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Moot Court's Continued Success Culminates in D.C. and Nashville

By Andrew B. Gagen
Editor-in-Chief

Nashville, Tennessee

The USD Moot Court team of David LaSpaluto, Trevor Rush, and Michael Faircloth bested other law schools in the prestigious 10th annual National First Amendment Moot Court Competition in Nashville, Tennessee.

The competition was highlighted by the presence of United States Supreme Court Justice Sandra Day O'Connor, who judged the final round along with Sixth Circuit Court of Appeals Judges Gilbert Merritt and Martha Craig Daughtrey, Eighth Circuit Court of Appeals Judge Richard Arnold, and Tennessee Supreme Court Justice Adolfo Birch.

The two-day competition posed the hypothetical question of whether the First Amendment should shield the manufacturer of a violent video game marketed for children from civil liability for allegedly causing an 11-year-old student to shoot his gym teacher.

Rush characterized Justice O'Connor's questions as "not unfair" or "not trying to mess with you." Similarly, LaSpaluto described O'Connor's questions as "direct and to the point," and "not trying to trick you." Rush described the room in which the semi and final rounds were argued as a "huge audience in a large room with a huge T.V. screen behind the judges." Rush explained that you found yourself periodically "staring at yourself" as the "screen changed from the judges to the T.V."

LaSpaluto had a particularly challenging role on the team. Rush explained that LaSpaluto was "the 'swing oralist,' which meant that he argued every round." Faircloth argued the quarter and semi-final rounds and Rush argued the final round. Both Rush and Faircloth explained that they found themselves "periodically 'staring at yourself' as the 'screen changed from the judges to the T.V.'"

LaSpaluto further explained that Judge Rainey then joked that "maybe I should have published the opinion." The two-day competition concluded with a banquet attended by all the judges at a banquet hall that was "a replica of the Parthenon in Athens, Greece. Justice O'Connor spoke at the banquet, and according to LaSpaluto, was "very complimentary" and she stated that she had not judged a moot court competition in 10 years, but she would now consider judging more competitions.

The competition was co-sponsored by the Freedom of Information Forum, which is a First Amendment think-tank in Virginia, and Vanderbilt University School of Law.

Washington, D.C.

The USD Moot Court team of Kelly Menek and Michael Samardzija, and Stefanie Valentini and Brian Fogarty traveled to our nation's capital to compete in the Jessup Moot Court Competition for International law. The Jessup competition in D.C. featured 35 countries from around the world, and 12 teams from the United States who won their respective regions. Of the 67 teams, only 16 teams survived the first round cut. USD faced-off against Moldova, Venezuela, Fordham, and Depaul in the first round.

Three of these teams made the first round cut; in fact, Venezuela progressed to the final round and placed second overall. Unfortunately, neither team from USD moved on.

The two teams were accompanied and coached by Trevor Rush. Rush described the style of advocacy as unlike the English common law of advocacy that American law students are accustomed to.

Rush explained that the "foreign role [of advocacy] is to assist the court to make a decision, which may be above and beyond the duty of representing your client." Rush intends to impart what the Moot Court learned this year into next year's Jessup Moot Court competitors.

Rush also complimented the other teams preparedness for not just the issues in the hypothetical case, but for their understanding of international law. Rush explained that the other Jessup teams were shocked that the two teams from USD had not taken an International Law course.

This is significant because as Rush explained, "international law is a completely separate area of the law." Next year, the Moot Court Board will recommend that its Jessup Moot Court competitors take an International Law course, but Rush stressed that this is not mandatory requirement.

Rush concluded with "the morale of the Jessup story is: 1) we placed second last year at the regionals, 2) we placed first this year in the regionals, but did not make the first round cut in D.C.; 3) hopefully next year we will not only make it to D.C., but we will make the cut."

On behalf of the USD school of law student body, faculty, and staff, we congratulate the Moot Court on its unprecedented success.
Alumni Profile: Guylyn Cummins

By Todd Rhoads
Staff Writer

Guylyn Cummins did not think she would end up a lawyer. Not as a journalism undergraduate at USC, or a master's student in journalism at USC. Not even as a successful law student at USD in the mid-1980s.

But then the job offers came in. "I was somewhat of a naïve law student, I don't think I ever really thought I would use [my juris doctor] to practice law," says Cummins, a partner with Gray, Cary, Ware and Freidenrich in downtown San Diego. "I think what I thought instead was that it would be a stepping-stone to something else."

Cummins, of course, did stick with law, and has earned her place as a hardened litigator and one of San Diego's foremost experts on media and intellectual property law.

An earlier career interest was documentary film-making, but after receiving a master's degree from USC in 1980 and moving to San Diego with her husband, Scott, who is also an attorney, she found the local documentary market limited to one radio program in Spanish, which she does not speak.

So Cummins turned to law as a way to enhance her education and buy three years to decide what to do with her life. "But then the job offers came in, and then you kind of get sucked into the interview scheduling, and you know, I got offered all these jobs by people who wanted to pay me money and I thought, 'This is a great thing to do.'"

Since joining Gray Cary upon graduating magna cum laude in 1985, she has developed a niche as a content lawyer representing both new and old media, dealing with invasion of privacy, defamation, access to government records, meetings, copyright and trademark.

She represents media on television, radio, print, magazines, book-publishers and Internet companies, in cases ranging from suing Disney to forcing the school system to divulge information on the accused suspects in a rape case in Poway.

One of her recent cases made it to the U.S. Supreme Court this past fall. In the case, United Reporting Publishing Co. v. LAPD, Cummins represented United Publishing, which sued the L.A. Police Department contesting that a state law prohibiting the release of addresses of arrested persons, if the information is used "directly or indirectly for commercial purposes, violates the First Amendment."

Cummins won in the U.S. District Court and the U.S. Court of Appeals for the 9th Circuit, but the Supreme Court granted certiorari and ruled against United Reporting in November in a narrowly decided holding that reminded the case back to the 9th Circuit.

The disputed law prohibits you from address information to use "directly or indirectly to sell a product or service to any individual or group of individuals." United Reporting sells the addresses of those arrested to attorneys, insurance companies, drug and alcohol counselors, religious counselors and driving schools.

"My philosophy has always been that the government makes a decision, and information is either public and available to anyone for any reason or they decide it's not public or for highly selective uses," says Cummins.

"But the government should not be in the business of deciding who can get to public information or how much it's going to cost. And I think that's critically important because I don't think the government should have any say in the marketplace of ideas and be able to steer public information to groups that they like and take it away from groups that they don't like."

Historically, Cummins said, the Supreme Court has preserved individuals' right to decide for themselves whether they wish to share address information, regardless of its possible commercial use. In this case, the Court decided that the disputed law could withstand a facial challenge, or a challenge to the law in general as unconstitutional for chilling free speech. However, the 9th Circuit should decide whether the law violates United Reporting's rights under as-applied challenge, which looks to the specific details of the speaker involved in the particular case.

While the case was Cummins' first case to reach the Supreme Court, her enthusiasm about that event was tempered by the narrowly unfavorable ruling, which she described as a "punt."

"I enjoyed it a lot, but it's also incredibly nerve-wracking, you got a lot at stake and a lot on the line."

Cummins says she considers herself quite lucky to be able to practice the law of media, a subject matter she feels passionately about. But media law work is limited, she says, by a high demand by lawyers for that kind of practice.

"There is a lot of interest in media law," she says. "I belong to lots of national organizations, and I think the one complaint from people I hear all the time is that they wish they could do more of it. It's very interesting, very cutting-edge stories, and almost every newspaper has lots of attorneys who want to do it."

Cummins uses her own story as an illustration of her advice for law students to not waste too much time and energy fretting over the future.

"I would tell this to any student because I think that it's incredibly important. I didn't always know where I was going and where I was going to end up, but I tried my best not to worry too much about it," she says.

The best advice I can give is to keep taking steps. There will always be setbacks, there will always be drawbacks, they will sometimes be disillusioning, sometimes disappointing, sometimes downright hurtful. But if you're going to be in this business you need to be a survivor, you need to have a healthy attitude, and to the extent that you can control that yourself, that's important too."

MOTIONS April 26, 2000

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George W. Bush, R-Texas


Family members:
Father — George Bush, former U.S. president
Mother — Barbara Bush, former first lady
Siblings — Neil, Jeb (Governor, R-Florida), Marvin, Robin, Dorothy

Married, with children: Bush is married to the former Laura Welch.
They met at a dinner at the home of mutual friends in the summer of 1977 and were married a little more than three months later, on November 5, 1977.
Bush has 18-year-old twin daughters in high school. Born in 1981, Barbara and Jenna are named after their grandmothers.

The Would-be First Pets: A dog, Spot, and three cats, India, Cowboy and Ernie.

Religion: Methodist

Education: Yale University, B.A. History, 1968. While at Yale, Bush played baseball his freshman year and rugby his junior and senior years.
Bush earned his Masters of Business Administration from Harvard Business School in 1975.

Political Experience: Governor of Texas, 1995-present (elected 1994; re-elected 1998).
Senior Adviser, George Bush for President Campaign, 1988. Bush ran for Congress in 1978, won the Republican primary, but lost in the general election to Democrat Kent Hance.


Likes: School vouchers, strengthening the military, no inheritance tax

Dislikes: Universal health care, abortion, gun control, pollution standards, gay rights


The Would-be First Lady: Laura Bush is a native Texan who earned a bachelor’s degree in education from Southern Methodist University and a master’s degree in library science from the University of Texas at Austin.
She taught in public schools in Dallas, Houston and Austin from 1968 to 1977. A former teacher and librarian, Laura is an advocate for literacy. Her projects include helping to organize a celebration of Texas books and authors called the Texas Book Festival, a fundraiser for Texas public libraries, and the Early Childhood Development Initiative which prepares infants and young children for reading and learning before they start school.
Laura is involved in breast cancer awareness, works with the National Governors Association’s Governor’s Spouse Program to promote women’s health, and serves on several boards, including the University of Texas Graduate School of Library and Information Science Foundation Advisory Council and the national Reading is Fundamental Advisory Council.

Al Gore, Jr., D-Tennessee


Family members:
Father — the late Albert Gore, Sr., former U.S. Senator, D-TN
Mother — Pauline LaFon Gore, one of the first women to graduate from Vanderbilt Law School

Married, with children: Gore is married to the former Mary Elizabeth "Tipper" Aitcheson. They met at Gore’s high school Senior Prom and were married on May 19, 1970, while Gore was in the Army.
Gore has four children. Karenna Gore Schiff, 26, is a law school student, and married to Dr. Drew Schiff. Karenna and Drew are the parents of Wyatt Gore Schiff, Gore’s first grandchild, who was born on July 4, 1999.
Kristin, 22, is a recent college graduate. Sarah, 21, is a junior in college and Albert, 17, is a junior in high school.

Replacements for Socks and Buddy: a black labrador dog named Shiloh, and a mixed-breed dog named Daisy that the children found injured and abandoned.

Religion: Baptist

Gore attended Vanderbilt University School of Law, 1974-76 and Vanderbilt University School of Religion, 1971-72.


Likes: Universal health care, abortion rights, gun control, pollution standards, gay rights

Dislikes: School vouchers, tax cuts for wealthy


The Would-be First Lady: Tipper Gore grew up in Arlington, Virginia, received her B.A. in Psychology from Boston University and in a master's degree in psychology from George Peabody College at Vanderbilt University.
She is an author and photo-journalist and who currently serves as President Clinton’s adviser on mental health policy.
Tipper founded the Congressional Wives Task Force to focus on the issue of violence in children’s television programming, co-founded the Parents’ Music Resource Center (PMRC) (which fought for consumer labels on music with violent or explicit lyrics), co-founded and chaired Families for the Homeless which works to raise public awareness of homeless issues, and chairs the National Youth Fitness Campaign of the President’s Council on Physical Fitness and Sports. Her goal as chair of the youth fitness campaign is to educate Americans, particularly young girls, about the physical and mental benefits of fitness activity.
PROFILE: Professor Mary Jo Wiggins

By Christine I. Pangan
Section Editor

Professor Wiggins studied at Smith College in North Hampton, Massachusetts. She majored in political science and African American studies. She attended law school at the University of Michigan, where she made law review. Following her graduation from law school, Wiggins practiced law in a large corporate law firm in Indianapolis, Indiana. She specialized in bankruptcy and commercial litigation.

In 1990, after four years at the law firm, she began teaching law at the University of San Diego School of Law. Wiggins teaches bankruptcy, property, commercial law, and legal theory.

She has been actively involved in scholarship and legal reform. Currently, Wiggins is organizing a conference on critical race feminism sponsored by the Journal of Law and Social Inquiry. The conference will take place this fall. Wiggins had considered the prospect of teaching attractive even while practicing law at a law firm as a benefit to teaching.

As a professor, Wiggins credits her experience of practicing law at a law firm as a benefit to teaching. "You have an understanding of exactly how disputes in casebooks get shaped, and understand how lawyers develop argument," Wiggins said. Otherwise, she said, she would only have an abstract view.

Wiggins said practicing law has given her insight into how the lawyer develops an argument using the facts in a case to develop sound legal arguments, as well as insight into the litigation process. "Until you've drafted the complaint, taken the depositions, you can't see how the process shapes the argument, how the process affects the way in which you handle the case," she said.

On teaching

Wiggins had considered the prospect of teaching attractive even while in law school. "I thought I would enjoy what professors do," she said. "It was always in the back of my mind." Professor Wiggins decided to teach law when the timing was right. "I was at a stage in my life where I had no one to answer to," said Wiggins. "And if I waited too much longer, I may not have had the chance to do it."

Switching professions from an associate in a corporate law firm in Indiana to teaching at USD was a good move for Wiggins. "I'm glad I did [decide to teach]," said Wiggins. "I enjoy it [teaching] immensely."

One of the aspects of teaching Wiggins said she enjoys is the ability to focus on topics of interest to her. "I can delve into topics and ideas that are interesting to me, and I can write about and think about those ideas in a more flexible way," she said.

"I am not constrained in having to constantly argue a position, or think about what a viewpoint means in a particular outcome, like for a client," Wiggins added.

On work and family

Compared to the life of a lawyer in a firm, Wiggins said balancing work and family becomes an easier task when pursuing an academic career is "relatively easy." "You can design your own work schedule," said Wiggins, "You can decide when you want courses to be held."

In addition to teaching courses, Wiggins said that a professor can determine how much extra work he or she wants to tackle. "If you want to slow down one year, you can," she said. "You could just write one article... or speak at two conferences instead of four."

With two small children, Wiggins said limitations to balancing work and personal life still exist. "If one of my children is sick and I have a class, I can't stay home," she said. "But I have more freedom than if I were working as a lawyer in a law firm."

As an associate, a lawyer must deal with client and court demands, which allows for a less flexible schedule than that of a professor, Wiggins added.

Current and future goals

Professor Wiggins is currently working on a conference on critical race feminism sponsored by the Journal of Law and Social Inquiry. The conference will take place this fall. Wiggins had the chance to do one to answer."

Professor Wiggins has been actively involved in scholarship and legal reform. Currently, Wiggins is organizing a conference on critical race feminism sponsored by the Journal of Law and Social Inquiry. The conference will take place this fall. Wiggins had the chance to do one to answer."

Professor Mary Jo Wiggins

"I have had an interest in the intersection of race, gender, and the law as far back as undergraduate studies," said Wiggins. Despite this deep-rooted interest, Wiggins said she prefers to maintain her focus on broader areas of law. "I have not made that [race, gender, and the law] my primary area of interest, and don't intend to," said Wiggins. "Wiggins favors teaching the relatively heavily doctrinal and useful areas of law. "I like the balance between intellectual and practical, between theoretical and doctrinal inquiry," she said.

Her interest in bankruptcy and commercial law was not fostered until she had practiced at the law firm. "The decision for me to do that was the decision of the law firm," she said.

Wiggins started practicing bankruptcy and commercial law and found it interesting. When she first came out of law school, Wiggins said she had "no clear idea of what I wanted or didn't want to practice."

As for her future goals, Wiggins said she would like to integrate her interest in race and gender analysis with her interest in bankruptcy and commercial law.

"There has not been a great deal of attention paid to the precise features of bankruptcy and commercial law that implicate race and gender issues," she said.

Wiggins said she would also like to continue to improve as a teacher. Prof. Mary Jo Wiggins is currently in her 10th year of teaching at the USD School of Law. She has never taught at any other school.

Final Weekend of Playoffs to Determine Intramural Crowns

By Frank Cruz
Staff Writer

It all comes down to one weekend! The law school intramural competitive softball, co-ed softball and basketball leagues each concluded their playoffs, and thus, will crown their respective league champions during the final weekend.

Championship weekend begins Thursday, April 27th at 7:30pm, with a potential 3 game final for the competitive softball league title. Three teams still remain in the double elimination playoff format. In the losers bracket defending champion, "Bottom 10%", goes up against top-seeded team "Bitter." These two heavyweights each faced another team for the regular season with "Bitter" winning 10-9, and "Bottom 10%" winning 12-11. They have faced each other twice this season, with "Bottom 10%" coming out victorious both times. The Washburn Lady senators defeated "Bottom 10%" 4-3, and "Bitter" 4-3.

Championship weekend concludes Sunday, April 30th, with the intramural basketball league final between "No Integrity" and "Vis Major." Top-seeded "Vis Major" (8-0) faces off against "No Integrity" (7-1) in the finals by way of a convincing 46-25 semi-final victory over "Give Me Your Lunch Money." "Vis Major" defensively dominated the game, leading 23-0 early in the first-half and 34-2 by halftime. "Vis Major"'s front-line, which owned the boards the entire game, features 11 forward, Mike Tong, 2L forward, Josh Pearson and 2L center, Greg Daniels. Despite the defeat, "Lunch Money" captain, 2L, Stelian Chiropoulos can look forward to next season with the nucleus of his team returning.

Hoping to repeat as basketball league champions, "No Integrity"'s (6-1) road to the finals has been exciting to say the least. "No Integrity"'s lead to get by the upset-minded "Smoky's Kids" in the quarterfinals. Trailing by 13 points with a little over 10 minutes remaining, "Smoky's Kid" went on an explosive scoring run to tie the score at 46, sending the game into overtime. Defense ruled the first overtime with both teams scoring only four points each. In the second overtime "Smoky's Kids" took a point lead with 10 seconds remaining. With the clock running out, "No Integrity" was able to get the ball into hands of 3L, Ty Brown, who raced the length of the court to hit a three-pointer as time expired giving "No Integrity" the 56-54 double-overtime victory.

In the semi-finals, "No Integrity" defeated their long time arch-rival "Mayhem" 52-46. Again Ty Dorward paced "No Integrity" with 17 points while 3L John Matsumoto added 11. In their final law school basketball league game, "Mayhem" was led by 3L, Phil Paturzo who scored 20 points and 3L Shawn Wasmund who pitched-in 16. Sunday's basketball league final tips-off at high noon in the USD Sports Center. Admission is free!
Do I Really Have to Pay it Back?
Innovative Solutions to the Student Debt Dilemma

By Kenneth M. White
Section Editor

On April 8, 2000, the Student Bar Association held their bi-annual Community Service Day project. This semester's event was held at the YWCA Children's center, located on Logan Avenue near downtown San Diego. The center provides local children with a safe alternative to empty homes or busy streets. The language barriers prevent most U.S. collection agencies from tracking down and harassing recent graduates who live in our neighboring nation across the border. A P.O. box in San Ysidro is the only link between the expatriate law school graduate and their former homeland.

Although federal policies may change, present-day law students have the ability to take part in a public broadcast station easier than one may think. (Warning: frequent con-
By Kenneth M. White
Section Editor

On March 29, 2000, the University of San Diego School of Law hosted the 16th annual Nathaniel L. Nathanson Memorial Lecture Series. This Year’s lecture focused on “The Brandeis Legacy” and was presented by U.S. Circuit Judge Mary Murphy Schroeder of the U.S. Court of Appeals for the Ninth Circuit.

Daniel B. Rodriquez, dean of the University of San Diego School of Law, introduced Judge Schroeder and offered some insight into the life of Nathaniel L. Nathanson. According to Dean Rodriguez, Nathanson once remarked, “The mystery of teaching law will never be solved...there is a key to the path of salvation. We are all in this together, though each in our own cubicle.”

The lecture bulletin stated, “The Nathaniel L. Nathanson Memorial Lecture Series was established in 1984 to honor the esteemed law professor who devoted his life to the law and legal education. He taught law at Northwestern University School of Law from 1936 to 1977, where he was named professor emeritus. That same year he was named a Distinguished Professor of Law at the University of San Diego.”

The lecture bulletin also stated, “Mary Murphy Schroeder became a U.S. Circuit Judge for the U.S. Court of Appeals for the Ninth Circuit in October 1979. Prior to her time, she was a trial attorney in the Civil Division of the U.S. Department of Justice from 1965 to 1969. [She] joined the private practice of Lewis and Roca in Phoenix from 1971 to 1975, where she was one of the first female partners ever to do so. In 1975, former Arizona governor Raul Castro appointed Judge Schroeder to the Arizona Court of Appeals in Phoenix. She was the first court of appeals appointment under the state’s merit system for the selection of appellate judges. Four years later, she was appointed to the U.S. Court of Appeals for the Ninth Circuit. The author and co-author of a number of articles and book reviews, Judge Schroeder’s recent works include ‘Compassion on Appeal’ in the 1990 issue of the Arizona State Law Journal and ‘Appellate Justice Today: Fairness or Formulas, The Fairchild Lecture’ in the 1994 issue of the Wisconsin Law Review.”

When Judge Schroeder took the podium she was greeted by a warm applause. She thanked everyone for the opportunity to speak, and was pleased to have “anything” to do with Nathaniel L. Nathanson. She chose to talk about Justice Brandeis because, as she said, “Nat clerks for [him].”

Judge Schroeder began the lecture by noting Justice Brandeis’ grand stature within the legal field. “Justice Brandeis,” she said, “was perhaps the greatest lawyer of the 20th century.” “He was committed to the notion that technological advances should not widen the gap between the ‘haves’ and the ‘have nots.’ According to Justice Schroeder, when Brandeis was in law school he had a reputation for knowing ‘everything’. ‘Even professors listened attentively to Brandeis,’ she said, ‘his brain was photographic.’”

This photographic brain enabled Justice Brandeis to speak his opinions from memory. Judge Schroeder mentioned that reporters would often compare Justice Brandeis’ spoken opinions with the actual written opinions, to see if he erroneously misstated anything. She said he rarely, if ever, did.

Judge Schroeder suggested that Justice Brandeis is probably most famous for his style of legal writing, i.e., the “Brandeis Brief.” The Brandeis Brief focuses on facts, not legal theory. According to Judge Schroeder, Justice Brandeis did not attack an opposing view, but instead sought to convince the other side by using facts to elucidate his position. Judge Schroeder cited Brown v. Board of Education and Roe v. Wade as examples of the Brandeis Brief. “Both used facts to support the conclusion, rather than theory or dogma,” she said.

Near the end of her presentation, Judge Schroeder revealed, “Nearly all appellate judges would like to make a statement as important as those made by Brandeis.” She expressed a hope for today’s legal field to take careful notice of “The Brandeis Legacy” by “less attack and more persuasion.”

Dean Rodriguez presented Judge Schroeder with a plaque honoring her participation in the Nathaniel L. Nathanson Memorial Lecture Series, and he also unveiled a perpetual plaque to be hung in Warren Hall to honor all the speakers of the lecture series.

E.L.S. Hosts First Annual Environmental Law Conference

By Bobby Bell
Staff Writer

USD’s Environmental Law Society assembled a diverse group of experts on land use and urban growth this past March for the First Annual Environmental Law Conference. Dean Rodriguez spoke “as a scholar and not as a Dean,” and started the discussion by framing San Diego’s urban growth problem in terms of critical issues: 1) economic costs and consequences, 2) the inter-relationship between economic consequences and ecology, and 3) comparative institutional competency, or what institutions are best suited to investigate and correct environmental problems.

USD Professor of Law Richard Whiton offered remarks on San Diego’s transition from the “managed growth” approach, which exemplifies the sprawl that plagues Los Angeles and threatens San Diego, to the “smart growth” approach, which encourages denser development. Warning that “smart growth” can produce heightened noise, traffic, and water pollution, Professor Whiton explained that San Diego is more prone to encrusted with building a baseball park than solving these problems.

Tony Gim, President of the Environmental Law Society, mediated the Conference. Gim asked the panelists to first explain the relevant environmental issues in their respective professions, and then to recommend policies to address these issues. The panelists responded in turn.

State Representative Howard Wayne (78th Dist.), Chairman of the Natural Resources Committee, predicted an additional 1,000,000 people will be living in San Diego in 2020. That population explosion will cause a shortage of affordable housing, longer commutes that worsen air pollution, and a “gobbling up” of agricultural land and other open spaces. Wayne used the state of Maryland as a paradigm to advocate that the consolidation of our fragmented mass traffic system, and tax credits will encourage urban redevelopment rather than the current urban sprawl.

Paula Forbis, co-director of the Environmental Health Coalition’s Toxic-Free Neighborhoods campaign, described the exposure to lead in San Diego’s agricultural industry and its effect on urban health. “Though technological advances should not widen the gap between the ‘haves’ and the ‘have nots,’” she said, “anyone with a sense of justice would think twice if lead paint has been banned since 1979 because of its toxic health effect on children and the elderly.”

Forbis predicted that 2-3 billion dollars will be needed to raise the infrastructure in San Diego’s impoverished districts to the level enjoyed by the rest of San Diego.

Nathanson’s agenda include urban runoff, sewage spills, and erosion and beach access infringements. Gonzalez spoke of a developer that has proposed to build a four star hotel on public parkland in Oceanside. Gonzalez explained that a luxury hotel would intimidate the poor and drive out the poor. Specifically, the two panelists agreed that the Navy J.A.G. should attack an opposing view, but instead sought to convince the other side by using facts to elucidate his position. Judge Schroeder cited Brown v. Board of Education and Roe v. Wade as examples of the Brandeis Brief. “Both used facts to support the conclusion, rather than theory or dogma,” she said.

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Women's Law Caucus Honors Judge USD Law School Alumna

By Christine L. Pangan
Section Editor

The Women's Law Caucus honored Judge Susan Finlay with the Outstanding Alumna Award at the University of San Diego School of Law on April 17th. Stefanie Valentini of the Women's Law Caucus presented the award. The event was held in the library.

The Women's Law Caucus chose Finlay for her distinguished work in judicial education and her dedication to problems dealing with drug abuse, Valentini said.

Finlay graduated with honors in 1972 from the USD School of Law. She remained in private practice until 1980, when Gov. Jerry Brown appointed her to a vacant municipal court seat in San Diego. Soon after her appointment, she was named to the Governor's Task Force on Drugs, Alcohol and Traffic Safety, which wrote laws dealing with driving under the influence. More recently, Finlay has been involved in drug courts, special courts that take cases of nonviolent drug users who commit drug-related crimes.

An adjunct professor at the USD School of Law since 1993, Finlay received the Bernard S. Jeffreison Award from the California Judges Association for her work in judicial education. Despite her many accomplishments, Finlay said the Women's Law Caucus Outstanding Alumna Award is special to her.

"I would like to tell you that this [award] means more to me than the others I've received," said Finlay. She said she remembers starting law school at USD in 1968 as one of only three women students in her class. According to Finlay, at the time only 3% of all lawyers were women. "There were no women on the bench when I graduated," she said.

While in private practice until 1980, Finlay also served as a judge pro tem in family law court and juvenile court.

"I loved being a lawyer," said Finlay. "You have an opportunity to help people, to steer them away from litigation -- there are better ways to solve problems."

Finlay, who was the 1993 interim director of the California Center for Continuing Judicial Education and Research, became interested in the problems of drug use.

The main strategy of the War on Drugs was to lock people up, which to Finlay had no effect. "As a municipal court judge, I knew that about 85% of people I saw had substance abuse problems," she said.

Finlay would see these people, brought to court for criminal, driving violation, and child abuse cases, over and over again.

"We weren't handling this well as a system," she said.

With the advent of mediation, a more empowering system emerged. There were different, alternative ways of handling things," said Finlay. "This was part of the therapeutic justice movement."

The only San Diego to serve as dean of the California Judicial College, Finlay said it was important to be "involved in a system that can help people help themselves so they are not hurting themselves, their children, or other people."

"We've tried retribution, we've tried locking people up," she said. "Now we're trying something different [with drug courts], and if this doesn't work, we're going to do something else."

Finlay called the drug court movement "exciting." She distinguished drug courts from others in being a team effort.

A drug-court team includes the judge, district attorney, public defender, probation officers, treatment provider, and others who decide as a team what to do with an individual. The team provides a unified front that helps the substance abuse rehabilitate and welcomes him or her into the community.

In San Diego County, four drug courts were started in 1997. Two drug courts for juveniles or their parents were created the following year. Programs include supervision by the court and probation officers, drug treatment counseling, frequent drug testing, and educational and work opportunities.

The Department of Justice has given grants to teach jurisdictions how to set up drug courts. Drug courts, Finlay added, have received bipartisan support.

Although Finlay retired from the bench last month, she will continue to be involved with drug courts. She has begun another career as national education director for both the National Association of Drug Court Professionals and the National Drug Court Institute. Finlay called the drug court movement a "rational response" to society's drug problem.

One audience member at the Women's Law Caucus award presentation praised Finlay as part of an important first wave of young judges, saying that such women coming into the law profession were "innovators."

Finlay responded by saying that although the traditional law career paths had been a "battle mode" of winners and losers, communal justice has existed in other places where the goal has been to bring a person back into the community.

"It takes men and women to come up with a system that takes care of all our needs," Finlay said.

Wanna Be Teacher's Pet

Dear Wanna Be Teacher's Pet,

Although it wouldn't be the first time a professor has dated a former student, I don't think it is a good idea. After finals you should focus your energy into trying to pass the Bar exam. The last thing you should do is try to find new people to date. Besides, you don't have a chance with Prof. "D," he wouldn't date someone who had to write into Question Corner for advice.

Sincerely,

Humble Guy

Religious Guy

Dear Religious Guy:

You picked a bad time in your life to give these things up. Some think that you can get through the semester with plenty of rest, a good diet, and regular exercise. Maybe you should try it. Good luck.

Dear Question Corner:

I am graduating this May and I want to do something outrageous at the graduation ceremony so that my fellow students will always remember me. Do you have any suggestions?

Sincerely,

Ready to Roll

Dear Ready to Roll,

I suggest that you refrain from acting like an idiot. After all, you want your parents, friends and fellow students to think that 3 years and $100,000 later you have gained a modicum of respect. Don't do anything that will make you look bad. Do what everyone else does and wait until after you pass the Bar exam to exhibit your bad behavior.

Dear Q Corner,

I have a crush on a professor...let's call him Prof. "D." I know he is single; so, I try to talk to him as much as possible outside of class. If I see him in the hall I follow him around. I giggle and play with my hair when I talk to him. I am graduating in May. Do you think I should ask him out after final exams?

Sincerely,

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