

University of San Diego

Digital USD

Print Media Coverage 1947-2009

USD News

2002-11-01

University of San Diego News Print Media Coverage 2002.11

University of San Diego Office of Communications and Marketing

Follow this and additional works at: <https://digital.sandiego.edu/print-media>

Digital USD Citation

University of San Diego Office of Communications and Marketing, "University of San Diego News Print Media Coverage 2002.11" (2002). *Print Media Coverage 1947-2009*. 215.

<https://digital.sandiego.edu/print-media/215>

This News Clipping is brought to you for free and open access by the USD News at Digital USD. It has been accepted for inclusion in Print Media Coverage 1947-2009 by an authorized administrator of Digital USD. For more information, please contact digital@sandiego.edu.

USD Print Media News Coverage

November 2002

USD Print Media Coverage November 2002

Office of the President

Studies Reveal Colleges Economic Impact on Area (San Diego Business Journal).....	1
Policy has local Catholics both hopeful and critical (San Diego Union-Tribune).....	2
Church focusing on accountability (Associated Press, 25 editions).....	3
Review board outlines plans to combat sexual abuse (Lake Shore Visitor).....	5
Panel's key link is molest victim (San Diego Union-Tribune).....	6
Dioceses face public disclosure for not punishing abusive priests (Miami Herald).....	8
High-Profile Catholics On Board (Miami Herald).....	10

College of Arts and Sciences

It is time for giving thanks (San Diego Union-Tribune).....	14
USD Shiley Center Drawing Donors (San Diego Business Journal).....	16
Gnawing fears spring from U.S. narcissism [Macy] (National Catholic Reporter).....	17
A Good Man [Dosick] (San Diego Jewish Times).....	19
San Diego DA Narrowly Trails Rival [Shortell] (Los Angeles Daily Journal).....	21
Interior Design [Smith] (Christian History).....	23
Painting born from touch [Grout] (Arizona Republic).....	25
Sister Arlene Ellis, SSC, named chancellor (Idaho Catholic Register).....	26
Classical Music (San Diego Union-Tribune).....	27
Quality Education for Ministry (Southern Cross).....	28
The Roughest of Roads Couldn't Defeat Her [Galan] (Voices Sunday-Weekly Star, 8 editions).....	29

School of Business Administration

Commercial real estate in a slump [Gin] (San Diego Union-Tribune).....	30
Commercial real estate: A major force of USD's Real Estate Institute (San Diego Daily Transcript).....	31
USD provides higher education for real estate professionals (San Diego Daily Transcript).....	33
CCIM education foundation works to promote knowledge in commercial real estate (San Diego Daily Transcript).....	34
City Gears Up for Massive Sewer Upgrade (San Diego Business Journal).....	35
Profile: Stephen Starling (San Diego Business Journal).....	36
Unemployment steady, few hiring sprees predicted (San Diego Daily Transcript).....	39
Local consumer confidence takes dive as layoffs hit region [Gin] (San Diego Union-Tribune).....	41
Things to do (San Diego Union-Tribune).....	42
Names in the News [Casinelli] (Wren/Western Real Estate News).....	43

Institute for Peace and Justice

U.S. Arms Pipeline Flows to Gulf Arabs [Neu] (Los Angeles Times).....	44
San Diego World Trade Center celebrates 25 years of service at annual awards gala (San Diego Daily Transcript).....	46

School of Law

Red Sox go with a youthful GM [Epstein] (Associated Press, 5 editions).....48
 Kid around if you will – this is no joke [Epstein] (Boston Globe).....49
 Sox look to Boy Wonder [Epstein] (Boston Herald).....52
 Sox Lineup Gets Younger At The Top [Epstein] (Hartford Courant).....55
 Red Sox make Epstein youngest GM (San Diego Union-Tribune).....56
 Beebe Names Top Aides [Whitney] (Arkansas Nesa Bureau).....57
 A fight over frontier justice [Vargas] (Dallas Morning News).....58
 Community Property [Spearman] (Los Angeles Daily Journal).....60
 Into the 21st century: water rights, water supply, water quality [Minan] (Trends).....62
 Child advocates blast ruling [Fellmeth] (Daily News, Sun).....63
 Dwight Harding (Sunday Camera).....64
 Don Bauder [Fellmeth] (San Diego Union-Tribune).....65
 Judge Oks Settlement In Suit Over Leased Phones [Fellmeth](St. Louis Post-Dispatch).66
 Mission Statement [Fellmeth] (San Diego Union-Tribune).....68
 Fee Dispute Makes Strange Allies [Fellmeth] (Los Angeles Daily Journal).....71
 Reform Measure Stalls in Court [Fellmeth] (San Francisco Daily Journal).....72
 Diane Bell [Fellmeth] (San Diego Union-Tribune).....74
 Judge Creative On and Off Bench [Reed] (San Francisco Daily Journal).....75
 Judge Credits Military for Turning Life Around [King] (Los Angeles Daily Journal)....77
 Senate Confirms R. Gary Klausner as Judge of U.S. District Court (Metropolitan News-Enterprise).....80
 State Races, Issues [Chaffin] (News Journal).....81
 Jurist Presides in One-Court Town [Detjen] (Los Angeles Daily Journal).....82
 Intellectual PropertyLawyer James Potepan Moves to Ropers Majeski (Metropolitian News-Enterprise).....84
 On the Move [Casper] (Recorder).....85
 How to choose a doctor [D’Angelo Fellmeth] (California Journal).....86

Other USD-Related News

2002 Publisher’s Picks List (Hispanic Outlook).....91
 Miscellaneous [Elliott] (San Diego Business Journal).....95
 Cathedral High Board: Shaping a School Not Yet Born [Burke, DeRoche] (Southern Cross).....96
 “Business Bible” breakfast [Dosick] (San Diego Union-Tribune).....98
 Remaining Competitive Through Employee Education and Development [Waterhouse] (San Diego Business Journal).....99
 College Bound (Orange County Register).....101
 All in the Family[Waterhouse] (Sunday Chieftain and Star-Journal).....104
 Homegrown Success [Shelby] (San Diego Union-Tribune).....107
 Colleges and Universities (San Diego Business Journal).....108
 Pageant winner to follow her love of children (San Diego Union-Tribune).....109
 Advice Central for Teens Only [Kalna] (Advocate, Greenwich Time).....110
 Assessor Racks Up Travel Tab (Times, Vidette Times).....112

NOV. 2002 - p. 3

Athletics

USD has something to prove vs. Bruins (San Diego Union-Tribune).....	114
Playing over their heads makes for hoops history (San Diego Union-Tribune).....	115
Sports Media (San Diego Union-Tribune).....	117
USD exits preseason perfectly (San Diego Union-Tribune).....	118
Holland is waiting for verdict on players (San Diego Union-Tribune).....	119
Brovelli to be in USD's hall (San Diego Union-Tribune).....	120
USD at new heights in its quest for talent (San Diego Union-Tribune).....	121
Father-and-son team making noise on Mission court (San Francisco Chronicle).....	122
Toreros honored (San Diego Union-Tribune).....	124
USD faces defining Flyers (San Diego Union-Tribune).....	125
College Signings (San Diego Union-Tribune).....	126
Toreros survive last-ditch frenzy (San Diego Union-Tribune).....	127
USD women lose to USC on OT in soccer playoffs (San Diego Union-Tribune).....	128
USD, UCSD women gain NCAA berths (San Diego Union-Tribune).....	129
Local Colleges (San Diego Union-Tribune).....	130
Sidelines (San Diego Union-Tribune).....	131
Elsewhere (San Francisco Chronicle).....	132
Local Colleges (San Diego Union-Tribune).....	133
Luster eludes 'Matadome' (Daily News).....	134

TV/Radio Coverage

Campaign Advertising; KNSD [Sullivan] (Nov. 1)	
MBA Thanksgiving House Project; KGTV, XETV (Nov. 3)	
Lunafest; XETV (Nov. 6)	
Fed Interest Rate Cut; XETV [Gin] (Nov. 6)	
College Application Verification; XETV [Hinman] (Nov. 11)	
Cults on College Campuses; KTTV [Kirkley] (Nov. 12)	
Bishops Abuse Policy; XETV [Hayes] (Nov. 13)	
Iraq Inspections; KFMB [Neu] (Nov. 13 & 14)	
Anti-Hate Rally; XETV (Nov. 21)	
Internet Begging; XETV [Hinman] (Nov. 24)	
PETA Protest; XETV [Kaufmann] (Nov. 27)	

Office of the President

SAN DIEGO BUSINESS JOURNAL

SAN DIEGO, CA
WEEKLY 20,000
NOV 4 2002



-5978
0xz2..

Burrelle's
INFORMATION SERVICES

x JL
26 bc...b

Studies Reveal Colleges' Economic Impact on Area

San Diego's four-year universities annually contribute millions of dollars to the local economy, according to a recent survey.

The University of San Diego undertook an economic impact study this year to discover just how much economic influence it has on local commerce. The study found USD boosts the region's economy by nearly \$300 million annually.

The 2,500 full, part-time and student employees at USD have a net payroll after taxes of \$52.5 million. USD's faculty and staff spend an estimated \$101.5 million on purchases and services within the community.

The research also determined that the 42 percent of the student body who come from other states or from abroad bring a wealth of financial resources to San Diego. According to the economic impact report, during the 2000-01 school year, 7,000 students at the private university spent roughly \$38.9 million in San Diego on rent, food, entertainment and other expenses.

An official study conducted in 1996 by San Diego State University determined that \$770 million was transferred to the local economy in that one year. Since then, SDSU has yet to follow up with another study, "but the amount has only increased substantially," said Jason Foster, the school's media relations manager.

The eastward expansion of the trolley and future stop at Aztec Center has a total construction bill of over \$400 million, he said. Without the funding by SDSU for the project, that money would never make its way back into the local economy.

UCSD generated a local economic impact of \$1.4 billion according to its 2001 annual financial report. The university spent \$587.1 million on goods and services in 2000 and paid an average of \$63.9 million in salaries every month.

The report cited 68,000 jobs are created locally as a direct contribution from UCSD, which also disbursed \$56.2 million in stu-

dent aid and \$3.2 million in student loans last year.

Nationally, UCSD had a \$2.6 billion impact, which is seven times the state's initial investment of \$346.7 million, according to UCSD's 2001 financial report. Students and visitors to UCSD made a \$74 million impact on the local economy in 2001.

Over the next five years, UCSD is planning to spend at least \$792 million on capital improvements, such as new construction and equipment.

According to Author Shingler, vice president of financial affairs at Point Loma Nazarene University, the private university adds roughly \$40 million each year to the local economy. The relatively small student body at Point Loma makes a substantial contribution to the surrounding area.

The 2,700 undergraduate and 300 master's students enrolled at Point Loma contribute more than 100,000 hours of volunteer work to the community.

— Todd Macaluso

Policy has local Catholics both hopeful and critical

By Karen Kucher
STAFF WRITER

4154

Some Catholics in San Diego County held out hope yesterday that their bishops, in passing a new policy on sexual abuse, were healing the rift that has undermined the integrity of the nation's largest religious denomination.

Others say far more must be done to put the sexual abuse scandal to rest.

The policy approved by U.S. bishops calls for quick investigation of molestation accusations and bars offenders from public ministry — including celebrating Mass in public, administering the sacraments and wearing a clerical collar.

Accused priests who maintain their innocence can ask for a trial before a tribunal of clerics and can appeal to the Vatican if they are found guilty.

"These are very strong actions, and I think that people should be encouraged that those strong positions have been upheld," said Alice Hayes, president of the University of San Diego, a Roman Catholic-affiliated institution.

Hayes is a member of a panel that will oversee the implementation of the zero-tolerance policy nationwide. She said the new policy should reassure Catholics that they can trust the church's hierarchy to respond appropriately to allegations. Her panel also plans to research the causes of child sexual abuse and look for ways to prevent it.

"One could anticipate that problems would diminish and that when problems do occur they will be handled more readily and effectively," she said.

The Rev. Michael Ratajczak of Santa Sophia Roman Catholic Church in Casa de Oro said his parishioners wanted the bishops to take action on the issue. Parishioners he's talked

with realize the problem involves a limited number of priests.

"I think there is a feeling that the bishops are indeed addressing the situation and the Vatican is, too," Ratajczak said. "Hopefully our experience is going to help other people and other institutions face it head on and honestly."

Others don't think church leaders have done enough.

"The trust is gone; the confidence is gone," said Mark Brooks, a former seminarian and San Diego chapter leader of the Survivors Network of those Abused by Priests. He said bishops still have too much discretion.

"At this point, nothing short of full disclosure by these bishops on a consistent basis — full disclosure of the depth of this problem, the (names of) priests who have been removed from ministry — is going to help," he said.

Al Rauckhorst, a member of the San Diego branch of Call to Action, a Catholic reform group, wants to see individual bishops punished for transferring abusive priests from parish to parish and for covering up abuse cases.

"I feel that certain bishops should be retiring or resigning on the basis of what they have done," he said.

A San Diego attorney who represents Catholics alleging abuse said the scandal won't fade any time soon. Irwin Zalkin, who won a six-figure settlement for a former altar boy who was abused by a priest, routinely fields such complaints.

"We are still at the tip of the iceberg," Zalkin said. "Literally as I sit here I'm looking at about ten cases that have called in this morning. And this has been going on for the past couple weeks."

Karen Kucher: (619) 542-4563;
karen.kucher@uniontrib.com

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
THURSDAY 374,856
NOV 14 2002



DAILY HERALD
(PALATINE/INVERNESS)

ARLINGTON HEIGHTS, IL
FRIDAY 10,169
NOV 15 2002

DAILY HERALD
(WARRENVILLE/WEST
CHICAGO/WINFIELD)

ARLINGTON HEIGHTS, IL
FRIDAY 2,383
NOV 15 2002

DAILY HERALD (BATAVIA)

ARLINGTON HEIGHTS, IL
FRIDAY 1,634
NOV 15 2002

DAILY HERALD
(CARPENTERSVILLE)

ARLINGTON HEIGHTS, IL
FRIDAY 2,711
NOV 15 2002

DAILY HERALD (ARLINGTON
HEIGHTS)

ARLINGTON HEIGHTS, IL
FRIDAY 14,855
NOV 15 2002

DAILY HERALD
(WHEATON/GLEN ELYN)
ARLINGTON HEIGHTS, IL
FRIDAY 4,234
NOV 15 2002

DAILY HERALD (MOUNT
PROSPECT/PROSPECT HTS.)

ARLINGTON HEIGHTS, IL
FRIDAY 8,066
NOV 15 2002

DAILY HERALD (ROLLING
MEADOWS)
ARLINGTON HEIGHTS, IL
FRIDAY 3,298
NOV 15 2002

STANDARD - TIMES

NEW BEDFORD, MA
FRIDAY 37,151
NOV 15 2002

DAILY HERALD
(LISLE/NAPERVILLE)
ARLINGTON HEIGHTS, IL
FRIDAY 6,029
NOV 15 2002

DAILY HERALD (HOFFMAN
ESTATES/SCHAUMBURG)

ARLINGTON HEIGHTS, IL
FRIDAY 14,855
NOV 15 2002

Church focusing on accountability

With U.S. Catholic bishops' sex abuse policy approved, church leaders turn focus to enforcement

Associated Press

WASHINGTON — With a policy for sexually abusive priests now in place, U.S. Roman Catholic bishops are turning their attention to the agencies they created to help enforce the rules.

The bishops set up new clergy-run church courts to handle abuse cases, along with three entities that give lay Catholics unprecedented power to monitor the bishops' promise to remove all abusers from active ministry. The groups also will work to prevent future scandals.

Their role is made more important by potential wiggle room — on issues such as reporting abuse cases to police — in the mandatory rules negotiated with the Vatican and adopted Wednesday by the U.S. Conference of Catholic Bishops. Those provisions now go to the Holy See for final approval, which the bishops say is virtually guaranteed.

Seeking accountability — and thus credibility — the bishops' conference decided last June to:

ez Links

dailyherald.com/ez
Bookmark our Web page for hyperlinks to more information

U.S. Conference of Catholic Bishops

- Establish local review boards with a majority of lay people in each of the 195 dioceses,
 - Create an Office for Child and Youth Protection at the bishops' headquarters in Washington, and;
 - Appoint an all-lay National Review Board to act as an overall watchdog on the abuse issue.
- National board member Robert S. Bennett, a politically prominent Washington attorney, screened dozens of candidates for executive director of the child protection office. Appointee Kathleen McChesney, the No. 3 official in the FBI, takes the post Dec. 2.

McChesney's office will help dioceses create "safe environment"

programs, monitor their activities and issue an annual public report naming those who fail to implement the bishops' collective agreement.

The national board originally planned to name some bishops on its own, but decided to wait for McChesney's 2003 report.

The Rev. Thomas Reese, of the Jesuit magazine America, thinks the national board "will be one thing that holds the bishops' feet to the fire." To avoid public criticism, he predicts, "the overwhelming majority of bishops are going to go with the program" and enforce the policy.

Bennett also will lead an investigation of the crisis, which could be painful for the church.

The first phase will be research on the extent and patterns of clergy abuse, for which there is little accurate statistical information, the board said Wednesday in its first report to the bishops. That part of the investigation will be supervised by board member Alice Bourke Hayes, president of the University of San

Diego.

Bennett, former federal prosecutor and special counsel for the U.S. Senate ethics committee, hopes to complete the study within a year. He plans to organize interviews around the nation with up to 175 people: bishops, priests, scholars, therapists, authors, commentators, abuse victims and lay activists, anyone who might have useful information.

"We're going to get criticized no matter what we do, but we are going to be so broad and inclusive that nobody can suggest we didn't do an honest job," he said in an interview. "We're going to go into every issue, no matter how sensitive, that might have any possible bearing on this." That includes celibacy and homosexuality in the priesthood — two explosive issues among Catholics.

After witnessing this week's presentation on the policy changes negotiated with the Vatican, the national board decided to send a letter to the bishops' conference about criminal reporting.

DAILY HERALD (ST.
CHARLES-WAYNE-ELBURN)

ARLINGTON HEIGHTS, IL
FRIDAY 145,234
NOV 15 2002

DAILY HERALD
(BARRINGTON)

ARLINGTON HEIGHTS, IL
FRIDAY 3,085
NOV 15 2002

DAILY HERALD (GENEVA)

ARLINGTON HEIGHTS, IL
FRIDAY 1,439
NOV 15 2002

DAILY HERALD
(LOMBARD/OAK
BROOK/VILLA PARK)

DAILY HERALD
(BLOOMINGDALE/ITASCA)

ARLINGTON HEIGHTS, IL
FRIDAY 2,518
NOV 15 2002

DAILY HERALD (DES
PLAINES/ELK GROVE)

ARLINGTON HEIGHTS, IL
FRIDAY 5,318
NOV 15 2002

**DAILY HERALD
(ELGIN/SOUTH ELGIN)**

ARLINGTON HEIGHTS, IL
FRIDAY 6,088
NOV 15 2002

**DAILY HERALD
(ALGONQUIN/LAKE IN THE
HILLS)**

ARLINGTON HEIGHTS, IL
FRIDAY 2,179
NOV 15 2002

**DAILY HERALD (LAKE
ZURICH/WAUCONDA)**

ARLINGTON HEIGHTS, IL
FRIDAY 5,246
NOV 15 2002

**DAILY HERALD (CAROL
STREAM/GLENDALE
HEIGHTS)**

ARLINGTON HEIGHTS, IL
FRIDAY 4,030
NOV 15 2002

**DAILY HERALD (FOX
LAKE/ROUND LAKE
EDITION)**

ARLINGTON HEIGHTS, IL
FRIDAY 2,193
NOV 15 2002

**DAILY HERALD (CARY/FOX
RIVER GROVE)**

ARLINGTON HEIGHTS, IL
FRIDAY 1,622
NOV 15 2002

**DAILY HERALD (BUFFALO
GROVE/LONG
GROVE/WHEELING)**

ARLINGTON HEIGHTS, IL
FRIDAY 4,717
NOV 15 2002

**DAILY HERALD
(GURNEE/GRAYSLAKE)**

ARLINGTON HEIGHTS, IL
FRIDAY 4,901
NOV 15 2002

**DAILY HERALD
(LIBERTYVILLE)**

ARLINGTON HEIGHTS, IL
FRIDAY 5,914
NOV 15 2002

Review board outlines plans to combat sexual abuse

4154

By Jerry Filteau

Catholic News Service

WASHINGTON — The U.S. Catholic bishops' National Review Board on sexual abuse has outlined its plans to study the issue of clerical sexual abuse and to set benchmarks for measuring diocesan child-protection programs.

It said one subcommittee, headed by former Kentucky Catholic Conference director Jane Chiles, is studying diocesan plans to create a safe environment for children in church ministry and intends to "establish benchmarks" for such diocesan programs.

Another subcommittee, headed

by Duquesne University law professor Nicholas Cafardi, is working on "the constitutive elements necessary to guarantee due process rights in the procedures used by diocesan review boards" when they assess sexual abuse allegations, it said.

The all-lay board reported that it has held listening sessions with victims "to understand firsthand the terrible ordeals through which these aggrieved parties have lived and their continuing resentment over what they view as the inept and callous handling of their cases by the hierarchy."

Leaders of victims' groups "made clear that the single most important corrective action they

seek is bishop accountability," the report said.

The report was released following the board's Nov. 11 meeting in Washington.

With media attention focused on the bishops themselves, who were gathered in Washington at the same time to revise their clergy sex abuse policies and norms, the board's 1,400-word progress report received little news coverage.

The board said the recent appointment of Kathleen L. McChesney, third-highest official of the FBI, to head the bishops' national Office for Child and Youth Protection "offers the clearest possible signal to the anxious faithful that the urgent challenge of

preventing sexual abuse by clergy and safeguarding youths is being undertaken with the utmost seriousness of purpose."

On plans to engage in a "comprehensive study of the causes and context of the current crisis," the board said a subcommittee headed by Washington attorney Robert S. Bennett "is preparing an extensive list of authoritative sources, broadly reflective of the diversity of opinion on the subject. ... It is our intent to take testimony from these individuals in a series of scheduled sessions in cities across the country" in an effort to search out the roots of the crisis.

On a second study, to assess the nature and scope of the problem,

the board said a preliminary review showed that there is little "accurate statistical information available," but "we have been assured that with proper focus and resources this data can be obtained." A subcommittee headed by University of San Diego president Alice Bourke Hayes is researching how that study should be done.

Referring to its preliminary survey last summer of diocesan policies and practices to deal with sex abuse allegations and the protection of children, the board said, "While the progress to date is encouraging, more work remains to be done, especially in smaller dioceses with limited resources."

It said the board intends "to make special assistance available to those places through the Office for Child and Youth Protection."

It said Cafardi's subcommittee "has found wide variation and little or no standardization in procedures" currently followed by diocesan review boards across the country.

The report said the national office will issue its first public annual audit of diocesan policies and practices in 2003, naming those not in compliance with national policy, and the National Review Board will review that audit and forward it, with recommendations, to the head of the bishops' conference.



Burrelle's
INFORMATION SERVICES

580
.xz1a.

26

QB
.a...x

Panel's key link is molest victim

4154
By Melanie Coffee
ASSOCIATED PRESS

CHICAGO — Michael Bland said he was molested by a Roman Catholic priest as a child, but his love for the church remained and he later became a clergyman.

He joined a religious order and served for seven years until he told church officials what had been done to him years before. Their response — disbelieving and impassive, he said — sparked his decision to leave the priesthood.

Bland now finds himself in a unique position to change how Catholic leaders handle allegations of abuse: He is the sole molestation victim on the national review board, a lay panel U.S. bishops formed this year to monitor how dioceses discipline accused clergy. Among the 13 members is University of San Diego president Alice B. Hayes.

"I felt this was a different

time in the church, and the church was looking to truly reform and I wanted to be part of that," Bland said.

Many other victim advocates had hoped to join the review board, and some questioned whether Bland was the right choice. A counselor, Bland works for the Archdiocese of Chicago helping other abuse victims.

Susan Archibald, president of the victim advocacy group The Linkup, wondered whether a diocesan employee would challenge the system. She said Bland was "a handpicked victim by the bishops."

David Clohessy, national director of the Survivors Network of those Abused by Priests, called Bland "a good man in a tough spot."

"I think that Michael must feel some pretty awesome responsibility to represent the thousands and thousands of survivors who have seemingly very, very little voice in the de-

cision-making of our church leaders," Clohessy said.

But Bland welcomes the challenge. He wants to show that victims can heal.

"I realize there's some good individuals who have done great things and some other individuals who have done horrible things," Bland said.

Bland grew up in St. Joseph's Church in Carteret, N.J., where the priest he said molested him, the Rev. John Huels, was associate pastor.

Bland said he considered Huels a "role model" before the clergyman began abusing him, leaving Bland confused and afraid.

Still, he felt called to become a priest, motivated partly by a desire to be a better clergyman than Huels.

Bland was ordained in 1987 and joined the Servites, a Chicago-based religious order. In 1994, he told church officials that Huels had sexually abused him about 20 years earlier.

Bland's attempt to hold Huels accountable was complicated by Huels's rank: At that time, Huels was a provincial leader of Bland's religious order and a teacher at the Catholic Theological Union in Chicago.

Bland's superiors asked him not to tell his fellow priests or his family. He felt his order considered him a "loose cannon" and he felt he had to leave. Bland went on to earn a doctorate in clinical psychology and began working part time in the Chicago archdiocese as a counselor to victims.

Huels eventually did leave public ministry. After Bland made his accusation, Huels resigned his position in the Servite order and left the Chicago school. Still, he continued teaching.

Then in June, Bland was among the victims the U.S. Conference of Catholic Bishops invited to speak at their meeting in Dallas where they



Michael Bland is the lone National Review Board member who is a victim of sexual abuse. *Brandi Jade Thomas / Associated Press*

drafted a national policy on handling guilty priests. In an emotional address, Bland spoke of the devastation of abuse and decried that his perpetrator, who he did not name, continued to teach.

But Bland's talk soon led to the discovery that Huels was scheduled to teach that summer at Saint Paul's University in Ottawa, Canada. The accused clergyman took a medi-

cal leave from the school and no longer functions as a priest, Servite provincial Michael Guimon said.

Huels did not return calls from The Associated Press.

The review board has gained importance since the bishops voted earlier this month to revise their abuse policy to meet Vatican demands that they balance fairness to priests with help for victims.

Dioceses face public disclosure for not punishing abusive priests

BY DONNA GEHRKE-WHITE

dgehrke@herald.com

Now that U.S. Catholic bishops have passed a sweeping set of rules for handling sex abuse allegations against priests, it's up to a 13-person National Review Board and the FBI's highest-ranking female agent to make sure the dioceses comply.

Their chief weapon: The court of public opinion.

The board, headed by Oklahoma Gov. Frank Keating, can't punish prelates if they don't enforce the reforms revised 11 days ago in Washington — only the Vatican can do that. But the board is stacked with high-profile Catholics who know how to get on the nightly news.

Kathleen L. McChesney, the top-ranking woman at the FBI who, effective next Sunday, becomes the head of the bishops' newly created Office for Child and Youth Protection, said her chief tool will be public disclosure, including an annual report spelling out who's complying — and who's not.

"It would not be a good thing if the bishops are seen as not addressing the policy,"

McChesney said.

McChesney's work will be monitored by the review board, whose members represent a Who's Who of top Catholics. Its members include Keating; Robert S. Bennett, the Washington lawyer who

'It would not be a good thing if the bishops are seen as not addressing the policy.'

KATHLEEN L. MCCHESENEY, soon to head the Office for Child and Youth Protection

defended former

President Bill Clinton in the Paula Jones sexual misconduct suit; Leon Panetta, Clinton's former chief of staff; Illinois Appellate Court Justice Anne M. Burke; retired Scripps Howard CEO William R. Burleigh; and University of San Diego President Alice Bourke Hayes.

McChesney says the hierarchy cannot afford to be viewed as less than forthcoming. The nearly yearlong scandal has led to a crisis of credibility that's hurt the church spiritually and financially. A recent Gallup poll of 656 Catholics who attend Mass weekly or almost weekly indicates that some Catholics are throwing fewer dollars into the collection plate, said Sister Mary Ann Walsh, spokeswoman for the U.S. Conference of Catholic Bishops. The poll was conducted for the Catholic philanthropic group Foundations and Donors Interested in Catholic Activities.

Victims' groups, however, question whether the board will have the fortitude to stand up to the bishops and the Vatican.

"It is too early to tell," said David

Clohessy, national director of the Survivors Network of those Abused by Priests, or SNAP. "McChesney and all the review board members are all competent, very well-meaning and very professionally accomplished individuals.

"But from our perspective, it's not the resume, but the courage of an individual. It takes courage to look a bishop in the eye and say, 'You should have never reassigned this priest or used that legal attack . . . That will take some real spine. Only time will tell.'"

Clohessy and other victims' advocacy groups have raised the issue of whether those abused by priests would be sufficiently represented by the board, which the U.S. Conference of Catholic Bishops created when the organization met in Dallas in June. The only sexual abuse victim on the all-volunteer board is Michael J. Bland, a former priest who was sexually abused by a priest as a child. He is now on the payroll of the Archdio-

MIAMI HERALD

MIAMI, FL

SUNDAY 523,735

NOV 24 2002

6

cese of Chicago, working eight to 10 hours a week as a victims' counselor.

Bland said board members are highly sensitive to ridding the church of molesters: He himself testified at the bishops' conference in June on how he felt betrayed by the church hierarchy, which ignored his warnings about his predator.

"I felt they did not believe me, that my story was not credible, that he was more important than me," he told the bishops, some of whom wept during his testimony. "The priesthood lost me — but kept the perpetrator."

Now, though, a different culture reigns, Bland said. Even before the scandal broke in January, the Chicago Archdiocese had retained Bland, now a Chicago psychologist, to work part time monitoring the psychological treatment of victims.

The Dallas meeting prompted the church's top leaders — including those in Rome — to act, Bland said. As an example, he noted the Vatican's recent forced defrocking of an accused Pittsburgh priest who had been suspended from his ministerial

'The priesthood lost me — but kept the perpetrator.'

— MICHAEL J. BLAND, sexual abuse victim
who is a member of the National Review Board

duties for more than 10 years.

The board has been monitoring such actions, meeting about once a month, said Walsh, spokeswoman for the bishop's conference. It also has commissioned a comprehensive study of the crisis — with dioceses ordered by the new charter to cooperate. To be included in the study: The actual number of "perpetrators and victims." Since January, at least 300 of the country's 46,000 priests have been removed under allegations of molestation.

"They have to look into how this happened and how it is being dealt with," Walsh said.

The board's duties also include

overseeing McChesney, 51, a devout Catholic who said she took the job "because I think there's a chance to make improvements and a chance to restore trust when it has been lost."

She's the only paid staffer — so far — in the Office for Child and Youth Protection. The office's mandate: help dioceses implement safe environment programs by working with parents, civil authorities, educators and community groups to educate people about preventing sexual abuse.

The date for McChesney's first report has not been set yet. Part of the reason is that the reforms must still be approved by the Vatican. Miami Archbishop John G. Favalora said he thinks Rome may give its assent by Christmas.

Among those reforms: Mandatory written policies from each diocese outlining how its leaders will handle sexual abuse cases. McChesney will then write her annual public report disclosing how the bishops are adhering to the reforms, including naming those who aren't complying.

McChesney is highly regarded.

She is the FBI's No. 3 official, its highest-ranking woman, and executive assistant director of the law enforcement services division.

She's in charge of 4,700 employees and budgets totaling more than \$1.1 billion.

The review board will approve her annual report and make recommendations to the president of the bishops' conference, currently Bishop Wilton Gregory of Belleville, Ill.

Still, some worry that while the reforms look good on paper, the bishops haven't always followed through. In the early '90s, the bishops passed a series of reforms over the same issue, but they left it up to individual bishops to enforce them. Some did, many didn't, leading to the current crisis.

Bland acknowledges the past mistakes, but says that if the Vatican approves the charter, the country's 195 Catholic dioceses will be bound to accept the reforms.

The bishops also will be barred from moving pedophile priests from parish to parish.

"The pivotal moment was . . . the national binding policy," he said.

HIGH-PROFILE CATHOLICS ON BOARD

MIAMI HERALD
MIAMI, FL
SUNDAY 523,735
NOV 24 2002

NATIONAL REVIEW BOARD MEMBERS

In June, the U.S. Conference of Catholic Bishops created the National Review Board, whose 13 members will monitor how well the church's 195 dioceses comply with the new mandatory sexual abuse reforms, expected to be passed by the Vatican by Christmas. Here are the board members:

Oklahoma Gov. Frank Keating:

Chairman of the board. Keating is known for his independent style and tough ways, learned from his early career as an FBI agent and as a U.S. Attorney. He's also a devout Catholic, having attended elementary school taught by Benedictine nuns, middle and high school by Augustinians, and college by Jesuits at Georgetown University.



FRANK KEATING

Shortly after his appointment, Keating suggested that Catholics withhold donations and boycott Mass in those dioceses that don't take appropriate action in handling sexual abuse cases. The Pilot, the newspaper of the Archdiocese of Boston, editorialized against his quest, saying, "For a church-appointed leader to publicly orchestrate a kind of protest that would call for the faithful to stop contributions or, worse, to boycott Sunday Mass — in effect calling all Catholics in a diocese to commit a mortal sin — is just surreal."

Robert S. Bennett:

A former federal prosecutor who is now a high-powered Washington lawyer. Best known as the lawyer who defended former President Bill Clinton in the Paula Jones sexual misconduct suit — he made news for his decision to search through Jones' own sexual history. His brother is William J. Bennett, a staunch Republican.

Bennett, who heads the international government enforcement group of the Skadden, Arps law firm, headed the search committee that was responsible for hiring McChesney.

Justice Anne M. Burke:

She has served on the Illinois Appellate Court, First District, since 1995. She became the first woman to serve on the Illinois Court of Claims in 1987. As special counsel for Child Welfare Services, she helped improve the Cook County juvenile justice system by establishing greater coordination and cooperation between police and state social service organizations and other governmental agencies.

Dr. Michael J. Bland:

A former priest who was molested by a priest as a youngster, Bland has worked for more than 10 years with victims who have been sexually abused by church personnel. He is a clinical counselor in Oak Lawn, Ill., and the clinical-pastor coordinator for the Chicago Archdiocese's Victim Assistance Ministry. Bland testified in Dallas at the June meeting of the U.S. Conference of Catholic Bishops about the trauma he and other victims felt when they were not believed by the hierarchy.

William R. Burleigh:

The retired chief executive of the Scripps Howard newspaper chain (he started his career as a part-time sports reporter). From 1987 to 1994, he served as president of the American Society of Newspaper Editors Foundation.

Nicholas P. Cafardi

A professor of law and dean of the Duquesne University School of Law. He has a licentiate in Canon

Law from the University of St. Thomas in Rome — and was only the second layman in church history to be elected to the board of governors of the Canon Law Society. For 13 years, he was legal counsel to the Diocese of Pittsburgh. He still represents several religious orders as a canonist and as a civil lawyer.

Jane Chiles:

She served as executive director of the Catholic Conference in Kentucky from 1994 until she retired last June. She currently is vice president of the National Association of State Catholic Conference Directors. She has more than 20 years of community work experience in areas such as affordable housing and substance abuse.

Alice Bourke Hayes:

President of the University of San Diego since 1995, after serving as executive vice president and provost at St. Louis University. She also has been vice president for academic affairs at Loyola University of Chicago. She is a biologist who has published books and articles on the natural sciences and Catholic higher education.

Pamela D. Hayes:

A Manhattan attorney who focuses on criminal defense and federal civil rights litigation. She has been both a prosecutor and public defender and has managed the day-to-day prosecution of cases involving sex offenses and child abuse. She is an assistant professor at the John Jay School of Criminal Justice at City University in New York.

Justice Petra Jimenez Mass:

She was one of the first two Hispanic women to graduate from the University of New Mexico School of Law in 1973. In 1981, she was appointed to the First Judicial District Court and was elected as chief judge for two terms. She also has served on the Governor's Task Force on Children, Youth and Families.

Paul R. McHugh:

He was director of the department of psychiatry and behavioral sciences at the Johns Hopkins University School of Medicine and psychiatrist-in-chief at Johns Hopkins Hospital from 1975 to 2001. His appointment to the National Review Board was controversial because throughout his career, he has had a role in challenging accusations of childhood sexual abuse based on "recovered" memories.

Leon E. Panetta:

Former chief of staff to President Clinton from 1994 to 1997, after serving as director of the U.S. Office of Management and Budget. He was a U.S. representative from California from 1977 to 1993. A lawyer, he and his wife Sylvia now co-direct the Leon & Sylvia Panetta Institute for Public Policy at California State University, Monterey Bay.

Ray H. Siegfried II:

Chairman of the board of The NORDAM Group, an international aviation service and manufacturing company. The company, which Siegfried acquired out of bankruptcy in 1969, has grown from eight employees to more than 2,500.

Compiled by Donna Gehrke-White and Joan Chrissos.

Sources: U.S. Conference of Catholic Bishops; Dallas Morning News and Herald wire services.



ROBERT BENNETT



ANNE BURKE



MICHAEL BLAND



WILLIAM BURLEIGH



NICHOLAS CAFARDI



JANE CHILES



ALICE BOURKE
HAYES



PAMELA HAYES



PETRA JIMENEZ
MASS



PAUL McHUGH



LEON PANETTA



RAY SIEGFRIED II

NEW POST FOR FBI EXECUTIVE

Effective Sunday, **Kathleen McChesney**, 51, will become the first executive director of the Office for Child and Youth Protection.

She will work at the U.S. Conference of Catholic Bishops' Washington headquarters. More than 40 candidates were considered for the job.

She comes to the post from the FBI, where she was the No. 3 in command.

Colleagues say McChesney has keen people skills and political instincts, and is a tough investigator.

She is a lifelong Catholic. She holds a Ph.D in public administration from Golden Gate University in San Francisco, a master's degree in public administration from Seattle University and a bachelor's degree in police science/administration from Washington State University.



College of Arts and Sciences

*it is time for giving
thanks*

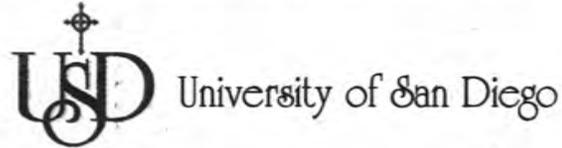
in San Diego

SCIENCE

the edge of



The Donald P. Shiley Center for Science and Technology



*Special thanks to the Shiley family, corporate sponsors, alumni and friends
for helping to make The Center for Science and Technology
a reality at the University of San Diego.*

You can still help us nurture the genius of tomorrow.

To learn more, call 619.260.4690
or visit www.sandiego.edu/uralumni/science

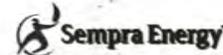
Thanks to our corporate sponsors –

those companies aligning themselves with the University of San Diego.

Innovation Sponsor



Discovery Sponsors



Research Sponsors

Barney & Barney, LLC
Luce Forward
Prager, McCarthy & Sealy, LLC

Science Sponsors

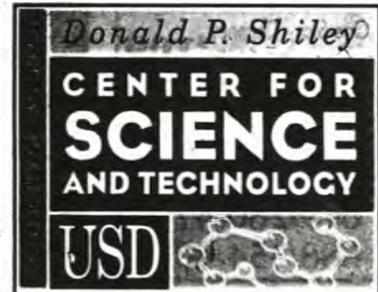
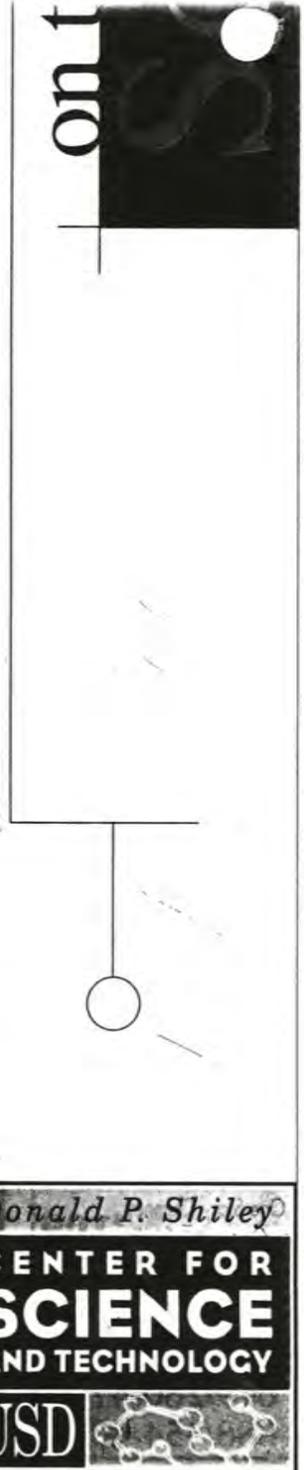
AT&T
The Eastridge Group of Staffing Companies
Mission Federal Credit Union
Roth Capital Partners
Marsh Risk & Insurance Services
Sony Technology Center – San Diego
Rudolph and Sletten, Inc.

Equipment Contributors

Gen-Probe Inc.
Nanogen, Inc.

*“...this Center
is more than
essential. It
is critical to
our future.”*

Dr. Alice B. Hayes,
President
University of San Diego



**SAN DIEGO BUSINESS
JOURNAL**

SAN DIEGO, CA
WEEKLY 20,000
NOV 11 2002



Burrelles
INFORMATION SERVICES

-5978
0XZ2..

26

x JL
bc...b

USD Shiley Center 4154
Drawing Donors

The University of San Diego has several early contributors to its campaign for the \$47 million, 150,000-square-foot Donald P. Shiley Center for Science and Technology.

So far the university's 18-month fund-raising campaign has attracted donors at various levels. They include Coca-Cola; Wells Fargo; San Diego Gas & Electric Co.; Barney & Barney; Roth Capital Partners; Luce Forward; Prager, McCarthy & Sealy, Inc.; AT&T; the Eastridge Group of Staffing Companies; Mission Federal Credit Union; Marsh Risk & Insurance Services; Sony Technology Center San Diego; and Rudolph and Sletten, Inc.



Burrelle's
INFORMATION SERVICES

136
.xz3..

31 XX..P. CF

Gnawing fears spring from U.S. narcissism

A sniper roamed free in the nation's capital for over three weeks. Bomb blasts devastated Bali and the Philippines. Terror continues in the Middle East, and the United States appears bound for war. Television seems to bring a new terror every day, and Americans are frightened. Our fears predate these events and even those of Sept. 11 and will outlast any confrontation between the United States and Iraq. The root of these fears is the uncertainty of life in a society over which people believe they have little if any control.



By GARY MACY and GEORGE J. BRYJAK

VIEWPOINT

In 2001, the median household income dropped 2.2 percent (the first decline in almost 10 years) while the number of people living in poverty increased. The stock market has lost over 25 percent of its value in the past two years. Investors are more than \$5 trillion poorer today than they were 24 months ago. It's anyone's guess how much disasters like Enron and World-Com are the tip of a corporate iceberg that will further rock, if not sink the American economic luxury liner.

As a result of the market decline, many have put their retirement plans on hold or scrapped them as people realized they will be working for many months if not years longer than expected. These are the fears of the wealthy, however. Few people actually have much money in the stock market to

lose. According to the U.S. Census Bureau, 50 percent of households had less than \$15,000 held in IRA and Keogh accounts in 2000. Hardly enough to contribute to financially secure golden years.

Every day brings news of more job losses, often well-paying positions in manufacturing, construction, technology and transportation. Because health insurance in this country is tied to employment, the loss of a paycheck is a double whammy. How will we afford and secure medical coverage if our employer relocates to a developing nation in search of a low-cost labor force? Will our families' health care benefits cover a catastrophic illness or accident? Will we have to fight the insurance company every step of the way while a loved one is suffering?

Imagine the anxiety of the 14.6 percent of the population (18 percent in California) who have no health coverage, and the estimated 15 percent whose medical benefits would run far short of paying for a major health problem. The lack of health care is especially acute for minority groups with 19 percent and 33.2 percent of African-Americans and Latinos respectively lacking medical benefits (either private or public). If it were not for government programs such as Medicare and Medicaid, the increasingly serious health care problem in this country would be a full-blown crisis.

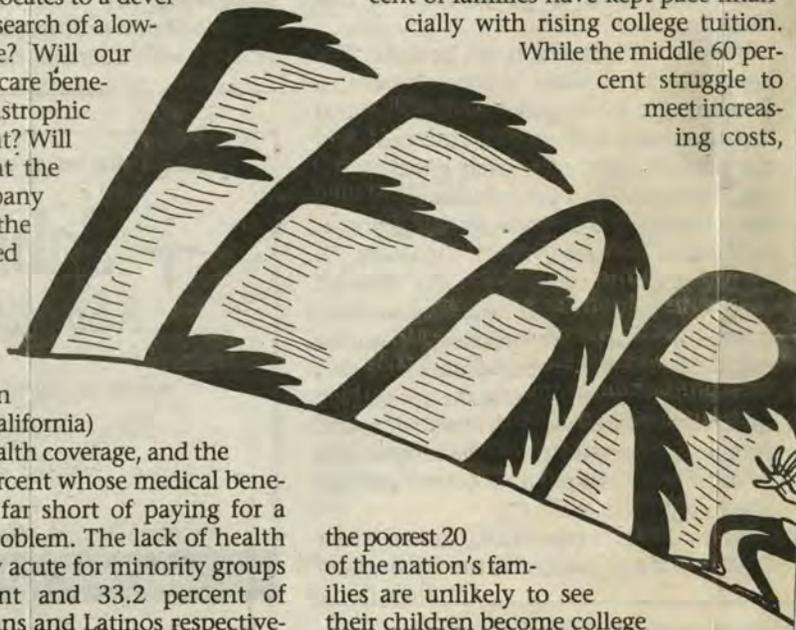
One survey found that three of four employers plan to pass on increasing health care premiums to employees, some of whom will not be able to cover the additional cost. Diane Rowland, director of the Kaiser Commission of Medicaid and the Uninsured, stated that "We're getting to the point where uninsurance is not just a poor

people's problem, not just a problem of the down and out, but a middle-class problem."

Mothers who would rather stay home and care for sons and daughters are forced into the labor market resulting in a greater separation of parents and children. According to *The State of Working America 2002-03*, "Due primarily to the growing numbers of wives working more hours per week and more weeks per year, the average middle-income, two-parent family now works more than 660 more hours per year — or 16 more weeks — than in 1979."

Although statistics indicate that a child is unlikely to be a victim of a violent crime, when it comes to the safety of one's son or daughter, people do not take much solace from abstract facts and figures. How many parents lose sleep wondering if their child will be the next victim of a school shooting or neighborhood abduction? A recent study concluded that only the wealthiest 20 percent of families have kept pace financially with rising college tuition.

While the middle 60 percent struggle to meet increasing costs,



the poorest 20 of the nation's families are unlikely to see their children become college graduates.

In short, Americans have good reasons to be afraid, and living in fear is made all the more difficult if one must suffer in silence. Males have been socialized to stuff any feelings that might question their masculinity, and the inability to provide for one's family is such a threat. Females, most notably those in the lower classes, are silenced by their relative powerlessness in a male-dominated society. Professional women voicing their fears only play into the stereotype of the "weaker sex" and justify the beliefs of macho cowards.

Our fears are compounded by an ethos of "rugged individualism," tempered with a karma-like attitude of cause and effect. In other words, whatever happens to someone is primarily (if not entirely) a function of that person's behavior. Psychologist Melvin Lerner dubbed this orientation the "just-world hypothesis," the tendency for people to believe that "I am a just person living in a just world, a world where people get what they deserve." Good fortune and success are linked with virtue while failure and misfortune are a consequence of negative qualities such as laziness, stupidity and immorality.

So if you are poorer or fatter or less secure than is healthy, it's your fault. You are a loser and got what you deserve. Many Americans constantly fear punishment and humiliation as well as financial disaster. A country that tolerates this situation of fear and quiet despair cannot be called Christian.

To escape this fear, we must be ready to share what we have. Either as a result of ignorance, apathy, escaping into a vast popular culture, and/or being overwhelmed by the demands of daily life, we fail to realize that our gnawing fears are a consequence of the selfishness and narcissism of our society. Surely the United States has the resources to alleviate the fear of lacking a job, health care, education and a secure old age.

But to address these fears, we need to recover and nurture the insights of 1 John 18-20:

"In love there can be no fear, but fear is driven out by perfect love; because to fear is to expect punishment, and anyone who is afraid is still imperfect in love. We are to love, then, because he loved us first. Anyone who says, 'I love God,' and hates his brother or sister is a liar, since a person who does not

love his brother or sister that he or she can see cannot love God whom he or she has never seen."

We cannot adequately address the fears of the world, while we still live in fear ourselves. □

Gary Macy teaches in the department of theology and religious studies, and George Bryjak teaches in the sociology department at the University of San Diego.



M. Scott

Burrelles
INFORMATION SERVICES618
.xz2..

26

CF
XX..j.

Rabbinic Insights

A Good Man

4154
Rabbi Wayne Dosick

I want to tell you about my friend, Dr. Gary Hartman, who died a few weeks ago. You may have known him, for he was a prominent physician in our community, a pediatric oncologist at Children's Hospital. You may have read about him, because columnist Peter Rowe was so inspired by Gary's life that he wrote about him in the *San Diego Union Tribune*.

Gary Hartman was a magnificent being of light and love.

He told us so much about himself, about his *weltanschauung* and his commitments with the word he chose for his car license plate — the Hebrew word, *Hinneni*, "Here I am."

It is not just a statement of place; it is a statement of being.

"Here I am" — just like Abraham and Jacob and Moses of old, who first uttered the word — "Ready, with the fullness of my being, with my body and my mind and my spirit. Here I am, ready to do Your will, O God, ready to joyfully grasp and embrace the task, the mission You have for me."

It is far from easy to be a pediatric oncologist. Gary was the one who had to inform parents that their beloved child had been diagnosed with cancer; he was the one who held families tight — whether the child joyously recovered, or passed over to the Other Side.

Gary brought a sweetness and a gentleness of spirit to every patient and to every patient's parent. He cared, he truly cared, about each child. No case was ever just a case to him. Gary never treated any child as "just a child," but as a living, breathing human being, with hopes and fears and dreams and realities. He never saw parents as intruding or interfering, but as his partners in bringing healing and cure.

He was one of the very first to employ hypnosis as a healing technique with the children. He was the voice of conscience when he learned that blood was infected with HIV, and he was diligent in educating his patients about AIDS. In these later years, when he worked for Social Security, he developed guidelines and tools to evaluate children's disabilities. Always, always, he strove to give patients and their parents great respect and great dignity. He gave the human — and humane — face and the caring touch to frightening diagnoses and to very scary procedures.

Gary was a "holistic physician" before the term was ever spoken. He intuitively understood the connection between body, mind, and spirit; he understood the connections of the patient, the family, the community, the higher worlds. He was a healer in the finest and most noble sense.

been guided by the master meditation teacher Shin Zen Young, and has participated in a weekly meditation group.

At the same time, Gary became interested in, and, eventually, passionately committed to Arab-Jewish/Israeli relations. He could abide the enmity between the children of Isaac and Ishmael, the children of Jacob and Esau. He set off learning about Islam and the scriptures of the Koran; he sought out dialogue with Moslems, with Palestinians, with Peace-Now Israelis. He surrounded his Passover seder table with people of all faith communities who have known bondage and discrimination. The words of Jewish supremacy and triumphalism, which are found in Jewish scripture and liturgy, turned to ashes in his mouth. He led us all toward newfound awareness and sensitivity.

Gary Hartman has been my close friend for more than 26 years. The phone would ring. I would hear, "Reb Wayne, Gersh here." And I knew that I was in for a fascinating conversation, for Gary never called about casual matters.

To God and the world of the spirit, Gary was increasingly ready to say *Hinneni*.

He was the first of us to go seeking on the multi-faceted spiritual path. He explored the Jewish renewal movement and the mysticism of the kabbalah. He went on weeklong Buddhist retreats of silence. He went on individually conceived retreats, guided by contemporary retreat masters of many faiths. He became comfortable with the rituals and the rhythm of his dear wife Ellyn's Catholic Church community. In recent years, he has

All the while, he maintained his firm — if often internally challenged commitment — to his Jewish roots and sources, even as he branched far and wide to affirm their continuing authenticity in his life.

Sometimes puzzled, sometimes frustrated, sometimes cautious, always ready, and always passionate, Gary embraced the mission that God gave him — a continually unfolding mission of bringing compassion, love, and light, to bring healing and transformation to this world.

Gary Hartman has been my close

friend for more than 26 years. The phone would ring. I would hear, "Reb Wayne, Gersh here." And I knew that I was in for a fascinating conversation, for Gary never called about casual matters. He had been thinking, wondering, speculating, deciding, and our dialogue would begin — friend, and fellow seeker. He gently yet firmly pushed me to seek and to explore, and I shall be forever grateful. For even though our explorations and journeys led to somewhat different destinations, I always, always admired him as a man of wide and deep intellect, neverending curiosity, high moral character, and depth of feeling and spirit and soul.

For the past number of years, it has been Gary's joyous task to deliver the *drash*, the words of Torah interpretation on the first day of Rosh Hashanah at our Elijah Minyan. Each year, he wrestled with the difficult and complex story of Abraham and Sarah and Hagar and Isaac and Ishmael.

Early this summer, as he became increasingly ill, I told him that the *drash* was his to give again this year. If he could come to the synagogue, wonderful; if not, perhaps he could write something that someone else could deliver; if not, we would not have a *drash* this year, for it was his and his alone to give.

He was too ill to even consider giving the *drash*, but on the morning of the day when Rosh Hashanah would begin, I sat with him and reminded him that Rosh Hashanah was coming, and in the silence, we knew that there would not be a *drash* this year. But, then Gary began to speak. Slowly and carefully, words of Torah came from his mouth. We grabbed a paper and pencil and took down what he was saying. And, indeed, Gary Hartman gave the Torah *drash* on Rosh Hashanah this year.

This is what he said:

This Torah portion is stories — human stories of how to be together.

It is about laughter, but not about joy.

The stories are about reactions inside, reactions driven by fear.

They could be driven by positive reactions, by the joy.

But, they are driven by fear.

The people in the stories don't really like each other. There are real hatreds.

But, there is a way to look beyond the hatreds; to look for something more pure.

If we can get into the deep places of these stories, we can learn.

I hope that people can do that, and be together.

Just be.

I hope that people can understand their desires and fears, and not be driven by them.

So, if God remembers us, *pakad*, takes note of us — which is more than *zachor*, more than remembering; it is taking note, then, we can begin to see each other as pure beings.

And if we can do that, maybe we can just start to take note of one another.

Yeah!

When I came to the house on Rosh Hashanah afternoon to sing prayers with him, I read him the *drash* he had given. Then I said, "and to your words, I added, 'The greatest tribute to the life of Gary Hartman would be to pray and work for what he so desired, that the children of Isaac and the children of Ishmael, the children of Jacob and the children of Esau touch hands in peace.'"

He looked at me and said, "Not just them, everyone. Peace for everyone."

Even in his illness, that was Gary's prayer and plea and knowing. There is the possibility, there is the reality of peace for every person on the face of this earth.

In his final days, Gary mused, "For some reason, I have been given the gift of attuning my heart with the hearts of others."

And that is what he asks of us, to attune our hearts with the hearts of others, to attune our hearts to seeing each human being as a child of God, a child of the universe; to see in each heart, a heart of peace.

That is Dr. Gary Hartman's legacy. That is his life's teaching. And, he would add one more word of guidance:

He told us that he tried to experience whatever occurs with more interest than resistance, with more "ah ha" than "oy vey."

What good and valuable lesson for us all to learn and live.

His memory — and his teachings — will be a blessing.

Rabbi Wayne Dosick, Ph.D., is the spiritual guide of The Elijah Minyan, an adjunct professor at the University of San Diego, and the Director of The Soul Center for Spiritual Healing. He is the award-winning author of six critically acclaimed books, including Golden Rules, Living Judaism, and Soul Judaism: Dancing with God into a New Era.

4154

*** Election 2002 ***

FRONT PAGE

San Diego DA Narrowly Trails Rival

Result Could Hinge On 80,000 Absentee Ballots to Be Talled

By Claude Walbert
Daily Journal Staff Writer

SAN DIEGO — After a bruising campaign, San Diego County District Attorney Paul Pfingst trailed challenger Bonnie Dumanis on Wednesday by a thin margin of 2,914 votes in a race whose outcome still could change as 80,000 absentee ballots are counted.

More election coverage,
Pages 2, 3 and 8



PAUL PFINGST



BONNIE DUMANIS

Pfingst, a two-term incumbent, received 49.7 percent of the 515,976 votes cast Tuesday. Dumanis, a San Diego County Superior Court judge, had 50.2 percent. Votes in all 2,138 precincts were counted.

Pfingst, president of the California District Attorneys Association, e-mailed the 1,100 employees of his office Wednesday, thanking them for their support over the years and assuring them that Dumanis would be a good leader if the vote count continues in her favor.

"As you have already heard, yesterday San Diego voters decided to elect Judge Bonnie Dumanis to be district attorney starting in January of next year," Pfingst

said in his e-mail. "Although there are still 70,000 or so ballots that remain to be counted and the balloting is very close, unless a significant shift in the voting pattern were to occur, it is expected that Judge Dumanis' lead will remain."

A spokesman for Registrar of Voters Sally McPherson said the absentee ballots will be counted today, Friday and Tuesday.

Christopher Shortell, a lecturer in

American politics at the University of San Diego, said Dumanis' lead is unlikely to vanish as the count continues.

"It's close, with a 2,900-vote lead, but it's likely to hold up," Shortell said. "You're not likely to see huge swings."

Shortell said absentee votes tend to be more conservative and can influence races if there are radically different political stances. Nothing like that exists in this

AA See Page 8 — SAN DIEGO

San Diego DA Narrowly Trails Challenger

Continued from Page 1 AA

race, where both candidates are conservative Republicans, he said.

"If I was a betting man, I'd put my money on Dumanis," Shortell said.

Dumanis said Wednesday that she is confident her lead will hold up.

"I think it's looking good," she said. "I'm so proud of the people who worked so hard in the district attorney's office, in law enforcement and in the community at large."

Dumanis said she believes voters were looking for a more evenhanded approach and higher standards in the office of the county's prosecutor.

"We have to prosecute criminals aggressively but within the rules. We have to do it fairly," Dumanis said. "Our role is to seek justice."

Larry Brown, executive director of the California District Attorneys Association, praised the defeated district attorney. He said Pfingst's election as president of the statewide prosecutors organization for a term that began in June "demonstrates the high regard in which he's held by his colleagues across the state."

Innovations by Pfingst, such as new methods to fight high-tech crime and elder abuse, earned him praise among prosecutors, Brown said.

"Even his critics respect his intellectual ability and his commitment as a prosecutor," he said.

But Pfingst's bid for re-election faced several obstacles.

Among them was what San Diego County Superior Court Judge William H. Kennedy called a "history of pervasive misconduct." Kennedy had removed the district attorney's office from further prosecution in the case of four men whose convictions in the murder of a San Diego police officer were overturned because of misconduct.

The state attorney general took over the case and found that information that pointed to another suspect had been withheld by the district attorney's office. The four men pleaded guilty to a lesser charge and were immediately freed.

Pfingst continued to maintain that Deputy District Attorney Keith Burt, who originally prosecuted the case, did nothing wrong.

In another embarrassment for Pfingst, former Deputy District Attorney Peter Longanbach was found to have concealed discovery material in an embezzlement case, leading to convictions being reversed by a judge.

In another case, testimony showed that Longanbach urged a witness to lie. The lie helped send a man to prison and came to light when a court overturned the conviction because of other misconduct by Longanbach. The convicted man now is free after receiving a lesser sentence in the second trial.

Longanbach also was convicted of

grand theft for using workers and equipment in the district attorney's office to operate personal real estate ventures.

As the state attorney general investigated Longanbach, court documents showed, secretaries in the office twice had revealed they had worked for the deputy district attorney on his real estate deals but that Pfingst had done nothing about it.

'If I was a betting man, I'd put my money on Dumanis.'

Christopher Shortell,
University of San Diego lecturer

In fact, Pfingst promoted Longanbach to head the economic fraud division.

Pfingst said he thought no crime had been committed at the time and that Assistant District Attorney Greg Thompson had halted the real estate activities. Thompson said he disciplined Longanbach.

If her vote lead holds, Dumanis, 50, who hammered away at Pfingst's record, would be the first female district attorney in San Diego County history and one of only a handful of publicly gay women elected to office from the county.

The lead seesawed from Pfingst to Dumanis before Dumanis began to cement her small lead Tuesday night as more and more precinct results were posted. Neither candidate was willing to claim victory then.

A year ago, the campaign began with attacks on Pfingst's integrity and honesty after a series of scandals rocked the office. In a vote last fall among members of the Deputy District Attorneys Association, two-thirds of Pfingst's 300 deputies said they had no confidence in him.

Throughout the campaign that vote haunted Pfingst, who blamed it on stalled contract talks.

Pfingst, 51, replied with attacks of his own on the qualifications of his primary-election opponents in the March election and kept up that line of attack after Dumanis won the right to confront him. In recent days, the Pfingst campaign ran a television ad that claimed Dumanis had tried only one murder case, compared to the 797 he has prosecuted.

Pfingst's deputies asked him to withdraw the ad because it was untrue, but his campaign manager claimed it was factual.

Dumanis said during the campaign that she tried 50 cases before juries, all of them serious felony crimes.

From the beginning of his campaign, Pfingst also touted his record as a crime fighter. He pointed to his office's felony

conviction rate, which he said stood at 92 percent and was the best in the state, as the reason he should be re-elected.

Dumanis, besides attacking Pfingst's ethics, campaigned on a promise to heal the troubled office.

She said her management style would be different from that of Pfingst, whose aloof, abrupt manner alienated many in his own office. Several prosecutors filed lawsuits alleging retaliation by Pfingst to their claims of mistreatment after pregnancy leave. Pfingst denied the claims but courts awarded the prosecutors \$1 million. Other similar suits are pending.

One of those suits, filed a year ago by Deputy District Attorney Richard Sachs, alleged discrimination by Pfingst because of a physical condition that caused Sachs to urinate frequently. But during depositions this fall, two deputies, James Atkins and Peter Cross, said in sworn statements that they had overheard Pfingst making anti-Semitic remarks when he was a new deputy 17 years ago.

Pfingst denied ever making anti-Semitic remarks, but the allegations were widely reported. Dumanis, who is Jewish, didn't make the allegations part of her campaign, but her backers did.

Dumanis was endorsed by most law enforcement associations in the county, including the powerful San Diego Police Officers Association, and by San Diego City Attorney Casey Gwinn. She also had support within the legal community.

For Pfingst, the Deputy Sheriff's Association and Sheriff Bill Kolender gave their backing, as did the District Attorneys Investigators Association. He also received the endorsement of the Union-Tribune, the county's largest newspaper.

The paper's editorial said Pfingst had promised to change his aloof manner, work to end the discontent among his staff, and exert more oversight over the office to prevent future scandals.

Pfingst grew up in New York and was a prosecutor there before coming to San Diego as a deputy district attorney in 1984. After four years, he went into private practice with Higgs Fletcher & Mack. In 1994, he was elected district attorney.

Dumanis is a native of Brockton, Mass. She received her law degree from Thomas Jefferson School of Law in San Diego. She became a deputy district attorney in 1979, at one time heading a homicide task force that investigated the death of dozens of prostitutes. She became a juvenile court referee in 1991 and was elected to the Municipal Court in 1995. Gov. Pete Wilson appointed her to the Superior Court bench in 1998. She has been on an unpaid leave of absence while campaigning.

■ E-mail: claudewalbert@dailyjournal.com

INTERIOR DESIGN

4154
*Sixteenth-century students of anatomy saw the hand of God
in the intricacies of the body.*

✿ JAMES D. SMITH III ✿

Nicolaus Copernicus's re-mapping of the macrocosm wasn't the only sixteenth-century breakthrough on a scientific frontier. Equally stunning was a bold trek into the microcosmic world of our physical selves.

This voyage, led by the anatomist Andreas Vesalius (1514-1564), seemed to bring humankind into a new and intimate knowledge not just of our physical being, but of our spiritual being as well.

Born in Brussels, Vesalius likely received his elementary education from the Brethren of the Common Life, a Roman Catholic spiritual association that trained Thomas à Kempis and Desiderius Erasmus. His studies took him from the great universities at Louvain and Paris to that at Padua, which appointed him professor of anatomy and surgery the day after he received his M.D. in 1537.

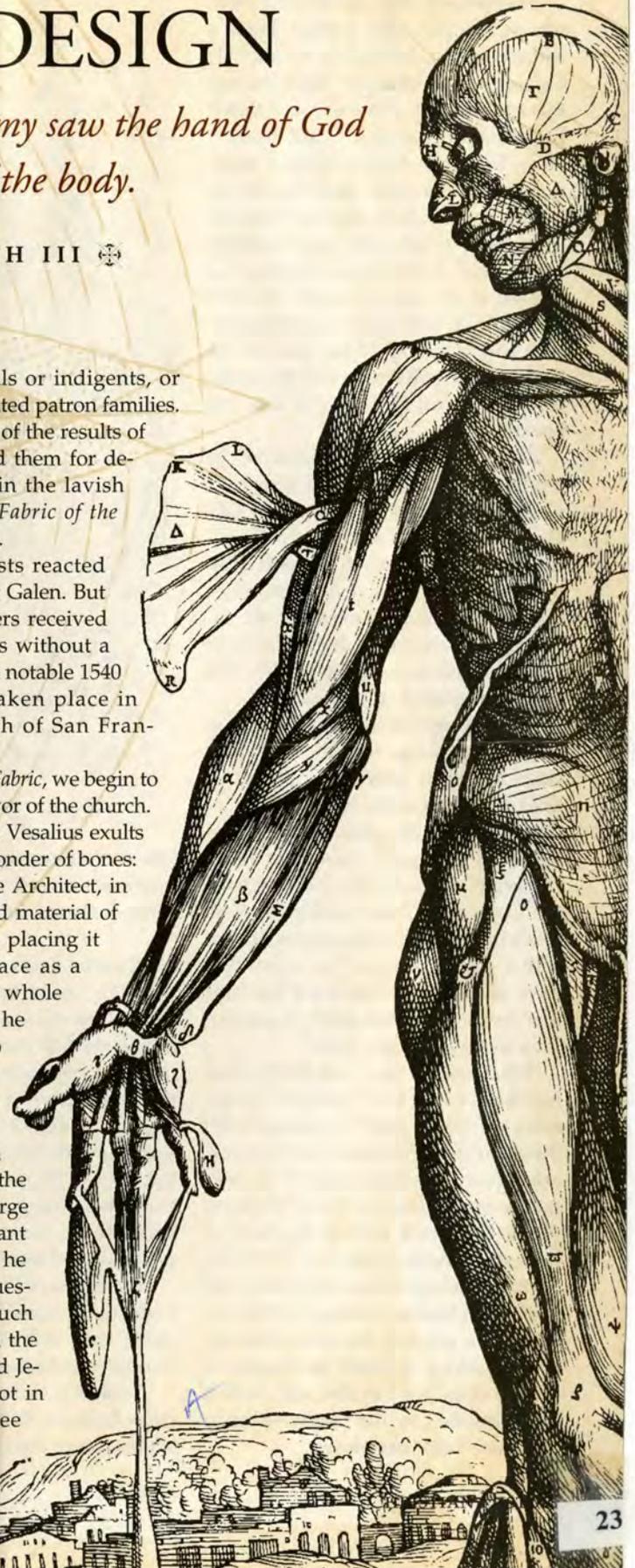
While at Louvain, Vesalius had participated in one of his first human autopsies, an event that set the course of his future research. The ancient anatomist Galen—rediscovered in the Renaissance—had derived his human anatomy from observations of animal subjects. But in his 1538 manual *Six Anatomical Tables*, Vesalius proclaimed a new method: researchers of human anatomy should dissect and observe actual human subjects, and develop terminology and illustrations to match their observations.

After 1539, Vesalius performed a series of dissections—usually on ca-

davers of criminals or indigents, or members of dedicated patron families. He recorded some of the results of these and sketched them for detailed rendering in the lavish woodcuts of his *Fabric of the Human Body* (1543).

Some anatomists reacted harshly, defending Galen. But most church leaders received Vesalius's findings without a murmur. (In fact, a notable 1540 dissection had taken place in Bologna's Church of San Francisco.)

When we read *Fabric*, we begin to understand this favor of the church. In the first chapter, Vesalius exults over the created wonder of bones: "God, the supreme Architect, in his wisdom formed material of this temperament, placing it beneath the surface as a foundation for the whole body." In Book II, he urges his reader to "sing hymns to the Creator of the world, who produced from such a tiny space [the jaw muscle] in charge of such an important task." In Book VI, he passes over the question of why so much water flowed from the side of the crucified Jesus, "for I must not in the slightest degree upset the com-



plete veracity of the authentic Gospel of John."

Vesalius's theologically informed approach to anatomy was not unusual in his time. Many sixteenth-century researchers studied the body to gain insight into the soul. Indeed, anatomy entered the curriculum of Lutheran Protestant schools not through medical schools but as part of the study of philosophy. And the man who intro-

duced anatomy to the University of Wittenberg's curriculum in 1535 was a theologian—Philip Melanchthon (1497-1560).

Melanchthon admired Vesalius's work and shared his sense that this new, inner frontier bore the stamp of divinity. The theologian wrote this poem in his copy of Vesalius's *Fabric*:

"Think not that atoms, rushing in a senseless hurried flight,
Produced without a guiding will this world of novel form;
The mind which shaped them, wise beyond all other intellects
Maintains and fashions everything in logical design . . .

Accordingly it follows that the body's several parts
Came not together aimlessly as if devised by chance:
With purpose God assigned to each its own allotted task
And ordered that man's body be a temple to Himself . . .

Wherefore as man reflects upon the marvels in himself,
With reverence let him venerate this Maker and his Lord,
And keep the temple undefiled, immune from any stain,
Lest wrath divine in vengeance come and hurl it crashing down."

In 1564, following two decades as imperial physician, Vesalius, the "father of modern anatomy," died during a pilgrimage to the Holy Land.

Another who delved deeply into the theological meanings of "the body's several parts" was Spaniard Michael Servetus (1511-1553). Servetus is usually seen by church historians in light of his 1531 book *On the Errors of the Trinity*—in which Melanchthon found "many marks of a fanatical spirit." Historians of anatomy, on the other hand, cite his 1553 work,

The Restitution of Christianity. In this book Servetus, who had studied and gained favor from the same Paris anatomy professor as Vesalius, became the first person to describe the "pulmonary transit" of blood through the lung from the heart's right ventricle to the left auricle. However, this ground-breaking discovery remained unknown to medical contemporaries, as the book was read by few (none anatomists) before it was condemned and burned with its author on October 27, 1553 in Calvin's Geneva.

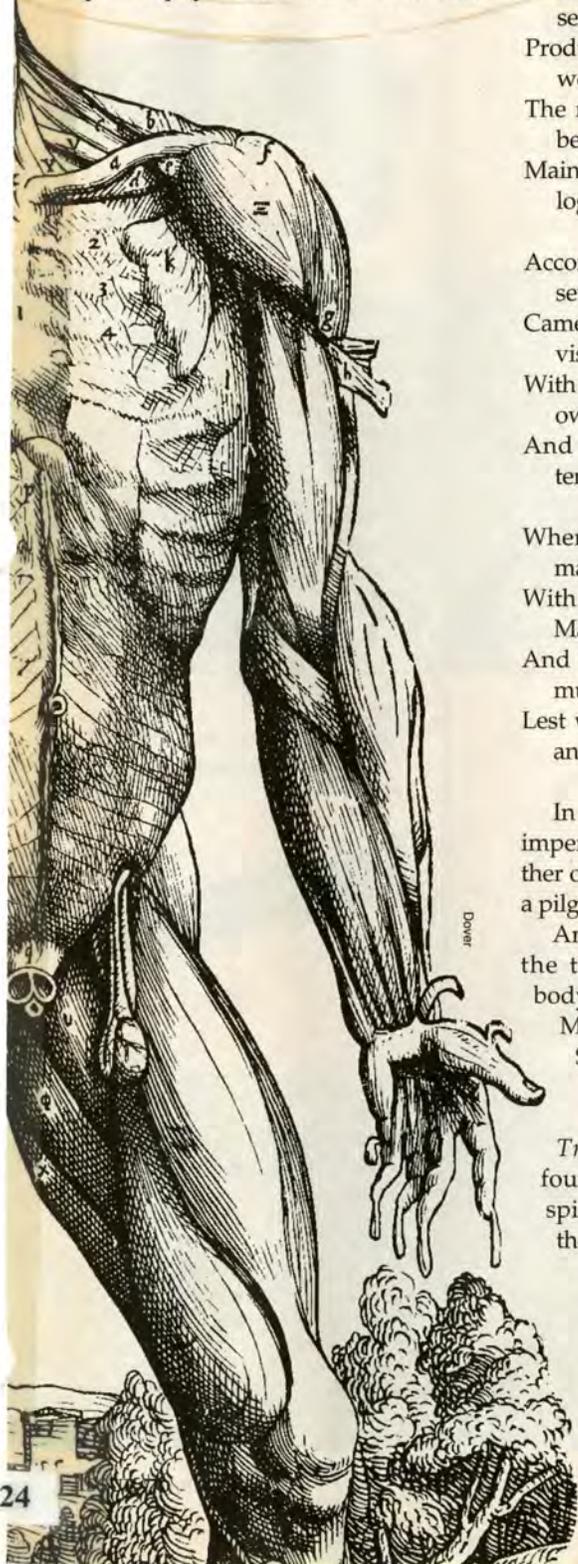
Obsessed with the oneness of God, Servetus used his medical studies to stretch the biblical idea of God's omnipresence beyond its traditional bounds. He came to believe not only that God was the creator and sustainer of the material world, but also that the very air one breathes is a form of God Himself. Thus to his notorious preaching against the Trinity he added what seemed to many Christians a pantheistic teaching.

Servetus wrote of "the divine philosophy which you may easily understand if you have been trained in anatomy." He read in the body the structures and pathways of the Spirit, declaring "The matter of the soul (*anima material*) is made from the blood of the liver . . . the soul itself is the blood. . . . For the soul is not said to be principally in the walls of the heart or in the body of the brain or of the liver, but in the blood, as God Himself teaches in Genesis 9, Leviticus 17 and Deuteronomy 12."

Though each read it differently, Vesalius, Melanchthon, and Servetus joined others of their time in "returning to the text"—the text of the human body—in search of Truth both scientific and spiritual. **CH**

✞ JAMES D. SMITH III teaches at Bethel Seminary, San Diego, and the [University of San Diego](#). Special thanks to Cheryle A. Redelings of the Francis Parker School for her material assistance.

MUSCULAR TOURIST. "Anatomy in the western tradition was essentially about the soul," says historian Andrew Cunningham in his *Anatomical Renaissance*. Vesalius's lifelike posing of the series of "musclemen" in his *Fabric* against a stretch of countryside just southwest of Padua reminds the viewer that the human body is an instrument for the human soul.





Burrelle's
INFORMATION SERVICES

82 .x21a. 16 .d...x GH

Painting born from touch

4154
W. Valley
artist visits
sites of art

By Curtis Grippe
Special for The Republic

When you view one of Gerry Grout's paintings, you can almost smell the scents and hear the sounds that she did when she stood in the same spot with her sketchpad and pencil.

Grout, a West Valley native, paints Indian dwellings of the Southwest. Each painting represents a site she has visited, crawled around in and studied, not just visually but with all her senses.

"My art is born more from a sense of touch than from sight," she said. "Drawing from a model or object before me is like climbing a mountain as opposed to viewing it from afar. I need to feel I have touched the solid form."

Grout, 70, has been drawing and painting all her life. She won best of show at a Phoenix art contest when she was 10 years old, but didn't begin to pursue art professionally until her two children were grown and off to college.

When Grout's family moved to Arizona from Kansas City in 1909, there was no electricity, paved roads or any of the modern conveniences we take for granted. Grout was raised on the family cattle ranch at the base of the Estrella Mountains near the Gila River Indian Res-



Artist Gerry Grout paints ancient Indian dwellings of the Southwest like this acrylic, *Wupatki*.

IN THE SPOTLIGHT

ervation.

"I remember the Native American families who lived and worked on our ranch, bringing their horse-drawn wagons to the community well to get water," Grout recalled. "I have fond memories of our friendships with those families."

Grout graduated from Tolleson High School and studied art at Phoenix College, the Scottsdale Artists School and the University of San Diego. She also served as a docent for the Phoenix Art Museum from 1979 through 1986.

"My experience as a docent at the Phoenix Art Museum

helped my production of art so much," she said. "I was exposed to so many different styles and so much history."

Grout began her professional career with a series of line drawings of the human figure, which she ultimately published as a book, *Linear Images of the Living Figure*, released in 1994. She followed that with a series of animal skulls, during which time she discovered a method of applying texture to her work surface that she continues to use on her current work.

"I apply powdered pigment, powdered charcoal and water to my surface to achieve a texture," she said. "Sometimes the painting evolves from that point. It's kind of an exciting

GERRY GROUT

Favorite movie: *It's a Mad, Mad, Mad, Mad World*. "I like to be entertained when I watch a movie."

Favorite book: "I love to sit down with Emerson. He has such wonderful thoughts about life."

Favorite thing to do when not doing art: Play tennis and golf. "It's good therapy. When I'm painting I'm home all the time I have friends that I miss, so it's good to go out one day a week and hit a golf ball or play tennis with them."

Favorite performer: Pavarotti.

Favorite music to listen to while painting: Native American flute music or classical.

and spontaneous way to paint."

Grout then does a rough sketch before applying acrylic paint.

After her skull series, Grout did a series of trees before starting her most recent series of ancient Indian dwellings.

"I call them my spiritual places of stone," Grout said of the ruins she has visited. "I've visited all these places, sketched them and gotten to know them."

The art of Gerry Grout is on display at the Park Fine Art Gallery, 118 Old Litchfield Road, Litchfield Park. Gallery hours are 10 a.m. to 5 p.m. Monday through Friday, and 10 a.m. to 4 p.m. Saturday.

Information: (623) 536-3030.

Sister Arlene Ellis, SSC, named chancellor

FRONT PAGE

By Colette Cowman ⁴¹⁵⁴
Idaho Catholic Register editor
Bishop Michael P. Driscoll has appointed Sister Arlene Ellis, SSC, as chancellor for the Diocese of Boise.

Sister Ellis, who has served as pastoral associate at St. Charles Parish, Hailey, for the past four years, will start in November part-time, working all day Tuesday through Wednesday morning at the Diocesan Pastoral Center in Boise and will continue her work at St. Charles until July 2003. Then she will go full time at the pastoral center.

Deacon James Bowen, a past Diocese of Boise chancellor, will assist the new chancellor until she is able to relocate to Boise.

"Sister Arlene's knowledge of the

diocese, ability to create, plan and implement programs, her abilities as a facilitator and her experience serving in numerous church ministries over the past 40 years makes her a valuable addition to our staff," said Bishop Driscoll.

Sister Ellis said she is excited about working at the pastoral center again.

"I am happy for the opportunity to serve in this way," she said. "I will bring my own style and enthusiasm and energy, and I



Sister Arlene Ellis, SSC

look forward to continuing my ministry here in Idaho."

Sister Ellis holds bachelor's degree in Spanish from University of San Diego, Calif., a masters in pastoral ministry from University of San Francisco, Calif., and a certificate in pastoral planning from Loyola University, New Orleans, La.

Her work experience includes being a teacher, a principal, a parish director of religious education and youth ministry, vocation director for the Daughters of Divine Charity,

pastoral associate and director of parish renewal at Sacred Heart Parish, Boise, and diocesan coordinator of adult education for the Diocese of Boise (1993-98). Sister Arlene's work with the Vitality Project, Renew 2000 and the establishment of the Diocesan Pastoral Council makes her well-suited for her new responsibility," said the bishop. "She has been in nearly every parish in Idaho and knows the diversity of our great state. Her most recent experience as pastoral associate in Hailey, involvement with the Rite of Christian Initiation of Adults and willingness to share her gifts with regard to pastoral planning will be a valuable asset to our diocese."

(See 'Chancellor,' page 19)

Chancellor

(Continued from page 1)

Sister Ellis is a member of the Society of Sisters for the Church (SSC), which was founded in 1976 and is headquartered in the Diocese of Paterson, N.J. Local communities of Sisters can be found throughout the United States.

Sister Ellis said members of her community "witness to the presence of Christ and bring the Good News of the Gospel to all people according to the signs of the times." Using as their model the women of the early church, members of the Soci-

ety of Sisters for the Church live a vowed life in simplicity and poverty and serve local churches through various ministries.

As chancellor, Sister Ellis will serve as chief archivist for the diocese and be responsible for inventorying and authenticating the records of the diocese. She will provide administrative support to the bishop, supervise specific diocesan offices and services, serve as a liaison with organizations like Catholic Campaign for Human Development and Catholic Re-

lief Services, and act as a representative of the bishop, as needed at official functions.

Her canonical responsibilities, in addition to archivist and historian, will include ecclesiastical notary, delegate of the bishop to grant dispensations and permissions, preparing all official appointments and overseeing diocesan files and records.

As chancellor, Sister Ellis will also maintain all diocesan policies, procedures and manuals, prepare official reports and directories, coordinate diocesan

campaigns as directed, like special collections, and manage the up-keep and maintenance of the Diocesan Pastoral Center and other diocesan properties.

One job Sister Ellis is already involved in is supporting and providing resources for pastoral planning.

Since last spring, she has headed a committee to assist the bishop, Presbyteral Council and Personnel Board in planning and preparing for the future of the diocese with the diminishing priests.

"When I was in the San Ber-

nardino Diocese, I was on the Future Staffing Task Force from 1985-1993," said Sister Ellis. "That is what prepared me to work with the diocese here as we establish, through pastoral planning, the structures we need for leadership in the future."

Sister Ellis said the first thing she plans to do once she is at the Diocesan Pastoral Center is visit with members of the diocesan staff and get to know people and their areas of responsibility.

"As time goes on, I will come to understand the needs."

What's ahead

CLASSICAL MUSIC

● **Spectrum Saxophone Quartet** 8 p.m. tomorrow at the Joan B. Kroc Institute for Peace and Justice, USD, 5998 Alcalá Park. \$6 and \$8; (619) 260-4600, Ext. 4901.

● **Instrumental Chamber Music**, The Allegro Quartet performs as part of Palomar College's Concert Hour series at 12:30 p.m. Thursday at the Performance Lab, Room D-10, Palomar College, 1140 W. Mission Road, San Marcos. Free; (760) 744-1150.

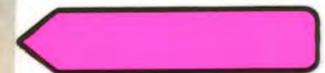
● **Conductor Eduardo Diazmunoz and pianist Andreas Haefliger** join the San Diego Symphony at 8 Thursday night at the California Center for the Arts, Escondido, 340 N. Escondido Blvd. \$19 to \$49; (800) 988-4253; and 8 p.m. Friday and Saturday; 2 p.m. Sunday. Copley Symphony Hall, 750 B St., downtown. \$15 to \$70; (619) 235-0804.

● **Trio Point Loma** — Faculty members pianist Paul Kenyon, violinist Philip Tyler and cellist Bill Clemmons, perform at 7:30 p.m. Friday at the Crill Performance Hall, Point Loma Nazarene University, 3900 Lomaland Drive. Free; (619) 849-2325.

● **Pipe Organ Concert** — Carol Williams, San Diego Civic Organist, performs at 7:30 p.m. Friday at the First Church of Christ, Scientist, 8262 Allison Ave., La Mesa. Free; (619) 442-8201.

● **Babes in Arms** — The Lyric Opera presents a trip to Cape Cod, opening at 8 p.m. Friday and running through Nov. 24 at Casa del Prado Theatre, Balboa Park. \$17 to \$26; (619) 239-8836.

● **Joshua Bell**, with the Academy of St. Martin in the Fields, performs as part of the La Jolla Chamber Music Society Celebrity Series, 7 p.m. pre-concert talk, 8 p.m. concert Saturday at the Civic Theatre, 202 C St., downtown. \$20 to \$85; (858) 459-3728.





USD University of San Diego
Quality Education for Ministry

- **Master of Arts Degree Programs**
Practical Theology (33 units)
Pastoral Care and Counseling (42 units)
Certificate of Advanced Studies in Pastoral Counseling (18 units)
- **Collaborative Programs**
Clinical Pastoral Education for Pastoral Counseling Students
Certificate in Spiritual Direction
- **Center for Christian Spirituality (CCS)** The CCS relates Christian spirituality to personal, family, workplace and professional concerns through programming and outreach activities.

Financial Aid Available for Graduate Programs

For program information visit our web site:
<http://www.sandiego.edu/theo/ptpcc/pt-pcc.html>
By Phone: (619) 260-4784 (Programs Office)
(619) 260-4524 (Master of Arts Degree Programs)

CCS/PT/PCC — Maher 280
University of San Diego
5998 Alcalá Park, San Diego, CA 92110-2492

The University of San Diego prohibits discrimination against current or prospective students and employees on the basis of race, color, sex, religion, national origin, age, disability, sexual orientation, or any other legally protected characteristic. The University does not by this non-discrimination statement disclaim any right it might otherwise have to maintain its commitment to its Catholic identity or the doctrines of the Catholic Church.

The roughest of roads couldn't defeat her

By Jack Williams

WISY

Christine Galan's heart is ticking on borrowed time.

Along with a liver, it was donated in 1998 in a double-organ transplant that came none too soon.

"If the donor's family had said 'no' that night, I wouldn't be here today," she says.

At 40, Galan is a born-again poster girl for transplant technology: fit, fearless and familiar with adversity.

"I've never felt this great," she said the other day at her parents' home outside of San Diego. "My life began at 36. I walked out of the hospital and never looked back."

Within 19 days of her twin transplant at Cedars-Sinai Medical Center in Los Angeles, she walked on a treadmill. For 20 minutes. "My body had atrophied," she said. "I just wanted to get in shape — and get my life back."

These days, she taxes her transplanted heart — donated by a 24-year-old male — with 45-minute sessions on a StairMaster.

And three evenings a week you're liable to find her practicing vigorous Ashtanga yoga ("It's great for getting new blood in the organs") or lifting weights.

"I can't sit and not exercise," she said. "For me, that's too hard."

Every heartbeat is a gift, she figures. Too valuable to waste. Too stimulating to take for granted.

In the Starlight Children's Foundation, she's found a cause she can put her heart into. As a volunteer, she's helped grant the wishes of 250 seriously ill children on the East Coast near her New York home.

She's written an unpublished book, "A Stranger Within Me," and recorded an exercise and reha-

bilitation video that she markets on her Web site, www.surgicalrecovery.com.

A year ago, Galan became the first heart-and-liver transplant recipient to complete the New York City Marathon. It took her 8 hours, 22 minutes and 42 seconds. Pedestrian, to be sure, but she stopped along the way to tape segments of a tissue-donation documentary.

That she can cover 26.2 miles at all is a wonder. Two surgeries a decade apart, each prompted by deteriorating bone in her left ankle, shortened her Achilles tendon. "I have 75 percent use of it," she said. "I don't pay much attention, but I really notice it when I try to put my heel down."

Just another bump in the road that's been paved with problems since she was 17.

As a senior at The Bishop's School in San Diego, where she recently was named alumna of the year, Galan had her spleen and gallbladder removed due to autoimmune hemolytic anemia. At 25, lupus attacked her heart.

Diagnosed with congestive heart failure, she defied her doctors by beginning a six-days-a-week regimen on the StairMaster.

But by 1996, after her liver failed, a double transplant was considered the only option.

During 11 weeks in intensive care, as her weight dropped to 80 pounds, she tried to get up and walk each day. "At one point, I said 'I can't take it anymore. Just let me die,'" she said.

"Then my dad said, 'Don't give up on me now after 19 years.' Somehow, we knew I would be OK."

Galan, who grew up in Jamaica loved horseback riding, tennis, lacrosse and swimming as a teen.

WILLISTON TIMES (NYC MARKET AREA)

WILLISTON PARK, NY
WEEKLY 4,200
NOV 8 2002

BETHPAGE NEWSGRAM (NEW YORK CITY MARKET AREA)

BETHPAGE, NY
WEEKLY 2,974
NOV 8 2002

SYOSSET ADVANCE (NYC MARKET AREA)

SYOSSET, NY
WEEKLY 5,365
NOV 8 2002

NEW HYDE PARK HERALD COURIER (NYC MARKET AREA)

NEW HYDE PARK, NY
WEEKLY 2,875
NOV 8 2002

GARDEN CITY NEWS (NYC MARKET AREA)

GARDEN CITY, NY
WEEKLY 8,130
NOV 8 2002

JERICHO SYOSSET NEWS JOURNAL

HICKSVILLE, NY
WEEKLY 1,278
NOV 8 2002

Later, while earning a liberal arts degree at the University of San Diego, her self-destructive immune system and ample doses of Prednisone medication reshaped her lifestyle and her 125-pound body. "At one point, I weighed 210," she said.

With all that anguish behind her,

the periodical angiograms she requires to monitor the blood flow in her heart are a meager price to pay.

If the best is yet to come, she hopes it's in the form of romance. "I'd like to find a husband," she says.

Meanwhile, the heart keeps ticking.

MID-ISLAND TIMES & LEVITTOWN TIMES (NYC MARKET)

HICKSVILLE, NY
WEEKLY 5,685
NOV 8 2002

GREAT NECK NEWS (NYC MARKET AREA)

GREAT NECK, NY
WEEKLY 5,500
NOV 8 2002

School of Business Administration



Burrelle's
INFORMATION SERVICES

580
.x21a.

26

.d...X QJ

Commercial real estate in a slump

4154-San Diego Union
San Diego should fare better than most cities

By Mike Freeman
STAFF WRITER

Don't expect a recovery in commercial real estate in 2003. A sputtering economy and continued job losses mean next year probably will be a lot like this year in terms of demand for offices, research buildings and industrial structures.

That's the conclusion of experts at the second annual Commercial Real Estate Conference, put on yesterday by the Real Estate Institute at the University of San Diego.

"We see 2003 as an extension of a market trough nationally," said Jonathan Miller, a principal at Lend Lease Real Estate Investments in New York. "We do see more downside risk in 2003, with not a lot of upside for real estate investors."

Yesterday's conference featured speakers who forecast trends for the coming year, both nationally and locally. The consensus was that 2003 will be a tough year, but San Diego will do better than most cities.

"You guys out here might not think you need to recover," Miller said. "But there are a number of cities nationally that are heading toward 20 percent vacancy — higher than that in some markets. That has to be a concern."

During the third quarter, San Diego

SEE Slump, C8

▶ SLUMP

CONTINUED FROM PAGE C1

Commercial vacancy rate up in many cities

County's office vacancy rate was about 12 percent, according to CoStar, an industry research firm. Other cities where commercial real estate is performing well include Washington, Los Angeles, New York, Boston and Chicago.

But the overall real estate picture will be marked with sharp regional differences, with Northern California, Seattle, Boston, Atlanta and Denver among the cities that remain sluggish.

Because it's relatively healthy, San Diego has attracted a wave of institutional investors, buying offices, apartments and industrial buildings — sometimes for top dollar. These buyers view real estate as a safe haven from a volatile stock market.

Examples locally include the \$75 million price tag for the 240,000-square-foot Aventine office complex in University City, which sold for \$41 million three years earlier. In addition, One America Plaza, a 34-story office building downtown that's for sale, has attracted a host of possible buyers and is expected to fetch as much as \$170 million.

The frenzy has led some analysts to predict a bubble in commercial real estate prices. They say the bubble may pop, or at least deflate, as the stock market rebounds and interest rates rise.

But local real estate experts don't think the San Diego is in a bubble. Low interest rates have kept the spreads attractive between the cost of debt and the yields on acquisitions. Moreover, the local buildings going for top dollar are trophy structures with good tenants.

"It's only in the better buildings that you're seeing high prices, not for 'B' and

'C' buildings," said Robert Peddicord of Arden Realty, which owns 2.8 million square feet of buildings in San Diego. "There's no bubble to burst."

San Diego isn't immune to what's going on in the overall economy, experts say. Office vacancies have creeped up this year, especially in technology-heavy suburban markets such as Sorrento Mesa, University City and Carmel Valley. Examples of job losses include mobile phone maker Ericsson cutting 500 jobs in San Diego and Peregrine Systems' shedding more than 300 workers locally in the wake of its bankruptcy and financial scandals.

For local real estate officials, the question is whether the downturn that's depressing demand nationally will arrive here eventually.

Alan Gin, an economist at the University of San Diego, said that is unlikely. San Diego continues to create more jobs than it's losing, he said, with employers adding 20,000 jobs so far this year. Gains have come in construction and services. The county's jobless rate was 4.1 percent in September.

San Diego's economy today is more diverse than it was during the recession of the early '90s, when the region relied on defense, Gin said.

Today, wireless technology and biotech have joined defense as leading employers. "We're almost in a situation here in San Diego where we have a recession-proof economy," he said.

One area of concern, though, is continuing losses in manufacturing jobs, Gin said.

"We've lost 2,500 manufacturing jobs over the year," he said. "And manufacturing is key, because it keeps money coming into the region that supports these service jobs."

Mike Freeman: (760) 476-8209;
mike.freeman@uniontrib.com

Commercial real estate: A major force of USD's Real Estate Institute

4154
By MARK J. RIEDY
USD Real Estate Institute

Approximately 350 senior commercial real estate executives will gather today on the University of San Diego campus for the USD Real Estate Institute's Second Annual Commercial Real Estate Conference: Trends 2003. Two months later, on Jan. 14, more than 600 real estate professionals — primarily commercial real estate-oriented executives — are expected to participate in the USD Real Estate Institute's Seventh Annual Real Estate Conference.

Heretofore one of San Diego's better-kept secrets, USD's Real Estate Institute is emerging as a powerhouse driving commercial real estate education, both graduate and undergraduate, in this region. Among the Institute's six existing undergraduate course offerings, four are heavily oriented toward commercial real estate: Principles, Legal Aspects of Real Estate, Urban Economics, and Commercial Real Estate Valuation. Another course being developed for launching in fall 2003 will be Commercial Real Estate Capital Markets. At the graduate level, two of the three existing courses are commercial real estate-oriented: Real Estate Law and Real Estate Investments and Finance.

One of the most exciting new prospects for USD's Real Estate Institute is its initiative to create a master of science in real estate degree, planned for a September 2004 start. Subject to approval by the faculty of the School of Business Administration, the University Administration and USD's Board of Trustees (thus the long lead time!), the master's degree program will emphasize a wide range of primarily commercial real estate topics, including valuation, capital markets, corporate real estate and institutional investments in real estate — focusing upon the interdependence of these related fields. Negotiating skills, legal analyses and project management train-

ing also likely will be major areas of concentration.

Ethics, already an integral part of the School of Business Administration's curriculum, will receive the attention it deserves in the proposed Master of Science Program. That is, the "capstone" or final course in the master's degree program will be Ethics in Real Estate. Even though ethics will be a component of every course in the program, the capstone course will have ethics as its focal point, around which all previously studied real estate fields will be analyzed critically. This approach is consistent with the business school's mission of developing socially responsible leaders in real estate as well as other business professions.

SAN DIEGO DAILY
TRANSCRIPT

SAN DIEGO, CA
WEDNESDAY 15,000
NOV 6 2002

Career opportunities abound for the students emphasizing real estate at the University of San Diego, especially in the commercial real estate arena toward which most students tend to graduate once they get beyond their initial (mis)understanding that "real estate is all about selling houses." Toward that end, USD's Real Estate Institute strongly encourages students to hold internships in commercial real-estate oriented firms (brokerage, lending, consulting, appraisal, etc.) and also to "shadow" executives in those fields for a half-day at a time. Institute staff — led by me, the Institute's director, and associate director for commercial real estate, John Ferber — then work hard to help place graduating students (as well as alumni in transition) into their chosen fields within the broad field of commercial real estate.

Commercial real estate professionals visit the USD campus for the real estate conferences and to speak frequently in classes. But it's really a two-way street. Ferber and I (with 40+ years of commercial real estate experience) regularly attend Urban Land Institute meetings, for example, and the Real Estate Institute has become a

See USD on 2C

Continued from Page 1C

corporate sponsor of San Diego's ULI Chapter.

I also was selected to join the local chapter of Lambda Alpha, an honorary land economics society where I have served on its Board of Governors. Similarly, Louis (Lou) Galuppo, though the Real Estate Institute's associate director for residential real estate, has extensive commercial real estate experience and serves on the local CCIM Board of Directors as well as being active with the NAIOP and BIA. Also, Alan Gin, Ph.D., USD economics professor, publishes his widely acclaimed Index of Leading Economic Indicators under the Real Estate Institute's umbrella. These activi-

ties, though just the tip of the iceberg, assure the relevance and applied nature of USD's working relationship with San Diego's commercial real estate industry.

Leadership and guidance for the USD Real Estate Institute's programs are grounded in the three groups of industry professionals:

- The Hahn Chair Policy Advisory Board, chaired by John M. Robbins Jr., CEO of **American Mortgage Network**.

- The Commercial Real Estate Committee, chaired by Jeff Reed, senior vice president, Real Estate Group of **Wells Fargo Bank** (NYSE: WFC).

- And, the Residential Real Estate Committee, chaired by Andrew Murphy, **Fieldstone Communities'** division president in San Diego.

Because of its "holding company" role, Policy Advisory Board members include both residential and commercial real estate executives. Key commercial real estate executives on the board include Barbara Cambon of **Colony Capital**, Gina Champion-Cain of **American National Investments**, Dennis Cruzan of **Cruzan Monroe**, Julie Dillon of **Dillon Development**, Sandy Goodkin of **Sanford R. Goodkin &**

Associates, Peter Hall of **Centre City Development Corp.**, Stath Karras of **Burnham Real Estate Services**, John Kratzer of **JMI Realty**, Daniel Mulvihill of **Pacific Southwest Realty Services**, Matt Reno of **Reno Contracting**, Michael Skiles of **MLS Development & Services**, Mark Steele of **M.W. Steele Group** and Stuart Tanz of **Pan Pacific Retail Properties**. The Commercial Real Estate Committee, chaired by Reed, includes 23 senior real estate executives, plus one commercial real estate-oriented MBA student.

The newest addition to the Institute staff is Elaine Worzala, Ph.D., professor of real estate and research director in the Real Estate Institute. Worzala's academic and industry expertise is wide ranging, but emphasizes commercial real estate valuation/appraisal, institutional investments and corporate real estate. Worzala is leading development of the proposed master's degree in real estate as well as developing the agenda for applied, industry-user-friendly research to be undertaken by Institute staff and other USD faculty. Toward that end, she will form a new Research Committee of industry professionals to assure the relevance and useful-

ness of research conducted under the Institute's auspices.

Long-term, USD's Real Estate Institute is working to become a fully endowed (\$10 million) Center for Real Estate with a national reputation for excellence. National rankings imply recognition equal to those of the Lusk Center at the University of Southern California; the Fisher Center at the University of California, Berkeley; the Ziman Center at the University of California, Los Angeles; and the Sam Zell and Robert Lurie Center at the Wharton School.

To reach those lofty goals, however, the USD Real Estate Institute first must build a solid foundation in the San Diego region. In that regard, the necessary resources are in place, the game plan is set, the management and oversight boards are functioning well, and the building process has commenced. San Diego's commercial real estate industry will be increasingly well-served by the research, information, conferences and students emerging from USD's Real Estate Institute.

Riedy, Ph.D., is director of the USD Real Estate Institute.

USD provides higher education for real estate professionals

If approved, master's degree program would start in September 2004

By ELAINE WORZALA
USD Real Estate Institute

A master's degree to work in the real estate profession sounds like overkill to the average San Diegan that has just recognized 25 percent appreciation in their homes over the last year. Why would you need 12 to 24 months of intensive graduate work when even an undergraduate degree is not a requirement in the state of California to sell or appraise real estate?

The faculty and staff at the University of San Diego Real Estate Institute take real estate investment and finance very seriously, and are dedicated to improving the quality of education for professionals working in real estate, particularly those focused on commercial real estate. As part of their portfolio of products and services, the USD Real Estate Institute is presently working on a proposal to offer a Masters of Science degree in Real Estate.

Real estate, particularly commercial real estate, is an extremely complex asset that crosses over many disciplines outside of the traditional business fields, including: law, planning, architecture, sociology, political science, psychology and environmental sciences, just to name a few. Unfortunately, or fortunately, real estate decisions are long lasting and there is a clear-cut need for more socially responsible leaders in the real estate industry. The specialized real estate master's program, to be offered by USD, will provide a graduate student with the background and skills necessary to work confidently when they enter the work force and to add value within the real estate community.

San Diego is the perfect laboratory for a graduate-level real estate program. It is a real estate town where many have made fortunes but others have lost a great deal, so "war stories" and lessons abound.

Real estate is a multidisciplinary field. The graduate degree will focus on providing students with a solid foundation in the many different disciplines and

facets that make up the real estate profession. Discussion of the complex political and social implications of real estate decisions will be an integral part of the program. Graduate students will be exposed to the wide array of risks and rewards involved in every real estate decision, whether it involves new real estate development or buying your first home.

In addition, the program will build on the reputation and strengths of the USD School of Business, emphasizing leadership skills, negotiations and ethical decision-making in light of the long-term nature of real estate, where development decisions last much longer than the lifetimes of the individuals in charge of making the decision.

The focus of the program will be to expose the graduate students to as many issues as possible, using a hands-on approach. When they have completed the degree they will be generalists that know how to solve problems by working with the myriad of specialists in the field. They will be able to ask the right questions of the narrower fields to devise a

win-win solution to any problem that arises.

Many of the courses will have an industry-sponsored project that puts the student out in the field working with experienced real estate professionals. In addition, courses will include a heavy emphasis on attracting prominent guest speakers that will emphasize a practical focus for the real estate education. Finally, the program will be set up with a significant level of direct faculty and real estate community involvement through mentorships, advising and networking opportunities with real estate trade associations as well as individual firms. This level of commitment to the graduate student's educational experience will build a strong loyalty among the students and build a valuable network of business connections for everyone completing the program.

The USD real estate program will continue to grow and gain national prominence over time, and its graduates from the master's degree program will be the primary beneficiaries of this enhanced reputation. Subject to

Professionals —

Continued from Page 3C
faculty and administration approval, the USD Master of Science degree in Real Estate will be offered in September 2004.

Worzala, Ph.D., is a professor and research director of the USD Real Estate Institute. For information, contact Dr. Worzala at eworzala@sandiego.edu.

SAN DIEGO DAILY
TRANSCRIPT
SAN DIEGO, CA
WEDNESDAY 15,000
NOV 6 2002

**SAN DIEGO DAILY
TRANSCRIPT**

SAN DIEGO, CA
WEDNESDAY 15,000
NOV 6 2002



-L219 Burrelle's x JL
txz1d. 26 bc....
INFORMATION SERVICES

CCIM education foundation works to promote knowledge in commercial real estate

Source: CCIM Institute

The Education Foundation of the CCIM Institute is a nonprofit entity that works to advance knowledge and professionalism in the field of commercial real estate. The mission of the foundation is to create and administer an endowment to support various educational scholarship programs and provide the vehicles to ensure the development of the highest quality commercial/investment real estate education.

The foundation supports advanced real estate academics and research and development for the betterment of the commercial real estate industry. Currently, more than 20 universities participate in the University Scholarship

Program, which is one of several scholarship programs administered by the foundation.

One student from each of the selected academic institutions receives a cash award of \$1,000 plus a complimentary enrollment in the CCIM Institute's CI 101 course, Financial Analysis for Commercial Investment Real Estate. CI 101 is a required course for those pursuing the CCIM designation.

In 2001, the University of San Diego was selected through an application process to become one of the universities nationwide to participate in the scholarship program. The University of San Diego Real Estate Institute and the San Diego CCIM Chapter collabo-

rate on the award of a scholarship.

In addition to the scholarship award, the San Diego CCIM Chapter and the USD Real Estate Institute are working together in other areas such as assisting students who are pursuing internship positions at CCIM member offices, sponsoring students at CCIM functions and programs and setting up mentoring programs for students during their junior and senior years to help them become more familiar with the hands-on reality of commercial real estate.

In December 2001, the San Diego CCIM Chapter and the USD Real Estate Institute were pleased to award the first annual scholarship to Samuel Assael. Assael graduated this past spring and is

currently working on a research project at the USD Real Estate Institute.

The chapter will award the second annual scholarship in December 2002.

The University Scholarship Program fosters better understanding of CCIM education programs throughout the academic community. The San Diego CCIM Chapter is proud to have USD as one of the academic institutions nationwide chosen by the CCIM Education Foundation to participate in this program.

If you wish to learn about the CCIM Education Foundation and CCIM scholarship programs, contact Gary M. Cornelissen, CCIM, at (858) 549-2214.

**SAN DIEGO BUSINESS
JOURNAL**

**SAN DIEGO, CA
WEEKLY 20,000
NOV 25 2002**



Burrelles
INFORMATION SERVICES

-5978
0xz2..

26

x JL
bc...b

City Gears Up for Massive Sewer Upgrade



**Real
ESTATE**

**Mandy
Jackson**
Staff Writer

...
Residential Forecast: The University of San Diego's Real Estate Institute will host "Residential Real Estate Conference: Outlook 2003" on Dec. 11.

Registration for the event, which runs from 8 a.m. to 11:30 a.m. at the university's Hahn Center, ends Dec. 2.

Speakers include Leslie Appleton-Young of the California Association of Realtors and USD economics professor Alan Gin. Students of Joan Anderson, another USD economics professor, will give their predictions regarding sales volume in San Diego County.

The cost to attend is \$85 per person. For more information, contact Lou Galuppo at (619) 260-4183 or e-mail lgaluppo@sandiego.edu, Ilse Hunnicutt at (619) 260-2256 or ilseh@sandiego.edu, or Mari Hardick at (619) 260-2379 or mhardick@sandiego.edu.
...

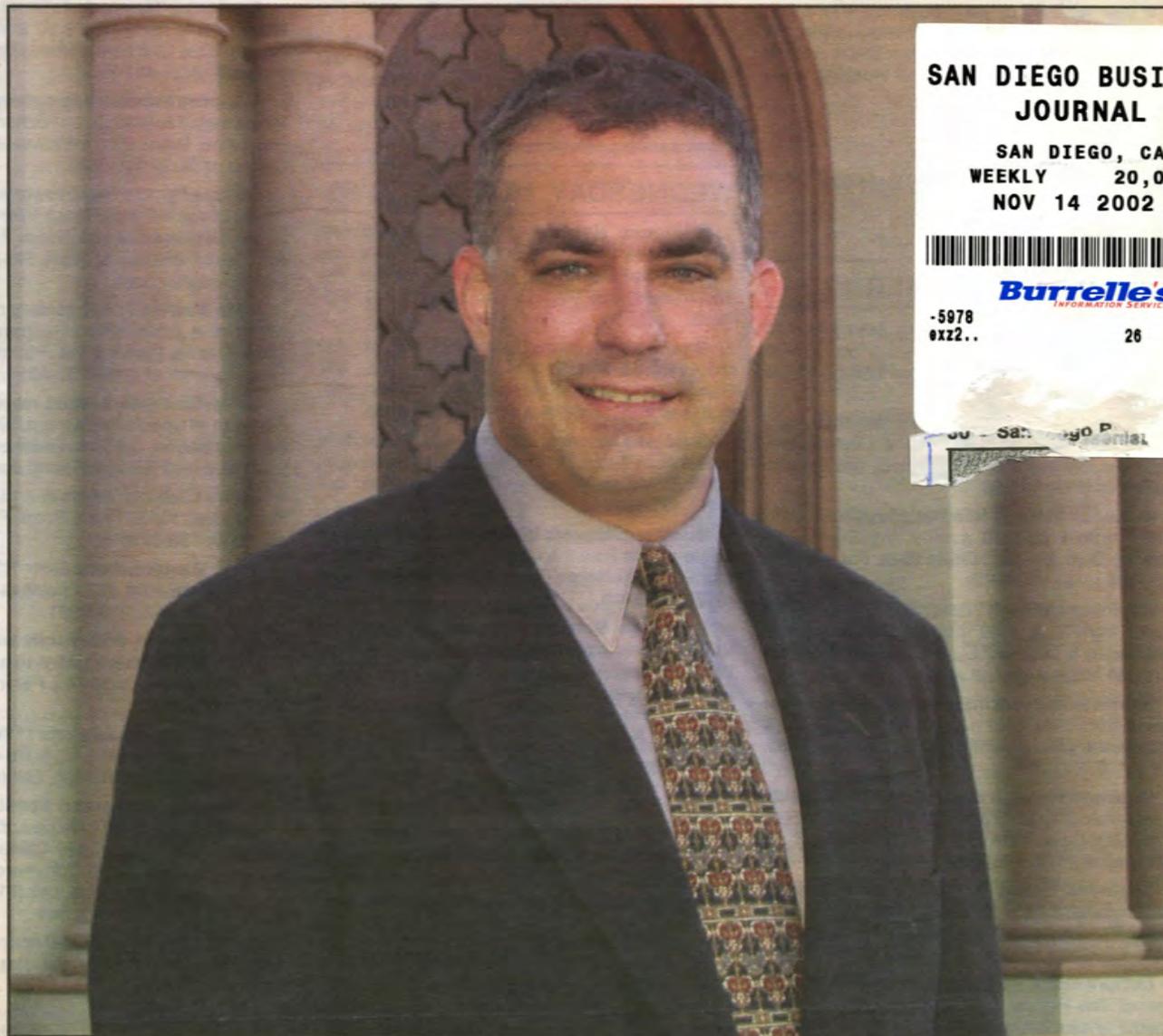
Profile

Stephen Starling

Managing the Supply Chain

USD's Stephen Starling
Rethinks the Manufacturing
Process From the Ground Up

BY RENE'E BEASLEY JONES
Staff Writer



SAN DIEGO BUSINESS
JOURNAL

SAN DIEGO, CA
WEEKLY 20,000
NOV 14 2002



Burrelle's
INFORMATION SERVICES

-5978
0xx2..

26

x JL
bc...b

It takes an extraordinarily upbeat person to see the beauty in a ruptured disk.

Meet Stephen Starling, associate professor of supply chain management at the University of San Diego.

As a high school football player being recruited by Top 10 college teams as a tight end and kicker, the 6-foot-3-inch Starling tried to lift 460 pounds in the weight room.

He ruptured a disk.

"I was terrified. For five years, I didn't have full feeling in my legs," Starling says.

Pain made it impossible for him to sit. It grew so intense that toward the end of his undergraduate degree at Arizona State University, he stretched out on classroom floors during lectures.

He now counts that injury as a godsend.

It narrowed his focus: Instead of butting heads on the field while attending college, Starling put heart and soul into academia, earning his doctorate in 1998.

Now, he's in the middle of a dynamic field — supply chain management — that excites him to the point the hair raises on the back of his neck at times.

During the past year, he co-authored one of the world's most authoritative textbooks on the subject — "World Class Supply Management: The Key to Supply Chain Management."

And ideas for other books wait on the sidelines.

Starling came from an academic background. His father, Kenneth Starling, is a world-renowned thermodynamics and gas measurement professor.

"It may sound like (Kenneth Starling) created big shoes to fill, but he never made any of his children ever feel that way," says Stephen Starling. "Someday, I hope to achieve the resiliency of character and peacefulness of mind that my father somehow manages so easily. He is a great man."

Supply Chain What?

The early 1990s gave birth to the discipline of supply chain management, a principle behind just-in-time manufacturing. Before then, schools treated purchasing, logistics and operations — all components of supply chain management — as separate programs.

Supply chain management is new enough that only 16 universities nationwide offer it as a degree program. USD offers a degree in business with an emphasis in supply chain management.

It's not a theory people hear about every day. Even employees in manufacturing plants often look puzzled when they hear the term.

Starling is used to explaining supply chain management to family, friends and acquaintances.

Basically, it's a philosophy that, when practiced correctly, slashes waste, reduces lead times and cuts inventory in business. Manufacturing operations benefit from lean principles, but service companies often carry large amounts of inventory. They, too, benefit from the concept.

When Starling's wife, Pamela, first met him, she had no idea what supply chain management was. Now, the two joke that she has earned an honorary degree from reading so much of his material.

In 1992, the two lived only one block from each other for about a year before they met. Stephen was working on his doctorate at the University of Pittsburgh at the time.

Pamela and her roommates took notice of the nice-looking man they often saw outdoors working on a laptop. Because

laptops were less common in the early 1990s, they dubbed him "computer man."

Pamela jogged by his apartment one day. A friend flagged her over to join a party where she and Stephen met.

Now, she sometimes refers to him as "Mr. Magoo" because he possesses the uncanny ability to come out of impossible situations unscathed.

Stephen says he's always been lucky: "I met (Pamela), after all!"

The Starlings have a new addition to their family. Ava, their 5-month-old daughter, "is far and away my greatest accomplishment to date," Stephen says.

Sopraffino

After the Starlings married and moved to the San Francisco area, Pamela opened a mom-and-pop business, Sopraffino, that sold gift items.

She found supply chain management principles worked for her small business, too.

Her testimonial: Once each week, Pamela woke at 4 a.m. to buy dried flowers from a wholesaler for use at Sopraffino.

The trip disrupted Stephen's sleep and made for a long workday, so he suggested that Pamela order directly from the manufacturer. At first, she didn't think it was possible.

Pamela went online and found buying direct was no problem.

Plus, it was cheaper. She saved 40 percent off the local wholesale price.

Most companies can save 5 percent easily, Stephen says.

"It's low-lying fruit. Many times, it's just some basic ideas about how inventory is

stored and moved or how machines are maintained," he says.

When he tours a facility with students or as a consultant, he looks for fundamental things: inventory build-ups, scrap bins, rework areas and the number of inspectors.

Stephen says: "One of the first things I'll do is pick up a piece of scrap and ask, 'Why do you have this?'"

Snapshot

Title: Associate professor of supply chain management at University of San Diego

Education: Bachelor of science, Arizona State University; master of business administration, Northern Arizona University; doctorate in operations management with a minor in artificial intelligence, University of Pittsburgh

Age: 38

Birthplace: Houston

Residence: San Diego

Family: Wife, Pamela; 5-month-old daughter, Ava

Hobbies: Computer, travel, visiting companies, walking his miniature schnauzer, Sienna, on Fiesta Island, exploring San Diego and the Gaslamp Quarter

Professor Staring

California State University, Hayward Professor Emeritus Bill Gotcher introduced Stephen to the world of supply chain management in 1996.

In fact, Gotcher hired Stephen as his own replacement. Until last year, Stephen taught at Hayward, which is only about 30 miles from Silicon Valley.

Gotcher is self trained in the discipline of supply chain management. He served as Stephen's mentor.

"(Stephen) is doing an outstanding job, and I think he's one of the up-and-coming men in the field," Gotcher says. "In time, he'll be a distinctive leader."

Gotcher approved of Stephen's recent move to USD.

"I would not have left Hayward without his blessing," Stephen says.

USD's program attracted him because it didn't rely on mathematical models. Instead, it offered a humanistic approach to supply chain management. Collaboration and communication are key concepts.

"When you look at supply chains as essentially a constraint-based model, you're very willing to close a factory and move it to Malaysia and lay off hundreds and hundreds of people. We would like to try to work with companies to prevent that from being a possibility," Stephen says.

He excels at relationships, says Rosalind Hall, one of Stephen's former CSU students.

It seems natural he'd gravitate toward a program that focuses more on a humanistic approach, Hall says.

She's seen him work until 2 a.m. with students.

One year, he arranged for more than 20 plant tours. And Hall says Stephen developed contacts throughout the local industrial community, often linking students with jobs and internships.

"He did a better job in many respects than our career placement center," Hall says.

She nabbed a job as project specialist at Philips Semiconductors in Sunnyvale, Calif., through a workshop Stephen arranged at the university.

Hall describes Stephen as an approachable professor. He was younger than many of his students and dressed in shorts, suspenders and Birkenstocks.

Academicians usually strive to make a name for themselves through research and writing, Hall says. Stephen proved to be an exception.

"He always put students' needs first," she says.

Unemployment steady, few hiring sprees predicted

4154
pg 4A

By **TIM COFFEY** **FRONT PAGE**
San Diego Daily Transcript

San Diego County unemployment was unchanged in October, remaining at 4.2 percent despite the creation of 3,000 new jobs.

Regional joblessness should decrease through December as retailers increase staffing for the holiday season, said a local labor analyst. More significant unemployment declines are not expected until the general economy is re-energized.

"Employers probably won't be doing any real major hiring until company earnings

reports start to improve in a major way," said Cheryl Mason with the California Employment Development Department.

Countywide unemployment in October, at 4.2 percent, marked the third straight month at that level. It is the highest rate this year. Unemployment topped 3.7 percent in October 2001.

Comparatively, the California's unemployment rate was 6.2 percent and the nation's was 5.3 percent.

The regional unemployment rate, a measure of payrolls from non-farm enterprises in San Diego County, hovered in the

2 percent range in the technology boom of the late 1990s and early 2000s. As the economy slowed and became less predictable this year, joblessness increased to between 3.9 and 4.2 percent.

A decrease in unemployment means local companies experienced or reasonably expected an increase in revenues to support additional jobs. The opposite effect, an increase in unemployment, would mean business soured and local companies could not retain their employees.

The San Diego economy, a mix of military-dependent businesses, tourism enter-

prises and technology concerns, so far has weathered the general market slowdown well. While the unemployment rate increased here compared to the most recent years, the region has continued to create new jobs. In other areas of the state, unemployment skyrocketed and thousands of jobs were lost each month.

Similar technology hubs such as San Francisco and Santa Clara counties, and to a lesser extent Los Angeles and Orange counties, have all lost jobs in the last 12

See **Unemployment** on 4A

Unemployment

Continued From Page 1A

months ending in October. In particular, San Francisco and Santa Clara lost a combined 62,000 jobs in that time.

San Diego, on the other hand, has gained 21,600 jobs in the last year.

"San Diego County still looks relatively healthy compared to other California counties," Mason said.

In the most recent month, job creations were led by the government sector, where 5,200 teachers and school staffs returned to work from the summer recess. The retail industry increased 100 jobs.

Those gains were trimmed by the 1,500 jobs lost in services, primarily those related to tourism. The declines also included a loss of 300 jobs in both construction and wholesales trade, and an additional 200 lost jobs in transportation and public utilities.

There were no changes in manufacturing, mining, or finance, insurance and real estate.

Aside from the increase in new jobs, the San Diego unemployment rate benefited from a stable technology sector. Local companies have not cut droves of technology workers as happened in the Bay area and pockets of Southern California.

Instead, most San Diego tech firms retained their employees by turning away from the faltering consumer market and focus-

ing on the government customer and the homeland security market.

"They're not letting people go, but rather redirecting them," said Kevin Carroll, executive director of the AeA, a tech industry advocacy group.

However, the technology sector accounts for a small 15 percent of total employment in San Diego County. That leaves many other local employees subject to the pressures of an unpredictable national economy.

The U.S. economy recently showed signs of rebounding and inflation is still minimal, but there are a host of issues that must be worked through before corporate earnings improve.

Accounting scandals, corporate governance concerns, and threats of war, have to eroded consumer confidence to a point that Federal Reserve rate cuts last week are unlikely to have an immediate effect, said Alan Gin, an economics professor at the University of San Diego.

"I think that they will help, but right now the national economy is overwhelmed by a lack of consumer confidence," he said.

If Mason is right, and companies hold off significant hirings until profits improve, Gin isn't holding his breath.

"There's a lot to go through before that happens," he said.

tim.coffey@sddt.com

Source Code: 20021108tbc





Burrelle's
INFORMATION SERVICES

580 .x21a. 26 .d...x QB

Local consumer confidence takes dive as layoffs hit region

By Dean Calbreath
STAFF WRITER

4154

Consumer confidence in San Diego County plunged last month to its lowest point in more than six years, as the layoffs that long plagued the national economy began to show up at local workplaces.

According to a *San Diego Union-Tribune* poll of local consumers, the number of people who felt optimistic about the current economic situation in San Diego dropped 9 percent last month.

That reflects a drop of nearly

13 percent since October 2001, when the public mood still was shaken by the terrorist attacks of Sept. 11.

"These figures mirror what we've been seeing in the national level," said Alan Gin, economics professor at the University of San Diego. "After reaching a local peak in confidence in April, corporate scandals, turnover in the stock market, weakness in the national economy and the threat of war in Iraq have all taken their toll."

One reason for the drop could be a rise in local unem-

ployment. In October, there were about 62,900 jobless people in San Diego, compared with 53,600 a year before. The employment rate of 4.2 percent is still far better than the state and national averages. Some companies have begun to shed workers, notably Ericsson wireless company, which is phasing in 500 job cuts at its local plant.

"It's not a situation like a decade ago, where a big company like General Dynamics would lay off thousands of workers," Gin said. "But there is a slow

deterioration. And when people hear about people that they know being laid off, that can affect their spending habits."

Optimism about the future also is shrinking. Confidence about how the economy will appear in the next six months dropped nearly 19 percent during October, putting it 13 percent below where it had been in October 2001.

When the two numbers are averaged together, the level of consumer confidence is at 83.2, having dropped more than 30 percent from its 12-month high

of 120.1 in April. The last time confidence ranked so low was spring 1996.

"It looks like the mood will be tough at least through the first half of 2003," Gin said. "If we go to war, I'd anticipate that confidence will fall sharply, although a quick victory would give it a good jolt."

Consumer confidence is important to economists since it helps indicate whether consumers are going to be spending money on big-ticket items, such as cars, major appliances and homes. That type of spend-

ing is a key indicator of the health of the economy, since retail sales constitute two-thirds of the gross national product.

Gin said the dip in confidence could presage a disappointing holiday season.

"If it weren't for lower interest rates and the tight housing market, housing prices could also be under pressure here," Gin said. "But the interest and lack of supply can prop up home prices."

Dean Calbreath: (619) 293-1891;
dean.calbreath@uniontrib.com

Things to do

LOOKING AHEAD



• **WALK-ON-WATER COMPETITION:** Kids can see science in action at this competition at the University of San Diego, 5998 Alcalá Park, 10:30 a.m., next Saturday in the school's Aquatic Center. Students race across the pool using self-propelled buoyancy shoes made from wood, fiberglass and other materials. Information (619) 260-4682.

• **CHILDREN'S GARAGE SALE:** How would you like to own one-half of a Mercedes Benz, dimensional art or an airplane? There are all kinds of artsy things being sold for as little as \$.99, 10 a.m. to 2 p.m., next Saturday at the Children's Museum, 200 W. Island Ave., downtown San Diego. Information: (619) 233-8792.

• **HOLIDAY GARDEN OF LIGHTS:** Quail Botanical Gardens is transformed into a dazzling winter wonderland with thousands of sparkling lights illuminating the plants and trees 5 to 9 p.m., Dec. 8-23 and 26-30. Activities include horse-drawn wagon rides, roasting marshmallows, storytelling, and crafts for all ages. Santa will be there, too, at 230 Quail Gardens Drive, Encinitas. Admission: Members \$3, nonmembers \$5, children under 5 free. Information: (760) 436-3036.

• **OLD TOWN:** Holiday in the Park & Old Town Merchants open house is 6 to 9 p.m., Dec. 13 and 14 at 2754 Calhoun St., San Diego. Museums and historic homes are opened and decorated for Christmas. Enjoy songs, entertainment, free refreshments and watch the lighting of the luminarias. Information: (619) 220-5423.

• **SEALS, SEA LIONS and MORE:** Birch Aquarium, 2300 Expedition Way, La Jolla, takes toddlers 4-5 years old on an adventure to La Jolla Shores, 2:30 to 4 p.m., Dec. 19 to learn about hermit crabs, snails, sea hares, mussels, barnacles and sea anemones. Cost: Adults \$12, children \$8. Information: (858) 534-3624.

4154-9.8

Names in the News



Patrick Casinelli



Bob Saltzman



Richard Dachman



Michael Madsen



Sanchez

Los Angeles, CA KANG PROMOTED AT KEARNY

Kearny Real Estate Company announced the promotion of **Hoonie Kang** to Project Manager. Kang will remain based in the Company's Los Angeles office and will be responsible for assisting in the analysis and execution of acquisitions, asset management, and dispositions of properties in the Southern California markets. Kang played an instrumental role in the RFP process for the Los Angeles Air Force Base proposed office campus as well as the acquisition of Heritage Corporate Center.

San Diego, CA CASINELLI APPOINTED ACCOUNT EXECUTIVE

Patrick Casinelli has been appointed by Cavnac & Associates to serve as account executive for the company's Employee Benefits Department, announced Jeffrey Cavnac, CPCU, RPLU, principal of the San Diego-based commercial insurance brokerage firm.

In his new position, Casinelli is charged with overseeing planning and administration of the company's newly-established Employee Benefits Department, which will specialize in providing health insurance and related products to the firm's commercial insurance clients.

Casinelli brings to Cavnac & Associates more than 13 years of experience in the employee benefits profession. Most recently, he served two years as vice president and chief operating officer for Casinelli Finan-

cial, Inc. During his tenure with the company, Casinelli oversaw daily operations, designed and implemented marketing plans, and consulted directly with 360 individual clients. Previous experience includes having served as the regional sales manager for Humana, Inc.; employee benefits manager for New York Life; regional sales manager for CIGNA; and employee benefits manager for Lincoln National Life.

Casinelli received his Bachelor of Arts degree in business administration from the University of San Diego. He earned his associates in arts degree in general education from Santa Barbara City College. Community involvement includes the Carlsbad Boys and Girls Club, for which Casinelli serves as president proTem; and the Carlsbad Hi-Noon Rotary, for which he serves as treasurer.

SANCHEZ JOINS TUCKER SADLER NOBLE CASTRO

Angel Sanchez has joined Tucker Sadler Noble Castro Architects as CAD manager, announced Robert L. Noble, CEO and design principal of the San Diego-based architectural firm.

In his new position, Sanchez is working on the design for various projects, primarily school construction. Additionally, he is charged with keeping all computer workstations running properly, including maintaining the computers and troubleshooting when a problem arises.

Sanchez brings to Tucker Sadler Noble Castro Architects four years of experience in the architectural field. Most recently, he served as a draftsman at NTD Architects, where he was responsible for designing school projects and creating 3-D models for presentations. Previous experience includes having served as a designer at RDA Civil Engineers in Dallas, Texas and a technician at Axxys Technology, also in Dallas, Texas.

Sanchez received his associate degree in computer-aided science at ITT Technical Institute in Garland, TX.

Other training includes courses in Novell, Windows and technology.

SALTZMAN APPOINTED V.P.

Bob Saltzman has joined Colliers International as Vice President, announced Jim Zimsky, Managing Director of the commercial real estate company.

A seventeen-year commercial real estate veteran, Saltzman is a leasing and sales specialist, focusing on industrial and office properties as well as land. Prior to joining the Carlsbad office of Colliers International, he was a top producer at Lee & Associates where he was honored as Associate of the Year in 2001. Other career experience includes serving 13 years as a Vice President and top producer with CB Commercial Real Estate in North San Diego County.

Saltzman received his Bachelor of Science degree in Business Management from Florida State University.

Woodland Hills, CA WARE MALCOMB ANNOUNCE PROMOTIONS & ADDITIONS

Ware Malcomb announced the promotions of **Richard Dachman**, AIA to Senior Project Architect and **Michael Madsen** to Project Manager in their Healthcare Group, as well as the hiring of Reyna Ramirez as Job Captain. Dachman, a licensed architect in the state of California, has over 20 years of experience in the architecture and design industry and joined the firm in 2001. He received his Master of Architecture from Carnegie Mellon University and a Bachelor of Arts in Physics from Kenyon College. In his new role as Senior Project Architect, Dachman oversee all healthcare projects in the Woodland Hills portfolio as well as Science & Technology projects completed by the office.

Madsen has over 20 years of experience in the architecture and design industry and has extensive experience in commercial, industrial, educational and healthcare architecture. He received his Bachelor of Architecture degree from Southern California

WREN/WESTERN REAL ESTATE NEWS

SAN FRANCISCO, CA
SEMI-MONTHLY 22,000
OCT 15 2002

Institute of Architecture in Santa Monica, CA. In his new role as Project Manager, Madsen will take the lead in managing the offices of various healthcare projects.

In addition, Ware Malcomb announced the hiring of **Reyna Ramirez** as Job Captain for the Healthcare and Commercial Groups. Ramirez has 7 years of experience in architecture and received her Bachelors of Architecture from the University of Guadalajara in 1994. In her role as Job Captain, Ramirez will assist in the design and production of projects, expedite agency processes, and administer quality control and assurance procedures.

Las Vegas, NV GENTLEMAN PROMOTED

Silver State Bank has named **Gina Gentleman** Assistant Vice President/ Commercial Lender for the banks branch located at 170 S. Rainbow Blvd. in Las Vegas.

In her new position, Gentleman is responsible for financing small to mid-size businesses in Las Vegas. Prior to joining Silver State Bank, Gentleman served as the Assistant Vice President/ Relationship Manager at Wells Fargo. There she was responsible for maintaining and developing banking relationships. Previously, she was the Assistant Vice President/ Account Relationship Manager for First Security Bank.

Gentleman earned her bachelor's degree in Business Administration from the University of Southern California. She received the USC Outstanding Student Award during her studies. In addition, Gentleman is the Secretary/Treasurer for the Nevada Chapter of the Arthritis Foundation, a member of the Las Vegas Chamber of Commerce and a member of the Las Vegas Chapter of the U.S.C Alumni Association.

Seattle, WA DPR STRENGTHENS WITH AAROE AND TWO ADDITIONS

DPR Construction, Inc. continues to

1.9 F

Institute for Peace and Justice

U.S. Arms Pipeline Flows to Gulf Arabs

Bush administration policy for securing allies in the region ahead of a possible war on Iraq includes facilitating high-tech weapons sales, analysts say.

By **TONY PERRY**
Times Staff Writer

MUSCAT, Oman — A strong if silent supporter of the United States for three decades, the sultan who rules this Persian Gulf nation has become a major beneficiary of a Bush administration policy to let friendly nations in the region buy billions of dollars of high-tech American weaponry.

As the U.S. shops for allies willing to assist in its war on terrorism — including a possible attack on Iraq — the administration is employing a time-honored strategy of using weapons sales as an inducement, analysts say.

Oman, Kuwait, Bahrain, the United Arab Emirates, Egypt and Saudi Arabia — all countries where the U.S. has military forces — have been given approval for major arms purchases. In some cases, the purchase requests had been stalled for years.

Qatar, where the U.S. bases

refueling and transport planes and has built a command-and-control center for a possible air war against Iraq, is developing a "shopping list."

As an unspoken quid pro quo, Persian Gulf "host" nations are expected by most analysts — and many U.S. officials — to permit the American military continued use of bases within their boundaries even if the U.S. strikes a fellow Arab country such as Iraq.

In Oman, a Kansas-sized nation of 2.5 million people wedged into the Arabian Peninsula, Sultan Kaboo ibn Said has long allowed the U.S. to base P-3 surveillance planes and AC-130 gunships at three airfields. The U.S. Air Force stores tons of gear at bases here, ready to be immediately sent into a war zone.

One thing the sultan does not do is speak publicly of his long and close ties to Washington.

The sultan's reticence, while more extreme than most, is in keeping with a general policy among Gulf nations to barely acknowledge the presence of U.S. forces.

"The higher the profile of U.S. troops, the easier it is for domestic Islamic activists, as well as Iran and Iraq, to challenge local governments by exploiting nationalistic and religious resentments over what is interpreted by some as foreign encroachment," said Joseph Moynihan, a

'The reason Iraq has the ability to fight us now is because we furnished weapons to it to fight Iran in the 1980s.'

Joyce Neu, University of San Diego

Middle East expert at the Emirates Center for Strategic Studies and Research in Abu Dhabi, the United Arab Emirates.

Although it has been U.S. policy since the 1991 Persian Gulf War to help countries in the region upgrade their military, the program kicked into high gear after the Sept. 11 attacks. A fast-track process has been established to consider such purchases.

Bahrain, home to the U.S. Navy's 5th Fleet, is buying upgraded radar and advanced missiles. Bush has declared the island nation a "major non-NATO ally," which will speed further purchases.

Kuwait, from which the U.S. could launch a ground offensive against Iraq, is buying 400 Hellfire missiles and 16 Apache Longbow attack helicopters. The Apache purchase has been pending since 1994 amid concern in Washington about whether the Kuwaitis needed such advanced firepower. Now it is expected to be completed around year's end.

The United Arab Emirates, which allows U.S. warplanes to use its airfields, is buying 80 Lockheed Martin F-16 Fighting Falcon jet fighters to be fitted with electronic gear to jam enemy radar.

Oman is buying 12 Fighting Falcons for its small air force; laser-guided bombs; Harpoon, Maverick and HARM missiles; and technology that can turn a "dumb" bomb into a precision-guided weapon. The deal is expected to top \$1 billion.

Rachel Stohl, senior analyst with the Washington-based Center for Defense Information, which is often critical of military spending, has warned that "these sales are just the tip of the iceberg. After the Gulf War, arms sales to the Middle East skyrocketed."

Scholars who study such sales and their impact on regional conflicts are divided about whether the U.S. policy will increase stability in the Gulf or make future wars virtually inevitable.

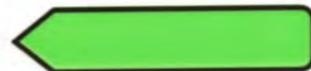
Joyce Neu, executive director

LOS ANGELES TIMES
(NATIONAL EDITION)

LOS ANGELES, CA
FRIDAY 20,000
NOV 15 2002

LOS ANGELES TIMES

LOS ANGELES, CA
FRIDAY 1,058,494
NOV 15 2002



of the Joan B. Kroc Institute for Peace and Justice at the University of San Diego, said the policy is shortsighted and makes the U.S. vulnerable to wars in which it could face an adversary armed with American weapons.

"The reason Iraq has the ability to fight us now is because we furnished weapons to it to fight Iran in the 1980s," Neu said. "We need to reward coalition partners, but there are other, more benign ways to do it: trade partnerships, economic enticements and such things as educational, cultural and technical exchanges."

Peter Cowhey, dean of the graduate school of international relations and Pacific studies at UC San Diego, disagrees. Arms sales give the U.S. more influence over the purchaser's foreign policy because modern military hardware requires upgrades, repairs and maintenance, and that means continued contact with the sellers, he argues.

"The nature of international security relations is that benefits rarely come without risks," Cowhey said. "Of course, one could say that we should simply encourage regions to abstain from new armaments. But the problem here is that there are other major suppliers of military technology" from which Gulf nations could buy.

Sultan Kaboos is known in diplomatic and military planning circles as one of the United States' strongest and least demanding friends.

After deposing his father in 1970, the sultan launched a slow but steady modernization drive with U.S. backing aimed at erasing his father's legacy of isolation and bankruptcy.

Educated at Britain's Sandhurst Military Academy, Kaboos backed the 1979 Camp David accord between Egypt and Israel, brokered by President Carter. Oman was one of only three Arab countries that did not break ties with Egypt over the pact. The sultan has spoken of the need for rapprochement with Israel.

Grateful for his support, the U.S. has an informal agreement to protect Oman.

With Washington urging Gulf nations to think cooperatively about security matters and drop their go-it-alone approach, the sultan took a lead in urging the 1981 formation of the Gulf Cooperation Council. He pressed the council to form a joint military unit to help rein in Iran and Iraq. Oman stares at Iran across



Associated Press.

Sultan Kaboos ibn Said, the ruler of Oman, is reticent about his strong ties with the U.S.

the Strait of Hormuz, through which tankers carrying much of the world's oil must pass.

Although treaties and diplomacy have brought it peace, Oman has had past conflicts with most of its neighbors and fought a war with Marxist rebels in a remote province.

Concern about security runs deep in Omani society. The nation built hundreds of forts to repel invaders from the sea during centuries of trade wars with European powers.

"The sultan is wise times 1,000," said one Omani when asked about the purchase of advanced U.S. military hardware. "His majesty knows that Oman will have security only if we are strong."

But this is also a nation attempting to fund social programs to avoid political unrest among the poor. Although it is trying to diversify its economy, Oman is still dependent on its relatively small reserves of oil and natural gas.

After watching U.S. success in Afghanistan, the Omani shopping list was clear. Reluctant to increase the size of its 45,000-member armed forces, it wanted only the best weapons.

"There is a philosophy by his majesty that it is not important the quantity, but rather the quality that matters," said Abdullah ibn Shuwain al Hosni, undersecretary in the Ministry of Information. "It does not matter how many thousands are in your army, but the quality of those armies."

San Diego World Trade Center celebrates 25 years of service at annual awards gala

Source: San Diego World Trade Center

San Diego World Trade Center triumphantly celebrates its 25th Anniversary — its *Silver Jubilee* — at the 25th Annual Awards Gala on Thursday, Nov. 14, 2002 from 6 p.m. to 9 p.m. at the newly constructed Joan B. Kroc Institute for Peace & Justice, University of San Diego. This year



Carr

SDWTC will hold its *Silver Jubilee* to commemorate 25 years of committed service to the development and expansion of San Diego's international marketplace.

SDWTC board, staff and past presidents will be joined by video greetings from WTCs around the world and World Trade Centers Association President and Founder Guy Tozzoli from New York to show solidarity for a future of international peace and prosperity. This year's unique celebratory awards gala will feature a hosted cocktail reception with festive hors d'oeuvres, a deca-

dent SDWTC birthday cake and captivating awards ceremony.

The awards ceremony, led by master of ceremonies Reo Carr, editor in chief of the *San Diego Daily Transcript*, will recognize companies and/or individuals who have made a substantial impact on trade by best fulfilling the goals and expectations of each category.

SDWTC will present awards in the following categories:

Exporter of the Year for the San Diego Region: A company or individual having significantly contributed to exports from San Diego County. *Sponsored by **Pulse**.

Importer of the Year: A company or individual having significantly contributed to imports in San Diego County. *Sponsored by **City National Bank**.

Service Organization of the Year: A service provider such as a bank, freight forwarder, insurer, attorney, accounting firm, custom broker, educational institution or other organization that has significantly provided the San Diego county business community with assistance in international trade.

Special Recognition Awards:

William H. Curran Distinguished Service Award: An individual who has significantly contributed to the development of SDWTC by exemplifying and promoting the goals of the organization. *Sponsored by **United Parcel Service**.

International Business Leadership Award: A business leader holding an executive position in private industry within San Diego County who has served as a role model in the international community. *Sponsored by Charles Robins.

Essence of World Trade Award: An individual or corporation who, by high standards of integrity in business practices, promotes global understanding and international commerce, and thereby world peace. *Sponsored by **Ledford Enterprises**.

Lifetime Recognition Award honoring the late John Howard Norton.

Bill Ivans International Trade Award

The award winners will be chosen by a group of distinguished international business leaders. The judges include: Abigail Barrow, managing director, The Von Leibig Center - Jacobs School of Engineering, UCSD; Edward Fahlen, senior vice president, **Union Bank of California**; Cindy Gompper-Graves, program manager, Office of Trade & Business Development, County of San Diego;

Patrick Martin, partner, International Practice Group, **Procopio Cory Hargreaves & Savitch**; and Tyler Orion, president and CEO, San Diego Regional Technology Alliance.

Last year's award winners include Robert P. Akins, **Cymer Inc.**; Bruce Wald, **LH Systems LLC**; Gilbert A. Partida, **PriceSmart Inc.**; Charles Robins; **Nuera Communications**; Sony Technology Center-San Diego; **Harborside Refrigerated Services Inc.**; **LandGrant Development Corp.**; and **Quantified Systems Inc.**

The event is sponsored by the following: Gold Sponsor — Port of San Diego; Media Sponsor — *San Diego Daily Transcript*; Reception Sponsors — **NCG Porter Novelli**, **Sempre Energy**, Sony Technology Center-San Diego and The University Club, including the Award Sponsors already listed. Cooperating organizations include the U.S. Department of Commerce and the University of San Diego.

Corporate Sponsors include: **Cubic Transportation Systems Inc.**, **Frontier Trading Inc.**, **Gerber**, **RSM McGladrey**, San Diego Regional Chamber of Commerce, University of San Diego, **U.S. Bank**, **Cange International Inc.**, **Comerica Bank.**

See Annual awards on 4C

**SAN DIEGO DAILY
TRANSCRIPT**

SAN DIEGO, CA
THURSDAY 15,000
NOV 7 2002

Annual awards

Continued From Page 2C

International Inc., Comerica Bank, SBDITC and Union Bank of California.

Registration is requested by Nov. 11. Individual tickets are \$95 for members and \$125 for nonmembers. Tickets include hosted cocktail reception and awards ceremony. Corporate sponsorships are also available at the rates of \$900 for 10 tickets and \$550 for 6 tickets. Corporate sponsorship includes entrance into the cocktail reception,

VIP seating for the awards ceremony and inclusion in event program, signage and Web site.

(The fair market value of this event is covered by ticket sales. As an association, your contribution may be used as a business deduction, but not a personal deduction for charity purposes.)

For information or to RSVP, contact Alexandra Wong, director of marketing, Communications and Programs, at (619) 615-0876, ext. 109, or achat@sdwtc.org.

School of Law

NORWICH BULLETIN

NORWICH, CT
TUESDAY 33,000
NOV 26 2002

REPUBLICAN-AMERICAN

WATERBURY, CT
TUESDAY 61,000
NOV 26 2002

CONNECTICUT POST

BRIDGEPORT, CT
TUESDAY 77,679
NOV 26 2002

Red Sox go with a youthful GM

4154 San Diego U.

By JIMMY GOLEN
Associated Press

BOSTON — It's no wonder the Boston Red Sox are so comfortable putting the team in the hands of 28-year-old Theo Epstein. After all, the New York Yankees won three World Series after they hired the youngest general manager in the major leagues.

The Red Sox made Epstein the youngest GM in big league history on Monday, giving the local boy wonder a promotion and hoping he can lead the team to its first World Series title since 1918.

"We're going to become a championship organization," he said at a news conference at Fenway Park, about a mile from where he was raised. "We're going to win a World Series."

Much has been made of Epstein's age — the joke on talk radio is that he can be a San Francisco Giants bat boy when he grows up — but the only difference between him



Epstein

and previous Boston GMs is the era in which the Red Sox first broke their hearts.

It's now 84 seasons since the Red Sox last won it all, a fact not lost on Epstein. He moved to the area at the age of 4½ in 1978 — "the Bucky Dent year," he noted, though no one around here really needs reminding.

"I was a Red Sox fan from Day 1," said Epstein, who is the 11th GM since the club's first was hired in 1933. "Growing up in New England, you never lose the Red Sox from your blood. Being here, being general manager of this club, it just feels right."

The Red Sox had been without a permanent general manager since Florida financier John W. Henry

See EPSTEIN, C3

Epstein

FROM C1

bought the team in spring training and fired Dan Duquette. Mike Port was the interim GM during the season and a candidate for the long-term job; he has been invited to remain as vice president of baseball operations but has not decided whether to accept.

Former Philadelphia Phillies general manager Lee Thomas, who had been a special assistant under Port, has also been asked to stay on, with expanded duties. Former Detroit Tigers GM Bill Lajoie could also be asked aboard as the Red Sox try to supplement Epstein's brains and exuberance with more experienced hands — an organizational structure the Yankees used to ease Brian Cashman into the top job there.

"I definitely see a similarity," said Red Sox president Larry Lucchino, who has nurtured Epstein at three major league or-

ganizations. "But it's not just a Yankees model, it's the kind of baseball braintrust they're using in Oakland and other places."

Lucchino was running the show in Baltimore when Epstein came on as an intern, and he followed Lucchino to the San Diego Padres. Epstein spent two years in San Diego's media relations department, two as a baseball operations assistant and became the Padres' director of baseball operations after his graduation in 2000.

Still, his heart was with the Red Sox. And when the group headed by Henry and TV producer Tom Werner bought the team in February and put Lucchino in charge, Epstein came in as assistant GM.

He toiled at Port's side this year, representing the club at the general managers' meetings and even negotiating with Oakland over compensation when it appeared

that Athletics GM Billy Beane would take the Boston job. Beane backed out, citing family reasons, and joined in the chorus of those recommending Epstein for the job.

Last week, without ever interviewing Epstein or even acknowledging he was being considered, Lucchino began to focus on the candidate right in front of him.

"We're aware that as a public relations matter there are safer choices. But Theo is someone who is ready for this job," Lucchino said. "Theo is young, but he's older than he was when the process started."

With that, Epstein became the newest of baseball's new breed. Epstein is 34 days shy of his 29th birthday; Randy Smith was 29, six days short of his 30th birthday, when he was hired by the San Diego

Padres in 1993.

"Irrespective of his age, we are confident Theo is among the best and the brightest in baseball," Werner said. "We believe that the team he'll assemble will achieve results for which we so yearn."

Epstein takes over a team that had baseball's second-highest payroll last year, more than \$110 million. The Red Sox finished second in the AL East at 93-69, 10½ games behind the New York Yankees and six games behind Anaheim for the AL wild card.

"I grew up second-guessing Red Sox general managers," Epstein said. "I guess now I'll be second-guessing myself."

HOUR

NORWALK, CT
TUESDAY 20,000
NOV 26 2002

RECORD - JOURNAL

MERIDEN, CT
TUESDAY 29,000
NOV 26 2002

NORTH ADAMS TRANSCRIPT

NORTH ADAMS, MA
SATURDAY 9,638
NOV 30 2002

NAME: Theo Epstein.
AGE-BIRTH DATE: 28, Dec. 29, 1973.

EDUCATION: Bachelor's degree, Yale University; law degree, University of San Diego.

EXPERIENCE: Assistant GM, Red Sox (March 24, 2002); San Diego Padres (1995-2002); Baltimore Orioles (1992-1994).

FAMILY: Single.

QUOTE: "The Red Sox are very much in my blood, which makes this, standing here today as the new general manager of this club, a humbling experience."



BOSTON GLOBE

BOSTON, MA
TUESDAY 467, 217
NOV 26 2002

SCRANTON TIMES

SCRANTON, PA
TUESDAY 33, 057
NOV 26 2002

GLOBE STAFF PHOTO/JIM DAVIS

Red Sox are gambling that, as general manager, 28-year-old Theo Epstein presents the best chance of leading the franchise to championship glory.

Kid around if you will — this is no joke

4154 JMW of San Diego

DAN SHAUGHNESSY



One of my sisters got married at the age of 19, three months shy of her 20th birthday. To her dying day, my mother insisted that Joan was "almost 20" when she married. Mom thought "almost 20" sounded better than 19.

And so yesterday Red Sox CEO Larry Lucchino kept insisting that "age is an arbitrary matter," when discussing the merits of new general manager Theo Epstein.

Epstein is *28 years old*, but Larry insisted Theo is "almost 29" (Dec. 29). That's, like, almost 30, right?

It sounds like a Bill Veeck stunt, like sending midget Eddie Gaedel up to the plate as a pinch hitter. Come to think of it, wasn't there a movie like this — little kid inherits Minnesota Twins from grandfather and makes himself manager?

Jokes abound . . . The Sox are having "The Discovery Channel" piped into their executive offices . . . Theo can't be on

"Sports Final" because it's after his bedtime . . . Epstein gets to throw out the first ball at Fenway's annual Kids Opening Day . . . He's looking forward to someday watching "Thirtysomething" re-runs . . . Theo's favorite Red Sox player is Wally the Green Monster.

A clever WEEI Whiner Liner yesterday said that Lucchino now has a bumper sticker on his car that reads, "My GM was Student of the Month at Brookline High School."

Theo's still too young to run for president, but at least he's able to rent a car and he can get into a saloon if he uses his ID.

He's also left the nest where he grew up in Brookline.

"I was there for about two days when I first came back to work here," Epstein said. "When my mom told me to put on my hat and gloves when I went outside, I knew it was time to get my own place."

The hiring of Epstein reflects an industrywide trend. Card-carrying members of Gammons Youth are officially tak-

SHAUGHNESSY, Page F6

Kid if you will; this is no joke

► **SHAUGHNESSY**
Continued from Page F1

ing over the game, and Theo is their new poster child.

Lucchino acknowledged, "I think there will be a little heat about his age, yeah. But this is not about public relations."

Good. Epstein's age makes for easy punch lines and adds pressure to an already high-profile position, but this intelligent young man seems serious and capable. And when you come right down to it, this is only baseball. John F. Kennedy was 26 when the Japanese cut his boat in half in the Solomon Islands in 1943. Wolfgang Amadeus Mozart wrote his first symphony when he was 8. Theo probably can make the call on Dustin Hermanson.

Taking over the Red Sox makes Epstein the Matt Damon/Ben Affleck of Boston baseball.

Like Mike Wallace, Richard Goodwin, Mike Dukakis, Robert Kraft, and Eddie Andelman, Epstein graduated from Brookline High. Then it was on to Yale. During his freshman year, he wrote a letter to alumnus Calvin Hill, the former Dallas Cowboys running back who was then a vice president with the Orioles. Hill showed the letter to Dr. Charles Steinberg, who was running the public relations department for the Orioles. Ever on the lookout for young people with talent, Steinberg hired Epstein as an intern.

"I was just hungry for a writer," said Steinberg. "Then you find he's a thinker, a compassionate person with social interest."

After graduating from Yale, Epstein went to the San Diego Padres with Lucchino and Steinberg. At their request, he got a law degree from the University of San Diego. Young Theo already was being groomed for bigger things.

There's some interesting lineage and a looping circle here. Thomas Yawkey was a 30-year-old Yale graduate when he brought the Red Sox in 1933. The best player in Sox history was Ted Williams, who grew up in San Diego. In 1996, Williams confirmed that it was an Epstein cousin who coined the nickname "Teddy Ballgame." And now Theo, a young man of Jewish faith, is general manager of a franchise that — under the Yawkey reign — was slow to recognize blacks and Jews for many decades.

"We are not your father's Oldsmobile," Lucchino said. "We're willing to try a new approach, [someone] who has a comfort with change and new ideas."

Epstein grew up a mile from Fenway Park.

"The Red Sox are very much in my blood," he said. "I grew up second-guessing Red Sox general managers. There's a certain familiarity. Being a Red Sox fan is different."

The baby bull GM said he hopes to build "a scouting and player development machine" He also said words that never passed the lips of Dan Duquette: "I'm not standing here thinking I have all the answers."

Theo Epstein gets it. He gets us. When he gave his blessing to manager Grady Little, he said, "He is the manager of this nine."

That's Joe Morgan 101. Epstein is smart and savvy enough to know the catchphrases of Red Sox Nation. He boldly predicted the Sox will win a championship during his reign, but we need to remember that Theo has a lot more time to go than many of us.

After all, he is only 28. *Twenty-eight.*

When he was 28, Lucchino was working with Hillary Clinton on the Richard Nixon impeachment inquiry. Lou Gorman at the age of 28 was on an aircraft carrier off the coast of Korea.

"But," cautioned Lou, "that might haven been safer than being general manager of the Red Sox. I'd say this is probably the toughest job in the game because of the media pressure and the fans' expectations."

Lou knows. Theo knows, too. The Red Sox are taking a bit of a gamble here, but it's bold and daring and makes them even more interesting than they were yesterday.

Dan Shaughnessy is a Globe columnist. His e-mail address is dshaughnessy@globe.com.

BOSTON HERALD

BOSTON, MA
TUESDAY 262,972
NOV 26 2002



Burrelles
INFORMATION SERVICES

25
.x21a. 6 .a...X QR

HARTFORD COURANT

HARTFORD, CT
TUESDAY 202,914
NOV 26 2002

Sox look to Boy Wonder

#154 Univ of San Diego
By MICHAEL SILVERMAN

FRONT PAGE

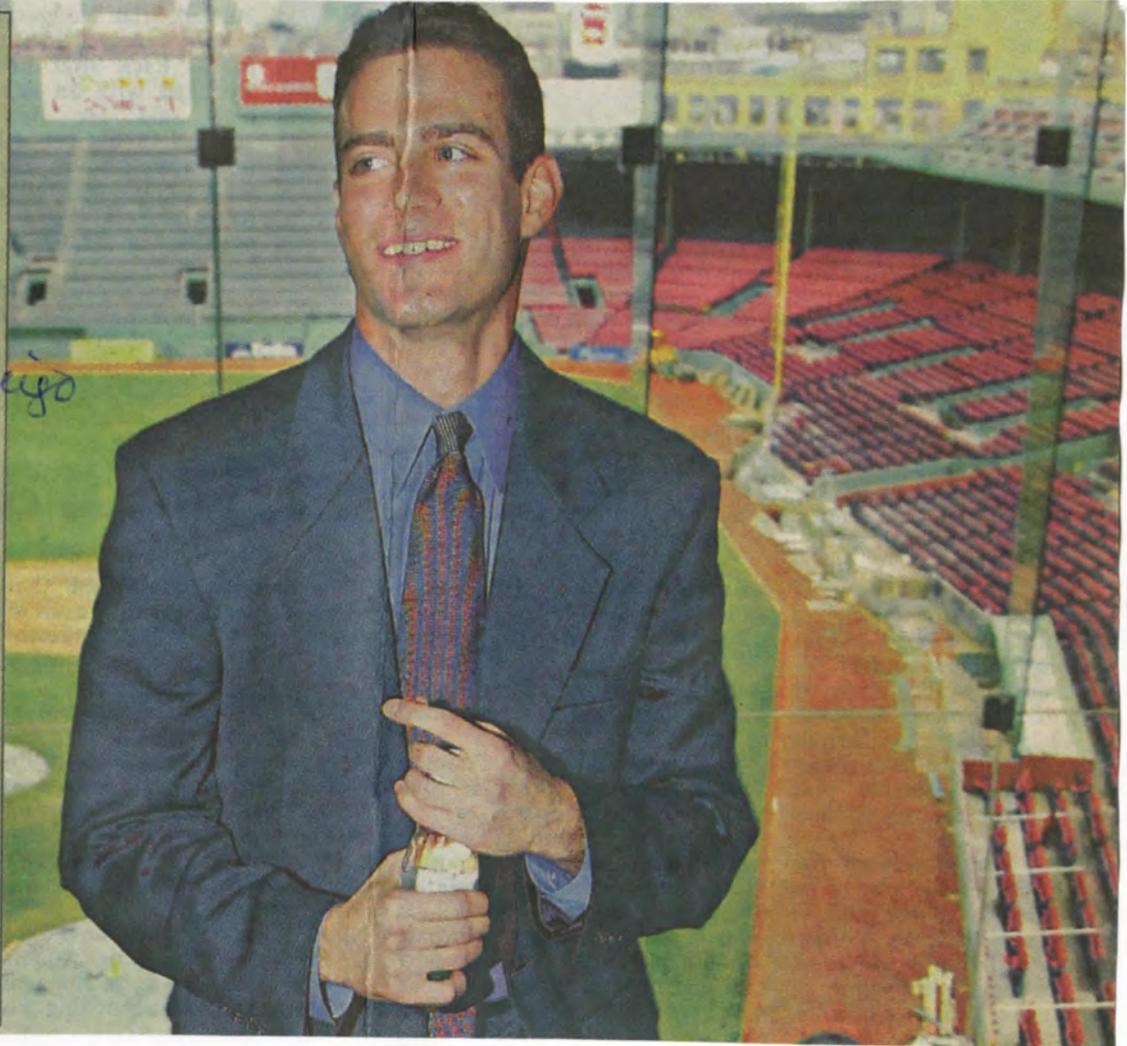
As Rick and Louis Renault walk off at the end of "Casablanca," Rick tells Renault, "Louis, I think this is the beginning of a beautiful friendship."

Red Sox fans can only hope that those classic parting words serve as a perfectly apt introduction to their newest Red Sox general manager, Theo Epstein.

Given that it was Epstein's paternal grandfather, Philip, and his twin brother Julius, who wrote those words for their "Casablanca" script more than 60 years ago, perhaps the Red Sox stand a fighting chance that Epstein can

Turn to Page 78

NEW GM: Theo Epstein meets the press at Fenway yesterday.



oversee his own masterpiece. After all, the Epstein brothers were 31 when they wrote theirs. Epstein is just 28. As happy endings go, Epstein's, and the Red Sox, may be just beginning.

"From the beginning, when we found out that Theo could get the job, there was a mixture of apprehension, pride and joy," said Epstein's father, Leslie, head of the creative writing department at Boston University. "As time's gone by, we've become more comfortable, and as he seemed to want the position more and more, we changed with him."

The Epstein family could not have been more overjoyed at the sights and sounds of Theo Epstein accepting his job at Fenway Park yesterday. There is still some apprehension at the pressures he will inevitably face, but like Theo Epstein, the entire family exudes a calm confidence that he will succeed.

"I never doubted that Theo was going to be extremely successful in his life," said his mother, Ilene, who along with her husband watched the press conference on TV. "I just never imagined that he would become the youngest-ever general manager. The proportions of this are a bit surreal. At the moment, we're enjoying this, but we're a bit anxious how it's going to work out. I saw Larry Lucchino come on (before Theo), and he sounded so smart and smooth like he always does, and then my son came on, and I thought, 'He's just as good.'"

Ready for the show

Epstein knows he is in for as much of the limelight as he can handle in the coming weeks, months and years. He sounds as ready as he could be for all the changes ahead.

"I can keep a low profile," said Epstein, who turns 29 on Dec. 29. "I'm pretty good at it, but I'm ready to lose some privacy and get the attention and the scrutiny."

Epstein does not look a day older than he is, yet there is enough of a steely eyed force about him to lend gravitas to his recognizable and formidable intellect. No conversation about him leaves out his smarts, whether one is talking to family, friends or associates.

Said Theo's father: "He's the smartest person I've ever known, and I've been in the academic life for a long time. Far and away he has the smarts and the maturity beyond his years. He has a gift for getting along with people."

Just from talking to him, it is clear that Epstein knows his baseball and has passion for it. Yet he is not one-dimensional.

Since returning to Boston from San Diego, where he was first hired by Larry Lucchino and held various jobs with the Padres, he has resumed playing soccer with twin brother, Paul, in the Bay State Soccer adult league. The twins still jump the fence at Northeastern to kick field goals, according to Paul.

Theo Epstein is an avid Pearl Jam fan and in the last two years he began taking guitar lessons. Recently, he and some friends created the rock band "Trauser," a convenient outlet for his rock-and-roll needs. This morning, there could be some folks living nearby who did not sleep last night as Epstein celebrated.

"I might have to plug in my Fender Strat and bother my neighbors," Epstein said.

Paul Epstein, a social worker at Brookline High School, laughs at the mention of his brother's guitar-playing.

"If you ever interview him when he's playing guitar, bring some earplugs," he said. "I'm not musically inclined and neither is Theo."

All in the family

Epstein is close with his family. He also has a sister, Anya, 32, who resides in Manhattan and used to write and help produce the TV show, "Homicide, Life on the Street." The

family moved to Brookline when the Epstein brothers were 4 so that Leslie Epstein could take the BU job. Theo Epstein's father grew up in Hollywood — "He dated Jane Fonda once," Epstein offered — where he cultivated a taste for underdogs.

Naturally enough, that led to the family's devotion to the Red Sox.

"Rooting for the Yankees was like rooting for U.S. Steel, or now it would be like rooting for Microsoft," said Leslie Epstein, who noticed that Theo was suited for baseball from an early age, based by the "disgraceful amount of time we spent watching sports."

"Once, when he was around 9, we were lying around watching a Red Sox game on TV and he said to me, 'Dad, that center fielder better move three steps to his left,'" Leslie Epstein said. "Then the next thing you know, the batter hits a line drive that just eludes the center fielder. This kid has a feel for the game."

Mark Piken, who coached Epstein in a Brookline baseball youth league before high school, remembered Epstein as being, "very small, but on top of being exceptionally bright, he was a vicious competitor. He had wonderful instincts. He was smarter than the

other kids, and he tried harder than everyone else."

Early on, Theo told his father, "Dad, when I'm your age, if my life isn't spent in sports, I'm going to be disappointed," Leslie Epstein said.

Epstein is expected at his parents' Brookline residence no later than Thursday for Thanksgiving dinner.

"We desperately want to see him and give him a big hug and kiss," Ilene Epstein said. "I can't wait to get my hands on him."

Quickly on the rise

Epstein's career in baseball has been fast-tracked ever since Dr. Charles Steinberg, currently a Red Sox vice president, was handed Epstein's resume in 1992, when Steinberg was with the Orioles. Epstein was a freshman at Yale and was looking for an internship in Baltimore.

"I was immediately struck that this was not your average intern," Steinberg said yesterday at Fenway. "As great as he was as a writer — he had written for the Yale Daily News — he also had an enormous knowledge of baseball, plus he had a vast knowledge of the

Negro Leagues. He was very concerned that there were so many aging Negro Leaguers who were not well off, and this was bothering him. He reflected an ache."

To soothe and challenge Epstein, Steinberg asked him to sit down with some Baltimore Negro Leaguers and develop a plan to help them. Epstein soon returned with a "brilliant written proposal for an elaborate fundraiser." Steinberg was impressed but asked him to hold off a year and make it coincide with the 1993 All-Star Game, which was held in Baltimore. Epstein oversaw the whole production, a big success and one that most likely helped Negro League great Leon Day reach election to the Hall of Fame.

Epstein followed Steinberg and Lucchino to San Diego, where Steinberg urged him to get a law degree so he would never have to rely on others.

"You knew this guy was off the charts," Steinberg said. "You knew he was going to be GM and there was an outside chance that he was going to go all the way, I mean, becoming the commissioner."

Commissioner Epstein?

That could take awhile. Maybe by the time he's 40.

MIKE Z...



BROOKLINE HIGH YEARBOOK PHOTO

EARLY ROOTS: New Sox GM Theo Epstein can say he has played the game. Here he's pictured in the middle row, on the far left, in his senior year baseball photo.



BROOKLINE HIGH YEARBOOK PHOTO

BIG-LEAGUE MATERIAL: Theo Epstein in 1991, a year before starting his baseball career as an intern with the Orioles.



BROOKLINE HIGH YEARBOOK PHOTO

FAMILY FIRST: Theo's twin, Paul, says of his brother's guitar-playing: "I'm not musically inclined and neither is Theo."

The Theo Epstein file

Position: General manager, Red Sox
Age: 28
Born: New York City
Residence: Brookline
Career



EPSTEIN

Experience: Began baseball career as Orioles intern in 1992 while

attending Yale. ... Masterminded Negro Leagues tribute at 1993 All-Star Game in Baltimore. ... Helped establish scholarship program for Baltimore youth. ... Worked in public relations and media affairs departments of Orioles and, after 1995, in San Diego. ... Helped run music, public-address and scoreboard systems for Padres. ... Joined Padres baseball operations staff in 1997. ... Former director of baseball operations for Padres.

Personal: Played shortstop and pitcher in Little League and high school. ...

Played soccer from early age, still plays in Bay State Soccer League. ... Big Pearl Jam fan. ... Taking guitar lessons for last two years. ... Member of rock band, Trauser (with an umlaut over the "u"). ... Grandfather and great-uncle were twins who worked for Warner Brothers and co-wrote "Casablanca" and "Pillow Talk" ... Father, Leslie, is an author who heads the creative writing department at Boston University. ... Has twin brother, Paul, a social worker. ... Mother, Ilene, runs a small business and is a twin herself. ... Older sister Anya, writes and produces for television.

Education: Brookline High School, 1991; Yale University, 1995; University of San Diego Law School, 2000.

The skinny: In baseball circles, Epstein becoming a GM was a matter of when, not if. ... Soft-spoken consensus-builder known for his baseball and non-baseball smarts. ... Big believer in on-base percentage as key offensive trait. ... Known for creative, outside-of-box thinking when comes to trades. ... Close friends with Oakland GM Billy Beane and San Diego GM Kevin Towers. ... Worked with Red Sox president Larry Lucchino for nearly a dozen years. ... Turns 29 on Dec. 29.

Sox Lineup Gets Younger At The Top

FRONT PAGE

In Front-Office First, 28-Year-Old Scores General Manager's Job With Team Of His Dreams

By DAVID HEUSCHKEL
COURANT STAFF WRITER

4154 San Diego Univ. of

BOSTON — Theo Epstein hadn't been in the Red Sox front office for a month and MTV already wanted to do a feature on the young baseball executive.

A producer thought it would be cool to have an MTV camera follow Epstein around for a day, an idea that was spawned from a story in The Courant that began with the following sentence: The Red Sox assistant general manager is 28 and digs Pearl Jam.

Being the proverbial new kid on the

block, Epstein wasn't ready to step into the spotlight. So he declined the opportunity.

Less than a year later, he has his dream job.

Epstein became the youngest general manager in baseball history Monday when the Red Sox promoted the Yale graduate. He was psyched.

Give the kid a chance. Jeff Jacobs, Page C1

"I might have to plug in my Fender Strat and bother my neighbors," Epstein said.

Epstein's appointment ends a search for a

PLEASE SEE SOX, PAGE A10

CONTINUED FROM PAGE A1

permanent GM that officially began Oct. 1. Mike Port served as interim GM after the new Red Sox ownership group fired Dan Duquette in March. Epstein never formally interviewed for the position but became a candidate after Oakland Athletics GM Billy Beane turned down the job two weeks ago.

Epstein, who turns 29 next month, is not your typical local-boy-makes-good story. It's more like local boy genius. He was younger than 22 of the 25 players on Boston's Opening Day roster last season.

Given the parochialism that exists in Boston, having local ties does have its advantages.

"I think it's a good thing," Epstein said. "I think it's a very good thing. I grew up second-guessing Red Sox general managers. I joked with [former Sox GM] Lou Gorman about this. Now, I guess I'll be second-guessing myself."

Despite his youth, Epstein has a firm grasp on Red Sox lore. He grew up in Brookline, a couple of miles from Fenway Park.

Epstein was born in New York City on Dec. 29, 1973. He was 4 when his family moved to Boston in '78.

"The Bucky Dent year," Epstein said.

It wasn't that long ago that Epstein and his buddies would pay a couple of dollars for standing-room seats at Fenway, yet end up sitting behind the Red Sox dugout. He knew which season ticket holders would only show up when the weather was perfect and when the better teams were in town. They knew which ushers would



EPSTEIN

let them move up and which ones would give them a hard time.

Even when he worked for the San Diego Padres, Epstein was still a diehard Red Sox

fan. He recalled one night in October 1995, driving around San Diego trying to get good reception on his car radio so he could listen to a Red Sox playoff game against Cleveland.

"I was a Red Sox fan from day one," said Epstein, who becomes the 11th general manager in Red Sox history. "The Red Sox are very much in my blood. It makes standing here today as the new general manager of this club a humbling experience. It also makes it a dream come true. That's why I'm so thrilled to be here."

"I always wanted to be a part of the Red Sox. It's the typical story. It starts out you want to play shortstop for them. I learned pretty quickly that wasn't going to happen. Anyone who has ever seen me play can attest to that."

He said his baseball career peaked at age 13.

"I went for the glory early," Epstein said. "I would throw curveball after curveball after curveball. My arm was never the same. That actually helped. I stopped playing after high school and got a great head start on my front-office career."

He became an intern with the Baltimore Orioles in 1992, working in the public relations office under current Red Sox vice president of public affairs Charles Steinberg. Epstein's first major

project was putting together a series of features on former Negro League players for the 1993 All-Star Game at Camden Yards.

"Working for an AL East team, it was difficult to see the Red Sox come through and know that only one of those clubs could be on top of the standings at the end of the year," Epstein said. "Going to the Padres was a little bit easier, being a National League club. But growing up in New England, you never lose the Red Sox from your blood. It's in you."

Many regard him as a protege of Red Sox president/CEO Larry Lucchino, who worked with Epstein in Baltimore and hired him in San Diego. Epstein was promoted to Padres director of baseball operations in 2000, the same year he received a law degree from the University of San Diego.

"Whether I worked for the Padres or any other team, I always looked out for the Red Sox," Epstein said. "Now that I'm here, I feel an overlap between my personal life where I want to see the Red Sox win and my professional life where it's my job to help the Red Sox win."

His Ivy League education aside, Epstein has quite a pedigree. He comes from a family of writers. His paternal grandfather, Phillip, won an Oscar for best screenplay for "Casablanca."

Theo's father, Leslie, is the director of the creative writing department at Boston University. Before that he was an English professor at Queens College in New York.

"He was a Red Sox fan growing up in New York," Theo said. "55 was another family legend we're not so sure about."



Burrelles
INFORMATION SERVICES

580 .xz1a. 26 .a...x QB

BASEBALL REPORT

Red Sox make Epstein youngest GM

By Tom Krasovic, STAFF WRITER

Theo Epstein, a former Padres staffer and an alum of USD's law school, yesterday became general manager of the Boston Red Sox.

Five weeks short of his 29th birthday, the brainy Epstein is the youngest GM in major league history.

"If there's one person on this earth who is 28 years old and can handle being a general manager of a major league baseball team, it's Theo Epstein," said Padres assistant GM Fred Upton Jr., who has known Epstein since 1992.

Larry Lucchino, the former Padres chief executive officer who is now Boston's CEO, made the hire after consulting, among others, Padres GM Kevin Towers.

"We're aware that as a public relations matter there are safer choices," Lucchino said. "But Theo is someone who is ready for this job."

Epstein, who grew up a Red Sox fan, will attempt to build Boston's first World Series champion since 1918.

"We're going to become a championship organization," Epstein said at yesterday's news conference. "We're going to win a World Series."

Epstein recently consulted Randy Smith, the former Padres and Tigers GM who until yesterday had been the youngest GM in major league history. In June 1993, the Padres hired Smith two weeks before his 30th birthday.

"The toughest thing for Theo is he's going to have to learn how to delegate, which is hard to do, no matter how old you are," said

Smith, now a Padres consultant.

At the time, Smith's ultimate boss was Tom Werner, now a Red Sox minority owner.

"Until you go through it the first year, no matter if you have 50 years of experience, there will be things thrown at you that you are not prepared for," said Smith, who had worked eight years with the Padres, plus another year as the Rockies' assistant GM. "The biggest advantage for Theo is he got good training in San Diego, and he's Larry's guy. His boss knows him and trusts him, and that's a plus starting out."

Early in his tenure, Smith made a bad trade with the Braves, who got Fred McGriff for three future washouts. But in his first 20 months on the job, Smith traded for five future All-Stars: Ken Caminiti, Trevor Hoffman, Steve Finley, Andy Ashby and Brad Ausmus.

One of six prominent Padres staffers to join the Red Sox since Padres chairman John Moores ousted Lucchino in July 2001, Epstein was the Padres' director of baseball operations from 2000 until last March, when Lucchino hired him as Boston's assistant GM. He succeeds Mike Port, who became the interim GM after Dan Duquette was fired in spring training.

Epstein joined the Padres in 1995. Fresh out of Yale, he had taken a \$20,000 job as the club's entertainment coordinator, which entailed writing copy for public-address announcements and scoreboard messages and supervising video operations.

After he moved into the media relations department in 1996, "I told him he had to go to law school," recalled Charles Steinberg, a

former Padres exec who had hired Epstein.

"I told him he was likely to be a GM, probably a (franchise) president, and had an outside chance at (becoming) commissioner someday, and his Yale undergrad degree would be incomplete without a law degree."

Epstein managed to earn his law degree at USD while also becoming one of Towers' top aides. Spare time was devoted to scouting in Southern California.

Around the majors

■ **CARDINALS:** Andy Benes, 35, avoided the word retirement, but said he doesn't plan to pitch anymore, even though his 1.86 ERA for St. Louis during the second half of the 2002 season was the best among NL starting pitchers . . . Free-agent pitcher **Woody Williams**, 36, re-signed, agreeing to a two-year, \$14.9 million contract.

■ **INDIANS:** Made a final contract offer to free agent **Jim Thome**, adding a fifth year to raise the deal to about \$60 million.

■ **ASTROS:** Outfielder **Richard Hidalgo** sustained muscle and nerve damage when he was shot in the left forearm during an attempted carjacking in Venezuela last week, leaving him with numbness in two fingers and weakness in the finger and hand area. Team doctors plan additional nerve and circulatory tests and will monitor Hidalgo for the next 10-14 days.

■ **PIRATES:** Acquired first baseman **Randal Simon** from the Detroit Tigers for three minor leaguers, including Australian-born left-hander **Adrian Burnside**.

The Associated Press contributed to this report.

TIMES RECORD

FORT SMITH, AR
THURSDAY 42,201
NOV 14 2002



Burrelle's
INFORMATION SERVICES

44 .xz2c. 107 XX...b WN

FAYETTEVILLE MORNING NEWS

SPRINGDALE, AR
THURSDAY 38,775
NOV 14 2002

GETTING STARTED

Beebe Names Top Aides

4154

ATTORNEY GENERAL-ELECT WILL BE SWORN IN JAN. 14

By Elizabeth Caldwell
ARKANSAS NEWS BUREAU
ECALDWELL@ARKANSASNEWS.COM

"The bulk of that office is going to be retained. The majority want to stay"

MIKE BEEBE, Attorney general-elect

LITTLE ROCK — Attorney General-elect Mike Beebe on Wednesday announced the appointment of Kelly K. Hill and Ruth H. Whitney to serve as his top aides beginning Jan. 14.

Beebe, 55, of Searcy will be sworn into office that day, along with the other six constitutional officers.

Hill, 37, an assistant attorney general with the Criminal Justice Department, will be promoted to chief deputy, a position that oversees the civil, criminal justice, public protection and operations departments

She earned a bachelor's degree in 1986 from the University of Central Arkansas in Conway. She earned a law degree in 1989 from the University of Arkansas at Little Rock School of Law.

Hill worked in the attorney general's office 13 years in both legal and executive positions.

Whitney, 38, a health-care

and administrative lawyer with the Little Rock firm of Mitchell, Williams, Selig, Gates & Woodyard, will serve as chief of staff.

She will lead the attorney general's offices of legislative and intergovernmental affairs, public affairs and consumer education and prevention.

Whitney received a bachelor's degree in 1986 from the University of Arkansas at Fayetteville and earned a law degree in 1990 at the UALR School of Law.

She also has studied in Oxford, England, as part of the University of San Diego School of Law's Institute on International and Comparative Law.

Whitney also served more than 10 years with the Arkansas Department of Human Services in legal and executive positions. Those positions include attorney in the Office of Chief Counsel (1990-94), policy analyst for the DHS director (1994-95) and director of the Division

of Youth Services (1995-98) and the Division of County Operations (1998-2001).

Beebe, a state senator for 20 years and the out-going Senate president pro tempore, was unopposed for attorney general.

He said he will announce other positions filled after consultation with Hill and Whitney.

He said he plans to hire Sen. Cliff Hoofman, D-North Little Rock, who is term-limited in the Senate, and Andrew Parker, his campaign aide, but hasn't decided the positions each will hold.

"The bulk of that office is going to be retained," he said. "The majority want to stay."

Beebe said he is still forming his agenda for the legislative session that begins Jan. 13.

Two ideas that he stressed are in the "conceptual" stage are alternative sanctions for first-time nonviolent offenders and truth in political advertising

measures.

Beebe said he wants to give the courts alternatives to prison that would provide "additional options and ammunition" that won't "cost taxpayers an arm and a leg."

"I am interested in spearheading such a movement, if it can be done," he said, adding that it will have to involve the governor's office, prison officials and law enforcement.

The second idea would be a public service to voters trying to sort through negative political advertisements that abound in an election year, he said.

"You can't inhibit anybody's free speech and you have First Amendment considerations," Beebe said.

The project could include creating a pool of money off the top of political contributions to fund a nonpartisan citizen's watchdog group to rate the truth in each ad and provide the facts, he said.

A fight over frontier justice

1154 Univ of San Diego

By DAVID SEDEÑO
Staff Writer

SUNLAND PARK, N.M. — A made-for-Hollywood plot is playing itself out in this border town, complete with train robbers, beaten FBI agents and the forcible removal of Mexican suspects from their homeland to waiting U.S. agents.

"Operation Vise Grip" was to have been a carefully executed sting operation by the FBI to nab thieves who continually break into merchandise-filled Union Pacific trains that run within 20 feet of the border.

The bust quickly went south, literally, with FBI agents going into Mexico through the fence marking the frontier and then crawling back beaten and bruised so badly that doctors induced comas in two of them to reduce swelling to their brains.

After the melee, suspects in plastic handcuffs wound up on the U.S. side, and FBI investigators ended up in Mexico looking for evidence.

The case, observers said, has created a diplomatic dilemma for both countries, whose officials seek answers while treading gingerly amid binational sovereignty concerns.

"This was an operation that was flawed from the start, and unfortunately, two agents got hurt," said Howard Anderson, an Albuquerque attorney representing one of 15 Mexican citizens awaiting trial in U.S.

District Court in Las Cruces.

"These FBI agents tried to capture train robbers, but they violated policies and procedures and exceeded their reach," he said. "Now they are trying to punish as many people as they can to protect themselves. This is going to be a big fight."

The Mexican government has filed a formal protest with the U.S. State Department, demanding to know what happened Sept. 12 in the Ciudad Juárez suburb of Colonia Anapra, across the fence from a similarly named neighborhood in Sunland Park.

The Chihuahua state attorney general's office also is looking into the matter to determine whether state or municipal police violated laws and how several Mexican citizens ended up in a U.S. jail without being

See TRAIN Page 23A

taken before a Mexican judge for an extradition hearing.

FBI and Border Patrol agents have filed affidavits and reports on the incident, but Assistant U.S. Attorney Norm Cairns of Albuquerque declined to discuss specifics in the case.

On Tuesday, federal prosecutors will seek U.S. District Judge William Johnson's permission to take blood and hair samples from the 15 suspects to compare with evidence gathered at the scene.

Mr. Anderson, however, has argued that the evidence may have been obtained illegally. He and other defense attorneys have urged that the charges against their clients — conspiracy to steal and hide interstate commerce, assault of federal agents and illegal entry into the United States — be thrown out because their arrests were illegal.

Camarena comparison

Legal scholars warn that this case could end up like the one of a kidnapped Mexican doctor accused in the torture slaying of Enrique "Kiki" Camarena, a special agent with the Drug Enforcement Administration. Agent Camarena was abducted from a Guadalajara street in February 1985; his tortured body was found a month later.

Dr. Humberto Álvarez Machain, a Guadalajara gynecologist accused of involvement in Agent Camarena's torture, was himself kidnapped by bounty hunters in 1990. He was taken to the border, where waiting U.S. law enforcement officials took him to Los Angeles to stand trial on murder



charges.

The U.S. Supreme Court ruled that no U.S. laws were violated during Dr. Álvarez Machain's arrest. A federal judge presiding over his murder trial ruled later, however, that there was not enough evidence to link the doctor to Agent Camarena's death and dismissed the case, ordering the doctor's release.

The controversy over the physician's abduction prompted a revision of an extradition treaty between the United States and Mexico that now forbids the cross-border kidnapping of criminal suspects wanted in the other country.

"Law enforcement agencies on both sides of the border have developed more informal cooperation that can be more efficient than the formal cooperation at the federal level. But you just have to be sure that individuals' rights are being protected," said Ana María Salazar, a lawyer and former Pentagon official now consulting in Mexico City.

The Colonia Anapra area in Mexico contains thousands of

DALLAS MORNING NEWS

DALLAS, TX
MONDAY 500,357
NOV 4 2002

Train robbery sting becomes international incident

"This is going to be a big fight."

Howard Anderson, an attorney for one of the Mexican citizens suspected of robbing an American train

makeshift squatters' homes that first appeared in the early 1980s. U.S. authorities have said it is home to a cell of the Siete Dos (72) street gang responsible for smuggling drugs and immigrants into the United States and accused of involvement in assaults, killings and the train robberies.

The Border Patrol on the U.S. side closely watches Colonia Anapra every night. If drug smugglers or undocumented immigrants can get past ground motion sensors, a pair of railroad tracks and thick brush, they can blend into the Sunland Park neighborhoods and continue their northward journey.

The merchandise in the trains is a prime target for thieves, who can stop the trains by cutting a brake line on a railcar, break into it and return to Mexico, where Colonia Anapra's labyrinth of plywood and sheet-metal huts beckons. Since January, trains have been hit more than 80 times.

From affidavits and reports filed in the case, agents described Operation Vise Grip on Sept. 12.

U.S. authorities, acting on a tip that a Union Pacific train would be hit that night, developed a binational, interagency

interdiction plan. It would put teams of FBI agents in the railcars. Customs and Border Patrol agents and railroad police on the U.S. side would support those officers. Mexican customs and Juárez municipal police were to converge on Colonia Anapra simultaneously from the south side.

Several three-person FBI agent teams boarded the train several miles west. A little after 8 p.m., the train stopped, and seven people crossed the United States through the fence, according to a affidavit filed by FBI Special Agent Josephine Figueroa. The high fence is completely in Mexican territory, and the actual international demarcation is about 100 feet to the south.

FBI Special Agents Sergio Barrio and Samantha Mikeska chased two suspects near the railcars and grabbed them on the north side of the fence. Agent Mikeska was holding a suspect, but he pulled her through the fence opening. She handcuffed him and they slid down a litter-filled arroyo on the Mexican side of the fence.

A group of people that had gathered nearby began throwing rocks, bricks and sticks at her as

she tried to take the suspect back through the fence opening. She was struck in the back of the head with a brick.

Her partner, seeing what had happened, climbed through the fence to assist her. He was hit by a rock and by a club in the back of the head. Another man kicked and hit Agent Mikeska with a baseball bat on her leg until she let go of the suspect.

Both agents then climbed back through the fence. They were taken to an El Paso hospital, where they were treated for brain injuries.

Mexican authorities, according to defense attorneys, later converged on the area and began going into homes and rounding up people.

Those suspects were taken to a crossing point where U.S. law enforcement agents arrested them.

Professor weighs in

Jorge Vargas, a professor of law at the University of San Diego licensed to practice in Mexico and the United States, said there were problems with the law enforcement actions on both sides of the border.

If Agents Mikeska and Barrio pursued suspects into Mexico, they violated international treaties that forbid agents from one country from entering another country on a "hot pursuit," he said.

If people were pulled out of their homes by Mexican police without proper search warrants and were arrested and extradited to the United States without first appearing before a judge, that amounts to kidnapping, he said.

"This arrogance is certainly a reason why many people hate the United States. It's a total disrespect for international law and the sovereignty of Mexico," Dr. Vargas said. "This cannot be condoned, and if we want the relationship between these two countries to be harmonious and cordial, Mexico deserves an apology from the United States."

FBI spokesman Al Cruz in El Paso said that Agents Mikeska and Barrio are recovering from their injuries but that it would be a while before they return to active duty.

Mr. Cruz said FBI agents never crossed into Mexico to arrest anyone on Sept. 12, but he acknowledged that some of the suspects charged in the case were arrested by Mexican police and turned over at the fence.

He said that FBI agents crossed into Mexico the next day, Sept. 13, through the fence after getting permission from Mexican authorities and only to gather evidence.

"Frankly," he said, "we don't know if we were able to get any evidence."

E-mail dsedeno@dallasnews.com

LOS ANGELES DAILY
JOURNAL

LOS ANGELES, CA
TUESDAY 24,000
NOV 26 2002

COMMUNITY PROPERTY

In 1997, Hank and Wanda, both domiciled in Illinois, a non-community property state, began dating regularly. Hank, an attorney, told Wanda that Illinois permits common-law marriage. Hank knew this statement was false, but Wanda reasonably believed him. In 1998, Wanda moved in with Hank and thought she was validly married to him. They used Hank's earnings to cover living expenses. Wanda deposited all her earnings in a savings account she opened and maintained in her name alone.

In February 2000, Hank and Wanda moved to California and became domiciled here. By that time, Wanda's account contained \$40,000. She used the \$40,000 to buy a parcel of land in Illinois and took title in her name alone.

Shortly after their arrival in California, Wanda inherited an expensive sculpture. Hank bought a marble pedestal for their apartment and told Wanda it was "so we can display our sculpture." They both frequently referred to the sculpture as "our collector's prize."

In March 2000, a woman who claimed Hank was the father of her 6-year-old child filed a paternity suit against Hank in California. In September 2000, the court determined Hank was the child's father and ordered him to pay \$800 per month as child support.

In January 2002, Wanda discovered that she never has been validly married to Hank. Hank moved out of the apartment he shared with Wanda.

Hank has not paid the attorney who defended him in the paternity case. Hank paid the ordered child support for three months from his earnings but has paid nothing since.

1. What are Hank's and Wanda's respective rights in the parcel of land and the sculpture? Discuss.

2. Which of the property set forth in the facts can be reached to satisfy the obligations to pay child support and the attorney's fees? Discuss.

Answer according to California law.

ANSWER

Wanda v. Hank

I. Relationship

A. Did Hank and Wanda Have a Valid Common-Law Marriage?

Neither Illinois nor California recognizes a common-law marriage.

The facts state that Illinois does not recognize a common-law marriage. Also, California law does not recognize a common-law marriage.

Hank and Wanda did not have a valid common-law marriage.

B. Does Wanda Acquire Putative Spouse Status?

If an attempted marriage is either void or voidable, the court may determine that one person or both persons had an objective, reasonable, good-faith belief that the "marriage" was valid. That person will acquire the status of a putative spouse.

Hank, an attorney, knowing the contrary to be true, made a fraudulent misrepresentation to Wanda by telling her that Illinois recognized common-law marriage. Wanda's subjective acceptance of that misrepresentation was objectively reasonable given the fact that Hank was an Illinois attorney and a

person with whom Wanda had a romantic relationship involving trust, confidence, etc. It would be objectively reasonable for Wanda to justifiably rely on Hank's legal advice because Hank was not just expressing a legal opinion but was, in fact, going to be a knowing participant in the relationship.

Wanda has acquired the status of a putative spouse.

Alternative Possibility: California courts have given a liberal interpretation to the estoppel doctrine. Hank fraudulently misrepresented to Wanda the status of Illinois law relative to common-law marriage. Hank would be estopped from asserting the invalidity of the attempted common-law marriage.

C. Does Hank Also Acquire Putative Spouse Status?

Only the person who has a reasonable belief in the validity of the marriage is deemed to be a putative spouse.

Hank knew his statement was false and that his relationship with Wanda would not be a common-law marriage. This intentional fraud should not allow Hank to benefit from his own wrongdoing by acquiring the status of a putative spouse.

Hank is not a putative spouse and will not have the same benefits as a putative spouse. Hank will not have any interest in the quasi-marital property.

II. Will the California Court Apply the Quasi-Community Property Law to Determine the Debt Liability and Property Division Rights Related to the Quasi-Marital Property?

Parties to an invalid marriage do not acquire a community property interest in any property. However, property acquired during a putative relationship that would have been quasi-community property if the marriage had been valid is classified as "quasi-marital property."

Quasi-community property (designated as quasi-marital property in a putative relationship) includes all personal or real property, wherever located, acquired by a putative spouse while domiciled in a common-law state that would have been classified as quasi-community property if the putative spouse had been domiciled in California at the time of acquisition.

When Hank and Wanda began their relationship, they were domiciled in Illinois, a non-community property state. Wanda placed her earnings into a savings account in her name only. Hank used his earnings for community living expenses. Subsequently, the couple moved to California where they continued their relationship until Hank moved out of their apartment. Both parties are currently domiciled in California, and issues of debt liability and property division are, or soon will be, before the court. California, under the "police power," has a right to interfere with vested property rights whenever necessary to protect the property rights of creditors and California domiciliaries.

California will apply the quasi-community property law on behalf of Wanda, the putative spouse.

1. What are Hank's and Wanda's Respective Rights in the Parcel of Land and the Sculpture?

A. The Illinois Parcel of Land

The Illinois land will be classified according to the source of funds used to purchase the land in accordance with the law of marital domicile at the time of acquisition.

While domiciled in Illinois, Wanda placed her \$40,000 earnings into a savings account in her name only. Her earnings, under the quasi-community property rule of classifying the earnings as if Wanda has been domiciled in California at the time she acquired the earnings, will be deemed to be quasi-marital property.

Despite the fact that the earnings remained in the Illinois savings account, Wanda, a California domiciliary, used these quasi-marital funds to purchase the Illinois land.

When a California domiciliary uses quasi-marital funds to purchase land in another state, California will apply the exchange rule and classify the land in accordance with the type of funds used for the purchase. The Illinois land is quasi-marital property.

Wanda's earnings belong solely to her because she has the status of a putative spouse. Hank does not have an interest in these earnings because Wanda did not commingle her earnings but kept them segregated in a savings account in her name only. Again, she took title in her name only.

Distribution: Hank does not have any interest in the Illinois land absent any commingling, agreement or transmutation, none of which are present under the facts. Wanda owns the Illinois land.

B. The Sculpture

Inherited property is deemed to be owned exclusively by the person receiving the inheritance as his or her separate property.

Transmutation: After Jan. 1, 1985, any transmutation must be achieved by an express written declaration reflecting a change in ownership, not by an oral transmutation.

Oral statements such as "our sculpture" or "our collector's prize" made by either or both parties in reference to the sculpture will not be sufficient to support a transmutation of the sculpture, nor will the fact that Hank purchased a marble pedestal simply to display the sculpture.

Distribution: Wanda inherited the sculpture and it is property owned exclusively by her as her separate property. Hank does not have an interest in the sculpture.

2. Which of the Property Set Forth in the Facts Can Be Reached to Satisfy the Obligations to Pay Child Support and the Attorney's Fee?

A. Hank's Child Support Payments

A child support debt is deemed to be premarital debt. The debtor's separately owned property and the quasi-marital property will be liable (the same as community property or quasi-community property) for debts incurred before the relationship. An exception is made for the nondebtor's earnings kept in a deposit account in the nondebtor's name only.

Hank's earnings will be liable for the child support payments. Wanda's earnings would normally be liable but for the exception for Wanda's uncommingled earnings that are held in a deposit account in her name only which Hank cannot access.

However, these funds were withdrawn and used to purchase the Illinois lot. Wanda will argue that the lot, in her name only should continue to receive the same protection as that which was provided for those funds in the savings account. To hold otherwise would mean that her earnings are only protected while held in the savings account. Such a holding would deprive her of the most basic element of property ownership i.e. the "use" of the funds.

Hank will rebut by stating that the statute is very specific in that it only protects Wanda's earnings while they are in the savings account. Once withdrawn from the account, they lose their protection. Indeed, Hank would argue that even interest earned on the funds in the account are subject to creditors' claims because interest is not deemed to be "earnings" and the statute only refers to "earnings."

Illinois land (see the above discussion related to Wanda's earnings.) If the court holds that the statute only protects earnings held in a deposit account, but not property purchased with those earnings, then the Illinois land would be liable for the child support debt.

The sculpture is separately owned by Wanda. The nondebtor person's separate property is not liable except for "necessaries" during the relationship. A premarital debt for child support would not qualify as a necessary.

Hank purchased the marble pedestal with quasi-marital property. The pedestal would be liable for the child support debt.

All of Hank's separately owned property and any quasi-marital property will be liable for the child support debt. The court will decide if the Illinois lot is within the statutory exception for earnings.

B. Hank's Attorney Fees

The attorney debt is a debt incurred during the marriage. Again, the debtor's separately owned property and the quasi-marital property will be liable for the debt. The earnings exception does not apply. The nondebtor's separately owned property is not liable for the debt the other person incurred before or during the marriage with the exception of debts related to "necessaries," i.e. judged by standard of living of the couple.

Hank's separately owned property and the quasi-marital property are liable for this debt as well. Wanda may argue that her quasi-marital property should not be liable because Hank would thereby benefit from his fraudulent act of misrepresenting Illinois law. However, in this situation, the focus is on protecting the creditor. This would be consistent with the expectations of the parties in a putative relationship, namely, that their jointly owned property would be liable for debts of either person.

The Illinois land will be liable for the attorney debt incurred during the marriage, the same as community property or quasi-community property.

Wanda inherited the sculpture while domiciled in California as her separate property. The sculpture will not be liable for Hank's debt unless the legal defense could be considered a "necessary" of the relationship. This is entirely possible, so the sculpture may be liable for the attorney debt.

The marble pedestal, as quasi-marital property, will be liable, the same as community property or quasi-community property.

Hank's separately owned property will be liable for his attorney debt. Hank and Wanda's earnings during the relationship will be liable for the attorney debt. The Illinois land will be liable for the attorney debt. Wanda's sculpture will not be liable for the debt unless the court determines that a legal defense is a "necessary" which statutorily subjects the nondebtor's separate property to such liability. The marble pedestal, as quasi-marital property, will be liable, the same as community property or quasi-community property.

Answer provided by **Fleming's Fundamentals of Law**, written by adjunct professor **Glen A. Spearman**, who teaches community property and trust and estates at the University of San Diego School of Law. Spearman received his law degree from the University of Depaul School of Law (Chicago). He has been associated with Fleming's Fundamentals of Law for eight years. To reach Fleming's Fundamentals of Law, call (949) 770-7030/(800) Law-Exam. Web site: Lawprepare.com. E-mail: Fleming1@aol.com.

Into the 21st century: water rights, water supply, water quality

BY JENNIFER GIMBEL AND KIP LOMBARD

It is the time of year when the whale watching is great and an opportunity to connect with old friends and colleagues, while meeting new ones, arises. Plan to attend the 21st Annual Water Law Conference on Feb. 20-21, 2003 in San Diego. The theme of the 2003 conference is "Water Law for the 21st Century" and will focus on water rights, water supply and water quality.

The planning committee has invited distinguished representatives from federal, state and local governments, as well as practitioners and academicians, to participate in numerous panel discussions. Secretary of the Interior Gale Norton will be the featured luncheon speaker, discussing her thoughts on water issues in the 21st century.

Each year, the conference draws about 300 professionals, including lawyers, engineers, public officials and tribal representatives. Besides providing a useful continuing education benefit, the conference allows for wonderful networking opportunities.

The conference begins with a panel discussion on the interaction of water supply and water quality. The importance of this interaction is becoming quite apparent as states work through the establishment and enforcement of the total maximum daily load (TMDL) process. Litigation and federal regulations are forcing states to identify water bodies at risk and begin regulating nonpoint sources. The panel will concentrate on temperature and flow issues that will most likely affect all water users on some level.

Another panel will feature a discussion of issues common to the Missouri River and the Colorado River. The challenge in both river basins is running a river by litigation or threatened litigation while navigating the labyrinth of laws and needs. Michael J. Pearce of Fennemore Craig, who has extensive experience on both rivers, will lead the discussion.

The conference will present four breakout panel discussions on stormwater discharge, an update on current takings issues and litigation, tribal water quality and quantity matters, and ethical considerations of multi-jurisdictional practice.

Stormwater regulation is a growing concern for municipalities and domestic suppliers, large and

small. Professor Jack Minan, of the University of San Diego, who also chairs the California Regional Water Quality Control Board, will moderate a panel covering the emerging legal issues associated with stormwater permitting, especially in California. The panel will discuss the theoretical, economic and practical considerations in permitting and implementation.

The interplay between water quantity and quality is also a concern for Indian tribes. A panel will examine such issues as the treatment of tribes as states under the Clean Water Act, water quality concerns in Indian water settlement negotiations and implied environmental servitudes.

A panel on the latest developments in takings matters will provide an update of the continuing litigation on the determination of the value of a water right in *Tulare Lake Basin Water Storage District et al v. United States*, in which the court found that a taking of private water rights occurred. Also, the panel will discuss the new litigation filed in the Klamath River basin, and other current court decisions relevant to the takings issue.

On Friday morning, Professor Christine A. Klein of Michigan State University is slated to address how eastern and western water laws are merging and will focus on the water supply concerns in the Great Lakes Basin, including out-of-basin diversions by other states and countries and efforts to integrate the regulation of water quality and quantity.

Friday's plenary sessions include a panel on drought. The panel will discuss how drought tests the strengths and weaknesses of the prior appropriation system, as well as the interaction with water quality and endangered species. The panel will look to the eastern United States, which has also suffered drought, and consider how those states are managing this issue. The conference concludes with a look at the emerging issue of what constitutes "best science" under the Endangered Species Act. This panel will explore some recent developments in and outside the context of litigation, as well as views of the scientists. Several bills have been presented to Congress, which will also be discussed.

Please join your colleagues in San Diego next February! For more information, please contact the Section at 312/988-5724 or visit the Section Web site at www.abanet.org/enviro.

.....
Jennifer Gimbel is with the U.S. Bureau of Reclamation in Denver and *Kip Lombard* is with the firm Lombard Knudsen & Holtey LLP in Ashland, Ore. They are co-chairs of the 21st Annual Water Law Conference.

DAILY NEWS

LOS ANGELES, CA
TUESDAY 190,010
NOV 12 2002

SUN (METRO EDITION)

SAN BERNARDINO, CA
TUESDAY 75,487
NOV 12 2002



Burrelle's
INFORMATION SERVICES

818 .xz28. 2 .b...n QB

LOS ANGELES COUNTY

Child advocates blast ruling

By Troy Anderson
Staff Writer

4154

County held blameless in foster-care case

In an attempt to overturn an appellate court opinion that county government is not responsible for the safety of a child abused in foster care, a Century City attorney is expected to petition the California Supreme Court today.

On Sept. 30, the state Court of Appeal rejected the case of a 14-year-old, identified only as "Terrell R.," who was allegedly sexually abused in foster care. The court concluded that the boy's county social worker and Los Angeles County government were immune from liability for the "discretionary acts of the social worker in placing and supervising" the boy.

The boy's attorney, Linda Wallace Pate, said the ruling effectively means that county

social workers have no responsibility, obligation or duty to protect foster children and that foster children have no right to be safe in county government's care.

She said the case could set a precedent, preventing people from successfully suing the government for the physical and sexual abuse of children in foster care.

"This decision has unwritten 25 years of state and national child welfare laws enacted to protect foster children," Pate said. "If left standing, it would be detrimental to the interests of foster children, resulting in unspeakable acts of abuse, and

most certainly foster-child deaths will rise dramatically."

Officials in the County Counsel's Office said Pate is interpreting the case too broadly and they don't believe it will set a precedent.

Raine Ritchey, an attorney and deputy to Supervisor Michael D. Antonovich, said the Court of Appeal dismissed county government from the lawsuit because the county social worker had no knowledge of the foster parent's alleged abuse.

"The social worker did everything correct," Ritchey said. "She visited the child as mandated, and there was no indication of sexual molestation during the visits. The foster family agency is part of the case. They may be liable."

In a letter submitted to the Supreme Court, supporting a review of the case, Children's Advocacy Institute attorney Debra Back and University of San Diego School of Law professor Robert C. Fellmeth wrote that the appellate court's ruling is detrimental to all foster children in California.

"The decision has led to shock and disbelief among child advocates from several states — and no small degree of embarrassment for those from California," they jointly wrote in the letter. "Begging the court's indulgence for a comment that may seem melodramatic: Children will die as a result of the weakening or overriding of these hard-won mandates."

According to court documents,

a foster family agency placed the boy with a foster parent in 1999. The boy was removed from the home after an agency social worker learned the boy was sharing a bed with his foster parent and called a child-abuse hotline.

The foster parent was later acquitted of molesting the boy.

A representative of the boy sued the county as well as the foster family agency in August 2000, alleging the county social worker knew or should have known that the foster parent was not properly certified by the foster family agency and was not authorized to take any children. The boy also accused the county social worker of failing to supervise him adequately.

The boy was allegedly sexually abused during the three-month placement, according to the appellate opinion.

online
EXTRA
• Web links
dailynews.com

SUNDAY CAMERA

BOULDER, CO
SUNDAY 33,417
NOV 3 2002



Burrelles
INFORMATION SERVICES

177
.xz2c.

18

XX... WS

Dwight Harding

Libertarian

50

537 Atwood St., Longmont

Family: Single

How long have you
lived in Colorado?

Has lived in Long-
mont since 1985

Education: Bachelor

of arts in political
science from Uni-
versity of Maine at

Orino; juris doctor-
ate from University

of San Diego Law School



Previous Political Experience Candidate
for State Senate District 12 in 2000

Web Site [www.lpboulder.com/
candidates/harding](http://www.lpboulder.com/candidates/harding)

What do you think is the most important
issue facing the attorney general's office
and why? How to make the attorney

general responsive to the citizens of
Colorado, not corporations. Candi-
dates need large amounts of money
from corporations to run campaigns,
therefore placing more importance
on their corporate relationships in-
stead of the people of Colorado.

How would you work to improve cooper-
ation among all levels of law enforce-
ment in view of the Sept. 11 terror at-
tacks? "Institute citizen review

committees and make them mandato-
ry for every lw enforcement agency
everywhere," Harding said. Citizens
would then review complaints about
police conduct, instead of the police
themselves.

With the reported success of the No-Call
list, do you think the restrictions should
apply to the Internet and why? Yes

Copyright 2002 Knight Ridder/Tribune Business News

Copyright 2002 The San Diego Union-Tribune
The San Diego Union-Tribune

November 1, 2002, Friday

KR-ACC-NO: SD-BAUDER-COL

LENGTH: 693 words

HEADLINE: The San Diego Union-Tribune Don Bauder Column

BYLINE: By Don Bauder

BODY:

San Diegans right, left and center agree: Harvey Pitt, chairman of the Securities and Exchange Commission, has to go.

He has been a lightning rod of criticism from the outset. Before his appointment, as an extremely well-paid attorney, he represented the large accounting firms. Once in office, he promised the industry kinder and gentler regulation. Then he had private sessions with people under investigation an ethical no-no.

The latest outrage should be the last one, say San Diegans. Pitt failed to tell fellow SEC commissioners that the eventual winning candidate for the SEC's new accounting oversight board, William Webster, headed the audit committee of a company sued for fraud.

The essence of the SEC's mandate is full disclosure. Yet the commissioners voting on Webster did not have this critical information.

San Diegan Tom Stickel, a moderate Republican, is chairman of the California Chamber of Commerce. "Pitt should resign," Stickel says.

Lack of confidence in the SEC has caused state regulators to step into the breach.

"This is going to cause problems, not only for businesses in California, but in the 50 states in which regulators go off and become their own SEC," Stickel says. "What other things hasn't Pitt told us, or won't tell us in the future?"

Two La Jolla investment newsletter authors, both arch-conservative economically and politically, agree that Pitt should step down.

"This is ridiculous. He hasn't been doing the job. His time is limited," says Richard Russell of Dow Theory Letters.

Pitt "is an embarrassment to the Bush administration," says Kennedy Gammage of the Richland Report. "Congress has already weakened the SEC, refusing to pass measures advocated by Arthur Levitt (Pitt's predecessor). Pitt has been crippled by his own folly."

Reformers and liberals say this is the absolute last straw. "I don't know why anybody would appoint someone with his background in the first place," says Robert Fellmeth, San Diego's best-known ethicist, director of the Center for Public Interest Law at the University of San Diego.

"You don't appoint foxes to guard the chicken coop, and you don't appoint the main defender of the foxes, either," Fellmeth says.

The San Diego Union-Tribune November 1, 2002, Friday

Pitt's failure to disclose Webster's problem is most unfortunate. "You have to make these kinds of disclosures upfront," Fellmeth says. "If you don't, it will color whatever they do later on. The worst possible scenario is somebody having a bias and nobody knowing about it."

Politically liberal Jack Brill, co-author of "Investing With Your Values," has been involved in socially responsible investing since 1985.

"This man (Pitt) has so many embedded, vested interests in the industry that he is supposed to protect the public from," Brill says. "How can he function when he has to recuse himself from cases so often?"

Of the Webster fiasco, Brill says, "How can you have public trust in a man who is not completely open with a board he is beholden to?"

Gloff San Diegan Douglas M. Gloff, in a consent decree with the Securities and Exchange Commission, will pay more than \$290,000 in disgorgement, interest and penalties to settle charges of insider trading in the stock of Acuson. He has pleaded guilty to criminal charges in the case and will be sentenced Nov. 21.

Gloff formerly was president of Eco Soil Systems, which this week filed for Chapter 7 bankruptcy liquidation.

Hall Merle Travis Hall yesterday pleaded guilty to 23 counts of grand theft, says Anthony Samson, assistant chief of the district attorney's economic fraud unit.

As previously reported, Hall was running a crude Ponzi scheme from his Del Cerro home. He bilked 22 victims out of \$3 million, Samson says.

Hall attempted suicide by shooting himself in the head early this year, but survived, and seemed alert and cognitive yesterday, says Samson.

Hall, who Samson says could get eight years in state prison under the plea agreement, will be sentenced Jan. 30 by Superior Court Judge John Thompson.

To see more of The San Diego Union-Tribune, or to subscribe to the newspaper, go to <http://www.uniontrib.com>

JOURNAL-CODE: SD

LOAD-DATE: November 1, 2002

Copyright 2002 St. Louis Post-Dispatch, Inc.
St. Louis Post-Dispatch

November 5, 2002 Tuesday Five Star Lift Edition

SECTION: METRO ; Pg. B2

LENGTH: 638 words

HEADLINE: JUDGE OKS SETTLEMENT IN SUIT OVER LEASED PHONES

BYLINE: Trisha L. Howard Of The Post-Dispatch

BODY:

A \$350 million class-action settlement representing people who leased telephones after they could have purchased them was approved by a Madison County judge Monday over the objections of several lawyers who said more money should go to class members.

Madison County Circuit Judge Andy Matoesian signed off on the settlement with AT&T and Lucent Technologies after a four-hour fairness hearing in which the plaintiffs' lawyers defended the settlement and their request for \$84.5 million in legal fees.

"I've pretty much lived with this case for quite a while," Matoesian said as he scanned the motion for final approval. "The work that went into this case on both sides was phenomenal. The attorneys' fees are reasonable in this type of complex litigation."

The legal fees include \$4.1 million in costs for the plaintiffs. Forty-four lawyers from four law firms worked on the case for six years, fighting to keep the suit in state court and resurrecting it after another judge dismissed it. Carr Korein Tillery, the Belleville firm that filed the case, will probably collect at least half of the legal fees, said partner Stephen Tillery.

Tillery had argued against the written objections point by point, although some of the lawyers who had filed objections did not attend the hearing.

Tillery also accused the objectors of having more interest in getting a piece of the settlement than in representing a client's interest.

"Where was all this legal help last year?" Tillery said. "When we were going to have a trial (in August), I didn't see any papers flying in here offering help. It's when the money is here that you start seeing them."

One of the common objections focused on \$50 million in phone cards that AT&T had agreed to distribute to charity as part of the settlement. Objectors accused plaintiffs' counsel of including the phone cards to boost the value of the overall settlement, which would give the lawyers a bigger payday. The lawyers make a percentage of the total settlement.

"You can't just take money away from (the class) and give it to charity," said one lawyer, who had come to Edwardsville from Chicago to serve as local counsel for an Alabama lawyer with an objection. "I'm all for giving it to charity if there's \$50 million left - but that money has to be given first to class members."

Tillery responded that he had negotiated for the charitable contributions because he knew that many of the class members had died and that many more would decide not to file a claim.

The agreement puts the money into a charity "associated with these people because they won't get a benefit from the fund," he said.

St. Louis Post-Dispatch November 5, 2002 Tuesday Five Star Lift Edition

Tillery also presented an affidavit from Robert Fellmeth, chairman of Public Citizen, the watchdog group founded by Ralph Nader. Fellmeth said Monday evening that he had given his approval after reviewing the case and settlement.

"These claims are old, and the individual claimants are getting 50 to 200 percent of the amount they are entitled to," Fellmeth said. "When you have a situation like that, it's not like someone else could run in and get any more."

Members of the class are eligible to receive \$15 to \$80 per leased phone. Payments won't be sent out until after the claims period ends Jan. 15.

Fellmeth said he supported the \$50 million in charitable giving because it penalized the defendants. He also believes that the legal fees requested by plaintiffs' counsel were justified by the lawyers' costs, the six years of time they invested in the litigation and the value of the final settlement.

"I can't tell you how often I see regulators fail to do their job and then watch plaintiffs' lawyers do it for them," Fellmeth said. "It's a shame, because if a regulator does it, (this practice) would have been stopped right away."

NOTES: Reporter Trisha L. Howard;; E-mail: thoward@post-dispatch.com; Phone: 618-659-3640

GRAPHIC: PHOTO; Photo headshot - Madison County Circuit Judge Andy Matoesian; Note: photo and caption appeared in the ILLINOIS FIVE STAR LIFT Edition, page B1.

LOAD-DATE: November 5, 2002

Some Christian-owned businesses reach out to a like-minded, faithful market

MISSION STATEMENT

By Frank Green, STAFF WRITER

Just think of Bob McClellan as a middleman for the great new-car salesman in the sky. Some ads for his McClellan Buick-Pontiac-GM dealership off Highway 94 are addressed to his "dear Christian friend" and offer special low prices to the faithful.

The ubiquitous fish symbol of Christianity graces his business cards.

"We're here to serve and to help people," said McClellan. "Christians need to use their resources in the best way possible."

Christian business owners are increasingly using the Good Book as a workplace manual, a phenomenon that some social activists worry could slight customers and workers who are less-than-true believers.

Christianity's influence can be seen at many businesses in San Diego County.

Some spiritually-minded businesspeople here greet clients with such salutations as "Do you know Jesus?" and "God loves you." Some kneel and pray before opening the store doors for the start of the workday. Many send along a modest percentage of their profits to the church. Others hang religious artifacts from their office walls.

Moreover, some are such good Samaritans that they go out of their way to help financially strapped clients who can't pay the full amount for goods or who can't make timely payments on their accounts.

"God blesses me enough to be able to do that sometimes," said Paul Stecklair, the owner of Family Carpet and Draperies in La Mesa.

Never mind that some customers have berated him for spreading the Word a bit too aggressively, including using religious symbols in his advertising.

"One guy hammered me pretty good, even though he bought a lot of stuff from me," said Stecklair, whose family has operated the home-improvement business for more than 20 years. "He

said I was unethical."

Just how many area companies are actively doing business in good faith is unclear. But several dozen firms boast the fish symbol in their ads in local telephone directories.

Across the country, more than 2,000 businesses belong to the Atlanta-based Fellowship of Companies for Christ International, which counsels owners on how to use the Bible as a workplace guide.

The organization's membership has jumped by more than 140 percent in the last 10 years.

"We bring people together in a peer-group setting to find Bible-centered alternatives to their business problems," said Neal Johnson, FCCI's Western regional director.

FCCI chapters, which meet once a week, may contend with such thorny on-the-job issues as workplace harassment, dishonest suppliers and staffing levels in a sluggish economy.

"We're not in this for networking," Johnson stressed. "But if business happens to occur"

Debate over mixing business and Christian interests was renewed by Chevrolet's sponsorship this month of the "Come Together and Worship Tour," which visited 16 cities and featured popular evangelical Christian speakers and musicians.

Although the tour sparked a boycott by the American Humanist Association, Chevrolet said its support of the event was a "logical extension" of the company's sponsorship of other music events and tours.

Studies conducted in recent years by Moody's Monthly, Augusta College researchers and other analysts indicate that companies that adhere to Christian principles tend to grow in size and profit margins at almost double the rate of their secular counterparts.

Research has also found that Christians gravitate far more strongly to com-

Some customers criticize or try to take advantage

panies that are overtly religious in their marketing, whether a body shop or a beauty parlor.

But some social and legal activists believe that religion and the workplace should be kept as separate as church and state. They cite federal civil rights laws that forbid on-the-job religious discrimination.

Complaints are up

Complaints to the Equal Employment Opportunity Commission about religious discrimination at work rose to 2,127 in 2001, up 2.6 percent from a year earlier and way up from 1,388 complaints in 1992.

However, the law also requires "reasonable accommodation" of religious practice in the workplace.

Guidelines that the Clinton administration issued in 1997 say employees, at least, have the right to express their beliefs, so long as they do not interfere with the rights of others. For example, employees can keep copies of the Bible or the Koran on their desks.

But it gets more legally tricky with bosses who mix God and the office.

The trouble is that employers don't know what their obligations and rights are, said Robert Fellmeth, director of the Center for Public Interest Law

at the University of San Diego.

For instance, can an employer who is a devout Christian sponsor a prayer breakfast and make everyone come? Or can he offer price breaks only to customers who are members of his church?

If the presence of religious trappings at a business "implies adhering to higher ethical and moral standards, then I'm all for it," said Morris Casuto, director of the San Diego County Anti-Defamation League. "But it's the height of hubris to believe that one faith is any more moral than another. I would never patronize a business which would make me feel like a second-class citizen."

There have been many cases where companies doing business with the government have been penalized for religious or racial discrimination.

Bob Jones University, for one, lost its tax-free status as a religious college after it refused to drop its ban on interracial dating, citing Biblical references against the practice.

Religious favoritism?

But there have been relatively few instances in which customers or employees successfully sued private independent businesses for practicing religious favoritism, Fellmeth said.

One such case involved the Christian Yellow Pages phone directory. In 1984, a California appellate panel ruled that the directory could not exclude ads for businesses owned and oper-

ated by non-Christians.

A civil rights suit was filed against the Modesto-based phone book by a Jewish businessman who was prohibited from advertising his religious tile import company.

In a 58-page opinion, the appeals panel upheld the non-discrimination decision of a lower court but struck down the prohibition against publication of the "concept."

The ruling, one of several similar court opinions that year against the Christian Yellow Pages, forced the company to close shop in many of its 125 markets.

"We learned that as a business we couldn't restrict our marketing," said Dennis Hammond, national director for the firm.

Christian Yellow Pages now publishes 350,000 books in 20 markets, although not in San Diego County, with many of the listings featuring secular businesses.

The company has also introduced its first Web-based directory in Sacramento, which averages about 31,000 hits a day, Hammond said.

Hammond stressed that non-believers are warned up front that the company "reserves the right to spend any amount of money received for the propagation of the Lord Jesus Christ

to buy Bibles and to promote Christianity.”

Held to higher standard

Maybe the biggest hurdle in trying to serve both customers and the Lord is that some clients have higher expectations for the business than they would other enterprises.

They expect a firm with a fish symbol on the door to work harder — and cheaper — than its secular counterparts.

Some Christian companies complain that their faithful attitudes have sometimes been put to the test even by suppliers who take advantage of them by making late deliveries and filling orders with inferior goods.

Customers also can hedge on making timely payments.

“They don’t realize that we have families to support, too,” said the owner of a contracting company.

But several owners stressed that they wouldn’t feel right going to court to resolve their problems, because the Bible teaches a do-unto-others code.

Thus, some said that they are hurting more than most other companies during the current economic downturn, extra prayers or not.

What irks some business-people even more is that competitors who haven’t been to church in years are using

holier-than-thou marketing tactics to land business.

“There are a lot of business owners out there professing to be Christian who are not,” said Stecklair of Family Carpet. “They’re the type of people who have the fish symbol on their work truck, but then they run you off the road.”

At New Directions Services, a promotional printing company, owner Bob Simmons is striving for a tighter connection to heaven for his business, if in understated ways.

Outwardly, most customers wouldn’t know that the company is run on strict Christian principles, all the way down to how it handles matters with the federal Occupational Safety and Health Administration.

Simmons holds Bible studies with some fellow business owners, and he and vendors often pray together at the company.

“There have been people praying and weeping in my office,” he said.

Simmons is also a member

of a religious peer group that includes a dozen like-minded associates who approach workaday problems with the question “How would Jesus do it?”

If it’s trouble with, say, an employee who isn’t attentive to his job, “we’ll brainstorm about it and pray over it,” he said.

Simmons said he sees his on-the-job ministering as being more important than that of a church pastor because it reaches a wider number of people.

He said he is aware that some of his employees are not believers, but he accepts their positions and finds working alongside them “exciting.”

Only occasionally will Simmons approach a customer and, on a hunch, ask “Do you know the Lord?”

“I don’t want to be perceived as using” Christianity to further business goals, he said.

Frank Green: (619) 293-1233;
frank.green@uniontrib.com

Reporter's Notebook Peter Blumberg

Fee Dispute Makes Strange Allies

San Diego law professor Bob Fellmeth is no fan of famed San Diego litigator Bill Lerach.

For the past decade, Fellmeth has served as chairman of the board of Public Citizen, a Ralph Nader group that has fiercely opposed class-action settlements and the large attorney fee awards that often accompany them.

Lerach of Milberg, Weiss, Bershad, Hynes & Lerach is one of the nation's leading class-action litigators and no stranger to fee awards in six and seven figures.

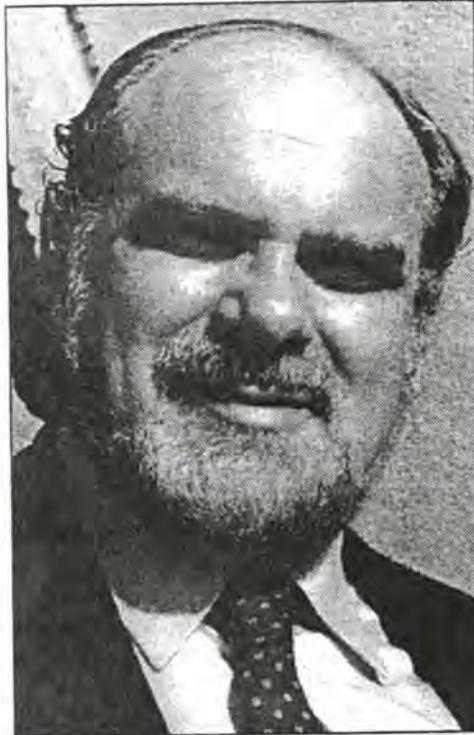
So why is Fellmeth supporting a bid by Lerach and four other plaintiffs' firms to have the state Supreme Court reinstate a \$88.5 million class-action fee award that was rejected as grossly excessive by lower courts?

It's all a matter of principle, according to an amicus letter filed Oct. 25 on behalf of Fellmeth's Center for Public Interest Law, based at the University of San Diego, in the case of *Jordan v. Department of Motor Vehicles*, S110391.

The first page of Fellmeth's letter makes clear he does not normally support the interests of lawyers such as Lerach and assures the justices that no one is paying him to be an odd bedfellow.

But the letter names public-policy reasons for agreeing with Lerach that \$88.5 million is just and reasonable compensation for a successful challenge to a Department of Motor Vehicle policy that charged a \$300 smog fee to out-of-state residents.

Fellmeth contends that, if not for



BOB FELLMETH

pressure from the lawyers, the state Legislature never would have approved a \$665 million smog refund. The \$88.5 million fee set by an arbitration panel is 13 percent of that amount, which Fellmeth says is a low percentage by national standards in class actions that result in government payouts.

"I probably would not have awarded \$88.5 million to those guys myself. My award would have been lower," he said. "But the fact is that 20-to-25 percent common fund percentages are very common."

Echoing Lerach and the other lawyers in the case, Fellmeth also says the Sacramento trial judge and appellate panel that declared the fee to be excessive had no business overriding the binding arbitration process just because the state didn't like the result.

"I'm sorry, guys, but you agreed [to arbitration]," he said. "When you start saying mandatory arbitration is not mandatory if we don't like the number, you might as well not have mandatory arbitration."

In his letter, Fellmeth underscored the importance of adhering to the arbitration result by stating, "Notwithstanding the political hay from posturing against 'rapacious trial lawyers,' even this group of miscreants is entitled to finality when promised."

Deputy Attorney General Michael Cornez, who represents the state, said Fellmeth's letter attributes more credit to the plaintiffs' lawyers for winning a smog refund than even they themselves have claimed in court papers.

"His description of what has happened so far isn't very accurate, so I think some of the reasons why he asked the Supreme Court to grant review to the petition are not really good reasons," Cornez said.

The Supreme Court is expected to decide this month whether to grant review to *Jordan* or let stand the July ruling by the 3rd District Court of Appeal, which held that the maximum fee the lawyers are entitled to is \$18 million.



Burrelle's
INFORMATION SERVICES

-L225 x FQ
cx22.. 5 1g....

MUNICIPAL LAW

Reform Measure Stalls in Court

■ San Francisco enacted a ban on some contributions with no hitch, but Santa Monica and Pasadena have fought back.

By Katherine Galdos
Daily Journal Staff Writer

4154

LOS ANGELES — In 1999, a political reform group looked around California and saw influence-peddling everywhere — from Irvine, where developers gave gifts to the politicians who approved their projects, to San Diego County, where builders who made campaign contributions got their projects hustled along.

So the Oaks Project, the grassroots volunteer arm of activist Harvey Rosenfeld's Santa Monica-based Foundation for Taxpayer and Consumer Rights, drafted a law to stop municipal politicians from capitalizing on their relationships with the people who do business with the city.

Volunteers from the Oaks Project — whose name derives from organizers' goal that volunteers can be as "strong, sturdy and rooted in their communities" as California's native oaks, according to its director, Carmen Balber — gathered thousands of signatures and placed the measure on municipal ballots up and down the state.

By 2001, voters in Santa Monica, Pasadena, Claremont and San Francisco had approved the Oaks Initiative, also known as the Taxpayer Protection Amendment.

In San Francisco, the measure was implemented without incident.

But in Southern California, instead of political reform, what has ensued is a complicated two-year legal tangle that has yet to resolve the central issue of whether the measure is constitutional.

The Oaks measure prevents city officials from taking campaign contributions, large gifts or employment from people who receive city contracts worth more than \$25,000 or \$50,000, depending on the city. The ban goes into effect when a politician takes office and extends for five or six years after his or her term.

Two seminal U.S. Supreme Court decisions, *Buckley v Valeo*, 424 U.S. 1 (1976) and *Nixon v Shrink Missouri Gov't PAC* 120 S.Ct. 897 (2000), cleared the way for caps on contributions to politicians, but the decisions held that restrictions need to be narrowly tailored and enacted for a good reason, lawyers on both sides of the issue say.

The Oaks Project says its measure, limited in scope and serving a compelling interest of keeping government clean, passes constitutional muster.

"This one is more narrowly tailored than any other restriction you can think of," said the measure's primary author, Robert C. Fellmeth, Price professor of public interest law at the University of San Diego.



HUGH WILLIAMS/Daily Journal

CARMEN BALBER — Cities "are afraid that this measure will muck up the way things have been running, muck up that ... kind of insider way of running politics."

Fellmeth said the measure has an impact on only a tiny percentage of the population — former and current office holders — for a limited period of time.

But the law is not narrow in the right ways, said T. Peter Pierce, of Richards Watson & Gershon, outside counsel for Pasadena, one of the cities seeking a review of the law.

One interpretation of *Buckley* is that an outright ban, as opposed to a restriction, can be unconstitutional, Pierce said.

"I am not aware of any case law or of any federal statutory law that says you can entirely ban campaign contributions, and that's what the Oaks Initiative measure does," Pierce said. "It's the ban vs. limitation that's the key here."

The law's prohibitions against city officials taking jobs with city contract winners also may run afoul of state law on Californians' right to seek employment, Pierce said.

But the Oaks Project's Balber said the cities are using the constitutionality argument to protect the status quo — which needs to change.

"I think the problem that each of these cities has been having is simply that they're afraid that this measure will muck up the way things have been running, muck up that ... kind of insider way of running politics," Balber said.

Corruption in California local politics is rampant, Fellmeth said. There are 350 special districts in Los Angeles County alone, he said. "And all these local governments run around using the power of the state to benefit people who are benefiting them."

But officials say their local governments are not corrupt — and don't need the Oaks Project law.

"Between Brown Acts and conflict laws, I think we're there. I don't think we need any more," Santa Monica City Council member Herb Katz said. "This is a very conscious city, and we're very cognizant of conflicts."

Most city officials consider the measure draconian. "I think it was far too harsh, far too unrealistic," Katz said. "I would never vote for it and didn't. It went so far that it was almost insanity."

City officials also complain that the regulations are complex, hard to follow, and unsuited for smaller cities where politicians have to work to avoid personal business dealings with city supplicants.

It makes no sense for a city to enact a law it suspects is unconstitutional, Pasadena Vice Mayor Paul Little, another critic, said.

"We don't want to spend a lot of money to implement something we have to undo," he said.

The largest of the cities to adopt the law, by a whopping 82 percent in 2000, is San Francisco. It has implemented the measure without a whimper, suggesting the other cities' objections are overblown, supporters of the law said.

Ginny Vida, executive director of the San Francisco Ethics Commission, said members had to clean up the language, but they put the law in place in July 2001. As far as the commission knows, no politicians have run afoul of the measure, she added.

"This is something that was approved by the voters, and we take our responsibility very seriously to enforce it in the best way possible," Vida said. "We're not a court."

Meanwhile, in Southern California, cities and Rosenfeld's foundation have faced off in a series of legal battles.

The foundation says the cities should be defending the law, not suing the foundation in hopes of having the law declared unconstitutional.

"What should happen, in any one of these lawsuits, is that a person who is subject to the statute, to the ordinance, who feels that their rights are being violated in some manner, sues the city and seeks to enjoin its implementation, says, 'Hey, this law is unconstitutional as applied to me, or on its face,'" said Fredric Woocher, of Santa Monica's Strumwasser & Woocher, attorney for the foundation.

"They pay, and the city defends it. For 200 years, that's the way we've done litigation in this country."

But the cities say that since the foundation promoted the law, it should have to defend the measure.

"It's the foundation's law. The foundation is the one that promoted it, wrote it, spent money and got it passed," said Pasadena's Little.

Pasadena was one of the first to challenge the law, known locally as Measure B, after its 2001 adoption. After a local government watchdog sued the city for failing to implement it, Pasadena fought back. The city filed a cross-complaint, arguing the city shouldn't have to enforce the measure because it was unconstitutional.

Concerned its law wouldn't get a fair shake, the foundation intervened in the suit, eventually replacing the plaintiff. Pasadena cross-complained against the foundation, as well.

"Of course it looked much better for the city to be suing a Santa Monica grass-roots organization than it did to be suing a Pasadena resident," said Balber.

Both Pasadena City Attorney Michele Beal Bagneris and Pierce, the city's outside counsel, note that the foundation sued Pasadena first.

"They chose to sue the city, and we think that's an appropriate opportunity to ask the court to consider the merits," said Bagneris. The city is not seeking damages, only a judicial determination, she said.

In May, Judge Michael Byrne ruled that Pasadena had to record and enforce the law. But shortly afterward, he ruled the law was unconstitutional, putting the brakes on Pasadena's implementation efforts.

Woocher has filed two appeals of Byrne's ruling, arguing that the judge didn't have jurisdiction to decide whether the law was constitutional, while the foundation was appealing the result of an anti-SLAPP motion in the case.

But unless the appeals court says the law is constitutional after all, Measure B is dead in Pasadena.

The law has been before an appeals court once before, during a litigation battle in the San Diego community of Vista.

Vista also had taken the law to court. After the city's voters defeated the measure in favor of a weaker, competing provision, Vista officials continued their litigation, asking an appellate court to decide whether the law was constitutional.

The 4th District Court of Appeal, however, ruled the issue was moot because the measure had lost.

Santa Monica has had its own battle about the law. But now, the measure's fate there may hinge on what the appeals court decides in the Pasadena matter.

The Santa Monica measure passed in 2000. In June 2001, Santa Monica sued its city clerk, Maria Stewart, over her refusal to implement the reform measure.

Both the city and the clerk agreed it was unconstitutional. Election law specialist Stephen Kaufman of Los Angeles' Smith Kaufman, who has worked with the foundation on other matters, said it's not unusual for a city to sue itself over policy disputes.

"A city is essentially the majority of councilmembers who control a city's actions. And when a majority of a city council disagree with the actions of someone else in city government, it's entirely feasible that a city council could sue itself, to seek judicial relief," Kaufman said.

Santa Monica hired David Pettit, of Caldwell Leslie Newcombe & Pettit, to represent the city, and John Ramirez, of Rutan & Tucker, to represent its clerk.

As in the Pasadena suit, the foundation intervened, arguing that since the two sides agreed on the central legal question, the suit was improper.

Debra Yang, then a superior court judge and now U.S. attorney in Los Angeles, agreed in part, and tossed the lawsuit in April.

Santa Monica has appealed Yang's ruling, still hoping to make an appeals court declare the law unconstitutional. But the process is on hold while Santa Monica awaits the Pasadena decision, according to Jeanette Schachtner, appellate attorney with the Santa Monica city attorney's office.

"Since the Pasadena case has already addressed...the issue of constitutionality, once that case gets resolved obviously ours will be resolved, and we're optimistic that it will be resolved in our favor," Schachtner said.

Pettit charges that the foundation is trying to sidestep a constitutional determination.

"The Oaks Project strategy appears to have been to try to insulate this initiative from judicial review," Pettit said. "It's just curious to me that that's been their tactic. I thought the Santa Monica case provided a perfect opportunity for the Oaks Project to have the legality of this thing reviewed."

Balber says her group is ready to argue the question — in the right circumstances.

"All of the motions that we have filed have been in an effort to get these cities to enforce and defend the law as they're obligated to do," she said. "If a proper case were to come up, where a council member or a member of the community felt that their rights were being violated by this and challenged the law, and the city then put up a defense as its required to do to defend any other law of the city, we would be more than happy to see this case go forward."



Burtele's
INFORMATION SERVICES

580
.x21a.

26

.a...x QH

Diane Bell

S.D. federal bench can hardly wait for more players

4/154 USD



It is a simple pen. But it's going to be mounted in a place of honor on the federal courthouse's "history" wall by Chief Judge Marilyn Huff. President George Bush used the pen this month to sign a bill granting the Southern District of California

five more federal judges — at last. Along with it came the final red-lined copy of the bill, which also will go on the wall.

"We're elated. We are so excited," says Huff. For five years, she has been pleading the case for more judges. She asked for 10 new positions, but she views five as a good start, especially considering that the second-largest number went to a district in the president's home state of Texas — and it only got two. The new judgeships will reduce the average workload of San Diego's federal judges from 1,007 cases per year — well above the caseload of 430 set by federal guidelines.

Judging candidates

Seven San Diegans are to play a key role in President Bush's appointments to S.D.'s federal bench. In the absence of a Republican as U.S. senator from California who might lead the effort, a bipartisan citizens' committee will drive the search. Bush's appointments to the committee include UC Regent John Davies, former federal judge Lawrence Irving and attorney Meryl Young, who chairs the committee. Sen. Barbara Boxer appointed lawyer Bea Kemp. Sen.

SEE Diane Bell, B4

▶ DIANE BELL

CONTINUED FROM PAGE B1

But was he teed off at the governor?

Dianne Feinstein selected trial attorney David Casey. The two senators jointly named USD law professor Bob Fellmeth to the panel.

After committee members screen and interview applicants, they'll pass their recommendations on to Gerald Parsky of Rancho Santa Fe, Bush's judicial appointments adviser in California.

The committee is asking for applications immediately in order to make selections in December. Huff is hoping for quick confirmations by the Senate, which shifts to a GOP majority in January. With luck, San Diego's new crop of federal judges can take office with the start of the fiscal year on July 1.





Burrelles INFORMATION SERVICES

-L225
cxz2..

5 x JL
1g....

Judge Creative On and Off the Bench

■ A Jerry Brown appointee, Judge Sheridan Reed had every intention of being a historian of medieval art.

By Claude Walbert
Daily Journal Staff Writer

4154

SAN DIEGO — It can be as late as 11 p.m. when Superior Court Judge Sheridan Eckhardt Reed goes down to her basement workshop. By then the children are in bed, the last briefs for the next day's cases read.

PROFILE

She picks up a hammer. Stroke by careful stroke, she transforms obstinate sheets of silver into vases, trays or jewelry, as medieval metalsmiths once did.

Some day, when her years as a judge are done, she hopes to devote all her time to the art. For now, she tempers her passion with a good-humored gibe at the side benefits.

"When you sit doing mental gymnastics all day, there's something that feels really good about hitting something," Reed said. "It takes you out of that space. I find it very healthy."

She needs that release. Reed, who hears civil cases, said she is troubled by the lack of courtesy in the courtroom.

In earlier years, lawyers fought hard, but "it was never malicious. If there's any way I think the law has changed, it's that."

The way she was taught to practice law, Reed said, was "you put on your case, apply the law, and may the best man win. Your best lawyers still present their case that way."

But too many civil lawyers don't abide by that practice, she said: The opposing lawyer becomes the villain in those ego-driven dramas. Personal attacks by lawyers on their colleagues reflect a general trend toward gratuitous nastiness, in her view.

BIOGRAPHIC

Sheridan E. Reed

Judge, San Diego County Superior Court

Career highlights: Appointed by Gov. Jerry Brown, 1981, and elected 1982 and since; appointed by Brown, San Diego Municipal Court judge, 1979 and elected 1980; private practice in San Diego firms, 1972-1979.

Law school: University of San Diego, 1970

Age: 58



"People didn't behave that way in the past," Reed said. "Our whole society has gone that way."

Reed prefers the passions of the Middle Ages. Once she expected to spend her life immersed in them.

Born April 24, 1944, in San Bernardino, she remembers a pleasant girlhood, tearing around on her skates, the old-fashioned kind with four metal wheels, sometimes camping or hiking with her father, who was, she said, "kind of a desert rat."

Her father, Thomas Eckhardt, was a prominent lawyer, and his father had been a lawyer, too.

Reed learned early to shrug off disappointing looks. Her parents divorced and both remarried twice.

"Back then, not many people got divorced," she said.

Her second stepmother was from Mexico, and she spent summers in that country, learning to speak what she said was "relatively fluent" Spanish.

She learned about the legal world by working in her father's office. Even her grandmother — who also went to law school, though she ended up as a deputy sheriff — helped.

"If I was taking something to the courthouse, I'd stop and talk to my grandmother," Reed said. "She knew all the courthouse characters."

By the time Reed graduated from Fontana High School, she knew she loved the legal profession. But she also had developed a love for art. She briefly

attended what is now San Diego State University and then transferred to Scripps College in Claremont. There, she majored in art history, concentrating on medieval art and architecture, with a minor in Spanish. She graduated with high honors.

A college roommate was from Brussels, so Reed, without a lot of planning, traveled with her to Belgium, expecting to advance her medieval studies by studying restoration. But medieval studies in Europe required a background in Greek, Latin and Hebrew. Reed's languages were Spanish and French. So, she found a tiny apartment and went to work as a secretary.

"I had a wonderful year, did a lot of traveling, came back here and went to law school," she said.

While Reed attended the University of San Diego, she again worked as a secretary. By then, she could type 80 words a minute, and that came in handy as she transcribed depositions to make money for school.

She was Notes and Comments editor for the law review and listed in Who's Who in American Colleges and Universities. She graduated with high honors in 1970 and was admitted to the State Bar the following January.

She wanted to be a trial lawyer, but it wasn't an easy time for women lawyers.

"I was unaware of any private firms that hired women litigators," she said.

She first worked as an associate in her father's firm. By 1972, she was in her father's newly opened San Diego office, specializing in personal injury claims and some environmental cases. That same year, she met her first husband, T. Michael Reed, a fellow lawyer. They have two sons, Marty and Mike Reed, now adults.

In those years, Reed and some of her colleagues were opening doors for female lawyers and women in general. Anywhere women weren't welcome, they made their presence known. The nine of them called themselves the "Old Girls," or simply "OGs," because they had to fight the "Old Boys." They would meet for dinners and strategy sessions, and Reed designed a pendant for the little group. Made of woven metal to represent the fabric of life, it is round, like an "O," and an arrow on it is shaped like a "G" to represent going forward with life despite setbacks.

The seven of them still living continue to meet a half-dozen times a year.

In 1976, Reed became the first woman to lead the San Diego Trial Lawyers Association. But she said it was the courtroom that fueled her life.

"I liked litigation," she said. "You are constantly learning something new, from anatomy to vector analysis to statistics."

Then, in 1979, Gov. Jerry Brown came calling.

"He was looking for women and minorities who had experience and could get community backing to put on the bench," Reed said.

As much as she loved being a trial lawyer, she felt she was missing time with her family.

"When you were in trial, it was all-consuming," she said.

She got up at 4 a.m. and went to bed at midnight. The bench offered her a chance to have nights and weekends free.

Brown appointed her to the municipal court in 1979 and elevated her to superior court two years later. She got all the assignments a new judge expects: law and motions, family court, criminal trials, juvenile court, civil trials. In 1991 she began handling an independent civil calendar, seeing cases though from beginning to end.

Cathleen Fitch, of the La Jolla firm of Coughlan Semmer & Lipman, recently represented a client in Reed's courtroom.

"She has an excellent grasp of the rules of evidence," Fitch said. "She made a lot of tough and even esoteric rulings on the evidence that could be admitted at trial."

Reed also kept a brisk courtroom pace and "didn't keep the jury dangling," Fitch said. Yet Reed was pleasant with the lawyers and generous with her time with them.

Anthony C. Case, of the San Diego firm of Farmer & Case, also recently had a case before Reed.

"She's extremely fair, and she is a lawyer's judge," Case said.

"She allows you to try the case, but never to disrespect the jury," he added. "I loved the experience."

Reed finds that being a judge is even more time-consuming now than in her early years on the bench, when work kept her from spending as much time as she wanted with her children.

Each civil judge has about 600 cases to manage. To keep up, Reed stays in her office at lunch and takes work home. Often, her second husband, Juvenile Court Referee Hideo Chino, cooks the evening meal. His family operates the internationally famed Chino Farms, north of San Diego, which supplies produce to California's best restaurants, and he knows his way around a kitchen as well as he does around a mandolin or a guitar.

Reed in her second marriage has given birth to two more children, who are now 6 and 2. The memory of not being at home when her two grown sons were small is still with her.

"Now I make it a point to be there," Reed said. "It doesn't seem so important to be at the top of the game in your career. Now, my family seems most important."

So, when she gets home at night, she does homework with her first-grader, Matsuo, reads to both him and Mayumi, her daughter, and studies legal briefs. Finally it's time to go down to her workshop, "if I don't have bills to pay."

She no longer thinks about becoming an appellate judge, she said, although she once served with the 4th District Court of Appeal on assignment.

And she has all but eliminated from her schedule the dinners, cocktail parties and organizational meetings that are part of a lawyer's life, in part to avoid situations that could raise sticky ethical questions.

Her reticence was sparked by the 1996 convictions of three San Diego Superior Court judges and one lawyer on corruption charges. When the probe began, Reed was one of two-dozen judges queried by the Commission on Judicial Performance about gifts she may have received. She replied to the letter and heard no more about the query. "Some of us avoid those situations," Reed said. "It's too bad, because I believe lawyers and judges can learn from each other."

She's also given up skiing, once a favorite pastime, to spend more time with her family.

"There are tradeoffs," she said. "You can't do it all."

So now her relaxation — and creative outlet — is her work as a metalsmith. Last year, she traveled to Ireland to study with a master silversmith, and this year she attended a class in New York in ornamenting metal. She also takes classes at local colleges and at San Diego State, which she said has one

Here are some of Reed's recent cases and the lawyers involved:

■ *Root v. Tjsoi*, GIC765609

For the plaintiff: David Rosenberg, Rosenberg, Shpall & Assoc., San Diego

For the defendant: Brian A. Rawers and Ernest Slome, Lewis D'Amato Brisbois & Bisgaard, San Diego

■ *Old Custom v. BNE Trading*, GIC760593

For the plaintiff: James D'Ambrosio, Garrison & McInnis, San Diego

For the defendant: Stanley C. Imerman, Los Angeles

■ *Tuchscher v. Lennar*, GIC758620

For the plaintiff: Joel R. Wohlfeil and Andrew S. Albert, San Diego
For the defendant: John T. Farmer and Dennis O'Neill, Farmer & Case, San Diego

■ *Ditty v. Borst*, GIC762084

For the plaintiff: Cathleen G. Fitch and R.J. Coughlan, Coughlan Semmer & Lipman, La Jolla
For the defendant: Deborah A. Wolfe, Nugent & Newnham, San Diego

■ *Batt v. Cifuentes*, GIC762096

For the plaintiff: Thomas J. Massey Jr., Fallbrook
For the defendant: Anthony T. Case, Farmer & Case, San Diego

of the best metal programs in the nation.

There are lessons for life in her metal art. Silver, she said, is like clay.

"But it moves very slowly."

LOS ANGELES DAILY
JOURNAL

LOS ANGELES, CA
MONDAY 24,000
NOV 11 2002



Burrelle's
INFORMATION SERVICES

-L209
txz2d.

2

x JN
1g....

Profile FRONT PAGE

4154
Judge Credits Military for Turning Life Around

By Anne La Jeunesse
Daily Journal Staff Writer

FULLERTON — For a lot of people, a 1.5 high-school grade-point average and a youthful arrest for lobbing beer cans out of a car onto a highway would spell L-O-S-E-R.

Colleges were not exactly besieging young Richard M. King with scholarship offers.

"It was a judge who suggested to me that perhaps military service would have a positive impact on my outlook on life, and I joined," King, who became a decorated Vietnam veteran, said.

Today, he is an Orange County Superior Court Judge sitting at the North Justice Center in Fullerton after a distinguished career as a hard-hitting, justice-seeking prosecutor.

In his nine years as a deputy district attorney, King tried 115 jury trials. Thirty of those were murder trials, and six of those were death-penalty cases.

One of King's cases remains the longest-running criminal trial in Orange County: the case of twice-tried Thomas



Richard M. King
Superior Court Judge
Orange County (Fullerton)

Maniscalco, an attorney and co-founder of the violent Hessian motorcycle gang. A jury convicted Maniscalco of murder 14 years after he orchestrated the executions of two men and a woman in a drug- and counterfeit-money operation.

Before King tasted courtroom glory, the Cleveland native lived a hardscrabble childhood. He and his three younger sisters were raised by their mother, Lillian King, who toiled as a waitress.

The judge recently began hearing misdemeanor traffic trials in Fullerton after a stint handling up to 30 cases a day, largely felony arraignments. He said he tries to treat everyone in his courtroom with respect. He calls defendants "sir" or "ma'am" and wishes them all good luck. He learned it from his mom, who knew the value of respect, he said. She eked out her living from tips.

King credits his tours of duty as a Seabee in Vietnam with turning him from a potential washout into a man with a public-service career so admired that he twice was selected outstanding prosecutor by

See Page 8 — PROFILE

his peers in the Orange County Deputy District Attorney's Association.

The military turned him 180 degrees around, King said.

"I think, as I look back now, that was perhaps one of the most significant events in my life," he said. "It was there that I lost some friends, and I was given the chance to come home."

Signing on with the Navy, King's skills with heavy equipment got him assigned to the Seabees, the Navy's mobile construction unit that, among other duties, paved roads for U.S. tanks and trucks. King was awarded a Combat V medal for his courage during a March 31, 1968, enemy mortar and rifle attack near Hue, the site of one of the war's bloodiest battles during the Tet offensive of 1968.

Admiral John J. Hyland, who was commander in chief of the U.S. Pacific Fleet during the deadly Tet offensive, praised King for "unhesitatingly working throughout the night" tending to wounded and dead American troops.

King teared up as he recalled how the now-grown son of a man he tried to save that day attended his swearing-in ceremony.

After his wartime experiences, King realized that he could not squander his future; he realized that education was the key to something more than a lifetime of backbreaking work.

And a brief visit to Santa Monica convinced King he needed to be in the Eureka state.

"I couldn't get over the fact that it was nice all of the time," King said. "I made the decision that I would go to college in California. I didn't know how. I didn't know what I was going to study. But I knew I wasn't going to drive bulldozers anymore."

King graduated with honors from UCLA in 1974 and earned his law degree in 1977 from the University of San Diego School of Law. He paid for his tuition by digging ditches, pouring concrete, gardening, painting houses, making liquor store deliveries and working in a factory. In his second year of law school, he took a job sweeping parking lots over a position as a law clerk because the parking-lot gig paid better.

King said there was no "defining moment" when he realized he wanted to be a lawyer; he merely wanted to be some type of "professional." So he migrated to law school, where he developed an interest in trial work and enjoyed moot court.

After his graduation, King went to Washington, D.C., to work as an attorney for the Veteran's Administration, which left him with an insatiable taste for litigation.

He stayed only briefly at his second job with a construction litigation firm because he wanted to be in the courtroom. He signed on with the Orange County district attorney's office in 1981 as a misdemeanor deputy, quickly rising through the ranks to become chief of the homicide panel.

"I realized I just really enjoyed trial work," he said. "I wanted to be in the courtroom."

While there, King helped found the county's Child Death Review Team. The group investigates the deaths of all children under 12 who die in Orange County. The team makes sure no killers get away with snuffing out a child's life.

The father of two teen-agers, Lisa Marie, 18, and Brian, 15, King continues to show his high regard for children in his courtroom. He invites local high-school students to his court for impromptu lessons in the justice system.

While at the district attorney's office, King also gained a reputation as a prosecutor who pursued convictions and justice with equal verve.

To spare a 7-year-old boy from the trauma of testifying about years of abuse at the hands of his murderous stepfather, King dropped a death-penalty allegation.

Prominent Orange County criminal defense attorney John D. Barnett said that King was one of the best-prepared prosecutors he's ever faced.

"And he is scrupulously honest," Barnett said. "I had a murder case with him where he found that a drug sample had been misidentified and dismissed murder charges on his own, where other prosecutors might have just gone on with the case."

Orange County Deputy District Attorney Lew Rosenblum, the head of the homicide panel that King once oversaw, worked with and for King for 15 years.

King's hallmarks, Rosenblum said, are high ethics, intellect and judgment.

"Those qualities make him among the finest lawyers and judges and human beings that I ever met," Rosenblum said. "In the years to come, I am confident he will be one of the most-respected jurists on the Orange County bench."

King is a self-made man who has turned his life around completely, Rosenblum said. A former two-pack-a-day man in his 20s, King has become a triathlete who bests the competition in his age group and very nearly made it to the Iron Man competition in Hawaii, Rosenblum said.

King placed first in four 1998 triathlons in the 50-to-54 age group and took third and fourth place honors in two others in 1999, after only recently taking up running. His frequent partner is his fiancée, Gina Fraker, a dental hygienist.

Lithe and energetic, King is more apt to pace around his Seabee-memorabilia-filled chambers than to sit at his desk.

Vu V. Trinh, an Orange criminal defense attorney who has had jury trials before King in Fullerton, said he always is wary to go before a newly appointed judge — particularly one with King's breadth of experience as a prosecutor.

"I wasn't disappointed at all. In fact, he was very fair," Trinh said. "In fact, he really helped the case out because there was a discovery issue. He got the DA to get the Sheriff's Department to get me what I needed — a videotape — when they [Sheriff's Department] weren't getting me what I needed."

King took easily to the criminal bench, Trinh said, and knows his new role.

"It really helps because he knows what trial lawyers go through, and he's

Profile

Richard M. King

Superior Court Judge
Orange County (Fullerton)

Career highlights: Appointed by Gov. Gray Davis, Orange County Superior Court judge, December 2000; deputy district attorney, Orange County, 1981-2000; Veteran's Administration Office of the General Counsel, 1978-80; associate, Munns, Kofford, Hunt & Throckmorton, Newport Beach, 1980-81

Law school: University of San Diego School of Law, 1977

Age: 53

trenches, and you're trying your case, and you don't need a judge being another prosecutor. He doesn't do that."

Many lawyers said that King runs an orderly courtroom, where respect reigns and idle noisy chatter is not welcome.

"You may attack the position but not the other person," Orange County Deputy District Attorney Gary M. LoGalbo said.

"He's very well-tempered, and he lets attorneys try their own cases; he does a good job of not becoming an advocate," LoGalbo said. "He's very fair. I think he makes good rulings, whether they help me or hurt me, and he doesn't just rely on what attorneys tell him; he takes the time to look it up."

Lawyers going before King should not fly by the seat of their pants, attorneys said.

"He knows cases; he knows his criminal procedure," Trinh said. "You don't have to sit there and educate him."

King teaches outside the courtroom, handling evidence and death-penalty law at Western State University College of Law in Fullerton.

Although King does not hurry justice and is methodical in his research, his vast knowledge of criminal law expedites matters, attorneys said.

"He considers, very much, all of your objections," Fullerton criminal defense attorney Robert J. Hickey, who believes he handled King's first jury trial as a judge, said. "He's not ever quick to make a decision."

"One thing I respect Judge King for is, when he was new on the bench, he was always quick to admit something he didn't know and ask you to come back in a couple of weeks and do research for him," Hickey said. "Many judges wouldn't be so quick to admit they didn't know everything."

King marvels at his current job.

"There is not a day that goes by that I come to work and I don't learn something," he said.

Many lawyers consider King to be an Evidence Code expert, among them Orange County Superior Court Judge Cormac J. Carney, a former civil attorney with O'Melveny & Myers.

"Expertisewise, he's been a godsend to me," Carney, who hears criminal matters, including murder cases, said.

"Rick knows the Evidence Code like the back of his hand — every provision, every exclusion to the hearsay rule," he said. "He knows what evidence should not come in, and as a trial judge, that's a tremendous resource for me."

King said he earned a reputation as an Evidence Code guru the hard way — under the tutelage of U.S. District Judge David O. Carter, a former Orange County Superior Court presiding judge whom King first encountered while Carter was on the Municipal Court.

"The guy was on me all the time," King said. "He just rode me on the Evidence Code, and I'm forever indebted to him for that."

Carter laughed at the memory of King, as a young prosecutor, appearing before him again and again. A fellow Vietnam veteran, Carter pegged King as an up-and-comer in the district attorney's office.

"I held King and all of the DA's feet to the fire regarding evidence standards," Carter said. "[And] he just kept coming."

"I don't know if he's the Energizer Bunny or what, but he just kept popping up in my courtroom. I'd do something he didn't like, and he'd thank me and come back."

Carter described trials as the "mosh pit, the Gladiator school" of the legal arena, where after pretrial motions and hearings, attorneys must face 12 average people and convince them of their position.

"He thrived in it," Carter said.

And, like himself, Carter believes King will be "a task master" — and demand that attorneys learn the Evidence Code.

Here are some of Judge King's recent cases and the lawyers involved:

■ *People v. Tuoma*, 01NM03824

For the prosecution: Eya D. Garcia, district attorney's office, Orange County
For the defense: Mathew S. Vallance, Gale & Vallance, Orange

■ *People v. Ohai*, 00NM11550

For the prosecution: Kal Kaliban, district attorney's office, Orange County
For the prosecution: Robert J. Hickey, Fullerton

■ *People v. Cortez*, 00NF1359

For the prosecution: Eya D. Garcia, district attorney's office, Orange County
For the defense: Vu V. Trinh, Orange

■ *People v. Elizalde*, 01NM040084

For the prosecution: Gary M. LoGalbo, district attorney's office, Orange County
For the defense: Kimberly E. Stevens, public defender's office, Fullerton

■ *People v. Rinteria*, 01NM03695

For the prosecution: Gary LoGalbo, district attorney's office, Orange County
For the defense: Ray Y. Chen, alternate public defender's office, Orange County.

Senate Confirms R. Gary Klausner as Judge of U.S. District Court

4.15.02

FRONT PAGE

By KENNETH OFGANG
Staff Writer

Los Angeles Superior Court Judge R. Gary Klausner has been confirmed as the newest judge of the U.S. District Court for the Central District of California.

Klausner was one of 18 judges approved by voice vote of the Senate late Thursday night. One of the others was Jeffrey White, a San Francisco litigator confirmed to the U.S. District Court for the Northern District of California.

Klausner, who was nominated by the president on July 18, will fill a seat that has been vacant since Judge William Keller took senior status in 1999.

The 61-year-old Klausner has been a judicial officer for 28 years. He was appointed to the Pasadena Municipal Court as a commissioner in 1974, then made a judge of that court by then-Gov. Jerry Brown appointed in 1980.

Then-Gov. George Deukmejian elevated him to the Superior Court in 1985.

He became supervising judge of the Criminal Departments in 1991, was elected assistant presiding judge in 1993, and took over as presiding judge in 1995 and 1996.

After stepping down from the court's top leadership post, he was appointed to head the Probate Department.

In January of last year, he assumed a new post in the larger unified court supervising the civil departments.

Judge Carolyn Kuhl, who currently presides over a complex litigation court at the Central Civil West courthouse, will take over for Klausner in Dept. 1, Assistant Presiding Judge Robert Dukes told the METNEWS.

Klausner's nomination was "looking so good," Dukes said, that a contingency plan was put in place.

'Institutional Memory'

"We're very thrilled for him, but we're going to miss him," Dukes said of Klausner. "... We are going to miss his leadership and his institutional memory."

Dukes, who moves up to become presiding judge in January, added that he was "losing a good friend" on the court, although he expects to remain in contact after Klausner moves the few blocks to the federal court.

It was unclear Friday when Klausner would be sworn in. Neither Klausner nor the district court's chief judge, Charles Legge, was available for comment. Kuhl's stay in Dept. 1 could be short lived, as she has

been nominated by President Bush to the Ninth U.S. Circuit Court of Appeals. The nomination of Kuhl, a Justice Department lawyer in the Reagan administration, has stalled because of Democratic opposition, but her prospects of confirmation have brightened considerably as a result of Republican victories in Senate contests on Nov. 5.

Also awaiting confirmation to the federal bench is Superior Court Judge S. James Otero. Otero is currently assistant supervising judge of the civil departments, a post that will go to Judge J. Stephen Czuleger if and when Otero is confirmed, Dukes said.

Otero's confirmation appears likely, as he was recommended by a bipartisan committee and has the support of both Democratic senators from the state. But with the Senate in a lame-duck session and no hearing date set, he is probably going to have to wait until sometime next year.

Klausner is a Los Angeles native and a graduate of Loyola High School. He went on to the University of Notre Dame in Indiana and earned his law degree in 1967 from Loyola University School of Law. A Vietnam veteran, he served as a U.S. Army captain, then returned to Los Angeles to become a deputy district attorney.

He was a prosecutor for five years before becoming a commissioner.

White, who fills a seat on the San Francisco-based



R. GARY KLAUSNER
U.S. District Judge-Designate

Northern District Court that has been vacant since Judge Charles Legge retired in June of last year, headed the Litigation Department of Orrick, Herrington, & Sutcliffe for 15 years.

Other Nominees

Also approved yesterday was one appellate court judge, John M. Rogers, who joins the Cincinnati-based Sixth U.S. Circuit Court of Appeals. Rogers, 54, has been a professor at the University of Kentucky College of Law for 24 years and is a former civil appellate lawyer at the Department of Justice.

He was a visiting professor at the University of San Diego School of Law in 1998-99, and taught in China as a Fulbright professor.

The rest of the judges confirmed yesterday were named to district courts.

They are Magistrate Judges Stanley R. Chesler, Robert B. Kugler, and Freda L. Wolfson, former Rep. William J. Martini, and state trial judge Jose L. Linares for the District of New Jersey; Tacoma attorney Ronald B.

Leighton for the Western District of Washington; state trial judge Linda R. Reade for the Northern District of Iowa; and Magistrate Judge Thomas W. Phillips for the Eastern District of Tennessee.

Also Bismarck attorney Daniel L. Hovland for the District of North Dakota; Magistrate Judge Alia M. Ludlum for the Western District of Texas; state appeals court Justice James E. Kinkeade for the Northern District of Texas; Providence attorney William E. Smith for the District of Rhode Island; Kent A. Jordan, vice president and general counsel of the Corporation Service Company, for the District of Delaware; Enterprise, Ala. prosecutor Mark E. Fuller for the Middle District of Alabama; and labor lawyer and former National Labor Relations Board General Counsel Rosemary M. Collyer for the District of Columbia.

**METROPOLITAN
NEWS-ENTERPRISE**

LOS ANGELES, CA
MONDAY 2,500
NOV 18 2002

NEWS JOURNAL

MANSFIELD, OH
FRIDAY 34,000
NOV 1 2002



Burrelles'
Information Services

203
.x2c. 17 XX... ZT

State Races, Issues

82nd District
Ohio House

4154

Steve Chaffin
Democrat

Age: 48 **Family:** Married to Kathy, two children.

Education: Bachelor of science from California State at Long Beach, law degree from University of San Diego.

Profession: Attorney

Public offices held: None.

Why should voters elect you?: Chaffin said he's not going to accept the status quo. He said he knows Ohioans can do better than they've done in the past. He said it may cost us more but that it's



CHAFFIN



REINHARD

worth it. "Kids, seniors, it's going to cost us," he said. "We're going to have to start spending more on others than we spend on ourselves." Chaffin said finding a way to reduce the price we pay for prescription drug coverage will

be one of his priorities.

Steve Reinhard
Republican

Age: 35 **Family:** Single.

Education: Bachelor of science in agriculture economics, bachelor of science in agriculture education from The Ohio State University.

Profession: Member, Ohio House of Representatives; former teacher at Crestview High School.

Public offices held: Repre-

sentative in the Ohio House.

Why should voters elect you?: Reinhard said in his first two years in office he's focused on education and the environment. He said he'll continue to concentrate on those issues. However, the economy is the No. 1 issue affecting Ohio at this moment, he said. He is striving to come up with ways to entice companies to quit leaving the state and also to encourage new companies to come to Ohio.

Jurist Presides in One-Court Town

4154

By Xenia P. Kobylarz

Daily Journal Staff Writer

BASS LAKE — Being the judge in a one-judge town like Bass Lake — population 400 — might not sound as exciting as prosecuting high-profile homicide cases. Even so, Madera County Superior Court Judge Jennifer Detjen insists her many years as a criminal prosecutor weren't nearly as stimulating.

In charge of the only courtroom within 50 miles, the 47-year-old Detjen gets all the variety she needs as the sole judge for the hamlet nestled in the foothills of the Sierra Nevada.

"I do everything around here," Detjen said, surveying the ranch-style, single-story courthouse where she has her office.

"My court is one of those all-purpose courts that handles everything a community wants to file," she said. "People who live here can literally come to one judge for everything."

The Bass Lake facility serves more than 7,000 residents of eastern Madera County — a rural area 20 miles south of Yosemite National Park. Previously designated as a small claims department, the Sierra Court, as it is known, was expanded into a full-service courthouse in 1992. It offers regular probate, family, civil, criminal, traffic and small claims dockets.

"On any given day, I could have a small claims case, a family law case or a civil case," she said. "As a criminal prosecutor, I dealt mainly with one area of law, but as a judge I have to learn, quickly, different areas of law and apply them accordingly."

"It is a real challenge," she said, laughing. "But it is fun, too."

Described by local lawyers as diligent, patient and a quick learner, Detjen is widely considered a good fit for the Bass Lake court. The outpost attracts an uncommonly high number of self-represented defendants and litigants, and it yields more than the average number of unusual cases.

"It is a small community, and you have a lot of people here who either have never appeared in court before or are regulars," Deputy District Attorney D. Lynn Jones said. "No judge around here would ever get a normal case."

In her time at Bass Lake, Detjen has handled cases that no big-city judge would run into.

There is a steady flow of bear-baiting cases, for example. And once, Detjen had to fine and sentence a local man to 30 days in jail for collecting more than 130 broken-down cars on his land in defiance of a 2-year-old court order to clear them away. Local authorities considered the accumulation of tires on the property a toxic and fire hazard.

Recently, Detjen handled a case filed by Pacific Gas & Electric Co. against a local woman who set fire to an electric pole. The judge also presided over a small-claims dispute involving a dog and its puppies.



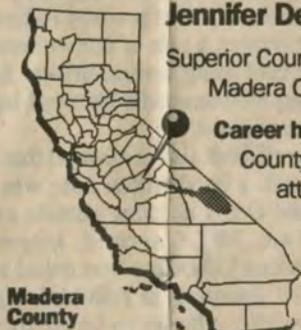
S. TODD ROGERS / Daily Journal

Rookie Judge Jennifer Detjen feels her judicial demeanor needs improving. "I am still working on the poker face expression," she said with a laugh.

Profile

Jennifer Detjen

Superior Court Judge,
Madera County (Bass Lake)



Career highlights: Appointed by Gov. Gray Davis, Madera County Superior Court, December 2001; senior district attorney, Fresno County, 1994-2001; deputy district attorney, Fresno County, 1985-94; deputy district attorney, Madera County, 1982-85

Law School: University of San Diego School of Law, 1981.

Age: 47

Here are some of Judge Detjen's recent cases and the attorneys involved:

■ **People v. Martinez, CR06366**
For the prosecution: Gina G. Barsotti, district attorney's office, Madera
For the defense: Anthony Benanti, John Barker & Assoc., Fresno

■ **County of Madera v. Jensen Ranch, CV00415**
For the plaintiff: David A. Roberts, Caswell Bell & Hillison, Fresno
For the defendant: Randy J. Risner, Hargrove & Costanzo, Fresno

■ **People v. Reed, 01S1810**
For the prosecution: Jo Anne Morales, district attorney's office, Madera
For the defense: John A. Barker, contract public defender, Madera

■ **People v. Walker, 01S1726**
For the prosecution: D. Lynn Jones, district attorney's office, Madera
For the defense: Michael M. McGonigle, Fresno

■ **Wimp v. O'Donnell, CV 3626**
For the plaintiff: Jo Anne Morales, John Barker & Assoc., Madera
For the defendant: John O. Jamison, Jamison & Chappel, Oakhurst

LOS ANGELES DAILY JOURNAL

LOS ANGELES, CA
WEDNESDAY 24,000
OCT 30 2002

"She has brought a lot of professionalism in our court here," Jones said. "Whether they are defendants representing themselves or high-priced attorneys, she treats us with equal amounts of respect."

Appointed by Gov. Gray Davis in December, Detjen is the first woman to occupy the bench in Madera County. Her appointment allowed court administrators to reopen the Sierra Court for the first time since it was shut down in 1997 upon the ouster of former Superior Court Judge Thomas Fletcher.

The Commission on Judicial Performance removed Fletcher from office after 12 years of service for a long pattern of unethical behavior that included altering court documents to cover up his misdeeds and using his judicial power to go after political enemies, according to commission records.

Detjen's impressive track record as a criminal prosecutor distinguishes her, local attorneys say. She served three years as a prosecutor in Madera County and 16 years in the Fresno County district attorney's office. She has tried more than 15 murder cases — including a death penalty case — and almost every type of criminal offense, including robbery, burglary, narcotics, sexual assault and child abuse.

"I have never met anyone more honorable and above-board than Jennifer," said Ernest Kinney, a Madera County criminal defense attorney who was Detjen's regular opponent in court. "As an attorney, she played by the rules, hammered down all the nails and got the job done without being flamboyant."

Kinney, who also has appeared before Detjen since her appointment, said the qualities that made her an effective prosecutor are the same ones that one expects in a judge.

"Even back then, when she was still an attorney, I could tell she would be a good judge because she loves and knows the law a lot," Kinney said.

Detjen's performance has pleased the small pool of civil attorneys in Bass Lake.

"Most of the time, a judge with her background is not up to speed with civil law, and we worry about that," sole practitioner Dale Blea said. "But she's done a really great job so far and has shown that she is willing to work hard to come up to speed."

General sole practitioner James Oakley agreed. "I think she's about the perfect judge," Oakley said. "She's extremely intelligent and asks very pointed questions. She's also willing to listen and hands out well-reasoned rulings."

The transition from advocate to judge

was not without challenges, Detjen acknowledged.

"I remember during my first few weeks on the bench I kept calling cases as 'People call the case of' instead of 'The court calls the case,'" she said, laughing at her own expense. "I even once objected to a question a defense attorney asked. That was pretty embarrassing."

Michael Fitzgerald, a Madera County contract public defender who appears often in Detjen's courtroom, said the judge has pretty much shed her advocate persona on the bench.

"Most of the judges we get here are former DAs, so we are used to seeing them slip once in a while and do some lawyering from the bench," Fitzgerald said. "But the only difference with her is that she doesn't have a judge ego. She is very intelligent and yet she would not hesitate to ask a question if things are not clear to her."

Detjen admits it took her a few months to complete the transition. At first, she said, she would second-guess the lawyers.

"I really had to focus on being an impartial judge," Detjen said. "Now, I pretty much just let them put on their cases and not get involved."

As a result, she truly learned to appreciate good lawyers on the bench.

"From a judicial standpoint, good lawyers just make a judge's work a whole lot easier," she said. "This is the same reason why the ones who are successful in my courtroom are the ones who are prepared and who know the law."

On the other hand, most of Detjen's cases involve people representing themselves.

"I really have to be careful not to give legal advice from the bench," she said. "The best that I can do is to point out the rules and certain code sections, but a lot of times it doesn't help them at all and they lose."

"I am very structured and very legalistic, so I pretty much hold up self-represented people to the rules of court."

Nevertheless, attorneys say, Detjen shows genuine compassion from the bench.

"She is always willing to listen to the people in the community," Jones said. "I don't remember her ever cutting off anyone in her courtroom."

"She is also the only judge in our county that does probation reviews in her courtroom."

Detjen keeps a regular probation review calendar to follow up on domestic-violence and drunken-driving defendants.

"This is very helpful because defendants feel that they can turn to her for help if they are having problems," Fitzgerald said. "She really wants people to succeed and genuinely wants to work out the best solution for them."

One of a handful of Davis' Republican appointees, Detjen was born in Washington state, on an island outside Seattle. Her father designed aircraft for Boeing; her mother coordinated campaigns for the Washington state Republican party.

"I guess you could say I grew up politically savvy, and that's why I am still surprised Gov. Davis appointed me," Detjen said.

In fact, Detjen hesitated to apply for the bench vacancy precisely because she thought it was such a long shot. She'd applied for a judicial appointment under former Gov. Pete Wilson, a fellow Republican, and didn't get the job.

"I was disappointed about that," Detjen said.

She decided to apply again under Davis after a Fresno County judge told her that the governor was looking for women judges and that she had nothing to lose,

she said.

Her appointment came as a surprise not only to her, she said, but also to many of her female colleagues in the Madera and Fresno bars.

"I don't think that women of my generation in this area even consider being a judge as a career option," she said. "Honestly, I didn't even think of it myself until someone suggested it to me."

Detjen is thinking of building a network to encourage other women lawyers to apply for judgeships.

"I did encourage some of my women colleagues in the DA's office to apply when I left," she said. "The funny thing is that I've never really felt that my being a woman mattered when I was an attorney, but as a judge it somehow matters, especially to people who appear before me."

There were occasions, she said, when self-represented people would obviously talk down to her or speak really slowly whenever they discussed anything involving automobiles, construction or firearms. People in court would refer to her as "Judge Jennifer" instead of "Your Honor." Once someone called her "young lady" in court.

"I think it is mostly an individual issue, and I don't think it is gender bias," she said. "But I do blame Judge Judy and the media for indoctrinating the public that they can call judges by their first names."

A graduate of the University of San Diego School of Law, Detjen is married to Steven Detjen, a schoolteacher and former sergeant with the Madera Police Department. They are both longtime residents of the city of Madera. Her older sister, Sue Steding, is an assistant district attorney in Riverside County.

Local lawyers say the affable and soft-spoken Detjen has one of the best courtroom demeanors in the county. Yet the rookie judge feels her judicial demeanor needs improving.

"I am still working on the poker face expression," she said with a laugh. "Sometimes things happen in court that are just so funny, and I always struggle to keep a straight face. Right now, I am working on not participating in the court banter."

**METROPOLITAN
NEWS-ENTERPRISE**

LOS ANGELES, CA
WEDNESDAY 2,500
OCT 30 2002



-L210
txz2.. 2 x JN
1g....

Burrelle's
INFORMATION SERVICES

Intellectual Property Lawyer James Potepan Moves to Ropers Majeski

4154

By a METNEWS Staff Writer

Ropers Majeski Kohn & Bentley has added James Potepan as a partner in its Los Angeles office.

Potepan, an intellectual property lawyer, came to Ropers Majeski from Cooper Kardaras & Kelleher in Pasadena on Sept. 23. He brings with him two associates, as well as clients in both Northern and Southern California.

Potepan said those clients were one of the reasons he chose to join Ropers Majeski.

"I find that my IP clients want the assurance and comfort of being represented by a firm that has a substantial presence," he said. "I find that important because clients that have businesses operating in Southern California often find themselves involved in litigation in Northern California, or vice versa."

Allan Anderson, managing partner of Roper Majeski's Los Angeles office, said his firm hired Potepan as part of a decision last fall to double the size of the office in five years.

"I know of him by reputation as an excellent lawyer," Anderson said. "[The firm] felt he would mesh well with our practice in Los Angeles and in the rest of the firm."

Anderson said the firm is expanding in general, but particularly in Los Angeles, where it plans to have 37 partners by the end of this year and about 50 by 2006. Though the Los Angeles office will have no particular specialty, the firm is planning to expand its intellectual property, labor law and real estate groups, Anderson said, primarily through lateral hires of partners with compatible practice areas.

"It's a good market down here," Anderson said. "We only have one office here but three in Northern California. There are excellent business opportunities in Southern California."

The announcement follows another hire by Roper Majeski of a Cooper Kardaras partner. Roper Majeski announced last summer that it had hired Gerald Knapton, an expert in fee disputes and litigation management. Anderson said the hires are "not a package deal," just a coincidence.

Potepan specializes in unfair competition and trademark and copyright litigation. He has worked on several high-profile copyright cases, including one that provoked a Ninth U.S. Circuit Court of Appeals decision clarifying the duty of inquiry for a defendant claiming innocent infringement when the copyright notice is in the name of someone other than the named author.

Potepan earned a bachelor's degree with high honors from the University of California at Riverside, a master's degree from UCLA and a law degree from Loyola Law School.

Coming with Potepan from Cooper Kardaras are associates Thomas O'Leary and James Hildebrand. O'Leary, a former mayor of Covina, has experience in trademark and copyright infringement litigation. He holds an undergraduate degree from the University of La Verne, a master's degree from San Diego State University and a law degree from the University of San Diego.

Hildebrand is a graduate of the University of California at Santa Cruz and a cum laude graduate of the Southwestern University Law School, where he served as research editor for the University Law Review from 1989 to 1990. He has experience in insurance bad faith defense and trademark and copyright litigation.

Roper Majeski has about 130 lawyers in offices in San Francisco, Redwood City, Los Angeles, New York and its San Jose headquarters. It is a full-service law firm focusing on litigation and transactional services.

RECORDER

SAN FRANCISCO, CA
MONDAY 6,100
NOV 11 2002



Burrelles
INFORMATION SERVICES

-L223
txz2..

5

x JN
lg...

On the Move

4154

San Francisco

CARROLL, BURDICK & McDONOUGH has added associates **Philip Barilovits**, **Karin Geissl**, **George Irwin** and **Jessica Lamiero** in its San Francisco office.

Barilovits, 32, has joined the commercial litigation group. He was formerly an associate with **KING & SPALDING** in Atlanta, and with **MCCUTCHEN, DOYLE, BROWN & ENERSEN** in Palo Alto.

He earned his J.D. from Harvard Law School in 1998.

Joining the products liability group, Geissl, 30, previously served as a law clerk for Patrick Campbell in Oakland. She also worked as a staff attorney for Munich-based **FRAUNHOFER GESELLSCHAFT**. Geissl earned her J.D. from Ludwig-Maximilians University School of Law in Munich in 1998.

Irwin, 34, joins Emeryville-based **BECHERER, KANNETT & SCHWEITZER**. He also previously was an associate with **HARDIN, COOK, LOPER, ENGEL & BERGEZ** in Oakland, and earned his J.D. from Seattle University School of Law in 1996.

Lamiero, 27, joins the products liability group from **LEWIS BRISBOIS BISGAARD & SMITH** in San Francisco. She was also previously an associate with San Francisco-based **O'CONNOR, COHN, DILLON & BARR**, and was a clerk in the Alameda County district attorney's office. Lamiero received her J.D. from Boston College Law School in 2000.

COBLENTZ, PATCH, DUFFY & BASS has added special counsel **Gregg Ficks** and associate **Nate Garhart**.

Ficks, 37, works in commercial litigation, bankruptcy and insolvency law. From 1990 to 1992 he served as law clerk to Judge Edward Jellen of the U.S. Bankruptcy Court for the Northern District of California. He earned his law degree from UC-Davis King Hall School of Law in 1990.

Prior to joining the firm, Garhart, 33, practiced law in New York at **SULLIVAN & CROMWELL** and at **COOLEY GODWARD** in San Francisco. His practice focuses on

trademark and copyright issues. He earned his J.D. from Duke University School of Law in 1996.

Southern California

FRIEDEMANN O'BRIEN GOLDBERG & ZARIAN has added of counsel **Jerrold Abeles** and associate **Michael Amir** to its Los Angeles office.

In addition to his practice, Abeles, 39, is also an arbitrator for the Los Angeles Superior Court. His practice involves complex commercial litigation, including business torts, construction, products liability and insurance. He earned his law degree from University of Southern California Law School in 1988.

Amir, 32, served as a judicial extern-clerk for Justice Arthur Gilbert of the Second District Court of Appeal and for Judge Susan Illston of the U.S. District Court for the Northern District of California. He earned his J.D. from Hastings College of the Law in 1999.

GORDON & REES has added four new associates to its San Diego office.

Truth Fisher worked as a solo practitioner before joining the firm's employment and business technology practice group. She earned her J.D. from University of San Diego School of Law.

Prior to joining the firm, **Brett Middleton** served as vice president and general counsel for Summit Investments Loan Corporation. He earned his law degree from University of San Diego School of Law in 1998.

Catherine Casper joins the firm's employment litigation practice group. She earned her law degree from University of San Diego School of Law.

Amy Darby joins the firm's tort practice group. She earned her J.D. from University of San Diego School of Law.

Please send news about partners or associates, appointments or awards to: editor@therecorder.com, or On the Move, The Recorder, 10 United Nations Plaza, Third Floor, San Francisco, CA 94102.

How to choose a doctor

In California's chaotic health care market, the process of choosing a doctor or medical group can resemble a blind date, with consumers scrambling to find something — *anything* — to indicate whether they have entrusted their care to Dr. Jekyll or Mr. Hyde.

That is about to change under legislation signed by Governor Gray Davis in September. For the first time, California patients will be able to check on the Internet to see whether their doctor has exceeded a threshold for malpractice settlements.

It's only a small part of what the proponents originally sought. And in a stiff battle with the medical industry, patient advocates also failed this year to pass another public disclosure bill that would warn consumers about financially troubled medical groups. But after years of high-stakes battles, the latest change still marks a major shift in public disclosure of physician performance in California.

A nine-year battle to win more public disclosure of doctor performance records won a victory this year with a landmark bill to post malpractice settlements on the Internet. Consumer advocates want more, but the powerful medical industry says good doctors may be tainted by frivolous suits.

Insurance groups, hospitals and "every other health care industry stakeholder [have] malpractice information [about doctors] before they make intelligent decisions," said Senator Liz Figueroa (D-Fremont), author of the malpractice disclosure legislation, SB 1950. "The one group that could actually die — patients — doesn't have this information."

Opponents of the bill from the medical industry contend the best way to avoid Mr. Hyde doctors is to beef up the notoriously ineffective malpractice investigations conducted by the state Medical Board. They said the new public disclosure law will still leave consumers uninformed because malpractice settlements in today's lawsuit-happy society are a poor measure of physician performance.

"We don't believe that there's any kind of solid relationship between the quality of a physician's practice and the settlement of professional liability claims," said John Whitelaw, president of the California Medical Association and an obstetrician-gynecologist with Sutter Health in Sacramento. "We also know that there is a threshold at which it becomes less expensive in terms of time and money and stress on the physician to settle lawsuits that in our mind are without merit.

"In my practice, I fought my first two malpractice cases in court and won them both, but it was incredibly draining," said Whitelaw. "The third time, when I was the fourth listed plaintiff in a suit for a patient I had seen once but never treated and I had the chance to settle for \$14,000, I said, 'Where do I sign?'"

By Stephen Robitaille

“The one group that could actually die — patients — doesn’t have this information.” — Senator Liz Figueroa

Patient advocates, however, have long considered settlements a key element of public disclosure, as malpractice lawsuits are far more likely to be resolved in an out-of-court settlements than at trial. For example, the Medical Board logged 921 settlements in the 2001 fiscal year, but only 416 cases were decided by juries or arbitrators.

National trend

California’s new law mirrors a growing national demand for greater disclosure, with 15 states since 1996 implementing laws allowing public posting of information on physicians, with varying levels of comprehensiveness.

Figueroa’s legislation is the culmination of a public disclosure push in California that began in 1993 after a series of embarrassing revelations about the state Medical Board, the agency that licenses and disciplines California doctors.

This spring, the *Orange County Register* reported that the Medical Board investigated only a small portion of the complaints filed against physicians and that bad doctors were allowed to continue practicing while investigations languished, often with tragic results for patients. A lack of public disclosure about physician performance figured prominently in the newspaper’s revelations, which marked the third major public embarrassment of this type for the Medical Board in the past 12 years.

SB 1950 gained impetus from the newspaper revelations. Early drafts of the bill, supported by consumer advocates and the state Medical Board itself, called for public release of all malpractice settlements of \$30,000 or more, all misdemeanor convictions related to the practice of medicine, and completed board investigations that had been sent to the state Attorney General’s Office for prosecution.

After multiple rounds of negotiations, however, the bill’s final version softened the malpractice section and dropped the disclosure requirement for both misdemeanor convictions and completed investigations. The CMA ultimately remained neutral on the bill, while malpractice insurers opposed SB 1950 to the end.

Under the new bill, settlements of \$30,000 or more will be posted only if physicians in low-risk practices have three or more malpractice settlements in a 10-year period. For those in high-risk specialties, who typically receive more lawsuits, the threshold for public disclosure is four settlements in the same time frame. The Medical Board has until next July to decide which specialties fall into high- or low-risk categories.

The Medical Board already discloses malpractice judgments and arbitration awards, felony convictions, and permanent revocations of doctors’ medical privileges by hospitals.

In another key change won by the medical industry, a physician’s public record will be wiped clean 10 years after the date of the oldest settlement, if there are no more settlements or judgments in that time. The postings also will not identify the specific amount of any malpractice settlements. Instead, the amount will be categorized as average, above average, or above average for similar settlements. Language explaining how to interpret malpractice information will also be posted with the disclosures on the web site for the state medical board (www.medbd.ca.gov).

Finally, the legislation cracks down on the Medical Board by adding two members of the public to its oversight panel and establishing a special monitor to review board operations and report to the Legislature. It also orders that the board give priority to investigations involving patient

Medical Board of California: A Public Disclosure Chronology



1989

Center for Public Interest Law at the University of San Diego castigates the Board of Medical Quality Assurance, saying the “moribund” agency coddles doctors, has a backlog of cases considered an immediate threat to public health. (At this time, board responsible for maintaining malpractice lawsuit judgment and settlement information, but does not make any of the information public).

1990

SB 2375 beefs up reporting to the Medical Board. County coroners report deaths caused by alleged malpractice; prosecutors report felony charges against physicians; and county court clerks report convictions.

1992

State investigation finds 300 complaints against doctors were purged from files. “60 Minutes” television program highlights a doctor serving murder sentence with a clean record at the medical board. Revelations prompt new calls for increased public disclosure of physician performance records.



deaths or permanent injuries.

The new rules take effect in January, but consumers may have to wait for years before doctors begin to hit the threshold for posting their settlements.

"The earlier version of the bill is the best version,

from our perspective, but that was before CMA got its hands on it," said Julianne D'Angelo Fellmeth, administrative director of the Center for Public Interest Law at the University of San Diego, a public-interest law center that monitors state regulatory agencies. "I knew that in the give-and-take process in the Legislature, we had to be sure we had things that could get through."

Hard-fought debate

California's public disclosure debate has been hard-fought and often anguished.

Politically, it pits consumer advocates against the financial might of the California Medical Association, which represents roughly 35,000 of the state's 112,000 licensed physicians. CMA gave \$1.3 million in campaign donations in the 2000 election cycle and spent another \$1.4 million for lobbying efforts. SB 1950 also divided lawmakers between compelling arguments mounted by both sides.

Insurance industry statistics support CMA's claim that malpractice lawsuits are far cheaper to settle than to fight, even though doctors do very well in cases that go to trial, according to data from the Physician Insurers Association of America, a national trade association.

In out-of-court settlements nationwide, the average patient award in 2001 was \$165,300, and the average total expense per case was \$22,700 — but those totals jumped to \$293,175 and \$59,000, respectively, in cases that went to trial. In total, 93 percent of all suits were settled out of court, withdrawn or dropped, while only 7 percent went to trial. However, the association found that 82 percent of all trial

verdicts go to doctors, not patients.

Doctors in some high-risk specialties are also far more likely to be sued than others, according to data from The Doctors Company, the nation's largest physician-owned malpractice insurer. For example, a 1997 report said that some high-risk specialists, such as colorectal surgeons, are roughly five times as likely to be sued as internists.

CMA President Whitelaw said the new blast of controversial publicity surrounding the California Medical Board, coupled with a general rise in consumer demand for such information, made SB 1950's passage inevitable.

"Physicians and the CMA are never going to be in a position to support disclosure of any kind, given the reasons why lawsuits get filed and lawsuits get settled," said Whitelaw. "We don't believe that there is any information that will be useful, other than confusing the issue and making good reading in the newspapers."

On the other side of the debate, however, disclosure proponents contend that the public is entitled to know the records of the doctors to whom they entrust their medical care, especially when regulators fail to do their job. They point to physicians like Richard M. Escajeda, as an example of the need for a full public accounting of doctor disciplinary records.

Escajeda, a San Diego plastic surgeon, has been sued by patients 16 times since 1980 and has resolved at least eight of them in confidential, out-of-court settlements, according to a *California Journal* review of public records in San Diego County Superior Court. Escajeda prevailed in five cases, while records for two cases were incomplete or missing, and one suit is still pending.

Escajeda's out-of-court settlements include an accusation that he blinded a patient in one eye during a 2000 scar repair procedure; a patient who allegedly lost mobility of his leg after a cosmetic calf implant in 1998; and a woman who said he operated in 1998 on her left breast when she only authorized him to operate on her right.

Escajeda was also placed on Medical Board probation between 1992 and 1997, after pleading no contest to allegations of inappropriate sexual contact with anesthetized patients; unlicensed office staff administering anesthesia; and reusing disposable needles, syringes, sutures

1993

SB 916 expands public disclosure, listing for the first time malpractice judgments and arbitration awards over \$30,000, felony convictions of physicians, completed board investigations that had been sent to the Attorney General's Office for prosecution, and disciplinary actions by regulatory agencies in other states. Calif. Medical Assn. files suit to block the disclosure; succeeds in removing completed board investigations.

1997

AB 103 requires Medical Board to post all public information on its Web site, removes the \$30,000 threshold for listing of malpractice judgments and arbitration awards, and for the first time includes permanent disciplinary actions by hospitals against doctors. Disclosure of malpractice settlements and other issues deleted from bill after CMA opposition.

2002

SB 1950 for the first time requires public disclosure of malpractice settlements over \$30,000, if a doctor has three or four settlements in a 10-year period, depending on the specialty.

SB 1950: Before and After

Comparison of SB 1950 as it was introduced and as it was signed into law by Governor Gray Davis.

Before

- Public posting of:
 - Malpractice settlements over \$30,000. Settlement amount described as below average, average, or above average.
 - Misdemeanor convictions related to practice of medicine
 - Board investigations sent to state Atty. Gen. Office for prosecution
- Adds two members of public to the board
- Establish special agency monitor, who reports to the Legislature

After

- Public posting of:
 - Malpractice settlements over \$30,000, only if physicians have three to four settlements in a 10-year period, depending on specialty. Public records will be expunged if there are no more settlements or judgments in the period. Settlement amount described as below average, average, or above average.
- Adds two members of public to the board
- Establish special agency monitor, who reports to the Legislature
- Prioritizes board investigations by severity of complaint

and leftover intravenous solution.

Escajeda's 31-page probation report is available to the public, but the Medical Board record will not list any of the lawsuit settlements because they were filed prior to the recent legislation. Still, those records are on public file with the courts.

Since Escajeda settled five lawsuits between 1997 and 2002, the new legislation would require that they be posted on the Medical Board's Web site, as long as enough of them were over \$30,000 to require public disclosure. Specifics of the lawsuits, which are contained in court records, will not be publicly posted by the Medical Board.

Escajeda practices in a high-risk specialty. Plastic surgeons that perform implant procedures are sued five times as often as internists, according to The Doctors Company report. But Medical Board probation is rare. Of the nearly 11,000 complaints filed against doctors with the Medical Board in the 2001 fiscal year, less than 1 percent resulted in probation.

Disclosure proponents contend that examples such as

this are a big reason why public release of information on physicians is necessary for patients to protect themselves.

"When you get your car repaired, there is a sign in the shop with an 800 number that shows where you can go if there's a problem," said a former Escajeda patient, who is barred by terms of an out-of-court settlement from naming him publicly. "How about a little pamphlet in doctors' offices, required by law, which explains all that [to patients]? I know more about the guy who fixes my brakes than I do about the physician who operated on me."

When asked if Escajeda were under Medical Board investigation, board spokesperson Candis Cohen declined to comment directly on questions of board investigations, stating, "We are aware of the matter and are proceeding appropriately."

Escajeda did not respond to telephone and e-mail requests for comment.

Medical group disclosure

When compared to malpractice, this year's unsuccessful bill regarding public disclosure about the fiscal solvency of medical groups can seem an arcane issue of patient safety. But consumer advocates warn that a financially-strapped medical group is a higher risk for making health-care decisions based on cost, not a patient's need.

"Patients and doctors deserve an early-warning system to know how groups are performing, to protect their health and their interest," said Daniel Zingale, director of the state Department of Managed Health Care. "It's important because finances affect patient care. If an HMO or a medical group is not paying bills on time, that's a warning sign for patients. We know that the groups that don't pay their doctors reliably end up sacrificing quality health care or, in the worst-case scenario, file for bankruptcy."

In California, most of the state's 365 medical groups are to varying degrees nearly as important as HMOs in deciding what medical care patients will be allowed to receive. That's because of the nature of HMO-medical group contracts in California, many of which employ a device called delegated risk, in which the medical group — and not the HMO — takes on much of the financial risk of patient care and is in charge of deciding what treatments patients may or may not receive.

Accepting those contracts has proved risky in California's punishing managed care market, as roughly 70 medical groups since mid-1999 have declared bankruptcy or closed due to financial pressures. Physicians and health plans have long squabbled over the causes, with doctors blaming miserly payments from HMOs and plans pointing to a competitive market and poor medical group management.

Patients of fiscally unstable or bankrupt medical groups can quickly find themselves in an unsettling netherworld of health-care politics. Faltering medical groups have delayed or denied medical care to save money, while bankruptcies have created nightmares for patients and providers, with medical records disappearing, and unpaid specialists and laboratories illegally attempting to collect for

services directly from patients.

"They are taking on this financial risk . . . and no one is accountable," said Marjorie Swartz, a legislative advocate for the Western Center on Law and Poverty, which has pushed for public disclosure of medical group solvency. "There are delays in referrals, delays in treatment, there's no regulation and there's no way to know what's going on."

Last year, under a new state law, the Department of Managed Health Care publicly released four standardized fiscal indicators for the state's medical groups. The indicators showed whether medical groups process at least 95 percent of their claims within 45 working days and whether they are financially solvent.

The data showed that only 44 percent of the state's medical groups passed all four measures.

CMA opposed the disclosure because it contends that release of fiscal information placed medical groups at a competitive disadvantage in their negotiations with HMOs. It sued to halt the data's public release and earlier this year it won a Superior Court ruling that not only removed the data from public view but barred the state from even collecting it.

"If a medical group is required to bare its entire fiscal reality, as if all of us were required to publish our IRS tax returns, then those groups would be vulnerable to the various health plans with whom they contract," said Jack Lewin, CMA's executive director. "What happens now is when a health plan senses that a medical group is somehow in the black, then in the next round of contract negotiations they can cut back on reimbursements or hold onto existing rates, thereby improving their profits. That is unacceptable."

Assemblywoman Christine Kehoe (D-San Diego) authored AB 684 this year in a bid to restore the public disclosure of medical group finances. But CMA, with a favorable court ruling in its pocket, was in no hurry to compromise. Legislators, wearied by negotiations over the previous state law, threw up their hands and the bill died.

Proponents of the legislation are not giving up, though. State officials are considering a new regulatory method for requiring the release of the information, one that addresses the court concerns. And some lawmakers contend the medical industry's opposition is less one of damaging public disclosure and more of doctor-versus-doctor financial wrangling.

At one point, they note, CMA proposed an amendment to AB684 that would have provided a medical group's full audited financial statement to HMOs — which would reveal far more information than the financial indicators it blocked in court. And while the financial information would have been available to HMOs, CMA balked at consumer advocates' proposals to release the same information to the public.

Lewin explained that CMA's proposal would have allowed an HMO to see only information related to its own contract with a medical group but no other health plan's. CMA feared that the release of a group's entire portfolio of contracts would lay bare its financial particulars for all

HMOs to see.

Since the demise of AB 684, CMA and state officials have been negotiating a format under which the postings struck down by the court can again be released to the public.

CMA is proposing release of specific information on timely claims payments. For the other three measures, it wants a yes-no format to indicate whether a group is meeting the requirements, a numerical ranking showing a group's relative level of compliance, and an indication of whether a group has been improving or falling behind.

State officials want to reinstate full release of all four measures. They say the information can be posted in such a way that health plans cannot get information that will harm medical groups.

CMA's Lewin said he hoped for a mutual agreement that would eliminate any need to return to court. And DMHC's Zingale suggested that the disclosure will be restored, one way or another.

"We're more optimistic that these regulations could withstand a court challenge," said Zingale. "We would like to see CMA be supportive, but we do feel we need to move forward on this." 🏠

Stephen Robitaille is a freelance writer in Oakland and a former reporter at the San Jose Mercury News. Comments can be sent to edit@statenet.com.

Put Synergy to Work in Your Organization



Synergy
An Information Technology and Management Services Firm
Consulting, Inc.

Information Technology

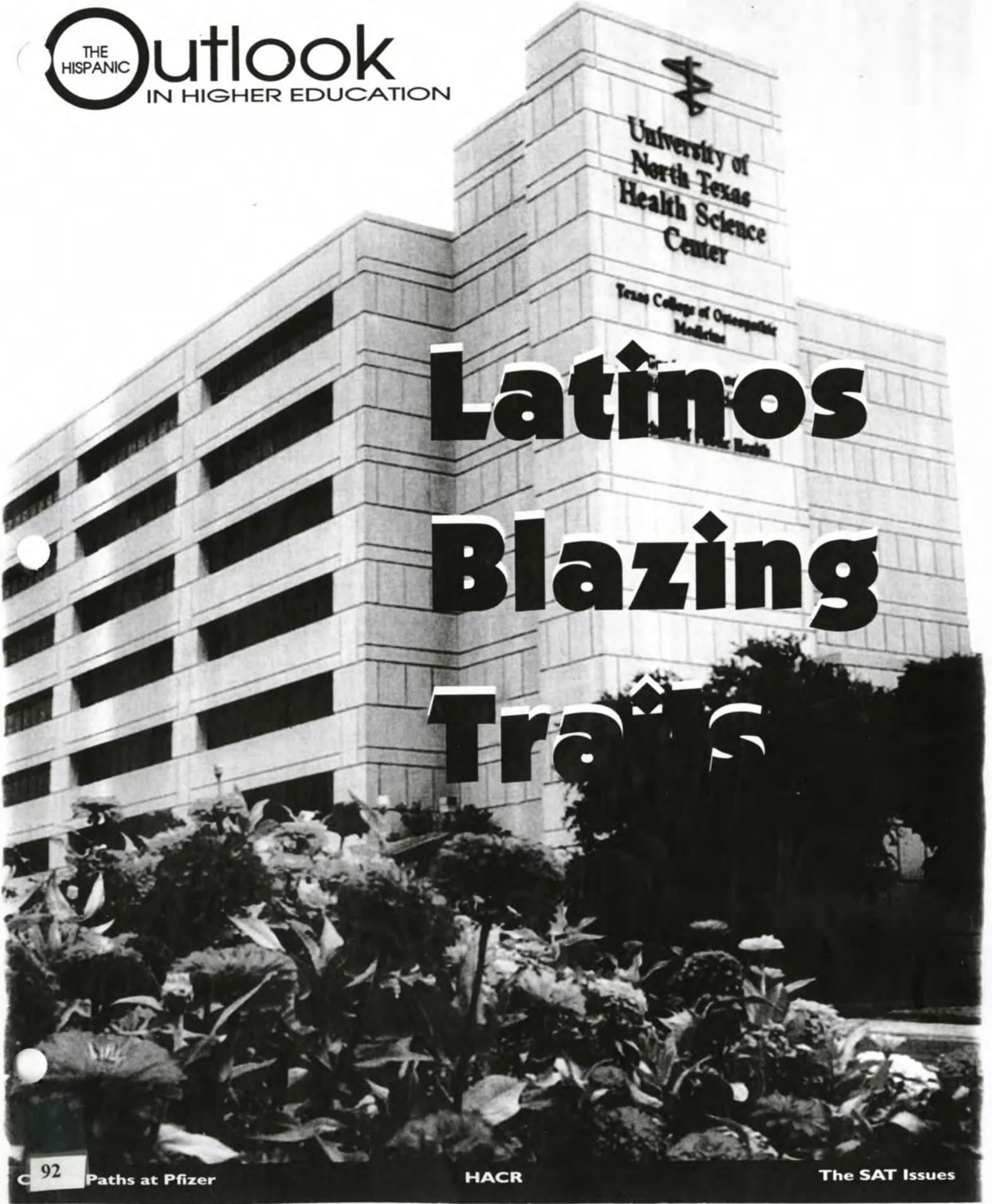
Management Services

e-Government

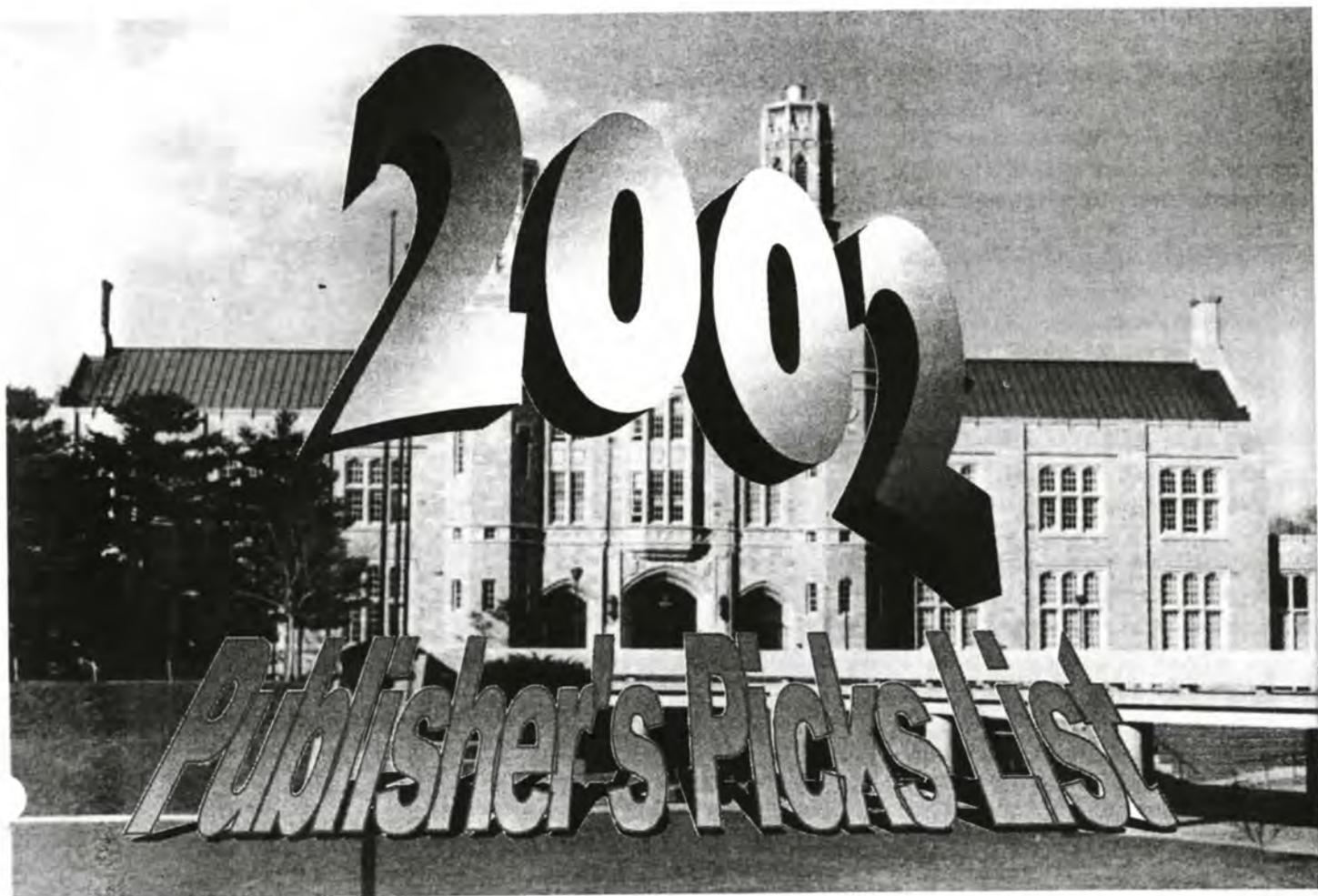
Synergy Consulting, Inc. (A Subsidiary of AMS)
8801 Folsom Blvd., Suite 260, Sacramento, CA 95826
Tel. (916)386-4070 | Fax (916)386-4080 | www.sci-synergy.com

Other USD-Related News

THE HISPANIC Outlook
IN HIGHER EDUCATION



Latinos Blazing Trails



CUNY-Herbert H. Lehman College

ARIZONA

Arizona State University, Main (T)
 Arizona State University, West
 Maricopa County Community College District
 Chandler Gilbert Community College
 Estrella Mountain Community College
 Gateway Community College
 Glendale Community College
 Mesa Community College
 Paradise Valley Community College
 Phoenix Community College
 Rio Salado College
 Scottsdale Community College
 So. Mountain Community College
 Northern Arizona University (T)
 Pima County Community College (C)
 University of Arizona (T)
 University of Phoenix

ARKANSAS

University of Arkansas

CALIFORNIA

Allan Hancock College
 Azusa Pacific University
 Bakersfield College (C)
 California Lutheran University
 California Polytechnic State University,
 San Luis Obispo (T)
 California State Polytechnic University, Pomona (T)
 California State University, Bakersfield (T)
 California State University, Chico (T)
 California State University, Dominguez Hills (T)
 California State University, Fresno (T)
 California State University, Fullerton (T)
 California State University, Hayward (T)
 California State University, Long Beach (T)
 California State University, Los Angeles (T)
 California State University, Monterey Bay
 California State University, Northridge (T)
 California State University, Sacramento (T)
 California State University, San Bernardino (T)
 California State University, San Marcos
 California State University, Stanislaus (T)

Cerritos College (C)
 Chabot-Las Positas Community College District
 Chabot College
 Chaffey Community College (C)
 Las Positas College
 Citrus College (C)
 City College of San Francisco
 Coast Community College District
 Coastline Community College
 Golden West College
 Orange Coast College
 College of Marin
 College of the Desert
 College of the Sequoias (C)
 Contra Costa Community College District
 Contra Costa College
 Diablo Valley College
 Los Medanos College
 Cypress College
 Dominican University of California
 El Camino College (C)
 Evergreen Valley College

Foothill-De Anza Community College
 Fullerton College (C)
 Grossmont-Cuyamaca Community College
 Hartnell College (C)
 Imperial Valley College (C)
 Long Beach City College
 Los Angeles Community College District
 East Los Angeles College (C)
 Los Angeles City College (C)
 Los Angeles Harbor College
 Los Angeles Mission College (C)
 Los Angeles Pierce College
 Los Angeles Southwest College
 Los Angeles Trade-Technical College (C)
 Los Angeles Valley College (C)
 West Los Angeles College
 Loyola Marymount University (T)
 Mira Costa College
 Modesto Junior College
 Mt. San Antonio College (C)
 Mt. San Jacinto College
 National University (T)
 Occidental College
 Oxnard College (C)
 Pacific Oaks College
 Palomar College
 Pasadena City College (C)
 Rancho Santiago Community College
 Rio Hondo College (C)
 Riverside Community College (C)
 San Bernardino Valley College (C)
 San Diego State University (T)
 San Francisco State University (T)

San Joaquin Delta College (C)
 San José City College
 San José State University (T)
 San Mateo County Community College District
 Canada College
 College of San Mateo
 Skyline College
 Santa Ana College (C)
 Santa Clara University
 Santa Monica College (C)
 Santa Rosa Junior College
 Sierra Community College
 Southwestern College (C)
 Stanford University (T)
 State Center Community College District
 Fresno City College (C)
 Reedley College (C)
 University of California, Berkeley (T)
 University of California, Davis (T)
 University of California, Irvine (T)
 University of California, Los Angeles (T)
 University of California, Riverside (T)
 University of California, San Diego (T)
 University of California, San Francisco
 University of California, Santa Barbara (T)
 University of California, Santa Cruz (T)
 University of LaVerne (T)
 University of Phoenix-Southern Calif. Campus (T)
 University of Redlands
 University of San Diego (T) 
 University of San Francisco
 University of Southern California (T)
 University of the Pacific
 Ventura College (C)
 Westmont College
 Whittier College



California State University, Northridge

COLORADO
 Colorado Mountain College
 Colorado State University (T)
 Community College of Denver
 Front Range Community College
 Metropolitan State College of Denver (T)
 Pueblo Community College
 University of Colorado
 University of Colorado at Boulder (T)
 University of Colorado at Colorado Springs
 University of Colorado at Denver
 University of Denver
 University of Northern Colorado
 University of Southern Colorado

CONNECTICUT
 Connecticut State University System
 Central Connecticut State University
 Eastern Connecticut State University
 Southern Connecticut State University
 Western Connecticut State University
 Manchester Community-Technical College
 Quinnipiac University
 Trinity College
 University of Connecticut
 University of Hartford
 Yale University

DELAWARE
 University of Delaware

DISTRICT OF COLUMBIA
 Gallaudet University
 Georgetown University
 George Washington University
 The American University
 The Catholic University of America

FLORIDA
 Barry University (T)
 Bethune Cookman College
 Brevard Community College
 Broward Community College (C)
 Daytona Beach Community College
 Florida Atlantic University (T)
 Florida Community College at Jacksonville
 Florida Gulf Coast University
 Florida International University (T)
 Florida State University (T)
 Hillsborough Community College
 Manatee Community College
 Miami-Dade Community College (C)
 Nova Southeastern University (T)
 Palm Beach Community College
 Seminole Community College
 St. Thomas University
 Tallahassee Community College
 University of Central Florida (T)
 University of Florida (T)
 University of Miami (T)
 University of South Florida (T)
 University of West Florida
 Valencia Community College (C)

GEORGIA
 Agnes Scott College
 Emory University

Virginia Polytechnic Institute

WASHINGTON

Columbia Basin College
Eastern Washington University
Green River Community College
Highline Community College
Skagit Valley College
Tacoma Community College
The Evergreen State College
University of Washington (T)
Washington State University
Western Washington University
Yakima Valley Community College



University of Wisconsin, Parkside
University of Wisconsin, Platteville
University of Wisconsin, River Falls
University of Wisconsin, Stevens Point
University of Wisconsin, Stout
University of Wisconsin, Superior
University of Wisconsin, Whitewater

WYOMING

University of Wyoming



PUERTO RICO

WISCONSIN
Blackhawk Technical College
Lawrence University
Marquette University
University of Wisconsin, Green Bay
University of Wisconsin, La Crosse
University of Wisconsin, Madison
University of Wisconsin, Milwaukee



American University
Arecibo Technical University
Arecibo Technological University-College
Bayamon Central University
Caribbean Center for Advanced Studies
Catholic University of Puerto Rico
Colegio Tecnológico del Municipio de San Juan
Colegio Universitario del Este

Columbia University
Huertas Jr. College
Inter American University
National College of Business & Technology-Bayamon
Polytechnic University of Puerto Rico
University of Puerto Rico
University of Puerto Rico,
Carolina Regional College

(T)- **TOP 100** Schools Graduating Hispanics

(C)- **TOP 50** Community Colleges Graduating Hispanics

THE UNIVERSITY OF SCRANTON

A JESUIT UNIVERSITY



Located in Pennsylvania's Pocono Northeast, Scranton is a student-centered, Jesuit university that offers "large school" numbers like **80** undergraduate and graduate programs in a "small school" setting - average class size of **23**, student-to-faculty ratio of just **13-1**.

National Recognition



Top 10 in the North for the past nine years



39th on The Hot 100 Wired Colleges

Get ready.
Choose a college that will prepare you for whatever lies ahead.

real world ready



OPEN HOUSE
20 Oct. 2002
3 Nov. 2002

Learn more or apply online at www.scranton.edu
Best of all there is **no application fee for online applications.**



AAIMSAI Medical Assistant Program

"The teachers at RMC are as diverse as the students. My professors go out of their way to meet my needs and my schedule. Their dedication and support help me to open new doors in my professional life."

Call to schedule a visit today!
800.225.1520

CHICAGO
401 South State Street, Chicago, IL 60605
www.robertmorris.edu

Why was Robert Morris College my **COLLEGE of FIRST CHOICE?**



Law

Mark A. Saxon has joined Gordon & Rees, LLP's San Diego office as a partner and member of the firm's employment practice group.

Media and Marketing

Parker White has hired **Rachel Ederer** as new business development specialist. Oster & Associates has hired **Leslie Talley** as account supervisor and **Tori Peck** in business development.

Miscellaneous

Elaine Elliott has been named director of the Office of Community Service Learning at the University of San Diego. San Diego World Trade Center president and CEO, **Bella Heule**, has been appointed to the Board



Elliott

of Directors of the World Trade Centers Association. **Judy Blum** has been appointed as the director of program development for the professional development division at SDSU's College of Extended Studies.

Real Estate

The California Building Industry Association's board of directors has elected **Harry C. Elliott** as president, **Sherm Harmer** as vice president and **Lucy Dunn** as treasurer/secretary. **Dan Dettmann**, a real estate sales agent with RE/MAX Associates, has earned the RE/MAX 100 Percent Club award for sales associates for 2002. Six San Diego County RE/MAX sales associates are ranked in the top 100 RE/MAX sales agents in California: **Lyle Caddell**, **Rob Northrup**, **Peter Middleton**, **Masoud Riazati**, **Janis Libuse** and **Mike Cady**. **Linda Lambson** has been promoted to vice president of sales at RE/MAX of Rancho Bernardo. **Michael Libonate** has been named sales manager at RE/MAX Distinctive Properties.



Cathedral High Board: Shaping a School Not Yet Born

By Vincent Gagnani

SAN DIEGO — Cathedral High School is set to open in the fall of 2005, but its board of directors has already begun meeting regularly, helping San Diego Bishop Robert H. Brom make the vision of a new Catholic high school in Carmel Valley into a reality.

"The bishop felt it was important to get advice from a broad group of people about the issues we're facing in developing Cathedral High School," according to Tom Beecher, director of the diocesan Schools Office. "Their input is invaluable."

Issues before the board include curriculum, finance, development and marketing, construction, design, employment practices, staffing and models of administration.

The board includes both priests and lay people who have backgrounds in education and business. They are:

Thomas Burke, acting vice president for university relations at the University of San Diego. Previously, he served as vice president for student affairs and dean of students for 28 years.



CATHEDRAL HIGH BOARD: Richard Kelly, Estelle Kassebaum and Ed DeRoche meet with other Cathedral High board members at the diocesan Pastoral Center, Oct. 31.

Dr. Edward F. DeRoche, professor at USD and director of its International Center for Character Education. He worked as an elementary and high school teacher and principal, and served on a public school

board of education and several private school boards. DeRoche chairs the *San Diego Union-Tribune's* Newspaper-in-Education Program. He has published articles in education journals and daily newspapers, co-authored three books on character education and authored one on using newspaper content to teach values.

Msgr. Joseph Finnerty, retired in 2001 after 17 years as pastor of St. Michael Parish in Poway. He also served as founding pastor of Resurrection Parish in Escondido. While at St. Michael's, Msgr. Finnerty worked with the diocesan Schools Office to initiate the expansion of St. Michael School now underway.

Southern Cross
November 7, 2002

Dr. Constance M. Carroll, president of San Diego Mesa College since 1993. Previously, she served as president of Saddleback College in Orange County and Indian Valley Colleges in Marin County. During all three presidencies, she also taught courses in the classics and humanities. Carroll chairs the Community College Leadership Initiative Board of Directors and is also a member of the diocesan Finance Council.

Dr. Richard Kelly, principal of University of San Diego High School. He taught English and Latin, and worked as a counselor. His career in private and public education spans 38 years.

Dr. Estelle L. Kassebaum, principal and director of development at Marian Catholic High School. She previously served at USDHS as assistant principal and executive director of development, and at Azusa Pacific University as an adjunct professor. Kassebaum has received national and state recognition for her contributions to Catholic secondary education.

Yolanda Minton, principal of St. Jude Academy. She has worked in San Diego diocesan schools since 1979. Before becoming principal at St. Jude's in 2000, Minton served as vice principal at School of the Madeleine and as a junior high teacher there.

Msgr. Francis Pattison, a priest of the Diocese of San Diego since 1958. He has spent the last 29 years of his priesthood at St. Rita's Parish, where he oversees St. Rita's School.

Thomas Blake of Coast Income Properties also sits on the board.

In addition to Bishop Brom and Beecher, four diocesan staff members will also serve on the board. They are Hal Gardner, diocesan financial officer; Joel King, director of construction services for the diocese; Donna Nagel, director of planning for the diocese's Secondary Education Initiative; and Rodrigo Valdivia, vice chancellor of the diocese.

Construction of Cathedral High School is expected to begin this winter. The groundbreaking ceremony is scheduled for Jan. 30, 2003.

The Southern Cross

● **"Business Bible" breakfast:**

BusinessLink University of San Diego is holding "The Business Bible" breakfast with Rabbi Wayne Dosick at 7:30 a.m. Wednesday at the University of San Diego's Joan B. Kroc Institute for Peace and Justice, 5998 Alcalá Park. Dosick's book discusses ethical principles in business. Tickets: \$30 for BusinessLink members and \$40 for non-members. Information: (619) 260-4690.

Remaining Competitive Through Employee Education and Development

4154

By Kimberley Walker-Ybarra

In between the management of insurance benefits, staffing, and the multitude of other HR related issues and responsibilities, human resource professionals often get to administer employee education and training budgets. Spending someone else's money on classes that benefit your peers, and sometimes even yourself, sounds like fun. However, the task of sifting through the list of courses available from the wide variety of educational organizations can be overwhelming, not to mention the daunting task of giving direction to an employee on how best to use this benefit. Multiply this responsibility by the number of eligible employees in your organization and you are left with a tremendous workload.

Organizations that have offered their employees specialized skills training or professional development through some form of professional or continuing edu-

In this day and age, the obvious place to start searching for programs worthy of your employee training and education dollars would be to do a search on the Internet.

cation program, have statistically remained more competitive. However, the search for qualified vendors, sources and information related to courses or training that will benefit your employee's and your company's specific needs takes time - and time is, as they say, money!

"One-Stop Shopping" at Your Local University

Help is on the way for human resource professionals, because most local universities and colleges offer a wide variety of non-degree professional growth type certificate programs and training for an equally wide variety of professional education needs - just take a look at their Web sites. "We recognized an increasing need by employers for customized training and professional education solutions, and are able to address each employer's educational and/or training challenges as if we were their corporate, or in-house training department," said Jodi Waterhouse, manager of the Corporate and Professional Programs at the University of San Diego. "We offer the same, and sometimes better, kind of support and follow-through necessary to result in a mutually beneficial outcome - to both the employee and the company they work for. In addition to customized continuing education solutions, we provide a variety of existing programs that have been developed in answer to the current needs of local companies, organizations and their industries," said Waterhouse.

The Growing Collaboration Between Universities and the Workplace

Continuing education has become part of the economic development strategy over the last several years, and so universities and businesses are actively collaborating in the structuring of continuing education programs. For example, approximately 90 percent of education that employers offer to professionals,



executives, and middle managers is developed through collaborative arrangements ("Statistical Picture," 1997), as opposed to using only in-house staff. Studies of universities and professional schools (Cervero, 1988; 1992) have found that anywhere from 60 percent to 85 percent of their programs involve some form of collaboration. Similar surveys have found that about 50 percent of professional associations and 85 percent of independent providers engage in collaborative programming.

The benefits to companies and professional organizations that have a continuing education component as part of their benefit package are invaluable – and these entities are ultimately rewarded with a more educated, skilled and confident workforce. A multitude of studies over the last several years have also shown that employees who received the benefit of company paid training or continuing education, often displayed a higher level of self-esteem and self-image, which translated into happier, more proactive and productive employees.

Statistics also show that training programs are an important benefit that can help to retain employees, and as one survey found, "among the many benefits offered to their employees, continuing education is considered the most important after health insurance. More than 90 percent of the companies surveyed currently offer Continuing Education as an

employee benefit and 97 percent planned to offer their employees this benefit as of 2000" (UCEA, 1998).

Cutting Training Dollars: A Costly Proposition

Some company CEOs have said that even though training is sometimes costly, it's the best money they ever spent. They feel that they build higher skilled team players – employees who in turn feel that they are valued and therefore the company they work for is worthy of their loyalty. It's ultimately more expensive and disruptive to day-to-day business to constantly have a need to replace quality employees and train new hires to work within your company's structure and support its' specific goals as well.

To dispell the high-cost myth of continuing education programs, Waterhouse points out that, "Certificate programs actually offer valuable industry-specific information and skills, designed and focused on building the skill sets and areas that are most important to any given professional in their associated industry. And, they're offered at a fraction of the cost associated with degree programs – which also subsequently include a variety of other courses, required to complete and earn the degree, but not necessarily specific or essential to the professional's chosen vocation or industry. Continuing education can ac-

Please see Competitive on Page B30

Continued from Page B29

tually supplement a degree as well."
Getting the Information You Need

In this day and age, the obvious place to start searching for programs worthy of your employee training and education dollars would be to do a search on the Internet. Start by looking at the universities and colleges in your area. Search sites for "continuing education" programs and schedules for starters – but don't stop there. Call their representative and find out more about their facilities, and what their programs really have to offer. Some even offer customized programs for companies who have multiple employees needing the same or similar training. "We are always available to design a program to support an organization's training and professional education needs and company goals, and have done just that for several organizations," said Waterhouse.

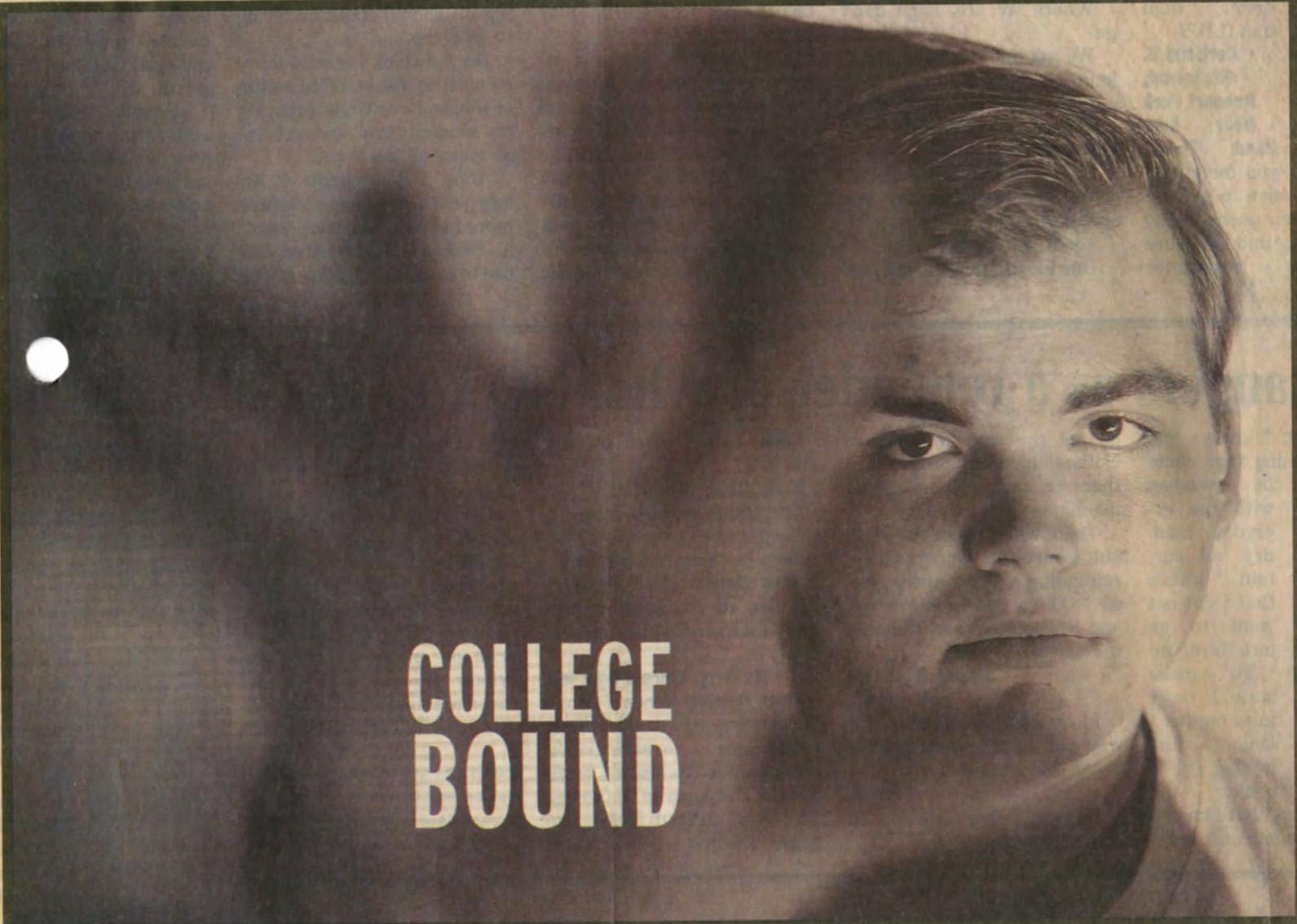
You may also be able to find other resources for professional development by calling or visiting industry-specific Web sites, or searching the display ads in the classified section of newspapers and trade publications.

Kimberley Walker-Ybarra is the marketing specialist for the University of San Diego, Division of Continuing Education. She can be reached at kw3@sandiego.edu.

ORANGE COUNTY REGISTER

SANTA ANA, CA
MONDAY 353,334
NOV 11 2002

“THINKING ABOUT THESE FIVE WORDS BUILDS RAGE INSIDE OF ME LIKE NOTHING ELSE... **HOW TO GET INTO COLLEGE.**”



**COLLEGE
BOUND**

MICHAEL KITADA, THE REGISTER

ANGRY YOUNG MAN: Kevin Rafferty, 17, is a senior at Villa Park High School and is frustrated by the various requirements that are deemed necessary to be accepted into a quality college.

4154

You want to know what a lot of high school seniors will be thankful for when it comes time to carve the turkey this month?

They'll pretty much be done with applying for college, seeing as how the end of November is the deadline for most schools.

The thick envelopes with the multipage applications will be stamped and mailed, the final tap on the computer keyboard launching the dreams of their future.

And no one will be happier about having finished his appointed task than Kevin Rafferty Jr., a senior at Villa Park High, who has applied at no fewer than nine colleges: the Universities of California at Berkeley, Irvine, Los Angeles, Santa Barbara and San Diego; the University of Southern California; the University of San Diego; and California State Universities at Fullerton and San Diego.

Kevin, a self-described happy-go-lucky kind of guy has spilled blood (and he's not being metaphorical here), sweat and tears over it.

He let out his frustration in an essay he wrote for a weekly English assignment and then sent it along to us. We figure his angst might resonate with other college-bound seniors.

Lest you think this young man protests too much, consider this: All the college prep has kept him too busy to date, let alone have a girlfriend.

CONTACT US: (714) 796-7793 or
twalker@ocregister.com.

KEVIN RAFFERTY'S ESSAY

There are five words that exist in the world that can be put together to create a phrase I hate with all of my heart. In fact, all of the hatred in the world couldn't even begin to compare to my feelings toward this phrase. Thinking about these five words builds rage inside of me like nothing else.

The simple act of writing them down bothers me, but I'll give it a shot: how to get into college.

I believe there are some things in this world that humans shouldn't have to endure. And one of these is definitely the process of being admitted into a great school. In the past couple of years, and especially the past few months, this has been the phrase that has controlled my life. I am merely a puppet attached to strings. And a hand known as the college admittance process controls those strings.

I have forgotten the meaning of weekends, Friday nights and the most important thing of all: fun. I have to endure not only mental but physical pain to perhaps have somewhat of a chance to be admitted to the school of my choice. Allow me to explain why I feel this way.

Let me start with the physical pain I endure. That may sound a little far-fetched but it's not whatsoever. This year, my senior year of high school, I didn't feel like playing soccer for the school. For the past three years, I have worn the Spartan uniform with pride. But this year, I'm worn out.

I wanted to quit soccer more than anything else in the world. I was told, however, that if I did this it would be "silly." Colleges would look upon my resume with dismay. My past three years of soccer would count as nothing and in my college essays I would have to explain why I quit.

My MVP award and captain badge my sophomore year on the JV team would count as nothing. My Varsity spot and Coach's Award my junior year would be looked upon as no

SEE TEEN • PAGE 6

big deal. All because I wanted to quit this year. So did I? No.

I'm out there every day at practice attempting to run six-minute miles that give me headaches and endless sprints that bring me to the point of being sick. Why? So I may have a shot in the dark to hopefully hit my college choice. But without my fourth, non-enjoyable year of soccer, I wouldn't even be able to hold the gun. Physical suffering to get into college? That's absolutely ridiculous.

But how about the mental aspect? How dare I even think about getting into a great school without a 4.5 GPA, 1,300 SAT score or 10 college units under my belt. I've noticed that that's all people

seem to talk about anymore.

"Hey, what's your GPA? What did ya get on your SAT?" It's like teenagers who want to get into college are robots. And I hate it. I don't want to talk about that during my 10 minutes of free time! I want to talk about the movie I saw last week or the amazing hot dog I ate a few days ago.

In fact, I'll talk about anything that doesn't pertain to college. I'll talk about a blade of grass on the ground for all I care! But no. That's not how college-bound teenagers think. Life revolves around three things: college, college and college. We're all puppets.

I swear that if I ever meet a person that works for ETS (Educational Testing Service), I'll punch them in the nose. And what about all the classes

we take?

I have and had more AP and Honors classes than I could shake a stick at. But that's not enough. I've had to enroll in two colleges already. That way I can have the extra GPA point and maybe separate myself somewhat from the other applicants who also want to go to my college choices.

I've been earning college units my past couple of summers. The list of fun keeps getting longer. If you think about it, how silly is it that to get into a great college, one must go to college during high school. Do we go to high school during

I have and had more AP and Honors classes than I could shake a stick at. But that's not enough. I've had to enroll in two colleges already.

college? Why does that statement sound funny but the other doesn't? It should in my opinion. It should be the next step after high school is college. It shouldn't be the next step after high school and college is college.

I mentioned before the non-existence of weekends, too. I listen to people all day saying, "Thank God it's Friday!" Oh, really? No, it's not Friday, it's another day in the cycle of college hell.

My Saturday consists of SAT classes. I've had to drive countless times to go take practice SATs. Fun, fun, fun! And Sunday, a day that should be a day of thought, faith and relaxation, is filled with volunteering at the local hospital.

I don't mind volunteering so much, but believe me, I'd rather be working at First Class Pizza in Villa Park. (Editor's note: That's where all his friends work.)

So is it worth it? Maybe. My dad went to Cal State Fullerton, and he's very successful. Heck, my uncle didn't even go to college, and he's equally as successful. What's to say that I do get into the college of my

choice and someone else doesn't, will I be more successful? Not necessarily.

Maybe some guy that won't even go to college will be more successful than I will someday. Then all the stress now isn't worth it. But hey, at least I'll be able to say I tried my best and did everything I could.

Now if you'll excuse me, I'm going to go pluck the gray hairs from my head.

**SUNDAY CHIEFTAIN AND
STAR - JOURNAL**

PUEBLO, CO
SUNDAY 52,800
OCT 27 2002



4154

Chieftain photo/Bryan Kelsen

Michael Pacheco and his mother, Ellisa Pennington, run Papa Jose's on Union Avenue, dividing duties between the books and the kitchen.

ALL in the FAMILY

By KIRSTEN
ORSINI-MEINHARD
The Pueblo Chieftain

Angelo Romero's path into the family business started at a goldfish funeral when he was 6 years old. While his mommy and daddy organized ceremonies for the dead, Angelo and his four brothers dug graves for their pets and planned elaborate services, complete with Bible readings and prayers.

After all, the Romero children wanted to be just like their parents — licensed funeral home directors.

"We were brought up being trained in the business," Angelo said.

Sure enough, all five Romero children — ranging in age from 21 to 28 years old — joined parents Larry and Debbie running Romero's Family Funeral Home, 110 Cleveland Ave.

While seven family members all working for the same company may seem like a fluke or perhaps a Brady Bunch rerun, it's not at all uncommon — especially in Pueblo.

Family-owned businesses make up nearly 90 percent of all companies and enterprises in North America, according to the Family Firm Institute.

That number is reflected in Pueblo, where attorney David Shaw advises family-owned



Chieftain file photo

Kathy and Jerry Binfet have been in business together for more than 10 years, and a year ago moved their newest venture — Sprinkles Sewing Center to 802 S. Main St.

businesses by the dozens.

No matter how you define them — husband and wife, mother and son, entire family —



David Shaw

there are hundreds of relatives in town putting in hours at the same job, Shaw said.

But while family businesses of all kinds saturate the market nationwide, many of them don't last longer than about 20 years, dying out after the second generation, reported the Colorado Family Business Center of Denver.

That's because many family owned-businesses don't plan ahead and choose a likely successor. Or they don't organize their estate and have a long-term business plan, said Jodi Waterhouse, director of the University of San Diego Family Business Forum. The forum provides education and advice to family businesses.

"Most of the time the boat really starts to rock when founders are in their 50s because they're looking to retirement," Waterhouse said. "But really that process needs to start as soon as they get into the business."

When Mike Pacheco and his mother, Ellisa Pennington, opened Papa Jose's Union Cafe, 320 S. Union Ave., four

years ago, they didn't really have a plan.

Like many family-owned businesses, they split duties based on their expertise — Pennington cooks while Pacheco handles the financial side of the operation.

"We kind of jumped in and ran it and we both focused on our strengths," Pacheco said.

But even though the eatery has been largely successful, Pacheco laments that he didn't start the business as a corporation, rather than a sole proprietorship.

Today, many families are opting for S-corporations or limited liability companies, because they give some legal protection to owners, said Shaw. For example, if one family member somehow jeopardizes the business, other partners can't lose more than the amount they invested.

The Romeros run their funeral home as an S-corporation, which allows the family to divide up stock among themselves and pay taxes as if it were a partnership.

And unlike many of their counterparts, the Romeros also have a long-term plan — if founder Larry Romero dies, Angelo, as the middle son, will take over the business.

"It would be very easy because everyone knows what needs to be done," Larry said.

The key to succession, say

the Romeros, is a firmly established workplace. At the funeral home, everyone has specific duties ranging from a minister, an office manager, and a funeral director.

In this regard, the Romero family is an anomaly — only about 30 percent of family businesses nationally survive very long, mostly because members didn't plan for the future.

"You kind of think, 'Oh my gosh, how do you build this multi-million-dollar company but you don't have any estate plans?'" said Waterhouse.

"Family businesses really keep everything to the chest and don't always share information."

Financial advisers tell business owners to have an estate plan before they die, otherwise relatives could be hit with an estate tax — a tax on the value of a property at the time of death — that usually erases a lot of the property's value.

In Pueblo, however, family business owners don't always face that problem — generally the estate tax only applies to properties valued at more than a million dollars. Property isn't always worth that much here, Shaw said.

"They may work very hard and generate a valuable income but the value of the business isn't very great," he said.

Please see Family, Page 4E

● Family

Continued from Page 1E

The most valuable part of working with family isn't actually the income or the worth of the property, though, say local owners.

It's really about having trust and dependability on a daily basis, something that doesn't always happen when you work with strangers.

Kathy and Jerry Binfet have been in business together for more than 10 years, and a year ago moved their newest venture — Sprinkles Sewing Center to its own building at 802 S. Main St.

Since they're both reliable and dedicated to the work, there's no uncertainty about the day-to-day operations.

"In a business by yourself, if you don't come in that day, you don't have a business," Jerry said.

Working with loved ones day in and day out can be just as pleasing as it can be a headache, though, and even the most tight-knit family suffers some side effects.

Competition among relatives is one of the largest issues, followed by inadequate communication.

"You're living, eating and breathing your business, at times you have to learn to stop and have a life, too, otherwise you do have a tendency to get short with each other," Jerry said. "The biggest problem is ego, and depending on the size of that, you can do it."

HOMEGROWN SUCCESS

Third-generation farmer wins Farm Bureau honor

4154
By John Aretakis

VALLEY CENTER — Although we hear about sports stars, famous actors and politicians — even infamous criminals — it's not often that stories about great farmers are told.

But each year, The Farm Bureau of San Diego County names a Farmer of the Year to highlight someone who symbolizes farming excellence.

This year, the bureau has honored Al Stehly, a third-generation farmer and lifetime resident of Valley Center.

"He's a successful farmer who spends a lot of time promoting and working for farm issues," bureau president Dave Step said of Stehly.

A former president of the bureau, Eric Anderson, said the bureau chose Stehly because he is committed to "fighting for the farmer."

"He has donated a lot of time and effort to make sure farmers are treated fairly."

Established in 1913, the farm

bureau is supported by more than 7,000 members, mostly farmers. The nonprofit organization works with elected officials, government agencies, educators, the media and the public to advocate legislation, economic viability and the proper management of natural resources.

Stehly has volunteered at the bureau for 10 years. He has also served as president and been on the board of directors. Currently, he is on a committee involved with the update of the county's General Plan.

Also, he and others are trying to have "Grown in San Diego" stickers put on their produce so consumers can buy more local food.

Stehly owns and operates a 60-acre ranch that produces avocados, grapefruit, oranges and lemons. With the help of his wife, Lisa, he also manages 30 avocado and citrus farms, totaling more than 500 acres in Valley Center.

Their daughter, Alysha, helps operate the farm when

she isn't studying. She plans to attend the University of California Davis next fall.

Stehly graduated from the University of San Diego more than 20 years ago, then returned to Valley Center to help his father run the family farm. The farm has survived theft, high water bills, electricity rate spikes, foreign competition, depressed markets, unreliable weather and crop-devastating insects.

But overall, it's been a success.

"Nature has been good to me," Stehly said.

His orchards are in a valley and on a hill. He said these locations have protected his crops. Valley Center farms that have not survived have been more exposed to the elements, he said. Another difference is that Stehly grows mainly avocados whereas local farming operations that died grew mainly citrus.

Stehly said his orchards are thriving. He recently spent more than \$6,000 on two-by-fours because his avocado

trees had grown so large they needed additional support.

"It's a good problem to have," he said.

For those considering getting into farming, he offered this advice. "It's challenging. The work is hard. The hours can be brutal, but there is also a lot of flexibility. You probably won't get rich, and it's never the same two years in a row, but it gives you a good lifestyle in terms of family."

At age 46, Stehly doesn't intend to retire anytime soon. In fact, he's considering growing grapes to produce his own wine and olives to manufacture oil.

In his spare time, he enjoys being with his wife and daughter, playing golf and woodworking.

And his plans for the future? "Continue farming and work on improving my golf game," Stehly said with a laugh.

John Aretakis is a free-lance writer based in Vista.

COLLEGES AND UNIVERSITIES

Ranked by fall 2001 total enrollment

4154

Rank (last year)	School Address Web address	Telephone Fax	Total fall enrollment: • 2001 • 2000 • % change (loss)	Students: • Full time • Part time • Percent California resident	Faculty: as of 3/1/02 • Full time • Part time • Total	2001-2002 tuition:* • Resident • Nonresident • Graduate	Total operating budget 2001-2002 • Restricted • Unrestricted \$ Millions	• Type of institution • Accredited by**	Major disciplines of study†	• President • Director of admissions	Year established locally
1 (1)	San Diego State University 5500 Campanile Drive, San Diego 92182 www.sdsu.edu	(619) 594-5200	33,285 30,733 8	24,105 9,180 94.3	1,041 883 1,924	\$1,776 \$7,758 \$1,854- \$7,758 ¹	na na	Four-year public university WASC	Liberal arts, business, psychology, public administration, communications, computer science, education, english, social sciences	Stephen Weber Kathleen Deaver	1897
2 (2)	Palomar College 1140 W. Mission Road, San Marcos 92069 www.palomar.edu	(760) 744-1150 (760) 744-8123	29,715 25,701 16	5,859 23,856 88	333 964 1,297	\$434 \$4,904 NA	\$20.2 \$89.1	Two-year public community college WASC, ADA, BRN, NLN	Vocational, transfer programs, sciences, technology, arts	Dr. Sherrill Amador Herman Lee	1946
3 (3)	San Diego Mesa College 7250 Mesa College Drive, San Diego 92111 www.sandiegomesacollege.net	(619) 388-2600	23,716 23,308 2	4,175 19,541 90	235 502 737	\$315 \$1,880 NA	\$22.2 \$39.2	Public community college WASC	Fine arts and sciences	Constance Carroll Ivonne Alvarez	1964
4 (4)	University of California, San Diego 9500 Gilman Drive, La Jolla 92093 www.ucsd.edu	(858) 534-4831 (858) 534-5629	21,568 20,212 7	na na 97	880 165 1,045	\$3,862 \$14,566 \$4,942	\$373.2 \$870.2	Four-year public university WASC, ACSCU	A full spectrum of majors (except business and physical education)	Robert Dynes ² Mae Brown	1960
5 (5)	Southwestern College 900 Olay Lakes Road, Chula Vista 91910 www.swc.cc.ca.us	(619) 421-6700	19,538 18,403 6	5,902 12,501 97	246 420 666	\$370 \$4,270 NA	\$9.6 \$58.7	Public community college WASC	Computer services, health sciences, criminal justice, child development	Serafin Zasueta Georgia Copeland	1961
6 (6)	Grossmont Community College 8800 Grossmont College Drive, El Cajon 92020 www.grossmont.net	(619) 644-7000 (619) 644-7922	16,911 16,175 5	6,350 10,561 94	268 721 989	\$288 \$3,504 NA	\$10.6 \$41	Two-year public community college WASC	General education, occupational, transfer programs	Dr. Ted Martinez Jr. Brad Tiffany	1961
7 (7)	San Diego City College 1313 12th Ave., San Diego 92101 www.city.sdccd.net	(619) 388-3475 (619) 388-3063	16,021 15,492 3	na na na	110 131 241	\$264 \$3,384 NA	\$39.9 \$24.1	Two-year public community college WASC	Liberal arts, transfer studies, business studies, child development, nursing education	Terrance Burgess Lou Humphries	1914
8 (13)	National University 11255 N. Torrey Pines Road, La Jolla 92037 www.nu.edu	(858) 642-8330	11,177 10,058 11	3,725 7,452 100	60 935 995	\$7,695 \$7,695 \$8,955	\$3.2 \$124.0	Four-year private, nonprofit university WASC, CCNE, IACBE, CCTC	Business, computer science, information technology, liberal studies, teacher education	Jerry Lee Nancy Rohland	1971
9 (9)	MiraCosta College One Barnard Drive, Oceanside 92056 www.miracosta.edu	(760) 757-2121 (760) 795-6609	9,909 9,566 4	2,903 7,006 96	145 412 557	\$398 \$3,514 NA	\$6.5 \$57.0	Public community college WASC, ACCJC	General education, transfer programs, career certificate programs	Dr. Tim Dong Alicia Terry	1934
10 (10)	San Diego Miramar College 10440 Black Mountain Road, San Diego 92126 www.miramar.sdccd.net	(858) 536-7800	9,885 8,996 10	1,382 8,503 95.8	83 108 191	\$290 \$3,410 NA	\$3.7 \$15.7	Two-year nonprofit, public community college WASC	Liberal arts, business, fire protection technology, administration of justice, psychology	Patricia Keir Dana Andras	1969
11 (12)	Cuyamaca College 900 Rancho San Diego Parkway, El Cajon 92019 www.cuyamaca.net	(619) 660-4000 (619) 660-4399	7,423 6,842 8	1,794 5,629 96.9	87 245 332	na na na	\$5.5 \$18.7	Two-year public community college WASC	General education, transfer programs, vocational	Dr. Geraldine Perri Dr. Beth Appenzeller	1978
12 (11)	University of San Diego 5998 Alcalá Park, San Diego 92110 www.sandiego.edu	(619) 260-4600	7,062 6,943 2	5,905 1,157 66	314 316 630	\$20,458 \$20,458 \$17,330	NA \$173	Four-year private university WASC	Arts and sciences, business, nursing, education, law, doctoral intensive	Dr. Alice Hayes Stephen Pultz	1949
13 (14)	California State University, San Marcos 333 S. Twin Oaks Valley Road, San Marcos 92096 www.csusm.edu	(760) 750-4000 (760) 750-4030	6,496 6,256 4	3,403 1,814 94	194 204 398	\$1,796 \$7,610 \$1,874	\$6.2 \$56.1	Public, liberal arts university WASC	Arts, sciences, business administration, education	Dr. Alexander Gonzalez Cherine Heckman	1989

Pageant winner to follow her love of children

By Ruth Lepper *4154*

BORREGO SPRINGS— Teachers can make a big difference in their students' lives. That's what Ruby Navarro wants to do.

"I love working with kids and I like to know I can make a difference," said the 17-year-old Borrego Springs High School senior. Ruby was crowned Miss Borrego Springs last month.

She volunteers one afternoon each week as an aide in a first-grade class at Borrego Springs Elementary School. Her principal has approved her leaving early one day a week to volunteer.

"I love going there and having the little kids ask me for help, just to see their faces when I explain it to them."

After graduating in June, Ruby plans to attend the University of San Diego to earn a degree in elementary education.

She has lived in Borrego Springs since she was in preschool. Her mother, Teresa Navarro, is a waitress at the De Anza Country Club. Her father, Francisco Navarro, lives in Fontana.

Every year, Ruby has looked forward to attending the Miss Borrego Springs pageant.

"I watched pageants since I was little," she said. "I saw my sister and my friends participate."

Her sister, Annel, entered the pageant in 1997 and was chosen Miss Congeniality. That was enough to inspire Ruby. She knew that when she was old enough, she would enter the pageant.

Ruby also earned the Miss Congeniality title but went a step further. She was crowned Miss Borrego Springs 2002 on Oct. 25 in conjunction



Ruby Navarro, a senior at Borrego Springs High School, was crowned Miss Borrego Springs last month. *The Borrego Sun*

with the annual Borrego Days celebration.

"I didn't think I would win," she said. "It was just more for the experience. I've had a lot of fun."

Her duty of representing the community began the day after she was crowned.

"I rode in the parade and helped the chamber of commerce to make cotton candy. It was fun to be riding in the parade and hear people saying my name. The next day I worked in the youth booths with the kids."

One of the reasons Ruby wanted to enter the pageant was to become better acquainted with the other three contestants.

First runner-up was Kayla Bailey, with Desiree Vigil second and Heather Camp third. Sylvania Meeke, a former Miss Borrego Springs, was director of the local pageant.

"I became closer to some of the girls in my class and got to know them better," Ruby said. "It was a fun experience."

As president of the associated student body at the high school, she oversees all the group's activities at the school and works closely with representatives from all four grades.

She also plays on the school's basketball and volleyball teams. Last year, Ruby was named Most Valuable Player for the basketball team.

For the active role Ruby has taken at her school and in the community, she received a leadership award from the local Rotary Club and attended a youth leadership conference in Idyllwild sponsored by Rotary Club International.

In May, Ruby will compete in the Fairest of the Fair pageant with other community beauty queens for the honor of reigning over the San Diego County Fair.

Ruth Lepper is a free-lance writer based in Ramona.

ADVOCATE

STAMFORD, CT
MONDAY 28,514
NOV 18 2002

GREENWICH TIME

GREENWICH, CT
MONDAY 12,239
NOV 18 2002



Burrelles
INFORMATION SERVICES

79 .xz2c. 1 XX...b TW

ADVICE • CENTRAL • FOR
TEENS ONLY

Hey Cherie!

4154

HEY, CHERIE!



Cherie Bennett

I play football on my high school's varsity team. We're very successful and usually have the ability to win games by 30 or 40 points. My coach thinks that we could even win the state championship. The rankings in our district determine where you are in a state tournament.

Our coach says that to have the highest ranking, we should win our games by huge margins. For example, if we win by 60-7, it's better than winning by 35-7. I know that he is right, in some ways. But I also know that destroying another team really makes them feel terrible. So I say, what is the point when you are going to win the game easily to making the other team feel awful? Why not just play the scrubs, or call only short-

yardage plays?

Coach says that the starters need as much game experience as possible, that we need to play every down of every game like it is a championship, and he has given us examples of teams that have come back from huge deficits to win games.

— Competitor

Hey, Competitor!

What I think is that I'm impressed with your thoughtfulness and sensitivity toward the feelings of others. That said, you are playing a competitive sport, and doing your best is the name of the game. You can certainly offer input to your coach — for example, when your team is way ahead, you'd like to see bench warmers get a chance to play. I know others on your team feel the same way, and you can go to the coach together — because there is power in numbers.

Bottom line is, he's the coach, meaning it's his call. You can win big and still have a gracious and respectful attitude toward those you beat. My very significant

other has weighed in on this, and said to tell you that, recently, a major newspaper just changed the way it ranks college football teams so that margin of victory is not part of the equation. Meaning that you can try to change the system, and there is precedence to do so. Go team.

Alex Romans, 17, junior, Trinity Catholic High School:

"Your coach has a point. Teams that win by a lot are ranked higher than the other teams. Your point is valid, too. It feels really bad to keep piling on the points. You can try to gain the support of your teammates, which may make a change."

Amy Kalna of Greenwich, 19, junior, University of San Diego:

"It's true that a team that loses by a significant amount of points is going to feel embarrassed by the loss; however, this is not the considerable problem I see by reading this column. I think the problem is the way your coach is managing the team. If your team is so successful and it's already up



Staff photos

Alex Romans and Amy Kalna.

60-7 in the fourth quarter, the coach has a responsibility to put in the second string of players. The benchwarmers of the football team come to practice not just to sit on the bench during the game, but to participate and be part of the winning effort. The second string is on the varsity team because they are good enough to play varsity level games. The coach needs to learn the definition of a team and apply that concept during the games. Good luck with the rest of your season."

Please see HEY, CHERIE!, Page B3

Hey, Cherie!

■ Continued from Page B1

Hey Cherie!

I'm a girl, age 14, and I have this giant dilemma. There is a guy that I like who is going steady with my worst enemy. I totally can't stand this girl. I know you say that Girl Power Rules shouldn't allow one girl to poach another girl's boyfriend, but I really hate this girl and I really, really, really like this guy. She doesn't deserve him. Plus, it would be so cool to steal her boyfriend from her. Do I get permission?

— *Rules Believer*

Hey, Rules!

First of all, a guy is not an object, meaning you can't "steal" one of them. He's responsible for his own behavior and choices, just as you are responsible for yours. You can let this guy know you like him, but do not follow through in any way, shape or form unless he officially breaks up with his girlfriend. And don't pull the old, "Oh, we were hanging out at this party and we started making out and it just happened." Yeah, I hear that one all the time, and it does not fly.

Keep in mind that there is a girl out there who dislikes you as much as you dislike this chica, meaning someone could turn

around and do the same thing to you that you want to do to her. What goes around comes around.

Alex Romans: "No, that's really mean and immature. No matter how much you supposedly hate her, it's not right to try to ruin her relationship with her boyfriend."

Amy Kalna: "I agree with Cherie — permission is not granted. Going after your worst enemy's boyfriend is going to cause greater animosity between you two. I'm sure her boyfriend will not be attracted to you if you cause a problem in their relationship. Generally, guys like easy-going girls who can get along with their girlfriends. I say to back down or else it'll lead to other problems. About her boyfriend you are crushing on, he is currently with her and you have to accept that. There are other fish in the sea."

Cherie Bennett is a best-selling author of books for teens and young adults. Visit her Web site at www.cheriebennett.com or write to her c/o Copley News Service, P.O. Box 120190, San Diego, CA 92112-0190 and send a self-addressed stamped envelope for a personal reply. Or send e-mail to copleysd@copleynews.com.

ASSESSOR RACKS UP TRAVEL TAB

4154 (U. of San Diego)

FRONT PAGE

Cal Township official drove rental cars 1,000 to 3,300 miles after flying to locations

BY WILLIAM LAZARUS
Times Staff Writer

When Calumet Township Assessor Booker Blumenberg attends conferences and professional courses in distant states, he commonly flies, stays extra days and drives stunningly long distances.

When he went to a Sept. 9-12 Miami Beach conference

last year, for instance, Blumenberg flew into Fort Lauderdale and rented a car. He drove 3,345 miles before returning the car in Chicago 14 days later. Noting it was difficult to fly after the Sept. 11 terrorist attacks, the assessor said he and his wife decided to visit their son in Houston before returning.

Lake County picked up the

\$1,278 tab for Blumenberg's stay in Florida, including about half the daily car rental with unlimited mileage.

The county's general fund covers travel for township assessors, meaning that all Lake County taxpayers pay. Last year, Blumenberg spent more than \$12,400 on travel - more than any Lake County employee or any other assessor in the county.

St. John Assessor Hank Adams spent the next highest amount on travel last year at \$2,403.

Blumenberg has already spent \$8,850 through August this year, county records show.

In June last year, Blumenberg and his wife flew to Las Vegas, then drove to his week-long appraisal course in



Booker Blumenberg
In 2001, Blumenberg spent more than \$12,400 on travel. Through August of 2002, he already has spent \$8,850

See TAB, A9

Tab

Continued from A1

San Diego. They returned to Chicago after two weeks - and driving their rental car 1,763 miles.

For that trip, the taxpayers' \$1,840 payment included the full price of the rental car at \$378, even though the State Board of Accounts had cited Blumenberg for improperly charging taxpayers the entire cost of a car on a similar Las Vegas-San Diego-Las Vegas excursion the year before.

County records show that on most of his trips since then, Blumenberg has personally paid a portion of the rental car cost.

Blumenberg said he traveled for courses because the times they were offered locally were inconvenient.

But that hasn't always been the case.

Blumenberg attended the CCIM Institute course on investment analysis for commercial real estate offered in Tampa, Fla., from April 23 through April 27, 2001. The trip cost taxpayers \$1,400.

CCIM offered the same course in Chicago in a condensed format from April 23 to April 25, according to Gail Giles, the organization's director of education services.

"I don't know that I knew that they had it in Chicago," Blumenberg said.

Even had he chosen to fight rush hour traffic and skip a local hotel, Blumenberg likely would have spent less time traveling had he taken the course in Chicago. Blumenberg rented a car in Tampa on April 15 and drove 2,169 miles before returning the vehicle on April 28.

Blumenberg said he also has taken courses in Chicago, though he declined to sign a statement authorizing organizations giving the courses to release information showing when he did so last.

The assessor did cosign Times letters seeking confirmation that he attended courses the county paid for last year and this year. Each of three organizations confirmed he had attended, though he often did not take exams for course credit.

In those instances, Blumenberg said, "I'm mostly interested in the information" rather than the professional credential.

Born and raised in Greenville, Miss., Blumenberg made his way to Gary when he was 21 and became a police officer. He retired after 20 years at that job and worked as chief deputy in the assessor's office before he was elected as assessor nearly 12 years ago.

Now, Blumenberg has enough time on public jobs that he is allowed, under an unusual Indiana program, to collect his pension from his work at the assessor's office as well as his pay. He said he does collect that pension of about \$600 a month along with his police pension and about \$47,000 in pay as assessor.

A current and a former employee in Blumenberg's office question the amount of time he spends in the office. As an elected official, he is not required to put in any particular hours on the job.

Blumenberg, however, said he is regularly in the office, works full time and only takes about two weeks vacation a year, other than taking a few days before and after a number of professional conferences and courses.

He said that, given his time on the job, he is actually entitled to far more vacation than he takes.

WHERE'S BLUMENBERG?

Tracking the assessor down can be a chore.

Over the course of nearly two weeks last month, The Times repeatedly attempted to reach Blumenberg, who was reported to be attending a conference.

Neither his secretary nor his chief deputy knew when he would return.

When he returned, he said he had first gone to Los Angeles for a conference and then had flown back to Midway Airport, rented a car and gone to a class in Toronto, Canada.

Asked why he would fly to Las Vegas to attend a conference in San Diego, Blumenberg suggested he was simply trying to save the taxpayers' money.

"Cost was a factor," he said, suggesting a round-trip

flight to Las Vegas might run only \$200 versus upwards of \$500 for a flight to San Diego.

But Blumenberg's flight to Las Vegas and back in June 2001 actually cost taxpayers \$388, an amount comparable to round-trip Chicago-San Diego flights generally then available.

For that San Diego conference, taxpayers paid a total of \$1,840 and Blumenberg took a course on "advanced income capitalization." The same course was offered in Chicago the previous February and in March and again in July this year.

MORE TRAVELS

This year in June, Blumenberg traveled to San Diego, via flights to Los Angeles, for Appraisal Institute courses on market analysis and sales comparisons, given from June 2 to June 15 at the University of San Diego.

Each course also was offered in Chicago this year.

For his San Diego trip, Blumenberg flew into Los Angeles on June 1, and back to Chicago on June 19, with the trip costing taxpayers \$3,323. During that time, he put 1,349 miles on his rental car, on which he personally paid about one-third the cost.

In December 2000, Blumenberg flew to New Orleans for a three-day conference of the International Association of Assessing Officers, then drove to Houston for a course on mass appraisal.

The cost of the trip was \$2,317, including \$362 for the rental car, driven 1,053 miles and paid entirely by the county.

Two months later, Blumenberg attended an IAAO tax policy course in Lafayette, La., from Feb. 19 to Feb. 23. He picked up his rental car in New Orleans on Feb. 16 and returned it on Feb. 25, after driving 1,396 miles.

He stayed at the Grand Casino in Biloxi on Feb. 16 and at the Hampton Inn in Mobile, Ala., on Feb. 17, in an out-of-the-way detour funded by taxpayers. He then stayed two nights at the Best Western in Lafayette.

He did not charge the county for his hotel bills for the nights of Feb. 21 and Feb. 22, even though the class continued through Feb. 23.

Blumenberg could not explain why he didn't charge the county for those nights, other than to suggest that perhaps the charges got confused.

As to driving so much in the rental cars, the assessor noted they all offered unlimited mileage as part of the daily rental.

"What's the issue?"

VIDETTE TIMES

VALPARAISO, IN
MONDAY 92,000
NOV 4 2002

TIMES

HAMMOND, IN
MONDAY 87,900
NOV 4 2002

Athletics



580
.XZ1a. 26 .A...X QB

Burrelles
INFORMATION SERVICES

USD has something to prove vs. Bruins

By **Hank Wesch**
STAFF WRITER

4154

LOS ANGELES — UCLA alum Brad Holland is unconcerned about the Bruins basketball team losing pre-season exhibition games by 25 and six points to squads made up of barnstorming former college players routinely dismissed by other teams.

USD (1-0) at UCLA (0-0)

7:30 tonight at Pauley Pavilion, Fox Sports Net 2 / XTRA-AM (690), KCBQ-AM (1170)

That's because Holland is the coach of the USD team that has traveled here to oppose UCLA in the Bruins' regular-season opener tonight at Pauley Pavilion. And Holland, a standout guard for UCLA

from 1976-79 and assistant coach under Jim Harrick from 1988-92, is acutely aware of a couple of incontrovertible facts.

"UCLA is UCLA," Holland said. "They've got good athletes, and they've got the great tradition."

So even if the Bruins would appear to be as vulnerable as a 14th-ranked team could be, they're still a 12-point favorite and a formidable obstacle. Even for a USD team that has the benefit of having already played a game, a 77-75 home win over Nevada on Saturday.

"We've got to somehow play our game and not get caught up in their

SEE **Toreros, D5**

TOREROS CONTINUED FROM PAGE D1

USD approaches the Bruins with respect, not awe

game," Holland said.

In six years under coach Steve Lavin, a fellow Bruins assistant with Holland in 1991 and '92, UCLA has advanced to the NCAA Tournament Sweet 16 or further five times. But the Bruins' aura of invincibility at Pauley to lesser-known nonconference foes has been dented in recent years by losses to Gonzaga (1999), Cal State Northridge (2000) and Pepperdine (2001).

Holland was the last recruit of legendary Bruins coach John Wooden and played two years each under Wooden successors Gene Bartow and Gary Cunningham. In those days, Holland said, the UCLA mystique was such that many teams were beaten before they stepped on the Pauley Pavilion floor.

And those days may not be entirely gone.

"I think the UCLA mystique is still alive," Holland said. "I don't think there's any question about that. How many people will expect us to win? UCLA is expected to win. UCLA has the name. UCLA has the tradition.

"I wouldn't say the mystique is what it was when Coach Wooden won 10 championships in 12 years. But they still have to be considered one of the top five programs of all time. And I don't see that ever going away."

So UCLA alum Holland has endeavored to de-mystify the Bruins to his Toreros.

"My idea of the way to go in there is to respect the name and the program but not be intimidated," Holland said. "If we play intimidated and we're in awe because we're in Pauley Pavilion, we're going to get drilled. We have to go in believing we can win, or we're going to come up short."

Three Toreros who grew up in Southern California, and were most exposed to the UCLA influence, are senior Roy Morris and freshmen Travis Smith and Derek Stockalper. Morris (Bonita Vista High) and Smith (Rancho Santa Margarita in Orange County) comprise USD's starting backcourt. Stockalper (Carlsbad) figures

USD vs. ranked teams

2001-02

No. 9 Gonzaga 77, USD 76

No. 7 Gonzaga 87, USD 79

1998-99

USD 75, No. 25 Gonzaga 59

1997-98

No. 14 Stanford 87, USD 57

1996-97

No. 2 Kansas 79, USD 72

No. 21 Stanford 72, USD 70

1995-96

No. 1 Kansas 101, USD 71

1994-95

No. 4 Kansas 83, USD 65

No. 21 Iowa State 75, USD 55

1992-93

No. 13 UCLA 83, USD 74

1989-90

No. 13 UCLA 90, USD 63

No. 23 LMU 119, USD 112

No. 22 LMU 131, USD 119

1989-90

No. 20 St. John's 74, USD 59

1987-88

No. 19 LMU 141, USD 126

1981-82

No. 9 USF 72, USD 53

No. 17 USF 75, USD 69

to be the first guard/wing off the bench.

"I was into the Fab Five at Michigan, I was never into UCLA that much," said Morris. "I see them as another team we're just playing.

"We're not intimidated by their team at all."

Smith and Stockalper acknowledge that UCLA is the dream program for every pre-teen with a basketball. But it wasn't the aspiration for either in their final years of high school.

"UCLA is a tremendous program, but it really wasn't what I had in mind," Stockalper said. "It's going to be exciting, playing at Pauley. But I'm looking at it as just another game on the schedule, another game we have to play."

The meaning that a Toreros victory would have is not wasted on UCLA alum Holland.

"It would be big for the program if we win," Holland said. "We'll get national recognition as the team that beat UCLA, which would mean a lot. If we lose, it doesn't change much."

Playing over their heads makes for hoops history

The San Diego Union - Tribune; San Diego, Calif.; Nov 27, 2002; Tim Sullivan;

Abstract:

Happily, basketball is more about matchups than mystique, and the Toreros were too strong inside for the sleeker Bruins. Keep and [Jason Blair] had almost as many rebounds between them (31) as UCLA had altogether (33).

On its first 15 possessions, UCLA scored 11 times and three times stopped itself with traveling violations. Only once during that span did the Toreros snare a defensive rebound. The Bruins led 22- 16, and their physical superiority seemed plain.

2 CHARTS; 1. Upset specials – With last night's win, USD is now 2- 16 vs. ranked opponents. 2. Four and out – Last night's win by USD at UCLA marked the fourth straight year the Bruins have been upset in an early-season, non-conference game at Pauley Pavilion (D-6)

Full Text:

Copyright SAN DIEGO UNION TRIBUNE PUBLISHING COMPANY Nov 27, 2002

Editions vary | For charts see microfilm.

LOS ANGELES -- When it was over, after the San Diego Toreros had hugged till it hurt and hollered themselves hoarse, the winners made a horrible blunder.

They neglected to cut down the nets.

The Toreros had done almost everything right to that point. They had come into Pauley Pavilion, hallowed home of college basketball's most dazzling dynasty and frolicked off the floor with an 86-81 overtime victory.

Brad Holland's Toreros defeated the nation's 14th-ranked team in what was only the biggest basketball game USD has ever won, and the players had nothing to show for it but their smiles. Next time, somebody should remember to keep some scissors handy for special occasions.

"We talked about the nets, but we got Coach with a water bucket," said senior forward Matt Delzell. "We ruined his suit, messed up his hairdo. We'll have to pay for the dry cleaning."

Any USD player would be delighted to pay that debt, for this was one of life's priceless moments -- one of those magical nights that will cause the grandchildren to contemplate earplugs. This is what Jason Keep and Travis Smith will remember when they are old men. It is what Jason Blair and Roy Morris will recount in retirement. It is why they play these games that seem preordained.

"For 99 percent of us, this is as big as it gets," Delzell said.

This is why schools of USD's modest scale need to aim high every now and then. Because once in a great while, something amazing might happen. This is why USD athletic director Tom Iannacone has not entirely eliminated one-shot deals from his schedule.

Iannacone no longer sees much value in uneven trades, in making two road trips for the sake of one home game. Though an elite opponent can raise your profile, enhance your cash flow and get your game highlights on "SportsCenter," it tends to be a bad bargain when you include the impact on your record in the reckoning.

That said, it's important that schools of USD's size and circumstances mix in the occasional UCLA with all the Nevadas and Northridges. Every school ought to have at least one opponent on its schedule that stirs the blood, one team that stokes the students and appeals to the alumni, one game guaranteed to raise goosebumps.

With all due respect to Gonzaga and the rest of the West Coast Conference, West Coast basketball begins and ends with UCLA.

"This means national recognition," said Holland, UCLA class of 1979. "We beat a storied program, one of the best ever in college basketball. It helps recruiting, helps our RPI (ratings percentage index), helps our self-esteem. It helps everything."

Happily, basketball is more about matchups than mystique, and the Toreros were too strong inside for the sleeker Bruins. Keep and Blair had almost as many rebounds between them (31) as UCLA had altogether (33).

Keep scored 30 points. Blair scored 17 points, including four free throws in the final 13 seconds, and admitted that "it started tingling a little bit" as he stood at the line with half a second to play."

"With all the history in here, to come in here and beat that team is something we'll remember for the rest of our lives," Blair said. "The highlights will be on ESPN tonight. Some people will say, 'San Diego Who?'"

History surely helps in recruiting, but it has yet to knock down an open jump shot or lasso a loose ball. An athlete might ponder his opponent's tradition for a moment, but he soon notices if the point guard is loath to go to his left or if the power forward fails to box out. After the tipoff, training takes over.

UCLA was more athletic than the Toreros -- considerably quicker in the open court, more buoyant near the basket -- and the early returns portended a romp.

On its first 15 possessions, UCLA scored 11 times and three times stopped itself with traveling violations. Only once during that span did the

Toreros snare a defensive rebound. The Bruins led 22- 16, and their physical superiority seemed plain.

"I told our guys what we needed to do is take whatever they throw at us for the first seven minutes," Holland said. "I really believed that. I looked up at the scoreboard after seven minutes and the score was tied. I said, 'Here we go; the game is on.'"

If the Toreros were sometimes a step slow or a bit too earthbound, they never seemed cowed by their competition, and they never stopped executing their offense. They kept getting the ball inside to Keep, and he kept muscling his way toward the basket, and the ball kept banking in.

Next time, he should remember to bring scissors.

Tim Sullivan: 619 293-1033; tim.sullivan@uniontrib.com

[Illustration]

2 CHARTS; Caption: 1. Upset specials -- With last night's win, USD is now 2- 16 vs. ranked opponents. 2. Four and out -- Last night's win by USD at UCLA marked the fourth straight year the Bruins have been upset in an early-season, non-conference game at Pauley Pavilion (D-6)

NAICS:611310 NAICS:8220 Duns:00-398-5512

Sub Title: [6,7,8,1,2 Edition]

Column Name: Tim Sullivan

Start Page: D-1

Dateline: LOS ANGELES

Companies: **University of California-Los Angeles Duns:00-398-5512 NAICS:611310 NAICS:8220**

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
FRIDAY 374,856
NOV 29 2002**

Sports Media JAY POSNER

■ Thanks to Fox Sports Net, Cox and Time Warner for not allowing most of San Diego to see USD's upset over UCLA on Wednesday. The game was on Fox Sports Net 2, which, as most fans know, isn't available on Cox or Time Warner. Guess no one thought to show it in San Diego on FSN; they wouldn't want to pre-empt "The Best Damn Sports Show Period" or anything.

Jay Posner: (619) 293-1834;
jay.posner@uniontrib.com

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
FRIDAY 374,856
NOV 15 2002



Burrelles
INFORMATION SERVICES

580
.x21a.

26

QB
.a...x

USD exits preseason perfectly

By Hank Wesch
STAFF WRITER

4154
For what it's worth, USD's men's basketball team has something over UCLA, its second opponent of the upcoming regular season 11 days hence.

Toreros
80

Global Sports
72

Unlike the Bruins, who were embarrassed by Branch West, 92-67, on Wednesday in incurring their worst loss ever at Pauley Pavilion, the Toreros can point to an undefeated record in pre-season exhibitions.

USD secured that status last night, turning back the challenge of Global Sports, 80-72, before 895 at the Jenny Craig Pavilion. It was the Toreros' second and final exhibition, going with a 95-72 handling of Cal Poly Pomona on Nov. 5. USD opens the regular season a

week from tomorrow, hosting the University of Nevada.

Senior forward Jason Blair, who scored 30 points against Cal Poly Pomona, led five Toreros in double figures with 21 and grabbed a team-leading six rebounds. Having gone 4-for-4 on three-point shots against Cal Poly, Blair extended the streak to seven before missing a final attempt with 13 minutes remaining in the game.

Blair scored eight of USD's points in a 15-3 run in a little over four minutes late in the first half that gave the Toreros a lead they wouldn't relinquish. Global Sports, a team of former college players, drew within 61-60 with 6:56 to play.

But USD senior guard Roy Morris, off suspension on Wednesday and into the lineup 7½ minutes into the game, scored a three-point play and later hit a three-point shot to allow the Toreros to keep Global Sports at bay.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
TUESDAY 374,856
NOV 12 2002



Burrelle's
INFORMATION SERVICES

580
.x21a.

26

QB
.A...X

Holland is waiting for verdict on players

4154
By Hank Wesch
STAFF WRITER

USD basketball coach Brad Holland is waiting to hear, possibly today, what disciplinary action campus authorities mete out to his four suspended players before making a decision regarding their reinstatement to the team.

Holland suspended the four — senior guard Roy Morris, redshirt sophomore center Ryan Hegarty, junior transfer guard/forward Lawrence Maroney and senior walk-on guard Brad Lechtenberg — indefinitely from the team on Nov. 4 for breaking unspecified team rules.

In the past week, all four have gone through interviews with USD student affairs counselors in regards to incidents at an on-campus party the night of Nov. 2. The last of the interviews was conducted yesterday.

Holland said school discipline, if found necessary, could come in the form of a letter of reprimand on their records or recommendations to perform community service.

"As soon as I hear from the university, then I will be able to make my decision (regarding reinstatement)," Holland said.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SATURDAY 374,856
NOV 2 2002



Burrelle's
INFORMATION SERVICES

580 .xz1a. 26 .a...x QB

USD at Drake

Site/time: Des Moines, Iowa/11 a.m. PST today

Webcast:

www.usdtoreros.com

Records: USD 4-3, 2-0 Pioneer Football League; Drake 5-4, 1-2

Outlook: Last week USD's offense overwhelmed a young, inexperienced Valparaiso team en route to a 59-27 PFL win. Toreros quarterback Eric Rasmussen and receiver Michael Gasperson were named PFL Offensive Players of the Week. Rasmussen set single-game school records for touchdown passes (seven) and passing yards (395). Gasperson set single-game school records with 30 points on five receiving touchdowns. Drake has lost two straight PFL games, including 48-44 to Butler last week. The Bulldogs are led by QB Ira Vandever, who is averaging 327 yards passing.

- RICHARD J. MARCUS

Brovelli to be in USD's hall

4154
UNION-TRIBUNE

Former USD men's basketball coach Jim Brovelli will be inducted into the school's Chet and Marguerite Pagni Family Athletic Hall of Fame on Friday.

Brovelli, who led the USD men's basketball program between 1973-84, took the then-Division II program to three NCAA Western Regionals. USD won the championship in 1977-78 to advance to the Final Four. Brovelli earned District VIII Coach of the Year honors that season.

USD moved to Division I in 1979-80 and joined the West Coast Conference. In 1983-84, Brovelli directed the Toreros to their first WCC title and first appearance in the NCAA Division I Tournament.

USD's winningest men's basketball coach with 160 victories, Brovelli left the program for his alma mater, the University of San Francisco. He coached USF for 10 seasons, ending up with 131 wins.

Brovelli is now director of athletics at the College of Marin.



Burrelle's
INFORMATION SERVICES

580
.XZ1a.

26

QB
.A...X

COLLEGE BASKETBALL

USD at new heights in its quest for talent

By **Hank Wesch**
STAFF WRITER

4154

A tall, athletic import from Senegal about to play his first season of organized basketball in the United States and two players currently enrolled in community colleges have signed letters of intent to come to USD next season.

"Considering our goals in recruiting of continuing to increase our quickness and athleticism, we feel we've accomplished our mission," USD coach Brad Holland said of the group.

The three are: 6-foot-9, 220-pound center/forward Abdoulaye N'Diaye, a native of Dakar, Senegal, attending Moore High School in Louisville, Ky.; Brandon Gay, a 6-8, 215-pound forward from Houston attending Seward Community College in Liberal, Kan.; and Michael Hubbard, a 6-4 guard from Bellflower who is a freshman at Fullerton Community College.

N'Diaye was described by both Holland and Moore coach Larry Miller as a "raw talent" in need of basketball skills development and education in the finer points of the game. But both said N'Diaye has potential to become a special player.

"He can jump up and get his wrist above the square (on the backboard) and he runs better than any of our guards," said Miller.

Gay played one season at Southern Mississippi before transferring to Seward. His ability to play with his back to the basket or shoot from the out-

Toreros women vs. South Dakota

Site: Jenny Craig Pavilion

Time: 2 p.m. today.

Internet: www.usdtoreros.com

Outlook: This is the final exhibition for the Toreros before they open the season next Saturday at Long Beach State. USD will likely play without senior leader Kerri Nakamoto (right foot). Meantime, true freshmen Jamie Corwin and Tiara Harris will be relied on more heavily.

— NICOLE VARGAS

side makes him a candidate to fill the opening that will be created by the graduation after this season of Jason Blair.

Aztec still on hold

The NCAA Initial Eligibility Waiver committee deciding the case of San Diego State freshman forward **Evan Burns** apparently did not meet as scheduled Thursday. SDSU officials — who have one final appeal remaining if Burns is not deemed eligible by waiver — expect to hear a decision next week.

— ED GRANEY

TEXAS 77, GEORGIA 71: T.J. Ford matched his career high with 22 points and had eight assists as No. 4 Texas overcame a 10-point second-half deficit to beat No. 16 Georgia.

MARQUETTE 73, 'NOVA 61: No. 18 Marquette opened a quick early lead and then used a shower of three-point baskets to secure a win over Villanova.

News services contributed to this report.

Father-and-son team

making noise on Mission court

Bret Rubin Jr. follows in footsteps of his dad, the coach

By Cicero A. Estrella
CHRONICLE STAFF WRITER

Coach Bret Rubin Sr. was conducting one of his spirited basketball practices when he yelled for one of his Mission High players to set a screen.

His words were echoed from the opposite end of the gym. "Set a screen away from the ball," bellowed Bret Rubin Jr. "Away from the ball!"

Son is proving to be like father, in more ways than one.

The Bears expect plenty of good things from the younger Rubin this season, just as they did from Rubin Sr. 22 years ago when as a player he helped Mission to a 25-6 record. Junior also recently followed in his father's footsteps into the West Coast Conference when he signed with the University of San Francisco on scholarship.

"We've always instilled that education comes first," said the elder Rubin. "With education comes work ethic. If you work hard, then an opportunity for a scholarship should come along."

The younger Rubin could have taken a different route to college. The 6-1, 175-pound guard began making a name for himself as a sophomore at Sequoia High in Redwood City, but the family legacy drew him back to the city, where his father and uncle Leland Rubin were among the top prep basketball players of their day. Rubin Sr. went on to play at the University of San Diego, and Leland Rubin played at San Francisco State.

Rubin Sr. took over as the Bears' coach last season and, soon after, his son transferred from Sequoia High. In his inaugural season with the Bears, Rubin Jr. averaged 23 points, eight assists and

four rebounds and was named first-team All-City. Mission finished with an 11-14 record and barely missed making the AAA playoffs.

"There's a long history of my family at this school," he said, "and I thought it would be fun to play for my dad."

It was not all fun and games. Rubin Sr. says most of last season was spent establishing boundaries. At the gym, he was coach. At home, he was dad.

"I love my son, but there were some growing pains when he came up here," the coach said.

"He understands everybody has to work hard. He gets no special treatment. It's up to me to set the stage. If I coddle him here, he'll expect to be coddled at the next level."

That next level would be with USF coach Phil Mathews, who is not exactly known for his coddling. When Mathews is dissatisfied with his players, he lets them now with little subtlety.

"I've heard enough screaming from (my dad). I'm used to it," said Rubin Jr. "You learn to take the good with the bad."

Rubin Jr. says his dad has always been his coach, but now he is performing the duty in an official capacity.

Actually, Rubin Jr. has had a long list of family members act as unofficial coaches.

Besides his dad and uncle, cousins Brandon and Delvin Armstrong also have served as mentors. Brandon Armstrong is a second-year guard with the New Jersey Nets, and Delvin Armstrong played collegiately at Boise State.

"If he didn't have his stuff together as far as school," Rubin Sr. said, "(his cousins) would come down hard on him."

Mathews said Rubin will probably begin his USF career as a



Photos by KIM KOMENICH / The Chronicle

Brett Rubin Jr. (center) plays basketball for Mission High School, where his father is a coach. Rubin has signed with USF on scholarship.

shooting guard, but eventually expects to move him to point guard.

"We're going to a style where both guards have to be very versatile," Mathews said. "He's one of those guys who can handle the one (point) or two (shooting). That's what we like about him."

The player that Mathews will get will not be shy about taking the leadership role. Rubin said he is making a conscious effort this season to be more vocal on the court.

He made his presence known during preseason practices, whether he was reiterating his

dad's instructions, getting an assist, running endless wind sprints without complaining or high-fiving teammates to congratulate them on a tough practice. The Bears open the season by hosting Richmond High Monday, and the goal is to make the playoffs.

"I look over the whole of last year, and that's the one thing I didn't do well," Rubin Jr. said. "One of the things I want to do is talk more to the players, get in their heads."

E-mail Cicero A. Estrella at cestrella@sfnchronicle.com.



"I've heard enough screaming from (my dad). I'm used to it," said Rubin, of playing basketball with his father as the coach.

COLLEGE FOOTBALL REPORT

Utah fires McBride as coach after 13 years and 88 wins

UNION-TRIBUNE NEWS SERVICES

Utah has fired coach Ron McBride, two days after the Utes finished with their second losing record in three seasons.

"I think that as we looked at our program over the last three years that we have not reached the goals that we've needed to," said athletic director Chris Hill, who told McBride of his decision during a meeting yesterday.

McBride coached Utah for 13 seasons and took the Utes to six of their nine bowl appearances. He won 88 games, second only to Ike Armstrong's 141 from 1925-49. But the Utes had a six-game losing streak this season that ended their bowl hopes.

Even though the Utes won their final three games, including Saturday's 13-6 victory over state rival Brigham Young after which the players lifted McBride onto their shoulders, they finished 5-6.

Hill said he approached McBride about a month ago and again last week about resigning as coach and taking a different job in the athletic department, but McBride refused.

FSU dismisses QB

Florida State quarterback **Adrian McPherson** was dismissed from the team amid reports that police planned to question him in the theft and forgery of a blank check.

Coach **Bobby Bowden** would not give details of the violation, but said McPherson would remain in school and on scholarship through the end of the semester. He called his decision to dismiss McPherson "clear-cut."

Miami gains

Ohio State may be headed for the BCS national title game in the Fiesta Bowl, but Miami still sits atop the Bowl Championship Series standings.

The defending national champion Hurricanes, who have increased their lead over the Buckeyes to 1.32 points, won the slimmest margin of 0.01 points last week when they moved ahead of Ohio State for the first time.

Miami, ranked No. 1 in the AP media and coaches polls, has 2.89 points, 0.80 points better than last week's total. Ohio State has 4.21 points, with Oklahoma moving up to third with 9.09 points.

Washington State was the big loser in the standings after a 29-26 triple overtime loss to Washington. The Cougars tumbled to eighth from third.

Freshman dies

Brandon Fails, 18, a Texas A&M freshman player, died yesterday morning after complaining to his roommate that he was having trouble breathing. The cause of death was not released.

Videos studied

Police in Columbus, Ohio, reviewed video footage to try to identify more people who overturned and burned cars and pelted officers with bottles and rocks after Ohio State's victory over Michigan. Fans set more than 100 street fires that started minutes after a 14-9 win Saturday.

Toreros honored

The Pioneer Football League has named USD's **Kevin McGarry** its PFL North Coach of the Year. McGarry led the Toreros to a 5-5 mark, including a 3-1 second-place record in the PFL North.

Toreros senior center **Justin Dixon**, sophomore wide receiver **Michael Gasperson**,

BCS STANDINGS																	
	AP	U-E	Poll	Comp.	Str	Rank	L	Total	OWin	Tot.	AH	RB	CM	RM	NYT	JS	PW
1. Miami	1	1	1.0	1.17	18	0.72	0	2.89	0.0	2.89	2	1	1	1	1	1	2
2. Ohio State	2	2	2.0	1.67	21	0.84	0	4.51	-0.3	4.21	1	2	2	2	2	2	1
3. Oklahoma	3	4	3.5	3.83	24	0.96	1	9.29	-0.2	9.09	3	3	6	4	6	4	3
4. Georgia	5	5	5.0	3.67	10	0.40	1	10.07	0.0	10.07	5	4	3	3	4	3	5
5. Iowa	4	3	3.5	6.33	40	1.60	1	12.43	0.0	12.43	6	6	7	7	5	7	7
6. USC	6	6	6.0	5.33	1	0.04	2	13.37	0.0	13.37	7	8	4	6	3	6	6
7. Notre Dame	7	7	7.0	4.67	29	1.16	1	13.83	0.0	13.83	4	5	5	5	8	5	4
8. Washington St.	9	9	9.0	8.67	27	1.08	2	20.75	-0.5	20.25	9	10	9	8	15.5	8	8
9. Texas	10	10	10.0	10.00	22	0.88	2	22.88	-0.1	22.78	10	7	10	12	17.5	10	11
10. Kansas St.	8	8	8.0	11.92	60	2.40	2	24.32	-0.5	23.82	17	12	15	11	11.5	12	10
11. Michigan	12	14	13.0	8.83	2	0.08	3	24.91	0.0	24.91	8	20	8	9	10	9	9
12. Colorado	13	15	14.0	11.00	7	0.28	3	28.28	-0.1	28.18	11	16	13	10	9	11	12
13. Florida	15	11	13.0	13.17	8	0.32	3	29.49	-0.7	28.79	15	11	14	13	13	15	13
14. Penn St.	11	12	11.5	14.75	11	0.44	3	29.69	0.0	29.69	12	18	16	16	11.5	18	15
15. Colorado St.	16	13	14.5	15.00	30	1.20	2	32.70	0.0	32.70	14	23	11	18	7	17	25

Explanation Key

Poll Average - The average of The Associated Press media poll and USA Today-ESPN coaches poll. Others receiving votes are calculated in order received.

Computer Average - The average of Anderson & Hester, Richard Billingsley, Colley Matrix, Kenneth Massey, New York Times, Jeff Sagarin and the Peter Wolfe rankings. The computer component will be determined by averaging six of the seven rankings. The lowest (worst) ranking will be disregarded.

Schedule Rank - Rank of schedule strength compared to other Division I-A teams of actual games played divided by 25. This component is calculated by determining the cumulative won/loss records of the team's opponent (66.6 percent) and the cumulative won/loss records of the team's opponents' opponents (33.3 percent).

Losses - One point for each loss during the season.

Quality Win Component - The quality win component will reward to varying degrees teams that defeat opponents ranked among the top 10 in the weekly standings. The bonus point scale will range from a high of 1.0 points for a win over the top ranked team to a low of 0.1 for a victory over the 10th-ranked BCS team. The final BCS standings will determine final quality win points. If a team registers a victory over a team more than once during the regular season quality win points will be awarded just once. Quality win points are based on the standings determined by the subtotal. The final standings are reconfigured to reflect the quality win point deduction.

Note: Teams on NCAA probation (i.e. not eligible for postseason competition) are not listed in the BCS Standings. Teams with victories over teams on probation will receive appropriate quality win points.

junior linebacker **Andy Guzinski** and senior cornerback **Wesley Morgan** were named to the PFL first team. Honorable mention honors went to junior quarterback **Eric Rasmussen**, senior running back **Kenneth Villalobos**, junior offensive lineman **Ariel Bellofiore**, sophomore offensive lineman **Keith Zapalac** and junior return specialist **Gavin Ng**.

Coach disciplined

A Miami of Ohio assistant coach who damaged a visiting coaches box following a loss at Marshall has been barred from offseason recruiting. Linebackers coach **Taver Johnson** also must pay Mar-

shall for the damage to the coaches box, forgo any pay raise next year and attend anger management counseling at his own expense.

Still undecided is the status of defensive coordinator **Jon Wauford**, who was charged with battery after he was accused of striking a Marshall fan after the game.

Elsewhere

■ Michigan linebacker **Carl Diggs** will miss the Wolverines' undetermined bowl game with a broken leg.

■ No. 19 Boise State has accepted an invitation to play in Dec. 31's Humanitarian Bowl, which will be played at home in Bronco Stadium.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SATURDAY 374,856
NOV 16 2002



Burrelle's
INFORMATION SERVICES

580
.x21a.

26

QB
.a...x

USD faces defining Flyers

By Richard J. Marcus
SPECIAL TO THE UNION-TRIBUNE

Will the Dayton jinx ever end? ⁴¹⁵⁴
USD's Toreros certainly hope so. And in tonight's go-around, the stakes couldn't be higher — a Pioneer Football League North Division title and a place in next week's league championship game against Morehead State.

When USD, like Dayton 3-0 in league play, takes the field against the Flyers, what might the Toreros be feeling? After all, USD is 0-9 against Dayton, including a 35-14 loss last year at Dayton.

"I don't know if we will win, but my gut tells me that we will play hard," USD coach Kevin McGarry said. "That's all you can ask for."

This is arguably the most important game in USD football history, and the players and coaches know it.

"I couldn't ask for anything else," senior center Justin Dixon said. "This game makes all the hard work worthwhile."

Added senior defensive back Wes Morgan, who has played Dayton three times: "We are ready to play them. Our defense is confident. We know what we are capable of and we will get it done."

It will take more than just confidence to overthrow Dayton, which won its seventh PFL title in nine years last season.

The Toreros, who are free of any significant injuries, will have to deftly execute the game plan and keep mistakes to a minimum.

A little luck wouldn't hurt, either. "Dayton just finds ways to win," McGarry said. "They are a very

Dayton at USD

Site/Time: Torero Stadium, 7 tonight

Webcast: www.usdatoreros.com

Records: Dayton 9-1, 3-0 PFL; USD 5-4, 3-0

Outlook: This one is for the Pioneer Football League North Division title. USD has never won a conference title and has not been in a PFL championship game since the league's inception in 1993. The Toreros were beaten 31-10 last week at home by Southern Oregon. Toreros quarterback Eric Rasmussen threw his first interception of the season and the offense foundered. USD's defense couldn't stop the run, yielding 258 rushing yards. Dayton is a power running team. It averages 250 yards rushing, 75 more than the next-best PFL team. The Flyers are coming off a 30-20 home victory over South Division champion Morehead State last week. Dayton is led by QB Kelly Spiker (7 TDs rushing, 6 passing) and tailback Cliff Sachini (677 yards rushing, 8 TDs). The Flyers lead the series 9-0. Should the Toreros upset Dayton, they would play at Morehead State on Nov. 23 for the PFL title.

- RICHARD J. MARCUS

poised bunch."

The story, however, isn't only on paper. There's that old "Dayton Mystique" that the Toreros will need to overcome.

"Dayton is consistently dominant," McGarry said. "We all want to be Dayton."

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
WEDNESDAY 374,856
NOV 20 2002



Burrelle's
INFORMATION SERVICES

580 QB
.xz1a. 26 .a...x

COLLEGE SIGNINGS

4154
USD, SDSU baseball sign
Northern California preps

FROM STAFF REPORTS

The USD and San Diego State baseball teams have added two Northern California players to their recruiting classes during the NCAA's early signing period, which ends today.

The Toreros signed 6-foot-4, 215-pound outfielder/left-handed pitcher Shane Buschini of California High in San Ramon.

The Aztecs signed infielder Sean Henry of Amijo High in Suisan City. Henry, rated among the top 100 prospects in the nation, is said to have an above-average throwing arm and speed and hits for power and average. He is versatile enough to play several positions, including the outfield.

Henry's signing gives SDSU five players in its early recruiting class ranked among the nation's top 100.

USD women's basketball

USD has signed two high school seniors: **Katie Watson**, a 6-3 All-America post player from Bakersfield Liberty, and **Ashley Voisinet**, a 5-10 guard from Santa Ana Mater Dei.

"They both have the skill and ability to play right away," said USD associate head coach **Erik Johnson**. "They will lift us from the second they step on

campus. Both of them can be impact players in our conference."

Watson (17 points per game, 8.3 rebounds as a junior) is ranked among the top 20 players at her position in the nation.

Voisinet (11 ppg, 3 rpg, 3 apg) is an accomplished athlete not only in basketball, earning All-CIF Southern Section honors, but was a CIF finalist in the long jump and triple jump.

More baseball

■ **Tyler Fernandes**, who was a .337 hitter and the starting center fielder at Grossmont High two years ago and is now at San Jose City College, has accepted a scholarship to play at San Jose State.

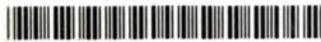
■ Granite Hills center fielder **Casey Craig** has taken advantage of the NCAA's early signing deadline and will attend Pepperdine beginning with the 2004 season. Craig batted .409 with three home runs, 30 RBI and 16 steals last season.

Softball

Mount Miguel pitcher **Breanna Felix** has signed with Radford (Va.) University of the Big South Conference. Felix, 17-7 for the Matadors as a junior, was Grossmont South League Pitcher of the Year.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SUNDAY 374,856
NOV 3 2002



Burrelle's
INFORMATION SERVICES

5800
.XZ1a.

26

QA
.A...n

Toreros survive last-ditch frenzy

By Rob Gray

SPECIAL TO THE UNION-TRIBUNE

DES MOINES, Iowa — Yesterday's USD-Drake football script featured a last-minute stand, a last-second stop and more than 1,000 yards of combined offense.

Toreros
51

Drake
46

For USD, the package came complete with a happy ending. The Toreros quashed a last-second Drake drive at their own 20-yard line and held on for a wild 51-46 Pioneer Football League win at Drake Stadium.

Drake quarterback Ira Vandever's bid for his seventh touchdown pass of the day fell short as time expired.

"I was hoping our defense would come through and it did," USD quarterback Eric Rasmussen said. "You're biting your nails, though."

Rasmussen threw seven

touchdown passes — a PFL record — a week ago. Yesterday, he tossed five — three to freshman Adam Hannula, who doubled his season total to six.

"You can see in his eyes and in how he runs, he really wants that TD," Rasmussen said. "Every time he was pinned down he got away. He's a little slippery guy."

So is Drake's Vandever, who finished one passing yard behind Rasmussen with 352.

The 5-3 Toreros improved to 3-0 in the PFL. Drake (5-5, 1-3) lost its third straight game.

Rasmussen pushed his season touchdown passes total to 23. He has yet to throw an interception.

"We felt confident that we'd come out and score, and we'd get a couple of defensive stands," USD coach Kevin McGarry said. "And that we'd be on top when it was over."

It was the Toreros' first win at Drake.

"This is a tough place for us to come play," McGarry said.

Drake tried a variety of things to slow the Toreros offense, but none worked very well.

USD fullback Ken Villalobos surged for 91 yards and two touchdowns in the first quarter and finished with 179 yards rushing.

"He is a load," Drake coach Rob Ash said.

USD scored touchdowns on each of five first-half possessions and led at halftime 31-26. Drake took a 39-38 lead in the third quarter before Hannula caught two touchdowns to put the Toreros back in front 51-39.

Drake tight end Jeff Seaman caught his fourth touchdown with 5:03 left in the fourth to make it 51-46.

"We just scored more than they did," McGarry said, "and that's what counts."

One game remains for USD that truly counts: the Nov. 16

Pioneer League

North	Conf.		Overall	
	W	L	W	L
USD	3	0	5	3
Dayton	3	0	8	1
Drake	1	3	5	5
Butler	2	2	4	5
Valparaiso	0	4	0	9

Yesterday's Results

USD 51, Drake 46
Butler 52, Valparaiso 22
Dayton 42, Canisius 6

Saturday's Games

S. Oregon at USD, 1:30 p.m.
Butler at Quincy, 10 a.m.
Lindenwood at Valparaiso, 10 a.m.
Morehead St. at Dayton, 10 a.m.
Drake at St. Mary's, 1 p.m.

game at home against Dayton. Both teams are 3-0 in the league, and the winner would represent the North Division in the PFL Championship on Nov. 23.

"Whatever happens out of league happens," Rasmussen said. "We wanted it to come down to being 3-0 and playing Dayton for the championship. Hopefully we're going to rise to the occasion."

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
SATURDAY 374,856
NOV 16 2002**



Burrelle's
INFORMATION SERVICES

580 .x21a. 26 .a...x QB

LOCAL COLLEGES

USD women lose to USC in OT in soccer playoffs

UNION-TRIBUNE

4154

USC junior forward Jessica Edwards broke a scoreless tie on a golden goal in the third minute of overtime to give the Trojans a 1-0 victory over the USD women in a first-round NCAA Division I soccer play-off game at UCLA's Drake Stadium.

Shortly after overtime began, USC was awarded a direct free kick following a USD foul. Edwards stepped up and blasted in a shot from about 35 yards to end the game at the 92:53 mark.

The Trojans (11-7-3) play either UCLA or Loyola Marymount tomorrow in the second round.

USD finished the season 11-7-3.

Volleyball

No. 25-ranked USD won its 17th consecutive match against Gonzaga 30-17, 32-30,

30-24 in West Coast Conference play in Spokane, Wash. Noel Frohman had 17 kills and Devon Forster had 13 for the Toreros (23-6, 8-3). Lindsey Sherburne had 43 assists and Brynne Young had 10 digs against the Bulldogs (4-22, 2-10).

■ San Diego State rallied to edge New Mexico 24-30, 30-24, 27-30, 30-21, 16-14 in Albuquerque, N.M. Zlatina Anguelova recorded a career-high 29 kills for the Aztecs (19-11, 20-3 Mountain West). The Lobos dropped to 7-19, 2-11.

■ Behind 48 assists and 19 digs from sophomore setter Teresa Ohta, No. 8-ranked UCSD beat Sonoma State 30-21, 27-30, 30-21, 30-17 in a California Collegiate Athletic Association match at UCSD. Bonnie Wilson had 19 kills and Vista High alum Stacy Dunsmore had 14 kills for the Tritons (24-4, 18-3).

SAN DIEGO UNION-TRIBUNE

**SAN DIEGO, CA
TUESDAY 374,856
NOV 12 2002**



Burrelle's
INFORMATION SERVICES

580 QB
.x21a. 26 .a...x

**USD, UCSD women
gain NCAA berths**

UNION-TRIBUNE

4154

The USD women's soccer team finished 3-3-1 and tied for fourth place in the eight-team West Coast Conference, but it was good enough to earn a fourth straight trip to the NCAA Tournament.

The Toreros (11-6-3) play USC at 6 p.m. Friday at UCLA. The winner faces UCLA or Loyola Marymount on Sunday afternoon, also at UCLA.

The Toreros are one of five WCC schools in the 64-team field, three of which are among the top eight seeds (No. 3 Pepperdine, No. 6 Santa Clara and No. 8 Portland).

USD and USC (10-7-3) played in L.A. earlier this year, ending in a 0-0 tie after two overtime periods.

Meantime, the UCSD women are the No. 1 seed in the NCAA Division II Tournament and received a first-round bye. UCSD (15-2-1) will play host to UC Davis or San Francisco State on Sunday at 1 p.m.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
SATURDAY 374,856
NOV 2 2002



Burrelles
INFORMATION SERVICES

580
.xz1a.

26

QB
.a...x

LOCAL COLLEGES

San Diego State seventh at MWC cross country

San Diego State's Jennifer Stakiw came in 22nd and teammate Alicia Stewart was 32nd yesterday to help the Aztecs finish seventh at the Mountain West Conference Cross Country Championships at BYU in Provo, Utah.

SDSU finished 14 points ahead of last-place UNLV. BYU easily won the women's championship, and its men's team won by edging Colorado State by five points.

BYU's women took the top six places and seven of the top eight. In addition to Stakiw and Stewart, SDSU had Jamillah Titus and Kylie Edwards finish among the top 50 runners.

Stakiw, a senior, came in first among Aztecs runners for the sixth time this season. Her time of 22 minutes, 36.8 seconds was less than 2 minutes behind the winner.

Stewart, also a senior, finished in 23:19.6.

Golf

The USD men's team shot a final-round total of 287 to move up six spots in the standings and finish sixth at the 49er Collegiate Classic hosted by Long Beach State. USD senior Berry Henson carded a team-best 67 in the final round and fin-

ished seventh. Preston Lancaster ended up tied for ninth after a final-round 73. The Toreros' Tim Cureton shot a final-round 74 to tie for 35th, seven strokes behind Lancaster. Bobby Powers of San Jose State was the individual winner with a three-day total of 209.

Soccer

Four different Air Force players scored in a 5-1 men's victory over visiting San Diego State. Because of red card suspensions, SDSU (4-11-2, 0-3-1 Mountain Pacific Sports Federation) played without coach Lev Kirshner and freshman forward Matt Couch. The Aztecs got their goal in the 65th minute when Pat Strait took a cross from the right side by Eric Wohl and put the ball in the net. With nine saves on the day, SDSU goalkeeper Brian Barnes matched his single-season record for saves with 90.

Water Polo

Jonathan Hopkins and Clark Petersen each scored two goals to lead the UCSD men's team in a 7-4 victory at UC Santa Barbara. Hopkins, a sophomore from Coronado High, leads the Tritons with 53 goals.

SAN DIEGO UNION-TRIBUNE

SAN DIEGO, CA
 WEDNESDAY 374,856
 NOV 20 2002



Burrelles
 INFORMATION SERVICES

580
 .xz1a.

26

QB
 .d...x

SIDELINES

By Mark Zeigler

Finally

The U.S. women's national team has made San Diego County its primary training base for years, yet never played a full international match here. That will change with yesterday's announcement of a Jan. 12 friendly against Japan at USD's Torero Stadium. The match, which will be televised live on ESPN, will be the U.S. women's first in a year that will culminate with the Women's World Cup in China next fall. Asia has not held its qualifying tournament, but Japan is expected to be one of the contenders for the region's two automatic berths in the World Cup or a third-place playoff against Mexico for an additional spot. Tickets at 7,035-seat Torero

Stadium range from \$20 to \$45 and go on sale Monday at Ticketmaster outlets. San Diego Spirit season ticket holders can buy them now. Game time is 1 p.m.

Here we go again

The Mexican league is down to its final round of matches Sunday and, true to form, nearly everybody is still alive for a playoff spot. Six teams are in and only three have been eliminated, meaning 11 have some sort of mathematical chance. There are 10 teams in the middle of the pack separated by three points. Toluca (12-1-5) and America (12-2-4) have clinched the top seeds, although their order could change. In other Mexican news, it looks like the national team will play its first match under new coach Ricardo Lavolpe sometime in January, most likely vs. a European opponent in Texas or California.

ONLY IN SOCCER

A Dutch amateur player has been suspended for eight weeks. His offense? Kissing the referee. A Dutch radio station reports that Martin Bennink, who plays for a club in the town of Enschede, received a red card in a recent match and, while walking off the field, stopped to kiss the top of the referee's head. The Dutch federation tacked on the two-month suspension based on a rule prohibiting "physical violence against a referee or indecent behavior."

BEST BETS

Saturday: Inside Soccer radio show, 4 p.m. (1130-AM)

Sunday: Mexican league: Veracruz at Atlante, 10 a.m. (Telemundo)

Tuesday: UEFA Champions League: Real Madrid at AC Milan, 11:30 a.m. (ESPN2)

SAN FRANCISCO CHRONICLE

SAN FRANCISCO, CA
WEDNESDAY 527,466
NOV 20 2002



Burrelles
INFORMATION SERVICES

593
.x21a.

5

QA
.a...n

■ ELSEWHERE

**Grosjean to lead
France at Davis Cup** 4134

France will try to win a second straight Davis Cup with a team featuring Sebas-

tien Grosjean, Arnaud Clement, Nicolas Escude and Fabrice Santoro.

Captain Guy Forget announced the team for the final against Russia on Nov. 29-Dec. 1 on clay at the Bercy indoor stadium.

The Russian team is led by Marat Safin and Yevgeny Kafelnikov.

SOCCER: U.S. soccer captain Claudio Reyna will need four-to-six months of rehabilitation from reconstructive knee surgery.

Reyna, injured last month while playing for Sunderland in England's Premier League, had a full tear of his left anterior cruciate ligament.

■ The U.S. women's national soccer team will open its 2003 schedule against Japan on Jan. 12 in San Diego in preparations for the World Cup in China. The women will play their first full international game in Torero Stadium on the campus of the University of San Diego.

■ Lothar Matthaeus, 1991 world player of the year, severed his 18-year association with Bayern Munich after a spat with the soccer team's general manager.

Matthaeus, 41, handed back his honorary club membership, team badge and a watch worth 25,000 euros (\$25,250) because Uli Hoeness told Germany's DSF television he wasn't fit to be a groundskeeper at Bayern's new stadium.

BOXING: Former champion Tim Wither- spoon will face Italian Olympic bronze medalist Paolo Vidoz in one of four fights in a winner-take-all, \$100,000 heavy-weight tournament in New York.

In the other three-round bouts announced for the Nov. 30 card, it's undefeated Gerald Nobles vs. Maurice Harris, Jeremy Williams vs. Anthony Thompson and Ray Austin vs. Derrick Jefferson.

TRACK: Track and field's ruling body wants Greek athletes to cooperate better with drug-testing authorities to "avoid unnecessary embarrassment" before the 2004 Olympics.

A report by the IAAF last month said many Greek athletes cannot be found for out-of-competition tests for banned substances.

MOTOR SPORTS: Paul Tracy will join Patrick Carpentier on the Player's racing team for the 2003 CART season.

LOCAL COLLEGES

SDSU goes overtime to win soccer match

4154
Kim Castellanos scored both goals as the San Diego State women's soccer team beat visiting UNLV 2-1 in overtime to clinch the fourth seed in the upcoming Mountain West Conference tournament.

Castellanos, a junior forward from Rancho Bernardo High, scored the winner in the fourth minute of OT.

SDSU (12-6-0, 3-3) will face No. 5 seed UNLV (10-7-1) again at 2 p.m. Wednesday in the MWC playoffs at Provo, Utah.

More soccer

■ Britni Wenck scored in the first half and Kristina De La Rosa scored in the second as the UCSD women shut out host **Grand Canyon** 2-0 in a California Collegiate Athletic Association game. Jamie Lautenschleger and Kami Poma shared the shutout in goal for the Tritons (13-2-1, 11-2-1).

■ Junior forward Ali Managhebi scored his second goal for the winner as UCSD's men's team beat host **Grand Canyon** 4-3 in overtime. Managhebi, who also scored in the second half, took a pass from Magnus Lu and scored in the 94th minute for the Tritons (11-5, 9-5), who clinched the CCAA South Division title. The 'Lopes fell to 5-15, 2-12.

■ PLNU scored three times in the second half en route to a 4-1 Golden State Athletic Conference win over host **Cal Baptist**. Luke Lineman, Adrian Sbodio, Enrique Mendoza and Derrick Thames scored for the Crusaders (8-6-5, 3-3-4). The Lancers are 6-8-2, 3-5-2.

■ **Cal Baptist** freshman Brittany Davis scored in the second half as the Lancers shut out visiting **PLNU** 1-0 in a GSAC game. PLNU falls to 12-5-1, 5-4-1; Cal Baptist is 11-2-1, 8-1-1.

Cross country

USD's men's and women's teams both finished third at the West Coast Conference championship on the Crystal Springs Course in Belmont. Fallbrook alumna Kim Crosswell led the Toreros women in the 5K race with a fifth-place time of 18 minutes, 46 seconds.

San Pasqual alumna Jennifer Dowthit was sixth at 18:51 and Tiffany Marley finished eighth at 18:59. Antonio Lopez was USD's top men's finisher over an 8K course, placing third at 25:26.

Swimming

SDSU edged USD 152-149 in a dual meet at USD's Sports Center as the Aztecs' 400 freestyle relay team beat USD by one second at 3 minutes, 36.17 seconds in the meet's final and deciding event.

Volleyball

■ Behind 14 kills apiece from Carolina Sbodio and Rochelle Short, No. 9 **PLNU** (19-5, 13-3) swept visiting **Biola** (23-6, 10-6) 30-28, 30-23, 30-16 in a GSAC match at Golden Gym.

■ UCSD swept host **Cal Poly Pomona** 30-27, 30-27, 30-24 in a CCAA match as Bonnie Wilson had 16 kills and six aces while Vista alumna Stacy Dunsmore had 17 digs for the No. 8-ranked Tritons (20-4, 14-3). The Broncos fall to 16-10, 10-7.

SAN DIEGO UNION-TRIBUNE
SAN DIEGO, CA
SUNDAY 374,856
NOV 3 2002



DAILY NEWS

LOS ANGELES, CA
SUNDAY 210,000
NOV 3 2002



2 Burrelles INFORMATION SERVICES
829 .xz2a. 2 .b...n QH



David Sprague/Staff Photographer

CSUN softball coach Barbara Jordan stands inside the storage container that is her team's locker room, an example of the serious facility woes facing the school's athletic program.

Luster eludes 'Matadome'

4154 U.O.F S.D.
No upgrades for CSUN facilities since football was cut

By Jill Painter
Staff Writer

Mike Batesole took a tour of the Fresno State campus last spring and hardly could fathom the vision before him.

On the day he was introduced as the Bulldogs' new baseball coach, he couldn't help but gawk at the school's facilities. He deemed the intramural softball fields more suitable than the baseball facility at which he had worked the past seven years: Cal State Northridge's.

"The field at Northridge, somebody needs to come in there and renovate

the entire facility from top to bottom," Batesole said. "The community deserves it. The kids deserve it.

"The program has come a long way. It's the last thing they need to get it to a higher level. There's not too much they couldn't do if they had a facility."

And not much more they can do without one. Batesole might as well have been talking about the basketball gym. The softball field. The soccer field. Every CSUN facility is unbelievably inadequate for a modern, Division I program.

The CSUN administration has a

"When I started 10 years ago, there was a blueprint of a new arena. That thing sat there for two years, and I've never seen anything since."

— Mike Johnson
former CSUN basketball assistant

See CSUN / Page 14

Urgency lacking at CSUN

CSUN / From Page 1

vision for new arenas. Several of them. Just no plans for them, or money. The only visible changes the department has made since it eliminated the football program nearly one year ago is to write a report on what it visualizes. Yet as the Cal State system grapples with budgetary woes, there seems no urgency to make that vision a reality.

Eliminating the football program should have meant more resources for other sports. But just as many longtime CSUN watchers foresaw, everything remains the same.

"Facilities at Northridge will never change," said Mike Johnson, a former CSUN basketball assistant who's now at UC Irvine. "I would be surprised. Northridge is what it is. They need to make it as good as it can be. In my opinion, it would take a Gonzaga-like run of six or seven years — that kind — to get the community fired up enough to change the facility.

"When I started 10 years ago, there was a blueprint of a new arena. That thing sat there for two years, and I've never seen anything since."

□□□

President Jolene Koester asked athletic director Dick Dull to design a five-year plan — complete with future goals and prioritized facility needs — for the athletic department.

This is the perfect and perhaps only time for the department to distance itself from a sketchy history, one marred by almost comical blunders.

CSUN, which has 30 Division II national championships, moved to Division I status in the 1990-91 season. Not much has changed since then; the Matadors play in the same facilities.

Koester, while pledging her office to drum up fund-raising, doesn't want to fund-raise without a plan. The short-term plan doesn't call for a new arena, but to implement an arena in the long term, fund-raising needs to be formulated now. But it hasn't been.



Joe Binoya/Special to the Daily News

CSUN is looking for more than an "i" for the Kinesiology building. The basketball facility inside, which school officials call the "Matadome," requires major improvement to get up to Big West Conference standards.

"I know Dick Dull and President Koester are sensitive (to facilities)," said Dennis Farrell, the Big West commissioner. "You don't just wave a magic wand and build a state-of-the-art facility. You have to have a plan for that. They have to address that over the next five to 10 years. They'll be recruiting the same student athletes that Long Beach State and Irvine do."

Dull has devised a plan that outlines the university's goals — from academic integrity to NCAA compliance — for the next five years. Now his duty is to execute it.

"We're at a very challenging time but also a very exciting time," one Cal State Northridge official said. "The way I look at it, if any of those things get done, that's more than former administrations have accomplished."

Credit Koester for displaying — and pledging — support to the athletic department. CSUN never had a written plan or outlined goals for the athletic department until now.

If a state bond passes, \$1.65 billion will be allocated for higher-education facilities. Koester said she'd allot some of that toward athletic facility improvements, such as resurfacing the track. It's the first time a CSUN president has pledged general funds to athletics.

That's a start.

□□□

When Dull made the recommendation to eliminate football, the hope was more money would be available for other sports, and that there would be a vision to equip Northridge's teams with more resources, financial and otherwise.

"They can't keep talking about it," said former CSUN point guard Markus Carr, who's now playing in the NBA's developmental league. "If they keep talking about it, nothing will change. If anything, it will probably get

worse.

"Northridge is in a position where they need to begin working now — not later — on something to improve facilities. The past couple of years, we got a lot of exposure. We went to the NCAA Tournament and got new recruits. With schools like Northridge, that's only going to last so long. They need to devise a plan and work on it."

Dull outlined nine priority sports in his plan, and basketball is the marquee sport at CSUN. Dull, the former Maryland athletic director, knows that's where the money is for the Matadors. Yet, there's no plan for a new facility.

"I think the Matadome will serve us for the next decade," Dull said.

The school has added new lights in the gym, but the "Mata-dome" — more accurately, the Kinesiology building with a basketball court inside — already is grossly outdated. CSUN plans to add more seats in the gym, although officials have talked about that on many occasions.

Fund-raising has been a constant struggle for the Northridge athletic department and the entire university — until Koester's arrival in the summer of 2000.

The athletic department, which has just one full-time fund-raiser, raised \$573,210 — including sponsorship, cash in kind and donation of services — in 2000-2001. That's hardly enough for minor upgrades, let alone the beginnings of a new arena.

CSUN's overall fund-raising efforts have nearly doubled under Koester. In 1999-2000, the school raised \$7.7 million. In 2000-2001, the total was \$12.3 million — a 58.8 percent increase, which ranks fourth among Cal State campuses.

One Northridge official said databases — at least in the athletic department — are incomplete and inaccurate, making fund-raising efforts more difficult.

During the summer, CSUN rallied student volunteers to help with a phone fund-raiser. It turned into another blunder. Former football players and boosters were called to donate money not even a year after the program was eliminated.

□ □ □

Detroit Tigers All-Star Robert Fick, a CSUN product, used to be a supporter of the baseball program. Professional athletes are a logical target for fund-raising efforts, but Fick said he's never been contacted.

"They never call," Fick said. "Never called. I may have donated a few bats and balls and (stuff) like that. Just stuff for Mike (Batesole). ... I'll send all my stuff up to Fresno now. There's going to be a lot of guys leaving home and going to Fresno."

Fick said he no longer has loyalties to the school — just to Batesole.

Caleb Jones, a 1975 CSUN graduate who played on the club hockey team, said he's only received a few recent letters requesting donations.

"What do I hope for? It's probably different than what I would predict," Jones said. "As much as I disagreed with the loss of football, I hope they avoid de-emphasizing sports and emphasizing basketball and baseball

and volleyball to be highly competitive.

"My fear is they won't seize the opportunity and will continue the mediocrity of academic people in charge not taking sports seriously. Now is the time to take the bull by the horns and steer it in the right direction."

Different CSUN administrations have toyed with the idea of new stadiums, arenas, upgrades and facelifts. Nothing ever materialized except for resentment and apathy among community members.

"It's small-time athletics, really," said Randy Merdler, who hadn't missed a home football game in 15 years and regularly attends basketball games.

"They'll have an occasional good season. But things won't change. I think it's sort of hopeless. There's no fan support.

"We'll have the same conversation in 30 years and nothing will have changed. I'm just being realistic."

But will Dull and Koester be around in 10 to 15 years? CSUN presidents and athletic directors come and go at an alarming rate. And if history is an indicator, they'll be long gone.

"There are short-term and longer-term goals," Koester said. "In the next five years, it is accurate that it's unlikely we'll be able to build all of those facilities. We have a comprehensive set of goals. If you set the window longer than five years, instead look at 10-15 years, it's not impossible for us to develop an ideal set of facilities."

□ □ □

In his six years as men's basketball coach, Bobby Braswell has overhauled the program. CSUN beat UCLA at Pauley Pavilion — an ESPN "Sports-Center" lead story — and made the NCAA Tournament for the first time in the 2000-2001 season.

Braswell has made something out of nothing. But without facilities, he knows it's going to continue to get harder.

"I've kind of held my tongue on it over the years because we hadn't done anything, and I wanted to establish this program," Braswell said. "I do think it's something people are talking about now. I think it's something that the university has to be prepared to step up and make the commitment to improve it."

"Not just basketball facilities but our softball and soccer — different things. We've got an empty lot down there. We've got some vacant land. We need to find a way to do the things we need to

do to improve this athletic department. It's positive that we have these short-term goals of improving facilities, but I think we have to have more of a vision than that, and we have to be prepared to look to the future. If we don't, we're going to get left behind in this conference."

CSUN has 20 sports programs, the most in the Cal State system.

"We are committed to the 20 sports in Division I, absolutely," Koester said. "We are committed. There's not much I can say to someone who's worried about it. People who are worried about it are looking at the past. It's my firm resolve at this point and time."

Before the football program was eliminated, CSUN hired independent consultants to study the athletic department. Not only did they agree to eliminate football, they saw major problems maintaining 20 sports.

"I don't know what's happened since I was there, but it seemed to me that they needed more financial support and more income coming in to take care of what they had, let alone have a drain with no interest," said Cincinnati athletic director Bob Goin, one of the consultants. "The sports weren't being funded at the Division I level. How are you going to grow unless you give those other sports resources with revenue coming in? At that time, I didn't see how they could spread that revenue out."

New facilities typically bring new enthusiasm. The University of San Diego has the Jenny Craig Pavilion, a \$17.5 million building with a 5,100-seat capacity. Craig and her husband donated \$10 million, and the university raised the other \$7.5 million through a three-year capital campaign.

"Our ability to raise money has gone up so much since we built this facility — corporate sponsorship, interest, season-ticket interest," said Brian Fogerty, San Diego's assistant athletic director for development. "Everything has changed since we built that building."

CSUN has major decisions to make about what type of athletic program it wants, what it needs to get it and how to fund it.

The athletic department must recruit better athletes in order to be a force in the Big West. They need better facilities. A new arena is a must, and the time to act was yesterday.

"It is daunting," Koester said of CSUN's needs. "We have major facility needs for a lot of sports, and we'll have to organize ourselves and decide exactly whether or not to target a facility or specific facilities."

Compiled by
Office of Communications and Marketing