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University of San Diego School of Law Student Bar Association

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Justice Blackmun Speaks at USD
Close Encounters with Students, Faculty, and Old Friends

By Stacie L. Brandt
Managing Editor in Chief

S upreme Court Associate Justice Harry A. Blackmun visited USD April 7 as the ninth Nathanson Memorial Lecturer. He spoke about change in America to an audience of 500 in Shiley Auditorium. In his lecture, Blackmun identified the three most difficult issues before the Court last year as being abortion, redistricting, and the death penalty. While the author of Roe v. Wade considers abortion issues to be legally settled, he shared his personal feeling that the death penalty is immoral but not unconstitutional.

For some, the visit was a more personal experience. Earlier in the day, Blackmun surprised Dean Strachan’s first year Civil Procedure class with a visit that featured a question and answer format. Asked which case was most challenging, he replied: “You expect me to say Roe v. Wade, but, in truth, every question that comes to the level of the Supreme Court is challenging.”

Blackmun told the class that Flood v. Kuhn, about baseball free agency, was the opinion he most enjoyed writing. (See excerpt, page 19.) “Two of my brothers wouldn’t even want me to do that one,” he said. One was Chief Justice Burger, who may have thought it was beneath the dignity of the Court for me to indulge in this. The other, of all people, was Byron White...”

On the nomination selection process: “I don’t think it will be as rough as the Thomas hearings. I think they hurt the Court.”

Recalling his own nomination hearing, Blackmun recalled in particular his exchange with Senator Kennedy. “He alone of everyone there called me ‘Mr. Nominee,’ not ‘Judge.’ ” He asked, “Can you communicate with the young people of today?”

This was in 1970. I said, “Senator, our oldest daughter is a constituent of yours; she lives in Massachusetts, and she thinks you are the most wonderful senator.” We were friends from then on.”

Blackmun told the class that Laurence Tribe has been mentioned as a possible White successor. Describing the conferences in which the Court discusses cases, Blackmun said, “The best seat, I think, is in the center of the three on one side. You have enough elbow room. When I had that seat, it meant I had my backside to the fireplace. Chief Justice Burger usually kept the room at about 60 degrees, so the fire kept half of me warm. Thurgood Marshall always was the fire lighter...and it couldn’t be lit unless the majority voted for it. The decision was usually 5 to 4, of course.”

On conference voting: “We vote by seniority... If the Chief is in the majority, he makes the assignment of cases. If not, the senior... Assignment power is a tradition and probably a good one. The public is not aware of the significance of it... It’s a perk. If the case has a lot of publicity potential, really a major case, usually the Chief will keep it for himself. If it’s a tax or ERISA case, it goes to the poor junior... Sometimes an opinion is the product of compromise. The public doesn’t appreciate this. To get the five votes, your opinion may come out in a way that you wouldn’t have written it.”

On tax cases: “Most of the justices are uncomfortable with tax cases. I feel I’m not because when I was practicing, I was assigned to the tax department. It was the best thing that ever happened to me. I did nothing else for six years... Byron White and I get most of the tax cases.”

On the arrival of a new justice: “When nobody else comes to the Court, the dynamics change. When Sandra came on, I had always known how Potter would vote, but I didn’t know how Sandra would vote. It takes perhaps a year to adjust... I think the conservative wing of the Court is in control and has been for some time... But strangely enough, they haven’t taken control of the Court in an abrupt, peremptory fashion - which means, in my view, that they’re behaving as justices should.”

“Justices don’t always act the way their appointing presidents expected them to act. Felix Frankfurter was regarded as a great liberal when FDR appointed him. I sat at his feet in law school. He became a conservative...and once said, ‘I haven’t changed; the Court has changed under me.’”

Professor Lee’s Crim Pro II class met with Blackmun for lunch (See article, page 10). After these classroom experiences, Blackmun was heard to remark, “I haven’t ruined them, have I?”

The USD law faculty and invited alumni had their opportunity to meet Blackmun.

By James Kuperstein
Managing Editor

Chris Wonnell Voted Professor of the Year in Run-Off

By James Kuperstein
Managing Editor

P rofessor Chris Wonnell was named Professor of the Year for the 1992-93 term after a run-off election in the Spring SBA election.

This is the first time Wonnell has won this distinction. He has been teaching at USD Law since 1984. After graduating from Northwestern Univ. Phi Beta Kappa in 1979 with a degree in economics, he contemplated graduate school in economics, but decided instead on law school. "I was in debate when I was in college, and most people in debate went on to law school. I think I regarded that as a natural progression."

Wonnell attended Michigan State Law School, where he was an associate editor of the Michigan Law Review. He is a member of the Order of the Coif and earned his J.D. in 1982.

From 1982 until 1984, Wonnell was an associate at the law firm of WOHNELL.
Honor Court Suspends Student; Faculty Confirms

By Robert Little  
Managing Staff writer

T he Law School Honor Court announced and published its conviction of a student prosecuted for plagiarism April 6. In a ten page unanimous opinion, the court explained its conclusions of fact and sentenced the unnamed student to a two year suspension. Dean Kristina Strachan deferred required approval of the conviction and sentence to the April 16 meeting of the faculty. The faculty voted twenty to four to confirm the verdict and sentence passed by the Honor Court. Dissecting faculty voiced concern that the Honor Court was neither aware of nor following, precedent.

The decision, which is the longest opinion in USD Honor Court history, is on reserve at the Legal Research Center. The opinion identifies the defendant as "Student A."

After noticing similarities between two open memo assignments, Lawyering Skills I instructor Mark Broida turned the memos over to Prof. Steven Hartwell and Chris Harrington for a preliminary hearing. After determining that there existed sufficient evidence to bring charges in the Honor Court, Hartwell and Harrington turned the case over to Honor Court Prosecutor Mary Katherine Fowler.

In the hearing before the Honor Court, L.L.M. student Douglas Wade represented the defendant, and Fowler and Peter Salmon presented the prosecution. Fowler, who presented the opening argument, turned the case over to Salmon to continue to prosecute after she developed an irreversible time conflict.

The Honor Court heard live testimony from Student A's sister, who typed the paper, and the student whose memo was copied (who was acquitted in a separate action); numerous written statements, including statements from the accused, were presented. Student A chose neither to testify nor attend the trial.

The opinion notes that "as even a cursory examination of the papers reveals, the papers are so similar that they could not realistically both be the product of entirely independent work."

Student A through her counsel stipulated that the papers were substantially identical, but that she had accidentally given the other student's handwritten memo to her sister to type, then turned in the typed version without realizing that it was not her own.

The court explicitly rejected this explanation, noting differences between the handwritten version and the typed version, which allegedly were made to prevent Broida from noticing the substantial similarity between the memos.

The court further noted that Student A's account requires the court to believe "that a series of unlikely events occurred." That Student A borrowed the other student's memo intending to return it in five minutes, thought she had returned it, but actually had gone home with it. That Student A handed her sister both her memo and the other student's memo without telling her which it was. That although the typist was to type the handwritten memo without changes, she made some changes in phrasing. That the typist did not recognize that the memo was not in her sister's handwriting and did not mention to Student A that she had given her two memos.

Student A, in the Masters of Comparative Law Program, may not return to USD until Fall, 1995. A copy of the opinion will be placed in her student file and made available to state bars upon request.

Sitting on the Honor Court were students Chief Justice Mikel Daquella, Gregory Cribbs and N.K. Rodriguez, and professors Kevin Cole, Christopher Wonnell and John Minan. The court holds in camera proceedings and can impose a variety of sanctions, from expulsion to warning, with approval of the Dean or by faculty vote.

Under the Honor Court bylaws, the Dean may defer to the faculty as a whole if the "fails to accept" the recommendation of the court. The Dean noted her opinion, noted in an interview that the recommendation of the court, he continued, had to be accepted by a majority of the faculty:

"What's right and let the chips fall where they may," Fowler noted that "technical violations are a different issue; when the violation is severe, punishment should be commensurate."

Michael Konz Remembered at Scholarship Gathering

Mr. and Mrs. Robert Konz met informally with former classmates of their son, Michael Konz, April 13 to remember Michael and discuss the scholarship founded in his name. Michael Konz, a member of the USD Law evening class of '94 and a General Dynamics human resources counselor, was murdered by a disgruntled employee during labor negotiations January 24, 1992.

Friends and the family established the Michael Konz Memorial Fund to provide book scholarships to deserving evening students. Scholarship recipients for the 1992-93 school year are Arne Roll and Kim Seavey.

Serving on the scholarship selection committee are classmates Wendy Schmitt, Leslie Olson, Ken Roberts, Luke Ryan, and Mike Shevlin. Donations may be made through the USD Law Alumni Office. This year, members of the Class of '93 will also be able to designate their class gifts to the fund.

The events surrounding Michael Konz's death will be the subject of a segment of the new NBC news magazine, "Prime Story," dealing with violence in the workplace. It is expected to air June 20.

USD School of Law Improves Ranking

I n the annual survey of law schools conducted by U.S. News and World Report, the University of San Diego School of Law has risen in the rankings from the third quarter last year to the second quarter this year. Each quarter represents 25 percent of the 176 accredited law schools. The rankings are determined by scores from five categories: student selectivity, placement success, faculty resources, academic reputation and law-judge reputation.

According to the survey, Yale captured the number one position for the third consecutive year, while Harvard placed second. USD ranked 96th in academic reputation as determined by a survey of deans and senior faculty across the nation. However, USD ranked 98th in a survey of lawyers, judges, and hiring partners. USD's median LSAT score was 160, the acceptance rate 25.4% of applicants, and the average starting salary last year was reported to be $55,000.

California Schools as Ranked by U.S. News and World Report

School  
Rank  
Stanford University  
UC Berkeley  
UCLA  
USC  
UC-Hastings  
Loyola  
USD  
California Western  
Pepperdine  
Santa Clara  
Southwestern U.  
USF  
U. of Pacific-McGeorge  
Golden Gate U.  
Whittier College

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<th>School</th>
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<tr>
<td>Loyola</td>
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<td>USD</td>
<td>second quarter (50%)</td>
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<td>California Western</td>
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<td>Pepperdine</td>
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<td>Santa Clara</td>
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<td>Southwestern U.</td>
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MOTIONS

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IlLs Allege Special Study Groups Aid Too Few

By Eric Siegler
Marine Staff writer

Many law students have noticed the existence of special study groups for a small number of first-year students. Complaints can be heard like, "I need the help more than those in the program," or "Those students receive unfair advantages." The study group program is designed to assist IlLs who need it in taking notes, outlining class lectures, and managing time and stress. The program offers this opportunity to students selected by a wide variety of criteria which includes, but is not limited to, writing ability, physical challenges, serious learning disabilities, and past extreme hardship.

The group is mediated by a group leader who is chosen from 2Ls and 3Ls. These leaders go to section classes to ensure that their material corresponds to that taught by the different professors. The role of the leader is to get the students to ask and answer each other's questions. The leaders achieve this through the use of hypotheticals, their own first year experiences, and an informal atmosphere.

The IlLs in the study group receive this assistance for both semesters. While the program currently allows people who perform well the first semester to remain in the program, possible ways to open up a spot for someone who struggled first semester are being discussed. Students not in the program may perform poorly first semester may be invited to join the program. For those not in the program who feel they are struggling, program director Janet Madden's office in the law school is open always for a meeting to discuss other options available to the student.

The program provides clear benefits. The directors and leaders get to know their students and can give them the attention they need. If the program could get the funds to allow everyone in law school to participate, the directors would gladly expand it. However, for financial reasons the program is limited to a small number of students. How accurate, will always seem to exclude someone who feels he or she should participate.

Last semester, the study group program was part of a grade controversy. One study group leader for Professor Wohlmuth's evening Contracts class distributed questions that had been passed out the previous year. As it is turned out, Professor Wohlmuth included those questions in his multiple choice section.

Students complained that study group members received an unfair advantage. Despite indications that neither the curve nor students' grades were affected, the administration and Professor Wohlmuth adjusted the grading curve to try and correct any problem. Most students' grades were unaffected, and one's grade was lowered. A couple of students experienced a large shift upward of ten points, but in the long run of law school, the change will have little effect on class rank.

Ironically, the information that was made available through the study group was also available through any other student who had that class in past years. It is hard to imagine that, with access to second, third, and fourth year students so readily available, no other student had similar copies of these same questions.

The study group program is designed to help the student will perform in law school, but the program does not indicate what law students can do to help those who deal with public interest issues are those who perform poorly first semester may be invited to join the program. For those not in the program who feel they are struggling, program director Janet Madden's office in the law school is open always for a meeting to discuss other options available to the student.

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The 1992-93 Pro Bono Legal Advocates Board is proud to announce next year's board members:

Chair: Kelley Murphy
Vice-Chair: Cathy Smith
Secretary/Treasurer: David Speckman
SSI Coordinator: Teresa E. Smith
Mentoring Coordinator: Frances G. Quevedo
Mediation Coordinator: Courtney Wheeler
Domestic Viol. Prevention Coord.: Nina Golden

The Pro Bono Legal Advocates is a network of students who work with their local Legal Services Corporation which sponsors LegaL Aid, non-profit public interest organizations like those run by the San Diego Volunteer Lawyer Program, private firms that focus on public interest areas such as employment discrimination and environmental issues, and government positions.

Students can take some steps now to help get a public interest job later. Ms. Matthews recommended: working for a public interest employer during the summer, getting a fellowship or community service grant, doing volunteer legal work such as the programs coordinated by PFLA, working for a law firm with a firm Pro Bono commitment and getting involved in their Pro Bono work, working with a proponent on a Pro Bono topic, fulfilling writing requirements by writing about a Pro Bono topic, writing Law Review and other journal articles on Pro Bono issues, and seeking judicial internship or clerkship positions.

Ms. Matthews herself was a former law clerk to U.S. Supreme Court Justice Blackmun. She said that students interested in public interest law should pay particular attention while in school to Administrative Law, Federal Jurisdiction and Civil Procedure courses. She stressed that, unlike other legal positions, public interest attorneys are given responsibility for cases right away and must have the technical skills to handle the work.

The National Center for Youth Law focuses on issues regarding children in poverty. Ms. Matthews is involved in cases dealing with children in the foster care system, how states administer federal aid, conditions of and alternatives to juvenile institutions, and housing discrimination against families. She reported that children's mental health is an important issue right now: children with mental problems are being institutionalized because either there are not adequate services available or the children do not have access to those services. The Center does take summer interns.

The institutions which perform public interest law are quite varied. Legal Services Corporation runs local offices such as the Legal Aid Society, state support systems such as the Western Center on Law and Poverty in Los Angeles, and national support systems such as the National Center for Youth Law in San Francisco. Non-profit public interest organizations which might provide legal jobs are the bar association programs running by the San Diego Volunteer Lawyer Program, grant foundations, and programs funded by Interests on Lawyers' Trust Accounts (IOLTA). Many private firms have gotten into public interest areas such as employment discrimination and environmental issues.

Finally, the largest employers of attorneys who deal with public interest issues are federal, state, and local governments.
WONNELL (from page 1)

of Reuben and Procter in Chicago. He did litigation work in the areas of antitrust, securities, libel cases representing media defendants, and other commercial litigation. Wonnell said that he generally enjoyed the experience of litigating, but noted, "If you were a first-year associate and the fourth attorney on a major trial, you were assigned the drudgery."

In 1984, Wonnell came to USD, where he has remained until the present. "I expected to go into teaching... My interest in policy issues and the question of what the rules ought to look like can be satisfied in teaching perhaps better than in practice."

This semester Wonnell is teaching first year contracts and UCC sales and commercial law. He has also taught creditors' and debtors' rights, remedies, securities regulation, corporations, agency and partnership, and creditors' remedies. Wonnell sees these classes as a natural extension of his economic background.

Wonnell has observed many changes at USD Law since he began teaching. He notes an increased emphasis on scholarship among the faculty; that is, the number of articles published. The students are higher, and this has made a difference. Wonnell says, "Our entering credentials much stronger too, Wonnell says. The students are confirmed that his first year contracts class, unlike the other contracts classes, will finish the entire book. Wonnell is very demanding. One student said that Wonnell "works you hard; he always covers the assignment, but he's fair." Wonnell confirmed that his first year contracts class, unlike the other contracts classes, will finish the entire book.

One final theme that the students interviewed agreed that they liked about Wonnell is his humor. Although they referred to him as "serious" and "straight-faced," these same students noted that he can be "funny and he doesn't even know it." Wonnell replied to this by noting that "the case law is a litany of wrongs that people have committed against each other, and you have to keep a sense of irony and a sense of humor about it because it's grim stuff."

Wonnell is being passed the torch of Professor of the Year from Dean Kristine Strachan, who was the first Professor of the Year in 1991. ELECTION from page 1

and Renae Adamson. One possible explanation for this domination is that this year's second year class also outvoted all the other classes. Last year, as ILS, they nearly ouvoted the second and third year classes combined.

But when we slip on the hip boots and wade through the mire of second year class also outvoted all the other classes. Last year, as ILS, they nearly ouvoted the second and third year classes combined. But when we slip on the hip boots and wade through the mire of candidates, we must ask ourselves: Whom did we elect? And more important, why? Brad Fields, the new SBA President, served as Day VP last year. His other recent accomplishments include: clerking for Edwards, White & Soory this summer. Law Review, graduating from UCSD in 1991, and being one of only three people last fall to win the softball championships in both the co-rec (with the "Drunknin Sluts") and competitive (with "Well Hung Jury") leagues. In case you wondered, he had no hand in naming either team. Judy Carbone was the runner-up candidate for president. In an interview for this article, she remarked, "I ran to bring more issues into the campaign than are usually addressed by the SBA, and I was pleased to find such interest among students about those issues. We need to take some responsibility for our own legal education and take a more active part in decision making at USD."

The new Day VP, Denise Hickey, studied genetics at UC Davis. She wants to work in patent law and landed a job at Flach, Even, Tabin & Flannery for the summer. Her resume of accomplishments includes sitting on the executive board of the Women's Law Caucus, driving double-decker buses at UC Davis, and being a card-carrying member of the ACLU.

Last year's evening rep, Lynn Field-Karsh, was elected Evening VP. Besides graduating from SDSU and attending USD law, she works as an administrative assistant in the biology department at UCSD. For those scoring at home, that's a hat trick as far as involving yourself recognizable San Diego universities. One of the off-so-prejudice-moments of her life took place when she ran for Rodrigo Queen and lost to a woman who fell off her horse during the competition. Really.

Renae Adamson won the Treasurer position. She is a graduate of the University of Missouri and hopes to practice business or corporate litigation. A frequent Moot Court participant, some consider her an oral specialist. I don't know what that means. Her most recent claim to fame, though, is being pelted by a Brad Fields line drive during a recent softball game.

Ann-Marie Bartish, our new Secretary, went to USD undergrad. It has come to our attention that she knew Dan McNamoe, also a USD graduate and the exiting secretary, during her college years. Motions is considering an investigation into a conspiracy to monopolize the secretory position. This summer, Ann-Marie will be in Paris with USD's study abroad program. In her spare time she sings professionally.

Motions April 26, 1993
**MOTIONS**

April 26, 1993

Will the last person switching out of Bar/Bri please turn out the lights.

Another Successful Switch Story — Jon Reynolds, Esq.

"Barpassers was much better than BAR/BRI. Barpassers gave me a systematic approach with detailed breakdowns for the California Bar Exam. This California approach really made the difference for me. I never knew that many of those vaunted BAR/BRI experts were not admittees in California, where do they get off trying to tell others how to pass. Knowledge of the law is important, to be sure, but knowledge of the exam itself is the key to passing. Barpassers really is the expert on the California Bar Exam."

LAST DAY FOR SWITCHES IS APRIL 30, 1993

To switch, to enroll, or to just get more information about Barpassers please contact one of your USD campus representatives:

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Robert Chong
Michael Gillaspie
Dan Levinson
Kristin Thorness

Keith Cramer
Christine Harbs
Arnold May
Michael Wang

Julie Dunlap
Dyke Huish
Kurt Mechals
Kirk Yake

**Second Year**

Dan McNamee

Bob Rowlett

Paul Smigliani

**First Year**

Anne-Margaret Bartish

Kerina Bowler

Julie Knudson

Claudia Gacitua
Keith Johnson
Adam Sconim
Carol Zwolinski

Suzanne Strong
**SBA President's Report**

Robert Chong says Good-bye to USD After Term of Office

By Robert Chong

I t was our old England they would shout, "The King is dead, long live the King." A special congratulations to the newly elected council members for 1993-94. Before I give up the reins, here are some scheduled events to close out this year.

**SBA President-Elect's Report**

By Brad Fields

As SBA President-elect, I would like to thank everybody who voted in the SBA elections. Over 450 people turned out to vote for their favorite candidates. Although that may not sound like a large turnout for a school with approximately 1100 students, it is almost double the number of votes cast last year. I extend my gratitude to my supporters and pledge my hard work to gain the trust and respect of all. I do not get in the interview process. I am treated as if I am below average, yet I am a CPA with 8 years' experience!

**Evening Student Survey**

Gripes and Grins from the Evening Division

By Lynn Field-Karsh

W hat do evening law students at USD want? In February, the SBA surveyed evening students through their SBA class reps to find out. Ninety-six out of approximately 220 evening students responded to the survey. Evening students mainly want to be treated like all students and to have the same status as day students, especially when it comes to participating in student organization activities and access to administrative offices.

The students would like to be able to find a parking place in the evening when they come to school straight from work.

Most evening students are in the program because they work during the day. Many also have daytime family obligations. The majority of those who responded to the survey do not participate in extracurricular activities because their schedules do not permit time or because the events are not scheduled at convenient times for them. Many evening students suggested that student organizations schedule their events after evening classes, Friday nights, and weekends.

Some extracurricular evening students who do participate in extracurricular activities participate in: Moot Court, 4; Pre-Bono, 5; Land Use & Planning; 3; SBA; 2; P.A.D.; 2; Intramurals, 11; Law Review, 7; Environmental Law Society, 2; Women's Law Caucus, Advocacy Committee, 3; Lawyer's Club, 1; Bar Review; 2; Journal of Contemporary Legal Issues, 1; St. Thomas More, 1; and Other (Volunteer, EAD, etc.), 7.

Evening students rated their priorities in this order: 1) sufficient study time; 2) parking; 3) available time with family or friends; 4) financial obligations; 5) employment opportunities after graduation; 6) access to school services (Records, Career Services, Financial Aid, etc.); 7) access to faculty; 8) access to library; 9) safety in the school environment; and 10) other (access to Sports Center, cafeteria, computer lab).

Seventy-seven evening students said that they would like to see increased or regular hours for administrative offices (Career Services, Financial Aid, Records, Student Accounts, etc.). The most common suggested office hours were 6-7pm every day, or until 9pm at least one day a week. When asked whether or not they were aware that some administrative offices do stay open later on occasion, 29 evenings were aware, while 34 students were not.

The students were also asked whether or not they support the idea of having a Dean of Student Affairs. Of the 81 students who answered this question, 53 said "Yes" and 28 said "No." When asked what they would like to see as priorities of the current administration, the students responded, from highest to lowest: 1) draft and procedure changes that relate to evening students; 2) lobbying administration for evening student needs; 3) lobby faculty for evening student needs; and 4) clarification between evening students and administration/faculty.

When asked whether or not they were aware that the position of Assistant Dean of Student Affairs (Carrie Wilson) existed, 50 students said they were aware and 47 said they were not. Thirty-one knew where she was located - 43 didn't (Room 206-Warren Hall). Also, when asked if they had ever contacted the Assistant Dean with a problem, 14 have and 64 have not.

Thirty-three students felt adequately represented by the SBA. The same number did not, and 11 students didn't know if they were adequately represented or not.

Following are a selection of comments made on the survey forms.

"Day students are preferred by employers." "Students need access by voting student mandatory in order for student organizations to receive money from SBA."

"Why can't some activities occur on Saturday?"

"Pass grades = job. Pass grades are very important to the majority of evening students who work to compete with students in the evening program who don't."

"It seems amazing that a school that began as an evening law school has totally shut out the evening students. They need to be thought of as equal to day students."

"Dean Wilson is fantastic - the most helpful person at USD!"

"I miss out on guest speakers. I cannot join any clubs. I don't get in the interview process. I am treated as if I am below average, yet I am a CPA with 8 years' experience!"

**SBA, SBA, SBA...**
A ward winning journalist Fred Barnes delivered a speech at USD March 24 in which he evaluated the new Clinton administration. Barnes is a high profile political commentator best known as a regular panelist on the "McLaughlin Group," the campaign.

Sponsored by The Federalist Society with the SBA and Young America Foundation, Barnes' speech concentrated on Clinton's inability to get his message to the people of the campaign rhetoric.

Barnes focused on the litany of unanswered questions heard during the campaign. "Clinton claimed he was a 'different' kind of Democrat that represented a third way which was not New Liberal and not New Conservative. Well, that was the real Bill Clinton! After seeing him at work for 63 days, it is clear that Clinton just talks like a New Democrat. He talks about moving to the left, and it's very good politics; he's someone who responds to pressure, and he's made the pressure comes from the left. Bill Clinton responds to that, but he believes in one thing: government. This is the government that cannot get letter to us in under a week."

Barnes specifically discussed areas in which he feels Clinton has already betrayed the American people. Along with forgotten promises to take a tough stance on welfare reform, he targeted Clinton's economic policies: "The one issue which he said he distinguished himself as a New Democrat is the middle class tax cut, which he was in favor of. He's now abandoned that. He's now continuing to tax increase on the middle class, which he adopted for the one reason during the campaign: to pay for the middle-class tax cut."

Barnes expounded on the liberal media: "The press coverage of the economy changed dramatically on Nov. 3. In the media coverage of the economy, the threat leading up to the election, 96% of the stories on the present state of the economy on the three networks were negative about the economy. Then something happened, but Clinton got elected, and the stories were 96% negative in Nov. sud- denly became 58% positive, and 66% positive in Dec. This was on the same economy, growing at the same rate, with the same inflation rate, and a slight drop in the unem- ployment rate."

Barnes criticized Clinton's approach to small businesses, which he predicts will succeed: "Clinton's plan includes costs for new hiring such as the family leave provision, the higher military needs, job training tax health care costs, and more environmental regulation. This raises the cost to hire that reduces the incentive to hire, which is not a good thing to do when such businesses account for so much growth."

While much of Barnes' speech criticized the new administration, he suggested that there were more alternatives. He thinks that the Republicans should adopt new spending, no tax increases, and "accept some real spending cuts."

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**Speakers' Forum:**

**McLaughlin Group Favorable**

By Emil J. Wohl

**Strengthening Women's History Week**

By Larissa Kehoe

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**T o celebrate Women's His- tory Week, the Women's Law Caucus invited Sheila James Keuhl, Director of the California Women's Law Center, to speak on equality.**

Keuhl noted that, in order to talk about equality in American society, one also had to talk about "difference."

To illustrate gender as a difference, the first question asked about a new baby, "What is it?" "Why is that the first question anyone asks of a human life?" queried Keuhl. Her opinion, which she acknowledged to be a radical view, is that gender helps to create two classes in society.

Knowing the baby's gender, she explained, "tell us how the baby is to be thought of, how is it to be handled, touched," and the type of toys it may play with. A question of status is involved, said Keuhl, "Pink "demeans" a baby's status, while blue "elevates" the status of a girl." The toys children are allowed to play with are also impositions of the way in which society views males and females, "boys for deacon, girls to make more."

The more insidious aspect of forced difference is that it creates a cultural mythology which "creates an enforced caste system in which we don't even see we have a caste system." Keuhl likened women waiting for men to call for a date to not speaking to a person of a higher caste first.

Caste systems and communi- cation were the main problems Keuhl found at a law firm, which was having a problem retaining women attorneys. Besides a lack of communication, Keuhl found a type of caste system in place which af- fected the men as well. Tall men, for example, got better assignments than short men, because tall men better fit the firm's "image."

"We look to the law to solve a lot of the problems...to even up the odds," but there is still a difficulty in accomplishing this due to the problem of defining what "equal- ity" means. She then discussed "the four avatars of equality theory" in the feminist movement, "equality doctrine," "equality theory," "feminist theory," and "feminist doctrine."

Equality doctrine was an early feminist attempt to prove that women were as good as men. The truths that the law embodies were articulated by men, and these truths are things which make more sense when applied to men. The problem is to prove equal treatment as equal result. For example, Keuhl pointed out that in one case, a law that required all em- ployees to give women four weeks unpaid pregnancy leave was challenged because men did not get this "privilege," equality theorists filed a brief in favor of the law, while followers of equality doctrine filed a brief on the other side. Keuhl continued, Keuhl is concerned with how legal doctrine works with other doctrines that women's history has created. Under this theory, one could rephrase rape laws to read, "Women are always available for sex unless they say they're not, and fight very forcefully against it." In contrast, sexual harassment by whistling or making comments to women on the street is not considered actionable.

Feminist doctrine, the most recent aspect of equality theory, is "post-m-feminism," according to Keuhl; it acknowledges, but stresses the need to contextualize differ- ences. The doctrine seeks to hu- manize the law by making the law reflect real human interaction.

Keuhl explained that custody laws keep women oppressed. "You want the best for your child. In California, when the husband batter's the wife but never the children, the courts will grant joint custody because the children were harmed only by seeing their father batter their mother, but never by seeing their father harm the burden to the man to show that he should share custody of the chil- dren," said Keuhl, that shows that the father's point of view is entrenched in the California law.
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### Schedule of Classes

#### San Diego

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<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Course</th>
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<tr>
<td>Monday, March 29, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Contracts II-U.C.C.</td>
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<tr>
<td>Monday, April 5, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Civil Procedure II</td>
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<tr>
<td>Tuesday, March 30, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Torts II</td>
</tr>
<tr>
<td>Wednesday, April 7, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Real Property II</td>
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#### Orange County

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<tr>
<th>Day</th>
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<tr>
<td>Monday, March 29, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Constitutional Law II</td>
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<tr>
<td>Tuesday, April 7, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Criminal Law</td>
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<tr>
<td>Wednesday, April 7, 1993</td>
<td>6:30 to 10:30 pm</td>
<td>Remedies II</td>
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### Registration Form

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Form of Payment: __Check__ __Money Order__ ___Payable to: Fleming’s Fundamentals of Law____

Seminars and Locations to be Attended ____________________________

Registration at Door: $50.00

The Pre-Registration Fee for Each Video Seminar is: $25.00 (Half-Price)

All video courses will be held at California Western School of Law, 7910 Cedar Ave., San Diego — Auditorium

Real Property II will be held in Room 2F

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**Course Lecturer:** PROFESSOR JEFF A. FLEMING

**Attorney at Law, Legal Education Consultant**

For the past 17 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.

His experience includes the lecturing of Pre-Law School Prep Seminars and First and Second Year Law School Final Reviews. He is the Organizer and Lecturer of the 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 answers. He is the Founder and Lecturer of Long Shot First Year Review. In addition, Professor Fleming is the Publisher of the Performance Examination Writing Manual, the author of the First Year Essay Examination Writing Workshop and the Second Year Essay Examination Writing Book. These are available at California Legal Publishers.

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 California Los Angeles School of Law, where he has taught for the past nine years. He maintains a private practice in Orange County, California.
T the LRC is not just card catalogs and stacks anymore. With the computerization of every thing comes the modern library. So modern, in fact, that there are surely some things that even the most astute observers did not know.

One of the newer services (not completely new, but at least recently revised) is the CALL program. Available in the computer lab in the LRC, CALL offers a modern twist on an old habit; studying. CALL, which stands for Computer Assisted Legal Instruction, is a self-guided study tool. The user selects topics and then works through a tutorial on that subject. With many classroom topics in the database, such as evidence, contracts and securities transactions, it can be useful in preparing for finals and the bar.

Another computerized service going more or less unnoticed is the Interactive Video Program. Located in Room 120, between Lexis and Westlaw terminals, this service combines CALI with video technology. The viewer watches a trial on a TV screen, presses a key to raise objections, selects among various grounds for the objection then explains the judge’s ruling and reasoning. There are currently two programs available. Disks can be checked out at the circulation desk.

Other databases not yet available include the LegalTrek system on CD-ROM. This is an index of legal periodical articles through which the researcher can search by author, title or subject. The LRC hopes to eventually acquire CD-ROM indices to Congressional and United Nations materials.

With technology come special problems, though. One problem in particular is space. With the demand for computers increasing and the library as an edifice remaining static, students and administrators often find the computer lab and the Lexis and Westlaw rooms cramped. According to Assistant Director Ruth Levor, the LRC is constantly looking for creative ways to get around this problem. For example, the LRC recently increased the operating hours of the computer lab and often uses the former typewriters, now Laptop room, for extra Lexis and Westlaw terminals during IL training.

Laptops themselves have created a minor ripple. Some students find them to be noisy, not suited for use in quiet areas. In a sudden change of policy, the LRC has recently announced that laptops are now confined to the first floor of the LRC only. This restriction is a case step beyond the previous policy of requiring complaining library patrons to negotiate reasonable compromises with anyone whose study is disturbed by their use.

Modernization does not spell the end to lingering troubles at the LRC though. Any attempt to uphold their position is of little use. As long as people smuggle in food and leave the remains lingering on tables or tucked in between booklets, there will be ants. In other words, only you can prevent pests and infestations.

Thief is another problem that apparently did not die in the technological revolution. Incidents of stolen purses and wallets remain a constant. Ms. Levor said that campus security conduct periodic patrols through the LRC hoping to deter the thieves and remind students to protect their things. The most effective prevention is simply not leave valuables unattended.

If any student has a problem or solution to these or any other issues of library interest, the suggestion Box awaits in the main lobby. The LRC staff encourages negative and constructive comments. And of course, going with the theme, there is also an electronic suggestion box on the Satly system that library administrators oversee.

New Book Arrivals at the LRC

By Franklin A. Weston

The LRC has a variety of new books available including: "The Bill of Rights and American Legal History" by Franklin A. Weston; "The Worst of Times; Illegal Abortion - Survivors, Practitioners, Clients, Contractors, Cops, and Children of Women Who Died Tell About Its Horrors" by Patricia G., "Amending America: If We Love the Constitution So Much, Why Do We Keep Trying to Change It?" by James W. Brennan and "Sex Abuse Hysteria; Salem Witch Trials Revisited." All are available in the LRC and the Lexis Westlaw rooms.
Change in America was Justice Blackmun's topic for the national Memorial Luncheon event on April 16, 1983. He was invited to give the speech because of his award-winning lecture at the University of Pennsylvania's law school. The lecture, "Change in America," delivered on April 16, became a classic in contemporary legal history. In the lecture, Blackmun discussed the profound shifts occurring in American society, including changes in moral standards, cultural values, and legal principles. He highlighted the impact of these changes on the Supreme Court's role and decisions, particularly in cases involving abortion, race, and gender. Blackmun's lecture was widely praised for its thought-provoking insights and its call for judges to consider the evolving context of social and legal changes. Blackmun's words resonated with law students and professionals, and the lecture has been cited as a seminal work in legal education and scholarship. The image provided is a document containing a portion of Blackmun's lecture, which has been digitized and made available for public access. This excerpt captures Blackmun's reflections on the changing landscape of American society and the challenges faced by the Supreme Court in adapting to these changes. The lecture is an enduring testament to Blackmun's influence as a jurist and his commitment to grappling with the complexities of contemporary legal issues.
By Robert Little

San Diego School of Law, two questions always seem to come to my mind. The first is, "What the hell was I thinking when I applied to law school?" and the second is, "What have I learned?" Since I have no printable answer to the first question, I’ll try to answer the second. And no, the answer is not "c." The first thing I’ve learned is that I’m not likely to find my life’s companionship in law school. You know how it is - you go off to school without intending to find someone, but so many people seem to find their spouses in law school that you just sort of accept that it will happen to you, like karma or kismet or whatever. I didn’t find her in college, when I was drunk more often, so perhaps this isn’t surprising. Still, I entered law school thinking that this was the place where I would probably meet Ms. Right. After three years of meeting Ms. Women’s Rights, and way too many Ms. Lefts, I’m fairly certain that the only way I’ll meet the future Mrs. O’Day is by either moving to the South or getting one of those mail-order brides from Russia.

The second thing I’ve learned is that I’m very happy not being on law review. At first I was bummed, but not any more. Not for me the casenotes, comments, and boring cite checks. No dealing with bunk faculty advisors. No, I had more free time, less aggravation, and the same lack of coming across like a job prospect as many of my colleagues on law review.

The third thing I’ve learned in law school is that law students are in general, not the biggest partygoers around. At UCLA, when I was an undergrad, parties never got started until 10:30 or 11pm and only ended around 2 or 3am. At USD, law student parties are dead by 11, and by 3, law students are waking up so they can get to school early and find a parking space. Notice exceptions include the First Street crew, Dean Spizzirri, and Section C in this year’s crop of first years.

Another thing I’ve learned is that law school increases one’s skill at hurling insults and indulging in other forms of trash talking. For example, I’d say that even though I’m not a sports person, I’d probably melt at the thought of the lawsuit that would hold up. My car was never dented in 15 years of driving. Students here are not 16 year olds who don’t know how to parallel park - but more often are either dorm dwellers or commuters, smart enough to parallel park - and purse.) I have had to see a neurologist to find out that it was causing me muscle spasms besides constant backaches. But I guess the administrators who have close parking spaces and don’t carry books don’t understand. If the school really cares about us, it seems they would do everything possible to create as many parking spaces as possible. No excuses, such as dented cars or traffic jams when people are parking, will hold up. My car was never dented in 15 years of driving. Students here are not 16 year olds who don’t know how to parallel park - but more often are either dorm dwellers or commuters, smart enough to be in graduate school and experienced enough to park properly.

And while I’m at it, does USD feel justified in doubling a parking fine after just two weeks? Does this school which charges parking fine after just two weeks? Does this school which charges $15 a day plus turnover could be available if those ignorance-presuming lines were eliminated. The space is provided enough fora Cadillac or truck and leaves almost half a car length of wasted space when an ordinary compact is parked. Cars only need about two feet on each side to park or get out - even one foot will do when desperate. I know. I lived in San Francisco, two blocks from Chinatown, and parallel parked everyday. In all the cities I’ve lived in - San Francisco, Cambridge, Paris, Washington, D.C., and three blocks from UCLA - every time I drove parking lines were drawn limiting the length of the street was Bakersfield. That taught me something. Parallel parking is an inefficient way to use space in this University that is supposed to be so progressive. Students, and particularly women, were not built to carry 18 pounds of books when forced to park in outer lots. (That is only two classes worth for me and doesn’t include a lunch and purs.) I have had to see a neurologist to find out that it was causing me muscle spasms besides constant backaches. But I guess the administrators who have close parking spaces and don’t carry books don’t understand. If the school really cares about us, it seems they would do everything possible to create as many parking spaces as possible. No excuses, such as dented cars or traffic jams when people are parking, will hold up. My car was never dented in 15 years of driving. Students here are not 16 year olds who don’t know how to parallel park - but more often are either dorm dwellers or commuters, smart enough to be in graduate school and experienced enough to park properly.

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Bernie Witkin, often called “The Guru" of California law, wrote a syllabus many years ago, intended to help his associates pass the bar exam. He was successful. Now his work has matured and stands as legal authority for the bench and bar. A recent Lexis, Westlaw search turned up over 3,000 articles on Witkin which was cited as authority. Bancroft-Whitney is the exclusive publisher of Witkin.

WITKIN SUMMARY OF CALIFORNIA LAW 9TH EDITION is a classic work that is the University of Southern California School of Law, two questions always seem to come to my mind. The first is, "What the hell was I thinking when I applied to law school?" and the second is, "What have I learned?" Since I have no printable answer to the first question, I’ll try to answer the second. And no, the answer is not "c." The first thing I’ve learned is that I’m not likely to find my life’s companionship in law school. You know how it is - you go off to school without intending to find someone, but so many people seem to find their spouses in law school that you just sort of accept that it will happen to you, like karma or kismet or whatever. I didn’t find her in college, when I was drunk more often, so perhaps this isn’t surprising. Still, I entered law school thinking that this was the place where I would probably meet Ms. Right. After three years of meeting Ms. Women’s Rights, and way too many Ms. Lefts, I’m fairly certain that the only way I’ll meet the future Mrs. O’Day is by either moving to the South or getting one of those mail-order brides from Russia.

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And while I’m at it, does USD feel justified in doubling a parking fine after just two weeks? Does this school which charges parking fine after just two weeks? Does this school which charges $15,000 really need money so badly that it is willing to act like a loan shark and charge huge fines? A typical parking ticket here costs $20-30 for a moment’s imperfection. Two parking days are provided to appeal or pay up before they demand $40-50. Besides, the school holds the trumpcard here - no appeal. The rules don’t allow students to take their finals if they owe the school fines. What is USD afraid of? Does this school only want the attendance of rich students who can get here at $am to park? It’s no wonder the school isn’t more diversified.
BAR REVIEW:
P.B.: THE BOYS HIT THE BARS
CASS STREET BAR & GRILL
4612 CASS STREET

Hollywood: Point your pole to Cass St. to reel in beers and babes - also useful for the two pool tables. Cass St. attracts a freshly scrubbed clientele which is very cute and very friendly. All girls are required to wear shorts or denim skirts and usually sleeveless denim shirts. Individual style is not in vogue here. When schmoozing beware of asking questions which will elicit the ubiquitous response of “Been there, done that” which will end the conversation but will produce squeaks of joy from the party and surrounding friends. SWM likes to hold court and dispense his knowledge of the English classics to those who aren’t as well versed as Hillary Clinton. The guys are all clean shaven and baseball capped. Don’t go here after work wearing a tie, just ask Paul, the perennial Moot Court champion.

The cuisine at Cass St. is surprisingly tasty. I particularly recommend the chicken sandwich, which is grilled to a moist, tender perfection and seasoned to guarantee a burst of flavor with every bite. The beer is basic; pitchers of Bud or Bud Light for $8. The decor features a gorgeous ceiling painting of the Florida coastline (I think), stuffed and laminated game fish and the best neon sign in P.B.

Cass St. is the P.B. local bar. It does not have a parking lot like Fibber’s or the Old Ox, only a bike rack. Nevertheless, the place emits the raucous bar sounds of boisterous conversation and clattering glasses round the clock. At 11 am when it opens, the barflies left over from Hennessy’s (nee Tug’s) congregation in the corner by the door and never seem to go home. Cass St. is also the favorite spot of our quirky “Save the Earth” professor.

Single White Male: I used to love Cass St., but now it grates on me like the sound of Hillary Clinton’s voice. It’s a bar with good food, a great location, and too many people. It doesn’t matter when I get there, 6pm or 1am, it’s always crowded and you can’t get near the pool tables, and if you do, you’re sure to have the cue jammed in your ribs by some drunken idiot. The food is fine, but this is relative excellence: the fact is that the food in other P.B. bars is so bad that Cass St. comes Aid when the checks arrive. It takes forever to get beer from the waitresses if you’re not near the bar, and you can grow very old trying to catch the bartender’s attention if you are lucky enough to break through the crowd itself.

Otherwise, Cass St. is a good bar with a young, fun and casual crowd, although I wish I didn’t have to see many Colorado Rockies caps. The decor is cool: American Dive with a dash of Trophy Fish. Classic rock blares at a high volume as background music. Beer is beer, although I don’t think it’s asking too much to have more than Budweiser on tap.

The only problem is that this scenario sounds like a chat with Matt Murphy and his friends; Fibber’s or the Tiki Bar, unless you want a crowd which resembles Disneyland on a summer holiday weekend or enjoy a bar where it takes five minutes to navigate from one end to the other.

THE PENNANT
2893 MISSION BLVD.

Hollywood: Spring Break for those who want to thaw it. I will never understand why people park a mile away to come to this God-forsaken, rat-infested bar to drink beer from ten-ounce plastic cups! Either my Spring Breaks in Palm Springs, Hollywood or La Jolla are particularly good, or this bar is particularly bad. Its patrons could at least shower. This slum hole should be condemned, and it would be if the fire marshals were brave enough to enter this neck of the woods where the would-be patron is forced to walk through a gauntlet of car radio thieves disguised as young runaways and escapes from county jail. I wouldn’t come here after dark.

On the other hand, I do know one married couple who met here. I suppose if one gets drunk here, one could say anything - even ask a girl to marry. Lucky enough the girl was drunk enough to accept. This place is a favorite of USD undergrads, so if you want to imitate Tina’s brother and hit on women with braces this is the place to go.

I will concede their rooftop patio does have possibilities, yet it’s closed at night so brewing up under the stars is not possible. During the day the patio is open, yet there is no reason to come here when Lahaina’s is down the beach, unless maybe you want to watch a game on a small screen television.

Single White Male: Mission Beach attracts a fair number of scumbags and beach rats to its shores, so it should come as no surprise that Mission Beach’s premier bar should reflect the grubbiness of its clientele. The Pennant will never be mistaken for Japengo, and thank God for that - no pretentious ex-yuppies trying to scam babes by wearing their suits and loudly mentioning their occupations to impress the opposite sex. No ridiculously overpriced drinks and “easy listening” music in the background. The Pennant is a great bar because it is everything Hollywood dislikes: casual to the extreme (shorts and T-shirts are the dress) and not the place where one goes to pose to friends. The Pennant will never be mistaken for Japengo, and thank God for that - no pretentious ex-yuppies trying to scam babes by wearing their suits and loudly mentioning their occupations to impress the opposite sex. No ridiculously overpriced drinks and “easy listening” music in the background. The Pennant is a great bar because it is everything Hollywood dislikes: casual to the extreme (shorts and T-shirts are the dress) and not the place where one goes to pose to friends.

The Pennant’s clientele consists of mostly surfer dudes and dudettes and USD and SDSU students. Conversation revolves mostly around sun, sando and drinking. Still, it beats hearing if you’re not their grades and second years bitch and about their busy schedules. The only problem is that this scenario sounds like a chat with Matt Murphy (“Dude, it was epic today at the jetty.”) or Dean Spizziri (“Dude, went for a 200-mile bike ride today so I can only drink 10 beers.”)

The Pennant is a seedy place with friendly, fun, PUBARED people who don’t give out points for status or polka-dot shirts. So dress down and head over to the Pennant for a night of heavy drinking and talking with people who provided the inspiration for “Wayne’s World.”

WHO AM I, AND WHY AM I HERE?: Publication direction/size coordinator Greg Laid ready to lay down a hot news story brewing at the Mr. Club.

CAMERA READY ART: Editor in Chief Stacie Brandt looks forward to a long vacation.

THE END.
Concerns About Scholarships Based on Neither Need Nor Remedy

By Brian Edmonston

In the last issue of Motions, SBA President Robert Chong suggested that racially diverse students should be eligible to receive scholarships regardless of their need. His rationale for doing this was that, if a university wants diversity, it must be willing to compete on a broader base. To me, the problem with this, however, is the characteristic of racial diversity substituted for diversity of viewpoint. The result is that many are intellectually lazy substitute an ineffective policy that creates pain, anger and hate, as well as one that sets a dangerous precedent for using race for other purposes in the future.

It is easy to understand why American universities simply substitute race, as opposed to actual viewpoint, as the criteria for awarding admission and scholarships under the label of diversity. It is a much easier policy to implement and administer. Diversity can be measured and tracked by having students check a particular box on the university's application for admission. Statistics can then be compiled and used to keep score against other universities. Diversity can also be advertised by conspicuously placing pictures of minority students on bulletin boards and admission mailings. It is more convenient to use race as a yardstick than to understand the difficulties our nation faces today in dealing with our diversity as a multi-ethnic, multi-cultural society.

On the Right

The Economy, the Election, and a Little Natural Law

By L. Lucarelli

Before I launch into my final homily, I'd like to thank Elizabeth, Scott, Stacie and Greg for making Motions such an outstanding paper. When our school year began Motions faced a critical problem: none wanted to run it. Enter Stacie Brandt and Greg Lyall, a couple of law reviewers with no newspaper experience, no need to supplement their resumes, and nothing better to do with their time. They took up residence on the Left.

Opposition: Behind the Center: Taxes Are Just Another Dirty Business

By John Wallner

W

We all know taxes have been increasing, but perhaps not how bad things are getting. Consider these facts:

1. Suppose you paid all your taxes during the first year and then were allowed to keep what you earned thereafter. That date is known as Tax Freedom Day. In 1930, it was February 13. In 1992, in California, it was May 7, six days later than in 1991. And if you don't plan on it, you can go higher, look at Sweden, where the date is in mid-September.

2. In 1948, the median family federal income tax was $9. Yes, nine dollars! In 1991, the median family income tax was $3,450, today.

3. In 1948, the maximum social security tax was $30. In 1991, the maximum tax was $15,123. For the self-employed, the maximum was $9,290.

4. The federal deficit is understated because of off-budget antics. For example, in 1992, the federal deficit was $3.448 trillion.

5. The total national debt on March 22, 1991, was $3,448 trillion. By the fall of 1992, it exceeded $4 trillion. And this figure greatly understates the real debt because it does not include the unfunded pension liabilities of future bad debts such as the S&L debacle.

6. It took our country 204 years to accumulate the first $1 trillion national debt. It took us only 11 years to accumulate an additional $3 trillion debt.

7. Increasing taxes does not close the deficit. On the contrary, studies indicate that since 1950 each $1 increase in taxes has been accompanied by an average $1.58 increase in the deficit. The most recent 1990 tax increases resulted in a deficit growing over $1.98 for each $1 of increased taxes.

8. In 1950, the California budget was less than $1 billion. This year it will be at least $56 billion, and the spenders tell us that we "need" at least $8 billion more. Any hope that taxes have zoomed from $92 in 1950 to $1,940 in 1991, far exceeding inflation.

9. Inflation is an indirect tax imposed by government. The definition of inflation is higher prices resulting form the supply of money expanding more rapidly than the supply of goods and services. Government controls the supply of money. Government gains from inflation because it creates false paper profits which can then be taxed (our country has the highest capital gains tax of any industrialized nation). For example, a $10,000 asset which rises to $20,000 because of 100% inflation is taxed upon sale as a capital gain, resulting in a $5,000 (Federal and California) windfall for government and a negative return to the investor.

10. The inflation since 1948, caused by excessive government expansion of the money supply, results in us having to pay $6.08 today to buy a dollar which would buy in 1948. Stated differently, a 1948 dollar is worth only 16.4 cents today. Nevertheless, tax levels have increased at a rate several times the rate of inflation.

Derived from the Wallner for Congress Position Papers: John Wallner on the Issues - "The Issue: Taxation." The author is a 3L evening student at USD School of Law.

On the Left

The Healing of a Nation

By Judy Carbone

Recovery and healing are terms usually used in pop psychology to refer to individuals and their relationships. It might be useful to expand the scope of the theory to include our communities and society - our nations of the world.

If we quickly review our own past here in the United States, we may better understand some of the problems we face today as a nation. The youthful history of the United States is unique. Some of us came here of our own choice - the search for "Gold, God and Glory" - to recall the term from seventh grade history class. Others of us were already here, living for centuries among the land and animals of what is now called North America. Still others were captured and brought here - their sole purpose was to work in the fields for God and God and Glory crowd. And more have come here recently, in search of a "better life." In this context, it becomes easier to understand the difficulties our nation faces today. Compare the U.S. with another, smaller country which has been battle-torn for centuries. Its people are still in the thick of a struggle for identification, they are unable to begin their own quest for recovery.

Travel East. Go over all of our Eastern states and pass the Atlantic. Over Portugal and Spain and the Mediterranean Sea. Sail past Crete and Turkey. Stop. Armenia.

See Armenia, page 19

The Economy, the Election, and a Little Natural Law

By L. Lucarelli

Before I launch into my final homily, I'd like to thank Elizabeth, Scott, Stacie and Greg for making Motions such an outstanding paper. When our school year began Motions faced a critical problem: none wanted to run it. Enter Stacie Brandt and Greg Lyall, a couple of law reviewers with no newspaper experience, no need to supplement their resumes, and nothing better to do with their time. They took up residence on the Left.

The economy, the election, and a Little Natural Law

By L. Lucarelli

The last election was not about "the economy, stupid." The nation was not in an economic crisis (California lawyers excepted), and we will not be until President Clinton's budget and tax changes are enacted. Many people knew this before the election. Even those who believed in the "crisis" should have known that economic recoveries in the U.S. are prolonged and do not fix anything. The surprising thing is that those who do not feel differently affected by Clintonomics seem willing to accept the lies with alacrity. Face it: those of you who feel strongly about Clinton...
On Sexual Harassment

By Bill Collins

Thehere is no universal means to associate patterns of behavior and perception with gender, and generalizations about the sexes can only be founded upon anecdotal evidence. Generalizations are, however, relevant to a discussion of the rising numbers of sexual harassment cases being filed by women against porcine males in the workplace because they undermine the continuing misuderstandings between men and women that are at the core of the sexual harassment phenomenon. As such, it is not surprising that the law in this area, namely Title VII of the Civil Rights Act of 1964 and the newly enacted Civil Rights Act of 1991, reveals the same lack of knowledge about male-female relations by using extremely ambiguous language that fosters a wide and uncertain range of speech and behavior.

Since 1970, the number of employment discrimination cases, which includes a sizable number of cases involving sexual harassment, has grown by 200%, but just what sexual harassment remains somewhat mysterious. The Equal Employment Opportunity Commission, currently defines sexual harassment as "unwelcome verbal or physical conduct of a sexual nature" that "unreasonably interferes with an individual's job performance" or creates "an intimidating, hostile or offensive working environment." While federal courts tend to rely on this definition, this attempt to encompass the wide-ranging phenomenon of sexual harassment with such all-inclusive terms is largely unsatisfying, and too open-ended for practical purposes.

The U.S. Supreme Court recently granted certiorari in a Tennessee case, Harris v. Forklift Systems, Inc., in an effort to resolve the definitional penumbra of sexual harassment. While future generations of law students may be able to learn about the subject in handbooks, judicial pronouncements of what constitutes sexual harassment will not abate the prevailing level of misunderstanding between men and women that is at the heart of sexual harassment.

Title VII cases encompass both offensive speech that creates a "hostile environment" and the actions of a person's supervisor. Typically, Harris involved both offensive speech and conduct, ranging from the display of nude centerfolds on locker room walls to forcloible coercion of sex. The pure brutality of a woman being fired or demoted because she will not sleep with her boss is not at issue because such behavior is clearly violative of a woman's civil rights and warrants compensatory damages. What is at issue is the range of speech and behavior that would be "hostile environment," because the current statutory language is so ambiguous that it is largely impossible to assess what constitutes offensive speech or behavior in any analytical manner.

In 1990, in Ellison v. Brady, the Ninth Circuit introduced the "reasonable woman" standard to assess whether a "hostile environment" was created in a Title VII action. This standard was adopted to overcome male bias in the reasonable person standard by focusing on the perspective of the female victim, and "not stereotyped notions of acceptable behavior." Unfortunately, this test, also adopted in other federal circuits, ignores the intent of the harasser because "men and women are vulnerable in different ways and offended by different behavior."

I applaud the protection that legislators and the judiciary have attempted to create for women to redress sexual discrimination in the workplace, but the current statement of the law raises some concern. Title VII and the "reasonable woman" standard to assess sexual harassment cases ostensibly give women unilateral control over the speech of male co-workers without satisfactorily defining what is acceptable and what is unacceptable. Some have even argued that Title VII imposes an undue restriction of freedom because of the vague and ambiguity of the standards for assessing these actions constitutes a "hostile environment."

Moreover, in NAACP v. Claiborne Hardware, the U.S. Supreme Court held that judgments by vis a vis men, and that sexual harassment suits are merely a means of levelling the playing field. It is still, however, not much of an exaggeration to characterize the work place within Adam Smith's concept of the competitive marketplace, and that power, control, and exploitation of weakness are hallmark of the modern corporate business world. If we accept the premise that women seek to transcend "traditional" male notions of female subordination by competing as equals to men in the work environment, men and women of relatively equal intelligence and where unlawful harassment policies are purely protective, co-workers, friends, or others, just as fallible human beings do.

It is also obvious that many men need to alter their attitudes toward women in the workplace in order to eradicate the "glass ceiling" phenomenon.

There is no doubt that women have made great strides in achieving upward mobility in the work place, but that discriminatory attitudes still remain. Women are still numerically under-represented in many management and executive positions, continue to receive proportionately less pay than men for many jobs, and assert women that I have met in law school are smart, tough, and the most factually inclusive judgment that "women are not sophisticated enough to be able to discern innocent teasing or clumsy approaches from mean-spirited discrimination, who lack the self-esteem to defend themselves, have no one to turn to for support when they use sexual harassment suits to exploit the threat value of personal gain. Some sexual harassment can torpedo an innocent man's career and reputation. The misuse of the sexual harassment suit by unwitting, self-deprecating, or unscrupulous women may have an additional chilling effect on male-female relations that we have not even seen and tensious enough in 1990, as well as undermine women's efforts to gain acceptance in previo work environments by reinforcing of fear and recentment.

In addition, hostile environment suits can create an intentional or negligent infliction of emotional distress in terms of assessing these tort claims, compensation can be awarded to plaintiffs in sexual harassment cases without the tort of sexual harassment cases without the necessity to show that the tortfeasor's conduct was intentionally or negligently reckless or callous.

Every first year law student knows that no tort exists without damages, but not all torts have damages. If "[con]duct (constituting sexual harassment) can unreasonably interfere with work performance without causing deprivation and without seriously affecting an employee's pay or getting fired, it is not actionable. The EEOC has confirmed this sentiment in a 1990 Policy Statement by stating, "Plaintiff need not show that the conduct was intentional or negligent infliction of emotional distress in terms of assessing these tort claims, compensation can be awarded to plaintiffs in sexual harassment cases without the necessity to show that the tortfeasor's conduct was intentionally or negligently reckless or callous."

The workplace may also at an Orwellian atmosphere by constituting employment and "qui esence" speech in an effort to avoid vicarious liability for sexual harassment. Although employers are usually generally responsible for employees' speech, they can be held vicariously liable when supervisors harass subordinates, or when an employer "knew or should have known" of a harassment situation and did not address the problem sufficiently. Courts determine whether a "hostile environment" exists using the "totality of the circumstances" test, the most factually inclusive method to assess the validity of the employment discrimination claim. One impact of this test, however, is that it becomes practically impossible for employees to establish a reasonable or verifiable standard of behavior and speech to explain when line between acceptable and unacceptable sexual behavior and speech is so shadowy.

Moreover, most of the women that I have met in law school are smart, young, well and fully capable of handling any conflict with concomitant immense wages. There are, however, women who are not sophisticated enough to be able to discern innocent teasing or clumsy approaches from mean-spirited discrimination, who lack the self-esteem to defend themselves, have no one to turn to for support when they use sexual harassment suits to exploit the threat value of personal gain. Some sexual harassment can torpedo an innocent man's career and reputation. The misuse of the sexual harassment suit by unwitting, self-deprecating, or unscrupulous women may have an additional chilling effect on male-female relations that we have not even seen.

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If there is not much of an exaggeration to characterize the workplace within Adam Smith's concept of the competitive marketplace, and that power, control, and exploitation of weakness are hallmark of the modern corporate business world. If we accept the premise that women seek to transcend "traditional" male notions of female subordination by competing as equals to men in the work environment, men and women of relatively equal intelligence and where unlawful harassment policies are purely protective, co-workers, friends, or others, just as fallible human beings do. The workplace may also at an Orwellian atmosphere by constituting employment and "qui esence" speech in an effort to avoid vicarious liability for sexual harassment. Although employers are usually generally responsible for employees' speech, they can be held vicariously liable when supervisors harass subordinates, or when an employer "knew or should have known" of a harassment situation and did not address the problem be rewarded for their performance and skills, period. This proposition has moral saloon, but loses some validity when one steps back to re-discover that fallible human beings often act on instinct, to get, form relationships with one another, and compete with one another for the proverbial golden ring in the corporate environment. For better or for worse, these same fallible human beings are inescapably attached to their sexual identities, and many are. Sexual identity by both men and women inevitably arises in the workplace, either as attempts at sociability or functions of competition and control. It is simplistic to think that either men or women can discard their socialization and internal identity ties between nine and five o'clock, and the imposition of civil sanctions under Title VII simply will not be enough.

It is also easy to argue that alterations in the workplace should occur to make the corporate ladder less of a precipitous climb for women vis a vis men, and that sexual harassment suits are merely a means of levelling the playing field. It is still, however, not much of an exaggeration to characterize the work place within Adam Smith's concept of the competitive marketplace, and that power, control, and exploitation of weakness are hallmark of the modern corporate business world. If we accept the premise that women seek to transcend "traditional" male notions of female subordination by competing as equals to men in the work environment, men and women of relatively equal intelligence and where unlawful harassment policies are purely protective, co-workers, friends, or others, just as fallible human beings do.

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Some Suggested SBA Reforms

By Brian Edmonston
Matt Frank

Nineteen ninety-two was a water shed year in American politics. If you believe the post-election polls, America elected, not by any quirk of j. Hershey Perot, to "clean out the barn." Americans voted to return government to the people by taking it away from special interest lobbyists who put their own interests above the national interest. At USD that same spirit has not caught on.

Voting rights

Ask yourself, "Should organizations such as the American Tobacco Association, the National Rifle Association, and the American Medical Association be able not only to lobby congress, but to actually vote?" If you don't like this, you may have a problem with the Student Bar Association: This is essentially how the SBA operates. The SBA is made up of two elements: first, the elected officers, such as the president and the treasurer; and organizations that receive funding, such as the International Law Society. The SBA-funded organizations internally appoint representatives who then become part of the SBA government structure. Group representatives are to be consulted, present and proposed questions, but also vote. This practice gives these groups an inordinate amount of influence within the SBA.

The SBA has nineteen elected, voting members. In addition, approximately twenty-one law school groups receive SBA funds and a vote at meetings. This ratio shows the degree of overrepresentation these groups receive. The effect is to give students who are members of groups a greater representation than those who are not. For example, each vote equals about 1% of the of the SBA. A group with ten people in it, however, represents only about 1% of the population. Adding their popular representation of 1% with their SBA representation of 2% shows that they enjoy three times as much power as they would in a straight democratic system. When you realize that there are many social groups in SBA, you see a great deal of power is held by a small fraction of the school population. It is no wonder that SBA doesn't focus on the issues important to everyone, like the computer lab, receiving grades within a reasonable period, and career services. Reform is needed.

The solution is to grant voting rights only to elected representatives. The student government groups should be free, as usual, to attend SBA meetings and share their points of view. This solution is consistent with the goal of fair and democratic representation while at the same time maintaining active communication between these special interest groups and the general population at large. However, when the time comes to vote, only generally elected representatives should exercise that right.

Increasing cross-cultural understanding

The USD Law School actively pursues the policy of maintaining a diverse student body because it recognizes that exposure to students from many cultures and backgrounds is an important part of our educational experience. Unfortunately, some of the steps we take to encourage diversity may actually reduce the intended benefit. Specifically, while SBA groups bring together race and sexual orientation allow a place for students to organize and plan specific agendas, they also reduce the interaction between each group's members with the rest of the law school. Someone active in La Raza, for example, will spend much of his or her non-study time working with others from his or her culture. This reduces any reciprocal exposure between that person and members of other cultures, including the so-called "dominant" cultures. This effect is to the very objective of diversity within the university and, in fact, balkanizes the law school.

An alternative would be to form groups that focus around legal issues or policies as opposed to race and sexual orientation. Civil rights and immigration law are two areas that come to mind. Simply changing the names of these groups would make them more open to membership from the general student body. These causes currently being pursued in the groups based on race could still be addressed in these new groups. To stop using names group on race would increase the interaction between people from the dominant culture and the other cultures at the university. We believe this would create a much more rewarding environment for those who participate in SBA. It would also facilitate the understanding that needs to take place between all cultures that inhabit the law school.

Insuring groups represent their constituency

The method by which each SBA organization elects its leaders is usually left up to the individual organization. In some instances, however, the university might need to step in to ensure that power and funds are not abused. For example, the Women's Law Caucus received the fourth largest SBA funding grant this semester, $2,150, after Moot Court, Phi Delta Phi, and Intramurals. They also receive funds through the faculty aution. The name implies connection with the women members of the USD law student community. In fact, by using the word "women" in their name, they would seem to have a duty to reflect the general interests of the female law school population. On the contrary, the WLC's prerequisite for electing its officials is designed to insure no such reflection.

The WLC board meets secretly to select the next year's twelve leaders. No doubt the leaders are individuals who best reflect the views of the previous twelve officeholders. This method leaves little or no room for dissent and makes it unlikely that the interests of the female law school population are actually represented. This abuse should be stopped either by requiring them to remove or qualify the name "women" in their title (perhaps by inserting the word "feminist") or by requiring them to hold open elections for their offices. For example, Phi Alpha Delta, which has an entire membership vote on new officeholders. Groups that claim to represent a specific population of the university must be forced to take into account all the views of their constituency.

All in all, our SBA actually does a good job of keeping people active in the legal community. However, we should always be on the lookout for ways to improve its responsiveness to the student body. By implementing some of these suggestions, our school can be a leader in democratic student government.

Students Respond To

Well, I suppose it was inevitable that "ethnic cleansing" would eventually reach USD - at least that seems to be the policy underlying the "modest proposals" put forth by Misters Frank and Edmonston. They are apparently willing to tolerate diversity so long as the student body stops acting diverse. It seems wholly unremarkable that students from nontraditional backgrounds tend to view the world differently from other students and often have different political views, values, and interests. It is also unremarkable that such students would form support groups to provide a sort of buffer zone against the sometimes hostile and often indifferent reactions of other students towards them and their interests.

I'm sorry Brian and Matt, but the proper goal of diversity is not to bring students together in ways that ignore or eliminate their differences, but to bring students together in ways which allow them to engage and understand their differences. This distinction is significant. The latter goal is a necessary part of the education of all persons living in a multi-cultural society filled with racial, ethnic, gender, and sexual orientation differences. The former is the ideological equivalent of ethnic cleansing.

Levis Perry
Angela Z. Moore

Mr. Edmonston and Mr. Frank appear to be badly misinformed regarding the role of student organizations and increasing cross-cultural understanding at USD.

Their statement seems to be rooted in the assumption that the sole objective of diversifying our law school is to benefit white students, or the "dominant" culture, as they refer to us. As one of several white members of La Raza, I have had the opportunity to understand that one of the primary goals of the organization is to support and empower membership, Latino or non-Latino, in finishing law school so that they may become leaders in the legal community. Two years ago La Raza members out of approximately eight who started at USD graduated. Last year, we graduated all but one. This year, proudly, every member of the entering class will graduate. We have clearly met one of our most important and stated organizational goals.

If the "objective" of diversity includes having people in our law school which reflect the diversity of population, then organizations like La Raza serve to meet that objective. We hope to keep our members in school.

As an active member of La Raza, I take strong offense to the assumption that since the group is called "La Raza" it excludes non-Latino students. La Raza does not discriminate based on race. I am clearly only one example of this - we have other non-Latino members, several of whom have served as officers of La Raza. I also take offense to their point that we spend our time exclusively with other La Raza members. We are active in virtually every law school organization from Intramurals to the SBA. One member worked to develop the Street Law Teaching Program, recently incorporated into the curriculum, which will benefit all law students as well as the community. The Tijuana/Tecate Relief Fund is another example of our outreach. Although La Raza sponsored the rally, members and non-members of La Raza bought and sold tickets, solicited donations for prizes, and overall contributed to the overwhelming success of the event. The funds that were raised were donated to two community organizations in the name of the University of San Diego, not just La Raza or its members.

I am proud of my affiliation with La Raza. In my opinion, the organization does not need to change its name to accommodate anyone. It is already a welcoming environment - one in which I have grown, felt supported, and learned about the Latino culture during the past year in which I have been a member. If you are interested in working with us, please join!

Judy Carbone
Member, La Raza Law Students

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Proposed Reforms for SBA

The assault by Mr. Frank and Mr. Edmonston on organizations and the necessity for reform leaves suspiciously unscathed any "majority-type" group. This clear refusal to accept any responsibility these groups may have or should share in the need for reform is self-serving.

In conclusion, I wish these groups would have members who do not belong to the groups because of status, and not only the people I have expressed here to clip this letter, sign it yourself, and drop it off at the WLC office in the West. The WLC is a strong organization which accomplishes a great deal on this campus, for and for that it deserves much praise. The organization could be stronger, however, if a more democratic system were adopted both in terms of Board selection and approval of the constitution. Larissa A. Keohé USD Law '93

WLC Responds

This letter is in response to articles regarding the Women's Law Caucus. First, questions have arisen about the process by which WLC selects its Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC selects its Board in a fashion similar to the Law Review and Moot Court Boards. Like those organizations, the WLC Board has the best opportunity to gauge the applicants' commitment and ability to work together. WLC's success is based on teamwork because it has a twelve-member Board of Directors. WLC sele...
DIVERSITY from page 14
I imagine some minority students resent the burden of being stereotyped as experts on issues surrounding racism. Most came to law school to become lawyers, not to teach their white counterparts about race and the law.

Once use of race to implement policy is "out of the bag," there is room for abuse by those who are inclined to do so. This is because it is very difficult to determine when race is analytically impossible.

We should have realized the illogic of the phrase "you can't legislate morality" long before it became famous. Liberals say that law should only prevent us from "harassing" other "persons." But why should we be prevented from doing so? The patent answer is that it is wrong to harm others - it is immoral. The touchstone of law is not "harm" (whatever that means) but wrong. And liberals have been unable to suggest a reason that "harm" and "wrong" are coterminous. We know that murder, racism, pornography, and drug use are wrong by resorting to the same instrument: our consciences. The liberals' attempt to replace morality in the traditional sense of law with "harm" has no basis in logic.

It also has no basis in experience. As William Bennett wrote earlier this year, our nation's gravest problems spring from a decline in moral standards. "This is true," said the Czar, "whether we are talking about abortion, AIDS, births to unwed mothers, child abuse, crime, drug use, educational decline, race relations, urban unrest or welfare dependency. Political philosophers from Aristotle to our founders have understood that all real politics must concern itself with the character of the citizenry and the moral precepts that underlie our system."

Bennett's claims were borne out in statistics on a Wall Street Journal article on violence before it was launched on March 15. Between 1960 and 1990, violent crime has increased 500%; illegitimate births, 419%. Teen suicide rates have doubled, the percentage of children in single-parent homes has tripled, and divorce rates have quadrupled. The number of abortions has steadily increased, from 150,000 in the year of Roe v. Wade to now reach 25 million, even though birth control has become omnipresent. The Great Depression, Nazi Germany, Imperial Japan and the Soviet Union were posed less of a threat to our nation's existence than our present moral and spiritual decay.

All of this accords with common sense. Choices about moral, "private" matters have causal effects which cannot be ignored. Every action has the capacity to affect society, just as a pebble can send waves rippling throughout an endless pond. Drive-by shootings, drug money robberies, all of the financial and personal degradations caused by drugs would not have happened but for a few hippies innocently smoking joints and "harming" none. Morally wrong conduct, sooner or later, will damage society as a whole.

"Legalization" of drugs, prostitution, whatever - is not the answer to our problems. Legal sociologists say that any prohibited activity will dramatically increase its practice and suggest that it is morally permissible (thereby corrupting, and engendering disrespect for the, instrument of the law). We will quickly remember everywhere the activity was illegal in the first place, but we will be faced with a nearly impossible task if we try to implement restrictions on the activity, much less prohibit it again. Legalization is not a solution; it is surrender.

Let's admit it, kids: Liberalism has failed. It was an interesting idea, but the past three decades have proven it to be a self-destructive, vicious, tragic illusion. It is time to deposit liberalism and its positivism. The jurisprudence in the junk yard of bad ideas, where future generations can view it from a safe distance and debate whether liberalism or communism was the failed sociopolitical experiment of the millennium. We must recognize that law exists to sustain society by protecting the public morals, and that obsequious legislators who ignore or demean the tough issues of morality and virtue are unworthy of writing laws. We must eliminate the right to privacy, a judge-made doctrine founded in the existence of chimerical "penumbras" and fabricated to facilitate people who have helped make law school better than college, and I wish you well. I seriously wish we could all stay here another year (but, oh well). If you're not graduating in May, take Cole for something (he's hilarious). Finally, try to preserve your intellectual integrity. Discursive reasoning is that which separates us from the animals.
America's Game: Spring Baseball Picks

By Eric Siegler

It's that time of year again when the crack of the bat can be heard. When popcorn and peanuts and crackerjacks fly through the air. That right, it's baseball season, and with a look into the crystal ball, here are the ways things might come out.

**NL EAST**
- **Montreal**
- **New York Mets**
- **Philadelphia**
- **Miami**
- **San Diego**

**NL WEST**
- **St. Louis**
- **Chicago**
- **Los Angeles**
- **Colorado**
- **San Francisco**

**AL EAST**
- **Boston**
- **New York Yankees**
- **Detroit**
- **Toronto**
- **Cleveland**

**AL WEST**
- **Oakland**
- **Arizona**
- **Texas**
- **Kansas City**
- **California**

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**Flood v. Kuhn:** Blackmun on Baseball

Mr. Justice BLACKMUN de- livered the opinion of the Court.

It is a century and a quarter since the New York Nine defeated the Knickerbockers 23 to 1 on Hoboken's Elysian Fields June 19, 1846, with Alexander Jay Chadwick as the instigator and umpire. The teams were amateur, but the contest marked a significant date in baseball's beginnings.

That early game led ultimately to the development of professional baseball and its tightly organized structure. The Cincinnati Red Stockings came into existence in 1869 with Alexander Jay Chadwick as the president, 22 managers on the payroll, this professional team traveled over 11,000 miles that summer, winning 56 games and tying once.

Shortly thereafter, on St. Patrick's Day in 1871, the National Association of Professional Base- ball Players was founded and the professional league was born. The ensuing colorful days are rich in tradition which struggles to survive conscious backlash. Turkish soldiers and police burned the Armenian embassy in Constantinople in 1863, creating a foreign crisis battered by war and conflict. Armenia is a country rich in tradition which struggles to keep its culture alive among its people. For more than 300 years, its political boundaries have been altered by conquest and war. The Armenians are a national- tion, which followed the pro- mulgation of the Armenian national constitution in 1863, created a progres- sive backlash. Turkish soldiers and police burned the Armenian Embassy in Constantinople in 1876, and massacres began in 1894 re- sulted in the slaying of 200,000 Armenians in two years. Then, after a change in regime, the Young Turk government attempted to settle the situation by physically annihilating the Armenians. 30,000 were killed in 1909, followed by the mass genocide of 1915-1923 which re- sulted in the deaths of 1.5 million people, and the exile of 500,000 others. Thus, the Turks continued in eliminating three-fourths of the Armenian population from their native homelands in Eastern Tur- key. At the conclusion of World War I, the Allies promised to rees- tablish an independent Armenian state. The promise was never fully filled.

Fast forward, keeping in mind the history. Today, Armenians are still fighting for their culture, their religion, their traditions and their lives. The most recent five-year old conflict with Azerbaijan is over the largely Armenian-populated terri- tory of Nagorno-Karabakh.

According to Halil Huseyin, the Ambassador to the United States of the Republic of Azerbaijan, the heart of the conflict is about the peaceful attempts by the people of Nagorno- Karabakh to seek the right of self- determination. He also said that Armenia had never been a party to the conflict and its support for the constitutional rights of the people of Nagorno-Karabakh.

Armenia has constantly called for an immediate cease-fire and reso- lution through peaceful negotia- tions.

As a result, in late March the United States Congress began to consider a resolution condemning Azerbaijan for its blockade of Armenia. It passed shortly thereafter.

The consideration process resulted from the cease fire agreement that resulted in the cease-fire and an additional cease-fire.

Following this action, the Azerbaijan Vice-President, Hossein Sanfani, met with Mr. Justice Blackmun to discuss the conflict.

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ARMENIA from page 14

Borders by Turkey, Soviet Georgoa, Azerbaijan and Iran, the landlocked country in Eastern Tur- key is ringed by war and conflict. Armenia is a country rich in tradition which struggles to keep its culture alive among its people. For more than 300 years, its political boundaries have been altered by conquest and war. The Armenians are a national- tion, which followed the pro- mulgation of the Armenian national constitution in 1863, created a progres- sive backlash. Turkish soldiers and police burned the Armenian embassy in Constantinople in 1876, and massacres began in 1894 re- sulted in the slaying of 200,000 Armenians in two years. Then, after a change in regime, the Young Turk government attempted to settle the situation by physically annihilating the Armenians. 30,000 were killed in 1909, followed by the mass genocide of 1915-1923 which re- sulted in the deaths of 1.5 million people, and the exile of 500,000 others. Thus, the Turks continued in eliminating three-fourths of the Armenian population from their native homelands in Eastern Tur- key. At the conclusion of World War I, the Allies promised to rees- tablish an independent Armenian state. The promise was never fully filled.

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ARMENIA'S TEAM: No. A bankruptcy lawyer's dream...yes. Not even Barry Bonds could get this money crew out of debt. The court has been more pleased than usual with his team's performance. He even managed to grin.

1. Did I really vote for Brad Field?

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PREVENT THE TAKEOVER of more dis-puted land. Following the meeting, Rafsanjani said Iran will take ''con-crete measures'' if fighting contin- ues between Armenia and Azerbaijan.

The healing of nations will begin when we see ourselves as members of a world community. Condensation of any nation is not helpful. The Executive branch of the U.S. government should recon- sider its position on the recent ac- tions in Nagorno-Karabakh in light of the history and the reality of the people who are struggling to sur- vive.

April 24 is Armenian Martyrs Day. It marks a day when once a year Armenians gather to remem- ber their history. Regardless of our ethnicity, it would serve us well for each of us to look back at our own history. Look back with a critical, yet sympathetic eye that will ease us out of denial and into an inter- and intra-national healing process.

This process is the key to both our survival as a community and our growth individually, as nations, and as people.
Interview with the Provost
Sister Furay to Retire As Soon As Replacement Chosen

By Lalaque Grad

If you ask anyone who has been around this campus for a while to comment about what he or she thinks of Sister Sally Furay, you will undoubtedly be bombarded with such responses as "intelligence," "conscience," "spiritual," "champion of academic freedom," "advocate of student rights," and "feminist." The more people you find who have worked and interacted with her, the more praise you will hear.

Sister Furay is USD's Provost and Vice President of Academics. She has been here at USD and in her predecessor's, the San Diego College for Women, since 1952. Just about everyone who has worked with or been connected with her will tell you that she will be retiring as soon as a suitable replacement is selected and able to begin work, which should be before the end of the next academic year.

I recently talked to Sr. Furay about her work over the past decades and how she has contributed to the development of the Law School from which she herself graduated in 1972.

Sr. Furay decided to attend law school because she believed it would help her better her mother. At the time, she had already earned a Ph.D in Political Science from Stanford and recently been appointed Academic Dean at the San Diego College for Women, which soon after merged with the men's college to form the co-ed University of San Diego.

She attended USD School of Law at night while retaining her position as Academic Dean. She graduated from law school on May 27, 1972, and just about a month later, on July 1, was selected as the USD Provost, the position to which she was elected by the Law School reports.

Sex discrimination cases

Only a year later, she was already busy pushing for a class on sex discrimination at the Law School.

Sister Furay explained that her awareness of the disparate positions of women and men in society was limited before she graduated from law school. Being a member of a congregation of women, where women did everything, it quite literally never occurred to me that there was anything women couldn't do as well as men because, for all my years, had seen women doing what I later discovered was what men were supposed to be doing in society," said Furay.

She suddenly confronted the reality of the bias and discrimination women experience when she was researching the graduation speech on "The Changing Role of Women" for a local girl's high school in 1972.

Sr. Furay remembers first going through the materials prepared for her by her research assistant on the topic of sex discrimination for the Sexual Discrimination course.

"I stand for what I am a feminist to the right of every human being, to develop their innate potential without stereotype from society interfering with that," Sister Furay said, "That's also the heart of my religious belief. When I read the New Testament, what Christ was talking about was love and freedom. If you don't have freedom, you are inhibited in expressing love. To be fully free you have to be able to develop or grow from the inside toward what you see God wanting of you.

"One of the things that angers me about some feminists is that they say you can't be a feminist unless you say that you are pro this or that. That's exactly what I am against. I'm against anybody telling me what I have to think. I object to that.

"Frankly, I'm in favor of a man's liberation movement, too. There are a lot of stereotypes about men in our society. People teach little boys that men don't cry. Why the heck not? What is the matter with the expression of a perfectly reasonable and appropriate human emotion? We stereotype men as well as women. The societal effects of the stereotypes on women are worse, but the personal effects on men can be very detrimental.

Sr. Furay noted that she has included sex discrimination that is aimed at men, particularly in the area of child custody, and homosexual stereotypes in her course.

"The class was entitled 'Women in the Law,' I would refuse to teach it. It is called 'Sex Discrimination,' and sex discrimination has been predominantly against women, but by no means altogether. There has been much more discrimination against gay men than there has been against lesbians," I asked Sr. Furay if her devout commitment to her religion has ever made her uncomfortable about teaching issues such as reproductive choice and sexual equality in the classroom. She responded with a "No." She explained: "I think it's very important that the law university deals with the pursuit of truth, and you do not reach this goal by looking at one side of the question. That's harder to do in a controversial issue. But, because it's harder to do doesn't mean you don't do it.

"I will always insist when I teach the students, whether they are pro-abortion or anti-abortion, that they look at both sides of the question. I simply don't allow the students to become advocates on one side or another. I say we are looking and analyzing the pros and cons of how these cases are put together, how valid are the arguments, what the law is based on."

Role of Catholic university

Sr. Furay's commitment to freedom of education is reflected in her support for allowing the Gay and Lesbian Law Students Association (GALLSA) on campus.

"This university's two fundamental values are a belief in God, whatever terminology people use, and a belief in the dignity of each human being."

"It's very difficult to teach gay or lesbian on a Catholic campus. And I think that they need a support system. God loves us all, whether you are black, white, female, male, heterosexual, homosexual, poor, or rich. God loves us all. Everyone should be treated that way."

"It is not appropriate for a Catholic campus, because of the nature of the institution, to have people engaged in advocacy of a lifestyle in opposition to Catholic principles, but they [GALLSA] understand that."

"There are all kinds of things you can do besides advocacy. Sure, you can bring in speakers. Again, we are a university. Speakers aren't there to try to turn any body into a heterosexual or a homosexual. They are there to explain, so an attempt to blur the line, because this is a university, the various factors of it - the legal factors, the psychological factors, the..."

--See FURAY page13--

The Women's Law Caucus honored Sister Sally Furay, Provost of the University of San Diego, for her accomplishments in the field of law on March 24 in anticipation of her impending retirement. The WLC clothed the surprise event as a speaking engagement to feature Sister Furay and the Hon. Judith McConnell discussing the genesis of the Sexual Discrimination class in 1973.

After gathering course descriptions from eminent scholars around the country, the group put together a curriculum which generated a 20 page packet which she presented to the law faculty. The faculty agreed at the time to approve the course for one year; however, said Sister Furay, "I never heard anything again about that one year!"

"It's pretty hard to turn down your boss," joked the Provost.

Once Judge McConnell, who sits on the Superior Court of California, took the podium, the true purpose of the gathering became clear. Of Sister Furay, Judge McConnell said, "She looks like such a proper person, but she's really a wild woman!"

"Do not underestimate the power of this woman," the continued, relating that it was difficult to get faculty approval for the Sexual Discrimination course.

Sterotypes about both women and men exist. When one meets Sister Furay, said Judge McConnell, who told a story about Sister Furay who, while wearing a hazmat suit, donned a "Blue Nun" to make everyone laugh and relax. "It's a great example of her personal humor," said Judge McConnell. Judge McConnell also spoke about Sister Furay's strong commitment to having a diverse faculty at the Law School.

Dean Strachan, too, spoke about Sister Furay: "One of the things about the job [of Dean of the Law School] was the chance to work with her." Sister Furay did a lot of mentoring and had "the conscience of this law school," said the Dean.

Sister Furay has been a fierce guardian of faculty freedom, continued Dean Strachan. "She has insisted, with her traditional toughness, that we have insisted that as an educational institution we help people come to informed judgments, and you can't do that when you are too close to it."

Sister Furay symbolizes integrity for the law school," concluded the Dean.

By Larissa Kehoe

Motions

April 26, 1993

After the speakers, the WLC presented Sister Furay with a clock, engraved with the words, "To Sister Sally Furay, whose strong courage and conviction inspire us."

At the reception following, law school faculty members spoke of Sister Furay with great respect and fondness. Prof. Grant Morris, who has twice served as Acting Dean of the Law School, spoke of the sense of trust he had working with Sister Furay: "She would give you advice and counsel, but she would leave the decision up to you."

Prof. Hugh Friedman also praised Sister Furay, recalling the first time he met her, "in habit and in class." "I knew then she was such an outstanding student that she would make a great... Very fortunately for us she settled here." Although the law school has been called St. Thomas More, he continued, "To me, the school is 'St. Sister Sally Furay... She's our patroness.'"