by George Powers and Carole Winters

Several changes to the class attendance and student employment policies were adopted at the last faculty meeting. The changes recommended by the Committee on Attendance and Work Rules were adopted in response to the recent ABA accreditation audit.

Individual professors may adopt any attendance policy in accordance with the Academic Rules including the options "count tardiness as partial or full absence" and "to count classes that have been missed prior to the student's registration as absences." (Although the policies have been determined, the actual wording of the policy has not yet been finalized. Quoted material in this article reflects the proposed language for amendment of the Academic Rules.)

Professors who choose to adopt an attendance policy must provide written notice to students within the first two weeks of the class. Written notice has been defined to mean that professors must provide written documentation of their policy to each student. The attendance policy may be included on the syllabus, be part of required purchased course materials, or be distributed separately in class.

If a violation occurs, the instructor may require a student "to prepare and submit to the instructor a satisfactory written or oral report on a subject related to the course, be penalized in the final grade in the course, or be excluded from the course.

If the penalty to be imposed is exclusion from the course and the instructor cannot determine the final grade in the course by potentially three or more points, the instructor must both (1) have regularly recorded attendance of students in the class so that the instructor can verify that the student exceeded the maximum number of absences permitted by the instructor's attendance policy, and (2) send written notice to the student who is in jeopardy of exclusion or of potential grade reduction of three or more points informing the student that any future absence from the class will result in imposition of the penalty. To fulfill this notice requirement, notice must be sent to the student's last address registered with the Records Office and also must be placed in the student's law school mailbox. Such acts shall be sufficient to satisfy the notice requirement regardless of whether the student actually receives the notice.

The new policy also makes signing another student's name to an attendance sheet an Honor Code violation. It is a violation for the student who signs the sheet and for the student whose attendance was grossly in error.

Continued on page 7

O'Connor to Speak at April Nathanson Lecture

by Laura G. Morton

Sandra Day O'Connor, associate justice of the United States Supreme Court, will speak at the Nathanson L. Nathanson Memorial Lecture Series at 4:30pm on April 9 in the University Center Forum A/B. Nominated in 1981 by President Ronald Reagan, O'Connor is the first and only woman to serve on the nation's highest court. O'Connor earned her B.A. and L.L.B. from Stanford University and served as Deputy County Attorney of San Mateo County, California from 1952-53. She served as Civilian Attorney for Quartermaster Market Center in Frankfurt, Germany from 1954-57. In 1958, O'Connor moved to Maryvale, Arizona where she served as Assistant Attorney General from 1965-69.

In addition to having served in the judicial branch of the government, O'Connor was appointed to the Arizona State Senate in 1969 and was reelected twice. In 1975, she returned to the courts having been elected judge of the Maricopa County Superior Court where she served until 1979, the year she was appointed to the Arizona Court of Appeals.

O'Connor is speaking at the eighteenth lecture to be held in honor of Professor Nathaniel L. Nathanson. The purpose of the lecture series is to honor the memory of Nathanson by continuing on page 7

U.S. News & World Report Ranks Schools; USD Does Not Participate in Survey

by Mary A. Smigieliski

As most of us have seen, U.S. News and World Report has once again determined the national rankings of ABA accredited law schools. In the March 23 issue of U.S. News, USD was listed in the third quarter, ranked 68 academically and 99 reputationally. U.S. News estimated USD's median LSAT score at 39; 1991 acceptance rate at 27.3%; and August 1991 starting salary at $40,000. Estimates were used because USD and other ABA accredited law schools from around the nation did not participate in the survey. Looking at the article, the asterisks next to the median LSAT score are an indication of who did not participate: that information is only available if it is released by the institution.

According to the U.S. News article: "Many schools that clamor for freedom of information when it involves other institutions of society evidently prefer privacy when it comes to their own educational statistics. Forty law schools, including 14 supported by tax payers, refused to provide U.S. News with such basic data as students' scores on the Law School Admission Test. But, perhaps as a result of our annual requests, a special panel of the American Bar Association recently proposed that law schools be required to make public such basic consumer information."

Dean Kristine Strachan tells a different story, explaining why USD did not participate in this years survey and why USD received a lower rank than what many of us would have expected.

"I have a vehement opinion on that subject since this has been a burr under my saddle for a number of months. We participated in the survey for the first two years they did it. But they never took our data seriously. We also had an objection to a number of their criteria--or lack of criteria--for how they select. For example, they won't count the library collection in a way that

Continued on page 2

Chong Wins Presidency; Run-off Elections this Week

by Gregory Barnes

Robert Chong defeated Doug Billings and the current Day Vice President Miles Weiss last week in the 1992 race for the SBA presidency. The positions of Day Vice President and Treasurer will be decided in a run-off election to be held today and Wednesday. Bradley Fields and Steve McGreavy are the remaining candidates for Day Vice President. Geoff Graves and Michelle Tharp are the remaining candidates for the post of Treasurer.

In other races for officer positions, Dan McNamore was elected Secretary and Julia Ramirez won as a write in candidate for Evening Vice President. Class Representative contests, Gloria Achuriga, Scott Savary and Bill Tran took the three Second-year Day positions; Lynn Field-Karsh, a write-in candidate, be Bill Tran took the three Third-year Evening representative positions. Judy Busch, Mike Sullivan, and John Wallnin are the remaining candidates for the post of Treasurer.

Continued on page 10
MOTIONS

your information, we will rank you at the charge of the project, threatening me, information. They said if you don’t submit just refused to change it. Basically, they said, "Well, things that go into the making of a good law school includes all eight States. The expectation is that students will cus upon specific student concerns and re-

Benson plans to continue Career seminars, networking with other law schools, and focus upon specific student concerns and re-

According to Benson, these efforts have focused on reforming the process of selecting law schools. The class of 1992 should note that an event-planning company, which would be convenient for all that they would have to do to make interviewing time available, perhaps after-hours, which would be convenient for both the firm and the student.

Clearly the focus of Benson’s job has changed: The career search of the future no longer merely attempts to increase the volume of legal employer recruiting but to expand those numbers and tap into new resources and types of work. "Alternative careers are the hot national topic," Benson says. She participates in the Law School Career Advisors program, which includes all eight Southern California law schools. Participants engage in brainstorming sessions and national networking to cre-

Archbishop Named Trustee

Archbishop John R. Quinn, head of the Archdiocese of San Francisco, has been named a member of the Board of Trustees of the University of San Diego. Archbishop Quinn will serve a three-year term on the Board beginning in the Spring semester of 1992.

The Archbishop, a native of Riverside, California, has had a long association with USD which began in 1947 when he studied for the priesthood at the St. Francis Seminary on the USD campus. In 1967, upon being ordained as the second Auxiliary Bishop in San Diego’s history, Quinn became the first native of the Diocese of San Diego to be made a Bishop. In 1968, he was named first provost of USD’s College for Men and also served on the College’s Board of Trustee.

USD graduates do find jobs!

According to Susan Benson, Director of Career Services, 87% of the class of 1991 has participated in a Career Services employment survey and 78% of those have found jobs. Initial review indicates that the average salary of those working for firms with 2-100 attorneys is $50,000. This does not include government agencies or public interest organizations. Eighty-two percent of those working for firms are employed full-time. Career Services will release additional statistics when they are refined.

Registration Information

The week of April 6, the Records office will distribute registration materials for both the fall and spring semesters, allowing students to register now for all of next year’s classes. (All registration materials will be placed in student mailboxes; do NOT ask for them in the Records Office.) According to Registrar Marjorie S. Zhou, requests for fall classes will be accepted April 13-15, and the results distributed on April 22. On April 23-24, the Records Office will accept requests for spring classes. Those results will be available to students on April 20.

Career Services Gets New OLD DIRECTOR

by Pam Shaffer and Mary Smigielski

Susan Benson has returned to Career Ser-

vices in the capacity of Director after a four-

year hiatus, having served as Assistant Direc-

tor from 1982-84, and as Director from 1984-

88. Former Director Mary Ann Salaber left USD to an event-planning company, "A Time Events."

Benson brings to the job a clear focus and a streamlined approach to achieving goals for the program. Convincing firms to consider USD students. A resume forwarding pro-

gram would be established where the ground work would be done for the firm at USD; all that they would have to do is to make interviewing time available, perhaps after-hours, which would be convenient for both the firm and the student.

U.S. News Ranking, continued from page 1

recognizes the strength of our library, nor do they concede the technical, physical and professional services aspects—by which our library distinguishes itself in this market. And, most are quite willing to participate more actively in the job search rather than expecting a job approach through Career Services. Helpful at Career Service can be, Benson recognizes certain deficiencies in the resources, and is addressing those needs. "Information is constantly bandied about that will be available to students on all areas of law, and alternative or judicial careers. Other new resources have been ordered based on bibliographies from other law schools. The expectation is that students will be better able to define specific career interests earlier stage of their law school career and thus be in a better position to search for a job when the time comes.

Career Service also plans to install Lexis in their office which will assist students with searches. Judicial clerkship information will be available from the computer data base for state, local and federal courts in California, Arizona and various other states according to the demographics of the law student population.

Benson plans to continue Career seminars, networking with other law schools, and focus upon specific student concerns and re-

Regarding the on-campus interviewing pro-

cess, Benson states that Career Services hopes to maintain at least the level of participation USD has had for the past few years. Although it seems, in an employer’s market, that only the most visible members of the class get interviews, Benson maintains that at least 2/3 of the class gets at least one interview. She believes that ideally, more opportunities should be offered, and USD may be able to make itself more accessible to small to medium sizes firms and attract them to the campus.

To that end, and noting that "there’s been a shift in the sheer number of firms who will take those billable hours and drive onto campus," Benson suggests an approach where Career Services would coordinate to have interviews held at the firm to make things easier on employers while achieving the same result. A resume forwarding program would be established where the ground work would be done for the firm at USD; all that they would have to do is to make interviewing time available, perhaps after-hours, which would be convenient for both the firm and the student.

The class of 1992 should note that an Alumni Bulletin exists and that all attorney job listings received by Career Ser-

vices. This bulletin will be mailed to gradu-

ates upon request. Benson also suggests that third-year and fourth-year evening students complete the Employment Survey in order to give Career Services a better idea of what employment expectations are really like. The more feedback, the more specific the re-

sponses from Career Services can be. Benson is presently employed at the UCSD Medical Center as an administrator for a component of the AIDS program. She coor-

dinates training and education seminars andUltimate resource development for physicians and nurses from around the West. Benson will start full-time on April 6.

Susan Benson

Director of Career Services

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for Men and also served on the College’s Board of Trustee.

In 1977, after serving as the first Arch-

bishop of Oklahoma City, Archbishop Quinn was installed as Archbishop of San Fran-

cisco. That same year, he was elected Presi-

dent of the National Conference of Catholic Bishops. In 1983, Pope John Paul II ap-

pointed Quinn Pontifical Delegate for Reli-

gion in the United States.

“We are delighted that Archbishop Quinn will once again serve as a Trustee of this University,” said Emesa W. Hahn, Chairman of the Board of Trustees. “He is a dear and valued friend, and we will benefit greatly from his counsel.”

Registration Information

The week of April 6, the Records office will distribute registration materials for both the fall and spring semesters, allowing students to register now for all of next year’s classes. (All registration materials will be placed in student mailboxes; do NOT ask for them in the Records Office.) According to Registrar Marjorie S. Zhou, requests for fall classes will be accepted April 13-15, and the results distributed on April 22. On April 23-24, the Records Office will accept requests for spring classes. Those results will be available to students on April 20.
The following is an interview with Associate Dean Virginia Shue.

Why aren’t we able to receive our grades in a more timely fashion?

"The Academic Rules provide that grades for the fall semester are due the second Monday of the spring semester. (Graduating senior grades may have an earlier due date.) Law School exams traditionally take longer to grade than other graduate school exams, and for many courses the exam represents the only grade earned in the course. Incidentally, if you wonder what professors have to do after finals other than to celebrate the holidays and to grade exams, many attend the annual meeting of the American Association of Law Schools during the first week of January. And all professors have to prepare for Spring Semester classes."

"How long did it actually take for students to receive grades for the Fall 1991 Semester? The last day of final exams was December 20, and grades were due January 20. Once professors turn in the grades, the Records Office has to process the grades, probably involving a minimum time of at least two days, depending on how many professors submitted grades earlier than January 20. The next step is for the University’s Data Processing department to scan the forms into the computer in order to produce the grade reports which are mailed to students. This system is relatively new, and just as we were ready to process first-year Fall grades, the Scanntron and the computer quit talking to each other. Data Processing...

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**Lawyering Skills II Deregulated; Average Grade May Change**

by Mary A. Smigielski

The Curriculum Committee voted to deregulate Lawyering Skills II on March 20. According to Associate Dean Virginia Shue, students graduating during the 1992-93 academic year and after will not be required to have completed Lawyering Skills II. In other words, students graduating this May or August will still be required to have completed the course, but those graduating this December or later will not be.

This Friday, April 3, the Academic Policy & Evaluation Committee will meet for a final discussion and vote on whether or not to modify the grading system to raise USD's average grade to a B instead of a C, in line with what many other law schools have done. Further explanation of the deregulation of Lawyering Skills II and the possible modification of the grading system will be forthcoming in the next issue of Motions on April 21.

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**Syringe Injures Attorney at County Law Library**

by Greg Barnes

So you say that you have heard enough horror stories about needles and syringes turning up on beaches that you have decided to be safe and go to the County Law Library to do some research instead. Think again. As it turns out, more syringes may have been found at the downtown law library than at any local beach. Recently, an attorney, who wished not be identified, was pricked in the arm by a used needle. The attorney, who had pricked was tested for the HIV virus, hepatitis and tetanus, but health officials believe the risk to anyone at the library is slight because the syringes do not appear to have contained liquid or visible blood. Although workers are checking for more needles, Library Director Charles R. Dyer said that it would be impossible to check each of the library’s 230,000 volumes. Other security measures are being considered. The needles are believed to have been left by someone injecting intravenous drugs while in the library which attracts 600-700 people daily.
The Center for Public Interest Law (CPL) is presently recruiting current first-year day/ evening and second-year evening students interested in administrative, regulatory, consumer, environmental, or public interest law for a limited number of internships available during the 1992-93 academic year. Selected students are given the opportunity, unique in the nation, to participate first-hand in the state's regulatory process and to have articles they write published in the California Regulatory Law Reporter, the only legal journal of its kind.

Created in 1980's, USD's Center for Public Interest Law serves as an academic center of research, learning, and advocacy in administrative law. The center produces directed skills in public interest law; represents the interests of the unorganized and underrepresented 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 1990, CPL was endowed by Sol and Helen Price through a $3 million gift which created the Price Public Interest Law Chair.

Center students take a year-long, four-unit course, California Administrative Law and Practice. As part of the course, each student monitors two or three of California's sixty regulatory agencies. These agencies include the State Bar, the Public Utilities Commission, the Coastal Commission, the Department of Insurance, the Medical Board, and Cal-OSHA, among others. Students attend meetings of their assigned agencies, monitor agency performance and activities, interview agency officials and licensees, and track rulemaking, legislation, and litigation affecting the agencies. Each semester, students submit two articles summarizing agency activities for publication in the Reporter.

Following the year-long course, many Center interns pursue (for additional credit) an Open Meetings, Public Records or ada; or submitting amicus briefs on issues pending appeal. Students critique of public interest law, including an opportunity to participate in state regulatory agency activity as well as an opportunity to have their work published four times during their second year in a unique legal journal. Students do have a chance to work closely with experienced attorneys and lobbyists who are experts in the field of public interest law and advocacy.

Today at 12:15 pm and tomorrow at 4 pm, CPL will hold orientation sessions for interested students interested in finding out more about the Center for Public Interest Law. Both sessions will be held in Warren Hall, Room 218. Students are encouraged to stop by the Center and look at the latest issue of the Reporter to get a better idea of the kind of agencies the Center monitors and the issues it studies. The Center is located at the rear end of the Legal Research Center (go in the back door, first door to your right).

CPL Settles Suit with Medical Board

by Warner Broaddus

Last fall, USD's Center for Public Interest Law (CPL) finally brought an end to four years of litigation on behalf of Vietnamese doctors who were denied licenses by the Medical Board of California. Although CPL was awarded nearly $100,000 in attorney's fees for its representation of the doctors, it settled the matter for $68,000 last September.

The case of Le Bup Thi Dao v. Board of Medical Quality Assurance actually began almost 15 years ago when Dr. Le Bup Thi Dao and many of her colleagues fled war-torn Vietnam three years after the fall of Saigon in 1975. In order to escape the discriminatory Act set out in the Vietnamese constitution, the doctors left everything behind and came to the U.S., only to be greeted by new discrimination and distrust in the U.S.

Upon arriving in the U.S., Dao and the others began the long campaign to secure a license to practice medicine in California. Between 1981-86, Dao took and passed three exams required for licensure of foreign medical graduates and completed a three-year residency at University of California at Irvine in order to Dify. Then, in January 1986, things began to go away.

The Medical Board's Division of Licensing (DOL) mailed letters to Dao and others saying their application for licensure had been accepted and licenses would be issued upon receipt of $200 and a recent photo. Dao sent in her money and photo, but instead of a license, received a letter several months later informing her that all licenses for Vietnamese doctors had been denied. What Dao didn't know was that at about the same time DOL staff sent out letters informing doctors they had qualified for licenses, DOL members held secret meetings in apparent violation of the state's Open Meetings Act. At those meetings, the executives declared a moratorium on licenses for all Vietnamese doctors.

This moratorium was officially declared months later.

The reasons for the moratorium have never been clearly or officially articulated by the Medical Board. Apparently, there was some concern over the quality of medical education in Vietnam, especially after 1975, the year the communists invaded. Facilities and administration were damaged by the war. Admission criteria were changed to include political qualifications. Records were lost. But the Medical Board's procedure for dealing with these concerns were confused. Marc Grimm, former program manager for DOL told the Los Angeles Daily Journal, "The procedures ... were a nightmare."

Finally, the Board just stopped licensing all post-1975 graduates. Dao and most of the others were denied by the Board. Additional regulations were added to the admissions criteria for medical school in Vietnam or other questions over the school's reliability.

"All we wanted [for the doctors] was a hearing" says CPL attorney Julie D'Angelo. "The Board was just treasuring in a blanket fashion."

In late 1986, pursuant to the Administrative Procedure Act, Dao and CPL made a formal request to the Board to explain its moratorium.

Meanwhile, the Medical Board moved the case to the California Superior Court for a possible judgment against the doctors. The suit was settled in November 1990, prior to the court's decision.

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The Pre-Registration Price for Each Seminar Other than Civil Procedure — $50.00
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- Courses will be held at California Western School of Law, 350 Cedar Ave., San Diego — Auditorium on March 31, April 1 & 7, Room 2B on April 6
- Courses will be held at The Ramada Old Town, 2435 Jefferson Street, San Diego — The Aztec Room
- 10 Seminars to be Held in Orange County April 27 through May 6, 1992. If you have any questions please call.

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Course Lecturer: PROFESSOR JEFF FLEMING
Attorney at Law • Legal Education Consultant

Mr. Fleming has taught as an Assistant Professor of the adjunct faculty at Western State University 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.

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Register at the Door
ACLU President Attacks Supreme Court Decisions
by Linda L. Barkacs

Through the combined efforts of the Women's Law Caucus and the Law School Faculty, USD was able to bring the first woman and youngest ever president of the American Civil Liberties Union (ACLU) to USD on March 16. Nadine Strossen did not disappoint the standing-room only crowd in Grace Courtroom. Both after her speech and after the question and answer period, she was treated to thunderous applause from the crowd.

Strossen began by citing what she believes is today's greatest threat to civil liberties—the U.S. Supreme Court. She quoted a New York Times article as stating that this is a "Court with an appetite for reviving Constitutional principles." Last term the Court directly overturned a record nine precedents. Particularly at risk are the areas of reproductive rights and free speech.

In a case to be heard before the Court on April 22, Planned Parenthood v. Casey, Strossen believes the Court will further chip away at Roe v. Wade's doctrine. If overturned, it will be the first time in history that a Court has bestowed, and then taken away, a "fundamental" right. Strossen called this a "sad first."

Religious freedom is also at risk with the current Court. Strossen explained that in Oregon v. Smith, the Court held sacred religious rituals. In that case, there was a state statute prohibiting ingestion of peyote. The Court said that the legislature was the only one who could make the exception for religious groups. While they recognized that the particular Indian group was a small minority with little political clout, Justice Scalia, writing for the majority, stated that this was an "unavoidable consequence of democracy."

The Court then twice cited a previously overturned case (without referring to its reversal in the citation). Many religious organizations, and both conservative and liberal political groups, joined to protest this decision. They petitioned the Court to rehear the case, but the Court refused.

Strossen next addressed the concern for free speech, which has traditionally been a "preferred right." She states that there has been substantial erosion even in this area. Two core principles are at risk: content-neutrality and government censorship based on "imminent harm."

In Rari v. Sullivan, known to many as the "gag rule," the Court prohibited doctors in clinics that receive any federal funds from informing women about abortion. If a woman asks, the doctor has a "script" that is to be read. Strossen believes this precedent goes far beyond the abortion context. If government dollars are attached to any service, the strings attached include a "waiver of first amendment rights."

In Barnes v. Glen Theater, last year's nude-dancing case, the Court went beyond a "carved-out exception" to free speech and actually prohibited a form of speech based on the moral outrage of the community. Strossen explained that there are "potentially enormous consequences" when speech that causes no harm is prohibited. She believes that poor or low-income individuals are treated more hostilely by the current Court than their wealthier counterparts.

Dance that would be allowed in the Lincoln Center is prohibited at a cocktail lounge. A professor at Rutgers University referred to this as the "Chablis Rule"—white wine drinkers may see the dance, but beer drinkers are forbidden from doing so.

In closing, Strossen said we can no longer rely on the Supreme Court or even the federal courts to protect civil rights. She said the "war on drugs" has been characterized as the "war on the Bill of Rights." The current Court seems simply too eager to carve out a drug exception to each liberty. We must now turn to other forums, such as the state and national legislatures, and state constitutions for protection from government encroachment on our individual liberties.

Her pessimistic outlook on the current Court seemed to be summed up when she quoted Thoreau: "A lot of people imagine they are impossible."

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Clinic Entangled in Criminal Case of Cultural Bias

by Robert Chong

The following is a true case which third-year Phoebe Wang in the USD Civil Clinic is handling, under the directions of Professor Allen Snyder.

The Incident

It was a rainy September night in 1990 when Mr. Chiu got arrested from his class and was anxious to get home. Mr. Chiu is an immigrant from Hong Kong and has lived in the United States for almost ten years. He only speaks two languages: English and Chinese. This fairly routine stop turned into a terrible tragedy for Mr. Chiu. According to Officer Sanders, Mr. Chiu did not stop at the speed of 22.5 miles per hour. According to Mr. Chiu, he was unable to stop immediately due to faulty bicycle brakes, the slippery ground, and the downhill slope of the hill he was descending, intending to stop once he reached the bottom of the hill. The police car raced ahead to the bottom of the hill, but did not see Mr. Chiu in front of Mr. Chiu. As with all cases, there are two versions of what happened that night. Officer Sanders's story is that once Mr. Chiu reached the bottom of the hill, he did not stop, but tried to ride around the police car. Mr. Chiu contends that he did instead stop, and was pulled off his bike by Officer Sanders. At this point, a struggle ensued.

Officer Sanders was bruised as a result of the struggle, sustaining pain in his shoulder. The Committee also rejected a proposal that the student employment, the new policy requires that the student be informed of this policy each semester by a statement that the student cannot provide his/her own food, shelter and clothing. Mr. Chiu believed that Mr. Chiu was not eating or speaking to anyone.

One week later, at Mr. Chiu's preliminary hearing, Officer Sanders was still unavailable because he was on vacation. Mr. Chiu was diagnosed as not being gravely disabled. He is best remembered for his interest in the areas of administrative law, constitutional law, civil liberties, and human rights.

Nathanson, Continued

From page 1

bringing distinguished speakers to the School of Law to discuss issues of national significance.

Nathanson was Professor Emeritus at North- western University School of Law and was named a Distinguished Professor of Law at USD. He is best remembered for his interest in the areas of administrative law, constitutional law, civil liberties, and human rights.

Nathanson was active in the legal and academic communities working with the American Civil Liberties Union, the Anti-Defamation League of B'nai B'rith, the Indian Law Institute, the Japanese American Society for Legal Studies, the American Academy of Constitutional Law, and the Convention of Palau.

Nathanson's widow, Leah Nathanson, has continued the tradition of service to the community by volunteering her time and effort to help USD with the Nathanson Lecture Series and commencement activities, among other things.

Due to the popularity of the lecture series and the great interest in O'Connor's books, which are in high demand and are considered (by authors who are interested in attending) to be a ticket to the Law Alumni Development Office. They were located to the career fair on the first floor of Warren Hall. Tickets are on a first-come, first-served basis and are limited to one per student. Tickets may be picked up with a valid student ID this Thursday, April 8 from 2:30-3:00 pm and from Friday, April 9 from 8:30-3pm. No one will be admitted without a ticket.
Motions

by Dallas O'Day

This article was originally intended to be about March Madness, but my recent adventure of jumping from a height of roughly 200 feet from a hot-air balloon attached to a cord that usually serves as the sort of thing one sees on tie-down packages on motorcycles (or for you kinky people) your lover. But that topic had to take a back seat, because the time has come to watch TV. Routine life, i.e. waiting for a bus, travelling in a haze oflanguage and spirit that is in sharp contrast to what it used to be.

Now, for those of you who have been too busy watching soap operas in the West to learn, March Madness is the NCAA men's basketball tournament. And I must confess that I am at a loss to understand how one could possibly justify turning the channel on the TV in the West to such garbage as "General Hospital" when an event of such monumental importance to America (except Notre Dame fans) is on the tube. But such a travesty did occur on Thursday, March 19.

I understand that soap operas involve detailed plots and complex characterizations (not to mention superior acting) that require constant viewing in order to follow the storyline. It is too much to ask, however, that people set aside their tracking of Holdens or Julie's or Ivy's inane, trivial problems for a couple of days when real-life drama is unfolding right in front of you. And I don't necessarily mean in the games, either. At what other time can you see such ticked-off looks and bitter expressions on the faces of your friends and classmates who were dumb enough to bet on the Arkansas or Arizona to make it to the Final Four?

There is also drama in observing your classmate try to balance the demands of school and other things, like girlfrienus, against the siren call of First Round Draft and other sports bars where one can relax in a haze of cigarette smoke and try to watch four games at once. If they look fairly calm, one may assume that either they are still alive in the betting pool or they have no interest in college basketball, like USC fans (except when they're winning). Otherwise, look for scowls or mindless grins! These are usually the best indications of how one's picks are doing and how well your classmates (and their girlfrienus) are handling the stress.

I hope people who don't give a damn about college hoops or the NCAA tournament, take heart. Your sorry little lives will be restored to normal by April 7. You can watch all the CBS soap operas you've been missing. Without or, you could do the right thing and go to the sports bars with your hard-headed friends who want to watch the UTEP-Colorado match-up. I realize, of course, that by the time you read this there may only be four teams left. And none of them will be Cincinnati (I tip for Petty) or Iowa State (imagine) or even Vanderbilt or USC.

On a different note, I enjoyed Olga's son's amusements with a styrofoam Big Mac box from the Moscow McDonald's. He was thrilled to amuse himself with a knife we had given him. Earlier in the day, Olga's son to join us at the table, he was waiting for a bus, travelling...

From Russia with Love:

The Impact of Three

by Patty Towler

Last year, I had the privilege of spending a month travelling throughout parts of the world who grow up in adversity, where land is abundant and alive and spirit that is in sharp contrast to what it used to be. And I must confess that I am at a loss to understand how one could possibly justify turning the channel on the TV in the West to such garbage as "General Hospital" when an event of such monumental importance to America (except Notre Dame fans) is on the tube. But such a travesty did occur on Thursday, March 19.

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THE ULTIMATE DIVE BAR REVIEW:
Hollywood and Gringo Take the Plunge

SILVER FOX
1700 GARNET AVE., PACIFIC BEACH

HOLLYWOOD: The Silver Fox is by far the best dive in Pacific Beach. Upon entering, I had to wait behind passengers of a chartered party bus which was just delivering revelers to this classic establishment. You have to love a narrow tavern with a long bar because it maximizes the schmoozing and casual “bump-into” factor which is so important when out to flirt and charm with strangers in the night. If you have seen the GAP/bus stop advertisements which feature black tees and baggy jeans, and the caption “our clothes, your look,” this is the place to sport them. Black, leather, baggy jeans and skin are the predominate fashion statements here.

The Silver Fox attracts a crowd of all ages and types: collegiate types, hipsters, burned out surfers and the older crowd all congregate here for pool, darts and hard liquor. This place would approach motorcycle bar status, except there were only two motorcycles out front and neither was a Harley. However, this is one of the few places where you won’t feel out of place ordering a martini or a rob roy, and the bartender will know how to make it.

GRINGO’S REPRIZE: Oh, cut it out! It’s the kind of place my dad would hang out in if he lived in this part of town. “Upon entering, you are greeted by a doorman or security. As evidence, I present to you the type of person who enjoyed it (besides his Holiness, who’s bad taste is well documented on a monthly basis)—my pal Whiskersname. Take an apparently normal and well-educated woman and bring her to the Silver Reynard and what happens? This seemingly very together women comes back to my home for some above average intimacy and begins begging to be SPANKED. I mean, PLEASE. Whatever happened to all the normal people in the world? Is this what the Silver Weasel does to otherwise nice girls? You know, all I’m looking for is a nice girl who has some normal, healthy desires and interests ... and maybe doesn’t mind being tied up every now and again ... Is it too much to ask? Well, apparently it was a little too much to ask of Miss I-like-the-Silver-Carbage-Dump. You can keep the place. Avoid this establishment like late night dining at Sasha’s, like vacations in Beiruet, like animal-tested cosmetics.

SILVER SPIGOT
2221 W. MORENA, CLAIREMONT

HOLLYWOOD: The Silver Spigot features the best noon of any bar in the city. This bar is the most authentic dive in town, although its top shelf liquors are the standard well in more respectable taverns. There is a lovely bar maiden, two pool tables and a jukebox which features the best disco tunes of the eighties and seventies. I was doubly pleased when Banarama’s Venus was played twice after Swxty by the C&C Music Factory.

Be sure to bring your shank or switchblade, or be able to pay if you bet and lose at pool, for this bar attracts a rough crew. Over one third of its clientele sits by the side door, ostensibly for a quick getaway in case the police come in the front. (I would not be surprised if the Clairemont killer hung out here when he was at large.) I saw one guy almost punch out another for giving his girl some bad pointers on her pool game. However, I did see an incredible goddess (Venus, I think) wearing something red, tight and short with cowhide cowboy boots. If any of you have ever seen the Hollywoodmobile, you know I fancy fast things in red and cowhide.

A MINUTE WITH THE GRINGO: It’s bad enough that you drag my poor sorry butt into these places but you went and told all the best stories about it AND used my jokes! Curse your bones, Hollywood. Well, dear reader, I can say no more against this compost heap than what here:

HOLLYWOOD’S PICK OF THE MONTH

SMILE
610 W. MARKET, GASLAMP

The place to RAVE on Saturday nights. The bar was conceived originally to be a pre-party for all the ravers, those wearing overalls and funky velvet hats with flowers. However, the club is so popular that there is a long line for admittance until after midnight. With $1.50 budweisers and ambient house wines, who needs to bother going to the club? I did however, and paid someone $5 to get in, in the back door. The plan didn’t work and I lost my cash. I yearn for the L.A. underground scene (Dr. Seuss on Mato & 3rd or Truth at the Park Plaza) where I could sneak in late or use my contacts to have the doorman let me in. Also, the raving never ends until the day begins, unlike the evening—spooning curfew at Smile.

BEST DIVES IN LOS ANGELES: THE FROLIC ROOM on Hollywood & Vine; THE THREE ACES on Vine & Santa Monica; THE CIRCLE on Main St. in Santa Monica; THE THIRTY-FIVER on Colorado in Pasadena’s Old Town. BEST DIVES IN SAN FRANCISCO: CASA LOMA off Lower Haight and ZEITGEIST by the Tenderloin.

GRINGO’S PICK OF THE MONTH

BREWSKI’S
310 FIFTH AVENUE, DOWNTOWN

Well, what a pleasant surprise, I said to myself—another micro-brewery downtown. I decided it was worth a shot (or a pint), so I dragged Hollywood down there after a night at the opera (we saw a mediocre performance of The Rape of Lucretia with a couple of friends who did not share our lust for beery beverages afterwards). On our way we stopped at a horrible place that someone had told Hollywood to check out: The Orient (downtown). Therein I had a most unpleasant experience: we were still dressed for the opera, and had gone into this displaced bike bar unsuspecting that we would be the best dressed in the place and that there were no women in the establishment except about seven barmaids, who seemed to embody the name of the bar and who had their hands lined up behind the bar for a quick exit with a G.J. Joe, when (is this a run-on sentence?), while attempting to leave this den of cheap liquidy, someone called out “Gringo!”

To say that I was shocked to hear this name in such environs would be a significant understatement. The decision it led me to is that I spent entirely too much time devoted to bars, so we left and went to the brewery.

What a place! The beers were outstanding, easily rivaling the Old Columbia but with their own unique taste. I particularly liked the wheat beer that RJ (the owner) served up for us—very refreshing. The porter (black beer) was burned to perfection, and the reds and ambers full bodied and hearty. Believe it or not, the decor is even tasteful. (Hollywood said so.) Being also a full-on restaurant, the food was delivered in what appeared to be the largest portions I have seen this side of my granny’s house—absolutely huge everything! Go downtown and enjoy. BIG NEWS AT MOONDOGGIES: My favorite bar in town now has set itself apart as a pioneer in the-potables industry. Moondooggies is the first bar you can go to in town and get a cash advance on your ATM card. Ya justcan’t stop progress. New foods too.

TOP TEN

Top 10 Clinton Scandals Yet to Surface:
1. Campaign just a front for Hillary
2. Once golfed with Dan Quayle
3. Fumbled state business to Gennifer Flowers
4. Consulted Elvis’ ghost during nightime seances
5. Considers Pat Buchanan a sole mate
6. 1973 affair with Barbara Bush
7. Once bathed in the nude
8. Secret character witness for Mike Tyson
9. Evaded draft by dating Max Clinger
10. Lost all campaign funds betting on Arkansas in NCAA Final Four tournament
Sewage Crisis
Sparks ELS Forum

by Jennifer M. George

The Environmental Law Society has tentatively scheduled a symposium on the Donghwa sewage crisis for Wednesday, April 15. A round table discussion is scheduled to include speakers who represent business, private and environmental viewpoints. Professor Coryk Wharton will moderate.

The key issues to be discussed include: the short and long-term effects of the sewage spill; the city of San Diego’s reluctance to work in the public interest; measures to be taken to prevent future spills; and if the occurrence of the present spill was due to an “act of God” or the result of the city’s negligence?

The symposium will be held in the University Center Forum A. A reception will follow.

Konz Scholarship
Reaches $6000

The Michael Konz memorial scholarship has reached slightly over $6000. It was established by the Law Alumni Association and classmates of the late Michael Konz, a USD law student who was killed recently at General Dynamics. Continuing evening students in the upper one half of the class who work full-time will be eligible for varying amounts of the scholarship which will be awarded for the first time in fall, 1992. Candidates who best embody Michael’s philanthropy, wit, optimism, integrity, and his dedication to the study of law will be selected. Contact Kathleen Quinn in the Alumni Relations Office for more information.

Law Students Compete in Moot Court

from the Moot Court Board

Lou Kerig Criminal Law Competition

On March 20, Pam Etter won first place in the 1992 Lou Kerig Criminal Law Competition. She achieved this distinction from a field of 29 competitors. Chris Johnson took second place; Danny Rodriguez won third; and Lenny Fink won fourth. Linda Bell was named best oralist and received an award for writing the best brief for the petitioner. Fink wrote the best brief for the respondent.

The judges for the final round were Professor Lou Kerig, Thomas McCabe and Lynda Romero. Kerig retired last year after 24 years of service to USD. The criminal law competition was renamed in his honor to recognize his year’s support for the Moot Court program. McCabe is the chief of the Appellate Division at the San Diego District Attorney’s office, and Romero is a solo practitioner specializing in criminal appeals.

Moot Court board member Julie Whalen wrote the problem and coordinated the competition. The problem involved the prosecution of a pregnant mother for furnishing drugs to her newborn.

The next and final Moot Court competition this year is the Winters Competition for first-year students which will occur April 13-14.

Jessup Team Leaves for D.C.

The 1992 Jessup Team successfully defended the Pacific Regional Championship held at Hastings School of Law on February 21-22. During the preliminary rounds, Laura Morton and Dyke Huish defeated McGeorge and Cal Western, while fellow team members Troy Zander and Chris Miller defeated Brooklyn Law School and Whittier School of Law. Morton and Huish ultimately defeated McGeorge School of Law in the final rounds of the competition, bringing home a clear victory for USD. The team also received an award for producing the best third-round brief in the Pacific Region. Moot Court Board member Janet Richardson served as the team’s coach and has been instrumental in its success.

Jessup Team members began work on the problem in November. While other law students enjoyed Christmas break, the team spent long hours in the library working on their briefs, which were due in January. Since completing the briefs, the team has conducted two practice rounds per week in preparation for the Pacific Regional Competition.

The team left for Washington, D.C. last Friday to compete in the International Rounds. Good luck!

Pro Bono Board Off and Running

by Stephanie Delaney

The Pro Bono Legal Advocacy Board is up and running with four very successful programs this spring involving well over 100 USD students.

The first training of the semester was for mediation. Social Advocates for Youth (SAY), conducted the 20-hour training. Approximately 25 USD students completed the on-campus workshop. Response to the training was so overwhelming that several students had to be turned away. The Pro Bono Board hoped to have another training session later in the semester, but will be unable to do so. The trained students will work with the Kearney High School mediators in accordance with a partnership agreement signed in December, 1991.

Trained law students will also be scheduled to mediate at the SAY offices.

Also at Kearney High School is the Pro Bono mentor program. Board member Cindy Taylor is assisted in this program by first-year Courtney Wheeler. Twenty-two gifted juniors were identified and teamed up with USD law students. The goal of this program is to encourage students, for the most part disadvantaged, to attend four-year colleges and universities.

Board members Nina Golden and Ed Rogan are organizing the biggest Pro Bono program, the San Diego Volunteer Lawyer Program’s (SDVLP) Domestic Violence Clinic. The February 14 on-campus training drew over 80 responses and attendance at the three-hour training session was high. Students have already begun their three-hour shifts at the clinic. Due to the overwhelming response, most students will work about once every three or four weeks.

Also under the SDVLP umbrella is the SSI program. While the training has not yet begun, interest for this program is also high. Due to the late training dates, anticipated in late March or early April, the Board recommends interested students be in San Diego for the summer or be prepared to train now for the fall.

The Pro Bono Board has an announcement board on the first floor of the law school, behind the Bar Bri desk. Check it out, in addition to the Sidebar and mailboxes, for information on programs, upcoming training and pro bono issues in general. The Board’s office is located on the first floor of the University Center, just below the Deli. Office hours will be posted on the law school announcement board soon.

The final issue of Motions for the semester will come out on April 21. All submissions and letters are due in the Motions’ mailboxes on April 13 by 5 pm. Any questions, call extension 4343.

Working around the clock tonight?
Discover Kinko’s

OPEN 24 HOURS

For most of us, there just aren’t enough hours in a 9 to 5 day to get some of our important projects done on time. And that’s why we’re open 24 hours. Every day. So no matter when you need a helping hand and a friendly face, you’ll find them at Kinko’s.
The 1992 Barristers’ Ball will be held on Friday, April 10 at 6pm at the Hyatt Regency La Jolla. The evening will begin outdoors with cocktails and hors d’oeuvres served in the Palm Court, with dinner and dancing to follow in the Aventine Ballroom. A professional photographer will provide each guest with a complimentary photo.

Semi-formal attire is appropriate.

Tickets are on sale for $30 per person on the first floor of the law school at the noon hour and before evening classes. Table and menu selections are made upon purchase of tickets. The menu will include a bibb, radicchio and basil salad; a choice of grilled breast of chicken, pan-seared mahi-mahi, or vegetarian pasta primavera for the entree; chef’s accompaniments; rolls and dinner rolls; chocolate-dipped strawberries, and fresh fruit; and, finally, coffee and herbal teas. Special room rates at the Hyatt are available for those interested.

Valet parking will be available; self-parking will cost $4.

The winner of the Phi Delta Phi Barristers’ Ball logo contest is Cheryl Forbes, a third-year law student. She designed and submitted the Egyptian/Circassian design that you see on the posters around the law school. She will receive a free ticket to the Barristers’ Ball for her efforts. Second runner-up was Anne Broderick. She submitted a tuxedo design.

Cocktails • Dinner • Dancing

THE 1992 BARRISTERS’ BALL

APPLY NOW!!!!!!

TO BE MOTIONS EDITOR FOR THE 1992-93 SCHOOL YEAR.

Applications will be available after April 1 outside the Motions office, downstairs in the University Center. (Look for the door that says "Publication Offices.") For more information, call 260-4600, extension 4343.

Legal Research Specialists, Study Group Leaders Sought

LEGAL RESEARCH SPECIALISTS

The Lawyering Skills I Program is seeking applications for the Legal Research Specialist positions available during the fall 1992 semester. Students who will be in their second, third, or fourth year of law school next year are eligible to apply. These positions offer an excellent opportunity to sharpen research techniques, to increase familiarity with law library resources, to make a significant contribution to the legal education of first-year students, and to develop a working relationship with a faculty member.

Specific responsibilities include writing and grading sets of legal research exercises, attending and participating in legal research lectures, and consulting with students during weekly office hours. The honorarium for this one semester position is $875.

Applications are available from Mary Vicknair or Susan Miller in Room 117 of Warren Hall. The deadline for submitting applications is Tuesday, April 7. An interview sign-up schedule will be posted on the door of Room 117 on Wednesday, April 8. Please be sure to sign up for an interview at that time. Interviews will be held Monday, Tuesday and Wednesday, April 13, 14, and 15.

STUDY GROUP LEADERS

Study group leaders are assigned for each first-year course. The study group leaders attend class each week. They lead a one-hour study group each week during which they review the week’s work and help the students develop their outlines. They write, administer, and grade practice exams during the semester. They also meet regularly with the course professor and with the Associate Director of the Academic Support Program. The honorarium for this position is $875 per semester.

Applications are available in Room 117 of Warren Hall. You should return this application along with a copy of your transcript, and you also need to set up an interview with Janet Madden. Final hiring decisions will not be announced until late summer.

Journal Makes Comeback

by Robert Chong

Let’s face it, at one time in our legal and pre-legal careers, we’ve all had grandfathers of being on top of the class and making LAW REVIEW. Unfortunately, only ten percent of us will ever take pen (keyboard?) to citation checking to the Law Review board. Kudos to the few, they are living proof that hard work does pay off in law school. For the other 90%, take heart.

USD’s other journal, the Journal of Contemporary Legal Issues (JCLI) exists for the purpose of offering an alternative to students with writing of editing talents. JCLI does not require the stringent rating system of Law Review and is open to all students with journal interest. JCLI raises its own funds, manages its own staff and markets the Journal nationwide. The JCLI was a mid-1980’s brainchild of Professors Lynn Dallas and Paul Wolmuth. Dallas and Wolmuth wanted to create a journal addressing issues such as Financial Institutions, International Law, and Alternative Dispute Resolutions. Currently, the JCLI is under the tutelage of Professor Maimon Schwartzchild.

To date, JCLI has published and distributed three volumes of the Journal. Because of snafus associated with the 1989-90 board, JCLI has stalled in its goal of an issue per year. The problems associated with the previous board included breakdowns in the editing process (unedited materials were being sent to the printers, footnotes incomplete, or titles left dangling in the middle of a page), inadequate printing process, cost over-runs due to duplicate printing, and lack of accountability. The immediate past Volume 3 is a double volume devoted to Alternate Dispute Resolution.

JCLI has worked hard this year to overcome past deficiencies. the Journal has significantly reduced its debt and published back volumes. The current volume will feature articles on International Law, the Persian Gulf War and an article written by John Norton Moore, a renowned attorney in the International Law field as well as two articles written by students.

JCLI’s current board consists of seven senior editors, who are assigned various duties such as heading the manuscript committee, subscription committee or treasury committee. Senior editors are required to devote a specified number of hours of work to the Journal. In addition, there are currently eight associate members and staff members. The Journal encourages interested students to attend its meetings and become involved.
SBA President's Report

by Shawn Randolph
SBA President

Hello! In case you were wondering why my President's Report was missing in the last edition of Motions, it was because I had nothing to report since the previous issue. That is not the case for this edition! As usual, I have been attending many meetings where I represent the interests of the student bar. I generally make reports to the Council on these meetings, but this is my forum for reaching other students who may be interested in what is going on. So, here goes!

Graduation Committee

The SBA Graduation Committee, chaired by Judy Harwig, is working diligently to accomplish all of its goals. Many of you recently received notice in your mailboxes asking for your vote on the 1992 commencement speaker, and for nominations for the 1993 commencement speaker. Thank you to all of you who participated by returning your ballots and suggestions. The following is the ranked list of commencement speaker choices for the upcoming 1992 ceremony: Sandra Day O'Connor, Javier Perez de Cuellar, Anthony Kennedy, Morris Dees, Elizabeth Dole, Gerald Spence, Richard Posner, Ralph Nader, Barbara Jordan, Joyce Kennedy, George Schultz, Derrick Bell, Lucy Killea, Derek Bok, Herbert Feinsdorf, H. Lawrence Garrett, Shirley Hufschmidt, Anthony Amsterdam, Dorothy Nelson, J. Clifford Wallace. The faculty approved (almost unanimously) a motion to affirm the student recommendation for ranking the speakers. Dean Strachan is currently in the process of contacting the potential speakers. At the time of my writing this article, the top four picks have indicated that they will not be able to accept.

Only two proposals were received from members of the class of 1993, Michael Josephson and Nina Toelken. Catherine MacKinnon was also proposed by the Committee’s Chair. If approved by the Board of Trustees, they will be added to the current list of potential commencement speakers for next year.

The Graduation Committee is currently planning the Graduation party among other things. The date has been scheduled for Thursday, May 21, 6-10pm, and will be held at the Sharon Inn. The cost per person will be $5 in advance and $12.50 at the door, which includes food, a limited number of drinks, and hot tones span by a d.j. All graduates should plan to attend, and all students are welcome, in addition to any guests. Graduating students should contact Judy Harwig or myself to relay your ideas or concerns surrounding the party or any other graduation issues. Students should also commend Judy for the outstanding job she has done in coordinating the speaker lists and the party. She has done an outstanding job!

Commencement is currently set for Saturday, May 23 at approximately 10:30am with a reception to follow, it will be held at the stadium. There is also an Awards Ceremony set for Friday, May 22 at approximately 4:30pm in UC Forum A/B with a reception to follow in J. W. Grille. All graduating students have received notice and information in their student boxes.

Faculty Meeting Report: New Attendance Policy Adopted

As previously stated, the faculty voted, almost unanimously, to approve the students’ chosen ranking of commencement speakers. In addition, the faculty recently approved a much debated revision of the academic rules pertaining to attendance requirements. For me, as the only student spokesperson at faculty meetings, this has been a very pressing concern, both this semester and last semester as the faculty debated in committee and in general meetings the merits and problems with its new proposal. As you may remember, the ABA, in its recent evaluation and report on our school found attendance to be a significant problem area. (Remember when professors were anticipating the ABA committee visit, they told you to be sure to attend class?) These revisions are the response to an unfavorable attendance story. It meets twice per semester and provides a forum for student concerns. The committee is composed of the presidents of the undergraduates and all the graduate schools, members of the Board of Trustees, and various University administrators. At a recent meeting I invited various speakers to speak on university access for students with disabilities in order to raise awareness among university officials as to the problems that many students with disabilities face campus wide. The object of raising this issue with the Committee was to urge the University to do a campus wide access audit. Bringing the issue forth in that forum seems to have nudged the University forward in accomplishing that goal. If you have any concerns that you feel would be appropriate for this forum, and would like to make to the committee, feel free to contact me.

ABA Conference Report

I recently attended my last circuit meeting of the ABA. Fortunately for me, it was the first time the University of Hawaii, William S. Richardson School of Law has hosted a conference. My report follows: The ABA Law Student Division has created a task force to look into the possibility of providing ABA membership for free to first year law students. Cheryl Forbes, ABA/LSD Vice Chair reported that the LSD officers are also looking into setting up a mentor program whereby the ABA would provide various speakers for law schools. There was also support for the 9th Circuit, Honoluluเกม Division meeting of the national ABA membership. She reported that her committee is currently exploring the possibility of adding a pro bono or public interest factor or requirement to the law school admissions process. She also reported that the University of Hawaii is the first school to adopt a student initiated pro bono requirement for graduation. The U of H requires that each student complete 60 hours of pro bono work over the course of their law school studies.

University Student Affairs Committee

I sit on the University Student Affairs Committee as the Warren/Mooro Hall representative. It meets twice per semester and provides a forum for student concerns. The committee is composed of the presidents of the undergraduates and all the graduate schools, members of the Board of Trustees, and various University administrators. At a recent meeting I invited various speakers to speak on university access for students with disabilities in order to raise awareness among university officials as to the problems that many students with disabilities face campus wide. The object of raising this issue with the Committee was to urge the University to do a campus wide access audit. Bringing the issue forth in that forum seems to have nudged the University forward in accomplishing that goal. If you have any concerns that you feel would be appropriate for this forum, and would like to make to the committee, feel free to contact me.

My Goodbye

It has been a pleasure serving as your SBA President. I hope this column has been informative for you. Thank you to all the students who helped out on SBA events this year, and especially to those of you who were so supportive of me personally, and this includes those of you who simply had a positive word here or there. I wish next year’s President and Council the best of luck for a successful year. Since my term in office is coming to an end, I bid you adios! Or should I say, Aloha?!
Womens' Law Caucus Raises Money on St. Patrick's Day

by Linda Bell
Women's Law Caucus

The Women's Law Caucus Faculty Auction on St. Patrick's Day was a smashing success. Thanks to the efforts of Carolyn Taylor, D. Lynn Jones, Kathy Chenney and our favorite auctioneer, Professor Corky Wharton, we raised $5,200. This money will be used to fund speakers and workshops next year. In addition, some of the proceeds will be donated to a transitional housing program for battered and homeless women.

On auction day, students packed the first floor lounge to enjoy beer, wine and tons of food while participating in the bidding. Professor Wharton showed yet again that auctioneering is in his blood as he entertained us all (with a little help from #15). All the bidding was competitive and every item was auctioned off successfully.

The Women's Law Caucus would like to thank all the professors who donated their time and talents. In particular, we would like to thank Pat and Verna from the Records Office for all of their support.

A hefty crowd turns out for the Women's Law Caucus (WLC) faculty auction on February 17. The proceeds will be used to sponsor WLC events next year and some will be donated to the transitional housing program for battered and homeless women.

In excitement, Chris Duenow points to the auction board determined to bid on everything.

Going once? Going twice? Professor Corky Wharton.

Space Law Conference
To Be Held in Washington

The Fourth Annual Space Law Conference will be held in Washington, D.C. on October 16-17. Students interested in presenting a paper on an issue relating to space law should send the proposed paper to the moderator, see below. Selected papers will be presented before a panel of distinguished practitioners in this field. Each participant will be allotted 15 minutes for a presentation, and the author of the best paper will receive a $1,500 award.

The theme of the conference will be: "Doing Business in Outer Space." Those in attendance will include practitioners from the aerospace industry, international organizations, and private practice. This will be an excellent opportunity for those interested in the legal aspects of space activities to participate in what will be one of the most lively and intriguing conferences of the year.

Proposals should be sent to the moderator: F. Kenneth Schwetje, Chairman, John T. Stewart Space Law Student Competition, 15397 Autumn Lane, Dumfries, VA 22026. For more information contact the symposium coordinator: Paul B. Larsen, Adjunct Professor of Law, Symposium Coordinator, Georgetown University Law Center, 600 New Jersey Avenue NW, Washington, D.C. 20001-2022.

USD Law Professors Awarded Fulbrights

Of the approximately 1,800 U.S. scholars who are traveling abroad for the 1991-92 academic year with Fulbright Scholarships, three are from the USD School of Law. Thomas Landemark, Adjunct Professor of Law, has been awarded a Fulbright Scholar Grant to lecture and conduct research in Bonn, Germany. Jorge A. Vargas, Professor of Law, has been awarded a Fulbright for lecturing at the Universidad Autonoma Baja California de Ciudad Juarez in Mexico under the Mexico Border Lecturers Program. (See Motions, Vol. 5, No. 4 for further information.)

Charles Wiggins, Professor of Law has been awarded a Fulbright to assist India's Karnataka Bar Association with mediation and alternative dispute resolution techniques.
When the Colonists came to America there was no Indian the white man knew. In the West, the savages Indians. When the slaves were in the South, there was the fear that they would revolt and enslave our own masters. When the Americans went west, the Mexicans were attacked before they could prevent the pioneers from taking over their land. When the Japanese bombed Pearl Harbor, Japanese-Americans were interned before they could infiltrate the American government. When Reagan came, Communism was fought in China, whereas the Vietnamese were spread out like a black cloud. And today, every White American must still be protected from the threat of imminent injustice that comes when people of color come from having what they deserve. Yet, when it comes to jobs and law school admissions, has the greatest American fear come true?

Not because of the same-dajned dangers ever transpired. Some say it is because they were stopped just in the nick of time. But when blacks were first made to feel inferior, it was by being given their own separate schools. When Japanese-Americans were set free did they subvert the government? America has been in danger of an invasion of paper Tigers. There is a cry of discrimination against the white people in America, again. Are the people of color now doing to white people, the response of what has befallen themselves for all of these years?

If we could start over and give everyone the same opportunities, ability would dictate that representation of particular ethnicities would be close to their particular ethnic proportions in the population as large. Of course, it is impossible to start over, but what did happen is that people of color are far underrepresented as lawyers and policy-makers. As Law School Gone to Rim, we are trained to remedy injustices. That radical liberal Richard Nixon agreed when he signed the bill to implement Affirmative Action. This government policy was instituted to provide equal, not more, opportunities for people of ethnicities that have been traditionally, and historically, underrepresented. Now this advancement is in danger of eradication because many white-Americans feel they suffer as a result. If deference is given to a person of color when he or she is compared to a white person placed of similar ability, that white person may say that they were deprived of the same opportunities simply because they are white. This is true, because until this point that person has been given more opportunities, and an attempt to turn around discrimination is the basis for the action. That there are exceptions, as some people of color grow up with many opportunities, and some white people are disadvantaged, but to claim that as a group all ethnicities have received the same opportunities is to be callous and blind.

What appears as deference to a person of color with slightly lower numbers is really a recognition of the obstacles that such a person faced and the opportunities he or she did not have. The child of a migrant farmer, usually a Mexican-American, for instance, does not receive the same educational opportunities as a person in the suburbs. Does this make that first child any less intelligent? No, the child is able to remain in school, because of the idiosyncrasies of a foreign culture, handle the pressure that his family cannot support him financially through college, and not have the same freedom to put school work before a job, doesn’t follow that child’s GPA and test scores would necessarily suffer? Where there are obstacles does that even accurately recognize discrimination? Do slightly varied numbers adequately represent the ability of that student to succeed? Law schools admit people not on the basis of preparation, but on the potential ability to handle a law school curriculum and become an adequate attorney. This student has already proven that he can overcome the hurdles of an unjust world.

We cannot end racism by mandating that, from now on, race will not be a factor. The facts are that people of color are underrepresented on the legal field because they were grouped together and distinguished as being different. Neither can change rule only way through the means of Affirmative Action. The ethnic groups that were placed into an unequal position because of their skin color can only be taken out of that position by once again recognizing that they are insuperable people in the position they were in. An entire group is insulst to each of its individual members. An apology to one of the group’s individuals leaves the rest of the group still insulted. There must be an apology to the entire group.

American history has shown that white people in America are given fair opportunities for life, liberty and the pursuit of happiness because white Americans have always been the policy makers. The people of color want an equal opportunity. In California, Latinos comprise 20% of the population at large, yet only 3% of the attorneys are Latino. The law of averages dictates that there is an inequity in this situation.

Discrimination cannot be reversed unless people of color are the policy makers, and we are not the underrepresented white. We all know that this will not happen any time soon. Even when people of color do comprise a majority in this state, they will still not be the policy makers, for the opportunities to achieve those positions will still be out of reach. America is still stiffer by the unjustified fear that people of color will rise up and put white people out of a job. Discrimination cannot be reversed unless people of color are given the opportunities they deserve, and paper tigers are put to rest.
**Question of the Month:**
Should the faculty vote to raise the average grade from a 'C' to a 'B'?*

**Letters to the Editor:**

**A Different Reflection On King**

What Mr. Little misses in his diatribe that speaks little of reflection is that most groups and movements are hard pressed to represent the view of all of its members. ("Reflections on Martin Luther King, Jr. Day: The Current State of Race Relations in the U.S.", Motions, February 11, 1992) Mr. Little's subtle form of racism: assimilating the behavior of blacks as collective is probably one of which he is not aware. And while his views may not be as "politically incorrect" as those of Hitler or Mussolini, they are just as dangerous. By not allowing or not understanding the rights of African-Americans to disagree amongst themselves in organizations in which they participate, they are being viewed as a group of things. Anytime any of us seek to condemn African-Americans because they disagree amongst themselves or exhibit prejudice or racism towards one another we must be aware that we are committing acts of racism. Racism by refusing to see that the view of all of its members.

"Yes, if your tuition is going to increase to the standards of other schools, then we need to go to court to compete with them in terms of grades and opportunities in the work place, too."

Claudia Garcia, 2L

"In such a competitive job market, we need to be able to compete with the Berkleys and Stanfords of this world. Since everyone else has an average grade of 'B', our students should not be handicapped in the job market with 'C'."

Michael Wang, 1L

"I don't know if it really matters except that (other schools have a 'B' average), then we need to be competitive. Personally, I would like to see no grading. We should just have pass or no pass."

Denise Rupard, 3L

"We should get the same for our money as other 'comparable schools'. If their average grade is a 'B', so should ours be."

Jackson Wang, 1L

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**President Responds**

While I can appreciate the tremendous amount of work that the Motions editors put into the paper (and I have made a point of trying to commend them for the positive aspects of the publication), I cannot appreciate their use of the paper as a forum for unwarranted personal attacks and untrue in- nuendos. An article appeared in the latest edition of Motions that personally attacked, in fact, lambasted me for not informing the law school community of an event that the undergraduates were sponsoring. It is unfortunate that Ms. Morton allowed her "blood pressure [to go] through the roof" because she was delayed on route to campus. What is even more unfortunate is that she felt the need to spend considerable time and space in the last edition of Motions to advance her personal agenda. She stated that "the law school leadership...gives itself kudos for the wonderful job it is doing while at the same time not seeming to take into consideration the real needs of the law school community." Perhaps I have a different agenda than Ms. Morton, but I happen to feel that helping to educate the law school on the achievements of Dr. King, fighting for increased access for students with disabilities, and for increased student voice in administrative decisions are among the real needs of the law school community. These are only a few of the many projects I have worked on this year. As for "kudos," Ms. Morton, I assume, is referring to my President's Column in which I expanded upon the different projects and events that the SBA and I are working on. I do this in order to communicate to the Student Bar what is happening with regard to the real issues facing the law school community, as I perceive them, not to praise myself. Until now I was under the impression that Motions welcomed my efforts in contributing to communication through the publication. While I certainly am not perfect, and have made no claims to be, I have worked very hard as SBA President this year to address the needs of the law school community. It is, however, impossible for me to keep abreast of every activity that occurs at the undergraduate level. Further, had Ms. Morton consulted the SBA weekly publication Sidebar, she would have found that the undergraduate event that inconvenience her in fact been announced. I recognize that criticisms come with my position as President, but perhaps these criticisms would be taken more seriously if the editors of Motions made note of the positive things the SBA does for the law school community.

In response to other innuendos made by the editors, it seems that Motions' editors seem to think they comprise the only student organization that works hard and has needs for Student Bar Association funds. In the past edition of Motions, the editor-in-chief stated that "the SBA financially (emphasis added) gave them the money they needed to update a second computer enough to use it. Through this statement it seemed the editor-in-chief was implying that the SBA had not given Motions timely consideration of a funding request, or that the SBA does not value the law school newspaper. In fact, the editor-in-chief first requested the funds for the system update only three days prior to SBA approval of their funding request. This is the normal process and waiting period all groups must go through to obtain SBA funds. Additionally, the editor-in-chief stated that the only money we receive from the SBA is what little they may think is necessary for us to improve our computers despite the fact that no SBA member has ever visited our office to see how the system really works. In the same editorial, the editor-in-chief stated that part of the procedure that she goes through in the editing process is to check the stories for accuracy. Perhaps she should have checked with the members of the SBA to see if they have ever in fact visited the Motions office, which they claims they have not. I, personally, visited the office a number of times last year close to publication deadlines and am fully aware of the large amount of work that goes into the paper, and of some..."
Letters

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King

strident socioeconomic control, a strong central government usu. headed by a dictator, and often a belligerently nationalistic policy. The views of some of our founding fathers seem to adequately justify that remark. Many founding fathers, revolutionaries and government leaders who followed believed in the supremacy of European culture and the divine right of that culture to spread westward engulfing anything in its path. For example, in 1811 John Quincy Adams wrote this to his father:

"The whole continent of North America appears to be destined by Divine Providence to be peopled by one nation, speaking one language, professing one general system of religious and political principles and accustomed to one general tenor of social usages and customs..."

The dominant customs of colonial America were English, and non-English groups were expected to conform to English culture. This practice of conformity can be tied to the fascist sense of control.

Now the need to conform was not only placed on Europeans who wished to come to this great land, the Indians who lived on the land without the need to subdivide and "own" pieces of it, were viewed as stumbling blocks to the onslaught of English civilization of the "New World" and therefore removed. The Indians were despised and slaughtered because they sought to remain Indians, a group outside the "philosophy or governmental system".

What this article seems to reflect upon most, is not the current state of racial relations in the U.S. but a deliberate omission of facts, contrived use of trigger words to stir emotions, not reflective thought and quotations taken out of context.

Stephanie Lewis
Masters of International Business

President

of the limitations of the equipment. Unfortunately these burdens come with the job of being on an editorial staff.

What the Motions editors fail to understand is that they are not the only student group that makes requests for the limited resources that the SBA controls. It is the SBA's job to assess the needs and responsibility of the groups that are requesting funds and to allocate accordingly. Last semester Motions requested $711.68 and received $549.07. The staff represented that this would be what they needed in order to get up to speed, and that they would likely not be asking for more funds spring semester. During the spring semester budget hearings Motions requested an additional $1,286.04 for, among other things, supplemental memory and a graphics line established by the SBA, three days before the budget hearings. -Eda

Shawn Randolph
SBA President

The announcement in Slideshow appeared on February 10, after the bikerace occurred and was not submitted by the SBA. Motions' request for funds was submitted on the deadline established by the SBA, three days before the budget hearings. -Eda