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Advocate

UNIVERSITY OF SAN DIEGO, SCHOOL OF LAW

Vol. 1 No. 2 Summer 1983

From the Dean's Desk

Within recent days, Derek Bok, President of Harvard and former Dean of Harvard Law School, submitted a provocative Report to the Harvard Board of Overseers. In the Report, Bok raised fundamental questions about what lawyers do and what law schools teach. He suggested, first of all, that much of what lawyers do is counter-productive. He then indicated that the "burdens and costs of our tangle of laws and legal procedures" have much to do with

his assessment. Bok's report about the current roles of lawyers and the state of our legal system was so pessimistic that he challenged the value of our country's ablest students going to law school. Bok said that current trends of the most gifted students choosing law as a career "is a massive diversion of exceptional talent into pursuits that add little to the economy, the pursuit of culture, or the enhancement of the human spirit." In Bok's view, the best students could better serve society by becoming business executives, public servants, engineers and high school principals and teachers.

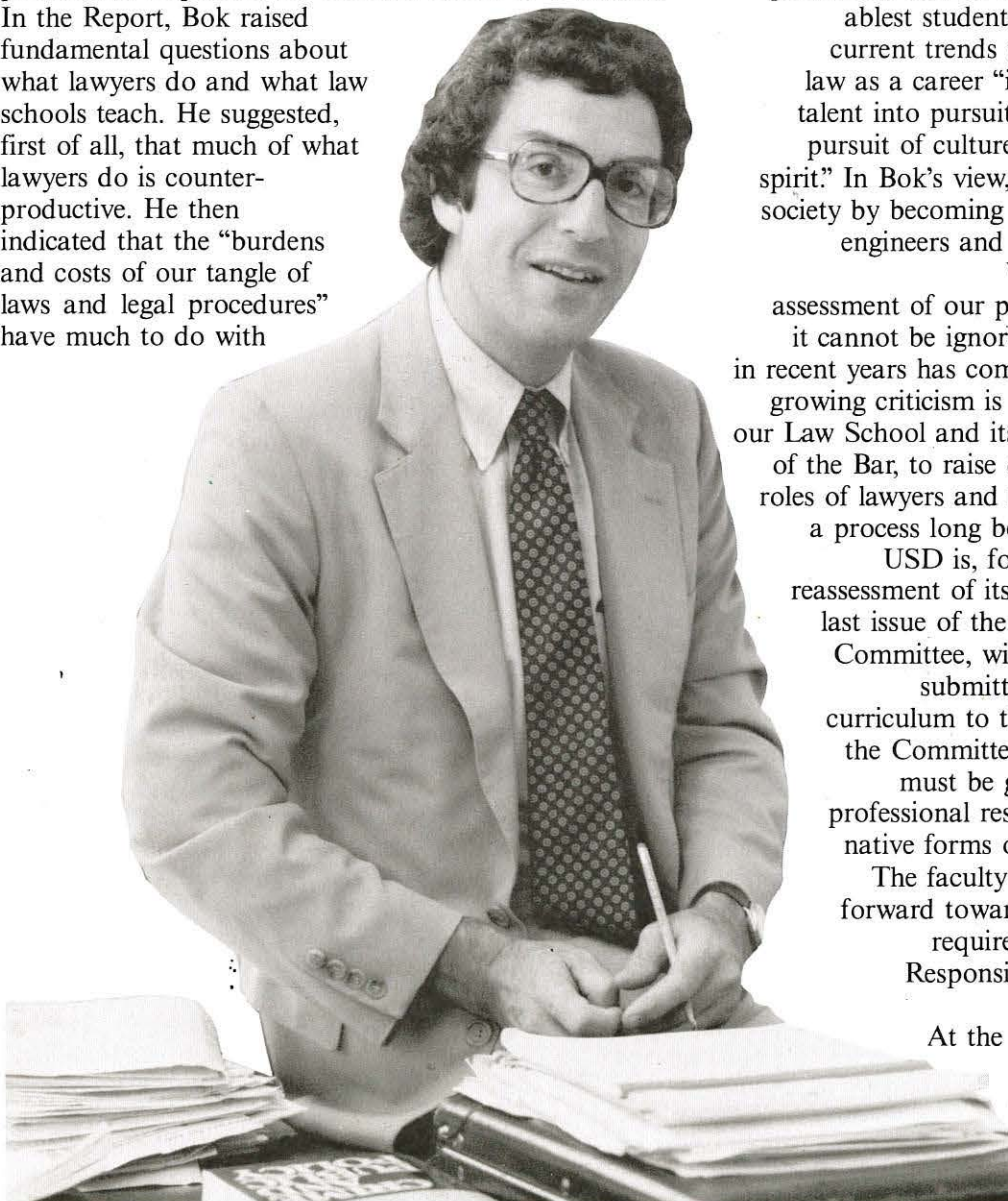
Whether one agrees with this dreary assessment of our profession or not, its source indicates it cannot be ignored. Much of the criticism of lawyers in recent years has come from outside the profession. Now growing criticism is coming from within. It is timely for our Law School and its alumni, along with other members of the Bar, to raise our own critical questions about the roles of lawyers and legal education. We had begun such a process long before Bok's remarks were published.

USD is, for example, engaging in an extensive reassessment of its curriculum. I mentioned this in the last issue of the *Advocate*. In May, our Curriculum Committee, with Professor Grant Morris as Chair, submitted its preliminary assessment of our curriculum to the faculty. This report indicates that the Committee believes that much more attention must be given in law school to lawyers' roles, professional responsibility, skills training, and alternative forms of preventing and resolving disputes.

The faculty in its May meeting took a first step forward toward needed changes by expanding the required numbers of hours of Professional Responsibility. Next year should be a pivotal one in needed curricular changes.

At the same time, the Law School and the San Diego County Bar Association are continuing their development of the San Diego Law Center. The Volunteer Lawyers Program

continued on back page



Law Center Moves Ahead

Dispute Resolution Center

The USD Law Center's Dispute Resolution Center, established in fall 1982, has made "gratifying progress," says Dean Krantz. Funded in part by a grant of \$125,000 from the Weingart Foundation, the Center is designed to investigate the feasibility of non-litigation dispute resolution and to implement community programs to that end. The Center has focussed its efforts in two primary areas: the business community, and the neighborhood community.

Commercial Alternatives Resolution Project

Concentrated on educational and promotional activities in San Diego's business community, this arm of the Center is coordinated by Judge Louis M. Welsh, who accepted the post effective January 5.

Welsh, who also co-teaches classes in Civil Procedure, is a recently retired jurist of the San Diego Superior Court and a much-honored and widely published member of the profession, his career spanning some 30 years of private practice and service on the bench beginning with a 1971 appointment as Superior Court Judge.

According to Welsh, emphasis in the early months of the project has been on "investigation of the state of the art nationally, the alternative dispute resolution techniques available locally, the need for additional alternatives and the awareness of the San Diego legal and business community of the benefits to be obtained from alternative means to resolve business disputes."

As a result of that investigation, it was determined that the limited use of alternative means to resolve disputes has proved highly successful, that the business and legal community must have greater understanding of the benefits available from such means,

that there is a need for more persons who can serve as capable mediators, and that the techniques of participation in mediation sessions need to be learned by lawyers and business persons.

Welsh says the Center will be active in various educational and promotional efforts and in carrying to counsel and business executives the message that the use of alternatives is more efficient and more cost-effective than is litigation. Among the Center's plans are: the development of courses in the School of Law; post-graduate seminars and training for mediators; regional and national conferences; research based on studies of data from existing alternative services; and dissemination of information to the public through the news media and printed materials. The Center will also undertake publication of a directory of persons capable of serving as mediators in various fields.

Neighborhood Dispute Resolution Center Project

Just seven months after the establishment of the Dispute Resolution Center, the first fully operative neighborhood mediation center is in place in the Golden Hill community in San Diego, and a similar center is on the drawing board for another yet-to-be-selected neighborhood, funded in part by a \$70,000 grant from the San Diego County Board of Supervisors.

Coordinated by Carol Hallstrom, J.D., of the San Diego Law Center, the neighborhood program is, she says, "an opportunity for the community to exercise greater responsibility for troublesome behaviors occurring within its borders—a community-based program for which the Center provides technical assistance in its formative stages." Hallstrom selected Golden Hill because of "the high level of awareness, activism, and organization among residents to commit the community human and economic resources necessary for neighborhood revitalization."

Located in a two-story former residence on 24th Street, the Golden Hill Mediation Center—the first of its

kind in San Diego—began operations in April under the direction of Richard Boss. Boss came to San Diego from San Jose, where he had been director of Project Intercept, a program which puts young adults in touch with community programs instead of the courts. Also on the staff is Matt Liedle, dispute case coordinator. Additionally, 16 volunteers from the Golden Hill community have been trained by the San Diego Law Center to act as mediators. Enthusiastically supported by the neighborhood community itself, the program is also supported by the broader San Diego community: at the Center's open house on May 12, the celebration was attended by Councilmen William Jones and Uvaldo Martinez, City Attorney John Witt, Board of Education member Bob Filner, and Superior Court Judge Robert O'Neill, who also serves on the Center's advisory board.

As of mid-June, the Center had received some 58 inquiries, 23 of them during the week of June 7 alone. Of the 58, 22 cases had been accepted, and of those, six had been mediated and four conciliated.

Of the volunteer mediators, Liedle said, "They are excellent. Every one of them is different, but all are sensitive, compassionate, intelligent, and committed people. I have the highest regard for each and every one of them."

Liedle went on to say that he and Boss are very much gratified by the community's response to the Center, and by the fact that attorneys are referring cases to them.

Volunteer Lawyer Program

The San Diego Volunteer Lawyer Program (SDVLP), a program designed to provide for private attorney involvement in delivering legal services to the poor, is one of the projects engaging the attentions of the USD Law Center, a joint project of the USD School of

Law and the San Diego County Bar Association. According to Elmer Enstrom, coordinator, the Center has played "a vital role in the development and progress of the program."

Launched in January, 1983, the SDVLP was developed through an advisory board comprising a cross-section of membership—representatives from the San Diego Bar Association, the black, Hispanic, Asian, and women's bar associations, and lay persons from the client community. The board, chaired by Craig Higgs '69 and counting among its members five other USD Law alumni in addition to Dean Sheldon Krantz, carefully studied the need for such a program in San Diego County. Spadework was done by Gregory Knoll, director and chief counsel of the Legal Aid Society, which provides most of the financial support for the project from its federal grant. The third co-sponsor, in addition to the Society and the Center, is the Bar Association.

The advisory board found that there are an estimated 200,000 low-income persons in San Diego County who are in need of legal services. At one time the four county Legal Aid Society offices were able to serve this population with a yearly caseload of 22,000. With funding cutbacks by federal and local governments, the Society caseload was reduced to 12,000 in 1982. "The imperatives of pro bono work by San Diego's legal community were clear," says Enstrom.

The answer to this imperative was the formation of the Volunteer Lawyer Program. By mid-February, the groundwork was laid and all active members of the County Bar were being invited to join the SDVLP. On March 10, a "kick-off" was held at the San Diego Hotel, followed by seminars on family law and on landlord/tenant law, March 12 and 19 respectively. USD law professors Charles Lynch and Steven Hartwell conducted the seminars, which featured panelists Superior Court Judge Napoleon Jones, Conciliation Court Director Murray Bloom, and Legal Aid Society staff attorney Armando Montes. At the suggestion of Dean Krantz, the sessions were videotaped and preserved for future use.

Within five weeks of the invitation to join, 330 lawyers had registered to take three or four cases a year. By late March, 158 lawyers had volunteered for the Family Law panel and 175 for the

Housing Law panel—areas selected under Legal Aid Society priority guidelines.

Other attorneys not on those two panels have volunteered to serve in other areas, including consumer law, and on clinics.

Referrals to pro bono attorneys started March 28 and, according to Enstrom, former director of the Legal Aid Society, are now scheduled by the Society at the rate of four a day.

Panelists receive free professional liability insurance which applies to cases accepted by them through the program. The State Bar's Voluntary Legal Services Program provides materials to certified pro bono attorneys who are committed to handling at least three cases per year;

materials include a videotape program of the Irving Younger evidence and trial tactics series, the ABA/NITA series on appellate advocacy and negotiation, and a variety of practice aids. Other benefits provided members of the program are free seminars and workshops.

Steps are being taken, Enstrom says, to incorporate the SDVLP as a non-profit project to help it obtain the additional funding it must have if it is to expand. "The distinguished incorporators—successors to the advisory board—expect with good reason that the San Diego Law Center will continue to make important contributions to the Volunteer Lawyer Program."



Effective Felony Defense Workshops

The Effective Felony Defense Workshops, held April 21, May 12 and June 9, are described as "the beginning of an ongoing advanced education and training program for practicing criminal defense lawyers in San Diego County." Open only to the defense bar, they were offered free of charge and included speakers Nelson Brav, Robert Grimes, Peter Hughes, John Mitchell, Louis Katz, Michael McGlinn, Milt Silverman, Charles Goldberg, Elisabeth

Semel, and Alex Landon. Professor Rick Barron says attendance proved to be approximately 50% higher than anticipated to participate in the programs covering: Fees, Ethical Questions, Conflicts, Interview Techniques, and Getting the Client Out of Jail; Preservation of the Crime Scene, Preliminary Investigation, and Early Use of Experts; and Organization of the Case File, Discovery, and Pre-preliminary Examination Preparation.

CAMPUS CORNER

Speakers Program

Special thanks go to Professor Bernard Siegan for his role in initiating a successful Speakers Program this year. The noted individuals whom he

brought to the campus are shown here:

He also worked with the University of California Extension to present a four-part debate on constitutional issues. Titled "We the People" the series featured Dr. Forrest McDonald of Alabama, Dr. Robert Middlekauff of Berkeley, Robert B.

Carleson of the White House staff, Dr. Harry N. Scheiber of Boalt Hall, San Diego's Assistant District Attorney Richard D. Huffman, Dr. William Craig Stubblebine of Claremont, Alex Landon '72 of San Diego and Jonathan D. Varat of UCLA Law School.



1. USD President Author Hughes and Marge Hughes greet Ambassador Richard Fairbanks, Special Advisor to the Secretary of State for Middle East Peace, and event chair, Mrs. W. Hailey (Victoria) Rogers. 2. Edward J. Philbin '65, Assistant Secretary of Defense for Reserve Affairs. 3. Timothy Muris, Director of the Bureau of Consumer Protection, Federal Trade Commission.

4. Clarence Pendleton, Chair, Civil Rights Commission. 5. James Burnham, Executive Director of the World Bank. 6. History Professor Michael Parrish of UCSD. 7. "We the People" Debate. 8. Ann Shannon Fairbanks, Deputy Assistant Director for Economic Policy, White House Office of Policy Development. 9. Richard Huffman and Dean Krantz.

Linda Vista Legal Clinic enabled by Parker Foundation Grant

A grant of \$17,000 over a two-year period from the Gerald and Inez Parker Foundation, La Jolla, has enabled the School of Law to re-establish the Neighborhood Legal and Family Service Program in Linda Vista, which resumed operations on February 8 after having been closed for two years.

Active from 1972 to 1981 in cooperation with the Family Services Association, the program provided free legal and social services to low-income clients. It was terminated when revenue-sharing funds were lost through county cutbacks and United Way support alone could not maintain the clinic. The program is now operating out of the offices of the Family Services Association and represents low-income clients with a variety of legal problems, providing legal consultation and advice and, in appropriate cases, legal representation in court. The clinic has been open one evening a week for intake interviews; after the initial interview, all other legal work is performed at the clinic offices on the USD campus.

"The clinic was badly needed," said USD law professor Walt Heiser, until recently director of USD's legal clinics. "The Legal Aid Society had reduced its staff and consolidated all of its neighborhood offices into one office in southeast San Diego. It is overwhelmed with clients and could no longer offer the level of assistance needed in the Linda Vista community, which has one of the largest concentrations of minorities in the County."

The program is currently under the direction of Theresa J. Player, Assistant Professor of Law, Acting Director effective with fall semester while Heiser takes over the post of Associate Dean for Academic and Student Affairs. According to Player, sixty-four clients have availed them-

selves of the clinic's services since the clinic resumed operations last February. Cases have all involved family law, auto accidents, employment disputes, and other general civil problems. No additional cases will be taken until fall semester and the return of students participating in the program.

Dean Krantz described the re-opening of the Linda Vista clinic as "an important event in the life of the University, the School of Law, and the Linda Vista community," and cited the Parker Foundation for its sensitive and generous response to the project and the needs of the community.

Signal makes Grant to USD Mexico-U.S. Law Institute

A grant of \$10,000 by the Charitable Foundation of the Signal Companies, Inc. of La Jolla to the University of San Diego School of Law's Mexico-U.S. Law Institute, has been announced by Brewster L. Arms, Senior Vice President and General Counsel for the Signal Companies Inc., and member of the School of Law Board of Visitors.

The support grant enabled the University to make the appointment of Dr. Jorge A. Vargas, noted international authority on the law of the sea, as Director of the Institute,

established last fall. Vargas assumes the new post on August 1.

According to Sheldon Krantz, Dean of the School, the Signal Foundation grant will be directed to program development.

The Mexico-U.S. Law Institute was established last fall to expand knowledge of the legal systems in the two countries, to undertake research and development projects emphasizing the reduction of unnecessary legal barriers to cooperation, to stimulate exchange of faculty and students, to increase the number of Mexican-American law students attending USD, and to focus national attention on important legal issues affecting the two countries. Activities of the Institute in the past several months have included training and legal education programs for lawyers, academicians, students, and corporate executives, with prominent Mexican attorneys and professors of law serving as faculty.

"We are pleased to support this important program," Arms said, "and we are convinced that the Institute, under the leadership of Professor Vargas and Dean Krantz, will perform a significant and unique service not only to the legal profession in the two countries but to our broader relationships as well."

Signal's involvement with the University of San Diego also includes the presence of Daniel W. Derbes, Signal Executive Vice President, on the USD Board of Trustees, where he serves as a member of the Academic Affairs Committee, and of Charles P. LeBeau, Signal Tax Counsel, as Adjunct Tax Professor on the Law School faculty and member of the University's Planned Giving Committee.



CAMPUS CORNER cont.

Mexico-U.S. Law Institute offers first courses

Practitioners and law students alike signed up for the first three course offerings of the new Institute: Spanish for Lawyers, Beginning Spanish (taught in a legal framework), and Introduction to the Mexican Legal System. The Legal System course featured visiting professors from Mexico and one from Florida, each speaking on a different aspect of the Mexican legal system and tying in the historical background and cultural implications while bringing a better understanding of the system operating only a few miles from the Law School. The Signal grant and hiring of Dr. Jorge Vargas will enable future program planning to proceed (see accompanying article).

Alfonso de Limon, consultant to the Institute was responsible for the development of the courses and deserves our recognition of his service at this important point in the development of this exciting program.

Summer Programs increasingly popular; Dublin Added

Approximately twice as many USD law students are enrolled in the School of Law Summer Programs this year as the number participating when the programs were first opened in 1973, according to Professor Herbert Lazerow, a co-founder of the programs with the late Pierre Azard, former Dean of the Institute Catholique de Paris. Total enrollment in all programs this year is expected to exceed the 300 mark. More than 10% of those attending will be from USD, with the majority of the remaining population from the East and West coasts of the

United States. "We are, however, seeing an increasing number of students from the industrialized Middle West—Cleveland to Minneapolis," says Lazerow.

Thirty-five faculty members will be involved in the programs at Paris, Oxford, London, Guadalajara, Russia-Poland, Alexandria, and Dublin—two new programs this year.

Lazerow attributes the growth in enrollment to the fact that USD "has been put on the map as a major international law center." This, he says, induces many students to start school at USD rather than somewhere else. "The success of our programs indicates increasing interest in international comparative law practice. One of the interesting aspects is that we continue to have a large number of lawyers, professors, and judges who continue as students in order to retool their skills in international law."

Newest among the programs is the Dublin session, running from July 3 to August 6 and focussing on international and comparative human rights study. Human rights enthusiasts will take an international human rights course dealing with the ways in which international and regional organiza-

tions deal with civil and criminal rights. The student may then elect a course comparing national treatment either of civil or criminal rights, or may opt for a course in human rights in the EEC.

Other areas, such as International Trade and Investment Regulation, International Environmental Law, and International Bankruptcy are also offered.

Faculty for the Dublin program comprises professors in Ireland, distinguished visitors from several U.S. law schools, and USD faculty. Members are: John Ayer, U. C. Davis; Christopher Boyle, University College, Galway; Tom Dienes, George Washington; Andreas Lowenfeld, NYU; Mary Robinson, Trinity College, Dublin; Yvonne Scannell, also from Trinity; and Jack Kelleher and Virginia Nolan from USD.

Enrollment is highest in the Paris program, Lazerow said, partly because it is the oldest of the several programs, and partly because it is the only such program offered in the French city. Approximately 100 students will be enrolled in Paris; 75 in Oxford; 70 in London, 40 in Guadalajara; 21 in Russia-Poland; 12 in Alexandria; and 25 in Dublin.



Moot Court

Shown with Mrs. John M. Winters are

the winners of the First-year Moot Court Competition which was renamed in honor of the late professor. From left to right are: Kyle McDougal, George Chanos, Mrs. Winters, Joseph Silence and Jerry Solomon.

FACULTY FOOTNOTES

LAWRENCE ALEXANDER has authored five articles to be published in 1983, including an article for a major symposium on judicial review in the *University of Dayton Law Review*; an article on the relevance of mistaken convictions of the innocent for retributive theories of punishment, to be published in *Law and Philosophy*; a chapter in a book on the family and the state, to be published by the end of the year; an article on the theoretical bases for freedom of speech for the *Northwestern Law Review*; and the recently published "Zimmerman on Coercive Wage Offers," for *Philosophy and Public Affairs*, which examines Simon Fraser University Professor David Zimmerman's 1981 article on that subject.

RICK BARRON spoke before the San Diego Psychiatric Society in April, on "Driving Under the Influence of Prescription Drugs: Considerations for Psychiatrists." He has also coordinated the training program for Defense Lawyers (see accompanying article—Law Center).

ROY BROOKS completed a coursebook entitled *Public Law Litigation: Cases and Materials*, and an article for the *Columbia Human Rights Law Review* on "Affirmative Action in Law Teaching."

JOSEPH DARBY during the winter translated from the German Kagel's article "On the Territoriality of Principle in Public International Law," and was elected Vice President of the American Section of the International Association of Penal Law at its Chicago meeting. Since October, he has given a series of 10 talks on the situation in Poland.

KENNETH CULP DAVIS has published Volume 4 of the *Administrative Law Treatise*, and plans to complete the fifth volume this year.

ROBERT FELLMETH, Director of the Center for Public Interest Law, was granted tenure earlier this spring. He has authored two papers, one a study of horizontal restraints for the *State Bar Journal*, and another on the Unfair Trade Practices Act of the ABA. With

RALPH FOLSOM he has also completed two books: *A Treatise on California Antitrust Law*, and *A Treatise on California Regulatory Law*. Folsom has been on a Fulbright Scholarship to Singapore and is teaching Environmental Law at the University of Paris I Pantheon-Sorbonne. He has published several articles, including "A Comparative View of Trademarked Generic Words" (with Teply) for the *Hastings Journal of International and Comparative Law*; a supplement to his *Incapacity and Adoption in the Connecticut Estates Practice* series; and a new volume in that series, entitled *Probate Court Jurisdiction and Procedure*.

C. HUGH FRIEDMAN was unanimously elected President of the California State Board of Education. He has also been appointed a Director of the 22nd District Agriculture Association (Del Mar Fair Board) and has been very active on the lecture circuit. The Hawaii Council for Citizenship Institute has invited him to lecture on "Educating Youth in the Law." He was discussion leader for a Law Week presentation on Freedom of the Press; he moderated four continuing legal education panels comprised of leading corporation and tax practitioners across the state on "Choosing the Appropriate Business Entity" which was also the topic of his recently published text, *Choice of Business Entity*. He is also developing a new manual, *California Basic Corporate Practice*. Professor Friedman is also active with the ABA as a member of its special committee on Youth Education for Citizenship and he is President and Board Chairman for the Center for Civic Education and its Law in a Free

Society Youth Education Program, and a member of the National Institute for Citizenship Education.

PETER KARLEN's paper entitled "Aesthetic Quality and Art Preservation" was published in the *Journal of Aesthetics and Art Criticism*. He wrote an article for the *San Diego Law Review* on "Moral Rights in California," which deals with the rights of artists, including "the right to restrain excessive criticism, the right to claim credit for one's work, and the right to maintain the physical integrity of the work of art." In April, he presented a paper on "Property Rights in Aesthetics Creations" for the American Society for Aesthetics; he gave a series of talks on such topics as "New Legislation in the Arts" and "Legal and Business Issues in the Visual Arts" at USC; also, "Legal Responsibilities for Collection Care and Maintenance" and a number of talks on "The Law of Glass Art." He is presently establishing a non-profit charitable organization, the Artlaw Foundation, "dedicated to education concerning the law of art and intellectual property."

SHELDON KRANTZ has published two reviews, one for *New England Journal on Prison Law* entitled "Review of Chief Justice Warren Burger's Speech Entitled 'More Warehouses, or Factories with Fences?'" and the second for the *Journal of Legal Education*, of Sherman's and Hawkins' *Imprisonment in America*. He wrote two articles, "Prisoners: Legal Rights" for the *Encyclopedia of Crime and Justice*, and "Cruel and Unusual Punishment" for the *Encyclopedia of the American Constitution* and completed the second edition of West's *Nutshell on The Law of Corrections and Prisoners' Rights*, to be printed later this year.

HOMER KRIPKE has written numerous articles and book reviews, including "Where Will Bankers Find an Appraisal of the Securities and Exchange Commission?"; "Some Reflections After a Quarter Century of the Uniform Commercial Code and the Inception of a New Bankruptcy Code"; "SEC Finds Itself at Securities Regulation Crossroads"; and the most recent, "Has the SEC Taken all the Dead Wood Out of Its Disclosure System?"; and he has two more articles to be published during the summer. He has given various public lectures, such as a talk at the UCSD Securities Institute on "A Transitional Period in Securities Regulation"; at the ABA Annual Meeting, on the panel on Problems of Small Business under the New Exemptions from Registration; as commentator on UCSD Securities Institute Panel on Disclosure; and as guest speaker at USD Forum on "Fifty Years of Securities Regulation in Search of a Purpose." Committee responsibilities currently include membership on the Permanent Editorial Board for the UCC, whose work involves recommending changes in Article 6 and on supplementation or revision of Articles 3 and 4. Also, he is a member of 5 committees of the Section on Corporate, Banking and Business Law of the ABA.

HERBERT LAZEROW has been awarded the Diploma D'Etudes Supérieures Spécialisées (D.E.S.S.) Conseil Juridique et Fiscal from the University of Paris I.

CHARLES LeBEAU is the author of a monthly column for *Taxes International* published in London, on recent U.S. tax cases affecting international taxation and is currently writing the third in a series of articles for *Tax Planning International Review*, also published in London. Speaking engagements included "Essentials of International Business Law," given in May at SDSU, "Practical Foreign Tax Planning for U.S. Based Enterprises," presented in San Francisco this June as part of an annual

seminar. Three other lectures are planned for the summer, on "International Tax Planning for High-Tech Companies," "Foreign Tax Planning Techniques," and "Advanced International Tax Planning."

HARVEY R. LEVINE was recently elected President of the San Diego Trial Lawyers Association for the year January 1983 through January 1984. He was re-elected to the Board of Governors of the California Trial Lawyers Association and is currently serving California Amicus Curiae Committee. The California Trial Lawyers Amicus Curiae Committee submits and argues landmark cases in the areas of tort law before the California Supreme Court and intermediate courts throughout the state. In March he moderated and presented a topic discussion on trial techniques in insurance bad faith and punitive damages litigation at the California Trial Lawyers Association's Annual Convention in Lake Tahoe.

PAUL MARCUS, visiting from the University of Illinois, has been appointed Reporter to the Federal Judicial Conference Committee on Jury Instructions. The Committee, made up of Federal District and Circuit Court Judges, was appointed by Chief Justice Burger.

JOHN MINAN, ALLEN SNYDER, and **JUDGE LOUIS WELSH** on February 3, 1983, judged the final round of the San Diego City/County Competition of the California State Mock Trial Competition between La Jolla High School and Valhalla High School. Under a program directed by Professors Minan and Snyder and involving USD law students, area high school students argued a simulated criminal assault case in preparation for the state final competition in Sacramento. The final round of the San Diego Competition was taped for television programming and use at a later date. Professor John H. Minan has co-authored "Financing Solar Energy Development through Public Utilities" for the *George Washington Law Review*, and the "Use and Implementation of Solar Energy Equipment Standards," *Solar Law Reporter*. In addition, he has an article appearing in Volume VIII, 1982 *Public Utilities Law Anthology*, entitled "Solar Energy and Public Utility Rate Regulation," and has written "Municipal Solar and Conservation Utility Solar Leasing Program: A Model for other Cities."

GRANT MORRIS participated in a panel discussion dealing with post-verdict decisions involving persons acquitted of crime by reason of insanity. Professor Morris advocated a dispositional system that would not differentiate insanity acquittees from others in our society who have serious mental problems. The panel was conducted by the Law and Psychiatry Section of the Association of American Law Schools which held its annual meeting in Cincinnati. He participated in a Legal Issues Workshop sponsored by the San Diego County Department of Health Services, Mental Health Services Division where he spoke on California civil commitment and conservatorship law. The workshop was designed to be a staff training program for county employees dealing with mental health law issues. With Albert J. Datz, he wrote ABA Draft Standards and Commentary on "Mental Health and the Administration of Criminal Justice: Professional Roles and Responsibilities," and is currently writing an article for the *Arizona State Law Journal*, "Dealing Responsibly with the Criminally Insane."

NATHANIEL L. NATHANSON was the moderator for a Northwestern University Law Review Symposium on the subject of "Freedom of Expression: Theoretical Perspectives."

FACULTY FOOTNOTES cont.

VIRGINIA NOLAN recently wrote an article entitled "Compensating Victims of Hazardous Waste Releases: Contemporary Tort Law and Its Application" which was presented as study material at the ALI-ABA Environmental Law Conference in February. She chaired a panel on Hazardous Wastes, Superfund and Toxic Substances in Washington, D.C.

Working with Professor **ED Ursin**, Nolan has written "Negligent Infliction of Emotional Distress: Coherence Emerging from Chaos" for the *Hastings Law Journal*, a review of Marc Franklin's casebook, *Injuries and Remedies: Cases and Materials on Tort Law and Alternatives*, and they have been asked by Mathew Bender Publishing Company to prepare a treatise on California Negligence Law.

JOHN ROCHE was an honored guest at a reception held at the offices of Luce, Forward, Hamilton and Scripps, attorneys. The event, featuring actress Theresa Saldana, was held to recognize those persons and organizations who had contributed to the formation of the Crime Victims Fund, a charitable organization designed to assist crime victims and prevent crime. Roche is a former probation officer and deputy district attorney.

BERNARD SIEGAN just published an original paper for the International Institute for Economic Research on "The Rise and Fall of Economic Due Process—When the Supreme Court Championed and Then Curtailed Economic Freedom." The paper studies the Fourteenth Amendment, its meaning and intent, and the due process clause as it applies to regulating economic activities. He also spoke recently at the Judicial Conference on California Land Use Planning and Regulation: Intended and Unintended Results. Siegan was also responsible for this year's Speakers Forum and brought speakers of national stature to campus (see article).

ROBERT SIMMONS is working on a new book, *Justice Paralyzed*. He has spoken on several occasions with the University's outreach program, including a talk on "Educators for Social Responsibility" before the University of the Third Age and is currently director of the Law Center project on Legal Needs and Attitudes of the Public.

ANNE TREBILCOCK has been selected to serve for one year with the International Labor Organization in Geneva in recognition of her high academic accomplishments in the field of international labor law. She will conduct a comparative analysis of the legislation and practice of different countries in light of ILO Conventions; research and studies on problems relating to international labor standards; and participation in Secretariat committees dealing with the application of Conventions and Recommendations.

JAMES VERGARI wrote two articles, one for *Transition*, *The Journal of Financial Service Strategy*, on "Computer Images as Proof Payment" and "A Critical Look at the Uniform New Payments Code", for *Rutgers Computer and Technology Law Journal*. He also authored a textbook late last year, *Business Law*.

Former Dean **DONALD WECKSTEIN** successfully completed his first Marathon run (26 miles, 385 yards in 3 hours 52 minutes). Fellow runners **JOHN MINAN** and **STEVEN**

HARTWELL each recorded personal bests of 3 hours 32 minutes and 3 hours 1 minute respectively. Weckstein is also using his energies on the following: he is working on the final draft of an article on "Discipline of Federal Practitioners"; revising for republication Mathews' *Problem Book on Professional Responsibility*; finishing an article on "Interest Arbitration" and another on "Choice of Law In Government Contract Cases." He is a member of the Arbitration, Federal Courts, and Legal Ethics Committees of the San Diego County Bar Association; vice chair of the Arbitration Committee of the ABA Torts and Insurance Law Section; vice chair of the Attorney Employment and Practice Committee of the ABA Administrative Law Section; subcommittee co-chair on the ABA Labor Law Section Committee; Arbitration and Collective

Bargaining of, and also presented talks for, the San Diego County Board of Education, the ABA Dispute Settlement Conference, the AAA Conference on Fundamentals of Arbitration, and the ABA Labor Conference. Who said Deans don't do anything!

JUDGE LOUIS M. WELSH, recently retired from the San Diego Superior Court, has joined the faculty and also is working with the San Diego Law Center's program on developing alternatives to litigation in business disputes (see article).

EUGENE P. YALE '78 published "Insured's Failure to Comply with Cooperation Clause of Liability Policy," as an American Jurisprudence Proof of Facts. It deals with the juridical extent of the cooperation clause in liability insurance policies.

ALUMNI ACTIVITIES

President's Message

The Board of Directors of your alumni association is working to benefit you—by contributing to programs that continue to enhance the growing prominence of USD Law School and bringing you programs and events for fun and learning.

Although there are many things that we are doing, we really want to hear from you. What other activities would you like to see planned? What can we change? And, most importantly, what are you interested in doing, even if only for one hour a month?

The more of you who "come back" to the Law School in even the most limited and peripheral way, the more we can accelerate its already rapid rise to the benefit of all of us. Please review what we have planned for this year, think about it, and give myself or any other member of the Board your thoughts, or offer to participate. At the very least, please plan on attending some of the functions.

The following are the members of your current Alumni Board:

Robert P. Coffin '78 (619) 295-1202
Ronald P. Converse, M.D. '76 (619) 460-3311
Steven R. Denton '75 (619) 232-9113
Caron Fredman '79 (619) 291-0840
William R. Fuhrman '73 (619) 234-3678
Mary Jo George '81 (619) 440-5242
William H. Hitt '70 (619) 274-6658
Webster B. Kinnaird '75 (619) 237-7776
James J. Mietzel '73 (619) 464-1645
Adrienne Adams Orfield '79 (619) 295-1202
Thomas E. Polakiewicz '77 (619) 745-4400
Kathryn J. Raffee '78 (213) 432-0411 X590
Stephen V. Rupp '76 (619) 232-0816
Shelley A. Weinstein '79 (213) 385-1531 X244
James C. Krause '75 (619) 232-2325

The social calendar includes the following:

A post-bar exam kegger will be repeated this year on July 28 and alums are encouraged to attend. Because this year's State Bar convention will be held at the Disneyland Hotel in Anaheim on September 13, the Board will honor all our alums who serve as judicial or administrative law judges in the Los Angeles region.

On October 21 we hope to match the great night of entertainment provided last year by George Kirby at the Annual Alumni Awards Banquet. We are still in the infant stage of planning and welcome your help. Comedienne Maureen Murphy will perform.

Finally, the social calendar will be sprinkled with a few "more spontaneous" events such as February's

ALUMNI ACTIVITIES cont.

reception for alums at the White House and cocktail receptions planned in Long Beach, Las Vegas, Los Angeles and Washington, D.C., where "satellite" alumni groups are being encouraged.

On a more academic or professional note, the Board is preparing a contribution to the exciting development of the Law School in conjunction with the County Bar of the Law Center.

The Board expects to again sponsor a summer lecture series downtown during several lunch hours covering areas of law that are not adequately addressed by other forums.

In October, the Board will again sponsor a Tort Moot Court Competition with an eye toward making it a regional or statewide competition. There is no other of its kind.

USD is not unlike other academic institutions suffering from inadequate resources. The Board helps fund-raising and we encourage each of you to join us in any small way. The Irvine Foundation has promised to match those contributions which exceed last year's.

Finally, we have the opportunity to take a hand in the direction and operation of the Law School itself in serving on the various committees that direct policy on such matters as curriculum, planning, admissions and scholarships, skills training and clinical education, new technology, graduate programs, foreign summer programs and faculty appointments.

Again, if you want to participate on one of the school committees or alumni events, or if you have any suggestions, please call myself or a member of the Board now. Watch for our future announcements of the details of the events I have outlined above and join us at some of them.

State Bar Luncheon

The annual State Bar Luncheon will be held on Tuesday, September 13 at the Inn-at-the-Park in Anaheim. Plans call for a program honoring the USD grads who are judges, if we can identify them! Any assistance will be appreciated. Send information to the Alumni Office.

Alumni rise to the Challenge

With three months yet to go in the fiscal year, alumni giving to the Annual Fund campaign has already reached record numbers. The number of alumni participating will nearly double by September and the amount of contributions is up similarly. What this

will actually mean to the Law School in true dollars cannot yet be determined, but at \$25 each bonus for new donors and a dollar for dollar match on all new funds contributed, by new or former donors, the end result will be very helpful to Dean Krantz as the Law School's budget is analyzed.

Thank you to all the alumni who have contributed to date this year. To those of you who have not, there is still time. Your support is important as a supplement to what can be accomplished through tuition alone.



Some of the newest alumni: The 1982-83 Moot Court Board with Advisor Professor Lou Kerig.

White House Reception

On February 4, nearly 150 alumni and friends of USD gathered in the Indian Treaty Room of the Old Executive Office Building at a reception hosted by former professor Edwin Meese III. USD President Author Hughes, Provost Sr. Sally Furay, Dean Sheldon Krantz and Law School Director of Development and Alumni Relations Libby Stroube were also in attendance. Alan M. Winterhalter and Greg Stahl were instrumental in the organization of the event. D.C. alumni who wish to assist in planning a Fall event should contact Alan at Winterhalter & Carr in McLean or Greg, Director of Development at Georgetown University.

Las Vegas welcomes Dean Krantz

Nearly 80% of the Las Vegas alumni, plus an assortment of parents and prospective students, joined local organizer Steven Parsons in welcoming Dean Krantz on his first visit to Las Vegas. Professor Lou Kerig and Libby Stroube rounded out the USD delegation. The Dean spoke of the Law School's desire to offer programs to its alumni in other areas, the need for assistance in recruiting the top students, and the need for alumni support of the school's fund raising efforts. Alumni in southern Nevada should contact Parsons in Boulder City to offer assistance with program development.

CLASS ACTION

'64 ROBERT C. BAXLEY had a close call with Mother Nature as he attempted to row the Gulf of California to Cabo San Lucas. While Baxley was camping on an island a storm tore away his boat, forcing him to swim ashore. When the boat could not be found he took a bus back to San Diego. Luckily the Coast Guard called his office before a massive search was begun.

'68 San Diego's newest Magistrate in the U.S. District Court is ROGER C. McKEE who was sworn in on March 30. McKee had been in private practice in San Diego.

'69 Since CRAIG D. HIGGS wrote to tell the Advocate about his recent activities, he has been elected to yet another position, President of the San Diego County Bar Association. In addition to his P.I. (Plaintiff and Defense) practice with Higgs, Fletcher and Mack, Craig is the chair of the San Diego Volunteer Lawyers Program, a member of the Board of Visitors of USD Law School, a member of the Board of Directors of the San Diego Bar Foundation and former chair of the Commission on Judicial Nominees/Evaluation for the State Bar of California.

Football Hall of Famer RONALD J. MIX has taken up a new career as a commentator for the USFL. Can this be the emergence of a new Howard Cosell?

'72 JEROME GOLDFEIN has announced the opening of his office for the general practice of law in Santa Ana after leaving the Orange County Public Defender's Office.

JAMES R. KILKER writes that he is living with his wife, Laura and three daughters in Pottsville, PA where he is the Executive Director and Senior Attorney for Schuylkill County Legal Services and in private practice part-time.

The Honorable JOSEPH A. LITTLEJOHN, appointed to the bench in 1981, has been elected Presiding Judge of the San Diego Municipal Court. Judge Littlejohn and his wife, TINA '74 make up the only current husband/wife jurist couple in the State. She is an Administrative Law Judge for the State Unemployment Insurance Appeals Board.

About the Advocate

The ADVOCATE is published three times yearly by the Office of Development and Alumni Relations, School of Law with the assistance of Sandra Edelman, Director of Publications of the Office of Public Relations. We welcome news and quality photographs, to be published at the discretion of the Editor. Please address correspondence to Libby A. Stroube, Director of Development, School of Law, University of San Diego, Alcalá Park, San Diego, California 92110.



'73 Riverside County has a new District Attorney in GROVER C. TRASK who will now supervise the county's 70 attorney staff. Trask was the first prosecutor in Riverside County to use videotape testimony of a key witness and successfully used an entomologist to dispute the time of death in a murder conviction. He had been deputy-in-charge of the Felony Trial Staff since 1977. He and his wife, Cindy have two children.

'74 Former S.B.A. President and P.D.P. legal fraternity member DIANE DAL SANTO has been recently promoted to the position of Chief Deputy City Attorney of Albuquerque, New Mexico. She is looking forward to the new responsibilities and opportunities to learn.

'75 ROBERT S. BREWER, formerly with the San Diego office of Lillick, McHose & Charles, has formed a new firm, Dyer, Brewer and Walton. He served as a Deputy District Attorney and Assistant U.S. Attorney during which time he successfully prosecuted a Polish spy who obtained secret information about the proposed stealth bomber.

STEVEN R. DENTON, Parliamentarian of the San Diego Trial Lawyers Association proudly announced the birth of a son, Gregory Steven. JAN GONNERMAN was made partner in the San Diego firm of Gray, Cary, Ames and Frye. Writes DEBORAH SCHOWALTER, she "has escaped the clutches of Pomona with a transfer to beautiful downtown Los Angeles where my position as a Superior Court Commissioner has helped to secure several prestigious lectureships in Spring 1983 including the Rudder Group, Los Angeles Family Law Symposium, and a high-lighted spot teaching other California Judges at C.J.E.R.'s Annual Family Law Convention. I'm learning to say 'so ordered' every 30 seconds without losing my train of thought, too."

'76 The Honorable ROCHELLE LEVINE BERKLEY, Assemblyman from Assembly District 13 in Las Vegas, Nevada commutes home on weekends from Carson City to see husband, FRED '75 and son, Max, one year.

GORDON L. GERSON was recently appointed by the Board Governors of the State Bar of California to the 22-member Attorney-Client

Trust Fund Commission. The Commission is responsible for allocating funds and grant assistance to indigent Legal Service programs.

'77 Commander DAVID FROMAN of the U.S. Navy JAG Corps was graduated from Harvard's LL.M program, advanced to the rank of Commander and has been assigned as Staff Judge Advocate for Naval Administrative Command in Great Lakes, IL.

'78 CINDY CLARK and her husband, Professor ED IMWINKELRIED joyfully write from Des Moines to announce the adoption of a daughter, Marie Elise. Ed is teaching at Washington University Law School and Cindy is an attorney with Broadway-Hale Department Stores.

CHRISTOPHER G. HAWKINS of Limbach, Limbach & Sutton in San Francisco is working with the University to draft a policy for copyright registration for professor's papers, treatises, royalties, historical developments and computer software.

'79 The "Investment Officer of the Year" for the John Burnham and Company Real Estate Finance Division San Diego and Orange County offices is SCOTT W. ABELL who generated a total of \$25,725,000 in Loan arrangements and real estate sales in 1982.

Alumni Board member MARK E. KRUSE resigned his office, as well as his position with SDG&E, to move to Colorado Springs where he and his brother will establish a retail computer center.

'80 KRIS IKEJIRI writes that he is working for the Office of the General Counsel, US Department of Agriculture in Washington, D.C. He is engaged in administrative and criminal work primarily regulating the meat industry.

'81 MARY JO GEORGE, Secretary of the Alumni Board of Directors has opened her own office, George & Allred in El Cajon and is "starving appropriately."

CHERYL PETERSON has a new position as Research Attorney for the Civil Law and Motion Department of the SDTLA Trial Bar Court.

'82 It was wedding bells for IVAN CHUCK EVILSIZER who married Brooke Mayfield in December.

T. SOUL HUNTINGTON is working as law clerk to the Honorable Frank D. Padgett, Associate Justice of the Supreme Court of the State of Hawaii in Honolulu.

A true success story is JUDITH SHOEMAKER who has completed a ten-year cycle from law office secretary with a high school diploma to a newly admitted attorney practicing with that same firm, Sullivan, Delafield, McGrath & McDonald in San Diego.

The current leadership of the San Diego Trial Lawyers Association is more than dotted with USD Law grads: DAVID S. CASEY, JR. '74 is First Vice President, DANIEL R. KRINSKY '72 is Secretary, STEVEN R. DENTON '75 is Parliamentarian and SPENCER S. BUSBY '79 is Editor-in-Chief of the SDTLA Trial Bar News. Additionally, members of the Board of Directors include ROBERT L. GRIMES '72, JOHN N. LEARNARD '70, SERGIO L. LOPEZ '72, ANTHONY F. MOURNIAN '72, VIRGINIA C. NELSON '79, LOUISA PORTER '77, CHARLES S. ROSEMAN '71, and ALAN L. WILLIAM '73. USD adjunct faculty member HARVEY R. LEVINE is President.



Class of 1958 Honored at Graduation

At the Law School Graduation Ceremony on May 22, three of the original eight members of the Class of 1958 were presented a certificate by Dean Krantz to commemorate the twenty-fifth anniversary of the first

graduating class from the school. Present were Hon. Robert Cooney, Timothy Evatt and Ralph Gano Miller. The three other living members of the class were unable to be present but were there in spirit. Stanford Law

Professor Barbara Babcock was the honorary speaker and 260 Juris Doctor, 41 Master of Laws in Taxation and 11 Master of Comparative Law degrees were granted.

MOVING?

Just tell us where . . . and we'll follow you.

NAME _____

CLASS _____

FIRM _____

ADDRESS _____

CITY _____

STATE _____ ZIP _____

TELEPHONE () _____

KEEP IN TOUCH!

If you'd like your fellow alumni to know what you're doing, please write a brief (and legible) description for the Class Action section.

From the Dean's Desk cont.

I wish to nominate the following for consideration in the determination of Distinguished Alumni for 1983: (attach additional information)

OUTSTANDING JURIST: _____

_____ CLASS _____

OUTSTANDING PRACTITIONER: _____

_____ CLASS _____

OUTSTANDING BUSINESS/EDUCATOR: _____

_____ CLASS _____

Send supporting information, along with your name and address to the Law Alumni Office.

and projects on alternatives to litigation in both neighborhood and commercial disputes are well underway. So is a program to provide advanced training to lawyers taking criminal assignments to indigent areas. The Law Center is in the early stages of surveying needs for the prescriptions toward legal services in this County. It is hoped that the Law Center can serve as a catalyst for programs to improve the profession and the services it provides. We would be interested in learning your thoughts about other ways in which we can participate in improving our profession and legal education.

I would like to close this message with two notes of gratitude. First of all, I would like to thank all of you who have financially contributed to the Law School in recent months. Your contributions have permitted us to provide greater support to our faculty and students and will help us with renovation needs. We deeply appreciate your making the Law School part of your charitable giving. I can assure you that the School benefits substantially from your gifts. Next, I would like to thank publicly three administrators at the School who are moving back into full-time teaching. Doris Alspaugh, Associate Dean for Administration, Michael Navin, Director of Graduate Programs, and Virginia Shue, Associate Dean for Student and Academic Affairs, have ably served the School during their tenure and this service should be recognized.

 **University of San Diego**
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