Major renovation plans unveiled for USD Law Library

by Dale Giali

"I think a library is at the core of a legal education. There is no profession in which the use of a library is more important."

Dean Sheldon Krantz

Starting within the next 11 months, the Kratter Law Library will undergo a major addition to and a total renovation of the existing facilities. The $6,000,000 project is slated to take one and a half years to complete and will more than double the current assignable space. The library construction/renovation will bring the library up to accreditation standards concerning seating and available shelf space, will improve efficiency of the building, and will incorporate many of the current and future technological advantages available to libraries.

The Funding

Krantz said that "the fund raising itself is a rather expansive effort which is looking for support from corporations, alumni, law firms, and individual donors. None of the money for this project is going to come from tuition." Krantz is optimistic that by late spring of 1988 the $3,000,000 needed to begin work will be raised.

The Plan

When the requisite money is raised, the construction will begin in the rear of the current library. At first, the addition will look like a separate building, but when the addition is nearly completed it will be joined by a large walkthrough opening on the first floor of the existing structure. The new part will be accessible only through this opening. The initial addition should take about 14 months to complete.

At the conclusion of this first phase, the old building will undergo a complete renovation. This will include new book shelves, carpeting, painting, new furnishings, and a restructuring of the floor plans. New rooms will be added, including two classrooms that will be at the front of the library. Phase two should take around four months.

The New Look

The library addition will be a 5 level edifice affixed to the back of the current structure. It will consist of 2 floors each with mezzanines that will cut the floor in half vertically, but will extend over only half the surface area of the floor. There will also be a lower floor, accessible from the back of the building and not connected to the library itself, that will house the law center. The addition will add over 27,000 sq. ft. of assignable space, which is space that the library director can assign to library use.

The library from the outside will look virtually the same except for the extension to the back. The inside will be almost completely remodeled, and will center around a highly functional service area that will be nearer to the middle of the building. The addition's focal point will be a four-level, natural-lighted atrium.

The New Features

The new building will have air conditioning. That means no more sweltering days in the library, and exterior noise will be cut out as the windows will not be able to be opened. In the long run a climate-controlled library means that the book arts will be preserved.

Six rooms, instead of the present two, will be devoted to conference rooms/private study use. One of the six rooms will be a typing and computing center. Lexis and Westlaw will enjoy larger and separate facilities on the first floor near the service area. A computer lab, with computers for student use, is included in the plans for the building, but funding for the computers is not. Microforms will have its own room on the first floor and will remain open for the entire length of the library hours.

Study space in the new building will be greatly increased. Two hundred and thirty-two new oversize study carrels (individualized desks) and additional seating will raise total seating from 387 spaces to 552 spaces.

Compact shelving, a shelving device where book cases are on tracks in the floor without an aisle between every book case, will most likely be used. If a book is stored in the compact shelving cases, a student will manually crank open an aisle in which to get access to the book. This technique could possibly double the amount of volumes that could fit in the same floor space. In any event, compact shelving will only be used in the lower stacks of the addition. Stacks will be kept on all 4 levels of the library.

The new building is designed with quiet in mind. All service needs can be taken care of in the front center of the building. Bathrooms will be located in areas of easy access, but away from areas of quiet study.

Fellmeth appears on '60 Minutes' for state bar work

by Joy Kolender

Robert C. Fellmeth, USD law professor and Director of the Center for Public Interest Law, appeared on CBS's "60 Minutes" on December 27, 1987, to discuss his findings as California State Bar Discipline Monitor. Professor Fellmeth was highly critical of the Bar's discipline program during the interview. Responding to a question from Morley Safer, Fellmeth said that the attorney discipline problem in California is not restricted to a few "bad apples."

Armed with the same investigative powers as the Attorney General (including the subpoena), Fellmeth reports to the Legislature every five months. Fellmeth is assisted in his investigation by the staff of the Center for Public Interest Law, including attorneys Julie D'Angelo and Jim Wheaton.

"Secret' complaint number

In Fellmeth's initial 450-page report to the Legislature on June 1, 1987, he identified several problem areas which need further investigation and reform. The report generally characterized the State Bar's disciplinary system as:

• Inaccessible to the public. The Bar's toll-free complaint number is practically a secret, is not published in telephone directories, and is not available from directory assistance;
• Incapable of conducting adequate investigations of complex cases. An internal overemphasis on closing out cases pressures computer and other legal research technologies have been incorporated into the library project. The new building will be equipped with the capability to hook up over 550 computer terminals. In fact, each study carrel will have separate computer hook-ups and electrical outlets. Each carrel will also have individual lighting, just one of the many lighting techniques that the lighting engineer has planned. The two new classrooms will be complete in video and computer capability.

Nancy Carter, Law Library Director, says, "One of the real benefits of this building is that we are going to be prepared to tap into the state-of-the-art computer technology, whatever that might be."

Compact shelving, a shelving device where book cases are on tracks in the floor without an aisle between every book case, will most likely be used. If a book is stored in the compact shelving cases, a student will manually crank open an aisle in which to get access to the book. This technique could possibly double the amount of volumes that could fit in the same floor space. In any event, compact shelving will only be used in the lower stacks of the addition. Stacks will be kept on all 4 levels of the library.

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(Continued on page 8)
Nightmare from the Holy Land

by Gary Fielder

The Search is over . . .

Surrendered is the quest for the nature of the law and its purpose, its relationship to justice and morality, and the means to effectuate it efficiently. Gone is the desire to know the source of the law—for these aspirations of grandeur have succumbed to a hell-bent pursuit of something far more important . . .

Grades.

This revelation occurred to me some two weeks ago, when, as a first-year student, I was suspended for a minor infraction in front of a blank white wall covered with mimeographed computer print-out. I witnessed the rejection of my plea—my plea for justice (not to mention the possibility of ever producing income) be reduced to the bite of the few dozen numbers directly across from my four-digit identification.

I think I was "walled" . . . but I can't be sure.

It was indeed an experience I'll not soon forget for it is much different than other ugly adventures endured by your average law school neophyte from distant pasts. It was there: the characters, the script, the intrigue, the comedy, the mystery . . . the horror—a whole world of fear, elation, burden, depression, and joy . . . the complete human spectacle of televised nerves and sensibilities. I haven't slept in twelve days . . . sedatives haven't helped.

Frankly, I am a wretched employee of a father-aged mother of three, whose grades stacked on end totaled a hair under 460, pulled for the squirming couple, a white-haired woman, thinly different enough to instill deep-rooted hate; fell hopelessly in love with the blonde-headed heroine, who forged her way through a semester-long smoke screen to snag a big fat A on every sheet; and felt profoundly akin to a fellow classmate, who peered through cracked fingers to inspect the common plight of a Brookvian Civ Pro C.

Me? Have an attitude? Nah!

by M.K. Pennman

Have you ever wondered why law students are generally treated with disfavor and considered "strangers and off campus?" As hardworking students we deserve to be treated with respect. Instead we are considered outsiders or outsiders sold to "mellow out?" Are we really as bad as most people claim? I guess we should get used to it. Pow. A result of our own profession. However, I think there is a profound difference between a lawyer who is disliked for representing an unpopular worthy of higher praise than a stiff suit patch and the human being, who is disliked for representing an unpopular pointer. A considerate human being is respected by his/her equals and should be considered worthy of higher praise than a stiff suit patch.

Right to die . . . applauded

The purpose of this letter is to commend Jeffrey Merrick on his article, "Patients right to die ethical and moral hot poton." It is timely to read an article about this controversial subject that is factual and gives the reader a glimpse of the issues without being colored by the personal opinion of the author.

As a San Diego Hospice Volunteer I am acquainted with these problems and 1 do not know the answers. It may be that we will have to proceed on a case by case basis and resolve each case the best way we can according to the circumstances existing at the time.

In any event we have to keep hanging in there and do the best we can. It is nice to know that people like Jeffrey are out there.

—Paul T. McDonough

Class of 66

"Thanks for the memories"

(Prof. Kelleher resigned from USD last semester and asked that this letter be printed for benefit of his former colleagues and students.)

Dear Sheldon:

I write to tender my resignation from the faculty of the San Diego University of Law. My reasons for this decision are personal and professional, but unrelated to any internal matter at the Law School.

I would like to take this opportunity to thank you for your kindnesses when we worked together and to send my good wishes to all my former colleagues. I have many treasured memories of the Law School and shall always consider myself a part of its greater community.

We are all quite happy in Ithaca. Kate plans to return to Cornell, Peter has found a place in his new school and several first year law students are most happy.

I am pleased to say that my year as an academic have sharpened the pleasure of my re-entry into the working world. Thaler & Thaler has a varied and challenging practice. I am enjoying myself thoroughly and learning all the while.

Please give my new address and professional affiliation to the Alumni Office so that I may maintain contact with the Law School.

Sincerely,

John J. Kelleher

Xmas gifts appreciated

This is just a public thank you to my fellow first year students in section B-1 and B-2.

Right to die . . . applauded

Together you helped make Christmas very special for a particular family and friends and the family was overwhelmed by your generosity. Your contributions bought gifts, clothing, toys and food. Much more importantly, the family knows that someone cares about them.

My own Christmas was greatly enhanced by this experience. I hope your Christmas had greater meaning also. Thank you to section B-1 and B-2, and to Judy Leser, Jackson and Christie Mulcke, and Tomas and Vicky Romero.

I am very proud of you ALL!

—R.W.

A day student's perspective

I never gave the difference between evening and day students much thought until I read James F.B. Sawyer's editorial entitled "They Only Come Out at Night" in the November issue of Motions. However, I have always recognized the extra hardships evening students endure by working during the day and studying by night. As an undergraduate, I completed part of my education at night while working full time. No evening student will get an argument out of me by claiming they have to be more dedicated and work harder than most day students. What I object to is that self-imposed inferiority complex permeating James Sawyer's essay.

While the end result of Sawyer's essay is to encourage more even extracurricular activities, the underlying theme seems to be an attempt to justify his educational status as an evening student. Sawyer tells us that evening students take the same courses and cover the same material as those in the day program. We're also informed that there is a real world out there where evening students work for a living.

All this defensive rhetoric begs a question. Why is any evening student so intimated with what someone else thinks about his education? What evening students accomplish academically is completely their own business. The quality of their education has a lot more to do with the effort invested by each individual rather than the particular time of day that they attend school. Whether or not their law school education is successful will have to be judged by their own standards. Sawyer's essay is a rationalization for attending school at night, that his education is as good as everyone else's. The only person he has to convince is himself.

—Wayne Brechter
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Belgium’s political ‘mergy-go-round’ keeps on spinning

by Thierry Bernard
Marc Dufosse

Law logo wanted by Starr Lee
Editor-in-Chief

You went to the Bookstore to get your snappy t-shirt showing the words that you, yes, you go to the world-famous USD Law School. You figure you pay enough tuition so you are entitled to show off a little. Then you find that only USD Law School t-shirt has the school seal on it. Hmmmm, just a tad dry and ho-hum French and Want the commune to be attended to in their language. That is why they elected an active French-speaking farmer, member of the European Parliament, as their mayor. The new mayor, José Hap-pert, wants to change the t-shirt logo. You see it, USO is overcharging students for the extra units. I have a hard time swallowing 30 units a year whether or not they actually take them. One justification given to me by the USD administration for not allowing students to take more than 30 units a year is that this was not the case. The USD Law School policy is that the same tuition rate is charged to students taking from 12 to 15 units per semester.

For this policy, I am changing for a uniform rate for tuition, the University is assured of a fixed amount of income. The law school only has so many openings for full-time students. When someone fills one of these openings, it is sure to be full-time. Thus, full-time law students pay for 30 units a year whether or not they actually take them.

However, when I signed up for 16 units this current semester (bringing my total for the year to 57), I was charged an extra $320.00 above the full-time tuition rate. The extra charge was for the one unit above 15 that I was taking. Justification for this extra charge is mighty hard to find. By bringing my total units up to 57, I was simply utilizing the extra unit I had designated for fall. The University had already received it's full-time tuition, and I was not taking more than the 30 allowed units. The extra $320 would be simply an unjustifiable windfall.

What the tuition policy amounts to is a no-win situation for USD at the students' expenses. Students paying full-time tuition can take 30 units a year. If they take fewer than 30 units a year, USD will lose any money. If they take 30 units a year, but not in the right order, USD is going to make extra money.

This policy assumes that law students control how many units they take each semester. Any member of USD Law School knows that this is far from the truth. Students just fill out lists and then take the courses. I had a hard time swallowing the first semester was not the result of a calculated plan. I was assigned some of the courses I requested and denied others. When I filled in the blanks with available courses, I had 14 units. Such stories are told by several law students each semester. Students who take fewer than 15 units in one semester for reasons often beyond their control, should not be penalized for trying to make the units up the next semester.

One more equitable tuition policy would be to allow full-time students to take 30 units a year in any order. The danger of overloading a student's academic load is minimal because students are not self destructive and wish to balance their academic load as much as possible. The University would still receive its full-time tuition if students were not penalized for having to shift units around to make their academic load somewhat. To do otherwise allows USD to collect unjustifiable windfalls, above the already guaranteed full-time tuition, from students who can take all 15 units in one semester.

Faculty Briefs

by Ina Levy

Ralph Folsom reports that he has a recent article on sexual para-dox in the law of generic words in the Trademark Reporter (1987), entitled “Surveying General Words in Trademarks.”

Bob Gilbin, Associate Law Librarian, was selected to participate at the Conference on Effective Teaching of Legal Research and Information Techniques, held in Winston-Salem, North Carolina, this past October.

An experiment studying essay disorganization in first-year property courses has been started and preliminary learning methods will be further learned in a first-year Property course co-authored by the team of Assoc Prof. Steven Hartwell and Adjunct Prof. Sherry Hartwell has been accepted for publication by the Journal of Legal Education. This research was a projected publication date of June, 1988.

Karla Simon was the discussion leader at one of the sessions of The 40th Annual Institute in Insurance Law sponsored by USC Law Center, held January 18-22. The subject of the meeting was “Current Developments in Corporate Taxation.”

A professorial Andrew is keeping us up-to-date on his writing projects. His 120 page chapter on Powell and the civil rights movement’s effect on real property transactions will be published this month. He is also currently working on his book, co-authored by the University of Colorado Law Review regarding executors contracts in bankruptcy.

Larry Alexander finished a book on state action that he co-authored with Paul Horton wrote an invited article on Ronald Dworkin’s theory of law and wrote several draft drafts of articles on state regulation of interstate commerce, vote dilution, commercial speech, criminal negligence, and liberal neutrality.

Steven Hartwell wrote a paper entitled “Fostering Moral Development in the Classroom,” interviewed bankruptcy mediators as background for a study on the methods and criteria mediators use; wrote a draft of a proposed paper on the role and impact of deception in different modes of negotiating.

Drafts of chapters one and two of Grant's `Hors'D'vores Cantina' but not on a law school theme. Five articles completed. an article entitled “Strict Liability: A Primer on the Law of Generic Words in Property Transactions;' will conclude a Construction on Corporate Governance, Faculty Briefs.


C. Hugh Friedman has been reappointed by the State Board of Governors of the Legal Services Trust Fund and has been appointed vice-chair of the Board for the calendar year 1988. He has also accepted reappointment as a member of the National Advisory Committee of the National Institute for Citizen Education in the Law (USD Law School's "street law project"); running through December 31, 1990.

He has been appointed to the Senate Committee on Corporate Governance, Shareholder Rights and Securities Transactions. His work on this committee was highlighted in a December 16, 1987, Los Angeles Daily Journal article entitled "Security Law Litigation Paid For in the Fallout from Shearson."

Several more chapters of a manuscript entitled Fundamentals of Computer-High Technology Law were completed by Victor P. Allen, Mike Still. He also designed the USO logo for a present value in Tax, a new property course and computer instructional software entitled “Basic Class Gifts Tutorial.”
USD law school commemorates Dr. Martin Luther King Jr.

by Chris Hardy

All classes at the law school were cancelled between 11 a.m. and 1 p.m. on January 18 to commemorate the 59th birthday of the late Martin Luther King, Jr. A five-minute program was held in the Canary Room at the law school, where the class of the slain civil rights leader. Highlighted by a reading of King's last speech, the discussion topic was "America Race Relations 20 Years After the Death of Martin Luther King, Jr." The event was sponsored by SBA, the Black Law Students Association, and the National Lawyers' Guild.

The first speech was given by Roy L. Brooks, a law professor at USD. He set the tone of the day by observing that the 20th anniversary of King's death marks a time to remember the civil rights movement.

Brooks compared today's race problems to the civil rights problems in the past. He noted two major differences. First, the vulnerability of minorities has shifted from socioeconomic and political to mostly socioeconomic. A more significant development is the stratification of Black America. Today there are three major class divisions in Black society: the underclass, the working class, and the middle class. Today, the struggle for civil rights involves a race and also a class problem.

Integration not the ultimate answer

Brooks says that today's commentators have focused more on welfare dependency and single parent family problems, and less on civil rights. This, he says, only exists under the class and also does not explore the racial undertows that relate to such problems. However, the theory has emerged that civil rights laws have not, and perhaps cannot, end racial discrimination.

Brooks refutes this, and says that no civil rights movement can go forward without a consideration of civil rights laws. The history of civil rights is the history of the civil rights movement.

He ended his speech with arguments against the tenet of racial integration. (This view was shared by other members of the panel.) He believes that the struggle for civil rights has hurt underclass blacks especially, and that it promotes racial mixing at the expense of other values such as black self-help and the retention of assets, for example, role models within the community.

Brooks asserted that the strong drive towards integration is based upon a misunderstanding of the civil rights movement. The main purpose was not to integrate schools or allow blacks to sit at the same places as whites; its purpose was to remove government-sponsored discrimination.

Deputy State Attorney General Randa Trapp spoke next. She focused upon the struggles and results resulting in the United States regarding the death penalty. She cited the Baldus study statistics that have been accepted as "valid" by the U.S. Supreme Court.

These statistics show that for all murder cases, the defendant is black and the victim is white. This is much higher than in any other race. Even in 1987, Salt started working half-

AMA proposes new medical malpractice procedures

by Misty Colwell

Medical malpractice plaintiffs may face a new procedure for bringing claims under the recommendations proposed by the American Medical Association (AMA) last month. Vice President James L. Todd announced the plan in a press conference Wednesday, January 13.

Responding to the current malpractice crisis and skyrocketing malpractice rates, the AMA and other medical groups around the country developed a 160-page plan that is now in the hands of the nation's medical associations to help them cope with the problem.

- Each state panel would be comprised of several physicians, attorneys, and business representatives. Some of the claims would be heard by a few members in a preliminary review. This early review would allow a faster response to malpractice situations and prevent court congestion.

Legislating feelings problem for civil rights law

Mr. Warren, the owner and publisher of the San Diego Voice and Viewpoint took a fierce and critical view of race relations in the 1980s. He said civil rights laws can be circumvented as one cannot legislate how people feel in their hearts.

Warren looked at some of the sociological problems facing society today: that unemployed statistics do not include "discouraged workers" (those who have looked and not found jobs and have now stopped looking), and the "Full Employment Act of Congress," which is a policy statement and not an entitlement to jobs as hoped. He observed that the 1980s has had the highest number of wrongful termination suits, many of which are race-related.

The audience was asked to imagine themselves as among the 4,000 people who gathered, despite a storm warning, to hear Dr. King in Memphis. In the speech, King recounted the civil rights movement, starting with the futile bus boycotts. He recalled a 1960s attack on his life, when a knife literally touched his heart.

Then as King contemplated his own death, eerily seeming to predict it, he asked that he be remembered as a man "who tried to help people."

As the law school enrollment grew, so did the number of civil rights law cases. Along with a focus on integration, there has been a shift towards civil rights cases that are related but will usually involve the students personally, such as class counseling, student support and individual complaints.

There is much overlap in the duties of Heiner and himself, Salt said. Heiner concentrates on integrative duties such as the exams, scheduling exams and classes, as well as teaching. Salt's duties are also academic-related but will usually involve the students personally, such as class counseling, student support and individual complaints.

Right now the only other "counselors" on USD are the faculty advisors. "There's a reluctance of students to use that resource," Salt said. The advisors can be very helpful in choosing individual courses, but may not know all the information about the courses or have time to discover the best two-year curriculum for a student's chosen "specialization," she added.

Dean spices up staff with Salt

by Starr Lee

As the law school enrollment grew, so did the number of civil rights law cases. Along with a focus on integration, there has been a shift towards civil rights cases that are related but will usually involve the students personally, such as class counseling, student support and individual complaints.

The other problem with the faculty advisor is that many have so many other duties to perform that they have no time to assist students with personal problems. Part of Salt's job is to give that support to students. "There should be someone always here if you need to see someone," Salt said.

If a failed class, need help choosing a curriculum, can't remember why you wanted to come to law school, or your grades just aren't cooperating with your expectations, Salt is there to listen. Development of the tutorial program, informational seminars and liaison to the student organizations are also part of Salt's duties.

The new position presently is temporary, half-time job, but will become full-time when the law school's new campus is ready. Salt will be up to the new Acting Dean to decide if the position is kept and made full-time. But, with enrollment now more than 1,000 students for each of the two evening movies - "Happy Birthday Dr. King" and "Martin Luther King - From Montgomery to Memphis."

Edito
Bar Exam stats in for 1987 USD takers by Thomas Mauriello Legal Articles Editor

Statistics for USD's class of 1987 have been released and are reprinted below in Table A. Some of the Bar Examiners reflect the passage rates, in deuces of class standing, of members of the 1987 class who took the Bar Exam in San Diego. There are some of the deuce percentages have increased and others have decreased from the 1986 tabulation data. The 1987 statistics show a slight overall increase.

Table C represents the passage rate on both Bar Exams in all of California for all takers—day and night students, first-timers. This passage rate has risen from 56% in 1986 to 64% in 1987. It appears that USD is not doing as well on the Bar Exam as other ABA-approved schools, however. This makes little sense because of the quantity of the materials, the appeal of the review course, include the reputation and courses you give your deposit. (The early commitments and freeze the price feedback on a law student's individual a bar review course before your third year. Most courses offer substantial discounts for these career-saving events occurring, the reality is that most California law students must face a harsh reality—one of the lowest pass rates in the country. The answer to this problem is the same piece of advice that you have received every April 15: go into improving Bar Exam performance. Simply "studying harder" may not be enough.

The proposals of the Bar Improvement Committee, including tutorials on test-taking skills, greater feedback on tests, midterm exams, and aggressive counseling of students in the lower end of the class, are a step in the right direction.

Passing the California Bar by Sheryl Serrive

There are always rumors floating around about the California Bar Exam. A group of disgruntled students are gearing up to sue the Board of Bar Examiners for allegedly devaluing the pass rate; the examiners are about to eliminate the third day of testing; this year is going to be the year with an 80% pass rate. Short of one of these career-saving events occurring, the reality is that most California law students must face a harsh reality—one of the lowest pass rates in the country.

The answer to this problem is the same piece of advice that you have received every April 15: go into improving Bar Exam performance. Simply "studying harder" may not be enough.

The proposals of the Bar Improvement Committee, including tutorials on test-taking skills, greater feedback on tests, midterm exams, and aggressive counseling of students in the lower end of the class, are a step in the right direction.

Bar review courses offer students a choice by David Bigelow

The Kaplan-SMH Bar Review Services offer USD law students a unique opportunity for bar preparation. A joint venture of complimentary academic philosophies and unparalleled convenience, Kaplan-SMH offers what law students need most: a carefully reviewed course that actually prepares them for the bar exam, a course that simply "teaches the law," a course that actually prepares them for the bar exam, a course that simply "teaches the law," a course that actually prepares them for the bar exam.

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Happy Valentine's Day from Motions!
Alum spotlighted as actor, defender, arbitrator

by Katy Blanck

Doug Brust always seems to find himself in the spotlight. Brust, USD JD '74, possesses a dynamic personality that has allowed him to be a top San Diego trial lawyer, a draft choice for a major league baseball team, a professional actor and a court-selected arbitrator.

Although Brust has taken on many diverse roles in his life, they all seem to have revolved around his legal career. Brust handles personal injury and criminal cases, as well as employment discrimination, personal injury, trust & estates, as well as insurance defense. He has tried a number of cases ranging from minor personal injury cases to multimillion dollar malpractice cases. Brust has been to the firm of the summer in 1987 as a senior associate, after making a lateral move from Murray & Aiken where he undertook insurance defense cases.

Brust said he knew at the start of his law career that "being a trial lawyer was the only thing to do." So, when he was offered a job at San Diego Defenders, Inc., right out of law school, he "jumped at the chance." Defenders was the perfect opportunity for Brust since he was exposed to a tremendous amount of litigation. For Brust, "the whole idea of being a lawyer was to strap on the guns, get into the corral and do some action." During his senior year of playing center field on the UCLA baseball team, Brust was a low round draft choice for the New York Mets. Brust seriously contemplated the offer, but he opted for the more practical career choice—law school. However, Brust recalled, "If I had to do it again, I would've signed. In retrospection I still think I could've hit the fast ball." Today, Brust still remembers it as his favorite. "It's like your first love. Somehow you can never let it die out of your system," said Brust.

When asked if he would consider closing his law books for the glory of showbiz, Brust said, "I can't say that if I were offered it I would do it with it." However, Brust adds, "at this point, I'm not prepared to throw away my legal career. Besides, I would feel the work void in my life if I ever gave law up entirely.

Brust is not currently auditioning for any new roles although he says he has "a substantial itch that needs to be scratched." Currently, he "feels his habits" for the stage by doing car commercials. The commercials are aired in other states like New York, Washington, and West Virginia, so San Diego can't see him peddling autos for McCune-Honest Used Cars.

Some factors make it difficult for Brust to do as much theatre as he would like. The time consideration presents the biggest obstacle. "The show eats up a three month period from start to finish, creating an obvious drain on his free time, especially since he continually enjoys playing amongst the actors. "Unless I can find someone to represent me for free in the department, I can't really afford to do anything on a freelance basis," Brust said.

Another reason Brust can't afford to do much theatrical work as an actor is due to the past is that he was appointed to the Superior Court's arbitrator's list by Judge Adams. Judges appoint the top trial lawyers whom they feel are qualified to evaluate cases and are able to put a figure on whatever damages merits. The judges then suggest that they contact a lawyer from the list to arbitrate certain cases.

Spring SBA funds allocated

by Lesley Clement

SBA President

The Student Bar Association heard requests for funding from sixteen student organizations this Spring and allocated the remaining $16,800 as follows:

DQLSA, 100; La Raza, 925; Ammenity, 280; NLC, 970, Intramurals, 1,800; Sideline, 210; Moon-Court, 1,675; Infir Law, 430; Motors, 5,125; Journal, 950; Jack's Picnic, 25; Environmental, 80; Speaker's Bureau, 1,000; and BLSA, 665.

The Student Bar Association funds allocated are:

BARSTRE: Ball, 500; Discretionary, 1,550; Graduation, 2,000; Budget for fall of 1988, 500, and overrun protection, 200.

The following organizations did not request funding this semester: ACLU, ALSA, Law of the Sea, More Hall Public Interest Law, BLSA, Politics, Science and Law, Women's Law Caucus.

Faculty Briefs

(Don't think about it...)

Research to legal aid

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Spring SBA funds allocated

by Lesley Clement

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Library renovation plans unveiled

(Continued from page 1)

There will be 5 different locations for photo copying, all having a separate room in which to use the machines.

The faculty offices will be organized in 2 straight rows on the third floor of the existing building, which should be a big improvement over their current hodge-podge placement. They will be reduced in size however, and faculty offices that are currently located on the west side of the second floor will be eliminated.

The New Problems

“We will continue to function in the existing library building during construction. It will be noisy; it will be inconvenient; and it will not prime study space by any means,” said Carter in reference to the toll the construction will take on library services.

There is no getting around the fact that the classes of 1989, 1990, and 1991 will be highly inconvenienced by the project.

Of course, the class of 1989 got a quiet library for their first two years of law school and the class of 1991 will get to use the new facility for their entire third year. That leaves the class of 1990, who have known nothing but a library of a quiet library and misses out on the fruits of the new building.

Do or die? An argument can be made for the increased density of law school with better national recognition, which may be a result of the new library.

The administration is recommending that Copley Library be used for quiet study space when law materials are not a factor in the study. Quiet study space may be set up in the law school itself. Satellite collections of chosen materials may be located in areas more conducive to use outside the library, but problems of which materials would be appropriate and which materials are meaningful by themselves make this option rather limited.

For all intents and purposes, life should remain virtually the same for the first year of the project, except for the noise. Life will get real interesting when the additions are completed and the renovation of the existing structure begins.

Carter explains it this way, “In the second phase of construction we will move as many services as possible into the new addition that will fit. Compact shelving will make a difference as to how much we can store in the addition, but problems of which collection outside the library during that period. We will select for storage carrels on the first floor and the second floor. They will not be used. We will try to make, if possible, a delivery service of the stored goods, making them available the day after they have been asked for.”

An extra hitch in the storage plans are that USD has very limited floor space, most likely not enough to store all the library material. This would make necessary the use of off campus storage space. Besides being expensive, it would mean that material stored off campus may not be available for use at all.

While the addition is being built with as much of the collection as it can fit, seating space will be limited. To further alleviate this problem Carter said that the library will liberalize the circulation policies so that it will be possible for students to remove materials that they normally would not be able to remove. Students will be able to take materials away from the construction zone and use them elsewhere.

During the construction, parking around the library will be decreased. The final net change in number of spaces due to the addition is still unknown, as a restructuring of the one way road behind the library is being considered. It is even possible that a gain in spaces will result. Still, it is a consideration in how large the addition should be.

Some New Negatives

The new building will be bigger, but it will be big enough! In its new condition the building will have enough room to store 248,600 volumes. Granted that this is a 50% increase in our current volume space, but most leading universities have considerably larger volume collections than we have for volumes. Both Hall School of Law has a volume size of 480,000. The law schools of Loyola of Los Angeles and UCLA have more than 300,000 volumes.

The University of Michigan, New York University, and the University of Texas all have over 500,000 volumes in their law libraries. The largest collection in the world is at Harvard and is 1,400,000 volumes. Our volume size will be competitive with like-ranked schools, but it will not launch us into major law library status.

With stacks located on all four floors, walking up and down stairs will be increased dramatically. Also, since no one floor is too big too, it will be difficult to organize the stacks according to the Library of Congress standard.

The new library will not have a lounge. Food will not be allowed in the building. There will be no place in the new building to gather for talking and/or take a snack break. There are benefits to not having a lounge, such as reduced cleaning and help create a more comfortable environment in the library as well as eliminate the problem of book-eating insects that are attracted to spilled food.

A New Library

USD School of Law will greatly benefit from the new library. It will have its costs both in money and inconvenience, but the end result will justify the expense. A quiet research environment can only encourage stronger research. More study space and volume space will attract both top students and professors.

WEBrenovations slated for Mar. 9

Elections for SBA officers and upperclass representatives will March 8th and 9th 1988. In accordance with SBA Bylaws Article 5.5, nominations are open from 5:00 p.m. February 22, 1988 through 5:00 p.m. February 23, 1988 for all offices.

The Representative positions to be filled are Fourth Year Evening Representative, two Third Year Evening Representative, two Second Year Day Representative, and a Second Year Evening Representative.

The Officer positions to be filled are President of the SBA, Secretary, Vice President, Treasurer, and Secretary.

Any question regarding elections can be directed to the SBA office.

by Mike Still

March 19-20 USD will host the San Diego County Special Olympics Basketball Tournament. Over 300 athletes and coaches from the area will participate in this year's competition which will decide teams for the National Special Olympics games.

This is the second year that USD has sponsored the games, which will be held in the Sports Center gym. Due to the support of volunteers, the tournament was a success last year.

This year more than 250 volunteers are needed to assist in the competition in order to equal last year's success. Volunteer positions are needed for referees, scorekeepers, timekeepers, and team registration.

Other positions include special event organization, set-up/clean-up, and event supervision. Organizations and clubs are urged to volunteer for these positions.

The Special Olympics are a rewarding and emotionally uplifting experience. It's a good feeling to help others and the magic that one experiences at Special Olympics is unequalled.

If you would like to participate by volunteering some of your time then call Mike Still at 279-0483 or contact Judy Rauter in the Volunteer Resource office in the U.C. at 260-4798. Your help is needed.

Student Aid Commission offers Cal Grants

Tens of thousands of California college and vocational students can get help with school costs from the state's Cal Grant program, but those applying for new grants must do so by March 2, 1988.

During the current academic year, the Cal Grant program provided aid to students with over $132 million for upper education tuition, fees and, in some cases, living allowances. The California Student Aid Commission administers the program and made some 28,000 new awards and renewed over 41,000 Cal Grants in 1987.

Applicants are urged not to miss the March 2 deadline. Graduating high school seniors and currently enrolled college or vocational school students can apply for Cal Grants by completing the Student Aid Application for California. This single form can also be used when applying for other state, federal and campus-based aid. Applications and more information are available from high school counseling centers and college and vocational school financial aid offices.

The Student Aid Commission also administers several other financial aid programs including graduate fellowships, college work-study, teacher incentives and low-interest educational loans.
Soviet law and reality experienced through USD's summer program

by Jimmy L. Hom

Not with the mind is Russia comprehended,
The common yarndick will decease
In gauging her is singular her nature —
In Russia you must just believe.

— PYODER Tuchach (1866)

Phil Rusch, a fellow student from Golden Gate, and I arrived at Shremereyovo-2 airport in Moscow on June 1 of this year. Off to the right of the runway was a beautiful grove of birch trees, the symbol of Russia for hundreds of years. Phil and I were part of a summer study program in the USSR sponsored by the University of San Diego, Institute of International and Comparative Law. Our itinerary took us from Moscow to Leningrad and then on to Poland. (In July, I returned to the Soviet Union for two more weeks to work on my own.)

Professor Henry Duhl, an expert on comparative law with a specialty in human rights and Professor Chris Osakwe from Tulane University led our studies in East-West trade and Socialist law. Our group of 23 consisted mainly of students from law schools nationwide in addition to a few practicing attorneys and a journalist, each of whom paid $2,500 for an interesting way to earn 4 units of credit.

This summer, the male-female ratio was about even. Last year, as a result of the Chernobyl accident, there were only three women in the program. The major effects of that nuclear accident have worn off, although one Russian woman told me that she had never seen Ukranian apples so big before as they were this year.

After we landed at Shremereyovo-2 airport, we went through customs. Almost every tourist entering the Soviet Union has some customs story to tell later. I was somewhat concerned because I had quite a few gifts for relatives and friends of people I knew from San Francisco. I could probably explain to the official why I had two tape recorders explaining away the silk dress, the bikini, and the women's make-up would be harder. Fortunately, aside from being yelled at for being too slow, it was uneventful.

Law and lawyers

One of the first things that struck me about Soviet society was the minor role that lawyers played in governing the system. Although General Secretary Mikhail Gorbachev was trained as a lawyer, he is more the exception than the rule. Legal assistance is guaranteed in the Soviet constitution. Certificate of registration may be obtained only by those who pass a complicated document costs six rubles ($9.60). A day of criminal trial that lasts less than three days costs twenty rubles ($32.00); each subsequent day will earn an advocate twelve rubles ($19.20). Some services are provided free of charge, e.g., for work involving workers' compensation or almoneys. Legal aid is required of courts, 10% of which must be provided. Legal aid is provided in all 15 republics.

Although an advocate's salary is subject to a formal ceiling of 350 rubles ($560) per month, lawyers may receive additional compensation (known as mikst) from clients beyond the official rates. As Mr. Ivan Fyodorovich, Honored Jurist of the Soviet Russian Federation, indicated, the workings of the judicial system is fairly rare in most situations. I was reminded of this in the port city of Odessa on the Black Sea when I saw an old woman knocked down on the street by a trolleybus. As I watched, the driver rushed out and, instead of helping her, began yelling at her for "stupidity" walking in front of him. She picked herself up, dusted herself off, and then yelled out a few words in response that I didn't quite catch before she walked away. Contrast this with an incident in Oakland three years ago when a truck rear-ended an AC Transit bus. The six passengers got off the bus and were told to wait inside a nearby post office. When the police finally arrived and went inside the post office, they found eight people lying on the ground — all claiming to have been passengers injured in the accident.

Phil and I visited Juris Consultazia No. 1 in Moscow, a law firm that boasts as its most famous client former Jewish dissident, Anatoly (Natan) Sharansky. Before Sharansky's 1978 trial for treason, his family was turned down by 20 to 30 lawyers who would not take his case because Sharansky had refused to plead guilty. (Attorneys who work in law firms are called "advocates." ) Unfortunately, the advocate who handled Sharansky's case declined to discuss it, citing client confidentiality.

Inside Juris Consultazia No. 1 was a large sign listing the fee schedule established by the government for legal work. The permissible fees charged clients are low. For example, an oral consultation is typically one ruble (about $1.60) and drafting a complicated document costs six rubles ($9.60). A day of a criminal trial that lasts less than three days costs twenty rubles ($32.00); each subsequent day will earn an advocate twelve rubles ($19.20). Some services are provided free of charge, e.g., for work involving workers' compensation or almoneys and every firm is required to perform a certain amount of pro bono work.

Although an advocate's salary is subject to a formal ceiling of 350 rubles ($560) per month, lawyers may receive additional compensation (known as mikst) from clients beyond the official rates. As Mr. Ivan Fyodorovich, Honored Jurist of the Russian Soviet Federated Socialist Republic, described the workings of the judicial system, Phil and I could not resist asking him if mikst was as common as American scholars of Soviet law expect it to be. "Absolutely," answered Mr. Fyodorovich. "Any one who took money under the table at this law firm would be fired."

A month later I asked the same question to Anna, who had been practicing law in Odessa for eleven years, as we drove to pick up one of her clients for a meeting at the Ministry of Internal Affairs (equivalent to a police station).

"Absolutely," she laughed. Anna was very well off, perhaps even by American standards. She was the first Russian I ever met who had a microwave oven in her apartment and had a luxury villa in the past five years. As she expertly navigated around every pothole on the street, I expressed admiration for her new Moskvch car and mentioned that I had a four-year-old Mazda at home. "The quality of our cars is not very good," she commented. "Perhaps you would be willing to trade your Japanese car for my Russian car?"

A Soviet trial

In Leningrad, Joanne, an assistant district attorney from San Diego, and I attended a trial of an alcoholic on a petty offense at the People's District Court on Knaama- menskaya (Red Army) Street. As is common with many minor matters, the prosecutor (prosecutor) did not even take part in the trial. The questioning was conducted by the people's judge, who is elected by the citizens of the local district and who is responsible for the bench for the term.

Joining her on the three-judge panel were two lay judges called assessors, elected for 2½ year terms. Assessors were given no law education and were expected to be equal power to their professional counterpart in the courtroom. Traditionally, however, they defer to the people's judge. For the most part, the assessment in the trial that Joanne and I observed sat quietly without making any comments.

The defendant had already pleaded guilty, but a guilty plea does not stop a criminal trial from taking place. A Soviet court is required to independently corroborate a defendant's guilt. Here, the defense attorney called two witnesses, including the defendant's weeping wife. In her closing argument, the advocate concluded by telling the court that her client was a good husband, a hard worker, and had stopped his drinking. The three judges then adjourned to a back room to reach their decision. After waiting twenty minutes, Joanne and I left without finding out what the court's verdict was to catch a plane to Warsaw.

See Part 2 in the Mar. 8 issue of Motions. Article reprinted with author's permission.

Int'l. studies promotes first-hand experience

by Herbert Lazorow

Professor, USD

The University of San Diego's summer programs abroad already established record enrollment in 1987. 352 students, lawyers and judges participated in six summer programs in the Soviet Union. There were 42 law courses, 4 language courses, and tutorials in a variety of legal specialties.

Several factors contributed to the enhanced attractiveness of the summer programs. For the first time, USD offered internships in Paris with firms practicing international business transactions. These six-week internships, supervised by Profes- sor Mark Janis, formerly with Coutced Freres in Paris, allowed half a dozen persons with French language fluency to be immersed in an international business law practice for six weeks.

Also new in 1987 was an optional extension of our summer program in Mexico City to Antigua Guatemala. Students deepened their appreciation of Latin America with additional course work in international law problems typical of the region. It also permitted them to experience first-hand the difference between an advanced developing country such as Mexico and a more typical developing country dependent on only a few agricultural products, like Guatemala.

A third new development was the Oxford tutorial program. Offered to a limited number of students in 1986, the demand to study law in the English fashion by writing essays and discussing them on a one-on-one basis with a tutor was well received in 1986. We were able to plan a larger enrollment in 1987.

The fourth development was the expansion of our summer program in London to include two terms, one in June, and one for the six weeks ending early in August. This permitted students to specialize much more deeply in international law than our previous programs.

A number of USD alumni have taken advantage of the half-price tuition rates accorded them to participate in the summer programs. Insights of lawyers and judges are always useful in law.

Record enrollments of 88 in London and 40 in Mexico City were accompanied by our second greatest enrollments ever in Paris at 94 and in Oxford at 89. Accom- panying this record overall enrollment is our second greatest enrollments ever in Paris at 94 and in Oxford at 89. Accom- panying this record overall enrollment is our second greatest enrollments ever in Paris at 94 and in Oxford at 89. Accom- panying this record overall enrollment is our second greatest enrollments ever in Paris at 94 and in Oxford at 89. Accom- panying this record overall enrollment is our second greatest enrollments ever in Paris at 94 and in Oxford at 89. Accom-
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Rehnquist's book review relates the 'inside story' of Court

by Misty Colwell

It is uncommon for a justice on the Supreme Court to address a public audience. The demanding pace of the high court often makes it impossible for justice to have the time to speak to students and law review editors. The high court justices are known for their scholarly writings, law reviews and case notes - but their oral presentations are quite another matter. It is not uncommon to find justices' opinions in law review articles that are usually aimed at the legal community.

In his book, "The Supreme Court: How It Was, How It Is," written by Chief Justice William Rehnquist, speaks to the public and is of interest to anyone who is curious about the Supreme Court. Law students, in particular, will have a pleasant time reading this book and noting his perspective.

Rehnquist provides a special insight into judicial clerkships. It is surprising to learn how great a role the clerks play in the review granting process.

The book begins with a detailed look at Justice Rehnquist's first exposure to the Supreme Court after graduating from Stanford Law School in 1952 when he was selected to be a clerk for Justice Robert H. Jackson. The reader is awed with the author as he describes the judicial ceremony of his first clerkship. Rehnquist notes that his initial encounters with the other law clerks, with whom he was "a bit defensive" about being his first clerk.

It was on his first day as a law clerk to a Supreme Court justice that Rehnquist began reviewing some Supreme Court cases. After asking himself the question, "When will I know more than I do now?" he found there was usually not too much time before the present to complete a task.

One of the most controversial and significant cases the author worked on was the Steel Seizure Case in which President Truman ordered the secretary of commerce to take control of the steel industry. Rehnquist does not discuss the facts of the case but rather the role of the court during the steel sit-downs. He describes the Steel Seizure Case to explain, in an interesting and informative manner, the procedural side of the case, which has been cited and discussed in many judicial opinions.

The book also follows the Steel Seizure Case to explain, in an interesting and informative manner, the procedural side of a case which has been cited and discussed in many judicial opinions. It is important to understand the history of the court in order to analyze the case and understand the role of the court. The Steel Seizure Case is a classic example of how the Supreme Court has evolved over time.

The costs of child care, medical or dental coverage for the family, and an allowance for the bar exam seniors, and the like, would be items that a continuing student may request to be added to a Student Budget. For a new student, the 1967 base year earnings may be an item requiring adjustment. Some of the items, however, under the Student Budget are averages based on cost of living indices and will remain fairly inflexible: rent, utilities, and food, and sundries, transportation, personal allowance. "Professional discretion" was included in Congressional Methodology only as a mechanism to reflect a case-by-case, individual adjustment and not for alteration of the formula promulgated into law.

It is advisable to file the CSS Financial Aid Form as soon as the student has completed the 1987 income tax information. The processor requires approximately six weeks to produce an effective family contribution. Once this is received, the student may then ask the aid officer for financial aid for the following academic year. The student is also reminded that May 1, 1988 is the financial aid officer deadline for in-house processing so monies, or checks, should be available for fall 1988 registration.

The 1988-89 Student Budgets are now available in Room 206, More Hall; all other in-house forms will be available February 1, 1988.
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by Mike Still

Are you a member of the SPTA? Wonder what SPTA stands for? Well, it stands for the "Society of Peterfreund Trained Attorneys". The Society has over 11,000 to 12,000 former students as members. Yes, this is the number of law students that have graduated from the law school of Professor of Law Herbert Peterfreund has taught in his 42 years of teaching.

After teaching at New York University School of Law for 32 years, Peterfreund came to San Diego in 1978 planning to retire. However, he did not have a choice as the Acting Dean of USD Law School asked him to teach a course of evidence. Peterfreund agreed, and it has been a "semi-retirement," as he is now teaching two classes in evidence at USD.

Peterfreund grew up in a small town in Pennsylvania and attended Pennsylvania State University and Harvard Law School. While in law school, he studied under legal scholars such as Professor Williston in Contracts and Professor Scott in Civil Procedure. After graduation, he served for law for four to five years in New York City, and received his Master of Laws (L.L.M.) from Columbia Law School in February 1942.

At that time, of course, the U.S. was involved in World War II, and Peterfreund entered the army as a private and served in an infantry unit. He graduated from Officer Candidate School as a Second Lieutenant and taught recruits to become good soldiers. He later saw combat and was wounded in the Battle of the Bulge, winning a Bronze Star. He added, however, that "I made it but many of my comrades didn't." While serving, Peterfreund used his legal education to participate in court martial, both as attorney and later as a judge. By the time he was discharged in 1946, Peterfreund was a Lieutenant Colonel.

After the war, Peterfreund was offered a teaching fellowship at New York University School of Law. However, Peterfreund had always known that he wanted to teach and accepted the position. His desire to teach arose out of an incident that had happened when he was 15 years old. One day, a high school teacher (his high school principal) couldn't make the class, so he asked Peterfreund to teach the class for that day.

Peterfreund did and loved teaching so much that he decided to make a career of it. Peterfreund feels that he was very fortunate at age 15 to know what he really enjoyed doing. He now worries that too many students these days don't know their eventual goals in life. He feels that it is hard to know at a young age what one wants to do with his or her life, but that law students should at least think about it.

NU School

During his years at NYU, Peterfreund taught a wide range of courses, including Civil Procedure, Contracts, Corporations, and Evidence. Out of all of these courses, he feels that Evidence is the toughest because it is so hard for students to visualize the evidence matters that he is trying to convey to them. Civil Procedure is also tougher for other reasons.

Peterfreund liked practicing and teaching in New York City. He feels that New York City is a wonderful place and that there is no other city like it, stating "It's a very busy place." New York City is the commercial center of the world, and the opportunities for lawyers practicing there abound. However, Peterfreund isn't sure that the high salaries being paid to Wall Street lawyers are justified. Starting salaries on Wall Street are now around $70,000 per year, which is in stark contrast to the top $2,000 per year which beginning attorneys earned when Peterfreund first entered practice. However, that was during the Great Depression and then the "dollars was a dollar."

For practicing in San Diego, Peterfreund feels there is nothing wrong with practicing here, stating, "San Diego is a growing area and has a great future ahead of it."

Getting back to his favorite subject, law students, Peterfreund feels that students should prepare for a law career, get a good job and make other kinds of contributions. He says that students have three years in which to prepare themselves for their whole life future and that they should prepare for it in the best way they can. He says to students who complain that they want a higher salary, "Don't compare it with all your mistakes. Look at what law students to adopt this motto for themselves.

Economics now student problem

Peterfreund realizes that law students now face a problem which wasn't quite as serious when he went to law school: economics. Law school is very expensive these days, and so many students have to work while they are in law school and/or borrow money. When Peterfreund taught at New York Law School in the mid-1930s, tuition was $400 per year, and his whole legal education (tuition, books, room and board) cost him about $350 per year. He feels that the soaring costs of obtaining a legal education are an unfortunate burden on law students.

Peterfreund notes that about one-third of his law school class failed or dropped out in the first year. The competition was fierce, he says. He knows that law schools don't do that now, but that competition is still very prevalent. He feels that competition among law students is both good and bad, good because competition is American, and bad because it may detract from actual learning.

Being in the top of one's class and making law is not a good start for a lawyer, he said, but that he had had many lower students do just as well as the higher students once they get out into the profession. Overall, Peterfreund feels that if one graduates in the top half of his or her class from a good law school such as USD, that person has a very bright future ahead of him or her; it is the bottom quarter of the class that he is concerned about.

Law school opens doors

The nice thing about a legal education, Peterfreund notes, is that one can do about almost anything with it. A legal education teaches one to think and to stop relying on personal emotionalism. This year more than ever, lawyers are in politics, government, and community service. A lawyer doesn't have to be only a practicing attorney. One should get a good legal education, and Peterfreund feels that USD does provide a good legal education. The students at USD are eager to learn and willing to earn their degrees, he states.

Some advice Peterfreund gives to law students who wish to become litigating attorneys is to work in the District Attorney's office or the U.S. Attorney's office for a few years when they first enter practice. He feels that one can best experience that these jobs offer. Peterfreund notes that the average lawyer avoids litigation for reasons such as uncertainty, unpredictability, the work involved, and the lack of challenge. He feels that experience is a valuable asset for those who wish to become litigating attorneys.

In comparing NYU Law School to USD, Peterfreund believes that one can't really compare the two. NYU Law School is over 100 years old and has a long and complicated history, while USD is less than 30 years old and is still developing itself. However, Peterfreund feels that USD is an excellent law school and will become a major legal institution in the future. He notes that the faculty at USD is very competent.

In discussing current legal events, Peterfreund feels that the recent troubles over Supreme Court nominees were unfortunate. Referring to Judge Douglas Ginsburg's admission that he used marijua, Peterfreund states that if we were to look into the lives of other high-ranking public officials, we would probably find many things there that we don't like.

Constitution: 'Living document'

As for Judge Robert Bork, Peterfreund feels that a "mountain was made out of a molehill" with regard to Bork's philosophies, and that not enough attention was paid to Bork's legal qualifications. However, Peterfreund does disagree with Bork's philosophies. Peterfreund feels that the Constitution of the U.S. is a "living document," and that the court should interpret the Constitution in the light of today's problems.

An example he cites is the segregation issue. It took the state and federal legislatures much too long to deal with racial segregation, so the Supreme Court had to step in and do it. Peterfreund feels that it is much the same way with other social issues today. Congress won't do anything about them so occasionally the courts have to step in. However, Peterfreund feels that the way the Senate went about disqualifying Bork was wrong. As for present-nominee Anthony Kennedy, Peterfreund notes that Kennedy is a moderate conservative and is apparently not as rabid as Bork, and thus would probably be better off with Kennedy than Bork.

February 9, 1988

Motions

Next Issue

Feb. 9

Story/Letter to Editor

Submission deadline

Jan. 28

Ad deadline

Feb. 1
Moot Court travels to Hawaii

Last November, the USD Appellate Moot Court Board held its annual Jessup International Law Intraclub Moot Court Competition. The four individuals in the competition with the highest total oral rounds and on written briefs will go to Hawaii in February to compete in the Jessup Regional Competition. Keith Kubik, Karen Peckham, Vickie Poohle and Bryan Sampson will compete against teams from other law schools in the region which include Cal Western University, UCLA, Pepperdine, Loyola and several schools from Washington, Oregon, and Hawaii.

During the past 2 months, the competitors have been writing briefs for the competition, a lot of hard work too. The problem involves international terrorism, the facts of which are strikingly similar to the Achille Arrigo incident. On February 24, 1988, the competitors will argue in the first round to be held at the University of Hawaii in Honolulu. Three more preliminary rounds will be held the following two days and the semi finalists will argue on Saturday, February 27, 1988. The winning team of the semi-finalist round will go to Washington D.C. to complete in the final international round of the competition against the winners from all regions.

If you have seen one of our team members in the halls, wish him or her luck, we need support!!

-Beth Stratton

Barratt's Ball to be held March 19

Mark your calendars, March 19, 1988 is the day. The second annual PDP/SBA Barratt's Ball will be held at the Bahia Resort Hotel on Mission Bay. This year's ball features Nick Pryzow and The Fire. This band has performed extensively in California, has released several albums and has a current video on MTV. Tickets will be available for either dinner or dancing—or for a dessert buffet and dancing. Everyone attending will have a chance to win many exciting door prizes including a Bar Review Course from this year's co-sponsor, BarPassers.

Sidebar

Each Monday morning outside the Writers Lounge is the latest edition of Sidebar. It contains items of general interest which were submitted for publication by noon on the preceding Friday. All organizations are cordially invited to list their upcoming activities. Anyone connected with the law school may also use this service. Listings may be included in writing to the Sidebar mailbox or by calling 296-1051. Please include your name and phone number when submitting a listing.

Editor Dan Le Vine and Associate Editor Mark Nelson look forward to bringing you all the latest information of concern to the law school community. As always, should you have any questions or comments please do not hesitate to bring them to our attention. Thank you for your continued support.

-Daniel Le Vine

More Hall Public Interest Law Foundation

The Law School Community welcomes the arrival of a new and innovative student organization to its ranks: the More Hall Public Interest Law Foundation. Founded and run by law students, the More Hall Foundation is a nonprofit corporation designed to remove barriers to law students interested in pursuing public interest careers, and to promote projects which serve the underrepresented.

The major goal of the More Hall Foundation is to provide funding for students seeking summer law jobs in public interest fields. The centerpiece of this effort will be a pledge drive held at the Law School in March. Students will be invited to "work a day in the public interest" by pledging one day's summer salary—or, for graduating students, a portion of their annual salary—to the More Hall Foundation. The money will sponsor other law students who will be able to work for public interest law organizations.

The cornerstone will be to faculty and alumni, as well as to students. Each person who pledges will become a Member of the More Hall Foundation, entitled to vote as to the areas in which the money will be allocated (e.g., legal aid, environmental...

-John Mauriello

Alumni Notes

Alumni Spring Dinner Dance scheduled

The Annual Alumni Association Dinner Dance, "Puttin' on the Wrists" is scheduled for Saturday evening, March 26 in the University Center. This year, the Law Alumni Association will pay tribute to Dean Krantz just prior to his departure from USD. The evening is black tie optional, and includes a no-host cocktail hour at 7 p.m. with dinner at 8 p.m. Tickets are $40.00 per person, and students are invited.

In addition, you are invited to attend this dinner dance, but feel that the $40 is too steep, the Law Alumni Association is looking for staff to work the event. Staff is needed to assist with coat check, check-in and drink ticket sales. If you can make the commitment, call Joanne Presbyterian at 278-9787, contact Lisa Gunther in the Alumni Office (Room 203C) as soon as possible.

Alumni advisor program continues to grow

Volunteer Advisor programs are exciting and successful. MD is once again underway. If you are a first year student who signed up for the program, you should be hearing from your advisor during February. If you do not hear during this month, kindly see Lisa Gumbier in the Alumni Office (Room 203C) after February 29th.

This program pairs first year students with local practitioners, who offer guidance regarding course selection, areas of specialty and trends in the legal profession. The program is co-sponsored by the Law Alumni Association and the Office of Development and Alumni Relations.

Phi Alpha Delta

Directories are out! If you did not receive your copy of the P.A.D. 1987-1988 school directory, either in your mailbox or in person, we will be opening the P.A.D. Office on Tuesday the following dates from 12:15 — 1:00 PM. Tuesday 2/9, Thursday 2/11, Tuesday 2/16 and Thursday 2/18.

P.A.D. has scheduled a number of events for the Spring semester. The scheduled events until March 8th (the next Menus publication) are as follows:

Feb. 16: Ski Trip Idenifying

Feb. 19-21: Mammoth Madmen Ski Trip

Feb. 25: General meeting of members and prospective members — (B.Y.O.L.)

Feb. 25: Dinner at the L.A. Wilshire, with Bernie Wiltkin as the guest speaker. Mr. Wiltkin's topic of discussion will be "Cases I Can't Forget." Rub elbows with some of Southern California's top judges and lawyers.

Mar. 4: Initiation of new members. Ceremony at USD's Courtroom with reception.

Good Luck with your studies and professional endeavors!

International Law Society

The International Law Society (ILS) will have a productive semester with interesting speakers and events planned. The first event this semester is the membership drive.

Also, interested members, especially first years, are needed to fill various important positions. There is something available to anyone interested in becoming active.

The ILS is planning to have a Pacific Rim Day with speakers, primarily from UCSD, discussing opportunities in the pacific basin which includes the Asia, Australia, and Americas. We hope it is as successful as last semester's Symposium on Careers in International Law.

We would like to encourage interested students to participate in the ILS. A little effort can go a long way for those interested in the expanding field of International Law. Also, summer study abroad and a list of international law firms are available by the ILS. We will be accepting applications this semester. For further information look for our flyers or contact John Janes, Ben Bunn or David Olans.

Phi Delta Phi

Phi Delta Phi has many exciting activities planned for February and March. From February 1st through February 11th, PDP will be selling raffle chances to win a free BarPassers Bar Review Course. The winning ticket will be drawn at PDP's Valentine's Day Dinner, February 11th. The BarBusters' Ball will be on March 19.

Phi Delta Phi will hold its spring initiation on February 26th. A catered reception will follow. There is a one time initiation fee of $40.00 but no dues are collected.

Keep your eyes open for further information on all of these Phi Delta Phi events. We hope to see all of you there.

-Judith Crandall

Journal of Contemporary Legal Issues

Volume 1, Number 1 of the Journal of Contemporary Legal Issues is now a reality! The idea of publishing a second legal publication at USD began almost ten years ago. Since that time, the idea has materialized and the inaugural issue is now hot off the press.

USD law students interested in receiving a copy of the Journal can contact any Journal member. In addition, several copies have been put on reserve at the law library reference desk.

The Journal Board is now in the process of selecting articles for inclusion in the second issue. Students interested in submitting articles for the third issue should plan to submit their articles by September 1, 1988.

-Judy Lindermuth

Inside story of Supreme Court

(Continued from page 11)

Chairman Rehnquist's career has been marked by a relentless effort to restrict or control its power; "judges are responsible to no electorate or constituency." This ideal is upheld by...
Competitive softball: first year 'No Names' champs

by Dale Giuli

Back in the early weeks of the fall semester a guy named Bill Wilson stumbled into the competitive softball managers meeting. Volunteered by his summer school buddies to head up their fall softball team, Wilson chased down the sign-up list which was already chuck full of names that might strike fear in the average skipper of Wilson and the No Names. The name should have appeared, was Bill Wilson where the league roster came out there, where no name was left, he thought you needed it. I mean this guy is humble, likeable, you know a real mate, to name the team after himself, but when the moment though he wrote down under the team name column "no name." Blues already signed up, a first year team. With the likes of San Diego Vice, Cuffs West, and 2nd Year the managers column "Bill Wilson" and the No Names were left, so he decided to confer with the team mates about the name. For the moment though he wrote down under the managers column "Bill Wilson" and under the team name column "no name."

Now, you have to realize that Bill Wilson would give you the shirt off his back if he thought you needed it. I mean this guy is humble, likeable, you know a real mate, and it was the farthest thing on his mind to name the team after himself, but when the league roster came out there, where no name should have appeared, was Bill Wilson and the No Names. Well, from these beginnings the competitive softball league experienced what has never happened before and may never be repeated. A first year team won the league championship tournament. Gary Saunders, "the ex-Mets odds maker," put B.W. and the No Names at 10 to 1, to do what they did. Actually you really can't blame Gary for his lack of respect. This group of players were unknown, untested, and uninterested in the odds. Considering that B.W. and the No Names lost their first two games, 10 to 1, might seem generous, but to many, including their many loyal fans, which are made up of a core of ladies who met in the summer section, the championship was merely an extension of their season. Many teams feared B.W. and the No Names for their fans alone. Also, B.W. and the No Names did not lose another game after those first two "warm-ups."

In the championship game B.W. and the No Names squared off with Reasonable Men. In the regular season the match-up was decided by one run, and nobody was surprised when this game went down to the bottom of the seventh inning. But, there was also little surprise when the No Names pulled it out.

No name is more deserving of being named than Kevin Roys. The consensus M.V.P. of the league, Roys hit more home runs than any other player on any other team. At least once out of every two times that he was given a hitable pitch, a ball would go screaming over the fence. Roys would circle the bases while the opposition pitcher would laugh the Lord that there were nine other batters before he would face the batting machine again. Tribute to Roys also includes his fielding prowess at third base.

Lars (pronounced Lahsh) Perry is another No Name to be noted. Remember that pitcher who was glad that Roys was up only every ten times? Well, his joy was bittersweet. Perry was an offensive threat that was ready to strike out at the smallest of defensive holes, and usually took the pitcher to some deep part of the field. Perry also anchored the outfield from his left field position. Whether he was crushing the ball offensively, catching the uncatchable defensively, or supporting his teammates graciously, Perry impressed many throughout the season.

There is a name from the No Names that is synonymous with Ozzie Smith. Of course, it is time to name the shortstop of the No Names, Brian Moss. While batting off the guy who held a shortstop as you could ask for. If you got the ball into the outfield on the ground between second base and third base you deserved more than a hit, you deserved a medal. Oh yah, that pitcher who was taken deep by Roys has absolutely nothing to feel good about, because after Perry took him deep, Roys usually would take him — you guess it — deep.

There is a No Name that plays catcher by the name of Mike Slater. There is also a batter out there who was called out on strikes while he was trying to get Slater to cut out the chatter, he took his eyes away from the pitch and the third strike slipped in. Rumor has it that Slater is a chatterbox on and off the field. The No Names may be the first team to exploit such talent.

All of the No Names deserve to be named, but space is limited, however, it wouldn't be a true article on the champs without mentioning the rasta rover, Craig Crago. Several times during the season, the opposing coach would count the defensive players of the No Names to make sure they didn't have an extra man on the field. That's because getting a hit off the No Names was more difficult than that first trip to the wailing wall. A lion's share of the credit for this defensive blanket goes to the rasta rover.

Martha foreclosure on lien

by Gary Saunders

The Co Rec Final was between Lien Machine and Martha Davis and the Motels. For an unprecedented third semester in a row the Motel won the Co Rec softball title, again.

I had written an article comparing this noble squad of young men and women champions to various sports legends like Joe Louis. Jess Owen, Jack Nicklaus, Man of War, etc. But I think a simple question will suffice: Can they do it again?

Here, for your review, are the members of Martha Davis and the Motels:


Spring Aerobics starting

Recent Gallup poll figures show that USD law students gained an average of 15 lbs apiece over the Christmas break. But have no fear, Aerobics are here. Lynne Olson leads the USD law intramural aerobics every Tuesday and Thursday from 4:30-5:30 pm at the Sports Center in the Dance/Exercise room. The price is right (FREE) and Lynne is an excellent instructor. Mike McCabe, stop wearing ankle weights to class—get out to aerobics.

Basketball gets underway

Both A & B Basketball league play begins on February 7 at the USD gym. Law students, spouses, faculty and alumni are encouraged to play. The League plays on Sundays. Watch the intramural A-frame for game scheduling.

Softball fun for all

This semester the Co Rec league will play on Thursday nights at USD and Friday days at Pneptia. The CoRec league will play on Saturdays at USD. Watch the intramural A-frame for scheduling.

This semester the intramural office has in the works:

Softball, Basketball, Golf Tournament, Fun Run, Flag Football Tournament, and Suitcase Dance.

If you have any time, talents, or energy that you would like to donate to intramurals please call: Gary Saunders, 223-2908; Prof. Kerig, 260-4600 ext. 4326; Tim Gavron, 273-6231; or Chris Jensen, 277-2578. Thanks.
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