# UCLA

The Docket

Title

The Docket Vol. 36 No. 5

Permalink

https://escholarship.org/uc/item/6zw6g6kt

Journal

The Docket, 36(5)

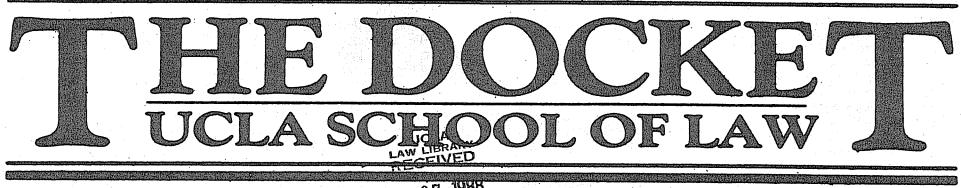
Author

UCLA Law School

Publication Date

1988-02-01





JUN 07 1988 PM 7,8,9,10,111,12,1,2,3,4,5,6

#### **VOLUME 36, #5**

Delta C.Z

# Letter From Uganda

#### By Lisa Halko Hauser

[Lisa is a UCLAW student who has spent the past year in Uganda. The following are some excerpts from her letter to the Docket.]

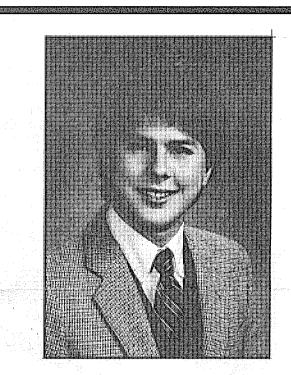
#### Life and Hope

Everyone hopes that the increased political stabilility here will permit economic recovery, money is badly needed. I've been working in the Public Health ward of the local hospital. We travel to remote villages to vaccinate children and give nutritional advice. On a recent trip we immunized 78 children, all under five years old. 38 children were severely malnourished, and several more were borderline Note that these were cases. children of very diligent mothers, who were willing to spend a whole morning listening to people from the city and waiting to have their children made miserable by getting three injections at once, plus polio drops. The problem is that people need cash, for medicine, for school fees, for a kerosene lamp, but live in a subsistance economy. So nutritious crops, like papaya, avocado, and soybeans, are sold at the market rather than eaten. (Soybeans became a cash crop when the government began to trade them to Yugoslavia in return for a road.) So the children get kwashinken and vitamin A deficiency, eating only cassava and plantains, and then they die the first time they get an infection.

However, this woman custom. sued for divorce. She had been married over twenty years. The wealth of the family consisted in a large herd of cattle, originally acquired from her father, who had given to the couple the seventeen cows and one bull paid by the husband as a bride-price. She had worked the land, which had been bought out of the accumulated savings of the couple who had been school teachers early in their marriage. After twenty years and almost as many children, her husband brought a second wife to live in the house she had built and paid for. The two wives couldn't get along with each other or their husband, so the first wife moved back into the very unpleasant hut they lived in when they were first married.

The judge complained (in a recent letter to the country's only newspaper) that under the precedents of Ugandan law he couldn't treat the wife fairly. He could only award her a small stipend--selling one cow would probably pay her support for the rest of her life. The judge didn't even bother complaining that she couldn't get custody of the children. Under law and by custom, the husband has complete control during marriage, and his family controls the children if he dies.

To solve this problem, the judge denied divorce and judicial separation, and advised the woman to be reconciled to her husband. He honestly felt it was the best he could do for her. The only cheerful thought about tis is that the judge's letter to the editor was printed. Since the newspaper is controlled by the government, the printing may indicate a new Marriage and Family Act.



#### Thomas Daniel Rabin May 29, 1963-December 7, 1987

Last December, the UCLA Law School community lost one of own. Tom Rabin, class of 1988, was a passenger on board PSA flight #1771 which crashed in San Luis Obispo County after a passenger shot the pilots. Tom graduated from Cornell with degrees in Economics and Psychology.

Tom was on his way to a job interview in San Francisco when the plane went down. Tragically, Tom had no way of knowing that the trip to San Francisco was unnecessary, as a job offer from a firm he wanted was to come in the mail the next day.

Tom had spent the fall externing in Washington D.C. at the National Cable Television Association, and was preparing to enter his final semester of law school. Below, several of Tom's classmates reflect back on their years with him at UCLAW.

A memorial service for Tom was held at the law school during last semester during finals week. His recently identified remains were laid to rest in New York on Monday, February 1st, 1988.

#### **Divorce: Uganda Style**

Recently, a woman east of here sued for divorce. Lawsuits of any kind are quite unusual, since matters of importance to the subsistence farmers who make up most of the population are dealt with according to long standing

#### The Government

The government of Uganda is a military dictatorship, led by Yoweri Museveni who took power about two years ago. Here in the south of Uganda, where most people are sympathetic to or at least tolerant of the NRM (Museveni's party, the National Resistance Movement), the new government seems an impressive improvement over previous ones. We're told

See Africa, Page 4

#### **Remembering Tom**

It seems that whenever I try to remember someone it is always the little things that stick out: a habit, a comment, a gesture, or an expression. When I think of Tom Rabin and all the

"the images that are most vivid in my mind are those of him laughing..."

times we spent together, these little things come to mind. Although I can remember him debating an issue in Torts, or rendering an inspired economic analysis with vehemence in Unfair Competition, the images that are most vivid are those of him laughing--it was sort of a cackling laugh which was funny in its own way; I see him standing in his white canvas Converse high-tops, unlaced but tied together with a the shoestrings through only the top eyelet; and the time several of us tried to put his car door back on after it had fallen off. He was sincere and intellectual, but at times he had an absent-mindedness that just sort of left the bystander in a perplexed daze. These are the images that come into my mind when I think of Tom.

FEBRUARY, 1988

It's hard for me to say a word or two about Tom, because for my first two years here at UCLA he was an inseparable part of my law school See **Tributes**, Page 3 PAGE 2

# Humor cause-jumpers

#### by Alissa Revness

Perhaps people have become disillusioned with the muddy values of today and yearn for something heroic and pure. Perhaps, because sturdy soapboxes are hard to find, people simply climb atop the nearest rickety orange crate. Or perhaps it is merely because people like wearing white hats. Whatever the reason, there's an awful lot of causejumping going around these days.

Though cause-jumpers are born from both ends of the political spectrum, they share a common, identifying trait. All will champion a cause for the sake of the action, passion for the issue is secondary. At the sound of a keyword or phrase, their knees jerk in response and they fling themselves headlong onto the bandwagon. "Oppression," and jaws are righteously clenched, "Intervention," and rhetoric spills profusely, "Free trade restraints," and they're out marching in the streets...

To further demonstrate my editorial point, I have here a modest facsimile of a likely, modern cause:

AP - Last week, the Free-The-Plants-Movement (FPM) scored a major victory for their cause when the grand jury handed down a series of indictments stemming from civil liberties violations.

The indictments, charging numerous counts of unlawful imprisonment and denial of due processing of fertilizer, were directed towards greenhouses, plant nurserys, and farmers in the Sacramento and San Joaquin valleys. However, according to FPM lawyer Cora Plast, the aim of the lawsuit is the enactment of sweeping reforms which would eventually affect "everyone who mistakenly fancies they have a green thumb."

At a recent fundraiser for the FPM, spokesman Ed McFurdiliser dispelled a common myth about the group: "We're not 'out to get' the average citizen. We have nothing against houseplants, per se. What we do oppose is confining plants to a cramped pot if they would rather be outside. And naturally we condemn lawn mowers, since they cut to the root of a grass blade's right to self-expression. We're talking about a basic conception of civil rights here, human rights if you will, and whether or not our society is mature enough to extend these rights to the Plants."

Cora Plast, who also attended the fundraiser, spoke about the lawsuit and the need for reform: "Unfortunately, these offenses are not limited to public places, where we can spot them. Each day, people in the privacy of their own homes perpetrate outrages upon plants. The incidents are too numerous and grisly to recount. FPM is currently seeking a temporary restraining order to cover the more heinous abuses: the privacy-invading custom of digging fingers into soil to test for dryness, pruning -- which is nothing more than the aborting of new growth, and the infamous practice of cross-pollination; a humiliating and embarrassing experience for both plants involved.

Charter member Lief Skoldsen made the closing speech. He commented on backyard gardens, terming the concrete borders of flower beds "prisons without parole." He concluded with an exhortation to picket salad bars and boycott vegetarians, and a fervent plea for compassion towards plants, "this down-trodden race of inherently good creatures who, with the exception of certain carnivorous species, wouldn't hurt a fly."§

8,8,1,1,11,11,10,18,8,7

© Alissa Revness 1988

AND WIN FAME AND FORTUNE IF YOU DON'T LIKE WHAT YOU READ HERE, GIVE US SOMETHING BETTER TO PRINT

WRITE FOR THE DOCKET



# Knowing Thy Rights

By Elana Gofman

If law students would have had their own Constitution, its forefathers would probably write the following Amendments:

#### Amendment I

Administration shall make no law prohibiting the free exercise of students' right to inspect or challenge their examination grades; or abridging the freedom of speech, or the right of the students to enforce and to petition the Administration for a redress of grievances.

#### Amendment II

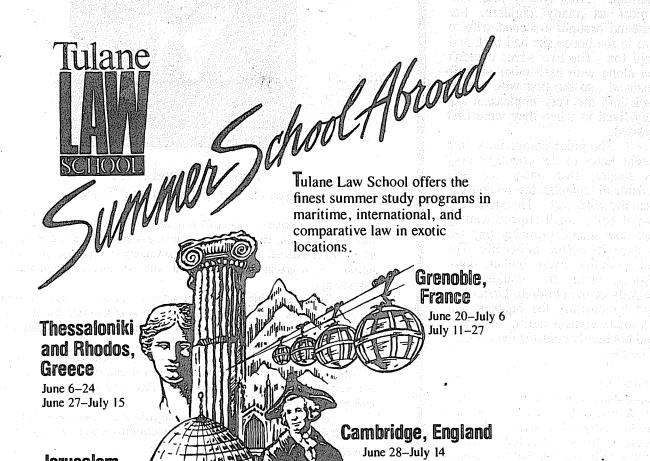
The right of the students to be secure in their persons, papers, examinations, and effects, against unreasonable grading systems, shall not be violated, and no non-pass grade shall be issued, but upon reasonable doubt, supported by oath or affirmation, and particularly describing the grounds for non-pass grade.

#### Amendment III

In all cases of dismissal, the student shall enjoy the right to a hearing, by an impartial jury of the University wherein the grade shall have been issued, and to be informed of the nature and cause of the dismissal; to be confronted with the witnesses and evidence against him/her; to have compulsory process for obtaining witnesses in his/her favor, and to have the assistance of counsel for his/her defense.

Although it is true that many of the rights provided by this illusionary Constitution are already part of the procedural rights afforded by the policy of this school, we still often forget that the rights are there to be enforced. When we look at a verdict put next to our examination number do we think of fairness, do we understand why we got that particular grade? Do we think of inquiring about the reason for a particular grade? Do we think of appealing the decision, or do we look at it as the highest decision of the land which cannot be further appealed?

When the grades are posted on the board I usually store them in my memory along with an exclamation mark. I think about them, but I neither question nor inquire about them. But here is a story of a grade with a question mark next to it.



Jerusalem, Israel

July 18-August 12



July 18-August 4

All courses taught in English Tuition \$1,000 for two sessions, \$600 for one session. Deadline for registering May 1, 1988.

For more information write : Director of Records Tulane Law School New Orleans, LA 70118 or call 504/865-5935. The grade next to my name for one of my classes last term was sort of low and for the first time in law school career I decided to talk to my professor in order to learn where I went wrong. I looked at the research paper upon which my grade was based. I read the comments and felt that I made a good decision in going to his office, for I learned my mistakes. But there was more to learn; I had noticed a higher grade.

The next day, when I went to talk to the records office about the wrong grade posted on the board, I learned that it was an honest mistake. Usually the rosters on which professors record the grades next to our numbers are photocopied and are posted on the board with the exception of situations when some

See Rights, Page 4<sup>-</sup>

experience. We sat together in class, we socialized together, we crammed for exams, bitched and moaned about grades, talked theory and policy, and argued over which bar had the best happy hour. As far as law students go, Tom wasn't unusual; he wasn't the smartest, or the most studious, or the most likely to become a Supreme Court Justice. What made Tom special to those of us who knew him was that he was just like us, he was one of us.

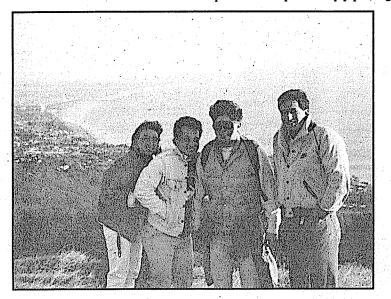
Memories fade, and years from now when I will have forgotten many of the names and faces of my classmates here at UCLA, Tom will always come to mind. He left his mark on me. He was a friend and I will miss him. *Barry Silver* 

As first-years, Section One of UCLAW's class of 1988 laughed more than an average group of law students has ever laughed in the history of legal education. We laughed at everything, from the cases to the hypos to ourselves. We were fortunate to have Tom Rabin as a major participant in our good memories of first year.

For example, who can forget Tom's unique ability to take up massive amounts of class time by posing his own hypotheticals? The words "But suppose..." became his trademark, and professors usually had little idea what he was talking about. But it was OK, since neither did we.

#### "We were fortunate to have Tom Rabin as a major participant in our good memories of the first year."

And along with his ability to create chaos. I'm sure few of his classmates will ever forget the confusing exchange between Professor Blumberg and a student who shall remain nameless so as not to embarass her. The student was trying (in vain) to describe the layout of her apartment complex--simply put, a grouping



Nora McGeary, Lee Arian, Tom Rabin, Dave Cohen



### GEORGETOWN'S SUMMER LAW PROGRAM Florence, Italy

Take exciting law courses from outstanding professors. At the European Community's center for graduate studies,

#### THE EUROPEAN UNIVERSITY INSTITUTE

INTERNATIONAL TRADE & ECONOMIC RELATIONS LAW Prof. John Jackson, University of Michigan. 3 credits

> INTERNATIONAL LAW Prof. James Feinerman, Georgetown and visiting at Harvard. 3 credits

> > CONSTITUTIONAL LAW II Prof. Charles Abernathy.

around a common courtyard. But her descriptions sounded more like a cross between the Empire State Building and the Great Pyramids of Egypt. Tom finally saved the day, impatiently intoning, "She lives in a two-story apartment in a multi-unit group of two-story apartments that are contiguous" Uhhuh. Now I get it.

of two-story apartments

DOCKET

My favorite classroom memory of Tom was his brilliant improvisational portrait

of Professor Steve Munzer's rural next-door neighbor "Moonbeam" Wilson in a great hypo during Property. Tom got one of the biggest laughs of the year, when he described what he could see of Steve's property from his home. And when his next-door neighbor was asked how far away he lived, Tom responded, "Oh, a couple of miles." Great line. The opposition's case went down the toilet of course.

But what I think I'll remember most about Tom, other than the world's worst singing voice, was the look of sheer euphoria on his face the day after his New York Mets won the final game of the

World Series. The huge grin summed up Tom very well. Despite the pressures of law school and everything attached to it, he always seemed to find time for the other important things in his life, even if they were as trivial as a baseball team. What little we knew of him, he always did every-

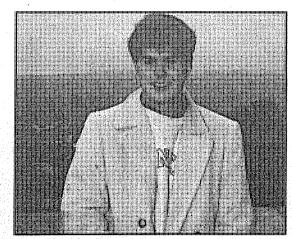
knew of him, he always did everything completely, whether in class or cheering for his team.

To paraphrase from the movie "Heaven Can Wait," I hope they have the best baseball team ever playing in the most beautiful ballpark in Heaven, because if they do Tom is right where he deserves to be, throwing out the first ball, and enjoying the game and the new friends he's already made.

Tom & teddy

We'll miss Tom. And we're grateful that he gave us a lot of good things to remember him. *Mel Powell* 

The first or second day of class in our first-year, it was extremely hot, something like  $100^{\circ}$ , I had not actually met Tom yet, but I do remember that he came FEBRUARY, 1988



Tom Rabin at Cornell Homecoming, 1987

Many images pop into my mind when I think of Tom. A number of us played basketball regularly during our firstyear, Tom be-ing one of the gang. We gave Tom a knickname, "Terrible Tom", because of his generous use of elbows, and

#### "'Fun.' I think it's the word that fits Tom the best."

because he was a terrible basketball player. But that never stopped him from having fun while playing . "Fun." I think it's the word that fits Tom best. Tom truly had his priorities in order, he knew how to enjoy

> life and he had a healthy perspective on law school. That's not to say Tom neglected his studies, he just didn't let the law school experience get in the way of life. We'll all miss Tom but his infectious smile is permamently etched in our minds. *Frank Benton*

See Tribute, Page 4



Georgetown. 3 credits

EUROPEAN COMMUNITIES LAW Prof. Jürgen Schwarze, European University Institute. 2 credits

Four weeks from June 13–July 10. Tuition—for up to 6 semester credits, \$1,560. Includes extras. Housing arranged at two nearby villas at reasonable rates. Enrollment limited to ensure small classes.

FOR MORE INFORMATION, PLEASE CONTACT: Teresa K. Zeng Georgetown Law Center 600 New Jersey Ave., N.W., Washington, D.C. 20001

-(800) 346.6259 -

to class looking like he had just come from

"he came to class looking like he had just come from the beach..."

the beach--Hawain shirt, sandals, Vuarnet sunglasses with straps, and those kneelength bathing suits ("jams") everyone here wears. The only thing missing was the surfboard! I thought to myself, yes, this is what law school in California is going to be like. And then I found out he was from New York! *Rick Moscowitz* 



**ANDREW YAMAMOTO** FRANK BENTON **ARTICLES EDITOR** JOHN MELISSINOS **CONTRIBUTOR** ALISSA REVNESS The Docket does not accept responsibility for opinions expressed in the works of individual authors or for factual errors in contributions received. The UCLA Law School Docket, 405 Hilgard Avenue, Los Angeles, Calif. 90024 © Docket1988

PAGE<sup>4</sup>

#### Tribute, Cont. from Page 3



On the other hand, Tom was also the one who could understand the professor's theoretical analysis in class and was willing to spend the time to explain it to you. In classes such as Copyright or Civil Procedure, where I could never get above the blackletter rules, Tom discussed the material on a theoreticaloreconom-

Tom with his girlfriend, Stephanie Glenn

A few weeks ago, while watching a play in New York City, it occurred to me that the last play I had seen at this theatre was with Tom the previous December. My mind blanked from the action on the stage as I began to think back to all the times we shared in and out of school. I realized then how much I miss Tom and that certain things will always remind me of him.

Tom was one of those rare individuals who could remind you that life was not to be taken too seriously. His light-hearted attitude and sense of compassion had the abilility to cheer me up whenever things seemed to be closing in.

Last year, after much persuading, Tom decided to participate in the law school musical. Although he could barely sing a note, his perserverance and jovial

attitude reminded me why I love the theater. His constant antics brought the comic feel the show needed to balance against the heavy dialogue. Without Tom there is a sense that somethings missing in this year's show. ical level, and thereby made the classes more interesting if not only bearable.

"I'll never forget Tom, his

intelligence, and compassion, his

sense of seriousness and

comedy,..."

4.5

It's very hard to write how you really feel about someone. Time and time again incidents occur which make me think about Tom. Then I get angry that we can't be sharing them now. I get angry because I don't understand why this had to happen. I'll never forget Tom, his intelligence, and compassion, his sense of seriousness and comedy, whenever I'm feeling down, I'll think of him, what he would have said and done. It will make all the difference. Jay Vogel

#### See Tribute, Page 7

Master of Laws Boston University School of Law

# **LL.M. Degree in Banking Law Studies**

A unique graduate program offering separate, multidisciplinary courses of study in American Banking Law Studies and in International Banking Law Studies.

Taught by faculty of the Boston University School of Law, eminent banking law attorneys and management experts, these innovative programs provide an exceptional blend of intellectual and practical education at one of the nation's most prestigious law schools. Covering the full range of advanced banking law subjects, the curriculum also includes courses specially developed to introduce lawyers to the economic and managerial aspects of the domestic

#### **<u>Rights Cont. from Page 2</u>**.

numerical grades are changed to pass/fail. The reason for the mistake in my situation had to do with the fact that in my class the research papers had our names on them. Thus, the record office had to change our names to our examination numbers in order to post them on the board. That's when the mistake was made. Barbara Varat, the Dean of Students, further assured me that when the grades are put in the computer for the purposes of transcripts, they are further checked for mistakes.

It seems my story had a happy ending to it. In addition to a higher GPA, I also learned about the strengths and weaknesses of my research paper. Yet, there is a reason for further contemplation. Consider the following two incidents:

1. A friend of mine last year received an unusually low grade. Upon inquiring as to the reasons why he did so poorly, he learned that his pro-fessor made a mistake when he added up the points for all the questions on the exam. The difference was 15 points.

2. The second incident has to do with another friend who, upon receiving a particularly low grade, went to see his exam. The exam was not marked. There was no grade on the examination booklet. He felt there was nothing he could've discussed.

I do not wish to suggest here that the professors issue arbitrary grades, nor do I wish to create a hysteria that we get wrong grades, although I do wonder if there are students who have either received a wrong non-pass grade or a wrongful dismissal just because there was some kind of a mistake. Yet, I do hope to convey one important point: we put alot of work into each class we take. Similarly, the professors work equally hard to teach us and, hopefully, read our examination booklets. The grades they issue reflect their opinion of the work we've done and understanding we've shown. And to us the grade is the outcome of our labor, an indication of whether we are on the right track. Unlike any other institution, law school teaches us about different rights, and that the rights can and should be asserted. Should we not then exercise our right to learn and question the decisions that are made? Learning from the professors should not only consist of learning their respective fields of expertise, but also what they think of our performance. Let us learn to be our own advocates!



#### Africa Cont. from Page 1.

here, and I it's true, that the human rights record in Uganda has improved, according to Amnesty International, in the last two years. If that's true, it's consistent with the discipline of the army, who are everywhere, so there is plenty of opportunity to observe their discipline. At road blocks, for example, they don't harass pedestrians, and they take only cigarettes from motorists. (Neither I nor my husband smoke, we buy cigarettes only for the roadblocks.)

They don't steal from, rape, or beat up the villages near the barracks, and they buy food. They even wait in line at the hospital. I'm afraid this sounds like damning with faint praise. However it's all a tremendous relief for civilians here, many of whom were tortured and orphaned by the previous regimes. This is the first time in many people's lives that their government, or rather the army, has not been attacking them.

#### The Army

Indeed, the atrocities and injustices are now shifting, no longer the army against the people, but the government against the army. There are still summary executions for looting, and reports of torture for other breaches of army discipline.

Some of the looting is prompted by the extreme poverty of the soldiers and of the entire country. Until recently one saw few soldiers in full uniform: everyone had a few scraps of green or camoflaged clothing, but no one had either a full suit of clothes or shoes. We've stopped on the road to lend our wrenches, oil, crow-bar, and jack to a patrol who had no tools to fix their flat. In fact, they didn't have a spare. They had to get a ride to their barracks with the tire, fix it, and bring it back. And they couldn't have fixed the tire, either, if we hadn't given them some patches to bring to the army garage, along with some glue.

The army is the only part of the government encountered by most citizens. It's not the only one paralysed by poverty, however. Immigration can't issue our work permit because there's no paper to print it on; the clerk in Customs has to borrow my pen to register my Landrover. Sometimes the High Court can't meet because the whole country runs out of gasoline and there's no transport for the Justices.

does meet, The Court though. It has power for the first time in years. In September of last year, a number of officials were arrested for treason. Not only were they publicly arrested and charged with particular crimes, but they were tried in open court. Some were found not guilty and released, and are still alive. This is a change from the days when Idi Amin's disappeared enemies suddenly without being arrested or charged with a crime, and when those who were charged were not tried, those who were tried were found guilty, those who were found not guilty weren't released, and those who were released were assasinated along with the judges responsible. §

and international financial services industry

This comprehensive LL.M. program offers a singular educational opportunity for lawyers who wish to practice in these dynamic, fast growing areas of specialization.

Applications are now being accepted for full or part-time enrollment in September 1988.

For a catalog containing detailed information and application forms, write:

Graduate Program in Banking Law Studies Morin Center for Banking Law Studies Boston University School of Law 765 Commonwealth Avenue Boston, Massachusetts 02215

or call: 617/353-3023

THERE ONCE WAS A PAPER CALLED DOCKET,

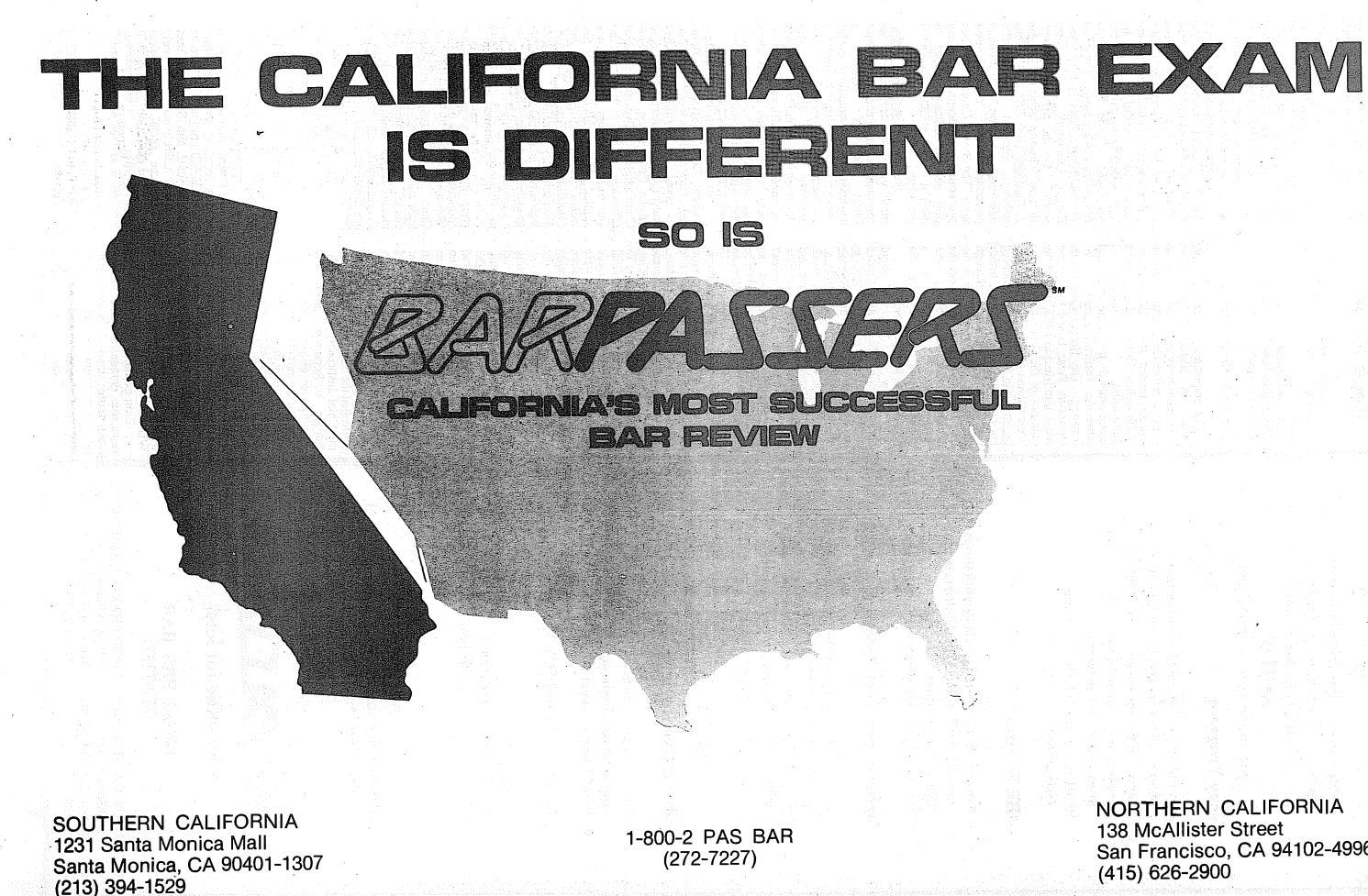
OCCASIONALLY PEOPLE WOULD MOCK IT.

YET IF ONLY THEY'D WRITE,

INSTEAD OF INDICT,

THEY WOULDN'T BE ABLE TO KNOCK IT. Lisa is an absentee member of Section 1, class of 1988. Friends can mail letters to her at:

> Kibale Forest Project P.O. Box 409 Fort Portal, Kabarole Uganda.



NORTHERN CALIFORNIA 138 McAllister Street San Francisco, CA 94102-4996 (415) 626-2900

1988

PAGE 6

# IF you were to specifically design a comprehensive review program for the California Bar Exam, AND IF

### you made sure it contained

## **Essay Program**

- 20 hours of in-class workshops reviewing 40 recent California Bar Exam questions.
- Every California essay from 1980 to the present is supplied along with issue outlines and model answers.
- 39 attorney-graded essay writing
   assignments.

### **MBE** Program

- 18 hours of integrated in-class workshops (1 for each MBE subject) on Multistate practice and technique.
- Over 3,000 practice questions with answers.

## **Performance Test Program**

- 32 hours of in-class workshops reviewing all.
- possible Performance Test scenarios.
- Every Performance Test since 1983 is supplied with explanatory model answers.
- 4 graded writing assignments.

## Substantive Review

- 60 hours of lectures in an intelligently paced and structured schedule.
- Flow Charts to assist study.

## **3-Day Simulated Bar Exam**

- 6 Essay questions
- 200 Multistate questions
- 2 Performance Test question

# AND IF

# **Book Review**

The Burger Years: Rights and Wrongs in the Supreme Court 1969-1986

Edited by Herman Schwartz Viking (Elizabeth Sifton Books) 1987, 293 pages, \$22.95

Book Review by Eve Lichtgarn

The temptation to place the Burger Court in historical perspective prompted many legal analysts to go to press before Chief Justice Warren Burger retired from the Supreme Court in June 1986. Such premature publication compromised compromised the value of several otherwise worthwhile studies. For instance, <u>The Burger Court</u> (Yale University Press, edited by Vincent Blasi, published in 1983, missed the opinions of the final years and the. latest volume of The Supreme Court in American Life series (Associated Faculty Press, edited by Arthur Galub) traced decisions only through the Court's 1982 term. This is the first book to collectively assess the decisions made during the 17-year Court tenure in a Burger comprehensive format since the

Chief Justice stepped down. How do you go about characterizing a bench that handed down decisions such as Roe v. Wade (410 U.S. 113) and Regents of the University of California v. Bakke (438 U.W. 265)? A bench that weathered such legislative and judicial storms as the Watergate affair and the Iran hostage crisis? The Burger Years employs an effective method: let many voices be Here, editor Herman heard. Schwartz has compiled 15 contributions from law professors, newspaper reproters and attorneys who raise their voices in praise and damnatin of Burger Court opinions. The works are presented in separate essays covering topics including First Amendment rights, access to the courts, equal protection, criminal federal economic justice and These pieces were regulation. generated by the symposium originally published in The Nation magazine which was awared the ABA;s Silver Gavel Award.

One of the writers venting damnation is Sidney Zion in his essay on freedom of the press. Zion, a former legal correspondent for <u>The New York Times</u> and Assistant U.S. Attorney, feels the Burger Court looked no further than to the identity of the defendant in libel cases. "The First Amendment has known plenty of troubled times," he writes, "but what an awesome trashing it has suffered at the hands of the statists who controlled the Supreme Court during the Chief Justiceship of Warren E. Burger. Reporters jailed for refusing to disclose confidential sources. Newsrooms fair game for police ransacking. Telephone records secretly subpoenaed by lawenforcement officials on the hunt for reproters' sources. Journalists' inner thoughts and discussions with editors and colleagues opened for discovery by libel plaintiffs. Courtrooms closed by judicial fiat to press. and public... None of this would have happened under Earl Warren.'

identifying the plaintiff as shoplifter even though he had not been tried or convicted of such crime. The Court decided that, plaintiff's however seriously reputation was harmed, he had no recourse because reputation itself was not a protected constitutional right. Zion says if the press had called the plaintiff a shoplifter under these circumstances, the outcome would have been different.

Zingers abound in these essays. On the Court's treatment of the Freedom of Information Act, Alan "One word Morrison writes, describes its attitutde toward the public's efforts to obtain government hostility." documents: On the Court's decisions against collective bargaining,. David Silberman (a former law clerk to Justice Thrugood Marshall) says, "this is labor law, Burger Court-style, at its very worst." On the right to privacy, Herman Schwartz labels the Bowers <u>v. Hardwick</u> (106 S.Ct. 2841) anti-sodomy decision "a cruelly traditionalist opinion." On criminal procedure, author Yale Kamisar says, "The Burger Court's decisions concerningpretrialidentificationmay well be the saddest chapter in modern American criminal procedure."

For all the Sturm und Drang stirred up by detractors, most of the contributors recognize that Burger decisions Court reflect conscientious and sometimes painful balancing of the harms and benefits involved in a controversy. Even law professor Wendy Williams, who characterizes Burger Court opinions on gender and affirmative action cases "a botched job", has to admit that women's rights were brought in line with 20th century standards during the Court's tenure.

"In 1969, when Warren Burger became Chief Justice," Williams says, "law students were taught that in deciding discrimination cases under the equal protectiontion cluase of the Consitutition, the Supreme Court employed a two-tered standard of review." Suits challenging racial and national origion classifications applied the so-called upper tier which called for strict scrutiny and compelling state interest in such discriminatory practices. All other legislative classifications applied the so-called lower tier which called for a rational basis analysis. According to Williamss, <u>Reed v. Reed</u> (404 U.W. 71), which struck down a law preferring men to women as estate administrators, was the runing point. "For the first time in its history, the Court invalidated sex-based legislation under the equal protection clause." Williams says this transformation indicated that "the Burger Court, with osme important

you set one price for all the above instead of charging students extra fees, THEN you would call your program



# Why settle for less?

## 1-800-2 PAS BAR (272-7227)

SOUTHERN CALIFORNIA 1231 Santa Monica Mall Santa Monica, CA 90401-1307 (213) 394-1529

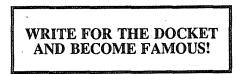
NORTHERN CALIFORNIA 138 McAllister Street San Francisco, CA 94102-4996 (415) 626-2900

Zion puctuates his point with cases that demonstrate the Burger Court double standard for media and law enforcement defendants. In Paul v. Davis (424 U.S. 693), a

damage suit was brought against a police department for publicly

qualifications, saw the sexes as leading essentially similar lives.'

The Burger Years will be extremely appealing to lay and professional audiences who have a curiosity about constitutional law and the legal catalysts which put events into motion in America over the past 17 years. Editor Schwartz writes, "[T]he entire record of the Burger Court, from its first days to its very lasts,... is one of activism. And so it will always be. Since its earliest years, the Supreme Court has been actively and deliberately shaping the social and political structure of the nation, and that will never change. The pertinent question is, activist for what goal?"

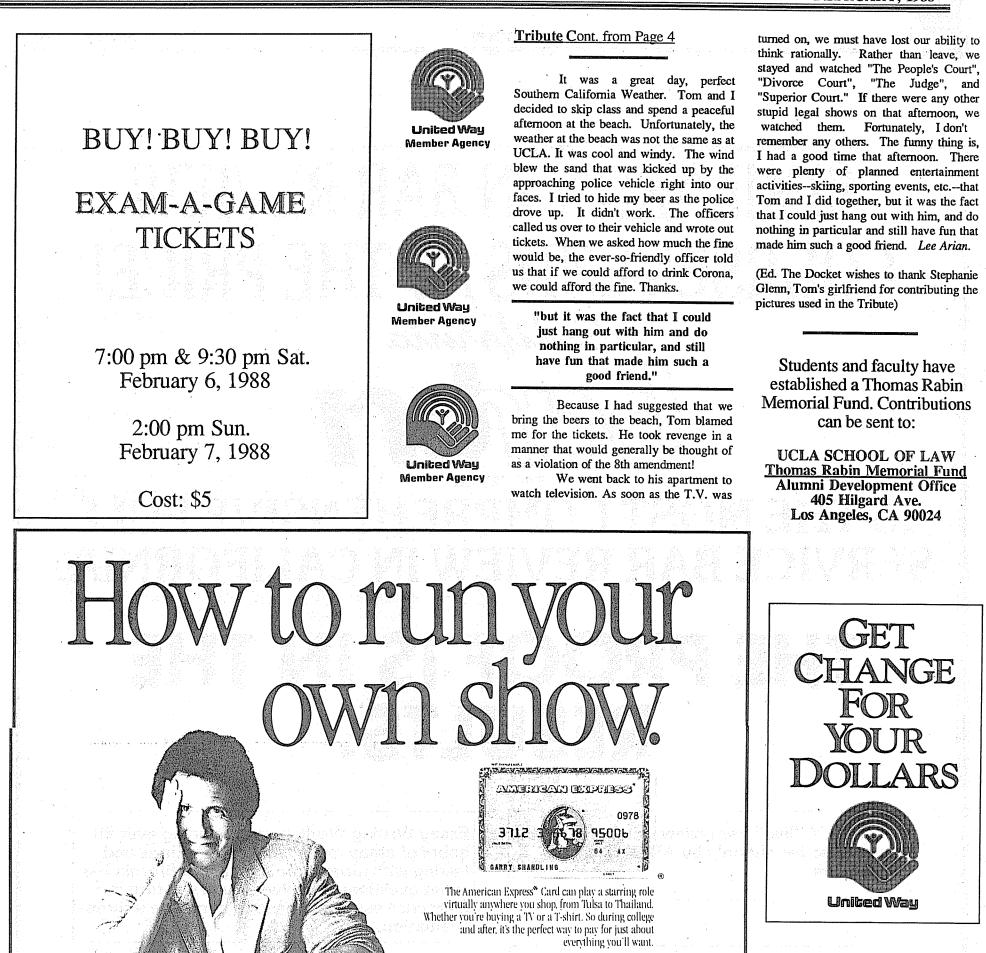


DOCKET

7

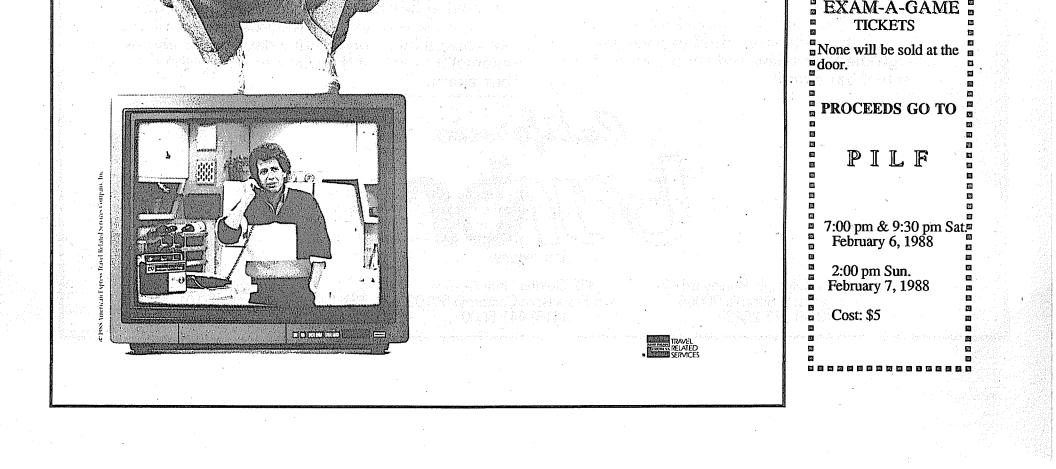
PAGE

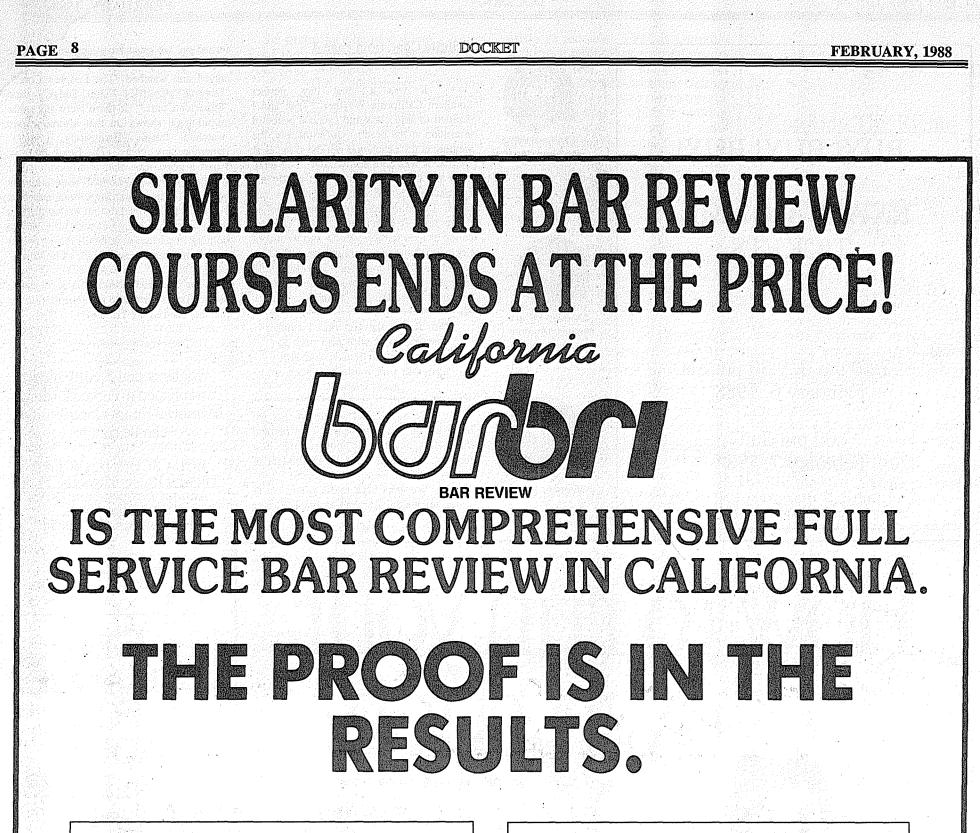
BUY! BUY! BUY!



#### How to get the Card now.

College is the first sign of success. And because we believe in your potential, we've made it easier to get the American Express Card right now. Whether you're a freshman, senior or grad student, look into our new automatic approval offers. For details, pick up an application on campus. Or call 1-800-THE-CARD and ask for a student application. The American Express Card. Don't Leave School Without It.<sup>5M</sup>





The ONLY "live" bar review lectures in California: Taught only by ABA law school professors.

Performance Test Workshop: 4-day intensive in-class preparation on all facets of the performance exam taught by Charles Whitebread of U.S.C.: Plus, all relevant actual performance exams, given since 1983, with issue analyses!

The Paced Program: The most intensive day-

Essay Writing Workshops: including over 20 hours of essay exam technique lectures and testing with more than 150 past California bar exam questions. Each week you will turn in 1-2 practice essay exams for a complete written evaluation.

BAR/BRI Intensive MBE Workshop: Over 20 hours of in-class preparation teaching specific methods on all 6 subjects. Includes over 2,000 practice multistate questions with explanatory answers!

Simulated Bar Exam: Held in class over consecutive Saturdays (avoiding the burn out factor caused by 3 consecutive days of simulated exams) for each of the three sections of the bar exam.

by-day study guide structured to pace you through the bar review and keep you fresh for the actual bar exam!

