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## Woolsack 1969 volume 6 number 4

University of San Diego School of Law Student Bar Association

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More Hall

# The WOOLSACK



Volume 6 Number 4

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

February, 1969



JOHN P. MASSUCCO JR.  
Coffee Seller in Cellar

## "John's Place" Opens

Dean Sinclitico recently announced the Grand Opening of "John's Place." Automated food service at the law school is soon to become a mere memory of lost quarters and coffee without cups. In its place is the newly equipped, newly stocked and newly staffed lunch counter in More Hall which will offer food and drink services at cost to law students.

### Management

The Dean in a startling departure with tradition at this campus has chosen to name the lunch counter in honor of the man who did all the planning for this project, John Massucco of the 3rd year day class at the law school. John has the job of planning, conducting surveys and will do the initial purchasing. In addition John will manage the lunch counter until he graduates

at the end of this semester. The cafeteria will be officially entitled Massucco Cafeteria.

### Cost

The lunch counter will be staffed by students and paid from funds made available to the law school as opposed to being funded by revenues produced by sales. Fixed overhead will be absorbed by the school. Another break with tradition! The result of this type of funding operations is poor

(Continued on P. 4)

## NO GOLD IN THESE RAINBOWS

# Narcotics Squad Pans For 'Pot'

By Bob Woods

A couple of blocks south of Market Street, just up from Pacific Highway, there's a small room, part of a huge complex bustling with activity.

The first thing you notice as you walk into the room, is chain of roach clips hanging from the ceiling, and a poster size photograph of small blonde six-year-old girl blowing pot. You start to look around and spot everything from hash to speed to horse.

Believe it or not, you're at the San Diego Police headquarters where an open house now is under way to show off the recently completed remodeling of the headquarters. The various departments have set up displays explaining their work. The one we've directed you to is maintained and explained by the Narcotics Squad, headed by Lt. D. A. LaMonte. He and his men will be available this weekend and every weekend through March to answer questions and tell you something of the difficulties they face.

According to Ralph L. Jaffe of the San Diego Police Departments Narcotics Squad, the perennial problems of all police departments, short staff and low pay, affect the "Narco Squad" also. Twelve to fourteen

hour work days are not uncommon for narcotics officers



An officer of the Narcotics Squad holds one of the many opium "water" pipes on display at police headquarters.

he said, but recent pay increases have helped to attract more and better career officers. Today's officer is better trained, more intelligent and better equipped than were officers not too many years ago.

The greatest amount of illegal narcotics in Southern California comes from Mexico, according to Jaffe. Marijuana, most prevalent, is a weed indigenous to the area, which can be farmed cheaply and easily, requires little processing and yields profits of several hundred percent.

### DAANGEROUS DRUGS

Another problem that is growing is the traffic of capsule and liquid drugs; "Speed," "Crystal," "Reds," "Yellow Jackets," for example. These drugs, primarily amphetamines, barbituates, and some opium derivatives, are produced primarily by large, well known pharmaceutical companies in the United States.

The potent and dangerous substances are often exported to wholesale drug companies across the border, where they begin a

(Continued on P. 3)

## Faculty to Hear Student Voice

A proposal presented to, and endorsed by, the Faculty-Student Co-operation Committee which would allow a student vote on decisions handed down by faculty committees is to be presented to the faculty of the Law School at their next regular meeting.

The proposal, if passed, would give a seat, and one vote, to a student representative on the Disciplinary Committee, the Library Committee, the Academic Rules Committee, and the Curriculum Committee.

In addition, the Student Bar Association President would be granted a seat, and a vote, at all faculty meetings, but would defer to the student representative of one of the other committees, when the faculty discusses and votes on a recommendation from that committee.

The proposal, if approved, would take effect only for the remainder of the 1968-69 Academic year. It is in the nature of an experiment.

Student Representatives would be elected by the student body from a slate chosen by the Faculty-Student Co-Op Committee.

It was clear from the proposal, that students seek responsible involvement rather than devisive agitation, and as such, are willing to institute the program on a trial basis for the remainder of the year, in order to prove themselves to the faculty.

The Student-Faculty

# Cooney Joins Municipal Court

Robert J. Cooney, a 1958 graduate of the U.S.D. School of Law, was formally installed as a judge of the San Diego Municipal Court Jan. 24.

The position he accepted was one of two new judgeships created by the 1968 state legislature.

The new judge was appointed by Gov. Ronald Reagan Nov. 19 and had been sitting on the Bench for several weeks before the formal ceremony.

Presiding Judge, Charles M. Snell, presided over the special session of the court during which Cooney was flanked by two other new judges, Douglas R. Woodworth and T. Bruce Iredale, while Municipal Court Clerk John



Judge Cooney

H. Peterson administered the oath.

Judge Cooney was sponsored by attorney Raymond F. Moats Jr., who spoke of him as one of the most able and capable attorneys he knew, and one well qualified for the Bench.

Cooney expressed a deep respect for the law and said he considered it an honor to serve on the Bench. He added that he hopes to become known as a credit to the Bar.

Moats saw Cooney's appointment as the fulfillment of a long dreamed of event which is the start of a new career and a new challenge.

Cooney, 40, was a 1952 graduate of the University of Montana after which he enrolled at the U.S.D. School of Law. He was graduated in 1958.

From 1959 to 1961 he served as a deputy City Attorney for San Diego. For the past seven years he has been engaged in private practice in San Diego.

Judge Cooney is married, has four children and lives in La Mesa.

## What's Inside

On the inside pages of this issue you will find:

Editorial	P.2
Alumni News	P.3
SBA Escapades	P.4
Fraternalities	P.5
Sports	P.6

# Final Plans Laid For I.R.R.A.

The proposed San Diego area chapter of the Industrial Relations Research Association entered the final planning stages recently, with the receipt of a letter of approval from James L. Stern, Acting Secretary-Treasurer of the national organization.

At present, Dean Joseph A. Sinclitico, Professor Jerry Williams, and Joseph L. Neepser of the firm of Gray, Cary, Ames and Frye, are in the process of drawing up a proposed copy of by-laws for the local chapter.

Dean Sinclitico feels that the new organization will begin to

function as a regular chapter within the next two months. The Dean and Professor Williams recently attended a meeting of the American Academy of Arbitrators held in Colorado Springs, in order to further the proposed San Diego Chapter.

## WOOLSACK

## EDITORIAL

The cry goes out across strife-torn campuses from San Francisco to the east coast, "We are the leaders of the future, we shall overcome!"

Granted, the youth of today are the leaders of the future, and they will overcome, if only by rights of in-state succession to political power.

It would seem, however, that many activist students, recognizing that America will one day be theirs to control, think no further.

Yes, they will lead this nation, but where will they lead it? If current actions are any indication it would seem that they will make valiant, and bloody, attempts to force their concepts and ideals on people who are "not bright enough," or "fortunate enough" to share their philosophies.

Students protest against American involvement in South East Asia, claiming that the United States is imposing its beliefs on a nation that doesn't want them, and using force and violence to do it. Yet these same students feel no guilt about riots on college campuses to force their beliefs on those who disagree with them.

The dissident student objects violently to the "establishment," yet seeks to become just such an establishment. Today the campus, tomorrow the nation, the world may take a little longer.

The dissidents claim that theirs is a humanitarian cause to further the interests of all people. Obviously they must feel that they know how best to achieve this objective. But as of yet, I have neither heard nor seen any concrete proposals for a plan of action.

If you wish to lead me, I may agree to be led. But first you must tell me not only where you are taking me, but how you propose to get there.

Unless the leaders of the future show this nation the sanity of their proposals they will inevitably bow to the superior forces of those who do not wish to be led by them. Campus riots would not seem to be a clear indicia of sanity.

The dissident student of today may well be the leader of the future. He will then be the establishment. What problems will he face? — WKL

LETTERS TO THE EDITOR  
BLIND FINALS

Editor:

In the last examination period, there was a gross miscalculation by a majority of first-year law students. This miscalculation involved the misjudging of the specific area in law on which the answer to the exam was to be based. Perhaps, it is inappropriate and unknowledgeable for a first year law student to address his views to this subject matter, but I think not. There is a need for relevant and related commentary. It is my feeling that the purpose of blind exams has been abused for both the students and the professors; which raises a critical question about the possibility of similar occurrences in the future.

In the academic world it is generally held that no matter how abstruse the subject matter, an examination should be a test of one's ability and knowledge of that subject matter. So the question becomes one of whether an examination given in a "blind

exam" series is really serving an academic purpose by constructing an exam which elicits an answer unrelated to the course's subject matter.

It may be said that it is up to the student to be able to judge correctly as to the subject matter of each examination. But if "this judging" is to become an official part of Freshman exams, then not only should a public announcement be made, but it also should be made an official part of the Law School bulletin.

The first semester is a chaos of rumors as to what the examinations are like and how best to proceed when you finally do take the examinations.

Furthermore, the process of learning to use the law is frustrating enough in itself without making a technicality in procedure become a mental hindrance to first-year law

students, already timid in self confidence.

Compounding the problem is the fact that a similar occurrence happened last year. I can not help but wonder, when in our study of law, since past history makes up the basis for our prevention of future mistakes, why no measures have been enacted in this law school.

An ambiguous examination serves no purpose except to add to the mental consternation of the law student and an overload of work for the professor. A question calling for the use of general legal theory is completely valid, so long as it is not a custom that each exam shall be based in a different area of law. Should not an exam be graded for its intrinsic display of reasoning and knowledge, rather than upon an extrinsic criterion of which Professor might possibly have written this exam?

James T. Minich

## ANOTHER VIEW

I felt a hand on my shoulder. I turned from watching the jury walk out and saw an old friend from law school. Greetings were brief and he came to the point. "Why didn't you make a case in property?" he asked.

Property? I hadn't thought of it. It had seemed a simple contract problem to me.

The longer we talked the more he seemed right. Suddenly I was on my feet, racing to the jury room, pounding on the door. "Come back! Come back!" I shouted. "I just thought of something else."

I felt the hand on my shoulder again. This time it shook me awake.

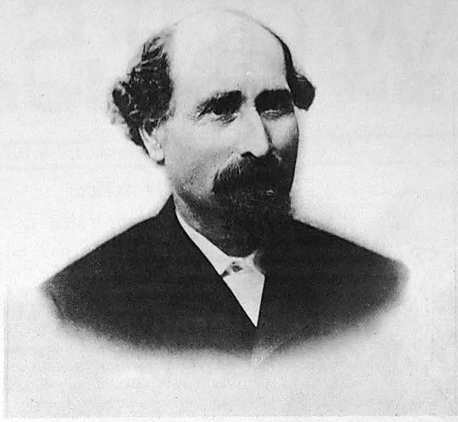
I lay there, thinking of the dream and of the exams I had taken that day.

Like many, I had written contracts and had felt hopelessly lost when I learned it was a "property" question. Also like many others, I had complained of what I thought was an unfair tactic.

In my mind I compared my two protests. Certainly the "court room" was ridiculous. But the thing at school was real and I had a right to complain.

After all, what could such as this possibly have to do with the practice of law? What are we preparing for, anyway — Court rooms?

D. Kinneer



Even with my beard, I need a tie?

PRESIDENT'S  
MESSAGEBy Dennis K. Dimeo  
S.B.A. President

With increasing frequency during the past few months, I have heard statements to the effect that I am administration oriented, or "side with the administration." I seriously doubt the validity of these statements since I feel I am truly representing the desires of the majority of our students.

Even if they are true to a certain extent, is that so bad? I never realized we were at war with the administration and faculty. I do not believe a situation exists such that you're either for or against them. Mutual co-operation is what we seek, not a negotiation table.

In discussing problems and proposals with the Dean and the faculty, I have found both to be more than just. In my opinion, there is no basis in fact for the distrust, the suspicion, and the disrespect that exist in the minds of certain individuals.

The Student Faculty Co-operation Committee was created by the administration. It was vested with wide power and suffers no subject matter "taboos." It has the backing, and hopefully the respect, of the entire faculty. It is a forum available to any student who has a suggestion which might improve our law school. This does not mean, however, that it is limited to students with new ideas, for if students are dissatisfied with some existing practice, format, etc., they too can express their views on these matters. All interested students are urged and encouraged to participate in the discussions which are held on the second Wednesday of each month.

There is also some talk about enlarging the student power on our campus. This is not surprising; it is a very common theme on most campuses today. I, too, believe that a student "voice," "vote" or "what have you," in certain decisions making processes is important. When I ran for this office, I expressed the need for such an opportunity. We now have a committee that adequately handles the voice aspect, but it does not quite cover the decision making aspects. Toward this end, the student faculty Coop committee has made a recommendation to the faculty

Standards  
Of Dress  
Modified

The faculty voted on Feb. 12 to adopt a new standard of dress for students in class and in the halls at More Hall.

The new rule is "clean and neat." It is effective immediately.

In making the announcement Feb. 13 Dean Sinclitico said the faculty acted as a result of student suggestions channeled through the Student-Faculty Co-operation Committee.

"The faculty voted to repeal the former dress rules which required students to wear coat and tie to class," the Dean said.

"In lieu thereof," he continued, "the faculty voted to require that as a minimum standard all students be required to dress neatly and cleanly."

The Dean said no formal dress requirements were required, "... however desirable to some persons these may be."

The new standard will not affect current library dress standards.

The Dean lauded the Student-Faculty Co-operation Committee, calling it a valuable tool to bring views of the student body to the faculty and administration for the improvement of all aspects of legal education.

"It is hoped that students who have views concerning possible improvement will take advantage of the committee," the Dean continued. He said that all meritorious suggestions would be submitted.

On another note the Dean expressed his pleasure that students have accepted and complied with recent parking regulations. He said plans are being made to make certain parking spaces near the building reserved for faculty and staff members.

that students become members of certain selected faculty subcommittees. I sincerely hope that such a decision is affirmed by the faculty.

Our faculty, perhaps unlike most faculties, is attuned to the desires of students. But, before they will be willing to surrender some of their "power" to the students, they must be impressed by the students acceptance of authority and responsibility.

They will not be motivated to act by "force". They must be persuaded, (which is the name of the game), by the students showing that they are able to handle both the authority and responsibility which comprise power. This is manifested by responsible student conduct. For this reason, the conduct of those students involved in the General Krulak incident proved to be most disappointing.

There exists another major limitation to student power on our campus, one of which most students are apparently unaware. This limitation is the fact that we are a private University, operated by the local Catholic Diocese. Not only do all student organizations exist at the grace of the Diocese, but the existing colleges on the campus do so also. If the student demands for power get too unreasonable, the school could be closed, permanently, if the Diocesan Head, the Bishop, so desired. We are fortunate, and thankful, that we have always received great cooperation from the Bishop.

## The WOOLSACK

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# Alumni News

By Licenciado Jorge

## ALUMNUS APPOINTED TO BENCH

Robert J. Cooney, class of '58, was appointed Nov. 19 to the Municipal Bench in San Diego. The judge left private practice to accept the appointment. Before going into private practice he was with the San Diego City Attorney's office. The alumni congratulate the Honorable Robert Cooney on his appointment.

## NEW OFFICERS ELECTED

Robert F. Adelizzi was elected 1969 President of the Alumni Association at the annual general meeting Dec. 5 at More Hall. Other officers elected were Bruce V. Wagner, Vice President; William C. George, Secretary; and Gayle F. Anderson, Treasurer. New Directors are James Boone, Timothy Evatt, Robin Goodenough, John McCabe and Charles Wickersham.

The meeting was well attended. The format was such that business was completed before any drinking began. Therefore, speeches were short and the audience was alert.

## OUT-GOING PRESIDENT REPORTS

The Honorable Richard Donovan, out-going President, gave his report and reviewed alumni activities of the past year. He credited Carl Ericson, president prior to Judge Donovan, for his part in increasing the membership. The drive for new members, begun under Ericson, was continued under President Donovan and has resulted in an alumni association of some 150 paid-up members.

The By-Laws have been adopted and many of the activities of the association have begun. Examples include Carlos Cazares' Moot Court Committee which, using Alumni Association members, has carried out its job excellently; and a scholarship fund which has been set up and has already received several contributions.

## DEAN SINCLITICO SPEAKS

After Judge Donovan completed his remarks and before new President Adelizzi gave his acceptance speech, Joseph A. Sinclitico, Dean of the Law School, gave the membership his view of the institution, past, present and future.

The Dean got everyone's attention with some sobering news: The results of the August 1968 bar. He said only about 20 to 22 per cent from USD had passed on the first read with ultimate passing of 40 per cent on re-read.

The Dean reported school enrollment as of that date as 315 day and 160 evening students. A breakdown of the first year class showed 153 day and 65 evening students. (Note: A check with the Admissions Office revealed that the figures as of Feb. 4 for the First Year class were 136 day and 60 evening - Ed.) The Dean estimated a desired number of students for future beginning day classes will be 150, although 240 could be accommodated.

## CURRICULUM CHANGES

According to the Dean, several new courses have been added to the curriculum, including a criminal justice course, the arbitration program and a continuing medical-legal course.

Two major changes in the curriculum were mentioned by the Dean. First, 85 units are now required for graduation, and second, every student must write an in-depth research paper equivalent to a Law Review article or a law note as a graduation requirement.

## FUTURE PLANS

Future plans include expansion of the library to 60 or 65 thousand volumes. This is necessary to meet a future American Association of Law Schools requirement.

At that time the funds for scholarship for the current year amounted to about \$40 thousand, much of which had come from the current tuition. The Dean also indicated a desire to see a Visiting Professors Fund established.

The Law School building is to be expanded. A three-floored building is to be constructed over the present patio area. The first floor is to be a lounge, the second a courtroom for moot court use and the third floor is to be a library.

The mail received by the Alumni column has been so sparse we have begun to subscribe to junk mail. If you can't tell us anything honest, then lie. It usually makes better copy.



William Yale  
**Yale on Property**

Mr. William Yale, of the law firm of YALE, WILSON, YALE & GANT, and President of the San Diego County Bar, spoke to the students of U.S.D. School of Law on February 5, 1969, about "The Practice of Real Estate Law."

The lecture, sponsored by Phi Alpha Delta, was another in a continuing series of professional improvement programs. Topics covered included: sources of law, methods to be used in keeping abreast of the changes in the law, specific problems to avoid and/or control, the function of escrow, recent important cases, and the use & problems of dealing with real estate brokers.

Mr. Yale, a member of the State of California Law Revision Commission appointed by Gov. Reagan on January, 1968, will assist PAD in organizing a seminar with the objective of presenting a panel of distinguished practitioners dealing in depth with real property law. The panel is currently scheduled for April of this year.

## Narcotics

(Continued from P. 1)  
stealthy trip back into the United States, or are sold to "Touristas," visiting border towns.

At present, there appears no way to stop the sale of narcotics to foreign firms. The neighbors of the United States need medication also, and the valid and spurious foreign buyers are hard to distinguish.

### STEMMING THE FLOW

Knowing that the supply exists, and even knowing where the drugs come from, officers still face the problem of stemming the flow of narcotics traffic. Most law enforcement agencies agree that they are not able to stop more than 10 percent of the traffic flowing into this country. The basic problem in enforcement is the large number of visitors who cross the border each day.

Jaffe sees the need to guarantee individual freedoms, and sympathizes with the difficulty in drawing the line, but feels that undesirables could and should be more closely controlled.

### THE STATESIDE PROBLEMS

Once the narcotics are stateside, officers still must walk

### PLACEMENT AVAILABLE FOR U.S.D. GRADS

Contact:  
Lt. Gen. Leo D. Hermle  
Placement Officer  
University of San Diego  
School of Law  
Alcala Park  
San Diego, California  
92191  
Phone: 714-297-0348

# POLICE OFFICER TURNED LAW STUDENT LOOKS AT THE LAW

by BOB McMILLAN

Editor's note: Mr. McMillan served as a police patrolman with the San Diego Police Department from 1956 to 1963. Now a law student at U.S.D., he here gives his opinion of recent court rulings and their effect on the police officer's job.

As a police officer, I was constantly involved with the "working" law as found in this jurisdiction. The emphasis was, of course, on criminal law, with the attending laws of arrest and evidence. A small percentage of our day to day activities were concerned with civil law relationships, but those were in the minority.

As a police officer, my opinion of the law was considerably different from that of a private citizen, and especially different from the view I now hold as a law student. The police officer's prime responsibility is the apprehension of criminal offenders.

Incidentally, there is a certain amount of crime prevention, but this is basically a matter of driving around making your presence known. Behavior, especially of the criminal variety, is greatly affected by the presence of a police officer in the area.

Since apprehension of offenders is the primary consideration, the law is looked upon as a tool to effect this result. A police officer uses the law to "put away" those who do not conform to society's standards.

He will use the law to his best advantage in order to effect the desired results. This sometimes results in a "bending" of legal principles, especially in the areas of arrest and evidence. For example, the law provides that a police officer may arrest a suspected felon, if there is "reasonable cause" to believe that: 1. A felony has been

(Continued on P. 5)

## Alumnus Gets Combat Award

Rufus C. Young, a 1965 graduate of University of San Diego School of Law, now on active duty with the Marines and a Viet Nam veteran, was honored recently in ceremonies held at Pearl Harbor, Hawaii.

Capt. Young, Assistant Legal Officer, Fourteenth Naval District, received the Navy Commendation Medal with Combat "V" from Navy Capt. C. Koenigsberger, Jr., District Chief of Staff, during ceremonies held Dec. 17.

Capt Young was recognized for meritorious service while serving with the Staff Judge Advocate, Headquarters, First Marine Aircraft Wing in connection with operations against Viet Cong forces in the Republic of Vietnam from November 1967 to August 1968.

Capt. Young lives in Pearl City with his wife and two daughters. He is the son of Mrs. R.C. Young of 310 2nd Street, Coronado, Calif., and is married to the former Carole Buenger also of Coronado.

## JUDGE RUFFIN ON HISTORICISM

The Dilemma of Historicism and the Law was explained to the students at U.S.D. School of Law, by the Honorable Roger S. Ruffin, Superior Court Judge of the County of San Diego, in an address Feb. 12 in More Hall.

In commenting on the use of historicism by members of the Bench, Judge Ruffin stated that the United States Constitution must be a living document, interpreted in the light of events of current times. He feels that the very words which must be interpreted may have different meanings today than they had when the Constitution was drawn, and that the meanings of today reflect more accurately the needs of the judicial system of our times.

The full text of the speech will be published in the forthcoming issue of the University of San Diego Law Review.

a fine line. The officer must work within the framework of the search and seizure laws. "Busting" a user is useless unless hard, clean, admissible evidence can also be obtained.

A second problem cited by Jaffee is the attitude of many people who are unwilling to admit a drug problem exists in their own community, or even in their own home. The community as a whole cries out to stop the drug problem, but if it is a problem close to or in the home, the individual becomes reticent. Parents with a juvenile offender often try to lock the problem away rather than face it, just as their grandparents may have locked away the problem of alcoholism.

A second social problem which Jaffe considers important is the glamour and mystique that surrounds the use of drugs by certain segments of the colleges and secondary schools.

### JUVENILE COURTS

Stricter punishment of second and third-time offenders would have a greater deterrent effect on most juvenile offenders according

to Jaffe. Although Jaffe generally speaking, feels that the juvenile courts are doing a good job, he feels that a lack of any punishment breeds disrespect for narcotics laws. Extended punishment is not necessary or desirable; only a sufficient amount to act as deterrent should be prescribed.

### EDUCATION

Education of the general public, as to the serious damage that narcotics can create, and about the users and sellers of narcotics, is termed vital by Jaffe, in order to deter potential users and to secure greater cooperation within the community. Jaffe points out that narcotics traffic contributes great amounts each year to the coffers of organized crime. The public is also hurt when the user is forced to commit crimes to support his habit. Finally, the public again pays to either rehabilitate or confine the user.

According to Jaffe, widespread and early education is our best hope in preventing the spread of the disease of narcotic addiction and sale.



**INTERNATIONAL TEAM:** Left to right, Michael Mills, David Bateman, Lynn Schenk, and Jean Harris.

## International Law Society Works With Moot Court

The International Law Society and The Appellate Moot Court Board has recently chosen the following students as members of the International Law Moot Court Team: Lynn Schenk, David Bateman, Jean Harris, and Michael Mills. The Team will represent the Law School at the

Regional Competition of the Phillip Jessup International Law Moot Court at the end of March. A memo is being drafted by the team representing both sides of the problem. The hypothetical problem concerns the rights of States to resources on the Continental Shelf.

The Team will argue both sides of the problem before a panel of three judges. The memo will also be graded and added to the two oral scores. The winner of the Regional Competition will be able to compete in the finals held at Washington, D.C. during April.

The International Moot Court National Competition is conducted in honor of Justice Philip C. Jessup, the current American Jurist sitting on the International Court of Justice at the Hague.

The Association of Student International Law Societies is sponsoring the arrangements for the competition in coordination with the American Society of International Law. The presentation of the final oral arguments will coincide with the Annual Meeting of the American Society of International Law.

**Employment Possibilities**  
The International Law Society has recently appointed Ron Barren as Chairman of the Reference Committee. Ron is currently cooperating with Gen. Hermie in sending requests for possible employment positions within the field of international law to various employers that conduce international operations. Any information that is received will be available to the members

### ST. THOMAS MORE COMPETITION

The St. Thomas More Competition is currently under way. The oral arguments are tentatively scheduled for mid-March. The State Moot Court Team will be chosen from the participants in the St. Thomas More. The State team will then compete at Boalt on April 12 against most of the California law schools.

## Bully's

Featuring Prime Rib, Top Sirloin and Teriyaki Steak  
Open for Dinner 6 p.m. - 1 a.m. daily Cocktails - 4 p.m. - 2 a.m.

Host George Bullington

5755 LA JOLLA BLVD. - LA JOLLA 459-2768

## S.B.A. Escapades

By BUCHSTAFF V. VILE

With this issue, I have two meetings to report! Fore to the December 14 Meeting. This meeting was basically a dud. No fights, no screaming or anything. The one bit of excitement was provided by a discussion of the Krulak Incident. Dean Sinclitico made some sobering comments, which will not be set forth here.

Of interest to students was the procurement of a wet-copier. This mechanical nightmare was retained only a month, as the noise and smell could be observed for miles. The copies had the same properties. Tony Gilham, bless his soul, announced the procurement of a 2400 Xerox copier, a quiet, accurate machine, cheaper to operate and quicker to copy. The price to the student is still 5c. There is still no changemaker available, but student assistants in the library will aid in taking your money. The machine is paid for through October 1969. The machine will be installed in the library workroom now under construction. The machine is expected to turn out the present load of 15,000-20,000 copies easily.

The Christmas Dance was a great success, or so we are told by those sober enough to remember the night. SBA Congrats to Lynn Schenk, fearless social secretary. I understand the budget was even fairly reasonable.

As you must by now expect, neither the Law Forum or student speaker chairmen had anything to report. An SBA meeting wouldn't be complete without a few missing reports.

Mandatory class attendance was among the topics discussed by the Student-Faculty Relations Committee. This drastic and cruel measure is being researched presently by that august body. A far more worthless suggestion is that a student be placed on each faculty sub-committee. A Little Bird asked me; Can students really tell teachers what and how to teach? Tune in next month for the answer. A note from Prof. Bratton and Dennis Dimeoz (pronounced "dee Moose"): Committee meetings are open to anyone interested. An agenda is placed on the SBA bulletin board, so you know what you can gripe about as fur instine Gen. Krulak was discussed last session.

Guess what? The SBA has formed yet another committee, this one chaired by smilin' Sam Alhadeff and charged with developing a policy of student conduct for submission to SBA Board of Directors. As an encouraging start, the SBA has in effect approved the United States Constitution as having validity on our hill. Will this replace the code of Justinian?

Onward to the Hot Stuff, Current Gems from the February 1, 1969 SBA meeting. Our nearsighted treasurer, by use of ledgers and mirrors, has shown the SBA is financially sound, having more-than-adequate funds available for the semester's activities.

In a supporting posture, the athletic commission reported the beginning of a three-man basketball tournament. This contest, originally sponsored by a law fraternity, was ruthlessly appropriated by the SBA Athletic Commission, in finest base-stealing tradition.

Of great importance is a chance

## Social Scene

By Lynn Schenk

The social events of the first semester came to a shrieking halt with the Christmas dance at the Vacation Village Hotel, where students, wives, girl friends, etc., roared for the last time before the "Finals Hibernation Period" began. The bar, (Vacation Village, not State) was swamped all night, which might seem to reflect an "eat, drink, and be Merry, for tomorrow you might die" attitude, prevalent in all law students just prior to exams.

The Spring Semester activities started off with a T.G.I.S. (Thank Gollys its Saturday) bash, with much free beer being poured over, under and around a juke box, on Feb. 8.

Phi Delta Phi next treated the school to a Valentines Day Dance, on the day after Valentines Day.

The next event scheduled is the student-faculty picnic to be held March 23. It there is any activity that you would especially enjoy (No! you idiot, we're talking about things like pie-eating contests), contact Lynn Schenk or John Massucco.

to unhorse the establishment's Black Knights. The Election Committee announced nominations for new officers will be open through Feb. 24; campaigning will begin Mar. 3, and the elections will be Mar. 10. The Honor Court elections will also be Mar. 10. Those interested in being a justice or counsel should apply to the SBA before 7 P.M., Feb. 20. At this time, the SBA will enter its plush smoke-filled office and choose the candidates to be voted upon.

The SBA tearfully accepted the resignation of Darel Graver as head of the Film Forum, and joyfully installed Marvin Schulz to fill the vacant post. Mr. Schulz's aggressive new policy has already resulted in a list seeking the opinion of students as to what shall be screened this semester. Such classics as "Lassie" and "Rebecca of Sunnybrook" Farm have been suggested already; Oh Boy.

Another resignation was that of Paul Fisher as head of the Law Forum. On Fisher's recommendation Mark Weisel was designated acting chairman. In a burst of efficiency, Weisel has already submitted a report on activities of the Forum for the remainder of the semester.


On the lighter side, fair-haired Lynn Schenk gave a bubbling


report of future social activity. The T.G.I.S. (Thank Goodness Its Schlitz?) dance will be held Saturday, Feb. 8, 8-12 p.m. in More Hall. This event will be past history when this tabloid hits the street, but it looks better in the future tense. T.G.I.S. will feature music and beer. Following will be the SBA Picnic at Presidio Park on March 23. Details as to food will be forthcoming. Details will also soon be revealed as to the graduation dance at the Atlantis May 30. See your SBA bulletin Board soon.

A proposal made at the last Student-Faculty Relations Committee meeting concerned a reform similar to one at Boalt Hall. If this teaser has interested you, come to the next committee meeting. Two other proposals to be discussed are direct reporting of grades to students and student evaluation of courses and professors. These topics should touch and concern us all, and send us running with proposed covenants to the next committee meeting.

At the February meeting the SBA was faced by the affable head of the Alhadeff Committee, who read an eloquent and well-reasoned rough draft of student conduct policy. Although

(Continued on P. 6)





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# LEGAL FRATERNITIES: BEDFELLOWS OF THE LAW

By MANUEL R. MARTINEZ, Jr.

Rush season is upon us once again and you the law student are faced by that big question which is faced by all law students sometime in their career: Should you or should you not join a legal fraternity?

Those of you who are now faced with this question please read on; in particular those of you in your first year of law school as, you may have some preconceived ideas about fraternities. It is the belief of this writer that the best thing that could happen to a law student in this regard would be to completely forget everything he knows or believes about fraternities in general.

### College Fraternities

The first thing that must be understood by everyone is that a legal fraternity as it is known today resembles the undergraduate fraternity in name only. The undergraduate fraternity is a socially oriented organization with social contacts and activities as its primary goal. Characteristic of the undergraduate fraternity, or for that matter the undergraduate sorority, is a selection process which has to be somewhat discriminatory in nature, if for no other reason than to successfully meet its primary mission in life or the college campus. The legal fraternity on the other hand is a professional organization with its primary goal being the advancement of the members legal education and professional standing in the community. While it must be selective in determining who its members will be, it is in no way any more discriminatory than the American Bar Association or any other state or local bar.

The legal fraternity while never losing sight of its primary mission does not however ignore the fact that all work and no play makes for a

(Continued on P. 6)

# Career Day March First

Plans have been finalized for the second Annual Career Day, to be held on Saturday, Mar. 1, from 9:30 a.m. to 1:00 p.m. at the Hanalei Hotel in Mission Valley.

The program, aimed at assistance and education of the law student proved an overwhelming success to last year's standing-room-only crowd. It is of particular interest to first year students who have had a taste of legal education but not fully decided on the field of law or type of law they desire to practice. The purpose is to present the diverse views of distinguished attorneys in their respective fields.

This year's panel will be moderated by Mr. Elmer J. Stone, Ass't. General Counsel for Ryan Aeronautics and moderator at the recent ABA Convention.

Mr. David G. Leaverton of U.S. Financial Co. will present the views on corporate practice.

National Court Judge T. Bruce Iredale, the former Chief Trial Deputy for the San Diego District Attorney's Office, will discuss public office.

Mr. Alec L. Cory of Procopio, Cory, Hargreaves and Savitch will talk about the advantages of practice with a large firm.

J. William Hinchey of Hinchey, Katz, Witte and Wood will address the problems of the private practitioner and Mr. John D. Duddy of El Centro will discuss the advantages of rural practice. The program is free to all students and will be followed by an optional lunch served in the lush Islands Restaurant at the Hanalei. The cost of the luncheon will be \$2.50 payable not later than Feb. 27.

Tickets will go on sale Feb. 17 and may be purchased from PAD members. An advantage of the luncheon will be to meet informally with the panelists who will be guests of PAD.



Prof. Frank Engfelt, right, PAD Chapter faculty advisor, presents the Annual PAD Alumni Scholarship to Brother Ken Gleason, second year day class. Looking on is Rick Songer, McCormick Chapter Justice.

# PHI ALPHA DELTA PLANS ACTIVE SPRING SEMESTER

A new year and a new semester gives cause for the members of USD's McCormick Chapter of Phi Alpha Delta Law Fraternity to look around and see where we have been and where we are going in the new year. It can be safely stated that under the able and dedicated leadership of our brother, Justice Rick Songer and his fellow officers, that the chapter has upheld its motto of "Service to the Student, the Law School and the Profession."

The Fall Semester was begun with the knowledge of receiving the "Outstanding Chapter Award" for our district at the National Convention in Washington, D.C.

A successful Fall Rush and initiation enabled us to increase our membership to the largest on campus. PAD is also the largest national law fraternity.

### PROFESSIONAL PROGRAM

Swinging into our active and diversified professional program, chaired by our Vice Justice, brother Worth Vogel, and his committee the following activities took place: In November, PAD presented the "Lawyer in the Armed Services," in which a panel of experienced military lawyers representing the Army, Navy, Air Force and Marine Corps, expressed the pros and cons of their respective professions. The panel was moderated by Professor D. V. Kerig.

In December, it was Vietnam and Bankruptcy. Retired Marine Lt. Gen. Victor H. Krulak remarked on Southeast Asia to a crowded and enthusiastic More Hall audience. Gen. Krulak's refreshing and authoritative insights were well-received by the vast majority.

A large coffee-drinking Saturday morning crowd turned out for the Bankruptcy Seminar at the LeBaron Motel and were treated to some very informative and expert advice by a panel which included the Honorable Referee Arline Rossi.

After the annual January horror show (exams), there were two presentations in February. Mr. William Yale, President of the San Diego County Bar, gave an interesting discussion on the Practice of Real Estate Law in California.

Superior Court Judge Roger Ruffin, a noted legal scholar who is presently writing a book on philosophy and the law, delivered a noon-time address to a large More Hall audience on the topic, "The Constitution and the Dilemma of Historicism." At the request of SBA President Dennis Dimeo, Judge Ruffin submitted the speech for publication in the Law Review.

On the National scene, PAD alumni were off to a rousing new year with the inauguration of Brothers Richard M. Nixon and Spiro Agnew as our nation's leaders. When Congress convened this year, there were some forty-two alumni in the ranks.

Since leadership and service doesn't start at the top, it is noted with pride that members of PAD pervade the ranks of the SBA, Law Review, Moot Court and WOOLSACK staffs here at USD School of Law.

### LOOKING AHEAD

As this edition goes to press, the Spring Rush activities will be underway and culminated by initiation on March 8th at the County Court House followed by a free reception at MCRD Officer's Club. As usual, the accent in the rush will be directed at the now-eligible first year class to replace our graduating seniors.

Another highlight will be the second annual Career Day presentation to be held on March first at the Hanalei Hotel. This event features panelist-lawyers discussing the various types of law practice and has proven to be the most successful of the Professional Programs presented by PAD. This year's panelists will feature prominent attorneys in corporate, government, large firm, private and rural practice. It promises to be an outstanding opportunity to aid the law student in deciding on his future career.

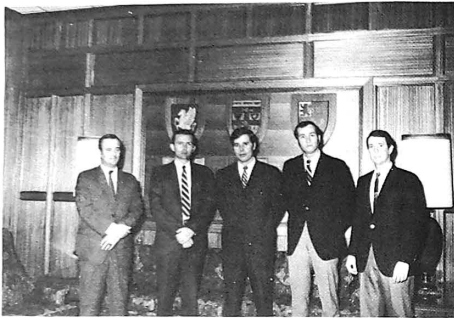
And finally on the Professional Program there will be two presentations in April on Property Law and Voir Dire. Details will be forthcoming.

### DISTRICT CONCLAVE

McCormick Chapter succeeded in being named host chapter for the annual Joint District Conclave to convene April 4-5 here in San Diego. National officers will meet with alumni and delegates from the law schools of California and Arizona at the Le Baron Hotel in Mission Valley. The highlight of the business session will be a panel on Criminal Law featuring locally and nationally prominent practitioners in the field.

### ELECTIONS

Chapter elections will be held on March 13th. It is neither premature to convey a hearty "Well Done" to the incumbents nor to consider their successors. Every effort should be made to attend this meeting in order to exercise your democratic prerogative and choose your leaders.



Phi Delta Phi newly elected officers, left to right, Night Magister Kent Harvey, Clerk Paul Smith, Magister M. Paul Fisher, Exchequer Patrick Hennessy, Historian Marc Weisel.

# Phi Delta Phi Throws Valentine Dance

The men of Wigmore Inn embark on the new year anticipating an eventful Spring semester. The officers and members have been busy planning a full calendar of rush and social activities. The first event in the new semester was the VALENTINE DANCE, presented in More Hall at 9 p.m. on Saturday, Feb. 15.

Once again Phi Delta Phi expects to initiate a large number of new members. Some of the rush events calendared for the coming weeks include an informal evening of "Fun and Flicks," spiked with free refreshments scheduled for Wednesday night, February 19 in More Hall. Phi Delta Phi will also present its annual Casino Night the first week in March. Those attending the affair will be treated to an exciting "Las Vegas" atmosphere.

The new officers who will lead Phi Delta Phi through another successful year are: Magister M. Paul Fisher, Night Magister Kent Harvey, Exchequer Patrick Hennessey, Clerk Paul Smith, and Historian Marc Weisel.



JAMES HERBERT, JR. Loyola (LA) Community Property	MICHAEL HEYMAN Boalt Hall Real Property	JOHN KAPLAN Stanford Criminal Law; Evidence	KENNETH KARST U.C.L.A. Constitutional Law	ROBERT MEINERS California Western Contracts; Real Property
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## SPORTS RETORTS

by  
MARTIN WATERMAN  
the Tel Aviv Twenty

Well sports fans, here we are back after the most grueling of sports; the final exams. It's something like trying the deathelon with your shoe laces tied, or going against the Rams front four, walking backwards, whistling taps, and the only protection you are wearing is a headstone. Some of the tests, especially for the first-year-class are likened to a maze where they don't tell you where you're going, or what game you're playing, but you have to play by their rules. It may have been better for some to take a blindfold into the exams with them. At least it may have been less traumatic.

Last! Two pair of black gloves. If found, please notify. You might even find the owner still wearing them because he's lost too. If you read my last article on football, he's the football player that I said was thinking of destroying a referee, and when I warned him of the possible consequences of an otherwise meritorious consideration, they needed a little destroying, but I figured the Law School would frown on it, so he then got that far-away look,

possibly thinking of far-away fruit plantations in Fresno. He may be there now, sipping a mint julip, still wearing those black gloves.

On the winter scene you might see Ken Ruderian, that Jean Claude indoor, outdoor skier of the jet-setters, possibly giving some advice about skiing and the ways of the world to two other 2nd year Law students. He goes down those slopes with great form but there's not always snow on them.

Some of the more strenuous sports played lately are coin-flipping by Joel and Phil. However, the new followers are many and Ed has picked up the sport.

Since it is now basketball season, your reporter went where the action was to see how practice for the Phi Delta Phi basketball tournament was progressing. I was standing in the key less than three seconds when a couple of players put me in the basket. I can't understand how they could have made that mistake. To add insult to injury, they counted the play for two points. But I'll be back where the action is, whatever it is.

## John's Place Opens

(Continued from P. 1)  
business practice from the standpoint of the capitalistic system but a welcome relief to the law student who is very often living on a "shoe string."

### Product

The services to be provided will include but not be limited to serving fresh sandwiches, soft drinks, 8 oz. cups of coffee, candy, cigarettes and some pastries. All items offered will be sold at the cost to the school to purchase them. Student demand will determine the exact items which will be sold in the future.

### Hours

Of special interest to the night student is the fact that "John's Place" will be open at night. Exact hours have not yet been announced but the Dean has assured this writer that "John's Place" will be open at all hours

that the students wish and will patronize it. Initially it will open at 8 a.m. every morning. No decision has yet been made in regard to the weekend at this time but if the demand is there the service will be offered then also.

### Facilities

For those students that like to sit at a table and discuss and solve world problems over a cup of coffee, table and chairs will be set up in More Hall. But alas all is not as ideal as it would seem at first blush. No waitresses or bus boys will be in the area so the patrons of "John's Place" will have to clean up their own mess and bus their own cups and plates. Considering the improvement of this service to the student over what has been available to date, it seems an insignificant price to pay.

See you at "John's Place."

## POLICE OFFICER LOOKS AT THE LAW

(Continued from P. 3)  
committed and, 2. That the suspect committed said felony.

This obviously gives the police officer a good deal of latitude. What is "reasonable cause" to the police officer may be viewed in an entirely different light by the suspect, especially if he is innocent of any wrongdoing.

From experience, I can verify that "reasonable cause" is relatively easy to prove if one is desirous of placing a certain individual in jail. It may not be sufficient to obtain an indictment and/or conviction, but at the very least is usually sufficient to preclude any civil liability for false arrest.

This is little consolation to the sometimes innocent citizen who is arrested and subsequently released, and thereafter must bear the stigma of a police record.

The average citizen, however, looks upon the law as a "protector" of his rights. At least, so long as it does not affect him personally. Crimes are committed by "criminals", so at least in this respect, Mr. Average Citizen has

## Poll Used For Films

The S.B.A. is endeavoring, through the poll and the suggestion list, to establish a program responsive to the students with regard to programming of future films.

Through bringing the forum before the student, he can more effectively participate in the functions which he is financing.

Also, there will be a better market for the monopolistic beer concession for which I will be accepting bids and bribes in the future. Good beer can make a movie.

The polls effectiveness is up to the student. Its conception was in the mind of Mark Weisel.

## Escapades

(Continued from P. 4)

wreathed in garlands of glory, the report was not accepted by the SBA Board of Directors, as the statement did not touch directly enough upon the material charged to the committee. It is hoped this rough draft will be included in a revised policy statement. Nice try, Sam.

The law Wives were voted \$100.00 for providing coffee during finals. Along with this remuneration, we all are surely grateful for their thoughtful care in our hour of need. Thanks again.

A fantastically worthwhile expenditure granted up to \$300.00 to us... that is the Woolsack. Unfortunately, we have strict orders that this money is intended to be used in the publication of a graduation magazine. And here we had our skis and parkas packed...

Closing on an ambivalent note (as usually), the SBA has regretfully accepted the resignation of Dale Marriot as Honor Committee Chairman. I guess he just couldn't stay honor. Fortunately, Dale's priceless (he doesn't get paid) service as SBA secretary will continue. And on that note, Buchstaff once again rides into the sunset, rapier-like pen in hand, snickering nastily...

the same view as the police officer, and feels the law should put those people away where they won't commit any more crimes.

Too many people are inclined to say, "X is obviously guilty, so why bother with all the trouble and expense of a trial. Just put him away where he can't do it again." This view, which I fear is all too prevalent, overlooks the basic premise that the accused is innocent until proven guilty. Even if there is absolutely no doubt as to the guilt of the accused, he is still entitled, under the Constitution, to all the benefits of due process of the law. If we ever lose sight of this principle, we are on the road to a police state.

Much criticism has been heard about the landmark due process

cases such as *Mapp v. Ohio* 367 US 643 (1961) (exclusionary rule); *Escobedo v. Illinois* 378 US 478, (1964) (Self-incrimination). *Gideon v. Wainwright*, 372 US 335 (1963) (right to counsel), and others, which supposedly have tied the hands of law enforcement. Quite to the contrary, these decisions have only required police officers to do a more efficient job.

The criminal offender is still being apprehended, prosecuted and convicted, but in a manner which does not infringe on his constitutional rights. Should this current trend ever reverse and deny the accused his constitutional guarantees, it is only a few short steps until we all will live in fear of our freedom.

## BEDFELLOWS

(Continued from P. 5)

very dull life indeed and that an individual needs some social activity where he can relax and mingle with his fellow students, friends and associates. Enough social events generally are planned to meet this need but never at the expense of the greater and more important goals.

### Law Frat. Looks To Future

At the law school level the legal fraternity has the responsibility to help the student prepare himself for his future profession by influencing his basic attitudes toward the practice of law and the legal profession in general. The legal fraternity meets this responsibility by helping the student bridge the gap between the academic emphasis of the law school and the needs of a client's case and problems by giving him the opportunity to informally associate with practitioners and thus find a way across that gap.

Training in leadership is also available through the planning and carrying out of the various professional activities with which a legal fraternity gets involved. In addition a legal fraternity assists the law school and the local bar whenever possible. In summary then, the legal fraternity exists for the sole purpose of serving the law students, the law school, and the legal profession.

The legal fraternities at the University of San Diego School of Law at the present time are Delta Theta Phi, Phi Alpha Delta, Phi Delta Delta, and Phi Delta Phi. All are fine organizations and any one would be a sound investment to join. These organizations are all composed of law students who are absorbed in the study of law, work, families, law review projects, moot court, Woolsack, and other time consuming activities. Even so, time is found to participate in the various fraternity activities, because all legal fraternities on campus attempt to schedule functions at the time when there is no conflict and where wives and dates can attend so that they too can benefit from the activity, regardless of its nature. Participation is of course actively encouraged but absences are understood and never questioned.

### Why Join?

Nota Bene that the most important consideration in deciding whether to join a legal fraternity while at law school is not what the fraternity can do for you while in law school but rather what membership in such an organization can mean after graduation. Affiliation with a National legal fraternity will enhance nationwide friendships, increase placement possibilities, and provide very real and tangible benefits as an alumni member both locally and nationally. Some of these benefits even extend to the area of life and malpractice insurance at greatly reduced rates.

Alumni chapters of our national legal fraternities number in the hundreds. These chapters are active throughout the country helping their members find jobs, solve problems and meet with fellow members of the bar with similar interests. These contacts and services can put a fraternity member in an advantageous position to make valuable connections when he is getting established or moves to a new area.

The decision that faces the prospective legal fraternity member who must decide whether to join or not to join is one which must be arrived at by evaluating legal fraternities by a professional standard as opposed to the social standard used at the undergraduate level. Joining a legal fraternity does not merely mean membership in an "in" group, but rather more importantly it must be viewed as an investment in the future of the individual attorney and one which will yield rich dividends.

The editors of this paper urge you to seriously consider joining a legal fraternity while in law school. Which one you join should be an individual choice based on careful research and evaluation of your needs and desires at the present and also for the longer period commencing after graduation.

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