Motions 1988 volume 2 number 2

University of San Diego School of Law Student Bar Association

Follow this and additional works at: http://digital.sandiego.edu/motions

Digital USD Citation
http://digital.sandiego.edu/motions/7

This Book is brought to you for free and open access by the Law Student Publications at Digital USD. It has been accepted for inclusion in Newspaper, Motions (1987-) by an authorized administrator of Digital USD. For more information, please contact digital@sandiego.edu.
Nader, O'Connell battle over Calif. initiatives

by Kevin McConville

A spirited and informative debate and panel discussion on California propositions 100, 101, 103, 104 and 106 (the insurance and tort issues) was presented Sunday September 18 at USD to a standing room-only crowd of 1,100 people. The program, sponsored by the USD Law School and the San Diego Law Review, featured Ralph Nader, a leading public interest attorney, squaring off against Professor Jeffrey O'Connell, University of Virginia, one of the co-authors of the original no-fault movement.

An estimated $60-70 million will be spent on these initiatives, the highest total ever spent on any election in the United States, except for the 1984 presidential race. But instead of providing information to the public, these initiative advocates and critics have been blustering the public with commercials that have served to confuse the voting population.

The evening's moderator, Howard Mill, a former USC law professor now in private practice, regularly appears on the national PBS series, "The Advocates." Miller quickly grabbed the reins, introduced the participants, set up the ground rules and the debate was off and running.

Nader against no-fault

Nader spoke first in support of Prop. 103 because it would allow California to retain its present tort system, "a system that has helped foster physical integrity, rules of accountability and mutual respect between employers and employees, and corporations and the general public." Nader believes three critical functions are generated by our present tort system which would be regrettably lost by the insurance-backed initiatives: 1) deterrence against another's future carelessness, 2) disclosure of insider information which is incontestable acts by companies, i.e. the Dalkon Shield and the Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.

Meaningful regulation of the insurance companies' monopoly is badly needed, Nader said, as insurance companies are the only major corporate sector which charges a federal and most state anti-trust regulations. There are no rate change approval checks and, in the last 20 years, only one insurance company has been cited for charging excessive rates. Rating bureaus coordinate and provide rate suggestions to all the insurance companies but, coincidentally, most of the insurance companies' rates just happen to coincide with the insurance companies' rates. Rating bureaus coordinate and propose rate suggestions to all the insurance companies, and corporations, i.e. the Dalkon Shield and Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.

Meaningful regulation of the insurance companies' monopoly is badly needed, Nader said, as insurance companies are the only major corporate sector which charges a federal and most state anti-trust regulations. There are no rate change approval checks and, in the last 20 years, only one insurance company has been cited for charging excessive rates. Rating bureaus coordinate and provide rate suggestions to all the insurance companies, and corporations, i.e. the Dalkon Shield and Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.

Meaningful regulation of the insurance companies' monopoly is badly needed, Nader said, as insurance companies are the only major corporate sector which charges a federal and most state anti-trust regulations. There are no rate change approval checks and, in the last 20 years, only one insurance company has been cited for charging excessive rates. Rating bureaus coordinate and provide rate suggestions to all the insurance companies, and corporations, i.e. the Dalkon Shield and Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.

Meaningful regulation of the insurance companies' monopoly is badly needed, Nader said, as insurance companies are the only major corporate sector which charges a federal and most state anti-trust regulations. There are no rate change approval checks and, in the last 20 years, only one insurance company has been cited for charging excessive rates. Rating bureaus coordinate and provide rate suggestions to all the insurance companies, and corporations, i.e. the Dalkon Shield and Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.

Meaningful regulation of the insurance companies' monopoly is badly needed, Nader said, as insurance companies are the only major corporate sector which charges a federal and most state anti-trust regulations. There are no rate change approval checks and, in the last 20 years, only one insurance company has been cited for charging excessive rates. Rating bureaus coordinate and provide rate suggestions to all the insurance companies, and corporations, i.e. the Dalkon Shield and Firestone 500 Tire cases; and 3) compensation for injured people, a system which continually updates and strengthens itself as it evolves.
Want something done? You have to do it yourself.

by Charles Hrvatin

I originally began this editorial asking for the part of the law community to the various problems facing evening law students. I am still asking for a little understanding, however, I believe that evening students (me included) should keep in mind the old saying that "If you want something done right, you'll have to do it yourself." More simply, if changes or concessions are sought by evening students, they should be initiated by those students.

Attending the evening session poses some tests that are very rightly put on file, students are allowed to keep tests and teachers left with a bad feeling even if it was just because the standings were delayed so long.

The solution may be that each test has to be identical material on their own final.

The fact at hand, though, is that the typical evening student works the 40-hour plus week that needs his support and vice-versa. He usually has all weekend, in addition to any surplus hours before and after work and class, to fit in that last review of Torts notes or to outline the prior evening's Civ Pro lecture.

I am not asking readers to feel sorry or sympathize (maybe I am) but mainly to understand the objection to a different creature. Though some may feel that those nocturnal individuals, that sacri-

fice what waking hours or recess they may have, from the grind of the "outside world" to attend law school, are either crazy or wasting their time, the only truth we can con-

clude is that for the most part a dedicated individual.

A trip to the library on a weekend or after a night class will reflect this. Often these times may be seen at the County Law Library due to the proximity to their offices.

Still, a difficulty exists. It seems to be two-fold; how to fairly handle that fact, and how to fairly handle the students. On the other is a need for an undertaking by the evening students to make things change. Finally, those who did not have access to the test were at a disadvantage, although the students with the earlier test/ study guide did not know the final could be similar.

None of earlier tests are very valuable study tests for students because so much of being successful on a test is not just knowing the material but knowing how the professor wants it presented. Professors have different teaching styles and different goals for their classes; although one could say, "Evidence is evidence," what's a specific example. Here is "an answer for an answer" provided.

Professors are correctly encouraged to try different testing methods and tests to find what works best for their class that is most fair and consistent testing method for their class material. Obviously, this is just a beginning. The disk testing format is found. But once a professor becomes somewhat settled in the material and format to use on tests, the question arises of how original must each class' test be to avoid charges of a professor having biased his class book in a similar material on their own final.

Students have access to old tests in a variety of ways. A legal and illegal (against the Honor Code) methods. Although tests are not to be taken by students after the test day, old tests do float through and get studied by groups of students. Most students assume that somewhere along the line the test was legally gotten by a student for study purposes.

This is not a question of the actual test getting out before it's given out. This is questions about who uses professors essentially the same test for each class: the same format, questions and even answers. Even if a teacher does not make old exams or "practice tests" available, if some courses score unusually higher than earlier classes those students subject to suspicion that they got a good head start. This is the case with the earlier test/ study guide old. It got some detailed information from former students in that class.

The solution may be that each test has to be "original," i.e. as the tests can use the similar types of questions as previous tests but with different issues, or. May be use of an exact question should be restricted to every four years, after that cycle of students has graduated. There is also the problem of what makes a question "original" or difficult to think hard on after the last law student has graduated.

This issue is being looked into by a new committee for "Teaching and Testing," set up by Dean Grant Morris and chaired by Professor Kevin Bedell. This committee is examining issues such as the mid-term grades and makes recommendations to the faculty on courses of action. Later this year Cole will institute a forum for students to input their ideas and concerns regarding teaching and how to test to the principal.

What happened last spring has been settled as fairly as possible but it left its mark. Newspapers from Los Angeles and probably California-wide carried stories of the grade professor was accused of having on USRD's reputation. Overall, last year's first-year class broke with a flat tire. All I have is a trick wheel and that would not get a flat tire. I have a tricky tire and that would not get a flat tire unless I went off the ramp. Then it wouldn't fall under product liability because it would probably be user-induced and since I'm the user and I didn't have a choice.

Maybe I would if we take into account the case supra. But that could be hard to cite because it cannot be separated when there is no secondary publishing and the official citation is hidden in a reporter that has lost his jurisdictional file so no one can search for it. Actually it is a female book and now one can search and "seiz-" it.

So that takes me to the point I'm trying to make...

Anyway I'm going to sleep now—my mind is need to finish my dream so I know if I win or lose (both) and then I'll know if I have to start appellate proceedings on either of the cases of interest.

Haven Courtney

Amicus Curiae

Nightmares of a first-year

Dear friends,

It's midnight on Saturday night. I'm too key to up late so I'm drinking a beer to put me to sleep. I've spent the evening with my contracts and torts casebooks. It's been a terribly exciting evening with torts lesson and contract breakers running amok. It's been insane. This whiny plaintiff was call-


As I found, Motions and Sidebars are two ways of finding out the events that are taking place in our commun-

i.

I suggest that other students, having difficulty as I was finding out about events, get involved in some activity. Not only will you have a direct effect on the activity, but the events that may have been missed on a prior occasion may now fit in your schedule.

A perfect example has been brought to my attention.

Moot Court Competition. What was the schedule and is it coming up? A check of the recent Alumni Tort Compe-

tion and the future Moot Court competi-

tions is a direct clash with the roster of evening classes.

Are those day students afraid of a little competition? I think not. Yet, I see only two good arguments why there is a biased schedule.

One, the judges, attorneys and others participating couldn't allow for a Friday night, mid-afternoon or weekend into their schedule for preliminary rounds. Reason-

able, since I'm sure they aren't getting paid much. I may be wrong.

Second, the evening schedule is just taken for granted and not enough evening students have called for a more fair giving schedule so as to meet their needs. This is one case and I'm sure there are other cases. I'm not sure we would participate but don't know the hows and whys of getting involved. My suggestion at the present is to present this as representative as to the possibility of alternatig schedules. If there is enough interest, change can come.

After all, the law school was started as an evening law school and the day division didn't start up until the early 1960s. If you want some changes—go out and make them.

Contributing Writers: Carole Blum, David Hall, Daniel LeVine, Kevin McCon-

ville, Jack O'Donnell, Maryann Salaber, Jamie Sternberg, John Thaler.

Motions reserves the right to refuse editorial and advertising content deemed offensive or inappropriate for our readership. Contents of this newspaper are not necessarily the official views of, or endorsed by, the University of San Diego, or the School of Law.

The Motion is published twice to three times a semester. The office is located in Room 114A, bottom floor of University Center. Mailing address is Motion, USD School of Law, Alcala Park, San Diego, CA 92110. (619) 260-4900, x433.
Prop. 106 would limit quality lawyers for injured parties

by John Thaler

Suppose the University of California system formulates a budget crisis. Too high and not enough tax dollars provided for the state. So a group that hates higher taxes has decided that it is just too much money to pay professors. They gather enough signatures and put an initiative on the ballot which states that professors cannot receive more than $25,000 in salary. The initiative passes; money is cut and higher taxes are avoided; and the quality of public education sufferers because no one will apply for the jobs and currently employed professors work overtime to work at the lower salary cap.

Proposition 106, the Lawyers Fair Fee Act, would make this same problem worse. Most San Diego attorneys who take cases on a contingency fee basis charge clients a high hourly fee. However, if the attorney does not recover, the client pays nothing. Also, most of the time filing fees, investigation fees, document fees and many other expenses are paid up front by the attorney who is only reimbursed after receiving them. Proposition 106 purports to lower those excessive attorney’s fees by allowing the attorneys only 25% of the first $50,000 recovered, 15% of the next $50,000 and 10% of anything collected after that. This means that while the attorney theoretically could receive $100,000 on a $300,000 settlement now, under Prop. 106 he would receive $40,000.

This appears to be an advantage for consumers who want to collect more of the settlement dollar, however, the only fee limitations are placed on plaintiff’s lawyers and not on the defendant/insurance companies’ lawyers who could spend unlimited amounts for defense. If you think dealing with insurance companies is difficult now, just wait until they know they can spend unlimited amounts for defense.

Maybe one of the most significant difficulties with this proposition is that it does not define what the costs incurred by plaintiff’s attorneys in a multiple defendant case. Imagine having to pay filing costs for papers and motions on each defendant as well as the costs of at least 30 depositions. One of the advantages of the current system is that fees collected in other cases go to pay for the costs for new clients. If this proposition passes, attorneys will no longer bill clients on an hourly basis, just as defendant’s attorney do or practice another form of law. And the most likely result is that a good lawyer will be difficult to find because he will not be able to make a living in tort litigation.

Either way, this initiative does not cause enough chaos. Proposition 104, the No-Fault Initiative, will make a bad situation worse. For example: Mr. X, age 76, for Pit Gravel Co. He is injured on the job by Mr. Y, who, while driving recklessly, runs a red light. X suffers a serious but not permanent back injury which hospitalizes him for six days and leaves him disabled for 4.5 months. A full recovery takes 14 months. X earns about $1,400 per month prior to the accident. X can expect the following outcome from this accident: $9,100 in medical bills including his hospital stay, physical therapist and examination and losing $11,900 in earnings. For a recovery under No-fault, X can expect no recovery for medical damages if he already has medical insurance through his employer, no recovery for any pain or suffering, and only 60% recovery of the first one-third of his earnings loss, with two-thirds being picked up by his workers’ compensation insurance. Also approximately 50% for state and federal taxes for a total of $2,231.33. If the insurance company fails to pay the attorney who wound the accident, the recoverable amount ($330,20) an if attorney can be found to take the case. Eventually, this initiative may make employes the insurance company of first resort by requiring workers’ compensation to be filed and/or setting ticket prices, they have broken federal anti-trust laws. However, the insurance companies are protected by anti-trust laws. If two airlines’ propositions talk to the insurance companies about setting ticket prices and/or setting ticket prices, they have broken federal anti-trust laws. However, the insurance companies are protected by anti-trust laws.
Excessively high mobile drop-out rate scares

by David Hall

An alarmingly high number of minority students were "academically disqualified" from law schools in 1987-88, including nearly half of the black students in the class, according to administration statistics.

The high failure rate "enraged" Student Bar Association (SBA) President Jack O'Donnell who alleged that administrators have made virtually no effort to recruit quality minority students, remaining content to keep the law school a "WASP island."

"I don't think there's any strong affirmative action work or financial aid available to minority students," said O'Donnell, who called the statistics "embarrassing."

Kelly Salt, assistant dean for student affairs, disagreed with the SBA president's criticism of the school's recruiting effort, calling the starting rate "remarkable, out of an anomaly."

She did acknowledge there is room for improvement in the recruitment of minority students and said that changes implemented last year to streamline the admissions process have already resulted in the school's strongest entering class of minority and disadvantaged students in memory.

Still, Salt added, last year's numbers were disturbing. Of 10 students to "flunk out," five were black and two were Hispanics.

"This is something we should be concerned about," Salt said. "We've got to bring minorities into legal profession. There's an appalling lack of minorities in the law school."

Salt denied that it was a failure to recruit that resulted in the high minority failure rate last year. Though USD is at an obvious disadvantage going against higher ranked law schools like Stanford and UCLA in the competition for strong minority applicants because of simple poor numbers, the situation specifically because the other schools got to the law school first. Salt said. This was outlined on the bumservers' process of evaluating students who applied under the Diversify Qualifications Admissions Program, which gives assistance to candidates who "because of disadvantages related to race, economic or physical factors, have a lesser chance of admission to the law school."

(Most of the law school's minority students and physically or economically disadvantaged students were admitted under this program.)

The changes— which included the creation of a separate "DQ" application, a scaling down of the evaluation process and a faster determination of financial awards — allowed USD to make offers to promising minority and disadvantaged candidates quicker, Salt said.

The result, according to the assistant dean, was a 1988-89 incoming D.Q. class with average LSAT scores and university GPAs markedly higher than past years. Salt also attributes the new evaluation process with producing a higher concentration of minorities in this year's entering class.

Of the 341 students that began first-year classes in August, about 12 percent are black, Hispanic, Asian or American Indian. By comparison, only 9 percent of last year's incoming class of 320 were minorities.

"The change will be with this year's class," Salt said. "We felt there was a need for change, for stronger minority students, and we believe with these changes will bring an improvement."

"O'Donnell, however, is not so confident. The SBA president says the school has a poor record to overcome and must make an aggressive effort to attract minorities. He accuses administrators of hiding behind the contention that USD cannot compete with higher ranked schools for the small pool of minority applicants.

"If we can't attract them through the quality of the school, there is another way to attract them," O'Donnell said. 

"We have to aggressively take a position on the forefront of affirmative action as far as minor有权."

Marie Wright, president of the Black Law Students Association, said it is not a question of recruiting minority students, but has been the problem. "I don't want to be this propaganda that we do not have quality minority students," she added. "It's just a question of admission."

Instead, it is the "minimal support to minority students from the university," according to Wright. The BLSA president, who says the tutorials offered by the law school are "inadequate," maintains that extending the opportunity to minority students should not end with acceptance to the law school.

"USD needs to offer more academic support," Wright said.

In the absence of that, BLSA is initiating a "Private Placement Program," similar to the program offered to first-year Hispanics by the La Raza Law Students Association. This program will allow USD's minority students to be available to first-year BLSA members to assist with studies.

Ed Sandoval, president of La Raza says the buddy program has worked well for his group's members, who have also gone out into the community to encourage high school students the belief that an education and even law school are attainable.

"The number are really against us," said Sanchez, citing a study that showed only 1 percent of minority students in college go on to graduate school and only 2 percent ever complete a graduate program.

"We're really trying to instill in people's minds that school is important," Sanchez said. "We're doing the effort to go out into the community."

Students get feel for future with CPP Summer Associate Program discussion

by Mary Ann Salaber
Career Planning Director

The annual Summer Associate Program was held on September 14, 1988. The panel sponsored by the Career Planning and Placement Office, was designed to inform students about summer clerking opportunities, a variety of settings, including large government, large law firms and corporate offices.

Maria Wright, who clerked for Har-

ron Fous in Los Angeles, talked about her workload and how assignments were dispersed. Her work involved extensive legal writing, and on the topic of working with students from "Ivy League" schools, she states, "You're not there to please your peers; you're there to please the firm."

Marcie Sinclair spent her summer at George B. Davis & Where she clerked: (1) always bring a note pad with you when you meet with an attorney; (2) don't be afraid to ask questions and (3) find out ahead of time how many hours you are expected to spend on a project.

Robert Winshall beat the odds at getting an externship with the National Broadcast- ing Company (NBC) in New York City. Despite the incredible heat and commutes to work, Julia Winshall said NBC "You run the gamut in a corporate law of- fice." She was exposed to a wide spec- trum of work in entertainment law, etc. She advised students to get legal management experience first, and then apply to a corpo- rate office. Ask about stupid office tricks.

The consensus of the panel was: be proud of your work product, be cognizant of the fact that you're always being evaluated, but be yourself and have fun!

Portion of the training one gets in Law- yering Skills.

Judy Crandall Clark had an interesting summer at the City of Los Angeles Ad- ministration Office. Instead of being wined and dined and taken to concerts, Clark spent every day in court. She told students that working in a district attorney's office, even for one summer, is a great opportunity to gain legal experience.

Clark should know—she now has six "guilty" verdicts to her credit. "I learned to think on my feet," she said. "If you make a mistake, you're Perry Mason."

Marsha Redmon was able to split her summer working for Gibson, Dunn in both San Diego and Washington, D.C. This was an opportunity for her to experience working for a large firm in a small office setting. Her advice to students: closely re- search your firms and yourself before ap- plying. You decide if that's the firm you want to work for. Good advice.

Julie Winshall beat the odds at getting an externship with the National Broadcast- ing Company (NBC) in New York City. Despite the incredible heat and commute to work, Julie Winshall said: NBC "You run the gamut in a corporate law of- fice." She was exposed to a wide spec- trum of work in entertainment law, etc. She advised students to get legal management experience first, and then apply to a corpo- rate office. Ask about stupid office tricks.

The consensus of the panel was: be proud of your work product, be cognizant of the fact that you're always being evaluated, but be yourself and have fun!

Propositions: yes or no

(Continued from page 3)

Problem. They are able to divide up districts and together set non-competitive prices without the public having any recourse.

One initiative, Proposition 100, which has the full support of Attorney General John K. Van de Kamp and Speaker of the Assembly, Brown, is to change this. Not only would Prop. 100 remove the anti-trust exemption but it would give an answer to the question of how good drivers would and not allow rates to be set by zip code but rather by driving record and type of car. This initiative would require prior approval if they would be in excess of 7 percent for personal lines and 15 percent for commercial lines. Also, the initiative would force insurance companies to open their books to justify those increases.

Voters should note that Prop. 103, sup- ported by Ralph Nader, is essentially the same as Prop. 100. The major difference is the language in Prop. 100 effectively disal-
Law library introduces new public services staff

by Prof. Nancy Carol Carter
Law Library Director

Returning students will not see any familiar faces in the Law Library's Reference area. Since last spring, a complete turnover has brought in a new Public Services administrator and Reference staff. While it is always hard to lose dedicated librarians, students and other library users will experience no diminution in service or expertise. In fact, the Public Services staff is stronger than ever, with three lawer-librarians and a legal reference librarian with over 20 years of experience.

Library users will be hearing from these librarians as they develop new services and ideas for unlocking the mysteries of legal research. Meanwhile, they want to hear from you—call on the Reference staff for any library or reference question.

It is not possible to have a reference librarian on duty all during our 108 hours per week of operation, but we do maintain long reference hours to meet the needs of day and evening students and to provide weekend service. A librarian is ready to advise you in the reference office from 9 a.m. until 8 p.m., Monday through Thursday. On Friday, hours are 9 a.m. until 6 p.m. If you are planning weekend research work, you can receive reference assistance on Sunday from noon until 4 p.m.

The new librarians are:

Brent Bernau, Associate Law Librarian
The Associate has a wide range of administrative duties within the Law Library, but the management and development of Public Services are a special focus. Brent Bernau returns this year to his alma mater, having received a USD law degree in 1985. Subsequently, he earned an M.L.S. from U.C. Berkeley. Brent has experience in the law libraries of USD, Boalt Hall, and Golden Gate University where he served as Public Services Librarian.

Joan Allen-Hart
Reference Librarian
A veteran of two months on the job, Joan holds a J.D. from Western State University and an M.L.S. from Catholic University in Washington, D.C. Joan has added up three years of law library experience while in law school. While in library science school she conducted Web-based training and interned in a Washington, D.C. law library.

Joanne Roake
Reference Librarian
Another USD graduate, Joanne received her J.D. with honors in 1987 and practiced in the litigation department of Jennings, Engstrand and Henrikson during the past year. Now, she is combining her law degree and practice experience with a earlier career as a librarian. She holds a B.A. from Stanford, an M.L.S. from the University of Hawaii and was previously the Director of the Palomar Community College Library.

Frank Weston
Reference Librarian
(Half-Time)
We are most fortunate to bring Frank to our staff—he is an M.L.S. graduate of Columbia University and has worked as a law librarian for over 20 years. He previously served as a law firm librarian and consultant in Los Angeles and New York City. In addition, he worked at Columbia University Law Library, Fordham University Law Library, Rosson Corporation, and Exxon Corporation Law and Tax Library. Frank also served as the Western Regional Law Librarian for the Legal Services Corporation in the Los Angeles offices of the Western Center on Law and Poverty.

Mid-terms schedules and grades

(Continued from page 1.)

to determine whether the purported benefits of mid-terms exams do, in fact, exist. The faculty will decide before the end of September 1990 if these exams should be continued, modified, or eliminated.

If mid-terms congested...

Due to the problem of "bunching" of upperclass students' mid-terms, Minan formulated the following exam policy to alleviate any "egregious case[s] of bunching." No student will be required to: 1) take more than two mid-terms exams on a scheduled exam day, or 2) take mid-terms in two courses totalling eight or more credit hours per semester on a scheduled exam day, or 3) take four or more mid-terms within a consecutive two exam-day period.

According to Minan, students falling into any of the above categories may reschedule the mid-term exam as a make-up on Friday, October 14. If two or more mid-term exams are rescheduled, the second and third exam will be given on Saturday, October 15. Exams that are rescheduled will be rescheduled in the order of those having the least number of enrolled students. Thus if a student is enrolled in three courses subject to the conflict, the course having the smallest enrollment will be rescheduled as a make-up.

Propositions...

(Continued from page 4.)

for expenses and often cannot afford the fee for filing the initial complaint.

Possibly the most significant problem created by these initiatives, besides the fact that the current insurance problem and recovery system has been totally ignored by the State Legislature, and having to wend our way through the advertisements designed to appeal to emotion rather than logic, is that only Prop. 101 states what happens if all of them, or a combination of them, pass. And if many of these pass, the courts may be tied up for years hearing arguments on how to apply the new and conflicting laws.

Since the legislature has abdicated its responsibility in the insurance reform matter, the voters have been left to decide the issues. Hopefully, many voters will become suspicious merely because the insurance companies expect to spend $43 million versus the trial lawyers' and other interest groups' $10 to $15 million for persuasion tactics. And that should say it all.

Aerobics offered

USD Recreation is sponsoring low-impact aerobics classes at the USD Sports Center for the USD community.

The classes will be held in two sessions. The first will meet Mondays and Wednesdays, 12:10 - 12:45 p.m., from September 12 through December 14. The second session will run from September 13 to December 15, on Tuesday and Thursday evening, 5:15 - 6:15. (Fee: $30 per session)

For information, contact Barbara Walsh, USD Recreation, 260-4600 Ext. 4490.

For Second, Third and Fourth Year Students Only

Do you have a term paper to write? Do you have a term paper to write? Are you participating in a Moot Court competition? Have you forgotten the basics steps in on-line legal research? Were you trained on one system and now want to learn the other?

The Law Library will be holding special fall classes in WESTLAW research during weeks 4 to 8 of the Fall Semester.

Several different types of classes will be offered on both systems: refresher training, advanced search techniques, speciality research in the areas of tax and labor law.

WESTLAW Temporary Learning Center
September 26 - October 13, 1988

To sign up for a training session, see a Reference Librarian.

New reference librarian Joan Allen-Hart (r) assists a recent library visitor.

Merit scholarships awarded

The following special scholarships have been awarded for the 1988-1989 academic year:

Seltzer, Caplan, Wilkins & McMahon Scholarship
Katherine L. Blanck $1500

Gray, Cary, Ames & Frey Award
Teresa M. Dwyer $500

Copley Press Scholarship
Carol A. Evans $1000

Gary Shoemaker Scholarship
Shari Kahn $200

Adie Gilman Scholarship
Jessica Watson $500

Philip Y. Hahn Memorial Scholarship
Amy E. Abdo $1000
Nancie J. Mika $1000
Kathryn S. Moutinho $1000
Fr. Joe Pecheles $1000
Sherri Schaeffer $1000

S.A. Sutterfield Memorial Book Scholarship
Kathleen M. Coleman $500
Nancy Kawano $500

Lou Kerig Scholarship Fund
Robert Swain $1000
John M. Winters Memorial Fund
Robert Swain $1000

Ronald Mauudley Memorial Scholarship
Starr Lee $1000

1988 Writing competition winners named to 'San Diego Law Review'
Minan views law school's growth as boon to reputation

by Charles Andre

The School of Law is currently witnessing a number of significant changes, according to John Minan, Associate Dean for Academic Programs. These changes include: (1) the score of a USD Law School's reputation in the field, and (2) the Law School's increased reputation in the professional community.

One important change lies in the profile of the student body. Applications for the current first-year class have increased 46% over the preceding year. With increased competition for available seats, this class also showed a marked increase in admissions criteria. The average LSAT score for entering students was 37, up two points from 35, as compared to these students placed in the top 20% of LSAT examinees. The average GPA for entering first-year students was 3.25, with the highest gain being 3.2 to 3.21. "The student body is getting stronger," says Dean Minan, adding that this trend is to attract highly qualified candidates and increase the stature of the law school in terms of professional employers. Among similar lines, another trend at the School of Law is the increasing number of law firms that are now coming to USD to recruit law students. To date, there are 135 employers signed up for campus interviews, and many of these firms arranged for their own USD alumni to conduct the interviews. As recently as 1983, only 70 employers came to USD to interview. Moreover, many prospective employers are not interviewing over two days and are seeing three times the number of students. Firms are also coming to USD from major cities and parts of California that before had shown little interest in USD. It is evident, says Dean Minan, that "recreational law firms are providing a promising source of aspiring attorneys.

There has also been a dramatic increase in the funding of the law school. Alumni have shown a much stronger commitment in recent years. In 1980, for example, roughly $6,000 was raised by only 70 alumni. In 1986, however, contributions had increased ten-fold to $60,000 and the number of alumni donors rose to 545. This growth in alumni support is an additional statement of the value of a USD law degree to its graduates and to other students themselves. But the School of Law has also attracted substantial funds through the ABA Legal Services Program. This LSD/ABA organization of community outreach legal programs, has raised more than $1 million to support its activities.

Other more noticeable improvements to the Law School lie in the changes to the physical environment. Most obvious is the $6.2 million expansion of the Law Library, slated for completion in 1990. Less recently, the second floor classrooms of More Hall were remodeled with improved seating and lighting, and the Fletcher lecture halls were added. Yet despite these improvements, Dean Minan observes that significant improvements are still needed to enhance the teaching facilities. The classrooms could use air-conditioning; several need improved lighting sources and seating arrangements; others are too noisy due to the adjacent parking lot. But plans are underway for improved design controls. Moreover, there are many physical needs which will be addressed. He adds that the issue of parking availability also needs to be addressed since the parking garage facilities are inadequate.

Another significant change at USD lies in the increasing number of law school programs offered students. One such program is Lawyering Skills 1. Introductory to the first-year curriculum of teaching students the basics of legal research and writing, the program was originally taught by professors borrowed from their traditional subject areas. Many of these professors were more interested in the results, rather than the means, of legal research and therefore took a less than enthusiastic approach to teaching Lawyering Skills 1. Today at USD, however, this program has undergone a dramatic change, according to Dean Minan. "There was a feeling that specialization would be the most effective way of teaching our students." To achieve that goal, the School of Law developed a comprehensive course in legal research and writing, staffed with a director and five instructors. Dean Minan calls the results "a remarkable success.

Another program at USD Law School that has been highly praised is the Lawyering Skills Practicum. In the past, clinical facilities were drawn from private practice and law firms and corporate employers. But now, one to seven years, depending upon the availability of funding, Faculty would then return to private practice. Now, according to Dean Minan, "clinical facility are given the opportunity to become tenured." In this way, they are no longer viewed as second-class instructors due to their short-term status, but have the full support of the Law School.

The American Bar Association (ABA) held its annual meeting in Toronto, Canada on August 4-11, 1988, in conjunction with the Canadian Bar Association. The results of the meeting could mean significant change for the way student govern- ment is structured with respect to the Law Student Division of the ABA organization as well as the National Student Bar Association (NSBA). The Law Student Division (LSD) of the ABA is just one of 30 sections and divisions extending under the umbrella of the ABA, and any law student attending an ABA-approved law school is entitled to membership in the LSD by paying an annual membership dues.

The stated purposes of LSD are: 1) to further academic excellence through participation by law students in the effort of the organized bar in the formation and revision of standards of legal education, and to achieve awareness and promote the involvement of law students in the solution of problems which conform to or challenge society, 3) to become involved with and participate fully in the direction and activities of the organized bar, 4) to encourage SBA participation in the programs and activities of the Division, 5) to provide an opportunity for students to participate in programs which would prepare the law student to develop efficient and effective methods of delivering legal services, 6) to promote the development of leadership programs and activities and promote professional responsibility.

During the meeting, the LSD had 18 separate resolutions before it to consider. Each is the most controversial of the resolutions was "88-12" which proposed that the LSD amend its current by-laws to include the office of a Vice President/Secretary for the first time. It is important to note that the LSD section of the ABA is a distinct and separate entity from the NSBA. In the past, Student Bar Associations felt they had very little, if any, voice in the affairs of the LSD, though their functions and goals were and are almost identical. Then, in 1987, the Board of Governors of the LSD, in response to the ABA passed a resolution on the full assembly floor giving the NSBA a seat on the board of Governors. The proposal ("88-12") to create a new office in the LSD executive committee represented a further step toward bringing the two student organizations together to work on behalf of all law students collectively.

However, many of the ABA representatives and SBA presidents opposed the resolution because they felt it would mean a further "erosion" of the NSBA's independent power and corresponding increase in the LSD's influence over the NSBA and its members. Nevertheless, the resolution was passed. The LSD/ABA will now include the new office of Vice Chairperson/SBA. This move by the LSD/ABA may mean that in future years we will see more of the NSBA being "swallowed" by the LSD/ABA, and consequently a re-structuring of legal student government at both a local and national level. Other selected resolutions which were considered and passed included: "88-3," which proposed that the ABA: 1) recognize the professional obligations of all attorneys to provide a reasonable amount of time, but in no event less than 50 hours per year, to pro bono and other public service activities so that those in need or improve the law, the legal system or the profession, 2) urges all law firms and corporate employers to pro- mote and support the involvement of their employees in such activities, and 3) urges all law schools to implement a system under which the law school would request any law firm wishing to recruit on-campus to provide a written statement of any, supporting the involvement of its at- torneys in public service and pro bono ac- tivities, and that law firm would be allowed to recruit on-campus unless such a state- ment is filed with the law school.

The obvious drawback to most of these resolutions is that there is no real force or power behind the words to effect the pro- posed changes. This was the concern voiced by many of those in attendance at the meeting, recognizing, though, that the goals of the resolutions were for the most part very desirable. The problem of impact and influence of the LSD as a body is one that needs to be addressed directly in future years.

The LSD meetings also included an announcement of the national LSD-sponsored newspaper contest which recognizes outstanding journalistic effort on the part of law school newspapers in different categories. Our own Movitions carried away four awards this past year in the areas of: Overall Reporting - Second Place; Feature Article on Law in the Community - First Place; Written Editorial on Broader Aspects of the Law - Second Place; and Editorial Cartoon on Broader Aspects of the Law - Third Place. The LSD's advisory board's held its meeting concurrent with the LSD meeting, and offered seminars ranging from tort reform to estate planning, and from litiga- tion workshops to alternative dispute resolution demonstrations and programs. The lawyers also heard from two distinguished guest speakers in the legal and political field including Bernard Kalb, Former Undersecretary of State for Public Affairs, and William Webster, U.S. Central Intelligence Director.

Student loan fraud charged against LA students

by Matthew Pribyl

Eight Los Angeles area residents face felony charges, of grand theft, forgery and conspiracy stemming from attempts to defraud local banks and the state's student loan program of some $125,000. Charges against the eight stem from an investigation by the California Student Aid Commission in cooperation with the Los Angeles County District Attorney's office and the United States Department of Education's Office of the Inspector General.

Working on a tip from a local bank, Student Aid Commission investigators gathered evidence to support 29 felony charges against James H. Stern and pre- vention of filing from collecting on 38 un- granted student loan applications. The scheme allegedly involved ineligible student loan applications, including two filed by Stern in his own name and others filed by em- ployees of vocational schools, which Stern processed and then placed in bank ac-

counts he had opened. Stern is also charged with 26 counts of forgery based on the signature on loan documents of a finan- cial aid official from the University of South California, Los Angeles.

The Student Aid Commission admini- sters the state's student loan program and annually collects 300 to 400 individual or institutional criminal cases. About one- fourth of the 800 colleges and other postsecondary schools in which the program are routinely audited each year.
"L.A. Law" affects admission

by Jamie Sternberg

Law school applications are up 17 percent this year according to the Law School Admissions Council, breaking a trend of declining applications since 1981. Explanations for the surge in interest in law school abound. Theories attribute it to the October 21 stock market crash, the Iran-Contra scandal and to the hit television program, "L.A. Law."

As recently as 1986 the forecast was that "law school enrollment and applications [would] probably continue dropping until 1992 or 1993," according to Henry L. Schachar, dean of the University of California at Los Angeles School of Law. The slowdown in the decrease in the population of 22-year-olds who make up the bulk of applicants, the rising cost of living and the perception of a lawyer glut, are what led to the 1986 drops. As recently as 1986, Leland Miles, president of the University of Bridgeport School of Law, said, "we don't use the word 'admission' around here anymore...now we talk about 'recruiting.' As the market tightened, the negative was the image of attorneys. Benno C. Schmidt Jr., president of Yale Law School, hypothesized, "The legal profession is increasingly identified in the minds of the public and potential students with self-seeking rather than public interest. Collective practice has replaced personal contact with clients and partners and there is a very public loss of stature. The word is trickling down that law school is not as much fun."

In 1987, the population of 22-year-olds has remained fairly constant. If anything, tuition has increased. So what has caused the rise in applications?

Several theories regarding the increase revolve around the idea that law has enjoyed increased public visibility due to the Iran-Contra scandal and the Supreme Court Nomination Hearings. This increased visibility is possibly due to the fact that many people were involved in the legal profession. Additionally, the October 19, 1987, stock market crash has increased the instability supposedly caused many potential MBA candidates to reconsider and choose law school. Law and MBA programs seem to attract the same type of student, one who is interested in a professional degree and financial reward. So when there is economic instability, some law students choose law school over MBA programs.

Possibly the changing interest in legal profession is due to the changing image of attorneys. As silly as it may seem, the popular television program, "L.A. Law," has been a major factor in the renewed interest. "L.A. Law shows the profession as a glamorous, interesting and financially rewarding. Every week millions of Americans tune into the program in which attorneys are pursuing interesting cases and making lots of money."

In one episode, an attorney, newly graduated from law school, started at a yearly salary of over $60,000. Lawyers in the show are rarely shown doing paperwork; they'reusually arguing interesting or landmark cases in court. Given the aura that "L.A. Law" has cast on the legal field, many viewers may have considered a career in law, in a new and lucrative light, thus leading to the 18 percent increase in applications.

Are the theories supported by facts? First, let us consider the law school application process. Typically a person knows at least a year in advance that he would like to apply to law school. That much time is necessary due to the application deadlines. Also required at that time is data from another LSAT (Law School Admissions Testing) containing information on college grades and the applicant's LSAT score. In order to have this data, LSAT requires applicants to sign up for a testing date no later than the October preceding the admission year. So, in order to apply for this year's class the applicant must have made his decision regarding law school before November 1987.

The stock market crash, the Supreme Court nomination (somewhat like the medical profession) and the Iran-Contra Scandal occurred too late in the minds of most potential applicants for this year's class. Additionally, the number of people who took the Law School Admissions Test was up for the three earlier testing periods in 1987. So, whatever caused the renewed interest in law must have occurred between Fall 1986 and Fall 1987. In the fall of 1986, "L.A. Law" premiered. It was an instant hit and has consistently ranked in the top 10 television programs.

In the week of May 2-9, 1988, the program was ranked fifth nationally with an audience of 17.9 million households. Although very often more than one person per household watches the same program, let's take a very conservative estimate of an audience of 18 million people. The change in law school applications may be a matter of 11,000 additional people. If the entire change was attributed to the program, the applicant's LSAT test and the applicant's interest in law, it would amount to six out of 10,000 viewers being interested enough in law to apply to law school. While 18 percent of law school applications may not be readily attributable to "L.A. Law," it's not unattributable to "L.A. Law" and awakening interest in six out of 10,000 viewers.

"L.A. Law" caused an increase in visibility and a glamorous and positive image for the legal profession. The timing of the renewed interest coincides with the premier of the extremely popular television program. It may prove interesting to compare the number of applicants remaining high for as long as the ratings remain high, it would continue to provide strong evidence for the "L.A. Law" theory.

The Cast of "L.A. Law": (front) Harry Hamlin, Corbin Bernsen; (second row) Jill Eikenberry, Michael Tucker, Michele Green, Susan Ruttan; (third row) Alan Rachins, Jimmy Smits, Richard Dysart. Photo courtesy of KNV-TV.

De La Torre, new prof brings zest for learning to law school

by Matthew M. Pribyl

No. Larry Brown is not the new head of the University of San Diego basketball coach (rumors, anyone?) But USD School of Law is now the home of Professor Phillip De La Torre, who has joined the University of Kansas Law School after 1980 before coming to USD this fall.

Professor De La Torre comes to USD via the University of Kansas, where he received his bachelor's degree in 1973, and from the University of San Diego where he received his J.D. in 1978. After completing his legal education, he returned to Kansas, his native state, to work for a large Kansas City law firm. His first practice was in litigation, but he feels that "The ideal role of law school as one where "the students are taught more theory and more emphasized is placed on critical analytical thinking skills."

De La Torre believes it would be advantageous to have a mandatory two-year internship (somewhat like the medical profession) after the three years of law school and successful completion of the bar. Here the young lawyer could work with more experienced attorneys in the practical world of law. He believes this would be beneficial in two different respects. "The quality of the practical aspect of law would be greatly enhanced since the young lawyer could work under the tutelage of an experienced and practically knowledgeable lawyer, and this system would represent a direct and effective response to the public criticism that law schools do not teach enough 'practical law.'" He adds, "It would leave law schools free to teach more principles of law and analysis." De La Torre does not
We are the quicker settlement time, and still provides settle party not knowing if, when or how many years later that they might be paid. What results is the parties' lawyers were a Californian, I would take this June thought to myself, but that still did not impress me... The other half of the lower level faculty offices on the third floor will be contributed another pertinent fact. The104,000 new school is being constructed on schedule. Additional computers to operate when the Los Angeles possesses 300,000 volumes; UCLA, 400,000; Stanford counts 365,000 and U.S.C. maintains 259,100. Perhaps the expansion of the USD law library will increase the legal prestige of the law school. With more than $2.2 million raised so far and an ultimate goal of $6 million, the law library is already on schedule a long road ahead of it to reach its goal.

As I walked outside into the heat of the afternoon sun and the buildings' construction looming over me, I scraped my soul along the gravel ground. This is a Huge Inconvenience, but, perhaps Carter is correct that law students will have to consider the long-run benefits. It's obvious that the addition to the library will have a significant impact on the prestige of the law school. Consider the long-term benefits, I thought silently as I glanced at the Inconvenience; I glanced around as more panthers on wheels desperately sought a tiny space in the tiny lot.

Well, it's quite an adjustment to accept the long term instead of the short term, and I had difficulty admitting it, but Carter was probably correct in her assessment of the situation. The law students will have to accept the Huge Inconvenience because, firstly, we have no choice in the matter, and secondly, the future benefits will undoubtedly overshadow the present obstacles. I glanced once again at the Huge Inconvenience and thought to myself it might just be shrinking in size to a Medium Inconvenience.

I realized that this year's second-year and third-year classes would not be around to catch any of these great benefits. These were the rub, I thought as my ankle throbbed slightly.

Nader-O'Connell debate (Continued from page 1)

taining the right to sue later for damages in the case of serious and permanent injuries, and specified crimes, is worth the trade-off of provoking tort and non-economic damage recoveries.

A person does not need duplication of coverage, but rather, coverage of their injuries," according to O'Connell. An injured party would first use their workman's compensation insurance, vacation or sick pay benefits and other related insurance coverages to compensate for the damages before using to recover for their serious injuries.

Michigan, New Jersey and Florida are excellent examples of states using no-fault to correct their "wild and unmanageable tort system" in regards to motorist insurance. Prop. 104 preserves the insurance regulation in its current form and, instead, seeks to reform the tort system, the focal underlying problem of the present system in O'Connell's view. Prop. 104 should be supported, O'Connell said, because it is a well-written no-fault initiative and it provides a better source of consumer protection than our present litigious tort process. O'Connell is against Prop. 103 because it feels it is too one-sided, seeking to overregulate the insurance companies to force lower premiums. On the other hand, O'Connell is against the insurance-backed Prop. 106 that limits contingency fees. He said this proposition goes too far the other way, seeking to provide lower premiums by overregulating.
Expert Bar Review Where You Want It

Coast to Coast

Over 100 Centers Nationwide Offering Proven Preparation For The Bar Exams Of:

California California Florida Massachusetts New Mexico Texas
Colorado Illinois Michigan New York Vermont
Connecticut Maine New Hampshire Pennsylvania Virginia
Dist. of Columbia Maryland New Jersey Rhode Island

See your Campus Rep, or call:

David Bigelow
277-6744

(800) 223-1782  (800) 343-9188

Over 100 Centers Nationwide Offering Proven Preparation For The Bar Exams Of:

California Florida Massachusetts New Mexico
Colorado Illinois Michigan New York Pennsylvania
Connecticut Maine New Hampshire Rhode Island
Dist. of Columbia Maryland New Jersey Virginia

See your Campus Rep, or call:

David Bigelow
277-6744

(800) 223-1782  (800) 343-9188

©1987 Kaplan – SMH
Bowman wins Moot Court finals, LoBello second

The U.S.D. Appellate Moot Court Board Alumni Tort Competition final round was held Friday evening, September 9, in the Grace Courtroom in More Hall. The final round was the culmination of the competition which included a 15-page written brief and two preliminary rounds of oral arguments. The preliminary rounds were held on September 7-8 at the San Diego County Municipal Courthouse.

Blaine Bowman, a third-year student, came in first place and was awarded a free Barpassers review course. Second-year student, Mark Lombardo, took second place as well as Best Appellant Brief honors. Jeff LaFave and Mark Kulla finished third and fourth respectively. In addition, Kulla was Best Respondent Brief. Terry Arcidiacono took honors as Best Oralist of the competition.

The topic was timely as it dealt with California Highway Patrol liability for tortious acts committed by its employees, similar to the recent Perey case.

Future problems should be just as interesting, as the 1986-89 Moot Court Board will present four more competitions this school year. Competitions are open to all second-, third- and fourth-year law students. The Board will also present the 1989 Winters Competition, which is for first-year students.

The next competition is the Honorable Jack R. Levin Law and Motion Competition. Problems will be available on September 15. The brief is due on September 22 with oral arguments taking place September 28-30.

The Jessup International Law Competition, a two-person team competition is slated for November 9-11. Competitors may pick up the Jessup problem on October 17 and turn in written briefs by October 31.

The first spring competition will be the Saint Thomas More Constitutional Law Competition, a two-person team competition. Questions will be ready January 12 and briefs should be turned in by January 26. Oral arguments are scheduled for February 1, 2 and 3.

The Donald F. Wright Criminal Law Competition will be the final competition of the year. The problem will be available March 2, with briefs due March 9. Oral arguments will take place on March 15-17.

The 1988-89 Appellate Moot Court Board, Officers: Laura Jackson, Chair; Elise Paul Kindelan, Vice-Chair; Tournament Director and Lauri Ferguson, Treasurer/Tournament Coordinator.

National Team members consist of Donna LaRosa, Karen Decker, and Vickie Pochele. Jeff Doggett, Margaret Hendrick, Keith Kubik, Mike Still and Dorian White are all tournament coordinators. Board Secretary is Brigid Ann Bennett.

The Board considered the Alumni Tort Competition a success and thanks to all competitors, judges, bailiffs/timekeepers and spectators.

While the practical experience of writing appellate briefs and presenting oral arguments is invaluable in learning the art of advocacy, the bench strongly encourages students to enter and compete in the various Moot Court competitions. These tournaments provide students the opportunity to utilize their full knowledge in presenting persuasive argument before a panel of judges composed of attorneys. It is fun, rewarding and incredible learning experience.

Mike Still

Law/MCL Soccer Club meets Sundays

A new intramural sport for law students has arrived on campus. It’s fast. It’s invigorating. And it’s fun.

It’s called Club Soccer.

Every Sunday afternoon at five o’clock, as many as a dozen students from the J.D. and M.C.L. programs descends on the sports field, divide themselves into two teams, and run for the glory.

Club Soccer, as it’s unofficially called, has now been alive for five weeks. It was informally organized at the law school orientation barbecue back in August when a few M.C.L. students from Germany got together with a J.D. student from America, and Club Soccer was born. The first game was played the same Sunday on the sports field.

Additional players are always welcome. Some of the regulars have a fair amount of experience, but all that’s required is a desire to play soccer. Club Soccer is a great way to get exercise, run off stress, or just meet friends. If any law students are interested in playing, it’s easy to join. Just show up at the sports field on Sunday at five o’clock.

And be prepared to run!

De La Torre, zest prof

(Continued from page 7)

believe this idea will be forthcoming soon, but believes legal education can and does change to meet the needs of the society in which it operates, so the time for this idea may not be too far off.

Likewise, he believes that the law is in constant motion and that there is always room for improvement. “The law is a human institution. The legal system in this country has worked very well for a long time, but it must change when the needs of society demand that it do so.” The professor sees improvements such as arbitration and mediation as just one positive step that our system is taking in response to an overly burdened legal system. The legal teaching community, he feels, may be the place where most changes in our system start.

“Academicians are in a good position to advocate changes in the legal system because they do not have to deal with the practical client problems on a day-to-day basis. They may be able to think more creatively and effort to focus on problems with our legal system on a deeper level.” He feels that it is not only an opportunity but a privilege to be able to critique the law with an eye toward clarification and reform and to make the system and its institutions as beneficial and effective as possible. That, he feels, is the role of the true educator.

Our law school can only benefit from having dedicated and insightful professors like Phillip De La Torre among the faculty. Thanks, Kanz3.

Nader-O’Connell

(Continued from page 8)

ing attorneys’ fees. The less extensive contemporary version of Prop. 104 is supported by O’Connell.

Moderator Miller closed, pointing out, “I am unfortunate that we are left with this campaign-type process of deciding these important issues,” he said. “Perhaps it should be of more concern to us that our government’s process has simply failed to work in deciding these major issues or any other major issues recently, forcing the voters to respond through the initiative process.”

Transcripts of the debate may be obtained through the San Diego Law Review, 262-4600 x 4531.
Ladas Memorial Award, USTA
Topic: Trademark Law
Deadline: January-December 1989
Prize: $1,000;award, treated by Dr. Ladas
Comments: Already published articles allowed; competition also open to "others interested in trademark law."

Intellectual Property, State Bar of California
Topic: Intellectual Property Protection
Deadline: August 1, 1989
Prize: $100

3rd Annual NELPI (National Energy Law and Policy Institute)
Topic: Any legal subject related to energy
Deadline: April 1, 1989
Prize: $300; $200 to winner's school
Comment: Competition also open to 1988 law graduates

H. Thomas Austern Memorial Writing Competition, The Food and Drug Institute
Topic: Food and Drug Law
Deadline: June 17, 1989
Prizes: $1,500 (1st), $1,000 (2nd), $500 (3rd)

Food and Drug Law Institute
Topic: Food and Drug Law
Eligibility: a) Receive J.D. or LL.M. during 1989; b) Completed or currently enrolled in Admin. Law and/or Food and Drug Law course; c) Publishable-quality paper prepared under direction of course professor
Deadline: April 30, 1989
Prize: $5,000; All expense-paid trip to Institute's Annual Education Conference in Washington, D.C.

Inter-American Bar Association
Topic: Choose one of six stipulated areas
Deadline: April 1, 1989
Prizes: $800 (1st), $600 (2nd), $400 (3rd)
Comments: Awards presented at Association's 27th Conference, Cartagena, Colombia (tentative date May 1, 1989)

Harold C. Schwab Memorial Essay Contest, ABA
Topic: Family Law
Eligibility: Second- and third-year students
Deadline: April 9, 1989
Prizes: $500 (1st), $250 (2nd), $150 (3rd)

American Agricultural Law Association
Topic: Current Agricultural Law
Deadline: June 30, 1989
Prizes: $500 (1st), $250 (2nd)

The American Journal of Tax Policy
Topic: Tax Policy
Deadline: February 1, 1989
Prizes: $500 (1st), $250 (2nd), $150 (3rd)

Seventh Annual International Student Scholarship Competition
Topic: Important cross-cultural issues are often found in humor. Compare humor in your country with humor as you find it in America. Include examples of humorous situations resulting from cross-cultural misunderstandings, either in the U.S. or on your first visit back to your home country.
Eligibility: Full-time foreign student
Deadline: December 1, 1988
Prizes: $1,500 (1st), $1,000 (2nd), $500 (3rd), $100 each (five honorable mentions)

Gerald Rose Competition, John Marshall Law School
Deadline: January 1, 1989
Prize: $1,000

CPR Legal Program, Center for Public Resources, Inc.
Topic: Alternative Dispute Resolution; Dispute Prevention
Deadline: December 1, 1988
Prize: $2,000 (1st), $1,000 (2nd), Honorable Mention

Second Annual Benjamin Franklin Awards, Commission on the Bicentennial of the U.S. Constitution and the National Press Foundation
Topic: U.S. Constitution, its impact on the nation and its people
Deadline: February 1, 1989
Prizes: Four awards presented at the Benjamin Franklin Awards Ceremony, Washington, D.C., Spring 1988 (All expenses paid).
BAR/BRI NOW v. BAR/BRI LATER

Facts: Most law students sign up for a bar review course early in their law school career. California Bar/Bri offers the most experience (27 years of bar exam preparation), is the largest full service bar review course in California, and acts as your study partner throughout law school.

Issue: Whether law students should sign up for the California Bar/Bri Bar Review Program before November 18, 1988?

Rule: 95% of the law students taking the bar exam take a full service bar review course in preparation thereof. By signing up now (only a $100 deposit) you will save $200 and FREEZE the price at this year's level. Your initial deposit entitles you to California Bar/Bri services with no further payment until you take the senior review course.

Holding: YES! The benefits of California Bar/Bri services during law school make enrollment today a must!

Reasons: When you enroll prior to November 18, 1988, your benefits include:

- FREE use of California Bar/Bri's acclaimed outlines for all bar courses. You get better outlines and save the cost of separate commercial materials.
- FREE early bird lectures to help you study for midterms and finals.
- FREE Professional Responsibility (MPRE) preparation.
- FREE transferability to any one of 43 jurisdictions providing Bar/Bri services.
- A full-time attorney staff to assist you in developing an individual and manageable study plan for school.
- A savings of $200 off your frozen bar review course price.

For further information, please contact any of the California Bar/Bri campus representatives or call one of the offices listed below.

California

LOS ANGELES
11801 West Olympic Boulevard
Los Angeles, California 90064
(213) 477-2542

SAN FRANCISCO
332 Golden Gate Avenue
San Francisco, California 94102
(415) 441-5600

SAN DIEGO
1407 First Avenue
San Diego, California 92101
(619) 236-0623

SACRAMENTO
(916) 441-0677