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VOL. XVI NO. 3 SCHOOL OF LAW DECEMBER, 1971

Small Impact Foreseen From DeFunis Ruling

by DAN DAWES

Judge Lloyd Shorett in Washington State has recently ruled the operation of a Legal Equal Opportunities Program unconstitutional at the University of Washington Law School. The Board of Regents plans to appeal. A sampling of faculty and students' opinions was taken by the Docket as to the implications of this type of ruling and the criticisms upon which it might possibly be based.

Paul Brendze, first year Student Bar Association representative, felt that Judge Shortett's decision might have been a good one if it had occured some years earlier but that it now may harbor racist overtones reminiscent of past Reconstruction days in the South. Mr. Brendze went on to explain his statement by saying that there shouldn't be one system of admissions for minorities and another for whites in the sense that there are segments of both groups who have suffered educational disadvantage stemming from economic hardships. Brendze said, "I question the validity of the use of grade point averages or LSAT scores as to who should get into law school. I'm not sure that basing admission on undergraduate grade point average is any less arbitrary than basing admissions on race."

Mr. Kenneth Karst, member of the faculty, didn't see any implications for the UCLA LEOP arising out of the DeFunis decision, even if that decision were to be affirmed on appeal. He explained that UCLA had two major goals with LEOP: (1) to produce minority group lawyers to bring minority group representation within the legal profession in line with the proportions of the general population, and (2) to give access to the system to those people who came from an educationally disadvantaged background, but who otherwise could become competent lawyers. He added that it would be a misunderstanding to think LEOP was intended to bring people into law who were from economically deprived backgrounds who could not also demonstrate an educationally disadvantaged background. Mr. Karst felt that criticisms of LEOP as employing a double standard for admission were faulty because they were based on the assumption of the validity of a paper record of academic grades and a LSAT score, which he directly challenged. Karst concluded that the needs of poor whites were not greatly sacrificed by relying on the high correlation between minority group membership and educational disadvantage.

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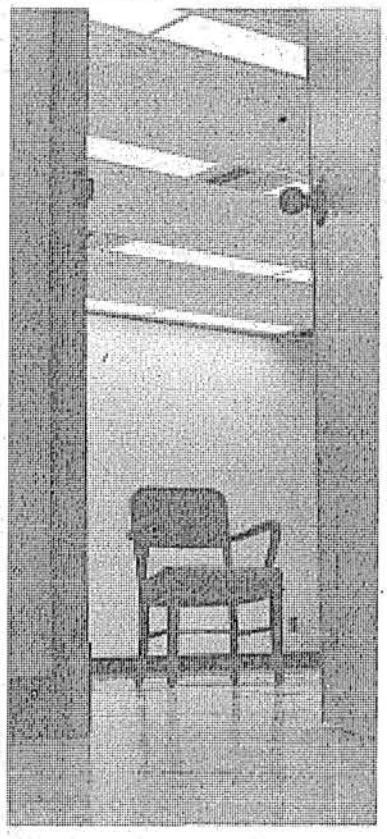

Concerned about the Job Market? Is it Nixonomics? Your Grades? Or, is Law Review worthwhile? First of Series page 3

Symposium Held Here On Serrano v. Priest

by Ruben Lopez

Professors Kenneth Karst and John Koons (Boalt Hall) were warmly received by 200 educators at the symposium on Serrano V. Priest: Implications for Equality of Educational Opportunity on November 12. Coons appeared as amicus curiaie. Sponsorship was by the schools of law, education, management, and government and public affairs.

Johnny Serrano, the named litigant in the class action, did not attend as expected. Serrano lives in Baldwin Park where a tax rate of $5.48 yields $577 for education. In contrast, Beverly Hills, with high property valuation, taxes at a rate of $2.38 for a yield of $1,232.

The Supreme Court of California held that education is a fundamental interest which requires a compelling state interest to justify a finance system based on wealth which creates inequities in education.

In sustaining the cause of action, the trial court is obligated to hear arguments to determine if diminished dollars for education do in fact create a fatal inequality in a fundamental interest. Although State Superintendent of Education Wilson Riles and State Controller Flournoy have declared that they will not seek appeal, the position of Ivy Baker Priest, treasurer, is not certain. Appeals would give time to the legislature and might be sought for that reason.

Appeal to the Supreme Court of the United States is questionable. The decision is based on the California Constitution and cites internal cases such as Jackson v. Pasadena for support. Karst suggested that the Supreme Court might take the case to affirm.

Because the decision does not speak to the problems of race but rather to the financial condition of whole districts, support for the decision is widespread, according to Koons. Support is found in urban and suburban areas with little industry or commercial development to provide resources for education. The Court's care in establishing no preference for urban areas or priorities make the decision acceptable to many. Local control is still intact.

No level of expenditures is set as a minimum; no mandate is given that all school districts make the same expenditures in the same way, but the decision holds that a tax rate in Baldwin Park of X should yield the same amount of money as X in Beverly Hills. If Beverly Hills wishes to spend more money, it must tax itself at a higher rate.

MOOT COURT

Students Start Competition

By Bob Lewin

The Moot Court program is just now concluding the second round of the Second-Year hearings. The case that has been briefed and argued by our second-year members is El Dale Hotel vs Safe-T Sprinkler Co. The case involves the purchase of a defective sprinkler system by a New Jersey hotel: the system was purchased in California from a retail distributor who had obtained the system from the manufacturer, Safe-T Sprinkler. The case is set before the California Supreme Court, which must decide whether to apply California law or New Jersey law and whether or not they can allow recovery based on a strict liability theory or on an implied warranty theory. Three judge benches, composed of real judges, attorneys and professors test the ability of the student advocates to convincingly argue these threshold issues of law.

The Roscoe Pound team, composed of John Collins and Nancy Kelso, two third-year students, has just finished representing UCLA at the Regional hearings for the National Moot Court competition. John and Nancy argued a case that was based on the Medina and Calley cases in Viet Nam. This case, which was set before the United States Supreme Court, involved constitutional issues and the rights of a serviceman to be protected by constitutional rights when tried in a military court. This same case will also be argued in the third and fourth rounds of our second-year competition. At the conclusion of the second-year hearings the best two second-year students will be chosen to be the Roscoe Pound team and will represent UCLA in their third year.

The Roscoe Pound team, and other third-year members, will compete in several other tournaments this year—the Roger J. Traynor State competition, the Phillip C. Jessup International competition, and an intra-city tournament that we have started this year.

First-year students who are interested in joining Moot Court should be advised that the mechanical procedures for selecting those who will be invited have not yet been completely formalized. Up until last year the preparation of a brief and presentation of an oral argument was a mandatory requirement of the law school. Last year, and this year, participation is completely voluntary. In order to give the first year student an opportunity to "try out" for the program without adding the unrealistic burden of writing and researching a brief in addition to the heavy load created by first year studies and the legal research and writing program, we are attempting to co-ordinate with the legal research and writing program so that a Moot Court argument can be based on a class assignment. Hopefully, the final legal research assignment will be such that an oral presentation may be based upon it and, therefore, allow first year students an opportunity to partake in appellate advocacy.

Petition Drive a Success But Regents' Approval Uncertain

By FRANK GRISWOLD

The CAL Advocates petition drive on campus was concluded on Friday, November 12 after four weeks; the present count stands at over 8,000 signatures.

The petition specifically requested the Regents to allow the implementation of Cal Advocates at UCLA by authorizing a quarterly $1.50 increase in student fees for the next three years. The fee would be returned to any student requesting a refund within the first seven school days of each quarter.

CAL Advocates is a means of providing student input and support in the field of public interest law. The program would be under the control of a 15 member board of directors, composed of five undergraduates, three graduates, four law students, a law faculty member, the Dean of the Law School and the Executive Director of CAL Advocates. The directors would be charged with the selection of topics of public interest which would then be researched by students. The output of the student research, involving students from all fields of expertise, would be the basic product of the program. A research report based on thorough and professional research groups would have the credibility necessary to cause private and governmental agencies to act on the problem. Should their response be insufficient, CAL Advocates has the capability to begin litigation, principally in the form of class action suits, to attempt to bring about the goals of the report. The legal fees which could be recovered from these class action suits would provide the financial support to continue the program after three years, when the student funding expires.

The next step for CAL Advocates is to present the signatures and the outline of the program to Chancellor Young, prior to consideration by the Regents. While the program is unique in University history, the strong show of support among UCLA students as well as those at Berkeley is expected to be of considerable persuasion in any consideration by the Regents.

Environmental Law Society Studies Sales Tax Allocation

by Jeffrey Arthur

Marina del Rey water quality and gasoline sales tax allocation to mass transit emerged as leading issues for action by the Environmental Law Society at their meeting on November 23.

Both issues provide opportunities for creative work in now and unexamined areas of concern for Los Angeles.

California recently enacted legislation providing for new revenues, raised by a sales tax on gasoline, to be returned in part of the taxing jurisdiction for use in mass transit. Los Angeles County and the Southern California Rapid Transit District have not yet considered uses for the estimated $24. allocated to them.

ELS members here will engage in "creative monitoring" of this situation, making their own proposals for use of the fund. Fears have been expressed that the fund may be devoted solely to wage increases and equipment repairs. Alternative uses for the fund might include research and development for rationalizaing SCRTD service or for preliminary studies in a federal mass transit program.

Students interested in the project should contact Frank Griswold in Law 2467-C or by calling 825-3309 or 826-0728. For the time being, ELS will have the advantage of being the only organization examining this issue.

Suspected deteriorating water quality in Marina del Rey and waters adjacent to the entrance channel has presented an obvious need for an investigation of possible pollution and the applicable regulatory law.

ELS will engage in a cooperative effort with technicians in the field of water quality. They will also investigate the sources of oceanfront contamination at Venice Beach and Playa del Rey.

There are, additionally, a number of legal questions. What regulation of marine equipment, if any, is incorporated in boat licensing procedures? What are the applicable water quality standards, and how are they

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UCLA DOCKET

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EDITORIAL

Are Finals Useful?

So the story goes, at any rate, is that the purpose of this institution is to provide an education in the law. Or so it goes. It seems time that some more emphasis should be placed on that word "education."

No one around here needs to be reminded that finals are here again. They always seem to be around here. But it is time that they should be used for something more than a ranking--it's time they were used to help educate.

There are some such as the Dean who favor the present system of judgment, believing that the high pressured three hour exercise in regurgitation, often based on a personalized re-hash of an outline, aids the budding lawyer in the ability to think and communicate under stress. This might be a valid consideration in some classes, but doubtful in all.

One key concern is the lack of feedback to the student. A student with some time on his hands might be able to track down a professor and when he finally succeeded in finding him with a moment free, might attempt to go over the exam. If he is lucky, he may get some personalized attention. If not, he will get to re-read his paper, in all probability without any comments.

The judgments used to determine the ability of a student are several: logical development, comprehension of class material and writing ability (i.e. ability to communicate). Few, if any, exams papers comment on these aspects of the student's development. Thus, the student has no idea as to what are his weak points which should be developed.

Next, the concept of the essay exam needs to be disregarded in some courses. Lawyers have been known to do certain types of work which require thought, research and detailed writing ability. Some courses such as related to estate work might be better suited for this type of exam. Further, other courses might be better judged on an objective exam basis. Even the state bar agrees here to a degree.

Next this concept that one exam per course seems to be wrapped up in some warped sense of tradition. Mid-term is not a dirty word. It seems that one three hour exam for a nine unit class which stretches from September to March and covers literally hundreds of facts and concepts can only judge the ability of students who have excellent memories and love to work under insane pressure. A mid-term would not only allow the student more time to explore the subject, but would also allow the professor to evaluate more aspects of the subject.

Finally, there exists some sort of myth that an exam is impossible to grade in less time than it takes one to forget it. The fact is that the people employed here as professors owe their first obligation to the students and not to whatever pet project they have or whatever they do on the outside to live in Bel Aire. If they can't handle it, then maybe they ought to get out of here and make room for someone that can. Believe it or not, but one professor of a six unit course graded 75 papers in 72 hours last year. That must be some kind of a record, especially here.

LIBEL TO THE EDITOR

Interviews Are Success

Editor:

I would like to clear up some misstatements that were printed in last November editorial on interviewing.

First, the statistics we have are better than "100 or 75 to one" odds which you estimated as the chances of getting a job through the Placement Office. We show that approximately 25% of the students who interviewed got jobs through our office. This figure is probably much lower than the true number, since many of our students never notify the Placement Office of their job opportunities. It would be beneficial to the entire student body if each second and third year student would report their employment to our office.

The "five" firm interview choices which you mentioned is an incorrect number; that number only represents the initial number of firms which a student may sign up with each month. In fact, a number of students have had quite a few more than five interviews.

I would also be willing to discuss any other complaints and/or suggestions with any member of the Docket staff or any other student.

Mrs. Diane Gough
Placement Officer

Goldberg: Pro

Editor of the Docket:

Art Goldberg's speech and beliefs have been attacked by Patrick Pailing. Art is quite capable of defending his views. I merely wish to take issue with one of Mr. Pailing's statements. He says: "I do not even believe that seizure of power 'by any means necessary' is even possible—given the real situation in our country."

I think Mr. Pailing misconstrues the true meaning of seizing power. When people act, they seize power over their own destines. Mao has written that power comes out of the barrel of a gun, and presumably this is the kind of power Mr. Pailing thinks the people confront when they face "the real situation in our country." But people need not be limited by that definition of power. We seize power anytime that we band together to fight injustices and bad tendencies in our society. In the specific context of the legal profession, law students seize power when they refuse to be caught up in a series of meaningless (and demeaning) interviews and decide to seek alternate legal styles. By this I mean all of the various methods of practice which concentrate on serving the people, rather than corporations, protecting the rights of the people, rather than those of the government. We also seize power when we seek to move the law school toward useful education (such as clinical programs) and away from meaningless academicism, toward collective learning and away from sterile competition.

Thus when Mr. Pailing says that power is impossible to seize, he states a common fallacy—that power is force. Power is also represented by common ideas, group action, and life styles directed toward serving the needs of people. In that respect, people can seize power at any time by acting to change the pattern of life in this country.

Sincerely,
John M. Collins

Con

Editor of the Docket-

Mr. Collins' criticism of my article on Art Goldberg's speech entirely misses the point. He says that my essay "misconstrues the true meaning of seizing power". I made no attempt to delineate the various possible meanings of the phrase "seizure of power", but dealt almost exclusively with a particular one. Further, he states that I said that "power is impossible to seize" (which, in fact, in the strict sense, I did not say) and that when I stated this, I was stating " a common fallacy—that power is force". This is patently false.

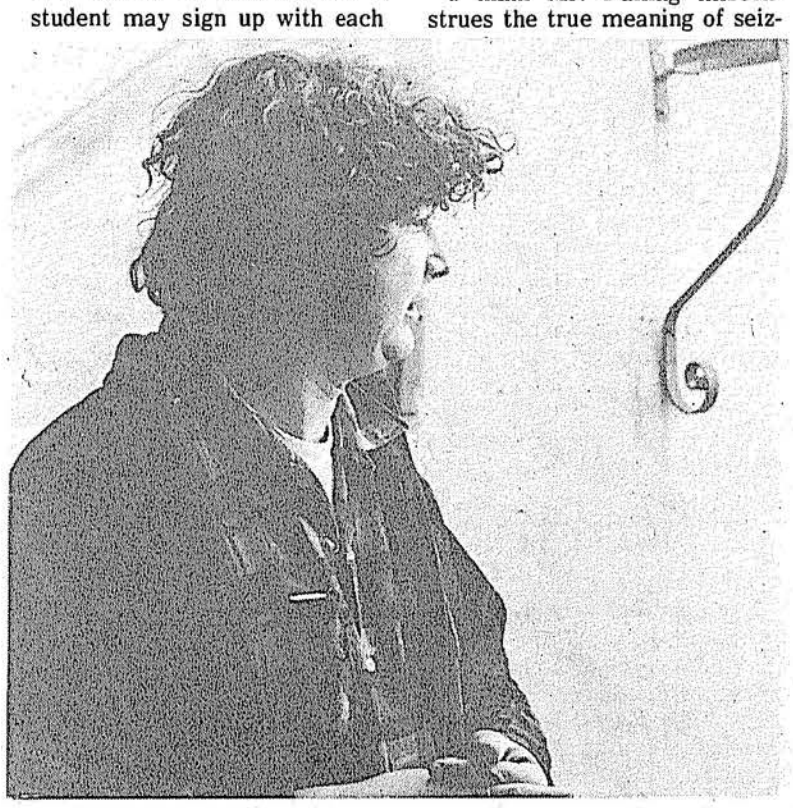
What I did, in fact, intend to say, and which was obviously not clear to Mr. Collins, was that I took EXCEPTION to the inclusion of violent ("power . . . out of the barrel of a gun") means by Mr. Goldberg's "any means necessary" statement (which must be read as qualifying the "seizure of power" phrase and as logically including violent means).

I certainly agree and profess that other means of "seizing power" not only exist, but must be employed—and must necessarily conform—to the goals sought (i.e. 'justice', better social tendencies, etc.). For example, a society 'founded' through violent revolution would not be a non-violent society.

Force, therefore, I agree, is only ONE form of "seizing power" (a bad choice of words in itself--but chosen by Mr. Goldberg) and in the violent sense is, in my estimation, both morally and practically objectionable.

I hope this will clarify matters for Mr. Collins and for others who may have been confused as to this point in my article.

Patrick Pailing



Goldberg Replies And Justifies Orientation Presentation Remark

by ART GOLDBERG

I welcome the opportunity given me by the DOCKET to answer Patrick Pailing's critical remarks aimed at my Freshman Orientation address.

I received a phone call about a month prior to the Orientation Program at which time I was invited by the student heading the day's activities to be one of the four speakers on their student-run program. I immediately accepted. A week prior to the program I was again called by this same student. He regretted to inform me that my appearance at the program had been canceled by the Dean due to my shaky character and background.

The National Lawyers Guild Chapter at UCLA, along with other students, rightly asked how the administration had the right to cancel a speaker chosen by the students for THEIR orientation program. It quickly became clear that at least some students felt I should go ahead with my planned presentation even if that meant "by any means necessary."

A liberal compromise was reached. The administration said I could not speak at the official program but it was all right if I spoke later in the day as an unofficial speaker of the SBA. In this way the school would be protected from any guilt by red association.

What would Patrick have advocated if he was faced with the situation I just described? You see, something is quite clear to me because there are absolute values of truth.

In the Civil Rights struggles of the early sixties I had no doubts that non-white people had a right to vote. If they were stopped from voting for reasons of color then they had every right, even a duty, to use every means necessary to assure themselves and all others of their basic human rights. The right to vote cannot be argued—how can one compromise away such a right?

I am afraid Patrick Pailing's refusal to risk everything for something has been at least

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UCLA Law Women's Association Gives Views On New Part-time Study Admission Program

by Peggy Nelson

Take a look at the environment that consumes the better part of three years of our lives. The "study of law" has traditionally been, and for the most part remains, a white, middle class, male pursuit. During the past few years, community and student pressure, as well as the tenor of the times, has forced the UCLA Law School to commit itself to opening its doors to those who had previously been excluded. The LEOP program was the first to challenge the predominantly white, middle class make up of the Law School. In spite of the fact that the program is small and should be expanded, it has made an impact on the school. But some challenges have not yet been made. The Law School population remains predominantly male. Admittedly, the number of women studying law has increased in the last few years. But our members now make up only 15 per cent of the law school population . . . hardly representative of a group that is now 53 per cent of the total population. We must decide whether or not more women will be actively sought to attend this and other law schools. And, in doing so, we must give consideration to the special problems women as a group face.

The problems which militate against women going to Law School more often stem from her socially defined role as wife-child-bearer and rearer first, and independent "career" woman second-- if at all -- than from educational disadvantages. In such a situation, it would seem that a strong recruitment program would help to increase the numbers. But this would not be enough. Many qualified and motivated women find themselves bound by the responsibilities of children and family. What options are there for those who desire a career but are also left with the responsibility of rearing children?

Options are what we are concerned with. The UCLA Law Women's Association, in an attempt to focus debate on the problems of women, and in an attempt to ameliorate the situation of a few, is proposing that

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Goldberg Reply. .

(Continued from page 2)

partially brought upon by the malaise of our generation—ANTI-COMMUNISM.

At the end of a Liberal Pluralist Higher Education the obvious form of anti-communism, such as Joe McCarthism has been destroyed. I am talking about this dangerous subtle form. Ideas we all learned, such as: there is no ruling class, that America had reached a consensus by the early sixties, and that if both sides of a dispute came to the table as reasonable men (never women) they could come to a reasonable liberal compromise.

There was only one problem to this liberal ruling class analysis. The masses of people in this country began to question what the impact of the compromises were on their rights.

When the ghetto uprisings broke out in the mid-sixties you would have thought the liberal pluralists theory had been discovered to be bankrupt. Not a chance, the apologists for peaceful no change at any price merely found the masses being duped by left wing fanatical degenerates who were left over from America's sordid past.

Unlike the fifties, this time red baiting didn't stop us. Hell, if people didn't feel the pain we were describing then they wouldn't be about to listen to anything we had to say. Heaven only knows it is a helluva lot easier to go along with the program and come up with some crumbs then it is to organize to take what is rightfully yours—the best of everything for everyone.

In 1963 I remember literally being stoned on the streets of San Francisco because fifty of us had the nerve to protest against our patriotic police action in Viet Nam. Those were the dark days, but we were determined to break through the consciousness of American working people. After years of protest, "by any means necessary," we have been successful in exposing the war—a war of genocide by cremation through Napalm by those forces that want to make the world safe for the great liberal compromise.

Yes Patrick Pailing would readily admit of the great unsolved social evils that still lurk in this country of ours. "Its your methods—its the violence I abhor, Mr. Goldberg."

At this very moment, a B-52 is releasing its bombs on an Indochinese village. Should I tell the peasants below to passively await their deaths and discard their anti-aircraft weapons. (Never! I can't, and I wouldn't if I could.)

As a Jew and a revoluntionary I need not be reminded of the fate of six million Jews who practiced "pacifistic activism." The violent ovens of facism was the final solution to their policy of self hate. I ask you Patrick, what lawyer would counsel any oppressed peoples to again follow this suicidal policy of non-violent resistance?

Finally, Marxist revolutionaries throughout the world do not want to seize power for the hell'uv it. We are driven to risk everything by the material conditions that surround us. A simple walk up the street from my house in Echo Park places me in front of a modern day sweat shop. Women work 10-12 hours a day for piece meal wages of less than a dollar an hour. Often next to their sewing machines sit pre-school children because the richest country in the world won't afford universal free childcare centers for working mothers.

"By any means necessary" we will eliminate such conditions. If it takes the replacing of the capitalist ruling class by those working people who are most directly oppressed by it—to allow for the expression of the peoples full human potential—then let it be.

E.L.S. . . .

(Continued from page 1)

enforced, if at all? Is stricter regulation needed?

Project leaders are Paul Sowa and Tim Burrel. Students, particularly those with scientific backgrounds appropriate for the problem, should contact them in the ELS office (2467-C ext. 53309) or by callling 478-4300 (Paul) or 672-2074 (Tim).

Planning for both projects will proceed during the final weeks of this quarter. Work will commence in January. Investigation, then negotiation with responsible officials will be the initial approach in both cases. Should further action be required, ELS will publish its finding, directing them particularly to influential persons and government officials.

Paul Silver, Director of the Office of Environmental Studies at UCLA, is providing general administrative support for ELS and its projects. He will arrange for funding of these projects.

Interviewing Process: Making it in the Real World

SUPPLY EXCEEDS DEMAND

Job Market Studied

by Roy Finkle and Warren Putnam

A recent article in the "U.S. News & World Report" focused on the "Big Shift" in choosing careers. "Enrollments in law schools are at an all time high and applications for admissions next autumn are running 45 per cent above 1970. Statistics from other sources show that the number of lawyers admitted to the Bar almost doubled from 10,000 in 1960 to almost 20,000 in 1970." The obvious question is whether the market for legal services can absorb the increase in the number of newly graduated lawyers who will enter the Bar within the next few years.

As the interviewing season closes, student concern with the prospects for summer and permanent employment is increasing. A student committee has formed to investigate employment opportunities in California. The Law School Placement Center is also engaged in the project and their funding will be reported in a series of articles in the "Docket."

In general the study will examine the graduates and investigate the various factors which may influence the market in the near future. The following are some of the topics which the study group may focus upon:

1. The impact of no-fault insurance.
2. The impact of increases in law school enrollment.
3. The demand for recent law school graduates in large law firms.
4. Hiring practices and demand projections in federal, state, and local government agencies, such as:
   - County Counsel
   - District Attorney
   - Public Defender
   - Regulatory Agencies
5. Employment opportunities in small group practices.
6. Advantages and disadvantages of starting your own single or group practice

Information will be gathered by surveys, interviews, and review of the literature. Surveys of both second and third year students as to their experience in seeking employment and of firm and agency recruiters who utilize the Placement Center will be conducted through that office. A survey will also be made of the Placement Offices of the major law schools in California to determine their practices and experiences in providing recruitment services.

Interviews will be conducted with the American Bar Association, California Bar Association, local bar associations, and other organizations concerned with the practice of law. The Graduate School of Management will be contacted for information concerning the economy and its impact upon employment, as well as their current recruiting experience in order to determine the characteristics of the employment market in an allied profession.

As previously stated, one of the basic goals of this study is to describe the characteristics of the employment market for law school graduates in California with as much clarity and accuracy as possible. A critical part of this picture is to determine what the experiences of our students have been in seeking employment in the law field. To accomplish our goals will require cooperation on the part of all the students who are seeking employment. Please help by responding to questions that the Placement Office asks regarding your job seeking experiences. If you obtain a job through a Placement Center interview, or if you have a job throught any other source, be sure to notify Diane Gough, Placement Director, of this fact. Feedback of this type is essential if the Placement Center is to effectively serve the student body.

Correction

The Docket regrets the misprint in last month's Beverly Rubens Advertisement. The course will begin Sunday, January 2, 1972 in preparation for the February, 1972 Bar Examination. For further information, call 464-1934.

NOTICE

Due to the press of finals and vacation the next edition of The Docket will not appear at the first of January, but will be shortly delayed.

If you have suggestions concerning the format of the paper, stories covered or changes in the paper, please contact the Docket office or leave a message for the Docket at the Information window.

JUSTICE TO THE PEOPLE

Venice Legal Cases Varied

By Charlie Henderson

The Venice community is representative of a broad cross-section of the poor, subcultures and counter-cultures populating the Los Angeles basin, each faced with problems often peculiar to itself. One particular problem which they all seem to share, however, is a general unfamiliarity with the legal system and the unavailability of legal resources to meet crisis needs. It is this void that the Venice Legal Aid office seeks to at least partially fill.

A typical day at Venice may be as follows: Mr. V., who speaks only Spanish, is involved in an automobile accident with a non-Spanish speaking person who ran a red light. The damage to Mr. V.'s car is slight, consisting of a small dent and some bent chrome. The damage to the other car is considerably more extensive, but no injuries were sustained by the driver. Due to the language barrier, communication between Mr. V. and the other driver is extremely limited, but the other driver states, "It's okay, it's okay", and makes various signs and expressions which lead Mr. V. to believe that he wants Mr. V. to leave and forget about the collision. After waiting about twenty minutes, and watching the other driver push his car off to the side of the street, Mr. V. does leave. He subsequently learns from two plainclothes police officers who come to his house two weeks later that he is wanted on a misdemeanor hit-and-run charge. He will soon receive a letter from the other driver's insurance company claiming that Mr. V. was at fault and that he owes $600 in damages. Shortly thereafter, the Department of Motor Vehicles will notify him that, since he is uninsured, he will have to deposit $600 with the DMV, or his license will be suspended. Mr. V., who needs his car for transportation to the two jobs he must hold to support his wife and five children, walks into the legal aid office for the first time with two plainclothesmen in tow.

Mrs. A. lives by herself in a small one room apartment. Her only income is whatever her sister can afford to spare from her own family to send her, and loans she can secure from her friends. She receives foodstamps, and has applied for Aid to the Totally Disabled on the basis of a heart condition. Three months earlier, the ownership of her apartment building was transferred to a landlord who raised the monthly rent from $85 to $115. Mrs. A. fell behind in her payments and when she received a three-day notice to pay rent or quit the premises, she owed in excess of $200. With no where else to move, and fearful that she will be thrown out into the street, she comes to the Venice office for advice.

Mr. T. buys a car from a used-car dealer, but after losing his job is unable to keep up the payments, and the finance company repossesses it. The car is sold at auction for substantially less than he had contracted to pay for it, and the finance company threatens to bring suit if he doesn't make up the deficiency. . .

In these, and various other similar situations, the coercive powers of the state are brought to bear, directly or indirectly, on the people who are least able to adequately respond in the manner required by the law. The result is often inappropriate "guilty" pleas in minor criminal proceedings, default judgements in civil actions, or adverse administrative determinations which go unappealed.

In the cases described above, such consequences were avoided through the intervention of students at the Venice legal Aid Office. The DMV was persuaded not to require deposit from Mr. V., and he was able to keep his license. Representation in the criminal proceeding by a public defender was arranged; ultimately, Mr. V. decided to plead "nolo contendere" to the lesser charge of failing to present a license (when it became obvious that a favorable witness wouldn't appear in court due to his immigration status). Lastly, Mr. V. submitted a claim for his damages to the other driver's insurance company, which claim is still pending.

The student handling Mrs. A's case was able to arrange with the landlord an extension of an extra two weeks to allow Mrs. A time to move to her sister's in Santa Barbara.

The above types of cases, of course, involve clients who have been put on the defensive: there are, as well, sizeable classes of cases in which it is the clients who wish to intiate the legal proceedings. Typically, the latter involve attempts to obtain a divorce or the custody of children, a consumer fraud complaint, or a claim for damages arising from an auto accident.

Whatever the nature of the problem however, to those who are unable to afford the services of an attorney, the resources of Venice Legal Aid are available. Presently, four or five law students at a time staff the State Service office under the direction of the supervising attorney, Mr. Fred Kupperberg. When a client comes in, he or she is interviewed by one of the students, who then becomes responsible for seeing the case through to its conclusion. Depending upon the problem, this may require answering a few questions, negotiations with landlord and creditors, the accumulation and organization of evidence, representing the client in administrative hearings, or drafting various complaints, answers, or other court documents.

The problems have, thus far, been handled on an individual case-by-case method; however, class action suits and community organizing are being planned for next quarter.

Serrano Symposium. . .

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Koons, who authored Private Wealth and Public Education stated that another administrative possibility is to raise all monies through a central tax system allowing equal dollars for pupil with varying degrees of state control and establishment of preferences.

Potential inherent in Serrano v. Priest is awesome in the possible social and educational effects. Community control may be greater as smaller units would not have to rely on financial allocations by central schools boards for approval.

Individual control through a voucher system that would permit families to exercise discretion in choosing public or private schools is another alternative. Koons made clear his concern with the tension between equality and freedom. He stated that the question of determining educational policies and choices will have to be balanced with state interest. Control will have to be placed on the schools accepting vouchers. For example, some system will be necessary to avoid the closing of private schools to persons on the basis of race, color, creed or wealth. The latter barrier suggests an allowance for parents who wish to bus children to schools not proximate or which are highly specialized. To avoid a conflict of church and state, monies will have to be applied to non-religious education and pass through parents.

DeFunis Reactions. . .

(Continued from page 1)

Ralph Smith, editor in chief of the Black Law Journal, also felt the DeFunis decision will have no impact at UCLA, since LEOP was organized with the criticism of reverse discrimination anticipated. Mr. Smith stated that whites, who can demonstrate eligibility for LEOP, have and are being admitted under LEOP. He defended the twin admission policies on the grounds that gpa and LSAT may be relevant and reliable indicators of law school performance for middle class whites, but that other factors are more accurate in predicting the law school performance of minority groups. In attempting to achieve accuracy in prediction of postadmission performance, Smith explained, the two policies are in effect the same.

Mr. Leon Letwin, member of the faculty and one of the founders of the UCLA LEOP, was surprised that it had taken this long for litigation to arise. While being generally unmoved by the DeFunis decision he noted, perhaps ironically, that LEOP was the brain child of the establishment through CLEO which in turn is sponsored by the American Bar Association, the National Bar Association, the American Association of Law Schools and other legal educational organizations.

Frank Gomez, spokesman for the Chicano Law Students, said in a brief interview that he did not regard the DeFunis decision as of the same stature as the Brown decision, nor would the DeFunis decision affect important pending litigation, minority programs run under HEW guidelines, LEOP or anything else of interest.

Mr. Harold Horowitz, member of the faculty, felt however that the DeFunis decision could have great implications for all minority programs depending on the reasons actually used in the decision. Mr. Horowitz foresaw very different arguments arising under the circumstances of an allocation of a limited resource, such as law school educations, as opposed to the affirmative discrimination allowed by the Supreme Court in elementary and secondary school busings where scarcity plays no role. He suggested two reasons which could be advanced to justify what might be viewed as a harmful discriminatory policy against whites: (1) the development of additional admission criteria other than GPA and LSAT which need be included in an admissions process and, (2) the response of the Law School to fill the need for minority lawyers representing their fair proportion in the profession and legal system. In response to the charge that the poor whites still had no special access to the legal system, Mr. Horowitz concluded that the present LEOP policy was not envisioned as a permanent policy and that the program could expand and shift its emphasis as the needs and demands on it changed.

Women. . .

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a designated number of part time study spaces be made available each year for parents with young children who bear the responsibility of child care. While we hold open the possibility that a man might have these same responsibilties, we do so knowing that in most cases, such a program would effect women who otherwise would be unable to study law. We see this as only one of many options that can be exercised in an attempt to bring more women into the Law School. We don't see it as a cure-all for the problems women face, but as one option that can be best exercised at this time.

One of the frequent arguments raised against such a program is that women should not be given special treatment--if what we want is full equality. Part time study will only help to separate us more. The problem with this argument is that it fails to deal with the reality, which for many women, is a lack of equal opportunity. In an ideal situation, where roles weren't sexually defined, where children were the concern of all, this argument would be more convincing. But at this point in time, special options and categories are the only form of opportunity many women will ever have. We should begin discussion of farther reaching programs which would equalize or begin to equalize the social situation of women and men, e.g., adequate child care facilities, husband-wife sharing of domestic labor, a breakdown of sexually defined roles, etc. But until such time as these long range goals are reached, opportunities that will affect some individuals and help to change the character of this institution should be initiated and carried through.