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The Docket

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CONTRA

PRACTICE v. THEORY

Judge and Professor Differ

Time in School for Theory Only

By PROF. MELVILLE B. NIMMER
(Text on Page 6)

Professor Melville B. Nimmer attended UCLA as an undergraduate, although he received his A.B. degree from Berkeley in 1947. He was graduated from Harvard Law School where, in his third year he entered and won the national Nathan Burkan Memorial Competition sponsored by the American Society of Composers, Authors and Publishers (ASCAP). His winning article, "Inroads on Copyright Protection" was subsequently published in the Harvard Law Review in its May, 1951 issue. He was formerly a member of the legal staff of Paramount Pictures Corporation. After that assignment, he entered private practice and was most recently general counsel to the Screen Writers Guild. He received an appointment at UCLA Law School as lecturer in law in early 1962 where he led the first year course in Contracts and conducted a seminar in Copyright Law. He was named an acting Professor of Law at UCLA Law School in September, 1962. He is now teaching courses in Constitutional Law, Commercial Transactions and Copyright Law. For several years he had taught an evening course for practicing attorneys in Copyright Law at the USC School of Law.

Formal Practical Training Needed

By JUDGE LEON T. DAVID
(Text on Page 7)

Judge Leon T. David received his A.B. and J.D. from Stanford University, and an M.S. and Doctorate in Public Administration from USC. From 1926-1931, he engaged in private practice in Palo Alto. From 1931-1934, he was assistant professor of law at USC law school, and Director of its Legal Aid Clinic, then a required course for law school graduation. From 1934-1941, he was assistant city attorney of Los Angeles, in charge of opinion and litigation work. In 1939-1940, he was special counsel for the Los Angeles Harbor commission, in its tideland litigation with the federal government. Returning after five years of high level army staff work in 1946, he resumed his legal career in the city attorney's office, particularly engaging in tax litigation and appellate work. Since his appointment to the bench in 1950, he has presided in both civil and criminal trial departments. For two years, he was assigned to the Appellate Department of the Los Angeles County Superior Court, and is now serving in his fourth year of assignment to the law and motion department. He has made time for study, speaking and writing. He is the immediate past president of the American Society for Legal History, Pacific Coast Branch, and this year was awarded the Reginald Heber Smith medal for distinguished service to legal aid in the United States.

UCLA DOCKET

VOL. VII, NO. 1

October 17, 1962

UCLA Law Students' Association



Dean Labels '65 Class 'Largest' and 'Best'

By DAVE JOHNSON

Assistant Dean James L. Malone dubbed UCLA Law School's largest entering class as "the best we've ever had." The 250 students represent a 40 percent increase over the Freshman class last year.

"There is no question about it—this is the largest class in the 13-year history of the Law School," Mrs. Frances McQuade, Administrative Assistant confirmed. Malone and a three-member Faculty Committee on Admission went through more than 755 applications.

But the first year class was expanded at no loss as far as admissions requirements are concerned, Malone emphasized.

The Assistant Dean said that the standards were as stiff as those of Columbia, Chicago and Boalt Hall Law Schools.

The number of applications to the school has been steadily increasing. Totals are up from 546 in 1961, 510 in 1960 and 428 in 1959. With the rise in applications have come substantial increases in the size of the first year class, up 70 members from 1961.

"We expect close to 1000 ap-

(Continued on Page 5)

Law School Plant Will Be Expanded

Direct physical expansion of the Law School — possibly in the form of a brand new high rise building—is slated for the future, Assistant Dean James L. Malone reported this week.

The present structure was built for 500 students while the current enrollment now tops 550. Malone says that a policy decision is called for: tighten admissions standards or start using other campus buildings for future entering classes.

Although no formal plans have yet been drawn, Malone indicated that the alternatives include the high rise addition or adding a wing to the current structure, built in 1952.

The timing of the construction plans hinges on Proposition IA, the School Bond issue. If the proposition passes in November, construction could begin in mid-1964 with occupancy in 1966, Malone said. If the issue fails, however, construction might be put off indefinitely.

Whatever form the expansion takes, new classrooms, faculty offices and student lounge facilities would get top priority. Reading room space

(Continued on Page 2)

Docket in 2d Place Nationally

The UCLA Law School DOCKET has won second prize in the American Law Student Association's contest for law school newspapers in both "printed matter" and "most outstanding" categories, DOCKET Editor-in-Chief Ronald L. Katsky reported yesterday.

The award was given for the school year 1961-62 and was announced by the Association's President at the annual convention in San Francisco late

(Continued on Page 8)

Junketing Profs Back; Join Two New Faculty Members

Chadbourn Talks: UCLA vs. Harvard

By STUART M. OSDER

"Nestled amid the rolling hills of Westwood stands the thirteen year old UCLA School of Law, with an excellent and dedicated faculty teaching students hailing from all parts of the country, but predominantly from the West Coast.

"On the East Coast, and gathering students from every section of the United States stands Harvard Law School, 145 years old, and boasting a list of alumni which reads like a 'Who's Who' of Law."

All this is per Professor James H. Chadbourne, Connel Professor of Law at UCLA, recently returned from a year as Visiting Professor of Law at Harvard.

In relating his experiences at the eastern school, Chadbourne mentioned that the teaching methods employed in the two schools are generally quite similar. Teachers in many equivalent courses often use ex-

(Continued on Page 6)

Schwartz '61 Named Prof

By RICK BARNET

Professor Herbert E. Schwartz, a 1961 UCLA Law School graduate, has joined the School's Faculty as Assistant Professor of Law. He is the second graduate to become a member of the faculty.

Schwartz will be teaching courses in "Law and Accounting" and "Federal Estate and Gift Taxation." He was a teaching fellow and research assistant at the Harvard International Tax Program last year.

"Law and Accounting" has historically had the highest mortality rate of any class outside of the first year, Schwartz stated.

He indicated two possible explanations as to why there should be such a high number of dropouts and failures in the second and third year.

Schwartz pointed out: "People seem to be afraid of math-

(Continued on Page 6)



PROF. H. SCHWARTZ



PROF. E. ERELI

Yale's Erel New Teacher

By LARRY FRIEDMAN

Professor Eliezer Erel, a 1960 Yale Law School graduate, has been appointed Acting Associate Professor of Law at UCLA Law School. He will be heading second year courses in "Trusts and Estates" and "Conflict of Laws."

Erel's assignment is his first experience in legal teaching. He said he was attracted to UCLA's Law School because of its "academic environment" and because he felt the school was developing in an "interesting and challenging manner."

The new faculty member studied Latin American History and Government at Harvard as an undergraduate. He attended the Fletcher School of Law and Diplomacy, receiving his Ph.D. in International Law and Organization.

Erel has obtained considerable experience in foreign af-

(Continued on Page 5)

Mueller Teaches Law in Tokyo U.

By LAWRENCE HEISER

"In Japanese legal and commercial circles today there is growing interest in the Anglo-American legal system as the Japanese come to realize the important role they play in shaping trade relations with the West."

This was the comment of UCLA Professor of Law Addison Mueller upon his return to the campus after spending the Spring semester, 1961-62, in Japan at Tokyo's Waseda University on a Fulbright Lecturership.

While in Japan Mueller conducted a staff - level seminar in Copyright Law for judges, lawyers, and government officials, as well as a seminar in Contract Remedies for law students.

The professor pointed out that in Japan the place of the attorney and the role of private law in society are rather different than in the United

(Continued on Page 3)

Start Frosh Counselling; Now on Stepped-Up Basis

By GEORGE ESKIN

The Law School's orientation and counselling program, inaugurated last year, is now being readied to move into high gear.

Assistant Dean James L. Malone, charged with the function of providing a source of academic and personal counselling, is hopeful that students will avail themselves of this opportunity to make the law education experience "more pleasant through more personal contact."

The program got underway with the assignment of approximately ten first-year students to each of the faculty members last week. Although no rigid format is prescribed, it is expected that various informal get-togethers will be scheduled. These will include bull-sessions and luncheons on campus and in local restaurants as well as at faculty member's homes.

Assignments of students to

faculty advisors has been done alphabetically, with the single stipulation that no student is assigned to one of his own instructors. Students will continue with the same advisor for the duration of their legal studies at UCLA.

According to Malone, the professors and students who participated in last year's trial run displayed enthusiasm and "developed a rapport which had not existed heretofore."

A number of second-year students indicated, however, that the initial promise of the program was not realized. This was attributed to the failure to meet as the year progressed.

Malone said he did not want the school to be regarded as a "fearsome leviathan" by its incoming students, but rather that each student feels "wanted and comfortable" in the Law School setting.

While individual attention in the classroom at times appears sparse owing to the large enrollment, it is hoped that the

counselling program will inject a substantial dose of the human element, Malone indicated. Personal contact between professors and students and closer associations among students—these are the "extras" which are sought, the Assistant Dean emphasized.

Legal Forum Offers Talks

The first Legal Forum Committee presentation of the Fall Semester brought a distinguished panel of Los Angeles area corporation counsels to the Law School last week for a lively discussion of the challenges and opportunities in this area of the law.

The four attorneys who participated were Chairman Charles Zubieta, Union Pacific Railroad Company; Frank Forve, Northrop Corporation; Thomas Flattery, McCulloch Corporation and Robert Fabian, Bank of America.

The program was a joint project of the Legal Forum Committee and the Corporate Counsels' Association, a Los Angeles organization of attorneys who work as house counsels.

Other scheduled speakers and events during the Fall semester include talks by District Attorney William B. McKesson, Stanley Fleishman, A. L. Wirin and Samuel W. Yorty, Mayor of Los Angeles.

Fleishman is representing the defense in the appeal of Hollywood Bookseller Bradley Smith, convicted last spring in a Municipal Court of violating the State Obscenity Law for having sold a copy of Henry Miller's novel "Tropic of Cancer."

Two special events being planned by the Committee, according to Chairman Lee Cake, are a debate on the merits and legal implications of California General Election Ballot Proposition No. 24 — the Subversive Activities Control Law — and a panel discussion on the problems of narcotic addiction legislation.

Several additional events are in the planning stage and will be announced when participants and formats are determined, Cake said.

Expansion

(Continued from Page 1) in the library would be increased and small seminar rooms would be provided. Malone said particular consideration would be given to parking facilities.

The Assistant Dean pointed out that the most vital problem now is the determination of the number of new students to be admitted. He indicated that a Faculty Committee would be making this decision later this month.

If the Faculty Committee decides on keeping with the continuing trend of student expansion, other buildings on campus would have to be resorted to as a stop-gap measure.

Out of the

Ivory Tower

News from Faculty Row

By ELEANOR LUSTER

PROFESSOR ARVO ALSTYNE taught at the Salzburg Seminar in American Studies this summer. The Fellows invited to attend the Seminar came from fifteen Western European countries. They included young lawyers, judges, administrative officials and university teachers, all anxious to gather understanding about American legal institutions. In a series of lectures and group discussions, an attempt was made to lay a foundation of understanding of the law of the United States Constitution, land use planning, contracts, civil procedure, and administrative law.

PROFESSOR EDGAR A. JONES, JR. indicates the second National Law and Electronics Conference was held as scheduled. "Law and Electronics—The Challenge of a New Era" has been published by Matthew Bender and is now available. This is a book of the proceedings of the first conference. Professor Jones wrote the foreword and was the editor. He is now busy working on the second volume, i.e. the proceedings of the second conference. He is also preparing an article on Arbitration in Labor Disputes for UCLA Law Review. Professor Jones was appointed Chairman of the Executive Committee of the Mayor's Labor Management Committee in Los Angeles.

A Seminar for California Judges was held September 15 on the UCLA campus. The morning program featured panel discussions. Consideration was given to "Making Effective Use of the Jury." PROFESSOR JOHN BAUMAN, of the UCLA School of Law, gave a lecture on Findings of Fact in the Trial Courts. The conference was attended by over 200 municipal, superior and appellate judges.

The American Society of International Law awarded a grant to PROFESSOR PAUL O. PROEHL to study Nigerian law in relation to foreign investment and economic development. Professor Proehl, as part of his research program, spent two months in Nigeria this summer meeting with many judges, lawyers and government officials. He also visited with Professor Coulson of the University of London who taught Muslim Law at the UCLA School of Law last year.

PROFESSOR MURRAY L. SCHWARTZ is giving a talk to the Conference of Southern California Region of the American Association on Mental Deficiency. The general topic is The Law and the Mentally Retarded wherein he will discuss some of the work he has been doing as a member of President Kennedy's panel.

PROFESSOR WILLIAM D. WARREN, who wrote an article entitled "Mexican Retail Instalment Sales Law: A Comparative Study" which will be published in Vol. 10, No. 1 of the UCLA Law Review. Professor Warren, assisted by John M. Carmack and John M. Vincent, UCLA third year law students, presented a background legal report to the recent National Conference on Interstate Land Sales (entitled "Legal Problems of the Interstate Sale of Promotional Subdivision Land"). The Conference, under the chairmanship of California Attorney-General Stanley Mosk, was held at the Fairmont Hotel in San Francisco on October 1-2, 1962. Professor Warren also spoke to the Conference on the subject "State Regulation of Interstate Sale of Promotional Subdivision Land."

PROFESSOR BENJAMIN AARON has been named a Permanent Arbitrator for General Dynamics/Ft. Worth and International Assn. of Machinists. He has also been named a member of the Governor's Committee on Automation and Technological Developments. The book, "Public Policy and Collective Bargaining" to which he contributed a chapter and co-edited with Shister and Summers has just been published. Professor Aaron has an article in the June '62 issue of the Harvard Law Review entitled "Reflections on the Legal Nature and Enforceability of Seniority Rights." Professor Aaron is also participating in the ninth Annual Conference on Labor, sponsored by the Southwestern Legal Foundation, which is meeting in Dallas in October. He will present a paper entitled "The Labor Injunction Reappraised" and be part of a Seminar in titles 1-6 of L.M.R.D.A.

The first seminar on Chancellor Vernon Cheadle's annual series of seminars for 1962 at the University of California, Santa Barbara, will be presented by PROFESSOR ARVO VAN ALSTYNE of the UCLA School of Law. Professor Van Alstyne will speak on the subject, "Freedom Against Security in a Political Democracy." The Chancellor's seminars are primarily for community leaders in the Santa Barbara areas and have been extremely well received by that community in the past. This year's series will have as its principal topic, "Major Stresses on American Institutions."

AWARD '62 LEGAL SCHOLARSHIPS

The following scholastic honors have been announced by the Dean's office:

Nathan Burkam Prize—Erwin H. Diller-graduate, Richard T. Drukker Prize — William Gould-3d year, Law Week Award — George Halversen-graduate, Lubin Award — Roselyn Brassel-graduate, West Publishing Co. Award—Phillip W. Neiman-graduate, Florence-Virginia K. Wilson Award — Aaron M. Peck-2d year, International Association of Insurance Council — William Gould-3d year, Law School Alumni Association Award—Foster Tepper-graduate.

De Garmo Scholarship — Thomas C. Armitage-2d year, Marvin Gerald Goldman-3d year, Lawrence Kasindorf-3d year, Aaron M. Peck-2d year; Phi Alpha Delta Scholarship—Stephen W. Solomon-2d year; Regensburg Scholarship—Luis C. De Castro 2d year, William D. Gould-3d year, Jerry Manpearl-3d year; Mabel Wilson Richards Scholarship—Marsha K. McLean-2d year.

Eligibility for a scholarship award is stipulated differently among the various funds, but in general the applicant must have an outstanding scholastic record in Law School and must demonstrate genuine need. Participation in Law School activities is also regarded favorably.

According to Assistant Dean James L. Malone, the school does not favor outside employment. "The student should devote the maximum time possible to the pursuit of legal knowledge, and the three years provided is all to brief," he says.

In view of this policy, continuous attention is given to the developing greater availability of scholarships and loans for Law Students.

The Jerome and Floa Regensburg Foundation, ~~guarding~~

three scholarships annually, is a new addition to the growing list of scholarship donors. Starting next year, the Jewish Students Scholarship Fund will make available a total of \$500.

Although first year students are not eligible for scholarships, there are four sources which furnish loans to those in need. Information concerning the Emergency Loan Fund, general university loans, law school loans and the National Defense Act may be obtained at the Dean of Students Loan Office in the Administration Building.

Also, there are waiver of tuition awards available to first year out-of-state students who can demonstrate exceptional academic achievement in their undergraduate years.

Graduate Teaches Africans

Seymour Weisberg, a June 1962 honor graduate of the UCLA School of Law, has recently been appointed to the faculty of the Louis Arthur Grimes School of Law and Government of the University of Liberia in Monrovia, Liberia, it was announced.

The appointment contemplates that he will be in Liberia for one to two years to assist the country in developing its program of legal education. Weisberg indicated that he "looks forward to the opportunity with considerable anticipation."

Weisberg is the first UCLA law graduate to join the faculty of a foreign law school and among the first American lawyers to accept a teaching position in Africa.

Legal Research and Writing Staff Expanded For 1st Year Men

By CHARLES RUBIN

The first year course in "Legal Research and Writing" has been revamped this year to facilitate more individualized student guidance.

A significant increase in first year enrollment has resulted in an expansion of teaching personnel. The course is run by James L. Malone, Assistant Dean of the Law School, and two new Associates in Law, Richard Evans and Murray Simpson.

Previously, only one Associate headed the first year offering.

The new setup will enable a student to have personal interviews with his instructor.

The course consists of eight lectures on various research methods and materials. Students are given a series of problems utilizing the specific research tools dealt with in the week's lecture.

After the eighth lecture, classes will end and each student will prepare an extensive legal memorandum, making use of the various research techniques acquired.

When the first draft is completed, there is an interview

Law Students Will Defend Poor Accused

Law students here will assist local attorneys in preparation and trial of indigents charged with Federal crimes, it was announced late last week.

The program set up will allow second and third year men to interview the defendants and aid at trial as well as researching statute and case law.

Students will be working with the Los Angeles County Bar Association Federal Criminal Indigent Defense Committee. A preliminary meeting indicated a healthy student response to the activity, according to Jonathan Purver, second year student and director of the program at the School.

Purver, who will act as liaison with the Bar Committee, said that openings for more students are available. He pointed out that participation would fulfill "a vital community role by helping to insure adequate representation in Court regardless of ability to pay."

The program's operation is similar to that provided in local courts by the Public Defenders office — recently lauded by the American Bar Association convention. The Bar Committee is made up of volunteer attorneys in the county.

A stripped down version of the activity was initiated at the School several years ago but broke down because of "inadequate communication." Purver insists that the flaws of the previous attempt have been erased.

session with either of the Associates.

The course ends in January with a final examination. The grade given will be the first one received by first year students.

During the second semester, first year Moot Court competition replaces "Legal Research and Writing."

The two new Associates are recent law school graduates.

Evans received his B.A. degree in physics at the University of Utah in 1959. He graduated with honors for Utah Law School in 1962. While attending law school he was on the Board of Editors of the Utah Law Review. He also served as clerk of the Supreme Court of Utah.

Simpson received his A.B. in psychology at Princeton University in 1959. He graduated with honors from the University of Virginia Law School in 1962. While attending law school he was president of the Virginia Legal Research Group, chairman of the Student Curriculum Committee, assistant editor of the Virginia Law Weekly, and associate editor of the Reading Guide. Simpson was elected to the Dean's List, Order of the Coif, and O.D.K. a leadership fraternity. He also placed very high in Moot Court competition.

Both men agree that actual work is the best teacher, and that success in a course of this type is dependent upon the hours invested outside of class. Evans and Simpson stated that all students should feel free to discuss with them any problems encountered in the course.

Proposed Amendments To LSA's Constitution

The Executive Committee of the Law Students Association voted last week to place the following L.S.A. Constitutional Amendments before the student body:

A change of name from the Law Students Association to the Student Bar Association of UCLA. This amendment was proposed by ALSA Representative Tim Strader who stated such a change is desirable to properly project the public image of the Association since the Association essentially performs the function of a Student Bar Association.

Make the office of American Law Student Association Representative an appointive office. At present the ALSA Representative is chosen by a vote of the Student Body. The Representative would be appointed by the President of the Student Bar Association. This change would make pos-

Moot Court Trials Start Next Week

UCLA Moot Court Chief Justice Bennett Kerns announced yesterday that oral arguments start Monday for second year students in the Moot court competition.

The case to be argued involves a man who creates a trust in his will, the proceeds of which are directed for the support and education of children of Negro parents who have been convicted of a political crime — refusing to appear before the Un-American Activities Committees of various states, violations of the Smith Act, refusal to appear before the Internal Security Committee or participating in a trade union or sit-in demonstration.

The question before the Moot Court judges will be whether this trust is valid. The California Supreme Court in a 4-3 decision recently validated the trust (In re Robbins, 371 P2d 573), reversing a California Appellate Court decision.

This round of competition, as well as two rounds scheduled for later in the year, will determine three students to represent the Law School in the National Moot Court competition next year.

UCLA is being represented in the national rounds this year by Gary Taylor, Bruce Nelson and Alan Goldin. The national competition's case involves right to counsel on arraignment before police justices.

Later this year, the Moot Court Committee is sponsoring a full day workshop for members of Moot Court in other local law schools.

Subscriptions Rise For Law Review

By JOSEPH L. GOODMAN

Subscriptions to the UCLA Law Review have taken a dramatic upswing, according to Editor William D. Gould.

Members of the first-year class have given a hearty boost to the publication, with slightly more than 75 per cent of the class having subscribed. Subscriptions held by this class alone more than doubles last year's orders from the entire student body.

Gould attributes this substantial rise to a beefed-up selling program. The first-year students became aware of the Law Review when they received their enrollment packets upon acceptance and were strongly encouraged to subscribe at their orientation meeting during registration.

Apart from the substantial effort expended by the staff to improve the quality of the Law Review, considerable attention is currently focused on placing the product before the public. Communication with all law libraries in the country not now on the subscription roster is in progress, and a drive is underway to enroll local attorneys, firms, and others outside the schools.

Highlighting Volume 10, Issue 1, available November 5,

Mueller in Tokyo U.

(Continued from Page 1)

States. A traditional reluctance toward settling disputes in the courts has long colored the Japanese attitude toward the law and lawyers. The result is that there are only about 5000 lawyers in all of Japan today.

Although in the past attorneys have enjoyed little respect in Japan, Mueller sees the position of the lawyer on the rise and private law expanding in all fields. Opportunities for law trained young men—especially those with some understanding of Anglo-American law—are consequently becoming increasingly bright, he pointed out.

Impressed by the enthusiasm and adaptability of the citizenry, the UCLA professor felt that most of the faculty and students with whom he came in contact were friendly to the United States. Mueller hastened to emphasize, however, that in his relatively short visit it was impossible to come to any broad conclusions on the subject since he had no opportunity to meet a cross-section of the population.

Nevertheless, he observed that economically and socially the nation was advancing steadily along Western patterns. "Everywhere in Japan the young people were eagerly and intensively studying both our language and our institutions," Mueller said.

He also noted a marked emphasis on freedom of speech, particularly on the part of students, and an apparent movement away from the very rigid academic discipline of the past.

are contributions by Chief Justice Earl Warren, Justice Roger Traynor of the California Supreme Court, Dean Richard Maxwell, Professor William Warren, and Professor Melville Nimmer.

Article writers receive no monetary compensation for their contributions, so they generally take great care in choosing the law review which will publish their work.

Editor Gould is intent on whipping the UCLA product into a position of national prominence. "Our Law Review is now nearing the top ten, and we're not going to stop there," stated Gould.

Strader Reports

Attends S. F. Meeting Introduces Resolution

"UCLA's Law Students Association compares very well with other student bar associations in the area of student government and educational activity, but requires more activity in the sphere of professional responsibility," Timothy L. Strader, UCLA's L.S.A. representative reported.

Strader represented the Law School at the 14th annual American Law Student Convention in San Francisco late last summer along with students William Webster, Richard Scott and Henry VanLeuwina.

Strader and Webster co-authored a resolution passed by the Board of Governors and House of Delegates providing for the Association to take steps to initiate a "Practice of Law Program." The program would make available to students material to prepare them for practical aspects of the law practice.

Justices Brennan and Clark of the U.S. Supreme Court addressed the 160 delegates to the convention. Justice Brennan cautioned the legal profession about its tendency to specialize in esoteric areas of the law and the refusal to practice criminal law. Justice Clark criticized the "age of specialization" by stating: "My experience in the Court indicates that the specialist is not well grounded in the law; he fails to have a broad grasp of it."

A survey of a new A.L.S.A. Individual Membership program was presented to the convention. Strader advised that this fall a law student is eligible to become an individual member of the Association. A \$2 fee will entitle the member to individual mailings of ALSA pamphlets and a periodical, "National Professional News Bulletin," reporting important events and developments within the organized bar, ALSA, the courts and Congress. The fall issue of the "Student Lawyer Journal" includes a complete survey of the new program, Strader indicated.

Docket

Dicta

Money

Proposition 1-A, the bond issue which holds the fate of the Law School's building and expansion program, has a good chance of passage, but only if it is thoroughly understood by the public.

This is the indication of a public opinion sampling which points to the need for an extensive effort to inform the public of 1-A's provisions and its effects on California education.

The basic facts are these:

Proposition 1-A provides \$270 million for building construction, a healthy per cent of which is committed to the UCLA campus.

Between now and the time buildings would be completed, an estimated 350 new students will be added to the Law School enrollment alone. Without the buildings, admissions would have to be limited.

Proposition 1-A has no bearing on property taxes. State income relies on such sources as sales tax and state income tax. Should Proposition 1-A fail, some authorities have predicted that new forms of state taxes would have to be devised to support a pay-as-you-go building program for higher education.

UCLA law students are invited to join the informational effort to acquaint the public with what is at stake in Proposition 1-A.

Hope

There are enough signs now in the Law School to support the hopes, however sanguine, that the climate of opinion—as shaped by student behavior, by admissions practices, by administrative and faculty practices—to encourage intellectual effort in these days when candidates at entrance are better qualified. Connected with this, is the hope of creating more of a university community with greatest respect for the inquiring mind and unabashed intellectual effort and a community which publicly and privately prefers intellectual commitment to merely blase perfunctory or relaxed indulgence.

To the Class of 1965:

It is a pleasure to welcome you, the largest class in our history, to the UCLA School of Law. You enter this institution at a time when it has reached maturity in terms of the strength of its faculty and the depth of its curriculum. The School will continue to increase in size during your stay, but it is doubtful if the opportunities for a fine legal education will exceed those available to you.

I am sure that you are becoming aware, as your first days of study and discussion go by, that the Law School process is different from any educational experience that you have heretofore enjoyed. It is the faculty's hope that your work here will increase your knowledge; far more important, however, is our hope that we can help to develop your powers of thought and analysis so that you may become effective professionals in the administration of justice and effective citizens in public affairs. Our expectations for you are justifiably high.

RICHARD C. MAXWELL, Dean

UCLA DOCKET

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Kuku from Nigeria

African Barrister Studies Law Here

By HAROLD S. JACOBS

UCLA Law School admissions officials have been striving to select a student body of diverse geographical background, but it is doubtful whether they will come up with many applicants from Ijebu-ode, Nigeria.

Hailing from that far-off spot is Bayo Kuku, a 29 year old African of considerable travels and noteworthy achievements. His fascinating academic roller-coaster has come to a one year pause for fuel and reflection at UCLA Law School.

Kuku left his hometown some five years ago, primarily in search of learning but also to see the world and absorb adventure. After two years at a polytechnic school in London, he completed his L.L.B. requirements at the University of London in June, 1962.

As he was winding up his legal studies, the Beverly Hills Bar Association suddenly swept him up as the first awardee in their African Scholarship Pro-



gram. Anxious as he was to get his legal career rolling and add his contribution to the growth of newly-independent Nigeria, Kuku could not pass up this splendid opportunity to come to America.

To promote better understanding between the United States and emerging African nations and to capture a comparative view of the legal and constitutional systems of differing societies—these are the objectives of the Beverly Hills Bar Association's recently instituted program. Within the span of one year here, Kuku hopes to make a cursory study of the American and California judicial systems.

"I am very hopeful about the future, both for myself and for my country," said Kuku. The Federation of Nigeria became independent of England on October 1, 1960. It is divided into four regions: West, East, North, and a Federal Territory. Encompassing a land area more than twice the size of California, Nigeria has a population of over 42 million. Three major native dialects are spoken, but the lingua franca of the courts and legislature is English. "The tie with Great Britain continues to exist informally in several important aspects, for example trade and governmental advice and assistance," said Kuku. As a carry-over from the colonial days, the population includes approximately 37,000 non-natives, chiefly English, French, and American.

Immediately after graduation from the University of London and just prior to flying to California, Kuku returned to Nigeria and was admitted to practice before the Supreme Court of the Federation. Kuku stated that this honor was granted automatically upon completion of his legal studies, but now due to a recently enacted statute all future law graduates will be required to pass a government examina-

tion, similar to the state bar examinations given in the United States, before admission to practice.

Law school in England, according to Kuku, follows an entirely different format than the one at UCLA and other American schools. Each course consists of one lecture and one tutorial per week, both lasting one hour. Eighty to one-hundred students are assigned to each lecture class, in which there is very little student participation. Questions and discussion are reserved largely for the tutorial, which follows the lecture and is meant to supplement it. Approximately ten students are in each tutorial, with the person in charge known as a tutor. Kuku likened the tutor to the assistant dean of American law schools, for it is to him that all academic and personal problems of students are directed.

Kuku prefers to reserve judgment on the Socratic Method until he has given it a good trial. "At first I did not have a particularly

African

Exchange Student

Bayo Kuku

high opinion of the tutorial system, but in time I came to have a considerable regard for it. Perhaps it will be the same way with your Socratic Method," said Kuku. He expects to get a potent dose of it while attending the following courses: Constitutional Law, Commercial Transactions, Employment Relations, Legal Ethics and Administrative Law.

This writer interviewed Kuku during the Mississippi crisis, which, although serious, Kuku regards as an "isolated incident, unfortunate of course, but not typical of the United States." He has written an article, mailed to a Nigerian newspaper during the peak of the debacle, entitled "A Nigerian in U.S. Reports on Mississippi."

Speaking from his background as a perceptive observer on three continents, Kuku said: "You find prejudices everywhere. In Nigeria it occurs, but not racially. Mainly it is social and economic. For example, the man with the Cadillac always has his group of scorners."

When asked how the average African would regard the Mississippi incident, Kuku replied, "Many feel it is the official policy of government to encourage segregation or look the other way. Not many are conversant with the U.S. Constitution and Bill of Rights and the 1954 Supreme Court decision."

After completing his year here, Kuku avidly looks forward to returning to Nigeria. The possibility of remaining permanently in Europe or the United States is totally inconsistent with his whole being, for uppermost in the minds of all Nigerians who go abroad is the desire "to go back and do whatever we can to build the country."

As for his own career, Kuku says, "Lawyers take an active part in politics, and mine may not be an exception."

Judging from his general enthusiasm at being here, UCLA admissions officials in years to come may find a top notch recruitment officer reporting out of Nigeria.

LETTERS ... to the EDITOR

To the Student Body:

With the increase in enrollment, several times during the week the library seems quite full. During the worst day, however, an actual count disclosed that there were 32 chairs empty of humans, but some of these were occupied by sweaters, brief cases, and feet. It seems that a few simple rules of common sense should be observed while you are in the reading room:

1. Coats, jackets, or sweaters should be hung over the back of the chair, *you* occupy, not a second chair.

2. Brief cases (for scholar use), green bags (for ivy league use), attache cases (for lawyer use) should be placed on the floor or, if placed on table, place directly in front of you. Use only one space for yourself, please?

3. We want you to be comfortable and if you must place your feet on the reading room table, a) not under someone else's nose, and b) do not occupy another table space, please?

The minimum of talking should prevail in the reading room, no talking would be better. Please remember that extended whispering is very disturbing to those around you.

I'm sorry that I did not meet with the entering class this year. It has been an annual affair at which time each member of the class received a copy of the library rules, and each rule was explained by me giving the reasons for each rule. This helped to acquaint the class with its library privileges and, at the same time, emphasize each student's responsibilities. Any first year student who wants a copy of the library rules may have one by applying at the loan desk.

LOUIS PIACENZA
Law Librarian

To the Editor:

As a future member of the legal profession, each law student should be aware of the

responsibilities imposed upon him by the attainment of professional status. The American Law Student Association strives to engender a true spirit of professionalism among the nation's law students. Many writers have attempted a definition of professional responsibility, but they usually end up with no more than a restatement of the question in different language.

What is this rather nebulous concept of professional responsibility? It is really a flexible concept that expands and contracts with the needs of society and the profession. As society becomes more complex, the obligations of professional responsibility increase. It is in effect your responsibility to society for the privilege of being a professional man. The purpose of this letter is to merely acquaint the reader with one of the many problems of professional responsibility.

One problem of professional responsibility which has caused quite a bit of controversy in the past few months is legal representation for the indigent criminal. At present in most states an indigent criminal receives court appointed counsel only in trials where capital punishment is possible. What chance does an indigent criminal have against the complex machinery of the law without adequate representation?

What are your views on this problem? Perhaps you have not had the occasion to think about it. Next time you take a quick break from the books, discuss it with a friend. You just might come up with an answer to the problem. If not, you will at least have made a step in the direction of professional responsibility.

TIMOTHY L. STRADER
A.L.S.A. Representative

(The above letter by Mr. Strader as the Law School's representative to the national Law Students Association serves as a timely airing of problems of professional responsibility facing the aspiring barrister. The discussion is one upon which the national organization feels much attention should be devoted.—Eds.)

Professor Erel

(Continued from Page 1)

fairs. Born in Tel Aviv, Israel, he has spent a year doing research for Israel Foreign Office.

For the past two years, he has worked in the Legal Adviser Office of the U.S. Department of State. His first assignment in that capacity was in Far Eastern affairs.

Subsequently he was assigned to the Latin American area, acting as legal adviser to the U.S. delegation to the Organization of American States.

The Law School's new professor views the law as an art rather than a science. As in any art form, one must first master the fundamentals of law, he said. When this is accomplished, the lawyer's creativity is his own, he asserts. "Law schools should not on-

ly acquaint students with the tools of the legal profession, but also encourage student originality and creativity in the use of the tools," he said.

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Freshman Class

(Continued from Page 1)

lications next year," Mrs. McQuade said.

Malone pointed out that the large first year class is one cycle in a long range plan for education in the state. He indicated that there exists a "very real need to increase the lawyer output and private universities have not met the challenge."

Both the Berkely and Los Angeles campus Law Schools will soon have 1000 students each, Malone predicted. He said that UCLA will probably reach that figure within seven years.

Despite the large number of new students, Malone insisted that the Law School has no "flunk-out quota." The Assistant Dean said that a certain number of students will leave school for personal and financial reasons. He pegged the number at between 12 and 15 percent, but reported that as many as 30 to 40 percent dropped after the first year when admission standards were "not particularly rigorous."

An unofficial tabulation of last year's freshman class in-

dicated an attrition of more than 22 percent of the 180 entering students. In speaking to the present first year class, however, Malone said: "We hope that through our select system of admission that all the people admitted will be able to stay in." Malone is a member of the Research and Development Committee of the Princeton-based Law School Admission Test Service.

Information on the make-up of the first year class in regard to geographical distribution of residence and undergraduate schools is in the tabulating stages, Mrs. McQuade indicated. She said that the information would be a good guide to determine why increasing numbers of potential law students select UCLA.

"Los Angeles is a great metropolitan area and UCLA Law School is the outstanding legal institution in the southern part of the state," Malone offered. He has said that UCLA is obtaining national prominence.

A part of increased interest of applicants may be attributable to a beefed-up promotion-

recruitment campaign staged last spring.

In assessing the law school, Malone pointed out: "A remarkable achievement has been made and we have only been in business 13 years."

With the expanded first year class, present law school facilities have been pushed to maximum capacity, Malone said. He predicted that the number of students admitted has now peaked and should remain fairly stable until the fall of 1966.

Although there is no handicap because of size now, there would be if the first year class were any larger, the administrator said. Dean of the Law School, Richard C. Maxwell, has said that he wished the class were not quite as large.

The Dean's opinion is shared by a first-year Contracts professor who told his class: "Just figure the mathematics of it if I were to give a 20-minute individual conference to each student in the class." Dean Maxwell has indicated, however, that he is pleased with the new students. He said: "Thus far I'm very much impressed. People seem to be working and there seems to be some ideas."

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More Important to Teach Theory Law School's Professor Indicates

By Melville B. Nimmer
Professor of Law, UCLA

Anyone who has either practiced or taught law is familiar with the perennial charge that our law schools are failing in their responsibility to teach the "practical" skills which a lawyer is called upon to perform upon admission to the bar. It is said that legal education is overly theory-oriented and insufficiently concerned with more mundane but essential know-how. As one who until recently was engaged full time in private practice, I am convinced that measured in terms of the real demands of the law office and courtroom, this plea for practical know-how is in part semantically empty nonsense, and to the extent it is meaningful, it is in the main simply and abysmally wrong.

No Trade School

At the outset it should be clear that this is not intended as an unqualified defense of the status quo in legal education. It goes without saying that the contemporary law school, as any other institution, is capable of improvement, and that indeed social demands require such improvement. But innovation, necessary as it is, must be made within the existing fabric, and without surrender to what in its extreme form must be characterized as an anti-intellectual trade school approach. Although I have not yet seen it, I am sure that Judge David's statement will not support

any such extreme position. Yet any change in legal education oriented simply to achieving a de-emphasis of legal "theory" would, it seems to me, constitute a considerable disservice to the bar and the bench, to say nothing of society generally, whose well being is in large measure directly tied to the legal creativity of the members of our profession.

The argument for increased emphasis on the "practical" in legal teaching falsely assumes that theoretical knowledge and practical knowledge are mainly if not entirely mutually exclusive categories. Yet whether he is aware of it or not, theories are a lawyer's stock in trade. In litigation and negotiation, and even in counseling and drafting he is engaged in selling and buying legal theories. A lawyer engaged in a will contest may find that mastery of the Rule Against Perpetuities is the most practical bit of "know-how" he can acquire. "But how often," law school critics will ask, "is one likely to be engaged in a problem involving something as esoteric as the Rule Against Perpetuities?" Implicit in such a question is what might be called "The Myth of the Simple Case." Laymen, and even lawyers when considering the question in the abstract, tend to assume that most legal problems are susceptible of simple cut and dried answers, and that it is only the unusual case which poses difficult problems of legal "theory". It has been

my experience in practicing law that it is the rare exception rather than the rule to be confronted with a case or a problem which poses no difficult questions of law. I am convinced that this is true in most, perhaps all, areas of the law. Furthermore, the difficulty of the problem bears no direct relationship to the amount of money involved, or — one might add — to the client's ability to pay. I have often heard lawyers comment: "I don't know why, but my cases always seem to involve unsettled questions of law." The speaker obviously subscribes to "The Myth of the Simple Case," but believes that somehow fate has singled him out to handle an unusual proportion of the

Schwartz

(Continued from Page 1)

ematics — they let it throw them." Actually, however, arithmetic and a few extremely simple algebraic statements are all the math that the student will have to deal with in accounting, he said.

The second big problem seems to be one of terminology. The first week of class is devoted to learning some of the basic language of accounting, but some students neglect to apply themselves to this task and, consequently, are handicapped during the rest of the semester, the UCLA graduate noted.

"There is no reason why a student cannot avoid these two stumbling blocks," Schwartz said mentioning that Law and Accounting is actually easier than law courses in general, barring the two self-imposed difficulties.

The course is not geared to turning out technicians and emphasis is upon developing a critical attitude toward the ways of working out a transaction and upon learning to apply accounting technique and theory to legal problems, he noted.

Arithmetical and technical proficiency are not the central features of the course and there are none of the daily written problems or lengthy practice sets that make students in other accounting courses shudder, Schwartz added.

Although Law and Accounting is not required, the course, (or an equivalent) is a prerequisite for "Business Associations." Equivalents to Law and Accounting include a basic accounting background.

Students with such a background may still take Law and Accounting but students with additional accounting training can take the course only with the permission of the instructor, Schwartz indicated.

rare difficult cases. In truth, most (I am tempted to say all) cases either involve some unsettled questions of law or at least require skillful legal analysis in determining what principles of law (settled or otherwise) are properly or argueably applicable under the particular facts presented.

The lawyer who prides himself on his "practical" approach and the fact that he can't remember when he last read a case, is in his approach to a legal problem like the imperturbable young man in Kipling's "If"; he simply doesn't understand the situation. If he wins his case more often than not it is because his opponent likewise was a "practical" lawyer. In large part, then, the plea for increased emphasis on practical knowledge in legal education is misconceived simply because given the nature of the law, the ability to understand and manipulate legal theory is the most practical skill a lawyer can have.

Simple Routine

It is true that a young lawyer upon admission to practice cannot draw upon his law school education to tell him what documents must be included in an Application for a Permit to Issue Stock, or how many days after the filing of a demurrer the oral argument will be heard, or the filing fee for a complaint or any one of a myriad of other small points of "know-how". This knowledge which appears so forbidding to the novice soon becomes the simplest sort of routine. Still someone must impart this information to the young lawyer, and it is here that many practicing lawyers say that law schools have failed. Such criticism generally assumes that the three year curriculum should not be extended but that the time expended in teaching legal "theory" should be reduced in order to impart this sort of "how to do it" jurisprudence. (The implications of a curriculum extended beyond three years raise additional questions which will not be discussed since such an extension is usually not assumed in the type of criticism here under discussion.)

Yet if it is true that the essence of being a good lawyer (not just a good young lawyer) is the ability to understand and harness legal theory, then a reduction in time spent on this aspect of legal education can be justified only if we conclude that three full years of such training is excessive. This, of course, involves a value

judgment, but I find it difficult to believe that any responsible segment of the legal profession holds that most law graduates are so steeped in legal knowledge and the techniques of legal analysis as to indicate that a part of their education was superfluous. When it comes to hiring recent law school graduates most of the very lawyers who advocate greater emphasis on the "practical" reveal by their conduct that this is not what they regard as of primary importance. Certainly it is something of a bother to have to expend the time necessary to "break in" a new man in the sense of imparting to him the small points of know-how referred to above. This is undoubtedly true even though I have found that a good legal secretary plus the Continuing Education Handbook, the Rules of Court, and the Legal Secretaries Handbook will explain to the new lawyer most of what he needs to know in this area. If the choice is between a young lawyer already grounded in these matters and one having merely the ability to resourcefully and creatively "think like a lawyer", most legal employers, and most clients if they are wise, will unhesitatingly choose the latter. Given a three year curriculum, this is the choice. We can either adequately inculcate a student with the methodology of legal reasoning and with a thorough familiarity in diverse areas of substantive law, or we can inadequately prepare him in these respects and in addition figuratively teach him where the courthouse is located. We cannot do both. Training in legal theory is the necessary preparation for a lifetime at the bar. Three years is none too long for this rigorous curriculum, and cannot be modified in any degree simply to teach short cuts for the first months after admission.

Those who advocate greater emphasis on the "practical" in legal education usually justify their demands in terms of a responsibility owed to the community. It seems clear to me that such responsibility in the long run can only be discharged by turning out lawyers who upon graduation may not know what papers are necessary to run an attachment, but who can deal creatively with the serious legal problems which presently confront society. One who reflects upon such problems must agree with Mr. Justice Holmes: "The business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. It is to teach each law in the grand manner, and to make great lawyers."

PROFESSOR CHADBOURN

(Continued from Page 1)
actly the same casebooks, he observed.

The professor pointed to several differences between the two schools, however, including great variances in the size of the student bodies and physical facilities.

For example, Harvard has about 1600 against UCLA's 550 students. The physical plant consists of two large classroom buildings, five dormitories, two dining rooms, various lounging rooms, and a library housing over one million volumes.

He emphasized the differences in ages between the two institutions. Harvard Law School was founded in 1817 while UCLA was begun in 1949. "Hence, in a sense, the comparison is between the oldest and newest of law schools," the Professor said.

In comparing over three hundred scholarships, fellowships, etc., available to Harvard students with UCLA's thirteen, one finds the notion of tradition and age in the eligibility requirements for some of the Harvard scholarships, Chadbourn noted.

An example is the "William Penoyer bequest (established in 1670): "Bequest of William Penoyer of England, for two fellows and two scholars, one preferably to be a descendant of Robert Penoyer . . . and the other from New Haven (Conoly . . . Certified genealogical records required to establish claim."

First year classes at Harvard number around five hundred students and are divided into four sections. Somewhat similar to UCLA, first year students are required to take courses in Agency, Civil Procedure, Contracts, Criminal Law, Property, and Torts.

Professor Chadbourn mentioned that the large complement of students from all sections of the United States and foreign countries enables Harvard to offer a wide variety of seminars in fields concerned with national and international law.

"At both UCLA and Harvard," observed the professor, "drop-out and fail-out rates are comparatively low—a phenomenon found in most of the better law schools."

Lack of Practical Legal Training Criticized and Deplored by Judge

By Judge Leon T. David
L. A. Superior Court

Law students study law for the purpose of engaging in the practice of the law. Law study is seldom undertaken and rarely pursued as a philosophical undertaking by one looking forward to admission to the bar. The realities of that practice, and its methodologies and procedures, are pushed around or pushed out of some law school curricula; sometimes with the plea that there is not time enough for the job, and sometimes derided by a cliché that a law school is not a trade school. It certainly is, or ought to be, in the same full and dignified sense that attends the great medical schools and other professional schools. Any contention otherwise seems to many to be a throw-back to mediaeval scholasticism. To others, it seems that some such attitudes toward legal education stem from the educators, many of whom are brilliant men with little or no experience in the law practice; and who in fact may have sought the academic shade because they shrank from the realities of the practice, or because they were impelled to study rather than to action.

The greatest fiction among the many fictions of the law is that legal education in the terms of the art of the profession must limp along, because there are only three years available.

The function of our profession is to bring order into the affairs of men. We are to be the experts. By our advice and assistance, we aim to direct men's action and undertakings within the legal forms or channels which will lead to predictable and favorable results; even when subjected to the acid test of controversy and the warfare of litigation. The world's business is memorialized in writings, its norms are expressed in writings, its negotiations leading to its business affairs and its engagements are expressed in writings. To write clearly, precisely and concisely is one basic requirement in the practice of the law. To speak clearly, precisely, concisely and persuasively is another. We are not referring to the courtroom nor to court proceedings alone, but only incidentally. If these requirements were met by those who are entitled to practice law, there would be a marked drop in litigation.

For if the major work of the lawyer is to manage the affairs of clients so that there may be no controversy, there inevitably is involved the need for explanation (even to the client), the capacity for negotiation, and

the abilities of persuasion. Language facility is basic.

Thus, legal writing is a practical matter of instruction. After countless blue books, even reluctant law professors agree that time must be taken to improve the quality of that submitted. Those least in need of instruction may get the greatest instruction, since as honor students the privileges of the law review or special competitions are afforded them. Ordinarily, the practitioner says that it would be more to the point to have learned how to draft precise contracts, trust agreements, notes, wills; property settlement agreements, conditional sales contracts, notices to pay rent or quit, leases, or releases.

In court, the draftsmanship of complaints, demurrers, answers, motions, pre-trial statements, findings and judgments demands adequate craftsmanship; and most of the time, the basic lack is the inability of the lawyer to concisely and accurately use the English language.

Law schools sometimes say this is the university's fault in undergraduate preparation; and the university may push it back to the secondary schools. Is it sufficient for the law schools to say, that they cannot be concerned with this primary educational matter? In talking about the use of words by the lawyer, we are not engaging in trivialities. No one would willingly fly in an airplane, knowing that a weak and defective bolt held the elevating mechanism together. But many a lawyer pins the entire welfare of his client and his clients affairs upon flimsy, careless and even illiterate composition. Day after day, hundreds of pages of pleadings come before us. We sometimes smile at the effort of the pro per litigant to be his own lawyer; but we are quickly sobered by the fact that we can match every one of their inadvertences with a dozen by lawyers. The wrong word or the wrong phrase in the wrong place can ruin a client, relying upon a lawyer's draftsmanship. At least, it often involves delay, time and expense in the collateral enterprise of reforming instruments. In the course of legal proceedings, we are continually acting upon motions to relieve clients from defaults, occasioned by surprise, inadvertence, and excusable neglect. Whose? The client is subjected to the expense of the proceedings for relief under C.C.P. sec. 473; but the lawyer and his obliging scapegoat, his secretary, too often are solely responsible. The lawyer didn't write the wrong words; he neglected

to plead at all, to make adequate memoranda of his appointments.

This matter of adequate writing is serious business. Betterment would come tomorrow, if every misspelled word, if every grammatical error, if each bit of imprecise language found in a student's paper or blue book were penalized, as a matter of substance. It is. Someday, sloppy writing under pressure may be the instrument of great harm to a client. Beyond this, no person should be licensed to practice law who cannot draft proper legal instruments. Where is he to learn how? The law school is the proper place, under proper criteria and with implementation of proper methods. How do the fifty per cent or more of the law school graduates who do not go into large offices learn now? They seek out forms and form books developed by banks and title companies, and even buy blanks at the bookstore. Someday, when he is either very successful or very unsuccessful, the lawyer may assail these as tools of the devil, devices whereby the man in the street rests his legal affairs in unskilful hands, engaged in unlawful practice of the law.

What of pleading? The purpose of pleading is to reduce the facts involved in a legal dispute to definite points on which the parties disagree. I have seen cases in which there was a Ninth Amended complaint; there is one before me now, in which a lawyer attempted seven times to state a case; and in which a defendant was caused the trouble and expenses of seven trips to the courthouse to resist the unavailing attempts. Some lawyers are not above pleading a fictitious case, in the hope that circumstances may fortuitously allow them to prove it. Over and over again, however, the lawyer wastes his time, his client's money, and squanders the taxpayers' funds for court purposes, because he has never learned to plead a case. He is like a medical man who learned all about appendicitis from a book, but never what tools to use nor what procedure to follow in making the incision.

Not knowing what he should plead, not even perhaps what the essential elements are in the cause of action he thinks he has, he calls his secretary and rambles for ten pages where one would do. Then come the demurrers and motions to strike, perhaps several times, in order to boil down the cause to the essentials, in such form that his opponent can admit or deny his averments. These hearings on demurrers and motions to

strike are the highest-priced composition lessons in the United States. If the court system is to survive, we must rid ourselves of such drains upon the court's time. Courses in pleading and procedure are as basic to the lawyer's training and are as necessary in the public interest as any in the law school curriculum.

In the history of the legal profession, there is a saying that no upgrading and updating of legal procedures has occurred in generations, and those which were significant have never been the result of action generated by the bar. This certainly is not as true in the United States as it was in England in the great reforms of an hundred years ago. The reforms in judicial administration to date have related to problems of clerical management, for the most part. The organized chaos of litigation in court will not be reduced to order and expedition until the disorganized chaos of inefficient, duplicitous, time-consuming, law office procedures is given new direction.

Law graduates, sent to the offices to learn by doing, copy what has been done, and seldom have time to make the effort to study the methodology of the law. They have heard of the needed reforms in pleading, but use the archaic form books which perpetuate the old phrases and the old fictions, and infinitum. They have heard of pretrial, let us say; but find that those near at hand are suspicious of the novelty, and so abandon the effort to make it work. There are new discovery procedures; but the fellow next door has received a mimeographed form which embraces one hundred questions; and is mimeographing it, to be sent indiscriminately to every adversary.

The young lawyer finds that he has the overhead to meet. He goes forth unprepared to court, because neither he nor his client could afford to take the three days at \$25 a day overhead, and his own time, to do the research that he would require. He wishes he had had more practice in quick research all through law school. He wishes he had learned the intricacies of the codes and their indices. He wishes that he had been instructed in the best methods of preserving the results of research in one case, so that it might be used effectively in another without redoing so much.

Before the court or before the jury, he finds that he is outperformed by an adversary with a weaker case, who somehow thought of applying the use of visual aids, learned while in the army,

to the presentation and emphasis of points before the jury. Why isn't instruction in such matters as applicable in the Law Schools in a university's professional school of education?

His law school in its catalogue boasted for years that the course of study equipped its graduates for the practice of law in any English-speaking jurisdiction. He wishes that it were so.

It can and must be so. The bar will destroy itself, unless as a profession it is able to meet the needs of the people for legal services, as efficiently, as economically, cheaply, and well as competing poachers. Justice takes some detachment and deliberation. But an atomic age cannot wait for years in legal controversies, for decisions upon which to base business policies or actions; nor can the private litigant in many types of controversies. Our procedures must be such that the controversy can be identified and the issues presented for judicial decision with the same facility and tempo that attends executive determinations and action in any well-run business enterprise. We must not sacrifice justice for speed, but prompt action often is a most essential element in justice. A lawyer sent forth to handle the affairs and even lives of his clients must be schooled in the ways and means of getting the business done. This must not be in terms of the traditional, but in the terms of the best and most efficient methods that smart professors, cooperating with lawyers and judges, can devise.

In some law schools, the trend seems to be that of not tackling this field at all, except as incidental to reading the case reports intelligently. Time should not be an issue, where the welfare of the public, the existence of the profession and the well-being of the practitioner are concerned. There perhaps is no other professional field where matters of such consequence are left to haphazard experience of the practitioner, rather than making them part of the required education of an expert.

If time is needed, it would seem to me that many courses in legal specialties, to which students sometimes flock, might well be deferred to the post-graduate continuing education of the Bar. The fundamental arts of the legal practitioner need to be further developed under competent instruction. It is not enough to know legal anatomy and pathology. One must know how to operate with the sword of Justice; and how to keep the patient from slowly bleeding to death in the process.

FRATERNAL FRANCHISE

Nu Beta Epsilon

Nu Beta Epsilon is looking forward to a year of increased activity. Under the leadership of Ben Pynes many activities have been planned both for rushing and for the entire membership.

In addition to the academic program, NBE is anticipating an expanded social and luncheon program under the direction of Mike Dave.

Fred Marks is arranging a beach-house beer bust as a culmination to Nu Bate's rushing program which will be a great affair. Fred, currently on Law Review, maintains the historical precedent of having a substantial percentage of NBE pledges making the Review as a result of first year scholarship. Mike Dave & Danny Dintzer are the industrial magnates of the fraternity, being partners in a building venture. Everett Meiners is pulling his hair trying to read the Harvard Blue Book so he can get his brief to the typist on time for moot court.

Two of the distinguished third year members, Marshall Lewis and Tony Summers took the trip to the altar this summer. Their receptions turned out to be outstanding social events of the year for NBE.

A Nu Bate alum Foster Tepper was given the honor of being named the honor graduate of the year.

Phi Alpha Delta

By BOB HANGER

These past few weeks have been spent in that exhilarating pastime commonly called rushing.

Rushing is the time when actives take leave of their studies to drink free liquor and first year students seek out a few remaining sober souls to search for the "answer" to UCLA Law School.

Commonly heard as words of advice to these first year students were such professional favorites as "the light will hit you one day—maybe," or "grin and bear it, the time will fly." One active was seen at the cocktail hour, in which section B was greeted and feted, remarking to a first year student, "Oh, you've got Cohen." The active bowed his head and slowly started into a sadistic grin.

Section A was treated to a touch of success—a cocktail hour at an attorney's penthouse office. Both sections made the scene for a gala party at a local Arthur Murray studio where the champagne flowed endlessly.

Justice Hal Klein wishes to state that rushing will continue for two more affairs.

The first of these will take place this week at which time Marv Kahn will explain PAD's newly styled examination writing seminars designed to aid the first year student. The second will be a coffee hour at Blums. It will be during the afternoon and will be highlighted by the appearance of a special guest speaker.

The executive board is looking forward to the best pro-

gram PAD has ever had with many of the events already planned and ready to go.

PAD extends an invitation to all first year men to join us for a full program of academic seriousness and much needed occasional frivolity.

Phi Delta Delta

By ELEANOR LUSTER

The UCLA Chapter of Phi Delta Delta Legal Fraternity, one of the oldest fraternal women's groups in the nation, started off their season with a champagne initiation affair at the home of sister Annette Hartmann, Oct. 4.

Six new members solemnly took their vows during the initiation ceremonies so ably conducted by Maggie Roth, Marty Golden and Nancy Norbury.

Officers elected for the current year are Maggie Roth, President; Marty Golden, Vice-President; Nirra Haddon, Secretary; Marsha MacLean, Treasurer and Eleanor Luster, Historian and Publicity Chairman.

One of the highlights of the evening was listening to the tales of that outside world from our sisters Roz Brassell and Norma Raff, June '62 graduates.

Phi Delta Delta extends a warm welcome to the new class. Freshmen rushing activities will begin in late October. Watch the bulletin board in the Women's Lounge for news of events to come!

Phi Delta Phi

By DAN SHAFTON

The Brothers of Pound Inn, fresh from a summer of financial, legal, and extra-legal endeavor, take this opportunity to welcome the first year class.

Once again congratulations are in order for brother Bill Gould, on his election as Editor-in-Chief of the Law Review, as well as for Associate Editors Murphy and Gire. Brother Ron Katsky distinguishes the Inn as Docket Editor-in-Chief. And on the political side of the fence, we find Mike Murphy starting his year as President of the Third Year Class; John Benson; Second Year President; Wayne Butterfield, LSA Treasurer; Tim Strader, ALSA Representative; and Ed Landry, GSA Representative.

Fraternity rush has commanded the time of all three classes. As it now heads into its final days, Phi Delta Phi hosted both sections of the first year class, this week, at the home of Jim Charness. Our final rush function, by invitation, will be the semi-annual picnic at the canyon home of Professor York. Libations will be offered to Vulcan and Aetna, and Irv Segowitz will discuss "Steve Allen and the Current Ballooning Problem."

Further congratulations are in order for Second Year members of the Inn now serving on Law Review under Bill Gould: Ed Landry, John Benson, Mike Immell, Bill Yerkes, and Jerry Wisot. Second Year Moot court members are Ray Gail, Eric Martens, and Wayne Butterfield.

The Brotherhood's first aca-

demic activity of the year was to initiate a mass research procedure under the tutelage of the Pabst Brewery. On this solemn occasion Joel McIntyre (whose name was inadvertently left out of our last chronicle) recited his leading case-note on, inter alia, "Federal Supremacy and the Bubble Dancer," 113 S.W.L.R. 68. After respectful imbibing, the group sang songs of question value, and the more studious members continued their evening at the Largo.

Plans for the future include a balanced scholarship program for the pledges, consisting of practice exams and critiques of study methods; a Thanksgiving cocktail party with incidental dancing; our usual Gala Xmas party.

Festivities, including the familiar appearance of Santa McClaus; early dinner programs, where cheer and fellowship shall flow, accompanied by the wisdom of our guest speakers; the traditional Spring Picnic at Professor York's; the Senior Dinner, where the three classes of the Inn vie for inebriological honors; and our usual program of exchanges and Ultram parties.

DOCKET

(Continued from Page 1)

this summer. The Editor of the award winning paper was third-year student Mel Albaum, now president of the Law School's student council.

The paper is a quarterly eight-page tabloid which is distributed to the students and alumni. The first prize was given the University of Virginia Law School's "Virginia Law Weekly" — which was started by UCLA Law Professor Edgar A. Jones when he was a student there. Third place prizes were given to the "Texas Law Forum" and the "Brooklyn Justinian."

The national LSA reported that judging for the contest was based upon the news presented, excellence of writing, the general operation and layout and various aspects of business management.

In awarding the DOCKET second place, the LSA judges indicated that they were impressed with the style of writing, physical make-up of the paper and the "Contra" column — which is a discussion on particular topics of law or the law profession contributed by authorities on the subjects.

The staff for the current year's edition of DOCKET include Harold Jacobs, Managing Editor; Maxwell J. Wihnyk, Editorial Associate; Craig S. Jordan, General Manager; Lee W. Cake, Executive Assistant; Roland Fairfield, Circulation Manager; and Kenneth Simon and Marvin S. Cahn, Business Managers. Reporters include Rick Barnett, George Eskin, Larry Friedman, Joseph L. Goodman, Julie Grudin, Roger M. Horne, David A. Johnson, Eleanor Luster, Stuart M. Osder, and Charles Gil Rubin.

Katsky indicated that there were two openings remaining for reporter assignments.

LAW WIVES

The UCLA Law Wives' Association began the year's activities with a formal tea at the home of Professor and Mrs. Edgar A. Jones. According to the President, Pat Kruse, over one hundred twenty-five wives attended, and again this year the honored guest and speaker was Dean Maxwell.

More than seventy people gathered to hear Donald Bringgold, a graduate of UCLA Law School and a member of the law firm of the late Jerry Geisler, address the first meeting earlier this month. Mr. Bringgold's subject was "Preparation for Trial Work," and during his discussion he emphasized the important role a wife plays in her husband's career. Following his address Mr. Bringgold called for questions from the floor and enthusiastic husbands queried

Officers for the year are Cecil Ricks, Magister; Tim Strader, Exchequer; Dan Shafton, Historian; Wayne Butterfield, Clerk; Joel Citron, Rush Chairman; Eric Martens and Jon Moss, Social Chairmen; Byron Lawler, Dinner Chairman; and John Benson, Scholarship Chairman.

The Inn also announces that its Public Service Commission (Lawrin Lewin, Admr.) will continue the policy of distributing Milltown for first year members, Adrenalin for the Second Year, and CBRC's for the Third Year.

the attorney for more than twenty minutes.

The next meeting, a Tupperware Party, will be held on November 5th, at 8:00 o'clock, in room 108 of the Law School. There will be a special demonstration with hints for planning holiday meals and parties; everyone attending will receive favors. A door prize is planned, and the girls bringing in the most orders and the most guests will receive gifts. As this is the major fund raising project it is hoped that we will raise over \$150 to support a charity project, the Legal Aid Nursery, and to facilitate in planning for a Spring Fashion Show and Tea and a proposed Luau. Those attending the October meeting received a Tupperware catalog and order blanks; additional material will be distributed at the meetings of the bridge groups and the sewing group. Invite your friends to take advantage of this opportunity to do holiday shopping early.

Treasurer Marcia Simon reports that there are already 45 paid members, and dues of \$3 are payable at the November meeting. A monthly newsletter will be sent to paid members, and according to corresponding secretary, Arlene Magnus, the newsletter will have a section of advertising. A four line ad will cost 25c and should be submitted to Arlene Magnus before the 15th of the month.

AMANDA DEVINE

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