

PREFACE

I am pleased to present issue Number 2 of Volume 37 of the Golden Gate University Law Review. The broad range of legal topics covered by the articles in this issue encourage readers to examine the law and challenge its social and political implications in the areas of animal rights, professional treatment of legal research and writing faculty, California's Three Strikes law, and judicial independence. The authors stimulate discussion and offer alternatives and solutions to the issues they present.

President of the Center for the Expansion of Fundamental Rights, Inc. and Professor Steven M. Wise examines the similarities between chimpanzees and humans and asserts that in using chimpanzees for biomedical research, entertainment, and other purposes, humans deprive chimpanzees of their bodily liberty. Professor Wise argues that the flexible nature of the common law permits a chimpanzee a cause of action for legal personhood, and analyzes the history of the common law writs of *habeas corpus* and *de homine replegiando* to ultimately conclude that chimpanzees are entitled to use these writs to bring claims to bodily liberty before common law courts.

Assistant Director of Legal Writing and Professor Melissa H. Weresh explores the issue of job security for legal research and writing faculty and evaluates the benefits of employment under American Bar Association Standard 405(c), which mandates that clinical law faculty be provided a form of tenure-like job security. After assessing the standards for evaluation and promotion of legal writing faculty from a number of schools with 405(c) status, Professor Weresh concludes that law schools should consider employing legal writing faculty under 405(c) and argues that no justification exists for marginalization of their status or salary.

Assistant Professor Naomi Harlin Goodno reviews the impact of the California Three Strikes law, including the data that have been collected and the manner in which the law has been applied over the last decade. Professor Goodno concludes that

the Three Strikes law has proved effective for three reasons: (1) the law is carrying out its goals of incapacitation and deterrence evidenced by the drop in California's crime rate since the law was enacted and the fact that, for the first time in eighteen years, parolees are leaving the state; (2) the law has been implemented without substantially increasing state costs or overcrowding prisons; and (3) the law has built in safeguards that allow trial judges and prosecutors to exercise discretion to ensure that the law targets career criminals.

Finally, attorney and President of the American Law Institute (ALI) Michael Traynor addresses the issue of judicial independence in a special Constitution Day lecture delivered at the Golden Gate University School of Law as part of the Jesse Carter Distinguished Speaker Series honoring the late California Supreme Court Justice and Golden Gate University Law alumnus. Mr. Traynor addresses the questions: What is "judicial independence"? Can we distinguish between appropriate and inappropriate criticism of the judiciary? What should be done about the public's inadequate understanding of the judiciary? Why is better public understanding of judicial independence important? Mr. Traynor concludes that it is time for lawyers to take the lead in reaffirming our country's basic values by helping citizens understand the importance of an independent judiciary and support it.

This issue is the result of the professional and dedicated efforts of the authors and the entire Golden Gate University Law Review staff. In particular, the issue would not have been possible without the tireless work of Executive Lead Articles Editor Dije Ndreu. It has been an honor to work with all of the authors and editors involved in developing this thought-provoking issue.

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Editor-in-Chief