQuade confessed. She is especially known to first year students because she is enrolled in a first year civil procedure class and has taken several other law courses here.

"They have me in Section B," the new assistant to the dean says. "This is the fourth year I've taken a law course — and I'm still a freshman."

Mrs. McQuade, who makes out the class schedule each year, finds each of her classes a tremendous help.

Comp Law Taught by Guest Prof

By LARRY FRIEDMAN

Professor Guillermo Floris Margadant, visiting instructor in Comparative Law this semester, has taught at the University of Mexico's law school for the past six years. His sojourn at UCLA evidences a developing United States interest in Latin American law and Latin American interest in Anglo Saxonian law.

Margadant has written several books on Roman legal institutions — Roman Law as an Introduction to Contemporary Juridic Culture, Roman Law for the Fun of It, and The Role of Roman Law in Juridicial Contemporary Teaching. In the study of legal institutions, he finds a combined horizontal and vertical approach "most desirable" — the simultaneous study of the institutions history and its comparison with other institutions.

Margadant draws several comparisons between the University of Mexico law school and UCLA. The former is much larger, with 6,500 students, many of whom are women. Mexican law students are quite young, the average age of a freshman is 17.

Law studies at the University of Mexico are free, but the student must attend for five years. At the close of the five year period, the student receives a law degree and can enter practice. He is not required to take a bar examination, although he must write a thesis to graduate.

Unlike UCLA, Margadant notes that the University of Mexico has no moot court system, while the school's law review is handled entirely by the faculty. However, Mexican students are more active participants in law school government.

Margadant suggests that the law faculty at the University of Mexico is less closely knit than that at UCLA because it consists of fewer full time professors. Mexican students and professors are less punctual than those at UCLA, he observed.

PROF. MARGARDANT

Kearns Nixes Expansion of Moot Court

By CHARLES RUBIN

Moot Court participation on a three-year basis has been tabled by Chief Justice Bennett Kearns. The plan has been adopted by Boalt Hall.

To cope with the pressure of growing enrollment, Boalt Hall set up this year, a law club system and opened the doors of moot court competition to members of all three law school classes.

Until this fall, participation in the Boalt moot court program was restricted to members of the second year class.

Fifteen law clubs were established and the moot court program consists of a series of competitions within and between these clubs. Each club includes members of the first and second year classes and next year will include third year members.

Overall responsibility for the administration of the program is with a student moot court board selected from the third year class on the basis of performance during the second year competition.

The club system was instituted to afford second and third year students an opportunity to become better acquainted, a spokesman indicated.

Kearns feels that the main benefit of the system is that it enables all law students to argue before the bench more than once.

UCLA's moot court system allows only the few chosen for Moot Court Honors Competition to argue more than one case in moot court.

Kearns noted that the Boalt moot court system will create administrative difficultes for the executve committees. The UCLA moot court is administered by an executive committee chosen by the outgoing committee from outstanding second year moot court competitors.

The newly chosen executive committee elects one of its members to be Chief Justice for the coming year.

The remainder of the participants in the third year moot court program, are judges for the first and second year trials and argue cases.

Better Late Than Failing Malone Comments on Grades

By S. TED BOXER

January examination results were not released until early March - a near record.

The delay, with resulting student agitation, was cast-off as "normal" by Law School spokesmen. No change in the system is contemplated.

As it operates now, no grades are known to the student until the examination results for his entire class are recorded — even though the substantial portion of his marks may be available as soon as two weeks after the test period.

"The policy of withholding grades until all are prepared is within the control of the faculty and they have decided not to make any changes in that policy," according to James L. Malone, Assistant Dean of the Law School. He added that there was no unanimous agreement, however.

Malone spelled out the major factors leading to the decision:

"A belief that individual posting of grades could lead to pressure being exerted upon a professor by a borderline student.

"Students might gain knowledge of other student's numbers and cause a subject of private concern to become public."

"Professors are assigned due-dates by which they are expected to have their grades turned in for recording, and on the whole they did live up to these dates, although there were some exceptions," Malone explained.

These dates are set on the basis of the number of exams to be graded per course and the number of courses a professor teaches. If followed, the system would result in grades being submitted to the office on a staggered basis. The office could handle the recordation process with a minimum of confusion. This would also mean that there would be a constant process of recording grades instead of one big push just before distribution, Malone said.

"There were some instances where due-dates were not set. I did post the notice for the distribution of second and third year students as soon as I was able to ascertain just when they would be ready," he commented.

Malone cautioned students not to draw any analogy to undergraduate experiences. "Here," Malone noted, "all of the grading is done by the individual faculty members themselves. This in itself tends to make the process a slow one. The administration has no coercive measures that can be applied to a faculty member with tenure as can be applied to a teaching assitant."

State Gives Law Loans

The Massachusetts Bar Association has placed a new student loan program in operation at the state's four accredited law schools. It is the first of its type in the nation.

Under the plan, loans are available to full-time law students, and are repayable in 60 equal monthly installments over a five-year period beginning five months after graduation. Funds are placed on bank deposit. Each $100 deposited as a guarantee makes $1,250 available for student loans. The initial deposit made available loans totalling $312,000.

Drop-Outs

(Continued from Page 1)

other previous class at the same stage.

There are three general reasons given for leaving school, according to Malone. First, the student simply doesn't feel he can do the required work. Second, the student is pressed by personal problems (marital, financial, etc.). Third, the student decides that "law isn't for him." Malone observed that a student could not really gather enough knowledge of law in six months to make a valid conclusion regarding like or dislike of law.

Pointing out that the greatest number of first year drop-outs occur just before mid-term examinations, he said that the tests usually serve no more than an introduction to a law examination. Few professors count the examination and most "critique" the examinations to show the student what should be discussed in answering the questions.

There is no really positive, individual correlation between entrance requirements, a given law school, the student's problems and the resultant drop-out rate, according to Malone.

High entrance requirements, such as those at Harvard, will result in a lower mortality rate he concedes, however, but asks: "What is the correlation between the entrance requirement and the making of the lawyer?" If high entrance requirements result in the preclusion of students having other very desirable qualities needed and wanted by the profession, then the high entrance requirement defeats its purpose, Malone said.

"But if the lack of high entrance requirements results in the vacancy of twenty-two precious class seats, then there is a failure in the accomplishment of educating as many able people as possible in the law," he observed.

Publish

Two recent publications of the California Law Revision Commission by UCLA Law School professors are now available from the Documents Section of the California State Printing Office.

"Tentative Recommendation and a Study Relating to Hearsay Evidence" is a 278-page publication based on a comprehensive research study of the subject by Professor James H. Chadbourn.

The volume, in addition to outlining the hearsay rule and its numerous exceptions, presents discussions of the existing California laws, and includes citations to leading cases together with an analysis of the provisions of the Uniform Rules of Evidence.

"A Study Relating to Sovereign Immunity" comprises 700 pages and was prepared by Professor Arvo Van Alstyne.

Student Still Wants In; Years Roll By and By

An eleven-year-old dispute between UCLA and former law student Alexander Cota has apparently come to an end.

University President Clark Kerr late last month upheld the 1952 refusal of admission to the Law School of Cota who had appealed to Kerr earlier this year. Kerr stated that he found no reason to reverse the decision of the Faculty Admissions and Standards Committee of the School of Law, which heard Cota's appeal for the second time last December.

The thirty-four year old former student's case goes back to 1952, when Cota was refused entrance into second-year law because his first-year grade average was three-tenths of a point below the minimum fo continuation in law school.

Cota has long charged that his average was due to animosity on the part of now-retired members of the law faculty.

He appealed his case to the President and the Board of Regents for the first time in 1952, but no action was taken. A Superior Court, to which he appealed in 1954, ruled that it had no jurisdiction over University admissions.

On campus to gather student signatures on petitions for his readmission, Cota was arrested by campus police in February, 1959, when they found him camped out on the Main Library steps in an all-night vigil. He drew a ten-day sentence in the Lincoln Heights Jail.

Kerr stated that he had not found sufficient evidence to justify changing the Law Committee's action. However, he affirmed that new evidence could reopen the hearing.

Docket Dicta

Rumbling

We breathed a sigh of relief recently when the results of January examinations were finally handed out. It brought an end to a long wiat that ruffled even the most calloused. The open reactions during the prolonged period were short tempers, indifference to current studies and noticeable apprehension on the part of many. Almost without exception, students actively called for a speed-up. Both faculty and adminstration were extraordinarily silent on the subject — probably because the same happens every year. In the past, after grades were finally released, all returned to normal. This year is proving an exception, however, and student sentiment still runs high and strong for a change from the antiquated system of withholding all grades until every mark is in.

The student-advocated remedy is simple and clear: post exam results for each course as soon as the papers have been graded. We are assured that such a procedure entails no administrative hardship and that there is considerable faculty support for the proposition. Two explanations are offered against the measure: that it is irksome for the student to be dealt a slow death and that a professor can offer no counselling until he sees a student's overall performance. Somehow these explanations pale in light of reality. It is no doubt worse to experience sudden death after more than seven weeks of wait and wonder. It is hard to justify the heart, soul and hours poured into a new semester's work when it proves to be for naught. Unfortunate ex-students bitterly confirm. As to counselling — a practice which we had not been aware existed — we hope no professor will explain our performance in his course based on how we did in another.

There seem important advantages to quick posting. Some are obvious and need no telling. It is clear that an early announcement of grades would relieve the anxiety. This should be reason enough, but the arsenal is not spent. For those that do not pass, it is a nice thought that there would be an opportunity to start out quickly on other avenues in pursuit of a vocation — or to seek admission to another law school. Financial hardships and military obligation are other factors.

We are not clear why individual course posting has not been accomplished. Old saws are dragged out each time the subject is raised. For example, we are told that the present system is the dictate of students of the past. The concern at that time, so it seems, was that everybody learned the marks others received because all knew each other's exam numbers. Times have changed. The school is larger now, for one, and we recall that we had considerable difficulty in remembering our own number, let alone that of anyone else! Some claim spring semester grade delay has caused no consternation. We remember that we were pretty jittery last summer but do not seem to have run into any professor (at the beach) to tell him of this.

We recognize that there is a reluctance to shuck something old and accustomed. Sometimes the chosen replacement has proven a disappointment. But we find that this discovery can only come when the new is in hand. Now, we are told that the administration and faculty like us and look out for our welfare. They want to make our life without pain and ask only that we tell them the hurt. This we here and now do — unanimously, nay, monolithically.

Accustomed as we are, we now wait anxiously the favorable decision.

Proud

The Law School is justifiably proud of its graduates Joan Gross and William Keene. They are the first in the school's home state to occupy the bench. With more than 1100 alumni from which to choose, the appointment of Judges Gross and Keene hopefully portends a trend of selection. We are sure that both Judges will distinguish themselves.

Portia

It is strangely disappointing to learn that the twenty-two Lovely Ladies we see in class every day have no more exotic or fascinating explanations for seeking an LLB than the mundane reasons their male counterparts usually offer.

High Heels and Horn Books

Women in Law School: Why They Seek LLB

Special Report
By MAURICE ATTIE

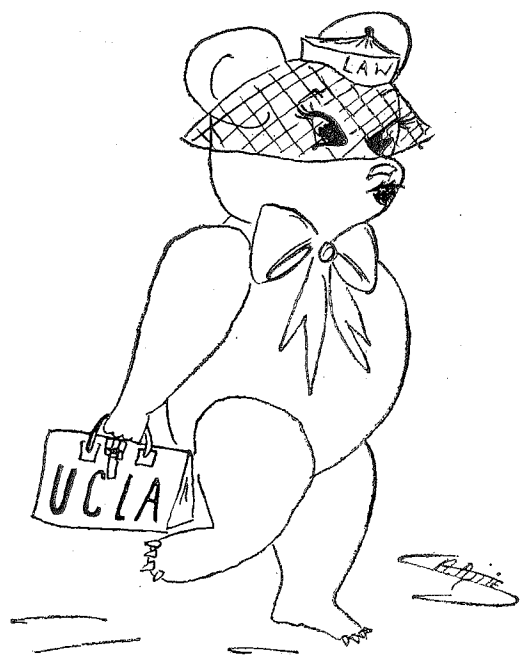
A sharp-eyed observer of campus life recently noted that law students get better looking each year.

The comment, however, was aimed at only a small number of the law school's aspiring LLB's: the women law students.

Generations of male law students have silently and privately wondered what has attracted an ever-increasing number of the fairer sex to enter the three-year treadmill. Here are some of the answers:

A pretty second year student chose law because "society and the profession seemed to be showing a greater willingness" to accept women as attorneys.

A first year student, daughter of a doctor, said: "I decided on law and not medicine because the grass is always greener. . . .". She



pointed out that demands at home have decreased and women have more time to go out and accomplish professional goals.

An outstanding senior scholar, president of a campus legal club, indicated that the historical notion of a wife playing a subservient role is false. "A wife with the right attitude can run her man," she said and there is "no reason why the same techniques won't succeed in law."

The ambitions of many women are often bypassed in favor of motherhood. A second year student and young mother, put it: "Many potential female attorneys hesitate in applying to law school because of an unwillingness to sacrifice time and chances for a family, but the girl willing to take the initial step will make time for her family. Fulfilling the mother role is no more taxing for an attorney than it for a woman in business or any other profession."

Another young mother observed that many wives and mothers are required to supplement the family income. Because of this some have decided to practice law—which is "challenging and carries prestige."

The aspiring feminine barristers sharply attacked the notion that "women as a group are in some way unfit for the practice of law."

The girls say this view is fostered in "the old, traditional homes, where the mother plays the subservient role." One pert co-ed said: "My message to such males is wake up, boys, the professional woman is here to stay!"

As to the general social resistence to lady lawyers, a first year student said that she would never take a rejection based upon this attitude because the "idea itself admits to no personal deviations." But others disagree. "The lady student who occasionally encounters this anachronistic attitude bristles and therefore appears unfriendly, unfeminine, competitive and retaliatory and this results in the time-worn vicious circle."

Most of the feminine future attorneys felt that their job opportunities might be initially limited. They were particularly resentful of the "superficial and nonsensical" reasons given for job refusals. Some firms, they claim, believe that women are not prepared for l e g a l work, because they go through law school for reasons other than to practice law. "This idea is absolutely ludicrous," one girl exclaimed. "Anybody in his right mind would realize that the law school grind is no fun, and rational people generally don't go through it without a sincere and legitimate desire to become attorneys."

A senior on Law Review said, "Many law firms, though basically encumbered by their own biases, rationalize their refusing to hire women on the basis that clients won't accept them." As a matter of fact," she continued, "a certain variety of clientele prefer a lady lawyer."

"A neophite is sharply aware of being a female attorney and is bound to project an element of defeatism, which may be a factor in barring her success in finding her first job in the field." One student observed, "If she feels and thinks of herself only as a good legal practitioner, she will project this feeling, enhancing her chances for quick acceptance by her new colleagues and prospective clients."

As for her chances in court, the girls felt they might have a tactical advantage by playing on the sympathies of the judge and jury . . . "poor defenseless girl being hounded by the strong male." As one girl put it: "By making best use of the assets she has, the female attorney turns an on-its-face handicap into a personal advantage."

The theory that on the whole, the female law student is more idealistic and less money and prestige conscious than the male student was set forth by a second year student. She said: "The lady lawyer is more likely to be concerned with each client and his individual problems rather than the volume turnover favored by the money oriented firms — composed of men, of course."

According to Law School Dean Richard C. Maxwell, "The only way that we can distinguish between men and women as groups in the field today is that there are more of the former than of the latter. The outstanding, the average and the not-so-good come from each classification, and it is only a matter of time until no distinction whatsoever will be discernible."

Let Nothing You Dismay

The judge of a municipal court in the space of a year will deal with thousands of misdemeanor cases. This will involve battery, theft, drunkenness, among other things. Frequently in these cases the same faces reappear. He hears excuses, denials, explanations, promises. These also reappear:

—"Who, me?"

—"Judge, I'm just passing through town — you'll never see me again."

—"I thought it was my wife, and anyway, s h e seemed friendly."

—"I can take it or leave it alone, Judge — beer, whiskey, gin, anything."

UCLA DOCKET

Published quarterly during the academic year by the Student Bar Association, School of Law, University of California at Los Angeles. Mail address: 405 Hilgard Ave., Los Angeles 24, California. Telephone BR 2-8911.

RONALD L. KATSKY, EDITOR

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Medico-Legal Seminars Talk Mutual Problems

Special Report
By JULIE GURDIN

A basic lack of communication and the inability to fit medical diagnoses into a legal context are infamous barriers in the relations of the medical and legal professions. Doctors are afraid to testify; lawyers feel that, since people have a right to representation, they are obligated to testify.

The UCLA Law School Medical-Legal Seminar series attempts to solve these problems by bringing students from both curricula together for a discussion series of three sessions, each three hours long.

One professor and four students from each profession participate. While the program is voluntary in the Law School, it is compulsory for fourth year medical students and is taken during their service in psychiatry.

The program, under the direction of Law School Asst. Dean James L. Malone and Dr. Robert Stoller of the Medical Center Neuropsychiatric Institute, has aroused an enthusiastic response in botl groups of students, largely through the cutting away of professional facades that bar communication.

Dr. Faribonz Amini of the Neuropsychiatric Institute described the scope of the program as follows: the first night is devoted to a discussion of the methods of medical and legal education, including a tour of the Neuropsychiatric Institute. The second session deals with concepts of criminal responsibility, a field he finds replete with misconceptions by groups of students. The third session is devoted to public health questions, ranging from water flouridation to abortion. As a professor, he is especially conscious of encouraging the medical students to intellectualize the issues involved while encouraging the law students to "feel" the issue.

Dr. Stoller finds that the law students begin with a distinct advantage in the course, derived from their educational system. Whereas the Socratic method of legal training emphasizes scepticism and argumentation, a medical education is necessarily a more authoritarian system, designed to impart scientific fact. — "there is little to argue about in anatomy," he says. But, he adds, the differences quickly disappear. The medical students stop being so reticent and begin to fight back. The law students become less aggresive.

Although discussion topics are centralized around readings in William J. Curran, Law and Medicine (1960), participating faculty members and students are free to choose other topics. Favorite categories are malpractice, the doctor as an expert witness, the adversary system, damages in personal injury cases, criminal responsibility, legal and medical insanity, and public health.

Both faculty and students agree that the sessions quickly dispel long - held misconceptions and fears. In praise of the program, Assistant Dean of the Law School James L. Malone said, "Such an increase in professional understandings can produce a realization by the courts that medicine can give no unqualified answers and a cooperation by the doctors who know what sort of answers can aid in the arrival at a decision by a court which will result in the most valuable testimony possible for both patient and lawyer."

Law Wives Activivies

The February meeting of the Law Wives Association proved to be one of the most unusual this year. Speaker Al Barrios, a fifth year graduate student in UCLA's psychology department, discussed hypnotism. At the conclusion of his discussion he gave a demonstration of group hypnosis. About 45 husbands and wives attended the meeting along with five medical wives.

On March 9th twelve couples gathered at the home of Charlene and Mike Immell for cocktails before attending the Billy Barnes Review. Tickets for such theater parties are available at a discount to groups. More social events are to be planned for the future.

A luau and swimming party to be held after finals in June is now under consideration, and social chairman Charlene Immell asks to hear from anyone interested in helping with the planning.

Planning for the annual spring fashion show is also underway. Chairman Carol Irsfeld reports that this year's show will be titled "La Saison de Couture" (The Season of Fashion) and will feature spring and summer clothes from Ruth Lewis of Westwood. It is scheduled for Saturday, April 27, 1 p.m., Men's Lounge, UCLA Student Union. Door prizes are to be given away. Tickets will be available through Rosemary Abate and Edna Szyszlo. Additional information will be at the regular April Law Wives' meeting.

—AMANDA DEVINE

Beverly Hills Bar Schedules Faculty Members

The Law School in connection with the Beverly Hills Bar Association is sponsoring a series to analyze "The Law and Contemporary Society." The program continues through March 24.

Professors William Cohen, Murray L. Schwartz and Paul O. Proehl are participating in the series.

Joining UCLA authorities as series speakers are such outstanding local figures as Joseph Ball, past president of the California State Bar Association, Herman Selvin and Mitchell J. Ezer, attorneys, William H. Parker, Chief of Los Angeles Police Department, Ellery Cuff, Public Defender of Los Angeles County, Superior Court Judge Irving Hill, and Gill Stout, news commentator.

FRATERNAL FRANCHISE

Phi Delta Phi

By DAN SHAFTON

Never in the history of Pound Inn has there been such a memorable St. Patrick's Day. Not only did "Wizzard Will" Webster discuss his article, "A Sober Look at a Spirited 17th" but he also revealed to would-be scholars a few of the secrets surrounding his recent and phenomenal educational achievements.

Another Phi Delta Phi "first" was celebrated between semesters when weatherman "Cecil Ricks — and Mine" led a drenched battallion through the soggy wilds of Rancho Golf Course. Although only the Spirits remained undampened, a determined Al Norris led his "suitcase foursome" around the full 18 holes to finish the match.

Socially, a recent exchange with cross-town dental hygenists from U.S.C. was held at the Car Barn. And on March 7 the dinner speaker, Mr. Miner, discussed malpractice and forensic medicine.

Next month's plans include the annual Senior Dinner, where the featured speaker will be Myron Bernard Rothstein. His topic will be "The Role of the Lawyer in the Peace Corps." Also planned for April is the traditional picnic at Professor York's mountain paradise, where Kurt Lewin will discuss "Hawaii and the Law—School."

Pledges are now deeply engaged in the study program, which includes individual advisors as well as seminars in study techniques and practice exams.

Finally, congratulations are in order for Joel McIntyre and Roger Denny, for providing new Pound Inn legacies. And condolences to Byron Lawler and John Benson for leaving the ranks of bachelorhood.

* * *

Phi Delta Delta

By ELEANOR LUSTER

Newly appointed Judge Joan Gross, a fellow member of Phi Delta Delta, was our guest of honor February 21, when we pledged ten members from the first year class. The pledges are Paula Currie, Karen Kaub, Peggy Klein, Maralee Harsell, Cindy Pease, Andrea Sheridan, Elaine Schwartz, Norma Schweitzer, Anna Lee Drayer and Jeanne Ziering.

We started the meeting which was held at Nira Hardon's home, with a champagne toast to the new judge, to the new pledges, and to the hope that the marks would eventually come out. After the pledging ceremony conducted by our president, Maggie Roth, we sat down to the most delicious, luscious and yummy food prepared by Nira's parents and we owe a special vote of thanks to Mr. and Mrs. Hardon.

Marty McLean's name has been added to the plaque in the library for the annual Phi Delta Delta award for the highest ranking woman for the first year. And we are very proud that Marty is keeping up the record.

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Prof. Calls For Labor Injunctions

UCLA Law professor and labor relation expert Benjamin Aaron has suggested that the use of injunctions in labor disputes should be increased in an article entitled "The Labor Injunction Reappraised" published in the current UCLA Law Review.

In the article, Professor Aaron scrutinizes the conflicts of policy between the Norris-LaGuardia and the Railway Labor Relations Act. He concludes that the anti-labor bias of the courts which necessitated the Norris - LaGuardia anti-injunction legislation no longer persists. Consequently he recommends a loosening of the "outmoded" legislation.

California courts receive criticism in the same issue. A study of California Summary Judgments by Professor John A. Bauman is highly critical of "judicial gamesmanship" which allows for "manipulation to attain desired results." Professor Bauman's article contains an extensive analysis of the California decisions and suggestions for improving the standards used to test proof on summary judgment motions.

Student writings in the issue cover a varied range of subjects including the political use of union dues, housing discrimination, criminal insanity, false advertising on TV, property settlement taxation, labor arbitration enforcement, and state law preemption of municipal law.

Phi Alpha Delta

By DOUG LANS

To confirm our status as the largest law fraternity chapter in the United States, the brothers of the McKenna Chapter counted noses. Sure enough, nobody had more than one.

Usually reliable sources close to the administration warn that Justice Hanger and his followers are full of surprises this year. At a George Washington's Eve spectacular, Deputy District Attorney Ronald Ross snowed our dates with tales of crime in the asphalt jungles of Beverly Hills.

On March 8, the virile, but unmarried, portion of the pledge class sponsored an exchange with a few select, but unsuspecting, sororities. The survivors had three weeks to get back in shape so they can attend a theater party with the rest of us March 29.

The wiser, more studious brothers will wait until the smoker April 5 to break away from their wonderful PAD outlines. Out of consideration for the married men, who will be bringing their wives to the Law Day Dance May 4, it cannot be too strongly urged that the bachelors who attended the sorority exchange refrain from talking about it too much.

The evening of May 10 the youngsters will be initiated, and a dinner will follow the solemn ritual. Those who still haven't got enough sense to quit and go home will be finished off at a TGIO picnic after finals.

Intent Illusive, Expensive, Misleading

By Arvo Van Alstyne

In the great bulk of cases, it is impossible to find any adequate legislative intent materials in the present state of California law. To be sure, in a small percentage of the cases, exhaustive research may disclose some good and helpful material. The technical and theoretical aspects involved in utilizing such materials, however, lead me to offer some cautionary and some practical suggestions.

The use of materials showing legislative intent by courts, and even more importantly, by lawyers in counseling their clients is here to stay; but I have certain reservations as to whether this procedure ought to be encouraged. I suspect that when we read cases where the courts in construing statutes have relied upon legislative debates, committee reports, or changes in legislative language in the course of enactment, very often these legislative materials are used as a means of helping to buttress and give additional support to a decision interpreting legislative language, which is fundamentally based upon other considerations. Legislative history is thrown into the opinion as a make-weight. I suspect that it is very seldom that so-called legislative history actually influences the result of the court's deliberation very much. There may be some exceptions to this, but on the whole, it tends to be more a matter of opinion-writing technique than an influence upon the actual intellectual process of arriving at decisions.

Aside from this, I would suggest that there are some very serious difficulties. We already have too much in the way of legislative materials. The mass of statutes, administrative regulations, court decisions, ordinances, research services, and the like that are constantly pouring out is becoming literally enormous. An adequate law library today, for any sort of sustained research in the law, is an exceedingly expensive proposition. We anticipate that, for even a basic research library at UCLA Law School, we are going to require, ultimately, at least 300,000 to 400,000 volumes, and this will undoubtedly increase as the years go by. The average lawyer, of course, cannot possibly have at his immediate disposal materials of this magnitude. As a result, much of the legislative intent material clearly is not and will not be available to lawyers in the form in which this sort of material is found today. The usual law office library is a relatively modest affair. A lawyer will ordinarily have a collection of the codes. Most practicing law libraries, however, do not have even the official copy of the session laws and rely, instead, upon the codes and general laws as distributed by the commercial publishers. I think this is an exceedingly important proposition. As soon as we make the law relatively unavailable to lawyers not to mention members of the public generally we are getting into a situation where the law becomes more obscure. One of our chief difficulties with the law today is the fact that it is becoming less and less accessible, and I would tend to discourage any attempt to make it more unavailable by the encouragement of the greater use of legislative intent materials.

Secondly, we have to consider the matter of expense. The cost of legal services is already very high. Studies in the economics of the legal profession have indicated that the lawyer's share of the cost of legal services, over and above expenses, is becoming less than it was in previous years. Many clients can ill-afford to hire lawyers and get adequate legal services today. Lawyers often could not store and research much of the material which would be significant if we began to develop a greater insistence upon legislative materials as a basis for conscientious informative advice to clients.

I think "fairness" is a third matter that we need to be concerned about. We need to constantly keep in mind the problem of whom we are legislating for. Is legislation for all the people, or is it simply for experts who are able to use these materials, who know the decisional law, who are able to manipulate the arguments and thereby construct a rational and persuasive line of reasoning to persuade a court? I think there has been a good deal of over-reliance in the past upon the presumption that everyone knows the law, and this presumption is becoming less and less realistic as time goes on. A decision of the Supreme Court of the United States in **Lambert vs. California** in 1957 illustrates this. The court held that a person could not be constitutionally convicted for failing to register under a felony registration law where the defendant was not shown to have personal knowledge of the existence of the statutory requirement. The court refused to apply the general principle that everyone is presumed to know the law. It said that as a matter of due process, the defendant cannot be convicted under this kind of statute unless there is knowledge or at least a showing of presumptive knowledge of the existence of the requirement. It seems fair to conclude that similar constitutional problems would be involved if we began to get too far away from the actual language of the statutes themselves. To encourage resort to legislative intent materials tends to make the law less knowable, less predictable, and hence may even involve violations of due process.

I think that a fourth point is that any attempt to encourage too much reliance upon materials of this sort may tend to be somewhat misleading. Professor Radin at the University of California, in his writings on statuatory interpretation, pointed out that legislative intent is, at best, a fiction. There never is any such thing as a collective intent, and there are relatively few members of the Legislature who have any real working familiarity with the details of most bills. Controversional ones, undoubtedly, are much more widely known; but the bulk of legislation goes through the Legislature largely because there is no opposition, and because there seems to be a need expressed by certain interests that the law needs to be changed. The magic statement that there is no opposition often solves all problems.

When matters get into litigation, of course, to the extent that the courts simply rely upon legislaive materials to support a claimed finding of legislative intent, we get involved with a sort of legislation by indirection. The encouragement of this actually has led, in many instances in the Federal Congress, to what we might call the planned colloquy. Members of Congress, after seeking to amend the bill to cure some defect in it, or to protect some of their constituents whose interests might be adversely affected, find that they cannot work it out in the way of an amendment. So they get up on the floor of Congress and make a statement or ask a question of the sponsor. In advance, they may have arranged with the sponsor of the bill to say "No, we don't intend the bill to apply that way" — and there you have your legislative history. And many cases illustrate the willingness of the courts to seize upon this sort of evidence to show what the Congress intended. It is truly legislation by indirection, where the words that were necessary were not in the bill and were inserted in the course of legislative debate.

We have many instances of "loading" the records. When there is a controversial measure in Congress and the debates are published, the proponents and antagonists on both sides will get up and constantly attempt to say, "I interpret the measure to mean thus and so," and try to "load" the record with their indications of intent in the hope that, if the matter gets into litigation, the court might rely upon their statements as a basis for judicial decision. There is one classic instance, for example, where the committee report was drafted, not by the members of the committee, but by the proponent of the legislation. He loaded the committee report with statements of legislative intent, so the bill would mean something substantially different from what the wording seemed to indicate so that the court would sustain the interpretation based on the committee report. Legislation by indirection, is a real problem.

Finally, there are no clear rules by which the courts use these kinds of materials. Lawyers, in counseling clients, ordinarily try to take the most conservative and safe course. This requires careful assessment of the probabilities of what courts would decide and the lawyer is bound to make a careful search for all legislative material; the expense is built up and ultimately he has to assess how the court would use this material, and what effect it would have in an advocacy situation. Judicial response to statutory language ranges all the way from the "plain meaning" rule to the notion that any kind of legislative materials are relevant materials and ought to be used. The real problems here are that the courts have not fixed on any criteria for determining relevancy, materiality, and probative value. Certain kinds of legislative material are clearly more relevant than others. For example: official indications would seem to be much more relevant than unofficial statements; thus, statements made directly before the Legislature when it was passing on the bill, or before the committee when it was considering the bill, are most relevant. Some form of evidence like committee reports explaining obscure terminology and why certain changes were made would be exceedingly material, whereas the individual intent of legislators as expressed in debate or in statements outside of Congress — newspaper interviews, and such — clearly would be of a low degree of materiality. In terms of probative value indications of intent that show a general purpose may often be far more probative and be given more weight than specific indications in the form of specific examples propounded by an individual legislator who wants to know whether this bill will apply to a particular case. The reason for this is that often the individual case that is presented in the course of debate is presented for the very purpose of trying to change the general intent to apply to a particular instance. And although that legislator may very well have this purpose in mind, when the bill goes through there is very little probability that the majority that voted for the bill would necessarily agree with his particular proposal. These problems of relevant materials and probative value have never been clearly defined; we have no standards, and to the extent we use these materials, we are likely, therefore, to increase the uncertainty and vagueness of the law.

My general conclusion would be, then, that before any affirmative steps are taken to preserve materials on legislative intent, there is a good deal that must be done in the way of trying to improve legislative draftsmanship, matters of procedure, and so on. The Legislative Counsel's office often drafts very well prepared bills. But in the pressure of the legislative session, particularly toward the end of the session, many bills come in that are screened through the Legislative Counsel, but into which individual legislators, and often the committees, have to write language during the press of business. Because of this, matter gets in that has not been carefully thought through. I am not sure what the answers are, but a good deal can be done to improve legislative drafting, and this is one line of attack that would be very worthwhile exploring. It might have to be done by changing the rules of procedure for the session. Unfortunately, every session there are a number of bills which are not too well drafted — this is not said in a critical vein — but it is a product of the kind of system we have for resolving the conflicting pressures upon legislators. One of the pressures that deserves most of the blame is simply the pressure of time and volume of business. Whatever is proposed in the way of preserving legislative intent material, these materials should be made widely accessible, relatively inexpensive, and restricted to only the most highly probative and relevant data.

A few practical sugestions along these lines deserve consideration. One is the use of explanatory notes in connection with the legislation itself. The Law Revision Commission is presently in the process of preparing, and will submit to the Legislature in 1963, an extensive group of bills designed to provide a legislative solution to the problem of sovereign immunity, which arose as a result of the Supreme Court's decision of January, 1961, outlawing governmental immunity in California. In connection with these bills, the Law Revision Commission has adopted a new procedure. Each section of the bill as set forth in the Commission's recommendations will be accompanied by an editorial note, in which the Commission explains its purpose. This is because it is an exceedingly complicated measure and there are a number of interrelated provisions which are necessarily going to have to be considered together. Having looked over these proposals in their present rough-draft shape, I am persuaded that this technique of explanatory notes may be very, useful, and might possibly be a line of attack that the Legislature might want to consider. These notes could be printed up with the codes by publishers and would simply be part of the legislation. They would not have any affirmative effect as legislation, but they could be adopted as part of the actual legislation by the Legislature, together with a resolution declaring them not to have any affirmative effect as law, but simply to be indications of the purpose of the measure.

Another course might be a statement of purpose in the bill itself. I have found, in doing considerable legislative research, that the urgency clause in bills is often exceedingly helpful, especially when the clause is not just the ordinary "boiler plate" but sets forth real reasons for the bill. In the 1953 session, the Legislature passed a retroactive measure to overrule the Supeme Court decision in the Sutter Hospital case involving the welfare exemption. There was an urgency clause that occupied about one full page in the official

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Solons' Thoughts Key to Decisions

By Herman F. Selvin

My interest has been stimulated from time to time over the years by the fact that the nature of my practice has been such that I have had frequently to engage in the pursuit of that somewhat elusive quarry, legislative intention. I have almost as frequently deplored the fact that in California we do not have available the kinds of sources of information available in the federal system to give us some clue to that intention.

Of course, it is not every case in which a statute is involved that there is any real problem of legislative intention. By and large, the statutes speak clearly and eloquently on a subject, and their application to the case before the court can be clearly ascertained without going to any extrinsic sources. But that is not always so: and when it is not, I think it is important that the real legislative intention should not be frustrated by the court. We should have some system, by which we can supplement the language of the statute with materials that can speak more precisely and clearly to the intention of the Legislature. I think the case of **In Re Lane** is a good example. I do not know; nor do I suppose that anybody knows what the intention was 10, 30, 50 years ago — whenever the particular Penal Code sections were adopted — what the Legislature had in mind on the subject of preemption. There is a good chance that the Supreme Court opinion arrived at a result contrary to the real intention. I do not say the Supreme Court is right or wrong in **In Re Lane**; I use it merely as an example of a situation in which it does become important to have some method of finding out the legislative intention, apart from the language of the statutes.

Why isn't the language of the statutes always sufficient? In the first place, the statutes, of necessity, have to speak in general terms. No one is so acute or so farsighted or has so much second sight as to be able to imagine or envisage all of the possible fact situations to which some general principle might apply — or might be claimed to apply. By the same token, no one is so acute as to be able to envisage in advance all of the possible variations of fact situations to which a given general principle should not apply.

There is another reason why the language of the statute is not always sufficient. Our legislators and their staffs are human beings: and being human they are not always that paragon of perfection that we would like. They cannot use the English language any better than the rest of us. The English language, at best, is an imprecise instrument for expression of ideas or intention. So statutes occasionally come out that are ambiguous and uncertain. For example: "This section shall apply to all roads, highways and streets in cities of the sixth class." Now does that mean that the roads and the highways must be in the city of the sixth class, or is it only the streets that must be in the city of the sixth class? Wording of this sort which is bound to creep in just because this is an all-too-human process, sometimes makes statutes uncertain and ambiguous. When that is so, we must have something more than the language of the statute to find out what it was that the Legislature really had in mind.

Let me illustrate with two cases that I think will point up the difference between what we can do in the state practice and what we can do in the federal practice. Some 20 or 30 years ago the Public Utilities Act of this state was amended so as to provide that vessels transporting persons and property between points in this state would need a certificate of public convenience and necessity. Now when we think, ordinarily, of the kind of businesses and the kind of transportation that we want to regulate in the public interest (and require certificates of public convenience and necessity) we think of the ferry boat, the water taxi, the tankers, and the passenger liners traveling on the inland waters of the state. Now — and this was the actual case — what about sight-seeing boats like those on San Francisco Bay? The statute says "to transport persons or property between points." The sight-seeing boats leave a point go around the Bay in a loop, not stopping or touching land. They show their passengers the scenic beauties of San Francisco Bay then return to the same pier and discharge their passengers. Now was that transportation between points within the meaning of the statute? Public Utilities Commission said it was, but the Supreme Court said it was not. Neither one of them really knew what the Legislature had in mind when it enacted that statute, and there was no place to go — those of us who were trying to read the proposition — to see if there was anything beyond the bare language of the statute that would help in our search for legislative intention.

Now, take the federal case. In 1922 the Congress passed the Capper-Volstead Act designed, speaking generally, to exempt farmers and growers from the antitrust laws. What it said, in effect, was that farmers and growers of products could join together for the processing and marketing of their products in cooperative associations. Well that seems plain and simple enough. But what about the case in California of Sunkist? Sunkist is organized into several associations: Sunkist growers belong to a local exchange; the local exchanges then form district exchanges; the district exchanges form the Sunkist Cooperative, but there is not only one cooperative. There are three. Sunkist Growers handles the marketing for all of its members. Another cooperative, composed of the same growers at the bottom, processes the oranges, and is called the Orange Product Company. Another cooperative processes lemons. When those three cooperative, all representing the same group of growers, get together and agree upon a price for their product, have they violated the antitrust laws, or are they exempt, as they clearly would have been if there had been only one cooperative representing all of those farmers? The language of the statute did not help. Fortunately, we had two things: first, a report of the committee that reported the bill out in the Senate. That report — it was short, but good — pointed out what Congress was trying to do. This problem was a very simple one. The farmers and growers, it was thought, individually, didn't have enough bargaining power in those days to get a decent price for their products from the commission merchants, the middleman, who stood between them and the ultimate market for their products. Congress thought that the way to remedy that situation was to permit farmers to band together into associations to multiply their bargaining power by representing all in a given area, rather than just one single individual. But the farmers were afraid, and there had been a great deal of propaganda saying that they would be guilty of violating the Sherman Antitrust Act if they banded together in order to set a price for their products. So Congress was trying to eliminate the danger, the threat, the risk. Once the general purpose of the statute was known, it became apparent that Congress was not interested in the internal form of the cooperative that the farmers formed, but in letting the farmers get together to get their products to the market. Once arriving at that conclusion, it became clear to us, and ultimately to the Supreme Court, that a cooperative, organized the way Sunkist was organized, came within the exception of the Capper-Volstead Act. This couldn't have been done in California.

We had one other thing in that case. It will happen once in a million times, but it happened here. Senator Kellogg, who was the floor manager of the bill in the Senate, in explaining what the bill intended to accomplish, pointed to an example of the kind of cooperative that this bill was intended to permit. He used as his example Sunkist. The Supreme Court mentioned that in its opinion. This illustrates the difference between the California and the federal systems, and leads me to what I should like to recommend: that we adopt the federal system. In other words, that we have two things: first, an equivalent of the Congressional Record, i.e., a daily verbatim report of the proceedings on the floor of the two houses. Except that I would have one difference from the Congressional Record. I would not have a section for extension of remarks. It makes it too big and most of the remarks are irrelevant because they are never made on the floor, and for the most part, as far as I can tell from reading the Congressional Record, consist of some pretty bad poetry written by constituents and inserted by way of extension of remarks.

One thing that I would suggest, in accordance with the federal system, is that we have the same system of reports from committees when they report bills out to the floor of their respective houses. Now I understand that in California sometimes an interim committee will prepare and publish a report, but the reports are not easily and readily obtainable. It is not done at all times, and certainly, it is not done very often by standing committees in the course of the session. I would suggest that if it is done, the reports be published in what would be the equivalent of the Congressional Record, instead of being published separately. It is only occasionally in the federal system that a committee report appears in the Congressional Record.

The Los Angeles County Law Library does not have a complete set of Congressional Reports. Our public library does not have a complete set, and yet it has reports that our law library doesn't have. If those reports had been published in the Congressional Record, they would have been available because both libraries have a set.

Now I realize the obvious objections to what I am suggesting: the first is cost. I have no idea what the cost would be. I suggest, however, that it would not be too much greater than the present cost of the journals, calendars and indices that are now printed in the course of a session. And I would think that a great deal of the extra cost could be recouped by making the publication available to the public on a subscription basis. I am sure there are lawyers, educational and business institutions, libraries, and others who would be very much interested in being a regular subscriber to that publication, just as they are to the Congressional Record.

Another objection is that it adds another item of work—the preperation of committee reports—to a job that already requires more than full time. I assume that a committee that does its job properly, when it reports a bill out, has come to some sort of conclusion as to why the bill was needed, why it is a good bill and what it is they think it will accomplish. If they have come to these conclusions, it should not be too much additional work for a member of the committee, or one of its staff, to put those conclusions in a brief written form which could be published in the Record and later be resorted to as a source of invaluable legislative history.

There is another objection: people ought to be able to go to one place to find out what the law is and should not be compelled to go to two, three, or four different sources. I do not blink the fact that this is a formidable objection, except that I think it comes many years too late. In order to find out what the law is today, we cannot just go to one volume of the codes. We have to be sure that we have gone through several hundred volumes of California reports that construe the codes, through digests and indices. We have to get and check all the cases that interpret the particular statute in which we are interested. We are not now, nor have we ever been in a situation where we can go to one book, read the relevant paragraph or paragraphs, and be sure we have the law on our subject. Another answer to the objection, is simply that if the statute book reveals a situation where we need to know something more about what the Legislature intended, which is it better to have — another place to which we can go and perhaps get the answer, or not to have any place to go at all and to have to guess at what the Legislature intended, with a very good chance that if we guess, or the courts guess, we will guess wrong?

Illusive

(Continued From Page 6)

statute, in which the Legislature set forth the purpose of the bill, indicating that the recent Supreme Court decision, which was cited right in the urgency clause, had upset expectations and it was therefore necessary for the promotion of public health, safety and welfare that immediate measure be taken to change this interpretation. This was very helpful to the court in finally interpreting the measure.

One of the difficulties with urgency clauses is that they are not published with the codes, and much of this indication of legislative intent is lost. Thought might be given to the adoption of statements of intent and statements of purpose as a more regular practice by the Legislature. This is, of course, often done in special instances. Some of the laws dealing with internal subversion, include specific section expressly setting forth their purposes. Such legislative declarations when read in context with the substantive portion of the measure rather clearly indicate the overall purpose and intent of the Legislature. These have been referred to by the courts in interpreting such legislation.

A third possible line might be to develop some procedure for setting forth, in the codes themselves and in the official statute volumes, a summary of committee action on bills. I think committee action is probably the most prohibitive and material form of legislative intent we have.

My conclusion is to go slowly and seek to develop new techniques for bringing whatever legislative intent materials are used before the public and the Bar in the most accessible and inexpensive form possible.

10,000 Students Argue In Mexican Law School

"It's not as noisy as you would expect," explained Professor J.A.C. Grant of the UCLA political science department who was exposed to the argumentative uproar of the 10,000 law students who attend the University of Mexico Law School.

Fortunately, all of these students do not intend to become lawyers, Grant commented after lecturing there last summer.

The large law enrollment—one of the largest in the world (the average U.S. law school enrollment is about 300, and the largest, Harvard, has only 1,650 students) —is explained by the absence in Mexico of the U.S. tradition of a general or liberal arts education, he said. Mexico seems to favor the specialized college.

"The closest thing to a general education is the law curriculum, which includes political science, economics, French and a comparative study of various legal systems (Roman, Napoleonic, etc.)," Grant said.

Another factor explaining the astounding high law enrollment is that young people from all over Mexico want to live away from home, and what more beautiful and exciting place is there than the University of Mexico? The University has the added attraction of low fees and liberal rules about repeating courses.

Grant, an authority on comparative constitutional law (he was advisor to Vietnam on the drafting of its constitution and reorganization of its legal system), delivered a series of lectures contrasting and comparing the judicial systems of the U.S., Mexico, Canada and Colombia.

Though it may come as a blow to Yankee pride, Grant believes that U. S. has something to learn from the Mexican legal system. He gives this example:

In U. S. law, when two private parties are engaged in a dispute involving the constitutionality of a statute, the defense of its validity becomes the responsibility of one of the private parties.

"This is utterly wrong," Grant maintains. "The government should be a party in all such questions, as has always been the case in Mexico."

Otherwise,, he said, it leads to the quasi-comedy exemplified by one particular U. S. case where a private corporation, which was being sued by a stockholder over tax matters, was called upon by the court to defend its right to pay the tax.

Mexican law, he explains would have brought in the state or federal government to defend the tax law.

The U.S. is gradually coming around to this same practice (that of making the government a party to defend the validity of its statutes), thus creating an interesting legal boomerang.

Grant describes it this way:

"The Mexicans tried to base their legal system on ours, but ended up with something quite different. Now we are copying some of the institutions that they originally thought they were getting from us."

ADMISSIONS

There were 58 admissions to the bar for each million of population in the United States in both 1960 and 1961, according to American Bar Association statistics. The comparable figure for 1959 was 60.

Justice Mississippi Style Calmly Attacked by Higgs

"The entire judicial process of Mississippi is tied up in who can vote and who can't vote except in the jurisdiction of the Federal Courts," attorney Bill Higgs told UCLA law students.

Higgs represented James Meredith in his fight to attend the University of Mississippi.

"In order to serve on a Mississippi jury," Higgs said, "you must, in effect, be a qualified voter. And the color of your skin is important in being a qaulified voter."

The judges of the state are elected, Higgs said, and "If you aren't a qualified voter, you can't expect a judge to see your side of the case."

While the Federal court system would seem to be free of biased personnel, Higgs continued, the representatives of the Federal government in the South often come from the area and hold the traditionally strong viewpoints on racial matters.

Higgs said that the chairman of the Senate Judiciary Committee, James O. Eastland (D.-Miss.), is a traditional Southerner. The Kennedy administration has "probably done a lot more than the previous administration" about racial problems, Higgs commented; but it has done "a horrible job in appointing federal judges in the South."

Kennedy has made two appointments to the Fifth Circuit Court of Appeals, and Higgs said both were racists. "The majority on the Court of Appeals will be racists if Kennedy doesn't change this within his next few appointments," he added.

Higgs, a native of Mississippi who graduated from the University of Mississippi at 19 and received his law degree from Harvard, is the only white attorney in that state who handles civil rights cases.

There are four different sets of laws in Mississippi, he charged. The first is the law applied when a dispute is between two white men. This might be considered "normal, non-Southern law," Higgs said.

The second involves the application of law when a dispute arises between two Negroes. He continued, "The state, in this case, is just not interested."

A third set of laws comes into play when a Negro commits a crime against a white man. White persons can take revenge in this case without fear. "It's amazing what acts can be proven ' beyond a reasonable doubt' to a white jury."

When a Negro prosecutes a white man, a fourth set of laws applies. Generally nothing at all is done. "It's what you don't see in the local paper that counts," according to the attorney.

Even the wire services in the South, to a certain extent are guilty of biased reports, he said. The head of the Associated Press in Mississippi is an ardent segregationist, Higgs asserted.

In order to vote in Mississippi, the applicant must have good moral character, pass a literary test, be able to give a reasonable interpretation of any of the 85 sections of the state constitution, have paid his poll tax for the two preceding years, and have his name printed for a specified period in the local newspapers.

Higgs said that a Negro wishing to vote in the state must, first, dare to, and second, have an education nearly equivalent to a Ph.D.'s.

Crime Type 'New' Breed Per Yablonsky

A new type of criminal — who commits crimes for kicks and is reckless and unskilled —has moved into the underworld, gradually replacing the resourceful, master criminal of the past, according to a UCLA sociologist.

Dr. Lewis Yablonsky said the business of the crafty criminal of the past — a dying breed — was to make money and to make money took skill.

Burglary, robbery, hi-jacking, forgery, counterfeiting and other professional skills of the criminal sub-culture became highly developed, Dr. Yablonsky said in a paper on the changing crime scene presented to the American Association for Advancement of Science in Philadelphia.

The old criminal not only knew how to pull a "caper" but how to do it in the cleanest way possible, the sociologist said.

Means to End

Assault and violence were used as a means to an end not as ends in themselves. This implied a knowledge of law, of court proceedings, of police methods, and many other aspects of the "caper," said Dr. Yablonsky.

The new criminal is more apt to be involved with kicks or thrills and less with the material profit of his crime.

His crimes are violent and often senseless.

He has served no apprenticeship, as the old criminal had, and thus has developed little skill, reported the UCLA sociologist.

The old criminal codes of honor among thieves and "thou shalt not squeal" are fast becoming slogans of the past, Dr. Yablonsky added.

The downfall of the old criminal culture of the past is partially related to improved police methods, he said. In the big cities police methods seem to have won the technological race with the professional criminal.

The shift from a stable slum condition of the past to a disorganized slum appears to be a significant factor in the development of the new criminal.

High delinquency areas of the past had a stable population.

A criminal hierarchy could develop. There was room at the top for an enterprising hood if he trained with an older criminal and had vision, said Dr. Yablonsky.

Student Writes

An article written by second year law student Jonathan Purver will appear in the April 1963 New York State Bar Journal. The article is entitled "Ratification of the Federal Constitution in New York State."

SBA Will Advise UCLA Students Of Law's Study

The Executive Committee of the Student Bar Association pased a resolution to create a committee to organize a Pre-Law Program for UCLA undergraduates.

The resolution was proposed by ALSA Representative Tim Strader, who was chosen to head the committee. The program will be designed to dispel some of the mystery surrounding the study of law, Strader said. It will be a forum or discussion session open to all UCLA students, not just political science students, he indicated.

"This type of program is a true example of how law students and the Student Bar Association can discharge the duties of professional responsibility," Strader pointed out.

UNIVERSITY OF CALIFORNIA
School of Law
405 Hilgard Avenue
Los Angeles 24, California

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