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## LAW<sup>1993</sup> WEEK

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Law Schools Are  
Reaching Out To  
Minorities

4C

# MINORITIES AND THE LAW

## *Law Schools Work On Increasing Number Of Minority Students*

By THOR KAMBAN BIBERMAN  
San Diego Daily Transcript Staff Writer

San Diego-area law schools do seem to be increasing their minority enrollment, but Caucasians still represent the vast majority of the entering students.

California Western School of Law has a variety of programs designed to increase minority enrollment, and they seem to be making a major difference.

Jonnie Estell, the school's assistant dean of minority affairs, said the programs established in the late 1980s have effectively increased minority participation from 8 percent to 17 percent. About 9 percent of the students are Asian, 4 percent are Hispanic and 4 percent are African-American.

Estell said one factor that has helped recruit more minority students is the presence of more minority instructors. There were reportedly only three minority faculty members at Cal Western for most of the 1980s. Today there are three African-Americans, three Hispanics and one Asian on the faculty.

"We are involved in a mentor program," Estell said. "The Pan-Asian Lawyers Association, the La Raza Lawyers of San Diego and the Earl B. Gilliam Bar Association are each involved in this."

Estell said Cal Western has what she referred to as "ethnic holidays" during the summer. There also are more intensive two-week sessions designed to give minorities a taste of law school before they even enroll.

During those two-week periods, prospective students are involved in a variety of exercises including diagnostic legal writing, briefing and analysis, outlining skills, study group techniques and even mock trials. There also is a session where students meet with federal judges in their courtrooms.

"We just want to let them know that we're their family away from home," Estell said. "And this program isn't just for minorities; it is for anyone who is considered at risk."

The law school also has a sort of "buddy system" program whereby returning students are paired with freshmen so the incoming students can learn quicker.

In addition to its other programs for minority students, Cal Western has an early outreach effort that extends its presence into urban schools such as Roosevelt Junior High School.

The University of San Diego School of Law does not break down its minority enrollment by ethnicity, but has seen a increase in overall minority participation in recent years. There was a slight decrease in minority enrollment last year, however.

There were 56 minorities out of 327 people in the law school for 17

percent of the total in 1992. This was down from 18 percent in 1991, but up from 13 percent in 1990.

(cont'd) →



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USD, like many law schools, has a number of ethnic student organizations designed to help the minority students. These include APALSA (Asian Pacific American Law Students), BALSAs (Black American Law Students Association) La Raza (Hispanic Law Students Association) and American Indian Law Students. There also are offices to take care of non-traditional and physically challenged students.

The BALSAs, APALSAs and La Raza organizations each have programs geared toward aiding first-year law students. These offerings include workshops, coaching and mentor programs.

Kristine Strachan, USD Law School dean, said her institution has a program designed to help minorities and disadvantaged students obtain loans that they otherwise might not be able to receive.

"We also have a tutorial program for first-year students that's not just for minorities. That program is run by upper-division students," Strachan said.

In addition, the USD Law School has a minority mentor program for second- and third-year law students to help them prepare for a legal career.

To help minority and disadvantaged students get a job, the USD Law School offers placement services.

"This actually opens doors that the students might not have even thought about," Strachan said. "They might not have known they could get into that big law firm."

Strachan said further evidence of her law school's success with minority students is the lack of a difference in the pass rate for white and minority students.

Strachan conceded that in the past, USD had a difficult time retaining its minority students. As many as 50 percent of these students would drop out because of financial or other reasons. Now, however, the non-retention rate has dropped to between 10 percent and 12 percent because of the school's academic retention efforts and work by the minority organizations on campus.

Western State University College of Law, which also has some of the same minority organizations had a 21.4 percent minority enrollment in the fall of 1992. This figure has increased from 17.1 percent in the spring of 1992 and 14.2 percent in the fall of 1991.

The fall minority ratio broke down to about 10.9 percent Hispanic, 5.6 percent Asian, 3.6 percent African-American and 1 percent American Indian.

"Hispanics have always been the largest group of minorities here but the Asian percentage has been increasing," said Joel Goodman, Western State administrator.

Goodman said one way Western State is attempting to lure minority students is to advertise in local Hispanic, Asian and African-American newspapers.

"And a number of our people do recruiting on the college campuses," Goodman said.

Goodman added that his school even occasionally will bring on students who don't even have a bachelor's degree.

"There might be a case of someone who hasn't gotten a degree because of their economic situation

but who has worked in the field in some way," Goodman said.

National University's School of Law has seen a dramatic increase in its minority enrollment in recent years. Officials at the law school report that minority enrollment stood at only 2.7 percent in 1988. This figure has since climbed to 19.5 percent of the estimated 220 students in the law school.

At last report Hispanics represented 8.2 percent of the law school's students, Asians accounted for 6.3 percent and African-Americans 4.8 percent. Fewer than 1 percent refer to themselves as American Indian.

Clair Marshall, National University registrar, said her law school is doing a very good job of attracting minority students.

"We do as much as we can to give

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## Law Schools' Work

Continued from Page 4C

them every opportunity for success," Marshall said.

National University is currently in the process of reassessing its already very successful affirmative action program and offers a variety of multicultural student-support programs.

National University's law school has helped to boost its minority

enrollment by offering specific multicultural components into its curriculum as well as establishing a diversity core requirement in general education.

The law school also has initiated projects with local schools and government agencies to provide for forums and other activities that are designed to extend well beyond the law school.



# A Very Unlikely Lawyer

■ *Sister Sally Furay: She boasts the titles of nun, lawyer, provost, university vice-president . . . and staunch advocate of women's rights.*

By JOE WAYNE

SAN DIEGO – Sister Sally Furay has more professional designations than the entire partnership of most law firms, and the variety is a little overwhelming – nun, lawyer, provost and vice president of a university, member of dozens of local, state, national and international committees and organizations. Her resume, circa 1988, takes up five pages – single spaced.



Photo by Joe Wayne

**"You have to be free to develop your full potential. If there are societal stereotypes, you're inhibiting growth."**

"You have to be free to develop your full potential. If there are societal stereotypes, you're inhibiting growth," Sister Furay said. "If you really read the Bible, you find that God's will is that we each develop to the best of our ability."

The story of how she became a feminist is also a little different.

"I was asked to give the commencement address for the Academy of Our Lady of Peace. The graduating seniors said they wanted to hear about the changing role of women," Sister Furay related. "My assistant brought me all this research material. As I read about the discrepancies in salaries, in jobs, and in legal status, I thought 'This is appalling, this is unjust. I've been a crusader ever since.'"

But this transition took place in 1972, after she had already attained a Phd, a law degree, and been teaching on a college campus for years. How had she remained unaware of the battle that women had been fighting? Leaning back in her chair, Sister Furay laughs.

"Remember, I had been living as a nun," she said. "I had lived my whole life, with women who did everything."

Her transition to feminism was not a mere act of faith. Within a few months of her realization, Sister Furay joined the Lawyers Club of San Diego, the professional association founded by women attorneys who had discovered that the San Diego Bar Association had no place for them. At the same time, Sister Furay began teaching "Sex Discrimination and

the Law" at the USD School of Law. It was the first course of its kind in Southern California and her co-teachers, two founding members of the Lawyers Club, were equally insistent voices for gender equality: Judith McConnell, now a San Diego Superior Court Judge, and Lynn Schenk, now a congressional representative from San Diego's 49th district.

"We team-taught it the first three to four years," said Sister Furay, who continues to teach the course by herself. She strongly asserts that in the halls of justice, there is still not equal justice for all. "There has been progress, but there hasn't been enough. This country has not yet gotten to the stage where race and gender don't matter in how you are evaluated."

But there has been progress at the local bar level. The bar association now has hundreds of women among its members. And in 1987 it had Sister Furay on the board of directors.

Her membership in the Lawyers's Club also included several years of service on their Judicial Evaluation Committee.

That may be the reason that she was recently chosen to head Sen. Barbara Boxer's judicial advisory committee for the Southern District. The job, making recommendations as necessary for federal judges, requires immediate attention, for the committee must quickly make a recommendation to replace departing U.S. Attorney William Braniff.



Photo by Joe Wayne

**"If you really read the Bible, you find that God's will is that we each develop to the best of our ability."**

Although the names of the people being considered are common knowledge, Sister Furay won't discuss them.

"One thing I can tell you," she confided. "I am in admiration and awe at the integrity of the people that make up the committee. I have never sat with a finer group." And typical of her commitment to education at all levels, the committee will be holding a seminar next week on the federal judicial selection process.

Born in Omaha, Nebraska, Sally Furay was a member of the



Photo by Joe Wayne

**"As I read about the discrepancies in salaries, in jobs, and in legal status, I thought 'This is appalling, this is unjust. I've been a crusader ever since.'"**

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cont'd →



## PROFILE

Continued from page 7

**Name:** Sister Sally Furay

**Age:** 66

**Religious Affiliation:** Religious of the Sacred Heart, 1952

**Education:** Ph.D. in English, Stanford, 1955

**Law School:** University of San Diego, 1972

**Career:** Provost and Vice President, University of San Diego; Professor, English Department; Adjunct Professor of Law

**Professional Service (partial list):** Chair, Judicial Advisory Committee, Southern District, 1993; Project Director, The Irvine Project, 1992; President, Western College Association; Past Vice President of San Diego Bar Association Board of Directors; Board Member, San Diego County Bar Foundation; Past Member of Legal Services Review Panel, National Association of Independent Colleges And Universities, 1977 to present; Judicial Evaluation Committee, Lawyers Club of San Diego.

Civil Air Patrol. She was majoring in aeronautical engineering at Duchesne College prep school, and hoped to become a pilot.

**B**ut at age 18, events in her life caused her to hear the call, and she entered the Society of the Sacred Heart.

Sister Furay's family included several nuns and two Jesuits, so religious dedication was not unusual.

"I'm lucky. I have parents who taught

me that God is personal, and available," Sister Furay said. "Faith is a response of the whole being to God."

But her family had also founded Omaha's prestigious Creighton University, and the family tradition of valuing education remained a part of her. When she made her profession of faith in 1952, her vows as a Religious of the Sacred Heart included supporting education.

"Everything I do is a part of this," she said, gesturing past her office to the university campus. "Being educated is part of being free."

In 1955, she received her doctorate in English Literature, and returned to the USD campus to teach English and drama. But when the three campuses of the Catholic university — the women's campus, the men's campus, and the law school merged, Sister Furay became academic dean, and she decided to get a law degree.

"I originally had no intention of taking the bar exam," she said, voicing an option which surely must make her the envy of many law students. But realizing it would be a help in her new job in campus administration, she passed the bar in 1972.

Although she readily acknowledges that administration is her metier, Sister Furay is no mere paper pusher. Her early appointments teaching literature and drama were based on a deep appreciation for the arts, and she typically pursued that interest with high achievement, becoming a member of the Old Globe Theater board of directors in 1982, and creating a drama department on campus shortly after. For Sister Furay, the appreciation of the arts is a natural outgrowth of spirituality.

"(The arts are) an expression of the aspiration of the human spirit," she said. "It is stretching the imagination."

Her appetite for work in the administration of USD and the dozens of other orga-

nizations in which she holds membership is legendary.

"There is no one like her," said Kate Callen, the campus news director and former UPI bureau chief for San Diego. "She is the first one in, and the last to leave."

**B**ut at 66, Sister Furay is looking forward to her retirement. The university has been actively looking for a replacement for over a year. Not surprisingly, they haven't found anyone to fill her shoes. And Sister Furay has agreed to stay on until they do, without cutting back her busy schedule.

One of Sister Furay's most singular legal accomplishments was the establishment of the Center for Public Interest Law within the law campus of USD. In addition to publishing a quarterly journal of developments in state regulatory law, the center also maintains an active role on a number of fronts, from Director Robert Fellmeth's recent term as state bar discipline monitor, to his latest project, the Children's Advocacy Institute.

"The Center would not have happened without her," said Fellmeth. "She helped us make the case to the university and its supporters that this was a unique opportunity for the students to learn."

Fellmeth, also a member of Sen. Boxer's judicial advisory committee, can recount at length Sister Furay's accomplishments. And he echoed the same comment that everyone questioned had when asked about her retirement.

"She's irreplaceable," Fellmeth said. "We won't be able to find anyone like her."

◆ Joe Wayne is editor of the San Diego Commerce.



## San Diego Forum

# Certain figures offer clues to the future

*Which economic data are really worth tracking?*

**Gin**

**M**ost of the economic data that the public sees gives an idea where the economy is or has been. As interesting as it may be to examine the past and the present, it is more important to determine where the economy is going in the future. Therefore, the USD Index of Leading Economic Indicators is designed to forecast the performance of the San Diego economy six to nine months ahead. The index is composed of six variables that tend to lead the local economy — meaning they tend to turn upward months before the economy does, and down before an economic downturn.

Three of the variables cause changes in future economic activity. One is the number of authorized building permits. When permits are issued, increased employment in construction industry follows for months as structures are built. When those buildings are sold or rented, we can count on increased sales of furnishings and appliances, which generate further economic activity.

The tourism index, as compiled by the Convention and Visitors Bureau, is another variable. Spending by tourists pumps money into the economy; this has an impact well beyond the initial purchase because that outside money is spent over and over again in a ripple effect. And because the course of the national economy affects the course of our local one, we include an all-U.S. economic variable.

The other three variables reflect changes caused by other factors. A decrease of initial unemployment claims is positive; it indicates fewer people are losing jobs and, after a plateau, may signal more jobs in future. Another indicator of future employment is an increase in help-wanted advertisements in *The San Diego Union-Tribune*. There is typically a lag between the time that firms place their ads and actual hiring. The last variable is an index of local stock prices, for we believe that inves-



**Dr. Alan Gin:**  
*assistant professor, economics, University of San Diego*



**Ray Boddy:**  
*chairman, Economics Department, SDSU.*



**Kelly Cunningham:**  
*senior research analyst, Economic Research Bureau*

tors buy and sell well in advance of companies' future prospects.

Combining the six variables into a single index reduces the volatility of any one variable alone. Changes in the index reflect changes in several of variables and the economic forces they represent, thus giving evidence of local economic activity. The index has turned positive in recent months, which means an upturn in the second half of 1993.

**Boddy**

**T**he best monitor of the health of the region is rate of growth or decline in wage and salary jobs. To get rid of seasonable patterns or "noise," look at the changes over a yearly basis. Over the past two years, wage and salary jobs have disappeared at about 2 percent a year. Over the last 10 years, job growth was a strong 3.4 percent per year. For monthly indicators, you can track the readily available U.S. (7.0 percent) and California (9.4 percent) unemployment rates. San Diego County monthly unemployment rates (7.9 percent) are not seasonally adjusted and, because of the methodology used, are difficult to interpret. Unemployment will determine how much wages are likely to increase compared to prices over the short run.

The most important interest rate to track is the 30-year Treasury Bond yield (6.83 as of

yesterday). Other important rates, including fixed-term mortgage rates, are rapidly marked to this yield. Unlike short-term rates that respond to fluctuations in the economy, the 30-year Treasuries depend on and crucially reflect changing expectations about the overall economy some time ahead (including inflation expectations). To get the "real" rate of interest, subtract from the 30-year yield either the current CPI (about 3 percent) or the experts' expectations of the rate of inflation (also 3 percent). Be aware that the 30-year Treasury yield fluctuates daily.

Social scientists put out a panoply of numbers, and we damn or praise policies and politicians based on them. You might want to consider the national debt or the deficit (not the same thing and too often confused; deficit is the increment, debt is the total) or the debt per man, woman and child. Or how many days you worked to pay this year's taxes.

**Cunningham**

**T**he employment figures are probably the key indicator of what the local economy is doing. By following employment, one can follow the effects on retail sales, entertainment, services, housing and the like. The unemployment rates, which show the number of people actively looking for employment, gives a reading on the burdens on government and social programs.

Another number to watch is population growth. Over the past decade, we had considerable in-migration to San Diego from other areas, mostly pursuing jobs. That has slowed tremendously because a lot of people have left to work elsewhere. Besides the natural population increase (number of births minus deaths of San Diegans), the in-migration we are seeing is mostly from international sources. These people are bringing a different set of skills, education and culture to the region, which affects employment and related data.

The local economy looks like it will remain flat in 1993, which is semi-good news in that the decline is over. We won't see the 1980s boom years again, but in late 1990s there will be growth driven by international trade and special niches like computer software, communications and biotechnology.

■ *Compiled by Denise Carabet*



## C.W. Kim named to USD Board of Trustees



Mr. Kim

Chong Wan Kim, AIA, President of C.W. Kim, AIA, Architects & Planners, Inc., has been named a member of the Board of Trustees of the University of San Diego.

Mr. Kim, a renowned architect and urban planner, will serve a three-year term on the Board beginning in the Spring semester of 1993.

Mr. Kim is a native of Namwon, Chonbook Province, Korea. His parents, who still reside in Namwon, have believed so strongly in the importance of education that they established a scholarship foundation following the Korean War to assist needy students.

After graduating from the

University of Washington in 1965, Mr. Kim gained six years of professional experience with various Seattle architecture firms. In 1971, he won the prestigious Mellon Fellowship from the University of California, where he later received dual master's degrees in architecture and urban planning.

Mr. Kim became a San Diegan in 1978 when he joined the Hope Consulting Group as its Director of Design and Planning. In 1984, he opened his own firm and quickly delved into such major projects as Daley Center and the Emerald-Shapery Center and Pan Pacific Hotel.

Mr. Kim has designed the Loews Coronado Resort Hotel and has helped plan and design light-rail trolley stations for SANDAG and the Metropolitan Transit District. His projects have been praised in *Architectural Record*, the *London Times*, and the *New York Times*, among others. He and his wife of 26 years, Dong Jin, reside atop La Jolla's Mount Soledad in a home she designed.

"We are delighted that Mr. Kim has agreed to serve as a Trustee of this University," said Daniel W. Derbes, Chairman of the Board of Trustees. "He and his family have embodied the importance of higher education, and we know we will benefit greatly from his counsel."



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# Mock trial team: a great case history

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Union-Tribune / JIM BAIRD

**Mock triumphs:** Members of the successful USD School of Law mock trial team include (top row from left) Dyke Huish, Prof. Richard Wharton, Paul Hora, (bottom row from left) Julie Westwater and Marc Gamberdella.

And Julie Howley Westwater, one of the litigators in USD's Tournament of Champions effort, said being on a trial team "is one of the few times in law school that you have a chance to do something tangible with the law."

To a person, those inside and outside the USD program credit the school's success to Richard "Corky" Wharton, a practicing attorney, professor and head coach of the mock trial teams.

"He has a really good vision of the technical skills required in order to be an effective trial lawyer," said Chris Hulburt, a San Diego attorney who was on the team that won a 1988 regional title. "He has the ability to work with students who know absolutely nothing about real-life trials, ... to take their innate abilities to get up in front of a crowd and tell a story."

Wharton, meanwhile, says his approach stems from a simply strategy: "You literally have to become the case. You know the case so well ... you have it (all) in your head."

Mock trial competitions typically force teams to try the same case up to six times over a three-day period, switching sides from plaintiff to defendant as each trial begins anew. Depending on the sponsor, teams either bring their

own prepared witnesses or coach appointed participants.

Their performances are evaluated by a panel of experts, sometimes including real judges. (Mock trials differ from moot court competitions, which duplicate an appellate court setting).

The cases may be imaginary, but the situations involved are not unusual to lawyers who do trial work.

In last year's Tournament of Champions, Huish and Westwater dealt with accusations of copyright infringement on a country music song. In last month's Miami event, a different team worked a case involving severe injuries sustained during the robbery of a convenience store.

In addition to doing exhaustive research, which Huish said can take two months of work "pretty much to the exclusion of everything else," Wharton coaches his teams to:

- Operate without prepared notes, relying on memory for opening and closing arguments and questioning. Marc Gamberdella, Hora's teammate in this year's ATLA competitions, said that strategy helps students learn to think on their feet and "speak from the heart."

- When confronted with a judicial twist or setback, act as if you

expected it.

- Have a thorough grounding in trial techniques and rules of evidence.

"It really is trying to create the air of a very experienced trial lawyer and feeling right at home in your arena, even though you've never been there before," said Hulburt, an adviser to the USD teams.

And while much of the glory goes to the two students acting as attorneys, Westwater said skillful preparation of witnesses is equally critical.

The competitions can give an institution like USD or Cal Western a chance to shine in an arena where the Harvards and Yales, somewhat surprisingly, are nowhere to be seen.

Rather than emphasizing lawyering skills, "many of the Ivy League schools tend to be more academic in their orientations," said Janeen Kerper, director of trial advocacy at Cal Western.

"We have seen some teams from Stanford, UCLA and Boalt (the University of California at Berkeley law school), but those have been basically students who have come uncoached," Kerper said. "I think it's just the way schools have allocated resources."

"Interestingly enough," she added, "I think that within the Ivy League schools there's starting to be a backlash now, and some insistence that they begin to strengthen some of the skills aspects of their program."

Cal Western's resources are drawn from what Kerper describes as "a very sizable annual budget" for mock trial and moot court competitions, while USD officials say they eke by on a more modest fund.

But Hulburt said his firm, Thorsnes Bartolotta McGuire & Padilla, plans to follow up on a series of annual donations to USD with an endowment for mock trial expenses.

Big or small, legal types agree that the competitions can mean a lot to students long after they earn degrees. "There are offices in this town that really, really look for people who have trial team experience," Kerper said.

That proved to be the case for former teammates Huish and Westwater, who could see each other in court again some day. Huish has lined up a post-bar job with the District Attorney's Office; Westwater is joining the Public Defender's Office.



# NURSE WEEK

WHERE RNS FIND THE LATEST NEWS, RESOURCES AND OPPORTUNITIES

Vol. 6, No. 12 • April 5, 1993

See  
page 13 for  
CE options

*Need for change is dramatic, urgent*

## Retrofitting nursing education

By Barbara B. Gray, MN, RN

Major changes in the structure of health care are forcing nursing schools around the country to retool and rethink the very nature of nursing education. A once traditional, hospital-focused system is racing to produce graduates who can function in the complex outpatient primary care structure now on the Clinton administration drawing board.

Some experts say this overhaul of curricula, clinical sites and faculty orientation is the most revolutionary change in nursing to date. Others caution that changes must enhance, not undermine, the basics of clinical education.

And while nursing management has complained for years that neophyte nurses are ill-prepared to function in the real world, the real world is changing, and changing fast. Just how quickly schools can

gear up to turn out new grads who can function in the growing arenas of home health, case management, ambulatory care and critical care appears to be as important an issue as what changes should be made in nursing school curricula.

Nursing education organizations and nursing executives are among those helping academia respond to these dramatic and urgent needs.

The National League for Nursing (NLN) hopes to pick up the pace

See "NURSING," page 22

## Educators access task force

More than 200 deans and chairpersons of nursing schools met March 23 with Shelly Stubbs Crow, MSN, RN, a University of Tulsa School of Nursing faculty member who is on the President's Task Force on Health Care Reform, and Sheila Burke, MPH, RN, chief of staff to Senate Minority Leader Bob Dole. The meeting was part of the semiannual conference of the American Association of Colleges of Nurs-

ing (AACN) in Washington.

Later that same day, Janet Rodgers, PhD, RN, FAAN, president of the AACN and dean and professor of nursing at the University of San Diego, was called to participate as the only nurse during a small working group session with a half dozen task force members. The session was led by Mike Lux, a special assistant to the task force

See "EDUCATORS" page 22





## Educators gain insight on reform process

*Continued from "EDUCATORS," page 1*  
who has met with many other nursing leaders in past months.

Rodgers says she was one of about 35 professionals, including physicians, pharmacists and other healthcare providers, who gathered to discuss two questions: why such a low percentage of the country's physicians are family practitioners—a matter of concern to the task force—and what role nonphysician providers can play in meeting that concern.

Rodgers addressed the second question, after commenting that the first question was directed to the "non-nurse providers," a quip that she says was lost on some in the room. She acknowledged the need for primary care physicians, but told the task force members that other providers, such as advanced practice RNs, could provide 80 percent to 90 percent of primary care for one-fourth to one-fifth the cost that physicians do. She also mentioned the lower costs of training nonphysician providers.

"The task force members were very interested in what we had to say; you could tell they were really listening, taking notes," says Rodgers.

"Lux joked that his office is the only one in Washington that actually is asking for more paper from people," says Rod-

gers, who contributed AACN position papers on the role of advanced practice RNs and on the nursing faculty shortage to the stack of materials gathered at the meeting.

The small meeting was a welcome complement to the day's earlier session, Rodgers notes. Hillary Rodham Clinton had been scheduled to address the AACN but had to cancel because of her father's illness. The group, however, enjoyed meeting with Burke and Stubbs Crow, Rodgers said.

Stubbs Crow, second chief of the Muscogee (Creek) Nation, was among the native American representatives who gathered to welcome the Clintons during inaugural festivities in January. She took that opportunity to give her business card to Hillary Clinton, who asked Stubbs Crow to follow up with a letter to her office. Following receipt of the letter, Clinton's staff invited Stubbs Crow to join the task force.

Stubbs Crow shared this story with the educators to illustrate how nurses can become involved in decision-making processes. She also spoke about the thoroughness of the task force efforts. Burke spoke about how complex the process is and the enormous task of developing a workable healthcare package.

—Clarice Hutchison

### For more information

- For a free copy of the National League for Nursing's *Agenda for Nursing Education Reform*, contact the NLN, 350 Hudson St., New York, NY 10014; (800) 669-1656; ext. 150.
- For a free copy of the American Association of Colleges of Nursing's position statement, *Nursing Education's Agenda for Health Care Reform*, or for an AACN publications list, write the AACN, One Dupont Circle NW, Ste. 530, Washington, DC 20036.



## SOLUTIONS

### USD Program Helps Businesses that are All in the Family

Running a company can be a tricky business, especially when family members are involved. Hiring or firing an employee takes on a whole new dimension when the individual in question calls you "sis" or "mom." And who decides which sibling will succeed a parent as president or when the transition should occur? It's no wonder that more than half of all family-owned firms don't survive beyond the first generation, and fewer than 30 percent of those last until the third generation.

But the odds may be improving. Last year, local family-run opera-

tions got an unexpected assist. The University of San Diego opened the Family Business Institute, an education and networking program dedicated to helping members anticipate and resolve problems unique to family firms. Preventive medicine, Jacquelyn A. Freiberg calls it. Freiberg is manager of corporate and professional programs for USD Continuing Education and helped found the Institute. Margaret E. Eddy, a financial planner and president of Creative Capital Management, Inc., came up with the idea. Then she sold Freiberg on it.

Eddy has been in partnership with her husband, Robert, for 18 years, and their clients have included a number of family companies. She saw a need for a forum where families could air concerns, share problems, find solutions and learn from outside experts. "There was basically no resource south of Santa Barbara for family businesses to turn to," Eddy says.

In shaping the Family Business Institute, Eddy and Freiberg drew on the experience of similar

programs throughout the country: the Wharton Family Business Network at the Wharton School of Finance; the Family Business Network at Oregon State University; and the Family Business Forum at Kennesaw State College in Georgia.

So far, 20 area firms have joined. Among them: Rubio's Restaurants Inc., Lloyd Pest Control, Neynesch Printers Inc., and Starving Students of San Diego. The \$1,500 annual fee entitles them to two reserved seats at all Institute events (monthly breakfast meetings and periodic all-day or half-day events); a subscription to *The Family Business Advisor*, a monthly newsletter produced by Craig E. Aronoff, a columnist for *Nation's Business* and the director of Kennesaw State's program; a seat on the Institute's advisory board; and an opportunity to network with other member companies.

There can be unexpected bonuses, too. At one of the few Family Business Institute meetings he was able to attend last year, Ronald J. Fornaca, COO of Fornaca Family Bakery, exchanged business cards with Marc K. McBride of McBride Electric. A short time later, McBride paid Fornaca a visit and wound up with a new account — he rewired the robots used for packing bread in Fornaca's state-of-the-art bakery in Escondido. "I like doing business with other family businesses," says Fornaca.

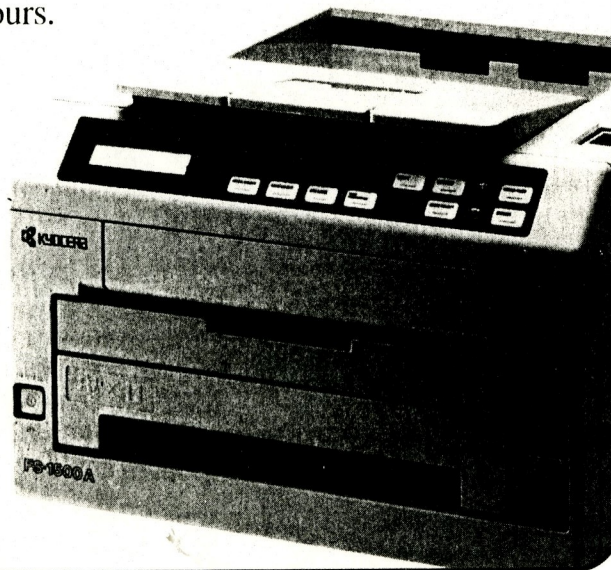
Feedback from the Institute's first year has been positive, Freiberg reports, but the second year will bring changes. Programs will place less emphasis on technical matters, such as taxes and legal issues, and more on organizational development and communication. Several firms — Arthur Andersen & Co., Bank of California and Creative Capital Management, for example — have signed up to be institute sponsors this year. A non-solicitation policy ensures that members can benefit from association with these outside professionals without being pressured by a sales pitch. It also means more resources to run the program. And this year, Freiberg says, there will be fewer all-day conferences. Members are too busy running their companies. ♦

*By Kit Ladwig, a San Diego-based freelance writer.*

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## USD Program Helps Businesses That Are All in the Family

Running a company can be a family business. In fact, many family businesses are privately held, and the family often owns a large portion of the company. But as the family grows, the business can become more complex, and the family may need help to manage the business effectively. The USD Program is a free, confidential service that provides family businesses with the tools and resources they need to succeed. The program is designed to help family businesses in a variety of ways, including:

- Providing a confidential space for family members to discuss business issues.
- Offering expert advice on a wide range of topics, from financial planning to succession planning.
- Helping family businesses to develop a clear vision for the future.
- Providing access to a network of other family business owners.

The USD Program is a free, confidential service that provides family businesses with the tools and resources they need to succeed. The program is designed to help family businesses in a variety of ways, including:

...and an unexpected result. The family business is a complex and often confusing environment, and the USD Program provides a safe space for family members to discuss their concerns. The program is designed to help family businesses in a variety of ways, including:

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# Theta Profile

## JUST THE FACTS, PLEASE

**S**he's one of only 13 women in the U.S. who are law school deans. She climbed Mount Kilimanjaro. Her most recent travels include the Galapagos Islands and three weeks in Vietnam. She enjoys a successful 27-year marriage and two children.

It's tempting to describe Kristine Freiburg Strachan as a superwoman. But don't. She'd hate it.

She'd prefer just the facts, please.

The Omicron alumna is not fond of generalizations or superficiality. What she loves, is the rule of the law. "I am intellectually captivated by the law," she declares.

Strachan's intensity for the legal process has been honed on a nontraditional, if inadvertent path, which has taken her from a young girl with, she says, "ill-defined goals and attitudes," to dean of the University of San Diego School of Law.

As dean, a position she's held for more than three years, Strachan successfully manages the equivalent of a \$15 million corporation, complete with approximately 1,100 students, 6,000 alumni, 60 professors, 50 staff members and a dozen ancillary centers, programs, institutes and enterprises.

True to the purity of form she prefers, however, it is not this high-profile position, or accolades for her extensive writing, speaking and public service, of which she is most proud. Rather, Strachan derives the most satisfaction from her role as professor of law. "Teaching centers me. It makes the daily trials and tribulations all worthwhile."

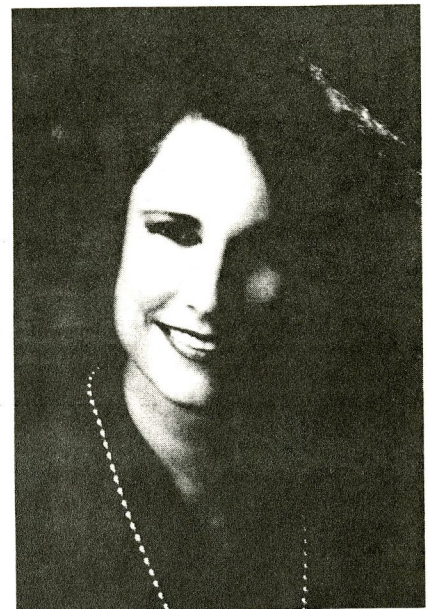
Last spring Strachan received the USD Professor of the Year Award, presented by the Student Bar Association to a faculty member who demonstrates excellent teaching and personal responsiveness to students. Five years ago, at the University of Utah

College of Law, she also received the Distinguished Teaching Award. Strachan — whose published works focus on jurisdiction, evidence, and international law — teaches procedure, remedies, evidence, federal courts, comparative law and trial and appellate practice.

As a young woman attending The Bishop's School for Girls in LaJolla, Calif., it simply never occurred to her to study law, recalls Strachan. But after spending nine months in Germany as a foreign exchange student, she began to develop a sense that she could, and should, do something significant in her life. Strachan, who has traveled extensively and speaks German — plus a bit of French and Spanish — says, "That planted the seed. I still didn't know what (I would do), but something interesting. I was after something nontraditional."

It was that search for something nontraditional, Strachan believes, that made her receptive to Kappa Alpha Theta at the University of Southern California in 1962. She began to be aware of women's issues and roles, and the Thetas became her first group of female role models. "I was impressed with Theta. I thought it was the strongest, best sorority at USC. It had a unique focus on nontraditional roles for women, because of the history of its founders. There was clearly a different message from that of other sororities. The message to work to one's full potential was strong at the time for those who were receptive."

Strachan, who identified with Theta's academic orientation, graduated magna cum laude and Phi Beta Kappa from USC with a degree in international relations in 1965. Although then-fiance Gordon Strachan was headed for graduate school, the notion hadn't occurred to her. "I was casting about for what to do after college and didn't find a lot of options," she says. "Many



**University of San Diego  
School of Law Dean  
Kristine Freiburg Strachan,  
Omicron/Southern California**



# Theta Profile

women were going into elementary education, but I didn't see much future there. I talked to my advisors and mentors, who were receptive to stretching boundaries for women. They encouraged me to think about law school."

Strachan applied to law school during what she calls "a perfect window of time," when schools were looking for qualified women. At the University of California at Berkeley, where she was a member of the California Law Review

In 1987, Strachan and daughter, Lauren, shared a high-altitude celebration upon reaching the 19,340-foot summit at Peak Uhuru on Mount Kilimanjaro.

and Order of the Coif, she was one of fewer than a dozen women in a class of 300.

When Kristine and Gordon Strachan graduated from law school in 1968, he initiated the first of what was to become a pattern of "my turn, your turn," moves by the Strachans. Because it was more difficult for women to find positions with law firms, he suggested that she take the first job and he would follow.

It was at her first job, with the respected and prestigious New York law firm Sullivan & Cromwell, that Strachan became a devotee of the law and the legal practice. "I was able to practice the very highest quality of law there," explains Strachan. "It was rigorous and exciting."

In 1970, when her husband, who worked for a law firm just blocks from Sullivan & Cromwell, was offered a position in Washington, D.C., Strachan decided it was her turn to follow him. Although she didn't want to leave the firm, she saw the move as an opportunity to fulfill her goal to practice international law. "The State Department is the only place in the U.S. where you can practice public international law. That was what I'd been aiming for, so I took a job there with the Office of Legal Advisor."

Her youthful attraction to international relations turned out to be more glamour than substance, according to Strachan, whose responsibilities included Southeast Asia. "I hated it. At that time, if ever there were a place not governed by legal principle it was Vietnam. I was used to a 'can-do' ethic at Sullivan & Cromwell. At the State Department I was confronted with a behemoth bureaucracy and found myself practicing congressional relations."

Finding her ideal was an illusion, Strachan — who refers to the experience as "an interesting, but rude, late awakening" — left her job. Deciding it was a good time to have a child, she turned her energies to child rearing. "I do things obsessively," explains Strachan. "I was obsessed with motherhood and doing it all right." Although she remembers those years fondly, Strachan, whose daughter now attends Brown University and son is in high school, says she began to lose track of herself. "Fortunately, my husband saw what was happening to me and motivated me to leave the nest."

With an even stronger realization of her commitment to the study of law, and the credentials she'd been building, Strachan made the decision to go into teaching. "I had become enamored with the law and teaching it," she says. "It is constantly changing, while other areas are static. Also there is the benefit of working with extraordinary young minds."

It was once again her husband's turn to follow, as Strachan opened yet another window of opportunity: "Women in law were being hired to teach." With several exciting offers available, she accepted a position at the University of Utah College of Law.





There, the Strachan's planned, one-year visit became a 16-year sojourn. "The longer we stayed the better we liked it," says Strachan. "It was a good place to raise children and has a fabulous quality of life." Following her tenure as a professor of law at Utah (during which time she took a sabbatical to work as Salt Lake special deputy county attorney), Strachan accepted her present position at USD. Her husband continues to practice law at the Park City firm he opened, commuting on weekends to San Diego.

Of the 175 American Bar Association law school deans, Strachan is one of 13 who are female. She notes that four of those women are in California, as she recalls the mid-'60s when she and other women at the top of their law class discovered that California law firms weren't hiring women. Says Strachan, "They said they didn't think their clients would stand for women and, at that time, we just accepted that. So, many of us decided to leave California and look on the East Coast where law firms had already confronted the issue of hiring women."

Although New York firms were hiring, Strachan says, "There weren't many other women," and recalls that there were still major barriers to equality. A lot of legal business was conducted at men's clubs, where women were not welcome. But Strachan says there were many male mentors who made a real effort to get her in the door, literally. "At a working luncheon at a club, a senior partner put me on his arm and marched me through the door," Strachan remembers. "When we were told I couldn't come in, he suggested that perhaps the firm wouldn't have luncheons there any more. We were allowed to enter."



Dean Kristine Strachan listens as U.S. Supreme Court Justice Sandra Day O'Connor speaks about her perception of improvements needed in legal education. Justice O'Connor addressed an enthusiastic, capacity audience during her lecture on the University of San Diego campus in April, 1992.

These very conservative and traditional men were unusually supportive, says Strachan. "Once you were one of them — a young associate — they were as annoyed at the unfair treatment as the women were. It was an impediment to the efficient operation of the firm. That's all part of the dynamics of the struggle for equal rights that I find fascinating."

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**"I was impressed with Theta...The message to work to one's full potential was strong at the time for those who were receptive."**

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Strachan thinks that many women are victims of stereotypical thinking. She explains, "There are some who think there is no such thing as the glass ceiling, who will be disappointed (to find there is). Others, who have an attitude that they will always be treated unfairly, will create a self-fulfilling prophecy."

Strachan believes that Theta can help young women develop to their fullest

potential. In addition to maintaining high academic standards, it can, for example she says, "Educate women about various career options, including the preparation and personality profile necessary to each, as well as public service opportunities for women interested in part-time work."

"Theta played such a role in my generation, but not concertedly," says Strachan. "Now we need to be more deliberate. We need a broader and more conscious effort. Theta has always been inspiring, but now it needs to do even more to educate women about the problems they may face and the progress that has been made."

The support of Kappa Alpha Theta was one of the windows of opportunity in her own life that Strachan values. She encourages young women to become Thetas and writes letters of recommendation for them. "It's a great experience. Young women will grow out of it and move on to other fulfilling activities and roles. That's how it should be. Theta nurtures them, then pushes them out of the nest and, if it's serving its purpose, they're ready to leave and will always be grateful."

**By Susan S. Holloway**  
Editor



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## USD Local Economic Indicators Up A Bit, But No Recovery Yet

By ANDREW KLESKE

San Diego Daily Transcript City Editor

USD's index of leading local economic indicators continued its steady but uncertain ascent in February, creeping up a slight .2 percent and mirroring the rate of increase for January.

Kelly Cunningham, senior research analyst with the chamber's Economic Research Bureau, said the index's uptick is significant not for the number itself but for the trend it represents.

"It has to increase three or four months before it shows a trend," Cunningham said. "It's not showing a recovery yet, but it seems to me we're leveling off. It's not a lot to get exciting about, but at least it shows we're getting better."

Alan Gin, the USD professor who oversees the index, said three months of improvement for the index historically signals a bottoming-out of the local economy in the near future, and predicts an upturn in the second half of this year. But he added that the small increases witnessed indicate the turnaround may be weak.

"The strongest component was the initial claims for unemployment."

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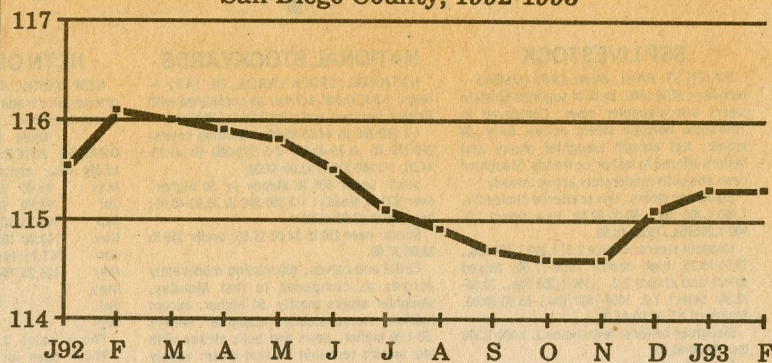
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## Index of Leading Economic Indicators

San Diego County, 1992-1993



Source: USD Economic Research Group

USD's index of leading local economic indicators continued to climb in February for the third straight month.

## USD's Index Climbs

Continued from Page 1A

ment insurance, down again for the seventh consecutive month," Gin said. "That might indicate the wave of layoffs that we have been having is slackening somewhat."

The number of initial claims for unemployment insurance declined 1.49 percent for the month.

One area that has produced negative numbers of late, local stock prices as reported in the *Transcript's* San Diego Stock Exchange, took a turn for the better in February, climbing .88 over January's prices.

"I would list the change as a moderate increase in February," Gin said, adding that stock-price advances provide insight on the long-term thinking of investors. "The increase we saw indicates investors have a positive view of the future."

Help-wanted ads increased in February by a mere .22 percent, having moved up .83 percent in January and 1.15 percent the month prior.

"That's a small increase and I'm a little worried because the trend there seems to be weakening," Gin said, adding that help-wanted ads are among the better indicators of current job growth. "It's proven to be pretty good in the past."

Another barometer on the rise is the national Index of Leading Economic Indicators, reported by the U.S. Department of Commerce as rising .69 percent for February. Gin said the index has limited merit in assessing local business growth.

"We do make some products, though not a lot, that do get shipped nationally, and as the national economy improves, people will buy our products," he said, adding also that as people around the country

prosper, they will be looking to San Diego as a vacation destination.

That would be good news for the beleaguered tourism industry here, which witnessed a dramatic 1.97 percent decline in business for February.

"Tourism is a big part of the local economy," Gin said, "and it has been down heavily for two consecutive months now due largely to the weather." Last month tourism activity was down 1.47 percent, and in December it was off .86 percent.

"Those tourist dollars are gone, and they'll never come back," Gin noted. "You'd actually have to go back to 1991 to see a worse decline."

Construction activity, as measured by residential building permits issued in the county, continues to be a negative factor in the index, off .09 percent for the indicator's 10th consecutive month of decline. But Gin believes the industry is ready to rebound.

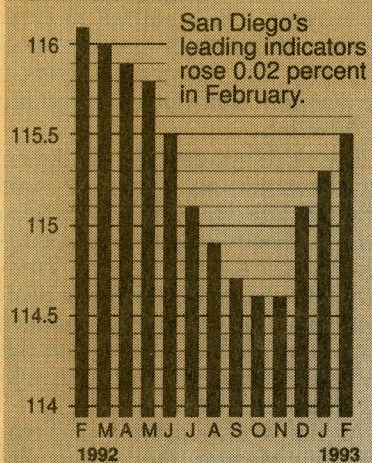
"Last year we reached a record low in the total number of building permits issued, and I fail to see how it could go any lower," he said. "Things appear to have bottomed out."

The overall picture, Gin said, is dependent on the last two indicators rising to prosperous levels again, although neither appears to be moving in the right direction. Construction activity will remain off as demand for new product does not yet exist and tourism activity is predicted to be way off in 1993, based on poor bookings for conventions here.

"With weakness in construction and tourism we're not going to have robust growth," he said. "It will probably be a long time before we see the growth rates we had in the 1980s."



## UPWARD TREND



SOURCE: School of Business Administration, University of San Diego

UNION-TRIBUNE

# Leading indicators up slightly again locally

By FRANK GREEN  
Staff Writer

Spurred by a drop in new unemployment claims, San Diego's economy continued its slight warming trend in February, according to a survey of leading economic indicators released yesterday.

An index of business activity compiled by the University of San Diego posted its third consecutive monthly gain, rising 0.2 percent and signaling that the recession's grip may finally be weakening. The indicators used are believed to provide insight into the level of future economic activity.

Among the individual indicators,

prices on the San Diego Stock Exchange Index, the number of newspaper help-wanted ads and national economic indicators all posted gains, and new unemployment claims declined by 1.49 percent over the previous month, to 20,373.

Only two of the report's seven indicators were down. Bad weather caused tourism to drop sharply again, while the number of new building permits registered a slight decline.

"I think it shows continuing sideways movement in the local economy," said Marney Cox, an economist with the San Diego

Association of Governments. "Things aren't getting progressively worse, but they're not improving rapidly, either. . . . Recovery may be as much as a year away."

Alan Gin, a professor in the USD School of Business Administration who compiles the survey, said three consecutive monthly increases in the index have historically presaged a bottoming out of the local economy.

"Overall, (the latest report) is a positive," Gin said. "But there likely won't be big growth until construction and tourism turn around."

Building permits in the county, which registered 322 in February,

have now decreased for 10 months in a row.

Gin said the slow overall surge may lead to an upturn in the economy in the second half of the year — but a weak upturn.

February's index was 115.5, up from January's reading of 115.3. Revised figures for various components did not alter January's previously reported increase of 0.2 percent.

Other local economists responding to the survey's results likewise were less than bullish about San

See Local on Page C-2

S.D. Union-Tribune

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## Local

### USD economic index gains for third month

Continued from C-1

Diego's prospects for substantial short-term economic growth.

"I can't really see a big jump taking place soon," said Kelly Cunningham, an economist with the Greater San Diego Chamber of Commerce. "What we're seeing is the economy moderating, leveling out."

In the past, California and San Diego have typically weathered recessions better than the rest of the nation because of high levels of military spending here and, to a lesser extent, strong international trade. But the defense industry has collapsed, and trade is down with Canada, Germany and Japan because of their own weakening economies, economists said.



## Neil Morgan

## There's not a word of bad news here today



**If you aren't** talking about the Padres' home opener this morning, you're seeking other small talk to avoid the hard news of hard times. Almost anything seems to do. Here is a random tour of what San Diegans are talking and hearing about:

Lawyers at the Luce Forward firm in One America Plaza take turns in describing the primordial yellow sculpture that has appeared in the lobby. ("Fresh Gasoline" by Noboru Tsukabaki, explains the Museum of Contemporary Art, and it's about pollution.)

Zipper is the new mascot of the transbay commuter set, and it's a nickname born in San Diego. Zipper is a \$450,000 vehicle that rides back and forth over the Coronado bridge, lifting and moving concrete lane barriers that weigh 1,500 pounds a segment. Because the bridge has paid off its debt, Caltrans can operate a pair of Zippers in tandem. They're the first in California. It's a Kiwi invention, first used in Auckland. You can watch Zipper work four times a day. About 5:30 a.m., it sets up three lanes into Coronado, two out. At about 8, Zipper returns the barriers to neutral, two lanes in and two out. Around 1:30, Zipper makes it three lanes out of Coronado and two in. And at 6, back to two-and-two for the night. Go see Zipper. See Zipper work.

#### San Diegans on the move:

To testify before Hillary Rodham Clinton's health-care task force, representatives of five U.S. medical groups were called to Washington one day last week. Among them: Dr. Donald Balfour of San Diego's old-line, innovative Sharp Rees-Stealy Medical Group. Summoned on short notice, he took the red-eye overnight flight. . . . Gayle Wilson, who moved up from San Diego lawyer's wife to become California's first lady, speaks from one of the state's premier podiums on Friday: San Francisco's big, tough Commonwealth Club. Her topic: her campaign to reduce problems for California children. Her husband, Pete, addressed the Com-

monwealth recently; comments on comparative applause levels are assured. . . . Florence Goss is an arts pioneer who launched the San Diego Symphony women's committee and its young people's concerts. At 90, she's self-published a love story called "Bonjour Paris," on sale in the gift shop at the Symphony, which it will benefit. . . . San Diego State brings in California historian Kevin Starr for a symposium on the city's future, on May 5 at the Red Lion.

#### Baseball in the courts:

Baseball is in season even among justices of the U.S. Supreme Court. Before Justice Harry Blackmun spoke at University of San Diego, he visited a class in civil procedure taught by Kristine Strachan, the law dean. What, a student asked Blackmun, has been the most challenging legal question that has faced the court in your years? "You expect me to say *Roe v. Wade*," Blackmun answered, but cited *Flood v. Kuhn*. "The case in which I had the most fun was this baseball case. (In my ruling) I engaged in a sentimental journey speaking of the great players of yesteryear. I had a great time quoting 'Casey at the Bat' and Grantland Rice. Potter Stewart was the justice who gave me that assignment. He said, 'Keep it short and put it in per curiam form.' I didn't (do either) and two of my brethren wouldn't join me in my sentimental journey. One was Chief Justice (Warren) Burger, who may have thought it was beneath the dignity of the court for me to indulge in this. The other, of all people, was Byron White, and I never found out why. As soon as he's off the court, I'm going to ask him. . . . Even today, when I come to a city like this, someone will come up and say, 'Why did you leave Joe Zilch off the list of great ballplayers?'"

#### Saving the wilderness gulf:

The natural wonders of the wilderness Gulf of California and its bird and mammal life (whales and dolphin, rattlesnakes and island bird sanctuaries) enticed the authors John Steinbeck, Max Miller, Raymond Chandler and

Joseph Wood Krutch. But their enthusiasm and their books have done little to bring ecological sanity to these remote gulf shores. Now San Diego's Enrique Hambleton has helped to achieve a unique conservation conference about the Gulf of California. It has resulted in a demand for enforcement of Mexican fishing laws in the gulf, protection of the Colorado River delta and creation of a commission to oversee the gulf. The conference center was afloat in the gulf: Sven-Olof Lindblad's M.V. Sea Bird, which conducts nature excursions in gulf waters. Hosts to the conference (held March 22-26) included SEDESOL, the Mexican EPA and the World Wildlife Fund. The 60 conference delegates, invited by Dr. Exequiel Ezcurra of SEDESOL, were a volatile mix who managed a final consensus. Delegates included Mexican politicians, academics, tourism officials and resort owners and developers.

#### Networking with readers:

Len Torres suggests a word about the Pacific Star, a San Diego-based casino ship that makes same-day cruises from San Diego to Ensenada. He calls it San Diego's only home-based cruise line. I wrote (on March 21) about the dwindling presence of cruise ships in San Diego and the departure of the city's last home-based overnight cruise ship, Commodore Cruise Lines' Enchanted Isle, which made seven-day cruises between San Diego, Cabo San Lucas and Mazatlan. It has been sold to Russian investors and will become a floating hotel at St. Petersburg.

#### Maybe spelling has improved:

Historian Philip M. Klauber takes a daily morning jogging route along Montecito Way in Mission Hills. That gives him time to study concrete inscriptions in sidewalks laid down during the early years of this century. He's photographed seven immortalized misspellings of Montecito Way.

**NEIL MORGAN's** column appears on Sunday, Tuesday and Thursday.



# SAN DIEGO

Vol. 5 ♦ No. 30 ♦ \$1

2880 Main Street, San Diego, Calif. 92113

## Blackmun speaks out

■ *The Supreme Court Justice who authored Roe v. Wade speaks with humor at USD School of Law.*

BY JOE WAYNE  
Editor

Supreme Court Justices aren't generally thought to be the life of the party, but no one can deny that Justice Harry Blackmun has a sense of humor.

How else can you regard a man who spends the first few minutes of a public address at a prestigious law school reading his hate mail to the audience?

Justice Blackmun regaled an audience of 800 at the University of San Diego's Shiley Theater with selections from his many nonadmirers across the country. Like the one who sent birthday ill-wishes: "Unhappy birthday to you, hope you don't have many more."

Blackmun probably has more ill-wishers than most. As the author of the decision *Roe v. Wade*, which made abortion a constitutional right, Blackmun has for many become the focal point of a national debate that some consider far from settled.

Blackmun, however, said the issue is over.

## COMMERCE

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Tuesday, April 13, 1993

"I think the Court for the most part feels that the legal issue . . . is settled," Blackmun said. "That does not mean that all the other aspects of it are settled, because they are not."

While the abortion issue is primary for many, Supreme Court watchers are interested in who is going to retire from the court -- and who will replace them. Justice Byron White has already announced his decision to retire, and many feel that Blackmun, the oldest remaining Justice at 82, may be next. White and Blackmun make up the liberal wing of the current Supreme Court, and Washington watchers predict that these two Justices will feel safe in retiring with the knowledge that a Democratic president will choose their successors.

Blackmun did not address the question, which remains open because he has not yet selected his clerks for the

See BLACKMUN, page 2

(cont'd) →



(cont'd)

## BLACKMUN

*Continued from page 1*

upcoming session of the court.

But the theme of Blackmun's address was the changing of the guard, and he elaborated on that theme in a variety of ways, from reading of the opening scene of Hamlet (which involves a changing of the guard) to the seasonal change that he watches from his home in Washington every year. And he spoke elliptically of what the com-

ing months would bring.

"There is a change in the wind," Blackmun said.

White and Blackmun have a ritual, according to Blackmun. When they pass each other in the halls of the Court, Blackmun will ask "Haven't you retired yet?" and White will reply, "No, still working. Haven't you retired yet?"

It appears that both of these two members the earlier, more liberal court have a sense of humor, of their advancing years, and of their place in the decisions that face the

current court.

Blackmun also noted that health is a continuing problem for many of the Justices, including current Chief Justice Rehnquist, who has suffered for years from back pains.

"I suspect that if Mr. Bush had been re-elected, (William Rehnquist) would not have sat on the court very long," Blackmun said. Which leads some to speculate that President Clinton may get at least three Supreme Court appointments during his first term.

But Blackmun believes that pack-

ing the court is not an alternative that Clinton finds acceptable, or even possible.

"As many Presidents have found out, you can't depend on Justices you appoint to vote the way you want."

And some of the audience agreed. Robert Fellmeth, director of the Center for Public Interest Law said: "If you appoint a person who thinks, their reasoning is going to lead them to different conclusions at different times."

## SAN DIEGO COMMERCE

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## CLARIFY

*Continued from page 1*

Last week, civil rights lawyer Stephen Yagman of Yagman & Yagman in Venice -who represented the Armster plaintiffs - filed a petition with the judges on the Armster panel asking them to order the U.S. Central District of Califor-

"My guess is that on May 13, the bulk of jury trials will not take place."

Neither 9th Circuit Chief Judge J. Clifford Wallace, a member of the executive committee, nor Central District Chief Judge Manuel Real was available for comment on the clarification Thursday.

Bills already have been introduced in both houses of Congress to provide sum-

rather than "suspend" them should additional funding not be available would not be constitutionally acceptable, he said.

"It would be a subterfuge," Yagman said. "They can't suspend the Constitution, or use a subterfuge to suspend it."

Yagman compared such an approach to employment termination cases. Someone can be terminated for any reason, as long as it's not an improper reason, such



## LAWYERS IN • MOTION •

**S**even local attorneys have been given Outstanding Service Awards by the San Diego County Bar Association (SDCBA) for their exceptional contributions to the legal profession and the community.

"These individuals have shown tremendous service in their dedication to the future of the San Diego community," said SDCBA President David Noonan. "We are very pleased to recognize them for their outstanding efforts."



**Luis Aragon**

Briefs" and is a member of the American Bar Association's Committee on Professional Liability and the Southern California Defense Counsel Association.

Public Defender **Linda R. Brown** will be recognized for her service to the legal profession. Brown, who received her law degree from Western State University, currently serves as president of the Criminal Defense Bar Association and has been a member of the organization's Board of Directors for six years. Additionally, she is a member of the Domestic Violence Council and was appointed by former mayor Maureen O'Connor to serve as chairperson of the City's Commission on the Status of Women.

\* \* \*

Sister **Sally Furay**, vice president and provost of the University of San Diego, will receive an award for her Service to the Legal Education. Furay, who holds her law degree from the USD School of Law, is a frequent speaker on women's civil and legal rights. She is a board member of the San Diego County Bar Foundation and a past vice president of the SDCBA.

Who are they, and what have they done?

For the past six years, **Philip Gianscinti, Jr.** a partner at **Procopio, Cory, Hargreaves & Savitch**, has been an active volunteer with the San Diego Children's Convalescent Hospital. Each day, he helps to dress, feed and care for the children who are afflicted with permanent disabilities and require constant care.

**Steve Cologne**, a partner with **McInnis, Fitzgerald, Rees, Sharkey & McIntyre**, will be awarded for his service to the SDCBA. He has served as chairperson of the Insurance Benefits Committee since 1990, and was instrumental in negotiating competitive individual and group health plans for members with the SDCBA's insurance provider. Cologne obtained his undergraduate degree from the University of Southern California and his law degree from the University of San Diego. He is currently vice president of the San Diego Defense Lawyers, serves as coeditor of the bar's monthly newsletter "Bar

mittee and a chairperson of the District Attorney's Task Force on Hate Crimes.

**Carl Poirot**, executive director of the San Diego Volunteer Lawyers Program, will be recognized as the Legal Professional of the Year. Poirot has received many national and local awards for his coordination of many successful pro bono legal programs for the San Diego Community.

Since 1977, Sister **Antonia Brenner** has been a positive force with prison inmates at the La Mesa State Penitentiary in Baja California.

She ministers to the inmates, assists them with their court appearances and procures medicine for their illnesses. Brenner is recognized for her long-standing contributions, which have had a favorable impact on the legal system, and her assistance in rehabilitating troubled citizens back into society.

During his career at Jennings, Engstrand & Henrikson, Walter R. Peck served on the firm's board of directors for 20 years, held at differing times the positions of managing partner, vice president, and chairperson of the Public Agency Department. Now he has retired, although he will continue to be of counsel to the firm and will handle special projects and limited representation for them.

Peck's practice is focused in the area of public agency representation with an emphasis in water law and rights. He has served as general counsel to many water districts in the area. He is also active in state water matters and serves as vice chairperson of the Association of California Water Agencies' legislative and attorney's conference committees.

\* \* \*

**Clare Hunter Stebbing** and **Cheryl L. Coleman** have joined **Gray, Cary, Ames & Frye** as associates, according to Don G. Rushing, managing partner of the law firm.

Stebbing joins the firm as a member of the Financial and Commercial Services Practice Section where her practice will focus on bankruptcy law. Stebbing was most recently an associate with Mulvaney, Kahan & Barry in San Diego. Before that she was a judicial law clerk to the Honorable Linda Riegler, U.S. Bankruptcy Court, District of Nevada.

Stebbing received a bachelor of arts degree in Economics and Philosophy from the University of California, Santa Barbara in 1985. She attended the University of San Diego School of Law and obtained her juris doctor degree, cum laude, in 1989.

Coleman joins the firm as a member of the Environmental, Land Use and Real Estate



**Sister Sally Furay**



## Ozzie Roberts: Making It

# He has his sense of adventure down to a science



John Ubante is an adventurous kid who believes in the family of man and the omniscient power that links souls with souls, and minds with minds.

At the tender age of 17, this gregarious Gompers Secondary School senior, who has always been identified as a high achiever, comes by his character and conviction by way of his family.

Ubante's parents, Noemi and Ed, were idealistic college kids in their native Manila in the late 1960s and early '70s whose hearts burned with fires stoked by the concept of the world as a harmonious place.

And, for humanity's sake, they fervently backed outcries against the repressive tactics of Philippines' strongman Ferdinand Marcos.

And after Ed Ubante joined the Navy, in search of a better life, Noemi Ubante relocated to Virginia, where he was stationed. But she was driven more by the challenge of a new test than by a sense of spousal obligation.

"The idea of moving to a (totally different environment) was an adventure, big time, for me. And I made up my mind not to shy away from it," says the 39-year-old mother of three.

It's not surprising, then, to hear John, her second-born.

"I like climbing mountains and I'd like to sky dive — but someone won't let me," he says, cutting a glance at his mom. "I also like being challenged to use my mind.

"It's no question I get all of that from them."

And, no question, the essence of what the kid absorbed from the elders rocketed him into the math-oriented world of science, where those who know him view Ubante as a sure bet to make a mark.

He's been accepted at UCSD. And he's got this irrepressible notion to do something good for others with what he's learned.

"All the science you learn in school doesn't mean a thing unless you can apply it to life," says Ubante.

The youngster's way of thinking led him into family-like bonds with some of the greatest influences any kid can have — good teachers and stimulating academic programs.

Programs like the accelerated one he's been part of

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for the past six years at Gompers.

And, like the Summer Educational Experience for the Disadvantaged (SEED) project at the University of San Diego. The only "disadvantage" for Ubante was an economic one, when his mom became a single working



Union-Tribune / DON KOHLBAUER

**Mature mind:** "All the science you learn in school doesn't mean a thing unless you can apply it to life," says John Ubante.

parent following a divorce eight years ago.

Two of the lasting human treasures for Ubante are Miriam Nason, now a sixth-grade teacher at O'Farrell Junior High School; and Sister Patricia Shaffer, the energetic USD chemistry professor and biochemical researcher.

Nason recognized in Ubante that certain something she looks for in all kids. She mentored him for three years at Johnson Elementary School in an advanced curriculum, primarily math- and science-oriented.

Yet she was always diligent in keeping Ubante and her other students well-versed in the humanities.

For that, Ubante, who speaks with undying pride in his Filipino roots, is ever grateful.

Shaffer put Ubante through two summers of grueling scientific research as part of SEED, which she runs for science-minded high school students with the brains, but not the wealth, to increase their learning in the field.

"Sister Shaffer makes you use your mind and Mrs. Nason was probably the most influential person in my life," says Ubante.

And Gompers, he adds, "is a second home — I love this place."

Then that hand-me-down adventurism takes over and he says, "But it's time for me to take the next step."



S.D. Union-Tribune

4-12-93

FYI

# Racism: the Stanford experience

By JOHN LEO

Is there a great upsurge of racism on college campuses? Many media accounts seem to say so. But that conclusion may say more about the limitations of journalism than it does about the campus. In reporting on campus racial tensions, journalists tend to focus on the most dramatic incidents, often stringing them together to create the impression of broad and open conflict.

The view from campus is often different. "More often than not, suggestions of racism that are so frequently reported in the press offer excitement at the expense of truth," says John Bunzel, former president of San Jose State University, now at the Hoover Institution at Stanford.

"Most thoughtful observers acknowledge that the 'redneck' racism of fights, slurs, property damage and other acts of 'ethnoviolence' does not describe the atmosphere of campus life today."

Bunzel's book, "Race Relations on Campus: Stanford Students Speak," based on hour-long interviews and student questionnaires, reported little hard-core bigotry. Despite "pervasive racial anxiety," the book says, surface conditions between blacks and whites are very good. Close to two-thirds of all seniors thought that "most people on campus are fair to all racial and ethnic groups."

That's the good news. The bad news is that tensions between blacks and whites are high and rising.

Blacks and whites aren't even speaking the same language. To whites, the race problem is one of personal relationships

and individual fairness. Blacks, or at least the black student leaders, view it as a black struggle to change the system of white control of the university.

Half of black students agreed that institutional racism exists on campus, but only 28 percent of that group could come up with a concrete example.

White students are frustrated by the way blacks try to bring about change. Almost half of the white seniors agree that "the black student leadership is made up of people with their own political agenda who are devoted to simply *seeing* racism."

To gather strength and stand against white control, blacks more and more segregate themselves, and whites resent it. Bunzel writes: "But a great many blacks, inclined to think of racism in institutional terms and therefore as firmly fixed in the university, insist that the real problem is oppression, not segregation."

The result is that black students define progress in terms of more power, rather than in education or reconciliation, and in turn, frustrated whites become less interested in reconciliation, too.

The more Stanford has tried to do — aggressive affirmative action, sensitivity training, ethnic theme houses, changing the "Eurocentric" curriculum — the worse matters became. One of the most liberal campuses in America is now turning out more and more racially alienated graduates.

Seventy percent of seniors said racial tension had increased during the years they had spent on campus. Whites are leaving Stanford less sympathetic to minority causes than when they arrived.

One explanation is that university administrators have no wish to see angry protesters on their lawns, carrying highly

telegraphic signs about racist policies. To show support for minorities, to send the "right" signal to liberal activist constituencies, they end up caving in to demands they should be opposing on principled grounds.

These demands include freshman orientation programs that amount to heavy indoctrination, "sensitivity" seminars that assume whites are bigots, and some highly dubious classes. (Stanford has offered a course called "Black Hair as Culture and History," for instance.)

The most serious offense committed by colleges is the failure to do anything about the relentless trend toward segregation on campus. At various campuses, blacks have their own segregated dorms, student centers, tutorial programs, yearbooks, pages in college newspapers, dances and fraternities.

Some schools have freshman orientation programs exclusively for minorities; others even hold some black-only graduation receptions. At many universities, it is possible to go through four segregated years without having much contact with white students at all.

Brunetta Wolfman of George Washington University calls this the "warm, dark cocoon of resegregation." The cocoon is comfortable, but it requires conformity and keeps students on the margins of campus life, says Wolfman.

Black students created the push for resegregation. But the scaffolding that put it in place was provided by college administrations.

Nothing important will happen to improve racial relations on campuses until administrations admit the disaster and start pulling down the scaffolding.

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LEO is a syndicated columnist and contributing editor to U.S. News and World Report.



FYI

8 ■ San Diego Business Journal ■ April 12, 1993

## NEWSMAKERS



The late Ernest Hahn being honored by Mayor Susan Golding last year

### Honk if you desire drive to honor Hahn

Nobel Drive may be renamed after the late, great **Ernie Hahn**, if community leaders have their way.

The street in Golden Triangle would become Ernie Hahn Road, after the developer who helped launch the area as San Diego's second downtown.

**Steven Pelzer**, chairman of the Golden Triangle Marketing Consortium, has written to Mayor **Susan Golding**, requesting her advice on how to get the street name changed.

"We're trying to do it right and not make anyone mad," said **Jan Percival**, another member of the consortium. "The reason we picked Nobel Drive is that it doesn't have too many busi-

nesses, and we figure it would be less financial impact for individuals to send change of address cards to their friends rather than businesses changing letterhead, cards and forms."

Hahn built University Towne Centre mall and the seven office buildings that make up the Plaza at La Jolla Village.

There's been no response from the mayor's office yet to the group's February letter, so the name change is still down the road.

"We just want the opportunity to honor one of San Diego's best-loved citizens," Percival said. "The last thing we want to do is turn this into a big community battle." — **Caty Van Housen**



# AROUND THE COUNTY

## USD trustees name chairman

**San Diego**

The University of San Diego has named a new chairman and a new member to its board of trustees.

The new member is Chong Wan Kim, president of an architecture and urban planning firm that bears his name. Kim will serve a three-year term.

Daniel W. Derbes, president of the investment group Signal Ventures, was elected chairman of the board. Derbes, a trustee since 1981, succeeds the late Ernest W. Hahn as head of the private university's 36-member governing body.

The university said Joanne C. Warren, an arts and civic-organization patron, was elected to replace Derbes as vice chairman of the board.



# Supreme Court now in throes of change

## Justice Blackmun hints at own exit

By **LORIE HEARN**  
Staff Writer

Justice Harry A. Blackmun alluded to his own possible retirement and hinted that there may be other changes at the U.S. Supreme Court in a remarkably candid and wide-ranging lecture yesterday.

Blackmun, 84, told an audience of 800 at the University of San Diego that he was "pushed to the wall" by the announced retirement last month of Justice Byron White. He reminded the crowd that he himself said in a court opinion last year, "I could not remain on the court forever."

Seizing on a theme of "changing of the guard," Blackmun, a 23-year veteran on the nation's highest court, chronicled the relatively well-known physical ailments of various senior court members, including three who have had bouts with cancer.

He and John Paul Stevens — both of whom Blackmun said "the media regard as flaming liberals" — have battled prostate cancer.



**Harry Blackmun:**  
*23-year veteran  
of the high court*



**Mario Cuomo:**  
*Wants to remain  
N. Y. governor*

"I supposed that if Justice Stevens and I are the first to go off the court after Byron White, that the court won't change very much," noting the court's solid conservative bloc. "But it will change probably if others take the step."

See **Blackmun** on Page A-23

## Cuomo drops out; women in spotlight

By **LINDA P. CAMPBELL**  
and **MICHAEL TACKETT**  
Chicago Tribune

WASHINGTON — New York Gov. Mario Cuomo's decision to take himself out of the running to succeed retiring Justice Byron White makes it more likely than ever that the Supreme Court will get another woman or a member of a minority group.

Cuomo's office released a letter, dated yesterday, in which the governor told President Clinton he did not want to be considered for the court. The two spoke by phone last week.

Cuomo said that by remaining governor he could continue to work on New York's economic recovery and "serve as a vigorous supporter of the good work you are doing for America and the world."

Though Cuomo was considered possibly Clinton's top choice, the president refused

See **Court** on Page A-23



# Blackmun

'Pushed to the wall'  
by White's departure

Continued from A-1

"There's something physically wrong with nearly all of us," Blackmun said, excluding the four newest members of the court, whom he called "juniors (who) look hardy enough."

Blackmun suggested that conservative Chief Justice William Rehnquist, who has back problems, might have left the court if former President George Bush had won another term.

"I often have the feeling that Bill Rehnquist ... doesn't want to be here too long," Blackmun said. "I suspect that if Mr. Bush had been re-elected, that he (Rehnquist) might have stepped aside before very long. I don't know what he'll do now."

Blackmun, 84, is regarded as a conservative whose opinions have shifted. He mentioned *Planned Parenthood of Pennsylvania vs. Casey*, the court's major decision preserving abortion rights last year, as a backdrop to his prediction that now there will be no significant change in the legal status of a woman's right to choose an abortion.

Blackmun, the author of the famous 1973 *Roe vs. Wade* decision making abortion legal in this country, added: "I think the court for the most part feels that the legal issue of abortion — and what a difficult and emotional issue it is — the legal aspect of it, now is probably settled."

In apparent reference to the court's recent and repeated sanctioning of state-imposed limitations on abortion, however, Blackmun said, "That does not mean ... all other aspects of it are settled. They are not."

Addressing another volatile issue, Blackmun confessed that he is personally opposed to the death penalty, and that he has approached finding capital punishment unconstitutional, as did two of his former colleagues, Justices William Brennan and Thurgood Marshall.

"There are times when I'm close to it because I personally don't believe in the death penalty, but I haven't reached the point where I believe it is unconstitutional," Blackmun said.

Referring to a study that reported the executions of 23 innocent people in the United States, Blackmun said, "I personally am convinced that there is no element of deterrence whatsoever in the death penalty. It doesn't deter crime."

It satisfies retribution and revenge, he said.

"You should see it for what it is and not try to excuse it for other things," he said.

Blackmun's comments were rare and illuminating because Supreme Court justices generally are reluctant to talk about particular issues or express personal opinions.

He interjected lighthearted comments in his speech and offered letters he has received as a kind of dark entertainment. One he read was incomprehensible, another called him "low-down scum," and yet another wished an "unhappy birthday to you. May you not have any more."

But on the serious note of changes on the court, Blackmun shared with the crowd a conversation he had with President Clinton before Clinton took the oath of office.

He said he told Clinton, "I hope ... when it comes to naming federal judges, and particularly when it comes to naming justices of the Supreme Court, that you will not apply any litmus test on a single issue."

Clinton said during his campaign for the presidency that he would search for court nominees who support women's privacy rights. Published reports recently suggest that Clinton is searching for a nominee who has generally liberal views but does not have a radically left-leaning agenda.

Blackmun, who was named to the court by President Richard M. Nixon, said he urged Clinton to look for candidates who have experience, fine judgment, character, courage in decision-making "and above all, integrity of the highest order."



## Justice Harry Blackmun Brings Message To USD Lecture Series

By PAMELA WILSON  
*San Diego Daily Transcript Staff Writer*

Harry A. Blackmun, associate justice of the U.S. Supreme Court, opened his remarks at USD's annual Nathaniel L. Nathanson Memorial Lecture Series yesterday with excerpts from some of his daily mail.

As author of the landmark Supreme Court decision *Roe vs. Wade*, Blackmun receives his share of uncomplimentary letters.

One correspondence begins, "Dear Henry, I hope you decide to leave the Supreme Court as soon as possible, because as soon as possible isn't soon enough."

Another letter reads: "Here's hoping you all die before President Bush leaves office."

"I beat him," Blackmun told the crowd of about 600.

On a more serious note, Blackmun discussed the changing of the guard now under way in Washington, D.C., and described the anticipation people felt at the time of inauguration, adding how several days of bad weather lifted for sunshine on that day.

Born in Nashville, Ill., in 1908, Blackmun received his undergraduate degree, graduating *summa cum laude* in mathematics from Harvard in 1929, and returned to get his law degree in 1932.

After clerking for a year at the U.S. Court of Appeals for the 8th

Circuit, he joined a Minneapolis, Minn., law firm, advancing to general partner while teaching at St. Paul College of Law, now William Mitchell College of Law.

He became resident counsel for the Mayo Clinic in Rochester, Minn., in 1950 and held that position until 1959 when he returned to the 8th Circuit U.S. Court of Appeals, this time as a judge under appointment from President Eisenhower, and replacing the judge for whom he'd served, John B. Sanborn.

Blackmun was named to the U.S. Supreme Court in 1970 by President Richard Nixon, with unanimous confirmation by the Senate. Despite being appointed by a relatively conservative president, he now remains one of the most liberal judges on the court, given the number of Reagan/Bush appointees in the last 12 years.

For example, Blackmun said he opposes the death penalty although he has not reached the conclusion that it is unconstitutional.

"I'm personally convinced there's no deterrent effect. It's purely retributive, revengeful," he said. "Maybe that's what people want, but I think we should see it for what it is."

Blackmun speculated that the court would remain a predominantly conservative body well into the

*Please turn to Page 18A*

## Blackmun—

*Continued from Page 1A*

next decade. Yet during a recent meeting with President Clinton, Blackmun said he urged the president not to apply any litmus test to his appointees, but instead to look for "integrity of the highest order."

In a speech that mixed light observation with serious retrospection, Blackmun recalled a visit to Berlin last summer in which he toured a building used by the Nazis to plot the extermination of the Jewish race.

"It brought home again how thin is the line between civilized behavior, even in an advanced nation, and unacceptable behavior," he said. "That line is so thin, and we must struggle to maintain it."



## LOCAL CHURCH

# Father Richard Rohr: Suffering is Necessary for Soul's Growth

By Larry Montali  
The Southern Cross

SAN DIEGO — In spite of a culture that teaches that better science and technology can take away human pain, we must suffer in order to make progress on the journey of the soul, according to Franciscan Father Richard Rohr.

In his March 29 talk, "Out of the

Wounds Comes Healing," Father Rohr said the myth of the "philosophy of progress" that teaches that "things are getting better and better and better" fosters an atmosphere that makes us believe we are all-powerful.

Yet in order to become "ready for God, ready for eternity," our souls must

experience a major defeat before being transformed and proceeding on the journey to God.

"I think the work of religion, of true spirituality, is in the moment of change.... the moment of crisis, the dark nights of the soul," he said in his poetic style.

Although nearly 300 were present for the talk at USD, Father Rohr spoke as if in

conversation with a close friend over coffee, leaning forward on the podium with his chin cupped in his hand and his voice dropping sometimes to nearly a whisper.

Earlier in the day, the Albuquerque-based priest gave the homily at Catholic Charities' third annual Recovery Sunday Mass. During his evening talk, Father Rohr again touched on addiction

and "the genius" of the 12-Step program of Alcoholics Anonymous, but his message was applicable to all who have grown up in modern western society.

Discussing the mystery of the soul, he said that because we are a "more fix-it, managerial society," we mistakenly focus on its cure rather than its care. "The soul can't be cured," he said.

"You just awaken it, listen to it, let it lead you..."

He said the "illusion of self sufficiency" is an obstacle for the soul, and only when something we are used to falls apart is there "an opportunity for transformation."

In order for that to occur however, an "agent of transformation" must be

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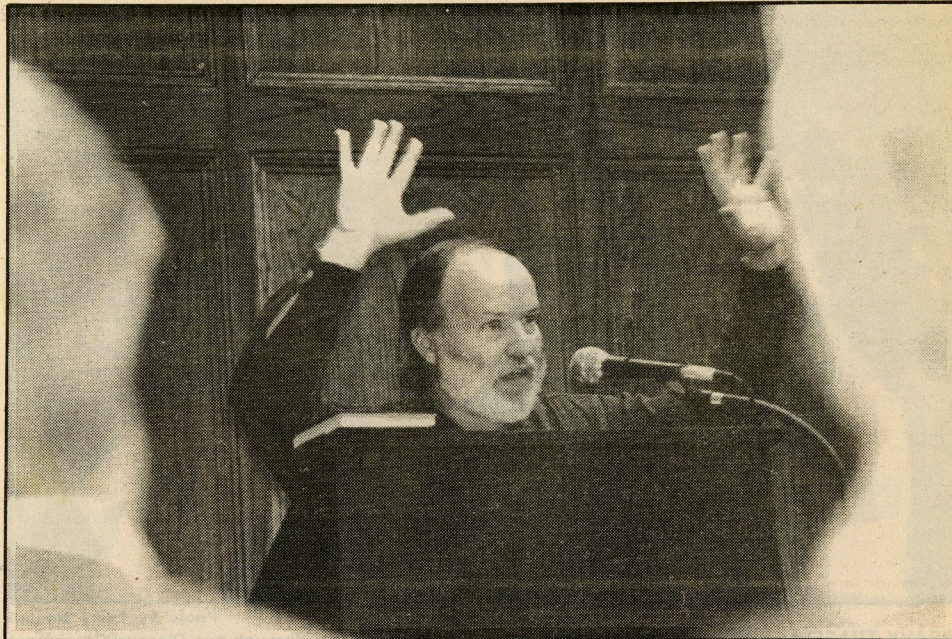


Photo by Larry Montali

SPIRIT GUIDE — Father Richard Rohr spoke on "Out of the Wounds Comes Healing" March 29 at USD.

## Father Rohr...

Continued from page 14  
present.

"If there isn't a wise brother, a wise father, a wise companion, a liturgy that illuminates the darkness, or a Scripture passage that opens up the soul at that moment of change, then you will turn

bitter," he said.

Although we would often like to "buy" our way out of such moments with the "illusion of riches ... intelligence... just living right.. or another illusion" it doesn't work; you can't avoid pain, he said.

"It's no accident that even the risen Jesus still had wounds," Father Rohr said. "There is no clearer image."



## Wayne Lockwood

# USD baseball team has seen the good, the bad and, importantly, the classroom



Baseball players at the University of San Diego are students first and athletes second, which is the way it should be.

But occasionally it makes for confusing results.

Which is the real Toreros team? you can't help wondering. The one that has staggered through some midweek disasters or the one that is just about as good as any in the country on weekends?

The first bunch lost to St. Mary's, 17-3, and Santa Clara, 10-4. More recently, it walked 11 and committed four errors while falling to San Diego State, 10-7.

"When we're good," said USD coach John Cunningham of his weekend warriors, "we're very, very good. When we're not so good, you don't want to watch the game."

The Toreros are good enough overall to be ranked by two national publications. *Collegiate Baseball* lists USD 15th in the country, up from 22nd the week before. *Baseball America* has the Toreros 21st, the first time they have been recognized by that publication.

USD, 24-10 overall, is fresh from winning two of three last weekend from Pepperdine, which, for those with short memories, is the defending champion of the College World Series.

The Toreros are 14-4 in the West Coast

Conference and lead second-place Pepperdine by a game and a half. When they're not awful, they're pretty darn good.

"We've had a game this year where we've made six errors," said Cunningham, with a sigh. "We've had a couple of games where we've made five errors. And yet, we're a pretty good defensive team."

"I can't really explain it. Maybe that's college kids, and sometimes, if your focus is not there, that's what happens."

Sometimes, your focus is not there because there is more to college life than RBI and strikeouts.

### A graduation rate perfecto

"At our place, I think legitimately so, we have some other concerns," said Cunningham, who has been at USD for 31 years. He means his young men can expect no intentional passes in the classroom.

"The NCAA now makes it mandatory that all schools report their graduation rates," Cunningham said. "This is the first year of that."

"I'm happy to say that USD's graduation rate is 100 percent in baseball. No school in the country is going to better that, although there may be some that tie it."

Compiling such a record requires sacrifices on both sides, however.

"When our kids say they have a tough test coming up, or a paper due, and they ask to

leave practice, we let them do that," said Cunningham.

"If you expect them to graduate, you have to give them time to do (their schoolwork)."

"Maybe, in some of these cases where we haven't played so well, it's because they've got their priorities squared away. I'm not going to argue with them."

It's easier to be benevolent, of course, when you have a team that may be good enough to go to the NCAA tournament for the first time since USD moved from Division II to Division I. And if the Toreros play their tournament games on weekends, watch out.

"There's no question our kids come to play on weekends (when there are no classes)," Cunningham said.

"An interesting fact about USD baseball is that against Pepperdine was the first time this year we've even split a (Saturday) doubleheader. Until then, we'd swept all our doubleheaders and even one tripleheader we had to play against USF because of bad weather."

A part of this has to do with pitching, of course. The Toreros' front-line pitching, which they use on weekends in conference games, has been very strong.

### Pitching's the key

In midweek games, especially against non-conference opposition, Cunningham is more likely to employ other pitchers.

Sophomore right-hander Mike Saipe, a University City High product, was named National Player of the Week after winning his

last three starts and allowing only one run over 27 innings.

Against Loyola Marymount, Saipe allowed two hits in the first inning and none thereafter. In a subsequent start against Pepperdine, he allowed a hit in the second and retired the Waves in order over the final seven innings.

"I didn't think he could pitch any better than he did against Loyola Marymount, but he came back and topped that against Pepperdine," said Cunningham.

Cunningham enjoys other useful starters in Travis Burgus ("Really, he's pitched as well as Mike") and Pat James.

"James has a rubber arm," said the coach. "He's goofy, but he's goofy enough to do the job."

"He throws curveballs for strikes, and I've always believed, at any level, if you can throw your curve for a strike, you have a chance to win."

USD's tournament hopes may rest on the progress of left-hander Sean Durbin, who is coming back from arm surgery.

"We really thought he'd be the No. 1 guy," said Cunningham. "I've been pleased with his progress lately."

"We need left-handed pitching, and he could really give us an ace in the hole down the stretch."

Given his front-line pitching, Cunningham feels good about his team's prospects, if and when it should make the tournament.

"When we've got our best pitching on the hill, we know we're pretty good," said the coach. "We think we can play with anybody."

All they're looking for is a chance to find out.



## *The Bowler: Headgear Favored By Everyone From Locks To Oddjob*

By HERBERT LOCKWOOD  
*San Diego Daily Transcript Staff Writer*

When, by some fluke, I got a job with a firm at 22 Broadway, just around the corner from Wall Street, I knew exactly what the stylish young man should wear: a derby hat and a Chesterfield coat. So I bought one of each.

This was 1940 and I was not a grim stock-market manipulator, but a baby-faced office boy whose raiment evinced snickers from my co-workers.

Someone borrowed and lost the hat, but the Chesterfield was an ironlike garment that gave good service for years.

My latent love for the derby was re-aroused this week when I was faced with Dr. Fred Robinson's book, "The Man in the Bowler Hat, His History and Iconography." The head of the English department at University of San Diego, Robinson's specialty is modern literature and comedy.

In Becket's play, "Waiting for Godot," there's great play with bowlers, so a curious Robinson wondered why. This took him into the history of the hat.

Often called "the iron hat," the  
*Please turn to Page 16A*

*Continued from Page 1A*

bowler was designed by the hatters James and George Lock of Mr. Lock of St. James Street, London, in 1850. You can still buy a good hat there.

A William Coke II wanted a hard hat that was both stylish and protective. When the first one was produced from shellacked felt, he put it on the floor and jumped on it several times. It remained undaunted and undented.

Hatmakers Thomas and William Bowler were Lock's chief suppliers, and they made up the hat and put their name on it. Horsemen liked it and anyone engaging in country sports took to it. Americans called it a "derby" because of its popularity with the crowd at the Derby horse race each year at Epsom.

The author has an old derby at home that his daughters sometimes wear at parties, but he says the hat is rarely worn in the U.S. today, but is to some extent in London and the posher colonies.

Yet Shannon Bone of the Village Hat Shop here says they sell two dozen a month. "We have a costume hat for less than \$20 and a regular one for \$50."

In London, the going price, says Robinson, for a gentleman's bowler is 150 pounds.

The bowler moved from the country to the city and, little by little, down the social scale. The top hat was still the headgear of the gentleman, but it was easy to misplace and uncomfortable to wear. The bowler was comfortable and uncrushable.

"It afforded good protection against the steady downpour of grit, smoke and soot," said Robinson. The middle classes took to wearing sack suits and bowlers rather than aping their betters in frock coats and topers.

(cont'd)





# The Bowler Book *(cont'd)*

And it filtered down to the lower classes and, even worse, to the comedians in the London music halls, a variety of vaudeville. Here, the "dandy" in his flashy clothing and bowler was lampooned unmercifully by performers.

It didn't take long for the bowler to be adopted across the English Channel, and it's featured in famous paintings at the turn of the century. Henri de Toulouse-Lautrec, the aristocratic midget who painted scenes of the lower depths of Parisian society, didn't forget to depict the bowler; he wore one, as well.

A veteran of the music halls, Charlie Chaplin brought their unfamiliar dress to the Americas.

"I wanted everything a contradiction: the pants baggy, the coat tight, the hat small, and the shoes large ... I had no idea of the character, but the moment I was dressed, the clothes and the make-up made me feel the person he was," Chaplin wrote.

Stan Laurel had performed in the music halls with Chaplin, said later the bowler was often worn by comics in Great Britain. But Oliver Hardy simply wore the hat because he wanted to.

"Stand-up collars were formal and slightly different but never too obviously so. They gave us, together with our derbies, something we felt those two characters needed — a kind of phony dignity. There's nothing funnier than a guy being dignified *and* dumb," said Laurel.

Hardy described the boys as "nice, very nice people. They never get anywhere because they are both so very dumb, but they don't know that they're dumb."

The bowler was the head covering for the downtrodden clerk in Germany after World War I. He had no unions, might lose his meager job any time, but hung on to his respectability in spite of everything, and the bowler was its badge.

Robinson goes in heavily for symbolism in explaining the bowler's position in "Waiting for Godot," comes out rather better when he

discusses American humorist Robert Benchley's imagining men in derby hats as always oblivious to cataclysmic or revolutionary events taking place, as always blithely absorbed in daily activities while bullets are flying.

"Are these men in derby hats really men of iron, who take revolutions and assassins in their stride as all part of the day's work, or are they hard of hearing or nearsighted, or, possibly, are they just men who go through life missing things?"

Benchley wore a derby, made a philosophical statement with which I agree 100 percent: "Whenever I feel like exercise, I lie down on the sofa until the feeling goes away."

Bowlers turn up in the oddest places. Indian women in remote regions of Bolivia wear derbys of their own design. In the 1920s, British-bowled workers arrived to build the local railroads, and it was love at first sight on the part of the Indian maidens.

In the United Kingdom, women riding to the hounds often wear bowlers. It is said they often resemble the equines they are riding.

The bowler has intruded into politics. In 1928 Al Smith was known as the "Man in the Brown Derby," ran for the presidency against Herbert Hoover, who clobbered him. Speaking of clobbering, who can forget Oddjob with the lethal bowler in "Goldfinger"?

During World War II there was a shellac shortage and bowler production suffered; however, as soon as possible the bowler hat, the black or gray pin-stripe and the furled "brolly" made up the uniform of the "City," the London financial district.

Prof. Robinson is a Californian, obtained his degrees from the universities of Redlands and Washington, spent 22 years at the University of Massachusetts at Amherst, came to USD three years ago. His book has just been published, should do well in London's "City," not so well perhaps in hatless San Diego.



April 5, 1993

## Ozzie Roberts: Making It

### Strong will plus soft heart make energy



We all have what we consider our shadowy side. The part that fights to take over and make us act out of character.

Sister Patricia Shaffer, a quiet force who does much more than teach chemistry at the University of San Diego, confesses that hers might be one that could waste time and display anger.

Surely because of her humanity, the good sister of the Religious Order of the Sacred Heart has had times when she's shown a weary, less-than-affable side.

But the book on Shaffer's 64 years makes it absurd to think of that side ever gaining control. She is endowed with too much energy, too strong a will and too soft a heart.

Yet as one rarely opposed to introspection, Shaffer recently sat in her tiny office in the USD chemistry department, recently, pondering the possibility — but only briefly.

Typically, her schedule was full. And the moment for reflection, occasioned by an inquisitive visitor's question, was threatening to delay her arrival at a staff meeting.

"I would never hurt anyone. And I'm the kind of person who has to have a lot of things going at once," she said with characteristic calm. "But if I make mistakes, I know deep down that God loves me.

"This relationship will never change."

And with that foremost in her mind, this thin, bespectacled lady with short-cut, salt-and-pepper hair has labored for 34 years at the university as a chemistry professor and an internationally respected biochemical researcher.

She's on the move from 5 in the morning till after 10 at night.

And, yes, she does get anxious about her work.

Three years ago, with a \$200,000 federal grant, Shaffer began laboratory work in the cloning of two genes that could produce an alternative cure for an acute form of leukemia.

Her funds now are nearly exhausted, and she calculates that it would take another \$15,000 grant to help her complete the project.

For the past several months, she's prayed a lot and culled a lot of sources, only to discover that trying to find money in these times, even for this noble work, is extremely difficult.

But it can't keep her down, especially now when summer approaches.



Union-Tribune / ROBERT GAUTHIER

**Dedicated:** Sister Patricia Shaffer is passionate about her work in research and in teaching. And she's tireless at both.

That's when she conducts the university's arm of Project SEED.

Summer Educational Experience for the Disadvantaged is a national program started 25 years ago by the American Chemical Society to help promising but economically deprived high school students get a leg up in the field of scientific research.

Shaffer works closely with two kids for 10 weeks. And the experience is uplifting.

In the four years she's coordinated the project at USD, she has come across some pretty talented youngsters who remind her that her energy is well spent.

If she had it all her way, too, cost factors be hanged, she'd expand the program to include a whole lot more students every year.

But then that's always the way Shaffer thought as a youngster growing up in Yolo County, Calif., where she was the oldest of five siblings in a devout Catholic family.

By the time she reached high school, Shaffer knew she would someday take her vows as a nun.

"I've always enjoyed helping and caring for people," she says.

It's a great part of what keeps her going.



# CLAIREMONT



# NEWS

Our Readers

Know The Difference. A True Community Newspaper

Established 1993

Vol. 1 No. 4 April 2, 1993

## Council Says Yes To Convent 9 - 0

By CN Staff Writer

Before an overflow crowd at the City Council chambers, the Mayor and Council, by a vote of 9-0, approved the Roman Catholic Bishop's request to relocate his residence and business offices to Paducah Drive, site of the former Benedictine convent. Currently located on the University of San Diego campus, the Bishop sought the relocation of his offices in order to consolidate the Diocese's operation.

The project has not been without its share of controversy. In attendance were many of the neighboring residents in addition to supporters of the Diocese. Although sev-

eral of the neighbors were in support of the project, others objected to the relocation plans on the basis that the added activity would increase traffic hazards within the neighborhood.

Concerns focused on the impact of traffic to what many consider to be a series of dangerous intersections leading to the site. In response, City Traffic Engineers reviewed the project and assured the audience that the traffic issues had been properly addressed in the Diocese's reports and that all traffic issues had been adequately resolved.

On a motion by District 5 Councilman Tom Behr, seconded by District 2 Council-

man Ron Roberts, the Council's unanimous approval of the project included an incorporation of the local planning committee recommendations which included providing a gated entry, vegetation screening, hours of operation and subdued lighting.

Promising good neighborly cooperation with the community, Bishop Brom welcomed dissenting neighbors to join on the transition committee which is working with the Bishop's office to oversee implementation of the agreed upon amendments to the Conditional Use Permit which will regulate the operations of the site.

The property, located on a pristine 6.2

acre site, commands a spectacular view of Mission Bay and surrounding lands. Promising to preserve the park like setting, the Diocese looks to move forward with its plans shortly.

Alternative uses of the site included a Planned Residential development which could have supported some 30 to 50 condominium-like homesites while there were rumors that the site, if placed on the market, could have been developed as a low income housing site.

The Council's action overturned a previous 5-1 vote by the City's Planning commission, denying the project.



Escondido  
Times-  
Advocate

Business  
columns,

March

30

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April

12

TIMESADVOCATE

## SHOPTALK *Family Business Institute brings ideas to Escondido*



The University of San Diego's Family Business Institute, a training center for family-owned businesses, is expanding its 1993 program agenda with the help of four new sponsors.

FBI has announced that four firms which cater to family-

*Andrea  
Moss*

owned businesses will sponsor the institute during 1993. The firms are **Arthur Andersen & Co.**, the nation's largest accounting and business services firm; **Gray, Cary, Ames & Frye**, San Diego's largest law firm; the **Bank of California**, the first state's sixth-largest bank; and **Creative Capital Management, Inc.**, a financial and investment advising firm.

Thanks to the sponsorship of the new firms, FBI will hold its first North County event Wednesday.

A special half-day seminar, focusing on the particular challenges that face family businesses, will be 7:30 a.m. to noon at the **Fornaca Bakery**, one of the institute's earliest members. The bakery is at 2069 Aldergrove Avenue in Escondido.

"We know that a lot of North County family businesses don't have the time to travel down to USD where we hold most of our seminars so we've decided to go north to acquaint them with our programs," said Freiberg.

For information about the North County seminar or any other FBI programs, contact Freiberg at 260-4644.

## SHOPTALK

## *Job hunters encouraged to check out San Diego Career Fair*



Whether you've lost a job or are thinking about making a career change, you can get started on a new direction at **San Diego**

**Urban League's** fourth annual Career Fair at the San Diego Convention Center on Friday.

Bridging the gap between

*Andrea  
Moss*

people looking for new careers and companies looking for qualified applicants, the event offers job seekers a chance to talk with San Diego employers and get the latest tips in job preparation.

### Meetings/seminars:

■ Recognizing the role of education in helping a company stay on the cutting edge, the **University of San Diego** has designed several seminars specifically for the business community. The Business Update series offers quick and inexpensive sessions covering a wide variety of topics.

Seminars this month are "Building the Customer-Oriented Company: Twelve Pitfalls" on Friday and "Financial Keys to Building a Successful Small Business" on April 30.

May offerings include "Profiting from 10 Forces Driving Change in the 1990s" on May 7 and "Motivating Your Employees: Can Japanese Management Techniques Work for Your Company?" on May 14.

All programs are from 7:30 a.m. to 9 a.m. at the Douglas F. Manchester Executive Conference Center USD's campus. The \$20 cost for each session includes a continental breakfast.

Call 260-4644 for information.

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M A N A T H I S A B E S T

when she was London's leading hostess in the 1920s. In the middle of a dinner party it became obvious that her butler was tipsy, so she slipped him a note: "You are drunk. Leave the room at once!" The butler read the note, put it on a silver tray, walked sedately around the table, and placed it in front of the guest of honor, British foreign secretary Austen Chamberlain.

#### Embarrassments:

Small mishaps are commonplace. The trick is to prevent a Rube Goldberg-esque chain reaction from occurring, like the one that was set in motion when French playwright Victorien Sardou overturned a wineglass at a dinner table. Quick as a flash, the woman sitting next to him sprinkled salt on the spilled wine so it wouldn't stain the tablecloth. Sardou then tossed some of the salt over his shoulder to ward off bad luck, but it went directly into the eye of the waiter who was about to serve him chicken. The waiter dropped the platter. The family dog pounced on the chicken and, while tearing it to pieces, choked on a bone. The son of the host then grabbed the dog and tried to pull the bone out of its throat. The dog bit his finger, and the finger had to be amputated.

That chain reaction, however unfortunate, was nonetheless a prime example of a basic dynamic of social intercourse: For better or for worse, one thing will lead to another. As the composer and wit Oscar Levant remarked to his wife on their way out of the White House after they'd had dinner with President and Mrs. Truman, "I suppose we have to invite them to our house now."

# Bowled Over

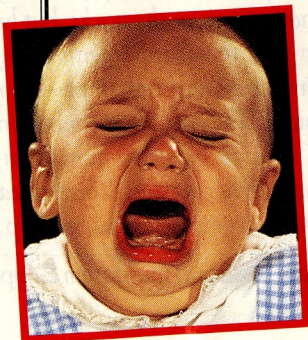
WHEN FRED MILLER ROBINSON tugs the bowler from the closet in *The Man in the Bowler Hat: His History and Iconography* (University of North Carolina Press), a wealth of cultural and social baggage comes tumbling out after it. Robinson tracks the bowler from Magritte to Beckett, Chaplin's Tramp to Ian Fleming's Oddjob. Born in 1850, the hat quickly came to symbolize industrial efficiency, the British Empire, and middle-class respectability—qualities soon mocked by comics who found it a most useful prop. To Robinson, a film by Dadaist Hans Richter of bowlers flying through the air proves that "always within the bowler's sober shape and heavy, respectable contexts has lurked a sporty design object, a piece of sleek costumery that wants to fly free..." That's just what he makes it do.

**THE BOWLER:** Pride of the bourgeoisie, Surrealist icon, murder weapon.



## Life After Birth

HERE'S A WELCOME CORRECTIVE to all those buoyant boomer rhapsodies to parenthood. *For Better, For Worse*, by Susan Squire (Doubleday), is a suspenseful narrative reported by an intrepid anti-Spock who gained extraordinary access to the boudoirs and delivery rooms of five couples in the process of becoming parents. Let's just say it's not all sweetness and light and cute little mobiles in the nursery. Indeed, sometimes it's the parents who should be in the crib, as in the case of one particularly baby-besotted father who prefers the company of his infant son to the rest of humanity, including his uneasy wife. "Daniel's my best friend," enthuses Daddy. Yipes! With its aversion to bundle-of-joy sentimentality, this unflinching chronicle should make for more realistic expectations among the anxiously expecting. The fainter-hearted may forsake children altogether.





## THE FINE ART OF WRITING

The rage to collect old fountain pens has a new twist—collecting limited-edition pens, like the one recently introduced by Montblanc to honor Ernest Hemingway. His writing style took literature from the flowery form of the 19th century to the spare, straightforward style that characterizes much literature today.

The pen is called the Meisterstück (masterpiece) Hemingway and sells for \$600. Each pen bears an engraving of Hemingway's signature just as it appears on all his manuscripts. The point is 18-karat gold, inlaid with platinum.

In May last year, Montblanc introduced a limited-edition pen called Lorenzo de' Medici. All 4,810 pens sold out even before they reached the stores. When we checked at press time, we found El Portal Luggage, Tiffany,

Neiman Marcus, I. Magnin, Alfred Dunhill and Saks Fifth Avenue among the authorized Montblanc retailers.

point style at \$325. The release of this collectible was timed to honor the 40th anniversary of Hemingway's *The Old Man and*

snuggled close to that famous writer's signature, you can pick up one of these beautiful writing instruments and see if the spirit



While the Hemingway fountain pens will number 20,000 worldwide, another 20,000 have been manufactured in ball-

*the Sea*, the story of a stubborn old fisherman's grueling struggle to capture a giant marlin.

So if you want your initials

of Hemingway flows through the point to help you develop a sure-footed modern writing style.

—VIRGINIA BUTTERFIELD



## TEMPLE DANCER

Violins, flutes, cymbals, drums—and Viji Prakash, temple dancer extraordinaire—should make for an exciting evening at USD on April 18. Prakash is an expert on this particular type of religious dance, so it's fitting that she will be brought to the campus by event organizer Lance Nelson, a religious-studies professor at USD.

The twist is that temple dancing fell into disrepute in the late 19th century as it became associated with a form of "sacred prostitution." It's taken the work of contemporary dancers like Prakash to restore this art to respectability.

Entitled "Devadasi" (maidservant of God), her performance will enact the Bharata Natyam, a classical dance that began in India as early as 200 B.C. as a religious adoration. Tickets are \$10; call 260-4600, extension 4921, for more information.

—V.B.