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The

Loyola Reporter

Volume 7, Number 11

Loyola Reporter

Monday, 30 April 1984

The Challenge of Nobility

by Mike Lebovitz

We are entering a noble profession—the ultimate service industry. Yet despite this nobility, the public, the people who we are supposed to serve, distrust us. Our reputation as lawyers continues to fall despite the increased reliance upon us. Many people ask us why we would undertake three years of hard work only to emerge into “shysterhood.” For those who question us, the answer is simple: Money. But we, who are about to enter the profession, share a different understanding and respect as to our role in society. It is only through this understanding that we will be able to improve our reputation in the public's eye.

Law is the means by which society interacts. The legal profession facilitates that interaction. We prevent the abuses that come when self-help gets out of hand. We prevent outright lawlessness. We fill that critical void in society which anchors emotion and keeps society growing and prospering.

Too few law students, as well as practicing attorneys, fail to understand our societal role. Because of that failure, we ourselves do not understand what we are supposed to be about. Consequently, we slip into that easy, yet ignorant, rationale that, because we put in the hard work, we are entitled to the rewards. It is at this point which we

put forward the reputation that the public perceives. We will not be able to change the public's attitude about us until we change our attitude about ourselves.

The true rewards for those in the legal profession are not financial. Granted, the financial rewards are present. The true reward of the legal profession however is the understanding of our role and the daily satisfaction in knowing that we are making a definite contribution to society. It is this satisfaction that makes the three year struggle worthwhile.

We must understand and respect our societal role, and we must do so now. The dangers are too great to ignore the public's perception of our profession. If our reputation continues to fall in the public's eye, we will be replaced by self-help. We will be discarded in favor of lawlessness. Society will become a composition of victims and aggressors without a mechanism to facilitate interaction.

Only through an understanding of our role in society will we be able to educate the public. Once the public sees that we respect ourselves and our profession, they will be more confident with us. Their respect for us will mirror our own and we will be able to more effectively fulfill our role. We will show the public that we are the mechanism that moves the world.

Post-Law Graduate Programs Offer Chance to Specialize

By Barbara Bailey Gong

AND YOU THOUGHT THIS WAS THE END OF THE ROAD... Just when you thought you had reached the pinnacle of knowledge, that there was no more to know, here is an article letting you know that time is slipping away to get your application in for the L.L.M. programs starting in September. Yes, there is life after law school, and for some people, it will consist of another year or two of specialized study.

More and more schools are offering post-law graduate programs for those who felt that the three years of law school weren't enough. Typically, L.L.M.'s have been sought by those entering the magical world of taxation. But today, the graduate programs span a much broader area than simply the business field. For example, the graduate programs offered by New York University extend to criminal and labor law, as well as taxation, corporations, antitrust and copyright law.

Most schools on the east coast offer not only the L.L.M., but other graduate degrees which roughly correspond to the Ph.D. in other fields

of study. For example, The University of Michigan offers not only the L.L.M., (Master of Laws) but also an M.C.L. (Master of Comparative Law), which is generally granted to foreign students wishing to study U.S. law for a year or two. Michigan also offers an S.J.D. (Doctor of Science of Law) which is granted only to a few people who have completed the L.L.M. program, and wish to go into teaching. Northwestern, NYU and University of Virginia all offer similar programs.

West Coast schools have a far more limited offering of graduate programs, and they are, for the most part, much younger programs. The only school which offers a comparable program to those offered on the east coast is Stanford University. Although offering nothing comparable to the L.L.M., Stanford does offer four other degrees. The J.M. (Master of Jurisprudence) is a non-professional degree requiring the completion of the first year of law school and an additional 28 units of credit. The M.L.S. (Master of Legal Studies) is also a nonprofessional degree designed to introduce a small number of graduate students in other

Dave Miclean's Farewell

Substance at Last

By David J. Miclean

Well, it's here at last, my final opportunity to create Loyola literary legacy (not really). As I thought about this last article, I felt led to write something of substance. Actually, all I have been hearing since I started writing for the Reporter is, “Hey Miclean, when are you going to write something substantive for a change?” You want something substantive, here comes grass root substantive.

As I looked back over the years I have spent at Loyola, I was compelled to suppress my usual critical appetite in order, instead, to pay tribute to the individuals who are responsible for getting my classmates and me to graduation with a healthy mind and a degree juris doctor. Well, at least I got there with a degree juris doctor. Seriously though, for many of us, graduation from law school marks the end of our institutional education. To some, this means the end of the 66 V.W. Bug with the banged-up fenders. To others this graduation spells the end of their student exempt status with the IRS. Still others will discover a sudden need to acquire a BMW 320i. Whatever the post-graduation result, one thing is common among the entire graduation class; the law school experience was not a solo expedition. Accordingly, I shall take this final opportunity to pay tribute to the individuals

who are responsible for our graduation.

The first class of tributees are the parents, spouses, relatives and friends that have contributed in so many unseen ways to our law school success. Whether it be extra money in tight situations, laundry on weekends, or occasional good advice, these people have freely given of themselves, and in many ways sacrifice in order to encourage our growth as future attorneys. Some of these people supplied us with food, shelter, and a positive balance in our checking accounts. Many have sustained us with a kind word, gentle touch or patient spirit, so often unnoticed, but so essential to our emotional peace and stability. Others have been a blackboard for every morsel we spew, boring or not.

Regardless of the form it took, these efforts on our behalf were based in love, support, commitment or an insurable interest. Thus, it is essential that part of this tribute be directed toward them. For our success is their success, and our thanks should be their thanks.

My tribute also recognizes the fine forum of learning that Loyola Law School has provided. Despite the controversial art and architecture of the new campus, it must be said that it is an over-all pleasing addition to our school (after all, what could be worse than the vivid gray of the library structure.)

Here at Loyola, learning the law could be fun or at least enjoyable. The professors subdued rampant competition in efforts to establish an esprit-de-corps among the students. I applaud the efforts of a few professors (you know who you are) who took the time and concern to foster friendships rather than over-coddle the Socratic method. Many teachers cast off their professional robe to become a friend and confidant. In this manner, we received instruction on career choice and objectives, as well

study, plus a research paper. The J.S.D., on the other hand, requires not only successful completion of the L.L.M. coursework, but also successful completion of a publishable thesis on a topic of current interest. For both programs, there are stringent grade requirements, usually allowing credit only for classes in which a grade of B or better is received.

The benefits cited by those who have received advanced degrees include personal satisfaction, improved job marketability, and greater knowledge in a given field of expertise. For others it is one more opportunity to avoid facing the “real world.” So for those of you who can't face the idea of working at the same old job, at the same old place, with the same old people, get those applications in!

as color coordination for proper courtroom attire.

The services at Loyola were also designed (for the most part) to accommodate individuals in a personal manner. Whether it be placement, admissions, financial aid or the cashing of a check at student accounts, great personal effort on the part of the staff made our life at law school that much more enjoyable. I mean, come on, have you seen The Rhonda Act in the Dean's office? Who else can handle 19 incoming calls, 5 student requests and 4 cranky deans all at once.

To these people that have made our pursuit of education so worthwhile, tribute need be paid.

Last, but certainly not least, a little credit must go to those individuals who persevered and endeavored through 3 or 4 years of pain, learning and growth in order to attain the degree juris doctor. We have gone from neophytes to know-it-alls in three quick years.

The first year was scary and difficult as we labored to learn a new way of thinking, and a new way of speaking. Who doesn't remember the insecurity of having the person next to you know what fee tail was on the first day of property? What about that first time you had to answer a question directed to you by the professor? The second year challenged us as students, and also provided us with opportunities to expand our growth through clubs, organizations, electives external endeavors and after-hours social activity. With the final year of our legal education, we have gained a perspective of our profession and a glimpse of where and how we will fit into it. We also had to learn ethics.

Yet, with all this excellent education, it is my sincere hope that Loyola did more than just prepare us to be attorneys. I hope that it gave us the opportunity to grow as friends and colleagues. Time will tell whether the people we met here were friends or just acquaintances. As for me, the close and intimate friendships I have been fortunate enough to develop here, were, by far, the most enlightening, encouraging and enlivening aspects of Loyola Law School that I have experienced over the course of my matriculation.

Thus: despite the anticipation of beginning a legal career, there is remorse at the prospect of leaving friends who have been as much a part of the law school experience as Torts and Contracts. However, I am sure that the bonds of friendship forged these past few years will remain strong despite our divergent paths, careers and life-styles.

For me, Loyola was a fun place to learn difficult things. I thank and pay tribute to the people who gave me that opportunity and who indulged my excess. On to the bar.

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LOYOLA NEWS BRIEFS

Law Review Editors Chosen

The Editors of Loyola Law Review are pleased to announce their VOLUME 18 BOARD OF EDITORS:

- EDITOR-IN-CHIEF Debbie Snyder
- MANAGING EDITOR Lisa Mahrer
- EXECUTIVE EDITOR Karen Gilbert
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- Kevin Lilly
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- Tim Oswald
- Colleen Regan
- Mark Schodrack
- ARTICLE EDITORS Tom Daly
- Fran Parnes

ELJ HOLDS WRITE-ON

The Loyola Entertainment Law Journal, for the first time since its inception in 1979, announced that a write-on competition will be the means for selecting the 1984-85 staff. The write-on competition will be held after finals and will consist primarily of an analysis of an Entertainment law case. The write-on will be open to all students who have completed at least one year of law

school.

Case notes written by selected staff members will comprise ELJ's annual survey of important Entertainment law cases. Those who demonstrate superior writing and analytical skills will be published with their own by-lines. For information regarding the competition, check the ELJ office door, or call Alison Bernhard at (213) 477-9626.

ILJ CHOOSES EDITORS

The International and Comparative Law Journal is pleased to announce its 1984-85 Editorial Board:

- EDITOR-IN-CHIEF
Ken O'Rourke
- MANAGING EDITORS
Karen Untiedt
Hans Van Ligten
- CHIEF NOTE & COMMENT EDITOR
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- NOTE & COMMENT EDITORS
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Lisa Popovich
- RESEARCH EDITOR
Tari Cody

Evening Division Fund NIGHT SHIFT

The Evening Division of the Loyola Law School Student Bar Association has announced that it will endow the law school with a scholarship award fund that is specifically designed to honor evening students. Lloyd Greif, Evening SBA President, indicated that the SBA will make the endowment by the end of the present school term.

"We feel that evening students are deserving of special recognition, particularly when you think that the typical evening student works 40 or more hours per week, goes to class four nights a week year around for four years, and has a family or social life to keep together as well."

"It takes a special type of individual to not only cope in that kind of environment but to actually excel in it, and we hope that this annual award will go a little ways towards honoring that achievement."

The "Evening SBA Scholarship Student Awards will be given to three evening students a year, one out of each of the second, third and fourth year classes (first year students were excluded because of the inability to judge academic performance in the law school environment at that early date). The honor will be bestowed towards the end of the fall semester and each student will receive \$200 to be applied against spring semester tuition or case book purchases.

Criteria for receiving the award

are as follows:

- Must be full-time second, third or fourth year evening student;
 - Must be employed full-time (32 hours or more per week);
 - Must be ranked in the top 10% of the class (based on class rankings through the previous summer semester);
 - Must not have received a scholarship for the academic year.
- "The Evening SBA Scholarship Student Award is designed to reward hard work and superior academic achievement, performance 'above and beyond the call of duty,' stated Lloyd. "Many students are high achievers yet are denied recognition because they do not meet the financial need criteria of most scholarships and grants. These students should not be penalized for earning their way through school; they should be rewarded for it. We feel that these students are just as deserving of special recognition, perhaps more so in view of their rigorous regimen. Therefore, we have created this award with an anti-financial need bias in an effort to ensure that this student, too, is appropriately honored."
- The \$4,000 initial endowment will be presented to Dean Arthur Frakt and will be administered by the law school to avoid the potential for student favoritism in awardee selection. The first three awards, which will be paid annually out of principal and interest as required, will be made next fall.

Financial Aid Briefs

As the year is drawing to a close, the Career Planning and Placement Center would like to convey best wishes to graduating students and continued success to those who will return. The 1983-84 academic year has been a time of growth for student services at Loyola, and Career Planning and Placement services is no exception. The Center counseling staff averaged ten individual appointments per day in addition to presenting numerous information sessions, workshops and panel discussions to facilitate effective career decisions.

The Fall 1983 On-Campus Interview Program saw a 20% rise in employers desiring to come on-campus. Employers listing jobs or requesting resumes increased in number by 25% over the previous year for both student and attorney positions. To date, 92% of the class of 1983 who responded to our survey and who passed the bar are employed. Such statistics bode well for the legal profession in general, but reflect in particular upon the

value of a Loyola Law School education in the marketplace.

The Career Planning and Placement Center will have regular hours this summer for your individual needs and will be presenting its Summer Workshop Series covering the legal job search, resume legal job search, resume construction and interviewing skills. Specific information regarding content, times and dates will be included in the registration packet and also in a special individual mailing.

Many of you are planning on participating in the 1984 Fall OCI Program and this summer should be a time of advance preparation. The OCI information booklet and calendar will be available in the Center on August 15 and resumes will be due August 22 for the opening day employers (September 11).

Finally, thanks must be accorded to Michiko Yamamoto who is responsible for the reorganization of the CPP operation and will continue to serve the students through her new position as Assistant Dean of Student Affairs. Thanks also go to the great group of work-study students who were invaluable to the Center this year. Commencing July 1, 1984 the CPP operation will be handled by Bill McGeary, acting Director of CPP; Carol Ross-Burnett, Associate Director of CPP and Betti Moreno, Center Manager. The staff is educated, experienced and motivated to assist all of your career decision-making needs.

College Work-Study Employment—Summer 1984

College Work-Study positions are available during the summer, extending from May 13 to August 21. Positions are available for both full and part-time employment in the library, administrative offices, and as teaching assistants for faculty. Interested students are encouraged to contact the Financial Aid Office ASAP so that eligibility for College Work-Study can be determined. Students will be permitted to start work as soon as they have finished their last examinations.

NDSL

Beginning in the fall of 1984, National Direct Student Loans will be

directly credited to each recipient's tuition account. This change will shorten the time between when an award is made and when a student is notified to come in and sign a promissory note (this indicates that student accounts is ready to credit the semester award).

Students will have to plan on having sufficient funds to cover living expenses until a Guaranteed Student Loan (GSL) check or Auxiliary Loan to Assist Students (ALAS) check is sent to the school.

ALL MAY & JULY GRADUATES:

IF YOU WANT TO DECREASE YOUR MONTHLY LOAN PAYMENTS for Guaranteed Student Loans and National Direct Student Loans, come to the Financial Aid Office and pick up an anonymous survey form and help the Law School Admission Council lobby congress to put a loan consolidation proposal on the docket this term. Sallie Mae's "Options" program died for lack of a vote in the U.S. Senate in November, 1983. Unless YOU and other graduate students act in your own self interest, it could take TWO YEARS for loan consolidation to come up for congressional reconsideration.

Under the Student Loan Marketing Association (Sallie Mae) loan consolidation program called "Options," a student who owed \$16,000 or more in National Direct Student Loans and Guaranteed Student Loans could consolidate those loans under one promissory note at 7% and spread repayment over 20 years instead of 10 years. This could have amounted to an AVERAGE SAVING OF \$91.00 A MONTH, going from \$214 to \$123 a month.

YOU CAN PUT LOAN CONSOLIDATION BACK ON THE CONGRESSIONAL TRACK and cut your monthly payments by as much as 40 to 50%. The Financial Aid Office will answer your questions. Don't wait, unless you are willing to wait 2 YEARS to get some relief on the repayment of your student loans.

Faculty News

Loyola will be bidding adieu to Professors Carol Agate and Gary Wierner, and Professors Gerry Rosen and Martha Robinson will be retiring at the end of spring semester.

Professor Edward Gaffney will be joining the faculty on a long-term basis, and Professors Louis Natali, and as previously announced, Dan Lazaroff, have been granted tenure.

Arriving at Loyola's sunny shores... Don Brosnan, currently an associate at Irell and Manella, who will be teaching in the area of tax and business. Also presently, Victor Gold, a full-time professor at Arizona State University School of Law, will be a visiting faculty member for 1984-1985. He will specialize in commercial law and legal writing courses. Returning to our fold will be Karl Michael Manheim. Mr. Manheim taught at Loyola from 1975 to 1979, and after several years with the Santa Monica City Attorney's office, has decided to return to full-time teaching. Additionally, as previously announced, Professor Larry Lawrence of the University of North Carolina will become a full-time tenured professor here this summer, specializing in the area of commercial law.

Loyolans Make Press

Articles by Loyola third-year students were recently published in L.A. Lawyer, the monthly magazine of the L.A. County Bar Association. Ryan King's article, appearing in the March 1984, issue was entitled "Catch-22 for Attorney Neglect" and dealt with the issue of California remedies for clients of attorneys whose negligence result in default judgements. Sherrill Kushner's article, "On Your Mark, Get Set, Sue?" appeared in the April, 1984 issue and concerned a lawsuit brought by female distance runners against the Olympic Committees and others, charging sex discrimination for failure to include two middle distance races in the upcoming Summer Games. Susan Pettit, the editor of L.A. Lawyer, encourages law students to write for the magazine. Participating students should also explore the possibility of receiving independent study units for their work and thus receive a dual reward for their efforts: academic credit and the resume value of having published in a legal magazine. For more information, call Susan Pettit at 627-2727.

The Loyola Reporter

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VAN DE KAMP:**Hard Choices Offer Psychic Rewards**

The following is a transcript of the address given by California Attorney General John Van de Kamp at the St. Thomas More Medallion Luncheon on April 1, at the Biltmore Hotel.

Thank you members of the St. Thomas More society for the honor and medallion you have awarded me today. I've had to make a lot of tough decisions in my professional life and many of them on principle. So, for those of my staff who expressed concern or fear of the ramifications of my support of gun control, opposition to the death penalty, opposition to proposition 8 and to the speedy trial initiatives, and support of the interest of conservation over unnecessary development—there is life after taking principled positions and will be life as long as our supreme courts uphold the first amendment.

I am both honored today, and troubled, honored by the award and its source, but troubled that this may be one of the most elaborate April Fool's Day jokes ever perpetrated.

Seeing so many friends here this morning reminds me of a story that takes place in a small southern town.

Once a week a local fisherman would come into town with a full catch all strung out. Every week he'd get a full limit, bring it to town and distribute it to the townspeople.

Finally, curiosity got the better of the local game warden, who approached the fisherman and asked him if he could join him on one of his fishing expeditions.

"Be my guest," said the fisherman.

So the next Saturday, they took off in a boat and headed toward the middle of the marshy lake.

The fisherman stopped the boat and, rather than getting out his fishing tackle, pulled out a stick of dynamite, lit it and threw it into the lake. There was a veritable explosion of fish—dead ones, which he proceeded to harvest.

"That's the goldarnedest, most illegal thing I've ever seen," said the game warden. "I've never seen anything like it," and proceeded to chew him out.

Finally, the fisherman, tired of the berating, pulled out another stick of dynamite, lit it and handed it to the game warden and said, "Now, do you want to talk, or do you want to fish?"

This morning I'd like to talk. The message is aimed primarily at those law students who are responsible for this event. And the message is... that there are few higher callings than public service and public interest law and the service of principle.

"And the message is... that there are few higher callings than public service and public interest law and the service of principle."

I consider myself one of the fortunate ones. I was lucky to join the U.S. attorney's office in 1960 at a time when my counterparts were nearly all moving to the private sector. Today, 25 years later, most of them are doing well in the practice of law: one of them, Frank Wells, became the president of Warner Brothers. Most of them set their courses and stayed with them.

As for me, I would trade places with few people.

Jerry Brown used to talk a lot about psychic rewards. While those rewards don't put meat and potatoes on the table, the psychic rewards that come from serving a broad public interest and principle are great indeed.

A word about St. Thomas More is appropriate.

Robert Bolt describes him this way:

"So far from being one of society's sore teeth, he was, like the hero of Camus' *The Fall*, almost indecently successful. He was respectably, not nobly, born, into the merchant class, the progressive class of the epoch. He distinguished himself first as a scholar, then as a lawyer, was made an ambassador, and finally Lord Chancellor. A visitors' book at his house in Chelsea would have looked like a sixteenth-century who's who: Hobein, Erasmus, Collet, Everybody. He corresponded with the greatest minds in Europe as the representative and acknowledged champion of the new learning in England. He was a friend of the king, who would send for More when his social appetites took a turn in that direction and once walked round the Chelsea Garden with his arm round More's neck."

His king was Henry VIII. And as our history reminds us, Henry was attempting to gain permission to divorce Catherine, his brother's widow, to marry Anne Boleyn. Henry wanted a male heir Catherine couldn't provide him.

"While those rewards don't put meat and potatoes on the table, the psychic rewards that come from serving a broad public interest and principle are great indeed."

Lord Chancellor More, an orthodox Catholic, was earnestly sought to render an opinion on Henry's behalf.

More refused. Henry married Anne and was excommunicated.

When ordered to take an oath to the king, More refused, was taken to the tower of London, tried on charges of violation of an act of Parliament—passed after the acts alleged—was convicted and beheaded protesting that he died "The king's good servant, but God's first."

A man should take an oath only when he wants to commit himself to the statement, when he wants to make an identity between the trust of it and his own virtue: he offers himself as a guarantee.

More took his oath, stood his ground and laid down his life for principle.

No situational ethics. No compromise there.

We need more of that.

The world is on the brink of nuclear disaster.

The Soviet Union and the U.S. stare at each other across the vast reaches of oceans and space—unblinking, unyielding and un-understanding.

Terror, revolution and ideological struggles rage in the Middle East and Central America.

Time is running out. In that respect, I was struck by and agree with a line from Barbara Tuchman: "Why do we invest all of our skills and resources in a contest for arms superiority which can never be attained for long enough to have it worth having, rather than in an effort to find a modus vivendi with our antagonist—that is to say, a way of living, not dying."

But no need to look to the world capitals with the mind-boggling and suffocating problems of the nations.

Look to your own country, your state and your communities. Some of our problems don't hit the same point on the Richter scale as extinction—but they're important nonetheless.

Whether it's toxic waste, acid rain, poverty or drug addiction, we are far from the utopia that St. Thomas More wrote about (where they detest war).

The point to all this is that you will have an opportunity to do something about our problem.

If it's good, you can protect it against the venality and mortality that is always there.

And with special training in the law and the license we award, you are armed for battle.

Now, you can take those great talents to corporate society and fashion giant oil mergers and defenses against Ralph Nader's attacks and argue for deregulation or regulation, whichever you are instructed to argue...

Or you can venture forth into the private tax law thickets and make millions dodging the I.R.S. and finding or inventing new loopholes for those already obscenely blessed by the tax cuts of the past few years... Or you can slide into that private practice of divorce, wills, personal injury, prosecuting or defending whiplash cases...

There are some things to be said for that. There's some security. And there's the rationale that every cause and client deserves a lawyer. There is a need to be served.

But you have a choice. There are other things. You can go into public service—a deputy D.A., Deputy City Attorney and Deputy Attorney General, representing the best client you'll probably ever have—the people—with an opportunity to learn and shape policy.

Or, become a public defender. Still at the public trough, but providing a public purpose in representing private interests in maintaining equal justice under the law. It's a rewarding experience and is educative about the frailties of government. Mind you, you'll be misunderstood: The political opponents in my D.A.'s and A.G.'s races cited my service as a federal public defender as though the job itself was subversive and I was commuting from Moscow. The implications being that only prosecutors are as pure as the driven snow.

That, of course, is utter rubbish, and most lawyers know it.

"Getting into legal aid work is indeed a calling about on par with entering the Society of Jesus. Be prepared for abstinence, continence, poverty, sleepless nights, scorn and enforced humility."

Or, you can go to the environmental organizations, legal aid, the N.A.A.C.P., The A.C.L.U., the Center For Law in the Public Interest and all those organizations which aim their arrows at both the private and public sectors...

Getting into legal aid work is indeed a calling about on par with entering the Society of Jesus. Be prepared for abstinence, continence, poverty, sleepless nights, scorn and enforced humility.

But at no time in recent history has the need for legal aid and services for the poor been any greater.

President Reagan has been trying in every way he knows, to destroy

the legal services corporation, the principal engine for legal aid services and the national symbol of this society's commitment to the idea that the law exists to serve all people—rich and poor.

Every year, the President has refused to put money for the legal services corporation in his budget. Every year, Congress has struggled to keep the corporation alive.

"Seriously, we need idealism... we need those who are concerned about public good, the future of this nation, the Bill of Rights and our Constitution."

He has appointed hostile directors to the board of the corporation and it, in turn, has repeatedly moved to restrict access of poor people to services and limit the ability of local legal aid groups to serve the poor.

At the state level, our governor, over my objections and those of the organized bar, has cut the state public defender's office in half, apparently using the same philosophy that the private sector should take up the slack in defending the poor. His major problem appears to be that the state public defender did too good a job.

We are trying to fight back.

The California state bar is now tapping lawyer's trust fund interest accounts (which had previously paid no interest) to raise legal aid funds, and many local bars have programs of assistance for the poor.

Alternative legal delivery systems have emerged a la Jacoby and Myers.

And now, there's *Yarbrough v. Superior Court* (Napa, CA), A022528.

A state court of appeal has ruled, and the issue now has moved to the state supreme court, that a private criminal defense lawyer must assume the civil defense of a Folsom Prison inmate, Terry Yarbrough, who is being sued for the wrongful death of a man in a barroom brawl.

Zounds! The private bar is in a state of shock. Will the Supreme Court uphold the right of an indigent imprisoned felon to counsel in a civil dispute and hold the private bar in involuntary servitude?

Stay tuned.

The *Yarbrough* case, difficult as it is, once again focuses a laser beam of illumination on the whole, muddy issue of the legal rights of poor people and access to legal assistance.

The cold, brutal facts:

The number of poor people eligible for free legal services has grown from 40.16 million in 1981 to 46.5 million in 1983, and the number of federally-supported legal aid attorneys has dropped from 6,300 to 4,800.

So, here we have a staggering increase in need at the same time there are cutbacks in federal aid.

Will the private sector—private attorneys—take up this burden?

Unlikely. Two words. Un... likely.

Why am I urging you to take up with legal services at the same time that I am painting a picture of utter desolation and no hope for the future of legal aid?

I fall back on President John Kennedy's familiar words: "Ask not what your country can do for you. Ask what you can do for your country."

In signing up for public service, whether it's legal aid, prosecution, or public defending, you are signing up for the French Foreign Legion or peacekeeping duty in Lebanon or

carrying a white flag between the Iran-Iraqi lines, urging peace.

Think of yourselves as Marines, assaulting the beachheads of community tyranny.

I am serious.

Those of us in the law, sworn to uphold not only the law but its ideal of application and availability to all citizens, cannot turn our backs on this foundation principle.

I am confident that with time both national and state administrations will again move toward strengthening our public program. We must hasten that day.

Then, finally, there is real power—running government—being an attorney general, governor, president or Tip O'Neill, Howard Baker, Willie Brown or David Roberti.

Chairman of a powerful committee. (Most legislative committees are headed by a person the news media always refer to as, say, assemblyman Wilfred Snore, chairman of the powerful committee on public disgraces and disorders. It's always a powerful committee or powerful chairperson.)

Speaking of possibilities, I am reminded of a visit to my U.S. attorney's office in Los Angeles in 1961 by the then-attorney general Robert Kennedy.

We crowded into the conference room, and he addressed us briefly. At the end of his talk, he said,

"Each one of you can be the attorney general of the United States." I thought to myself, you've got to be kidding. And then he added, "If your brother is president of the United States."

"And the world and our government needs you now, while you are young and enthusiastic, bright, willing to work long hours, idealistic, committed and crazy."

Fortunately, your brother doesn't have to be president.

Seriously, we need idealism. We need those who are concerned about the public good, the future of this nation, the Bill of Rights and our Constitution.

And the world and our government needs you now, while you are young and enthusiastic, bright, willing to work long hours, idealistic, committed and crazy.

Oh sure, it helps to be a little crazy.

But it's not necessary.

But the point is you can make a difference.

So, I urge you to consider yourselves part of the whole, and to take a place and a position in our political, economic and social system and help lead us out of this mess we're in.

Permit me to commit to you some words from John F. Kennedy on Theodore Roosevelt.

"The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who knows the great enthusiasms, the great devotions and spends himself in a worthy cause: who at best, if he wins, knows the thrills of high achievement and, if he fails, at least fails daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Thank you.

SENIOR LEGACIES

I, Thomas L. Roberts, having a few minutes to kill, do hereby bequeath the following to my poker buddies:

To Joe Scudiero, I leave my superior knowledge of sports trivia which has enabled me to own him so badly the last three years.

To John Crouchley, I leave a roommate who has any middle name other than "Italobaloo," and who won't lose sleep trying to get the Am-Jur award for the P.R.E.

To Randy Sharon, I leave Joe Scudiero's animal magnetism and a bottle of dramamine.

To Merak Eskigian, I leave two year's worth of gas money and my autographed copy of Joe Scudiero's "Beat the Dealer."

To Gabe Martinez, I leave my secret to winning at "challenge"—namely, always go in against Gabe. Unless Joe's out there, too, in which case go against them both.

To them all, I leave them with the knowledge that I've been dealing off the bottom of the deck for 3 years.

Thomas L. Roberts

To: Mr. Thomas Michael Brown

Dear Tom:

In memory of the anguish you have caused us during this past year, we, the editorial board of the International Law Journal, do hereby refer you to the Thirteenth Amendment to the United States Constitution and the principles stated therein.

International Law Journal

Hamilton, you dog!

Bess Blank has nice legs.

F.N.

To Timmy:

NOT that you need anything to be perfect, but just in case, I leave you for better use next year: my fishbowl, my Grundig, my key card & stickers for the parking lot, all my notes & outlines, my class rank and GPA, my good memories, not the bad ones, and, most of all, "my table" in the library complete with coffee cup, thermos, ashtray, assignment sheets, nickels for the copy machine, soft cushion, crucifix on wall, and every book on Insurance Lav. All this is for you in hopes that you will leave bigger & better footprints.

Love J.D.

To Prof. Tevis:

This Debtor owes you too much—if a security be what you had a pauper she'd be and sad, But so, so the worse off in the end if you had not the kindness to tend. No payment this debtor could make Would every repay for your sake The consideration so often given for a contract never subject to rescission. But, would you allow to be as collateral, a contract wholly unilateral, to pass on each day, each of your good ways?

Or a Contract legally unavoidable, for you to sit for the Dodgers Notable, at the head of their '84 World Series victory parade?

J.D.

Graduation from law school is as much a reality as birth, growth, maturity and old age. This statement is made after careful consideration and is in accordance with our strong convictions and beliefs. We want the wishes and directions here expressed carried out to the extent permitted by law. Insofar as they are not legally enforceable, I hope that those to whom this Will is addressed will regard themselves as morally bound by these provisions. We devise and bequeath the following items to the following parties:

Bob Hamilton: A meaningful relationship, with a female or small furry animal, lasting longer than 15 minutes; a revised edition of "The Loser's Guide to Opening Lines to Alienate Women."

Lee O'Connor: An interview with a law firm which office hours do not begin until 1:00 in the afternoon, or, in the alternative, a law firm with a wake-up service; additionally, a directory of women from ABA accredited law schools who will whisper sweet Bluebook nothings in your ear.

Rebecca Winthrop: An unlimited supply of hot water and bubble bath in a cozy, heart-shaped bathtub, high in the Pocono Mountains with Donald Levenson to scrub your back.

Jean-Paul Menard: an unlimited supply of fake ID's for potential, young, prepubescent females.

Dave Burcham: A \$15 gift certificate at K Mart (only during their blue light specials) so you can replace your entire, repeat, entire wardrobe.

Joni Greenberg: The Barrister Ball Queen

Gary McKittick: A new putter that will allow him to get a good score.

E.L.J.: A BLUEBOOK

Mike Lebovitz: A hair transplant with Cliff Werber, and Cliff Werber: Mike Lebovitz's awesome body.

BBG: A fleet of tugboats, with sufficient engine capacity, with which to dock her feet.

By T, K, L & S, S and S; dated this 12th day of April, 1984.

To "Tex" Weissmuller: a cattle-prod to get his bovine dates to mosey on home with him on those long Texas nights.

B, B & B

To Tom Brown: A subscription to Teen Magazine so he knows what his dates are reading and a good defense attorney for when he gets prosecuted under California Penal Code 261.5.

B, B & B

To Steve Eisenberg: (1) A plastic swimcap to keep what's left of his hair dry when his mind is swimming in the gutter; (2) Courage to sign the letters he sends to Penthouse; and (3) The job of Santa Claus at the Sherman Oaks Galleria so he can have all those "totally awesome valley girls" sit on his lap and say "For sure!"

B, B & B

To Leslie Watts: Those spike-heeled leather hipboots and whip that Scott "Bunsie" Fraser always wanted you to get.

B, B & B

To Stacy McDaniel: Your own volumes of Martindale-Hubbell so you can get an early start on Fall interviews

B, B & B

To Stacy McDaniel: How do you spell relief when your husband has "lost his touch?" A lifetime subscription of smut novels.

Becky Winthrop

To all future ILJ Editors and Staff: A slipcover for the couch for when the Editor in Chief parties "a little too hearty."

B, B & B

To Scotty-Watty-Doo-Dah: an ice cream truck to go with the suit, a new battery for Bill, and a ten foot pole.

B, B & B

To all incoming Third Year girls, a copy of BB's little black book.

B & B

To Bob Hamilton: a seersucker jacket to match his "ice cream man" shorts, a five hundred dollar bill to keep between his knees, and another year in the fine tradition of Bakersfield, San Francisco, Balboa,...

B & B

To Rebecca Potts: the admiration of the entire Third Year male class.

B, B & B

To Paula Bailey: a new carpool.

TB

To Law Review: ILJ leaves you Entertainment Law Journal, and Lee O'Connor.

To James Wong: a new football team.

B & B

To the Libel and Slander-cast of next year: We leave you Lance Orloff and his "budget deficit."

B, B & B

To Bob Chavez: A cheerleader

Anonymous

To Stan Goldman, Ken Vogel's long engaging glances, and to Ken Vogel, Stan Goldman's "Finesse."

B & B

To Mark Muller: Fifteen lessons at the Michael Jackson School of Dance.

Bob Hamilton

To Tom Brown: a river without any bridges, some hands so he won't drop anymore T.D. passes, a girlfriend who really does exist (i.e., not the blow-up kind) a "55" in First Amendment so he can be editor again, an all-expenses-paid date with someone he can do right, and a gun which doesn't only shoot "Blanks."

B, B & B

To Greg Bray: a year of "Augusts."

Bess Blank.

To Mike Malone: A singing partner with matching Vuarnets

Debbi Lambeck

Message: If you begin to feel intimidated, don't worry about what everyone else is doing. Play your own game. Remember that law school is merely a means to an end, not an end in itself. Think of it as enduring an extended pregnancy. With advanced technology, the survival rate is quite good, although the morning sickness can last for months. The labor can be difficult, but not unbearable. And just think of how happy you'll be when Loyola delivers that brand-new diploma.

Administration Whitewashes Racist Graffiti Problem

For nearly three years, an individual has scrawled anti-Semitic, anti-Black, anti-Chicano, anti-Women, and anti-Gay graffiti on men's bathroom walls in the Library building. The handwriting is distinctive; the style of rhetoric consistent. After one student's unique response (writing in excrement over the graffiti), the administration was quick to respond: Bathroom walls were painted over. The graffiti reappeared. Occasionally, the walls were again re-painted.

Last year, evidence was gathered as to the identity of the individual responsible for the writings. The administration was reluctant to proceed, citing defamation liability and that one is entitled to hold unpopular beliefs. The State Bar was contacted. It will not investigate an individual until that person passes the bar.

Last semester, the administration received more information regarding this individual's activities. Again it failed to take any action, other than to whitewash the walls. One reason given for this lack of action was that it would be unfair to confront the individual during final examinations. This semester the administration has yet more evidence: A photograph of the graffiti and an exemplar of the individual's handwriting. The handwritings are identical.

What should be the appropriate response of the administration in a

case such as this? It appears that the administration, by its inaction, has decided to let the problem fade away. It has not taken steps to confront the situation, other than the aforementioned whitewashing. Why has the administration failed to take action in this case?

Finals are once again upon us. When this individual graduates on May 27, 1984 Loyola Law School will lose its authority to act in this matter. The administration's failure to act has only encouraged this individual and others of his ilk. By awarding him and its graduates a juris doctor degree, the school implicitly declares them fit to serve the public by the practice of law. What will be done? The ball is in the administration's court.

Name withheld upon request.

We are concerned about the graffiti in the school; however, we have been unable to determine the person responsible, if, indeed, it is only one person.

Although several students have varied suspicions concerning the author, the evidence is not concrete; and we could not take any formal action based upon mere suspicion.

I hope that whomever the person or persons responsible may be, they will recognize that they have serious emotional problems and will seek appropriate help in dealing with them.

Sincerely,
Arthur N. Frakt
Dean

Libel and Slander Band Out of Tune with Students

Each year Libel and Slander Night generates certain conflicts and controversies. The year was no exception. Perhaps we should all examine the purposes of Libel and Slander Night in light of some of the criticisms.

Is Libel and Slander Night intended to be a showcase of a select few, or should it more properly provide each individual associated with the Law School an opportunity to participate? While the individuals responsible for producing the show made an effort to accomplish the later, the individuals responsible for organizing the Libel and Slander Night exhibited nothing short of an elitist attitude.

A number of competent, qualified musicians here at Loyola expressed an interest in participating in the band, yet were not even given the opportunity to be included. When I expressed such an interest the initial response from individuals organizing the band was enthusiastic. Auditions

were then arranged where no one responsible for organizing the band showed up. Weeks went by before I was informed that "we want to keep the group small," and "We don't think we will need you," and finally that "we will keep you in mind." All of this was said without ever affording me the opportunity to audition.

While not everyone here at the Law School can participate in the show, each individual should be at least given the opportunity to participate if they wish. Particularly in light of the fact that this year the individuals organizing the band included people who were not associated with Loyola while excluding Loyola Law School students.

The purpose of Libel and Slander Night should be to provide each individual associated with the Law School an opportunity to participate and display his or her talent that is so important in forming our diverse student body.

Amy Balthaser Jenkins

"No other branch of the law touches human activity at so many points" (as the tax law).

Justice Jackson

Dobson vs. Commissioner, 320 U.S. 489 (1943)



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