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University of San Diego School of Law Student Bar Association

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Monster Mash returns to What-a-bash Hall

French maids. Alley cats. Vampires. Soldiers. Fruit? What do they have in common? They all have either been seen at last year’s or will be at this year’s Student Bar Association Halloween Party.

The festivities will be held Saturday, October 27 from 8:30 to 12:30.

This year’s party will once again be the blowout bash of the law school year. Music will be provided by Modern Zoo. Modern Zoo plays covers and reggae-sounding originals.

No one will be thirsty long with a beer bar featuring 10 kegs. Everyone is reminded to bring identification as an ID check will be in progress and wristbands will be issued.

Shuttles will be provided running from USD to Wabash Hall and from Wabash Hall back home during the party.

All concerns should be forewarned to take due care in preparation as the Costume Contest will once again determine the best dressed or most creative partners. Kaplan Bar review will co-sponsor the event.

"Welcome, to the Party," invites a Count Dracula look-alike from last year’s Halloween bash at Wabash Hall.

Souter confirmed to High Court by a sweeping majority

by MitchKam

After enduring three days of intense inquiry by the Senate Judiciary Committee, David H. Souter was sworn in as the 105th Associate Justice of the U.S. Supreme Court on October 9. Souter replaces William H. Rehnquist who retired after 34 years due to health reasons. Prior to his nomination to the highest court of the land, Souter was not a widely known judge. During questioning of Souter, Sen. Howell Heflin, D-Ala., commented, "This committee will do a lot of peeling beneath your veneer, for you are indeed a 'stealth' nominee.

The lack of information on Souter’s views left senators scrambling to fill the void after his nomination this summer. Prior to his Supreme Court appointment, Souter recently was confirmed to the federal Circuit Court of Appeals. He also served as a New Hampshire attorney general and New Hampshire state court judge.

Souter emerged from the Senate questioning relatively unscathed. He was repeatedly pressed by senators and various lobbying groups to expose his position on such issues as abortion, privacy rights and affirmative action. Holding his ground, for the most part, Souter shed little light for those inquiring minds. After all was said and done, he was confirmed by the Senate by a 90-9 vote; the only significant criticism of him coming from those that were still concerned with Souter’s lack of position on some of the critical issues.

Mentor program resuscitated to delight of first-year class

by Charles D. Hrvatin

Do I have to sign up for the bar in California if I don’t plan on practicing here? Who are the professors from hell? Where’s a good dry cleaner?

In an attempt to better the orientation and indoctrination of first years into law school, all these questions and more may now be addressed to an all-knowing, indispensable individual -- an upperclassman.

Seriously, the Upperclass Mentor Program has been brought back to life by second-year day student Anne Dierickx. As a first-year with many of the above questions on her mind Dierickx found a void that she decided should not be left open. A new chapter will begin on Wednesday, October 17, with a meeting of the upperclass mentors and their first year wards at 5:30 p.m.

Mentorship program will again provide a permanent memorial in the form of a judge’s bench for Student Bar Association Halloween Party.

Golfers raise funds for scholarship

More interest sought for Mohr tourney

by Charles D. Hrvatin

Dust off your golf clubs and sharpen your spikes for a day on the links at Rancho San Diego’s Ivanhoe Golf Course.

The 15th Annual Michael Mohr Memorial Golf Tournament returns to the Ivanhoe Course once again in order to raise money for the Michael Mohr Memorial Fund Scholarship. The fund previously provided emergency, interest-free loans to graduating students in need of pre-bar financial aid.

The tournament is held in memory of former USD law student Michael Mohr. Mohr was killed in a plane crash during spring break of 1976, one year before he was due to graduate.

Tournament founder Lew Muller (Class of ’77) was a good friend of Mohr’s and explained in a 1989 Advocate article that “Mohr decided to leave his home state of New York to attend USD’s Law School because his parents had a home in Palm Springs.”

After meeting during their first year at USD, Muller and Mohr began a camaraderie from a common fanaticism for boxing, and in particular the antics of former champion Muhammad Ali. During that 1976 Spring Break, Mohr was scheduled to visit his parents in Palm Springs due to bad weather most flights through the mountains had been cancelled. He then chartered a plane which fell victim to the weather resulting in Mohr’s death.

As a sometimes-golfer, Mohr’s buddies organized a small golf tournament at Tecolote Golf Course before moving up to a full-size course. Mohr’s father, touched by the action, vowed to match whatever the group raised in the initial tournament. The first effort netted $3,000.

The original concept was to provide a permanent memorial in the form of a judge’s bench for USD.

See Mohr on Page 11

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Motions University of San Diego School of Law

October 16, 1990
A view from the bench

Free Speech, as nasty as we want them to be

by Charles D. Hrvatin
Editor-in-Chief

"Little Miss Muffet, sat on a tuft, eating her curds and whey. Along came a spider, and sat down beside her and said, "Hey, What's in the bowl, b*tch?" Now the_prefix_"spider" is a member of the Bصد_"spider family, and watch his phraseology in certain sectors of the country.

Recently, the Court and media have been busy pondering the reach of the First Amendment in regards to Free Speech and Obscenity. Rap group 2 Live Crew's single, "Me So Horny," off their "A nasty As We Wanna Be" album, received fairly generous airplay here in San Diego and in other metropolitan areas such as L.A., New York, and Detroit when it first came out around a year ago. And like most songs it has faded from the charts as other songs replaced it.

Another medium has also brought recent controversy to the SBA. "Unclean Hands," one of the three main characters in the novel "Dice" by Cray's bawdy lampooning of best loved nursery rhymes.

In past editions of Motions, we have endeavored to keep you comprised of some of the issues facing the SBA, both on the surface and behind the scenes. Pursuant to this effort, I have included in each President's Report a brief discussion of some area of special interest to me or this year's SBA.

I want to talk about public interest loan repayment.

For many of us, one long term result of our time at USD Law School will be a student loan debt of $60,000 or more. Let me be the bearer of some bad news: to pay this back in 10 years, you would probably have to make monthly payments of at least $600. No, public interest jobs, your take home pay could conceivably be $6,000 per year. While tuition at law schools continues to skyrocket, jobs in public interest law are available to a select group whose membership is based upon financial factors rather more relevant qualifications.

USD is one of the largest law schools in the nation, and the time for a public interest loan repayment program at this school has come. To date, 30 law schools nationwide have such a program or a related program in place. The essential components of these programs vary, but they all strive to make it financially feasible for their graduates to work in public interest law. Such a program at USD would probably not be sufficient to defray all of a student's loan debt, but it could lighten the load enough to allow many of us to seriously consider a career in the public interest. The time for such a program at USD, one of the largest law schools in the nation, has come.

Priscilla Thanner, a fourth-year student, is heading up a task force to examine other schools' programs, evaluate the needs of students at USD, and to prepare a proposal for implementing a program here. If you would like to help or have comments or suggestions please contact your SBA representative or the SBA office.

Bulletin Board Policy

The new bulletin boards are up and a formal policy has been initiated so that we can ensure that you get the information you need. For your convenience, some of the more important provisions of this policy are included here: the brown bulletin boards inside the walls are for general use; no permission is required to use these areas. Use of the pastel colored boards outside the walls is somewhat restricted; with some exceptions, all notices in these areas must be submitted to SBA for approval or they will be removed. Complete copies of this policy are posted on the bulletin boards and are available in the SBA office.

SBA Activities

As always, SBA has been kept busy reviewing funding requests, making policy decisions, and planning future events. In addition, SBA occasionally considers resolutions submitted by SBA members. Among the recently proposed resolutions are a formal endorsement of new faculty evaluation forms and a formal resolution that the law school conduct a complete "access audit" which would evaluate the law school and law library facilities for accessibility for handicapped students. If you would like to address the SBA or have an item for the agenda, please leave a note for Mitch Kam, Day Vice President, at least a week prior to the meeting you want to attend. SBA meetings are every Tuesday at 5:00 pm, in Fletcher B; all law students are welcome.

Traditionally, SBA has been underrepresented by evening students. In the spring elections last year, no one ran for the position of fourth year evening representative and the position of third year representative was filled by a day student. To remedy this situation, SBA has been actively seeking qualified evening students to fill these positions. We have been 50% successful: SBA is pleased to announce that we have selected a new fourth year evening representative, her name is Kathy Guarino. Thanks to Kathy and to anyone else who expressed an interest. Please note: we still have a position available for one third year evening student. Please contact your SBA representative or the SBA office for more information.

Halloween Party

The big SBA event for the fall is rapidly approaching. In case you haven't heard, the SBA Halloween Party, as always, promises to be an evening of stupidity and caricature. The date is Saturday, October 27, don't miss it.

Faculty Debate

The SBA Speakers' Bureau is working on presenting a number of debates between faculty members. Watch Sidebar for details.

Equity Lesson #1

Wash Your Hands CLEAN HANDS
Love 500 Hands
Wash Your Hands
Clean Hands
Unclean Hands

Motioned

Motions

Founded in 1987

Motions 1987 - The Woodlack 1971 - 87

Contributing Writers: Kimberly J. Wied (Assistant Editor), Mark Brownovitch (Editorial Page), Steve Smith, Brad Weinreb, Cheryl Forbes, Brent Neck.

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In Defense of the Right to Choose
by Shawn Randolph

This article is in response to Mark Brnovich's column "In the Right" in the September edition of Motions. Although I respect Mark's right to choose what he discusses in his column, I also feel that it is imperative that he understands it means to be pro-choice.

First of all, Mark's choice of the term "pro-abortion" is misguided and inflammatory. The term pro-abortion connotes a position that encourages the performance of abortions. I sincerely doubt that anyone is actually "pro-abortion" in the sense that he or she encourages abortions. However, those people who are pro-choice advocate a position that respects a woman's right to make decisions that are fundamentally important to her autonomy as a person and an equal in our society. Although this is the focus of the position, I also think it is important to mention that abortion is an issue the touches men as well as women, at least to some extent, in our society today.

I think Mark is misguided about what pro-choice means. He states that it is "irrational" to believe in a position that guarantees a certain right for all people, but to be personally opposed to it. In my view, this is misguided and inflammatory. The term pro-abortion connotes a position that encourages the performance of abortions. It is totally unrelated to what Mark considers pro-choice.

So, neither one of you would buy a gun and learn how to use it to protect yourself? "No way, the thought of anyone owning a gun is scary," was the response. It was an all to common response that I have heard many times. However, instead of letting them walk away content in their belief that guns are to be feared just as much as the Clairemont Killer, I questioned the basis of their fear of guns.

The starting point of any discussion about guns being evil or scary begins by pointing out that guns are not "evil" in and of themselves. In logical terms, it is commonly referred to as the "pathetic fallacy" to associate human or animate qualities with inanimate objects. Specifically, humans can be good or evil, pencils, glasses or guns cannot. While an animate object may be used for bad or evil purposes, that doesn't mean the object itself is bad. For example, something bad or evil can happen when a drunk driver gets behind the wheel of his car and drives home from the local watering hole, but that doesn't mean the car is evil in and of itself.

Before losing their attention with a drawn out philosophical discussion on objects being good and evil, I was interrupted. "What makes guns scary is that so many people, especially little kids, are accidentally killed by them. Besides, they really are useless." It was a common complaint, that I have heard often, and while initially appealing, it is completely groundless.

While even one accidental death is a tragedy, accidental deaths involving guns are rare. They only seem alarming because of increased public awareness of how to handle guns, educational programs in schools, the rising use of gun locks and the increasing potential for criminal and civil liability for those who are careless with their guns. Ultimately, to say guns have to go because some people negligently store or use them, is like throwing the baby out with the bathwater.

As far as guns being useless, nothing could be further from the truth. In this day and age crime has become almost completely risk free(Only about two out of 100 felons makes it jail). This problem is also exacerbated by the fact that there are only 1,500,000 cops on duty at any one given time. In a country with a quarter of a billion people, this doesn't provide a great sense of security that a cop will be around when you need one.

That is why everyday, somewhere, someone, uses a gun to defend themselves or their family. Private gun ownership by law-abiding citizens is the perfect complement to law enforcement. It is evident that a person or a household has a gun is often enough to deter most burglars and rapists. This is probably why most southwest states guarantee the ownership of firearms. For example, New Mexico rates (i.e., because most potential burglars knew that there was a good chance someone in a house in Texas or Arizona was armed and ready to protect their family and their property).

"Well, that's all very interesting, but we have to go," one of the ladies told me as they both started to walk away. I sat down and thought about what just transpired. I am sure I didn't convince them to go out and buy guns and learn how to use them for their protection. However, even though I hoped that I had more time to talk with them about gun ownership, I was happy that at least some of their concerns. Also, content with the knowledge that if either of them ever decides to go out and buy a gun, it is their constitutional right to do so.

Feinstein finally differentiates herself during debate
I don't think Brad Weinreb, Jim Broder and the other Honor Court justices have jurisdiction to bring honor violations against the Democratic gubernatorial candidate, Dianne Feinstein. Well, at least that's unfortunate.

It may have been a small infraction in some's minds but it cuts to the core of integrity and honesty. Just some words scribbled on her hand as reminders. But the fact is that it is a moral cop out to believe in a position guaranteeing a choice that either of them would even consider owning a gun.

"You should get a gun," I muttered just loud enough to get their attention. Judging by the look I received, it is highly unlikely that either of them would even consider owning a gun. I paused, "So, neither one of you would buy a gun and learn how to use it to protect yourself?" "No way, the thought of anyone owning a gun is scary," was the response. It was an all to common response that I have heard many times. However, instead of letting them walk away content in their belief that guns are to be feared just as much as the Clairemont Killer, I questioned the basis of their fear of guns.

In the political arena. Or is it?

Washington, D.C. Mayor Marion Barry is walking the streets after drug charges. There is also the question of integrity in the Senate concerning various dealings with Savings & Loan shark Charles Keating. And now a fine example, we could be tossed from law school for such actions. But the real world is different. Still, there should be some accountability.

-- C.D. Hravin

Marketplace of Ideas
Survival of the fittest... or the best
by Mark Brnovich

The other day as I was walking out of the Library I overheard two women talking about the Clairemont Killer. They were genuinely concerned with the possibility of getting raped or killed. "You should get a gun," I muttered just loud enough to get their attention. Judging by the look I received, it is highly unlikely that either of them would even consider owning a gun.

"No way, the thought of anyone owning a gun is scary," was the response. It was an all to common response that I have heard many times. However, instead of letting them walk away content in their belief that guns are to be feared just as much as the Clairemont Killer, I questioned the basis of their fear of guns.

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Tears under the blindfold

A Legal Perspective

by Charles A. Bird

Marketplace of Ideas

Submitted by the USD Chapter of the Women's Law Caucus and originally appeared in the San Diego Daily Transcript, June 6, 1990.

Lady Justice guards the door of countless courthouses. Blindfolded, she weighs the cause and not the litigants on her scales. Were she bound, gagged and shackled, she would lose her resemblance to her living sisters passing by her into the haunted house of the law.

Law remains too much a game of men, by men and for men. Judges as a women usually lose. Ivana Trump's living soap opera department is a hall of special horrors. And the system of justice.

...constantly changing hypertechnical rules. Judges find a comfort level.

...stereotypes of emotionality, hysteria...aggressive there..."Are you a lawyer?" That phrase withers a lawyer so thoroughly when asked in the court...No...the typical "catfight"...what is a courtroom but a little dukedom where the women are people, too. Lady Justice, idealized symbol, has not seen that light...of women to report child abuse when custody is at stake. Spousal support is a cruel joke. Any woman, young or old, will suffer if she has dropped out of the employment market to have children or support her husband's career. Male judges have ironically fastened on the unfulfilled aspiration of equal employment opportunity to tell...dil-vored women to get jobs or starve. For at least three reasons, they err. First, most family judges don't understand the employment market, especially for women.

Second, most family judges don't understand the special job search difficulties of a returning homemaker. Judges should consider their own job prospects if they dropped out for five, 10 or 20 years. Finally, the system inherently biased against the women's... contribution to the marital partnership. When a business general partnership dissolves, the economic division is equal. When most marital partnerships divide, the woman gets no credit for her equity in the only productive asset: hubby's career she supported.

Men, including judges, have preempted the credibility of women to report child abuse when custody is at stake. A majority of male judges responding to a survey said they inherently disbelieve allegations of abuse in divorce cases.

A group despise family court, rating it the least desirable of all assignments. In most counties, the newest judges draw the family court assignment, and the newest judges are most likely to be ignorant of family law and its impact on...Custody. Courts lack sufficient judges, clerks and support staff to handle the family case load. Delay compounds delay and exacerbates ever other problem of family law.

In the prevailing conditions, prejudice and inequity should not surprise anyone. Child-support cases are too low generically. What is excused as "advocacy"...pitting, some judges and lawyers reinforce gender stereotypes of emotionality, hysteria.

...of law but not to the fraternity of lawyers..."catfight"..."Are you a lawyer?" That phrase withers a lawyer so thoroughly when asked in the court...No...the typical "catfight"...what is a courtroom but a little dukedom where the women are people, too. Lady Justice, idealized symbol, has not seen that light...of women to report child abuse when custody is at stake. Spousal support is a cruel joke. Any woman, young or old, will suffer if she has dropped out of the employment market to have children or support her husband's career. Male judges have ironically fastened on the unfulfilled aspiration of equal employment opportunity to tell...dil-vored women to get jobs or starve. For at least three reasons, they err. First, most family judges don't understand the employment market, especially for women.

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Student troubled over USD's attitude towards Martin Luther King Day

by Bob Brown

USD is the only California Law School that ignores Martin Luther King Day. It's embarrassing. UCLA, USC, Loyola, Southwestern and Cal Western law schools will all observe Martin Luther King Day on January 21, 1991. USD Law School won't. There is no real reason why this should be, as we no longer have a midwinter week and have two extra days of classes each semester. The law school administration is continually thus unwittingly exposed its sincerity toward minority and civil rights issues.

True, it's easy to ignore holidays. When was the last time you contemplated labor day on Labor Day. What did you do to celebrate Columbus Day? Does President's Day really mean anything more to you than an opportunity for a three-day skiing weekend?

But Martin Luther King Day stands for something worthy of our consideration, unlike many of our often bizarre holidays. Think about it. The typical USD law student is about 25 years old. Twenty-five years ago, African Americans didn't go to law school. In parts of this country, supposedly the whole country on earth African Americans couldn't eat at lunch counters, had to sit in the back of churches and buses, and attended separate schools. You See MLK Day on Page 5

San Diego Holiday Schedule for 1990

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By definition, those judges are prejudiced: They have prejudged their cases. In fact, the evidence shows 85 percent of the allegations of abuse that reach the court-house are true. Abuse may not be known before divorce; only after separation will a child have the courage to overcome the abuser's typical demands for secrecy. If abuse is known before divorce, the woman may fear for her own life at the hands of the abuser. The wrongfully accused do suffer, but the wrongfully disbelieved suffer a great deal more.

In an attempt to reduce the family law case load and defuse custody battles, the Legislature and courts con- cected mandatory mediation. Whether they want to or not, parents must meet with a mediator to try to reach agreement about custody. Programs vary from county to county but disturbing trends abound. Mediators tend to apply formulas rather than to comprehend and respond to the needs of a particular family. In cold words, they tend to be biased. Their primary goal tends to be disposition of cases. Where the parties do not agree, judges tend to rubber stamp mediators' recommendations. Mediators thus escape accountability and gain enormous power to compel settlement on their terms. The whole mediation system imposes on the acculturization of women to go along and of men to stand up and fight.

Were a legal architect tasked to design a family law system, we would hear all the outward signs of equal justice under law, but instead of cylinders we would produce something much like what California has today. It combines delay, judges' biases, devaluation of the prac- tice, bogus economic premises, economically restrained access to counsel, and deprivation of credibility with stand-in mediators. These guarantees of mediation so well one wonders if it was consciously created.

Under that blindfold, Lady Justice still sheds tears.

Charles A. Bird is a partner in the local law firm of Luce, Forward, Hamilton & Scripps. 

Family Law

The battle of the sexes rages daily in family court, and women usually lose. Ivana Trump's living soap opera lacks credibility to the myth of a family court where men get soaked. In the typical middle and working class divorce, the man gets the elevator and the woman gets the shaft.

Family justice is devalued justice. Family lawyers suffer the image of not-ready-for-prime-time players, despite the high stakes in the game they play and the court's decision. And as a
LRC declares war on research with 'Rambo' videos

by Franklin A. Weston
Senior Reference Librarian

This year the Legal Research Center is providing the opportunity for the first year students in Law School to see the Commando Legal Research video tapes. A set of six tapes, each about one-hour, surveys different "weapons" in the legal research arsenal. They were filmed at U.C. Berkeley by Professor Robert C. Berring, who, as Professor of Law and Director of the Law Library, uses this approach and method in teaching his popular and highly successful course in advanced legal research for second and third year law students. The Commando Legal Research tapes are a distillation of the essential concepts and techniques taught in his course.

Bob Berring is co-author of How to Find the Law, Finding the Law, and Practical Approaches to Legal Research. He has spent 15 years working in the field of legal research, so he brings a good deal of practical experience to this effort.

The times for showing the videos are 4:00 p.m. and 5:00 p.m. on Wednesdays in the large class room of the Legal Research Center. All law students are welcome to attend the sessions. These videos are also a good refresher for the second and third years students. The tapes will continue to be shown through November 14. Students who have seen the tape have called them "helpful" in understanding the new language and research tools (weapons) used in law school.

The tapes may also be borrowed from the Reference Department by students and faculty who can then view them at the Media Center, which is open until 10 p.m.

The tapes contain: Introduction to Cases (tape 1), Case Finding (tape 2), Statutes and Administrative Materials (tape 3), Secondary Sources (tape 4), Shepard's and On-line Research (tape 5), and Research Strategies in the final tape 6. Each tape is packed with the in-depth instruction on the tip to toe use of the materials covered with numerous examples and good tips on alternatives sources. Successful taped on Income Tax, Securities Regulations, and International Law are also available for viewing at the Media Center. The Income Tax tape demonstrates the research minefield of federal income tax law.

Securities Regulation gives an overview of the primary sources of the law, then explains the development and codification of the 1933 and 1934 acts. In addition, there is extensive reference and training on using the CCH Federal Securities Reporter. The International Law tape covers the areas of Foreign, Comparative, and International Law, while it reviews the fundamental differences between American Legal Research and International Research. It shows how to use legal treaties, both bilateral and multi-lateral, and explains how sources of international law are organized and indexed.

These "Rambo" tapes are another addition to the beefed-up facilities available to the new class, along with the completed Legal Research Center, three full time Reference Librarians, and double the number of law students. In addition, the teaching assistants (TA's) are strategically placed in the stacks to help students who are temporarily lost while doing their problem sets.

LRC declares war on research with 'Rambo' videos

Mentors

Continued from Page 1
goals of the program are to increase inter- action and incorporate the first-year into the law school community."
She pointed out that oftentimes 1Ls don't know where to go for answers and when an entire class has questions there is more insecurity in the class as a whole. She doesn't feel there is the stereotypical sur- vival of the fittest attitude here at USD, but the program should overcome any such thoughts bringing down the attrition rate of students that aren't sure about their career in law school and decide to drop out. She stressed that, "If you (the first-years) talk to upperclassmen or seek counseling from a dean or the counseling center more knowl- edgeable decisions may be made.

"When signing up for classes in spring, you have someone to give you some an- swers and you can get feedback from someone who has been there. Most impor- tantly, you are generally talking with some- one who has been there... dealing with problems such as parking, financial aid and classes.

The revitalized Mentor Program hopes to increase first-year school activity while furthering the ability of the school to better educate its students. On that level, Dial- ick is currently discussing with both the Alumni Association and the Faculty the possibility of the triad working together to increase the opportunities of exposure to faculty and alumni opinions on questions that are raised in the students' minds.

Not to be confused withPhi Alpha Delta's Big-Brother and Sister Program, the Mentor Program brought back to life should hopefully nurture students to a level resulting in a stronger USD School of Law diploma.

MLK Day

Continued from Page 4
may condemn South Africa's apartheid. But when your parents were your age, we did not live in an apartheid system-- a system in which Martin Luther King Jr. helped end.

Kellen Winslow, a second-year evening student, believes that we should have a day off, "so that each person can celebrate the holiday as they see fit. The city (San Diego) has numerous events to participate in." For Kellen, MLK Day has personal meaning: "My father... the first bus driver of color" in Evan St. Louis in the 1950s. My mother was the first black person to work in the law office in St. Louis. She worked quite a bit. She couldn't go to some meetings, but not others, depend- ing on the client. My grandmother was born in 1877, and her life was shaped by the Reconstruction. She lived to be a 100 years old, and she told me what life was like back then. The life and death of Dr. King has allowed me to do what I do today. I have opportunities that my parents and grandparents simply didn't have."

Kellen points out that, "All people should be thankful for Dr. King's accomplish- ments, as he was a steady force in this country at a time when the country could have moved in a different direction in a way civil rights were obtained. We could have had a militant leader who would have taken this country into urban chaos, and many people would have died."
All we have to do is think about South Africa to understand what Kellen means.

Austin Dove, a second-year student and vice-president of USD's Black Law Stu- dent Association, feels MLK Day should be recognized at USD because "the holi- day is a recognition by the country of the oppression that existed before the civil rights movement. Many whites seem to think that this holiday is for blacks only."

MLK Day is for all people. Racism has decreased, and there are more opportuni- ties not only for blacks but all minority groups such as women and Latinos. This is in large part due to MLK's sacrifices, which led to the passage of the civil rights bill last 25 years ago. Because these groups now have better opportunities to main- stream society and industries, and assume positions of leadership, our country gains strength from our more effective use of human resources."

Austin adds that ethnic and gender dis- crimination still exist, and that we should commemorate MLK's achievements to remind ourselves that civil rights is a con- temporary issue and that the battle isn't over. David Duke (former Grand Dragon of the KKK) was being elected as the Republi- can nominee for governor of Louisiana--a frightening example of Austin's point.

The USD Law School's decision not to observe MLK Day also reveals the Administration's lack of a future outlook. I don't think the Administration understood the importance of the holiday. The Administration didn't intend any nega- tive message, by its actions the Administra- tion is going to other law schools, to law firms, and to the San Diego community, that it doesn't be- lieve in MLK Jr. and what he did.

Given the importance of this holiday, it is a message that should be embarrassing to us all.

Assistant Editor's note (Kimberly J. Wind): Seldom should one skirt an eloquent and well written editorial with similar sentiments. However, I don't find the lack of recognition by the Administrations embarrassing at all. I find it outra- geous and insulting. During the days of the Civil Rights movement, passionate stu- dents with a future outlook and yearn for justice and equality would gather together and protest the Administration's activities or "omissions" that were counter produc- tive to the foresight of these hopeful souls. Unfortunately, life in the world of universities; students often take for granted that recent generations produced. Some of the more civic minded individuals at USD were quoted within Bob's article. They pointed out that Martin Luther King Jr.'s Day is a holiday for all, and that some of the problems that Martin Luther King gave his life for still exist today. I refuse to give up the battle, and a small number of us are appreci- ation and my determination to continue the struggle will be to observe Martin Luther King Day and to partake in any activity that will overturn the current Administration's lack of a future outlook. I have included a passage from Dr. King to replenish our memories with the brilliance of this man.

"I have a dream that one day this na- tion will rise up and live out the true meaning of its creed...that all men are created equal."

...I have a dream that one day even the state of Mississippi, a state sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice."

...I have a dream that my four little children will one day live in a nation which will not be judged by the color of their skin but by the content of their character..."

...I have a dream that..."

...And if America is to be a great nation, then it must become true.
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USD Moot Court Board

USC Moot Court features moot court heavy hitters

by Brent Neck and Polly Halsha

For the first time in the history of the University of San Diego, the School of Law will be hosting a National Criminal Procedure Competition. Some of the nation’s most reputable law schools’ teams will be participating in the tournament. The contest will be held on October 26-27.

The participating teams include:
- University of Florida School of Law (2 teams)
- Florida State University (2 teams)
- California Western School of Law

The competition promises to be very exciting. Judge Richard Huffman, United States Attorney Carol Lamb and Clifford Fishman from Catholic University in Washington, D.C. are scheduled as the final judges.

The inaugural program focuses on two controversial issues. The first is the constitutionality of the “roving wiretap.” The second issue involves the constitutionality of allowing a witness to testify behind a screen, thereby precluding face-to-face confrontation.

Preliminary rounds of competition will be held at the San Diego County Courthouse starting at 6 p.m., on Friday, October 26. Quarterfinal and semifinal rounds will also be held at the Courthouse. Quarterfinals start at 11:00 a.m. with semifinals beginning at 2:00 p.m.

Final arguments will be heard Saturday, October 27, at 6 p.m. in the Grace Courtroom on the third floor of More Hall. The competition is open to the public.

PMBR Review is the sponsor of this year’s competition.

Anyone interested in acting as a譬如n should contact an Appellate Moot Court Board member. The office is located in the Fletcher Reception area on the first floor of More Hall.

L.A. moot court contest awaits National Moot Court Team

The 1990-91 Moot Court National Team will be competing in the “National Moot Court Competition,” being held in Los Angeles on November 9-10.

This year’s National Team is comprised of Steve Warner, Gayle Thorne, Lisa Greedon and Brian Hackley. According to Moot Court Chairman Brent Neck, “This year’s team is one of the best national teams that the school has had in years.

Varco captures Law & Motion, judge impressed with finalists by Brad Weinreb

The Honorable James Milliken of the San Diego Superior Court leaned back and exclaimed, “I can’t decide -- they were all terrific.” Such was the reaction regarding the level of oral arguments of the four Law & Motion finalists, from a man with a reputation for being tough and challenging.

The 1990 Law & Motion competition, with its new format of win-loss record and one judge per courtroom (yes, like true Law & Motion practice) provided the best overall advantages for the final rounds. This year’s group was especially challenging.

With 37 competitors, it represented the largest number of any Law & Motion competition, with a surprisingly large number of third years deciding to fight academic envy.

The final victor in Milliken’s court was Suzanne Varco. Second place as well as Best Responding Papers went to Victor Barr. Third and fourth place finalists were Arlene Speiser and Michael Tunink respectively. Chico Marty was honored as Best Oralist while Charles Kimmel was awarded for Best Writing Papers.

The Jessup International Law Competition is the next intra-school contest.

ABA-LSD programs, projects available to members

by Cheryl Forbes ABA/LSD Representative

Every Fall, the ABA Reps and SBA Presidents from each school in the ABA Ninth Circuit, which includes Southern California, Hawaii and Utah, get together for the “Fall Roundtable.” This meeting is usually run by the Circuit Governor, but since ours was out of state for a family emergency – Governor, I got the honors. But don’t worry, it was manageable.

The USD Chapter Meeting this Thursday, October 18 at 4 p.m., in More Hall 2A, we will discuss the highlights of this meeting – as well as the various events we will be sponsoring on campus. But for those of you who can’t make the Chapter meeting, I’m hoping to inform you through Motion.

Circuit Roundtable

The Fall Roundtable held, September 14-16, in Dana Point, the meeting began with a presentation from PMBR, the bar review course that offers a discount to ABA members. This was followed by George, the ABA Rep from Southwestern School of Law, who spoke on one of the ABA’s community outreach programs – a mock trial presented to local grammar school children. His school has successfully put on a mock trial for local children in Los Angeles for several years and he was able to give us helpful suggestions.

Our own USD ABA/Law Student Division will put on a mock trial for local children in San Diego. The children are invited to participate as jurors, witnesses, prosecution and defense attorneys, who, of course, are guided by community minded law students and professors. If anyone would like to participate in this fun event, please contact me or come to an ABA meeting for more information.

Circuit Halloween Party

ABA/Law Student Division Joint Halloween Party was also discussed. This will be held in Santa Monica on October 26. For further details, watch the ABA bulletin board on the first floor.

Michelle Flook, a USD law student, is Communications Lt Governor for the Ninth Circuit. She was present at the meeting and discussed her plans to organize a Recruiting Tournament. The Competition will be a weekend of golf and tennis. Again, watch the ABA bulletin board for more details.

Anyone who don’t play these sports, you can help me drive the cart.

I presented a summary of the Annual ABA Convention that was held in Atlanta and had a weekend party. The next Annual ABA Convention will be at the University of Georgia, August 7-10. All ABA members are welcome and encouraged to attend.

Our Circuit projects

Also, at the Fall Roundtable, Valerie from USC School of Law spoke about the community projects that the Ninth Circuit plans to participate in as a whole. These include visits to the downtown Women’s Center and the homeless shelters.

VITA programs

The Volunteer Income Tax (VITA) National Coordinator, Kay Hansen, was present at this meeting to explain how each ABA school could offer a VITA program. Patty O’Connor, USD’s VITA Coordinator was in attendance to make sure our program will be effective in helping those who need assistance filing their tax returns.

The ABA is a flexible organization that allows varying degrees of involvement. I hope you can attend the Campus Chapter meetings to find out how far you want to become involved. We will try to hold the meetings on different days and different times so that we can reach all USD law students. In the meantime, watch the bulletin board and use the ABA mailboxes for communication, both on the first floor of the law school.

DON’T FORGET, THE DEADLINE TO BECOME A CHARTER MEMBER OF THE USD CHAPTER IS OCTOBER 31. YOU MUST MAIL IN YOUR ABA LAW STUDENT DIVISION APPLICATION BEFORE THIS DATE. APPLICATIONS ARE AVAILABLE ON THE TOP OF STUDENT MAIL BOXES IN THE RECORDS OFFICE.

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To learn more about the Constitution visit: Constitution, Washington, D.C. 20556. The Commission on the Bicentennial of the U.S. Constitution 41
Conference celebrates Constitutional bicentennials

by Vince Rabago

A regional planning conference for the 1991 Celebration of the Bill of Rights was held Friday and Saturday, September 14-15 here at USD. The conference preceded Constitution Week, which is annually celebrated September 17-23. Friday afternoon marked the beginning of the conference with USD. Professor Bernard Siegan giving the opening remarks in More Hall.

The conference was coordinated by the regional Commission on the Bicentennial of the United States Constitution, with attendance and presentations by state and local members. In addition, various individuals were requested to give presentations. The state, local bicentennial commissions on the Bicentennial are all autonomous units.

The Presidential Commission on the Bicentennial was established to oversee the five-year celebration of the Bicentennial. The Presidential Commission serves as a clearinghouse of information on the Bicentennial and provides support for the various state and local bicentennial organizations throughout the country. The various Commissions promote the annual observance of Constitution Week. Celebration of Constitution Week began in 1955, supported by Daughters of the American Revolution.

The general purpose of celebrating Constitution Week is to enhance the overall understanding of our Constitution and its function in American government and society. Former Chief Justice Warren Burger chairs the Presidential Commission, which has 23 members. Professor Siegan is a member of this commission, after being appointed by President Ronald Reagan in 1986. Appointments to the Commission are not political, with members representing different political ideologies.

Several national staff members attended the conference, arriving Friday morning from Washington, D.C. Chuck Timanus, Deputy Director of Communications for the Presidential Commission, expressed the Commission’s purpose to “inform people as to how the Constitution works and what it really means, both historically and currently.” The national staff members presented various informational materials for use by state and local commissions.

Each year, the Presidential commission picks a commemorative theme for bicentennial celebration. This year, the establishment of the Federal Judiciary and the Uniform Code of Military Justice is the suggested focus. The theme for 1991 is a commemoration of the Bill of Rights.

Although the Commission suggests “bicentennial” commemoration of the Federal Judiciary, Constitutional history buffs will point out that the Judiciary is actually 201 years old. President Washington signed the Judiciary Act on September 24, 1789, but the Supreme Court convened with a quorum for the first time in 1790. Congress sent the proposed amendments which became the Bill of Rights to the states for ratification on September 25, 1789. As you can see, September is definitely the month for second and third year students taking Constitutional Law.

The Uniform Code of Military Justice was approved by Congress in 1950. Prior to 1950, the Navy and the Coast Guard had different disciplinary laws. Military law developed mainly through changes in the Army’s Articles of War. The Uniform Code brought consistency to the Military’s Justice System. The Uniform Code also established the Court of Military Appeals. Decisions by the Court of Military Appeals have broadened the rights and procedural protection of the military accused.

The Friday conference presentations included planning seminars and a slide show by the chairman of the State Commission on the Bicentennial. The slide show covered a two-week tour of many recently “democratized” Eastern European countries. The trip to Europe was organized by Howard Philips, chairman of the Conservative Caucus, a national political organization. The travelers visited with many government officials, politicians and even with political dissidents during the two week period.

Professor Francis Stites of San Diego State University later discussed the Bill of Rights in terms of its contextual Constitutional history. He stressed the importance of the contextual history approach regarding the Constitution and its relation to the Bill of Rights, mentioning the conflict between the Federalists and the Anti-Federalists.

The presentation by Professor Stites was an interesting exposition of the different issues and problems facing the Framers of the Constitution. Professor Stites discussed how various views on interpretation of the Constitution and the Bill of Rights relate to current events, such as the Presidential nomination of David Souter to the Supreme Court. A wine and cheese reception was held at the Hahn University Center after Friday’s presentations.

The highlight of the conference was the Saturday panel discussion on “The Bill of Rights – Critical Issues in the 1990’s.” Panel members included Professor Siegan, the Hon. Douglas Weinburgh (Supreme Court of Justice) and investigative journalist Vici Taft.

The panel discussed many current Constitutional issues, including expounding on the increasing tension between individual rights and the complex problems facing today’s Judiciary. The retired Supreme Court Judge also discussed historical trends involving the Judiciary and made some suggestions such as the “Past Track” system in relation to procedural Due Process.

Issue of First Amendment rights, such as media access to courthouses, were discussed at length by Taft, panel members, and the audience. The different viewpoints by panel members expressed the tension between the freedom of the press and governmental regulation. The media coverage of the recent shootings by San Diego Police officers was a point of discussion regarding the role and responsibility of the media, specifically television coverage.

Professor Siegan discussed the importance of property rights in the Bill of Rights. Currently, Professor Siegan is assisting the Government of Bulgaria in developing a constitution which recognizes property rights. In relation, he discussed current issues regarding Bulgaria’s state of affairs and the need to provide the protection of economic rights.

The audience attending the panel discussion consisted of local teachers, retired military officers, law students, and other interested individuals. Following the conference, various events were held at Balboa Park.

Siegan visits Bulgaria to help draft new constitution

by Mark Brounich

Distinguished Professor of Law Bernard Siegan is currently involved in a project to assist the Bulgarian and Comittee draft and adopt a new constitution that will facilitate Bulgaria’s transition from a communist to a market economy government. At the request of the Bulgarian government the U.S. Advisory team, of which Professor Siegan is a member, was assembled by the National Chamber Foundation, a unit of the United States Chamber of Commerce. The Advisory team’s purpose is to visit Bulgaria and advise it in the reforms needed to be implemented to effect a transition to a market economy, and to draft a constitution which ensures individual liberty.

The U.S. Advisory team is comprised of 18 distinguished members from the public and private sectors, economic research organizations, and academia. Individual members of the U.S. team were responsible for a variety of topics including economic reform, monetary reform, privatization, foreign investment, social welfare and educational systems. Professor Siegan’s responsibilities relate to drafting a new constitution.

So far, the Advisory team has made two separate trips to Bulgaria to consult with Bulgarian officials regarding the necessary changes that are required to effect a transition to a market economy. While in Bulgaria, U.S. team members have met with prominent Bulgarian officials including President Zhelev, who is a member of the Union Democratic Forces, the opposition party; and with Prime Minister Andrei Lukarov, a member of the Bulgarian Socialist Party, which has a slim majority in the Bulgarian Parliament. The U.S. team also attended a session of the Bulgarian Parliament, where the group’s visit was officially recognized.

The Advisory team returned to Bulgaria in early October to present their recommendations to the Bulgarian government and people. Overall, Professor Siegan describes the Bulgarians as having great interest for the National Chamber Foundation project. He describes the meetings that have occurred thus as “important in influencing the future course of Bulgaria.”
Stealth justice brings aura of unknown to Bench

by Mitch Kamin

As recently departed Associate Justice William J. Brennan, Jr. quietly sat and observed the battery-powered October 10, 1990, hearing, David H. Souter was sworn in as the 105th Associate Justice of the U.S. Supreme Court. Brennan served 34 years on the high court before retiring this summer. Health problems, including a mild stroke, plagued Brennan recently.

Prior to the Supreme Court, Brennan practiced law from 1931-42 and 1945-49, served in the Navy during World War II, and sat on the benches of the New Hampshire Supreme Court. For years he lead the liberal wing of the court, fashioning many of the significant Supreme Court opinions handed down during his tenure on the bench.

Of late, Brennan had become known more for his dissenting opinions as the Court has shifted to the right. With the departure, Brennan leaves Thurgood Marshall, Harry A. Blackman and occasional William J. Brennan, Jr. as the only liberal justices on the liberal agenda. With both Marshall and Blackman in their 80's and Stevens in his 70's, it appears likely that a conservative viewpoint will increasingly color the forthcoming opinions of the Court.

Very little was known about David H. Souter prior to his confirmation hearings and two days before the store owner's death. Souter's past legal record also did not give a clear indication on how he stood on many of the current issues. Both liberal and conservative senators and lobbying groups moved to shape his views on the issues.

Most vocal were groups advocating and opposing abortion rights. Planned Parenthood's president, Nancy Kassebaum, urged the Senate Judiciary Committee to vote against Souter's nomination because of his failure to take a stand on the abortion issue.

At the same time, some leaders of conservative lobbying groups expressed concern that Souter might vote in the direction of his predecessor, Robert H. Bork. During the confirmation hearings in which he was eventually rejected, Bork defined the constitutional principle that Supreme Court in 1973.

Stealth justice brings aura of unknown to Bench

The controversy continues, both in the courtroom and in the legislative arena. As recently departed Associate Justice John Paul Stevens, who authored the majority opinion, noted that the Supreme Court may revisit the issue of obscenity in the near future. If so, the issue of government censorship may also be visited.

The debate over obscenity and censorship of the arts has flooded the courtrooms of the United States over the past few months. The controversy has centered on organizations such as the American Civil Liberties Union and others that have petitioned to have material expunged and others that have petitioned to have material expunged and others that have petitioned to have material expunged. The list of contributors to this volume includes scholars of the arts such as Richard H. Kamen, New Hampshire Attorney, renowned artist, and almost-Supreme Court, newly confirmed Associate Justice Robert H. Bork. The testimony before the Senate Committee to vote against Souter's nomination was essentially a determination of when school districts must be made. Only females with medical certification that they are infertile may be employed. The case centers around a Milwaukee battery manufacturing plant in which the exposure to lead in the production of October 10, 1990, hearing.

The 7th Circuit Court of Appeals supported the company holding that the policy was a business strategy. The defendant's initial brief was a "bona fide occupational qualification" for the job. A special investigation board, Board of Oklahoma City Schools vs. Dowell, argued prior to Souter's swearing in ceremony with Chief Justice William Rehnquist to decide whether federal regulations prohibiting the dissemination of information about abortions at clinics violate free-speech rights.

With the diverse cases now before the Court, there is no telling what Souter's positions on the various issues will gradually become known. It is unknown what Souter will say based on the testimony, he will act predictably or sur- prise and possibly all that was earlier seen as a non-issue. After all, a frequently forgotten fact is that liberal advocate William J. Brennan, Jr. was appointed as a conservative Republican President Dwight D. Eisenhower.

Handbook provides look at all aspects of 1st amendment

by Charles D. Hruntin


Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances. First Amendment.

This is how the Bill of Rights begins and so does this volume dedicated to the most recent developments in the area of first amendment law. The list of contributors includes former Solicitor General Charles Fried, renowned voice of first amendment defense, Village Voice columnist Nat Hentoff, and almost-Supreme Court Justice Robert H. Bork.

In this third chapter entitled, "Free Speech on Campus," was an article by Nat Hentoff. The article, "Flexing Muzzles: Free Speech on Campus Is Being Attacked from an Unlikely Direction - the Left," pointing out that various codes of forbidden speech have been enacted at numerous locations, including the University of California, University of Wisconsin, and New York University Law School.

The flag burning section is interesting by reason of its sources. Three of the submissions are testimony of retired judge Robert H. Bork, former Solicitor General Charles Fried, and Duke University professor Walter Dellinger. The testimony was before the Select Committee on the Judiciary, United States Senate, Washington D.C., Concerning Constitutional and Statutory Responses to the Supreme Court Decision in Texas v. Johnson. The fourth entry was an amicus curiae brief for in Texas v. Johnson, on behalf of renowned artists sharing "an intense concern that a government not be permitted to bar or to impose criminal penalties for expression through use of a flag or its image. . . ."

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Included in the third chapter entitled, "Free Speech on Campus," was an article by Nat Hentoff. The article, "Flexing Muzzles: Free Speech on Campus Is Being Attacked from an Unlikely Direction - the Left," pointing out that various codes of forbidden speech have been enacted at numerous locations, including the University of California, University of Wisconsin, and New York University Law School.
Halloween Party
Brought to you by SBA and Kaplan bar review

Wabash Hall
Saturday, October 27
8:30 p.m. - 12:30 a.m.

Music
by

Modern Zoo

Costume Contest

SHUTTLES PROVIDED

10 Kegs, Beer, Food, Dancing, Fun
Harborside benefit looking for runners, walkers & volunteers

Home of Guiding Hands assists, homes disabled

The Fourth Annual IDS San Diego Harbor Run & Walk will be held along the downtown waterfront on Sunday, November 18, 1990, at 7:30 a.m. Runners and walkers will have their chance to help the developmentally disabled in a big way when they enter and support the Home of Guiding Hands, a residential facility for the developmentally disabled.

This very special run, walk and party will feature entertainment by a Dixieland jazz band. A drawing will be held to give away prizes, including a mini-vacation, Bagheera Sailing Adventures, Reuben H. Fleet Space Theater passes, Mimi Theater discount passes and San Diego Aerospace Museum passes to name a few.

The Run & Walk will start and finish on the boardwalk in the Embarcadero Marina Park at the foot of Fifth Avenue. Available refreshments feature freshly made chili in a beautiful tent. Coffee, soft drinks and Gookinaid aid stations will offer fuel along the way.

Just for entering the event, all participants will receive a distinctive T-shirt with a nautical artwork, 2-for-1 admission to the Star of India and the Berkeley, coffee samples from Farmer Brothers, free Bullfrog sunblock and Uptime. This benefit Run & Walk is sponsored by IDS Financial Services, an American Express Company, and co-sponsored by Higgs, Fletcher and Mckinney, Attorneys at Law, as well as the Rowing Club House.

Beginning last year, the Mohr family instructed the school to supplement the law school intramural budget with a $500 annual donation. Tournament Chairman Lew Muller described the fund after last year’s tournament as “the only athletic scholarship given at a law school.” Besides the intramural donation, the Mohr Athletic Scholarship gives financial assistance to students in need that have participated in the Intramurals program and have exhibited sportsmanship on the field. Muller pointed out that “that was much of Michael’s nature.”

This year’s tournament is scheduled for Friday, November 2. Check-in begins at 8:00 a.m. followed by a shotgun start at 9:00 a.m. (Students [includes June 1990 graduates) entrance price has dropped to $45 from the previous tourney’s $50 entry fee. Alumni and non-students are $75, while faculty may play for $60. Entry fees include green fees with carts, on-course beverages, door prize tickets, tee prizes and food.

Past tee prizes have included trips to Las Vegas and golf equipment for winning in the Closest to the Pin, Long Drive and Best for Birdie competition. Alumnus Mike Zybal will return trying to climb the hill after finishing in the Championship Flight the past two years. Intramural Czar Rod Curbelo should also be a golfer to watch as he finished in third place of the first flight with an adjusted 69. Scoring is calculated on the Peoria Handicap System.

Entries can be placed through the Alumni Office or by contacting Alumni organizers Law Muller, 442-6662 or Mike Zybal, 260-9883.

The tax law allows a charitable deduction for the difference between the gift and the fair market value of any materials, benefit or service received or expected from USD. The market value of the benefit to entrants, including guests, for the Michael Mohr Golf Tournament equals $48.00.

For more information or to register contact:
Lew Muller 442-6662
Mike Zybal 260-9883
USD Law School Alumni Office 260-4692

1990 Michael Mohr Memorial Golf Tournament

Radno San Diego’s Ivanhoe Golf Course
Friday, November 2nd
Check-in 8:00 Shotgun Start 9:00

Entry Fees: Alumni/Non-students $75
Faculty $60
Students $45

Green fees, cart, on-course beverages, door prize ticket & Food included in entry.

CPII-backed director doctor discipline bill earns governor's signature from the CPII Office

On September 30, Governor Deukmejian signed Senate Bill 2375 (Presley), a bill which strengthens the physician discipline system of the Medical Board of California. The bill was drafted, sponsored, and successfully lobbied by USD’s Center for Public Interest Law.

The Medical Board is the state regulatory agency which licenses and regulates California’s 70,000 physicians. One of its responsibilities is to receive, route, investigate, and prosecute consumer complaints against incompetent, impaired, or dishonest doctors. The Board is responsible for revoking, suspending, or limiting the licenses of unqualified physicians.

The Board’s recent enforcement record has been dismal. During 1987-88, 715 California physicians and health maintenance organizations (HMOs) were adjudged liable for malpractice or agreed to malpractice settlements in excess of $30,000; 249 California physicians had privileges to practice in hospitals revoked; and the Medical Board received over 6,000 complaints from patients about their physicians. In that year, however, the Medical Board disciplined only 12 physicians for incompetence, and revoked a grand total of 27 licenses.

In April 1989, the Center for Public Interest Law--USD’s regulatory agency watchdog--released a critical report entitled Physician Discipline in California: A Code Blue Emergency. The report generated nationwide publicity and resulted in the introduction of state legislation to improve and enhance the quality of the Medical Board’s disciplinary process and decisionmaking. Senator Robert Presley of Riverside sponsored SB 2375 which was now signed by the Governor and effective January 1, 1991.

Some of the more significant provisions of the bill would accomplish the following:

* Enhance and improve required reporting of suspected incidents of physician incompetence or negligence to the Medical Board, for tracking and investigation by the Board as appropriate; for example, the bill requires coroners to report felony charges against physicians and to transmit certain felony preliminary hearing transcripts, court clerks to transmit conviction records, and probation officers to submit probation reports on physicians to the Board;

* Create a special unit within the state Attorney General's office to handle Quality Assurance Section, headed by a chief prosecutor and staffed by a group of attorneys to conduct investigations into handling medical discipline cases;

* Create a special panel of administrative law judges within the existing Office of Administrative Hearings, which would preside exclusively over medical discipline cases (instead of hearing a variety of professional discipline cases emanating from the boards and bureaus within the Department of Consumer Affairs);

* Authorize the special judicial panel to issue interim orders preventing a physician from practicing pending the conclusion of the disciplinary proceeding, where the evidence and circumstances so justify; and

* Increase the penalty against hospitals and medical facilities which fail to report adverse peer review action (FOR EX- AMPLE, revocation, suspension, or denial of hospital privileges to a physician) to the Medical Board, and the State Board of Health.

Along with drafting and urging passage of SB 2375, CPII persuaded the Medical Board to create a centralized complaint intake system with a statewide toll-free hotline (1-800-MED-DO-CA), professional computerized complaint intake system.

This bill takes another step toward the way of an acceptable system,” said Professor Robert C. Pellom, Director of the Center. "Many of the disciplinary reforms the State Bar has adopted did not survive the intense opposition of the California Medical Association or legislate the Medical Board to this bill. However, we shall be back next year, and the year after, if necessary.”

The Center for Public Interest Law, which is celebrating its 10th anniversary this year, is a combination academic clinic program, public interest law firm, and lobbying/advocacy organization. The group’s goal is to make the regulatory functions of the state government more efficient and more viable by serving as a public monitor of state regulatory action. CPII monitors approximately 70 state agencies which regulate business, trades, professions, and the environment. USD students usually be CPII during their second year of law school, by taking California Administrative Law and Practice attending board meetings of their assigned agencies, and writing articles for CPII’s quarterly journal, California Regulatory Law & Reports.
Campus Ministry has much to offer law school community
by John Altomare

The Department of Campus Ministry at USD serves the religious and spiritual needs of the campus community. The Law School and graduate student Community, including the USD Graduate Law Program, Religious Studies/Theology, Psychology, Business, Nursing, and Education — are fortunate to have an excellent campus ministry staff devoted solely to the service and needs of the more mature graduate community. This office, Law & Graduate Ministry, is located in the Hahn University Center (UC), Room 238, and is headed by Sister Carlotta DiLorenzo, CSJ. However, before discussing the activities particular to the Law School, it is probably best to begin with a brief introduction to the overall campus ministry services available at the University.

USD Campus Ministry Services offered to ALL students/employees

In addition to serving its own Catholic community, the Office of Campus Ministry attempts to serve, in some degree, the spiritual needs of all students attending USD. For instance, a Rabbi maintains close contact with law and grad campus ministry and is on call and referral by that office to serve the needs of Jewish students, their spouses and immediate families. Both Campus Ministry and Jewish Law Students occasionally host announcements of interest to the Jewish Community in the Law School; these announcements most often refer to events sponsored by the San Diego Jewish Community.

Although non-Judaic-Christian faiths are not represented by the Office, it is likely Campus Ministry has the resources and contacts to link up a student with her respective faith community within the local area of San Diego/Southern California. Also, non-Roman Catholic Christians are certainly encouraged to attend Bible Studies, seminars, lecture series and prayer services sponsored by USD Campus Ministry. Campus Ministry often conducts ecumenical meetings between various Christian and Jewish sects, including sponsoring lectures, seminars, movies, and community service projects produced by the efforts of a coalition of religious and social organizations.

All students are encouraged to participate in the various community service projects sponsored by Campus Ministry. These charitable and service activities include: the Candy Walk, the October 14 fund-raising walk sponsored by the Interfaith Council in order to raise money for charity-related hunger projects; the "Tijuana Shelter Project," in which USD students volunteer to build shelters for children living in Tijuana; serving the homeless in various Downtown soup kitchens and shelters; teaching in adult literacy programs; fasting for a Day of Fast, November 15, 1990, in order to focus attention and raise funds toward the problem of world hunger; and other diverse programs. As busy as law school students are, perhaps we are underrepresented at some of these on-day events and even some of the long-term service projects as well.

Just as importantly, students of all faiths are encouraged to take advantage of the pastoral counseling services offered through campus ministry. Whether one is struggling with the stress of school, employment and financial pressures, depression, the loss of a dear friend or relative, a problem with a relationship, or some other personal difficulty, experienced and caring counselors at campus ministry can help.

In addition to these personal counseling services, USD provides specialized counseling services to those suffering from alcohol and drug abuse, and, a Grief Support Group, which offers peer support, education and compassionate outreach to members of the USD Community who experience grief and bereavement. With respect to her counseling ministry, Sister Carlotta finds she is visited by many law and graduate students, ranging from those who just have a need to talk to a friend to those who are experiencing real difficulties; Sr. Carlotta recommends that individual drop by UC and make an appointment or call her at extension 444S, Graduate and Law Ministry.

Catholic Law & Grad students celebrate mass each Sunday evening at 7 p.m. in the law school. Students soon hope to move the mass from the main lobby to the newly refurbished Law Faculty Lounge.

Catholic campus activities on campus filled with rich experiences

The predominant role of Campus Ministry is to foster a vital Catholic community on campus: a community that worships together, works together, and where individuals interact with one another socially, and reach out to each other in friendship in order to share in Christ's joy and Christ's sufferings.

Charlie Sabatier, a second-year day student, his wife, Peggy, and their three children, are a testimony to the celebration of life and joy experienced by the Catholic community on campus. Last year, in the midst of a difficult first year of law studies, this wife gave birth to triplets. Father Jay Brady, Associate Chaplain of Campus Ministry, recently visited the Sabatier home in order to plan the baptisms of the three babies, Danielle Marie, Caroline Louise, and Charles Joseph. Wearing a beaming smile that belied his tiredness, Sabatier said rather elatedly that he looks forward to the fact that the baptisms will occur in a faith community consisting of peers and friends with whom he practically lives and works with daily over the course of a three-year law school career.

Campus Ministry along with the Catholic community at large on campus is happy to celebrate the sacraments of baptism and marriage for students who are present and active in the life of the faith community.

It should be noted here that USD is also supportive in the sad times surrounding the death of a member of the campus community; and, as it had done in the past, Campus Ministry will conduct the Rite of Christian Burial, the funeral mass for Catholics, or a memorial service whenever this need should unfortunately occur within the university community.

Daily and Sunday Liturgies (Catholic Mass/Worship Services)

Campus Ministry administers the on-campus Immaculata Church offer daily liturgy and worship services which enrich one's daily life, and grants the busy student a time to pause for a moment of reflection, prayer, and again, to allow or "treat" that individual to celebrate the glory of God and share wonderful faith moments with friends. Every weekday, mass is celebrated at Founders Chapel, located in Founders Hall, at 7 a.m. and 12:15 p.m. Also, a priest from Campus Ministry makes himself available to hear confessions, the Rite of Reconciliation, for one half-hour each day before the 12:15 mass.

The Immaculata, a church for the parish community of the surrounding Linda Vista neighborhood and not part of the university's Campus Ministry, holds daily mass each weekday and Saturday mornings at 8:00 a.m., and Sundays for the undergraduate students, two masses are held in Founders Chapel, the first at 5 p.m. and the latter at 7 p.m. The Immaculata community celebrates Sunday Mass at 9 and 11 a.m., as well as a Saturday Evening Vigil at 5:15 p.m. However, Catholic Law and Graduate students, and those law/grad students who are of other Christian denominations or others potentially interested in observing Catholic liturgy, are strongly encouraged to attend the 7 p.m. Sunday Mass held at the Law School.

RCIA: Non-catholics invited to learn more about Catholicism

For those students interested in learning more about Catholicism, or considering converting to Catholicism, Campus Ministry offers such experience and instruction in the Church program known formally as the Rite of Christian Initiation of Adults (RCIA). Interested persons should contact the Office or bring up the matter with a fellow student who is a practicing Catholic.

Also, Catholics interested in sponsoring a candidate in the RCIA program should contact the Office; as a sponsor, the person sees

See Campus Ministry on Page 13

School of Law represented at National CLS convention

(Santa Fe, New Mexico, Oct. 7) — A four-day conference of law students from across the United States has just concluded here in Santa Fe, New Mexico. John Sullivan, a second-year evening student, represented USD at the gathering of approximately 160 students from approximately 107 law schools throughout the country. The conference, billed as the National Student Leadership Conference, was sponsored by the Christian Legal Society (CLS), headquartered in Chicago.

Sam Erickson, Executive Director of CLS, said, "You students are part of history in the making, as this is the largest, most diverse representation of law school students and law schools ever assembled." Glennville Baptist Conference Center, situated at 7,500 feet in the mountains, served as the site for the conference, which was combined with CLS annual National Conference of Christian Lawyers.

Highlights of the four days included plenary sessions about integrating faith and the practice of law, a five lawyer panel on law and religious freedom, and a series of vignettes based on "Romans into Art," by CLS Executive Director Erickson.

Students participated in small group Bible studies, praise and worship services, sharing and testimony time, and late night songfests of worship to God. Sullivan said, "It was really an encouragement to me to see experienced and highly-placed attorneys, judges and law professors who work very hard at their jobs as well as at practicing their religious faith in a normally godly profession. Seeing them encouraged me to work harder at integrating my faith in my law school experience.

Because of the financial support of several benefactors, one representative of each law school was able to attend at no cost, the entire bill for travel, food, and lodging having been paid for with donations. Sullivan, along with several other USD students, is planning to reorganize the USD Chapter of the Christian Legal Society, and welcomes participation from all students.

A chorale group sings praise at a recent Law Mass in the More Hall main foyer.
Campus Ministry
Continued from Page 12
will provide prayerful and instructional support. But the goal is not just
learning more about life in the Church.
The SCIA program extends over several
months and concludes on or near Easter
Sunday with the sacraments of baptism
and first communion of the Holy Eucharist
being conferred on those who choose ulti-
mately to convert.
Campus Ministry Staff
All the programs and services discussed
thus far are offered by either or both of
the two locations which house the Depart-
ment of Campus Ministry. The office of
the Director of Campus Ministry, Fr. Michael
J. McKay, is located in Founders Hall
F191, in front of Founders Chapel, phone
260-4735. More germane to the needs of
the law student, however, is the already
noted office of Law and Graduate Minis-
try, staffed by Sr. Carlotta, and located in
UC 238.
Sr. Carlotta, CSJ, has been ministering
to the law community since 1985. Sister
Carlotta is an excellent speaker and
lecturer, and conducts several retreats each
year for USD and other religious groups
and institutions. More importantly, she is
a warm and friendly person and a good lis-
tener.
Many at the law school—students,
faculty and staff—are her friends. She is
pleasing, easy to get along with and easy to
work with," says Verna Denney of the
Record Office. "A remarkable person
and a good friend, I find that the students
like her very much as
well." "In fact," Verna
continued, "I recommend her to
to her all the time. She is always there to
help them, always available; often these
same students return and tell me how help-
ful and friendly Sister Carlotta was to them."
In addition to Sr. Carlotta, the law stu-
dent may want to meet Father Jay Brady,
J.D., L.L.M. (Tax). A welcomed new arri-
val to the campus, he fills the important
role of assistant chaplain. He is also
located at the UC Office, Room 283, phone
260-6818. Law students are equally
encouraged to visit with Father Jay to
discuss any pastoral concerns. Father Jay
is a lawyer himself and knows personally
the benefits and downs of life at Law School.
He received his J.D. in 1997 from Rutgers
University School of Law-Camden, and is
also a USD Law alumnus, receiving his
L.L.M. in Taxation in 1983. Fr. Jay prac-
ticed finance, bankruptcy and tax law in
New York and later in Southern California
for several years, and taught Business Law
courses at California State University,
Northridge and Mirra Costa College, Del
Mar, before embarking on his studies for
the priesthood.
As noted above, and as an example of
the love and service God and our pastoral
association express with the law community,
Fr. Jay is presently assigned to the associ-
ate chaplain experiences with the
law community, Fr. Jay is presently
assigned to the associate chaplain
experience to have his tripllets baptized
within USD Campus Ministry. You can
contact Fr. Jay by attending the 12:15
mass daily held at Founders Chapel; Fr.
Jay celebrates mass there on Mondays and
Wednesdays. He is also the Columbia
altar server. "I look forward to meet-
ing more of the law school community," he
added. "It's very present, and a good friend.
I find that the students like her very much as
well." "In fact," Verna continued, "I recom-
"she is especially interested in ministering
to both law students and practicing law-
years. Talented singers also step forward on
occasion to lead singing through the liturgy
with musical accompaniment) and hears con-

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Women's Law Caucus

Group strives to bring various speakers, issues to campus in monthly meetings

by Shawn Randolph

The USD Women's Law Caucus is active again this year on campus. Women's Law Caucus has so far held a membership meeting and their monthly meeting for September which presented two women attorneys from Gibson, Dunn & Crutcher speaking on interview techniques and how to get a job.

The October meeting, which will be held on Tuesday, October 23, will feature Lynn Shenk, a prominent and very active San Diego attorney. She will speak on women in law and politics in San Diego and generally. For November, the featured speaker will be Virginia Nelson, president of the San Diego County Bar Association. On November 13, she will speak on gender discrimination in the law. All meetings are held at noon on Tuesdays. Watch Sidebars for further details.

Special events

USD Women's Law Caucus is also sponsoring the USD Women's Law Caucus' 20th Anniversary Luncheon. This Thursday was the first annual "Celebration of Women in the Law." The group held a luncheon and a raffle process for students, faculty, alumni, and attorneys in the community.

Dean Strachan attended and welcomed everyone; the event was a great success.

For the month of November, Women's Law Caucus is sponsoring a seminar on how to make an effective presentation. The group has employed a professional to come and conduct this seminar, which will be geared toward effective speaking and presentation in the courtroom. This event is open to the entire school, and no registrations are necessary. Slip a note under the Women's Law Caucus door expressing your interest if you are interested in attending.

The seminar will be held on Saturday, November 10. November is also the month of an annual holiday food and clothing drive for a local shelter. Watch for the boxes on the bottom floor of the school starting November 1.

Next semester watch for more monthly meetings with interesting speakers to be announced, and possibly a large speaking event in the end of January. Women's Law Caucus is also planning to open its annual holiday food and clothing drive for a local shelter. Watch for the boxes on the bottom floor of the school starting November 1.

I think 'The Nutcracker' concerns childhood, Mahon reflects. "It celebrates the power of human imagination which children have in abundance. To make it so sophisticated snuffed the charm of putting the power to make people happy at Christmas.""

One of the strengths of this holiday production is the technical blend of dancing, costumes and scenery in a magical fantasy. The fanciful sets, including a Christmas tree that grows, are the work of Catherine Hand, Lawrence Kane and Dave West. Hand and Mahon designed the exquisite costumes made by Flora Jennings and Ruth Small.

Special features of matinee performances are the Sugar Plum Parties. Refreshments are served, Santa comes for a visit, and there are photo opportunities. "It celebrates the power of human imagination which children have in abundance. To make it so sophisticated snuffed the charm of putting the power to make people happy at Christmas."

FIGHTING SALMON (15-5): You gotta admire those crazy fish. Despite a serious "ick" problem and despite losing their only large-mouthed bass, this squad has somehow managed to attain mediocrity. Keep up the good work guys, we'll be converters by now.

TAKING IT DEEP (15-1): This team believes that it is better to receive than to give (see Novikov). But unfortunately for this hapless team their spiritual leader, as well as any other power player on their side, will be fishing for the California Ballet Association. Information is available by calling 278-TIXS or 560-5674.

BRUTUM FULMEN (26-1): At least the Salmon figured out that it's just not cool to name your team after some abstract legal term. Unfortunately for this hapless bunch, lack of creativity is their strong point. If you're down to your last dollar, buy a mondo Snickers bar and pocket the change, but don't waste it on this lame bunch.

SIT ON MY BASE, PITCH (25-1): This squad is an inspiration to weekend athletes across America. Even though their roster is composed largely of Planet "B," they have somehow managed to earn the respect of the rest of the league. P.S. Steve, thanks for the cash.

ORAL ADVOCATES (45-1): Another incredibly creative bunch (see Name). These guys may be slow, but intelligence isn't everything. After fighting last season, this squad has appeared out of nowhere to lend new meaning to the word "mediocre." The Good news is, every body makes the Playoffs.

BROWN'S BOMBERS (55-1): As the inimitable Dick Engberg would say, "OH MY!" This computer has a policy against saying anything, if it doesn't have at least one nice thing to say.

WSU (60-6): The "Other," other schools team has fallen on hard times lately. A severe injury to John Richards has cost this team their spiritual leader, as well as any possibility of competing for the title. Hang in their guys, things are bound to get better.

ATHLETICS (59-0): Don't get exci ted, the computer just ranks first-year teams alphabetically. Once again the first year of law school has taken its toll and turned virtually normal people into "Law Geeks." "Remember when you were well adjusted?"

KILLER BEES (39-0): For years and years, scholars have been predicting that these insects would wreck havoc upon reaching the North American continent. However, these bees can even sting a large, slow-moving white mare. Moreover, they seem to be incapable of figuring out what the large, slow objects are used for. Look at the big size...
Events... On and around campus

On Campus

October 16: Student Traffic Court, UC 220, 11:30 a.m. - AS Speakers Bureau Forum. Looking Back, Driving, Forum A, B, 7:00 p.m. Featured speakers included the Honorable David W. Ryan, forensic expert, Mary Alcoa and victim's assistant Debra Nelson.

October 17: Wednesdays at the Grill, 6:30 p.m. Berkeley Awareness Week, UC 107, 8:00 p.m.

October 18: Volleyball vs. Gonzaga, Spectator seat $2.75. Thursday Night Happy Hour: Lark Concert, UC Forum A/B, 9:00 p.m.

October 19: LAST DAY for CALIFORNIA MPRE registration without late fee. .. Film Forum: Hunt for Red October, UC 107, 7:00 p.m.

October 20-21: Outdoor Adventures: Mountain Bike Adventure Weekend

October 21: Film Forum: Hunt for Red October, UC 107, 7:00 p.m.

October 25: Lunch Presentation: Michael Perlman of New York Law School will talk on the subject of "Cognitive Dissonance in Law and Psychiatry."

Off Campus

October 27: Fourth Annual Multiple Sclerosis Society Benefit Auction: Red Lion Hotel in Mission Valley, 6 p.m.


November 2: Michael Mehr Memorial Golf Tournament, Ranchon San Diego, 8:00 a.m. Check-in.

Revival of Speaker's Bureau starts with debate

by Kimberly J. Wind

A new emphasis will be given to the SBA's long maintained Speaker's Bureau. The once-trivial suburban subdivision will be given new life. Ben Johnson has been the driving force of the Speaker's Bureau and plans on beginning with a roundtable faculty debate on the issue of minority recruitment at law schools.

The planned format will include members of the faculty debating for and against minority recruitment, an impartial judge to monitor the debate, responses to situations, socratic method and application of knowledge to hypothetical posed. Moral and legal questions on preferential treatment of minorities and how to redress past mistakes will be some of the highlights of the debate. At the end of the intellectual soiree, students will be allowed to ask questions and openly debate.

Faculty response to this join debate has been sluggish, and the Administration refuses to participate. However, the professors who have tentatively committed themselves to the debate should provide in depth information and insight, as well as an entertaining adversarial bout. The success of this debate will help determine the schedule of future Speaker's Bureau sponsored debates.

Besides organizing debates, the Speaker's Bureau has another integral function: the organization of speakers on campus. The Speaker's Bureau monitors which speakers will be coming to the University of San Diego and what topics they will be covering for both the undergraduate and graduate student body. This task helps facilitate maximum funding of and diversity of ideas by preventing duplication of speakers and topics among the various organizations on campus.

The Speaker's Bureau also solicits organizations to cosponsor or encourage attendance for each other's debates on campus. The Speaker's Bureau may also solicit questions about the debate for students who want to ask questions the debate in this survey is being taken by the students, faculty, staff and other members of the community.

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San Diego County Bar expands "Ask a Lawyer" program

by Kimberly J. Wind

Below is an account of a Wednesday evening, October 10, AS Speaker's Bureau discussion on "Peace in the Post-Cold War World."

The walls of the room adorned remnants of Hiroshima victims, children mangled and scarred from chemical weapons, pictures of police satires mocking George Bush, America, and militarism were hung next to them to remind those attending that these war victims were mere warnings of the present and the future.

The tables surrounding the assembly chairs contained pamphlets, pins, posters and information about various world peace groups such as Mobilization and Survival, Peace Resource Center, Committee Opposed to Militarism and the Draft, Central America Information Center, Ocean Beat Greens, U.S./Soviet Friendship and San Diego Teachers Committee on Nicaragua.

The assembly included mostly peace group members, liberal academics, enlightened senior citizens, and a strong showing of young, politically concerned students. The current crisis within the Middle East, as well as a steady succession of "show me" interventionism has sparked renewed interest within the student body about issues such as the draft, anti-war activism and overall humanitarian philosophers.

The speakers included international peace activists from Peru (Hugo Blanco), East Germany (Petra Opitz) and Japan (Rieko Asato). They spoke about peace and de-militarization after the end of the Cold War, economic conversion, and they focused on U.S. militarism and imperialism especially in relation to third world countries.

Blanco was a 1960's agrarian reform leader in Peru. He was arrested by the Peruvian military in 1962 and served in prison until 1977. He was exiled three times. Finally, when the political climate changed Hugo Blanco was able to return to Peru. As a member of Peru's Reformist Constitution. Blanco spoke about drug trafficking and American imperialism. The Peruvian spoke at the discussion as an example to the audience, since his primary languages are Spanish and Swedish.

Blanco blames Americas economic imperialism as the cause of the drug trafficking problem. "Without economic debt, the Peruvian people could eat without cultivation of cocaine. Mr. Bush stop starving the peasantries," Blanco assimilates the drug war with Vietnam and states that both were "pretexts for Americ- can imperialism."

He discussed details of what the Peruvian military has in attacking the coca leaves in their war against drugs, subjected the people of Peru to toxic herbs causing birth defects and tumors. Blanco feels these methods are wrong and they won't stop drug of the ending. He feels the end of the drug problem will result when Peru's foreign debt is erased. People will have more money to look for other economic avenues.

The other speakers echoed similar opinions to American's pacifism and imperialism. This politically left forum was interesting and well organized, it even left us on the opposite side of the political continuum. However certain U.S. policies and tactics. Overall it informed us in attendance about some of the negative effects militarism can have upon mankind. The final message was simple: Support peace.
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