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San Diego Metropolitan Magazine

January 1998

Scripps Bank announced several appointments, including naming USD President **Alice Bourke Hayes** to its board. Other Scripps appointees are **Teri King**, assistant v.p./operations manager of the El Cajon office; **Linda Dotson**, assistant v.p./SBA loan officer; **Julia Banker**, v.p./assistant office manager of the Escondido office; and **Gwen Yager**, assistant v.p./project manager.

OPINION

The specter of biological terrorism

By George Bryjak

During the French and Indian War (1754-1767), a British commander suggested using smallpox fomites (objects that can carry and transmit disease agents) against Native Americans hostile to his troops. After an outbreak of the disease at Fort Pitt, contaminated blankets were distributed to enemy warriors. One British officer recorded in his diary, "I hope it will have the desired effect."

This is the first known incident of biological warfare in what would become the United States, a form of killing that some experts believe is likely to transpire in contemporary American society, only this time with far more deadly consequences.

According to Jeffrey Simon, author of "Terrorist Trap: America's Experience With Terrorism," the most distinguishing feature of biological warfare is that it can result in a significant number of casualties (in the hundreds of thousands if not millions), many more deaths and injuries than from conventional warfare (bombings, artillery barrages, etc.).

Simon outlines a gruesome scenario wherein terrorists release deadly agents into the air creating a biological cloud of "suspended microscopic droplets of bacterial or virus particles." This could be accomplished via low-flying airplanes (such as crop dusters), trucks equipped with spray tanks upwind of densely populated cities, leaving aerosol canisters with timing devices in subways, airports and/or the air conditioning systems of buildings, and by directly contaminating bulk food supplies destined for supermarkets and restaurants.

Unlike conventional weapons that can be discovered by metal sensor and X-ray machines, biological warfare agents are virtually undetectable, meaning that terrorists equipped with these weapons can

strike at almost any target they choose.

Psychiatrist Harry C. Holloway believes that survivors of a biological warfare attack may suffer mental disorders resulting from toxins or infectious biological agents, with "psychiatric disability" a likely "chronic outcome" of such a strike. Because of the breakdown in peoples' daily routine, and the tremendous demands put on emergency services, feelings of helplessness and hopelessness may well appear in the post-disaster period, making the job of returning to normalcy that much more difficult. Also, competition for limited resources could generate even more social disruption with the possibility of riots and/or widespread panics.

How adequately prepared and equipped are the institutions and emergency organizations that will have to respond to a bio-

The relative ease with which weapons can be constructed, and the number of people willing to build them makes for a lethal combination.

logical warfare strike? The informed opinion of many experts is "not very well."

Jonathan Tucker of the Center for Non-proliferation Studies reports that in April 1995, an "unrehearsed, no-warning" exercise of a simulated biological warfare strike on a New York City subway was conducted to determine the response capabilities of the city's emergency services. Unaware this was a "poison gas" attack (and seeing no fire or smoke), fire, police and medical teams rushed to the scene to render aid. If the event had been a real gas attack, many emergency workers would have become casualties themselves.

Noting that the nation's 2.4 million active and reserve military personnel are ill-prepared for a biological warfare attack, the Pentagon announced last month that every member of the armed forces will be vaccinated against anthrax over a six-year period.

Ostensibly a measure to protect U.S. forces against an enemy state with biological warfare capacity in the aftermath of a large-scale biological terrorist attack (possibly in a number of cities simultaneously), military units would be deployed to render aid, help restore fundamental services (communication and transportation), and maintain order.

What can be done to prevent biological terrorists from striking in this country? Simon believes that we will not be able to stop every act of biological warfare directed at civilian targets. He probably is correct if for no other reason than the knowledge and materials needed to construct biological weapons are readily available via underground, right-wing and survivalist publications, as well as the Internet.

One expert in biological warfare said that \$10,000 and just over 200 square feet of floor space are the only requirements for producing enough biological agents to satisfy the needs of an entire army.

The relative ease with which weapons can be constructed, and the number of people willing to build them makes for a lethal combination. One law-enforcement official noted that we may be entering an age of "seamless terrorism," a period wherein the line between domestic and foreign terrorism blurs, or ceases to exist.

Yonah Alexander of the Institute for Studies in International Terrorism argues that a highly motivated, desperate extremist group could "attempt to improve its bargaining leverage by resorting to mass destruction violence." Groups that view confrontation (with the federal government, for example) as an "all-or-nothing" struggle could resort to biological warfare regardless of the number of casualties, including their own deaths. "True believers" at this level of commitment/fanaticism are not likely to be deterred by the threat of arrest and punishment.

BRYJAK is a professor of sociology at the University of San Diego.

The fact that some right-wing extremists view themselves as good, God-fearing Christians is of special concern. As we approach the new millennium, the more militant of these individuals may well believe that they have been ordered by God (or are doing God's will) to unleash a man-made biological plague in the apocalyptic clash between the forces of good and evil.

Consider the following excerpt from a publication of the Pennsylvania Christian Posse Comitatus: "We are going to build the Kingdom of our God on this continent if we have to turn it into a Bosnia first!"

Political scientist Stephen Sloan speculates that some members of extremist groups are likely beyond the control of their leaders. These individuals may disregard organizational policy inasmuch as they view widespread violence as the only viable mechanism for realizing their goals. Finally, how many lives would have been lost if someone with the intelligence and cunning of the unabomber had chosen biological warfare rather than letter bombs?

As tragic as the consequences of the Oklahoma City bombing have been for survivors, the families of victims and the nation as a whole, this incident will pale in significance in the aftermath of a major biological warfare attack.



'When Life Hurts': Rabbi Wayne Dosick, standing where his La Costa house used to be, writes about recovery in the present tense.

The Fire Within

*From his own loss, rabbi pulls out
a message of hope for himself and
others in times of personal tragedy*

Rabbi Wayne Dosick was standing in the ashes of his life, when his cellular phone rang.

It was his literary agent, Sandra Dijkstra.

Dijkstra, who runs an agency in Del Mar, offered the proper condolences for someone who had just lost his house in a wildfire. Then she told him that there was a book in this tragedy.

"Here you are, somebody who helps other people deal with crisis, and here you are, the rabbi in the midst of his own crisis," she says she told him.

"Sandy," he recalls telling her back in October 1996, "I don't have a pencil, or a computer, let alone an idea for a book."

But she persisted.

Dosick's newest — and more personal — book is just out.

"When Life Hurts: A Book of Hope" (HarperSanFrancisco, \$19) looks at the grieving that Dosick and his wife, Ellen Kaufman Dosick, are going through as they come back from a fire that turned their La Costa house, and all their belongings, into rubble.

The Dosicks weren't alone. The Harmony Grove wildfire destroyed nearly 100 North County homes in October 1996.

But "When Life Hurts" isn't just about fire. It's about recovery.

"Basically, what I did was I used the fire as the paradigm for all the tragedies, all the traumas, all the losses that we all experience," says the 50-year-old Dosick, who in 1991 left the full-time pulpit to write.

RELIGION
& ETHICS
SANDI DOLBEE

See **RABBI** on Page E-4

Rabbi

Hope a phoenix that rises from tragic ashes

Continued from E-1

His other five books have been about ethics or Judaism. This one is a story "about unfolding and becoming and, hopefully, growing through tragedy."

Dosick is living in Leucadia now and as he talks, the family dog and cat are padding around on the carpeting. Ellen, a psychotherapist, is working in another room. His life seems normal enough.

But looks can be deceiving. The leather couch he's sitting on is rented. So is the other furniture, as well as the house.

His cuffed khakis, his checked shirt, even his underwear, have been purchased in the last year. Six miles away, their real home remains a vacant lot surrounded by a security fence. The Dosicks are in the final stages of designing a replacement house.

Happily ever after? He shakes his head.

"As we think, so we are," says Dosick. "We can decide for ourselves to be eternal victims or we can try to become triumphant survivors."

"I'm not coming to you with great wisdom from the other side of having survived and triumphed and won, because it's a constantly ongoing process."

Advice and faith

"When Life Hurts" is almost two books.

The first part deals with grieving. There is basic advice — like take vitamins and exercise. And there is advice on relationships — like how to stay married during the upheaval.

He writes that he and Ellen discovered that there were some marked differences in their mourning. She was anxious to get resettled. He wanted to cocoon. He wanted the fire "to make sense now." She was content to let the understanding unfold on its own.

They realized that neither was right and neither was wrong. Instead, they had to learn to allow healing in their own ways.

Another tip: Postpone decisions for as long as possible.

"Grieving takes a full year," says Dosick, who also teaches part-time at the University of San Diego and is the spiritual leader of a small group called the Elijah Minyan.

"If you can put off making life-altering decisions during that time, then my sense is that the decisions you'll ultimately make will be better."

The second part of the book is about God — and the role that faith plays when bad things happen.

"I hope that people understand that our relationship with God, that each person's deep, intimate relationship with God, can and will help sustain you," says Dosick.

For him, it's about keeping God, not the fire, in front of him.

"If I put God between me and the fire, I see God," says Dosick. "If I put God between me and the illness, I see God. If I put God between me and the murderer, I see God."

So where was God in the fire? His answers sound much like those he gave to Religion & Ethics 15 months ago.

(Dosick cites that newspaper story in his book and lists this writer in his acknowledgments on the back pages).

No matter how loving and merciful God is, Dosick writes, "life will still have its trauma and tragedy, its pain and suffering." But God "does promise to never leave us alone, to always be our friend and our guide."

Dosick also writes that coming out of tragedy can be transforming. Does that mean he feels transformed?

His answers are cautious. "I think I'm wiser," he says. "I think I'm more in touch with pain."

Popular trend

With this latest book, the local rabbi enters one of the most popular genres in spirituality publishing today: self-help/inspiration.

"The real milk cow right now is this category of self-help, especially if you include books across the whole spectrum, from health to why my house burned," says Phyllis Tickle, a longtime religion book editor for *Publishers Weekly*.

Part of the reason, she says, is answers that people used to seek from their pastors are now being sought from bookshelves.

But herein lies a twist: Some of the best-selling self-help authors are members of the clergy.

"Somehow there is a feeling that, on paper, those men and women are the best of both worlds," says Tickle.

She traces this recovery movement — from the advice books to small group nurturing — to Alcoholics Anonymous. The AA book, first published in 1939, "opened the floodgates."

Whether the movement is good or bad depends on who is asked. Advocates say that these books do indeed change people's lives. Detractors argue that they feed a misguided theology of self-gratification and quick fixes.

There is more to life than just personal experiences and how they make people feel, writes Wendy Kaminer, a social critic from Radcliffe College, in her 1992 book, "I'm Dysfunctional, You're Dysfunctional: The Recovery Movement and Other Self-Help Fashions" (Addison Wesley, \$18.95).

Dosick's book, meanwhile, comes with an extensive range of endorsements. The back cover includes testimonials from New Age guru Deepak Chopra, talk show host Laura Schlessinger and Los Angeles' Roman Catholic cardinal, Roger Mahony.

Tickle's not surprised at the list. "I think every one of those folk truly believe in the American phenomenon that you can help yourself, you can make things better, you can create your world by what you think and what you are."

Present tense

For Dosick, the rebuilding is not finished. It's for that reason that Dosick writes "When Life Hurts" in the present tense.

"I didn't want people to think that grief and pain and anguish vanish and are never part of one's life again," he says. "The question is, 'How do we handle it?'"

And dealing with that question is the central message of this book.

"As we think, so we are," says Dosick. "We can decide for ourselves to be eternal victims or we can try to become triumphant survivors."

This Sunday, during a publication party at Crown Books in Encinitas, the rabbi plans to give copies of his book to burned-out neighbors. "It's my way of saying, 'Hey guys, we made it.'"



GERALD McCLARD / Union-Tribune photos

Fenced in: A security fence surrounds Wayne Dosick's home, which was destroyed in the Harmony Grove fire, along with nearly 100 others in North County.



Not over: "I'm not coming to you with great wisdom from the other side of having survived and triumphed and won," says Dosick, "because it's a constantly ongoing process."

SIGNING

Rabbi Wayne Dosick will sign copies of "When Life Hurts" from 1 to 5 p.m. Sunday at Crown Books, 1092 N. El Camino Real, Encinitas. Another book-signing is planned for 7 p.m. Feb. 5 at Barnes & Noble, 5500 Grossmont Center Drive, La Mesa.



—Fritz Schaeffer

New Colachis Plaza and Hughes Administration Center at University of San Diego

But how do you say 'too much' in almost any old language?

By Peter Rowe

STAFF WRITER

On game day, radio and TV broadcasters will spread the word in XVII languages. (Arabic, Chinese, Danish, English, Flemish, French, German, Greek, Hebrew, Icelandic, Italian, Japanese, Portuguese, Russian, Spanish, Swedish and Thai).

As a public service, The Notebook and the USD Department of Foreign Languages and Literatures assembled Super Bowl International Phrasebook XXXII. An excerpt:

"Favre is an enormous cheese eater."

FRENCH: "*Favre est un bouffeur de fromage gigantesque.*"

"Sez you! Elway is a loadbutt. He oughtta retire."

GERMAN: "*Sagst du! Elway ist ein Armleuchter. Er gehört in Pension.*"

"More beer? More Chee-tos?"

SPANISH: "*¿Mas cerveza? ¿Mas Chee-tos?*"

Get outta here . . . Suppose you've had enough, already, of San Diego's super hoopla. There's a simple and surprisingly inexpensive solution: Leave.

American, America West, Continental, Delta, Northwest, United and US Airways are offering bargain fares to folks who want to jet out of Super Bowl City.

"Nobody wants to go, they all want to come here," said Camille Carroll, owner of Valet Travel in San Diego. "But the airlines don't want these planes to go out empty."

Hence, rock-bottom round-trip fares include:

Boston, Washington, Atlanta, Miami, New Orleans: \$268.

Kansas City: \$248.

Salt Lake City: \$138.

There is, of course, a catch — you must leave today, tomorrow or Saturday. And you must return Sunday, Monday or Tuesday.

What's in a name? . . . One of the hottest local hangouts for Packer backers is the — go figure — Australian Pub.

During the season, Kevin Kell's San Diego Pack Attack met weekly at the Pacific Beach pub to watch

NOTEBOOK

games, down brats and drink a Wisconsin brew, Leinenkugel's.

"We're a small bar with a kitchen," bartender Sarah Nicely said. "But we've had 200 in here for a game during the season."

Not bad. The pub should be packed Sunday.

"We're opening at 9 a.m.," Nicely said. "It will be something else."

www.crazypeople . . . The Barrelman and Rocky Rainbow are in town, and want you to know it.

They were so eager to inform the Notebook of this, they sent us a press release.

"With the precision of conductors," the release hyped, "these two start and stop waves and cheers that echo in the thin air."

The Notebook, unable to wait for Sunday, made a mad dash to the Internet. At www.webdom.com/chof/clowns/lepr.html, Rocky Rainbow looks like a demented gnome with Spock ears. Barrelman's an online no-show, but The Notebook is sure he's equally, uh, impressive.

Game of chance . . . How dumb is your average football fan? Pretty dumb, a Chicago man figured, and tested his theory here by challenging the gullible to the "shell game."

Paul Woodson, 38, reportedly wagered that spectators couldn't pick a piece of foam rubber from beneath one of three bottle caps. He won every round, by hiding the foam under his palm.

"He said he could make a couple hundred dollars a day" by playing the shell game, San Diego Police Detective Rick Carlson said.

But Woodson's luck ran out when detectives ran a background check and determined he was wanted on a \$20,000 warrant filed in a strong-arm robbery case.

Staff writer Kelly Thornton contributed to this report.

USD's Index Indicates More Growth in S.D.

The more people consider moving to San Diego, the more places they will need to live. If recent economic indicators are any clue, there's a whole swarm of folks just waiting to hit town.

The USD Index of Leading Economic Indicators, released two weeks ago, show a 3 percent jump in the number of building permits issued for residential units in 1997.

Alan Gin, a professor at USD's School of Business Administration, said the reason for the jump is simple:

"I think it's because there's a great deal of job growth (in San Diego). There's a lot of migration into San Diego."

That migration, Gin added, is because of the nearly 25,000 jobs that were created in San Diego last year.

"We're predicting about 24,000 jobs for 1998. It looks really good," he said.

Local stock prices are also up, at more than 2½ percent, having been little affected by the October 1997 crash.

"The economy is really healthy at this point, and everything is going right," said Gin.

According to USD's report, unemployment insurance was up by less than a tenth of 1 percent; tourism was up by nearly 1 percent, and help wanted advertisements increased less than ½ a percent.

The report added that the Index has continued to rise for 31 months, with October's gain of 1.2 percent being the largest in more than 10 years.

— Simone Toth

A Very Solid Recovery

Job creation will accelerate, more homes will be built and the tourists will keep coming

For the San Diego economy, 1997 will turn out to be one of the best years of the 1990s. Jobs, construction, and home sales increased sharply compared to the depressed levels of recent years. Negative variables such as the unemployment rate and initial claims for unemployment insurance are approaching lows not seen in many years. Despite the good news, memories of the recession of the early 1990s remain in many peoples' minds. So just how solid is this recovery, and is it likely to continue in the future?

The University of San Diego's Index of Leading Economic Indicators for San Diego County is designed to forecast the performance of the local economy six to nine months into the future. Through September 1997, the Index had increased for 30 consecutive months. The duration of this advance and the solid gains registered point to moderate to strong growth in the region's economy for 1998. The outlooks for various elements of the local economy are as follows:

Employment

The outlook for the labor market is very encouraging. For workers, 1997 was a very good year. Through the third quarter of the year, more than 25,000 jobs had been gained countywide compared with the same period in 1996. The county's unemployment rate for October 1997 was 4.3 percent, a level that has not been seen since early 1990. For 1998, the University of San Diego is forecasting

another good gain of 24,000 jobs from the 1997 level.

Particularly encouraging is that many of the new jobs will be in the high-paying sectors of the economy. Leading the way is a resurgence in manufacturing. Gone are the days when manufacturing in San Diego meant aerospace production, led by General Dynamics. The manufacturing base has become more diversified, and that will benefit San Diego in the years ahead.

The manufacturing sectors that are expected to do well in 1998 are the same ones that did well in 1997. These include household audio and video equipment, with the San Diego-Tijuana region becoming the world's largest producer of televisions. High technology in the form of computers and telecommunications equipment should also do well. Sports equipment, specifically golf clubs and such, is another area in which San Diego is developing a niche. Even aerospace manufacturing will make a comeback, as the Space and Naval Warfare Systems Command (SPAWAR) program spends billions of dollars in the region, a lot of it on salaries.

Residential Construction

Residential units authorized by building permits will approach the 10,000 mark in 1997. While this is a far cry from the average of 25,000 units in the late 1980s, it will be the highest number since 1990. And 1998 should be even better. The University of

San Diego is forecasting that 11,200 residential units will be authorized next year.

The boom in construction indicated by increased building permits has important implications for the local economy. Not only will there be an increase in high-paying construction jobs, but also in related areas such as real estate and finance. Once the units are built and sold or rented, the new occupants will spend money on items such as furniture, appliances, and home improvements. Thus, the ripple effect on the entire economy is substantial. Also, the higher level of construction will help ease, if only slightly, the tightness in the housing and rental markets.

Tourism

Tourism should have another good year in 1998. The Super Bowl will provide a big boost in January as fans from all over the country and from the visiting teams (sorry, Chargers fans) come to San Diego. As for the rest of the year, things should remain very solid. However, with tourism and visitor spending already at very high levels, it will be difficult to achieve strong comparisons with 1997.

In the intermediate term, tourism will continue to be one of the strongest sectors of the local economy. Hotel construction will increase the number of rooms available and help keep room rates from skyrocketing. An expanded Convention Center would allow San Diego to attract more and larger conventions. And looking into next year, the opening of Legoland in Carlsbad in the spring of 1999 will give tourists a reason to stay an extra day in the region.

Potential Problems

While most of the news is good, some negatives should be kept in mind. Ironically, one is the booming job market. The low unemployment rate has meant that some sectors, such as construction, are having difficulties finding skilled workers. The tightness in the labor market is likely to continue in

see next page



Cont'd...

1998, and could lead to upward pressure on wages. This would mean higher incomes for workers but higher costs for businesses.

The economic crisis in Asia also poses some potential problems. San Diego firms, such as those in technology that have been dealing in Asian markets, will see their sales adversely affected. Tourism from Asia also will be affected as economic growth slows. Closer to home, the events in Asia could spill over to Latin America, which would have a greater impact on San Diego. Finally, the problems in Asia are expected to slow economic growth in the United States,

which would hurt local companies that deal with a national market.

Don't Mind The Potholes

All that said, it appears that 1998 will be another good year for the economy of San Diego County. While there are some potholes that may prevent a completely smooth ride, the positives are likely to far outweigh the negatives. Given the rough years experienced here in the early 1990s, this should be welcome news to most San Diegans.

Alan Gin is associate professor of economics at the University of San Diego.

Year in **PREVIEW**

TRADE

Exporters and Importers Warily Eye the Asian Flu

**Expect Little Impact Here;
Mexico Remains S.D.'s
Largest Trading Partner**

BY MIKE ALLEN
Staff Writer

As 1997 came to a close, the biggest question for many San Diego businesses involved in foreign trade was how long the so-called Asian flu was going to last and whether it could become a critical disease.

The consensus is that the impacts from economic downturns in Asia would not be noticeable to most local businesses, although if the problems persist for years, it could hurt the growth expectations of many businesses.

Julie Meier Wright, executive director for the San Diego Regional Economic Development Corp., said many local companies are exporting products to Asia that are essential to doing business, and not consumer related.

Companies making telecommunications devices, computer equipment and other high-tech products probably won't see any major drop-off in sales, Wright said.

These products are needed to improve antiquated machinery and communications, and their purchase will not be deferred because of higher cost related to the devaluations of currencies, she noted.

Alan Gin, a USD economics professor, agreed that the Asian downturn will have minimal impacts locally because of the relatively low amount of local trade going to Asia.

Judging from the figures supplied by the local Department of Commerce, many San Diego companies are finding increased exporting a lucrative boost to their bottom lines.

For 1996, the most recent year's statistics available, total exports coming out of San Diego grew 14.6 percent to \$6.7 billion. The most common goods coming from this region are electronic equipment, and industrial machinery and computers. Together, these products made up \$3.7 billion of the total exports.

Mary Delmege, regional director for the Commerce Department's San Diego office, said the growing and profitable companies here are almost all engaged in some form of international trade.

"Anybody who is successful is looking at international markets," said Delmege.

She expects the growth curve in exports to continue for two main reasons:

"First, the kinds of businesses being developed here — high-tech, telecommunications, software, medical instrumentation, are the kind of companies that go into international markets almost immediately.

"Second, San Diego now, more than ever, has developed the kind of business infrastructure that supports companies which are going international."

In addition to research and advisory data from agencies such as her office and the World Trade Center, banks and other support services have become more familiar with companies expanding into foreign markets, she said.

The most popular destination for many of San Diego's export's remains Mexico. Despite a severe recession, exports have actually increased by nearly \$500,000 from 1995 to 1996 to \$2.9 billion.

A big chunk of that business is connected to Tijuana's maquiladora industry, which continues an amazing growth curve.

By last year, the number of maquiladoras had risen to 900 in Baja California, including 580 in Tijuana and 160 in Mexicali, according to **InterAmerican Holdings Co.**, a San Diego international consulting firm.

Driving much of the explosive growth is NAFTA, which mandates goods eligible for free tariffs must contain components entirely produced in North America.

"Most of the world thinks of San Diego as a tourist mecca, but we're becoming a center for international business as well," said Ernesto Grijalva, vice president of public

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Trade:

Continued from Page 7

policy international business for the Greater San Diego Chamber of Commerce.

Grijalva said evidence shows that San Diego has gained rather than lost jobs since it took effect.

"There is no evidence that NAFTA has caused job loss in San Diego. If anything, there's plenty of evidence to suggest just the opposite," Grijalva said.

While large companies such as **Enova Corp.**, parent firm of San Diego Gas & Elec-

tric Co., can point to major infrastructure power plants in Baja, hundreds of smaller and medium-sized businesses are also benefiting.

An official at **Frontier Trading Co.**, a San Diego-based food broker and distributor of grocery products, would not reveal precise figures but said sales this year will be 86 percent higher than last year.

Marty Capdevilla, Frontier Trading's president, said when the company started selling in Mexico in 1989, duties were 20 percent. After NAFTA went into effect, they were cut to 10 percent and this year will be zero.

Capdevilla said the company increased the

number of truckloads of foodstuffs to Mexico this year by 240, requiring overtime and a large increase in production from the Orange County plant that makes its food product. Much of the sales occur in Guadalajara and Mexico City.

CinemaStar Luxury Theaters Inc., an Oceanside-based chain of movie houses, opened a 10-screen theater in Tijuana in November. The publicly traded company said it plans to open a second theater complex in Guadalajara this year.

While Mexico continues as the region's biggest trading partner, local companies were finding eager markets in many other areas.

"The big increases are in Latin America," Delmege said. "The base dollar numbers are relatively small but growth has been tremendous."

According to Commerce Department statistics, exports from San Diego to South America from 1993 to 1996 grew by 159 percent; to Brazil, the increase was nearly 500 percent.

Trade advocates were buoyed by the

progress on several fronts, particularly getting some federal and state funds to begin environmental studies for a key road improvement project, State Route 905, which connects the Otay Mesa border crossing with Interstate 805.

But a long-planned upgrade to an existing rail link, the San Diego & Arizona Eastern line, appeared stalled when the Mexican government awarded the rights to operate 44 miles of the line in Mexico to a Mexico City-based partnership.

Providing fast-track negotiating power for trade agreements to the president was another issue local trading officials said they would push for this year.

"(The fast-track agreement) would have been extremely helpful in opening up new markets to San Diego companies," Delmege said. "We need to be moving toward greater economic integration with our trading partners, not just for some abstract reasons, but because it really does increase market share for companies."

Year in **PREVIEW**

Job Market Expected to Stay Strong in New Year

18,000 New Jobs Seen In '98; Fast Growth in Finance, Real Estate

BY PAT BRODERICK
Staff Writer

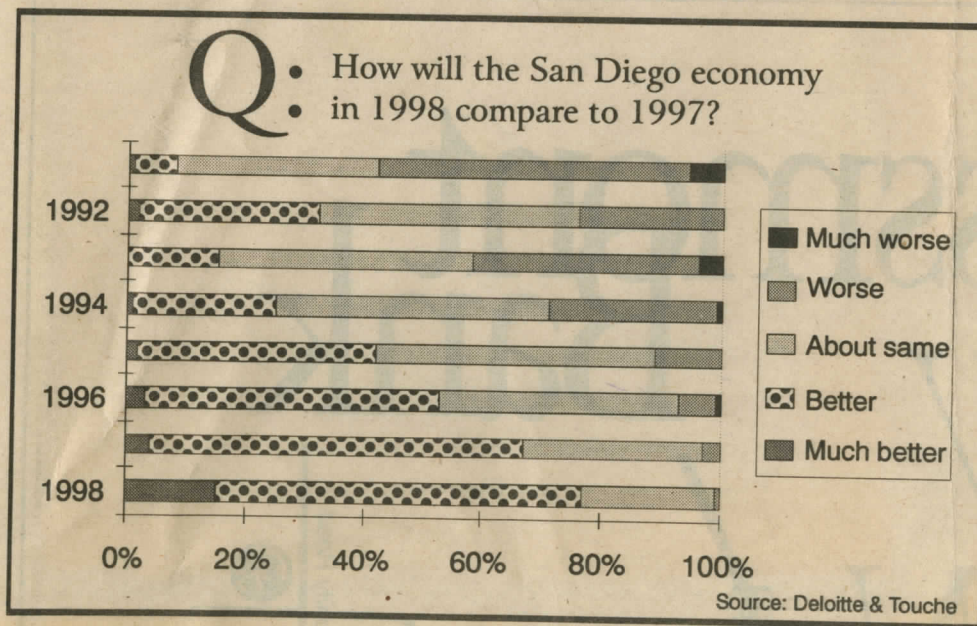
San Diego County is expected to gain another 18,000 jobs in 1998, with retail/trade and the services industries accounting for about two-thirds.

In fact, according to the Eighth Annual Deloitte & Touche/San Diego Business Journal Economic Outlook Survey, more than half of the companies polled said they expect to add jobs in 1998.

The businesses surveyed covered aerospace/defense, biotech, electronics/manufacturing, financial institutions, health care, real estate/construction, retail/wholesale, service and tourism/hospitality.

Thirty-two percent (116 of the companies surveyed) said they expect to increase their work forces by more than 5 percent; another 32 percent (115 companies), by 1 percent to 5 percent; while 30 percent, (108 companies), anticipated no changes.

On the downside, 3 percent (12 firms), expected a decline in their work force by 1 percent to 5 percent; while another 3 percent



(11), anticipated a decline of more than 5 percent.

Among the companies reporting the biggest anticipated increases in 1998 were biotech, 75 percent (six firms); aerospace/defense, 71 percent (five); and electronics/manufacturing, 56 percent (20).

The health care industry reported the biggest anticipated decrease in the work force, with 19 percent (four firms) responding.

As for the subject of employee compensation, 15 percent (55 firms) expect an increase of 6 percent or more; 24 percent (88), 5 percent to 6 percent; 45 percent (162), 3 percent to 4 percent; 11 percent (41), from 1 percent to 2 percent; while 5 percent (17), anticipated no change.

The finance/insurance/real estate industries should realize the biggest rate of growth, according to figures supplied by Marney Cox, senior regional economist and director of special services for the San Diego Association of Governments (Sandag).

While that category should produce only another 1,000 jobs in 1998, Cox said it still represents the greatest rate of growth, 3 percent, than any other category.

"Finance, insurance and real estate is really picking up and taking a lead," Cox said. "There has been a bottoming out of buy-outs and mergers. There's really not that many large banks left down here to be bought out. Also, some of the local regional banks are beginning to make inroads into markets here."

As for real estate, he said, more people are back to purchasing such big ticket items as houses.

"When people are getting laid off, their confidence in consumption is way down," he said. "When companies are hiring full time, with commitments to salary and benefits, the confidence of consumers returns and they are committed to purchasing big items like refrigerators and homes."

More people buying homes, he added, also means more work for such related real estate fields as appraising and escrow processing.

Meanwhile, figures supplied by the state's Employment Development Department's La-

bor Market Information Division (EDD), covering from November 1996 to November 1997, showed a 1.1 percent increase for finance/insurance/real estate jobs overall.

On the downside, jobs in San Diego's defense industry may not be on the wane exactly, Cox said, but they aren't expected to grow much in 1998, either.

"SPAWARs (Space and Naval Warfare Systems Command) has helped stabilize the defense industry," he observed. "But its incremental impact took place last year. Defense is still undergoing a decline in its rate of increase, although not as dramatically as in the early '90s."

As for the current financial crisis in Asia, Cox said, it may have some impact on certain industries here.

For instance, he said, the crisis, could reduce the number of Asians traveling to San Diego.

Still, Cox anticipates another 1,300 new jobs in the visitors industry, a rise of 1 percent over 1997.

The telecommunications industry, he added, is expected to hold steady at about 9,000 permanent salaried jobs with benefits.

The momentum gained in previous years, Cox explained, "should be strong enough to carry the employment."

Also, he added, in addition to Asia, the industry taps other markets, including South Africa and Mexico.

Cox does anticipate losses in the electronics industry; about 1,000 jobs in 1998.

"I attribute most of that to the Asian crisis," Cox said. "Also, the relative strength of the dollar to other economies, which makes our goods more expensive overseas."

As for communications, Cox added, "In emerging industry countries like South Korea, they are moving rapidly to wireless forms of communications. We may see a setback, because the purchasing power of their currency is less than it was."

On the other hand, Cox said, Mexico's economy is on the mend.

"That's helped international trade," he added. "The peso devaluation is behind us and Mexico has begun to stabilize. Inflation rates

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Jobs:

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have come way down. All this has helped exports."

Overall, Cox said, international trade is of growing importance to San Diego's economy.

Kelly Cunningham, research manager with the Economic Research Bureau of the Greater San Diego Chamber of Commerce, agreed.

"Exports have boomed in the last two years; 20 percent a year — electronic goods, TVs, cellular phones," he said of the 1996 and 1997.

But, unlike Cox, Cunningham said he doesn't expect the current economic crisis in Asia to have much impact on San Diego, where the main partners are Mexico and Canada.

San Diego may never return to the heady prosperity of the '80s, but when it comes to employment, slow and steady wins the race, according to local number crunchers.

The consensus, allowing for differences in how those numbers were crunched, anticipated an average 2.5 percent rise in regional employment by the end of 1997.

"The last couple of years, we've seen about a 2 percent range of growth," Cunningham said.

"Prior to that, we lost jobs. It's not quite the level of growth we had in the '80s, when it was 4 or 5 percent.

"It's a slower rate of growth, but that's not necessarily a bad thing. We grew too fast in the '80s. Now, we have a more sustainable and moderate rate of growth. It's better for the region."

Take note: Forecasting the employment picture for '98 is not an exact science, so expect some inconsistencies made by local market watchers.

Retail, especially general merchandising, from Target and Kmart-type discounters to Nordstrom and Robinsons-May, has been strong, Cunningham said.

According to the EDD, general merchandise employment rose by 8.3 percent from November 1996 to November 1997.

The expansion in Fashion Valley, he said,

undoubtedly added to the boom.

Automotive dealers are enjoying an upturn as well, Cunningham said, another sign that the economy is healthy.

"When times are tough, people stop buying durable goods like cars," he said. "When personal situations improve, they can buy those durable goods they've postponed; sporting goods, furniture they're growing quite a bit."

According to EDD figures, employment in San Diego's automotive industry enjoyed a 4.1 percent increase from November 1996 to November 1997.

Construction also is on the upswing, with the EDD reporting a 10.2 percent rise in construction jobs overall for that period.

"It's been down for awhile, but it's coming back pretty strong," Cunningham said. "Commercial/industrial development and housing are sorely needed here. We will have housing demands and we need to get houses built."

One reason for that demand, Cunningham said, will be the continued influx of out-of-staters who are being recruited by San Diego's high-tech companies.

"We're getting to a labor shortage," he said. "There are more jobs than people to fill them, specifically in high-tech, engineering and computer jobs. Companies are having to recruit from

other parts of the country to fill these jobs."

Since most of those jobs are high-paying, he added, this should be good news to the community, especially the services and retail industries, which stand to gain by the influx of bucks.

Cox agreed, saying, "If job growth is much higher than I'm predicting here, the only way to fill those jobs are to import people from outside."

But, he added, when it comes to growth, especially in jobs, more is not necessarily better.

Worst-case scenario?

"Home prices will accelerate more rapidly, inflation will pick up. We'll have to raise wages. We would have a short-lived recovery," Cox said.

"The area may have trouble accommodating too much population growth. Too much of anything is not good for anyone."

But, he continued, all things being equal, San Diego should be able to handle the influx.

"My expectations are that it won't get away from us," he said. "The number of jobs will be compatible with the region's ability to handle them."

Among the uncertainties in the coming months, Cox said, one thing is clear:

"This will be a critical year for us."

As for total farm jobs, according to EDD

figures, the industry experienced a dip from November 1996 to November 1997 of 1 percent.

"I attribute that to taking over agricultural land for development and the impact of foreign markets," Cunningham said.

The local number crunchers agree that, overall, 1997 was a strong year for jobs. But Alan Gin, USD associate professor of economics, said he doesn't expect to see quite as much employment growth in 1998.

"That's based on initial claims for unemployment that are rising and help wanted ads that are not as strong as they have been," said Gin, who puts out a monthly economic index for San Diego County. "Those are two areas I look at. 1997 was such a strong year, it would be difficult to get similar results in 1998."

Jerry Shea, labor market consultant for the EDD, feels pretty upbeat about San Diego's new year.

"San Diego has been in the doldrums for the past couple of years," he said, "but it's coming out now."

"Prosperity is relative, especially with what we've come out of," said Cox. "We've had a significant upturn in what we saw through 1995."

"I also think that the growth in jobs is in the right areas. Things are looking good."

Figures point to growth for S.D.

But shortages of land, workers pose hurdles

By Dean Calbreath
STAFF WRITER

Despite the gathering economic storm clouds in Asia, the latest job and real estate figures suggest San Diego is poised for strong growth in 1998.

But entwined with the projected growth are the specters of rising real estate prices, shortages of developed land and a tight market for skilled labor.

San Diego County is slated to create 23,700 jobs in 1998, according to an economic forecast released this week by the University of San Diego. The hottest job markets include such high-paying sectors as business services and engineering, which should both experience jumps of nearly 5 percent, as well as construction, which should increase about 4 percent.

The new jobs could bring 55,000 to 65,000 new residents to the county, according to John Burnham & Co. commercial real estate firm. And that, in turn, will fuel an already-burgeoning real estate market, not only for homes but for office space and industrial sites as well.

"Just four years ago, we were talking about staying alive until '95. We were encouraging people to view the real estate market as a glass half full," said Dennis Cruzan, president and CEO of real estate services at Burnham. "But right now, the glass is overflowing, and in our view things look very, very good for the next two or three years."

The growth projections come after 32 months of consecutive monthly increases on USD's index of leading economic indicators for the county. In November, for the second month in a row, all six of the indicators on the index pointed upward. (The November index was not released until this week.)

"Given the broad-based strength in the index, the outlook for the local economy remains bright," said USD professor Alan Gin, who compiled the report.

But Gin warned that the growth in jobs will exacerbate the growing labor shortage in the county. "Right now, there's such a shortage of highly skilled labor that some firms

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Outlook

County's office-vacancy rate is lowest in 18 years

Continued from C-1

might have to scale back expansion plans because they won't be able to find workers to fill their jobs," he said. "Employers are probably going to have to raise salary levels in order to attract new workers."

Accompanying the growth in the labor pool has been a steady growth of residential building permits, which jumped 1.43 percent in November. Gin projects that residential building will continue to advance at a rapid pace this year, with single-family permits jumping 16 percent to 9,500 new homes and multifamily housing jumping 6 percent to 3,500 units.

But Gin said that housing is not growing fast enough. "Even though the housing market has been expanding, it's growing at less than half the rate it experienced during the 1980s," he said. "At that rate, the market will remain very tight. Prices and rents will probably jump by at least 5 percent this year."

Commercial construction is also hitting a ceiling on the local market. Nearly 2.2 million square feet of new office-space was under construction at the end of the year — nearly tripling the 762,000 square feet that came onto the market in the previous five years.

The county's 10 percent office-vacancy rate is the lowest in 18 years, down nearly 4 percentage points since 1996. The tight market has resulted in higher prices for office space. According to Burnham, office rental rates jumped 20 percent to 24 percent in 1997, with the biggest increases seen in such high-profile areas as Sorrento Mesa, Del Mar Heights and North University City.

At the same time, industrial development is reaching the saturation point. Nearly 3.4 million square feet of industrial space was created in the county last year, with an additional 2.6 million square feet slated to be introduced in the first six months of 1998. But with all that development going on, Cruzan worries that the county may soon run out of space for more business expansion.

The Burnham report noted that in previous land shortages, there were usually business parks under development that alleviated some of the pressure in the market. "This time, there is little properly designated land waiting on the sidelines," the report said.

The Burnham report warned that the recent downturn in Asia's markets was a "wild card" that could moderate Southern California's growth this year.

THE SAN DIEGO UNION-TRIBUNE

THURSDAY, JANUARY 29, 1998

S.D. Economy Keeps On Rolling Along

By CHRISTINA S. JOHNSON
San Diego Daily Transcript

San Diego County's economy flexed its muscle for the 32nd consecutive month in November 1997, posting gains in three key economic indicators.

Forecasters say the region's strength should last at least through the first half of the year, perhaps into the next millennium.

The region's brawn, as measured by the University of San Diego's Index of Leading Indicators, rose 1.1 percent in November, compared with a 0.15 percent gain in the parallel national index of leading economic indicators compiled by the Conference Board in New York.

The index basically gives a "thumbs up" or "thumbs down" evaluation of the county's economic momentum, said *professor Alan Gin, economist at USD's School of Business Administration. While trends less than three months long are untrust-

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S.D. Economy

Continued From Page 1A

worthy indicators of future performance, Gin said the sum force of 32 months of steady gains suggests the upswing is more than a statistical blip.

The USD index tracks monthly changes in five local economic indicators: the number of building permits issued for residential housing, the number of initial claims for unemployment insurance, the number of help-wanted advertisements in the *Union-Tribune*, the amount of tourist activity and an average of stock prices on the San Diego Stock Exchange.

Because forecasts for the local economy hinge on the nation's strength as a whole, the sixth indicator tracks the national index of leading economic indicators, which follows 10 economic categories nationwide.

The greatest economic turnaround in recent months has been in the labor market, Gin said. The number of initial claims for unemployment insurance dropped significantly by 1.53 percent in November, compared with a 3 percent rise in filings nationwide.

Perhaps more illuminating, in 1997 the number of jobs grew

faster than the work force. The number of people employed rose by 33,800 compared to a 23,300-person increase of the labor force in San Diego County.

The substance of the labor market is also reflected by a 3.6 percent rate of unemployment for the month, the lowest rate reported this decade, according to the Greater San Diego Chamber of Commerce.

Though the broad-based statistics mask important factors like job quality, the numbers show that fewer people are being laid-off for the first time and that people looking for jobs have a better-than-ever chance of landing them.

Gin predicted that nearly 24,000 new jobs will be created in the region in 1998, with the lion's share of the growth coming from service-oriented jobs, followed by manufacturing jobs, particularly in electronics.

Kelly Cunningham, of the Economic Research Bureau at the chamber of commerce, estimated that San Diego's per capita income will rise \$1,200 to \$26,900 in 1998, representing a modest 4.6 percent increase. The chamber expects inflation to rise above 3 percent for

the first time in three years in 1998.

November also posted increases in residential building permits. The number rose by 1.43 percent compared with a similarly sized percentage fall in permits issued nationwide.

Gains in the index also were bolstered by a 2 percent rise in stock prices among San Diego-based companies (compared with a 1.3 percent decline in the Standard and Poor's 500 Index during the month), by a 1 percent increase in tourism and by a 0.65 percent increase in the number of help-wanted ads posted locally.

The bottom line is moderate optimism for San Diego, Gin said.

The chamber of commerce echoed the sentiment. The chamber forecasts that 1998 will be the fifth consecutive year of economic expansion since the recession hit bottom in 1993. Though growth will be slower than the near intergalactic-sized expansion during the '80s, the chamber foresees a moderate 4.2 percent annual growth rate, which, unlike the boom times in the '80s, will not trigger a recession.

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Doubts Cloud Thinking of S.D. Financial Sector

BY RICHARD ACELLO
Staff Writer

As the San Diego economy rounded the corner for home in 1997's fourth quarter, it suddenly accelerated.

USD's Index of Leading Economic Indicators shot up 1.2 percent in October, the largest gain since March 1986.

Contributing to the surge was the largest monthly increase ever recorded for residential units authorized by building permits, an increase of 3.12 percent.

Six components of the USD index rose, paced by construction and stock prices of local companies.

Alan Gin, professor at USD's School of Business Administration, termed the results "spectacular."

"The momentum generated (in 1997) will likely carry over into next year," Gin added, "meaning that 1998 is shaping up to be another strong year for the local economy."

Financial sector respondents to the Eighth

Annual Deloitte & Touche/San Diego Business Journal Economic Outlook Survey agree. But they have caveats.

More than 75 percent (32 of 42) say they expect the San Diego economy to improve in the next 12 months.

Asked about prospects for the financial sector, 19 respondents, or 46 percent, said the economy would remain "about the same," while an equal number said conditions would improve.

Despite the sunny forecast, survey respondents displayed an underlying uneasiness about San Diego's ability to retain business.

Fourteen of 41 financial sector respondents, or 34 percent, said San Diego has not improved its ability to retain business in 1997. Nor were financial types alone in this analysis.

More than 55 percent of biotech respondents, 51 percent of electronics manufacturers, and 61 percent in the tourism/hospitality

sector reached the same conclusion.

Who do they blame?

Well, 36 percent of the financial sector respondents said they were dissatisfied or very dissatisfied with the city's current political leadership. Across all sectors, dissatisfaction with politicians hit 35 percent, up from just 18 percent in 1997.

San Diego Economic Development Corp. CEO Julie Meier Wright also sounded a positive, but hardly euphoric tone, in assessing the coming year.

"San Diego is on a course to do very well, provided that we realize we are competing with other places for investment," she said.

Specifically, Wright ticked off transportation infrastructure, water imports and "repurification," the declining number of technical majors coming out of San Diego schools, and a shortage of available technical workers as potential potholes for the high-tech, high-

growth industry the city hopes to attract.

"We need to make changes to insure our competitiveness," Wright said.

Executives of locally operated financial institutions expect little change in their industry's composition in the coming year.

"There may be some consolidation, but not a lot," said Allan Severson, president of La Jolla-headquartered **Grossmont Bank**. "Deposit growth is good, loan demand is moderate to good."

"We're in a competitive, more permissive credit environment than it has been, which can be a two-edged sword."

Severson seconded the concerns of the survey respondents about the city's ability to attract and retain business.

"San Diego doesn't do as much to attract business as other cities such as Phoenix, (cities in) Texas, and (cities in) the Intermountain region," he said.

Wright said mounting economic problems in Asia could also have an impact here and in California as a whole.

Real estate poised for boom times

Experts optimistic about area economy

By Roger M. Showley
STAFF WRITER

Optimism has returned to San Diego's real estate market, according to speakers at a daylong industry forum at the University of San Diego yesterday.

Experts said commercial rents and values are up, industrial and office vacancies are down and San Diego's accelerating job market is setting the stage for the most construction this decade.

"I feel like a cheerleader up here," said Andrew Narwold, economist at USD's School of Business Administration.

San Diego's gross regional output of goods and services will increase 4.2 percent over 1997, Narwold said, a much faster increase than expected in the rest of the state or nation, while job production will grow by about 24,000, a healthy addition although down from 27,000 jobs added last year.

"In general, we are extremely optimistic," he said. "Enjoy 1998. We're looking forward to a great year."

Audience members, who weathered real estate recessions in past decades, expressed a healthy dose of skepticism. Peter J. Hall, head of the city's downtown redevelopment program, said between presentations, "Don't tell me how good it is. Tell me how bad it's going to be get, so I can sleep better at night."

But Martin A. Regalia, chief economist for the U.S. Chamber of Commerce, noted many signs that point to a structural shift in the national economy. For example, he

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Real estate

Area expected to grow faster than state, nation

Continued from C-1

said, higher productivity is allowing increases in salaries without an accompanying uptick in inflation and onset of recession.

"We are roaring to the millennium, a year of all sorts of portents and problems," commented keynote speaker Michael Buckley, national real estate director for Ernst & Young Kenneth Leventhal's real estate group.

He was referring to the problem of programming many computers to be able to differentiate between the year 1900 and 2000. But he painted a positive picture for future real estate opportunity based on growing populations and a vibrant U.S. economy, compared with stalls

in Europe and Asia.

Of prime concern locally, several speakers said, is the need to invest in roads, schools, sewer and water lines, libraries and other forms of public infrastructure.

UCSD political scientist Steve Erie said the highest priority ought to be given to expanding airport capacity, either by using existing airports or by teaming up with other jurisdictions in Mexico, Riverside or Los Angeles.

Former San Diego City Councilman William Jones, developer of a major redevelopment project in City Heights, endorsed most big-ticket items but said voters in neighborhoods will have to be persuaded to lend their support and shown that such projects will benefit them.

Another focus of attention at the conference was on the changing face of shopping centers and the retail market. With consumers buying more via the Internet and catalogs, retailing experts said the in-

dustry is fighting back by offering more movie theaters, theme restaurants and try-before-you-buy merchandising concepts.

David Malmuth, senior vice president of development at TrizecHahn Centers, said his company plans to repaint Horton Plaza shopping center starting next month, presumably in colors different from the multitude of pastel hues used originally in 1985.

Nelson Rising, president of Castellus Development Corp., owner of prime, undeveloped land around the Santa Fe Train Depot downtown, said retailing is so trendy and unpredictable that his focus is on residential and office development.

In an interview after his presentation, Rising said he expects construction could begin on a new office building adjacent to the depot in two years, once monthly office rents rise above the \$2-per-square-foot level. They are now around \$1.50 to \$1.75 in the most desirable high-rise buildings.

Real Estate Forecast Sees Tighter Quarters, Rising Prices

BY RICHARD ACELLO
Staff Writer

Good times mean tighter quarters for expansion and higher prices for both commercial and residential real estate in 1998, said economists at USD's Second Annual Real Estate Conference last week.

"We anticipate San Diego and California growth remaining above national levels," said USD Associate Professor of Economics Andrew Narwold.

The USD forecast shows the San Diego region growing at a rate of 4.2 percent, faster than California at 3.4 percent and the United States as a whole at 2.5 percent.

Economic drivers such as software, communications and recreation will spur the creation of about 24,000 jobs in the region this year, down only slightly from the estimated 27,000 jobs created in 1997, said Narwold.

As a result, the local unemployment level will remain low at about 4.3 percent in '98, while population growth remains steady at 29,000, off slightly from 31,000 in 1997.

Whereas space for industry, offices and housing went begging in the beginning of the decade, Narwold said a race for available space will mean increased development across all building sectors, accompanied by price increases in both the commercial and residential sectors.

"Building is strong in '98," said Narwold. "But beyond that, land is going to be a serious constraint."

USD economists expect a 10 to 20 percent price increase for "extremely tight" industrial space in San Diego County with a vacancy rate below 10 percent.

Construction of industrial and research and development space will be concentrated, said Narwold, into three primary markets — Poway, Carlsbad and Sorrento Mesa.

Office space is also at a premium. USD forecasts a vacancy rate of around 10 percent for the region, stubbornly hanging around at

about 18 percent Downtown, and as low as 5 percent in Carlsbad.

The region will add 2.7 million square feet during 1998, up from 0.9 million square feet last year.

Two-thirds of this will be located in Carlsbad (900,000 square feet) and Sorrento Mesa (850,000 square feet).

Narwold declared Sorrento Mesa "90 percent built-out."

On the residential side, the economists said they expect building permits to increase from 11,600 in '97 to more than 14,000 this year.

The increase in housing, though, won't pre-

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Real Estate:

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vent prices for detached housing from increasing 5 percent to a median price of \$192,117; attached housing is expected to increase 7.5 percent to a median price of \$138,962.

There were few caveats to Narwold's sunny forecast.

Instability in Asian markets is not expected to affect San Diego, he said, unless it spreads to the U.S. trading partners in Mexico and Latin America.

Narwold said he considered the local economy to be "much more integrated" with the national economy, meaning that the region is less reliant on its traditional bases of manufacturing and defense.

Preceding the local forecast at the USD

conference, Martin Regalia, chief economist for the U.S. Chamber of Commerce in Washington, D.C., pronounced the U.S. economy "the best in a generation."

Regalia said he believed current growth rates "will be the norm rather than the exception" for the next decade.

The economist said he expected real GDP (gross domestic product) growth of 2.7 percent in 1998, running ahead of what would be considered solid growth of 2.2 percent.

"We're looking at an economy that continues its momentum through the first quarter and into the second, and then we see a slowdown coming in the third and fourth quarters," said Regalia.

As far as the "Asian flu" is concerned, Regalia said "if it stays an Asian problem, we expect it to have little effect on the U.S. economy."

San Diego Business Journal • January 19, 1998

Looking At Law School

Reasons for attending are not always what they seem

BY SANDY PASQUA

By now those New Year's resolutions made during the mirth and merry-making of the holidays have been forgotten and most are back in their normal routines. But the tradition of making resolutions symbolizes the desire for change and growth, and a new year is a natural time to reflect, reassess and set some fresh goals.

If one of your long term desires has been to attend law school, now is the time to make that happen. With three fine law schools in San Diego — California Western, Thomas Jefferson and University of San Diego — one seeking a law degree has choices: full-time attendance or part-time, days or evenings. Those who already have careers may want to change professions, while others may want to study law to enhance a current position or pursue an interest outside of their careers.

That was the reason 17-year SDSU linguistics Professor Jeff Kaplan went to law school. As a linguistics prof, Kaplan focuses on language use. Outside of the classroom he does research on discourse or conversation structures in different disciplines, for example the discourse between a physician and a patient. He was interested in "the language of law," he says, and since earning a law degree has found applications to use that language.

It enhances his teaching of linguistics and allows him to apply it "to what I do in the real world," he says, which sometimes means serving as a consultant to attorneys.

Whatever the reason for wanting to attend law school, it is not a commitment to be made lightly. It took Kaplan five years as a part-time student at USD to earn that degree, and while he found the accomplishment satisfying, he says, "It was very expensive and I could do what I'm doing now without having gone to law school."

Richard Dittbenner of Coronado, another educator who returned to law school mid-career, agrees that it is a serious commitment. "I always was interested in the law and wanted to teach it," he says, but he describes his four years at Thomas Jefferson School of Law as "a grueling experience; I was tired all the time."

He attained his goal, however, and now teaches business and criminal law at Southwestern College. In addition, he uses his knowledge of the law to assist a number of environmental organizations he and his wife belong to. "It was worth it," he says, "but I was not married then."

"I won't go into practice, though," he says, citing the stress of corporate life that his father experienced as a successful businessman.

Yet Kaplan and Dittbenner are not the norm entering law school these days. Joanne Szymonic, assistant director of admissions and financial aid at USD, says most of the students she sees intend to practice law. "You don't change to law if you already have a career. It is a three- to four-year commitment, and most want a faster return" on the investment of time and money.

Most fulltime law students tend to be young, the average age around 25. National figures show that "students are staying out of school a few years, and that's mainly financial," reports Nancy Ramsayer, assistant dean of admissions at California Western. And each year, more of those students are women. At USD, 43 percent of the law students are women.

All of the San Diego law schools are taking applications now for fall 1998. Both Cal Western and USD have a rolling admission, which means they accept applications at any time. California Western, which is on a trimester system, will inaugurate a part-time program in the fall. To be admitted, students must apply, take the LSAT, and obtain transcripts from previous schools. The LSAT will be given in February and June, says Jennifer

Most fulltime law students tend to be young, the average age around 25.

Keller, assistant dean for financial records and assistance, at Thomas Jefferson. Opened in 1969 as Western State University, Thomas Jefferson was renamed in 1995.

The cost of law school for a year, or two semesters, is comparable at all three schools: \$19,500 at Cal Western; \$18,000 at Thomas Jefferson; and \$19,980 at USD. Costs are lower for evening students, but it takes longer to earn the degree. ♦

San Diego Metropolitan Magazine

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BANKRUPTCY

A flawed system needs to be revamped to curb abuse, recognize root causes

By Mary Jo Newborn Wiggins

Death and Taxes. Now you can add bankruptcy to the list of inevitable and unpleasant life circumstances. That may sound like overstatement, but it correctly captures the sentiments of the record 1.3 million households expected to file for bankruptcy this year. The steadily increasing number of filings, among other things, has led to calls for significant bankruptcy reform.

In 1994, Congress created a commission to study the bankruptcy laws and suggest changes. That commission has now submitted its report and the report is catching a lot of criticism. The recommendations are being rejected by lenders and those in the credit card industry who don't think the proposals are tough enough on debtors. The report's ideas on consumer bankruptcy contain a sharp dissent from a prominent federal judge.

Some in Congress already have discounted the report and advanced their own proposals. Rep. Bill McCollum, R-Fla., for example, has proposed a bill that would, on the basis of income level, automatically assign all debtors to liquidation (Chapter 7) or reorganization (Chapter 13). Sen. Charles Grassley, R-Iowa, has offered a bill that would, among other things, make it much easier for creditors to prove that debtors are abusing the system.

But neither Congress nor the public should be so quick to reject the commission's report or some of its key recommendations. Moreover, the bills offered by McCollum and Grassley are significantly flawed.

First, there are some good ideas in the report. For example, it recommends the creation of a new national database of bankruptcy filings along with random audits of filers. Penalties for filing false claims would be bolstered. Additionally, credit card charges made within 30 days of bankruptcy would not be forgiven.

In the area of business bankruptcy, the report recommends that reorganization plans be filed in much quicker fashion than is the current practice and that courts have more power to force hopeless and ailing companies into liquidation.

Some have criticized the commission for not suggesting more radical reforms that would make the bankruptcy laws tougher on debtors. The basic allegation is that the bankruptcy laws should force people to pay back more of their debt. When it comes to those who abuse the bankruptcy laws, this critique is a legitimate one. But, we all would do well to remember that the vast majority of people who file for bankruptcy are not abusing the system.

In order to intelligently assess bankruptcy policy, we must grasp two realities.

First, most bankruptcies are precipitated, not by abuse of the credit system, but by divorce, job loss or a major medical crisis.

Second, consumer lending, which was once asset-based, is now largely income-based. That is, in making loan decisions,

consumer lenders now rely more on income for collateral rather than on assets. What this means is that most consumer debtors in bankruptcy must rely solely on their human capital (i.e., their ability to earn income) to pay back their debts. If these debtors are to pay back more of their debts, then they must spend more of their waking hours in wage-earning activity (for example, by taking a second, full-time job or several part-time jobs in addition to a full-time job). These debtors must then forgo other socially desirable activities like spending time with their family.

The point is that "get tough" slogans are not an intelligent nor adequate response to what indeed is a complex problem. Policy makers in Congress must pay more attention to the real causes of bankruptcy and realistically assess the individual and societal trade-offs inherent in an attempt to restrict debtor relief.

Another problem with the "get tough" rhetoric is that it all too often allows the credit card industry to escape responsibility for the excessive levels of personal and corporate bankruptcy. Credit card companies continue to dole out credit cards to many people who are in no position to repay the debts incurred. Previously, banks underestimated the risks associated with leveraged buyouts and underpriced their real estate loans to customers. As a matter of fairness and sound economic policy, creditors must absorb some of the costs of their lax lending policies.

The truth is that in our dynamic and competitive economy, bankruptcy laws must continue to strike the proper balance between debtor relief and creditor collection. At least a majority of the commissioners seems to understand this point.

As for the bills sponsored by McCollum and Grassley, both are problematic. McCollum's bill would involuntarily push debtors into one chapter or another based solely on income level. This idea is completely inconsistent with the well-established American notion that, outside of cases involving significant abuse or involuntary bankruptcy, it is the individual debtor who should decide what type of bankruptcy relief is appropriate. It is doubtful whether the bill would carry significant efficiency gains since it presumably requires mid-level bureaucrats to police and properly categorize all consumer bankruptcy filings.

Grassley's bill, while not as extreme, also contains some questionable proposals. It would lower the threshold for the rejection of filings from "substantial abuse" to simply "abuse." The effect would be that any time a creditor even suspects the debtor of abuse (even with little or no proof), he could contest the filing. This would give creditors improper leverage to force debtors into unfair or unrealistic repayment plans.

cont'd...

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THE SAN DIEGO UNION-TRIBUNE ■ SUNDAY, JANUARY 4, 1998

While Grassley's bill would impose penalties on lenders who contest filings frivolously, this would not provide an effective check on creditors. Very few debtors would have the financial resources to haul these creditors into court and, once in court, it is very difficult to prove that a creditor was acting frivolously. The dissenting commissioners came up with a better idea: instead of replacing "substantial abuse" with "abuse," simply define "substantial abuse" more clearly. This would at least provide much needed uniformity in the application of the standard.

Bankruptcy reform of some kind is necessary, given the problems with our current system. Congress deserves commendation for its attention to our bankruptcy system and the commissioners warrant praise for tackling a tough area and adopting a pragmatic stance. The presence of a strong dissent to portions of the report should not be fatal to it. Instead, honest and healthy disagreement is a necessary byproduct of the complex and dynamic issues the commission faced.

What we need in discussions of bankruptcy policy is more careful attention to the real circumstances of bankruptcy today and thoughtful reflection on proposed solutions. This should replace an inequitable, misguided and premature move toward reform.

Part one of this article appeared last issue and addressed the question whether mediating is the practice of law. This part explores some of the more common ethical principles for lawyers acting in a neutral role, and some of the more controversial application of these principles.

The Lawyer as Neutral:

This distinction between informing and advising illustrates the tension between two fundamental ethical principles of mediation practice: party empowerment through informed consent and mediator neutrality or impartiality.

Party Empowerment v. Mediator Neutrality

A mediator must be free from favoritism toward or bias against a party to the mediation, and, unless waived by the parties after full disclosure, must not have a financial interest in a party or the subject matter of the dispute.⁹ It has been contended, however, that these standards are not violated by a mediator who offers the same professional information to all parties, although that information may have a disproportionate effect on one of those parties.¹⁰

Maintaining one's impartiality may become particularly difficult when the mediator is confronted with a strong imbalance of power or information among the disputants. If one spouse in a marital dissolution mediation is less knowledgeable and articulate and appears to be dominated by the other, may a mediator ethically attempt to balance the scales by offering the weaker party information? Would such intervention offend the principles of impartiality and party self-determination, or might it better serve at least the latter principle by aiding the informed consent of the less knowledgeable party?¹¹ Is it acceptable for a mediator to empower one party to make informed decisions when the other party does not appear to need any additional empowerment? Alternatively, should the mediator accept the parties as they are and continue to facilitate communications and potential agreement, even though that agreement appears to the mediator to be unfair, or less than the weaker party

ETHICAL GUIDELINES FOR THE MEDIATOR

By Donald T. Weckstein

might have received from a judicial resolution? Or, to protect the dignity and fairness of the mediation process, should the mediator simply withdraw from the mediation? These issues become even more apparent, if not more difficult, if the parties are moving towards a resolution that ignores the interests of third parties who were not given an opportunity to participate in the mediation. For example, should the mediator attempt to assert the interests of a child in a marital dissolution matter, or those of unrepresented consumers in a deal between merchants or between management and labor parties?

The response to these questions may depend on the model of mediation endorsed by the governing ethical code, the known style of the mediator, or the expectations of the parties. Mediators range on a continuum from experts at processing the dispute to experts at evaluating the dispute's subject matter.¹² Community mediators and their governing ethical principles are more process-oriented, whereas court-connected, labor, and family mediators and their governing ethical principles are more subject matter-oriented. The latter are likely to endorse norm-education and evaluative interventions

while still preserving the ultimate decisions for the parties.¹³

One potential response to this dilemma is for the mediator to insist that both parties be represented by competent legal counsel. Most ethical standards for mediators encourage the mediator to inform the disputants of the value of consulting their own attorneys in preparation for, during, and in reviewing proposed mediation settlements. But some of the

Having a subject matter-qualified lawyer as the mediator can serve as a source of comfort to an unrepresented party only to the extent that the mediator is willing to play an activist role, and that the mediator's interventions are consistent with the applicable ethical standards.

Conflicts of Interest

The obligation that a mediator be impartial necessarily includes a duty to avoid conflicting

interests. Such

conflicts can be

completely

disqualifying or waivable with informed consent.

Although a few states permit a lawyer to act as a mediator in a matter involving a former client with informed consent of the parties, other bar association opinions require that the lawyer-mediator not have

previously represented either disputant. Such a prohibition is imposed by the ABA Standards of Practice for Lawyer Mediators in Family Disputes¹⁴.

A lawyer who has acted as a mediator or intermediary is generally prohibited



PART TWO

anticipated savings in cost, time, and stress thought to be available in mediation may be lost to the extent attorney participation is maximized, and the parties' control of the mediated dispute will be shared with, or delegated

Maintaining one's impartiality may become particularly difficult when the mediator is confronted with a strong imbalance of power or information among the disputants.

to, their legal representative. In other words, while an attorney's involvement may be necessary to empower a party, advantages of mediation as a party-centered process can be lost, especially if the attorneys take over the spokesperson and decision-making roles.

by the duty of confidentiality from subsequently representing any party to the mediation in a related matter,¹⁵ and several jurisdictions have extended this disqualification to other members of the mediator's law firm.¹⁶


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MEDIATION

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The recent Court of Appeals decision in Barajas v. Oren Realty & Development Co., 97 Daily J. DAR 10927 (Aug. 21, 1997) is not to the contrary, despite an ambiguous headnote stating that a lawyer "who mediates" a matter against a builder is not disqualified by Evidence Code Section 1152.5 (providing confidentiality to communications in a mediation) from subsequently litigating a related matter on behalf of another party against the same builder. In fact, the lawyer had not served as the mediator, but had represented a lender-bank against the builder in the mediation, and subsequently represented tenants aligned with the bank in litigation against the builder. The court reasonably concluded that any minor chilling of communications by an adverse party in the mediation would be outweighed by the legislative

intention to encourage mediation. According to the court, resort to mediation would be discouraged if a lawyer representing a party was precluded from continuing to represent that party, or other parties aligned with the party in litigation when the mediation did not resolve the matter, even when settlement of the mediated matter did occur.

In any event, the Barajas case, and other issues discussed in this brief introduction to mediation ethics, serve as a forewarning of some of the difficult choices faced by lawyer-mediators. Despite this challenge, lawyers should not be discouraged from undertaking the useful, and frequently satisfying, role as third-party neutrals. 

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arbitrator and mediator, and writes extensively on the topic of alternative dispute resolution. Any opinions expressed in this article are the author's and not the Ethics Committee's or the SDCBA's. Please send any comments you may have about this article to the Ethics Committee Chairman at the SDCBA. Remember that the Ethics Hotline is available to SDCBA members to help your address ethics issues. Call 231-0781 ext. 194 during normal business hours and ask for the Ethics Hotline.

⁹ See, e.g., SPIDR Standards, General Responsibilities, Responsibilities to the Parties, 1. Impartiality, 4. Conflict of Interest; AFM Standards IV, A, B.

¹⁰ John Forester, Lawrence Susskind: Activist Mediation and Public Disputes, in Deborah M. Kolb & Associates, WHEN TALK WORKS: PROFILES OF MEDIATORS 309, 332 (1994); see also, SPIDR Standards Responsibilities to the Parties, 6. The Settlement and Its Consequences.

¹¹ See Donald T. Weckstein, In Praise of Party Empowerment— and of Mediator Activism, 33 WILLAMETTE L. REV. (No. 3, 1997).

continued on next page

A fair trial for America's lawyers

By John Walters

The thought of more lawyers invading our national landscape may send shivers down many people's spines. After all, the image of the lawyer in our society has changed dramatically from the charismatic, justice-seeking gentleman portrayed by Gregory Peck in "To Kill a Mockingbird." Today, most people believe lawyers are better illustrated by the offensive, lie-spewing jokester portrayed by Jim Carrey in "Liar, Liar."

Despite the shivers, a new crop of lawyers currently is being groomed by law schools around the country. They are being readied for practice. They will be eager to make their mark on the legal community, and for some, on the national community. And when they get there, many will be met with scorn, spite and a plethora of dead-lawyer jokes.

But they do they deserve it? Anyone who spends time in front of the television will surely say they do. Because in living rooms around the country, bad law makes good TV. Ratings are garnered by broadcasting unique celebrity trials and multimillion-dollar spilled-coffee settlements. These images offer good sound bites and punch lines for half-hour info-tainment news broadcasts.

WALTERS is a first-year law student at the University of San Diego.

We rely on lawyers without knowing it, and we use them without asking to. We take them for granted because society seems to be running smoothly.

Unfortunately, they don't constitute enough evidence to create a fair judgment on the legal practice as a whole.

To make a fair assessment of lawyers and the legal system, we must first understand what the goals of the law are. According to television, the goal of the legal system is one based on manipulation and deceit to free criminals and win big money. But the real goals of the legal system are not notoriety and enrichment, they are compensation and corrective justice. A well-founded use of the law to achieve social goals relies not on manipulating facts around the law, but on using the facts to construct, define and defend the parameters of the law.

There are bad lawyers, just as there are bad practitioners in every profession on every level of society. The perception that the legal community as a whole is bad, however, is unfounded. The great majority of lawyers are ethical and professional. In fact, many surveys have shown that while most people think lawyers in general are unethical, they say their own lawyers are ethical and professional.

The contradiction may have been created by the influence of tabloid journalism surrounding events such as the O.J. Simpson trial. The image of bickering, whining and pandering lawyers is still etched in the minds of the millions who viewed the trial. Yet, it is unfair to judge the entire legal community by the actions of the few high-profile lawyers who represent popular issues and people, or by the few opportunists who momentarily seize the media spotlight by engaging in a frivolous pursuit of money.

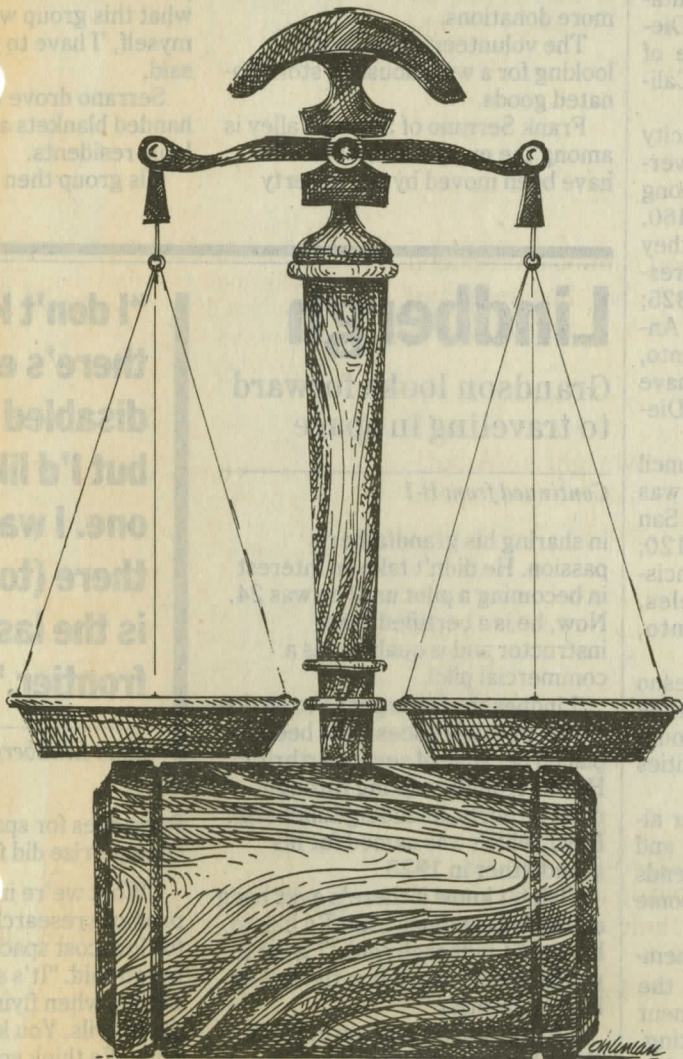
Between those extremes lies the heart of the legal community; those lawyers maintaining order, efficiency and justice in every corner of society. It is these unrecognized lawyers who make sure everything in our lives runs smoothly, from buying a house to selling one, from preventing discrimination to remedying it and from building a bridge to crossing one.

Their largely unnoticed participation in our everyday lives is in itself evidence of the impact they have on us. Good law is practiced when few know it's being practiced — when the rights of a poor family in a small farming community are protected by the unreported actions of a lawyer hundreds of miles away.

Good law is often faceless. It's the same principle underlying our ownership of computers. We use them, we rely on them, but aside from some vague knowledge about modems and gigabytes, we really don't know what makes them work. And for the most part, we take it for granted.

Our legal system works in the same way. It goes far beyond criminal law and celebrity lawsuits. It oversees and protects every facet of our lives. Like invisible guardians, we rely on lawyers without knowing it, and we use them without asking to. We take them for granted because society seems to be running smoothly. And society is running smoothly because of the thousands of unheralded lawyers who make it that way.

As the next generation of lawyers sits in classrooms anxiously awaiting the future, it's important for us not to prejudge and dismiss them as detrimental to society. Instead, we should focus on and remember what the law is truly about, and abide by and protect those principles of justice in practice and in belief.



NANCY OHANIAN

OPINION

Why the court erred in Clinton vs. Jones

By John H. Minan

Less than a year ago, the U.S. Supreme Court decided the landmark case of Clinton vs. Jones. This decision is pivotal to understanding the crisis the country now sees unfolding.

Paula Jones, as it is well known by now, sued President Clinton in federal court in Arkansas for violating her constitutional rights. She alleged that the President made "abhorrent" sexual advances when he was governor of Arkansas and that her rejection of those advances led to retaliatory punishment by her supervisors.

The case went to the Supreme Court on the issue of whether the president was entitled to temporary immunity from civil damages litigation arising from alleged events that took place before he took office. In a decision that has profound consequences to the nation, the Supreme Court unanimously decided that the separation of powers provision of the Constitution does not afford President Clinton automatic temporary immunity from Jones' civil claim.

The decision was hailed by many. Those who applauded the decision triumphantly declared that "presidents are no less subject to judicial action than ordinary citizens." They observed that the key to

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"... it seems unlikely that a deluge of such litigation will ever engulf the presidency. As for the case at hand, if properly managed by the District Court, it appears to us highly unlikely to occupy any substantial amount of petitioner's time."

democracy is that no one's above the law." The cheering may have been premature.

One of the arguments that the president made before the Supreme Court was that this litigation — as well as potential additional litigation that it might spawn — may impose an unacceptable burden on his time and energy and impair the effective performance of his office. The court rejected this claim.

The court reasoned that the president's "predictive judgment finds little support in either history or the relatively narrow compass of the issues raised in this particular case." The court observed that in the more than 200-year history of the country only three sitting presidents (Theodore Roosevelt, Harry Truman and John F. Kennedy) have been subjected to suits for their private actions.

It said, "If the past is any indicator, it seems unlikely that a deluge of such litigation will ever engulf the presidency. As for the case at hand, if properly managed by the District Court, it appears to us highly unlikely to occupy any substantial amount of petitioner's time." Unfolding recent events have proven the court's assessment incorrect.

Many citizens who watched the president's State of the Union message Tuesday night were reassured that the business of the nation is being properly managed. This may or may not turn out to be true. What is true is that the stakes to the nation are incredibly high and the dangers of mistake quite real: possible military action against Iraq, dealing with the Asian financial crisis, managing developments in the Middle East, presiding over emerging relations with Cuba, and on and on.

The Supreme Court is not likely to reconsider its position in the near future. The lower federal courts will be left to fashion the administrative rules to implement the Supreme Court's directive. Is this the appropriate role for the judiciary? Under the circumstances, I think not.

Important questions that impact the office of the presidency are involved that should not be decided by this important but unelected branch of government. In light of the magnitude of the risks and consequences to our system of government, a careful balancing of considerations to accommodate the public interest are involved.

Congress is the appropriate body to decide whether future presidents should have temporary civil immunity for alleged acts committed prior to assuming the presidency. The Supreme Court's decision in Clinton vs. Jones is not a barrier to a statutory response to the concerns of the nation and the future of the presidency. Congress should take on this important issue.

Punishment looms for special-ed troublemakers

Revised law to affect discipline on campus

By Maureen Magee
STAFF WRITER

A San Diego second-grader recently chased a couple of classmates around a campus playground with a knife. A San Diego High School student punched his teacher in the face just before winter break. Around the same time, a Mesa College student assaulted her instructor during class.

Because these young attackers are emotionally disturbed or special-education students, they were not punished for their offenses the way other students would have been.

They are among thousands of students nationwide who avoid expulsions each year as a result of their disabilities and a 23-year-old federal law protecting them.

"With any other kid, 99 percent of the time they would be expelled or sent to another school," said San Diego High School Principal Antonio Alfaro. "Special education is a disaster area. The appearance is that they have a different code of conduct."

Last June, President Clinton approved revisions to the Individuals with Disabilities Education Act that would tighten discipline rules for the nation's 5.4 million emotionally and physically disabled students.

Many educators applaud the changes, calling them long overdue. As recently as two years ago, it was difficult to punish anyone in special-education programs, regardless of the severity of the offense.

But in ongoing public hearings, critics have told the U.S. Department of Education that the revisions to the law are not strong enough. Some school officials would like the power to treat all students equally when it comes to discipline.

The goal of the federal law, passed in 1975, was worthy: to give disabled children a fair shot at an education. Discipline limitations were written into the legislation — and considered crucial — so schools could not use behavioral problems as a way to boot special-education students out of mainstream classes.

Even advocates for the disabled acknowledge that some pupils and their parents manipulate the federal law to get special treatment.

However, many more students suffer because they are denied services or special classes to treat their disabilities, said Thomas Hehir, director of special education for the U.S. Department of Education.

See **IDEA** on Page A-15

IDEA

Revision to law equalizes discipline

Continued from A-1

"It's easy to blame the law," Hehir said. "But there are a lot of special-education students who are not getting what they need because these services or alternative placements are more expensive for a school district."

The public has until Sunday to comment on the revisions approved by Clinton, and final regulations are due out in the spring. Meanwhile, the letter of the law is up to interpretation.

Amendments to the law, known as the IDEA, would allow school officials to expel a disabled student who brings a weapon or drugs on campus — unless a school committee determines that the child's disability contributed to the offense.

Revisions also would give school administrators more time — 45 days, up from 10 days — to place the student in another school while they make their determination on disciplinary action.

But even with the changes, many special-education students still face more lenient punishments than their mainstream counterparts.

Consider:

Officials from three San Diego schools each recently determined that a child's emotional or learning disability was responsible for the following acts: bringing a knife on campus and threatening students, selling drugs and smoking a cigarette.

Beyond a five-day suspension, each student avoided severe punishment. A regular-education student would likely have been expelled for bringing drugs or guns to school.

The teen-age smoker had been caught with a cigarette twice before, making the offense subject to expulsion for most students under the district's "zero tolerance" policy.

"I don't think it's fair to people who are disabled to say that they are not responsible for their behavior because they are disabled," said Richard Louis, a San Diego Unified School District counselor who handled all three cases.

"How can a learning disability cause a kid to bring a knife to school or smoke?"

Getting help

The answer to that question, experts say, is not so simple.

"A student with a learning disability can have a related behavior problem, which can stem from some sort of inability to perform academically," said Jerry Ammer, an associate professor at the University of San Diego's teaching col-

"If you have a crazy person, you don't hold them to the same legal standards as everyone else."

Laurie Barber, an attorney who advises poor families with disabled children

lege and an expert on special education.

The dilemma facing educators is whether special-education students are getting the proper services, said Hehir, the nation's top special-education administrator.

"There have been a lot of problems in San Diego," he said, referring to the district's troubled special-education program. Federal and state civil rights investigations last year found insufficient classes, staffing and services for San Diego's disabled students.

"When a child is not given appropriate services, can their disability make them act out at school? Sure," Hehir said. "But if a kid brings a weapon on campus, they should be removed. That's common sense."

Even if a special-education pupil is expelled because it's determined that his or her disability had nothing to do with the offense, the federal law requires a school district to continue providing education services to the delinquent pupil.

The district has no such legal obligation for expelled regular-education students.

As school officials enforce tough "zero tolerance" policies aimed at keeping drugs and weapons off school grounds, they say there is a mixed message when some students show up on campus days after committing an offense severe enough for expulsion.

Consider another recent case: A San Diego middle school student attacked a classmate in a campus hallway, causing serious injuries to the young victim.

The male assailant, who school district officials say has a mild learning disability, was arrested. But, as Louis recalled, the student was never punished by the district because it was determined that his disability may have caused the attack.

"The whole point of the IDEA, I thought, was to create equality," Louis said. "I don't see how special education can have it both ways. They want an equal chance for an education, but they want discrimination when it comes to discipline."

Different times

Like San Diego Unified's Louis, a growing number of educators think the federal law has strayed from its intent. Twenty-three years after the law was authorized, the special-education population has changed dramatically.

In 1975, most special-education students suffered from physical disabilities. Today, 72 percent of the country's special-education students have emotional disabilities, learning problems or speech impairments.

Some learning disabilities are so mild that a child's only treatment is an hour a week of tutoring.

Of the San Diego district's 13,500 special-education students, more than 8,000 have emotional or learning disabilities. Countywide, there are 45,703 special-education students, up to 70 percent of whom have emotional or learning problems.

Locally and nationwide, the number of children tested and admitted into special education is skyrocketing. This decade, the number of American students enrolled in special education has jumped from 4.8 million to 5.4 million, according to the U.S. Department of Education.

Many experts say the rise in emotional and learning disabilities is the result of societal problems, including drug use and broken families. Emotional disabilities are not as obvious as blindness or cerebral palsy, but the effects on children can be just as devastating if untreated.

"If you have a crazy person, you don't hold them to the same legal standards as everyone else," said attorney Laurie Barber, who is active with the San Diego Volunteer Lawyers Program, an organization that offers free legal advice to poor families with disabled children.

"As horrible as that analogy is, I think these cases really depend on whether or not the child's behavior is a function of their disability," she said. "So many children in San Diego are not getting what they need at school."

Initially, the federal law said special-education students could not get suspended for more than 10 days a year, regardless of the child's offense. However, lawmakers did not anticipate the influx of crime and drugs that have inundated public schools, making strict discipline options necessary.

It wasn't until about two years ago that Congress added revisions to the law to allow school administrators to punish special-education students for bringing guns on campus.

Clinton's recent changes to the law specifically would expand it to include other weapons, such as knives and brass knuckles, as well as drugs.

The revisions approved by the president also would allow school officials to remove from campus special-education students who are deemed a threat to themselves or others, if a committee approves the decision.

Arbitrary process?

Who determines whether a student's offense was the result of his or her disability? A school panel of teachers, administrators, counselors or psychologists.

"It's totally arbitrary and inconsistent," said Louis, the San Diego city schools official. "It depends on who's on the committee."

Cases involving students who are diagnosed as "severely emotionally disabled" are among the most difficult to decide because the disability is defined vaguely.

In San Diego city schools alone, students with emotional or learning problems have avoided punishment for talking in class, smoking, disobedience, attacking teachers and classmates, selling drugs and brandishing weapons.

The parents of the 7-year-old boy who brought a knife to his second-grade class told school officials their son was having emotional problems.

The boy, who has a history of behavior problems, is not even in a special-education program. But at the parents' request, the San Diego Unified School District is testing him for learning disabilities and emotional problems.

Until the test results are in, the boy will be home-taught. His parents want him to remain at the elementary school. District administrators want to send him to another campus. To protect the identity of the boy, administrators would not name his school.

"No one relishes the thought of expelling a 7-year-old boy," said Luis Villegas, the district's chief of special education. "We want to be very careful."

Although some parents abuse the special-education system, many more are victims, said Barber of the Volunteer Lawyers Program, which helps local poor families with disabled children.

"It is easy to get very outraged about what the district does to these children and their families," said Barber, who works primarily with families with children in San Diego city schools.

"There are special-education teachers who don't even know the law," she said. "And a lot of parents don't know their rights."

Take, for example, the community college student who assaulted her teacher. This emotionally disturbed student was enrolled in a San Diego city schools course at Mesa College that counts for both high school and college credits.

"She probably didn't belong in that class," said Villegas, who took over as San Diego's special education director last summer. "We are looking for another program for the student."

Meanwhile, the family has filed a complaint with the state Department of Education against the school district and the San Diego Community College District, which had the student arrested.

Nothing can be done in Washington to prevent emotions and tempers from flaring when it comes to disciplining children, especially disabled children. But Hehir thinks that common sense would prevail if educators and parents talk to each other frankly when incidents occur at school.

"Most parents want the best for their children," he said. "I think a lot could be resolved if someone just picked up a phone from time to time."

Deadline for comment is near

Readers wanting to comment or get information about the proposed changes to the federal Individuals with Disabilities Education Act may submit their opinions by Sunday. Write to:

Thomas Irvin of the Special Education and Resource Services division of the U.S. Department of Education, Switzer Building Room 3090, 330 C St., Washington, D.C., 20202.



VALUED ADVISERS: The diocesan Commission for Schools was established in 1992 as an advisory body to the Office for Schools. Commission members meet three or four times yearly with the directors of the Office for Schools, to advise the directors in policy formation, in planning and program evaluation for the 44 parochial elementary schools and three diocesan high schools located in the Diocese of San Diego.

The commission assists the Office for Schools in drafting diocesan policies regarding financial, legal, personnel and curriculum matters that pertain to the schools. Recent discussions of the commission focused on the safety and legal issues of overnight school field trips; on salary ranges for teachers and principals, and on developing an arbitration procedure for use by parents in regard to the schools. Currently, the commission is working with the Office for Schools to refine a vision statement to be used by Catholic schools diocesan-wide.

"The experience and expertise of the members of the commission are very valuable in making decisions for our schools," says Sister Claire Patrice Fitzgerald, CSJ, director of the Office for Schools.

The 15-member Commission includes two pastors with schools, two Catholic school principals, several teachers from elementary and secondary levels, and a representative from the Principals Advisory Committee (PAC). The commission also counts several experts with financial and legal backgrounds, and individuals drawn from Catholic higher education and from parent groups, including a school board president, among its ranks. The directors of the Office for Schools are ex-officio commission members.

Present at the January meeting of the commission were (left to right) Sister Timothea Kingston, CSC, personnel director of the Office for Schools; Michael Durant, St. Kieran's principal; Mary George, administrative assistant of the Office for Schools; Msgr. Richard Duncanson, pastor of St. Rose of Lima, Chula Vista; Sister Claire Patrice Fitzgerald, CSJ, director of the Office for Schools; Judge Keith Dietterle, representing school boards and PTG groups; Thomas Mamara, PAC representative and principal of St. Therese Academy; Rosalie Wisniew, teacher at St. Didacus; Winifred Arnn, teacher at St. Augustine; Patricia Bannon, curriculum director of the Office for Schools; and Dr. Ed Kujawa, professor and coordinator of elementary teacher education at USD's School of Education. *

Hospitals Face Shortage of Skilled Nurses

MARION WEBB
Staff Writer

The race to hire experienced nurses to care for critically ill patients is on in several San Diego hospitals, as more and more highly skilled medical personnel turn their heels on managed care or choose a less-traditional career path.

"If there were 20 critical care nurses who had experience and walked in the door, I could take these nurses on," said Ellen Citrano, manager of employment services at **Sharp Healthcare**.

The nurses in short supply are those who have worked one to two years in a specialty unit and obtained the necessary critical thinking skills, independent thought and judgment capabilities, Citrano said. It's a task that has been primarily met by women in their 40s, and has been known to lead to

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Nurse:

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nurses burnout.

"Nurses have a longevity. The average age is 44. (At that age) they are starting to slow down or make different life changes," Citrano explained.

Kaiser Permanente and **Children's Hospital** are also seeking to hire nurses in characteristically high-stress specialty areas, such as the intensive care unit, labor and delivery, definitive observatory unit, operating room and neonatal care.

Jim McBride, director of public affairs and communications at Kaiser, said the nonprofit organization plans to staff up to an additional 100 nurses this year, including nonspecialty nurses, as a result of an overall increase in membership.

Kaiser added 51,000 new members in San Diego County in 1997, compared with 40,000 new members in 1996, McBride said. Kaiser now has 451,000 members countywide, he added.

Children's Hospital is seeking to fill 12 openings in neonatal intensive and pediatric intensive care units, said Pat Keith-Leach, vice president of clinical programs. Bridging the need for patient care during this year's flu epidemic are part-timers working extra shifts and full-timers putting in overtime, said Keith-Leach.

"All the major hospitals in town are discussing ways to enhance their recruiting efforts," said McBride. "We are all facing the same need for nurses."

It wasn't too long ago that the tables were turned.

"Little over a year ago, UCSD (alone) laid off 150 nurses," said Hank Jennings, San Diego's labor representative from the California Nurses Association.

The reduction was driven by managed care with nurses being the most-expensive item in the health care loop, Jennings said. Managed care caused nurses to migrate into other cities and professions.

"Twenty years ago, a nurse would have a mixture of patients on the medical (surgical) floor," he said. "With managed care, nurses are taking care of patients now that all have a higher acuity level."

As a consequence, the stress level of nurses has soared, inducing many to get out of the profession.

"For a while, there were not a lot of openings in nursing because of managed care," agreed Margaret Stevenson, chair of the nursing department at Point Loma Nazarene College. "Now there seems to be a greater need for nurses than was projected."

But, with "money being the bottom line in a competitive market," she said, many hospitals take on not only lesser-qualified people, but also unlicensed personnel with limited experience and a limited educational background.

On a brighter note, Stevenson said, the

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Nurse:

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upsurge in demand has made it easier for new graduates to find jobs locally.

Stevenson sees no direct connection between the declining enrollment of new nursing students at Point Loma — from 56 in the fall of 1996 to 48 in 1997 — and a decreased interest in the profession.

But, Mary Jo Clark, associate dean of nursing at USD, disagrees.

"There has been a decline in enrollments across the country in terms of people who are going into nursing" said Clark. "Many people who are looking for a career are not thinking of nursing."

Clark said that was due to the continuing public perception that nursing jobs are still not available and because many women now choose alternative careers.

"Nursing and teaching were traditional careers, but women have many other opportunities now," she said.

Although more men are entering into the nursing profession, they still have not offset the dwindling number of women.

Clark declined to provide exact enrollment figures, because USD's continuing nursing program is not representative of other nursing institutions that offer both undergraduate and graduate programs.

Yet, Clark said, she encounters many students coming back for a higher education, because they can't find jobs with an Association of Science in Nursing degree.

"They don't have the community health background and are less prepared for the leadership required in health care," she said.

These skills are in demand as more hospitals, including Kaiser, move away from hospitalized care to outpatient care.

According to McBride, Kaiser's hospitalization rate, which is the length of stay and number of patients hospitalized, has decreased over the past few years. He attributes this change partly to improved technology, but also points to cost-effective measures. "Before, everything evolved around the hospital; today, everything revolves around outpatient care," he said. "There are more jobs in an outpatient setting than in the inpatient setting."

For the patient, this shift means earlier intervention and less-expensive surgical care, McBride said.

However, Jennings believes that the move to outpatient care also shifts the responsibility and stress level away from skilled nurses to family members.

The Health Care Association will be working with the hospitals to solve this situation, said Gary Stephany, CEO of the Hospital Council of San Diego and Imperial Counties.

San Diego Business Journal • January 26, 1998

National Institute for Priests Enjoys 2nd Year at USD

BY ELIZABETH HIMCHAK
Special to The Southern Cross

ALCALA PARK—The Super Bowl was not the only event to draw visitors from across the nation to San Diego last week. Almost 70 priests gathered at the University of San Diego, January 18-23, to attend Seton Hall University's National Institute for Clergy Formation.

The Institute, held in USD's Manchester Executive Conference Center, was one of two January programs for priests offered by Seton Hall this year. The first was held a week earlier in North Palm Beach, Fla.

According to Msgr. Andrew Cusack, the institute's director, its primary focus is to develop priests' potential for service to the Church and people.

The institute focuses on five major areas: theology of ministerial priesthood, leadership skills, prayer and development, pastoral and moral counseling and Scripture.

The internationally known institute was founded by Msgr. Cusack in 1987 at Seton Hall University in New Jersey.

Guest speakers are experts in a wide variety of fields, and came from places as diverse as Rome, England, Ireland, Africa, North and South America, Australia and New Zealand.

Msgr. Cusack said the Institute is guided by the Holy Father's document on formation *I Will Send You Shepherds (Pastores Dabo Vobis)*. The document's first part "calls for integration of human, academic, pastoral and spiritual formation in the life of priests," Msgr. Cusack said. "The second (makes clear that) there is no academic, pastoral or spiritual formation unless and until there is human formation."



MARTHA LEPORE

PRIEST TEACHERS: Msgr. Andrew Cusack (l) and Father Benedict Groeschel of the National Institute for Clergy Formation at USD.

This was USD's second year hosting the institute. The late Msgr. I.B. Eagen, who served as USD's vice president for Mission and Ministry, was instrumental in bringing the institute to USD. He attended the institute three years ago and suggested that priests might like to have a West Coast option to the New Jersey and Florida sites.

"[We are] delighted to have the institute here," Msgr. Cusack said. "[The participation is] outstanding. We have more than three times as many participants this year as last year."

According to Mal Rafferty, USD's director of Continuing Education, the university would like, eventually, to co-sponsor the institute with Seton Hall. If that happens, USD will not only provide the location but also give input in the selection of speakers and topics.

Rafferty said the partnership may also encourage more priests from San Diego and Southern California to attend.

"Perhaps if we [asked] priests from the diocese to say what they wanted in the program, there might be more [local] interest," Rafferty said.

This year, USD housed institute participants in Maher Hall, the freshmen male dorm. The visiting clerics also had access to USD's facilities such as the tennis courts and Sports Center.

Participants were quite pleased with the week's events.

Father Robert Mathieu, pastor of St. Peter's parish in Springerville, Ariz. said that while he participated in the institute's summer program, he wanted to come to USD to gain "deeper understanding and for spiritual growth."

"[The institute has] been excellent," Father Mathieu said. Meanwhile, first time participant Father Peter Gorges, pastor of Cathedral of the Nativity in Juneau, Alaska, said he came "to touch base with a different group of priests."

He said he enjoyed the institute. "[I gained] good insights into various things," Father Gorges said. These included personal growth and parish ministry.

Priests wanting to take part in less than a whole week of institute offerings did not have to attend the entire institute, some attended for one or two days. The public was also invited to attend four evening lectures given by institute instructors.

News in Brief

Spring Forward at Christian Jubilarian Conference

* "Living Faith as Christian Jubilarians in the 21st Century" is the theme of a conference scheduled for Saturday, Jan. 31, at the University of San Diego's Shiley Theater. The "Spring Forward" midyear catechetical conference will be held from 9:30 a.m. to 12:30 p.m. It is sponsored by the diocesan Office for Evangelization and Catechetical Ministry.

Ministry in the future will demand new leadership skills and a renewed relationship with Jesus Christ and the Holy Spirit. Conference presenter Dr. Eleanor Ann Brownell will explore what faith will look like in the 21st century and the impact personal faith has on ministry. She is the vice president of consultant services for William H. Sadlier, Inc., a religious education publisher. The seminar costs \$7 per person before Jan. 26 and \$8 afterwards. Participants can receive three hours of renewal credit for OECM and schools. The deadline for pre-registration is Jan. 6. For more information, call 490-8232.

Ecumenical Council Hosts Jan. 21 Tribute Dinner

Msgr. Joe Carroll is one of four San Diegans to be honored this month for their roles in promoting Christian unity during the week-long national observance of Christian Unity. They will be recognized Wednesday, Jan. 21, at the Ecumenical Council of San Diego County's 13th annual tribute dinner and silent auction. The dinner begins at 5:30 p.m. at the Westin Hotel, Horton Plaza.

Father Carroll is the president and founder of St. Vincent de Paul Village. The council will also honor Barbara Bright, executive director of Senior Adult Services Inc.; and two clergymen and their wives, Rev. James Mishler, director of United Methodist Urban Ministries (METRO) and Bishop George McKinney, pastor of St. Stephen Church of God. The four honorees will be recognized for their work in the faith community and in the wider San Diego community.

Council member Teresa Higgins of St. Mark's United Methodist Church, is chairing the dinner planning committee. "The tribute dinner is our major fund-raising event for the council," said Higgins, who welcomes donations for the silent auction. Tickets for the dinner are \$100 per person. For reservations or to make a donation for the silent auction, call Higgins at 282-3404.

Institute for Clergy Lecture Series Open to Public

* The National Institute for Clergy formation will present their 1998 winter public lecture series this month at the University of San Diego's Manchester Conference Center. Lectures start at 7:30 p.m. and the cost for each is \$10. The series opens Monday, Jan. 19, with Msgr. Andrew Cusak's talk titled, "The Family That Talks Together, Prays Together and Stays Closely Together."

On Jan. 20, Father James Walsh will lecture on "Homilist and Catechists: Speak to the Heart, Not Just the Head." Father Benedict Groeschel speaks on "Spirituality for an Anxiety-Focused Society" on Jan. 21. The following day, his lecture is titled, "Working Along 12-Step Programs — Understanding the Spirituality and Capitalizing on its Christian Components." For more information on the lecture series, call 260-4817.

THE SAN DIEGO UNION-TRIBUNE ■ TUESDAY, JANUARY 6, 1998

Bulletin Board

■ **FOOTBALL:** The University of San Diego Corporate Associates and San Diego International Sports Council will present "Big Game, Big Business — Evolution of the Super Bowl," at 11:30 a.m. Wednesday, Jan. 21, at the San Diego Hyatt Regency. The luncheon will feature a panel of NFL, media and corporate executives who will discuss the evolution of the Super Bowl. Panelists include **Dick Ebersol**, president of NBC Sports, and **Neil Austrian**, president of the NFL. Tickets are \$75 per person for USD Corporate Associates and San Diego International Sports Council members. Non-member tickets are \$100 apiece. Proceeds from the luncheon will benefit the USD Student Financial Aid. For information, call (619) 260-4690.

'Quantify the Power'

But if you really want to know what's going on in the NFL, USD's Corporate Associates and the San Diego International Sports Council will dissect the Super Bowl from a business perspective at a Jan. 21 luncheon with guests like NFL COO Neil Austrian, NBC Sports President Dick Ebersol and Steve Sabol, president of NFL Films.

Panel members will discuss the evolution of the Super Bowl from the tidy, homespun extravaganza that debuted in the L.A. Coliseum in 1968 to the leading showcase for Madison Ave. advertising spots that it has become today.

Proceeds benefit the Super Bowl Host Committee and USD student scholarships.

THE SAN DIEGO UNION-TRIBUNE ■ WEDNESDAY, JANUARY 14, 1998

DOWNTOWN

Super Bowl business is lunch topic

"Big Game, Big Business — Evolution of the Super Bowl," will be the topic of a luncheon planned for the Hyatt Regency San Diego on Jan. 21.

The 11:30 a.m. event will feature a panel of National Football League, media and corporate executives who will discuss the growth of the Super Bowl from its start in 1967. Panelists will include Dick Ebersol, president of NBC Sports, and Neil Austrian, president of the NFL. Luncheon participants will be encouraged to join in with questions and comments.

The University of San Diego Corporate Associates and San Diego International Sports Council are sponsors. Proceeds from the luncheon will benefit USD Student Financial Aid. Tickets are \$75 per person for USD Corporate Associates and San Diego International Sports Council members. Nonmember tickets are \$100 apiece. For information, call (619) 260-4690.

Television's Billions Turns NFL Into A Corporate Giant

By CHRIS DIEDOARDO
San Diego Daily Transcript

While fans may dispute whether the players or the coach is more critical to Super Bowl success, there's no argument over what's turned the National Football League into a multibillion-dollar conglomerate: Television.

"It would seem that football and television are intertwined forever," NBC Sportscaster Greg Gumbel said Wednesday at a luncheon sponsored by the University of San Diego and the San Diego International Sports Council.

It's a union based on enlightened self-interest and greased by \$17.4 billion, the amount paid by a consortium of networks to broadcast NFL games over the next eight years.

Although an average of 170 million people watch some portion of an NFL event during the regular season, for advertisers the crucible of the relationship is the last Sunday in January.

"There's no other event that has the same cachet," said Mike Goff, director of corporate sponsorship and event marketing for Sprint Corp. "It's the one event that's almost a secular holiday."

From an advertiser's perspective, however, it has distinctive advantages over its religious counterparts. For starters, neither the Macy's Thanksgiving Day Parade nor the Pope's Christmas address can claim a worldwide audience of 800 million people.

That offers opportunities, as well as dangers, for corporate America.

"If you look back at past Super Bowls, some of the most breakthrough commercials were aired at that time," Goff said. "I'm not even sure the quality of the game is all that important, although obviously as an advertiser you'd prefer to be in the first or second quarters, since they'll definitely be a game through half-time."

Companies like Anheuser-Busch experienced the thrill of victory with their "Bud Bowl" promotion several years ago. But Holiday Inn faced the agony of defeat after its ad last year, which featured a post-operative transsexual attending her high school reunion at the hotel.

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San Diego Daily Transcript

THURSDAY, JANUARY 22, 1998

Corporate Giant

Continued From Page 1A

While the commercial's theme — "There's been some changes recently" — drew critical acclaim, it also attracted the ire of a number of religious groups, who ultimately forced Holiday Inn to pull the ad.

Advertisers continue to run the same risks today.

"We're an NFL sponsor and use it as an opportunity for those 170 million people we call fans," Goff said. "The downside is if you create an ad and it's not very good, you've got the whole country and the press analyzing and criticizing it."

To some NFL veterans, what's most amazing about Sunday's event is its degree of growth over the last 32 years.

"Looking up in the stands at the first Super Bowl, I got the impression there were more media on the field than fans in the stands," said Steve Sabol, president of NFL Films. "But to put the Super Bowl in perspective, I'd like to go back to 1962, when the Green Bay Packers defeated the New York Giants."

"After the game, the most valuable player went on 'What's My

Line?' and wrote his name on the board. Although the panelists had been to the game, it took them eight questions to find out who he was."

What a difference a few years makes.

"A lot of us feel that Super Bowl IV was really the bellwether event that brought the NFL to a new plateau," said Val Pinchbeck, senior vice president for broadcasting and network affairs for the NFL. "Everyone thought that the Jets beating the Colts was a joke, but then 'Monday Night Football' came along and professional football passed college football and baseball to become king."

If Pinchbeck is right, to Jay Jeffcoat, chair of the sports council, the Super Bowl is the diadem in the game's crown.

"The San Diego International Sports Council is a nonprofit organization devoted to the sport of business," Jeffcoat said. "And the Super Bowl represents the pinnacle of single-day events in the world."

But the jingling of local cash registers is expected to last much longer than 24 hours.

"Nearly every city where we've had a Super Bowl has done an economic impact study afterward and forwarded the results to us," said Neil Austrian, president and chief operating officer of the NFL. "The event results in \$250 (million) to \$300 million in economic impact to the city."

For Austrian, part of the game's appeal is its accessibility to the public.

"We are the only sport, and let me underline only, which has nearly all of its games broadcast on open television," he said. "Even in our deals with the cable companies, we inserted a provision that the games had to be carried over open channels in the city where it took place."

But if last season is any guide, San Diegans may have a better chance of seeing the Super Bowl than the San Diego Chargers' home games on television.

Under NFL rules, unless the Chargers sell 58,000 tickets 72 hours before each game, the only way residents will see the Bolts play is by driving to Orange County or Los Angeles.

diedoardo@sddt.com

THE SAN DIEGO UNION-TRIBUNE ■ WEDNESDAY, JANUARY 14, 1998

Bulletin Board

■ **FISHING:** Lake Henshaw has reopened for fishing. The improvement project to install a new launch ramp, rest rooms and parking lot is not finished, but fishermen may launch boats on the lake's old launch ramp. The lake is open every day at 7 a.m. Waterfowl hunting is permitted every Wednesday, Saturday and Sunday.

■ **HONORS:** **Steve Brown**, the strength and conditioning coach at USD, was chosen by his colleagues as the NSCA Strength and Conditioning Professional of the Year in the West Coast Conference. The award is sponsored and coordinated by the National Strength and Conditioning Association.

San Diego Union-Tribune Jan. 29, 1998

USD's Thompson plays through pain

By Bill Center
STAFF WRITER

Strange how things work out sometimes, even when they don't work out.

Take Nailah Thompson.

For the past two seasons, Thompson led the USD women's basketball team in scoring. But as this season began she was sidelined, recuperating from surgery to remove a fractured sesamoid bone in the ball of her left foot.

Had she been granted her wish, Thompson would have red-shirted this season and returned as a fifth-year senior in 1998-99. But coach Kathy Marpe didn't offer Thompson a red-shirt option.

"She told me she wanted me to play this season," Thompson said this week. "I feel I was rushed back."

Just in time.

No sooner had Thompson returned to the court two weeks ago than Jessica Gray was sidelined with a stress fracture in her left foot. Gray was starting in Thompson's position and had become the Toreros' leading rebounder.

Now Thompson is back in the mix, backing forward Maggie Dixon, as the Toreros (9-9 overall, 4-2 league) host Pepperdine (15-6, 5-1) tonight in a battle for second place in the West Coast Conference.

Still, Thompson feels strangely detached from her teammates.

"It's hard to come in so late and feel like you're as much a part of the team as everyone else," said Thompson. "I missed the preseason

retreat and all the practices when you really get to know about one another. I don't feel like it's my team. It's kind of weird . . . I kind of feel like I'm on the outside. It's definitely been a learning experience."

A premed student, Thompson said she knew there was something wrong with her foot at the end of last season. But a decision was made in the spring to put the foot in a cast and immobilize it for 14 weeks rather than operate. When the cast was removed, however, the foot still hurt.

"Whenever I jumped it hurt," said Thompson. "And the pain of landing was unbearable."

Thompson had surgery on Nov. 7. She was told the foot would take eight to 14 weeks to heal. She began practicing after eight weeks. But she says there has been pressure to do more sooner.

"The foot hurts differently at different times," she said. "After an off-day it feels fine. After a game or a long practice, it doesn't. I'll just have to play with it."

Because this is it. Ready or not, her collegiate basketball career ends in less than two months.

Thompson has played in six games since her return, averaging 13 minutes, 5.2 points and 2.5 rebounds.

"Last week was the first time I felt I really was contributing this season," said Thompson. "If I have to finish this year, I'd like to finish strong."

USD already has improved on last season's 5-22 record.

"We're better," she said. "We're healthier than we were last year and we're playing better. But how much better, I don't know. I don't know if everyone around us is as strong as they were last season."



Thompson

Sports

THE SAN DIEGO UNION-TRIBUNE • WEDNESDAY, JANUARY 28, 1998

**"It's not about the wins and losses. It's about people.
People are what I remember the most." — JOHN CUNNINGHAM**



JIM BAIRD / Union-Tribune

Big winner: John Cunningham's 814 career wins rank him among top 40 Division I college baseball coaches of all time.

• A coach's coach

USD's Cunningham ready to hang up cleats after 35 seasons

By Wayne Lockwood, STAFF WRITER

Hints that it's time to start thinking about retirement:

They've named the school's baseball stadium after you, and you're still alive.

You were admitted to the American Baseball Coaches Association Hall of Fame seven years ago, and you're still coaching.

You've won more games than all the other coaches in your conference. Combined.

You've been doing this job for 35 years, and you're still driving the bus.

John Cunningham woke up not so long ago and realized that all these circumstances applied to him. As a result, only the second coach that the University of San Diego baseball program has ever known decided that his 35th, and current, season will be his last.

"It was a number of things really," said Cunningham, who will turn 61 by the close of the year.

"I had knee surgery last year. I had shoulder surgery a couple of years before that. Not being able to do the things you used to

Cunningham File

Seasons at USD 35

Overall record 814-810

Seasons with 30 or more victories Seven

Teams in postseason play Four

Regional championships Two

Honors Member of American Baseball

Coaches Association Hall of Fame

Bus miles driven Nearly 1 million

do, like throwing 300 (batting practice) pitches a day for 30 years. Kind of hobbling around a little bit."

There were other considerations as well, such as a phase-out retirement program being offered by USD to tenured faculty members, of which Cunningham is one. Plus the coach's hope that he might be succeeded by 14-year assistant Jake Molina.

"If you add everything together, it just seemed like it was time for me to step aside

and let the administration bring in somebody younger — hopefully, Jake Molina, who I think can be as good as anybody in the country in terms of teaching, responsibility, work ethic and just plain being darn good at what he does," Cunningham said. "But that's up to the school. I had to make a decision about me."

Cunningham will hardly be walking away on a down note. His 814 career victories (814-810) entering this season rank him among the top 40 Division I college baseball coaches of all time, few of whom have coached at institutions with academic standards as demanding as USD's.

Cunningham's teams have won 30 or more games seven times. This year's club, which is rated among the West Coast Conference favorites, only figures to add positively to such numbers.

"But it's not about the wins and losses,"

See **TOREROS** on Page D-8

Toreros

Cunningham looks back on career with affection

Continued from D-1

said Cunningham, who originally was hired at USD by Phil Woolpert as a basketball assistant. "It's about people. People are what I remember the most."

During Cunningham's tenure, the Toreros have had successful years and not-so-successful years. But they have never had what he regards as an unimportant year.

"You see guys as freshmen," he said. "They're rigid and stiff and scared and unsure of a lot of things. But by the time they're juniors and seniors, they're confident young men. It's the process, and the process has been good for me, too."

"It's been mentioned to me that I see things differently than most people in my generation. I think it's a result of (the fact that) every year

you have a new freshman class, a new set of challenges, a new set of things to deal with that are different than 20 years ago.

"In the end, though, it all comes out pretty much the same. In between, you watch them grow."

In between, you play a little baseball, too. Cunningham has some fond memories of that.

"We went to the (Division II) College World Series in 1978," the coach recalls. "Chapman had Tim Flannery and Marty Castillo and was ranked No. 1 in the country. To get to the nationals, we had to beat them in a doubleheader. They had their bags packed."

"We swept the doubleheader, beating them with a squeeze bunt in the bottom of the 10th from a walk-on freshman. Everybody knew it was coming. We knew that they knew. They knew that we knew that they knew."

"We thought, 'What the hell. Let's do it anyway.' We won the game and went back to the nationals with a club that had no individual stars."

Which was another story.

"It was one of the first years of aluminum bats," Cunningham remembers. "We went back to Springfield, Ill. Easton was handing out bats to some teams. They looked at our season statistics — we had maybe seven or eight home runs — and said, 'Forget it.'"

"We beat Eastern Illinois 17-3. The next day, we had complimentary aluminum bats."

The Toreros did all right in Division I play, too.

"In 1980, we played Arizona in the Sunlite Classic," Cunningham said. "The game was stopped after seven innings because of the 10-run mercy rule. We were the winners."

"Arizona went on to win the national championship that year. They had Terry Francona and maybe (Craig) Lefferts. But people told me that game became legendary because it was the one and only time anybody ever heard (Arizona coach) Jerry Kindall — one of the finest gentlemen in the game — utter a curse word."

Cunningham is not quite sure

what his future will hold. His break with the university will be gradual because the retirement program calls for him to work two-thirds time next year and one-third the following year.

"It depends on who they hire," he said. "If they hire Jake, I would do whatever I can to help out. If it's somebody new, I'd probably stay away so I wouldn't be looking over his shoulder."

"Maybe I'll run the snack bar. I do that between innings anyway." And line the field. And build the mound. And, of course, drive the bus, which he has done for something approaching 1 million miles.

"Maybe I'll play more golf," Cunningham said. "I shot 69 in our club championship last year, which was the only year I've been able to play in it because I never had two weekends in a row off. I'd like to see what I can do with that."

But, mostly, you're likely to find the man somewhere around the USD ballpark. It is, after all, John Cunningham Field.

USD sets lineup for WCC play

By Bill Center
STAFF WRITER

Brad Holland plugged Alex Parker back into his team yesterday, then shuffled the deck USD will use tonight in its West Coast Conference opener.

The 8-4 Toreros host 9-3 San Francisco at 7 at the USD Sports Center.

Parker, who missed the Toreros' last non-conference game for disciplinary reasons, is moving to shooting guard, with Brock Jacobsen and freshman Dana White taking over the point guard duties.

Also, Holland said he will alternate 7-foot Jeff Knoll and 6-6 Ryan Williams in the starting lineup depending on the opponent and will keep walk-on Mike Courtney in the starting lineup as the wing forward.

"We're going to go with what the games and the matchups require," Holland said of his starting lineup. "We could have different starters for the second half than we had for the start of the game."

Holland used the same starting lineup for the first 10 games — Brian Miles and Williams up front, Nosa Obasohan at wing forward and Parker and Jacobsen at the guards.

He inserted Knoll, Courtney and Lamont Smith, respectively, for Williams, Obasohan and Jacobsen during a two-game trip to Montana and replaced Parker — who was suspended for one game — with Jacobsen for the preconference finale against Cal State Dominguez Hills.

"We're looking for more intensity at the start of the game," Holland said. "We want to start hard. I'm going to come out of the blocks with the five guys playing the hardest, with the exception of Knoll and Williams up front. There, you are looking matchups. Do we want to start big or quick? Ryan understands. His attitude here has been exceptional."

This isn't the first time Holland has shaken up a set starting five at Alcalá Park. Midway through the 1997 WCC season, Holland removed scoring leader Miles and Parker from the starting lineup in favor of Brian and Lamont Smith. The Toreros finished with a 6-2 run and Miles remained the scoring leader off the bench.

The biggest change again will be for Jacobsen and Parker, who switch positions. Jacobsen is a heady playmaker who lacks Parker's quickness. Parker has been shooting better (49 percent) from the floor than Jacobsen (39 percent).

Although he has been reinstated, Parker is not necessarily back in the starting lineup. "He has an excellent chance of playing against San Francisco," said Holland.

USF was the coaches' preseason pick to win the WCC. Since that poll, however, the Dons have lost three starters. All-WCC shooter M.J. Nodilo has returned to practice, although forward Gerald Zimmerman is gone for the season with a knee injury and rebounding leader Damian Cantrell has missed the last four games because of mononucleosis.

One of the deeper teams in the WCC, USF depends on its defense and rebounding.

"We've got to concentrate on two things tonight," said Holland. "Turnovers and clearing the boards."

USD's Tuhakaraina finally well

By Bill Center
STAFF WRITER

At the start of the season, University of San Diego women's basketball coach Kathy Marpe double-clutched when asked about Justine Tuhakaraina.

"I just don't know," said Marpe.



Tuhakaraina

"If she's healthy, she will help us. But I don't know if we can count on her. I'd like to. We're a much better team with Justine. But history says beware."

History was not on Tuhakaraina's side.

A native of New Zealand who came to the United States as a foreign exchange student, Tuhakaraina was a standout at Ramona High in 1993-94. When she decided to remain in the United States for college, USD was quick to recruit the 6-foot-2 forward.

But soon her career at Alcalá Park was sidetracked by injuries.

Her freshman season was wiped out after six games by a stress fracture in her foot. The foot was still healing at the start of her sophomore season when she had back

surgery to repair a herniated disk.

She missed the first month of last season, then returned to play in 23 games. But recurring back problems and conditioning limited her play to around 16 minutes, where she averaged three points and three rebounds a game.

Then, during conditioning drills last fall, Tuhakaraina suffered a bad ankle sprain. She missed the first couple of weeks of practice — which again put her far behind. Then she caught the flu.

"I think my injuries affected how I played," said Tuhakaraina. "I got so frustrated I stopped concentrating on the right thing. And I was disappointed that I couldn't play more. It's only now that I'm really getting my confidence and focus back."

Tuhakaraina scored a career-high 17 points in USD's final pre-conference game. Last week she scored 21 points as the Toreros split their first two West Coast Conference games on the road. A year ago, USD scored only one WCC win.

"This is great," said Tuhakaraina. "I feel like I'm finally giving something back. I've felt like a burden for most of my time here because I couldn't play. And even when I got on the court, I didn't feel comfort-

able because I was a step slower and didn't contribute.

"I always felt like I was playing catch-up, and the ankle sprain at the beginning of this season really put me back mentally again. Right now I'm probably 100 percent for the first time since early in my freshman season."

Said Marpe: "Justine is like a freshman in terms of experience. But she outplayed one of the conference's better players last week (USF's Denise Woods). I think one of the biggest improvements we've made this year is that we're getting something out of our post players. The past couple of years we've almost played without post players due to injuries."

What's even worse than the injuries suffered by Tuhakaraina was their timing. Each came during a season, meaning Tuhakaraina has never had a chance to redshirt. She'll complete her eligibility this year with just over one full season of playing time.

But a strong finish at USD could earn her a berth on the New Zealand team for the 2000 Olympics in Australia.

"That's the goal," said Tuhakaraina.

That and staying healthy.

COLLEGE BASKETBALL

Toreros and White connect on buzzer-beater

By Bill Center, STAFF WRITER

For Dana White, the fourth time was the charm. Three times previously this year, the University of San Diego lost as White shot for the tie or the win at the final buzzer and missed.

Toreros 84

Gonzaga 83

Last night the freshman point guard connected.

White banked home a running 8-foot jumper with a second to play to give the Toreros an 84-83 victory over Gonzaga in a regionally televised game before a near-capacity turnout of 2,213 at the USD Sports Center.

The victory was USD's first after five straight losses to open West Coast Conference play.

"It's nice that something good happened to us," said relieved USD coach Brad Holland after his Toreros (9-9, 1-5) reversed a two-point loss to Gonzaga last

week in Spokane.

In that game, White rimmed a halfcourt shot at the buzzer that would have given USD a victory.

White also missed last-second, would-have-been game-winning shots against Santa Clara and Portland.

"I had to make one sometime," joked White, who turned 18 two weeks ago.

Actually, he wasn't supposed to take the final shot last night.

After Bakari Hendrix hit a short baseline jumper over Brian Miles with 13 seconds to play to give Gonzaga (15-6, 4-2) an 83-82 lead — only the Bulldogs' second lead of the second half — the Toreros called a timeout to set up the final shot.

The call was a "triple" with White penetrating, then passing off to Nosa Obasohan at the side for a either a shot or a pass to the top of the key.

But Gonzaga's Richie Frahm had Obasohan blanketed. And as White looked for a second option, he bounced the ball off the shoulder of Gonzaga's Mike Leasure.

"It bounced right behind Frahm, but he had Nosa so blanketed that he didn't see the ball behind him," said White. "I was able to pick it up and keep dribbling."

White was double-teamed by Quentin Hall and Leasure, but pivoted, stepped through the pair when Hall jumped and leaned into his bank shot.

"I didn't know how much time was left," said White. "I didn't know if there was any time left . . . there was so much noise."

"When I saw the ball bounce off Leasure, I thought 'Oh no, we've seen this before,'" said Holland.

"Did we ever need that one to go in," said Miles, who had put the Toreros in position to win with a career-

high 32 points.

The difference in USD was Miles. After scoring five and seven in two games against Portland, he exploded with an 11-for-14 shooting display against Gonzaga.

Miles felt much of the difference in his results was the officiating.

"Portland pounded on me and got away with it," said Miles. "I felt like they called this game straight up and that opened the door."

"We knew we could play with them. We can play with any team in our league. We've had some unfortunate breaks, but we know we can play."

USD shot 58.5 percent from the game and 66.7 percent in the wild second half that saw the team's split 104 points with the score being tied on 11 occasions.

Obasohan backed Miles with 15.

USD Student Athletes Reach Out to Community Youth

The University of San Diego will host the first annual "Inner City Games Fun Day," Saturday, January 31, at 3:00 p.m. The event, sponsored by The Law Offices of Masry and Vititoe, features sports instruction in basketball, volleyball, tennis, fitness conditioning and modern (hip hop) dance. In addition, the kids will be treated to complimentary "Fun Day T-shirts," complimentary admission to the women's basketball game to take place that night at 7:00 p.m. The day's activities will also include an opportunity to meet USD women's team members, banner-making and free dinner compliments of USD and Subway.

The Greater San Diego Inner City Games Organization has partnered with the university to further its goal of promoting confidence and self-esteem among San Diego's inner city youth. Ricardo Sandoval, program director at I.C.G. says, "We provide an alternative to drugs, gangs and violence. An event like this, gives the kids much needed

exposure to positive role models and the university life." Approximately 500 area youth are expected to participate in the *Fun Day* held at the University Sports Center from 3:00 till 7:00 p.m. Players and coaches from the USD men's tennis, women's basketball and volleyball teams will spend two hours teaching and coaching kids more about their games. *The Culture Shock Dance Troop* and USD Assistant Athletic Trainer, Suzy Higgins will also take part in the sports carnival, helping youth discover modern dance and understand the importance of fitness.

After the sports carnival, the *Inner City Games Fun Day* participants will get to meet all the members of the USD women's basketball team. The players will sign autographs and share their personal experience with every child. Prior to the 7:00 p.m. tip-off, the children will be treated to dinner and create banners to hang in support of a Torero victory against Loyola Marymount.

Remembering Monsignor I. Brent Eagen

"...we rejoice in thanksgiving for you, our brother, our friend, our priest."

Sometime during the night, in the hours after the death of Monsignor I. Brent Eagen on October 14, 1997, someone placed a single yellow rose in the picture frame that held his portrait in the lobby of Mercy Hospital. In the days that followed, Sisters, patients, staff and administrators both grieved at the loss and rejoiced at the gift of the gentle man and dedicated priest who had touched all their lives.

Linda Alessio, member of the Mercy Hospital Foundation and Scripps Foundation boards and a longtime friend of Monsignor Eagen, recalled the symbolic impact of his presence on the Mercy board, which he joined in 1995 at a pivotal time in Mercy's history.

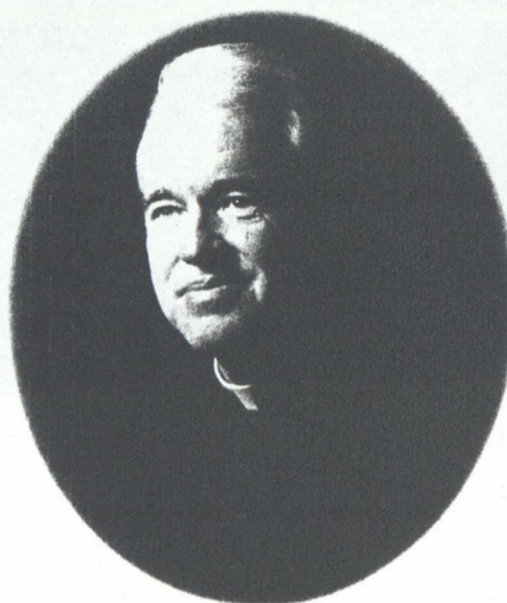
"I.B. became the first priest to serve on the board," recalls Mrs. Alessio, who had recruited him for membership. "With the merger of Mercy and Scripps, we realized that maintaining our Catholic identity had to be a priority, and his presence and that of the Sisters was so very important at that time."

Monsignor Eagen's contributions, however, were far from merely symbolic: "When he spoke, everyone listened because he had such personal dignity and respect. He also made great suggestions and had so many community contacts," she said.

Monsignor Eagen's San Diego roots ran deep. He was ordained in 1956 at St. Joseph Cathedral in San Diego. In 1968 he was named

chancellor of the San Diego diocese, and in 1971 he became pastor of Mission San Diego de Alcala, helping to raise millions of dollars in mission restoration funds while juggling his administrative chores as chancellor and doing parish work.

Throughout his life, Monsignor



Eagen was deeply involved in the University of San Diego (USD), serving as trustee from 1968 to 1993, when he became vice president for mission and ministry. A champion of religious unity, he began a widely admired annual interfaith service at USD that brought together Catholics, Buddhists, Christians and Jews.

Monsignor Daniel J. Dillabough, chancellor of the Roman Catholic Diocese, met Monsignor Eagen when "I.B.," as he was known, was chancellor and Dillabough was a seminarian. The two first became

acquainted in 1970, says Monsignor Dillabough, on a bus ride from Rome to Assisi: "He met people easily, stayed in contact and developed an honest and genuine friendship that was unique to him."

Monsignor Dillabough remembers his colleague as a man whose sense of Catholicism inspired his genuine commitment to compassion through his work with Mercy Hospital and his exemplary efforts to create low-income senior housing projects in San Diego, including the Cathedral Plaza on Third Avenue.

"With I.B., the Catholic identity was certainly 'Catholic' in terms of the Church, but it was also 'catholic,' in terms of the mission of administering universal compassion," he said.

The homily delivered at I. Brent Eagen's funeral on October 19, 1997, by Monsignor Dillabough included these words: "One practice I remember especially was how he always insisted on holding the door for everyone. He was always the last to enter ... We remember how he served to open doors for the elderly by forging ahead in building low cost senior housing, put food on the plates of the homeless and hungry, promoted health care for the indigent.

"I regret that he will no longer open the door ... Still I can rejoice in the legacy that this priest-servant to others has left us, to use our time, talent and treasure for others."

OBITUARIES

Famous and infamous among those who left us

By Jack Williams
STAFF WRITER

It was a year when a young San Diegan's killing spree left a trail of tragedy that ended explosively in a Miami Beach houseboat.

It was a year when a nation recoiled in shock over the mass suicide of 39 men and women in a Rancho Santa Fe mansion.

But for all the grisly news reports surrounding Andrew Cunanan and Heaven's Gate, the death with the greatest impact on the San Diego region in 1997 may have been that of a frail Roman Catholic nun.

Mother Teresa, who died Sept. 5 in Calcutta, India, belonged to the world.

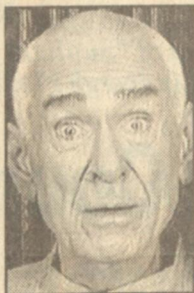
Yet, because of the medical care she received here, her various visits and her Missionaries of Charity, both San Diego and Tijuana can claim an ample share of her universe.

Her official portrait was shot by San Diegan Pablo Mason at the University of San Diego, and the beloved nun's order operates a seminary in Tijuana and a contemplative house in the San Diego neighborhood of Southcrest.

Mother Teresa, who died of heart failure at 87, brought worldwide attention to the plight of the poor.

On March 26, months before her death, fashionable Rancho Santa Fe — and the San Diego region, in general — blinked in the unwanted glare of international scrutiny.

Thirty-nine members of the Heaven's Gate cult, envisioning a rendezvous with a UFO trailing the Hale-Bopp comet, took their own lives — including leader Marshall Applewhite, 65.



Marshall Applewhite

LOOKING BACK at

1997

Suicide, in vastly different circumstances, also ended the mercurial life of Cunanan, the brazen, 27-year-old fugitive from Hillcrest.



Andrew Cunanan

The Bishop's School graduate, who spent his teen years in Rancho Bernardo, died July 23. He had been wanted by authorities in the slaying of five people, including renowned fashion designer Gianni Versace.

Dr. Jack Kevorkian, known by some as Dr. Death, also touched the lives of San Diego County residents. One of his assisted-suicide victims, Margaret Weillhart, 89, was from Oceanside. She died Dec. 16, the fifth North County resident in the past four years whose death was connected to Kevorkian.

Many others who left us in 1997 departed with distinguished legacies, including educator William J. McGill and Monsignor Isaac Brent Eagen.

Dr. McGill, who guided the University of California San Diego with



William J. McGill

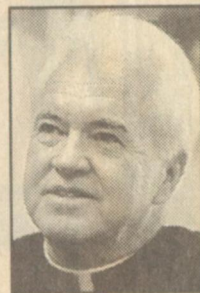
aplomb through the tumultuous late 1960s as the school's chancellor, died of heart failure Oct. 19. He was 75.

A champion of religious unity, Monsignor Eagen began an annual interfaith service at the University of San Diego that brought together people from Buddhist, Baha'i, Muslim and Christian faiths.

He was two months shy of his 68th birthday when he died Oct. 14 of complications from pancreatic cancer.

Drew Silvern was taken at a much younger age, 37. But *The San Diego Union-Tribune* staff writer's stories on his struggle with cancer were compelling in their candor and insight, taking readers into his mind, his heart and his hospital room.

His award-winning "Living With Cancer" series, which prompted supportive and appreciative letters from readers, chronicled a three-year struggle that began in 1994. Drew Silvern died June 11.



Monsignor Isaac Brent Eagen



Drew Silvern

Carol Burke Couture, 62; retired Coronado High principal, taught 19 years

UNION-TRIBUNE

Carol Burke Couture, a civic activist and retired Coronado High School principal, died Tuesday of a brain aneurysm. She was 62.

Mrs. Couture was stricken while skiing in Grand Junction, Colo., and died at St. Mary's Hospital there.

She and her husband, Jack Couture, had been vacationing in Colorado for a week and planned to return Saturday to their home in Coronado.

A resident of Coronado since the early 1960s, Mrs. Couture taught in the Coronado Unified School District for 19 years. From 1987 until her retirement in 1993, she was principal of Coronado High.

In recent years, Mrs. Couture served on a citizen's task force in Coronado that studied ways to improve relations between the Navy and the civilian community.

Last year, Mrs. Couture received the Bishop Francis Buddy Award for her role in the University of San Diego Alumni Association.

She had graduated in 1957 from the San Diego College for Women before it merged with the College

for Men to become USD in 1972. In 1977, she received a master's degree in education from USD.

Mrs. Couture was born in Atchison, Kan., and moved with her family to San Diego during World War II. She grew up in Normal Heights and graduated from Our Lady of Peace Academy.

Her first husband, naval aviator Francis J. Burke, died in 1987. Mrs. Couture remarried in 1989.

Her memberships included the Coronado Rotary Club, Coronado Chamber of Commerce, Coronado Hospital Foundation and Coronado Crown Club.

In addition to her husband, Mrs. Couture is survived by a daughter, Amy Burke of San Jose; four sons, Navy Cmdr. Frank Burke of Coronado, Paul Burke of El Cajon, Army Maj. David Burke of Camp Humphreys, South Korea, and John Burke of Woodland Hills; a sister, Eileen Farrell of Carmel; four brothers, David, John and Charles Farrell, all of San Diego, and Tom Farrell of Tucson; and eight grandchildren.

A memorial service is scheduled for 10 a.m. tomorrow at Sacred Heart Catholic Church in Coronado. Donations are suggested to the Carol Burke Couture Scholarship Fund, USD, Office of Development, 5990 Alcala Park, San Diego, CA 92110.



**Carol Burke
Couture**