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## The Loyola Brief

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# THE LOYOLA BRIEF

LOYOLA SCHOOL OF LAW · LOS ANGELES

Vol. 1, No. 5

March, 1969

## LAW REVIEW ABOUT READY

Larry Feldman, Editor-in-chief of our law review, has announced that, in short order, these somber halls of learning will be tessellated with tact syllogisms and succinct sayings when the Board of Editors unveils the second volume of the Loyola Law Review. All students, being subscribers, may obtain their copies, upon publication late in April, at no charge.

This year's board and staff have worked to their utmost ability to produce a volume which will do the law school proud and perhaps forward legal thought. Volume 2 of the law review is divided into four parts. In the ARTICLES section are presented articles written by noteworthy legal

scholars. The Loyola Law Review is greatly honored to announce that from many contributors, the following articles will be published this year:

*Religion, Morality, and Abortion:*

*A Constitutional Appraisal*, by former Supreme Court Justice Tom C. Clark, is an examination of the present abortion laws in the United States, with a plea toward a re-evaluation of standards.

*The Legal Profession on Trial: Group Legal Services*, by State Senator George Moscone and his senatorial assistant, James S. Reed, throws new light on the subject of group legal services.

(Continued on page 6)

## LSD/ABA

### NOW VICE-PRESIDENT!

At the recent conference of the ninth circuit, the LSD/ABA representatives from all accredited California, Arizona and Utah law schools elected Loyola's Sue Tanzman to be the 1969-70 circuit vice-president. (Congratulations Sue!) As vice-president, among other duties, Sue will assume an ex-officio position on all Barrister Committees. The Barristers is an organization open to all California attorneys under the age of 36.

Don Aimar, Loyola LSD/ABA representative who served as chairman of the conference, feels that this will be a real benefit to the Division members at Loyola. Already one of the most active schools in several areas of social reform, we are now in a position to make our weight felt—both in California and nationally.

Loyola's success at the conference was largely due to the help of the many Loyola students who gave their time and efforts to show the other schools in our circuit that we are ready and willing to do the work. Help from the second-year day class was especially appreciated.

Our LSD/ABA Reps. will be looking to the first year class for much support next year. Membership is still available; application forms are on the coffee shop bulletin board—use them!

of the American Trial Lawyers Association. The merits of a compensation-oriented automobile liability insurance system such as the Keaton-O'Connell plan will be presented in a discussion/debate context in which attendees will have an opportunity to pose questions to the speakers. Persons interested in attending the forum should contact a member of the Society.



Mr. John Miner, L. A. District attorney's office; Guillermo Schnaider, forum chairman; and Mr. Howard Meyerson, Los Angeles criminal defense attorney, at the February 21st St. Thomas More Forum. The forum topic was "The XYY Chromosome as a Defense in Criminal Actions." (See page 3)

## ST. THOMAS MORE LAW SOCIETY

The final forum of the year for the St. Thomas More Law Society, tentatively scheduled for April 25th, will

examine the developing concept of a liability system, applicable at least to automobile accident litigation and liability insurance, which is not based on fault. Speaking in behalf of the retention of the present fault-based liability system will be a prominent member



## THE LOYOLA BRIEF

Editor-in-Chief ..... Burton H. Ward  
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News Editor ..... Joanne Egan  
Editorial Editor ..... Robert K. Lane

### Staff Members

Don Aimar  
Judith Bavetta

V. James Oliver  
Bob Ryan  
Neal Wiener

Published monthly during the school year by the Student Bar Association of Loyola University School of Law, 1440 W. Ninth Street, Los Angeles, California 90015. (213) 382-4442.

## ABE FORTAS FILM FESTIVAL

*"Vice is a monster of so frightful mien as to be hated, only needed to be seen. Yet seen too oft, familiar with her face, we first endure, then pity, then embrace."*

Alexander Pope (1705)

If the standing-room-only crowd in the Moot Court room on March 18th accepted the above statement of the human condition as true, and further believed that recent Supreme Court rulings on obscenity have encouraged publications and movies that are tearing apart the moral fiber of our nation and endangering the government, then Mr. Jim Clancey of the Citizens for Decent Literature (C.D.L.) would have had a much more receptive audience than he encountered.

Mr. Clancey showed the movie which C.D.L. had produced and shown before the senate committee holding hearings on the nomination of Justice Abe Fortas to be Chief Justice of the U. S. Supreme Court. The film's first major point was that juries are the proper body to decide what speech is outside the First Amendment's protection as being obscene. This point was soon lost to most as the movie proceeded to document the alleged examples of obscenity in the 26 cases which the U.S. Supreme Court ruled on in its October, 1967 term. Excerpts from the "good" parts of movies such as "Un Chant D'Amour" and "Sex Dreams" were shown along with photos from magazines and the covers of such bedside readers as *Sin Hotel*, *Fleshpot*, *Bondage*, *Bondage No. 2*, *Lust Web*, and the ever popular *Sex Life of a Cop*. These examples of al-

leged harbingers of moral degeneracy generated by "permissive" Supreme Court decisions were interspersed with blow-ups of newspaper photos of a sullen-faced Justice Fortas in civies, with a plain backdrop and a narrator stating that Fortas' firm had represented a girlie magazine (Rogue) which sought a mailing permit.

In contrast, a latter part of the movie pictured Justice Harlan in his judicial robes, backed by a wall of law books and looking for all the world as the great, wise justice.

The questions following the movie gave Mr. Clancey his second indication of the tenor of the audience. The first indication was the applause and guffaws from the audience as the "obscenity" unfolded on the scene. The questions ranged from challenges

to the accuracy of points of law mentioned in the film to whether he (Mr. Clancey) felt responsible for lowering the morals of those to whom he showed the movie, not to mention the devastating effect of so many showings on his own morals.

The speaker's answers were infrequently responsive to the questions, and often varied between answering with a question or a tangentially relevant quote from a court decision read in an irritating monotone. Mr. Clancey changed markedly during the hour and a quarter from his calm, confident introduction of the flick to a plaintive plea near the end of the questioning, "Aren't there any conservatives here?"

On balance, Mr. Clancey's presentation—his first at a law school—was obscenely barren of intellectual honesty and logic, although the audience could also be faulted for being somewhat less than courteous at times. Clancey did prove to this reporter's satisfaction that extremism in the suppression of vice is certainly no virtue.

N.T.W.

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## 1969-70 LOYOLA BRIEF

The staff and board of editors for volume two of the LOYOLA BRIEF will be selected during the next three weeks. Anyone interested in working on next year's BRIEF should leave a note in the BRIEF pigeonhole in the coffee shop. Please indicate your particular area of interest, your class and section and your home phone number.

In addition to those positions now listed in the credits box, a photographer and a business manager will be needed next year.

All applicants will be contacted.



# ACADEMIC FREEDOM vs. THE VATICAN ABORTION vs. CANONICITY LOYOLA LAW REVIEW vs. LOYOLA SCHOOL OF LAW IT CAN'T HAPPEN HERE (pick a heading you like and read on)

By The BRIEF Staff

The Board of Editors of the Loyola Law Review held an open meeting on February 28, 1969, to discuss a conflict between the school administration and the editors regarding a law review article on abortion. No issue at Loyola has ever rallied active support from such a cross section of students, and at the same time found faculty members taking side with the students in direct and vociferous opposition to the administration. For this reason, although the issue is now dead, the conflict having been resolved in a manner acceptable to all concerned, the BRIEF offers the following summary of the conflict—its source, its substance and its resolution.

Justice Tom Clark, at the invitation of the law review editors, wrote an article on the subject of abortion for publication in the 1968-69 law review. Father Vachon first read the article after it had gone through the editing process and was in galley sheet form. It was, and presumably still is, his opinion that as a piece of legal scholarship, the article was not worthy of publication in the law review. In addition, he thought that the subject matter should be handled with greater precision as a legal issue because Loyola is a Catholic institution, and the law review, whoever its editors may be, appears under the aegis of the University.

Thus, the source of conflict is defined: the editorial board of the law review finds both the substance and form of Justice Clark's article totally acceptable, Father Vachon finds both totally unacceptable.

Regarding the substance, Father Vachon asserted that canon law makes abortion a crime even more heinous than ordinary murder because of the total defenselessness of the victim. The legalization of abortion, which the article urges in specific situations, is therefore even a more sensitive issue than would be an argument for legislative approval of murder.

The opinion of the law review editorial board on the substantive value of Clark's article is that "... by providing a continual source of commentary, based on logic, principle, and reason, on recent judicial decisions and by publication of analytical studies of controversial legal issues written

by leading members of the bar, law reviews render valuable service to those involved in the administration of Justice." This is a quote from Louis H. Burke's introduction to the first edition of the Loyola Law Review, 1 Loyola L. Rev. 2 (1968).

At this point, the essence of the conflict is clear: the editors want the article in; Father Vachon wants it out. So, negotiation commenced.

It appears, in retrospect, that the fact of this "negotiation" is what sparked the active concern of students and the alignment of faculty members, i.e., negotiation is a vehicle to agreement on some sort of a compromise, and how do you compromise academic freedom without it becoming something else?

The topic at the February 28th "town-house" meeting was whether this year's law review should include an article arguing the objections to legalizing abortion—this being the administration's offer in consideration of allowing publication of Clark's article. Father Vachon states most emphatically, however, that the editors were never told they could not print Clark's article nor that they had to print an article airing the other point of view.

Resolution? Simple. Both sides of the tempest charged it off to a misunderstanding. Father Vachon still doesn't like or agree with Clark's article. The article will, however, appear in the law review, with an introduction by Father Vachon.

An article against legalized abortion was prepared by Mr. Trinkhaus

## EXTRA CHROMOSOME DEFENSE REJECTED

A confessed rapist, whose case was the first U. S. Court test of a theory that men with an extra male chromosome might be born criminals with ungovernable passions, was sentenced Thursday, March 24, to one to 14 years in state prison.

Mr. Howard Meyerson represented the defendant, Raymond Tanner, 33. The case, *State v. Tanner*, was in full swing when Meyerson appeared at the recent St. Thomas More Forum.

Superior Court Judge Maurice T. Lander rejected the theory and sentenced Tanner on his conviction of assault with intent to commit murder. The judge recommended, however, that Tanner serve his time at Atascadero State Hospital so that "perhaps mankind can benefit from further study" of the chromosome abnormality, called the XYY syndrome.

Tanner pleaded guilty in August, 1967 to assault with intent to commit murder involving the beating and raping of a Van Nuys, Calif., housewife.

The abnormality is called the XYY syndrome because so called "super-males" carry an extra Y, or male, chromosome. Recent scientific theory suggested that XYY males are predestined to commit crimes and are prone to aggressive behavior and uncontrollable impulses. As Judge Landers sentence indicates, there is evidence now of such a phenomenon. The link between the chromosome anomaly and human behavior isn't, however, sufficiently established for judicial recognition.

but the editors decided not to print it.

"Nothing else in the world . . . not all the armies . . . is so powerful as an idea whose time has come." Victor Hugo said that in *The Future of Man*. The thought just seemed appropriate here.

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## STUDENT BAR ASSOCIATION PRESIDENT



**MASON ROSE V**

Now in his third year as a night student, Mason has served as a Class Representative all three years. He was co-chairman of the Orientation Committee and a member of the Student-Faculty Relations and Moot Court committees. He has attended the following internship programs: Public Defender, District Attorney, ACLU, and Legal Aid.



**PAT NAVE**

26 years old, married, and a second year day student, Pat has served one year as a Class Representative to the SBA. He is a founder and past president of the LSCSA, he organized the volunteer tutoring program for first year students and he is presently involved with the Pico-Union Neighborhood Council, a corporation owned by the people and devoted to development of an area near school where he lives.



**BILL CROSBY**

A second year day student, Bill graduated from Berkeley in 1967, having majored in political science. He participated in the Orientation Program last fall, and in the Moot Court competition this winter. He has worked for the Legal Aid Foundation and for the Consumer Complaint Center. He is a member of Phi Delta Phi.

## SECRETARY



**CINDY MADURO**

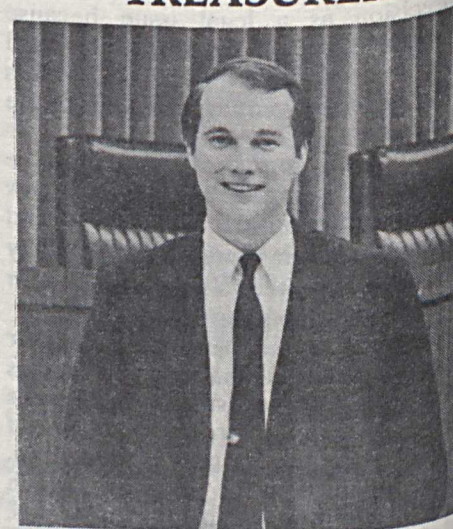
Cindy has one year of experience as a Class Representative and two years of service as a member of the Student-Faculty Relations Committee. She was co-chairman of the Orientation Committee and a member of the Elections Committee. A second-year day student, she attended the intern program of the California Attorney General.



**SHEILA SONENSHINE**

A member of the second year day class, Sheila graduated in 1967 with a degree in economics from UCLA. There she was a member of the Economics honor society and of the Bruin Young Democrats. At Loyola she participated in the Orientation Program. She is a member of Phi Delta Phi.

## TREASURER



**JIM STEUBENBERG**

Jim came to Loyola after graduating from Southern Methodist University in 1966 and working as a trust specialist with Security First National Bank. He is married and has one son and works at numerous part-time jobs. He is a member of the second year day class.



## DAY VICE-PRESIDENT



**MARTIN BARAB**

Marty is a graduate of USC, 1967, with a major in finance and international relations. He is a second year day student, and he is married. In addition to being on the Deans List, he participated in the Moot Court competition and is a member of the National Moot Court team and of the Law Students Community Relations Research Council.



**BILL POWERS**

Now chairman of the Noon Speakers Forum, Bill is also in the intern program of the California Attorney General and is on the Deans List. Bill graduated from UCSB in 1967 with a major in English, and he is a second year day student. As an undergraduate at SMCC and SCSB he was active in student government, sports, and in community service.

## NIGHT VICE-PRES.



**JUDY BAVETTA**

Judy's most recent accomplishment was the winning of third place in the Moot Court competition. In addition, she is Chairman of the Spring Dance Committee. A third year night student, she has served two years as a Class Representative. As a member of the SBA, she is on the Student-Faculty Relations Committee, the Tutoring program, and was an Orientation group leader. She attended the internship programs of the Attorney General of California and the U.S. Attorney General.

## Elections For 1969-70 SBA Officers

New officers will be chosen for the Loyola Student Bar Association in an election to be held during the second week in April. Nine candidates have filed petitions to run for office.

There are five offices to be filled on the Executive Board: President, Night and Day Vice Presidents, Secretary, and Treasurer.

Candidates for President are Bill Crosby, Pat Nave, and Mason Rose. Judy Bavetta is running unopposed for the office of Night Vice President. Bill Powers and Martin Barab are contending for the office of Day Vice President. Two women, Cindy Maduro and Sheila Sonenshine are running for the office of Secretary. Jim Steubenberg is unopposed for the office of Treasurer.

Most of the candidates have definite ideas as to the programs they will seek to have implemented and are offering these as their campaign goals.

In addition to the Executive Board, two representatives will be elected from each night and each day class.

Bill Crosby discussed his aspirations for the job SBA President in terms of making Loyola a better law school — what programs the SBA could carry out to achieve this fundamental objective and what he, as President, would be able to implement. He believes emphasis has been too heavy on procedural matters, and while not ignoring these questions, he would work to shift that emphasis toward better preparation of students for their roles as attorneys in today's society.

Pat Nave thinks that fundamental changes are in order at Loyola. One purpose he sees for the SBA is to provide an atmosphere in which the roles of the schools and of the students can be searchingly questioned and examined. To him, the values which are reflected in the curriculum and the whole orientation of the school are

at odds with reality—so that students are not being prepared to be leaders, but merely legal technicians. He thinks the SBA should work to create opportunities for student involvement in community affairs. He is also particularly interested in pushing the Model Court Rule, now in effect in several states, under which seniors are permitted to practice in the courts under the supervision of members of the Bar.

Three points are being stressed by Mason Rose; first, that maintaining communication between students and faculty and among classes is the SBA's most important function; second, that all classes and interest groups would be represented; and third, that useful services justifying the expenditure of \$12 per student must be offered. It is his view that a great deal of organization is required to make the SBA an efficient entity operating on a professional basis. Among the more

*(Continued on page 7)*



LAW REVIEW

(Continued from page 1)

*Mr. Justice Black and His Qualified Absolutes*, by Professor Patrick McBride, Sacramento State College, examines the present and past philosophies of Justice Black with respect to the First Amendment right to freedom of speech. Perhaps the most forward-looking portion of the law review is the COMMENT section, where graduating members of the law review staff, under the guidance of the faculty, examine in detail important areas of the law. As Mr. Justice Cardozo once noted, the real revolution in the law occurs in the law reviews, not in the courts, and the Loyola Law Review is no exception. Patrick Duffy III attacks the bail system with great gusto; Peter Abrahams comes out strongly in favor of the rent strike as a means of helping the poor to inherit the earth; and Kent Graham attacks the right of the Oil Industry to lean on the poor property owners on whose land they are drilling. In favor of defending and improving the lot of the

poor capitalists is Arthur Fields, who argues in favor of allowing courts to injoin unions from striking when the unions have agreed not to strike; and Mark Levin interprets the new and baffling nonissuer provisions of the California Corporate Securities Law of 1968.

All candidates for the law review are required to write at least one CASENOTE, on recent significant cases. This year, the law review is publishing three of these casenotes, written by Fredricka Sedgwick, Richard Ross, and a joint effort casenote by Larry Scissors and Wayne Armstrong.

In the BOOK REVIEW section, the law review will publish book reviews by Laughlin E. Waters, a prominent local attorney and Mrs. Martha Yerkes, a prominent Loyola instructor.

Members of the Editorial Board who were responsible for Volume Two are: Larry Feldman, Editor-in-Chief; William Pounders, Managing Editor; Richard Troop, Comment Editor; James Geffren, Articles Editor; Steven Rubin, Casenote Editor; and Jack Studebaker and Guillermo Schnaider, Executive Editors.

SUPPORT OUR ADVERTISERS

1969-70 LAW REVIEW EDITORS

The following have been appointed to the editorial board of volume three of the Loyola Law Review:

Editor-in-chief	Richard P. Ross
Managing Editor	Timothy T. Tierney
Executive Editor	Kathryn A. Doi
Executive Editor	Clayton J. Beaver, Jr.
Comment Editor	Wayne W. Armstrong
Note Editor	Larry L. Scissors
Article Editor	Robert Forgnone

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WILLIAM COHEN  
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JESSE CHOPER  
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Constitutional Law

MICHAEL ASIMOW  
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Bay Area Review  
SUMMER 1969 COURSE

HERMA HILL KAY  
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Conflicts

JOHN McNULTY  
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Corporations

QUENTIN OGREN  
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## ELECTIONS . . .

(Continued from page 5)

interesting points on his program are: making the SBA president a voting representative to the faculty; establishing a cooperative electives program with UCLA and USC; and getting a deadline set for announcing students' grades.

In the contest for Day Vice President, Bill Powers is advocating an approach which will justify the existence of student government at school. He is interested in having the Vice President's functions redefined as an "administrative organizer" of school activities. He also advocates a master schedule of student events and expansion of communication through weekly and monthly calendars, a suggestion box, and a new student activities board.

One of Marty Barab's central ideas is that student government is too divorced from the students. He would seek to change the relationship to one of agency, with the SBA organization functioning as a true agent of the individual student. He sees the SBA as a means of the student reaching the administration; for example, to petition for more contemporary electives such as draft law. He is also interested in working with the student governments of USC and UCLA to establish student labs where students could practice law autonomously for indigent clients.

Cindy Maduro sees the office of Secretary as a public relations outlet for the students concerning their rights, in addition to handling rudimentary responsibilities. In the latter category she includes reorganization of files, publishing minutes of meetings, maintaining agenda, and maintaining a master calendar. But as a disseminator of information she thinks

the Secretary can be a force for creating tripartite harmony and understanding among the Faculty, students, and administration.

Sheila Sonenshine is of the view that the SBA has functioned too often in the past on a crisis-to-crisis format, when it should be functioning continuously throughout the school year. Rather than building a platform of "promises", she stresses her sincere interest and pledges a year of dedicated service, responsive to the wishes of the students.

Judy Bavetta and Jim Steubenber are in the enviable position of running without opposition. As Night Vice

President, Judy is primarily concerned with problems peculiar to the night law school. She is interested in promoting better communication between day and night students and between night students and the faculty, as well as providing night students with the same benefits enjoyed by those in day school.

Jim offered his services as Treasurer because he believes his work experience as a trust specialist with Security Bank will enable him to put the SBA's financial operations on an efficient, professional basis. He will try to set up systems and procedures which can be followed in the future.

### Candidates For Class Representative

#### Second Year—Day:

Dan Beck  
Julian Capata  
Bill Francis  
Joe Gellman  
Ron Gold  
Samuel Gordon  
Ted Hancock  
Pat McDonough  
Andrew Shapiro

#### Third Year—Day:

Joe Beaver  
Steve Freeburg  
Gary Ruttenberg  
Bob Ryan

#### Second Year—Night:

Jules Drapkin  
Fredrick Mandabach

#### Third Year—Night:

Joseph Di Chiaro  
Jack Deitsch

#### Fourth Year—Night:

Arthur R. Bergen  
Steven Buck  
Earl Fagin  
L. Kessler  
David Klinger

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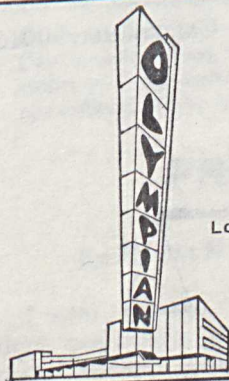
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## THE LOYOLA BRIEF

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