Delta Room
P

The Politics of Race and Gender

by Mimi Strauss

I wish to thank the women who participated in these interviews. I also regret that space limitations prevented me from including many other issues which were discussed.

Subtle Racism in the Classroom: the "sit down and shut up" syndrome.

Wanda Sanders (2nd year): "You ask some tough questions. They're tough because when you're in a situation where many good experiences with people are colored and thrown out of balance by a few bad experiences, it's difficult to talk about them and maintain distinction. There definitely is racism at UCLA Law School. The fact that it's covert instead of overt racism makes it harder to discuss. The victims know it is there and they all know the perpetrators. In any discussion about racism, minority students identify the same professors.

"When I was a child, my father's best friend was Flint's (Michigan) first and only black attorney. I had long forgotten their converstaions about his pioneering experiences in the court room until my first year experiences here dredged them from my memory. It seems in one of his first cases in town, he rose in court to voice an objection. As he elaborated on the reasons for his objection, his opponent, still seated, casually and without rancor said, 'Oh, Van Dyne, sit down and shut up?' the judge and the rest of the court enjoyed a hearty laugh. Van Dyne didn't sit down and he didn't shut up. He went on to earn the respect and love of the black community, and the grudging admiration of the whites."

Twenty years after graduating (and being the only black person in class (from junior high through graduate school) Wanda entered UCLA Law School believing she was re-entering a world where race relations had improved. Instead she experienced a "heightened sense of being a second class citizen" and encountered her most racially traumatic experience.

"It's difficult to discuss covert racism. It's a subtle attitudinal thing, ranging from the condescending, amused look with which some professors invite the class to join in his disdain at any comment a minority student dares to offer, to just totally ignoring our presence in class.

"Such professors feel minority students are inferior; they feel they should not be at law school and they let the student know it. Worse, they shut us out of the whole first year process. I am not suggesting that all of my first year professors were racist. Far from it. What I am suggesting is that a professor may well have a picture of the student with whom he is supposed to be interacting. If that mental image is young, white and male, that puts the rest of us at somewhat of a disadvantage. I did not fit the positive image of most of my professors and I fit the negative image of a few. That did not add up to a good first year, and I do think it affected my performance.

"I am not at all suggesting that minority students want to be handled with kid golves. One of the sharpest tongued professors is among the most admired by minority students—I think because he does not treat us with condescension. He dishes out tough questions and sarcastic rejoinders to dumb answers to everyone equally. What I am talking about is the selection process that goes on the first few weeks when the so-called 'front

(Continued on Page 11)

The Docket
UCLA School of Law
Volume 29 Number 3 Monday, November 17, 1980

Diversity Admissions Forum

by Steve Garcia

The recent forum on Diversity admissions, jointly sponsored by AALSA, BALSA, LRLSA, and the National Lawyer's Guild, served to inform the participants of the substance of the Diversity admissions program at UCLAW as well as the admissions programs of other law schools throughout the state. The forum, moderated by Richard Fijardo, was attended by some 75 students and faculty.

The program began with Renee Campbell, a recent UCLAW alumna, recounting the rocky history of the minority recruitment programs at UCLAW. Campbell cited the need perceived by minority student organizations to organize and hold strikes to achieve concessions. The most recent strike was a hunger strike in 1978 to protest the University's narrow interpretation of the *Bakke* decision and the implementation of the Diversity Admissions Program.

Campbell stated that the students' main contention was that the *Bakke* decision was implemented in less than 6 months while the nation is still struggling to achieve the stated purpose of *Brown v. The Topeka Board of Education* some 30 years later. The strike lasted 8 days and resulted in some vague recognition by the university that minorities did have a place in the law school and that the problem of underrepresentation would be dealt with.

The next speaker was Delia Flores, who spoke on the admissions process. Flores focused on that part of the Diversity program which selects "interesting" students. Under the law school's definition, an interesting student is one with a Ph.D., an M.B.A. or an "unusual background," which can include anything from unusual travel experiences to being a member of a minority. Minorities in the 40% (interesting) category are eligible to be interviewed by the minority student groups. Potential students are told that as a result of these interviews the student group can insert a letter into the applicant's file which may help or hinder the applicant's chances. The weight that such letters are given in the admissions process is not clear.

Glenn Sapaden of AALSA then outlined what he viewed as the shortcomings of the Diversity Admissions Program. He mentioned the fact that students of opposite races but with identical backgrounds are still viewed as diverse. Sapaden further claimed that the percentage of "interesting" people admitted must necessarily be limited because "if we let too many 'interesting' people in, they won't be interesting anymore."

Other speakers included David Flores, a Chicano student leader at U.S.C., who told of the general trend at the U.S.C. Law Center to admit what he termed "the preferred brown type, the Brown Anglo Saxon Protestant." Flores contended that these B.A.S.P. students went through their three years at U.S.C. fulfilling the University's notion of a minority quota while remaining uncommitted to pertinent minority issues.

Flores was followed by Lora Livingstone of BALSA who addressed the challenges facing the student population with regard to the faculty and administration of the Law School. Among the problems that she outlined were the lack of sufficient student input on

(Continued on Page 7)

Hofstedler Visits

by Mary Catherine Ford

Education is the primary business of the nation, according to Shirley Hofstedler, Secretary of Education, but Ronald Reagan may cause a national depression in that business.

Speaking in what she billed as a political speech, Hofstedler addressed UCLA Law students October 5. She warned the crowded lecture room of students loans were in jeopardy under a Reagan administration.

"Look at what happened under Nixon," Hofstedler said. "He vetoed appropriations for education. When Congress repassed them, he impounded the funds."

She said Reagan starved education budgets as governor of California and "never really lifted the axe from the University of California."

Her newly created department may suffer accordingly, she said.

"Reagan thinks the President can abolish things. He can starve the department," she said.

Hofstedler also expressed concern about judicial appointments Reagan might make.

"Reagan's appointments as governor weren't bad unless he got personally interested," she said, then apologized for her remark. "That's not fair, his record's not that bad. He wants to find extreme conservatives. If he keeps his promise, it will change the course of constitu-

(Continued on Page 4)

Koskela Hired

By Jerry Papazian

Barbara Koskela, the ever-popular Law School Records Officer, has been appointed its new Director of Student Affairs.

Koskela succeeds Fred Slaughter who left the student affairs division to pursue a private practice in sports law.

Barbara has had broad acceptance by both students and faculty over a number of years. She is a superb administrator and relates well to people," said Law School Dean William Warren.

The new Director of Student Affairs will have to use these administrative and "people" skills. The newly defined position requires more active involvement with student activities.

Koskela plans to change the focus of the student affairs job into a more positive one. Instead of solely enforcing the law school rules, she plans also to serve some of the basic needs of the law school community.

For example, she hopes to institutionalize orientation and graduation so that new student leaders will not have to start from scratch when planning these programs.

Koskela plans to help ease the financial aid procedure and to improve the JD-MBA program. She would also like to develop a "mentor" program, a centralized housing board, where law students could find room and roommate listings, as well as a calendar of events which would list activities of interest to law students.

BARBARA KOSKELA

Most important, however, is her desire to improve communication between students and the administration. She would like to be considered "approachable," someone to talk to about both personal or academic problems.

The need for an academic counselor at the Law School has been discussed for some time.

(Continued on Page 4)

* * * News Briefs * * *

Beverly Moses, Vampirewoman, and Jeeni Wong, Wonderwoman, shared first prize of $25 in SBA's annual Halloween costume contest. *The Docket* congratulates them as well as Superman, the Judge, pregnant Gerry, the Witches of the Placement Center, the Hulk, the Princess, the Devil Delgado, the Super Boysprout, the Bat, the Mafioso, the all the goblins who graced UCLAW on Halloween.

* * *

Turkey Trot: UCLAW's answer to the Boston Marathon is scheduled for November 23. Students, faculty, and staff are all invited to run/walk/crawl the 10 km course around UCLA.

* * *

FIRST year winner of the T-shirt logo for the class of 1983 to be announced in the next *Docket.*

* * *

First Year party slated for late November.

Professor Edgar A. Jones has been elected president of the National Academy of Arbitrators, an organization whose purpose is "to establish and foster high standards and competence among those engaged in the arbitration of labor-management disputes on a professional basis and to adopt canons of ethics to govern the conduct of arbitrators."

Professor Jones is the third UCLAW faculty member to hold this position, the others being Benjamin Aaron (1962) and the late Edgar L. Warren (1953). The academy today numbers about 525 women and men from the United States and Canada.

Among the active members of the Law School faculty, Professor Jones holds the longest tenure and has been with the UCLA faculty since 1951.

* * *

SBA's beerbusts highlighted the last few weeks in school for the student body—work well done. Now where is the Student Directory? And the constitutional amendment forbidding joint candidates?

S.Ct. Approves

Death Penalty

By a 4 - 3 vote, the California Supreme Court bowed to the cries of the electorate, and upheld capital punishment. Attorney General George Dukemejian found the result to be personally gratifying, because (we assume) he authored the present law while State Senator. We at *The Docket* found the result to be personally repulsive.

The debate on the death penalty has been a lengthy one. By now the arguments must be familiar to all our readers. We shall say only this:

Most every calculating murderer can offer reasons why their killing was justified. Until the state repudiates killing as an appropriate sanction, the state cannot argue that murder is absolutely wrong. The state can only argue, as the criminal can, "Our murder is more justified than yours."

Camus said, "Justice of this kind is obviously no less shocking than the crime itself, and the new 'official' murder, far from offering redress for the offense committed againt society, adds instead a second defilement to the first."

22 year-old Earl Lloyd Jackson will be murdered in the name of the people of California. *The Docket* raises another voice in protest.

The Docket

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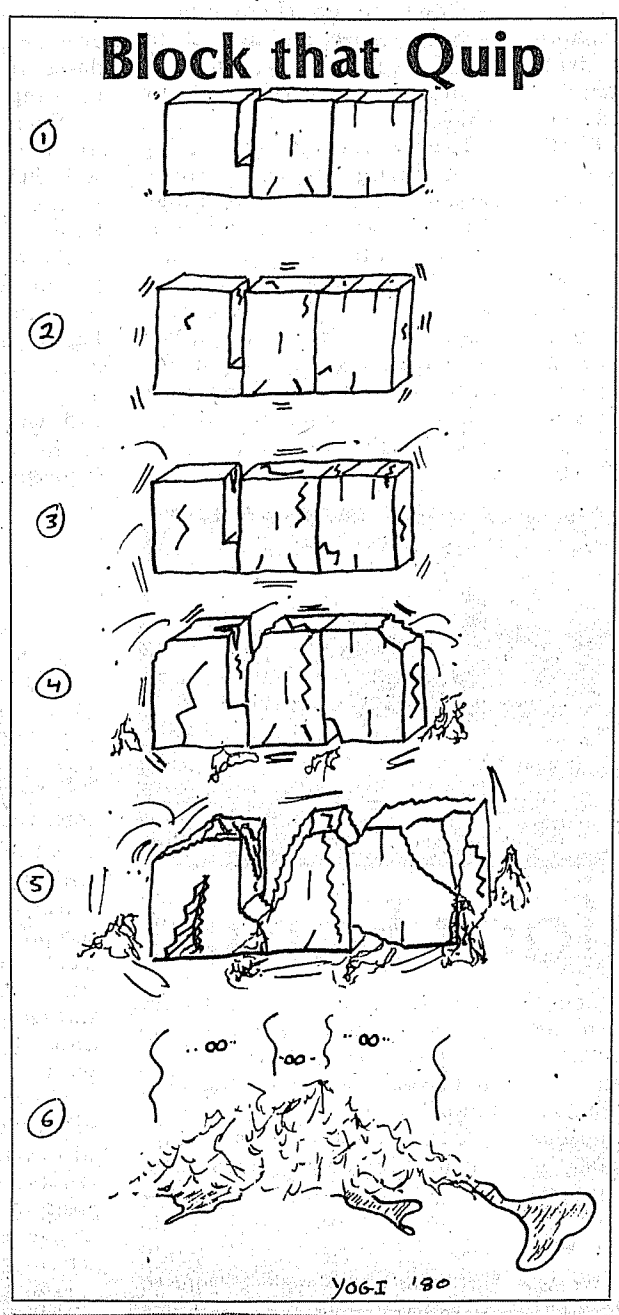
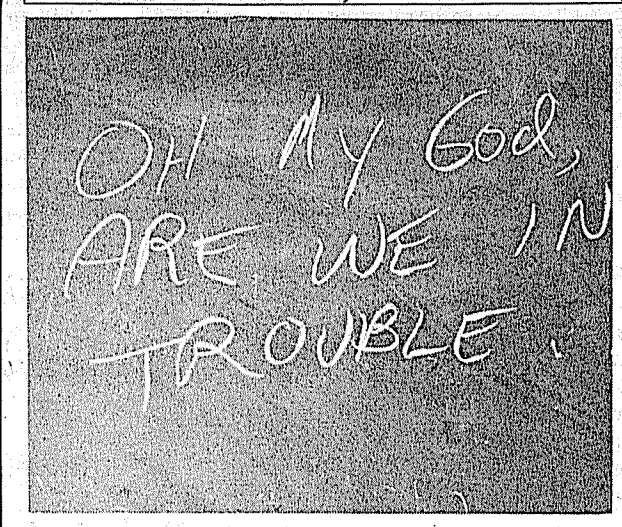
Written contributions are welcomed. Please submit them typed double-spaced on 50-spaced lines. **The Docket** reserves the right to edit all submissions for length and style. **Entire Contents © 1980, THE DOCKET.**

Editorials

Block that Quip





5 November 1980

Abortion Opinion

by Robert K. Olsen

A big lie is more effective than a little one; likewise, claiming a false proposition is more persuasive than marshalling the facts in its favor. So, too, Mimi Strauss ("The Politics of Abortion: Remember Rosie Jiminez," *The Docket,* October 13) seems to have discovered that a tone of moral rectitude will best cloak advocacy of wrongdoing.

Strauss's article is well-mantled with rectitude, first documenting the lamentable death of an illegal abortionist's victim, and then discussing rights and freedom, complete with comments from Justices Marshall, Brennan, and Blackmun, who excel at that pastime. However, Strauss also argues the facts. Better had she left them out — the very facts Strauss marshalls destroy her position.

Strauss's key error is in admitting that "the controversy over abortion — which turns on the question of when the fertilized egg becomes a human life — is essentially a religious question." A "religious question," apparently, is one not to be answered, for directly after this remark Strauss concludes that denying Medicaid payments for abortions on demand imposes the religious beliefs of one group upon another.

Momentarily granting that this is a bad thing to do, ask: can we avoid doing it? What Strauss apparently does not realize is that every knife cuts two ways. That is, in answering the question upon which the controversy turns, the answer that fetal life is *not* human is as religious as the answer that fetal life *is* human. A religious question remains a religious question, no matter how it is answered, no matter what religion — sacred or secular — is invoked.

So the question becomes, "Whose answer to a religious question shall prevail?" The obvious response if "Whoever's answer is right." Strauss instead responds that the pro-abortion answer should prevail because anti-abortionists would impose their answer upon others, but that pro-abortionists would leave everyone free to choose.

On the face of it, this is Strauss's best argument: freedom for the polity to choose its own answers seems to be desirable in itself.

Real freedom, however, is not the mere absence of restraints. Liberty is not license, and liberty is never increased by granting license to do harm. For example, a general "liberty" to steal would be no liberty at all.

Those who determine fetal life to be human are not merely free to protect it statutorily, they are positively *obligated* to do so. This is because the governing majority has no authority to legalize murder, the right to life being inalienable. Thus, if one decides that abortion is murder, s/he is not at liberty to merely disapprove of it personally. S/he must, as a free citizen, disapprove publicly such a gross infringement upon the inalienable right to life.

The right to life is simply not subject to modification, and insisting on its protection is no more to impose beliefs on others than it was for Jefferson to impose his beliefs about inalienable rights on the English king.

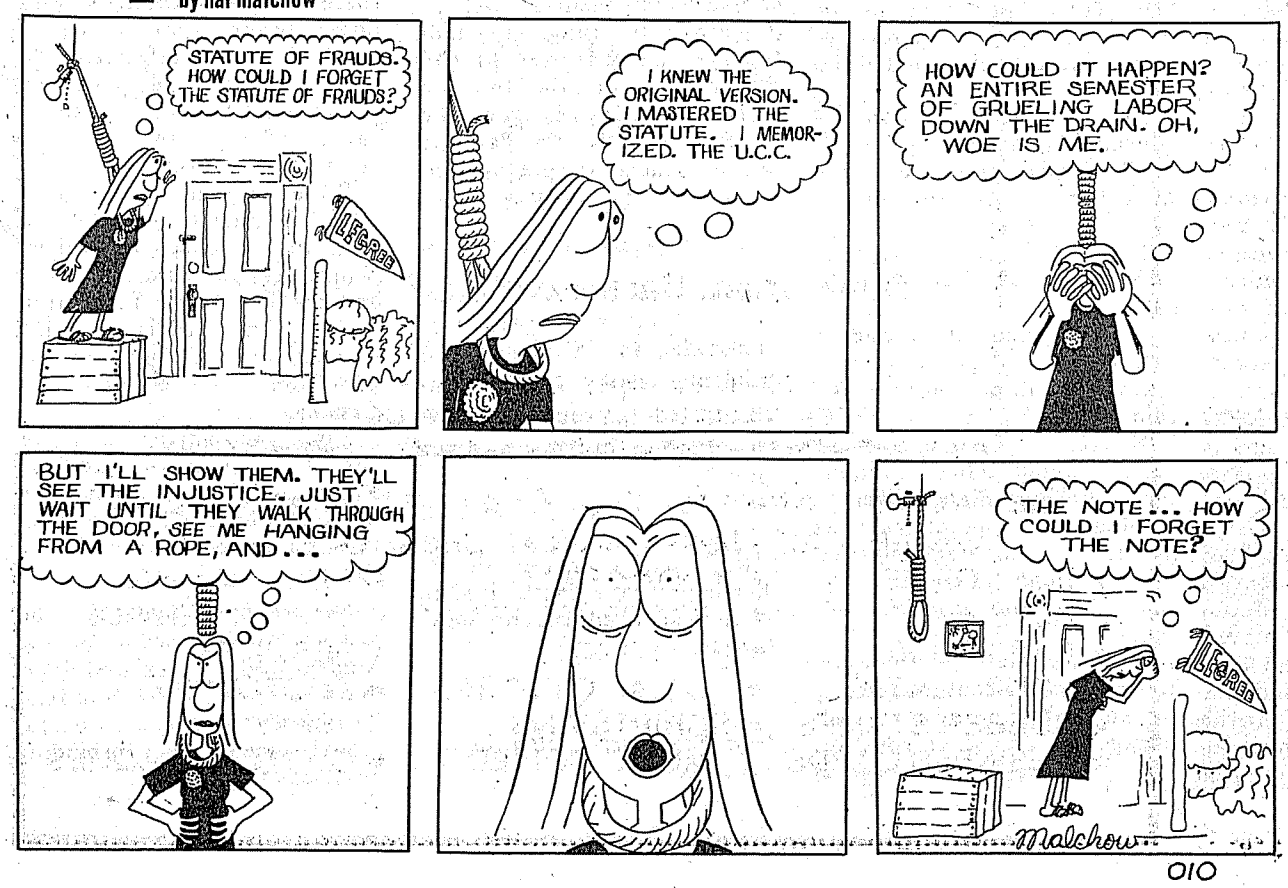
Thus, the abortion controversy turns on answering, not dodging, the religious question of whether life in the womb is human. Importantly, the answer need not be "yes" to require illegalizing abortion. "Probably" will suffice, because even a probable murder cannot be justified by the sort of concerns Strauss documents: damage to health and career, emotional distress, juvenile delinquency, and the like.

Although a "yes" may require religious justification, "probably" is an empirical cinch. Pregnancy, initiated by two human lives, engenders a third human life, and the single factor which by itself distinguishes human life from other types — the DNA code — is present from conception. Common sense unites with simple science to presume that a fetus is very likely human. The burden of proof is upon the abortionists to prove conclusively that the fetus is *not* human. Until they do, the presumption dictates prohibition of abortion on demand.

Legalizing abortion places society's seal of approval on what is, at the least, probable murder. We cannot pass the buck by saying abortions will happen anyway. They will. But our statutes proscribe harmful conduct not so much in the vain hope of eliminating it, but to affirm our own conviction that it is indeed harmful. Legal abortion doesn't just kill fetuses, it erodes the national character by making us all accomplices to the crime.

Strauss treats pregnancy as if it were a cancer, striking randomly and having to be excised by surgery. But pregnancy is the foreseeable product of a controllable conduct which gives rise to new human life. Mimi Strauss would have us kill that life rather than take responsibility for it. Cloaking her position in the rhetoric of compassion and liberty makes it all the more contemptible.

Loophole©
by hal malchow



Clinicals: Learning to be Lawyers

by Mireille Gassin

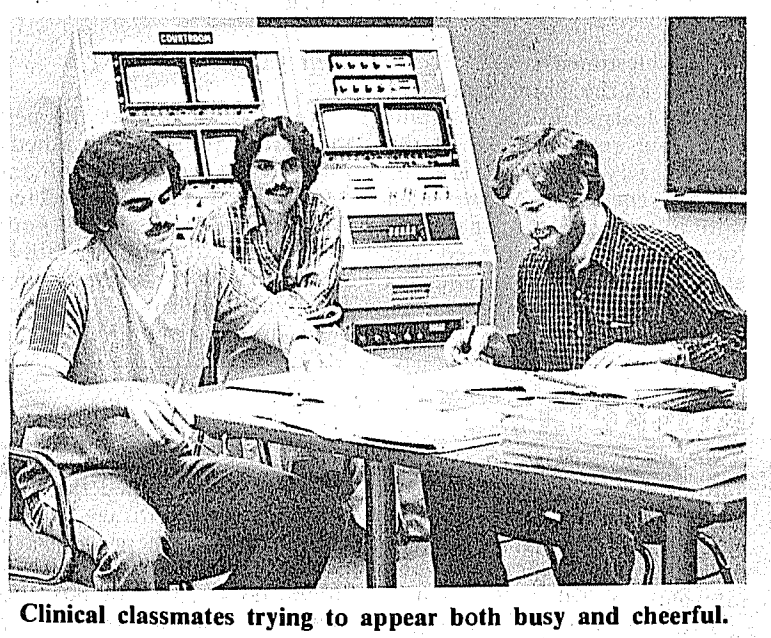
Tired of sitting in large lecture rooms, passively taking notes, wondering how this will ever help you when you get out and practice in the "real world?" Why not take a clinical course in the spring? If so, you will be taking advantage of the best opportunity in law school, and probably in your entire legal career, to have your skills as a lawyer observed and constructively critiqued.

Two Components

Each of the clinical courses offered at the Law School has two components: classroom skills training and actual student practice. Classroom training lasts four hours per week. Students learn various subjects in the lawyering process such as how to conduct a client interview, plan discovery, prepare witnesss for trial, and other skills. They practice these skills through the preparation of legal documents or by role-play of simulated problems, many of which are videotaped and played back for critique.

The student practice component takes place outside the law school under the supervision of experienced attorneys. The only exception is Trial Advocacy, a two-semester course, where students practice under the direct supervision of the UCLA clinical staff. Students usually have to get certified, since they will be advising clients and making court appearances. Certification is easy: you get to give away another $17 to your favorite charity organization, the California State Bar.

Going outside the Law School means working in a legal services office, the office of the United States attorney, or the litigation department within a major law firm in Los Angeles. These offices have been preselected by the UCLA clinical staff. The supervising attorneys give students casework, observe them, and evaluate their performance. This component of the program can be time-consuming. Professor Paul Boland, director of the UCLA clnical program, estimates that students spend 8-12 hours per week in addition to the four hours of regular classwork. Of course, this time estimate varies drastically according to the caseload. Like all attorneys, students are expected to follow up a case thoroughly. Student response to the clinical program has been enthusiastic despite this time commitment.



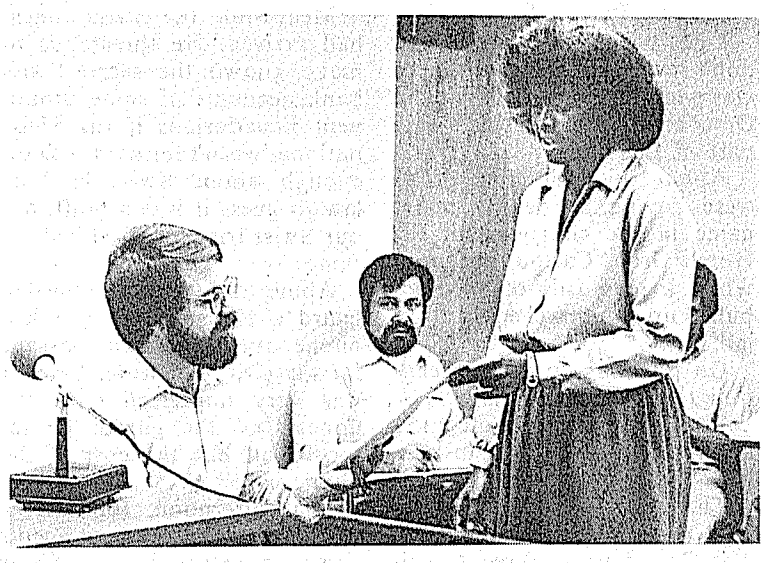
Clinical classmates trying to appear both busy and cheerful.

Fringe Benefits

The main purpose of going outside the Law School is to give students actual practice in the subjects which they have learned in class. But in addition, students can explore their career interests. If you're interested in legal aid, the Pre-Trial Lawyering Process and the Administrative Law Advocacy Process classes will give you a chance to work in offices of the Legal Aid Foundation of Los Angeles, usually in Venice or in Watts. If you're thinking about doing litigation, but don't know whether the big law firm route is for you, then you may want to consider Fact Investigation and Discovery in Complex Litigation. Students in this class work in the litigation departments of major law firms in Los Angeles.

A Short History

Clinical courses at the UCLA Law School began in 1970. This is when professors Paul Boland, David Binder, and Paul Bergman came to UCLA. Professors Boland and Binder came from the Western Center of Law and Poverty, a test case litigation office in Los Angeles. Professor Bergman came from the L.A. litigation firm of Mitchell, Silberberg & Knupp. Boland became Associate Dean in 1979. His major responsibility is to direct the clinical program.



Joscelyn Jones harassing her witness, Instructor Bill Patton.

Professor Carrie Menkel-Meadow joined the UCLA clinical staff the same year. She was a member of the Pennsylvania Law School faculty before then. In addition, Rowan Klein, a practicing attorney in criminal and prison law, and faculty professor Barbara Honig each teach a clinical course. Visiting professor Dean Rivkin from the University of Tennessee also taught a course this Fall.

Student response to the clinical program has been enthusiastic. For many, the clinical program is the reason they chose to come to UCLA. Over 1800 students have participated in the program since 1970. Classes are regularly oversubscribed—the clinical staff is doing its best to meet demand.

Formalities

All right, how do I sign up for a clinical course? Last week you received in your mailbox a description of the clinical offerings for the spring. The deadline for applying is November 17. You can take a maximum of one externship and one clinical (4-10 units) or two clinicals. Classes are limited in size, so spaces are usually allocated by lottery. According to Professor Boland, demand is usually lower in the spring. For all of those who were disappointed because they couldn't get into Trial Advocacy this year, Professor Boland promises that there will be four sections available next year. All clinical courses are graded Pass/Unsatsifactory/No Credit.

A National Reputation

State Bar committees throughout the nation and students alike have been clamoring for practical skills training in the law schools. The UCLA clinical program is well suited to meet this demand. The UCLA clinical staff has lectured at national law schools and has written numerous articles about its clinical program. In short, the program has earned a national reputation which is well deserved.

Letters to the Editor

Law Review's Cheadle Responds

To the Editor:

I would like to make a personal response to *The Docket's* editorial criticizing the Law Review selection process. (I say "personal" because some other members of the Law Review may feel differently and I don't purport to speak for them.) I think that the editorial raised some valid criticisms but failed to recognize that there are some strong reasons for choosing a Comment write-on procedure. It was because of these reasons that the Board of Editors — after a lengthy discussion of the same issues treated by the editorial — voted to use such a selection process.

One of the most important responsibilities of the Law Review is to publish student Comments. It is therefore essential that any writing competition be geared toward encouraging as many students as possible to continue working toward publication. The present system promotes that goal by letting candidates choose topics that interest them and by requiring a significant first step toward publication in order to attain membership.

It seems to me that a "canned" writing competition (giving candidates two weeks to write on one topic — or even 3 or 4 topics) would serve to discourage candidates interested in publishing. Students who wanted to publish would have to invest two weeks' time into writing a paper that would be of absolutely no use to them once they got on Law Review. Requiring those who want to publish to commence the lengthy Comment-writing process after they have essentially wasted two weeks places a heavy burden on the very people we want most to encourage. (While some schools with a "canned" selection process allow members to publish by writing brief casenotes, we do not do so because we think casenotes have extremely limited value — they are frequently mooted by higher courts within a few months of publication.)

A "canned" selection process poses other problems as well. Candidates are not required to demonstrate any research ability. Collaboration would be virtually inevitable. The process rewards those who work well quickly and under pressure (probably those with high grades, something Law Review has sought to de-emphasize). Moreover, it fails to prevent economic subsidization since some law firms would undoubtedly still be willing to provide typing services or compensate the candidate for the time spent writing.

(Continued on Page 5)

Klika the Lock

Incarcerated in Ecuador

by Peter Klika

I got busted in Ecuador and don't even know why. There was a military revolt going on in October of 1974, but that's only part of the story.

About midnight five of us were having a friendly poker game in the courtyard of the Hotel Gran Casino in Quito when a jeep full of soldiers pulled up and marched us off to jail.

On our way to police headquarters we asked why. The soldiers muttered something about us being foreign instigators. That was all we were told.

The worst sound in the world is a cell door slamming shut. The five of us — three Americans, a Swiss, and a Briton — took stock of our situation. Our cell was about thirty feet square and illuminated by a single flickering 40-watt bulb. A few prisoners pacing about took little notice of us. The rest slept two or three to a bed. There were twenty beds for more than sixty prisoners. We were still huddled in a corner at daybreak.

A tall, muscular black woke several other prisoners and pointed us out with a menacing grin. He advanced toward us with his hand raised. Then he shook my hand. Eduardo explained in Spanish that he was the "caporal" or cell leader and then told us about the cell routine. No food would be provided. Those with relatives had daily deliveries. Those with money had the guards buy their food. Those with neither shared with those who had food and were honor bound to repay when able. Prisoners took turns at sleeping, telling stories, and cleaning. The caporal handed us some brooms, a mop, and a bucket. Our first day had begun.

Later in the morning we were brought before a desk sergeant. He said we had been "denounced" as drug smugglers and now the authorities would determine if this were true. At least we were no longer foreign instigators. We asked who had denounced us; we were told it was none of our business. I had the nerve to ask what the evidence against us was. "Evidence!" the sergeant sneered. "Senor, the guilt is in your eyes." It wasn't very reassuring.

Meanwhile the Swiss consul had arrived. He threatened to make known the secret Swiss bank accounts of some prominent Ecuadorians if the Swiss national wasn't released. I knew enough about Swiss banking law to guess it was a bluff, but our Swiss friend walked just the same.

About this time I slipped a guard a 100 sucre note with a phone number and a message for my girlfriend Kate. Later, I was very impressed with the honesty of the guard: he returned all but the cost of the phone call.

That afternoon, four Ecuadorian drug enforcement agents came to interveiw us. Their classic interrogation techniques showed that they were well trained. One agent bragged to me about being wined and dined in Washington and Miami by our own DEA. I was thrilled our taxes were so imaginatively spent.

The morning of the second day, Kate arrived with food for the four of us. She had notified both the American and British embassies and said someone would be sent the next day.

I was getting to know some of my cell mates by this time. Eduardo, the cell leader, was from the coast where a small colony of former slaves eked out a living as fishermen. He ran a tight but fair ship. The inmates were like one big family with everyone sharing resources. That day we were able to take up a collection for a Peruvian who was being deported. He had to pay for his own deportation and, lacking the money, had languished in jail for weeks. Our few sucres were just enough to pay for his bus ticket and armed guard. There were *abrazos* from all when he left.

We slept three to a bed. On one side was a semi-literate forger who had misspelled one word too many. He helped me with my Spanish and I read to him, as his eyesight was poor. On the other side was a Colombian Air Force officer whose plane had crash-landed in Ecuador.

"But surely that's not a reason to put a man in jail," I exclaimed.

"Only if it's full of cocaine," he shrugged.

The morning of the third day the American vice-consul arrived. She was thoroughly professional and seemed genuinely interested in our welfare. She explained our options: (1) declare ourselves drug addicts, get transferred to a hospital for rehabilitation, and then be released, or (2) plead guilty and, with luck, be deported. We didn't even discuss pleading innocent — that's asking for trouble. She said that if all went well, we could be free in a matter of weeks. We let out a chorus of groans.

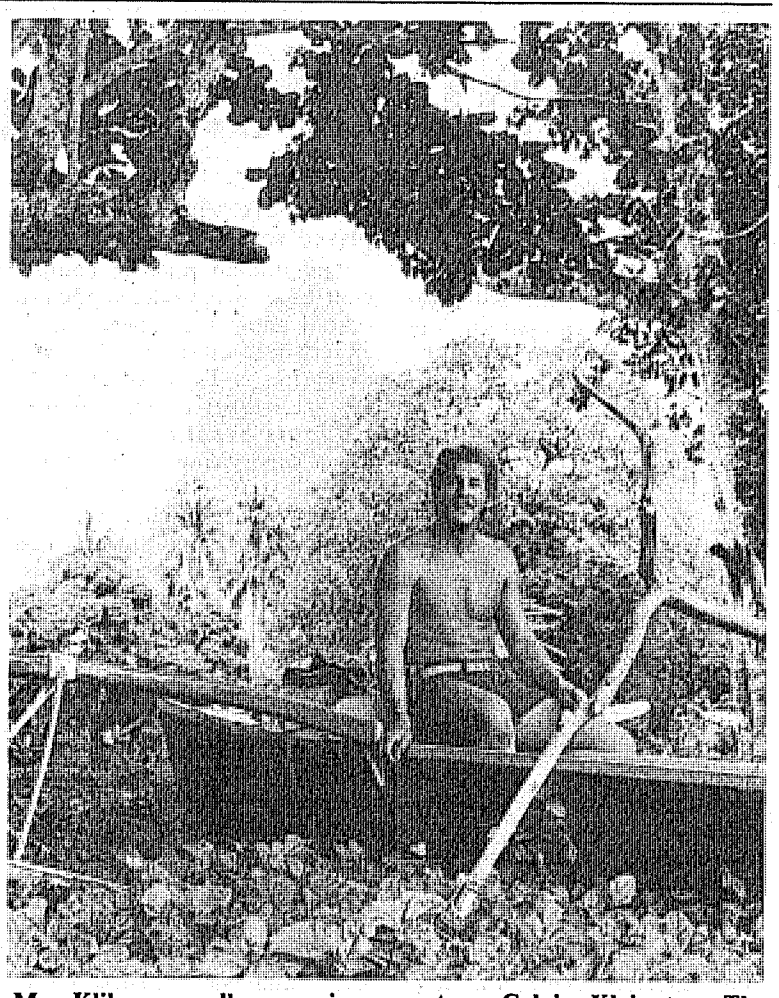
As the vice-consul left, she asked the desk officer for a copy of the charges. The copy dumbfounded her. It read "drunk and disorderly" or something like that. We blinked. At least we weren't "marijuaneros" anymore. The vice-consul said she would look into things in light of the new information and get back to us.

Our relief was shortlived. The desk sergeant announced we were to be transferred to a central prison the following day. We knew that a transfer to the central prison upped the ante considerably, and that release from there was difficult and time-consuming.

That night, our fourth, I consulted with my Ecuadorian cell mates. Eduardo and others all agreed that a bribe was in order. They told us exactly how to approach the matter. During our transfer we could conveniently "escape" which would save headaches and face for everybody. I collected the money that night.

Our transfer guard arrived promptly the next morning. He was unarmed and alone. He said we would be taking the bus and wanted to make sure that we all had bus fare!

The next half hour parodied a Charlie Chaplin movie. We dutifully boarded the wheezing and overcrowded bus, and became separated from our "guard" even before I could give him the money. I waded to the back of the bus and slipped the wad of bills into his coat pocket. Then I nervously pulled the exit bell. The guard stared straight ahead as the four of us stumbled into the street. I actually thought I saw him smile and wave as we hurried down the cobblestoned street.



Mr. Klika, casually canoeing, sports a Calvin Klein tan. The Ecuadorian climes were not kind to this legal matriculator. He was forced to learn the law of false imprisonment first hand.

Back at the hotel, Kate had already learned of the possibility of our return. She had the bags ready and a fistful of airline schedules. As we piled into a taxi, Caesar, the hotel owner, quickly apologized and explained that he had enemies who were trying to take over his hotel. We had become pawns in their game.

Kate and I caught the next international flight. I breathed a lot easier as the jet lifted off and headed towards Costa Rica. About two months later I got a letter from Eduardo who said he was back on the coast fishing. He invited me down, but then I never did like fishing very much.

Koskela...

(Continued from Page 1)

The School has never had anyone formally on the staff to counsel students and in the past, faculty and staff members have informally fulfilled this need.

Yet, the student committee which interviewed applicants for the student affairs position had hoped the new Director could counsel academically, someone at least who had actually gone through law school.

But the job, which used to require a law degree, now only requires a Bachelor's degree and seven years of relevant experience, preferably in a law school setting.

Koskela, who received her Bachelor's degree from U.C. Santa Barbara, joined the Law School Records Office in 1971 and has worked there ever since.

In response to the student committee's desire to have an academic counselor, Dean Warren has promised to appoint someone to the student affairs staff by the 1981-82 school year who is capable of doing such academic counseling.

Hofstedler...

(Continued from Page 1)

tional law for 100 years."

Responding to questions, Hofstedler defended attempts at integration.

"The assumption that integration is a failure is not true of all the United States. It is a bad failure in the big cities. Perhaps we need to put the schools near the workplace and bus parents with the children."

She described departmental efforts to educate parents about guiding children's television viewing and defended problems with achievement tests, saying scores are now going up.

"We're seeing the results now of those who received compensatory education and those who didn't. Many groups formerly left out are now in schools and are included in test data."

Hofstedler referred to her vulnerability as a Cabinet member in explaining her decision to take the post.

"What did a nice little old judge from Pasadena mean by taking a position as a Cabinet member, which is by no means a lifetime appointment? Well, my learning curve was beginning to flatten, and it was an opportunity to build a new department. Only 12 others in the history of the country have been able to do that."

Letters. . .

(Continued from Page 3)

The editorial stated that "most serious Law Review candidates forego summer employment as well as the first three weeks of classes." If candidates did in fact make such a huge sacrifice of time, they did so against my advice and that of other Board members. At the April orientation meeting, I specifically mentioned that more than half of the Board of Editors had worked fulltime the summer that they wrote onto Law Review. I also explained that we had decided to extend the deadline into the semester in order to give candidates the maximum amount of flexibility, *not* because it should take that long to write a Comment. We gave candidates four months in which to do approximately one month's work because we did feel that it was important to give the maximum amount of time to those people with other commitments.

I must also disagree with the argument that candidates' production work labors go uncompensated if they do not make Law Review. For as long as they were working on their Comments, they had access to the Comment Editors, who spend untold hours reading and editing candidates' drafts. I know of Comment Editors who devoted at least twice as much time to editing an unsuccessful candidate as that person could have possibly spend doing production work.

Moreover, while production work is admittedly not much fun, it is critical that it be done correctly. For that reason, an evaluation of the candidates' production work was included as part of the selection process. (It may not be difficult, but production work does require meticulous care and some people fail miserably on that account. They should not be on Law Review.) Finally, production work teaches candidates all of the fine points of the **Blue Book** that they need to know in order to make their own footnotes acceptable.

Law Review does demand a large commitment of time. Someone who participates in time-consuming activity must inevitably give up others. (Thus, for example, a person who has to work fulltime cannot go to UCLA Law School.) That is not a "hidden economic component;" it is an unfortunate fact of life. We tried to minimize the impact of wealth on the Law Review selection by making the write-on process as flexible as possible. At the same time, we did want to discourage those people who were not willing to work hard.

The selection process used this year is not carved in stone, to be passed down during some sacrosanct ritual. Those who went through the process this year will in a few month's time be choosing the procedures to be followed next year. Alternatives are possible and I enourage this year's staff to start thinking about them now. I think, however, that they will find it a difficult task to formulate a selection procedure that is any less flawed than the one followed this year.

Elizabeth Cheadle
Editor-in-Chief
UCLA Law Review

* * *

Richard Charges Defamation

To The Editor

On October 13, 1980, *The Docket* published an article entitled "SBA Declares Write-In Co-Candidacy Invalid." In the article the reporter, Jessica Sparks, reported on what occurred at the September 24 SBA meeting where SBA representatives candidly voiced their views on whether or not the UCLA School of Law would allow two young women to run as co-presidents.

At the September 24 meeting, Frank Spees made a personal assault on last year's first year class president. Mr. Spees stated that he believed co-reps was a good idea because "last year's first year class president didn't handle the job well." I am last year's first year class president.

On October 1, 1980, I attended the SBA meeting and confronted Mr. Frank Spees with his statement. At this meeting it was clearly illustrated that Mr. Spees' statement was groundless. He was not a part of SBA last year, he was not a part of the first year class, he did not know the first year class president last year, nor did he seek me out to inquire about the responsibilities and duties of the first year class president. At this meeting, Mr. Spees admitted to making the defamatory statement in order to strengthen his position on the issue of co-reps. He made a formal apology at the SBA meeting and I received a written apology from Mr. Spees informing me that his initial statement was to be published without mention of his retraction.

The Docket reporter, Jessica Sparks, was present at both of these SBA meetings, yet she chose to quote Frank Spees' initial statement in her October 13 article, without making any mention of Mr. Spees' apology. Even without the apology basic fairness would require that she confront me with the statement and also publish my response to it.

In addition to publishing the article *The Docket* gave Mr. Spees the courtesy of knowing that the article was to be published. He was also informed of the content of the article. *The Docket* completely ignored the fact that I too would be affected by the statement and chose not to inform me of the printing of the article.

It seems that in the publishing of an article in which *The Docket* and the reporter sought to highlight what they perceived to be injustice they went about this by recklessly and negligently trampling on my rights to be confronted with a defamatory statement that was to be published and by denying me a right to be heard. *The Docket* via Jessica Sparks was aware of both sides of the story when they chose to publish half of the story. An organization directed to fair publishing must surely know that fair reporting requires that both sides of a story should be presented, especially when they are aware of both sides of the story.

What happened to fairness and the editor in the publishing of this article?

Ilean A. Richard

A REPLY TO RaM
by Georgia Enoch

To the Editor:

Professor Trailblazer, the silent majority of your class don't hold with the opinions of RaM. We don't spend class daydreaming about sexual assaults on classmates and we don't wait until the week before exams to go cram out of canned outlines.

We also think RaM is a terrible poet — but if we may be permitted to share that same guilt:

Go home, young one, if all you care
Is for your rum and easy chair.

Go and drink your rum and beer.
That's not the reason we came here.

Hit the beach and cheat your mind —
Justice, as you said, is blind.

For blind are you, our nameless foe,
What you'll reap is what you sow.

Bar Review Courses Exchange Charges over Passing Statistics

It is getting hot and heavy in the world of bar review. In a recent series of full page ads, the BAR/BRI bar review course sought to discredit a statistical study of bar passage rates done by a dean at a major California law school. The study, prepared by Assistant Dean Dennis Avery of California Western University School of Law (an ABA and AALS accredited law school), compared the performance of students who took the Josephson Bar Review Center course (BRC) and the BAR/BRI course. It showed that the BRC students had a higher passing rate at each level of class standing. The advantage of BRC students ranged from 6% for students graduating in the top half of their class to almost 20% for those graduating in the bottom quarter.

The BAR/BRI ads suggested it was "unprofessional" for BRC to reveal the study, that the figures were inaccurate as to BAR/BRI students and that the figures were compiled by a BRC student representative, not Dean Avery. Michael Devlin, a BRC spokesman, was confident and undisturbed by the BAR/BRI attack. "We expected this. The study is very damaging to them and they know it. When it first came out, they tried to intimidate Dean Avery and even threatened a lawsuit. They promised to provide additional information which would change the figures for BAR/BRI students. The excerpts they published in their ads were from letters sent while Dean Avery was expecting the new information. When no new information came, the Dean wrote us on September 6, 1979 (almost 9 months after the study was released) strongly and unequivocally denying the BAR/BRI assertions and reaffirming the integrity and accuracy of his study. We have made copies of this letter available to all BRC student reps."

The letter from Dean Avery states: "I assume responsibility personally for the figures and I have received no subsequent information which would alter the figures. . . . The figures do to the best of my present knowledge accurately report the performance of our graduates who took the Summer 1978 California Bar Examination."

According to Mr. Devlin, BAR/BRI has been "defensive on the whole statistical issue," ever since 1974 when it first refused to agree to a BRC proposal for a system that provides for the computation of comparative bar passage statistics by the law schools or independent professional auditors. "We wouldn't be quibbling about the statistics at one school if BAR/BRI would change its policy of concealment and agree to across-the-board statistical validation. The fact is that they know that any independent report would parallel the Cal Western study because BRC's educational methods are simply more sophisticated and effective," claimed Devlin.

In answer to the suggestion that his own comments were self-serving Devlin pointed out, "The difference is we are willing to 'put up or shut up.' We are the ones that want independent validation because we are totally confident in our system. If BAR/BRI thought we were wrong, don't you think they would accept the challenge and prove it? They know what their real figures are and they don't want anyone else to know."

[*We have asked that this article be run in the paper and we have paid for it as an ad* — BRC.].

Interviews with Handicapped Law Students

by Jodi Zechowy

Diane Coleman Yester, like several dozen other students here, will be receiving an MBA along with her JD this spring. Like her classmates, she is currently going through the job interview rituals and is trying to make a decision on her career. Having spent two summers doing law-related work, the areas in which she'd like to specialize, are becoming more clear. Diane Coleman Yester shares the ambition and drive of her classmates, and in a quiet way, she outpaces them. For Diane Coleman yester is confined to an electric wheelchair.

Like three other handicapped students here, John Posthauer, Bruce Harrell, and Pat Irwin, Coleman Yester does not feel that she should be afforded special treatment because of her disability, nor does she let it interfere with her studies. In the library, where books on the upper shelves could pose a problem, Yester merely asks for help.

"Normally, I'll grab the nearest person and ask him to get the book off the shelf. Usually, that's not too much of a burden," the 27-year-old from Michigan says, explaining that for the first year legal research assignments she would ask someone at the reference desk for help or "bring someone in from the outside."

Getting to the upper or lower levels of the library is no problem either, for Coleman Yester was given a key to each back door and is able to take the outside elevator.

The student representative to the law school building committee, Coleman Yester has been working towards increasing accessibility of the law school building. "I'm pushing to have the bathrooms made more accessible. The code requirements were designed for paraplegics who have strong arms, which I don't. I'm encouraging better design."

Aside from the more immediate problems, Coleman Yester does not feel that it is feasible for society to accomodate the disabled, explaining that it would be very costly.

"Economics is the current problem. Historically, ignorance and fear have led to discrimination. The factor that makes it different now is that technology has changed. I couldn't get around on my own without an electrical wheelchair." Coleman Yester, who has spinal muscular atrophy, a rare disease caused by a recessive gene, has been in a wheelchair since she was 12 years old.

"Reaction to a disabled person is an individual thing. Most people don't show a reaction when meeting them—

DIANE COLEMAN YESTER

most will look twice, but that's just normal," she says. "It's not an overt thing; until you sit down and talk to people, you don't know. Some people have a desire to understand, which can be subtle or superficial.

"For the most part, the disabled person can have a very great influence on how people respond. Except for extreme cases like Jon Merrick [the "elephant man"] most people do relax.

"Being disabled is not something I think about. I think I act that way, so most people ignore it." A holder of a B.S. in psychology from the University of Illinois, Coleman Yester says she has not faced any special problems in interviews. "The only thing some said was the question, 'Does your handicap interfere with your ability to perform?' My response to that is no—the only difficulty I have is getting books off the shelves in the library. The federal government's response to that is to get secretaries to help. Law firms may not be so willing to give up secretarial time." Coleman Yester is not worried about that right now, however, since she is most interested in working for the federal government.

"I want to work for the public sector, probably the federal government," she says, "and start out practicing in an area I'm interested in, preferably civil rights, and work into policy administration. That's why I'm getting an MBA. I figure that if I get fed up with the bureaucracy, I can always be a lawyer."

Coleman Yester feels that handicapped people don't have the same sense of identity that many ethnic groups have, and comments "The handicapped are dispersed through all economic and racial groups."

In terms of the law school's role in recruiting handicapped students, she says, "Affirmative action would be ideal, but they have limited resources which should be focused on recruiting ethnic minorities. The disadvantages of being handicapped are not of such a nature that I don't know that recruitment would make a difference, especially if someone has been discouraged (from pursuing a legal education.) I got lucky—I wasn't discouraged because I was bright and my parents supported me."

John Posthauer

Like Diane Coleman Yester, first year student John Posthauer does not feel that handicapped people constitute a minority group, nor does he feel that he should receive any special treatment. The 24-year-old from Menlo Park, California, was in an automobile accident five years ago that left him in a wheelchair.

"I haven't had any problems with accessibility here," he says, adding, "If I needed a book in the library, I'd just ask someone, and I use the elevator to get upstairs." Like Coleman Yester, Posthauer was given keys to the rear entrance of the library. "I would like the front of the building to be more accessible, but it doesn't bother me any because I can park right over there," he says, gesturing towards his white Mustang in the parking lot adjacent to the law school (where Coleman Yester also parks her tan-colored van.)

Posthauer, who played football in high school, had been attending the Berkeley campus of the University of California for a year when the accident occurred. "I was in the hospital for six months, and didn't go back to school full time for another six to eight months. There has been no functional change in his arms or legs since that time. Posthauer did not return to Cal. Instead, he attended a junior college for a year, then transferred to Stanford. He graduated last June with a degree in political science.

Why law school? Posthauer says he couldn't see himself doing just one thing: "As a would have the tools to get my hands into a lot of different things," he says. "You can work with business, the government, or just be able to do a lot of good things for other people. I like the idea of being exposed to other fields."

Not yet sure about which area of law he wants to specialize in, Posthauer is most interested in real estate, personal injury or negotiating contracts for athletes. "I guess I've thought a lot about personal injury," he says. "I can't make a choice now; I have to be exposed to it more."

In terms of finding a job, Posthauer says "In a way, I'll have to be over and above qualified. People's immediate reaction a lot of times is one of sympathy, like, 'Oh, you poor little boy.'

"I don't want that to come into play, I want to get over that and make it. I don't want there to be any question about my abilities.

"It would be the same thing in the courtroom, but who knows if I'll end up in litigation. I want to mesmerize a jury with my ability as an attorney, not anything else. I don't think I would want to capitalize on it [his disability]. I would go into personal injury law because I have a good understanding of the field. A lot of people who have definitely been wronged or harmed can't afford an attorney. People don't know what's going on and I feel I can shed some light. I wouldn't enter that field to capitalize on my court-

JOHN POSTHAUER

room appearance or anything like that."

Just as he doesn't want to exploit his disability, nor does Posthauer want to go to a firm that would employ him because of it, rather than despite it. "There's a fine line between that—(being used)—and making a point," he explains. "I do admit that it's given me a different perspective on life, though. If they hire me for that fact—because I have a different perspective—I'd go for it. If a firm wanted to hire me for just making a good appearance in a wheelchair—no," he states emphatically.

As for discrimination against him, Posthauer could only foresee two possible areas, "Maybe firms wouldn't like the fact that I couldn't get into some buildings or that I can't shake hands when my hand gets tired, but I don't know yet."

Bruce Harrell

Bruce Harrel thinks that affirmative action for admitting handicapped students is a good idea, since "The handicapped are no different than blacks or Chicanos or anyone else whose past includes discrimination. It's a good policy to cure past ills. However, the blind second-year student adds, "If I had my druthers, I'd like them to look with a blind eye to who people are and focus on qualifications first." Harrell, who is currently working 15 to 20 hours a week for a law firm, says he has not faced any overt discrimination in job interviews. "I've sensed covert discrimination, but there's nothing more I can say that wouldn't be my own projection."

What kind of law does he want to go into? "Lucrative. I want to avoid criminal law at all costs. I'd like to go into civil litigation. I'm interested in just developing my skills as a litigator. After I've done that and have made a name for myself, I'll probably go into politics or music," says the 26-year-old married semi-professional musician. "I can foresee some problems in the courtroom," he continues, explaining that he would want to see how unsure the jurors and witnesses look.

"The solution would be when I go into court, have a reader with me and have the reader read them (the judge, jury and witnesses). I could use audio cues from the reader—I'm just speculating now—the reader could cough, drop a pen; there are all sorts of ways of doing it."

Harrell also uses a reader for studying and doing research. He says the Recordings for the Blind provides many textbooks and outlines on tape, and those they don't have, he says someone tapes for him, using a speech compressing tape recorder. The machine increases the speed of the sound two and a half times while keeping the pitch constant, he explains, so that he can listen at nearly the average reading speed. (Law Librarian Frederick Smith says that while the library here does not currently have this equipment, the office of Special Services on campus is currently in the process of ordering two such machines.) Harrell takes notes during lectures on raised line paper and he types his exam answers. "One thing I felt was absolutely necessary was to learn the library inside and out. I know it to the point where I could teach Legal Research and Writing. I have to be able to describe in visual terms how a book is organized, for I hire and train my own readers. They act as an extension of myself."

"I've always made it a point not to have people go out of their way for me because I'm blind. There's a problem—if the sighted accomodate blind or handicapped people, they're creating two effects: first, sighted people develop a stigma about handicapped persons, and think they can't do it without help. The other effect is on the blind person—they become accustomed to being accomodated, which distorts reality. In the 'real world,' an employer will give you a job and if you don't do it as good as a sighted person, you'll be out of a job. Accomodation is actually doing a disservice to the accomodatee."

An active lobbyist, the Cal State Long Beach history graduate has conducted workshops for both the county of Los Angeles and blind people. He has also spoken to civic groups. He says he's working to "raise the consciousness of both

(Continued on Page 13)

ORGANIZE YOURSELF

Buy a $4 locker shelf From Pat Irwin, the blind carpenter. Leave your order in his mailbox (First year section) or call 846-5029.

Admissions Forum...

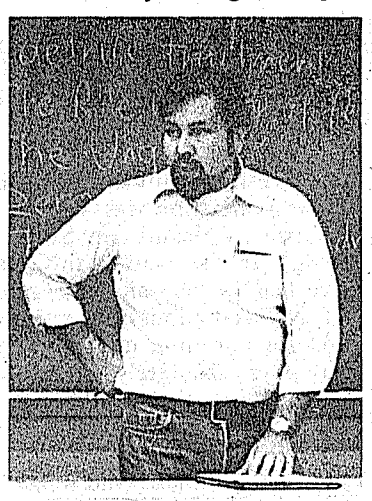
(Continued from Page 1)

faculty committees, the unclear effect of student input in the minority admissions process, the tendency of the Placement Office to serve only the top 10% of the students without considering the problems and challenges peculiar to getting a job as a member of a minority.

The final student speaker in the forum was Ana Maria Jauregui, who spoke of the lack of adequate representation of minorities at UCLAW vis-a-vis the ratio of minorities in Los Angeles and all of California. (The text of Jauregui's statement appears elsewhere in this issue.)

Finally, the keynote speaker for the day was Professor Ken Graham. Graham spoke on the history of special admissions at UCLAW. He referred to the idea that minority admissions were born from fear after the 1964 riots in Watts. Graham noted that the prevalent idea at that time was that "these new minority admittees will be grateful." Graham further claimed that the inherent problem with the admissions program is that the only thing LSAT scores clearly and consistently correlate with is median family income. Thus, to deny students from poor families the opportunity to go to law school is to deny them the opportunity to participate in the entire judicial branch of the government. This raises the question of whether or not economic deprivation provides a class structure to a seemingly classless society, Graham continued.

Graham also discussed the "mistake" in the admissions process that was made in this year's entering class; instead of 60/40, admissions this year were closer to 50/50. He pointed out that current trends in law school recruiting are akin to those of undergraduate football recruiting. Potential applicants with impressive statistics are courted, wined, and dined in order to attract them to top-ranked schools. Graham conceded that while UCLAW does not yet engage in exactly this practice, it does have a pressure-type of recruiting of highly desirable applicants. He completed his comments by stating the importance of recruiting minorities who will serve their community. To do otherwise, Graham contended, would be to divide and conquer.



While this reporter found the forum to be very informative, relevant, and interesting, there were some questionable areas. For instance, the forum was initially billed as strictly an informative session. During the course of the meeting, however, one speaker stated that attendance was a show of support for the cause of minority students statewide. Also, another panelist stated that minority students who qualify for the 60% group in the admissions process are relegated to the 40% group to allow room for a non-minority student. A check with the admissions office reveals that the above-mentioned statement is utterly false. So, while overall the forum was successful, there were some unfortunate and misleading statements which cast it in a dubious light.

PROFESSOR KEN GRAHAM

UCLA Held Hostage

WE OF THE REVOLUTIONARY LAW COUNCIL shall take over the law school unless the following demands are met:

1. Immediate dismissal of all warmougering dogs on the faculty and staff. (That should be all of them.)
2. All students who are now in the top 10% must be placed at the bottom 10%.
3. All students not now in the top 10% must be placed in the top 10%.
4. All Zionist, C.I.A. operatives on the Law Review are to be put on trial before the people and then shot.
5. The assorted law journals which emphasize the factionalism in this school are to be disbanded and replaced by the **White Jewish Boys from Long Island Law Journal** and replaced the **Teheran Law Review.**
6. All nurds whose average exceeds 85 shall be publicly flogged.
7. All female law students are to wear black veils.
8. Introduction of more relevant courses like "Evidence for Athletes" and "Law and Oral Sex."
9. Termination of the Socratic method.
10. Immediate placement of all students into jobs paying in excess of $600/week.
11. Abolition of the Rule Against Perpetuities.
12. Abolition of final exams and introduction of a new grading system based upon trial by combat.
13. Admission of better looking law students.
14. An apology from the law school in which it admits it has intentionally destroyed the minds of its students and has prepared them to do nothing that a chimpanzee could not do better in half the time.
15. Fire Dean Warren and Dean Prager and replace them with Linda Lovelace and Harry Reems.

Respectfully Submitted,

Publius
Ayatollah for Life of the
Revolutionary Law Council

Disappearing Minorities

State Law School Admissions

by Ana Maria Jauregui

This year at UCLA Law School we have seen an increase in the numbers of Third World students. There were 48 Raza students admitted, 49 Blacks and 26 Asians.

It is said that there is an overabundance of lawyers in California today. While it may be true of areas of law such as corporate law, real estate law, and tax law, the reality of the situation is that most working-class communities are presently underserved. For example, the ratio of Raza lawyers to the Raza population in California, according to a 1978 survey, is 1:51/58. And this is excluding undocumented workers, whose basic human rights are being violated daily.

If it is our goal to bring the minority student population in parity with the minority population in California, then the increase in numbers of minority students at UCLA this year represents a positive step towards achieving that goal.

But does the Diversity Program, under which the majority of Third World students enter UCLA, set as its goal the desire to meet the legal needs of communities who have systematically been denied such services?

A careful reading of the Diversity Program indicates that the primary purpose of the program is to "diversify" the student body. In other words, the minority students in this school were admitted for the purpose of enriching the educational experience of the mainstream law students by providing them with the opportunity to encounter a "diversity" of cultures. The issue of servicing the legally underserved communities is only briefly addressed in the Diversity Program, as if an afterthought.

The recent history of special admissions here at UCLA Law School teaches us that the numbers of minorities that have been admitted have steadily decreased from 1977 to 1979. So what accounts for the sudden increase in all minority admissions this year? Can we describe this phenomenon as a realization on the part of the faculty admissions committee that our communities need working people's lawyers so that they can defend themselves in this racist and sexist legal system? Or, on the other hand, is the increase that we've seen this year actually a response to the pressures that the students' resistance movement has placed on the administration of this Law School?

The answer to this question will become evident once we look at the situation here at UCLA Law School in the context of the cutbacks that minority students at postgraduate schools throughout the state of California are experiencing. Without such a broad perspective, the danger exists that we will be misled into believing that there have always been so many minority students enrolled at UCLA, and more importantly, that the numbers will continue to increase without any efforts on the part of students.

The systematic cutbacks affect mainly the areas of recruitment, admissions, and student input to student/faculty committees. Of course, these cutbacks are detrimental to all students but unquestionably they are especially harmful to minority students. Some examples of the cutbacks:

Davis Law School: This year, only 2 Chicanos and 2 Blacks are graduating.

USF Law School: Only 9 Raza students enrolled this year. To make it even more difficult to enroll Third World students, there is an all-out effort on the part of the faculty to substantially reduce the numbers of students sitting on student/faculty committees.

Golden Gate University: Only 10 Raza students enrolled this year. There is no special admissions program, no tutorial program, and no recruitment money. The faculty there is trying to completely eliminate student input.

Hastings Law School: Hastings special admissions program is the Legal Educational Opportunities Program (LEOP), similar to the one we used to have at UCLA before the Bakke decision. Last year, 24% of the entering class were LEOP students. This year, only 9% of the entering class are LEOP students. Hastings enrolled only 16 Asians under LEOP, 2 Native Americans, 24 Blacks, and no Latinos.

Boalt Law School: This school also has no special admissions program. All students are admitted solely on the basis of their LSAT's and GPA's. There is no educational disadvantage criteria, no "social commitment" criteria. There is an informal policy at Boalt that forbids students from interviewing applicants. While no money is allocated for recruitment of Third World people, the administration has no problem finding money for recruitment at the Ivy League schools.

All of this information (i.e., the decrease in the numbers of minority students entering law schools around the state, the elimination of student input into student/faculty committees and the lack of funds for recruitment and tutorial programs) indicates a general trend among the public and private institutions to take away the small gains that our predecessors fought for in the late sixties and seventies.

It is imperative that we express our solidarity with our fellow students and potential students at other law schools by supporting them in their struggles against the cutbacks, but this is not enough. *We* must also critically analyze our own Diversity Program and determine whether it is sufficient to ensure that it will provide enough attorneys who are dedicated to serving underserved communities to the minority communities of California.

Minority Associations—

Interview with La Raza Head

by Barry Goldner

"Law school is alienating to the max," said Cesar Noriega, president of La Raza Law Students Association, in a recent interview with *The Docket*. "I know how the pigs are out there in the barrio and here's this professor talking about 'probable cause.' "

Noriega possesses an incredible passion for his people. When he speaks of La Raza one cannot help but be overwhelmed by his sense of pride and tremendous emotion. "La Raza," according to Noriega, "is a third world concept — much like Pan-Africanism. It expands the concept of 'Hispanic,' which says nothing about our Indian heritage."

"Law school is alienating to the max. I know how the pigs are out there in the barrio and here's this professor talking about 'probable cause.' "

"La Raza is a unifying concept which shows a common enemy," says Noriega. When asked who or what that "common enemy" is, Noriega replied, "The enemy is a system which perpetuates a class of relatively few individuals with great wealth and privileges . . . it perpetuates the idea that a certain group of individuals control wealth and oppress the impoverished . . . we (La Raza) are fighting for a system which will eliminate poverty and class privileges."

Parity Needed

Noriega pointed out the large statistical disparity between the number of Chicanos coming into UCLAW versus the percentage in California. "If they are really concerned about helping us, why is that disparity so large? Our admission program doesn't come close to reflecting the

"We need attorneys who are going to fight for social justice and serve the legally underserved communities. We want to get those people in school who are committed to going back into the community."

percentage of Chicanos in California. We are asking for some kind of parity," Noriega says, angered by the fact that Hastings enrolled only nine Chicanos out of a class of 500.

A public institution, Noriega feels, should reflect the composition of its constituency. He feels that the state law shcools should provide a legal education for those who can't affort private institutions. "There are a lot of minorities, lower and middle class people who have no access to legal services," says the La Raza president, "a lot of them don't qualify for Legal Aid because you have to be very poor — so they are left with nowhere to turn." Noriega feels that the law school perpeutates the class stratification and serves only the privileged classes by preparing students for the greater corporate good.

Noriega wants the University to try to focus on the problems of society and to try and solve them. He feels that one important step towards the solution is to bring in a type of student who wishes to serve all interests. When asked if his ideas and goals were unrealistically idealistic, Noriega replied, "I'm advocating change — in that sense I'm unrealistic . . . It's not gonna change, no matter how much we scream and holler. If we're fighting because we're trying to change things, yes we're being idealistic. But we have no choice."

Realistic Ideal

"Ideally," says the La Raza president, "we want two things: 1) as many Chicanos as we can Chicanos are interested in servin Chicanos are interested in serving the community.

"We need attorneys," Noriega continues, "who are going to fight for social justice and serve the legally underserved communities. We want to get those people in school who are

"Are we going to get the (right type) of person by bringing in students with high LSAT scores? It's a fucked up test, man. Those tests are nothing but a filter."

committed to going back into the community. (Noriega pointed out that "community" can be defined in many ways.) Are we going to get this type of person by bringing in students with high LSAT scores? It's a fucked up test, man. Those tests are nothing but a filter."

Noriega admits that picking the type of person who will go back to the community is not an easy process, but he feels that La Raza is better able to judge its peers and "our people" than anyone else. Noriega also concedes that mistakes will be made and that some Chicanos will "sell out" and not return to the community: "Some of these people feel like they will go into the corporate world and fight for their people and fight for higher ideals. A lot of us feel like this is a myth."

According to Noriega, La Raza used to conduct admissions interviews with the idea of finding out which Chicanos were interested in social justice and in serving the community. Their results were then reported to the admissions committee. Noriega is angered by the change which the student interviews have undergone. Now, according to Noriega, minority applicants are given the choice of whether or not to interview with the student group. The applicants, says Noriega, are told (in a letter from admissions) that a recommendation from the student group is no guarantee and that such an interview may even hinder a student's chance for admission. Noriega is angered by the admission committee's unwillingness to take La Raza's

"Some of these people feel like they will go into the corporate world and fight for their people and fight for higher ideals. A lot of us feel like this is a myth."

recommendations seriously.

He says they are too concerned with grades and LSAT scores even for minority students. Noriega points at the fact that there are many Chicanos not getting involved with La Raza group activities and he says that this proves the faculty's disregard of a student's affinity for social justice and the community.

It should be pointed out that there were 22 Chicanos admitted in last year's class and 48 this year. Noriega says that there are 15-25 people who are active in La Raza this year ("active" in the sense that they attend meetings).

'Don't Assimilate'

A coconut, according to Noriega, is a person who's more white than Chicano: "They've assimilated — they hang around with their white friends . . . they don't talk to us . . . they do whatever it is that white people do. They don't do what we do." When asked why his ideas and values were better than another's, Noriega said that his insight was grounded in his people's history and experience. (Noriega was a Chicano studies major at Pomona College.) He then continued, by speaking to those who have not joined La Raza, "You shouldn't assimilate because we have a long rich history that we should know and be conscious of. If you assimilate, you won't know. We have a rich culture you should take advantage of. If you assimilate you won't be able to. A rich language that if you assimilate you don't know. We have a lot of people that are disadvantaged and oppressed — if you assimilate you do not help them. If you assimilate you are negating yourself. We conscious Chicanos define ourselves by helping others. You assimilationists define yourselves by helping yourselves."

Noriega then went on to explain the need for having a Chicano orientation: "We want to teach them how racist this school has been in past years and show people why they are here: to help their people."

LA RAZA LAW STUDENTS ASSOCIATION

Purpose Statement

The purpose of the Association is to engage in activities that are designed to:

(1) promote the general welfare of our fellow students and to keep Raza students in law school,
(2) achieve parity in the legal community by increasing the number of Raza students who are committed to serving our legally underserved communities, and
(3) provide a liaison with the Chicano and Latino communities and to offer our legal assistance to poor people.

La Raza Law Students Association

Our association was born in 1968. Up until very recently it was called Chicano Law Students Association. The problems facing our Association this year are the same problems we have had to face and fight the last 12 years, to wit:

1) a special admissions program that pays lip service to the need for enrolling minorities, yet
   a) pays absolutely no attention to legally *underserved* communities' needs;
   b) negates significant student input into the selection of incoming students;
   c) gives absolutely no weight to an applicant's commitment to help working class people;
   d) makes no commitment to attempt to even achieve parity in the legal profession, given our large population in California;
   e) provides no sense of continuity;
   f) does not admit and enroll enough Raza students given our large population in California;
   g) admits and enrolls too many Spanish surnamed individuals with high test scores who have no commitment for social justice (i.e., Mexican-Americans, vendidos "sell outs", coconuts (brown on the outside but white on the inside), and BASPS Brown-Anglo Anglo Saxon Protestants;
   h) provides for no supportive services.

2) An elitist, racist, insensitive, and snotty faculty that is very conscious of their tremendous power and guards it zealously, thereby not allowing any sort of power to students — precisely the people who should run this school by virtue of their position in it.

3) The continuing use (misuse) by the faculty of racist and biased standardized tests that determine admission to this school.

4) The extremely low number of Raza students enrolled in other California law schools.

Cesar Noriega

Internal Diversity

Noriega stresses the fact that everyone within La Raza is quite diverse and has different opinions on many of these issues. This diversity combined with their unifying desire to serve the community has led to a number of La Raza sponsored projects:

1) *Chicano Law Review,* which Noriega says is the only one in the nation;

2) *El Centro Legal de Santa Monica,* which is a legal aid type center which helps indigent Spanish speaking people; and

A 'coconut:' "They've assimilated — they hang around with their white friends . . . they don't talk to us . . . they do whatever it is that white people do. They don't do what we do."

3) *La Raza Law Women,* aimed at fighting the double oppression of racism and sexism.

Need to Congregate

When asked why many Chicanos socialize only within their own group, Noriega said it is a "survival mechanism. A lot of us came from barrios — we have more in common — is it any wonder we want to hang around together? Why should we walk around with smiles and talk to white people when we can talk to each other?"

Noriega also cited economic factors as leading to voluntary social segregation. "A lot of us come from families that don't have any money. As a group we

"We want to teach them how racist this school has been in past years and show people why they are here: to help their people."

are more economically disadvantaged." He said that many La Raza members spend a lot of time working on admissions issues or at El Centro Legal, "After all," says Noriega, "if we don't help those people, who will?

"White people don't have the same problems with money that we have. They can study all day. All they do is study, study, study! Then when grades come out, the faculty says, 'See' and says that we aren't good students. White people are much better prepared to go to school than we are."

AALSA, BALSA, La Raza

BALSA's Livingstone Speaks

By Steve Garcia

The Black American Law Students Association at UCLAW is one of several chapters of a nationally incorporated organization. The local branch, presided over by Lora Livingstone, has one of the largest memberships in the West.

In a recent interview, Livingstone stated that there are 95 to 100 black students at UCLAW, about 80 of whom claim BALSA membership. BALSA members pay a $10 membership fee. BALSA holds recruitment and admission of black law applicants as its primary purpose. The thrust of this drive occurs from September to December. BALSA members participate in Law Days at other campuses throughout California, and this year has sent recruiters as far east as Chicago and Milwaukee.

Livingstone claims that the recruitment program is extremely effective. She added that a vital part of BALSA's admissions drive is the interviewing of prospective students. After these the association places an evaluative letter in the application's file to aid the admissions committee. Livingstone cited this system of evaluatio as a problem area, since the admissions committee does not reveal how heavily it weighs the letters or whether it considers them at all.

Another of BALSA's roles on campus is as a support group. The BALSA office has a library of study aids and lecture tapes available to its members. Livingstone said that BALSA not only wants to see blacks admitted but graduated, and the supportive services are a great help to this end.

As an extension of its support program, BALSA sponsors a speakers' forum. Livingstone stressed that while the bulk of these programs are geared to the special problems of black lawyers, there are some which appeal to other students as well. She gave alternate law careers as an example.

BALSA's third area of interest at UCLAW is in the area of administration. Livingstone pointed to the Placement Office, faculty committees, and admissions policies as particular problems. She stated that the Placement Office generally caters to "the top 10% Law Review types."

"Few blacks are in the top 10%," she claimed, "and the lack of placement services makes it hard for the ones who aren't up there to get jobs."

As for the faculty committees, Livingstone said that inadequate student participation is the problem. BALSA is working along with AALSA and LRLSA to formulate coherent proposals to present to the faculty in hopes that the underrepresentation problem can be solved.

In the area of admissions policies, Livingstone said that the Law School competes with other schools such as Harvard and Stanford for the top students. Thus, the pool of black students from which UCLAW seeks to draw is narrowed by acceptances from other traditionally favored schools. Ultimately, BALSA's goal is to have black students represent 20% of the student body, a figure which would be in parity with the state population. The Law School admitted 46 black students this year, an all-time high. Livingstone said that BALSA hopes to increase this number so that UCLAW, a public institution, could serve that segment of the public which it has so long ignored.

LORA LIVINGSTONE

AALSA Diverse Interests

by
Jessica "Sparky" Sparks

AALSA, the Asian American Law Students Association, commands consideration for its goals and for its efforts toward reaching those goals. A recent interview with Dan Mayeda and Dee Hayashi, AALSA 1980-81 leaders, revealed a positive and realistic attitude toward the UCLAW admissions process.

AALSA interviews applicants from Asian countries and makes recommendations to the admissions committee. According to Mayeda, approximately two-thirds of the recommended applicants were actually admitted and enrolled for the class of '83.

AALSA encompasses persons from all Asian countries, including Japan, the Philippines, Korea, Vietnam, and the cultures of the South Pacific. As Mayeda and Hayashi pointed out, these cultures are vastly under-represented in the legal profession in California. One of AALSA's goals is to recruit from these cultural groups persons who will return to practice in their communities.

A policy statement from Mayeda and Hayashi states that the efforts of AALSA fall into three major categories: recruitment and admissions, support, and opportunities. AALSA participates in Law Days throughout the state of California, recruiting Asian undergraduates to apply to UCLAW. Following admission, AALSA provides support both academically and socially to Asians through a "buddy" system and tutorials for first year students.

Finally, AALSA acts as a clearinghouse for information regarding job opportunities and community outreach projects in Asian communities. One example of a current project involves basic legal rights for Tongan immigrants. (Tonga is a small island in the South Pacific.)

Mayeda and Hayashi said that the number of Asian American students admitted to UCLAW has increased in the past two years, partly due to the role AALSA has played in the admissions process. The AALSA leaders feel the admissions committee has a positive attitude toward AALSA's efforts.

Two major issues concern AALSA: (1) the general underrepresentation of Asian cultures in the field of law, and (2) the problem of gaining admission for Asians from disadvantaged backgrounds. The "advantaged" Asians are often accepted at other law schools, and UCLA loses some excellent students to the minority recruitment programs at these other schools. Mayeda stated that highly qualified Asians do not have difficulties in being admitted to law school, but that there is a continuing need for positive admissions procedures for disadvantaged Asians.

Asked what changes would improve the admissions process for AALSA, Mayeda and Hayashi recommend that a voting student be placed on the admissions committee. AALSA members spend much time and effort in recruiting Asians, and having a vote on the admissions committee would lend strength to their efforts.

Assimilation: Another View

by Christopher Ruiz

I am of Mexican-American descent, and as such possess a first-hand insight into, and understanding of, the social mores and day-to-day struggles presently encountered by the Mexican-American community. That insight, I feel, can be directly attributed to being raised in a large Mexican-American family while living and attending primary and secondary schooling in predominantly Mexican-American neighborhoods.

When I was asked to comment on why I choose not to become involved in La Raza, the question resurrected certain objections that have been with me since my high school youth. Again I've been asked, why aren't you part of the Chicano movement? Is it that you are ashamed of your heritage or is it that you just don't care? Again I will attempt to explain my position.

It is not that I am apathetic or that I wish to denounce my heritage. It's just that I have chosen a different path in which to achieve equality for all people.

I am not suggesting that La Raza or any other minority organization is an inappropriate forum in which to seek redress for blatant injustices. Minority groups, as history reflects, can and do have substantive impact on social reform. However, there are alternatives. I have always believed that in order to change the system one must work with the system. Society has historically fought reform, especially the reform that threatens those that are comfortable with the status quo. Therefore, I have chosen a path which will hopefully be effective while at the same time drawing as little attention to myself and my goals as possible.

My primary objective is to assimilate into society and learn as much as I can about those who control and determine the policies that guide it. From this experience I hope to learn more about the mechanics of a system that has inhibited the growth of all minority groups. The knowledge that I'll gain will no doubt enhance my ability to subtly manipulate those that hold the reins of oppression. In order to have this opportunity, one must be in a position that is conducive to substantive input. I believe the most effective way to gain this status is to become a member of the majority as opposed to being identified with La Raza, which carries with it all the stereotypes associated with a minority group.

All too often, as a result of my desire to work independently for the good of all people, I have been labeled a "coconut" (brown on the outside and white on the inside) by the very community I've supported. My reasons for assimilation have been characterized as treasonous to the Mexican-American cause. It is just this type of branding which leads me to question who the racists really are. I cannot understand why one is labeled in this fashion simply because they have chosen a different path to achieve the same objective.

It is precisely these results that influenced my decision not to have La Raza interview me as a prerequisite to my admission to law school at UCLA. To be qute frank, I was afraid that because of my decision to assimilate into society the interviewing group may have branded me once again a coconut. The ramifications of this could have only had a negative impact on my admission. I don't believe that La Raza or any other minority group should be allowed to have that kind of influence on my future when their recommendation may be based on whether I agree with their procedure for achieving equality.

In conclusion, I would like to state that I am an American first and an American last, with a primary goal of obtaining equality for all people irrespective of their race, creed, or national origin.

NON-SENIORS

YOU CAN'T AFFORD TO WAIT

Each year, inflation pushes up the cost of bar review courses higher and higher. As a result, BRC will soon be forced to discontinue its practice of allowing students to "freeze" the price of a course before they become a senior. Although other benefits will still be available to early enrollees, we will be unable to offer a price freeze.

This will be your last opportunity to put down a small deposit ($25.00) and freeze your course tuition, allowing you to purchase a 1982 or beyond course at 1980 prices. This could easily save you up to $200.

Can you afford to wait?

PRICE FREEZE ENDS

NOVEMBER 21, 1980

Race and Gender...

(Continued from Page 1)

runners' are identified. How are they identified? None of us are walking around with IQ or even LSAT scores emblazoned a-across our foreheads. Exams have not been taken. When the select group invariably turns out to be young white males (with a few young white females) one begins to suspect racism is involved in the selection process. For example, in one of my first year classes, the professors, with sneers and tolerant smiles, narrowed the discussion group to a chosen few within the first week.

"There are those at UCLA Law School, be they student or professor, who 'know' at a glance who should be here and who should not. Then determination is based on the easily observed indicia of race or age or gender so it is no wonder they can so quickly identify the 'elite.' This is surely racist and it surely happens here every day."

Denise Massingale (1st year): "I have not been subjected to explicit racism. But it sxists in subtle ways. Sometimes when a person is called on in class, and that person is white, the professor will try to help along. But when a minority student makes a comment, or asks a question that is equally stupid, the person will be dismissed, brushed aside." Denise says word-of-mouth is passed around, warning minority students which professors they are well advised not to take because of their well-known racist attitudes.

Lora Livingston (2nd year chairperson of BALSA): "When I hear students saying, 'My friend has X GPA, and Y LSAT, but he didn't get in because of minorities,' I perceive that as a personal attack." Lora also feels the administration is constantly watching the minority students. "It makes you feel like a specimen, a guinea pig. They're watching to see how well we're doing, in order to assess who they should let in the next time."

Jeeni Wong (2nd year, vice president of SBA): Jeeni agrees that manifestations of racism are extremely subtle. She says, "I never really had an image of myself as an American, so I don't feel the weight of the oppression and rejection that other minorities feel. People who have been here for generations are still asked 'Where are you from?' When minorities are asked this I see it as a rejection of their right to be Americans."

Michelle Osborne (2nd year, section 2 SBA representative): "People wonder if I'm here because of affirmative action, and they wonder if I'm taking up a seat their friend ought to 'legitimately' occupy. You are given the feeling that you have to prove yourself over and over again, as though you are someone who doesn't deserve to be here." Michelle says both students and faculty exhibit racist attitudes in the classroom. "It's how you are treated. The professors either don't call on you, or don't expect much of you; you can sense that by the way they ask or respond to you. The follow-up is different that that accorded white students. Professors don't expect very much of minorities; when they get an answer they didn't expect, they don't know how to handle it so they brush it aside."

Carla Barboza (2nd year, internal coordinator of La Raza Law Students): I think minority women experience isolation and alienation. The legal profession and the institution are geared to maintain and serve the interests of upper-middle class white Anglo males. Our concern and point of view as Raza women are never touched upon in class. It's our responsibility to bring it up, but when we do it is shoved aside." Carla feels that many students have the attitude that the school lowers its standards to let minorities in, "that we don't really belong here."

Double Jeopardy: Being a woman and being a minority

Lora says she has suffered from racism by far more than from sexism, but she has a great deal of empathy to women's struggles, and supports the Law Women's Union. "The black women have a unique struggle within the women's struggle. We suffer from the double burden of racial and sexual prejudices, but I can relate to white women's experiences. The mainstream men don't want white women here, and they don't want all black people and minorities here, either."

Barbara Yonemura (3rd year, editor-in-chief, *Black Law Journal*): "I can see a conscious effort made by faculty and staff to give an appearance of neutrality. But there are professors whose 'jokes' many of us consider sexist, and I have heard conversations and put-downs of women students, which reveal how chauvinistic our fellow male students are."

Jeeni: "Personally I have experienced more racism, but my perception in general is that there is as much sexism as racism here."

Helen Hayase (2nd year): "I feel all women are minorities in terms of the power structure in law school. I recognize that minority women have to cope with a double burden of prejudice and discrimination. But, I perceive sexism to be the greater problem. Last year there were a lot of sexist comments and jokes made by some male professors and male students. Perhaps it was the particular combination of people and professors we had, which made it a particularly bad year." This year Helen feels much more comfortable since she can choose her own classes and professors and consequently some of her perceptions have changed: "This year I no longer have the feeling of being surrounded by insensitivity."

Lucinda Moreno (3rd year): "If you are a woman and a minority you are not given much credibility. Sexism manifests itself in subtle ways; I hear men's comments, the way they evaluate a woman's appearance, dress, mannerisms. You are scrutinized more closely if you are a woman. We don't come across as authoritative, and if you do, men say, 'She comes across too strong, too agressive.' "

Denise: "I have a woman professor who dresses the way she feels comfortable, she wears whatever she likes. I feel people were discrediting her. They were being disrespectful just because the way dresses, because she didn't fit their stereotype standard of what an attorney and a professor should look like."

Carla: "Sexism and racism in school are so subtle; it's the subtlety that can crush you. It's everywhere: faculty, fellow students, administration."

Carla talked about the sexist jokes and comments made in the classroom. "For example, in one class the professor always refers to women when he talks about a 'lack of capacity to execute a will.' Such jokes and comments are sexist, yet many people in class see them as funny and entertaining, but at whose expense?

"Racial and sexual hostility are equally prevalent," Carla adds, "but at times I'm more conscious of sexism. Even among third world progressively minded men you encounter sexist attitudes. Within the organization (La Raza) men still view us as objects. It has been a struggle for women to achieve leadership positions. Men are threatened by women who are agressive and verbal, so they have tried to brush us aside. We are not valued as much as the men, even though women are really the strength, the backbone of the association. We are more committed and disciplined on every level. Raza Law Women is an organization within the Raza organization. We have tried to educate the men about sexism, but they still don't understand why we have a separate women's group. We had to struggle to get funds to go to the Women and the Law Conference last year. A lot of sexist attitudes surfaced then, when we tried to raise funds for that purpose."

Lisa Martinez (2nd year): "Last year I felt that because I am a woman and a minority some professors automatically classified me in a certain role and attributed certain characteristics to me. I felt treated as an inferior. And some white men just discounted me as invisible because I am a woman and a minority. That's the way they were brought up. I ignore it; if I dwelled on it, I would get upset too often. I was lucky to have a support network of my family and friends at home."

The "hard core" mentality: Ignorant, insensitive, and maybe hopeless

As a group, the people who seem to have the farthest to go toward more enlightened attitudes are white men. Not discounting the fact that there are individuals who are sensitive to minorities' and women's struggles, almost all the women characterized the "hard-core" insensitive group as ethnocentric, chauvinistic, and few of the women expressed any hope for change.

Lora: "There are a number of males who resent our presence here as women and as black people. The white males of the mainstream view are ignorant and insensitive. They don't really care about our struggle, our concerns. They don't even want me to be here." Lora was outraged when a fellow student asked her why BALSA "segregates itself":

"I consider this an insult. He wanted me to justify why BALSA has its own office. It's insulting because in any environment where there's a small percentage of people of your kind, it's vitally important to look to each other for support—emotionally, socially, and academically. And BALSA provides that kind of support. We need to support each other because we sure don't get that from the majority."

Barbara: "As a group I would add that it's the younger white males who have the longest to go in terms of enlightenment. As a group, I view them as being immature and insensitive to women and minorities. But in general, it's the callousness on the part of many students that bothers me as a human being. As I sit through different classes it sounds to me as though many students are looking for ways to do someone in, without regard to the broader human implications."

Jeeni agrees that the observations made by the other women are generally true. "From my experience last year I can say it's ignorance. I don't put people down for ignorance, though. White males have never experienced any type of oppression, so they are unable to conceptualize the problems that minorities and women have to deal with. The source of the problem is lack of exposure to discrimination, and I don't know how you can resolve the problem as long as white males have not been subjected to it personally. Perhaps we have to sigh and say we're stuck with it."

Michelle: "Middle class and upper middle class white males are the ones most comfortable with putting down minorities and white women. In the past they have had it safe and secure, but now that women and minorities are appearing on the scene, these men are threatened, and one way to deal with their threatening situation is not to take us seriously. They are very challenge-oriented, and yet they are scared of facing challenges with which they are not familiar. They still have power, but are scared of losing it; they always perceived the world as theirs, but now there are other people vying for it. Their reaction is to fall back on such things as 'reverse discrimination' and attacking affirmative action as something that is taking away their 'birth right.' "

Lucinda: "I don't think you can isolate the racial and sexual issues from the economic ones. The economic barriers and distinctions within the student body population almost override the other distinctions. I have trouble not only with white men, but even with white women. The racial and Economic differences separate the white women from the minority women. I've been disappointed in this respect; I expected to find better relations between women of all racial backgrounds."

Carla: "I am personally detached from white males in this institution. They are them most obnoxious and ignorant group of people in law school. I am detached from them for my own survival, because their attitudes would demoralize me to the point of leaving. If you are a woman and a minority you need strength to stay here, because you are dealing with a double burden of oppression. That's why we have to organize for our own survival. I couldn't function in this institution without Raza women or Raza Association."

Denise: "I can give you an example of the insensitivity that some people have. The other day a white student showed me what is supposed to be a spoof on special admissions applications. I didn't find it funny, it was insulting to minorities and contained offensive stereotypes. He told me, 'Well, you just don't have a sense of humor!' "

Helen: "A big problem that we have as women and minorities is that we are not taken seriously in the classroom, and when we walk into a job interview. I've been told by many people that being a woman and a minority will help me get ahead, and some people have the attitude that we are taking jobs away from white males. That's ridiculous. Even though we are as bright and capable as anyone else, we have to work twice as hard because we don't have the support network of practitioners and judges that white males have."

(Continued on Page 13)

Hidden Minority: Gay Atty's Panel

"Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. It is the one essential, vital quality, for those who seek to change. And I believe in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the globe."
—Robert Kennedy

Editor's Note:
This is the first of a planned series of articles on gay-related topics, which will include profiles of gay members of the legal community.

by Adam Savage

Four well known, openly gay lawyers told UCLAW students what it means to be gay in the law at a meeting on October 16. These four are prominent in the legal community and active members of the gay and lesbian community. They shared insights and experiences of people who are open about their homosexuality and who, because of that openness, have become successful.

Participating in the meeting were attorneys Sheldon Andelson, Roberta (Bobbi) Bennet, Diana Abbitt, and the Honorable Rand Schrader of the Los Angeles Municipal Court. The Honorable Stephen M. Lachs was also scheduled to appear but was unavoidably detained by his judicial responsibilities. Judge Lachs is the first openly gay judge in the United States, and recently ran unopposed for re-election for a new six year term to the Los Angeles Superior Court.

Judge Lachs was also one of the founders of the Municipal Elections Committee for Los Angeles (MECLA). MECLA raises money to support gay political causes and to add support to politicians who are sympathetic to the gay community. Judge Lachs is also active with the Gay and Lesbian Community Service Center (1213 N. Highland Ave., LA 90038) and The National Gay Task Force, among others.

Sheldon Andelson, a political activist since high school, became involved in the gay community ten years ago as a founding member of the Gay and Lesbian Community Center. He was on the first board of directors and served as its chairman from 1976 to 1978. The GLCSC is the nation's oldest and largest social service agency, providing invaluable assistance to the gay community in extensive and varied programs and departments. Andelson was also a member of the Democratic Platform Committee, and instrumental in adding a gay rights plank. He is also active in MECLA and numerous other gay organizations. Andelson's door is never closed to the gay community.

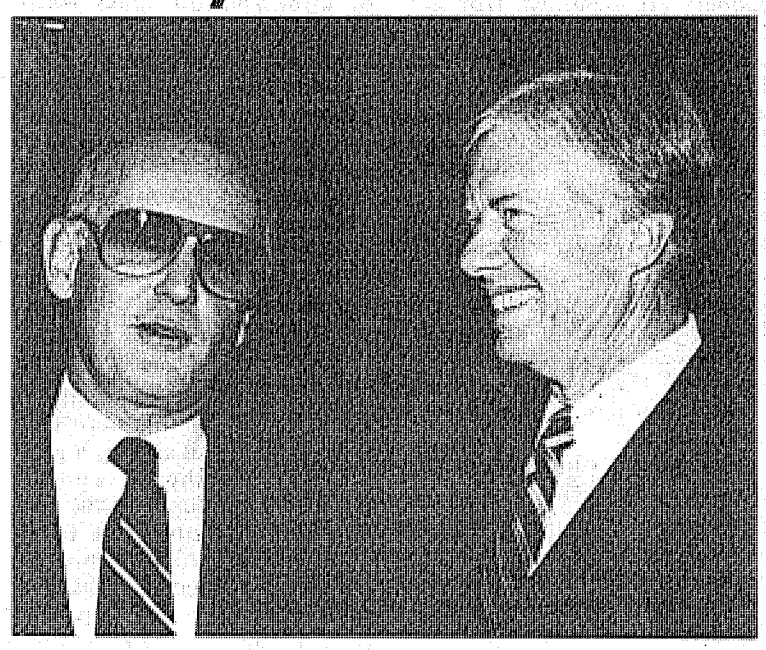
Bobbi Bennet and Diane Abbitt are attorneys practicing law in Westwood, mothers, and are prominent leaders in the gay and lesbian community. Together they share their lives as partners, parents to four children, and lovers of six years' standing. Bennett and Abbitt founded the Lesbian Rights Task Force of the Los Angeles chapter of the National Organization for Women (NOW) and were instrumental in forming the New Alliance for Gay Equality (NEW/AGE). They have been active in MECLA, NGTF, and countless community organizations.

Judge Schrader graduated from UCLA Law School in 1972. As an undergraduate here, he founded UCLA's Gay Students Union (now GALA). After graduation, Judge Schrader went on to work as the first openly gay member of the Los Angeles City Attorney's Office under Burt Pines, and eventually headed a task force of gay and lesbian attorneys in that public office. He was appointed to the bench by Governor Edmund G. Brown, Jr. not despite, but because of his openly gay identity.

The achievements and commitments of these attorneys and judges clearly emphasizes the unifying theme of the meeting: It is right to be honest about who you are. It gives others around you the opportunity to be honest in return.

While the speakers acknowledged that gay and lesbian people still suffer discrimination is some career paths, they resoundingly agreed that being closeted for your entire career is too great a price to pay.

There was extensive discussion about the reaction of established law firms to gay applicants. Some students disclosed that they are unwilling to reveal their gayness to interviewers. These students expressed apprehension over possible negative responses. No one knows how established firms respond to gayness. It was suggested that the placement office work with alumni and the public to find out which firms would be comfortable with openly gay applicants. Leticia Cairl, the director of the UCLAW placement office, was essential in organizing the conference, and expressed commitment to seek such information.



Sheldon Andelson, distinguished local attorney and gay rights activist, is shown at a banquet in his honor. Trying to bask in Andelson's glory is Ronaldo Raygun's predecessor.

The mood and motivation of the participants might best be summed up by quoting from an address which Andelson delivered to 850 persons at the Beverly Wilshire Hotel last year, when he was roasted in an extremely successful benefit for the GLCSC: "All of us have the responsibility not to cut ourselves off from each other by hiding who we are and how we feel. If [we are] any kind of role model at all — it is to show that being gay is not inconsistent with professional success, family love, and personal fulfillment.

While there were moments of uncertainty throughout the meeting, there was a consensus on the importance of being honest and involved. To the extent that tolerance is now an integral aspect of our society, the speakers noted, we must be grateful to the work and dedication of these participants and many, many others. Protecting, maintaining, and fostering greater tolerance is the responsibility of us all.

After the meeting a list was compiled of those interested in forming a Gay Law Students group here similar to the ones already successfully operating at USC, Pepperdine, Loyola, and Southwestern. If you are interested in participating in the organization of such a group please contact *The Docket* and your inquiries will be forwarded.

Hedonism Corner

by RaM

It is quite telling, I believe, that the Editor of this distinguished publication has requested that I submit this article on November 5th in order to assure its appearance in this November 18th edition. Just as revealing is the fact that this issue carries a Pre-Final theme. Preparation for upcoming events at this law school begin early. And Final Examinations are the most upcoming of all events. All activity seems to be geared toward their occurrence, starting with the first day of classes for 2nd and 3rd year students and on Orientation Day for 1st years. Many students seem to care about little else.[1]

I've never been a very good note taker; I very rarely write down *anything* that the teacher says. (Especially when the Professor collects royalties for having written the **Gilberts** on the subject.) When the Professor has written the hornbook I usually recognize the importance of reading it; but when this is the case I feel absolutely guilt-free about my lack of notetaking. It's a sure bet that the Professor lectures straight from the hornbook and that if you read it you'll know as much about the subject as he does. But you'll be a bored, bug-eyed skeleton of a human being.

If you've ever gotten close to one of these voluminous publications, you know that in order to finish reading it by the end of the term, you would had to have begun when you were a junior in college. So stop carrying the book around before you get a hernia.

You are now on your way to becoming the rarest of rare human beings: a moderately sane law student. Accost a religious notetaker and xerox the class notes. Steal a **Gilberts** and read it while sunning yourself on the beach for a couple of days. Memorize a case name or two if you're concerned with showing some authority through your dazzling use of authority. If you're not too busy, read a representative case within each content area. (This is where the table of contents comes in handy.) Relax. Sleep a lot. And don't worry. You'll never be able to do as much work as those who have stopped reading this silly article long ago because they simply felt that they could not spare the time.

Most of the work that goes on around here is totally unnecessary. If a student endeavors to learn as much about the law as possible, for the sheer love of learning, she certainly cannot be faulted. But spending the evening hours identifying the most often repeated themes among the last ten editions of the Criminal Law final exams is sheer lunacy.

Some students hide behind tall stacks of Law Review articles, attempting to build as large a fortress of books as possible, from which they may be totally shut off from reality; and from which they lose touch with the world in which the litigants about whom

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Handicapped Students...

(Continued from Page 6)

the blind and the sighted—blindness is nothing more than a fact of inconvenience connected to a stigma. Sighted people don't realize how much they can accomplish without using their eyes.

"The way I went blind was the 'best,' " he continues. "I have retinitis pigmentosa, which is an inherited condition and was diagnosed when I was eight. I was told then I was going to go blind. It's gradual loss of peripheral vision which becomes tunnel vision then pinpoint vision." Harrell is totally blind in his left eye, and has pinpoint vision in his right eye, "It's like looking through a straw with a piece of wax paper at the end," he explains. He has been at this stage since the age of nineteen.

"I've done everything I wanted," he says. "I had to fight and pay my dues, more than someone sighted, but I did it. Just as I was losing the last of my sight, I was feeling very uncomfortable and unhappy about myself; I had no direction or motivation. I left L.A. and travelled for almost two years around the United States and Europe, hitchiking the whole time. For about 80 percent of the time, I was blind. That experience gave me the conviction I could do anything I wanted."

Pat Irwin

A 1980 graduate of Cal State Northridge, 30-year-old Pat Irwin has been blind since 1973, a condition caused by diabetic retinopathy. He is not totally blind, however. "I had an experimental operation in 1974 which allows light and dark perception (out of his right eye), otherwise it'd be midnight. I can see slight shadow at two feet, but no color distinction. I'm unable to read and watch television," he says.

About the library, Irwin (who was involved with renovating the Northridge library to make it more accessible to handicapped students) says "It's excellent if you're not blind. I think that now that blind individuals are seeking law careers, both the library and the students will have to work together at this period of time to start establishing some material, like books available on tapes." Coincidentally, Bruce says he has just discovered that the School provides *Sum and Substance* on tape for minority students, but, he says, "They never told the handicapped about it." Librarian Fred Smith says he was unaware that the tapes existed.

Irwin does not use Braille, "I'm strictly into audio," he says, explaining that diabetics lose tactile sensitivity. Instead, he tapes all the material. He expresses a desire that the library get a tape compression machine, since, unlike Bruce Harrell, he does not have his own.

"It's coming to me," he says about the material, "but it's just taking longer. There's an awful lot of material—I set up different types of coding to trigger off certain types of information. The most anybody hopes to retain is 10 percent of what they learn.

"Part of my learning process is not only learning material, but trying to learn how to retain it. I do mental outlines, and tape all the classes. It also helps to write, even if you can't see it.

"I don't really care for being called on," Irwin continues, "It takes longer for me to just go ahead and respond without the book right in front of my face." However, Irwin isn't asking for any special priveleges. "I don't think the world should be modified for me. I don't think I'm blind, I just can't see."

Irwin says he has always planned to be a lawyer. "I feel for the guy who's really down and out. It would make me more happy than anything else if I could help poor kids. I don't plan on collecting benefits all my life.

"I've been told that I could probably be effective as a litigating attorney, but I'll be deciding on that through my career here. Hopefully, I'll work with my wife as a team—she has a secretarial science degree (the Irwins also have two children)."

"Everyone should have an equal opportunity to be evaluated on an equal basis. You shouldn't be ignored because you're handicapped. As long as everything is taken into perspective, you couldn't ask for much more than that."

Race and Gender

(Continued from Page 11)

Lisa: "I don't fit into people's stereotype notion of what a Chicana looks like. So until people find out my last name, they assume I'm white. When they do find out, they ask ignorant questions and make insensitive remarks, or they get confused and don't know how to deal with me."

For example, in the first year criminal procedure class when the border search cases were discussed, the professor told Lisa, "You are a minority. You have to enrich and educate other people." Lisa says, "My voice doesn't speak for everybody. But I did try to voice my opinions, and perhaps some people did learn something, but the reaction of some white males is to discount me. Because I am a woman and a minority, their attitude is, 'What an emotional, illogical person!' "

Lisa says that during her first year she encountered sexism initially because her gender is the obvious factor rather than her ethnic background. She points to sexist comments and jokes made by male professors and student, "I think they don't mean to be cruel, but they sure are ignorant. White men are ignorant of women's causes and struggles because they have never experienced discrimination and harassment." And culturally, many fellow students have tunnel vision, "They are ethnocentric. They cannot open their minds and hearts to see other people's cultural backgrounds. The whole educational process at UCLA Law School is set up to support the interests of middle class and upper middle class white males, as evident by the choice of classes with its emphasis on corporate law and the kinds of firms which interview here."

Is there any hope for change?

Lora: "There needs to be a change of attitudes on the part of the majority of students and the administration. They must accept the fact that black people are here to stay. Black people will excel in every area of the law; as judges, as prosecutors, in anti-trust, tax law, family law, sports law, because we can do it. We will be visible in every area. Once people accept the fact that we are not only qualified but determined, then attitudes will change. Then the administration will change its admission policies to reflect our numbers in the population, and they will be more responsive to the needs of minority people—financially and academically—in an effort to remedy past discriminations."

Wanda: "What can be done about it? I don't know. When the civil rights movement first began, it was said that one cannot legislate changes in the human heart. Sadly, I now find the proof of that statement in one of the world's greatest 'liberal' universities. I've talked to other women and to other minorities and found that my feeling of being outside the process that goes on here is shared by many. We should not let the inferior status minorities and women are assigned become self-fulfilling. We must keep our egos intact. We must support each other. And, we also must remember that some of the concerns that drew us to law in the first place—poverty, discrimination, injustice—are valid concerns even if they are not given a high priority at UCLA Law School."

Lisa also agrees that there is a need to change people's racist and sexist attitudes and ideas, "But I don't know if that's possible," she says. "When you have people here who view themselves as open-minded and liberal as they are, change is difficult. They think that as long as we don't have any KKK members running around here, there's no problem of racism. But they are racist, and there certainly is a problem."

Carla: "We need to distinguish between attitudes and behavior. There is no hope of changing the attitudes of white male supremacy. But if the student body population was composed equally of men and women, and the women were all willing to rock the boat and unwilling to be subjected to this oppression, then we could affect the behavior. But the attitudes are deeply rooted in their upbringing, as upper middle class males they are completely hopeless."

Michelle: "Many males at the school think their jokes don't offend anyone because all the struggles are behind us. I'm uncomfortable with people who proclaim their liberal views and the fact that they have minority students as friends, and at the same time they show their true insensitivity by joking about things that are hurtful to women and minorities."

Barbara: "I see a great need for there to be a balance between the recognition of special needs and the care that minority people not be stigmatized. We are fighting the stigma that says because we are 'different' we will necessarily do less well." She says it is important for women students to "seek out other women for support, and to look to women professors and practitioners for advice and as role models."

Helen: "How can you effect change when you have a hardcore group of insensitive people who refuse to realize that there is a serious problem of racism and sexism? We need to develop a support system, we need to join forces with other women, which is why I support the Law Women's Union. We must recognize that sexism exists throughout the whole profession of law. Women have made headway, and we will go a lot further. We are still in the pioneering stages, though I appreciate what women and minorities have done in the past to give us our footing; ten years ago a woman like me couldn't have been in law school."

"Many people think that ever since the 60's the problems are all solved. But just because there are no blatant manifestations of racial and sexual hostility does not mean the roots of the problems are all gone. They are just covered up. Women should not demand anything but perfect equality and total respect, and then maybe the next generation of women will enjoy the fruits of our struggles today."

Mimi Strauss is a second year student. *The Docket* requested her to write a series of articles on women's issues at UCLAW. This is her third contribution.

1981 California Bar Revisions Announced

by Merril Bernstein

PROPERTY

State and explain the Rule Against Perpetuities, including its historical significance and development and its relevancy in modern times. Be concise.

CRIMINAL PROCEDURE

Your best friend, unbeknownst to you, has hidden *his* stash of coke in hollowed-out egg shells in *your* refrigerator. Your girlfriend, a vice officer with the LAPD, decides to make you scrambled eggs for Saturday morning breakfast. Is the coke admissible against you at your trial for possession? Against your "best friend?"

TORTS

Describe the nature and extent of Mrs. Palsgraf's injuries. Estimate the probably jury verdict in your client's favor and calculate your contingency fee (to the nearest $10,000).

CONSTITUTIONAL LAW

Describe in detail your favorite piece of erotic literature and explain why it is or is not obscene under the Miller test. Feel free to give specifics.

COMMUNITY PROPERTY

H buys antique jelly beans with C/P funds, supplementing his collection with a purchase of extraordinary reds with S/P funds. After the separation but before the dissolution, W sneaks into H's apartment and consumes a significant portion of the collection, including the reds bought with S/P funds. Assuming this is the couple's major asset, how should the judge divide the property?

BILLING TECHNIQUE

We know this isn't a bar topic **yet**, but we've heard rumors. Stand up and present the examinee on your left with a bill for 1,579 hours of services rendered, including xerox expenses, taxi fare, and 17 late-night conferences with opposing counsel at Scandia's. Points will be deducted if the "client" faints.

Pornography Explored

by Randy Milgram

The UCLA Communications Law Program, in cooperation with the UCLA Law Women's Union, sponsored a panel discussion on "Pornography, Obscenity and the Law" on the afternoon of Tuesday, November 11. For those people who crowded into the Moot Court Room, the experience was a clear example of why the continued vitality of the First Amendment is so utterly important.

Three succinct and widely varying positions were espoused concerning the course the law, the courts, and ultimately society should take in the regulation of pornography. The panel, arfully steered by Professor Murray Schwartz, consisted of Mr. James Clancy, presently counsel for the City of Santa Ana in public nuisance abatement litigation; Mr. Stanley Fleishman, a Beverly Hills attorney who has argued ten obscenity cases before the U.S. Supreme Court; and Ms. Joan Howarth, presently a Teaching Fellow at Stanford Law School and a member of the Board of Directors of Women Against Violence Against Women (WAVAW).

Mr. Clancy was not at all hesitant to align his views with those of the New Right, commonly referred to as the "Moral Majority," while Mr. Fleishman espoused a near-absolutist defense of the vitality of the First Amendment. Ms. Howarth presented a relatively recent, growing point of view that pornography is singularly abusive of and degrading toward women, and, as such, is extremely dangerous.

Mr. Clancy, having the first chance to speak, recited a history of obscentiy and "lewdness crimes" prosecutions, stating that our society and our

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JD/MBA Program Thrives

by Edwin I. Lasman

Much like Samuel Clemens, the joint business and law degree program (J.D.-M.B.A.) can safely say that the reports of its demise were greatly exaggerated.

Many students and faculty members here at the law school have been persuaded for some time that the Graduate School of Management (G.S.M.) is attempting to phase out the program. But Ellen Ruben, Director of Student Affairs and Admissions, emphatically denies this. Ms. Ruben wants to dispel any "panic" on the part of students wishing to apply to the program.

The J.D.-M.B.A. Program takes four years to complete with a slightly reduced workload in each of the two schools. If done separately, garnering the two degrees would take five years. Obviously, the program has tried to attract students who feel a need for the two degrees in their future career growth.

At the same time, as Ruben explains, "It is a mistake to enter the program if one is unfocused." At one time it was "sort of a fad" to get two degrees, and law students were perceived as not taking business school as seriously as necessary to make it a valuable experience.

Concerned by this, the G.S.M. administration instituted a more selective admissions standard to help solve the problem. Ms. Ruben is quick to emphasize that this does not mean holding to an arbitrary restriction on the number of students admitted, but rather being more careful to choose those students who are "focused;" that is, students who are serious about the program and have clear personal and career goals that can be achieved through the program.

Ms. Ruben describes the current state of the program as "healthy." Business school students have a great deal of interest in the program and law student interest remains high. The program will continue to be selective because it can afford to be; the paper qualifications of candidates contintue to go higher and higher.

Yet the rumors about the program's demise point up the apparent lack of communication between students in the program and the G.S.M. administration. Part of the problem may be the lack of participation by the law school administration in the screening and the selection process.

Susan Westerberg Prager, Associate Dean of the Law School, sees greater participation in the future. Dean Prager also sees more involvement by the Executive Barristers, a student organization comprised of students in the joint program.

The president of the Executive Barristers, Harvey Moore, has made it clear that bringing information about the program to the students and creating more opportunity for dialogue between students and the administration of both schools are among his priorities. In this way, the Executive Barristers hopes to have greater input into the continuing development of the program.

It appears that the program will grow and continue to develop. Certainly, both schools desire the continued existence of the program. The question remaining is whether the administrations of the two schools can begin to coordinate their efforts.

Pornography Issues...

(Continued from Page 14)

legal system are based on Judeo-Christian ethics. Noting that the movie *Deep Throat* has been playing at neighorhood Los Angeles theatres for years, Clancy complained society represents, calling any free speech or First Amendment argument in favor of allowing dissemination of "obscene" material a "problem."

Mr. Fleishman opened his remarks by saying he did not want it to be said that "Clancy's for morality and I'm not." The question, according to Fleishman, is determining what morality is. He pointed out that Clancy thinks it is dangerous to hear or see anything that undermines a deep value that he Clancy has. The problem with point of view, Fleishman explained, is that if we allow individual to "cut out" things they don't like, we must either allow others the same opportunity at censorship or be confronted with serious line-drawing problems. Fleishman passionately explained the importance of taking the First Amendment seriously — even if one is confronted with an idea that appears evil, he or she must be willing to condone its publication, "We must educate ourselves and be able to *answer* arguments that are distasteful to us."

Fleishman was much more receptive to Ms. Howarth's point of view that pornography is sexist and promotes violence and agressiveness in women.

Ms. Howarth, while stating that she shared Clancy's abhorrence of pornography, explained, that she also shares Fleishman's warm embrace of the First Amendment. Howarth's volatile approach to the pornography issue proved to be quite persuasive. She cited detailed examples of pornographic "speech" that contributes to the creation of a confused cultural climate, in which a rapist feels he is giving in to a normal urge and a woman is encouraged to believe that sexual masochism is healthy fun.

Howarth's description of snuff movies (where a film is advertised as an *actual* rape or murder sequence) brought disapproving groans from even the most ardent free speech advocates in the audience. While admitting that stuides have not confirmed that pornography is a direct cause of sexual violence against women, Howarth quickly defended WAVAW's ardent demonstrations against pornography by asserting that it has certainly never been proven as her opponents would claim that pornography is an important, cathartic and harmless safety valve outlet.

In rebuttal, Clancy commented that feminists were not sympathetic to the way pornography affects the family and undermines the Judeo-Christian morality which he claimed "underlies our government." He lamented the "unbelievable" proliferation of commercial pornography in the last 25 years, arguing that we have been headed in the direction of "atheistic communism." Clancy closed his remarks with confidence that the tide is turning and that we are headed back toward the conception of a "God-centered universe."

Mr. Fleishman noted that *traditionally* obscenity had been viewed as *beneath* the protection of the First Amendment, since obscenity did not amount to speech at all. He argued, however, that Clancy's and Howarth's remarks proved that pornography is, indeed, speech; both, in other words, had shown that viewers of pornography receive very clear messages. Thus, Fleishman concluded that we would have to "abandon" the First Amendment in order to prosecute "obscene speakers." Fleishman instead urged that people *speak* on issues that concern them, rather than attempting to *suppress* those views they don't believe in. A desire to suppress speech that one doesn't agree with, said Fleishman, "shows a failure of trust in your way of life."

Fleishman's last remarks, of course, were an attempt to undermine Clancy's views more than an answer to Howarth's. Clancy and Fleishman represented polar extremes; Ms. Howarth carved out new and important territory. She seemed to enjoy a more positive reaction from the audience when she called for more active demonstrations against pornography and for isolation of pornography in adult book stores (rather than in all-night convenience stores). Her analysis of the issue as a balancing of free speech concerns against "women's safety on the street" proved highly effective. Realizing, however, that legal restrictions may be neither the wisest nor the most direct method of curbing violence against women, Howarth claimed that public education and change of male attitudes are needed more than anything else.

Externship Administrator

by Donnell Rubay

There has been a change of personnel in the externship office: Ellen Samsell has left and Mary Kilakosky has arrived. Hired temporarily on an emergency basis, Kilakosky's job is to make sense out of the current "chaos and confusion" that exists in the extern office as well as to assist frantic students still wondering where they will extern in the spring.

However, Kilakosky feels confident she can handle this task and that her background will help. Kilakosky's experience with chaos and confusion comes from a past job as a ward secretary in a hospital, coordinating the activities of doctors, nurses, and patients.

Her special ability to assist law students is a consequence of the fact that she is a recent graduate herself (Whittier, 1980). In addition, Kilakosky completed an externship during her law school career. She clerked sixteen hours a week for Magistrate Ralph Geffen of the United States District Court. Kilakosky feels her experiences as a law student and extern veteran give her a common ground with the students which will make things easier for everyone. As she explains, "No one else understands (a law student's) insecurity."

Kilakosky does not feel the placement shift will sabatoge any externships. With the ready help of Paul Boland, Monroe Price, and Susan Prager, she feels she can overcome several of the problems facing her — such as her unfamiliarity with the files on students and available positions — and be "on top of things."

For herself, Kilakosky doesn't know what, in particular, she wants to do in the "broad field" of law. In law school she wrote a case note on defamation for the Law Review. Currently, she is completing a resarch project on presumptions ("they run through your fingers like water") in the Tax Court. The academic community appeals to her, "I'm one of those rare people who would like to be a professional student" — if she could survive without an income. Also, she and Dean Prager are discussing potential future student programs which may tap her talents. However, Kilakosky seems content with her current task of unscrambling the extern office, that is of replacing the chaos with calm, the trial with tranquility.

MARY KILAKOSKY

RaM's Hedonism

(Continued from Page 13)

they are reading dwell. Others spend so much time in the library that they think that when a defendant is "booked," it means that police officers politely offer him a warm place, a soft bed, and a good light so that he can curl up with his favorite volume of the **Federal Reporter.** Still others have notified the post office to reroute their mail to the UCLA Law School Library. I saw one man cry when he was told that he couldn't take the Lexis machine home with him.

I've seen people outline a course and then, by the day before the final exam, they have outlined the outline of the outline of their original outline. I have even heard various teachers suggest using this ever-narrowing approach to getting good grades. One obscene person last year boasted that he had boiled a course down into one obscene word, with each obscene letter triggering recall of the obscene cases for each obscene area of the course. The grade he received, of course, was obscene as well and he has already received the most obscene offer with the most obscene law firm in town. He cannot remember now, however, what the presently accepted legal definition of obscene is.

I, on the other hand, chose to employ a variation on a definition of obscene I once noticed in a footnote, one that unfortunately amounted to mere dictum. But I was really taken with it, and refused to apply the "correct" standard. The definition: "anything that tends to cause a genital commotion." My grade was not as high as the grade received by the man who reduced the experience of his entire term to one word. But my exam, I am certain, will stand the test of time:

You ask if I can reproduce
THE LAW so you can grade me.
But I refused to study hard
to prove a mimic you've made me.

The laws the judges stumble on
create a field of play for some
But me — I'd rather think about
just *anything* else . . . and drink some rum.

You see, I just don't think that all
this legal reasoning plays a role
in working toward a better earth.
It merely steals from those who stole.

As keeper of the trust and peace
the legal system fails us all.
As shapers of our future world
its players think so very small.

It pains me so to say this now —
(my grades and future on the line) —
but I don't give a shit about
Those damn distinctions you call fine.

Pretending the law makes sense is a strain.
This *test* is obscene: a genital *pain.*

Footnotes

[1] As evidence for this proposition, I submit that no one seems to have even read the article I wrote in the last issue of **The Docket**, let alone adhere to the advice therein. I *still* seem to be the only one enjoying sex during class. (Lately, I've had to do it *all by myself.*) **The Docket**, October, 1980, *by RaM, Orientation Tour Guide Offers His Apologies,* p.7 (so the citaton is *not* in proper **Blue Book** form; you will *not* receive extra points for memorizing the **Harvard Citator** for the exam).

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