

UCLA
The Docket

Title

The Docket Vol. 7 No. 2

Permalink

<https://escholarship.org/uc/item/9q249014>

Journal

The Docket, 7(2)

Author

UCLA Law School

Publication Date

1962-12-01



CONTRA

STATE BAR EXAM

**A Right Remedy
Or A Wrong**

A Goal Line Stand

Lowell Miller, Secretary of the Committee of Bar Examiners of California and senior member of the firm of Miller, Haygood and Critchfield, argues that the bar examination is in the position of holding defensively on the one-yard line against an influx of uneducated and unqualified persons attempting to enter the legal profession. He points to "primitive" legal education standards and calls for a stiffening of the Business and Professions Code requirements. Miller labels the California bar exam the most comprehensive and searching in the country and claims few, if any, unqualified applicants ever pass. The Secretary's position is that the public is entitled to be protected against admission to practice of applicants unqualified because of inadequate educational background.

SEE TEXT PAGE 7

A Last Minute Play

Morris Pfaelzer, chairman of the Los Angeles County Bar Association Committee on Law Schools, suggests that the bar exam frustrates the purpose for which it is designed. He points out that only enlightened law professors and students place the exam in the right context and this leads to putting the wrong emphasis on law study. Eventually, Pfaelzer contends, no bar exam should be needed for graduates of accredited law schools.

SEE TEXT PAGE 6

Requiem for NBE

Quash Hopes For Quickie LLB Degree

UCLA Law School's Administration yesterday thumbed down an accelerated law program in connection with the University's year-round operation plan.

"The Law School is no factory," Assistant Dean James L. Malone said and explained that the study of law required time for sufficient digestion.

If the plan had been put into effect, a student would have been able to graduate with an L.L.B. in two years. The present requirements are three years in regular session or 2½ years in regular session with attendance at two eight-week summer sessions.

The overall university program calls for year round use of the UCLA and Berkeley campuses in 1964. The schools would operate under the trimester or quarterly plan.

Under trimester operation, the campuses would offer

(Continued on Page 2)

Close of Rushing Marks End of Fraternity Here

Nu Beta Epsilon, the Law School's oldest established legal fraternity—and at one time the most populous—has abandoned formal operation, scattered its pledges and virtually closed up shop.

The dissolution of NBE—although not yet formal—consisted of turning over pledges to the two remaining men's groups, Phi Delta Phi and Phi Alpha Delta, and calling a halt to all fraternity activity as such.

The fraternity's president, third year student Ben Pynes, said the final decision has been put to the second year members. The only official act so far has been to withhold registration as a Greek letter group from the university administration—necessary for campus operation.

Pynes attributed the lack of enough members as a reason for NBE's state of affairs.

After rushing this semester, the fraternity netted only five pledges.

The president said that at least 25 men were needed to keep the group functioning. At present, the fraternity has only twelve — most of them graduating this year.

NBE's falling apart started two to three years ago after a succession of "do-nothing" leadership. Because of this, membership interest and numbers began to slide.

SMALL NUMBER

Eventually, there was

nothing to stimulate any action because of the small size of the group.

(NBE is a national fraternity, but the UCLA chapter has been fairly autonomous with little contact with the national organization.)

Pynes said that the fraternity's intent was "to make a person feel scholastically secure." He said the goal was being accomplished and pointed out that NBE had the best outlines in the school.

(Continued on Page 3)

Genesis of A Class: 46 Colleges Furnish Wide Student Diversity

By DAVID JOHNSON

The greatest geographically diversified class to enter the School of Law is an appropriate tag for this fall's entering class.

The 250 entering students were graduates of 64 different schools, a study just released by the school reveals. Assistant Dean James L. Malone — emphasized higher academic standards and increasing prestige as largely responsible for luring the out-of-staters to this area.

The University of California system has always provided the greatest supply of entering students, Mrs. Frances McQuade, registrar, indicated. This year, however, less than 44 per cent of the 250 member first year class came from four University of California campuses — 98 from UCLA, five from Berkeley, and three each from Riverside and Santa Barbara.

While one might not expect an entering student from the agricultural Davis campus, the make-up of the first year class is far from the political science-history stereotyped background law students are believed to have.

The 1965 class includes a music major from the Univer-

sity of Southern California, a chemistry graduate from Lafayette College and an electrical engineer from the US Naval Academy. There's a hefty supply of liberal arts majors, as one would expect, but a healthy sprinkling of science graduates, too. The first year class even includes a theater arts degree-holder.

Assistant Dean Malone, who is permanent chairman of a rotating three-man admissions board, indicated he found nothing unusual about the wide diversity of backgrounds owned by the entering students. Malone again pointed out the School is not limiting admission to any particular number of fields, but rather is looking for a student whose past performance indicates he will make good "lawyer material."

Neither is the admissions board limiting incoming students to a geographic distribution. Malone credited the healthy economic condition of southern California for the increased focus the Law School has received throughout the country.

This fall 51 entering students were graduates of schools outside the West.

While the study shows a wide geographical distribution

of represented undergraduate colleges and universities, a second report released by the School indicates most of the first year students intend to become state residents.

Only 21 first year members indicated out-of-state residence. The study revealed 229 members from California, five from New York, three from Illinois, two each from Michigan and Rhode Island and one each from Arizona, the District of Columbia, Iowa, Kansas, Maine, Minnesota, Nevada, Pennsylvania and Wisconsin.

Many students admit they establish residency prior to entering to save the \$250 a semester reduction in costs state citizenship gives them.

The study further reveals that nearly 37 per cent of the entering class members attended private colleges and universities. Added to this number are 109 students who were graduated from the University of California schools. This leaves less than 20 per cent of the entering students who attended public schools outside the five-school University of California system.

Three students entered from the University of Minnesota. (Continued on Page 3)

Elect Wittenberg President In Freshman Class Voting

By STUART M. OSDER

The Law School's first year class has elected top undergraduate honors student Richard Wittenberg as president. A legal secretary, Andrea Sheridan, was voted secretary-treasurer.

Wittenberg, 22, was Valedictorian of the UCLA Spring 1962 class, graduating summa cum laude. He was a member of Phi Beta Kappa and has received extensive academic awards from the school, including a Haines Scholarship, Rogers Scholarship, Regents Scholarship, Political Science Merit Award and the Charles Fletcher Scott Fellowship to the Law School.

He was UCLA's delegate to the Air Force Academy Con-

ference on National Interest, Foreign Student Orientation Chairman for UCLA students and has served as president of Pi Sigma Alpha, a national political science honor fraternity. He is married to the former Joyce Wallen.

Miss Sheridan, 22, is a native of Los Angeles and was graduated from UCLA, majoring in English-political science. She has been an editorial assistant for Newsweek Magazine in Los Angeles and has worked in the television industry, both on and off camera. Miss Sheridan, in addition to classes here, is a legal secretary for Wainer and London, a Beverly Hills law firm.



HARD WORKING: Freshman Class Officers look over script for Libel Show - faculty mock.

Alumnus Professor Greet's Grad Cohort

By CHARLES RUBIN

For a law school as young as UCLA, having two alumni on the professorial staff is a relatively distinct accomplishment.

William Cohen and Herbert E. Schwartz were outstanding law students and are now distinguished faculty members. They agree that the transition was a pleasant one.

Schwartz received his education—even from the earliest days—in the Los Angeles area. After graduation from UCLA where he majored in accounting, he attended Law School here, receiving an LLB in 1961. While a student, he was a member of the Law Review Staff and was elected to the Order of the Coif.

After graduation, Schwartz spent one year at Harvard Law School as a teaching fellow in the International Tax Program.

While at Harvard, he received an invitation to return to UCLA to teach. Although he had entertained the idea previously, Schwartz said he did not feel that he would be given an opportunity to try teaching so soon. It was a "great honor" and an opportunity to determine whether to pursue a pedagogical career and I accepted the invitation, he recalls.

Describing his return, Schwartz said that it was quite a "strange" feeling to stroll through the halls so familiar as a student, but any unusual impressions that he might have had, "were quickly dispelled by the arduous task of preparing for classes."

The difficulties encountered in preparation for classes, gave him a "great appreciation" for the labors of his former professors.

Some of Schwartz's former classmates are now his students, and although he says he must recognize the formalities of the classroom, he finds his old friendships unaffected by the new professor-student relationship. "A friend might be 'Mr. Smith' in class", Schwartz said, "but he is still 'John' outside of class."

"One rather difficult thing", he commented, "was becoming accustomed to calling my former professors by their first names."

Schwartz feels that being a professor so soon after graduation gives one a great insight into student reactions to class lectures.

The greatest satisfaction in teaching is "the opportunity to multiply the utility of one's knowledge through his students," he said.

William Cohen, on the other hand, has been a member of the Law School faculty for three years.

Cohen spent his first year of law study at the University of Pennsylvania and then came to UCLA to finish up. He was first in his class both years and was elected Editor-in-Chief of the Law Review and voted the Order of the Coif. He graduated in 1956.

After graduation, Cohen spent one year as clerk for U.S. Supreme Court Justice Douglas in Washington where he was invited to teach at the University of Minnesota Law School. He spent two years

there as professor and advisor to the Minnesota Law Review.

While at Minnesota, Cohen was invited by Dean Maxwell to return to UCLA and teach.

The invitation was a wonderful opportunity to return to the west coast and join the staff of an excellent school, Cohen said.

"Three years have now passed and any peculiarities of returning as a professor are now almost non-existent," he said. "The immediate immersion into the rigors of class preparation leaves one little time for unique impressions and the two years I spent at Minnesota accustomed me to teaching before I returned," Cohen commented. This lessened any unusual reactions I might have had, he claims.

When Cohen began as an instructor at Minnesota there were no UCLA alumni teaching in any law schools. Today there are three others besides Schwartz and Cohen.

In assessing his background, Cohen found his training at UCLA to be excellent preparation for his post-graduate pursuits. He said regarding his present position:

"The outstanding feature of teaching is the intellectual freedom and ability to attack problems that interest one, rather having to take them as they occur, as one does in practice."

Cohen's colleague Schwartz was formerly his student which puts Cohen on a staff with not only his former professors, but also his former student.

When Schwartz was appointed, he gave Cohen the notes he took as a student in his class. Cohen said this gave him a unique opportunity to learn first hand how his class hours were "getting across."

Cohen finds the students nowadays to be generally more responsive to class discussion than when he attended as a student here and he points to this as a desirable circumstance.

'LSA' Voted Out Now Student Bar

Law students, in a general election last month voted to change the name of the Law Students Association to the Student Bar Association of UCLA.

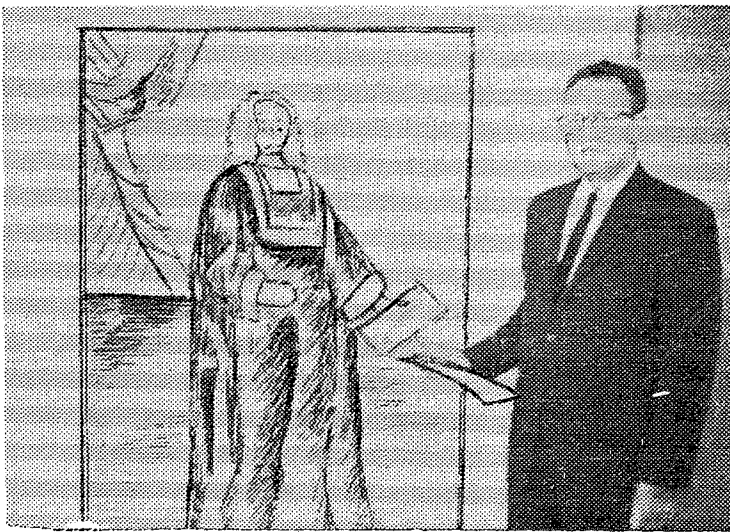
"This new name will convey more properly to the public the function served by the organization," according to Timothy L. Strader, UCLA representative of the national group.

In the same election, students by a vote of 181 to 160 upped by one dollar per semester Student Bar Association dues. This assessment will make increased services more readily available to the students, Strader explained.

As a result of the increased revenue, the Executive Committee voted to allocate money for the purchase of a ping pong table.

This recreational facility will be available for law students at all times and will be set up in the patio outside the student lounge, Mel Albaum, S.B.A. president said.

From One Old Hand to Another...



LORD KENYON AND JAMES CHADBOURN

Out of the Ivory Tower News from Faculty Row

by ELEANOR LUSTER

PROFESSOR RALPH S. RICE is speaking at a meeting of The Peninsula Estate Planning Counsel in May, at San Mateo, on "The Use of Securities in Estate Planning." Professor Rice, with Professor Antoine from Columbia and Dean Griswold from Harvard, is participating in a round table discussion of the American Association of Law Schools. The meeting will take place in Chicago during the last week of December. The three man panel will discuss "New Techniques on Teaching Taxation."

"Family Tax Planning and the Use of Securities" was the subject of Professor Rice's talk to the Los Angeles Institute of Finance on December 7. His supplement to the national edition on Family Tax Planning came out November 1. Professor Rice recently signed a contract to issue a supplement to California Tax Planning which will be out before September 1, 1963.

PROFESSOR JAMES H. CHADBOURN and PROFESSOR ARVO VAN ALSTYNE are working on a supplement of California Pleading.

PROFESSOR WILLIAM D. WARREN read a paper entitled "Cutting Off Claims of Ownership under the Uniform Commercial Code" at the University of Chicago Conference on the Uniform Commercial Code, on November 1.

PROFESSOR ADDISON MUELLER spoke to Phi Delta Phi, November 13, on Legal Education and the Role of the Lawyer in Modern Japan. He is presently working on a revision of McCormick on Damages with DEAN RICHARD C. MAXWELL for the West Publishing Company.

Three professors participated in the Los Angeles County Superior Court Judges' Seminar held at the courthouse November 30 and December 1. Justice Tom C. Clark who is chairman of the sponsoring Committee for the Effective Administration of Justice, made a special trip from Washington to address the Seminar. The Seminar was divided into four sections each of which was led by an eminent jurist from outside the State of California. Each section had a professor from one of the California Law Schools in the capacity of a Reporter who orally summarized the discussions and will prepare a written report to be distributed to those who participated in the Seminar. PROFESSOR ARVO VAN ALSTYNE was the Chief Reporter.

The Reporter for the Third Seminar Session was PROFESSOR JOHN A. BAUMAN. They took up matters "During Trial" from a judicial standpoint, i.e. admissibility of evidence, the rights of witnesses to protection, hearing of arguments by counsel following trial rulings, contempt of court, control over arguments to the jury, and the extent to which the Court should participate in a trial. PROFESSOR MURRAY L. SCHWARTZ was the Reporter for the Fourth Seminar. Their topic was "Sentencing and Probation" and was divided into the following three categories: Criteria for sentencing and probation, eliminating of disparities in sentencing, and the supervision, modification and revocation of probation.

PROFESSOR ROBERT L. JORDAN, who is spending this year as a visiting professor at Cornell Law School answers "What Should You Do as a Student to Improve Your Legal Training" in The Cornell Law Forum. "A good lawyer must be ever-critical. When you read an opinion or listen to a teacher, be a doubter—question . . . the time you spend in research is as valuable, if not more valuable than classroom hours . . . Ideally, legal education should be a self-teaching process . . . become problem-oriented, not answer-oriented," are his basic ideas. He ends his article with an enthusiastic description of the opportunities Los Angeles affords lawyers.

PROFESSOR HERBERT E. SCHWARTZ, a teaching fellow and research assistant at the Harvard International Tax Program last year, was the guest speaker at the Association of Attorney-CPA's meeting on Thursday, December 6.

The professor spoke on "Recent Developments in Federal Estate and Gift Taxation". Schwartz's talk included the subject of gifts to minors and liabilities of a consenting spouse.

Chadbourn Gets Kenyon Photo

A small cow bell tinkled in Professor James H. Chadbourn's first year procedure course last month as the class settled down in the Law School's largest lecture hall.

Astonished students looked up to see the doors in the front of the classroom crash open -- revealing freshman law student Adam LaZarre bedecked in the black robe and white wig of an English judge.

Behind him, freshman Daniel Simon struggled with a large parcel.

LaZarre, reading from a parchment sheet, intoned: "Oyer, Oyer! Know all men by these presence: Whereas the Ancient Holy day of All Hallows is presently upon us, and Whereas the Honorable James Chadbourn is held in high esteem by his students, this august body has decided that the said James Chadbourn shall be vested in a certain valuable chattel to be given over to him title, fief, possession, ownership, seisin, property, D.B.A., QCF, Fi Fa, ad nauseum-in fact, permanently. And from the decision of this August body no appeal may be taken, nor Writ of Error sued." (sic)

As LaZarre finished, Simon presented the parcel to the professor: a five foot high framed photo of English Lord Kenyon, who had supposedly inscribed thereon: "To Chad—It is perfectly clear that you are the Greatest. Kenyon."

Chadbourn looked at the gigantic photograph, quietly nodded to second and third year students who had jammed the room to witness the presentation, along with a stray dog . . . and continued with the class discussion of jurisdiction.

The photo was carted to the professor's office where he says it will suitably remain.

Fast LLB

(Continued from Page 1)

three full sessions, each equivalent in cost and range of courses offered to the present two semester system. Quarterly operation would divide the academic year into four terms, each somewhat shorter than the present semesters.

Malone indicated that the new plan might affect the summer program. Instead of the current eight week session, two six-week segments might be substituted.

Malone said, however, that the minimum residence requirements currently in effect would not be softened.

The overall university plan is designed to cost no more per student than the present system because 20 percent more students would be able to attend the two campuses.

ALUMNI PARTY

The UCLA Law School Alumni Association is holding its first annual faculty reception and cocktail party at the Beverly Hilton Hotel, December 16.

Reporting the Unreported Law — Jones

Support Unpopular Causes ACLU Counsel Wirin Urges

A. L. Wirin, who claims to have lost more cases in the Supreme Court than any lawyer in history, encouraged UCLA law students to speak out "devotedly" for defendants convicted of unpopular crimes.

He told a large enthusiastic audience in a speech at the Law School that such a following was a commitment of every member of the bar and pointed out that young lawyers have been responsible for major Supreme Court decisions.

Wirin claimed that attorneys have taken up causes to insure that justice will be served despite a risk of hurting their practice and reputation.

The general counsel for the Southern California Civil Liberties Union pointed to the Mississippi crisis as a unique situation and lamented the intimidation of lawyers in the South.

Wirin indicated five major areas where the young attorney is sought for defending civil rights: the Federal Indigent Defender Program of the Los Angeles County Bar, the

U.S. Department of Justice's Civil Rights Division, the NAACP, labor unions and the Civil Liberties Union.

Constitution Bars Laws on Conduct

Former Federal District Judge Albert Levitt suggested to UCLA Law students that the US Constitution prohibits Congress from passing laws affecting human conduct.

In a speech before a sparse student audience Judge Levitt evolved a formula in which religion was equated to conduct and explained that the first amendment to the Constitution barred Congress from passing laws affecting religion. The natural meaning, he said, was that there could be no governmental control of conduct.

The Judge conceded, however, that the Preamble gave the right to legislate to fulfill the objectives spelled out therein. He said that in practice courts "will look to the value of particular action as it affects the general welfare."

Judge Levitt neatly chalked out his arguments with a graphic display showing man's relationship with the "cosmos." He deliberately built his argument relying heavily on the wording of court decisions.

The Judge — who started practicing law in 1922 — has taught at several law schools and authored books on the Presidency, community property and criminal law. He has worked with US Attorney General's office, OPA and the Department of the Interior, as well as serving as Judge of the District Court of the Virgin Islands.

Intent of Solons Scrutinized Here

The State Assembly's Subcommittee on Legislative Intent heard strong advocates and violent dissenters on preserving legislative intent in interpreting statutes at the UCLA Law School hearings last week.

Herman F. Selvin, of Loeb & Loeb, called for a system in which the legislators' intent could be spelled out in order to give meaning to ambiguous and uncertain legislation.

UCLA Law School professor Arvo Van Alstyne told the sub-committee, headed by Assemblyman John T. Knox, that for "expense to the practitioner, fairness and availability" that the system as it exists now should not be changed. He said the solution to the problem was to sharpen legislative draftsmanship.

Others testifying before the committee included attorneys Francis Foran and Harry Williams. USC Professor of Law Leonard Ratner and Felix Stumpf, director of the Program for Continuing Education of the Bar, also spoke.

'65 Diversified

(Continued from Page 1)

two each from Colorado, Michigan, and Wisconsin and one each from Indiana, Iowa, Nebraska, New York University, Rhode Island, Southern Illinois and Washington.

Eighteen came from the University of California, 14 from Stanford, eight each from Long Beach and Los Angeles State Colleges, six from San Fernando State College, five each from Occidental and Pomona, three from Claremont, Loyola and Whittier, two from San Jose State and one each from California Polytechnical Institute, Pepperdine, St. Mary's San Diego State, San Francisco State, University of San Francisco, and Santa Clara.

Seven students were graduates of Brigham Young University, two each from Brown, Dartmouth, De Paul, Pennsylvania, Princeton, Rochester and the US Naval Academy. One each came from Barnard College, Brooklyn College, Chicago, Colorado College, Duquesne, Georgetown, George Washington, Grinnel, Hobart, Lafayette, M.I.T., Northwestern, Notre Dame, Purdue, Texas Christian, Toronto, Trinity and Union.

And then there were the two entering students who sent administrators and fellow classmates rushing for the atlas. They came from Lamar State College of Technology (Texas) and John B. Stetson College (Florida).

School officials expect all of the first year members to benefit from both the wide geographical distribution and wide divergence in public-private university and college graduates.

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Professor Stirs Up Press With Computer Application

Law Professor Edgar Allan Jones has stirred the imagination of the national press by advocating the use of electronic computers in the administration of justice.

In a United Press International article, reporter Joe Finnegan quotes Jones as saying: "The same machines being used to send man to the moon could help solve prosaic and worldly problems. Their phenomenal capabilities can aid justice."

Jones, who serves also as a judge on ABC-TV's daytime "Day in Court" show, has edited a book on the subject, "Law and Electronics: The Challenge of a New Era."

The book is published by Matthew Bender and Co. and royalties from its sale will go into a fund to support legal research at the Law School.

The plan to use computers has been taken to the Los Angeles Superior Court which appointed a committee of seven judges, a scientist and Jones to study the problem.

Judge Richard F. C. Hayden is chairman of the committee which includes Judges Charles Loring, Philbrick McCoy, Allen Miller, Roger Alton Pfaff, Clarke Stephens and Evelle Younger, as well as Eldridge Adams of System Development Corporation.

"I think the most dramatic thing here is that today there isn't anybody any place who

can tell what is happening to what constitutes 95 percent of law in terms of what courts do," Jones said.

The reason for this is that 95 per cent of the law is created by decision of trial courts. There's just no way of finding out what these decisions are, he explained.

"You can only find them in the decisions of appellate courts and 95 percent of the cases are not appealed.

"Electronics can help by making available to the lawyer's inquiry how certain kinds of cases were handled. Everything that happened in the court would be filed by the computer."

Jones pointed to family conciliation courts as a place where the computers would be particularly useful. Jones said that there now is no exact method of getting specific information without relying on human memory of the thousands of domestic cases handled in the Los Angeles Conciliation Court.

Jones is not new to the problem. He chaired an inter-disciplinary UCLA committee which organized the first National Conference of Law and Electronics in October, 1960.

Scott Appointed Tech-Legal Chief

Richard Scott, a third year student, has been appointed national chairman of American Law Students Association's Techno-Legal Committee. The appointment was made at the Association's annual meeting in San Francisco this summer.

Scott who holds a bachelor's degree in Engineering Physics, is presently employed by System Development Corporation in Santa Monica as a senior computer analyst. He pointed to his background as a scientist as one of the major reasons for his appointment.

Scott's four-man committee was set up to investigate the impact of technology upon the practice of law. Areas of investigation will include the present use of computers to index and retrieve statutory law, the possible future application of computers to other routine tasks now done by lawyers, evidentiary problems arising from the use of electronic "bugging" devices, and the use of mathematical logic as an aid in patent law research.

The committee will publish articles on these subjects in the ALSA's Student Lawyer Journal, emphasizing their significance to the legal profession.

The committee has begun operation by communicating with other law schools and corporations in the computer field. Scott said that the response has been encouraging and the committee has started to make up a techno-legal bibliography for further research in the field.

A techno-legal library has already been initiated at UCLA because of the committee's efforts.

Scott pointed out that no law office in the country has adopted computers for legal use yet, but that the idea is beginning to take hold.

2nd Year Student On ASLA Group

Robert Hillison, a second year student, has been appointed a member of the American Law Students Association's Committee on Professional Responsibility.

The Committee is working on a handbook on the subject for distribution to law school students.

Hillison pointed to better understanding of the Law School's honor code on the part of students as the type of area on which the ALSA group will focus attention.

"Students know the mechanical functions of the code, but they don't recognize it in light of its importance to the profession," Hillison explained. The code's operation is parallel to a lawyer's Canons of Ethics, he said.

The chairman of the Committee is Christopher Deitz of Rutgers University Law School, Newark, New Jersey.

NBE Folds

(Continued from Page 1)
Historically, according to Pynes, the fraternity had a "loose pledging program." Some students have pointed to this lack of selectivity and the absence of a "black-ball system" as one of the major reasons for NBE's failure.

REVIVAL FORECAST

Pynes said that there is still a chance that the fraternity will be put back on its feet next year. General student sentiment is that this will not occur. Pynes conceded that the fraternity could not exist with just freshmen members.

The remaining members of NBE will continue to meet and a Christmas party is in the works. But this is more like friends getting together than any formal function, according to Pynes.

NBE's demise comes in the face of the largest pledge classes yet for the two remaining fraternities. Phi Alpha Delta had a substantially larger pledge class than last year and Phi Delta Phi's was the largest in the UCLA Chapter's history.

The other fraternities have well-known names and some students might think this means something to a future employer, Pynes commented.

As news of NBE's coming apart spread, talk of starting a new chapter of some other national fraternity increased.

Cecil Ricks, Phi Delta Phi president, and Harold Klein, Phi Alpha Delta president, both voiced the thought that it might be good to have another group to broaden a potential fraternity member's horizon of choice.

Docket Dicta

A Death

A noted pulse taker of U.S. campus life has called for a decent and respectable burial of the fraternity as an institution because the need for such has long ago faded away. The pundit would be pleased for such a death has constructively occurred at the law school. Nu Beta Epsilon — once the most populous of the three rival men's groups—deserves a fitting interment. The need for fraternities, however, is far from wilting—it is growing as the law school progressively gives birth to an ever-expanding brood of would-be barrister hopefuls. The need for comradeship, fellowship and intellectual and social stimuli blossoms along the lonesome road of the study of law. We hope that Nu Beta Epsilon's demise will impregnate the seed for a new group in the responsive law school climate.

Bar Exam

A discussion of the merits of the California Bar Examination has been sorely overdue. Two elements have been pointed to as the reasons for such delay: lack of interest after the hurdle has been overcome and a reluctance to speak out on the changing of the status quo. It seems unthinkable that such circumstances have heretofore prevailed in light of the well-voiced demand for more attorneys with the concomitant complaint that the caliber of newly-admitted counsel is sorely low.

Politics

It seems essentially the lawyer's business to translate the garbled words of ballot propositions, for it falls on him to deal with the eventual law. The past has witnessed all too little of this activity. Whatever one's sentiments, it was a refreshing breath of air to see members of this law school's faculty and administration fly in the face of traditional silence and take to the stump to defeat the controversial proposition twenty-four. It's hard to assess the impact of these private efforts, but we note that the measure was roundly defeated. Maybe this will encourage further such action on the part of responsible representatives of this school—no matter what their position—to bring the pros and cons into the arena of public sentiment.

UCLA DOCKET

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

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Roberto Sanchez

Argentine Studies Labor Laws Here

By HAROLD S. JACOBS

Suddenly Last Summer: from Buenos Aires to Mexico City on an O.A.S. grant; an unplanned rendezvous with an American; and then . . . on to UCLA.

These are episodes in the life of Roberto Sanchez, a quiet, unassuming, twenty-six year old Argentinian now engaged in legal explorations on the northern half of the hemisphere.

A law student at the University of Buenos Aires, Sanchez has devoted particular attention to the labor law field. Stemming directly from this personal interest and Sanchez' resulting accomplishments have come recent opportunities for comparative research in Mexico City and Los Angeles.

During the fourth year of his five year legal study at the University of Buenos Aires, Sanchez worked as a Labor Inspector in the office of the Sub-Secretary of Labor for the Province of Buenos Aires. His primary responsibility consisted of investigating the facts of actual or threatened labor disputes, thereby experiencing on-the-spot contacts with labor and management officials of various industrial plants and commercial establishments in the Buenos Aires area. Occasionally, also, he had the opportunity to act as conciliator.

At this juncture in Sanchez' career, the Organization of American States intervened to provide a summer scholarship for research and study at the Institute of Comparative Law of the University of Mexico.

While preparing a paper comparing the mediation policies and procedures of Argentina and Mexico, Sanchez and his work caught the eye of Dr. Frederic Meyers, Associate Director of the Institute of Industrial Relations at UCLA, who also happened to be spending the summer of 1962 at the Mexican university. Dr. Meyers was impressed.

From this encounter emerged an offer for Sanchez to spend the current academic year as a Research Assistant at the UCLA Institute of Industrial Relations. Using the research that Sanchez had already developed while in Mexico, Dr. Meyers figured the time was ripe to bring United States mediation practices within the scope of Sanchez' comparative study. With the project thus expanded, it is anticipated that a paper involving all three nations will result.

Sanchez thus came to enroll in the UCLA Law School for the purpose of absorbing background on the state of U.S. law in the labor area. Labor Law, Employment Relations and the Law, and Constitutional Law are the courses he is taking here. In view of the obvious language adjustment problems, Sanchez is also taking English for Foreign Students.

Comparing Law Schools here and in Argentina, Sanchez pointed out a number of striking differences. An undergraduate degree is not a prerequisite to admission to Law School in Argentina. After completing high school, the would-be Argentinian lawyer attends a one-year preparatory school, roughly equivalent to a condensed liberal arts education in American universities. He must pass these preparatory courses before entering Law School; in the event that he fails, however, he is permitted to repeat the program.

In the preparatory school which Sanchez attended, there is an annual enrollment of approximately 3,000 students, two-thirds of whom normally pass and go on to the Law School of the University of Buenos Aires. This means that there are approximately 2,000 students in the average first-year class.

Classroom approaches in Argentina divide into two general types, lecture and promotion courses. Both types are offered for the same

subject, although it may not be possible for the individual student to choose, in view of the selective nature of the promotion courses. Enrollment in this type is limited to twenty-four students, while in the lecture classes there may be as many as three hundred students. Teaching technique in the promotion



Roberto Sanchez

course more closely approximates the Socratic Method of American law schools, but there is little or no student participation in the lecture classroom.

The casebook method is not generally used in the Argentinian law school. Emphasis is placed more on the knowledge and interpretation of statutes than on comprehensive analysis of cases. Examinations are more inclined toward objective rather than essayic demonstrations of knowledge. Sanchez illustrated this by offering a typical examination question: What are the elements of a valid bill of exchange?

Law school in Argentina consists of five years, usually encompassing twenty-five courses. In Sanchez' case, twenty-two of these deal with the same type of subject matter offered in American law schools, and the other three, although not purely law, are closely related. For example, these include courses entitled Political Economy and Constitutional History.

Roberto Sanchez has completed twenty-one courses, so when he returns he will have four-fifths of his final year to complete. "This experience here is very important to me, so the delay in finishing law school is well worth the time," he said.

As Sanchez considered his future as an Argentinian lawyer, he expressed strong likelihood that he will get enmeshed in the labor law specialty.

To the considerable envy of all his American colleagues, Sanchez will get his legal practice rolling minus one notable nemesis: there is no bar examination in Argentina.

SPRING SEMESTER SCHEDULE

Hour	M	T	W	T	F
8	Crim Law Anti-Tr	Crim Anti-Tr	Crim Anti-Tr	Const-A Proc-B	Const-A Proc-B
9	Rmds Local Gvt	Rmds Local	Rmds Local	Fmly	Fmly
10	Prop Sec Reg	Prop Sec Reg	Prop	Proc-A Const-A Fd Crts	Proc-A Const-A Fd Crts
11	Evid* Col Agmt	Evid Col Agmt	Evid Col Agmt	Com Prp Intl B	Com Prp Intl B
12	Cnflts**	Cnflts	Cnflts	Cpyrt	Comm
1	Contr	Contr	Torts	Torts	Torts
2	Con Lit	Fgn Inc	Inc Tx*** Cmp Lw	Inc Tx Ntl Sec	Inc Tx Lbr Rel
3	Bus As****	Bus As	Bus As	Bus As	
4	Lg Resp	Dmg		Lbr Lw	Compt Lw

*A-Chadborn **A-Erell ***A-Rice ****A-York
 B-Abrams E-Summer B-Schwartz B-Marsh

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FRATERNITIES

Phi Alpha Delta

By BOB HANGER

This past semester has been extremely eventful for McKenna chapter of Phi Alpha Delta. We recently became the largest single law fraternity chapter in the United States.

In addition, the past semester has probably been the most successful from the standpoint of activities and participation. Initiation of the pledges took place at the Frascati Gourmet at which time Chief Deputy District Attorney Manley Bowler delivered a speech on civil rights. Our own Murray Schwartz attended this event and although his facial expressions seemed to give vent to his inner feelings, he refused to make definite comment on the speech.

Thereafter George Eskin and Jerry Goldstein were elected Pledge president and treasurer, respectively.

This week the first all Los Angeles Phi Alpha Delta event will be held at the Riviera Country Club in the form of a Christmas party. Our chapter hosts both Southern California and Loyola at this gala affair in which professional entertainment, dancing and buffet dinner are the order of the evening.

Phi Delta Phi

By ELEANOR LUSTER

Rushing activities started in early October with a dinner affair at the home of our former president, Phyllis Hix. We had almost a 100% turnout and relaxed from our studies to get acquainted.

During one of our interim business meetings we presented Marsha McLean with a gold pin for achieving the highest grade average among the girls for the first year's exams.

We would also like to ex-

tend congratulations to two of our second year members who are working on Law Review, Marsha McLean and Olga Boikess; and to our second year member to make moot court, Nira Hardon; and to Annette Hartmann who is secretary of The Student Bar Association.

Phi Delta Delta

By DAN SHAFTON

The Brothers of Pound Inn wish to all a happy holiday season . . . as they gird themselves for the coming intellectual confrontation and prepare for New Year's Eve . . . in inverse order.

At the conclusion of rush, 71 men received the honor of pledge initiation into Pound Inn, at the November 13 ceremony. (The 1962 Pledge Class should prove to be one of the finest since that of Irv 'Teeny-Big' Sepkowitz.) 1962 Pledge President is Tom Jones, and Chris Hauck will serve as Social Chairman.

Also high on the social agenda this semester was the infamous Sewer Party. (Tim Strader has subsequently begun an ALSA case-note on the use of flashlights, battery-operated phonographs, and assorted Spirits in Unfinished Canals). And on November 21, brothers and pledges alike took part in the Annual Thanksgiving Cocktail Party — at which Bill Webster began his preparation for the annual gala Xmas Party (to be held December 14).

Scholastically, the pledges have begun their practice exams. In conjunction with this serious effort, they recently purchased at auction a local sorority pledge class — allegedly to provide mid-term motivation.

In the miscellaneous category, belated congratulations are due Joel McIntyre for his selection as Articles Editor of the Law Review.

A UCLA LAW HILTON?

At orientation sessions each September, the Administration and faculty tell beginning law students that they are going to have to "eat, sleep, and live law" for the next three years.

The viands are provided, but neither the bed nor the house.

Of the free advice that flows to all law students both before and during the three years of study, one topic is universally confirmed: "Sonny, put yourself in a place where you can talk to your compatriots about all you'll be learning."

Satisfying this admonition is not an easy one, however. At present, law students call home anything from a lonely no-plumbing room in the Sawtelle area to ensconced family domicile in Bel Air.

The problem is that no housing for law students as such exists and there is no coordination of existing facilities by either the Law School or the university's housing office.

Some have said that no real student interest for law student-oriented housing exists, but this seems clearly refuted by a large scale vocal sentiment of the students themselves. Most, however, feel frustrated by the setting up and administration of such a program.

"If it'd get started, I'd jump at the chance," one freshman living in a shabby Venice flat moaned.

There are those that object to a law student housing plan, and they raise important issues: cost, too many bull sessions without enough serious study, cramped freedom, bachelors vs. marrieds, etc.

Most of the advocates point out, however, that the opportunity to live in any such housing would be voluntary and one would not have to move in unless he wanted to.

The problem, at any rate is not unique to UCLA Law School. Other schools are faced with the same dilemma of priority—where will the dollars spent reap the most benefit. At least, however, most schools "offer aid".

There are developments like the "Lawyers Club" in the law quadrangle at the University of Michigan providing for 350 law students.

At the University of Virginia, five halls are reserved especially for aspiring attorneys.

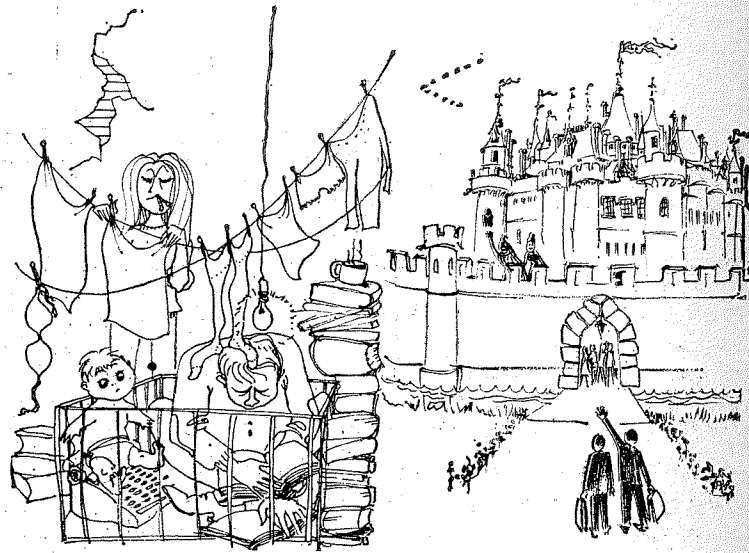
The "Lawyer's Inn", a dormitory at Southern Methodist University, and a special Georgetown University Law Center project provide a legal environment for students of those universities.

In California, the law school at Berkeley shares UCLA's condition, but there is a new student building in the works.

The University of San Diego law students live in a seven story dormitory and a judge has donated a special hall at Stanford where 140 law students reside.

Although the local picture looks dim, Assistant Dean James L. Malone indicates that there are "hopes" for some type of building project, but as of yet there is nothing definite.

Some projects under consideration include a law school operated apartment building or a co-op for smaller groups of students. The



fraternities have been pointed to as perhaps a likely source to draw on.

Malone has said that the Administration is anxious to help in this matter, but is looking to the students for some type of workable suggestion.

To date, the only plan that has been tried is the lonely student putting his personal plea on the bulletin board in hopes that some other equally desperate student will contact him.

R.L.K. and R.M.H.

Law Schools Will Exchange Data on 1st Year Applicants

By GEORGE ESKIN

The Law School is now going to be able to find out what other law schools across the country think of its applicants through a program set up by the Law School Admission-Test Board.

According to Assistant Dean of the Law School James L. Malone, UCLA Law School will learn whether other law schools accepted or rejected students who apply to UCLA.

When a law school's admission committee makes a decision, it will send the information to the Board's headquarters in Princeton, New Jersey, which will tabulate the results and send them out.

Malone indicated that implementation of the program is in motion already. He said that the set-up will show applica-

tion patterns of potential law students, a fact which has not been determined previously.

Multiple applications by candidates have become common because of the increasing selectivity of most schools and the greater number of applicants.

Malone, who is a member of the Board's Test Research and Development Committee, pointed out that a comparison of admissions will be "an indication of the law school's competitive position and will help as an advisory device to know more about the overall picture of admission operations across the country.

All law schools which require the Admission Test will be participating in the program.

Code for Outer-Space Pushed by Professor

Unless the nations of the world agree upon a "code of good neighborliness" for space exploration and travel, international differences may degenerate into dangerous "tests of nerve and strength."

So says Dr. L. F. E. Goldie of UCLA, a specialist in international law, who recently presented papers on the law of outer space before the American Rocket Society in Los Angeles and the 13th International Astronautical Congress in Varna, Bulgaria.

"The development of law by the gradual process of accommodation, which is another way of saying 'good neighborliness' is far preferable to the immediate imposition of a rigid and premature system of treaty law, such as the U.S.S.R. advocates," he maintains.

This code of good neighborliness should spell out each nation's obligation to contribute to traffic safety so that "no one would suffer damage or be obstructed or molested unnecessarily," he explains.

Such a code would create the climate for the development of international space law.

Goldie, who was a Barrister of the Supreme Court of New South Wales and of the High Court of Australia before emigrating to this country, said that unless such a code (or principle) is acted upon by the Western nations, the U.S.S.R. will make further headway with its own so-called "Law of Peaceful Co-existence," i.e., all Soviet space activity is peaceful, all US activity is military.

Alumni Stag

UCLA Law School alumni joined their USC counterparts for a "Skull Session" late last month. It was the third annual meeting.

Recent graduates were introduced to the assembly by their respective deans, and the football coaches of both universities were guests of honor.

Manly D. Calof was chairman for the UCLA graduates.

LETTER

...to the EDITOR

To the Editor:

Shortly before the recent election, I was presented with a Resolution signed by many members of the UCLA Law Class of 1963. That Resolution supported me, along with other members of the legal community, in the effort to defeat Proposition 24. I am very pleased to take this opportunity to express my appreciation to these seniors for that Resolution.

I have stated elsewhere the reasons for my opposition to Proposition 24. Believing as I do that it struck deeply at our basic ideas of freedom and fair play, I am greatly heartened by this support from senior law students in opposing the measure. I am even more heartened by their willingness to make their views known.

It is obviously difficult, during the course of a popular election, to argue the

merits and demerits of even relatively simple ballot issues. Given the technical nature of the arguments surrounding the issues raised by the Proposition, plus the fact that it was a so-called "anti-Communist" measure, public debate was even more difficult than usual.

The resounding, and, I am tempted to say, astounding, defeat of the Proposition could not have been accomplished without the active participation and overt support of those who are trained in the law—who, in my opinion, bear the major responsibility for public enlightenment in these matters.

I thank all of you who assumed a share of that responsibility. I think that the State of California is the better for it.

RICHARD C. MAXWELL

BAR EXAM DEFEATS ITS PURPOSE

By MORRIS PFAELZER

During the State Bar fiscal year 1961-1962, 1152 men and women were newly admitted to the practice of law in this State. Each of them had passed an examination which is almost as rigorous a test of physical endurance as it is a comprehensive test of legal knowledge—and in the latter respect is conceded to be as inclusive and comprehensive a bar examination as is available in any jurisdiction.

Each such new admittee had proven to the satisfaction of competent and carefully selected examination readers that he had mastered the complexities of procedure and the intricacies of substantive law. On the day he completed the examination process he knew more law than he will ever know again. His mind had been all but clogged with theory, cases, code sections; all held in readiness to respond to the stimuli of the complex problems presented by the examiners. The learning process by which he had prepared for the examination—which required familiarity with 15 specified subjects had been thoroughly exploited. His knowledge of the tools which he would thereafter use in the practice of his profession had been certified. If he had attended a law school (and, of course, all but a handful of the applicants had) the wisdom of his teachers in awarding him a law degree had been fully vindicated.

The new admittee will also have satisfied the Bar Examiners respecting his moral fitness to be licensed as an attorney. Responsible persons will have given written assurances of his good reputation and his record as a citizen will be blameless of all but the most minor infractions of the Penal Code. In so far as the Committee of Bar Examiners can determine, with the facilities presently available to them, each successful applicant was a person who may be entrusted with his clients' welfare and property.

However, during the same year, 1838 persons up and down this state, the great majority of them clients, have been convinced that their interests were badly represented and have filed complaints to that effect with the State Bar. After investigation of those complaints—and there is reason to believe that only a small proportion of wronged clients do file formal complaints—approximately 50 members of the Bar have been served with Notice to Show Cause why they should not be disciplined. Each attorney so noticed has been given a hearing, at which in most instances he has been represented by counsel. His "court," designated an Administrative Committee, was comprised of three experienced lawyers. Rules of evidence were observed and every doubt was resolved in the favor of the respondent. If the only testimony was that of the complainant and of the respondent, then it was presumed that the lawyer told the truth.

The "court" had power only to recommend punishment. Its findings and recommendations were reviewed by the Board of Governors of the State Bar and if the punishment then recommended were either suspension or disbarment, the State Supreme Court again reviewed the matter before making its order carrying out the recommendation (or, in some instances, reversing or modifying it).

Formal Punishment for Many Attorneys

Yet, with all of the safeguards with which the disciplinary process is surrounded, approximately half of those lawyers so noticed have been meted out punishment ranging from a private reprimand (a form of administrative wrist slapping which fails to disclose the identity of the slapee or the sin for which he was slapped) to disbarment. Thus, during the same period of time as 1152 new lawyers came to the bar of this State, approximately 25 have been formally punished for violation of their oaths as attorneys. To put it in another context, each year will find 1 out of every 1,000 lawyers licensed to practice in this State the subject of discipline. In a profession which exists for the sole purpose of assisting in the administration of justice, this is not a satisfactory prospect.

By comparison with other jurisdictions, California's record is excellent. By comparison with the ideal, it is far from the perfection which our profession must try constantly to attain. Self-satisfaction with a system which discovers, punishes and makes examples out of wrongdoers is not permissible. It is true that we have a well disciplined Bar, that the wrongdoers are a minuscule part of the whole. But there are rotten apples in the barrel and every means by which they may be avoided, must be examined carefully and considered seriously.

Judge Leon T. David in his able argument for more practical training in the law schools (*The Docket*, Vol. VII, No. 1, p. 6) has pointed out one area in which the educational process can be bettered to insure a more competent (and therefore a less prone to discipline) Bar. I subscribe wholeheartedly to his views. Others, notable Homer D. Crotty, Esq. of Los Angeles, a former president of the State Bar, have long argued that educational requirements for admission must be stiffened and that only persons who have completed a course of instruction in an accredited law school be permitted to practice law. His argument, too, has much merit. I submit, as my contribution to this symposia, the proposition that the Bar Examination, as now oriented, may thwart the very purpose which it tries to serve. However, before the reader unleashes his counter-argument, let it be clearly understood that revision or elimination of the Bar Examination cannot precede, but may only follow a substantial overhaul of our legal education system.

Bar Exam: A Hurdle

At this time I believe that in the minds of most prospective lawyers the Bar Examination stands as the great hurdle over which they must leap to attain admission to the Bar. Similarly, to many legal educators, the test of the validity of their schools is the score which their students make on the examination. To both student and teacher the examination has, in most instances, become the be all and end all of the educational process. Only the most enlightened of both categories are able to put it in correct context. As a consequence of this attitude, many of the values of the educational process which should receive top priority and greatest emphasis are subordinated to the need of satisfying the one great barrier to admission to practice.

The Bar Examination has validity, particularly at this time. Before the

examiners all applicants have equality. The student, fortunate enough to have attended a great law school, UCLA among them, meets the test in democratic brotherhood with the applicant who has prepared himself by reading law in the offices of an admitted lawyer or judge. This is American, this is in the tradition of our bar. But it is not necessarily the best way in which to insure that the day may come when discipline will be a very small part of the work of the State Bar; the exception which only proves the rule that all lawyers are competent, trustworthy, capable.

I doubt that any graduate of UCLA Law School was better equipped to serve the public after passing the Bar than he was when he received his law degree. But I do believe that his course of instruction might more nearly have satisfied Judge David's requirements if he had been pointing to a different kind of examination—or, in a more perfect society, had not been required to take any post-graduate examination, at all.

But before we can anticipate the elimination of the Bar Examination, we are going to have to overhaul the entire process of legal and pre-legal education. And we are going to have to start very early in the process. The law schools are doing their best under present circumstances. Their admission requirements must be upgraded and a course of pre-legal training prescribed, similar to that required of pre-medical students. Much of specifics of the law will have to be part of undergraduate work, so that the law schools will be able to devote a substantial part of their time to instruction in the responsibilities of the lawyer to society and to his client. Legal ethics can be taught and must be taught. The emphasis of legal training must remain, as it is now, on the training of a legal mind, equipped with the theory with which to deal with the legal problems by which the lawyer is confronted daily. But that emphasis must be supplemented by an equal emphasis on the training of a professional whose place in society is one of the greatest trust and responsibility.

No Exam Needed

In the Utopia for which we all strive I can envisage a Bar which has earned the respect and confidence of the community not only by reason of its competency, but also by reason of its unquestioned integrity and its devotion to duty. It will be a Bar composed only of men and women who are identical in purpose, attainment and ability to those who make up the great majority of the present Bar. The few who now stain the escutcheon of the Bar will have passed on and they will not have been replaced. Those coming to that Utopian Bar will have completed a much more comprehensive course of instruction than their now admitted brothers. Their studies will have been conducted only in schools which have met the requirements of accreditation by the organized Bar; they will have had the benefit of close association, during that process, with trained and carefully selected practitioners; they will have acquired a working knowledge of the law and have been rigorously examined by their teachers in every subject they have studied. And, too, they will have learned carefully the stringent standards by which they must conduct themselves and the affairs of their clients. From their ranks those who lack the moral stamina to resist the temptations of the profession will have been weeded and those who lack devotion to purpose will have been dropped. Their law degree will be a hard won badge of preeminent skill, forthrightness of purpose and unquestioned integrity. Those who have known them long and well as their teachers will have judged them harshly and trained them well. For them, in that Utopia, a bar examination will be redundant, will serve no additional purpose. Since all aspirants to the Bar will necessarily have traveled the same route the examination will no longer be needed to democratize the profession.

Coincident with the development of the Utopian law school we will have to develop resources which insure that no one be excluded from participation in the process by reason of his lack of means to do so. Scholarships and loan funds must be made available not only to the best student, but to all students, solely on the basis of need. The organized Bar must accept the responsibility for filling its own ranks by attracting to the profession the most competent and promising youth of the land and providing them with the means to attain the goal which they seek. The democracy of the Bar now insured by an examination open to all must be replaced by an educational opportunity which is available to everyone who can meet its intellectual and moral demands.

In that Utopia there will be virtually no need of disciplinary procedure. Equipped with a thorough knowledge of the law and an equally thorough schooling in its responsibilities, each newly admitted lawyer will have been forearmed against temptation to give less than his best or to take more than his due. Society will be better served and the lawyer will have attained a place in that society commensurate with the ideal for which the Rule of Law constantly strives.

The Author

Morris Pfaelzer received his A.B. degree from Harvard College in 1935 and his LLB degree from the University of Pennsylvania in 1938. He was engaged in private practice in Philadelphia, Pennsylvania from 1939 until 1942, being associated with one of the largest firms in that city. From 1942 until 1945, he was on active duty as an officer in the United States Naval Reserve.

In 1946 he was admitted to practice in California and for the following four years was associated successively with two law firms in Los Angeles. In 1950 with John Binkley and William P. Gray, now President of the State Bar, he

formed the firm of which he has since been a partner.

Since 1958 he has been a lecturer in law at the University of Southern California Law School where he teaches a course in legal drafting. He has lectured on partnerships and real estate law in the program of the Continuing Education of the Bar.

He presently serves as chairman of the Los Angeles County Bar Association Committee on Law Schools and as a member of Local Administrative Committee No. 11 of the State Bar of California. He was a member of the Board of Trustees of the Los Angeles County Bar Association from 1958 to 1960.

A LAST AND CERTAIN HURDLE

By **LOWELL MILLER**

I have been asked by THE DOCKET to take the affirmative of the proposition that the California Bar Examination is an effective means of screening applicants for practice of law and assuring that only qualified persons become attorneys in California. This position I am pleased to take. First, however, it seems appropriate to point up the importance of the problem; second, to set forth the peculiar situation in California in so far as legal education and the bar examination are concerned; third, what the bar examination can and does accomplish; and, finally, what can be done to correct or improve the situation.

The maintenance of an adequate and qualified bar is a matter of great public importance. Lawyers comprise a very small percentage of California's population but they exert a very great influence upon both its private and public life. They are the group to whom individuals must turn for advice and assistance in many personal and business matters often of such vital concern as to effect not only their finances but also their liberty, their happiness and sometimes their lives. No other group exerts as great an influence upon public affairs through active participation in all branches of government. Members of the bar provide a major part of the executive and legislative personnel of the state and substantially all of the personnel of the judicial branch. How members of the bar are educated and the method by which their qualifications for admission to practice are determined becomes then a matter of greater concern to the general public than to the legal profession. The public is justified in demanding that those admitted to the practice of the law be qualified.

Barrier to Unqualified

The theory underlying the bar examination system in all states is that some assurance should be provided, through an examination administered by a public body, that only those qualified to practice are admitted to the bar. In most states the examination is only the final test of fitness, the candidate being first required to qualify by two or more years of pre-legal college work and by graduation from an approved law school. In California, however, due to pre-legal and legal educational standards which have been quite correctly designated as "primitive", the bar examination has of necessity become the only real barrier to keep the unqualified out of the bar.

In 1949 a report by a Special Survey Board consisting of independent, out-of-state experts commissioned by the State Bar of California described the California Bar Examiners as "in the position of holding defensively on the one-yard line" and they concluded that the "bar examination system is the only protection which the people of California have against an influx of uneducated and unqualified persons into the legal profession".

The situation in California has not materially improved since 1949. The present requirements for admission to practice law in California as set forth in Section 6060 of the Business and Professions Code are still "primitive".

An applicant seeking admission to practice law in California must have either (1) completed at least two years of college work in an approved school, or (2) be 23 years of age and have attained in apparent intellectual ability the equivalent of two years of college work. The equivalent is determined by requiring the applicant to take and pass a written examination unless he is applying for admission to an accredited law school in which case the equivalent is determined by the dean or faculty of the law school. The permissible methods of legal study to qualify to take the bar examination are: (1) graduation from an accredited law school requiring three years of full time study or four years of part-time study; (2) study in an unaccredited law school requiring four years of study; (3) study in a law office or judge's chambers for four years; (4) by instruction in law from a correspondence law school for four years; or (5) by any combination of these methods.

Law Education Inferior

In pre-legal and legal educational requirements California ranks among the lowest in the United States. An applicant may qualify to take the California bar examination without ever having a single hour of formal education and without ever attending any law school. No other profession or trade in California has such low educational requirements.

This deplorable situation in California has placed upon the Committee of Bar Examiners a greater responsibility than that which exists in almost any other state. It has resulted in the development of the most comprehensive and searching examination in the country. The California bar examination has for many years been recognized as outstanding in the United States.

The bar examination can and does test knowledge of legal theory and the fundamental principles of the law. It cannot, however, substitute for educational background and qualifications. Nor can the examination test experience. It is not designed to test what a lawyer knows but only what a student should know before being admitted to practice.

Most applicants who take the examination have had no experience in the law outside the classroom. Many have never been in a court room or a lawyer's office. Procedure courses, practice courses and moot court work in the law schools, although helpful, do not teach experience.

When we consider what the bar examination is designed to do, and eliminate what it does not and cannot do, and judge it by these standards we must, I submit, conclude that it has been and now is an effective barrier to the unqualified.

Few, if any, applicants unqualified by reason of lack of knowledge of legal theory and the fundamental principles of the law pass the California bar examination.

The Author

Richard Lowell Miller was graduated from the University of California at Berkeley in 1927 with honors in political science. He was elected to Phi Beta Kappa and Pi Sigma Alpha, a political science honor society. He obtained his LLB from Boalt Hall in 1930.

Miller was engaged in trial practice and corporation law with the firm of Erobeck, Phleger and Harrison from 1939 to 1951, and was a member of the Alameda County

Planning Commission from 1954 to 1958.

Presently Miller is senior member of the firm of Miller, Haygood and Critchfield in Livermore, California, and maintains a private practice in San Francisco.

He has worked with the State Bar Committee of Bar Examiners since 1933 as reader, reappraiser, chairman of the Board of Reappraisers and, since November, 1961, as Secretary of the Bar Examiners.

This position is well supported by the statistical records regularly reported in the State Bar Journal. An examination of these records will show a direct correlation between quality of legal study and success in the examination. The following table compiled from these records shows, for the period 1935 to March 1962, inclusive, the number of applicants taking the examination for the first time, their legal training and their success in the examination.

	Total No.	No. Passed	% Passed
1. ABA Schools			
a. Graduated	12,337	9,069	73.5
b. Did not graduate	363	153	42.1
2. Non-ABA Schools			
a. Graduated	3,069	1,235	40.2
b. Did not graduate	376	92	24.5
3. Correspondence Schools			
a. Graduated	158	25	15.8
b. Did not graduate	122	17	13.9
4. Law Office Study	183	28	15.3
5. Miscellaneous	524	108	20.6
(various combinations of types of study)			

The figures speak for themselves. The properly prepared applicant has a vastly better chance of success in the examination than the one with inadequate legal training. The figures are even more convincing when it is recognized that included in the correspondence school group are many applicants who completed their study by correspondence after having one or more years of study in either an approved or nonapproved school.

Having reached the conclusion that the bar examination is a successful method of screening out the unqualified so far as legal training is concerned, what if anything can be done to eliminate those unqualified by lack of adequate pre-legal preparation. It must be conceded that some persons without adequate educational backgrounds do pass the examination. Some of these, in practice, may develop into qualified and effective lawyers but others may not.

Public Needs Protection

Not only is the public entitled to be protected against admission to practice of any persons unqualified because of inadequate educational backgrounds but it is not fair to the applicants to allow them to undergo the time and expense of four years of study in an unaccredited law school, by correspondence or in a law office when their prospect of success in the bar examination is slight compared with those adequately prepared by study in an accredited school.

Perhaps there is little that can be done under present conditions to enable candidates for admission to gain experience in the actual practice of law before admission, such as candidates for the medical profession acquire by internship. This is, however, a matter that deserves careful study and consideration.

There is, however, an immediate and practical solution to the problem of educational preparation and that is to raise the standards in California to at least those now established in most other states. To this problem the State Bar has directed its attention over many years. At the 1960 Conference of State Bar Delegates a Resolution was adopted recommending changes in the general and legal educational requirements for admission to practice law. This resolution was approved in principle by the 1960 State Bar Convention and referred to a study committee which, after careful study and survey, reported back to the Board of Governors its approval with certain changes. The matter was then referred to the Committee of Bar Examiners for its consideration. The Committee studied the proposal, made a few modifications, and unanimously recommended that the Board of Governors approve the Conference Resolution as amended and sponsor legislation for its enactment.

The Board of Governors has now acted and the change will be embodied in legislation sponsored by the State Bar at the 1963 California legislative session.

The legislation as proposed would amend Section 6060 of the Business and Professions Code to raise both the general educational and legal educational requirements for admission to practice law in California.

Stiffen Education Requirement

The general educational requirement under the proposed legislation would be (1) the completion of at least three years of college work in an approved school; or (2) two years of college work in an approved school if the applicant thereafter completes a four-year full time course in an accredited law school; or (3) that the applicant be 23 years of age and have attained in apparent intellectual ability the equivalent of three years of college work. The equivalent would be determined by requiring the applicant to pass a written examination.

The legal educational requirements would be graduation from an accredited law school requiring three years of full time study or four years of part-time study. In addition, four years of full time study would be required if the applicant had only two years of prelegal college study.

The general educational requirement would be increased from two to three years of pre-legal study in an approved school unless an applicant completed a four-year full time law course in which event only two years of pre-legal would be required. It would still be possible for an applicant without college study to qualify to study law by passing the equivalency examination. A grandfather clause would apply to all applicants who commenced their study of law prior to January 1, 1964, and who registered as a law student with the Committee of Bar Examiners prior to that date so that as to such students, the present requirement would remain in effect.

The legal educational requirement would be graduation from an accredited law school. This would eliminate as permissible methods of study the following: (1) study in an unaccredited law school; (2) study in a law office or judge's chambers; and (3) study by correspondence method. A grandfather clause would be applicable to all students who commenced their study of law and who registered as law students with the Committee of Bar Examiners prior to January 1, 1959.

The effect of this legislation would be to place the bar examination in its proper place as the final test of fitness rather than, as now, the only barrier to the unqualified. It would take the Committee of Bar Examiners off of the one-yard line.

The public, the profession, the courts, the schools and the students now preparing for the bar should join in support of this legislation which means so much not only to the profession but to the welfare of our state.

Chief Justice Warren Honors UCLA Review

Chief Justice Earl Warren assailed recent widespread criticism of judicial decisions as ill-founded in a dedication note in the tenth anniversary edition of the UCLA Law Review, published in late November.

The comparatively rare public comment of the Chief Justice stated that the courts "suffer from an abundance of criticism based on animosity to the result without objective scrutiny of the facts, legal principles and precedents involved."

Joining Chief Justice Warren in dedicating the publication were Roger J. Traynor, Justice of the Supreme Court of California, and Professor Richard C. Maxwell, Dean of the School of Law.

Justice Traynor's dedica-

tion, "To The Right Honorable Law Reviews," lauds the value of the law review to the courts as well as to students and attorneys. The California Supreme Court Justice applauds the courts for their increasing recognition of the influence of law reviews in the decision-making process.

Justice Traynor suggests that generally student work is carefully reasoned and researched and is thereby entitled to citation as authority in judicial opinions.

Moot Court Team Downed by USC

The Law School's moot court team of third year students Gary L. Taylor, Bruce L. Nelson and Allen R. Golden was downed by a University of Southern California Law School trio in the regional semi-finals earlier this month.

The USC group had earlier defeated the Loyola Law School contenders and so earned the right to compete in the national finals in New York City.

The second year moot court program finished its second round competition with the top three contenders remaining in the same position as after the first round.

The top positions are held by Lawrence Teplin, Raymond T. Gail and Wayne Butterfield.

The top three men at the end of a third and final round in the second year competition will compete in the regional finals next year against their Loyola and USC counterparts.



WILBUR FEINEMAN

New Career Begins After 46+ Years

By RICK BARNET

After 31 years of commissioned officer duty in the U.S. Navy and 16 years as a state highway right-of-way agent, dapper pince-nezzed Wilbur Feineman entered UCLA Law School as a first year student.

Feineman believes that he is "duty bound" to plow back enough of his energies to "recompense the community for the many worthwhile opportunities" it gave him.

Before retiring from the Navy in 1945, the freshman law student saw service in both World Wars and served as president of the General Court Marital Board, Terminal Island, California, for a year.

Feineman became aware of "imperfections" in the court martial proceedings, but points out that they were an instrument of discipline and justice. He commented that he constantly debated this subject with attorneys.

The first year student, who holds an M.S. degree in Electrical Engineering from Columbia University, lives in Long Beach with his wife. He has two children and five grandchildren — the oldest of which graduated from Mary Washington College two years ago.

Law Enrollment Up

Enrollment in accredited law schools this year increased by nearly 3,500 students, the American Bar Association reported.

The total number of law students rose from 41,500 in 1961 to 44,800 this year. The largest increases were in the first year classes where enrollment rose from 16,500 to 18,350.

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LAW WIVES

The Law Wives, Tupperware Party in November proved to be a fascinating meeting as well as a successful fund-raising project. The thirty-four members attending listened as Maggie Brinckerhoff told of delicious holiday recipes and handy new ways to use Tupperware. Sales for the evening totaled \$507.79, of which the group received \$71.17 as commission. Ann Dahl was awarded a special prize for collecting the largest order, and Linda Malmquist won the door prize, a set of Wonderlier Bowls.

Forty dollars of the commission is to be spent to purchase needed furnishings for the Legal Aid nursery in Los Angeles. Maintenance of this nursery is the chief charity project, and those who have visited and worked there report that gifts are very much appreciated. On December 8th a group of wives made a second trip to

the nursery to clean it and make necessary repairs.

The December meeting featured a demonstration of Glamour Wigs from Paris. Mr. Purcel from the Fashion Top Shop in Westwood was the guest and he brought several wigs to the meeting. More than 40 wives attended the meeting and tried on wigs throughout the evening. Mr. Purcel welcomed the group to his salon any time to see the large selection of styles and colors available.

Plans are now underway for a Spring Fashion Show to be held early in March. Committees are forming, and all the wives are invited to join in with ideas and suggestions.

Latest word from the treasurer indicates that membership has been growing and that there were 56 paid members prior to the December deadline for paying dues. There has been enthusiastic attendance at meetings this year.

AMANDA DEVINE

Maxwell at Civil Rights Confab

Law School Dean Richard C. Maxwell joined a distinguished group of citizens at The Airlie Conference Center, Warrenton, Virginia, last month to form a national task force to improve the teaching of the Bill of Rights in American schools.

Participating in the event were Supreme Court Justices William O. Douglas and William J. Brennan, Jr.

The Conference was sponsored by the American Political Science Association, the Association of American Law Schools, the National Council for the Social Studies and the Civil Liberties Educational Foundation. Cooperating with the project is the Los Angeles Civil Liberties Foundation, which sponsored the Dean as a west coast representative.

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