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University of San Diego School of Law Student Bar Association

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Middle East Crisis diagnosed by panel of experts

The Journal of Contemporary Legal Issues hosted the two-day symposium, "Crisis in the Middle East."

The session, which took place in the University Center, boasted a panel of career diplomats and legal scholars who took an all-encompassing look at the myriad of political and legal issues that spawned from the current Gulf situation.

Professor John Norton Moore, Director of the Center for Law and National Security (above) addresses the crowd with a summary of his commissioned paper on the topic. Full story on Page 6.

SBA election time -- campaigning -- nears

by Mitchell M.T. Kam

Yes, that time is just around the corner again. What time is it? Election time, of course. The term of the 1990-1991 Student Bar Association (SBA) administration is quickly winding down to a close in the next few weeks. This year's SBA has been one of the most active at USD in recent years. Much work has been done to improve the efficiency and operation of the SBA and affiliated organizations during the course of this year. William J. Solon, Student Bar Association President, reported that the SBA has contributed $2 million to the financial contributions people have already made to the Warrens so they may decide. However, the request of the Warrens themselves for this gift will clearly benefit the University of San Diego. The donors and student groups and legal associations outside the University.

The Student Bar Association (SBA) is currently exploring the creation of a new award to be presented to the "Professor of the Year." USD has a number of excellent professors, but few avenues exist to recognize those distinguished individuals. This award would recognize a professor for such qualities as excellence in teaching and accessibility to students, to name a few.

The Student Bar Association, whose primary goal is to provide services to students, has currently raised $37.3 million, including the $3.5 million, including the Warren's gift and a $1.8 million gift given by Sol and Helen Price for scholarships. It is expected that this campaign will result in $47.5 million for the University.

SBA seekers award for professors by Mitchell M.T. Kam

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Promote the idea that this award is a new way to recognize the truest kind of scholarship. It is an award for "ordinary" professors who have contributed $2 million to the financial contributions people have already made to the Warrens so they may decide. However, the request of the Warrens themselves for this gift will clearly benefit the University of San Diego. The donors and student groups and legal associations outside the University.

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A view from the bench

Students perpetuate ghost town qualities

by Charles D. Hrvatin
Editor-in-Chief

I know in past issues of this forum, I have written themes to cajole student participation and relive my doubts and chances. I've been able to point out several themes in this respect. However, I am reasonably certain that, alas, my pleas have fallen on deaf ears. With one of the more active student body’s going public, it’s difficult to fathom the reasons such watershed areas are ignored.

The 10/90 Theory

It is not difficult to see that the axiom “10 percent of the people do 90 percent of the work” is true on this campus. And more importantly, only that 10 percent plus a tad more take advantage of the spoils. (The main exception to this rule is the occasional kegger that brings every thirsty worm out of his or her holes.)

The conundrum is: why do the students not notice? All too often it is because of the recent downturn at the International Law & Policy Symposium, Crisis in the Middle East. I am somewhat of an inveterate optimist; still, I find it hard to believe that an event staged at the level it was could attract so few people from the USD law school community. The current crisis in the Middle East has captured the majority of the population by the impatient display screen of the television, but when an opportunity arises itself to get a grasp on the complexity of an issue of such magnitude (with world-wide affects), common sense dictates participation. Unfortunately, my peers were AWOL.

I won’t restrict the limit the attack on students, but expand to the 90 percent of the faculty that failed to even show their face for the two-day session that featured President Bill Clinton and the Center for National Security at the University of Virginia. It is true that the entire school was preparing for the ABA site inspection, but even the Dean and a select few were able to slip in for a few minutes. All I can say is a great example has been witnessed in showing interest in major issues that effect our world.

The event was still deemed successful due to the level of discussion, the caliber of the speakers and the professional manner in which it was put together. Later classes should consider student participation and the sacrifices required to put on a professional program.

Professionalism in involvement

Interestingly enough, this leads into a second topic that creases regard — involvement in extra-curricular activities. I, for one, from grade school to first-year law school, used to be one of the masses. Go to class. Do my assignments. Maybe a little sports activity. Try to answer questions when asked. Once in a while, I would lend my talents to some special project or go the extra mile for the good of the mass. Then came a day of overkill.

I took on the major responsibility as editor of this publication. I could get away and keep the masses informed. Not quite enough. So, I then took on the post of SBA Evening Vice President. I can now assist in legislation and take on the major responsibility as student government leader.

Still just a little more. So, I join a focused group of individuals (the Symposium Committee) to help organize and pull off one of the most impressive events in the school’s history. But the masses were nowhere to be seen.

The analogy of this involvement is akin to parts of Indiana Jones’ adventures in the necropolis Raiders of the Lost Ark. The benevolent explorer sought to enlighten the world by finding a religious icon a step away from God. In the meantime, he was being barricaded into a hole, a vacuous tunnel that seemed to ask him to cease. Light at the end of the Tunnel

Well, the fact is he saw light at the end of the tunnel. And though that tunnel was quickly closing its only remaining exit — rocks massing — he knew that getting out would dictate that ever-popular, quickest-way-between two points approach — the straight line.

Thus, my direct approach is to keep making opportunities available. Those that take part are better off for their participation; while those that don’t have the little bit of themselves die. A mind wasted is a terrible thing. Especially, when the particular mind is at the upper echelon of the educational pyramid.

Take heed. Participation need not take the form of parties, but to enlighten the masses.

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Take heed. Participation need not take the form of parties, but to enlighten the masses.
Letters to Motions

Editorial answered with First Amendment reminder

Dear Editor:

This letter is in response to Mr. Bronovich's editorial comment regarding the First Amendment of the United States Constitution. Mr. Bronovich states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech ..." For over 200 years the United States has allowed very few restrictions to burden this right. In 1991, can we justify silencing the collective voice of dissent because its view is unsatisfactory? I think not.

Ever since the founding of the Republic, dissenters have taken their protests to the figurative and literal streets. Remember the Boston Tea Party and their cry of "(no) taxation without representation." I'm sure in its day this too was an unpopular idea. You see Mr. Bronovich, it is not the idea which is dangerous, the dangerous lies with those who would thoughtlessly follow the party line. We are fighting in the Persian Gulf for many reasons, some honorable and some not so honorable, I would like to think that we are fighting to protect those who cannot protect themselves from a more powerful aggressor. By the same token, those with unpopular ideas have a right to speak their minds without fear of reprisal.

Remember Mr. Bronovich, the theory of the market place of ideas dictates that there be an open discourse regarding the pressing issues of the day, only then will Americans be fully informed. Moreover, it is better to allow these people to voice their opinions in a peaceful nonviolent fashion than to have them take some more radical direction. Finally, I will remind you that many movements began in the streets of America, the civil rights movement, the suffrage movement, the labor movement, and the peace movement. To just name a few, I would counsel tolerance Mr. Bronovich. Please do not dismiss me as some wild-eyed liberal "new age hippy!" I believe in our actions in the Persian Gulf. Remember that our forefathers fought and died in billions of dollars worth of technological and food aid to the people of Lithuania. The Russians have declared their free-sovereignty, the people of Lithuania have disarmed and independence, by a 9-to-1 margin, in January voting. Unfortunately, the 90 percent of Lithuanians who voted for independence have a problem. One must act in the "best interest" of the people. I am for the "best interest" as well, but not at the expense of the people who are critical of him and the pace of change. More dangerous than the peace protesters, are those who would use this time in our nation's history to inhibit the free exercise of speech.

Dana C. Boales

Tyranny in the shadow of Gorbmania

On March 17, a vote will take place in the Soviet Union on Mikhail Gorbachev's Treaty of Friendship. The Treaty will allow the 15 individual republics to affirm their status as part of the Soviet Union. However, the people of Lithuania have already declared their free-sovereignty, independence, and domestic and independence, by a 9-to-1 margin, in January voting. Unfortunately, the 90 percent of Lithuanians who voted for independence have a problem. One must act in the "best interest" of the people. I am for the "best interest" as well, but not at the expense of the people who are critical of him and the pace of change. More dangerous than the peace protesters, are those who would use this time in our nation's history to inhibit the free exercise of speech.

Mark Bronovich

Marketplace of Ideas

"Always do what you are afraid to do." The next week I went to Washington, D.C. I went alone. I did not go because I could afford it. I couldn't. I did not go because I had friends there. (I didn't.) I did not go because I thought it would make a difference. I went to Washington, D.C. because I believed. I thought that if I made this strange and extravagant pilgrimage I would be able to return to my own "little world" at USD. On Saturday, January 19th, 1991, a few thousand citizens from around the country who marched to the White House in protest of the war. I don't know whether it was more of a statement to our government than to the powers that be. Perhaps people demonstrate because they don't know what else to do and they feel morally or politically compelled to do something. Perhaps people demonstrate because it is the only time we do not feel like we all must do the best we can; however, as a law student, I felt I was obligated to invoke the system. "Inteligent" protest. On Sunday I went to a lobbying seminar which explained how best to approach our members of Congress. I was incredulous at the reality of having a chance to speak with and question our elected representatives. To be honest, I had not planned to do any "lobbying" but only to learn some of the skills for use at a later, quite not so important, event. As the seminar progressed, however, I learned two things. Firstly, a Congressional Aid spoke about how a large portion of Congress was just as "shell shocked" and felt just as helpless as the public. Secondly, it was explained how important the constituent's input was to our representatives. A lobbyist who you couldn't get to lobby, said that members would be more influenced by what I said precisely because I was just an ordinary person from the other end of the country. Remembering Emmer-son's advice, "Always do what you are afraid to do," I went to bed terrified and excited by the six appointments I had for the next day on "the hill." It was a long day. I got lost many times. My feet were literally bleeding. I cried twice. The first time was outside Senator Seymour's office where I had been so rudely treated that I walked out. The only one who would talk to me was an "assistant" who swore to me that she had to answer the question which ranged every 15 seconds. I was trying to ask whether Senator Seymour would support a committee to determine the number of Iraqi casualties. The "assistant" was talking on the phone about what sitcoms were on TV that night. After three times of attempting to ask the same question, I left and stated that the seriousness of the issue, as well as myself, had been insulted. The second time was at the end of the day. Dusk. I was leaving by the capital building when the significance of the day struck. A few slow tears of hope and exhaustion ran down my face. The significance of it all was that senators and representatives were, and perhaps always were, looking to the citizens for support and direction. The foreign policy aid from Sen. Cranston's office said that it all depended upon what we as individuals did at home. She was right. Senator Seymour's office had received numerous letters and phone calls for peaceful solutions. She was disturbed because now that the war had begun the calls and letters had all ceased. Rep. Yaroto's (D-Pa.) staff director scratched his head and looked out the window to where we had marched two days ago. He said that we must keep demonstrating, we must keep writing letters, and we must keep making phone calls. Only pressure from the people, he said, would change the current policy. I can not go back to my own "little world." I cannot help but think we would not be at war if more of us, including myself, had taken a more active role in the direction of our country. Washington, D.C. taught me that it makes a big difference what we individually do. There were 4,000 miles and silence and submissionstills kills just as surely as a bomb. Mary A. Lehman

Motions

Next Publication Date

March 1

Next Deadline

March 1
The Center for Public Interest Law assists accountants in action against Board of Accountancy.

The California legislature has specified in section 5052 of the California Business and Professions Code that a significant number of accountancy duties may be performed by non-CPA's. Only certain duties, such as the compilation of a formal audit, are reserved for CPA's.

D'Angelo states that if it défends the no- tions of due process for a Board, which is comprised of mostly CPA's, to adopt a rule which purports to regulate non-certified accountants who are not represented.

Third, issues are presently before the Court: the statutory interpretation of the relationship between several statutes and regulations affecting accountancy; first amendment rights to commercial free speech; and due process concerns.

First, the Court may determine the rela- tionship between several conflicting pro- visions of the Accountancy Act, the Cali- fornia Business and Professions code and the Board of Accountancy's regulations.

Second, does Rule 2 unjustifiably in- fringe on the first amendment commercial speech? The Court is comprised of independent, non-licensed accountants in California who are pres- ently barred from using the terms "ac- countant" and "accountancy" to describe themselves or advertise.

Second, according to D'Angelo, all briefs should have been received by the Court at this time. The Court has not yet decided when to hear oral arguments on the case.

The CPIL first learned of the case two years ago from Misty Coldwell, a student in the academic clinic program, who was monitoring the State Board of Account- ancy. The CPIL became actively involved when Moore's attorney contacted them and requested that they file an amicus brief on Moore's behalf. Coldwell and John Al- tomare, another student who subsequently monitored the Board, assisted in drafting the briefs submitted by the CPIL.

USD's Center for Public Interest Law is a combination academic clinic program, public interest law firm and lobbying/advocacy organization. The CPIL moni- tores approximately 400 state regulatory boards, which regulate businesses, trades, professions and the environment through student intern- ships the program dur- ing their second year. One of its primary goals is to make the regulatory level of public interest advocacy more efficient and visible by recruiting a full-time lobbyist and four at- torneys.

The CPIL maintains offices in San Diego, Sacramento and San Francisco. It is di- rected by Professor Robert Fellmeth. Fell- meth is a former Nader's Raider consumer advocate, Deputy District Attorney and Assistant U.S. Attorney. The CPIL is also staffed by a full-time lobbyist and four at- torneys.

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The Center for Public Interest Law is presently recruiting current first-year day and second- and third-year evening stu- dents interested in administrative, regulato- ry, consumer, environmental, or public interest law for a limited number of intern- ships available during the 1991-92 aca- demic year. Selected students are given the opportunity, unique in the nation, to participate first-hand in the work of an administra- tory process and to have articles they write published in the California Regulatory Law Reporter, the only legal journal of its kind in the nation.

Created in 1980, USD's unique Center for Public Interest Law is a policy and public affairs practice. An academic center of research, learning, and advocacy in administrative law; teaches direct clinic skills in public interest law; represents the interests of the unorganized and under-represented in state regulatory proceedings; and attempts to make the regulatory functions of state government more efficient and visible by serving as a public monitor. In November 1988, the Center was endowed by Sol and Helen Price, through a $1.8 million gift which created the Price Public Interest Law Chair.

Center students take a yearlong, four- unit course entitled California Administra- tive Law and Practice. As part of the course, each student monitors two or three of California's 50 regulatory agencies, which include the State Bar, the Public Utilities Commission, the Coastal Commission, the Water Resources Control Board, the De- partments of Insurance and Corporations, the Department of Banking, and Cal-OSHA, among many others. Students attend meet- ings of their assigned agencies, monitor and analyze their activities, interview agency officials and licensers, and track rulemak- ing, affecting their agencies. Each semester, students submit two articles summarizing agency activities to the public interest law center.

Following the yearlong course, many CPIL interns pursue (for additional credit) an in-depth advocacy project involving one of the agencies. In the past, these projects have included agency staffing, petitioning an agency to adopt regulations; drafting model legislation; filing suit to enforce the Administrative Procedure, Open Meetings, or Public Records Acts; or sub- miting amicus briefs on issues pending appeal. Students critiques of publishable quality often appear as feature articles in the Reporter, and may also satisfy USD's writing requirement.

The Center is directed by Professor Robert Fellmeth, who is a former Nader's Raider consumer advocate, a former consumer and antitrust Di- versity District Attorney and Assistant U.S. Attorney, and who is currently serving as Deputy Bar Discipline Commissioner by appointment from former state Attorney General John Van de Kamp. The Center is staffed by a full-time lobbyist and five experienced public interest attorneys, in- cluding former Center intern Julie D' Angelo. As one of California's largest and most active public interest organizations, CPIL maintains offices in San Diego, Sacra- mento and San Francisco.

The Center, which has graduated over 400 students from its program, offers its interns a chance to personally observe and participate in state regulatory agency ac- tivity; an opportunity to have their work published four times during their second year in a unique legal journal; and a chance to work closely with experienced attor- neys and lobbyists who have an active interest in the field of public interest law.

Students interested in finding out more about the Center for Public Interest Law are invited to attend one of two orientation sessions scheduled for Monday, March 18 at 11 a.m., or Tuesday, March 19 at 5 p.m. (Both sessions will be held in Room 2B1.)

Students are also encouraged to stop by the Center and look at the latest issue of the Reporter to get a better idea of the kind of work the Center monitors and the is- sues it studies. The Center is located at the south end of the Legal Research Center (go in the back door, first door to your right).
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Classes meet Saturday and Sunday, 9 am to 5 pm

SHORT TERM SCHEDULE OF CLASS MEETINGS:
May 29, June 1-4, 8-11, 15-18, 22-25, 29/30
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For the past ten years, Professor Fleming has devoted his legal career towards the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law. Mr. Fleming’s experience includes the Lecturing of Pre-Law Prep Seminars and First, Second and Third Year Law School Final Reviews. He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Examination Writing Manual, the Author of the First Year Essay Examination Writing Workbook and the Second Year Essay Examination Writing Book. These are available in California Legal Bookstores.

Mr. Fleming has taught as an Assistant Professor of the adjunct faculty at Western State University in Fullerton and is currently a Professor at the University of West Los Angeles School of Law where he has taught for the past eight years. He maintains a private practice in Orange County, California.
Lively discussion makes for successful symposium

Mid-East crisis issues dissected by nationally renowned panel

by Vince Rabago

"The only thing necessary for the triumph of evil is for good men to do nothing."

- Edmund Burke.

And so began the presentation of Professor John Norton Moore for the Legal Panel during the recent International Law and Policy Symposium. The symposium, titled "Crisis in the Middle East: International Law and Policy Symposium," was held in the Hahn University Center on February 13 and 14. Participants in the symposium were nationally recognized legal scholars, political scientists and former diplomats.

Sponsors of the symposium were the Journal of Contemporary Legal Issues and the International Law Society. The symposium was the culmination of months of planning and hard work by dedicated law students with the assistance and support of several faculty members from the School of Law.

Although this was the first year for this type of symposium, the entire event went off without any major problems. The only setback came when two of the scheduled speakers for the legal panel were unable to participate at the last moment. Hays Parks, Chief of the International Law Branch of the Judge Advocate General of the Army, received orders from his superiors that he could not participate. In addition, Robert Rosenson, Legal Counselor to the U.S. Mission to the United Nations and Alternate Representative to the U.N. Security Council, was unable to attend because the Security Council was in closed session late Thursday afternoon.

The crisis in the Middle East provided fertile ground for an interdisciplinary examination of the political dynamics of the crisis and the international legal ramifications of the situation. The symposium was in line with the purpose of the Journal, which seeks to explore the relationship that social, political, historical and economic factors have with important legal issues affecting our lives. Since San Diego is home to a large portion of the military forces currently in the Persian Gulf, the crisis has affected many law students on a personal level.

The symposium began with welcoming remarks given by Professor Jorge Vargas from the University of San Diego School of Law. In attendance were faculty and students from the several universities in San Diego, as well as faculty from the University of California, San Diego, the University of Southern California, and the University of California, San Diego. The opening speech for the political panel was given by Arab American University Professor Shibley Telhami. Dr. Telhami's speech focused on his research in the Gulf and the increasing anti-American sentiment that he encountered throughout the region. Dr. Telhami concludes that any realistic plan for stability in the region will depend on a resolution of the Israeli-Palestinian issue.

"It's as though Saddam Hussein hired a team of international lawyers to tell him all of the laws that could possibly be applicable in this crisis, and then systematically violated them one after another."

- John Norton Moore

The legal panel presentations were in-depth expositories of the legal issues and arguments regarding the Gulf crisis. Some of the issues discussed were the many breaches of international law by Saddam Hussein and the Iraqi Government. Professor Moore said that Iraq's violations should not be treated as a minor, technical legal issue. "These are violations of the most important central underpinnings of the international community of mankind," said Moore. "If we are not to lose the critical framework for world order, we must vigorously condemn those actions for what they are -- actions of deep and fundamental evil."

Also among the topics discussed were potential war crimes similar to those held in Nuremberg, as well as the effect the crisis will have on the international legal system. The legal aspects of the environmental ecocide perpetrated by Iraq was also discussed as was the infamous SCUD missile attacks on Israel. The presentations on Friday provided great insight to the multitude of international legal issues involved. A closing reception was held in the foyer on the main floor of More Hall.

The symposium was a clear success, due to the dedication and vision of the people involved in the project from start to finish. All this has gone far in increasing the quality of education and the national reputation of the University of San Diego School of Law. Although this is a first time for a symposium of this nature, it hopefully marks the beginning of a long tradition.

Journal International Law Writing Contest open to USD students

Here is your chance to be published in a legal journal with subscribers nationwide, including law schools, court systems, law firms and WESTLAW.

How you might ask? Well, The Journal of Contemporary Legal Issues is sponsoring a student essay competition. So, all that needs to be done is submit an essay to the JCLI's essay competition. The recent International Law & Policy Symposium, Crisis in the Middle East, put on by the Journal of Contemporary Legal Issues garnered nationwide academic and media attention.

Winning essays will be published in the double symposium issue based on this notable event. Vital information appears below.

TOPIC: Any issue dealing with the Conflict in the Middle East. ELIGIBILITY: All USD School of Law students are eligible to compete. Symposium attendance is not required. DEADLINE: Essays must be submitted by Wednesday, March 13, at 5 p.m. to the Journal office. The office is located on the First Floor of the University Center, in the Student Publications wing.

RULES: (1) Essays must be 8-12 double-spaced pages in length with standard 1-inch margins. (2) Use endnotes, not footnotes. (3) All citations must be in bluebook endnotes, not footnotes.

QUESTIONS: Direct questions to Executive Editor Marcia Walker, 260-4600 x4343. Winning entrants will be provided a copy of their essay on computer disk, WordPerfect 5.0 or 5.1. (Copies of these programs are available for use in the Legal Research Center Computer Room). Winners must also sign a publication release.

The Journal is also beginning its search for executive, senior and associate editors for 1991-92. A writing sample will be required. Please indicate on your entry whether you wish to be considered for one of those positions. Essays to the competition will satisfy the writing requirement.
ABA law student volunteerism on the rise at USD

by Luke Sharpe

USD law school volunteers are presently waiting permission to participate in the 1991 Volunteer Income Tax Assistance (VITA) program. Requirements of the program include a tax law test administered by the Internal Revenue Service. After passing the test, students can then work in conjunction with the local San Diego VITA group. The VITA program is a good community service project which falls in line with professional responsibility requirements of professional activity.

Interim ABA-LSD Liaison Paty O’Connor is currently organizing USD volunteers and working to secure volunteers for future ABA activities such as the planned “Law Day” special events for later in the semester.

In other news, the ABA-LSD 9th Circuit will meet to elect circuit governor in Palm Springs. Second-year student and current intern ABA representative Paty O’Connor and second-year student Anne Dierickx. Results will be posted following the session.

The upcoming SBA elections will decide the USD liaison for the 1991-92 school year. The position requires attending 9th Circuit meetings and the national conference, representing the school to different levels of the ABA; keeping members and the student bar informed of ABA news and promoting the ABA on campus.

The ABA Law Student Division chapter here at USD is getting actively involved on annual projects in conjunction with the American Bar Association, and the ABA representative has the duty of getting organizers and participants together.

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New legal specialty is "out of this world"

by Charles D. Hrvatin

Space — the final frontier. And in the area of law, space is the cutting edge.

Like many of its predecessors in the outer boundaries of law practice (sports, entertainment, and computer law to name a few) basic, fundamental laws are at the core of the practice.

Recently, Space Law has found its way into law school curricula at a number of law schools. Pepperdine University School of Law is the main school to be exact.

Genesis of the specialty

Following the factual Challenger shuttle accident, Pepperdine University Adjunct Professor of Law Daniel P. Byrne prompted the Pepperdine administration to pursue the area and "boldly go, where no man has gone before."

Byrnes is a retired aerospace corporate attorney who most recently worked as assistant general counsel with Rockwell International. He easily explained his philosophy of the course in University literature, "Space law is basically applying earthly law to the space business meaning contracts, patents, torts and insurance."

When examined closely it is obvious that these areas need special expertise and care. The current trend in private sector-controlled satellite launches; diminishing satellite orbits resulting in space debris crashing to earth; and the rapidly increasing technological advances that result in new laws are areas needing special expertise and care. The current trend in private sector-controlled satellite launches; diminishing satellite orbits resulting in space debris crashing to earth; and the rapidly increasing technological advances that result in new laws are areas needing special expertise and care.

Popular Course of Study

Since the course started back in January 1987, some other schools have begun to teach the subject-matter, UCLA and Western to name two of about 20. However, Byrnes course, in particular, is seen as the first in the country to narrow its scope to a focus on commercial space law.

"This a real-world, hands-on analysis of commercial space contracts and related legal issues. It is not a pie-in-the-sky discussion of conflict resolution aboard the space station," said Byrnes. "Southern California is home of most of the country's space industry, and much of that is located in the Los Angeles area. To offer the class at Pepperdine seemed fitting."

Unsure of the popularity of the course and its material, Pepperdine administrators told the professor to expect 10 to 15 students. Amazingly enough that first class enrolled 29. The course has since grown to over 40.

Specifically, the Pepperdine course delves into federal laws, regulations, treaties and agreements that affect space endeavors. There is exploration of a cluster of legal iniquities facing that directly affect the commercial space industry. Contracts to antisat, patents to insurance and liabilities are included in those problems.

The students also have the opportunity to hear expert guest lecturers and tour a mock space station located at the Rockwell International plant in Downey, Calif.

The Space Industry

In an April 10, 1989, Daily Journal profile on Byrnes, he estimated that there were "no more than 40 space lawyers in the country, with the majority of them working for aerospace companies in Southern California or for government agencies in Washington D.C. to the future of the space law area. He was quoted in the publication, Space World (April 1987): "America needs law that understands science and technology. This is especially true for human activities in space. Over 1,200 companies and organizations have space-related goods and services. Space is a new industrial and spiritual frontier. Great fortunes will be made in space. If you want to play the game, it helps to know the rules! Study law!"

In this era of specialization, it is no wonder that an area so specialized as that of the space industry and its particular legal needs would have one need in particular — a space lawyer. As Professor Byrnes puts it, "Space law is alive and doing very well, and may be the fastest growing area of specialty in the law in the world."

A similar ordinance passed in 1988 in Suffolk County, Long Island, New York, was performed in 1989 by a state court on the grounds that the local government lacked authority to make such rules. The decision is under appeal. The Los Angeles City Council appears to be following San Francisco’s lead by considering measures to regulate the use of VDTs.

VDT users who work under the constant scrutiny of monitoring VDTs suffer higher levels of stress-related medical problems, such as heart disease, ulcers, fatigue and depression, a 1980 study by the University of Wisconsin, Industrial Engineering Department indicated. The study sought to identify health concerns among 2,900 randomly selected VDT workers in the seven regional Bell companies.

A jury in a 1988 case awarded $1 million to the victim of an armed robbery as he dropped the day’s business receipts in the night depository of his bank in St. Petersburg, Florida, caused by the banking institution’s failure to make reasonable efforts to protect customers from foreseeable criminal activities. Lawyers familiar with banking institutions operating ATMs to meet the increasing security protection needs of their customers utilizing ATMs, particularly at night.

Computer Software

The effective protection of Computer Software is a very real problem. As the increasing complexity of intellectual property having elements of writing, but also functional elements with no physical embodiment in the sense that copyright protection to computer software for patentable inventions, has been an issue of considerable concern for the past decade. Computer software developers will be obliged to place together protection from patents, copyrights, and trade secrets. Methods of operation on a computer to effectuate business activity have been held to be patentable subject matter, and appear to be an attractive protection for such computer programs. To better fit copyright protection to computer software, courts will need to continue to expand the limits of "a mode of expression" definition of the Copyright Act beyond the program’s literal code to its overall structure, sequence and organization. This extension of copyright protection to the "look and feel" of the computer program does nothing to protect against appropriation of the program through reverse engineering, for instance.

In the international computer law area, computer software protection is evolving around the scope of patent and copyright protection under the laws of the various countries. Software piracy and counterfeiting of computer hardware in the various regions of the world will need to be addressed.

A dramatic development will come from the intensified interdisciplinary research in advanced data-processing technology and legal fields. Since 1986, the Computer, Linguistics and the Law (IDL) Laboratory, in France, has been investigating applications of information technology to scientific and practical aspects of the law. This inter-disciplinary research at the interface of law, linguistics and computer science is characterized by the need for analysis of legal phenomena and legal science in general, through both quantitative methods and qualitative processes, combining description, learning experimentation and simulation. But scientists from other domains, (for example artificial intelligence), are also seeking a cognitive approach to the law.

The IDL research themes include: Cognitive research and assistance to legal fields (for example, expert systems), legal knowledge through analysis of judicial opinions and jurisprudence, systematic theory of legal phenomena, juridical and social consequences of computerized information technology.

Professor Vergari is an Adjunct Professor of Computer Technology Law. He presently teaches the three-credit course, Computers and the Law.
Appelate Moot Court Board
Jessup International team advances to Nationals

by Shirvan Shenna

For the first time in USD history the USD Jesup International Law Moot Court Team advanced undefeated 5-0 to become the Pacific West Regional Champions.

Team members Kevin Childs, Paul Katrinak, Janet Richardson and Kipp Williams defeated teams from Stanford, the Pacific West Coast Regional Champions, and USD Loyola and the University of California at Davis at the competition held Feb. 15-17 at Stanford. The team was selected internationally in Washington D.C., April 15-20. Bill Snyder, a member of the Moot Court Board and Jessup International judge, explained that in the past the USD team advanced to the national finals by "wildcard" in which two teams are chosen nationwide according to the combined highest scores of their briefs and oral arguments.

This year the USD Team earned third place for the Best Brief Award and posted two of the top five oralists out of the 44 regional competitors.

Team member Richardson was awarded third place as best oralist and Paul Katrinak was semi-finalist in the International tournament. The Chair of the Moot Court Board, Brent Neck, encourages you to be a bailiff (timekeeper) for the Criminal Law Moot Court Competition.

The first and second rounds of the Criminal Law Competition will be held 6 p.m. March 13 and 14, at the San Diego County Courthouse, 220 West Broadway. The final round will be March 15, 6 p.m. in the USD Grace Courtroom.

According to Kevin Mann, Vice Chair of the Jessup Moot Court Board and acting tournament coordinator, the problem involves a procedural issue concerning voluntariness of a statement under Miranda and the Fifth Amendment while the substantive issue concerns whether or not "the felony murder rule" is applicable to child abuse when it results in a child's death.

The problem was distributed February 20 and the brief is due February 27. Winners of the Criminal Law Competition will receive a free Barbri Bar Review Course.

Moot Court winds down with Criminal, Winters contests

Appellate Board elections near, applications due

by Shirvan Shenna

If you are a first-year law student and interested in Moot Court simply preparing your Lawyering Skills oral advocacy argument, you will be the team to beat," Katrinak said.

Klarer, Varco win among largest More moot competition field

by Shirvan Shenna

The Appellate Moot Court Board sponsored the largest campus appellate advocacy competition in USD history this year when 31 teams competed in the St. Thomas More Constitutional Law Competition. Over 60 judges, mostly alumni, narrowed the field of competitors to Michael Kaler and Suzanne Varco who will represent USD statewide at the Justice Roger Traynor Competition. The statewide competition takes place April 13-14 on the campus of UCLA.

Moot Court Board Member Ron Nordhorn was the tournament coordinator. The problem concerned the conflict between an individual's right to privacy and the right of the press to publish information to the public.

Former California Supreme Court Justices John Arguelles and Joseph Grodin were judges for the final rounds along with Virginia Black, a USD alumna of the Moot Court Board and veteran judge. Justice Grodin served on the supreme court from 1982 to 1987 while Justice Arguelles served from 1987 to 1989. Virginia Black served on the USD Alumni Board of Directors and was the 1990 Roger Traynor Moot Court Team Coach. Black is presently a trial attorney for the U.S. Department of Justice, Immigration and Naturalization Service.

The final round was held Feb. 1 in the USD Grace Courtroom with a reception immediately following. During the presentation of awards, the justices commended the participants for their preparation and skill, and remarked that they rivaled the advocates who have argued before the court. Justice Grodin also commented that when you argue before a state supreme court you should emphasize the state constitution.

The winners of the competition received a free Barbri Bar Review Course.

The final results of the 1991 St. Thomas More Constitutional Law Competition Results were as follows: First Place, Michael Kaler and Suzanne Varco; Second Place, Byrom Moussoulis and Third Place, Rhona Kisch and Michael Haberkorn; and Fourth Place - Art Hodge and Aaron Bowler.

Awards were also given for Best Brief and Oral Advocacy. Angela Baxter and Lynn Fitch took honors for Best Brief - Applicant while Leah Davis and Gina Finer were awarded Best Brief - Respondent. Byron Moussoulis was named Best Oral Advocate.

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Environmental masters offered at Vermont Law School

Vermont Law School's nationally known Environmental Law Center is offering 27 courses in environmental law, policy and dispute resolution this summer. Two credit, four-week and eight-week and eight-week courses are open to law school students to transfer to their J.D. program, or as candidates for the Center's unique Masters program in environmental law. Courses begin May 31 and conclude Aug. 3.

General environmental law courses being offered include an overview course in environmental law as well as individual law courses on hazardous waste, toxic torts, forestry, agriculture, solid waste, animal rights, energy, coastal zone management, and international and comparative environmental law, ecology, and environmental management.

Land use planning courses include an introduction to planning and zoning as well as specialized courses in the policies of federal funding programs in real estate development, issues in affordable housing, land use controls administration, and conservation land trusts. Technology and the environment courses include two overview courses, risk assessment and the law, and the law of toxic and hazardous substances; specialized courses include environmental litigation, alternative dispute resolution and the environment in our own community.

The summer faculty is drawn from nationally known environmental lawyers, managers and scholars. New faculty this summer include Allen Miller from the University of Maryland's Center for Global Change, Robert Irvin of the National Wildlife Federation, Chief Counsel of the U.S. Senate Agricultural Committee James Cubie, and Robert Meyerson, Senior Attorney, Natural Resources Defense Council.

Law students may apply to the Center's two-summer Masters program. Credits may be earned through coursework; optional internships are available. For further information about the Summer Sessions Masters program, contact Leslie Staudinger, Environmental Law Center, Vermont Law School, South Royalton, VT 05068. The office can be reached at (800) 227-1395, extension 2212.

SBA

Continued from Page 1

Treasurer: Reports to the Council, upon request, the amount of non-assigned funds remaining in the SBA Treasury, submits a complete current budget report to the Council at the meeting following any meeting in which such a report is requested, maintains financial records in such a manner that the succeeding Treasurer may comply with the requirements of the bylaws and regulations without unreasonable effort, performs the tasks required to maintain whatever legal corporate and tax status mandated by the Council, and assists with the budget allocation process.

Day Representatives (Second and Third Year, 3 elected from each class) and Night Representatives (Second, Third and Fourth Year, 1 elected from each class): Perform the dual functions of representing their constituencies in the Council and informing the constituencies of Council issues, resolutions, and faithfully serve on the Student-Faculty Committees, help in conducting SBA activities outside Council meetings and to perform any task delegated by the Council, bylaws or regulation.

ABA Law Student Division (LSD) Representative: Serves as a liaison between the ABA LSD and the SBA, must be available for national committees, and participates in conferences.

Honor Court Justices (3 Justices, 1 First Alternate, 1 Second Alternate, 1 Preliminary Examiner): As delineated in the Honor Code, the Honor Court "...meets and considers all complaints to determine if the code is being followed and to make a determination of guilt or innocence and impose or recommend sanctions in appropriate cases.

Honor Court Counsel: Acts as prosecutor and is responsible for gathering evidence in all matters of alleged breaches of the honor code.

With all the positive changes occurring at the law school, exciting challenges and opportunities will emerge for those dedicated students that choose to serve their community and the law school and get involved. It's good to point out areas in need of improvement, but even better to become a part of the solution.

Religion

Christian Legal Society

Local members travel to regional conference

The Southern California Regional Conference of the Christian Legal Society (CLS) was held this past weekend at the Lake Arrowhead, Lodges at Lake Arrowhead, California.

Five students from the University of San Diego School of Law joined about 25 law students from other Southern California law schools for a time of fellowship and instruction concerning important issues facing Christian Attorneys and law students today.

Judie Buech, Kim Resnick, John Sullivan, Lisa Werries and Ben Whipple attended the conference from USD. The students for the entire conference were: Samuel Ericsson, Executive Director of the National Office of CLS, Attorney Sam Ericson, President and Dean of Simon Greenleaf School of Law, and Attorney Jan La Rue, Special Counsel for Pro-Life Defense for the Western Center for Law and Religious Freedom.

Ericsson, who just returned from an historic visit to the Soviet Union, told of the exciting changes taking place in the Russian Legal System. Ericsson and his traveling companions arrived in Moscow the day after the start of Operation Desert Storm. CLS is attempting to arrange for a similar visit to the USSR to the students of CLS, and will be welcoming a delegation from Russia who plan to visit the United States soon.

Casey and La Rue reported on recent exciting developments in the Right to Life movement in Southern California. The Western Center for Law and Religious Freedom intervenes at all levels of government to defend right to life activists, religious and civil liberties, parental and family rights, standards in public education, and justice.

The Christian Legal Society is made up of nearly 4,000 Christian lawyers, judges, law professors and law students committed to living out the Christian faith through the legal profession. CLS seeks to provide support to members dealing with an increasingly secularized and pluralistic culture through increased understanding of biblical principles.
Softball midpoint predictions given

from the Intramural Czar's Office

It's halfway through the Spring '91 season and its time for the Intramural Computer to give its view of who to watch for in the Tourney. Can the Weasels repeat? Can Kahuna get the coveted crown back? What about those Salmon, are they starting to roll? It's time for the Intramural Computer to elicit all kinds of accusations regarding the use of steroids by this "biff" crew.

T.D.REP 13:1 This "Super team" still looks tough on paper, unfortunately, they haven't looked that tough on the field. The word on the grapevine is that certain members of this squad have had their strength capped by a certain "Jenny Craig." Keep on trying guys, maybe this will be the semester.

M.P.REROG 14:1 The whole law school community is a bunch of jerks - who are these guys? This darkest of dark horses has come nowhere to share a piece of second place at the halfway point. Don't be all those rumors about a "pasty" schedule, this squad is for real.

SALMON 15:1 What can be said about this legendary squad that hasn't been said already? Questions about their dedication have recently surfaced due to their lack of attendance at some of the games, but those rumors are unsubstantiated.

Since there are no more moot courts scheduled during the playoffs, the Salmon have promised to make a good showing this year. If that happens, the Salmon are going to the finals by a focused Weasels team.

FOR SALE:

MOTIONS


ROOMATES WANTED

ROOM FOR RENT: TOWNE CENTRE RACQUET CLUB APARTS (UCSD JOLLAS): 2 bed/2 bath, washer/dryer facilities, security parking and building, fully-equipped weight room, tennis/badminton court, racquetball court, pool, gymnasium, car washing area. Total Rent: $950/Month. YOUC HAVEN'T 800 + 1/2 Utilities. Call 450-2634, Metch. Looking for roommates? Advertise in Motionors for $4 and reach more than 1,500 students and in-coming students.

BAR REVIEW

Fourth-Year Evening Students: If your failing the California Bar Fair to take it with a winner and purchase your Barpassers course from your classmates for the last three years, Charlie Hradvin. Call me at 260-6600 x43.

Trying to get rid of bar review materials or trying to get some or just want info. Place a Motionors classified ad. $4 per 25 words.

DANO 16:1 This squad of not-so-wily veterans has had some tough losses early in the season but the computer still gives them a high ranking due to their superior technology. The Intramural Department is currently investigating allegations regarding the use of steroids by this "biff" crew.

ATHLET 55:1 What can be said about this legendary squad that hasn't been said already? Questions about their dedication have recently surfaced due to their lack of attendance at some of the games, but those rumors are unsubstantiated.

Annual auction offers professor interaction chances

by Shawn Randolph

The Women's Law Caucus is hosting their annual auction fund-raiser on March 13, 1991 from 4-6 p.m. The event is a wonderful way to get to know your favorite professor.

Students can start the bidding by plac- ing a "slip-in" bid in the professor's donation jar located on the day of the auction. Students should get together and bid collectively for the big items.

At 4:00 p.m. the fun starts with food, beer and wine for a half-hour of "socializing." Students should sign in and get a bid number for use in oral bidding. Those signing in for a bid number will also receive a ticket for the drawing of the door prize.

Formal bidding will begin at 4:30 p.m. with Corky Wharton as the auctioneer. Professor Wharton has become a tradition at this annual event.

The following is a partial list of the donations. Kept up to date with the latest donations by contacting the donation ros- ters in the Writs.

- Jorge Vargas: Lunch at Mexican restaurant to practice Spanish and discuss questions of Mexican law for 3 students.
- Zacharias, Alexander and one other professor: Wine tasting for 6 or 8.
- Professor Heiser: Solving rubik's cube in 3 on 3 basketball game. (potentiall y will be able to up the number on the team) for 1 team of students (preferably with no one over 5'10")
- Richard (Corky) Wharton: Fish bar- beque for 6. Includes Spanish alcohol, salmon, or yellowtail caught by Corky, Chino's white corn (world's best) and suit- able wine.
- Steven Hartwell: Hike and picnic in the mountains of Cayucosa State Park (one hour drive away, two hour hike) for 2 students.
- Allen Snyder: Wine tasting for 6 or 8. Quality depends on final bid. At least six different wines.
- Rob Felitti: A 4-6 hour cruise on the "Kallas," all wood traditional ketch, for 4-6 students.

Bidding will begin at 4:00 p.m. The event is always a lot of fun and usually commands a lot of student attention. It is a wonderful way to get to know your favorite professor.
## Upcoming SBA Events

### SBA Spring Elections

**Elections**
March 19-20
March 26-27

**Filing Date**
March 1

**Candidate Forum**
March 18

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**THE UNIVERSITY OF SAN DIEGO PRESENTS:**

**MOREHALL LAW REVUE**

**STUDENT / FACULTY**

**TALENT SHOW**

SPONSORED BY THE STUDENT BAR ASSOCIATION

March 23, 1991

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**Fifth Annual**

**Barrister's Ball**

April 13, 1991
Omni Hotel
Downtown San Diego

Sponsored by Phi Delta Phi and the SBA