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University of San Diego Office of Communications and Marketing, "University of San Diego News Print Media Coverage 1988.08" (1988). *Print Media Coverage 1947-2009*. 233.

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San Diego, Calif.
(San Diego Co)
SAN DIEGO TRIBUNE

AUG 1 1988

Allen's P. C. B Est. 1888

PERSONNEL FILE

2955 Mellick gets senior vp post

Linda Mellick has been named senior vice president of the southern region at Great American First Savings Bank.

Mellick will direct branch growth and operations in all 61 retail offices throughout San Diego County. She joined the bank in 1974 as a teller and became a supervisor at its Del Mar office in 1978. Mellick helped establish the branch operations department in 1979, and in 1984 was promoted to retail operations manager.

A San Diego native, Mellick graduated from SDSU and is completing a master's degree in business administration at USD. She is a member of the employment committee for San Diego County Drug Abuse Strike Force and served on United Way's public sector committee.

Horton Plaza has appointed Brian Jenkins assistant general manager. Jenkins will oversee the complex's entire operation, including retail and entertainment. He was previously general manager at La Jolla Village Square and assistant manager at North County Fair, both May Center developments. Jenkins received a bachelor of science degree from Penn State University and a master of science degree from University of Illinois.

William Malone has been appointed a manager in the tax practice of Arthur Andersen & Co. Also, six staff accountants have been appointed: Beth Anderson, Bill Billingsley, David Riegert and Leslie Svensson to the audit staff; Amit Shroff and Bonnie Hammer to the tax staff.

Mercy Hospital Foundation has named Jack Goodall to its board of directors. Goodall has been president of Foodmaker Inc. since 1970, chief executive officer since 1979 and chairman since 1985.

Dennis Beckwith has been made a partner at Information Systems Group. Beckwith will continue in his present position as support department manager where he is responsible for operations support, training, analysis, programming and implementation.

North Island Federal Credit Union has named Jill Bechard vice president of marketing. Bechard will oversee marketing strategy, product management and advertising/business development. Most recently, she served as manager of credit union development at Motels of America Investment Corp. in San Diego.

Leslie Roberts has joined Ferris, Brennan & Britton. An associate of the firm, Roberts is a member of its tax and estate planning department where she handles general taxation and business matters.

Price Waterhouse has promoted Susan Moranville to manager of comprehensive professional services. Moranville will specialize in emerging businesses of real estate, high technology and manufacturing industries.

Mike McQuitty has been promoted to quality assurance manager of laboratory sciences at Foodmakers Inc.'s Jack In The Box restaurants division. McQuitty will be responsible for the quality of all the Jack In The Box food products. Also, Nicole Bonenfant has joined Foodmaker Inc. as brand marketing manager in the company's Jack In The Box marketing division.

John Brown and Barbara Brown have formed a law firm, Brown & Brown, specializing in estate planning, administration and family law matters. They are joined by John Knoll who is a counsel in family law and related appellate matters.

The San Diego Beach & Tennis Resort has appointed Clive Woolf manager of the hotel's Tradewinds Restaurant. Woolf will be responsible for all of the restaurant's service.

Blaise Nauyokas has joined Arnold Buck Inc. as art director. Nauyokas was previously an art director at Franklin & Associates Inc.

Please send personnel changes and promotions to Meg Ford, The Tribune, Financial Section, P.O. Box 191, San Diego 92112.



LINDA MELLICK

AUG 1 1989

Allen's P.C.B. Est. 1888

Insurance for autos: Too costly?

Public flooded by rates
among highest in U.S.

By Rita Calvano
Tribune Staff Writer
First of two parts

California's 18½ million drivers, frustrated by an insurance industry that has raised rates almost 70 percent in five years, want relief from skyrocketing premiums.

Insurance company officials say the rate hikes reflect the increased cost of doing business.

But consumer advocates say the industry raises most prices at will, operates in relative secrecy, bases certain premiums largely on stereotypes rather than real people, and answers to almost no one.

Says Assemblyman Richard Polanco, D-Los Angeles, an insurance reform advocate: "I've reviewed letters from all over the state of California, from people of all walks of life, all political affiliations and income levels, saying that their automobile insurance rates are too high, that they continue to go up, and there's no remedy at this point in time to lower rates."

Latest available statistics show the state's average annual premium of \$568 in 1986 was third-highest in the nation, surpassed only by New Jersey's \$604 and Alaska's \$602.

A few years ago, businesses and local governments revolted against the rising costs of commercial liability insurance, and obstetricians balked at their ever-increasing malpractice-insurance rates.

Now the crisis is in auto insurance, a problem acknowledged by the insurance industry itself, but which generally blames consumers, trial lawyers, rising crime and medical-care costs for the skyrocketing premiums.

Bruce Norman, marketing vice president for Mercury Casualty Co.

PREMIUMS: Insurance industry denies consumer group accusations about driving rates up

Continued From Page 1 8-71

"That includes increases in medical costs, increases in the frequency in which injuries are alleged and the frequency with which people litigate their claims," Norman said.

Some statistics bear him out.

● The California Highway Patrol says auto thefts in California rose 11 percent between 1986 and 1987. San Diego County ranked second only to Los Angeles in the number of thefts in 1987: 31,306 compared to 23,102 in 1986, an increase of 35.5 percent.

● The California Medical Association says the cost of medical care in California jumped 21 percent between 1982 and 1986. Nationwide, the increase was 31 percent.

● The Western Insurance Information Service reports lawsuits filed in motor-vehicle accidents in California during the 1985-86 fiscal year rose nearly 29 percent over the previous year. Los Angeles County ranked highest in the number of suits; San Diego was 15th.

Lawrence Grassini, president of the Los Angeles Trial Lawyers Association, and a board member of the statewide organization, accuses the insurance industry itself of prompting many of those lawsuits. Companies often refuse to promptly settle claims, he said, forcing these suits because California law requires them to be filed within one year of the accident.

Citing a report by the insurance company of a nationwide \$13.7 billion after-taxes profit in 1987, Grassini said, "You have to wonder whether they're really giving the public the true facts."

But Tim Dove of the Insurance Information Institute in San Francisco says auto liability is a losing line of insurance.

"For every dollar we brought in nationwide in 1986, we paid almost \$1.18," Dove said.

Richard Wiebe, spokesman for the

Alliance of American Insurers, said Californians spend \$8.6 billion a year on auto insurance coverage in a state whose average rates continue to climb.

According to the A.M. Best Co. of New Jersey, a prominent insurance-rating business, California's average premium has risen 69 percent between 1981 and 1986, which are Best's most recent figures.

In 1986, the nationwide average annual premium was \$440.58, more than \$127 cheaper than the premium in California, Best figures show.

The prices are out of reach for millions of Californians who simply go without insurance despite risking suspension of their driver's license if unable to prove financial responsibility for an accident they might cause. The proof may be either through liability insurance coverage or a \$35,000 cash deposit in a bank trust fund.

The Department of Motor Vehicles estimates that 20 percent of the state's 23.4 million registered vehicles are not insured. The estimates are based on DMV accident and other records where proof of financial responsibility would be required.

Assemblywoman Maxine Waters, D-Los Angeles, says that because insurance is so costly, "we have a lot of uninsured motorists who have decided they'll buy food instead of insurance, and then put everyone else at risk."

Sometimes, just getting coverage can be difficult.

Most companies refuse to sell in certain sections of California, the most notable being in parts of Los Angeles, where insurance offices are nearly non-existent, according to a survey done by the state Department of Insurance.

"Insurance is difficult to find in central Los Angeles because customers are difficult to find, customers who can afford that product," said Wiebe of the Alliance of American

Insurers. "The number of uninsured motorists is higher in central Los Angeles; the incidence of theft and fraud is much higher than other urban areas."

But consumer advocate James Wheaton accuses the industry of racial discrimination and of mixing apples and oranges when discussing insurance costs.

"The insurance companies have apparently decided that black people who live in poor neighborhoods are more likely to cause accidents," he said.

"The only thing that matters for liability rates is how likely is it that this driver is going to cause an accident," said Wheaton of Public Advocates in San Francisco, a branch of the University of San Diego's Center for Public Interest Law.

Liability coverage — the type of insurance California drivers must have — is the insurance drivers buy to cover legal obligations to other people in case of an accident.

Insurance rates are calculated on a complicated statistical system involving not only place of residence (called territorial rating), but also such other "risk factors" as driving record and where a vehicle is parked.

Marital status, age, occupation and amount of education also may be included in determining the likelihood of drivers being involved in an accident, which insurers then use to decide who should be offered insurance and at what price.

"Basically, the whole purpose of segregating these statistics is we want each group to pay its fair share of projected losses and expenses. No more and no less," said one actuary, who requested anonymity.

But those arguing for reform say the system punishes good drivers having the misfortune to fall into high-risk categories.

"We have seniors (old people) who

complain they've been driving for the past 10 to 15 years with no accidents, and now receive notice of ... cancellation because a computer printout shows they're due for an accident," Assemblyman Polanco complained.

Along with frustrated older drivers are families with drivers under 25.

Deavon and Richard Badami of El Cajon say they pay \$3,500 a year for a policy covering themselves and their three driving-age sons. Mrs. Badami says the rate is exorbitant.

Based on risk factors having little to do with their own good driving records, the entire family is penalized because the couple's three sons are all under 25 and one has had an accident, Mrs. Badami said. Nationwide, male drivers under 25 cause a disproportionate share of accidents.

"I think that young people should not be penalized simply because of their age," Mrs. Badami said, adding that two of her sons have no marks against them.

Other forms of alleged discrimination were pointed out in 1986 by consumer advocate Robert Hunter, who studied California's insurance industry for the state Assembly.

For example, Hunter found that one major California insurer discriminated against low-paid, less-educated people. People holding prestigious jobs and having a high level of education who also drove "high-risk cars (sports cars)" received lower rates more often than those driving the same kind of car but having less education and less prestigious employment, Hunter said.

Another company, he said, would not insure unrelated individuals living together under certain circumstances.

Consumer advocates argue that driving record and distances driven should be what determines rates.

Whatever side people are on in the

great insurance debate, it appears that most want changes of the type that probably must come through public regulation.

But that's difficult to come by. For more than a decade, the state Legislature has resisted reform and thereby failed to provide relief. In the past two years alone, an estimated 50 bills dealing with insurance reform that were introduced in the Legislature have died.

Those bills covered a multitude of possible reforms, including rate reductions, changes in the way rates are determined, mandatory state approval of rates, and no-fault protection whereby an individual's own insurance company pays up regardless of fault.

Unsuccessful proposals also have been made to include the auto insurance industry under state antitrust laws to prohibit any alleged price-fixing and require more openness in the reporting of business practices.

"California is one of only five states in the nation that has no supervision or ability to control insurance rates or practices," said Harvey Rosenfield, director of Access to Justice, a Los Angeles consumer group.

"As a result, there's no way for the government or the public to know what the appropriate auto rates are, much less for consumers to figure out from agent to agent what the companies are offering," he said.

The state Department of Insurance has the authority to stop a company from charging a rate if the price is found excessive or inadequate but rarely uses its power, Rosenfield said.

In explaining the legislative standstill, Sheldon Davidow, chief consultant to the state Senate Insur-

ance Committee, said: "Essentially, a gridlock between the lawyers and the insurance companies is blocking the opportunity for the public to see good legislation passed."

But critics also blame the Legislature itself, saying many of the state's elected officials rely so heavily on campaign contributions from the insurance industry that unless campaign reforms are instituted first, obtaining insurance reform through legislative means is impossible.

The insurance industry, which includes all forms of protection, was the biggest campaign contributor in the state Legislature in 1987, spending \$417,250, said Walter Zeiman, executive director of Common Cause. Trial lawyers followed with \$284,150, he said.

Recipients sometimes include those legislators involved in insurance reform, Zeiman said.

The consumer organizations most active in insurance reform are forbidden by their charters to give campaign contributions, he said.

Says Wiebe of the Alliance of American Insurers: "The insurance industry employs about 250,000 persons. We sell billions of dollars worth of products every year in this state, and we're regulated by the state of California. So of course we're going to lobby."

Not intending to wait for legislative-gridlock to unlock consumers, the insurance industry and trial lawyers now are taking matters into their own hands, sponsoring five insurance-reform initiatives on the November ballot.

Tomorrow: A look at the ballot measures.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 1 1988

Allen's P. C. B. Est. 1888

They want to teach lawyers to settle cases out of courtroom

By Michael Scott-Blair
Staff Writer

When Judge Wapner's television sidekick urges people to "go to court" if they have a dispute with a neighbor, he's giving out bad advice, according to two professors at the California Western School of Law.

The courts are already overcrowded and there is too much contention in legal proceedings and conflict that may not be necessary, say law professors Janet Motley and Paul J. Spiegelman.

To prove it, they are working to develop an unusual clinic, linking the campus and city government, to

train future lawyers in resolving neighborhood and other legal disputes through mediation instead of litigation.

The idea, say Motley and Spiegelman, is to teach law students a "bed-side manner" that will get disputants talking together to find a solution, contrary to the custom of keeping them far apart so only the lawyers interact.

"Most lawyers," said Spiegelman, "would be terrified of the idea of clients talking to each other about their differences, but that is what we will be teaching."

The bottom line of mediation is for

both sides to leave the table feeling the outcome is fair, Spiegelman said. "This is not true of litigation where the bottom line is how much you can win."

Alternate methods of conflict resolution are not new to the nation's law schools. The University of San Diego has a dispute resolution clinic in which lawyers and lay people are trained as mediators.

But Motley and Spiegelman say that few law schools have gone as far as Cal Western in formalizing student training to include up to 10 units in mediation among the 88 units

See **Settle** on Page B-4

Settle: They want lawyers to resolve conflict outside courtroom

Continued from B-1

needed for graduation. The program gets under way this fall.

The effort will be funded by \$150,000 in grants from the federal Department of Education and the college.

In the next two months, the law school will be working with the San Diego city attorney, mayor and city manager's offices to determine what kinds of disputes would be best suited for the student-staffed clinic.

Motley and Spiegelman believe that litigation and conflict — the fight to a legal death in the courtroom — are still the essentials of law school instruction. Law students are taught to be "zealous advocates for their clients," said Spiegelman.

"We don't want to change that entirely," said Motley. "But we want to give law students a new alternative to fighting conflict with conflict, an alternative that has a chance of having a win-win ending."

"We believe students are ready for a less-confrontational approach to conflict resolution, for an approach that is more constructive and less destructive to relationships between the opposing parties," she said.

Generally, two kinds of students go to law school — those who enjoy the fight and those who enjoy the chance to help people, Motley said.

Under current practice, "the law" often determines what is right and wrong whether the two parties like it or not, say the two professors.

It is not uncommon, said Spiegelman, for both parties to leave court

'Attorneys have been given a bum rap in being cast in the role of villain in a conflict-ridden litigious society.'

— Paul J. Spiegelman

dissatisfied with an outcome that cost both sides a lot of money.

The trouble is, he said, traditional legal training does not encourage lawyers to find out what is the real trouble between the two parties. It focuses only on the difference in their legal rights and postures.

Spiegelman cited the story of the two children arguing over an orange.

"The mother came along and cut the orange in half believing she had resolved the conflict.

"Had she asked the children why they were fighting, she would have

learned that one child wanted the peel for orange peel toffee and the other child wanted the fruit. But she never bothered to find out what the real dispute was about and as a result, neither child finished up happy," he said.

Spiegelman and Motley said in many instances nobody — neither the lawyers nor the clients — sits down to really find out what the dispute is all about.

"First the clients are forbidden to talk to each other; only the attorneys talk. In court the attorneys can't talk to each other; they must talk to the judge. Communication is completely removed as 'the law' takes over. We want to re-establish communication at the bottom level, between the parties, and make such training part of a law students' education," said Motley.

It's not as easy as it sounds, they

say.

Students have to learn how to listen — a little-taught skill — and how to dig out the real nature of the dispute. They must understand body language and how to understand what is being said and what is not being said, explained Motley.

Then, the students must seek to get each party to accurately see the other party's perspective.

Neighborhood disputes aren't the only conflicts that lend themselves to mediation, according to Spiegelman.

Some companies are finding that expensive and protracted legal fights between corporations can be avoided by the chief executive officers getting together to listen to their respective attorneys present their arguments in lay terms.

"The CEOs sometimes find that

once they better understand each others' point of view they can resolve their differences without court action. It's a method that is working between neighbors arguing over leaves falling on next door's lawn, to corporate squabbles of the highest order," Spiegelman said.

With a little time and success, Motley and Spiegelman believe that mediated resolutions, which are now opposed by some attorneys, will become more widely accepted.

"Attorneys have been given a bum rap in being cast in the role of villain

in a conflict-ridden litigious society," said Spiegelman.

It is not entirely the attorney's fault; training and the system in which they work create that tension, they said.

If the world is ready for it, the two professors say, their goal is now to turn out "sensitive attorneys." Not social workers, they hasten to add, but attorneys with feelings who are willing to use their knowledge of the law for people on both sides of a legal dispute instead of just one client.

AUG 1 1988

Allen's P.C.B. Est. 1888

UCSD Cancer Center Benefit Nets It Two New Programs

UC San Diego Cancer Center has two new programs thanks to \$71,000 collected at a summer benefit, said Pat JaCoby. Dr. Thomas Shea directs the new Autologous Bone Marrow Transplantation Program, started by the benefit funds. Previously, Shea worked at the Bone Marrow Development Unit of the Dana Ferber Cancer Institute of Harvard Medical School where he helped in perfecting the infusion of patients' healthy marrow into the bone marrow subjected to chemotherapy. Taken from the patient previous to transplantation, the healthy marrow aids in reconstructing normal bone mar-

metastatic cancer.

Scripps Clinic and Research Foundation has received \$50,000 from the Edward W. and Betty Knight Scripps Foundation, a Charlottesville, Va., organization formed to support public charities. Barry Scripps, son of the Scripps couple and executive director of special projects for the Scripps League Newspapers Inc. based in Charlottesville, presented the award to Dr. Charles Edwards, president of Scripps.

Jack Goodall, president, CEO and board chairman of Food-maker Inc., has joined Mercy



MedTech Transactions

by Lorraine Parsons

row function in patients with chemotherapy-treated tumors. Bone marrow is the manufacturing site for red blood cells.

The rest of the \$71,000 has gone to a Cancer Prevention, Control and Epidemiology Program. The program intends to correlate information on reductions in risk for cancer with methods used to achieve those reductions and disseminate these methods to the public.

Sunil Chada has joined Viagene as a research scientist, according to Interim President and CEO David Hale. The graduate of London's Kings College previously worked in departments of molecular genetics, microbiology and pediatric hematology and oncology at the University of Massachusetts Medical School.

San Diego County of Pathologists has named Dr. James Robb, vice chairman of Scripps Clinic and Research Foundation's division of anatomic pathology, Pathologist of the Year 1989, said Andrew Jowers. The 10-year veteran of Scripps has concentrated on two research areas: the link between the herpes simplex virus and miscarriages and a tracking system using antibodies to find the organ with a

Hospital Foundation's board directors, said Mercy spokespeople. Goodall serves as a trustee of the University of San Diego, and he and his wife also act as directors of the Child Abuse Prevention Foundation in San Diego. He received the San Diego State University School of Business Distinguished Alumni Award.



Goodall



Sanchez

San Diego Blood Bank has elected Dr. R. Edward Sanchez to the board of directors, said Lynn Stedd. Sanchez practices at UC San Diego Medical Center, Community Hospital of Chula Vista and Scripps Memorial Hospital-Chula Vista as a general surgeon. The graduate of University of Southern California School of Medicine has served past president of the San Diego chapter of the American College of Surgeons and the Society of General Surgeons of San Diego County.

Gensia has selected Jerry Martin as director of quality assurance/control, said President and CEO David Hale. Formerly, Martin headed new product introduction and quality control at Hale's old stomping ground, Hybritech, a division of Eli Lilly & Co. Martin has also worked at

The auction house said U.S. sales jumped nearly 50 percent to \$457.1 million from last year's record-breaking \$307.7 million.

Christie's said the auction market showed widespread strength, with strong sales in every field.

Record-breaking sales included that of a Gutenberg Bible for \$5.39 million, a perfect 52.59 carat diamond for \$142,000 a carat. A record price for a living artist was set when Jasper Johns' "Diver" was sold for \$4.18 million, while the \$3.85 million fetched by an Alberto Giacometti sculpture was the biggest pricetag ever on a 20th century sculpture.

The announcement by the auction house, which came one day after Sotheby's reported its best-ever season, provided further evidence of the intense interest in high-priced works of art sold at auction.

"The results for the 1987-1988 season are very encouraging, showing as they do a healthy increase over the previous year," Christie's Chairman Lord Peter Carrington said in a prepared statement.

"My predecessor said at this time last year, 'The past season has been one of the most memorable in Christie's history.' To have succeeded in bettering this in a year which saw the problems of the world stock markets last autumn is a remarkable achievement."

Alpha Therapeutic Corp. and Baxter Travenol Laboratories.

Vista Hill Hospital of the Vista Hill Foundation has dug the first shovelful of dirt for the \$2 million expansion of its adolescent program, said a Vista Hill spokeswoman. Plans for the 14,000-square-foot pavilion include 27 beds, two classrooms and expanded maintenance and housekeeping departments. Completion is scheduled for April 1989. The psychiatric hospital has also acquired three acres adjacent to the hospital intended for parking and recreation areas and future expansion.

The Mericos Eye Institute at Scripps Memorial Hospital-La Jolla has appointed Judy Cottrell program director, said Lynn Morra. Cottrell previously headed contracts and marketing at UC San Diego Medical Group for 350 multi-specialty faculty physicians and, prior to then, worked as an assistant to the vice chancellor for Health Services at UCSD.

Christine Biby, R.N., program director of the UC San Diego Diabetes Center, has been elected to the national board of directors of the American Association of Diabetes Educators for a three-year term. The four-year staff member of the Diabetes Center currently acts as AADE Speakers Bureau chair and co-chair of the AADE International Committee.

Christie's Reports Record Sales

NEW YORK (UPI) — Auctioneers Christie's International PLC has announced record worldwide sales in its September 1987-August 1988 season of \$1.144 billion, up from \$900 million in the previous season.

AUG 4 1988

Allen's P.C.B. Est. 1888

Law Firm Provides 2955 Work For Lawyers On Contract Basis

To Open Office Sept. 1;
State Bar Investigates
Issue Of 'Fee Splitting'

By JOE NABBEFELD
San Diego Daily Transcript Staff Writer

Long ago, lawyers agreed in their code of professional ethics not to hire people to hunt down business for them — not to have people hand out divorce lawyers' cards in wedding chapels, let's say.

Now that rule puts a slight hesitation into a budding industry in which companies collect fees for connecting independent lawyers who need work — such as those who want to go part-time or temporary — with law firms that get surges of more work than they can handle.

The six-lawyer firm of Endeman, Lincoln, Turek & Heater has decided to form apparently the first company here coordinating this lawyer consultant system, "but I can't stop stressing that we view the ethics question as paramount," said Kenneth Turek.

The firm's new company, to be called Associate Counsel and owned individually by the firm's six attorneys, plans to start business Sept. 1.

Meanwhile, it has asked the State Bar's Office of Professional Standards to issue a formal statement that the company doesn't violate the code of professional ethics' prohibition of "fee splitting."

Turek said the Bar has indicated the study could take up to two years. Karen Betzer, director of professional competence in the standards office, heads the study. Betzer couldn't be reached to comment and a Bar spokeswoman said no statement will be made until the study is complete.

Associate Counsel will compile a list of lawyers who, for one reason or another, want to act as consultants-for-hire — lawyers who want to go part-time or temporary so they can spend more time raising families or for health reasons; young ones still getting started; specialists with esoteric niches; those who just plain like roving from assignment to assignment, and law professors who want to keep a hand in the real world or augment their income.

The company will advertise and provide resumes to law firms that respond with calls for help. When one of the consultants lands a job with a firm, then the firm will pay the consultant an agreed-upon hourly rate, \$50 per hour, perhaps, and pay Associate Counsel an ad-

(Continued on Page 1A)

Law Firm Consultants—

(Continued from Page 1A)
ditional \$10 per hour for each hour the consultant works.

Turek said the consultants might assist with civil litigation discovery, make law and motion appearances or perform some specialty work such as handling a patent, trademark registration or aspects of securities litigation.

The law firm has hired Carole Ornes, a recent University of San Diego paralegal graduate, as Associate Counsel's administrator and sole employee. It has rented office space for the company on the 19th floor of the Great American building, two floors below the law firm.

Turek said charging the \$10 hourly fee solely from the "hiring law firm" and taking nothing for the independent contracting lawyer avoids fee splitting. He said similar outfits do it the same way.

Eric Walker, a non-attorney co-founder of 4-year-old The Lawsmiths in San Francisco, which Walker said is the second-oldest firm of this type in the country behind one in Washington, D.C., agreed that's the general fee arrangement.

Walker's company, which has offices in Los Angeles and New York, plans its next one in Detroit and envisions one in every metropolitan area, varies the rate by region up to \$15 per hour, he said.

"In most professions," he said, "it's been standard for firms to use independent contractors when workloads spurt up and down. And it's accepted practice for a company to be paid to centralize and rationalize the finding of these people. But there's no such thing in the legal profession!"

"Up to 10, maybe even five years ago, operations of this sort just weren't possible. You didn't work for a law firm, you married it. The ability to find good people to in-

dependently contract wasn't there."

Now lawyers like to move around more and take more time away from work, he said.

Walker's friend, attorney Robert C. Webster, had a sister who was also a lawyer and who was consulting, or contracting, with firms. She did it by word of mouth and connections, though. Walker, an aerospace engineer then who had both done independent contracting and hired other contractors in that business, innocently asked why Webster's sister didn't use an agency to help her find independent contracting opportunities.

"Everybody said they've been thinking of doing that and a light bulb just went off in our heads."

Associate Counsel came about here because Endeman, Lincoln, Turek & Heater had a surge of cases and went looking for law students to help out. Finding enough of the right people turned out harder than expected and, "We would have used a service if there had been one," so they decided to form one.

"Now copy cats are popping up overnight," said Walker. Many only last six months, he said, and some appear to say they have more attorneys in their portfolio of available contractors than they really do. "There's a difference between the number of resumes received and how many meet our standards," he said. Of Counsel Inc. and Project Professional provide the service in Los Angeles. Lawyers On Call in Detroit has gone out of business, he said.

The concept took its worst beating when the New York Association of the Bar issued a controversial statement suggesting the contractor system has the built-in temptation for the contracted lawyers to pad the bills for more hours — thus raising what the middle-man firm makes — under the threat of the middle-man removing that lawyer from its list.

Walker countered that this temptation exists and is adequately dealt with in every lawyer-client relationship and is no stronger in independent contracting.

The American Bar Association has a study going now that some expect will come out in October. Walker said he somehow has learned that the study will say that legal independent contracting "is an important and useful resource."

DeBolts, famous for adoptions, settle into area life

Couple in demand worldwide for inspirational talks about their experiences

2958
By Dana Steckbauer
Tribune Staff Writer

The story of Dorothy and Bob DeBolt is an international one.

They have appeared on network television, spoken around the world and written books about their 20 children, more than half of whom were disabled when the DeBolts adopted them.

Now living in El Cajon, the celebrated couple are trying to break into San Diego's speaking circuit.

Dorothy DeBolt, 64, had been a widow for seven years before she met Bob. She was earning extra money telling service clubs about the thrills of adopting four children.

Bob, now 57, was president of a construction company and a gifted inspirational speaker at business conventions.

When the two were married in 1970, Dorothy had 10 children. She and new husband set out on a nine-year adopting spree.

By 1979, the couple lived in Piedmont, Calif., and had 20 children. Fourteen were adopted — children who were orphaned, abandoned, abused, war-wounded, physically disabled or emotionally scarred.

Since moving here last year, the DeBolts have spoken to alumni at the University of San Diego, to parents of children with Down's syndrome and to Tri-City Medical Center's pulmonary rehabilitation patients.

Pulmonary rehabilitation patients?

"People who have pulmonary disorders, it's like they have to adapt in their life — not only them, their (families) have to adapt," said Jennifer Velez, community relations coordinator at Tri-City, in Oceanside. "Doctors felt (the DeBolts) would be motivational."

The patients have breathing disorders such as chronic bronchitis, emphysema and asthma. Some have to cart around oxygen tanks, take special medication and learn breathing exercises. Even a simple chore like brushing their teeth may require concentration.

"They are truly challenged to meet life in a different way than you and I



Tribune photo by Joe Holly

The DeBolts relate experiences surrounding the adoption of 20 children

Consider, for instance, the story they tell patients about their son J.R.

When they adopted the boy from New York in 1974, he was 10 years old, blind and paralyzed from the waist down. J.R. had been shuttled from one temporary home to another. Doctors said he would never walk.

"He had been treated that way by everyone he came in contact with," Dorothy recalled. "He had no desire to prove himself. This is a little boy who could have easily wasted away."

Instead, the boy's new parents made demands. They challenged, they prodded, they encouraged. They insisted that their son think about what he had, not what he was missing.

J.R. not only survived, he learned to walk with braces and crutches. He ran for student body president. He graduated from high school with hon-

ors with no arms or legs.

"There's a girl society would look on as this poor, helpless, torso of a child," Dorothy said.

But Karen was stubborn. For instance, she insisted on learning how to walk down the stairs with her prostheses. She hounded her mother to help her, day after day after day.

"Sometimes, after working with her, I would be the one who said, 'OK,

that's enough,'" Dorothy said. "And I would go to my room and not only weep at her struggle ... (I) would mutter some ... obscenities in my anger and frustration and think, 'Why are we doing this? She's never going to be able to do this.'"

But the next day, Karen would be by the stairs "pleading to try it again," she said.

By Christmas Day, Karen was able

to give her father a surprise gift: She walked five steps down the stairs.

Today, Karen is 21 and in the words of her parents, a "gorgeous" woman and a gifted musician. She plays the marimba holding mallets in hooks that serve as hands.

The DeBolts recently wrote to the El Cajon and San Diego school districts, as well as some Christian schools, offering to speak for a reduced fee.

The DeBolts' story has been recounted worldwide and was the subject of the 1979 Academy Award-winning documentary "Who Are the DeBolts?" A television version of the story won an Emmy and has been shown in 48 countries.

They have given more than 1,000 speeches in this country and abroad, and often are booked a year in advance to speak at meetings of business people, teachers and service clubs.

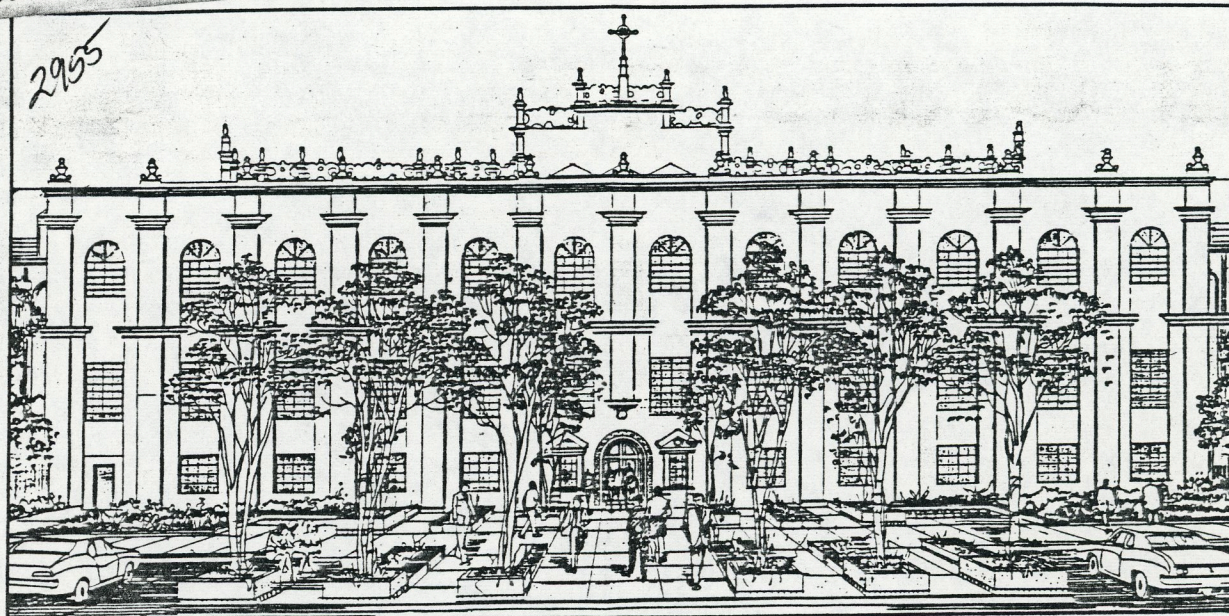
The couple have earned commendations from Presidents Nixon, Ford and Reagan.

Dorothy is one of the few women given the highest speaking award from the National Speakers Association. Their 10-year-old business, DeBolt Productions, churns out cassettes, videos and books that tell their tale and offer inspiration on self-development, families and careers.

San Diego, CA
(San Diego Co.)
Daily Transcript
(Cir. D. 10,000)

AUG 4 1988

Allen's P. C. B Est. 1888



Trepte Adding Addition To USD Law Library

Trepte Construction Co. has received a \$3 million contract to construct an addition to the University of San Diego's Law Library and Legal Research Center building. Mike King, Trepte president, said this will be the first phase of a two-phase project to include the 25,629-square-foot addition and a

36,764-square-foot remodeling of the existing building. Work on the new addition began in June. King said the library building will be fully operational during the first phase of construction, designed by Simpson, Gerber & Schulnik and slated for completion in June next year.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 6 1988

Allen's P. C. B. Est. 1888

Growth cap²⁹⁵⁵ effects on races eyed

Academic takes rosier view than Cawthorne does

By Sharon F. Griffin
Staff Writer

Will growth controls in San Diego hurt blacks, Hispanics and the poor?

That issue was debated yesterday before a crowd of about 120 at the black-activist Catfish Club.

"Growth control will not harm the black community," argued Peter Navarro, an economics professor at the University of San Diego who supports the "Quality of Life" initiative. The measure seeks to limit future housing starts in the city to as few as 4,000 a year for the next 20 years.

"Growth controls are going to bring resources back into the inner city, and (create) economic activity closer to the black community," Navarro said. "And in certain areas, such as affordable housing, expansion of mass transit... growth control can provide benefits."

Herb Cawthorne and Lionel Van Deerlin, leaders of the opposing Coalition for a Balanced Environment, argued otherwise.

"We need to have low-income housing but how do you get low-income housing if you stop everything?" asked Cawthorne executive director of the Urban League.

"I don't call this the 'no-growth' initiative, I call this the 'no-hope' initiative," Cawthorne said. "No hope for me to buy a house, no hope for me to get a job, no hope for me to take care of my family."

Cawthorne even donned an "evicted" sign to illustrate his point that growth controls will lead to housing evictions for minorities and the poor.

Yesterday's debate ultimately will be decided on Nov. 8 when San Diego residents cast their vote on two measures that could have far-reaching effects on residential development.

One measure is backed by the City Council and could limit residential construction to 7,590 units a year through 1993. Competing with that measure is the Quality of Life initiative, which seeks to limit new housing to as few as 4,000 to 6,000 a year until 2010.

Members of the newly formed Coalition for a Balanced Environment have not stated whether they will side with the city. The building industry has yet to reveal its hand, although it may oppose both initiatives.

See Cap on Page B-9

Cap: Views of effects on races differ

Continued from B-2

Meanwhile, yesterday's hourlong debate included questions from audience members, most of whom threw their applause to the side of the Coalition for a Balanced Environment.

At times, the debaters stooped to taking personal jabs at each other, with Navarro poking at Cawthorne's "rhetoric" and "oratory," and Cawthorne in turn switching to his "university" voice to please the professor.

Navarro also accused the coalition of being backed by the building industry. Former Rep. Van Deerlin, D-San Diego, and Cawthorne both denied the charge.

Cawthorne argued that housing caps will create "ghettos like Compton in Los Angeles. I'm not saying we don't need growth controls. We do. But we don't need to take a meat-ax approach."

"When this economy is made to sneeze, black people and Hispanics will get pneumonia," Cawthorne added. "So we don't want this economy to sneeze, we want it to be managed."

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Times
(Cir. D. 1,076,466)
(Cir. S. 1,346,343)

AUG 7 1988

Allen's P. C. B. Est. 1888

Slow-Growth Splits Groups in San Diego

²⁹⁵⁵
Initiatives Will Be
on Ballot in City,
County Elections

Ed rather be Insane Diego.
Bumper sticker message

By DAVID M. KINCEN, ²⁹⁵⁵
Times Staff Writer

SAN DIEGO—*Insane* is what observers of the real estate market here might become if they try to reconcile the conflicting facts and figures.

The city is currently operating under an interim development ordinance that limits, among other building, housing starts to 8,000 a year. On July 29, the City Council

First of two articles on development issues in San Diego.

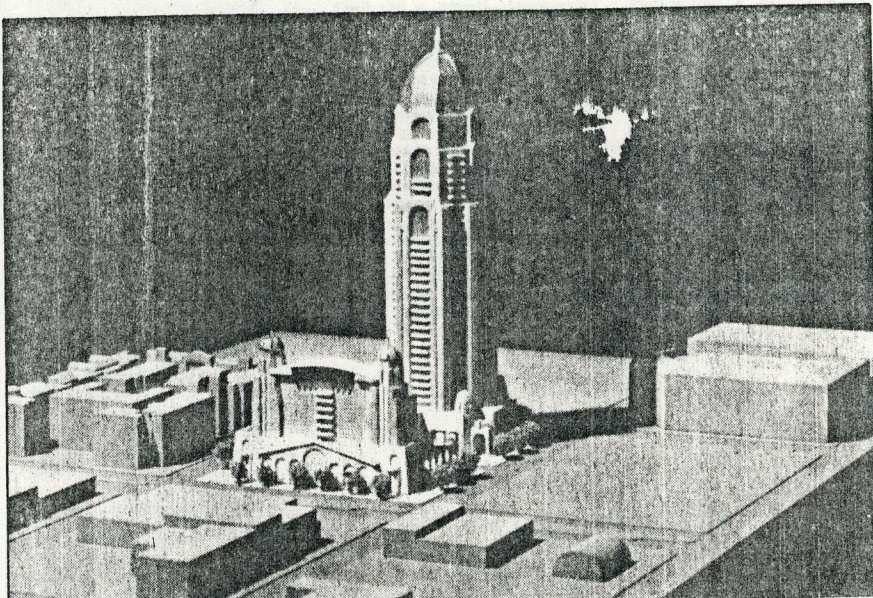
adopted its land-use element to replace an interim development ordinance passed last year. This is an alternative to a "Quality of Life" initiative that would drastically reduce that number of housing starts, if approved by voters in the Nov. 8 election.

On top of this, the county will have two growth-management measures on the ballot, covering unincorporated areas, but to be voted on by all the electorate. The county Board of Supervisors unveiled its measures last week.

There will also be a county equivalent of the "Quality of Life" initiative, according to Kim Kilkenny, legislative counsel of the Construction Industry Federation.

"Residents of the city of San Diego will face at least five growth-control ballot measures in November," Kilkenny said, adding that 12 of the county's 18 cities already have some form of growth control.

Virtually all the suburban com-



Architect's model of The Courtyard shows slender, Beaux Arts-style, 40-story skyscraper rising above low-rise buildings in downtown San Diego's Marina redevelopment area.

munities, from Oceanside and Del Mar on the north to El Cajon on the east, are limiting growth, so San Diego lacks the affordable housing safety valves that Orange and Los Angeles counties have in the Inland Empire and the Antelope Valley, respectively.

As part of its efforts to attract people to downtown, the City Council and the Centre City Development Corp. (CCDC) has approved a \$52-million, 40-story mixed-use residential/retail development called The Courtyard in the budding downtown residential area known as the Marina development area. (See related story on Page 4).

San Diego County ranked eighth in the nation last year in single-family residential building permits, with 15,400, according to the National Assn. of Home Builders. (First was Atlanta, with 31,570, followed by Washington, 29,440, and Riverside-San Bernardino, 28,530.)

San Diego was third in multifamily permits last year, with 15,110,

according to the association. (First was Los Angeles-Long Beach, with 38,640, followed by Orange County, with 15,340).

NAHB President Dale Stuard, an

'Guidelines need to be instituted . . . developers can respond by formulating . . . programs around them.'

Orange County-based builder, said growth-control measures have a "chilling effect on building activity. For example, in San Diego, new home construction has already dropped off considerably."

There were 2,680 residential

permits for the first quarter of this year in San Diego, far below the 3,900 for the same period in 1987, Stuard said.

Economist Peter Navarro, a backer of the Quality of Life initiative, accuses building trade associations of "waving the bloody shirt" by blaming the cyclical decline in building on growth-control measures.

□

Judging by the census figures and estimates, a lot of people would rather be "Insane Diego."

San Diego County, with 1,862,000 people in the 1980 census, was the state's third most populous county, behind Los Angeles (7,477,000) and Orange (1,933,000), according to the Western Economic Research Co., Encino. The demographic research firm estimates that San Diego County will have 2.5 million residents in 1990, almost 700,000 more than a decade before.

According to Mike Long of
Please see SAN DIEGO, Page 4

SAN DIEGO

Continued from Page 1

Western Economic Research, San Diego County already has passed Orange County to gain the second-place spot. He estimates its current population at 2,347,400, compared to the 1988 estimate of 2,249,500 in Orange County.

If the Quality of Life initiative passes in November, Robert Morris, executive vice president of the Building Industry Assn. of San Diego, believes that San Diego could find its attractiveness to employers diminishing and eventually disappearing.

"We could find ourselves in the same kind of situation as 1957 and 1960, when General Dynamics laid off thousands of engineers," he said. "Long-established companies could decide to expand elsewhere, or even move to a place where housing is more affordable."

He said that based on 8,100 units produced in 1987, the 4,000-unit limit would represent a 50% decline—what he termed a meat-ax approach to growth control.

With continued population growth and limited housing production, home prices can only go up, Morris said.

Changes in Jobs

He believes that policies of artificial building permit caps do nothing to stop growth. Availability of jobs could change, with longtime companies opting to go where housing is more affordable, he said.

Thanks to large numbers of retirees, including many former military personnel, San Diego per capita incomes are below those of Orange and Los Angeles counties, Morris said.

The development community in San Diego believes in what Jerry Clarke, president of the Keith Cos.,

calls "intelligent growth."

"San Diego has the opportunity to learn from the lessons of Orange and Los Angeles counties about the perils of unplanned growth," he said, adding that from his perspective, San Diego and its suburbs are doing a better job than its neighbors to the north.

His firm is a Costa Mesa-based architectural and engineering firm that numbers among its clients both residential and non-residential developers.

□

Navarro, an economist in the School of Business at the University of San Diego, believes the reaction of the building community to the Quality of Life initiative grossly misrepresents the measure.

The initiative is a comprehensive growth-management plan that would force San Diego to grow within its means—not a nefarious plot to strangle a robust economy by a bunch of radicals, he argues.

"The only way the number of permits will fall to the 4,000 units per year level criticized by the Building Industry Assn. and much of the news media is if all of the following happens:

"The city fails to ensure an adequate water supply, fails to acquire an additional landfill site, fails to meet federal requirements for air quality and fails to improve traffic congestion," he said. "A failure to meet these standards would be the height of irresponsibility and lead to the de facto Los Angelization of San Diego."

Spreading Employment

Navarro further argues that growth management will actually be good for construction workers, assuring them of steady employment over a longer period of time than would unrestrained develop-

ment of the Houston/Dallas/Denver pattern.

He has served as an adviser to the City Council in its efforts to work out a growth-management initiative, he said. As for the argument that growth control would "shut down" the San Diego economy, Navarro points to a study made for the council by UC Berkeley, which shows that a hypothetical annual building permit cap of 4,500 would result in a minuscule 3% decline in building construction employment in San Diego.

Bob Glaser of San Diegans for Managed Growth said that his group doesn't favor a numerical growth limit, such as that mandated by the Quality of Life Initiative.

Glaser, an unsuccessful City Council candidate in the recent

election, heads the La Jolla Group, a political consulting firm.

San Diegans for Managed Growth was organized to pass the Proposition A growth-management measure, the first in San Diego. Proposition A was adopted in 1985, he said, leading to the current scramble for growth-management initiatives.

"Our sensitive lands element basically tells builders where they can build by telling them where they can't," Glaser said. "We want to eliminate building on ridges, in flood plains and in other sensitive areas. There is plenty of space to build in areas like Tierrasanta."

Next week: Non-residential construction is booming in San Diego.

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Daily
Journal
(Cir. 5 x W. 21,287)

AUG 10 1988

Allen's P. C. B. Est. 1888

State Bar Discipline, Dues Bills Clear Senate Judiciary Panel

By TOM DRESSLAR

SACRAMENTO — Legislation that would fund historic reforms of the State Bar's lawyer discipline system and set basic dues for two years Tuesday cleared a key Senate hurdle.

AB 4391 by Assembly Speaker Willie Brown, D-San Francisco, narrowly passed the Senate Judiciary Committee on a 6-2 vote, the bare majority needed for passage. Committee Chairman Bill Lockyer, D-Hayward, and Vice Chairman Ed Davis, R-Northridge, dissented.

The measure now goes to the Senate Appropriations Committee. It should have little trouble getting out of the fiscal panel, since the chairman, Sen. Robert Presley, D-Riverside, is the author of the second component of the two-bill dues package, SB 1498.

Presley's measure would enact landmark discipline system reforms, including professionalizing the State Bar Court that adjudicates discipline complaints. That would be accomplished by replacing the volunteer lawyers who now decide cases with administrative law judges in the Hearing and Review departments.

The two bills' fates are linked, so that they both must be enacted for either to become law.

A member of the Judiciary Committee, Presley said before the vote, "this bill and SB 1498 culminate almost a three-year effort (to re-

form the discipline system). In that three-year period, (bar officials) have made tremendous progress."

Presley said if the package becomes law, California "may well have the model bar association in the nation."

Brown had delayed Judiciary Committee action on AB 4391 until Presley agreed to amend SB 1498 to require the bar to add two public members to the bar Board of Governors. Brown and the Senate Rules Committee would each appoint one of the additional public members.

Brown sought the change because the Assembly speaker and Senate rules panel lost their appointments to the Review Department under SB 1498.

AB 4391 would raise total dues for most California lawyers from the 1988 level of \$277 to \$417 in 1989. The 1988 figure includes ongoing annual fees of \$25 for discipline and the Client Security Fund, \$10 for the Building Fund and \$2 for the discipline monitor.

In addition to those ongoing fees, Brown's measure would impose a three-year "discipline enhancement" fee of \$110 to fund the reforms in SB 1498. Basic dues in 1988 are \$215 for lawyers who have been in practice for three years or more, \$147 for those in practice between one and three years, and \$116 for those in practice less than one year.

Under AB 4391, basic dues for 1989 would be \$245 for lawyers in practice for three years or more, \$177 for those in practice for between one and three years, and \$146 for those in practice for less than one year. In 1990, the dues would be \$268, \$200, and \$169, respectively.

The California District Attorneys Association (CDAA) opposed AB 4391. The CDAA contended the huge increase would work a hardship on local prosecutors.

CDAA Executive Director Gary Mullen said

State News

a few counties like Los Angeles pay their prosecutors' annual dues. But he added most counties offer district attorneys a training/dues package as part of their benefits. If the dues increase, less of that money is available for training, said Mullen.

Committee member Milton Marks, D-San Francisco, expressed concern that district attorneys would ask county governments to pay their increased dues.

Said Mullen, "the bulk of the impact for my association will be in rural counties."

But bar lobbyist Mark Harris said, "I'm not aware of any local government opposition to this bill.

And bar President P. Terry Anderlini of San Mateo said most local prosecutors "make a comfortable living" in comparison to private practitioners. The large dues hike, he added, "works a hardship on them. But it works a hardship on a lot of other people."

The CDAA also contended district attorneys should not have to pay the \$25 Client Security Fund fee, since they do not handle clients' money. The CSF is used to reimburse clients who have their money stolen by their attorneys.

"We feel we're subsidizing the Client Security Fund," said Mullen.

Anderlini responded that the CSF originated as "a gesture from the legal profession to the public" that ripped-off clients would not go uncompensated. If district attorneys gained an exemption from the fee, he added, other groups would seek the same privilege.

Anderlini said, "Only 50 percent of the lawyers in California hold trust accounts." Using CDAA's logic, one-half of the state's 110,000 active attorneys should not have to pay the CSF fee, he added.

The association also said district attorneys are not prone to the most common discipline problems.

But bar Discipline Monitor Robert Fellmeth said, "Deputy district attorneys are in the (discipline) system in numbers that are very disturbing ... They should pay their fair share."

Mullen disputed Fellmeth's figures, saying

the bar surveyed only larger counties. The CDAA's own study of all 58 counties, he added, found that the discipline problem among local prosecutors is much less than it among private practitioners.

Anderlini noted 36 local bar associations have endorsed the dues package. He said, "They want a good discipline system, and they are willing to pay for it," hinting district attorneys should also be willing to bite the bullet.

The committee did not adopt amendments to address the CDAA's concerns. And sources indicated that the association would drop its effort to secure favorable amendments in light of the committee's action.

San Diego, Calif.
Southern Cross
(Cir. W. 27,500)

AUG 12 1988

Allen's P. C. B Est. 1888

USD

2955

"Luke: Gospel of the Spirit," a series of lectures by Reverend Jack Lindquist, will begin Sept. 11 and continue for eight consecutive Sunday evenings. It will be held at the Lutheran Church of the Incarnation in Poway. Sponsored by the Institute for Christian Ministries. Call 260-4784 for details.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 13 1988

Allen's P. C. B. Est. 1888

3 nominated to 4th District appeals court

²⁹⁵⁵
**Huffman, Nares,
Froehlich are
governor's choices**

By Lorie Hearn
Staff Writer

In a single sweeping gesture, Gov. Deukmejian yesterday filled all three openings on San Diego's 4th District Court of Appeal, two with Superior Court judges who recently presided over murder trials that rank among the county's most celebrated.

Nominated to the appellate court were Judge Richard D. Huffman, 49; Judge Gilbert Nares, 45; and former Superior Court Judge Charles W. Froehlich Jr., 59, who retired from the bench in 1982.

Huffman's nomination was expected by many in the legal community who had long predicted that the well-known former prosecutor and the judge who presided over the two trials of former CHP officer Craig Peyer would be elevated.

"It's fantastic. I'm delighted. What more can I say? I spent a lot of years trying to qualify for that position,"



File Photo

Judge Charles Froehlich
Recently in private practice

said Huffman, who was vacationing in Los Angeles yesterday, scraping paint from the roof of his mother's house.

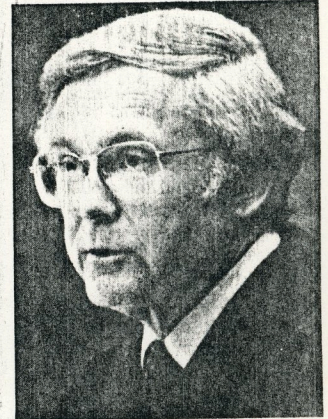
He characterized his 20 years of trial experience and 16 years as a law professor as his "principal assets," but then laughingly added, "besides being charming."



File Photo

Judge Gilbert Nares
10 years in North County

Huffman's trial skills and experience were lauded by legal observers, as were those of Nares, a Superior Court judge in North County for the past 10 years, who presided over the county's most expensive murder trial. It ended last year in the conviction of Laura Troiani, an Oceanside woman who plotted with her Marine



File Photo

Judge Richard Huffman
Presided over Peyer trials

friends to kill her husband and share in the insurance money.

The governor's choices were complimented yesterday by San Diego County Bar President Edward Huntington, who expressed surprise only that Froehlich had decided to re-

See Judges on Page A-20

Judges: Governor fills appeals court vacancies

Continued from A-1

2955
"I have no argument with any of them," Huntington said. "I think they all are excellent choices."

Froehlich yesterday said his strengths are 10 years on the Superior Court bench coupled with a recent six years of law practice.

"From my perception and legal-social orientation, the appellate courts in California at the present time have a significant opportunity to shape the law in what I consider to be positive fashions," he said.

The local nominations bring to seven the number of appellate court appointments the Republican governor has made in San Diego. All three nominees are Republicans and were among six court of appeal nominations announced yesterday. The other three were on the 6th District Court of Appeal in San Jose.

With the appointments, the 4th District in San Diego grows from a six-member bench to eight, an expansion approved last year by the state Legislature. Judges in Division 1 of the 4th District rule on cases in San Diego and Imperial counties.

The entire district, however, also includes the counties of Orange, Riverside, San Bernardino and Inyo counties.

The governor's San Diego appointments are expected to be easily confirmed by the Commission on Judicial Appointments, a three-member panel which is expected to conduct a public hearing on the nominations in about a month.

Huffman spent his career in the public spotlight, handling high-profile prosecutions with both the state attorney general's office and the San Diego district attorney's office.

He won such convictions as those of mobster Aladene "Jimmy the Weasel" Fratianno for conspiracy and Robert Alton Harris for the capital murder of two Mira Mesa teenagers.

His last celebrated prosecution, however, was of former San Diego Mayor Roger Hedgecock, whom Huffman successfully convicted of conspiracy and perjury charges after a first jury deadlocked. If Huffman is confirmed, he will join William L. Todd Jr., the trial judge on the Hedgecock case, on the appellate court.

Huffman, who will fill the vacancy created by the retirement of Edward T. Butler, was appointed to the Superior Court bench by Deukmejian in 1985 and presided over both the trial and retrial of Peyer for the murder of San Diego State University student Cara Knott.

Huffman stole the spotlight at times with a variety of rulings, including those involving a *San Diego Union* reporter's refusal to divulge additional information about a lie detector test Peyer took that was disclosed in print during the trial. The rulings sent the defense unsuccessful-

See Judges on Page A-21

Judges: Peyer judge, 2 others chosen

Continued from A-20 2955

fully to the 4th District, where the full case soon will be appealed.

Nares, who was on vacation and could not be reached for comment yesterday, was supported for a court of appeal position in 1986 by Republican Hispanic activists, who threatened to sit out Deukmejian's re-election campaign on the basis that the governor failed to appoint enough qualified Hispanics to important positions.

The discontent surfaced in September when Deukmejian appointed Todd to an appellate seat that local Hispanics had been eyeing for Nares. At the time, Deukmejian's judicial appointments secretary, Marvin Baxter, said Todd's appointment was a close call among several qualified

candidates.

Nares has presided in civil, domestic and criminal divisions of the Superior Court in Vista, most recently over the Troiani trial. In 1981, however, he entered an Oceanside controversy over rent control that went on for four years until it reached the state Supreme Court.

Nares twice declared the city's rent control ordinances affecting mobile home parks unconstitutional, a decision that was overturned by the 4th District. The Supreme Court finally refused to hear the case, leaving intact the appellate court ruling.

A graduate of the University of San Diego law school, Nares was in private practice in Oceanside for eight years before his appointment to the Municipal Court in 1976 and then to Superior Court in 1978 by former

Gov. Edmund G. "Jerry" Brown Jr.

Froehlich, who earned a reputation as diligent and thorough on the bench, retired six years ago to pursue a partnership in an Escondido winery, to take care of his avocado orchards and to practice business law.

He reportedly expressed frustration with the justice system upon his departure, a frustration that yesterday appeared to have been replaced with an eagerness to have a role in shaping the law on the appellate court.

Froehlich received his law degree from the University of California, Berkeley, where he later taught for two years. He was in private practice until his appointment to the Superior Court bench in 1972 by Ronald Reagan.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

AUG 14 1988

Allen's P. C. B. Est. 1888

2955 Social Conscience Trails Time, Money in Bigger Law Firms

12-69
S.D. Volunteer Legal Program Seeks
to Add More Heavy Hitters to Roster

By JENIFER WARREN, Times Staff Writer

When Alberto Arevalo graduated from Stanford University Law School several years back, he had a wife, a child and a very large debt. So, like hundreds of other young attorneys, Arevalo hunted for a high-paying job with a prestigious law firm, ultimately landing a coveted post with San Diego-based Luce, Forward, Hamilton & Scripps.

But for Arevalo, the challenge of managing a caseload and competing with fellow associates on the long climb toward partner just wasn't enough. Soon after arriving in town, he signed on with the San Diego Volunteer Lawyer Program, making room in his frenetic schedule for poor people in need of free legal help.

"I've always felt that an attorney has a special, professional obligation to those who cannot otherwise afford legal services," Arevalo said. "Pro bono work is something I simply feel committed to doing."

Among his brethren at the large, high-powered legal firms of San Diego, Arevalo is something of a rarity.

While the Volunteer Lawyer Program has a bank of 820 attorneys it regularly taps to provide legal assistance on non-criminal cases to the indigent, only a small fraction hails from sizable, widely known firms like Luce, Forward. Instead, most of those sharing their legal skills with needy clients are probably those least able to afford it—attorneys who either practice alone or work in small, two- and three-partner operations.

No one questions the diligence and dedication of these Good Samaritans. But officials with the Volunteer Lawyer Program say the lack of support from San Diego's large, established legal firms limits not only the volume of work they can handle but also the complexity of the cases they are able to take on.

Unlike smaller law practices, firms like Luce, Forward have resources—from secretaries and

'Large firms are in a unique position to provide *pro bono* services because of their infrastructure and support systems, the expertise of their attorneys...'

Carl Poirot
Volunteer Lawyer Program

paralegals to substantial financial assets—that enable them to tackle complicated cases likely to result in long, expensive court battles. Moreover, a well-regarded firm brings clout to a case and gives the client's complaint instant credibility in the eyes of judges and the community.

"Large firms are in a unique position to provide *pro bono* services because of their infrastructure and support systems, the expertise of their attorneys and the quality control that is built into their operations," said Carl Poirot, executive director of the 5-year-old Volunteer Lawyer Program. "Up-

Please see LEGAL, Page 11

LEGAL: Big Firms Asked to Help

Continued from Page 1

fortunately, our most active volunteers have not been heavy hitters from the big firms."

Indeed, of the 1,070 San Diego attorneys employed by the city's largest 35 law firms, just 10% are participants in the Volunteer Lawyer Program. They represent roughly one-eighth of the lawyers who last year aided 1,700 clients at no charge through the San Diego organization.

The numbers look still bleaker when San Diego is compared with other West Coast cities—many of which, it should be noted, have much older *pro bono* programs.

In San Francisco, one of two well-established volunteer lawyer programs exists solely to link attorneys from large firms with needy clients. Last year, 700 lawyers from the city's biggest firms contributed time valued at more than \$6 million. In all, nearly 20% of San Francisco's 10,000 attorneys take cases on a *pro bono* basis—almost double the rate in San Diego.

Los Angeles County, meanwhile, performs nearly one quarter of the total volunteer legal work logged in California each year. Roughly 1,800 attorneys donate time through an 18-year-old program known as Public Counsel; 70% of those come from large law firms.

Pro bono is a shortened version of the Latin phrase *pro bono publico*, or "for the public good." Although no state has a rule requiring attorneys to donate their help to the less fortunate, many lawyers believe *pro bono* work is their professional obligation.

The American Bar Assn.'s Model Code of Professional Responsibility spells out its position on the issue: "Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged."

When queried about their attitude toward the Volunteer Lawyer Program, partners in San Diego's biggest law firms offer a variety of responses. Some say they are simply unaware of the program, which is sponsored by the San Diego County Bar Assn., the Legal Aid Society, the Lawyers Club of San Diego, and the University of San Diego Law Center.

More typically, they assert that many attorneys with their firms *do* perform *pro bono* work but have historically chosen to donate their time through vehicles other than the Volunteer Lawyer Program.

Joe Neeper, a partner with Gray, Cary, Ames and Frye, said attorneys with his firm—the largest in San Diego with 160 lawyers—lend their legal know-how to organizations ranging from the Rotary Club to the San Diego Planning Commission to the Chamber of Commerce, all on a voluntary basis.

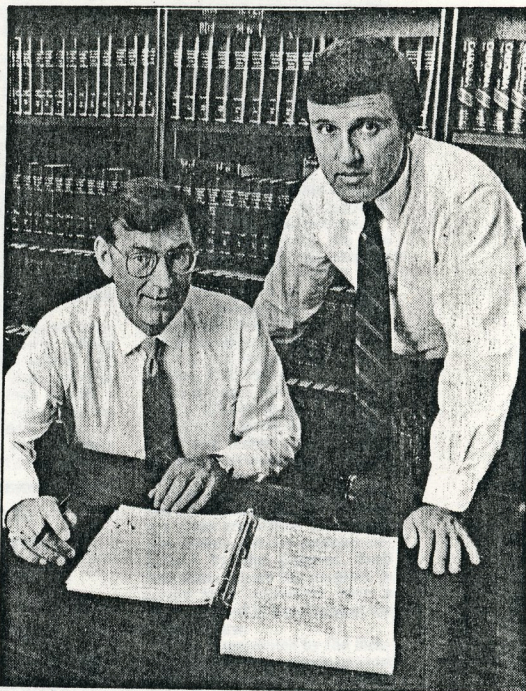
Along more traditional *pro bono* lines, Neeper said Gray, Cary lawyers through the years have challenged intelligence testing by schools as culturally biased against Latinos; represented San Diego Community College students in a First Amendment matter, and assisted a professional journalists group—all without charging a cent.

"We have devoted most of our resources on an ad-hoc basis to those things that have turned on the individual lawyers in our firm," Neeper said. "At all times I've been with Gray, Cary, [*pro bono* work] has been viewed as a recognized voluntary responsibility of lawyers in general and one that our lawyers voluntarily discharge."

Across town at Jennings, Engstrand & Henrikson, partner Larry Marshall said he is only vaguely aware of the Volunteer Lawyer Program and unsure whether any of the firm's lawyers are active in it.

Nonetheless, Marshall said many attorneys with his 50-lawyer firm volunteer as "members on the board of directors of numerous

Please see LEGAL, Page 12



VINCE COMPAGNONE/ Los Angeles Times

Carl Poirot, left, is executive director and Paul Duvall is president of the San Diego Volunteer Lawyer Program, which hopes to attract more heavy hitters from the area's biggest law firms.

LEGAL Time, Money Lead Social Conscience

Continued from Page 11
community organizations." Others recently donated time to help a birth-control clinic obtain a restraining order against abusive picketers.

"I've incorporated several organizations myself, including the San Diego Head Injury Foundation," said Marshall, noting that he views volunteer work as "essential" to an attorney's career. "Others serve on the Otay Mesa Chamber of Commerce or serve as special counsel to groups like Deaf Community Services."

While leaders of the Volunteer Lawyer Program applaud such efforts, they believe large firms have an additional obligation to extend a hand to those in critical need and unable to afford legal help.

"I don't mean to denigrate those civic activities, but we're talking about helping people without any money who need basic services desperately," said Paul Duvall, a founder of the *pro bono* program and its current president. "How do I get away from the husband who's beating the crap out of me and my

'I don't mean to denigrate ... civic activities, but we're talking about helping people without any money who need basic services desperately.'

Paul Duvall
Program president

daughter?' 'Am I going to be able to stay in the U.S. or will I be sent back to El Salvador?' These are the kinds of pressing cases we need help with."

According to American Bar Assn. statistics, an estimated 22% of people living at or below the poverty level will need help with a legal problem each year. In San Diego County, that means 60,000 poor people need an attorney's assistance annually.

"There's a serious need there that is not being addressed through the federally funded legal aid program, our program and the other groups that provide *pro bono* assistance," Poirot said. "We can't help everyone, but we can do better than we are."

The Volunteer Lawyer Program was formed in 1983 in the wake of budget cuts by the Reagan Administration to the Legal Services Corp., the federal agency that funds the representation of poor people in civil matters. In making the 25% cut, the President urged private attorneys to supplant the decline in services by performing *pro bono* work.

To promote the volunteerism, the federal government directed that 12.5% of funds allocated to the Legal Aid Society of San Diego and similar groups be used to encourage *pro bono* services. Thus, the Volunteer Lawyer Program was born, a board of directors appointed and an executive director hired to begin recruiting attorneys willing to represent the needy.

Initially, the program concentrated on family law cases—spousal and child abuse, custody mat-

ters and the like—and that remains its bread and butter, accounting for 50% of the cases. Another 30% of the workload involves immigration issues, from amnesty to political asylum cases, while the remaining 10% are an assortment, including bankruptcy and consumer fraud.

Trying to Broaden Influence

Poirot, who took over as executive director two years ago, has sought to broaden the program's influence to groups he views as particularly vulnerable—among them AIDS patients, the homeless mentally ill and single mothers.

In conjunction with the San Diego AIDS Project, the program recently launched a weekly legal clinic for victims of the deadly disease. Attorneys at the clinics provide free help with wills, housing and employment discrimination matters and other troubles confronting AIDS victims.

The program also hopes to fund with a \$10,000 grant a menu of domestic law issues, from obtaining restraining orders against abusive spouses to the enforcement of child support orders.

Attorneys who agree to provide free services receive free training in a given area—from domestic to immigration law—at seminars organized by the program. Such instruction allows the program to ensure their volunteers have a minimum level of knowledge of the applicable law.

While disappointed by the lack of support so far shown by most of the large firms in town, leaders of the Volunteer Lawyer Program are quick to sing the praises of those that have made a difference.

At Procopio, Cory, Hargreaves & Savitch, one-third of the firm's 40 attorneys offer legal help on a volunteer basis—a record that helped earn it the Volunteer Lawyer Program's annual *pro bono* award a year ago. The firm has a *pro bono* coordinator, who dispenses cases to lawyers when the call for help comes in. Perhaps most importantly, the firm's associates—required to log a certain number of billable hours each year—receive credit toward that number for time they donate.

Gary Wright, a partner at the firm and one of the Volunteer Lawyer Program's founders, said the concept of *pro bono* work has "always been very well received at Procopio, Cory."

"When you're working in a large firm, doing large, complicated commercial transactions, it really gives you a different perspective to do this kind of work," Wright said. "I always found it very satisfying."

At Luce, Forward, Arevalo has sparked an interest among his colleagues in the program's work on amnesty and asylum cases. Over the past year, nine attorneys involved in refugee rights work donated an estimated \$64,000 worth of time, Arevalo said. In addition, free help came from paralegals, a librarian, secretaries, word processors, and messengers.

Another \$127,000 in free time was contributed by Luce, Forward attorney Timothy Pestotnik and others involved in the AIDS project.

"I think it's been a major commitment," Arevalo said. "I'm personally very proud of the firm and

Please see LEGAL, Page 14

LEGAL: Big Firms Asked to Volunteer

Continued from Page 12

those who have donated their time."

Luce, Forward lawyers who volunteer are not given credit toward billable hours. But the work is counted toward another firm requirement—that attorneys spend a minimum amount of time each year on professional development.

An Appeal for Support

In an effort to develop a fruitful relationship with the top 35 firms in town, Ned Huntington, the president of the county bar association, recently sent out a letter requesting that senior partners grant Poirot an opportunity to make his pitch.

"I think the burden is on us to educate them about the importance of doing *pro bono* work and the benefits it actually can bring their firm," Huntington said. "It's my expectation that once we give them the opportunity, they'll seize it and San Diego will do as well in this area as other parts of the state."

In addition to the traditional guilt argument that lawyers have an obligation to donate their services to the poor, Poirot said he has several incentives to use in his effort to woo large firms. For starters, *pro bono* work gives young lawyers courtroom experience and direct client contact—two things many employed by large firms may not enjoy for years.

Attorneys who typically handle complex cases that last for years also may enjoy shepherding a simple landlord-tenant dispute from start to finish.

"I don't want to glamorize it, but this kind of work can be very satisfying because you usually have a very direct impact on a person's life," said Wright of Propio, Cory. "That's something you don't get in a banking or commercial real estate case that won't make or break your client."

And, while much of the work is nuts-and-bolts material that does not make headlines, there are occasional opportunities for good publicity—not to mention the stature performing *pro bono* work earns a firm among its peers.

So far, Poirot has had meetings with two law firms—both of which were "encouraging and receptive." One partner—with Latham and Watkins—agreed to send a memo to associates, urging them to get involved in the program. The second—at Baker & McKenzie—agreed to present Poirot's case to attorneys and encourage participation.

Neeper, Marshall and others interviewed, meanwhile, said they would gladly listen to Poirot's appeal and, depending on their reaction, see what they could do to muster support.

Marshall noted that Jennings, Engstrand already is considering establishing a *pro bono* committee that would seek significant *pro bono* cases for the firm—mostly those that would have some sort of impact on policy.

A similar proposal is under study at Gray, Cary. Neeper said the firm may allocate a certain number of *pro bono* hours to each associate or volunteer a chunk of time to one organization.

Despite the promising start, Poirot and his colleagues face some tough realities as they push for help from large law firms. Nationally, the pressure on first- and second-year associates at major firms to log billable hours is more intense than ever, largely because salaries for those positions have soared in recent years.

That trend, coupled with the oft-mentioned effect the "Me Generation" has had on attorneys' interest in performing volunteer work, has had an impact on *pro bono* programs in Los Angeles and San Francisco.

"These have been hard times for volunteer lawyer programs, espe-

cially when you're looking for help on the complex cases," said Steven Nissen, executive director for Public Counsel in Los Angeles. "We have had to work a lot harder to find attorneys willing to volunteer their time, and it's largely because in this era of big salaries, firms are looking more and more at the bottom line."

Craig Higgs, a partner at Higgs,

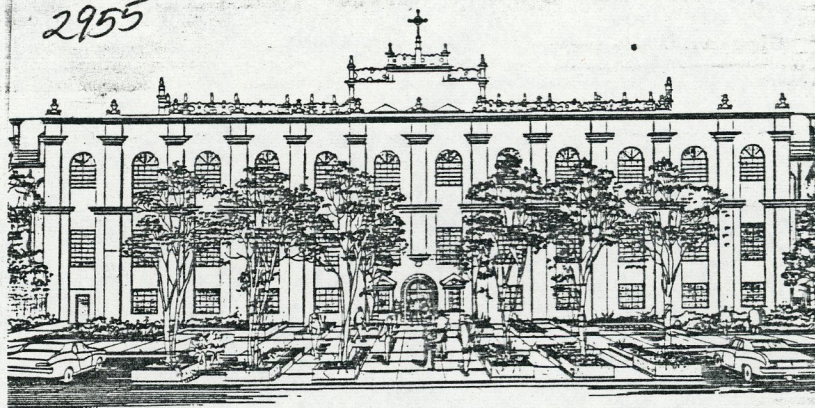
Fletcher and Mack, San Diego's third largest firm, confirmed that trend.

"When I was recruiting actively for the firm 10 years ago, almost every applicant would ask about our *pro bono* policy," said Higgs, who was among the founders of the Volunteer Lawyer Program. "Now, you very rarely hear that question."

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 14 1988

Allen's P. C. B Est. 1888



Construction has begun on the \$3 million expansion of the
University of San Diego Law Library.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 14 1988

Allen's P.C.B. Est. 1888

Sunday, August 14, 1988

The San Diego Union C-3

Rising college tuition — the cost-price dilemma

By Author E. Hughes

With the cost of college education increasing, the public deserves to know why.

While higher education is not the only segment of the economy whose costs have risen faster than the cost of living, it is under public scrutiny. Many families are concerned about their financial abilities to send their children to college, and some are questioning whether it is worth the investment.

It is easier to deal with the second question — from an economic perspective, analysis of income earned over a lifetime increases dramatically for those who attend college. Many careers are simply not open for those who do not have a college degree.

Even if the practical considerations are disregarded, there is another compelling reason for continuing one's education. In this society, the future of our policy and civility are dependent upon the informed mind.

There is simply no promising future for a people that neglects the minds of its youth. The matter of financing education, giving it economic priority, is another and more difficult matter to reason.

The University of San Diego, which relies heavily on tuition, was required this year to increase tuition by 8 percent, 1 percent below the na-

tional average for private universities. Tuition is the price a student pays to receive a college education, which includes not only the course work leading to a degree, but the complementary non-academic services and activities that comprise the total college experience. It is important to distinguish between tuition, or price, charged by an independent college such as USD, and tuition charged by a state-supported institution such as UCSD or SDSU.

State-supported tuition levels charged to students are lower because they are heavily subsidized. The price, therefore, of attending a college within the California State University system is the amount the student pays plus the government subsidy.

Costs of financing higher education include expenditures for employee salaries, libraries, equipment, laboratories and many more. These costs of the education, academic and non-academic services, are a function of complex forces and conditions that make up our overall social-economic environment. Over the past 15 years, several factors have forced these costs to rise, resulting in an erosion of higher education's affordability.

Some factors:

- Rapidly rising rates of inflation.
- Withdrawal of government sup-

port for student grants and loans, which are also tuition subsidies.

- Need for colleges to attend to building maintenance, which had been deferred on many campuses during the '70s.

- Emphasis on expensive research and high-tech supportive equipment.

- Increased expectations for universities to provide expensive non-academic services such as medical care and job placement.

The disappointing view is that tuition increases which reflect rising costs of college attendance will very likely continue. There are no indications there will be immediate reversals, nor is it obvious that colleges, particularly private ones, have come across new sources of funds to offset rising costs.

In fact, the greatest cost of operation in a college is labor. Faculty and staff pay compromise the largest segment of any college or university budget. These costs not only will in-

Commentary

The Union welcomes commentaries from its readers. Submissions should be typed, double-spaced, and not more than 750 words. Information cannot be provided on individual commentaries because of their daily volume. Inquiries about them, therefore, should not be made. Manuscripts will not be returned.

crease, they should.

A recent study shows the average professor's salary at \$37,000. That "average professor" has an earned doctorate, at least 10 to 15 years of college teaching experience, and is subject to the same costs of living as anyone else. Even more startling is the beginning salary for college professors. On the average, an instructor at a college or university will begin teaching at \$23,000 per year.

If higher education hopes to attract the brightest students as potential teachers, salaries will have to improve.

If college is to be affordable, if choice of institutions are to be a reality, what can be done?

Funds for financial aid must be given priority by college presidents. At USD, we have managed to increase university merit scholarships and grants from \$2.2 million in 1982 to almost \$4 million last school year.

Small, teaching-oriented universities, including USD, must do a better

job of articulating their successes to those who make decisions on funding. For example, federal Pell grants are a critical source of student financial aid that recently have shrunk. Congress must be shown that these funds help not only students, but also the communities they serve after graduation.

These are truly an investment in human capital. Colleges can renew and step up efforts to establish mutually beneficial partnerships with their communities. For example, USD produces public forums that examine critical community issues such as growth management.

Also, our School of Law and the County Bar established the San Diego Law Center to assist the community with innovative programs such as neighborhood mediation. Unless colleges are willing to offer the society they serve tangible benefits, they can expect less support.

College can take a leadership role in the effort to restore "American know-how" as a respected commodity worldwide.

For example, the USD School of Business, responding to the need generated by the region's vast amount of entrepreneurial business, begins an academic program this fall to assist small-business owners.

Keep in mind, the American high-

er-education system is still the best in the world. It offers more access, teaching competence, innovation, research productivity and diversity than any other. On that basis alone, it is a worthy investment.

It is imperative that all of us recognize the importance of maintaining our affordable education system.

Consider that the average four-year college student begins a career \$9,000 in debt. That figure no doubt will increase.

This forces graduates to focus unduly on high-paying jobs and students into majors that lead to such jobs. Careers like teaching, nursing, and community counseling have suffered.

Our primary efforts must insure that colleges and universities give people access to opportunities and, consequently, their piece of the American dream. But we must work to maintain a system that encourages some to act on a dream, helping others, not just helping themselves.

The public must realize that we higher education care and that, despite some setbacks and cost increases, by working together we can keep our common dream affordable.

Hughes is president, University of San Diego.

San Diego, CA
(San Diego Co.)
Evening Tribune
(Cir. D. 123,064)

AUG 16 1988

Allen's P.C.B. Est. 1888

David C. Copley named Copley Press president

By John McLaren
Tribune Staff Writer

David C. Copley is the new president of the Copley Press Inc., succeeding Hubert L. Kaltenbach, who becomes vice chairman of the publishing company, with extensive holdings in California and Illinois.

In an announcement yesterday, Helen K. Copley, chairman and chief executive officer of Copley Press Inc., said her son, 36, would assume day-to-day direction of the corporation. David Copley has been serving as senior vice president and assistant to the president since June 1984. The changes were effective yesterday.

Copley Press Inc. publishes The Tribune, The San Diego Union, The Torrance Daily Breeze, The Santa Monica Outlook and the San Pedro News-Pilot. It also publishes eight daily newspapers in Illinois: The Springfield State Journal-Register, The Aurora Beacon-News, The Joliet Herald-News, The Elgin Daily Courier News, The Wheaton Daily Journal, The Lincoln Courier, The Waukegan News-Sun and The Libertyville South West Lake County News-Sun. The corporation also publishes 30 weeklies.

"I am pleased that David is well qualified to relieve Hubert Kalten-



DAVID C. COPLEY
President of Copley Press Inc.

bach and me of the day-to-day leadership of these newspapers," Helen Copley said. "I am pleased to have his leadership.

"Fortunately, we will continue to have the services of Hubert, who has provided dedicated, visionary direction to the Copley Press during the last decade."

Please see Copley: A-10, Col. 4

COPLEY: New company president named

Continued From Page 1

Helen Copley became chairman and chief executive officer of the corporation publishing the Copley newspapers, as well as publisher of The Tribune and The San Diego Union, upon the death of her husband, James S. Copley, on Oct. 6, 1973.

In addition to his corporate posts, David Copley is chairman of the corporation's Senior Management Board, which includes all of the publishers and business managers of newspapers in the Copley organization. He is a member of the board of directors and the executive committee of the board. He is a trustee and president of the James S. Copley Foundation, president of Copley News Service, a member of The San Diego Union editorial board and publisher of The Borrego Sun.

"I have the good fortune to be assuming the leadership of a strong and growing company," David Copley said. "That means I can take my time reviewing the challenges that we face and carefully formulate

plans for the future.

"I think the next few years are going to be a time of excitement and change, both for our own company and for the entire newspaper industry."

Kaltenbach, 66, began his career with the organization in 1937 in the press room of The Daily Breeze, a Copley newspaper then located in Redondo Beach.

While working at the Daily Breeze, he attended the University of California at Los Angeles, majoring in meteorology, and also earned a private pilot's license. During World War II, he was a naval aviator, flying coastal anti-submarine patrols while stationed at Reeves Field on Terminal Island near Los Angeles.

He served as publisher of the Copley-owned San Pedro News-Pilot and publisher of The Daily Breeze before being named president of the Copley Press Inc. in 1978.

David Copley is a trustee of the San Diego Museum of Art and the American Craft Council, and is trustee emeritus of the Museum of Pho-

tographic Arts. He is a board member of the La Jolla Playhouse and a member of the President's Associates and Exhibits Committee for the Zoological Society of San Diego. He is a member of the advisory board for the San Diego Automotive Museum and the San Diego Theatre Foundation Inc. He recently was named to the San Diego Commission for Arts and Culture.

Copley is a member of Sigma Delta Chi, San Diego Press Club, San Diego Aerospace Museum, San Diego Hall of Science, San Diego Historical Society, UCSD "Friends of the Theatre," San Diego Humane Society, University of San Diego Council and the Bachelor Club of San Diego.

Copley is a graduate of the Canterbury School in New Milford, Conn., which recently dedicated the David Casey Copley Library. He received a bachelor of science degree in business administration from Menlo School and College in Menlo Park, Calif., in 1975.

Copley is a resident of La Jolla, as are Kaltenbach and his wife, Teddy.

San Diego, CA
(San Diego Co.)
Evening Tribune
(Cir. D. 123,064)

AUG 16 1988

Allen's P. C. B. Est. 1888

Old hand is taking a turn as alternate

By Jeff Ristine
Tribune Staff Writer

NEW ORLEANS — Brian O'Donnell got his first taste of Republican presidential politics in 1964, spreading the news of Barry Goldwater to fellow students on the University of San Diego campus.

"I've been involved in campaigns ever since," he said yesterday after arriving here by riverboat as a member of the San Diego County delegation.

O'Donnell, the alternate delegate to former San Diego City Councilman Bill Cleator, was a last-minute replacement for another prospective delegate who was not able to make the trip. Like several others in the San Diego contingent, O'Donnell isn't exactly sure who decided to make him part of the California group, which is composed of 175 delegates and an equal number of alternates.

But it's a safe bet O'Donnell's long history of work for Republican candidates in the state — a list that includes the gubernatorial campaigns of Ronald Reagan and George Deukmejian, as well as fund raising for Rep. Bill Lowery and Sen. Pete Wilson — had something to do with the decision.

O'Donnell, a resident of La Jolla, is the founder and president of Discovery Homes, a home-building company active in San Diego and Riverside counties. His convention activity has included a luncheon reception held by the National Association of Home Builders.

His arrival via the Mississippi Queen riverboat stems from a decision to combine the convention with a vacation with his wife and three children. They started out in St. Louis about 10 days ago and, along the way, met an alternate from the Pennsylvania delegation who had come up with the same idea. Usually not much is expected of an alternate. During formal sessions at the Superdome, O'Donnell will have full voting privileges any time Cleator leaves the floor. But because most of the full-fledged delegates are loathe to miss any of the real excitement, alternates may find themselves simply part of an extended cheering section most of the time.

O'Donnell's selection as an alternate proved that prospective members of the delegations need not have been George Bush supporters from Day One. He was initially attracted to Rep. Jack Kemp of New York, who, like Goldwater, has always been popular with the conservative wing of the Republican Party.

O'Donnell said he was impressed with the "real entrepreneurial spirit" of the New York congressman and his "fresh ideas."

"He believes in fairer taxation policies and a strong national defense," said O'Donnell, who still hopes Kemp will wind up on the GOP ticket as Bush's running mate.

As for Bush, O'Donnell said he hopes voters will be impressed by Bush's lengthy resume, which includes stints as CIA director, congressman, ambassador and Republican national chairman.

"There's nobody in the national spotlight that has that kind of experience," he said.

He plans to contribute to the Bush effort in San Diego in whatever way he can. At this point, O'Donnell said, "I think it's a matter of getting out the vote — that's very, very important."

"Maybe I'm prejudiced," O'Donnell said, "but I don't see how (Bush is) not going to prevail when you compare the two records. I think once the voters are exposed to both men, they'll choose George Bush."

Escondido, CA
(San Diego Co.)
Times Advocate
(Cir. D. 45,900)
(Cir. S. 47,000)

AUG 18 1988

Allen's P. C. B Est. 1888

Stock workshop 2955

National Association of Investors is having a free workshop on stock selection at 9 a.m. Saturday at the University of San Diego. Guest speaker is Beth Campbell. Call Jacqueline Marazzi at 480-0155 or 746-5321.

San Diego, CA
(San Diego Co.)
San Diego Business
Journal
(Cir. W. 7,500)

AUG 22 1988

Allen's P. C. B Est. 1888

Trepte Construction Co. has received a \$3 million contract to build an addition to and renovate the University of San Diego Law Library - Legal Research Center. This is the first phase

Please turn to next page

Continued from preceding page
of a two-phase project which includes a 25,629-square-foot and a 36,764-square-foot addition.

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Times
(Cir. D. 1,076,466)
(Cir. S. 1,346,343)

AUG 25 1988

Allen's P.C.B. Est. 1888

Unhappy Lawyers

They're Highly Trained and Highly Paid, So Why Do Many Feel So Low About Their Jobs?

By PAUL CIOTTI, Times Staff Writer

For Ellen Whelan, it was a bitter disappointment. All through law school, she thought about how great it would be when she became a lawyer. Then, four years ago, she got her degree and found that as a young associate, all she did was work—six and seven days a week, to 11 every night, up at the crack of dawn.

"I didn't even have time to see my parents," she says. "much less anybody else."

After two years, she found a new job and met a guy. "I said, 'Oh, this is new. I might actually go out on a date for a change.'"

That was until she told her friend what she did for a living: "He said, 'Oh great. You make tons of money, drive a BMW and [cheat] everybody.'"

Whelan was devastated and not just because she drove a Hyundai. "What kind of world is it," she asks, "that you can't tell people what you do because they come down on you?"

Welcome to the legal profession, 1988.

Working More, Enjoying It Less

More than ever before, many lawyers say they are working harder, getting richer and enjoying it less.

To most working people, their complaints may not evoke much sympathy.

But many lawyers wonder if perhaps their choice of career wasn't a major mistake. The paperwork seems endless and meaningless. They labor to help big institutions, not needy individuals. Often, they say, their clients are ingrates. The legal system can be frustrating and unresponsive. The public views the legal profession with distaste. There is a widespread perception that criminals escape punishment. Lawsuits drag on interminably. And, as many people see it, it's all the lawyers' fault.

"I attended a conference last summer at USC with some high-level human relations people from some of the biggest companies in the country," says Mike Driver, a professor of Management and Organization at USC's business school. "And the one thing they were in agreement on was that . . . lawyers were the kind of people who caused more trouble

than they were worth."

Jack Weinberg, 55, a Los Angeles lawyer who gave up his practice after 22 years to publish a tourist guide to on-location movie sets, maintains that unhappiness among lawyers "is pervasive, endemic and out of control."

Which is not to say that unhappiness is easy to document. For one thing, lawyers in surveys tend to give contradictory information: On the one hand, many of them report they have a great deal of satisfaction (which isn't surprising when one considers that starting salaries of associates in big, elite firms has doubled over the last eight years); at the same time, however, a study reported in the February, 1984, American Bar Assn. journal showed that 41% of lawyers

'I think one would have to have a deranged sensibility to genuinely enjoy . . . the day-to-day practice of law . . . [which] largely consists of arguing with other people about money.'

—Lawyer Stacey Betterman

would enter another profession if they had it all to do over again.

There's a reason for such contradictory attitudes, says David Chambers, a University of Michigan law school professor who has surveyed the profession for years: When lawyers get paid \$60,000 a year to start, they are "embarrassed" to say they are "miserable, especially when you can look out the window and see people sleeping on gratings."

There also are other less subtle indicators that lawyers are unhappy. The alcoholism rate among lawyers is an estimated 15%-20%, almost twice as high as the general population. In their first three years of practice, half of all lawyers change jobs, with some firms

Please see **LAWYERS**, Page 8



PATRICIA MITCHELL / Los Angeles Times

If given the chance, 41% of all lawyers would pick a different profession.

LAWYERS: Dissatisfaction in Legal Field Grows

Continued from Page 1

losing as many as a quarter of their members every year.

Career consultants and counselors report lawyers flocking to seminars and workshops on changing professions. Career dissatisfaction in the profession has become a regular topic of discussion at placement director meetings, says Lujana Treadwell, placement director at Boalt Hall, the law school at UC Berkeley. At its recent Toronto convention, the ABA conducted a three-hour panel discussion for law firms on ways to cope with lawyer discontent.

It is clear that "many lawyers don't seem to be getting much gratification from practice," says Sheldon Krantz, dean of the University of San Diego School of Law who is on sabbatical interviewing unhappy lawyers for a book on problems with the profession.

Life Isn't Television

For many lawyers, the problem is unrealistic expectations. After graduating from college with liberal arts degrees, many attended law school for lack of better ideas on what to do with their lives; on television, at least, the life of a lawyer seemed exciting to them.

"Unfortunately, my life is not television," says Whelan, who left a large New York firm to join a less frenetic Los Angeles practice.

Clients often blame lawyers for taking too much time and running up their bills because they "don't appreciate how complicated [the

law is] and how difficult it is to get any results," says Bob Schneider, who was a lawyer in Los Angeles for 10 years and now works in Phoenix. Even people who get free counsel frown on lawyers. Reuben Castillo, a Pomona legal services attorney, said it is not uncommon for clients to announce: "If I had the money, I'd get a real attorney."

For graduates of prestigious law schools, it can also come as a shock to discover that much legal work is boring. New associates may spend their first six months in practice doing rote review of case documents, says John Siamas, a partner in the San Francisco firm of Jackson, Tufts, Cole & Black and general counsel to the National Assn. for Law Placement.

Young lawyers also learn quickly their work is often lonely. "It's basically you and your desk and reams of paper," says Schneider, the Phoenix lawyer. "You don't even deal with people that much."

The major complaint among associates, however, is overwork. In 1985, some major New York law firms found their young associates were bailing out in droves in their third year, just as they were starting to really earn their keep. In response—and in answer to increased competition from the financial community for major universities' best and brightest—the firms offered enormous starting salaries (now reaching \$76,000 annually at some New York firms) to people who, in some cases, never had held a job before.

(This, by the way, is not to

suggest that all lawyers are getting rich. A 1986 survey by the Los Angeles County Bar Assn. showed that 64% of members made between \$21,000 and \$100,000; 5.5% made less than \$21,000; 6% made more than \$200,000 a year.)

60-80 Hour Weeks

While the big salaries at elite firms were gratifying to the young lawyers, they came with a catch: To earn the pay, they had to increase dramatically the number of hours they billed clients each year. As a result, it is now common for young associates at major firms to work 60-80 hours a week, Treadwell of Berkeley says.

That is an astonishing increase, says Martha Fay Africa, a legal headhunter in San Francisco. When she was placement director for the law school at UC Berkeley, firms typically required associates to bill 1,500 to 1,550 hours a year. After giving big salary increases, the firms now demand 1,850, 1,900 or 2,000 hours.

Further, this is often the bare minimum. A lawyer at a major firm who bills only 2,000 hours a year "has one foot out the door and the other on a banana peel," says Carol Kanarek, chair of the ABA Career Issues Committee. For associates who hope to become a partner and share in the profits, the minimum billing time demanded now is closer to 2,200 hours. "And I see some people," Kanarek says, "who are billing more than 3,000."

Because billable hours generally are 15%-20% less than the total



TONY BARNARD / Los Angeles Times

Lawyers handling civil cases await assignments in Department I of Los Angeles County Courthouse.

time lawyers work—they usually, for example, cannot charge clients for meetings and administrative tasks—their time on the job can stretch intolerably.

"My brother bills 60 to 70 hours a week," Whelan says. "He goes home in order to sleep. He never leaves the office. I ask him what he does for pleasure. He says, 'Nothing.' You make money, but what is the point? You have no life."

Hoping to avoid the most consuming firms, some prospective associates try to deduce their true situation from clues in job interviews: Do the attorneys wear their jackets at work? Do they keep their doors closed? Are the secretaries happy? Most frightening are firms with showers and dining facilities

on the premises. When you see those, "you might as well not even rent an apartment" because you'll never have time to use it, Whelan says.

If firms wanted, she says, they could divide a lawyer's work and give it to two people—even on half-pay, a person could make a decent living. But firms are so conservative, "they would rather kill one person than work two."

Some lawyers, especially women with families who do not mind being out of a partner track, have opted to work part time which is still 40-45 hours a week.

But for those associates who choose to spend the six or seven years to make partner, the pressure is intense. Partners are notorious

for giving associates major projects late on Fridays or calling them up Sunday morning to come to work. Associates "realize that if they don't comply with every sort of whim, that they won't make partner," Africa says.

As law firms are increasingly run like businesses, individual associates are increasingly viewed as profit centers—the more, the better. In big New York and Los Angeles firms, Africa says, it is common for the ratio of associates to partners to be 3-1 or even higher, in contrast to the 1-1 ratio of most other areas. Because of this, associates have less contact with partners, less training, less supervision and, most importantly, less

Please see **LAWYERS**, Page 9

LAWYERS: Overwork's Their Major Complaint

Continued from Page 8

chance to make partner. The result often is drug and alcohol abuse, divorce and health problems.

For lawyer Ed Rybka, it was overwork that affected his health; the strain of billing 2,100 hours a year gave him chest pains, insomnia and arthritis in his hands and joints. "I was grinding my teeth so bad at night, I was having toothaches," he says. "I decided at the age of 30 that that was not the way I wanted to live the rest of my life."

Most young lawyers know long before they get out of law school that they face long hours working in practice. What is less clear to them, however, "is how dehumanizing that can be," says Siamas, the partner in a San Francisco firm.

Lawyers get so obsessed with their jobs that all they can talk about is their cases. Or they become so analytical, they start to examine casual conversation for hidden agendas. The result: Even lawyers sometimes don't like lawyers anymore.

Soon after becoming an associate, Rybka says, he made an effort to avoid lawyers socially. They were too competitive, too cynical and too tired for anything but one-upmanship. ("Oh what firm are you with? What law school did you go to?")

It is unfair to call all lawyers "arrogant," Rybka says, but a "pompous" streak does run through the profession.

Although Rybka got out—he now works at a small firm and is

planning to set up his own company providing on-line data on law firms—many other young lawyers feel trapped.

Instead of moving to less-pressured environments with firms in smaller cities, Treadwell says, they get seduced by the big salaries and stay at a firm until it is too late. When, as often happens at larger firms, they get passed over for partner, they have no options.

Corporations, Not Individuals

Many lawyers get into the business thinking they can help people and benefit mankind. But they soon discover that much of what lawyers do benefits corporations, not individuals, says Dianne Sundby, a Los Angeles psychologist who sees many lawyers in her practice. In contrast to the '60s, lawyers also get far less time to help the needy by taking *pro bono* cases. Under the pressure to produce, Siamas says, "the easiest thing to go is the non-economic elements—public service and *pro bono*."

If they try to move to the public service sector, lawyers soon find the jobs are often scarce and in many cases, poorly paid—as little as the low \$20,000s or less, a third of what they would earn in big private firms. Besides, with the cost of three years of law school now approaching \$60,000, many young lawyers may owe too much money on graduation to even consider public service. According to Jane Theiberg, director of career planning at New York University,

the percentage of people who go into government service has dropped from 17.6% in 1975 to around 12% today.

It also is not clear that public service work is a great improvement over private practice. Reuben Castillo, 33, an attorney with the Legal Services Program in Pomona, works on debt and eviction cases. He gets little satisfaction because his client "usually does not have a good case. . . . We grovel and beg and hope judges will give us an extension. And that gets old pretty fast."

In personal injury law, a difficult, frustrating process is made worse by the tactics of opposing counsel, says Joel Kleinberg, a Los Angeles lawyer who serves on the national board of the Trial Lawyers of America.

Lawyers disregard the plain meaning of English words with "nonsensical objections" to conjure up hypothetical problems. "You see less and less effort to solve anything," Kleinberg says.

Lawyers also get distressed by dealing with greedy clients. In Los Angeles, the State Insurance Commission reports, the frequency at which people file auto-accident personal-injury claims is nearly twice that of the average of other major California cities. No matter how slight the impact, says Anne Koza, a Los Angeles personal injury lawyer, many people "jump out of their cars holding their necks."

Although such clients are "morally repugnant" to many lawyers,



MARSHA TRAEGER / Los Angeles Times

L. A. attorney Ellen Whelan

says Stacey Betterman, 35, a lawyer with Jacoby & Meyers in Rosemead, "the bread and butter of a personal injury law practice are soft-body-tissue [no broken bones] claims by unemployed poor people." Lawyers can't afford to be choosy. Meantime, Betterman says, clients who are plaintiffs in personal injury cases one day are defendants in criminal cases the next. "It's almost humorous at times."

But it is hardly fun. The lawyer spends time filling out forms, arguing with insurance adjusters over the size of a settlement and fielding calls from clients asking, "Where's my check?"

The result, Betterman says: Many lawyers get "disgusted with their own clients and perhaps on some level with themselves. . . ."

To escape what he saw as the cynicism of personal injury law, Betterman recently switched to family (divorce) law. That offered a small improvement but, "The day to day experience of most [divorce] attorneys is one of grinding trivialities. There's an incessant flow of petty client demands: 'Who gets the toaster? She signed my name to the tax refund check.'"

Adversarial Nature

"I think one would have to have a deranged sensibility to genuinely enjoy what the day-to-day practice of law is like," because it "largely consists of arguing with other people about money," Betterman says.

The adversarial nature of the profession also troubles many lawyers. In litigation, "you fight about everything," says Schneider. "It's like going to war. No matter what it is, you fight about it and it goes on forever."

John Shean, a Los Angeles trial lawyer for eight years, observes that, "You can end up litigating for four years to go to trial for two weeks."

While a trial usually is fun—it is an "ego trip" to tear up an opposition witness—"it's not clear that it is useful to society," Shean says.

Unlike engineers or craftsmen who get the satisfaction of producing something with their hands, lawyers spend 90% of their time filling out paper work that few people will read, let alone pay any

attention to, Betterman says. In the process, they become what Driver, the USC business school professor, calls "paper warriors."

Betterman has considered leaving the law many times, he says, adding, "Then I ask myself, 'What else can I do?' I've been an attorney since the age of 25. I really don't know any other occupation."

Shean, formerly a trial lawyer with the downtown firm of Wise, Wizeorek, Timmons & Wise, decided to leave the law—no matter what: "I just became disenchanted with the way the people involved in the system were running it, from the Legislature to the judiciary to the attorneys. I lay a lot of blame on the attorneys."

On June 30, Shean, who lost a son to liver disease three years ago, resigned his partnership to become president of the Children's Organ Transplant Assn. in Bloomington, Ind.

"One of my law partners said, 'I admire you for having the guts to do what the rest of us would like to do,'" he says. "But they can do it. A lot of people could do it." All it takes is a willingness to accept a pay cut as his family did—from \$130,000 a year to \$30,000.

For him, Shean says, it became clear that there were things more important than personal wealth: "I saw that if I was going to be making money or saving money, I wanted to do it for children, not a big corporation or greedy insurance company or a greedy client."

Besides, he says, it is not as if people wanting to sue someone will lack for attorneys to file the lawsuit: "There are plenty of people who will take my place."

Coronado, CA
(San Diego Co.)
Journal
(Cir. W. 5,237)

AUG 25 1988

Allen's P. C. B Est. 1888

Sally Ann Zoll

²⁹⁵⁵
Sally Ann Zoll has been named Director of Client Support for Education Systems Corporation of San Diego. She has been with ESC for two years as regional manager for client support.

Zoll is currently completing a doctoral dissertation at the University of San Diego, is a past member of the Board of Directors for the Coronado Schools Foundation and is a member of the Junior League of San Diego.

She and her husband, James,

²⁹⁵⁵
reside in Coronado with their children, Cory, Chelsea, Jimmy and Bryan.

Poway, CA
(Rancho Bernardo)
Journal
(Cir. W. 2,500)

AUG 25 1988

Allen's P. C. B Est. 1888

Law firm gives ²⁹⁵⁵computers to PUSD

The law firm of Hinchy, Witte, Wood, Anderson & Hodges has donated \$3,500 worth of computer equipment to the Poway Unified School District.

District superintendent Robert L. Reeves said the equipment will be used in the word processing laboratory at Mt. Carmel High School.

Included in the gift are a Wang Writer System 5 word processor, a Wang printer and a Wang twin sheet feeder.

With offices in San Diego, Rancho Bernardo, Santa Ana and San Jose, the law firm has streamlined its administrative, documentation and case-tracking systems through a customized computer system that is considered state-of-the-art. Recognizing the impact of computers on the profession, the firm made a gift to the University of San Diego School of Law's computer research facilities last spring.

San Diego, Calif.
Southern Cross
(Cir. W. 27,500)

AUG 26 1988

Allen's P. C. B Est. 1888

USD professor given Fulbright scholarship

ALCALA PARK 295
Joan B. Anderson, associate professor of economics at the University of San Diego School of Business Administration, has been awarded a Fulbright Scholar Grant.

The grant is for research at the Central Bank of Ecuador in Quito, Ecuador, from September to December 1988.

In addition to academic and professional

qualifications, Fulbright scholars must display an ability and willingness to share ideas and experiences with people of diverse cultures.

San Diego, Calif.
Southern Cross
(Cir. W. 27,500)

AUG 26 1988

Allen's P. C. B Est. 1888

USD

2955

"Contemporary Documents in Liturgical Music," a course which introduces the basic principles of music in relationship to Christian ritual, will be given Sept. 7, 14, 21, 28 and Oct. 5, 7-10 p.m., at the University of San Diego. The program will be directed by Father Nicolas Reveles. Sponsored by the Institute for Christian Ministries and presented through the certificate program in liturgical music.

"Introduction to Liturgy," a course which outlines the basic principles of Christian worship, will be held Sept. 12, 19, 26, Oct. 3, 10 and 17 from 7:30-10 p.m., in Salomon Hall at the University of San Diego. The course will be directed by Father Dennis Krouse. Sponsored by the Institute for Christian Ministries and presented through the certificate program in liturgical music..

"The Hymnal," a workshop dealing with all aspects of the hymnal, will be held Sept. 17, 9 a.m.-4:30 p.m., Camino 131, at the University of San Diego. Sponsored by the Institute for Christian Ministries and presented through the certificate program in liturgical music.

AUG 29 1988

Allen's P. C. B. Est. 1888

SAN DIEGO DAILY TRANSCRIPT MONDAY, AUGUST 29, 1988 3A

Financial Group Elects Officers, Directors

²⁹⁵⁵
The San Diego Chapter of the **Financial Executives Institute** recently elected officers and directors for 1988-89.

The FEI is a membership organization of 13,000 senior financial officers from more than 6,000 major companies. There are 92 FEI chapters throughout the United States, Canada and Puerto Rico.

Local FEI officers are:

• President, **Frank C. Alexander**, executive vice president of

at 9 a.m. A single session costs \$15 while the whole series can be purchased for \$105.

Contact the University of San Diego's continuing education department for more information.

* * *

Joyce Vogel, an account executive for **Creaser, Price Insurance Agency Inc.**, and a member of San Diego County Commission on Children, has been asked to participate as a panelist for the U.S. Department of Labor's conference

Advanced registration is \$50 per person.

The Southwest Business Development Network is a demonstration project of the U.S. Department of Commerce Minority Business Development Agency.

* * *

The San Diego chapter of the **Project Management Institute** will have a dinner meeting Sept. 7 beginning at 5:30 p.m. at the Cafe Del Rey Moro in Balboa Park.

Guest speaker will be **Bill Baity** of the center for astrophysics and space sciences at **UC San Diego**.

Cost is \$15 for members with reservations and \$17 for guests and members without reservations.

* * *



Business Matters

by Robert Scally

Intermark Inc.

• Vice presidents, **Dee F. Dorsey**, **John T. Freeman**, vice president and chief financial officer respectively, **Robert F. Driver & Co.**, and **Brian E. Urquhart**.

• Secretary, **Richard F. Helser**, controller, **NCR Corp.**

• Treasurer, **Francis J. Harding**, executive vice president of **Monitor Technologies Inc.**

FEI's roster of directors for this includes:

• **Charles W. Duddles**, executive vice president and chief financial officer of **Foodmaker Inc.**

• **Michael M. Earley**, vice president of corporate development, **Intermark**.

• **Dale W. Hornback**, vice president of financial/administration, **Pulse Engineering**.

• **Alan D. Kerschner**, manager of finance and administration at **Spin Physics**, **Eastman Kodak Co.**

• **Vernon A. LoForti**, vice president, finance, **Intermark**.

• **Charles F. Patrick**, treasurer/secretary, **The Copley Press**.

• **Edson J. Rood**, vice president, finance/administration, **Scripps Memorial Hospital**.

• **Ethel A. Sykes**, **University of San Diego**.

* * *

The **University of San Diego** has announced its fall schedule of **Business Update Breakfast Seminars** presented by the school of business administration.

The series offers eight seminars on topics ranging from how to develop a post-election business strategy to crisis management.

The seminars take place at the school's **Douglas F. Manchester Executive Conference Center** and begin with a continental breakfast at 7:30 a.m. and conclude

"Child Care: A Workforce Issue."

Vogel will speak on potential employer liability, risk management and insurance as it relates to employer involvement in child care.

The conference takes place Sept. 29 at the San Diego Marriott.

* * *

A seminar, "How to Successfully Complete a Thesis or Dissertation," by **Tomer Anbar**, Ph.D. will take place in the conference room of the Imperial Bank Tower, second floor, on Sept. 20 and again on Oct. 4 from 6:30 p.m. to 9:30 p.m.

For more information contact the Postgraduate Center located on B Street in San Diego.

* * *

The **Service Corps of Retired Executives**, the **Active Corps of Executives** and the **Small Business Administration** will present two business start-up workshops on Sept. 13 and Sept. 27 at National University's Mission Valley campus. Cost for both seminars is \$15 each. Contact the SBA for more information.

* * *

The **Southwest Business Development Network** will present a **Southern California Pacific Rim Procurement Conference** on Thursday at the Sheraton Harbor Island East Hotel.

Rep. Duncan Hunter will be the keynote speaker. The conference is also sponsored by about 20 major corporations.

The **World Affairs Council of San Diego** is planning a Sept. 9 debate over the presidential candidate's foreign policy positions.

Standing in for Vice President **George Bush** will be **Herbert Klein**, editor in chief of **Copley Newspapers** and former press aide to **Richard M. Nixon**. In **Michael Dukakis'** place will be **Byron Georgiou**, managing partner of the law firm of **Georgiou and Tosdal** and a member of the **Democratic National Committee**.

The debate will take place at the **University of San Diego's University Center** beginning at 5:30 p.m. with a wine bar and buffet dinner. The program begins at 7:15 p.m.

For more information contact **Michelle Gerald** of the **World Affairs Council**.

Sacramento, CA
(Sacramento Co.)
Union
(Cir. D. 93,501)
(Cir. S. 92,580)

AUG 29 1988 3.

Allen's P. C. B Est. 1888

It's time to examine everyday contributions around the Legislature

2955
It was media feeding frenzy time at the Capitol last week.

After nighttime FBI raids of some legislative offices, the rush to pass new laws in the final days of the session had lost its usual appeal.

A political corruption scandal became "the story."

Two obscure bills that few people, including legislators, read, understood or remembered, were in the spotlight. They were passed with little scrutiny or opposition.

They were vetoed by the governor because of their special interest nature benefiting only one company.

"The story" turned out to be a phony setup by the FBI in an elaborate three-year sting operation aimed at gathering evidence of illegal shakedowns and pay-offs.

The ramifications — whether any one is arrested or prosecuted — should give legislators pause to re-examine the manner in which they do business.

"Money-grubbing transcends everything else," one veteran aide told us in the wake of the scandal.

Legislators use both taxpayer and special interest dollars to stay in power. Because of legislative inbreeding — a third of the lawmakers are former staffers — some citizens feel they have lost control.

Could the real culprit in this whole mess really be the media?

The Center for Public Interest Law, based at the University of San Diego School of Law, so contends in a commentary in its quarterly, the California Regulatory Law Reporter.

It asserts we are in the "midst of the worst crisis in political corruption in the last 100 years of American government.

"The overwhelming evidence is that the real culprit is the media."

This may be sour grapes. The center unsuccessfully backed Proposition 68, a political reform measure calling for voluntary taxpayer funding of campaigns as one of its provisions.

Still, the center does make some salient points about the inadequacy of news coverage that has led to a situation where "special interests have more meaningful item veto power over the Legislature than ever enjoyed by an elected governor."

Incumbents last year collected near-

Michael Otten



ly \$25 million in campaign contributions. These contributions from many businesses, governmental entities, labor groups and so forth are just part of the cost of doing business because special legislation can mean millions, sometimes billions, of dollars in tax breaks or other economic profit opportunities.

The center criticizes the media for too much emphasis on the "man-bites-dog" stories that abound.

"The run-of-the-mill campaign contribution, followed by a committee vote walk-away to benefit the giver is such an inbred part of the system that it is not reported," says the center's commentary.

"There are few or no stories on the subject."

The center rightfully notes that, when corruption is reported, it is usually only when a third party makes a public "charge" or there is "a formal prosecution underway or imminent."

Thus, it tries to make a case that if those of us in the media are doing our job right, we might have a better system of making public decisions based on the merits.

The commentary concludes the media are "a self-proclaimed sacred cow, self-righteously claiming the fabric of the constitution which it is doing its utmost to abuse."

Though written before Sen. Dan Quayle and his National Guard career became "the story" of the Republican convention, one comment seems to fit in with the media feeding-frenzy theory.

That is: "The media loves to justify its political candidate/melodrama/sexual orientation/trivia preoccupation by citing the need to know the candidate's 'character.'"

Those are harsh words for us culprits.

Michael Otten is chief of The Sacramento Union's Capitol Bureau.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 31 1988

Allen's P.C.B. Est. 1988



Gifted: Science fiction master Ray Bradbury was at Piret's La Jolla restaurant the other night, celebrating his 68th birthday over dinner with UCSD's Paul Saltman. And Bradbury's waiter turned out to be a UCSD student, who offered a verbal birthday gift. Bradbury's books, the waiter told the author, are no longer a part of UCSD's "Contemporary Literature" curriculum. They've been upgraded to "American Classics."

Life in the city: Paul Apostolides is the Greek bearing gifts. The owner of Paul the Greek's limousine service has offered local Democrats use of 10 of his limos when Dukakis comes in for his Sept. 16 fundraiser at Hotel del Coronado. All 10 of the cars carry GREEK on the vanity license plates. ... At a press conference on the Embarcadero yesterday, Carlsbad businessman and jazz singer Bill Warren trotted out Mel Fisher, the controversial treasure hunter, to talk about a possible joint venture. Warren, of Valentino Communications, and Fisher, who raised more than \$100 million in treasures from a 17th-century galleon in 1985, are trying to raise investors to back a search for riches in shipwrecks off our coast. (Maybe they could put their hands on some of the Sail America loot.)

Items infinitum: Ralph Nader comes to San Diego Sept. 18, carrying on his crusade for no-fault insurance. Nader will appear at USD's University Center to debate Jeffrey O'Connell, the Univ. of Virginia law professor who's long championed no-fault. Nader and O'Connell back different no-fault schemes on the November ballot. ... The Kiwis may not win the boat

race but they're winning a battle that seems to be even closer to Sail America's heart. New Zealand is out with its line of T-shirts and souvenirs, and over the weekend at Super Shirts (Seaport Village) the Kiwi shirt was outselling Stars & Stripes. ... Sportscaster Ron Reina, radio voice of the SDSU Aztecs for more than a dozen football seasons past, will host this year's version of Aztec Coach Denny Stolz's TV show on Channel 51. The first show airs at noon Saturday, preceding the UCLA game. (Reina and Phil Stone are vying for play-by-play duties on the three televised Aztec games over Channel 51 later in the season.)

Entre news: The Bowery Theater faces eviction from the Fifth & Elm house that's been its home for five years. Theater backers have already found a new site — the basement of the Onyx Bldg. on lower Fifth Ave. — but they need a foundation to make it work. A concrete foundation. The Onyx basement has a dirt floor. (The move to the new theater is set for early 1989.) ... Attys. Lynn Schenk and Hugh Friedman, husband and wife, spent two months this summer touring Japan, where Friedman lectured on mergers and acquisitions. Those are subjects near and dear to the Japanese. According to Schenk, they found abundant evidence Japan is targeting San Diego for its next wave of special attention — "with a significant increase in Japanese activity here in terms of acquisitions and plant location."

Poli sigh: That Indiana Sen. Dan Quayle was not widely known before his vice-presidential nomination is clear enough. Even *Newsweek*, among the major media, didn't know much about him. In its Aug. 8 cover story on novelist Tom Clancy — three weeks before the convention — *Newsweek* quotes one "Sen. Dan Quayle of Iowa." ... Ardyth Ulmer does not say she's Republican or Democrat. But she does say she's rooting for George Bush to win the presidency. "Just once," says Ulmer, "I'd like to see a First Lady in the White House who wears a dress larger than a size three." ... And LA consultant Lee Stitzenberger poses the political riddle: "What's the difference between actress Jane Fonda and Sen. Dan Quayle?" Answer: "Fonda spent more time in Vietnam."

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 4 1988

Allen's P. C. B Est. 1888

GOLF: SAN DIEGO COUNTY OPEN

2955 Regalado tames putter, leads by 2

By Mike Jensen
Staff Writer

Regrets? You bet Victor Regalado has regrets. He sees the purses on the PGA Tour these days.

"These guys are playing for a million dollars," Regalado said. "Honest to God, you don't have to win to make money these days."

But you do have to be able to putt. Regalado, a 40-year-old Bonita resident who has played just one PGA Tour event this year (missing the cut last month at the Hardee's Golf Classic in Coal Valley, Ill.), knows that all too well.

"My putting has caused all the problems over the years," said Regalado, who won the 1974 Pleasant Valley Classic and the 1978 Quad Cities Open, but lost his tour exemption in 1985 and made just \$1,548 last year. "If you're not playing well, playing for \$20,000 or a million dollars, it doesn't matter."

This week, Regalado is playing for the \$4,500 first prize in the \$30,000 Buie San Diego County Open and, so far, his putting problems have not shown up at Torrey Pines North. An 8-under-par 64 yesterday gave him a two-stroke lead over John Burckle of Costa Mesa after the first round of the 54-hole tournament.

"Eight birdies, no bogeys," Regala-

do said. "I got up and down a few times and putt well. If you can putt, you can score."

Leading a group of 17 who broke 70, Regalado made half of his birdies on the four relatively short par-5s. "You've got to do that," said UCSD golf coach Mike Wydra, who is tied for third after a 67 and who also birdied all the par-5s.

Add Burckle to the list of par-5 conquerors. The 27-year-old former Long Beach State player even had eagle opportunities on both of the back-nine par-5s. He missed a 3-footer for eagle on the 509-yard 14th hole and two-putted for a birdie from 18 feet on the 488-yard 18th.

"I played in a practice round and I found the greens tough," Burckle said. "But today, they were easy. At least in my mind they were."

Burckle has been playing on the Golden State minitour — "I've made all the cuts, but not a lot of money" — and was 25th on the 1986 Asian tour's Order of Merit. He had the top score yesterday in the half of the 120-man field that played in the afternoon, when the wind usually picks up at Torrey Pines.

Teeing off at 7:08 a.m., Wydra took the early lead, but he said he knew his 67 wouldn't hold up. "I think it'll take a 65," he said before heading to

the UCSD driving range to give his afternoon lessons.

Tied with Wydra are David Games of Bellflower, Chris Santangelo of Honolulu and Howie Johnson of Newport Beach. At 68 are Nonie Taguiam, a 1987 USD graduate who is an assistant pro at Chula Vista Municipal; Stephen Walker, an assistant pro at Singing Hills; and Napa residents Roger Gunn and Dale Riley.

Santangelo, 27, another Asian tour veteran, is on the comeback trail, having had reconstructive surgery to repair two torn ligaments in his left knee in April 1987. He couldn't play golf again until May of this year.

Santangelo is tied with a hot golfer in Johnson, 25, who won a Golden State event Monday in Lakewood, shooting a 65. Johnson plans to make a try at the PGA qualifying school this fall.

• • •

The low score among the 18 amateurs in the field was the 69 by Geoffrey Dean of Palm Springs. Dean, who will be a senior at USD this fall, had four straight birdies from Nos. 9 through 12 ... Today the players tee off from 7 a.m. to 8:20 and from 11 a.m. to 12:20 p.m.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

AUG 4 1988

Allen's P. C. B. Est. 1988

San Diego Sports et Cetera

La Jolla Tips Poway, Makes PAL Final

²⁹⁵⁶
La Jolla's David Berteaux made an 18-footer at the buzzer to upset top-seeded Poway, 77-75, in the Division I semifinals of the Police Athletic League summer basketball tournament at Municipal Gym.

Adam Kleid scored 22 points for the Vikings, and Berteaux added 17. Gabby Awbrey of Poway led all scorers with 26.

In the other semifinal, center Aaron Wilhite scored 29 points as Lincoln held off Point Loma, 84-72, to advance to the final against La Jolla. Jim Griffin had 23 for the Pointers.

In the Division II semifinals, Serra's balanced attack and good defense enabled the Conquistadors to defeat Mission Bay, 50-46. Keith Ladue (13 points), Conrad Jones (12), Dezi Dixon (12) and Chris Ireland (11) were in double figures for Serra.

In the final, Serra will play San Diego, which beat Crawford, 78-55. San Diego's Raynard Wells led all scorers with 24 points. Chris Johnson had 23 for the Colts.

□

The University of San Diego announced the promotion of Randy Bennett, 26, to assistant coach under Hank Egan. Bennett replaces Charlie Katsiaticas, who was named coach at Division III Pomona-Pitzer College in Claremont after one year at USD.

Bennett served as a volunteer for Egan in the 1985-86 season while earning his degree from UC San Diego, where he played the previous two years. The past two years, he was a graduate assistant at the University of Idaho before returning to USD as a volunteer assistant.

BOWLING

Averaging 230 after 42 games, Wendy Macpherson of San Diego is in second place after the sixth and final match-play round in the \$35,000 Fair Lanes Denver Classic on the Ladies Pro Bowlers Tour. Macpherson, 20, was leading after the fifth round by 37 pins over Robin Romeo of Van Nuys.

Macpherson will join No. 1 Lisa Wagner of Florida, Romec, Jeanne Maide of Ohio and Lorrie Nichols of Illinois in tonight's stepladder final.

San Diego, CA
(San Diego Co.)
Evening Tribune
(Cir. D. 123,064)

AUG 4 1988

Allen's P. C. B Est. 1888

USD hires coach

Tribune Staff Report

USD announced yesterday that Randy Bennett has been hired as an assistant men's basketball coach for the Toreros. Bennett replaces Charlie Katsiaticas, who was recently named head coach at Pomona Pitzer College.

Bennett, 26, was a volunteer assistant for the Toreros during the 1985-86 season and has directed USD coach Hank Egan's basketball camps the past two summers. He spent the past two years as a graduate assistant at the University of Idaho.

Los Angeles, CA
(Los Angeles Co.)
Times
(San Diego Ed.)
(Cir. D. 50,010)
(Cir. S. 55,573)

AUG 7 1988

Allen's P. C. B Est. 1888

BASKETBALL

Reggie Jordan scored 32 points and Shaun Manning added 26 as Nice Advice clinched the regular-season title of the Supreme Court Pro-Am Basketball League with a 92-85 victory over Courageous Endurance at the University of San Diego.

Nice Advice will be seeded No. 1 in the playoffs.

The Crown, the defending Supreme Court champion, clinched second with a 94-92 overtime victory over The Truth on a shot by Nate Barnett, who led all scorers with 27 points.

Justice For All won the women's regular-season title with an 85-61 victory over Blind Faith. Elaine Nelson scored 26 points to lead Justice For All, and Christine Willis, who will be a senior at Mission Bay High School, led all scorers with 28 points for Blind Faith.

Regular-season play ends with three games today, beginning at noon at USD. Admission is free. The playoffs begin Saturday at 1:15 p.m. at the Jackie Robinson YMCA in San Diego.

Los Angeles, CA
(Los Angeles Co.)
Los Angeles Times
(Cir. D. 1,076,466)
(Cir. S. 1,346,343)

AUG 11 1988

Allen's P. C. B. Est. 1888

SportsScope

Pitzer Names New Basketball Coach

²⁹⁵⁵
Charles Katsiaficas, an assistant at the University of San Diego last season, has been named men's basketball coach at Pomona-Pitzer College in Claremont.

Katsiaficas replaces Gregg Popovich, who resigned after nine seasons to become an assistant with the NBA's San Antonio Spurs.

It is the second coaching stop at Pomona-Pitzer for Katsiaficas, who was an assistant under Popovich from 1984 through 1987. Katsiaficas was interim coach during the 1986-87 season while Popovich was on sabbatical leave.

Katsiaficas guided the team to a second-place finish in the Southern California Intercollegiate Athletic Conference during that season and Popovich said he expects a smooth coaching transition.

"This is the second time around for him," Popovich said. "I think the program's in more than capable

hands because he already did it when I was gone before. It's like the program didn't miss a beat without me. When I came back it was like the players said, 'Who are you?'"

Before arriving at Pomona-Pitzer, Katsiaficas was an assistant coach for a professional team in Sweden for one season. He was also a three-year varsity player for Tufts University in Massachusetts.

Lowell Thomas, who coached North Hollywood High School for the last five years, has been named men's soccer coach at Occidental College.

Thomas, whose North Hollywood teams posted a record of 36-21-11 and reached the L.A. City playoffs three times in five seasons, will have his first game as coach against Point Loma Nazarene on Sept. 8 on the school's new soccer field.

San Diego, CA
(San Diego Co.)
San Diego Union
(Cir. D. 217,089)
(Cir. S. 341,840)

AUG 28 1988

Allen's P.C.B. Est. 1988

Sunday, August 28, 1988

The San Diego Union H-11

COLLEGE FOOTBALL

USD has 15 returning starters, chance to make playoffs

By Ken Stevens
Staff Writer

When the University of San Diego plays its home opener at Torero Stadium on Sept. 17 against Claremont-McKenna, it will be using the same field the Washington Redskins practiced on in January.

Unlike the Redskins, the Toreros cannot reach the Super Bowl. But they might be playoff-bound for the first time since 1973.

"There are nine (Division III teams) in California," USD coach Brian Fogarty said. "We have as good a chance as anybody to go."

The Toreros are coming off their best season in Fogarty's five seasons. Last year, they finished 6-3-1, were ranked 20th in the final Division III poll and were in contention for the Division III playoffs until losing their final game, 17-15, to Menlo College.

There aren't many holes. Fifteen starters return — eight from the defense that ranked 10th in the nation in fewest points allowed (10 per

game). The defense had four shut-outs, including three in a row early in the season.

The top defensive player last year, senior Bryan Day, is back at free safety. Day, a first-team academic All-American, led the Toreros in tackles (91) and interceptions (six).

There is a vacancy at strong safety with the graduation of John Gutsmiedl, the Toreros' second-leading tackler last season with 82. "He was like the quarterback of the defense, so he's going to be hard to replace," Fogarty said.

Junior Mark Crisci and sophomore Darby Barrett, a transfer from San Diego State, are competing for the strong-safety spot.

Fogarty said the three down linemen should be the defense's strength, despite the loss of starter Erik Peterson. "We played four guys almost equally last year, (so) in reality we have three starters coming back," Fogarty said.

Those three are seniors Dave Dunn

1988 SCHEDULE

Date	Opponent	Time
Sep. 10	Menlo College	1:30
Sep. 17	Claremont-McKenna	7:30
Oct. 1	Redlands	7:30
Oct. 8	Pomona Pitzer	1:30
Oct. 15	Whittier	7:30
Oct. 22	Occidental	7:30
Oct. 29	La Verne	1:30
Nov. 5	UC Santa Barbara	1:30
Nov. 12	Azusa Pacific	1:30

Home games in gray and are played at Alcalá Park on the USD campus.

(6-foot, 237 pounds), David Gilmore (6-3, 245) and John Gomez (6-1, 223). Gilmore, who has been clocked at 4.8 seconds for 40 yards, has gained more than 30 pounds since the beginning of last season, and Gomez has added 15.

"We're a little bit bigger and a little bit stronger," Fogarty said.

There is an abundance of linebackers, though two-year starter Parris Sorianoello has decided to play only

'There are nine (Division III teams) in California. We have as good a chance as anybody to go.'

— Coach Brian Fogarty

baseball. The other starters are back, including three-year starter Jeff Merlino, sophomore Frank Love (the No. 3 tackler with 75) and Shawn Rezaian. In addition, senior Braulio Castillo, the backup quarterback last year, and ex-fullback Don MacInnes have been moved to linebacker.

USD is not as settled on offense, though seven starters return. The quarterback picture has been muddled by the off-season shoulder surgery performed on sophomore Brendan Murphy, the starter in 1987. Fogarty said Murphy is still the leading

candidate but is not ready to play.

If Murphy isn't ready for the Sept. 10 opener at Menlo, junior Doug Piper, sophomore Mike Hintze or freshman Mike Williams will get the call. Fogarty has been impressed with the throwing arm of Piper, a Bonita Vista High alumnus who transferred from Southwestern College.

"Doug Piper's as good a thrower as we've had here in a long time," Fogarty said. "We do other things he'll have to learn."

Sophomore Ty Barksdale and senior Virgil Enriquez return at tailback. Also back is junior fullback Todd Jackson, the leading rusher with 405 yards on 88 carries. Jackson also scored a team-leading four touchdowns.

The receivers will be solid — if Mira Mesa High alumnus Ken Jones stays healthy. Jones, a sophomore Fogarty describes as "an outstanding athlete" with 4.6 speed in the 40, has a shin injury the coaches fear may be

a stress fracture.

Two-year starter Ken Zampese, the son of former Chargers and current Rams offensive coordinator Ernie Zampese, returns at the other wide receiver position. Zampese, a senior from University High, also returns kickoffs and punts.

Senior David Nottoli, who has been slowed by injuries in the past, is healthy and will start at tight end. Fogarty is impressed with Nottoli's size (6-3, 220) and speed (4.6 in the 40). "We're expecting great things from him," Fogarty said.

Only two starting offensive linemen return: senior guard Mike Cassidy (6-0, 230) and junior tackle Mark Garcia (6-1, 250). Two of the other spots probably will be filled by junior Jeff Carpenter (5-10, 236) and sophomore Ray Smith (6-2, 255).

Sophomore John Gillis again will handle the punting, and sophomore Jim Morrison and freshman Dave Bergmann will compete for the kicking job.

San Diego, CA
(San Diego Co.)
Evening Tribune
(Cir. D. 123,064)

AUG 30 1988

Allen's P. C. B. Est. 1888

FOOTBALL '88

Last year was fine, but USD hopes for better things

By Rick Davis
Tribune Sportswriter

2955
A year after guiding his troops to twice as many victories (six) as defeats and coming close to landing an NCAA Division III playoff berth, USD football coach Brian Fogarty has his Toreros focused on a suitable encore.

The 1988 Toreros are aiming even higher. Among their goals is that postseason invitation that eluded them last time around when Menlo College won a season-ending showdown 17-15 and subsequently was awarded a playoff berth.

"We have other things we hope to accomplish, but getting into the playoffs is the main one," said free safety Bryan Day, the team's '87 Academic All-American. "I think the team believes it's realistic, too."

With the proper blend of hard work, execution and good fortune, of course. But perhaps the point is that six years after arriving on the Alcalá Park campus, Fogarty has shaped and tweaked the program to the extent that postseason playoffs aren't an automatic 100-1 long shot anymore.

"I had always heard people say it takes five years to build your program and I wondered about it," said Fogarty, who in the spring of 1983 left a successful program at St. Francis High in La Canada to take the job at USD. "I found out they were right. The first year or two, you're just getting your feet wet and adjusting. Eventually, you establish what you're aiming for. The last couple of years have gone smoother."

One thing that probably eased the challenge this fall was the deletion of Division II St. Mary's from the schedule. It means the Toreros will play nine games rather than 10, but all nine are Division III entrants. No more 34-7 thumpings (the score last fall) at the hands of St. Mary's.

"We had a couple of reasons for dropping them," said Fogarty. "One was we thought the Coast Guard Academy team was coming out here (from New London, Conn.) for a game. We left an opening, but then the deal fell through."

"The other reason had to do with making the playoffs. The NCAA (playoff committee) believes that a loss is a loss, even if it's against a Division II school. Playing up in class is a challenge, but we didn't want it to be self-defeating. At some point,

we may add them back on the schedule."

The '88 Toreros, some 75 strong, shape up this way approaching the Sept. 10 opener at Menlo College:

OFFENSE

A year ago, USD generated 1,486 yards by rushing the ball — or nearly 60 percent of its total offense. A big reason Fogarty plans a similar emphasis now is the presence of five experienced running backs — Virgil Enriquez (limited to 121 yards because of injuries), Todd Jackson (405 yards, 4.6 average), Ty Barskdale, Scott Slykas and Pat Hefler. Enriquez and Jackson were the projected starters entering fall practice.

Sophomore Brendan Murphy will start at quarterback unless Southwestern CC transfer Doug Piper or Bakersfield CC refugee Mike Williams find a way to supplant him. Murphy, who had off-season arthroscopic shoulder surgery, threw for 769 yards and eight touchdowns in '87.

Murphy's two most frequent targets last season — Lionel DeMorst and Jeff Mansukhani — are gone, but two big-play receivers in Ken Zampese and Ken Jones are back. The tight end will be David Nottoli, who backed up DeMorst and had a team-fastest 4.65 time across 40 yards the opening day of fall camp.

The other three offensive starters returning are guard Mike Cassady and tackle Mark Garcia. Ray Smith, at tackle, and Neal Curry or Jeff Carpenter, at guard, also figure to start with the center spot, in Fogarty's words, "up for grabs." Scott Salcido, a redshirt freshman who prepped at University City, then made the Boston College squad as a walk-on last fall, could wind up with the job.

DEFENSE

Any apprehension about switching from a bend-but-don't-break philosophy to an aggressive, gambling one in '87 were obliterated by the results. Those Toreros threw four shutouts in 10 games, including three 28-0 blankings on consecutive weekends. Only one opponent (St. Mary's) scored more than 17 points against the defense.

"We built a lot of pride in our defense by what we accomplished last season," said Day, who led the team in tackles (35), assists (56), fumbles forced (three) and interceptions (six). "And even

though we lost 'Goots,' we believe the defense can be better than last year's."

"Goots" was team captain/defensive quarterback John Gutmiedl, a four-year starter. He's the only member of the '87 starting secondary not to return. Day will be joined by Chris King and Darryl Jackson, who started as freshmen. The strong safety probably will be Mark Crisci, although recruits Greg Frinell and Darby Barrett figure to see playing time somewhere in the secondary.

Four of nine returning defensive starters are linebackers — senior Jeff Merlino and junior Matt Haniger on the outside, Shawn Rezaian, Parris Soriano and Frank Love on the inside. The three inside backers shared the two starting spots in '87.

The most surprising position switch on the team involved moving quarterback Braulion Castillo to outside backer to alternate with Haniger and Merlino.

"Physically, I know I can do the job," said Castillo, a senior who transferred from the U.S. Military Academy Prep School last fall and shared the QB job with Murphy much of the season. "Mentally, I've got a lot of adjusting to do. But I want to help this team and this seems the best way to do that. It's just kind of hard to see the quarterbacks over there throwing and not to be part of it."

Dave Dunn and Dave Gilmore are returning starters in the defensive line with the third spot likely going to John Gomez, a senior who played a lot in '87. Gilmore reported at 240 pounds, but still clocked 4.8 in the 40. Valhalla High recruit Jim Washam is expected to play a lot as a frosh.

Two sophomores, place-kicker Jim Morrison (7-for-7 on extra points last season) and punter John Gillis (33.4-yard average and 13 punts of 40-plus yards), return to anchor the kicking game.

It's probably a meaningless trend, but the fact is bad years have alternated with the .500 or better ones in Fogarty's tenure at USD. Starting with 5-5 in '83, it's gone 1-8-1, 5-5, 3-7 and 6-3-1 since.

"I'll be very disappointed if we end up something like that (a bad year)," said the coach. "Once again, our biggest concern is lack of depth at certain positions, but that seems to go with having a Division III program. If we can avoid a bunch of injuries, our goals are reachable. ... All of them."

San Diego, CA
(San Diego Co.)
Evening Tribune
(Cir. D. 123,064)

AUG 30 1988

Allen's P. C. B Est. 1888

SOME PAPER WORK — Those USD basketball fans who remember guard Eric Musselman from a few seasons ago will be intrigued by this update: 2955

A few days ago, Musselman was named general manager of the CBA's Rapid City (S.D.) Thrillers, who finished with an 18-38 record last season.

Musselman, who formerly scouted for the L.A. Clippers, didn't waste any time cleaning house. In his first day on the job, he traded away six players, hired a new coach and picked 10 players in the CBA draft.

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