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University of San Diego News Print Media Coverage 1993.01

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Monsignor Eagen ends a vital era at mission

By SANDI DOLBEE
Staff Writer



Monsignor I. Brent Eagen is talking about what he will miss after 22 years at the San Diego Mission de Alcalá.

It does not take long for the tears to come, welling up in his blue eyes and starting a slow trickle down his cheeks.

"Most of all, the people," Eagen said, discreetly pulling out a folded handkerchief. "I'll really miss the people."

The final day of 1992 was Eagen's last day at California's oldest mission, founded by Father Junipero Serra in 1769.

The 63-year-old monsignor said he "really expected to stay here until they carried me out feet first." Then, last fall, Bishop Robert Brom and University of San Diego President Author Hughes talked him into becoming a vice president at the Catholic university.

In a sense, Eagen is going home. He had been a priest for only four years when, in 1960, he was appointed to the faculty of the San Diego College for Men, a forerunner of USD. Eight years later he became a trustee of the college, a position he has held ever since.

Eagen remained in teaching and administration in 1970. That's when his love affair with the mission — and the fulfillment of a boyhood dream — began.

"I really wanted to be a parish priest," Eagen recalled yesterday, settling back against his high-back chair.

"I didn't want to be an administrator. I didn't want to be an educator. I

See Eagen on Page B-3



Union-Tribune / JOHN GIE

Solemn moment: Monsignor I. Brent Eagen on his last day at San Diego Mission blesses cross yesterday for Eva Ramirez, a visitor from Houston.

Eagen

He is accepting post
as USD vice president

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wanted to be a parish priest."

Under his tenure, the mission expanded by three acres, added a sprawling new parish and community center and underwent a sophisticated renovation.

He also became one of the best-known priests in the diocese as well as an ecumenical leader. Whether it's for attending glittery fund-raisers or officiating at the funerals of movers and shakers, his name pops up as often in the society columns as it does on the religion pages.

"I sort of fell into it along the way," Eagen said of his social calendar.

Besides being a USD trustee, Eagen also was chancellor to the diocese from 1968 to 1989, kind of an administrative assistant to the bishop. Both those roles brought with them a lot of meeting and greeting — and fit in nicely with the outgoing priest's

agenda for the San Diego Mission.

"I wanted people other than Roman Catholics to feel ownership in the mission," Eagen said.

So he invited them to functions at the mission. They, in turn, invited him to their functions. "I guess in order for them to be involved they wanted me to be involved in their activities," he said.

Along the way, Eagen gained a reputation for being a prolific fund-raiser — "millions of dollars in my 22 years here." But it is a role he does not relish.

"I like people very much — I like being with them," he said. "But I find 'the ask' is very hard."

There have been rough times, too. Three years ago, he and several local Indian bands got into a bitter dispute when construction workers unearthed an ancient Indian burial site where the parish center was supposed to be built.

With then-mayor Maureen O'Connor on the verge of stepping into the fray, the church finally agreed to preserve the burial site as a cemetery and move the two-story center to the rear edge of the mission's property.

Perhaps ironically, Eagen now

believes that what came out of those confrontations is one of the highlights of his mission career.

"After it was over, we had this Mass of reconciliation and it was a very deep, spiritual experience," he said.

"They had never been around the mission very much," Eagen said of the Indians. "It sort of brought them back to the mission."

Eagen hasn't packed yet. He'll do that next week. His new job at USD, where he will be vice president for mission and ministry, doesn't officially start until Jan. 15.

His favorite photographs still hang on an office wall — those of President George Bush, Mother Teresa, the mission in various poses. All reminders of the past.

But against another wall is a neatly arranged stack of moving boxes, belonging to Monsignor Thomas Prendergast, Eagen's replacement. They are reminders of the mission's future.

Although Eagen is looking forward to a new challenge, he admits he is finding it hard to leave the mission. The tears are evidence of that.

S.D. Union-Tribune

1-2-93

Clinton seminar offered at USD

San Diego

A seminar built around the inauguration of Bill Clinton as president tops the course list for the University of San Diego's latest University of the Third Age.

The Jan. 4-22 program from USD's Continuing Education service, now in its 15th year, offers a variety of lectures and physical exercise classes aimed at adults 55 and older. Topics for the new program include a 1993 economic forecast for San Diego County, the Dead Sea Scrolls, the health of African-Americans and legal reform.

The inauguration-day seminar begins with a live television

broadcast of Clinton's swearing in, followed by commentary from former State Department spokesman Jack Cannon and USD political scientists Pat Drinan and Michael Pfau. Additional information and fee schedules are available from USD at 260-4644.

USD's Strachan Is Vice Chair

3 San Diegans Named To Panel Looking At Judicial Retirement

By PAMELA WILSON

San Diego Daily Transcript Staff Writer

Three San Diegans are among 23 people named by Chief Justice Malcolm Lucas to a new blue-ribbon committee that has two months to develop recommendations for overhauling the state's bankrupt judicial retirement system.

Kristine Strachan, dean of the University of San Diego School of Law, has been named vice chair of the Judicial Council's Select Committee on Judicial Retirement. Municipal Court Judge E. Mac Amos and attorney Edward D. Chapin were also appointed to the panel.

A. Alan Post, the former state Legislative Analyst, has been named to chair the group appointed to report by March 15 on how state officials should reduce the program's \$1.6 million unfunded liability. Other members include Los Angeles County Bar President Richard Chernick, state labor leader Jack Henning, and Dr. Daniel Rubinfeld of Boalt Hall Law School.

Convinced Wilson

Lucas promised to appoint the committee in a successful effort last September to convince Gov. Pete Wilson to veto legislation increasing judges' retirement contributions 3 percent and reducing benefits for jurists named after 1992.

In promising to come up with a better alternative than the two bills, Lucas wrote to Wilson, "The financial problems of the judicial retirement system are real. ... By March 15, the Judicial Council will submit to you and the Legislature a comprehensive study of the policy goals of the judicial retirement system, alternative means of meeting these goals, financial alternatives for funding any new program, and options to address the unfunded liability of the existing program."

The judicial retirement system has been insolvent since 1967,

when contributions by working judges fell behind payments to retirees. Every year since then the difference in annual spending has been made up by drawing from the state general fund. This year alone the state's contribution will be \$45.7 million.

One of the reasons for the shortfall is the longevity of judges. Their retirement program is the most expensive of all state pensions, judges live the longest of any category of state employees, and retired judges now outnumber working jurists by more than two to one.

Various bills have been proposed since the early 1980s to deal with the fund deficit, although none became law. The topic was studied for the last year by an earlier committee, but the group was unable to agree on a solution before the close of the legislative session.

That failure prompted Sen. Dan McCorquodale, D-San Jose, and Assemblywoman Carol Bentley, R-El Cajon, to propose two bills that lacked judicial support.

Heavy Lobbying

After the bills passed, Lucas lobbied Wilson heavily to veto them, arguing the legislation could have disastrous results on judicial recruitment.

In a Sept. 29 letter to Wilson,

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Judicial Retirement

Continued from Page 1

Lucas warned, "The policy implications for the future quality of the California judicial system are very serious. ... California must ensure its ability to attract future judges who have a diversity of backgrounds ..."

In an interview shortly after Wilson's veto, Steve Birdleough, counsel to the Judicial Council and a member of the committee that looked at the issue last year, said judicial leaders fear benefit cuts will curb the state's ability to attract seasoned civil litigators to the bench.

"Getting top-flight civil lawyers to leave their practice and go on the bench has not been an easy quest," Birdleough said. "We didn't want the changes to impede that effort. To really make the civil calendar click, you need a cadre of people who had experience in civil litigation at a pretty advanced level."

But that view is not held by McCorquodale and others who say the adjusted retirement package would have still been attractive.

In an interview last fall, Ned Cohen, an aide to McCorquodale who also sat on the first study committee, said the reductions amounted to changing from a "Rolls Royce to a Mercedes."

"Basically, there is a major philosophical split about what kind of people make good judges," Cohen said. "There is a view that unless you have people who were making lots of money out there in the private sector, they aren't going to make a good judge."

"Yet if you look at who is actually on the bench ... it doesn't hold up. (Judicial) appointments secretaries don't buy that. Great trial lawyers are not necessarily great judges."

Two-Tier System

Although Lucas won vetoes of both measures, the chief justice appears to have conceded that some kind of two-tier system giving less benefits to new judges is inevitable.

"Everyone accepts that it is a high probability the only way the problems can be solved is with a second tier," Birdleough said.

"The chief judge indicated in his letter to Wilson that what needs to be done is to make sure the second tier still assures a high-quality bench."

The committee, due to meet for the first time Jan. 11, will have a daunting task. Some facts are clear: The judicial retirement program's unfunded liability currently stands at \$1.6 million and if unaddressed will mount to \$2.5 million by the end of the century.

Judges who retire after 20 years of service now receive 75 percent of the salary they would get if they were still working, which for judges who retired before 1986 is now more than they earned while active. The base salary for Municipal Court judges is now \$90,860, and \$99,927 at Superior Court, so many retirees receive \$68,000 to \$75,000 annually, plus medical coverage.

The present cost of funding the program is 37.2 percent of payroll. The dispute boils down to two main elements: Will benefits will be reduced for future judges, and how will contributions be shared in the future by judges and the state?

Judges now pay 8 percent, and the state fills in the other 29.2 percent. If McCorquodale's proposed second tier had been put into effect, the state's contribution to new judges would have been cut to 13.5 percent of payroll.

Voiced Frustration

Cohen voiced frustration that Lucas convinced Wilson to veto the bill on the promise of creating a committee to "re-invent the wheel." Cohen worried the group will be going over the same territory the earlier task force spent a year and \$50,000 assessing.

"Outside of somebody coming up with a pot of gold," Cohen said, there is no easy solution.

Birdleough and state Administrative Director of the Courts William Vickery predicted that the new committee may be asked to look at all forms of judicial compensation, including salaries, in

drawing up recommendations for ways to reduce the retirement fund debt and still attract talented jurists.

"Everything is on the table," Birdleough said. "I wouldn't want to rule anything out."

Vickery also said he wouldn't be surprised if the committee included judicial salaries in the mix of items to be looked at in revamping the retirement system.

USD Dean Strachan was out of town last week and could not be reached for comment on the new committee. Other people Lucas named to the group Dec. 23 include: Judge Lloyd Connolly of the Sacramento Superior Court; Judge Candace D. Cooper of the Los Angeles Superior Court, Burlingame attorney Joseph W. Cotchett Jr., Cotchett, Illston & Pitre; San Francisco attorney Barbara Creed, Pillsbury, Madison & Sutro; Paul Dorfman, executive vice president, Bank of America; Tom E. Iino, Deloitte & Touche; retired Appeal Court Justices Elwood Lui and Fred Marler; Judge Patrick J. Morris, San Bernardino Superior Court; and Riverside attorney James D. Ward, Thompson & Colgate.

Non-voting members appointed to the group include Ned Cohen of McCorquodale's office; Sue Meyers, chief of the legislative services division of the state Public Employees Retirement System; Patrick Shannon, Governor's Office; and Bob Weins and Bill Young, budget analysts with the state Department of Finance.

Vernal pools teeming with new species

By EVE La RUE
Staff Writer

Vernal pools, ancient shallow depressions in the ground that bloom into life when winter rains fill them, are teeming with much more life than imagined earlier, including species never seen before and others being listed as endangered, say two San Diego researchers.

The research comes at a point when about 90 percent of California's vernal pools — thought to be from 5 million to 50 million years old — have been destroyed by farm plowing and development. San Diego County has lost 97 percent.

"We've just about lost all of these pools and now, all of the sudden, in the 11th hour, we've discovered that these things have an incredibly rich ecosystem in them. No one has ever looked this closely at the communities of organisms that inhabit these pools," said Richard Brusca, chairman of the Department of Marine Invertebrates at the San Diego Natural History Museum.

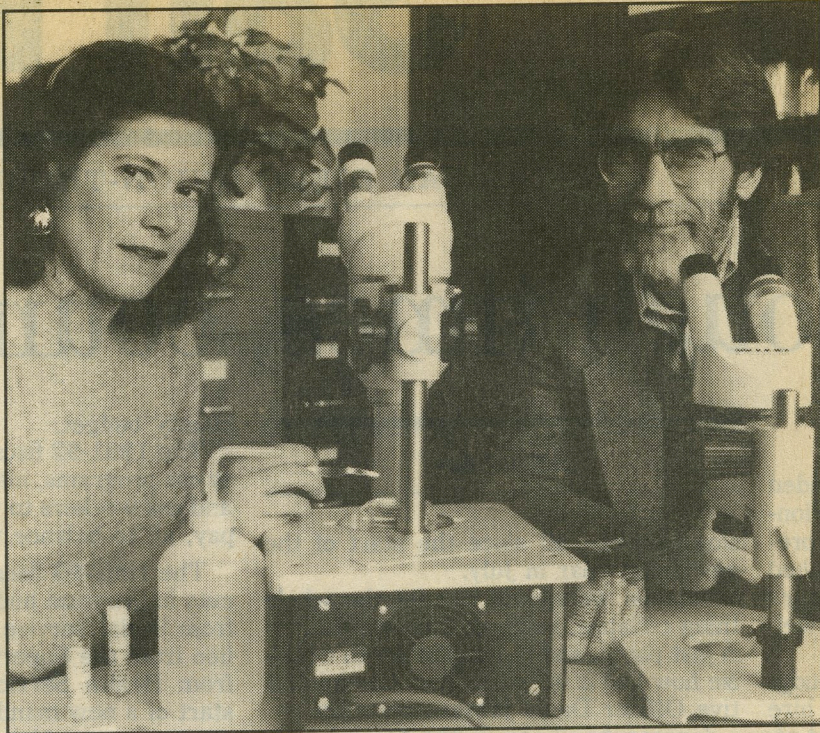
"What we have discovered is more than 100 different species right now, probably a dozen of which are new and undescribed," he said.

Co-researcher Marie Simovich, associate professor of biology at the University of San Diego, said the findings, and expected federal endangered listings, may prompt a new, more effective, approach to preserving the few pools left.

"Basically it is going to boil down to just listing a habitat. There's a movement under way to say, 'Look, you know, we've lost 97 percent of vernal pools. Let's just face it and instead of listing species and species, just try to protect the habitat,'" she said.

Vernal pools are basically depressions in certain soils with an underground, watertight layer of clay.

The pools became news in the late 1970s when one of their pools, a species of the mesa mint, was found to be unique to San Diego County and was listed as endangered. But this didn't stop bulldozers from destroying hundreds of vernal pools to build housing tracts in areas like Mira Mesa.



Union-Tribune / DANA FISHER

Research: Scientists Marie Simovich and Richard Brusca study new species found in area vernal pools at a lab in the Natural History Museum in Balboa Park.

Some pools survived the county's rapid growth in the 1970s and 1980s but were later destroyed by off-road vehicles, vandalism and other activity from nearby subdivisions. Currently, vernal pools are under protection at Miramar Naval Air Station, in scattered open country across the county, and in the path of development on Otay Mesa.

Recently, endangered status also has been given to two plants, California Orcutt grass, which lives in vernal pools in Otay Mesa and Miramar, and the Otay Mesa mint, which occurs only in pools in Otay Mesa.

Brusca and Simovich's research is being financed at about \$150,000 per year by Pacific Gas and Electric Co., which needs to know about vernal pools because it is building a 612-mile natural gas pipeline from British Columbia, Canada, to the Northern California city of Antioch. The pipeline route is dotted with vernal pool sites.

Simovich has studied vernal pools in San Diego County under other grants.

The two scientists have focused their research on small animals — from 1/16 of an inch to one inch long — with no backbones, called invertebrates, that magically seem to populate the pools quickly after they refill with rainwater.

These species include the shell-less fairy shrimp, which can measure one inch or more and swim upside down by stroking multiple sets of legs, and the much smaller tadpole shrimp. There are cladocerans, also called water fleas, ostracods, also called seed shrimp because they look like tiny seeds, and copepods, which are about 1/8 inch long and look like armored carrots with long antenna.

The last two species are freshwater cousins of invertebrate organisms that swim in the ocean and make up the bulk of the ocean's plankton.

"About half of the copepods

(cont'd)

Vernal Pools (cont'd)

and ostracods we have found have never been found before in vernal pools," Brusca said.

"Everyone that we describe these findings to is just astonished at how many animals are living in these pools. We've got people from Texas, from the Smithsonian and people in Canada and Denver and Northern California all interested in the new species and anxious to start describing them."

As a result of this and related research, five species of California fairy shrimp are going through the final process of being listed as endangered species, along with one species of tadpole shrimp. One other fairy shrimp species has been proposed for endangered listing, and another probably will be proposed, Simovich said.

"One of these species of fairy shrimp is only found in five pools in Riverside County, and three pools in San Diego County, and they wiped out one of the pools in Riverside County," she said.

About half of the two dozen species of seed shrimp the researchers have found in the pools have never been seen before, Brusca said.

"Nobody even knew they were there," Simovich said.

In San Diego County, one species of fairy shrimp identified by related research lives nowhere else. It is called the San Diego fairy shrimp.

"It is only found on San Diego mesas. It was discovered a couple of years ago when we started

looking into San Diego vernal pools. It is San Diego's own. It has already been recommended for listing" (as endangered), Simovich said.

Along the pipeline route, half of the 100 invertebrates identified haven't been recorded before, Brusca said.

"We also have discovered probably 20 percent of these small animals in the pools have never been seen west of the Midwest. Some are actually East Coast animals and have no business being out here and have never been reported here," he said.

"It is going to, I think, require years of work to find some reasonable explanations for how these things got to where they are in California."

The pools are a biological puzzle because the plants and animals that live in them must be able to live in a habitat that goes from bone dry to damp to wet to underwater and back to dry again.

"There is a seed bank of flowers and plants that are adapted to be able to grow, some of them under the water at first and then with only their feet in water," Simovich said.

"Different species show up when the pools first fill, and others grow on the edge, so that you will see this beautiful fairy ring of yellow flowers that is moving in as the pool dries up," she said.

"The animals live as little dried embryos that are encased in sort of an egg coating, encysted embryos. They can lie in the soil for 15 years."

Of intense interest to the researchers is how the invertebrates go into a sort of suspended animation and lie dormant for more than a decade in the dried mud until rains finally revive them.

Fairy shrimp adults die off as the pools dry up in the summer, but their eggs survive in the parched soil, for example.

What happens to copepods and ostracods is even more unusual. Adults of these species actually change their cell structure as though they were reverting to an embryonic stage — something like growing young again.

"In adult animals it is extremely rare," Brusca said.

"Certain cells and tissues become more generalized. They go into a quiescent stage and secrete layering substances that protect their bodies against absence of moisture and extreme temperatures. It is an incredible adaptation. It is as if a bear went into hibernation and just sort of became this fuzzy mass and sealed itself in a casement of mucus that hardened into a hard shell."

Also of compelling interest to the scientists is how these tiny species have managed to spread from pool to pool across California and how they have differentiated into new species along the way to adapt to cold, ice, droughts and other conditions.

Brusca said the pools can be seen as short-lived islands of moisture in usually arid terrain — an environment equivalent to Ecuador's Galapagos Islands, which 19th century naturalist Charles Darwin visited before publishing his theories of the evolution of species.

"They are an archipelago in the same sense that the Galapagos Islands are," he said.

"The age of the vernal pools is probably pretty close to the age of the Galapagos Islands, and the amounts of speciation we are seeing in the vernal pools is very similar to what is seen in the Galapagos Islands," he said.

Darwin studied the beaks, feathers, wings and other features of finches that had populated the Galapagos chain and found that their differences showed how each had adapted to differing conditions and food sources. He concluded that the many finch species on the Galapagos had originated from a single species long before.

Simovich, who also has researched species from the Galapagos, is now studying changes in the protein structure of the small pool invertebrates. Each pool seems to have a somewhat different combination, and certain species are found in some pools and not others.

When the rains subside and the summer sun rises, the welter of biological activity in the pools quickly comes to an end and their species again retreat into the soil.

"Then they are gone," Brusca said. "And anybody that didn't know would walk over these areas and think they were just little dust bowls and have no idea what was hiding in that dust."



Visionary Ernie Hahn, 73; voice for reason, planning

A voice for reason, planning and cooperation in San Diego is stilled.

Ernest Hahn has died at age 73. In his lifetime, many say he did the work of eight men.

Hahn's innovations changed the face of retail in San Diego, as evidenced by his building of University Towne Centre, Fashion Valley, North County Fair and his biggest gamble, Horton Plaza.

Hahn died Dec. 28 after a long battle with cancer.

For 10 years before Horton Plaza's opening in 1985, doubting Thomases said it could not be done. Hahn did it, despite the obstacles — a recession, nearly impossible financing, skittish retailers and a downtown filled with strip joints and homeless people. Horton Plaza has since ignited a revitalization of downtown.

Hahn saw San Diego as a jewel in the rough, as asset in the pockets of all San Diegans just waiting to be realized. He realized it, and spoke of it constantly.

He also spoke often of his dismay that San Diego's 18 cities, plus the county, plus the Port District, couldn't all work together for the good of San Diego.

Hahn's impact stretched far beyond San Diego as well. His company has built more than 50 shopping centers throughout the country. In 1958, Hahn

bought out a partnership he'd cofounded in the 1940s, naming it Ernest W. Hahn Inc. Now known as The Hahn Co., the business was purchased in 1980 by Trizec Corp. Ltd., the largest publicly owned real estate company in North America. Hahn remained chairman of the board of The Hahn Co. and served on Trizec's board until his death.

It wasn't until Hahn's semi-retirement in 1983, when he and wife Jean moved to Rancho Santa Fe from Rancho Palos Verdes, that he became a San Diego visionary and one of the most generous local philanthropists. He donated much of his time and vast wealth to such non-profit causes as Children's Hospital and Health Center, Scripps Clinic and Research Foundation and the ARCO Olympic Training Center in Otay Mesa.

The only time marketing consultant Sonny Sturn, who worked closely with Hahn for nearly a decade, ever heard Hahn raise his voice was to tell a nasty gentleman holding forth during a meeting that, "Sir, you will catch more flies with honey than with vinegar."

"He was an example of how people ought to treat each other," Sturn said. "If you treat people right, they'll be happy, you'll be happy, and, even if you don't make a lot of money, you still have each other."

Currents

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THE SAN DIEGO UNION-TRIBUNE • TUESDAY, JANUARY 5, 1993

By JEFF RISTINE
Staff Writer

When a national magazine fed "academic reputation" ratings for San Diego State University into a computer last year, the results were not too shabby for an institution then facing a second wave of classroom and faculty cuts.

SDSU tied for fifth in its category, ahead of all but one other California State University campus. The University of San Diego drew the same rating, the product of surveys of university presidents and deans from across the West.

However, officials at both institutions and at several other schools express strong misgivings over the notion of being compared with one another like competing detergents or television sets.

"There's something kind of wrong with reducing everything to numbers," said Rick Moore, communications director at SDSU. "College is a very personal choice."

U.S. News and World Report and *Money* magazine both have made college rankings an annual staple, with each sifting through thousands of statistics to produce the lists. They have become accustomed to the criticism that follows each new report in the fall.

"Many colleges do not approve of the rankings," said Eric Gelman, senior editor at *Money*, which recently issued its third college guide.



And the survey says...

"There's a lot of resistance to the idea that a magazine comes in and does this."

Editors at both magazines say that they seek only to put useful figures in the hands of parents and students, and that rankings should be considered only one tool among many for deciding where to pursue a degree.

"They should visit a school and get as much information as they can," said Robert Morse, senior editor at *U.S. News*, which began publishing its guide in 1987. "Our information can be one part of that process."

Mixed reviews

San Diego's major universities draw mixed reviews.

U.S. News' rankings found both SDSU and the private USD among the top quarter of Western colleges and universities, tied for fifth place on an "academic reputation ranking" scale that dips to 54. Trinity University of San Antonio, Texas, drew top honors.

UC San Diego — considered a "national university" and therefore placed on an entirely different chart of about 200 schools — also ranked in the top quarter, but managed only 40th place for academic reputation.

Harvard topped the list. UCSD usually does much better in the magazine's separate rankings

See Survey on Page E-4

Cont'd →

Survey

Schools compared like competing detergents

Continued from E-1

of graduate schools, issued every March.

Money magazine takes a consumer-oriented approach, searching for the "best buys" — a comparison of cost to quality of education — among 1,000 schools. It's an approach the magazine's editors say allows them to turn the spotlight away from Ivy League schools and other giants, where tuition bills and the selectivity of admissions may render impressive reputations moot.

San Diego is shut out from *Money*'s latest national top 100, but UCSD is ninth on a separate list drawn solely from the West. First place, for two years running, has been held by Rice University in Houston.

Business Week's October list of the 20 best business schools, and a one-shot feature last year of 19 "best buys in top colleges" by Kiplinger's *Personal Finance Magazine*, both excluded San Diego.

Kiplinger's findings named UCLA and UC Berkeley among 18 runners-up, but that was before the latest round of fee

increases.

The magazines differ from the far-more-plentiful, thicker and comprehensive college directories sold in bookstores, which can be more descriptive but tend to be less comparative.

"The advantage to the magazines . . . is that they do cause people to consider smaller schools that they might otherwise never have heard of," said Bonnie Laughlin, a counselor at Torrey Pines High School.

"So if it causes them to do research, ask questions . . . and send away for materials, then the magazines are doing a wonderful job."

That's precisely what happened for Jim and Mary Masterson, who have two daughters enrolled at USD.

A 1990-91 search from their home in Connecticut included institutions from across the country, but Mary Masterson said they were impressed with Santa Clara University and USD's *U.S. News* rankings, then second and third, respectively.

"We didn't know anything about (USD). At that point it was just a name," said Mary Masterson, whose family now lives in Alamo, Calif.

After they paid a visit to San

Diego and Santa Clara during spring break, however, "We just went head over heels" for USD, she said. "We loved it."

While USD may have been considered for Kelly, now a sophomore studying history, had it drawn a lower ranking — the school also was recommended to the family by a California businessman — its appearance in *U.S. News* was critical, Masterson said.

"I believe someone at USD also brought it up when we went to visit . . . After hearing it several times, it was very influential."

Ranking the rankings

Still, some university officials feel the rankings present, at best, an oversimplified view of their campuses.

The *U.S. News* ratings rankle SDSU because one of five major criteria is selectivity in admissions, a factor at odds with the CSU's mission to remain accessible to the top third of the state's graduating high-school seniors. The selectivity factor counts a heavy 25 percent of a university's overall grade.

"We are very specifically not supposed to be selective," said SDSU's Moore, who fills out the

magazine's questionnaires. "Thus we are penalized for the purpose that we were created for."

Morse of *U.S. News* said any ranking system must make judgments about good and bad attributes.

"If in fact you can measure by test score and class standing the incoming quality of the student body," he said, "then we think that's an important variable."

Jack Cannon, public relations director for USD, is less critical of the magazines without being a big fan of them, either.

"It's kind of nice to be mentioned in the top 10 or top five, if you're rated that way by a national magazine," said Cannon. "There is a certain cachet to it . . . even though we don't list this as central to the value system of the university."

Cannon said it can be risky to use a ranking as a public-relations tool.

"If you put a lot of stock in something like that and flagged it, and one year you were two, and the next year you were nine, you'd look pretty silly," he said.

In fact, something a little less dramatic than that did happen right at USD. When the school was listed as third among regional Western universities in

U.S. News' 1991 college issue, USD issued a brief press release trumpeting its climb up one notch from the previous year.

USD drew no special attention to last year's ranking, a slip of two spaces.

Most evidence suggests the universities need not worry about the images conveyed by rankings.

Victoria Valle, director of student outreach and recruitment at UCSD, said research of prospective students who turn down offers of admission to UCSD reveals no particular influence from magazine rankings and other college guidebooks.

Especially for in-state students familiar with the University of California's elite sheen, UCSD can afford to dismiss an unfavorable magazine rating anyway.

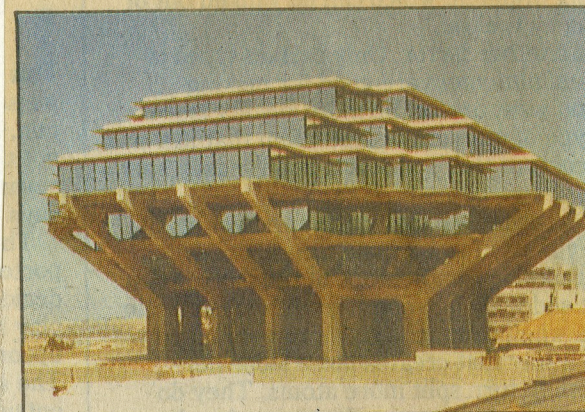
Last year, the campus received 23,000 applications for admission of freshmen and transfers; it enrolled only 3,600 of those, who boast a mean grade-point average of 3.9.

"We are not out trying to get kids to apply," said Win Cox, director of university communications.

Cont'd



*Magazines' rankings
of colleges accepted
— to varying degrees*



Not to worry: *San Diego schools — UCSD, USD and SDSU (clockwise from above) — have been allotted a variety of rankings from magazine surveys. Opinions on the usefulness of the ratings vary, but most evidence suggests they have minor impact on enrollment.*



An appellate court in Riverside yesterday dealt the county a financial blow, rejecting its efforts to keep \$300 million in court and jail tax revenues and \$80 million in interest that resulted from ill-fated Prop. A. "It is a devastating setback for the voters, the majority of whom approved the tax," said county spokesman Bob Lerner.

The ruling requires that the money be returned to the public through claims from consumers, Lerner said. The California Supreme Court had ruled in December 1991 that the half-cent sales tax, passed in 1988, was invalid. The measure had been approved by a simple majority, but not the two-thirds margin required under Prop. 13.

Last year, Robert Simmons, a USD law professor, urged the county to settle with the Libertarians who brought the lawsuit challenging the tax. The move might have provided the county with at least the \$30 million in interest that had accrued at that point. But the county decided instead to continue to fight in court to keep the entire \$300 million plus interest.

* * *

S.D. Union-Tribune

1-8-93

Plan for diocese in Clairemont rejected

Plans to move the pastoral center of San Diego's Roman Catholic Diocese to a former convent in Clairemont were rejected yesterday by the city's Planning Commission.

The commission voted 5-1 against the proposal, which had been recommended by Planning Department staff. Commissioner Edward Reynolds cast the lone favorable vote.

Several homeowners who live near the Paduca Drive structure spoke against the plan, contending the conversion of the convent

to diocesan offices and a residence for Bishop Robert H. Brom would disrupt the residential character of their neighborhood.

Monsignor Dan Dillabough, chancellor of the diocese, said after the meeting that he is uncertain whether the diocese will appeal the commission's decision to the City Council.

If the local church's headquarters ultimately are not moved from the University of San Diego to the convent, Dillabough said, the diocese will sell the land, most likely to a residential developer.

LOCAL SCENE

Gil Partida and Alan Gin will offer a forecast of San Diego's economy for 1993 at the second annual USD Economic Forum at 3 p.m. Jan. 21 in the Manchester Center on campus, sponsored by USD Corporate Associates and the School of Business Administration's MBA Alumni Assn. Partida is the new San Diego Chamber president and Gin is a USD economist.

* * *

Rosey Grier will deliver the keynote speech Thursday that launches a week-long celebration of Martin Luther King Day at USD School of Law. Grier will speak at 4:30 p.m. in Hahn University Center. In the days following the Monday King Day holiday, USD will offer appearances by Judge Napoleon Jones and TV commentator Herb Cawthorne. The Black Law Students Assn., Christian Legal Society and Student Bar Assn. sponsor King Day.

* * *

Larry Thurner, senior v.p. of Schumacher, will open the 1993 Spring Quality Issue Briefings series tomorrow at USD. His topic is "Quality — Not Just for Production." Hosted by the Institute for Quality and Productivity, a partnership of industries, SDSU and USD, the monthly programs include a continental breakfast followed by the address from 8 to 9:30 a.m. Reservations are necessary.

* * *

1-15-93 ↓

Appellate Justice Richard Huffman and attorney Richard A. Shaw have been named as the first-ever Distinguished Adjunct Professors at the USD School of Law. Dean Kristine Strachan called both men "excellent teachers" who have attained "great prominence" in the legal profession. Huffman teaches criminal procedure and was voted professor of the year in 1990-91. Shaw teaches advanced business planning and advanced corporate tax problems and was named the state's outstanding tax attorney in 1985.

* * *

USD's Gin Reports

Economic Index Up, But Outlook Still Uncertain

San Diego Daily Transcript Staff Report

"The outlook for San Diego's economy remains cloudy, with weakness in several important areas," said Alan Gin, economics professor at University of San Diego and head of the university's Economics Research Group.

His statement yesterday came despite the fact that USD's Index of Leading Economic Indicators for San Diego County rose 0.1 percent.

Four of six components rose for the month of November, albeit slightly.

The strongest gains were posted by the county's unemployment insurance — up 1.9 percent on an inverted basis, representing fewer jobless claims — and the national economy, up 1.07 percent.

New defense-goods orders nationally rose 0.51 percent in November, according to USD's index. "New defense orders were up moderately, ending a string of 14 consecutive monthly decreases for that

Please turn to Page 3A

ONOMY

S.D. Economic Index——

Continued from Page 1A

component," said Gin.

Tourism also increased 0.18 percent in San Diego County in November, according to USD's index. But that uptick wasn't substantial.

"Tourism, a strong positive for the index for most of the year, was up only slightly, indicating a weakening in that sector," Gin said.

According to the Convention and Visitors Bureau, hotel occupancy dropped 7.1 percent in November to 59.1 percent, the worst monthly decrease in 1992. The number of tourists here was down 1.3 percent, but Lindbergh Field air arrivals rose 4.2 percent.

Attendance at most major attractions was down — 11.7 percent at the zoo, for example, and 14 percent at Cabrillo National Monument — but up 8.9 percent at the Wild Animal Park and 19.3 percent in Old Town.

The county's building permits fell the most in USD's November index, dropping 1.90 percent. "The number of residential units authorized by building permits in San Diego County will reach an all-time low in 1992," Gin noted.

According to the Greater San Diego Chamber of Commerce, the

county authorized about 6,100 building permits in 1992 — the lowest annual number in 45 years since the chamber began construction activity records.

By comparison, the county averaged 29,000 units per year between 1983 and 1990, including a record 43,600 units in 1986.

The other USD index component that fell was stock prices, according to the *San Diego Daily Transcript's* San Diego Stock Exchange, which were down 0.92 percent in November.

The building permits and stock prices components "have now fallen for seven and six consecutive months, respectively," noted Gin.

He also said USD's October index has been revised downward. While it had been measured up 0.2 percent, revised figures indicated no change — 0 percent — in October from September.

"November's small increase, combined with the downward revision of October's index, indicates that the outlook for San Diego's economy remains cloudy," concluded Gin. "If November's increase is forecasting a rebound in the local economy, that rebound may be mild at best."

San
Diego
Union-
Tribune

Jan.
13,
1993

Economic index up; hopes flat

By DONALD C. BAUDER
Financial Editor

San Diego County's index of leading indicators inched up 0.1 percent in November, but economists see few optimistic signs in the report.

The previously reported increase of 0.2 percent in October, which had followed seven straight months of decline, was revised back down to zero.

"The economy looks flat," said Alan Gin, the University of San Diego economist who compiles the index. "If we get any recovery in the second half of 1993, it will be weak at best."

Rising components of the November index included initial claims for unemployment benefits (up 1.9 percent as claims dropped), the national economy (up 1.07 percent), new defense orders nationwide (up 0.51) and tourism (up 0.18). Those trending downward were building permits (down 1.9 percent) and stock prices of local companies (down 0.92 percent).

The national rise in new defense orders is unsustainable, Gin said. And the increase in tourism — much weaker than in previous months — may portend tougher times in that industry, he said.

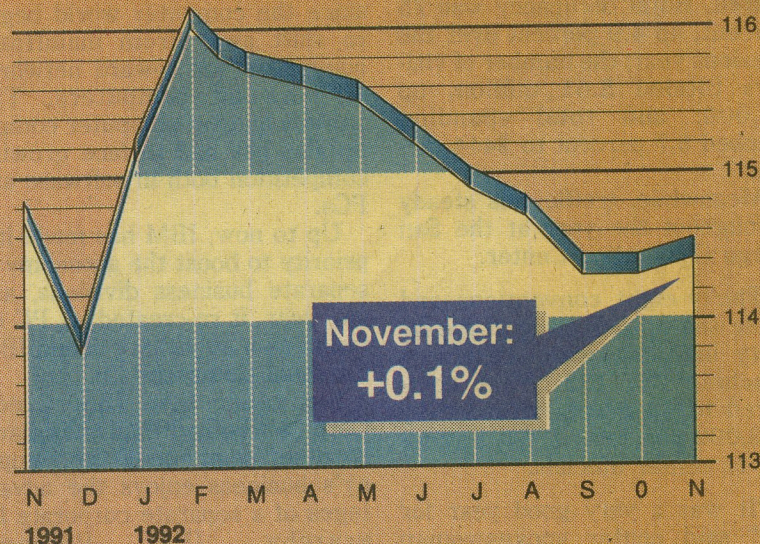
The Convention & Visitors Bureau yesterday reported a sharp drop in tourism in November. However, Gin uses a seven-month moving average to iron out monthly volatility. Therefore, his number for November, smoothed by data from the preceding six months, was up slightly.

Kelly Cunningham of the Greater San Diego Chamber of Commerce's Economic Research Bureau agreed. Tourism is weak, convention bookings are down, and the local economy will grow by only 0.1 percent this year, he said.

"As far as we can see, there

FLAT ECONOMY

The University of San Diego index of leading economic indicators barely advanced in November, after the October figure was revised to show no growth.



BREAKDOWN



Building permits
-1.90%



Unemployment insurance*
+1.90%



Defense orders
+0.51%



Tourism
+0.18%



Stock prices
-0.92%



National economy
+1.07%

*Indicator rises when claims fall.

SOURCES: University of San Diego, Employment Development Dept., San Diego Daily Transcript, San Diego Convention & Visitors Bureau and Department of Commerce

UNION-TRIBUNE

A weak gain in tourism may portend tougher times in that industry.

will be a continuing downtrend in defense spending; a one-month pickup is not sustainable," Cunningham said. "Building permits have really been anemic."

He sees flatness or more declines in the first half, with a

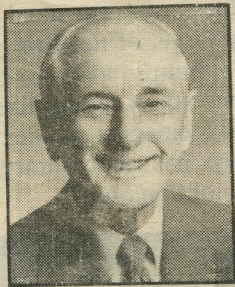
moderate pickup in the second half.

Both Gin and Cunningham said housing permits (which last year dropped to their lowest level since 1947) are now so weak that modest improvements are possible in coming months.

LOCAL CHURCH

NEWS IN BRIEF

DEVELOPER DIES: The funeral Mass for **Ernie Hahn**, 73, the developer who helped rebuild San Diego, was celebrated at the University of San Diego Dec. 29. He died of cancer. Hahn, who served



as the first lay chairman of the board of USD, was eulogized by diocesan chancellor, Msgr. Dan Dillabough. "Ernie showed his gratitude to God by showing how a city could plan for its future, how a community could save its bighorn sheep and its environment, how people could trust each other and live in truth," he said. Hahn is survived by wife Jean, a son, two daughters, and many grandchildren.

Dons buck trend to drop USD 68-60

■ **COLLEGE BASKETBALL:** *USF may have been out-sized, but it dominates inside to top the Toreros*

SHAUN O'NEILL/Staff writer

SAN DIEGO — Anyone looking to make a buck handicapping West Coast Conference men's basketball should be forewarned: Previous form rarely holds.

Take the University of San Diego's 68-60 loss Saturday night to the University of San Francisco, for instance.

The Toreros came in undefeated in league play. The Dons were coming off a loss at Santa Clara, where USD already had won. USF was out-sized up front, sending no starter taller than 6-foot-6 against USD's 6-9 Brooks Barnhard and 6-8 Christopher Grant.

So what happened? The Dons (11-5, 1-1) dominated inside and cruised to victory in front of 2,217 at the USD Sports Center.

"We give up size every game," Dons coach Jim Brovelli said with a smile. "We're 6-4, 6-5 at forward. We are small, but the guys really bear down defensively."

Indeed. Only two Toreros reached double figures in scoring. Guard Doug Harris led with

18 points, but nine came on three 3-pointers in the final minute as the Toreros (7-7, 2-1) played catch-up.

Barnhard, an Escondido High School alumnus, led the way inside with 11 points. Grant was held to seven, as was USD's leading scorer, forward Gylan Dottin.

"They took the (passing) lanes away, and that took us out of our game," USD point guard Geoff Probst said. "They played really experienced, moved and made the right switches. Instead of doing what we're able, we just stopped. Once you stop, you're finished."

The Toreros actually were finished when they let forwards Alvin Brown (a season-high 18 points), Kent Bennett (career-high 16) and Tomas Thompson (10) get loose inside.

"We broke down," said USD coach Hank Egan.

The Toreros stayed within three points until 2:08 was left in the first half. But with a 26-23 lead, Thompson converted a 3-point play to start an 8-2 run that ended the half.

USF pushed the lead to 45-34 with 12:26 to play, prompting Egan to call two timeouts in a 1:14 span.

Please see **USD, C3** ▶

USD: San Francisco bucks trend to

"We had people trying to do things they aren't capable of," Egan said. "You just can invent things during the course of a ballgame. You have to take what you do in practice and carry it over. Maybe you try a little harder, but you can start doing things you're not good at."

That's something the Dons have been able to avoid. Although they lost by 11 points Thursday against a larger Santa Clara team, Brovelli didn't worry about a repeat performance at USD.

NOTES: The loss snapped a four-game winning streak for the University of San Diego. The University of San Francisco hasn't suffered consecutive losses this season. . . . USF coach **Jim Brovelli** coached USD from 1973-84. Saturday's victory was only his second at USD since leaving for USF. . . . Brovelli was able to watch his son and daughter play. His son, **Mike**, starts for USF. Daughter **Michelle** is a freshman on USD's women's team. USD beat USF 66-49 in a women's game that preceded the men's game. . . . USD center **Chris Enger**, a Vista High School alumna, broke the school record for career rebounds. She has 682, surpassing **Debbie Theroux's** 680 from 1983-86.

Summary

SAN FRANCISCO 68, SAN DIEGO 60

SAN FRANCISCO (11-5)

Brown 7-9 4-7 18, Stephens 2-6 2-4 6, Bennett 5-6 5-7 16, Brovelli 1-4 0-0 2, Smart 3-5 1-1 8, Modkins 0-0 2-5 2, Walker 2-7 0-0 4, Boyd 0-0 0-0 0, Thompson 4-6 1-1 10, Washington 1-1 0-0 2. Totals 25-44 15-25 68.

SAN DIEGO (7-7)

Dottin 3-9 1-3 7, Grant 3-5 1-2 7, Barnhard 5-11 1-1 11, Probst 2-4 2-2 6, Temple 2-9 5-6 9, Harris 7-12 0-2 18, Flannery 0-3 0-0 0, Meyer 0-1 0-0 0, Hickman 1-1 0-0 2. Totals 23-55 10-16 60.

Halftime—San Francisco 33, San Diego 25. 3-Point goals—San Francisco 3-12 (Bennett 1-1, Smart 1-2, Thompson 1-3, Stevens 0-2, Brovelli 0-2, Walker 0-2), San Diego 4-12 (Harris 4-6, Dottin 0-1, Barnhard 0-1, Probst 0-1, Temple 0-1, Flannery 0-1, Meyer 0-1). Fouled out—None. Rebounds—San Francisco 33 (Bennett 9), San Diego 29 (Dottin 8). Assists—San Francisco 16 (Smart 10), San Diego 13 (Dottin 5). Total fouls—San Francisco 16, San Diego 20. A—2,217.

Toreros play way to respectability

San Diego overpowers St. Mary's, 70-51

By John Schlegel
Staff Writer

SAN DIEGO — The preseason accolades weren't exactly rolling in for the University of San Diego men's basketball team, what with seven new players on the roster.

In fact, the West Coast Conference coaches were so darned impressed with the Toreros that they voted them to finish dead last in the conference this season.

It could still happen, but USD head coach Hank Egan probably can shake his index finger at his peers about now.

After their 70-51 victory over St. Mary's before 1,733 fans at the USD Sports Center Thursday night, the Toreros are now 7-6 overall and 2-0 in WCC play. They're out of the gate in first place, not last.

As junior swingman Joe Temple will tell you, it's probably just as well the WCC coaches thought the Toreros would be looking up at the rest of the league this year.

"I just feel we don't have any pressure because we were picked last," said Temple, who scored 13 in the winning effort. "Hey, if you're picked last, there's no pressure on you at all."

Now, the Toreros might be the

ones putting the pressure on. If they can keep on track during their next three-game stretch — in which they play San Francisco at home Saturday and then travel to Pacific Northwest foes Portland and Gonzaga — the Toreros might play themselves into the role of the early frontrunner in the wide-open WCC race.

But fifth-year senior Gylan Dottin, who notched game-high honors with 16 points and eight rebounds, knows the smooth sailing isn't likely to continue in the WCC.

"The way this league is going, things could turn around again tomorrow," Dottin said. "Don't get me wrong, though. I don't want it to."

The Toreros claimed their fourth straight victory in beating the Gaels, who trailed 38-16 at half-time after shooting 25 percent (7-for-28) from the field in the first 20 minutes.

Good defense or bad shooting?

"It was probably a little of both," Egan said. "I thought we played pretty good defense, but they missed a lot of shots and I'm sure they didn't execute the way they were supposed to."

► See Toreros, Page C-2

(cont'd) —————→

Toreros

► From Page C-1

John Levitt converted on four of eight 3-point attempts and led the Gaels with 14 points.

USD's blowout of the Gaels (4-8, 0-1) served as a nice rebound from their dramatic 59-57 comeback victory at Santa Clara over the weekend. Santa Clara posted a 91-80 win over San Francisco Thursday night, further helping the Toreros' early rise.

"I'd have to pick us as a contender now," said Temple. "I'm not saying we're going to win the whole thing, but we'll be in there."

So much for the wisdom of the WCC coaches. But, then again, they had their reasons for dogging the Toreros.

The nucleus of returners was thin, and the recruiting class was thick. Yet, somehow, it's all gelled just in time for WCC play.

Dottin, who became the 13th player in USD to exceed 1,000

career points Thursday night, is among a handful of leaders on the freshman-laden team. Actually, Dottin, Temple and point guard Geoff Probst were the only ones on the roster with any experience.

Not anymore. This team has come together, from sophomore guard Doug Harris — named WCC player of the week for his 20-point performance off the bench against Santa Clara — to the inside trio of veterans Brooks Barnhard and Chris Grant and freshman Ryan Hickman.

"Everybody looks to everybody on this team," Dottin said. "There's no definite leader up on a pedestal looking down on everybody. None of us can win it by ourselves."

But Dottin's individual performance is becoming a key element to the Toreros' success.

■ ■ ■
TOREROS NOTES — The USD women's team got off to a good start in West Coast Conference play, defeating St. Mary's 70-57 before the men's game. Vista High grad **Chris Enger** scored 22, grabbed 16 boards and blocked 10 shots. **Jill Shaver** scored 13 for the USD women (7-5, 1-0). ... Point guard **Geoff Probst** was 3-for-3 from 3-point land.

OBITUARIES

William Hagen; retired *Tribune* film critic

By PATRICIA DIBSIE
Staff Writer

William W. Hagen, an unpretentious, old-style newspaperman and retired film critic of the *Tribune*, who never used two words when one would do, died of a massive stroke yesterday at St. Joseph's Hospital in Milwaukee. He was 60 and lived in Tierrasanta.

He was visiting relatives when he became ill, according to his wife, Julie.



Hagen

Neil Morgan associate editor of *The San Diego Union-Tribune*. Morgan was editor of the *Tribune* before it merged with the *San Diego Union* last year.

"He never wasted time showing off his grasp of a subject. He talked to his readers like his peers and built vast reservoirs of good will for this newspaper."

Friends describe Bill Hagen as a man who was alternately funny and melancholy, sardonic and

sentimental.

A graduate of the University of San Diego, Mr. Hagen took his master's degree at Columbia University, where he studied cinema and drama under such critics as Judith Crist and Walter Kerr.

"Though highly educated and very literate himself, Bill was a blue-collar critic," said friend and former *Tribune* entertainment editor Wayne Carlson. "He had old-fashioned values. He loved the underdog, was a sucker for sentiment and a touching human story. He hated pompous people and pretentious movies and plays. He delighted in deflating them."

Robert W. Witty, former *Tribune* deputy editor, said Mr. Hagen's reviews were "incisive, often funny and frequently devastating." Witty is now associate editor of the *San Diego Union-Tribune*.

When asked what criteria he used for his film and live stage reviews, Mr. Hagen would answer: "What are they trying to accomplish and how well are they doing it?"

"Bill had an impish quality and that puckishness colored his writing," said Barbara Herrera, former *Tribune* Scene editor. "He was seldom better than when he was writing about a movie he

loathed. He'd find the perfect angle to burst a Hollywood balloon or skewer a pompous director and make a reader laugh."

On the other hand, Herrera said, he tended to handle local theater with kid gloves, showing sensitivity to the difficulties of a complex production and care for the feelings of the cast and crew.

"Bill was a loyal, thoughtful and sensitive advocate for theater in San Diego," said Craig Noel, executive producer of the Old Globe Theatre. "Whatever criticism he had, it was always constructive and it was appreciated."

"Bill was always admired by people at the Globe for his perceptivity and sensitivity to a variety of theater that is offered, whether it be classical or avant-garde or popular fare," said Bill Eaton, public relations director for the theatre."

He started at the *Tribune* in 1961 as a member of the Copley Trainee Program. He worked numerous assignments, including general assignment reporter and photo editor. He retired from the newspaper early in 1992.

Mr. Hagen, who was news editor at the *Tribune* in the mid-1970s, was always a film buff. He

could answer almost every trivia question co-workers pitched him: "What was the name of Our Gang's dog? ... "Who was Andy Hardy's girl friend?"

He switched from an executive news job to reviewer in mid-career. As news editor, he was in charge of running the copy desk and redesigning the paper three or four times a day for newer editions. Hagen was famous for his laughter and his jokes or pranks on deadline that would break the tension.

"Bill was bright, funny and altogether unpretentious," said former *Tribune* colleague Steve Casey, who is now special assistant to the district attorney. "He sometimes lost patience with people who were not at least one of those."

Casey said when Mr. Hagen became a critic he rewarded honesty in performance and scorned pretense and sham.

In addition to his wife, he is survived by a daughter from his second marriage, Molly Hagen of Tierrasanta; three children from his first marriage, John, Matthew and Catherine; one sister, Sister Fay Hagen; and seven grandchildren.

Services are pending.

C O M M E R C E

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VOL. V • ISSUE 5 • TUESDAY, JAN. 19, 1993 • \$1

Economic index gain not high, neither is hope for recovery

By JOE WAYNE
EDITOR

The index of leading economic indicators for San Diego County rose 0.1 percent in November, but economists don't hold out much hope for the overall economy of the area in the near future.








"It's a pretty small change coming after a steady decline," said USD economics professor Alan Gin, who calculates the index.

The initial estimate of October's indicators, an increase of 0.2 percent, has been revised to zero.

November's 0.51 percent increase for new defense orders is unsustainable, according to Gin, who compiles the leading economic indicators index. The increase in tourist activity of 0.18 percent is much weaker than it has been for the previous several months.

The Convention and Visitor's Bureau reported a sharp drop in tourism for the month of November, but Gin averages the tourism component over a seven-month period to compensate for monthly changes. This made his reading for tourism revenues in November slightly positive, in conflict with the report of the Convention and Visitor's Bureau.

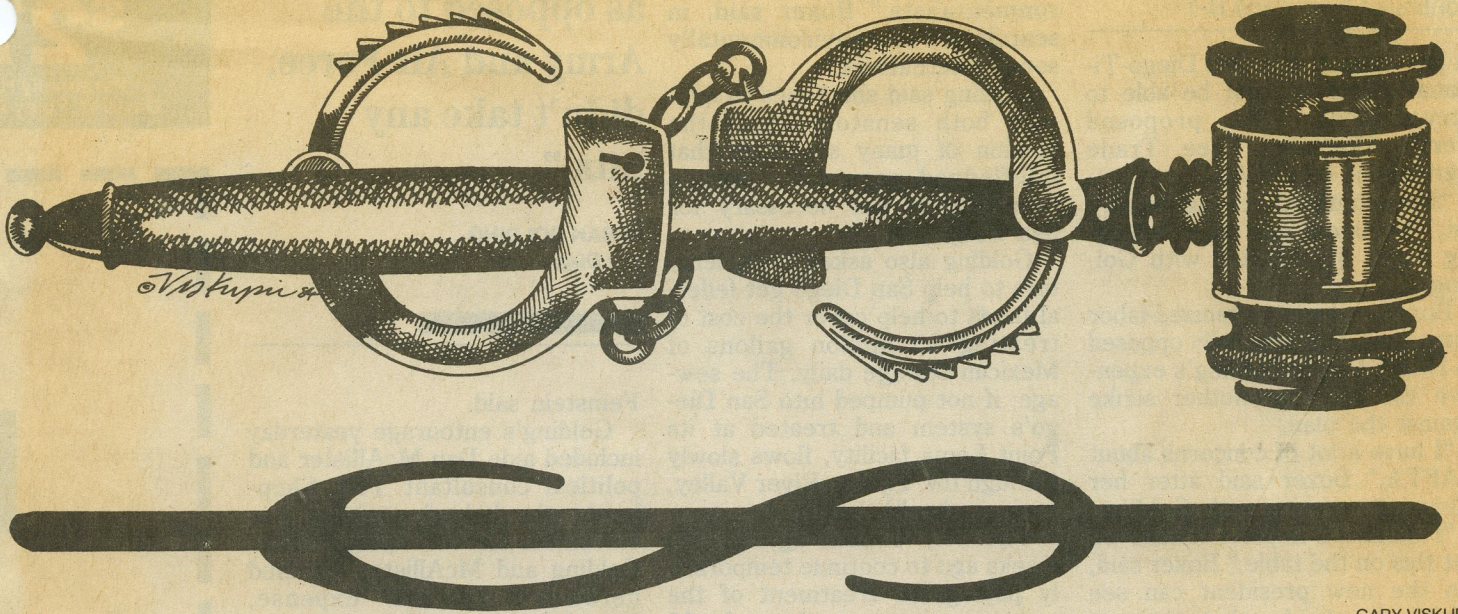
"It eliminates the month-to-month

	Index of Leading Economic Indicators	+0.1%
	Building Permits	-1.90%
	Unemployment Insurance	+1.90%
	Stock Prices	-0.92%
	Tourism	+0.18%
	New Defense Goods Orders	+0.51%
	National Economy	+1.07%

fluctuation," Gin said of his data collection method.

Positive components of the index were offset by a sharp decrease in initial building permits (-1.9 percent), and a drop in local stock prices of 0.92 percent. Those two components have now fallen for six months.

OPINION



GARY VISKUPIC

Fiscal woes handcuff courts

But San Diego overlooks easy answer to overcrowding

By ROBERT L. SIMMONS

San Diego County has an acute need for courtrooms to accommodate new judges and to cope with a growing surplus of cases. The leaders of San Diego County judges insist that there are only two ways to meet this need: Build new courthouses or retrofit old buildings with temporary courtrooms.

The recent defeat of two sales tax propositions (one by the courts and one by the people) makes the first option impossible, while the second is wasteful folly. Until state money is available to build new courthouses, there is a cheaper and better short-term alternative that our Superior and Municipal Court leaders refuse even to test. They adamantly oppose using some of the many existing courtrooms over longer hours — often referred to as a "double-shift" use.

This opposition results in a great waste of our scant tax dollars, by requiring construction of new, temporary courtrooms while underutilizing existing courtrooms.

How double-shifts work

The "double-shift" use of a courtroom means that it is used for two trials in a single day, instead of for just a single trial, as now is the case. The concept is nothing new and is employed in courthouses in and outside California. There

Trial Two

Judge B and staff report for work at 12:30 p.m. for routine work. Jury B arrives at 1:30 and the second trial starts at 2 p.m. — in the same courtroom. This trial continues until 7:30 p.m. (including two 20-minute rest breaks) after which everyone leaves for home.

Here are the primary reasons why the judicial leadership obstinately refuse even to pilot test the extended use procedure:

- Judges dislike sharing their private offices ("chambers") with colleagues, even on a temporary basis. This objection has been easily solved elsewhere by converting available ancillary rooms to provide the extra chambers that would be needed.

- There is an intuitive belief that judges, staff, lawyers and jurors will resist assignment to the second shift. This is not supported by the actual experience of courts that use the double-shift plan — including the city of San Diego's traffic and small claims courts.

Elsewhere, administrators in Los Angeles have found more than enough volunteer judges and staff for the second shift. They also discovered that many lawyers and jurors actually prefer the afternoon shift because it leaves their mornings available for other work.

- Our court administrators argue that staffing a second shift is too expensive. The answer to this objection is that converting then staffing old build-

safety risks. Yet Superior Court administrators in Los Angeles, a city not noted for benign nights, found no extra risk to jurors. For much of the year, 7:30 p.m. (when second-shift jurors would leave) is not in darkness. During those months that it gets dark early, jurors can be escorted to reserved parking spaces by the court security officer, who leaves at the same time.

Underuse of existing space

Because the local judicial leadership is opposed to even a modest program of double-shift courtroom uses, more than \$1 million of limited county revenues have been spent to build temporary courtrooms in unsuitable places like Hotel San Diego. This money has been taken from essential services that the county must provide (e.g., public safety, mental health care, child welfare, pre-natal services and libraries, parks and recreation activities), leaving the deprived programs even more strapped for operating money.

San Diego's judicial leaders should drop their unrelenting opposition to the double-shift use of existing courtrooms. To that end, our younger judges (who generally are more receptive to innovation) should use private persuasion on the few seniors who block this reform.

Taxpayer organizations and economy advocates must get involved. County supervisors need everybody's support in their effort to accommodate judicial

ing courtrooms.

How double-shifts work

The "double-shift" use of a courtroom means that it is used for two trials in a single day, instead of for just a single trial, as now is the case. The concept is nothing new and is employed in courthouses in and outside California. There are various plan options, but here is one schedule that would work well:

Trial One

Judge A, staff and jury, report to work at 7:30 a.m. and the trial begins at 8 a.m. It continues until 1:30 p.m., with two 20-minute rest breaks. Judge and staff then go to lunch, returning to their offices for routine work until they leave at 3:30. Jury A, meanwhile, is finished for the day at 1:30, and can go home or to members' places of employment for a half-day's work.

SIMMONS is a law professor at the University of San Diego.

unteer judges and staff for the second shift. They also discovered that many lawyers and jurors actually prefer the afternoon shift because it leaves their mornings available for other work.

■ Our court administrators argue that staffing a second shift is too expensive. The answer to this objection is that converting, then staffing, old buildings for a single-shift use is much more expensive than double-shifting an existing courtroom. With the first, there is a waste of the large amount of money needed to retrofit and furnish temporary spaces. Moreover, the same staffing expense must be incurred as with double-shift uses.

Worse, retrofitting temporary courtrooms requires additional money be spent for support services (e.g., security devices, staff and jury conference rooms and offices) that are now available adjacent to existing courtrooms.

■ Critics argue that jurors will resist the second shift because of nighttime

double-shift use of existing courtrooms. To that end, our younger judges (who generally are more receptive to innovation) should use private persuasion on the few seniors who block this reform.

Taxpayer organizations and economy advocates must get involved. County supervisors need everybody's support in their effort to accommodate judicial interests without crippling other public services.

A problem like this would be impossible in private life. Imagine what would happen to the CEO of a corporation who, on learning that his product supply was less than the consumer demand, refused to add a second shift to the production line and insisted on building a new, temporary plant instead.

Unlike this corporate leader, our judicial leaders cannot be summarily fired. But, the latter sometimes need to be reminded that they serve the public interest and not their own convenience.

College grads hit hard by tuition hike

■ **EDUCATION:** *Palomar and other community colleges institute higher fees which discourage some from attending*

DENIENE HUSTED/Staff writer

SAN MARCOS — Facing more than an eight-fold increase in tuition cost from last semester, students with bachelor's degrees are turning away from community colleges in droves, officials said Monday.

Ann Reed, vice chancellor of public affairs for the Community College League of California, said the state's 102 campuses are seeing a 40 to 60 percent decrease in the number of college graduates signing up for classes.

"We do not have an accurate count yet," she said. "But anecdotally we are hearing that we are way down — way down."

College graduates traditionally attend community college classes for personal enrichment or to switch or advance their careers.

Explanations for the decrease in attendance point at a \$50 per-unit fee for all students with bachelor's degrees.

That increase was voted in by the state Legislature last fall and put into effect for the spring semester, which started Monday. Tuition fees went up for all other community college students as well — from \$6 per unit to \$10. A \$60-per-semester cap was also lifted.

Palomar College had 53 percent fewer graduates register for classes this semester, according to Herman Lee, director of enrollment services.

"We've identified 874 that have registered so far this semester. Last semester we had over 1,900 students ... with bachelor's degrees," he said.

Overall enrollment dropped 3.6 percent, to 20,855 students from last spring's 21,634.

Reed said the different fees were set up to discourage college graduates from taking community college courses so there would be more class space available for undergraduates.

"We were turning away approximately 100,000 students per year from courses they needed to take," she said. "We simply did not have the room ... and we

Please see **GRADS**, B2 ►

TIMES ADVOCATE

■ CONTINUED FROM B1

GRADS: Hit hard by tuition hikes

didn't have the money to hire new teachers."

Lee said few college graduates take the required courses for a general education certificate.

"They take courses for their own personal development," he said, listing foreign languages, music and art classes among the most popular for students with bachelor's degrees.

Others return to school to advance their careers or to change professions.

Last semester, a five-unit course in Spanish would have cost a student with a degree \$30. Today, it would cost \$250.

Some may qualify for reduced tuition if they can meet low-income eligibility requirements, officials said.

Students registering at Palomar were asked to indicate on their applications if they had already achieved a bachelor's degree or higher.

Lee said he expects some peo-

ple may have lied to avoid the higher tuition.

"Knowing human nature, I'd have to say it's very possible," he added.

So how do college graduates enrich their lives without putting a strain on their pocketbooks?

As long as the student does not need any credits or a grade from the class, he or she may audit it for a simple fee of \$15 per unit, Lee said.

"That's something not too many people know about," he added.

To audit a class, a student must get the permission of the instructor — preferably on the first day the class meets.

Although Reed agreed that auditing was a possible means to avoid the high tuition fees, she said it was risky.

"Audits are allowed only when there are empty seats in the class," she added.

1-21-93

San Diego Daily Transcript

Real Estate / Construction

Campaign To Fund Hahn Chair At USD Nearing Its Goal

The memory of the late Ernest W. Hahn will be enshrined at the University of San Diego's School of Business Administration with a new academic chair focusing on the real estate industry.

Author E. Hughes, USD president, has announced that a campaign by friends and admirers to fund the Ernest W. Hahn Chair in Real Estate Finance is closing in on its \$1.5 million goal.

The university expects to announce the selection of the chairholder during the spring 1993 semester and to install the chairperson in time for the fall semester.

Hahn, the first lay chairman of USD's Board of Trustees until his death on Dec. 28, 1992, helped revolutionize the real estate regional shopping center industry throughout the United States. Hughes said the Hahn chair would strive to carry out Hahn's own personal mission of improving the quality of American life through superior real estate development.

"This chair will be one of Ernie's last and greatest legacies to the university and to the real estate industry, both of which he served so well," Hughes said. "We are deeply grateful to our donors and especially to the Hahn family for their support."

The Hahn Chair in Real Estate Finance will be the first step toward establishing a major program in real estate finance at the

Please turn to Page 3B

Hahn Chair—

Continued from Page 1B

USD School of Business Administration.

The "think tank" would be designed as a regional resource to the real estate industry, which has undergone dramatic transformation in the past decade, particularly in the Southwest and in California.

"This revolution will continue well into the next century, and we think it is imperative to channel some of our best minds toward the serious study of this industry," Hughes said.

"The Hahn chair, and the program in real estate finance that we intend to establish, will provide leadership in promoting learning, research and dialogue in the fields of real estate financing and values.

"And, more important, the Hahn chair will serve as a permanent testament to the qualities that Ernie exemplified: integrity, vision, dedication and concern for all humanity."

Times-Advocate 1/24/93

(FYI)

Faculty switch annual retreat from Santa Barbara to inner city

■ **EDUCATION:** *Professors at Cal State Northridge will examine social ills*

The Associated Press

LOS ANGELES — Professors at California State University, Northridge, are abandoning their usual Santa Barbara retreat this year for the inner city to learn about crime, poverty and other social ills.

"The whole concept is to let the community know we're extending our hands," said college spokeswoman Kaine Thompson.

Stiff budget cuts also had something to do with it, officials said.

"Given the crisis we're in now, this seemed like a more realistic use of funds," said Elizabeth Say, associate professor of religious studies and chairwoman of the faculty retreat committee.

With the money they save, faculty will hold workshops throughout the year to share with students what they learn in the city.

"I said we had to get it out of Santa Barbara because I wanted it to be more realistic," said Louise Lewis, an art history professor who is the faculty president.

Others said the decision was sparked in part by new CSUN president Blenda J. Wilson and

her focus on reaching out to the community.

After an opening speech Thursday by Wilson, teachers and professors will scatter throughout the city for two days — visiting agencies such as homeless missions, the Watts Towers, the Chinese Historical Society and anti-gang community groups.

About 10 percent of the school's 1,200 faculty typically attend the annual retreats. This year, about 130 people have signed up. They'll pay \$15 each as they have in past years when the retreat was held in Santa Barbara or at a mountain re-

trete, Thompson said.

The majority of the money for the retreat comes from a grant earmarked for faculty development, Thompson said.

Because of state budget cuts, CSUN was forced last fall to limit enrollment, cut about 500 classes and lay off almost one-third of its teaching faculty. That amounted to 375 faculty members, most of them part-time teachers, Thompson said.

About 260 teaching positions were eventually restored after CSUN offered retirement incentives to tenure-track faculty, she said.

Thursday, January 28, 1993

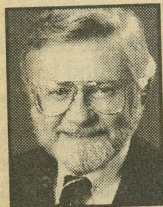
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Union-Tribune photos / BARRY FITZSIMMONS

Second gala: Maggie Mazur (left) with guest of honor Deborah Szekely at Mercy Foundation dinner.

The quality of Mercy support gets a gala



The Mercy Founders Society saluted a support group called Mercy 1,000 at the society's second annual gala, a black-tie dinner dance in the U.S. Grant Hotel ballroom.

Deborah Szekely, founder and chairwoman of The Golden Door Inc., was singled out for special recognition as a distinguished and extraordinarily generous donor.

(Membership in Mercy 1,000 is open to those who support the hospital with annual gifts of \$1,000 or more.)

Maggie Mazur chaired the tribute and introduced Szekely — who, as masters of ceremonies like to point out, needs no introduction.

Mercy Foundation board chairman Bill Beamer was on hand to outline some of the hospital's accomplishments and goals, and to recognize four of the founders of the Founders Society: Filomena Scoville, Betty Hubbard, and Mary and Daniel Mulvihill. (They wore their ceremonial ribbons and medals.)

Mission of mercy

Beamer reminded the crowd that the Founders Society was established to honor individuals who provide exceptional support for Mercy Hospital and the Sisters of Mercy.

Looking ahead, he spoke of plans for a new Emergency Services Center and other innovations at Mercy.

The turnout for the Founders Society dinner included Sue and Ray Blair, Annette and Joe Fritzenkotter, Anne and Mike Gonzalez, Phil Klauber and his daughter, Janet Oliver, Ruth and Jim Mulvaney, Rita and Josiah Neeper, Marti and Frank Panarisi, Kay and Bill Rippee, Sister Mary Jo Anderson, Yolanda Walther-Meade and Jack Cannon, Bonnie and Dr. Ralph Ocampo, Alice and Morris Wax, and Ruth Carpenter with Tom Fleming.

Others who rallied round a seafood buffet at cocktail time were Judy and Charles Bieler, Vangie and Dick Burt, K.K. and Buck Hubbard, Judy and Roger Benson, Meg and Thomas Cleary, Susan and Roger Burke, Kathryn and Dr. Kenneth Crippen, Phillip Flick, Richard Geyser, Kathy and Brian Wilson, and Vicki and Donald Hamilton.

Lucille and Dr. Jerome Heard were there, and so were Ginger and Daniel Roberts, Florence and Norman Seltzer, Lynn and Frank Silva, Linda Dietrich and Jerry Smithson, Dr. Rana Tan, Betty and Judge Ross Tharp, Mary and William Yarbrough, and Rita and Dr. George Zorn.

The Sisters of Mercy were represented by Sisters Rose Davis, Mary La Salette, Mary Leonita Metoyer, Sheila Murphy, Elvera Mary Obesti, and Jo Ceal Young.

The Local Scene—————

Continued from Page 1A

* * *

Engineering students and engineers from throughout Southern California, Catholics and otherwise, have been invited to test their design skills in the second annual "Walk on Water" competition sponsored by USD's Dept. of Electrical Engineering. Contestants must design human-powered buoyancy shoes and use them to traverse the surface of the Olympic-size swimming pool at the USD Sports Center. The competition is scheduled for Feb. 20 from 10 a.m. to 3 p.m. to help promote National Engineering Week.

* * *

■ Engineers can
test skills, have fun
by walking on water
in contest /D2

■ Activities and
services for area
church groups /D3

D1

FRIDAY, JANUARY 29, 1993

ENGINEERING

Test skills, have fun by walking on water

■ Engineers and engineering students throughout Southern California are invited to test their design skills in the second annual "Walk on Water" competition sponsored by the University of San Diego's electrical engineering department.

Contestants must design human-powered buoyancy shoes and use them to traverse the surface of the Olympic-sized swimming pool at the USD Sports Center.

The competition, scheduled from 10 a.m. to 3 p.m. Feb. 20, is held to promote National Engineering Week.

"This is our way of showing that engineering is a lot of fun," said Barbara Hammack, chairwoman of the student organizing committee. "Engineers love a challenge, especially when it involves having a good time."

Engineering teams from professional firms, colleges and high schools are encouraged to sign up, and no team may spend more than \$100.

"This is the first year we are inviting high school students to participate, said Ernie Kim, faculty advisor for the contest. "We understand that several high school engineering teams have studied the video of last year's contest and have learned from our mistakes. The competition should be pretty formidable."

Each entry must consist of two separate buoyancy shoes operated by one person, or the "shoe pilot," who must remain vertical without support while walking a straight line from one end of the pool to the other. The team with the fastest crossing time will win the grand prize.

Contest sponsors include the San Diego Engineering Society, which has designated the Walk on Water contest as the finale of Engineering Week.

The university's electrical engineering department was established in September 1986. It's first graduates received their degrees in May 1991.

For further information, call Kim at 260-4609 or Kate at 260-4682. □

— E'louise Ondash

PAGE 2
INSIDER

Compiled by Lynn Morris

S.D. jobless down; sign of rebound?

By MICHAEL KINSMAN
Staff Writer

San Diego County's unemployment rate tumbled to 7.4 percent in December, its lowest point since July 1992. But local economists fear it's too soon to proclaim a rebound from the 3-year recession.

Strong holiday hiring by retailers helped drive down the local jobless rate, which in November climbed to 8.3 percent, a 9½-year high. Holiday hiring accounted for 900 new jobs in December.

"In the best situation, you would say that San Diego is starting to feel its way out of the recession, but I wouldn't jump to that conclusion," said Rafor Boddy of San Diego State University's Center for Public Economics.

Economist Alan Ginn of University of San Diego also cautioned against forecasting an economic turnaround for the region.

"The December drop seems pretty dramatic," Ginn said. "I wouldn't be surprised to see it reversed upward in the next month."

The region's jobless rate, which unlike state and national figures is not seasonally adjusted, generally runs at a lower level in the last months of the year. Boddy said reasons for the lowered level include students returning to school, which reduces the size of the labor

Continued from A-1

force, and retailers adding employees for the holidays.

Unemployment then usually rises during the first part of the year, Boddy said. Following a jobless rate of 5.5 percent in December 1991, San Diego's unemployment rate jumped to 6.8 percent in January last year, the state report-

ed.

Nevertheless, even with a number of factors lined up against a rebound for San Diego, Boddy wondered if one might not be happening.

"The United States is in recovery, and San Diego's part of the nation," he said.

The county's unemployment rate historically has been better than the statewide and nationwide figures. In December, the local rate continued lower than the state's 9.3 percent, but topped the national rate of 7.0 percent.

Even with the December decline, Ginn is predicting that San Diego's jobless rate will average 8.0 percent in 1993.

Ginn said that although retail hiring was up in December, he is particularly concerned about a loss of 1,000 manufacturing jobs last month.

"Those numbers indicate that we've got a serious problem," he said. "Manufacturing jobs are much higher-paying than retail jobs, and they are more stable."

The state Employment Development Department reported that 9,600 more San Diegans held jobs in December than a month earlier, while 12,100 fewer residents were unemployed. San Diego's civilian labor pool declined 2,500 to 1.2 million.

Because the labor-force numbers are calculated from unemployment claims, they may exclude those workers whose unemployment benefits have expired, as well as those who have given up looking for work or left the region, said Max Schetter of the Economic Research Bureau at the San Diego Chamber of Commerce.

Schetter believes the state's tabulation of workers in the wage-and-salary labor force, which excludes self-employed and agricultural workers, may be a more accurate gauge of the region's

economic health. The state reported that nonagricultural employment dropped by 1,200 jobs from November to December, to a total of 961,100.

"Over the past two years, we have lost 40,000 jobs in wage-and-salary employment," Schetter said. "At the same time, we haven't seen a corresponding rise in the unemployment rate."

A major reason for that appears to be that workers who have been laid off or fired have gone into business for themselves, either as consultants, independent contractors or founders of new businesses.

Economists are concerned about the quality of these jobs, which may not be full-time positions, may not pay benefits or may be short-term.

"The recession definitely has triggered a rise in self-employment," Schetter said. "But in a general sense, it is better to have employment in the wage-and-salary category because they are more stable and usually better jobs."

Economist Boddy agreed that the state's employment figures may be distorted.

"The self-employment number is a very elastic measure of the economy," he said. "I'm not sure I would put much emphasis on it."

L.A. Times 1-21-93
Front page

Hundreds of Medical Complaints Destroyed

■ **Doctors:** Agency facing loss of state funding ordered cases to be dismissed or shredded in 1990, inquiry shows.

By VIRGINIA ELLIS
TIMES STAFF WRITER

SACRAMENTO—Top officials of the California Medical Board ordered the dismissal or destruction of hundreds of complaints against doctors in 1990 in an attempt to erase a backlog that had caused the Legislature to threaten the board's funding, a California Highway Patrol investigation found Wednesday.

Among the cases closed, the CHP report said, were several involving patients' complaints against medical personnel at Martin Luther King Jr./Drew Medical Center in Los Angeles who were accused of having been "culpable in the deaths of five patients."

The CHP findings, which were termed "shocking" by state officials who oversee the state's licensing boards, are expected to further undermine public confidence in an agency that has been widely criticized for failing to adequately police California's medical profession.

The criticism reached its height in 1989 when the University of San Diego's Center for Public Interest

Law concluded in a lengthy report that the board was so ineffective that it was moribund.

"[The Medical Board] has not been protecting consumers for a number of years," said Steve Barrow, the center's lobbyist, in an interview Wednesday. "It is also clear that those [physicians] who have killed patients with bad medical practice are still out there."

In releasing the 31-page CHP investigation, state officials said the wholesale dismissal of cases was part of a pattern of misconduct and mismanagement that began in the late 1980s and continued through 1991.

"An outrageous abuse of the public trust," said Sandra Smoley, who two weeks ago became secretary of the Consumer Services Agency.

In addition to the improper case closures, CHP investigators found during their eight-month investigation that Medical Board officials had lied to the Legislature about the extent of the backlog and had ordered that patients not be told that their complaints had been dismissed.

Please see BOARD, A29

USD



Cont'd →

BOARD: Complaints Destroyed to Cut Backlog

Continued from A1

The report also said some administrators in a Medical Board program that attempts to rehabilitate doctors with alcohol and drug abuse problems had repeatedly misused state vehicles and travel privileges and that at least one official had improperly accepted gifts.

"We are bringing to a close a sad chapter in the 116-year history of the Medical Board," said Dixon Arnett, the board's new executive director.

The Medical Board is the state agency that licenses and disciplines California physicians and other medical professionals. Governed by a 19-member appointed board, it has a staff of 284, including investigators, and can take a variety of disciplinary actions against errant doctors that includes revoking their licenses. It is also required to report to district attorneys when it believes that a crime may have been committed by a medical professional.

Both Arnett and Consumer Affairs Department Director Jim Conran conceded that the revelations would contribute to consumer distrust of the state's medical profession and the government's ability to protect consumers against

incompetent and negligent doctors.

"The few who have abused the public trust . . . are causing distrust of the thousands who have done their jobs in a competent and professional manner," Arnett said.

The two men pledged to immediately "rectify the situation," announcing that in six weeks they would convene a "Medical Board summit" of community, consumer and medical leaders. They said the summit would begin a comprehensive review of all aspects of the board's policies and procedures with particular emphasis on enforcement of physician standards.

Concerns about a lack of enforcement at the Medical Board led Gov. Pete Wilson to take steps to install a new management team even before the official CHP investigation, Conran said.

He said that Ken Wagstaff, who was executive director when the abuses occurred, was pressured to resign late last year and that none of the former board members were reappointed when their terms expired. He said a majority of the agency's governing board are Wilson appointees.

Medical Board President Jacqueline Trestrail, a San Diego physician,

said she intends to unveil an eight-point plan for improving the agency's operation.

In the meantime, Arnett said he has begun procedures that could lead to the eventual firing of up to eight officials.

He said three from the diversion program—Chet Pelton, Dennis Spatola and Doug Oliver—had been placed on administrative leave. In addition, disciplinary procedures had been begun against another five administrators who were unidentified because they are also peace officers. (State law prohibits the release of names of any peace officers who are the subject of disciplinary action.)

Arnett said he had not decided what action would be taken against Assistant Director Tom Heerhartz, who according to the report told the Legislature in 1990 that there was a backlog of 600 cases even though he knew the actual figure was 800.

Conran did not rule out the possibility that some evidence may be turned over to district attorneys for criminal investigation, although a final decision must await study of material amassed by the CHP.

CHP investigators declined to speculate on the motive behind the

mass dismissal of cases, though the apparent reason was to reduce the bureaucratic backlog. The CHP noted that the action came when the Legislature was demanding that the agency reduce its 1,100-case backlog. There was no indication that cases were chosen for shredding to protect particular doctors with influence on the Medical Board.

At one point, they said, legislators withheld approval of portions of the executive director's salary and the agency's operating budget until it could demonstrate at least a 15% reduction in the backlog.

The dismissals were ordered by a three-member management team, the report said, even though preliminary examinations by Medical Board staff had determined that all the cases merited further investigation.

In the Medical Board's dismissal of cases, CHP investigators said, some files were retained while others were closed "without merit," a procedure that required that they be shredded within 60 days.

Because the Martin Luther King Jr./Drew Medical Center files were among those retained—though they were no longer being investi-

gated by the Medical Board—they will be reopened.

The report said the cases at the hospital had been referred to the board by the Los Angeles district attorney's office, after a series of articles in The Times documented several instances in which medical mistakes at the 430-bed county-operated hospital in Watts may have led to patients' deaths.

Although the cases were complicated, the report said only one investigator was assigned to gather evidence. It said that after two years his work was reviewed and it was determined that more investigation was needed. But instead of continuing work on the cases, the agency closed them, CHP investigators said.

Conran said the CHP investigation was prompted by complaints made to him by the union representing Medical Board investigators, the California Assn. of Union Safety Employees (CAUSE). He said the CHP agreed to conduct the investigation after Atty. Gen. Dan Lungren said it would be a conflict of interest for him to investigate an agency for which his office also provided legal representation.

Although it was never officially cited as a reason for his refusal, Lungren also had a problem because his father, John Lungren, has been a member of the Medical Board.

Staff Exposed Dismissal of Doctors' Files

■ **Investigation:** Medical Board workers say they were angered that bosses had swept away backlog of complaints. The whistle-blowers are called 'heroes.'

By VIRGINIA ELLIS
TIMES STAFF WRITER

SACRAMENTO—When top law enforcement officials at the Medical Board of California ordered the dismissal in 1990 of hundreds of complaints against doctors, it did not take long for word to spread throughout the agency.

The news, several investigators said Thursday, sent a wave of revulsion through the rank-and-file agents who saw themselves as the front-line defense against bad doctors in California.

"You have the public filing com-

plaints and we're destroying them. That's asinine," one said. "When you get into the situation where there is wholesale destruction of records, everybody knows that's wrong."

Fearing reprisals from top management if they spoke out, outraged investigators complained instead to their union and the University of San Diego's Center for Public Interest Law, which serves as a private watchdog of state licensing boards. Both groups filed complaints with the Wilson Administration, which asked the California Highway Patrol to investigate.

The results of the investigation were made public Wednesday with the release of a critical report on the Medical Board, the state agency that polices and licenses California's medical professionals. Among the investigation's findings was the disclosure that hundreds of Medical Board cases had been improperly dismissed—and in many instances destroyed—in an apparent attempt to reduce a backlog that had prompted criticism from the Legislature.

Several investigators interviewed Thursday acknowledged

Please see DOCTORS, A30

A30

FRIDAY, JANUARY 22, 1993 ★

DOCTORS: Agency Staff Blew Whistle

Continued from A3

that it was rank-and-file law enforcement personnel within the agency who had blown the whistle on what they considered the improper actions and poor management practices of their bosses.

"The investigators came to us back in 1991 complaining of the case dumping. In my opinion those people are heroes; they risked their jobs and their reputations by coming forward," said Julianne D'Angelo, supervising attorney for the Center for Public Interest Law.

Three Medical Board investigators spoke with The Times on Thursday on the condition that they not be identified. They said dissatisfaction with management in the agency was rampant among employees, but the issue that caused many of them to take action was the unwarranted closing of the cases.

They said a three-person management team marched into several key offices in 1990 and began going through files. They said certain files were tagged, indicating that they should be closed and in some cases destroyed. Those that were targeted, they said, seemed to be the cases involving doctors free from previous complaints or patients who had not followed up to

see if the board had pursued their complaints.

"You would see a stack of files two feet high on a supervisor's desk one day and by the next hardly any would be left," recalled one investigator. "People didn't like the idea of this happening. They didn't think it was right."

Of particular concern, another investigator said, was the fact that the team was not accompanied by a physician. Without medical expertise, he said, it was believed that the team was not qualified to make a determination that certain cases should be closed.

Other investigators said they remembered thinking that the closing of the cases made a mockery of their profession. "It gives you a good feeling when you've done a good investigation and taken somebody out that is hurting patients," said one. "And it kind of sticks in your throat when people come in and simply wipe out cases without any investigation."

Charles Solt, labor representative for the California Assn. of Union Safety Employees, the union representing Medical Board investigators, decided to report the in-

vestigators' accusations to James Conran, director of the Department of Consumer Affairs, which oversees state licensing boards. He said Conran showed concern and promised to protect the investigators against reprisals if they would talk to the Highway Patrol.

The patrol began its inquiry using one investigator, but as evidence mounted it added two more, along with an attorney and a physician. The CHP was chosen to investigate because the attorney general represented the Medical Board and was considered to have a conflict of interest.

The final report touched not only on case dumping but on findings that some officials in the agency had misused state vehicles and submitted false travel claims and that one administrator had accepted gifts from physicians he was overseeing in a rehabilitation program.

After releasing the CHP report, the Medical Board's new executive director, Dixon Arnett, announced a series of steps to beef up enforcement and improve the agency's policies and procedures. At the same time, he said he was taking administrative action against the officials cited in the report for wrongdoing.

VIEW

Los Angeles Times

1-31-93

Despite criminal records and malpractice judgments, some doctors remain in practice for years. Critics blame the besieged state Medical Board.

Watching a Watchdog

By PAMELA WARRICK
TIMES STAFF WRITER

Meet Dr. Leo Kenneally, operator of Her Medical Clinic on South Figueroa Street. It has been more than seven years since the emergency-room staff of a nearby hospital first complained to the California Medical Board about a shocking pattern of injuries to women patients at his clinic.

The board still has not completed action in the case. And today, despite charges of negligence in three patient deaths and continuing reports of abuse, Kenneally maintains a busy practice, seeing as many as 100 women each day.

Meet Dr. Lawson Akpulonu, whose Midland Medical Center on West Washington Avenue also sees mostly women. He's been convicted of threatening enemies with a loaded gun; he's pleaded guilty to medical insurance

fraud. Last spring, one of Akpulonu's employees complained to the Medical Board that the doctor did not sterilize his surgical tools and used untrained people to assist in operations. But the board will not say whether Akpulonu is even under investigation.

And meet Dr. Rodney Brown, the former small-town obstetrician from Northern California whose patients were so unhappy that they formed their own support group to deal with their rage and frustration. When the Medical Board tried to settle the negligence case against Brown in the death of a patient's baby, two dozen more women came forward with their own allegations.

All three doctors have maintained their innocence.

Despite criminal convictions, malpractice judgments, even orders to revoke their licenses, doctors such as these remain in practice for years—and there is little to warn the public

about the history of complaints against them.

For this, many blame the recently assailed California Medical Board, a watchdog agency where cases have usually languished.

When action is taken, it still may not protect patients. A full 60% of serious complaints against doctors are either stayed or suspended, allowing physicians with even the most grievous histories of negligence and incompetence to remain in business.

"This is supposed to be a consumer agency—an agency that promises to protect consumers. But the promise is empty. We cannot count on the Medical Board," charges Jeannette Dreisbach, director of Women's Advocate, an underground network of health and legal professionals who help women injured by doctors, especially those who perform abortions.

"It is almost a moribund agency—and people are dying," agrees Robert

Fellmeth of the University of San Diego's Center for Public Interest Law, a private watchdog over state licensing boards.

□

For years, the California Medical Board has defended itself by pointing the finger at others—at the Legislature, for failing to properly fund and staff the board, or at the legal system, for stalling its best efforts to rid the state of bad doctors.

In 1989, the Legislature gave the board an extra \$2.4 million to get rid of a 900-case backlog and then tightened the board's deadlines for resolving complaints.

But earlier this month, state consumer chief Jim Conran announced that some of the backlog had been erased by the wholesale shredding of hundreds of complaints. In a toughly worded report, the California Highway

Please see **BOARD, E2**

BOARD

Continued from E1

Patrol, which had been investigating the board, sharply attacked what it called "improper closure" of the cases.

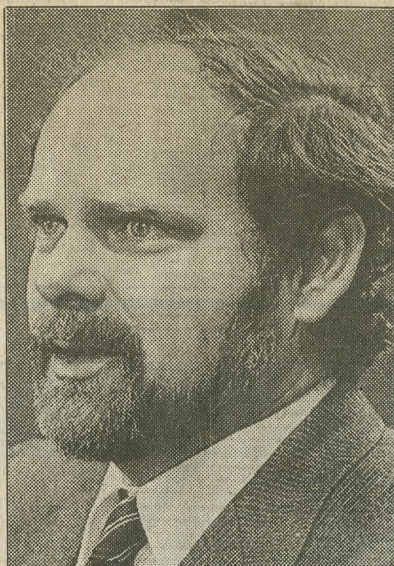
Many of the top board officials responsible for ordering the move have already been suspended or removed from their posts. In December, the board's controversial director, Kenneth Wagstaff, was replaced with Dixon Arnett, former private health consultant and aide to Sen. Pete Wilson.

The CHP report wasn't the first criticism of the board, whose mandate is to police and license the state's 70,000 licensed medical doctors and to protect consumers from incompetent, grossly negligent, unlicensed or unethical practitioners. Earlier, the Washington-based Public Citizen Health Research Group had ranked California 37th in the nation in disciplining doctors for incompetence and abusive behavior.

Moreover, some critics suggest the state should rank even lower. "I think California is probably 50th," says Fellmeth. "Rarely does the board act unless it is in reaction to some other state or agency's action."

Indeed, Fellmeth estimates the board acts independently against only five or 10 doctors a year, a figure that the board disputes. While acknowledging that most serious actions against doctors may be stayed, medical board officials say they fielded close to 7,000 complaints and disciplined 500 doctors last year in gentler ways, including informal counseling and "re-education."

Still, a look at some longstanding Medical Board cases shows how physicians can avoid discipline and use the weaknesses and delays built into the board's system of "due process" to stay in business.



**'Rarely does the
[California Medical]
board act unless it is in
reaction to some other
state or agency's action.'**

ROBERT FELLMETH
Center for Public Interest Law

History of Complaints

When Estella Gonzalez, 22, went to Her Medical Clinic on Dec. 19, she did not know that the doctor she would see had a history of serious complaints against him.

Although the Medical Board opened an investigation of the clinic in 1985 after the death of a young woman there, it was five years before it filed any formal action.

By then, three more patients at the clinic were dead as a result of what the medical board called Kenneally's negligence or incompetence: Donna K. Heim, a 20-year-old preschool teacher from Covina; Lilitana Cortez, a 22-year-old housekeeper, and Michelle

Thames, an 18-year-old homecoming-queen contestant at Lynwood High School.

Kenneally declines to be interviewed, but his attorney, Jay Hartz, says his client "feels he has done nothing wrong" and has fought charges against him all the way to the U.S. Supreme Court.

As early as 1976, however, the Medical Board had suspended Kenneally's medical license after he was convicted of a federal narcotics violation. But the suspension later was stayed, and Kenneally was placed on probation for two years.

By 1979, Kenneally was off probation but now was in jail after being convicted of Medi-Cal theft. Again, the Medical Board ordered his license revoked but once more stayed the order, instead giving him three years' probation.

When the board finally filed its formal accusation against Kenneally in 1990, it was to charge him with incompetence in Heim's death, as well as negligence in the deaths of Cortez and Thames and in the permanent injury of three other patients. All had gone to the clinic for abortions.

In the Thames case, the board said, Kenneally continued the abortion even as his patient suffered life-threatening seizures. Of the patients who survived, one was left permanently sterilized and the others nearly died of massive blood loss.

Kenneally's 2-year-old case is tentatively set for a hearing by the Medical Board this spring. Meanwhile, his three clinic waiting rooms at 2700 S. Figueroa St. are full of anxious, desperate women, and his practice is thriving.

Like Heim, Cortez and Thames, Estella Gonzalez went to Kenneally's clinic for a 10-minute abortion. She was carrying \$250 in cash. According to the complaint filed on her behalf on Christmas Eve, clinic personnel failed to give her a full examination, or to take a detailed

medical history or vital signs. When the procedure was finished, says Gonzalez, Kenneally inserted two tampons and gave her a sanitary pad. After 15 minutes "recovering" in a chair, she says she was shown the door.

Gonzalez's mother helped her pale daughter outside and they walked half a block to a McDonald's, where Estella says she collapsed. McDonald's employees called 911, and the young woman was rushed to California Medical Center where, she says, emergency surgery saved her life.

As she lay in the hospital recovering from a lacerated uterus and intestines, Gonzalez says, she was visited by employees of Her Medical Clinic, who offered \$10,000 "for my expenses" and later proposed \$5,000 plus a Cadillac.

"We see nothing wrong with visiting a patient in the hospital," says Hartz. "And if such an offer [of cash and car] was made, I would see it as a humanitarian gesture."

Kenneally is "well-known" to the state Medical Board, says Tom Heerhartz, the board's assistant executive director. "He has been using his rights of appeal [to stay in business] for some time now, we know, but I believe we are moving very quickly now toward a [final] hearing on his case later this spring," Heerhartz declares.

Still, "this is our greatest grief," says Dreisbach of Women's Advocate. "There is no sign up on [Kenneally's] front door saying, 'Watch out! This person is under investigation for a serious matter. Women have died here!'"

Spurred by Loss

Terry McBride's tragic loss of a baby led her to form Safe Medicine for Consumers, a support and education group for women who have suffered at the hands of their physicians.

Cont'd



At the end of 1989, after a history of miscarriages, McBride was about to deliver her first child. But on Christmas Day that year, she became seriously ill, suffering nausea, diarrhea and severe abdominal pain.

Her obstetrician, Rodney W. Brown, had built a substantial practice among the women in the rural areas of remote Calaveras County east of Stockton. He admitted McBride to the hospital but over the next four days, she says, repeatedly assured her that "everything was all right."

But on Dec. 29, 1989, McBride's son, Sean, died at birth. McBride, it was discovered, had suffered a ruptured appendix and the infant was killed by the ensuing infection.

Although Brown's attorney, Michael Mordaunt of Stockton, said pending litigation prevented discussion of details of the case, he noted that the doctor's actions were "within standard medical practice."

After her release from the hospital, McBride filed a complaint with the Medical Board about Brown. Soon afterward, she began to hear from other women angry about his care, including two who had also filed Medical Board complaints. As the number of unhappy Brown patients grew, McBride decided to "help meet their needs for support" by forming her nonprofit group.

After more than 1½ years, McBride still had not heard from the board about her complaint. But not long after she told her story to a California Senate hearing on the Medical Board in December, 1991, she was notified that the board had filed a formal accusation against the doctor.

The state document included charges from seven other women who said they had been "victimized" by Brown. It charged him with gross negligence in connection with unnecessary hysterectomies and with the perforation of internal organs during routine surgeries.

Finally, the women thought, justice was at hand. But last June, McBride learned the case would not have a hearing. Rather, she learned, the Medical Board was planning to settle with Brown, who by now had moved his practice to a town near New Orleans.

McBride and the other women staged a massive letter-writing campaign, and last September the Medical Board added more names to the case, filing a supplemental accusation charging Brown with misconduct, gross negligence and repeated negligence in the handling of three hysterectomies and one delivery. The baby in this case, as in McBride's, also died.

"We just can't let this sort of thing continue," says McBride. The 32-year-old travel agent says her group is growing—but she's not hopeful they alone can change things: "Until consumers say to the Medical Board, 'Hey, this is what you're paid to do,' it's going to keep happening. And babies and children and adult patients are going to suffer and die."

'Complaints Are Growing'

Perhaps surprisingly, Dixon Arnett, the Medical Board's new executive director, agrees.

"We need to get a far better handle on just exactly who the bad guys are," says Arnett, who was deputy undersecretary of health in the Reagan Administration. "Our budgets aren't going to expand, but the numbers of complaints are growing. . . . There may be a very small percentage of doctors who are never disciplined, but those guys can do a lot of damage."

In the case of Dr. Lawson Akpulu, twice convicted of criminal charges and the subject of repeated complaints by patients and consumer groups, the system is "a sieve," according to one angry complainant.

"Investigators are as frustrated as the consumers are," says Dreisbach of Women's Advocate. "They

work very hard to investigate a case, and there is no telling what, if anything, will become of it as it moves through this very troubled system."

A former member of Akpulu's staff told Women's Advocate last April that the doctor, who performs abortions and other minor surgeries in his office, repeatedly failed to sterilize equipment and that he had no registered nurses or trained assistants working for him.

Although the woman worked for Akpulu for only three weeks and came to him without medical training or experience, she says she was required to assist him in surgeries. The woman also charged in her Medical Board complaint that fetal tissue removed during surgeries was improperly flushed down toilets or put into plastic bags to go out with the trash.

Proper medical procedures require labeling and pathological examination of such tissue, especially in abortions, to guarantee that all tissue has been removed from the uterus. Without examination in a laboratory, it is impossible to know



whether a pregnancy has in fact been terminated or whether the patient may be suffering a life-threatening tubal pregnancy or tumor.

Akpulu has denied any wrongdoing and says he knows of no complaints against him. Although the Medical Board declines to comment on Akpulu, law enforcement officers confirm they have contacted the board and the state attorney general's office about him.

Still, lack of cooperation among agencies has helped some doctors avoid disciplinary action. In the case of Akpulu, whose Medi-Cal conviction included 14 counts of theft, it was not until Women's Advocate notified Medi-Cal and Medicaid authorities that action was taken to bar the doctor from the government insurance program.

In other cases, publicity has moved authorities to act. Dr. Sidney Wolfe of Public Citizen cites the case of Tustin gynecologist Ivan C. Namihas as a "shocking" example of the California Medical Board's failure to protect the public until publicity forced it to act.

The Namihas case made headlines last March because of the doctor's alleged sexual abuse of dozens of women 20 years after an investigator first notified the board about him and 17 years after the Orange County Medical Assn. itself had warned the board.

In the wake of the headlines, the board received more than 140 complaints against Namihas from women with horror stories about their treatment. Details of the case led Deputy Atty. Gen. Randy Christison to call Namihas "a predator in a white coat" who had used his position "to invade women's most intimate areas of personal privacy, solely to carry out the most egregious series of sexual exploitation for his own perverse sexual gratification."

More complaints against Namihas in 1982, 1987 and 1990 finally led to Namihas' license being revoked last July 3.

Repeated complaints against a single practitioner can focus board attention on certain doctors. But, say board officials, the board's obligation to guarantee physicians "due process"—even those with a suspicious volume of complaints against them—can undercut efforts to act fast.

Two years ago, the state Legislature tried to streamline the system by giving the Medical Board the extra money to clear up its backlog and by setting up specialized legal teams in the state attorney general's office to help the board.

But according to Fellmeth, whose watchdog group helped design the new system, little has changed. "When it comes to actually protecting the public, California still has one of the worst medical boards in the nation," he says.

Yet Arnett says more changes lie ahead. "Maybe some of this [history] is embarrassing," he concedes. "[But] I promise you, this is the dawning of new day."