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## The Loyola Reporter

Loyola Law School Los Angeles

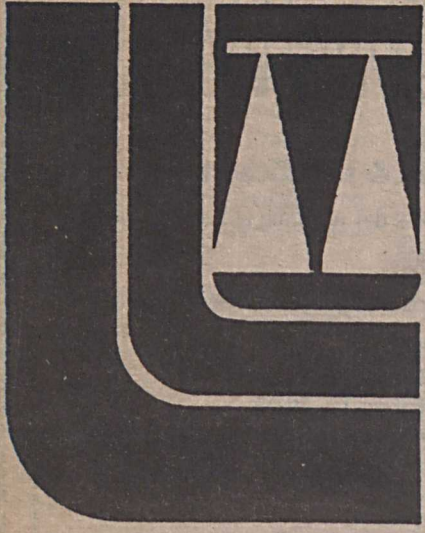
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The

# Loyola Reporter

Volume 8, Number 3

Loyola Law School

Monday, February 11, 1985

LOYOLA LAW SCHOOL

FEB 13 1985

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## Trusts & Wills Students Opt For Pass/Fail

by Steve McManus

Among the posted results from last semester's courses, there is one class that stands out because of the inordinate number of people who took it pass/fail rather than for a grade. The pass/fail was one of three choices given to students in Professor Harry Laughran's evening section of Trusts and Wills when, with about one month left in the semester, Laughran was removed from teaching the class.

At that point Dean Alan Ides met with the class and told them that Professor Harry Zavos would be taking over. Zavos was already teaching a daytime section of Trusts and Wills. Ides outlined three choices available to these students, including: (1) Finishing the course with Zavos and taking it either pass/fail or for a grade; (2) Dropping the class, taking an incomplete now, and then taking the course over again in the future without charge; or (3) Dropping the class without any record of it on their transcript.

### No Choice For Evening Students

Most of the students in the class were evening students, and since there was not going to be an evening section of Trusts and Wills offered this semester, the majority of them chose to stay in the class. However, staying in the class meant starting the course over from the beginning, as well as having to attend several Saturday catch-up sessions. Additionally, Zavos insisted on using the same casebook he was using with his other Trusts and Wills class, which was different from the one Laughran had been using. Students reacted angrily when initially told they would have to buy new casebooks. After some discussion, it was decided that the school would pay for the new books.

Ides informed the students that the grades from the evening section would not be normalized with those from the day section; and further, that the evening section's exams would be graded with an understanding of the "hardship of the circumstances." If the students were not satisfied with the grade they got, Ides said, they could take the course over again free of charge.

Two suggestions put forward by the students were rejected by Ides during the give-and-take session. They first asked that everyone in

(continued on page 4)

## Frakt Searches For Answers As Bar Passage Rates Plummet

### Minority Students Offended By Dean's Public Comments

by Deborah Sanchez

In a recent *Los Angeles Times* article, Dean Arthur Frakt made statements that have created controversy on campus. The *Times* article centered on the possible reasons for the low bar passage rates. This July's bar exam passage rate was a mere 41.8%, the lowest bar passage rate in "several decades," according to the *Times*.

In the *Times* article, Frakt describes the correlation between Loyola's law school grades and the bar exam passage rates. Frakt was quoted as saying that "B-plus and better students almost all pass the bar," while "most of the C-plus students fail the bar exam."



Dean Arthur Frakt

Apparently, Frakt, who focused on the caliber of students as a reason for the low bar passage rate, was the only "scholar" quoted who did so. Other "legal experts" interviewed for the *Times* article put emphasis on the bar exam itself and the grading techniques used.

Many minority students at Loyola were offended by Frakt's comments. They felt he overemphasizes minority enrollments as a contributing factor in the low bar passage rates.

Darnell Parker, a member of the Black American Law Students Association (BALSA) says that bar passage rates, law school grades and entry scores for minorities have been traditionally low. However, Parker points out that the Dean's statements in the *Times* fail to indicate any action on the school's part to remedy the problem. Parker says that if there was any commitment to minority stu-

dents to begin with, the Dean's statements indicate that the commitment has been abandoned. By offering no suggestions and by making no effort to correct the problem, the administration seems to be saying, "That's just the way things are."

Parker added that minority law students struggle against great

(continued on page 3)

### Frakt Exhorts Faculty To Demand More From Students

by Hans Van Lighten

Citing the "excessive amount of unfocused and unproductive concern—even paranoia—about the Bar exam," Dean Arthur Frakt recently prepared a memo for students, faculty and staff discussing the latest Bar results.

"The results were... discouraging," according to Frakt. The figures bear him out. The passage

rate for Loyola first-time takers dropped an astounding eleven percent, down to 60 percent. Frakt stressed, however, that this is a new trend and it is not known if this low rate was a one-time occurrence or the result of a new grading standard.

Frakt made it clear, in an interview with the *Reporter*, that he does not think the drop was caused by a professor's change of grading standard. Yet at the present time he has been unable to identify any objective reason for the drop. Frakt speculated that perhaps this latest Bar exam was graded by a group of inexperienced graders. If this was the case, they may have graded too harshly—and therefore candidates who would have passed in other years failed.

### Discounts Conspiracy

Although Frakt is still seeking a more definite explanation for the drop, he is certain of one thing: it was not the result of some concerted effort by the Bar examiners to keep otherwise qualified candidates out of the profession. This theory is apparently directed toward comments made that the Bar has decided, possibly for economic reasons, to limit the number of successful candidates.

Frakt cited several areas where the administration, faculty, and students can assist in obtaining better results. Primarily, he views it as essential that students take "challenging" courses while in law school. In his opinion, the Bar exam is merely a long version of law school exams. If a student does well in school, he will do well on the Bar. Courses should therefore be chosen which develop those skills.

### Cites Statistics

In a recent memo to the students, Frakt prepared a statistical study which supports this conclusion. This study shows a strong correlation between GPA and passage rate.

Although Frakt feels it is incumbent upon students to take challenging courses, he has also exhorted the faculty to demand more from students. He cited acceptance of poor attendance, lack of preparation, and "general

(continued on page 3)

### Simple Analysis of Two Variables As They Affect Bar Passage Rates Summer 1984

Loyola Grade	LSAT	Pass	Fail
over 85	over 700	8	0
over 85	over 650	12	0
over 85	over 600	24	0
over 85	over 550	10	4
over 85	over 500	7	0
over 85	over 450	0	0
over 85	below 450	0	0
80 to 85	over 700	7	0
80 to 85	over 650	9	3
80 to 85	over 600	46	7
80 to 85	over 550	23	20
80 to 85	over 500	9	6
80 to 85	over 450	0	0
80 to 85	below 450	1	3
78 to 80	over 700	0	0
78 to 80	over 650	1	3
78 to 80	over 600	8	9
78 to 80	over 550	5	14
78 to 80	over 500	3	9
78 to 80	over 450	1	7
78 to 80	below 450	0	3
76 to 78	over 700	0	0
76 to 78	over 650	1	0
76 to 78	over 600	6	8
76 to 78	over 550	5	11
76 to 78	over 500	4	6
76 to 78	over 450	0	9
76 to 78	below 450	0	9
74 to 76	over 700	0	0
74 to 76	over 650	1	0
74 to 76	over 600	0	7
74 to 76	over 550	0	6
74 to 76	over 500	0	7
74 to 76	over 450	2	1
74 to 76	below 450	0	5

Editorial And Opinion

# ARGUENDO

## Re-Examining The Importance of First Year

The other day I was thinking back on what it was like to be a first-year student. As exam time drew closer, I was plagued increasingly by bouts of anxiety, surpassed only by the even greater frenzy of CPW (ARW) assignments. I remember listening to the soothing sentiments of second- and third-year students, assuring me that everyone would pass their courses. I felt confident that I would end up with As and Bs, like I always had before. Even if I didn't do quite as well as I wanted to, I knew that I could make up for it during my second and third years and would then be properly courted by the cream of L.A.'s legal crop.

Not wanting to see others suffer the same ignorance I did, I want to impress upon the current freshmen (and freshwomen) that, simply put, first-year exams (and grades) are the most important part of their three years here. Firstly, they establish your GPA and class ranking. They are important in determining whether or not you make it onto Law Review or International Law Journal. Then, at the beginning of the second year, the big firms start interviewing for summer associate positions. If you're not within the top 10%, you will be lucky to get any offers. While there is certainly more than money at stake, it is well to note that summer associates will often earn twice as much as a clerk at a regular firm. Depending on how well you do over the summer, these positions can lead to lucrative offers.

First-year grades also determine eligibility for scholarship and financial aid offers. They affect your chances to join scholastic groups, such as the St. Thomas Moore Society, and to interview for—and obtain—prestigious federal clerkships. Needless to say, grades are also almost the sole determinant for students who want to transfer.

As you can see, there is a lot riding on first-year exams. If you do poorly, it is virtually impossible to recover enough in the second and third years to reap any of the benefits mentioned above. If you truly aspire to write for a journal, earn scholarship money, work for a big firm, get a job with a federal judge, or simply be at the top of the class, now is the time to start a serious and disciplined regimen of study. I'm not saying that whatever semblance of a social life you have has to end. But you deserve to know that your study habits during these next three months will have a significant effect on your law school grades—and, very possibly, your career.

### SBA SKI TRIP

# SNOW SUMMIT

AT BEAUTIFUL BIG BEAR

Saturday, February 23

Cost: \$32.00 (Includes Transportation & Lift Ticket)

The Trailways bus will leave Loyola at 6:30 a.m. to take us for a day of skiing at Snow Summit.

We will ski until 4:30 and leave Big Bear at approximately 5:30.

Sign-ups will be on a first-come, first-served basis. Each bus holds 46 people and beyond that, we will need to have an equal number to get additional buses.

Deposit this coupon in Box 93 Internal Mail

Deadline for sign-up is Thursday, February 14, 1985

Amount Enclosed \_\_\_\_\_  
 Please make checks payable to: Loyola SBA

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In case of emergency, please notify \_\_\_\_\_  
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 Day \_\_\_\_\_ Eve \_\_\_\_\_ Faculty \_\_\_\_\_ Staff \_\_\_\_\_

## Monte Carlo Night Coming To Loyola

by Mike Mohr

Roulette wheels, black jack, craps. Sound like Las Vegas? Maybe Tahoe or Atlantic City? Well, true enough; these devices of fortune are located in those cities, and usually exclusively. But on Friday, March 1, they will also be situated in the student lounge of the Burns Building as the Inter-Organizational Counsel (IOC)

sponsors its first-ever Monte Carlo Night.

The purpose of the event is to raise money for the various clubs and organizations on the Loyola Law School campus. The more immediate result for successful gamblers that night, however, will be the cashing in on several valuable, donated prizes. Among the fourteen prizes are dinners, ski trip discounts and athletic club memberships.

For an initial ten-dollar entry fee, fortune seekers will be provided with admission to the "casino," \$150 in play gambling money, two drinks and live music by the Libel & Slander Night Band. Additional drinks and play money will be available throughout the evening at the casino's "bar" and "bank." After the close of gambling at 11 p.m., gamblers will exchange the play money they have won for tickets to raffle off the donated prizes.

## Evening Fete Re-Slated For Marina City Club

The Loyola Law School Class of '85 Evening Division has announced a change of venue for their graduation dinner and dance. The gala affair is now scheduled to be held in the exclusive restaurant of the Marina City Club.

By popular demand, the price has also been reduced to \$42.50 per person and the date has been moved to Saturday, May 18 at 7 p.m.

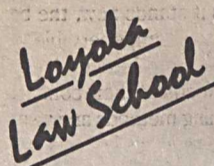
The party will take place in the club's beautiful restaurant, which looks directly out on the luxury yachts moored in Marina Del Rey. On that night, the restaurant will be closed to the general public. The evening division will have exclusive use of the restaurant and night club, which features music of the 50s through the 80s.

Evening students who have not made their \$25 deposit should contact Kaye Evleth-Burns to reserve their tickets.

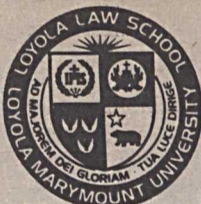
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D3



D4

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	M							
	L							
	XL							
muscle shirt	D2 S						5.00	
	M							
	L							
	XL							
baseball jersey	D3 S						9.00	
	M							
	L							
	XL							
crewneck sweatshirt	D3 S						11.00	
	M							
	L							
	XL							
hooded sweatshirt	D1 S						13.00	
	M							
	L							
	XL							
zippered sweatjacket	D3 S						16.00	
	M							
	L							
	XL							
shorts	D1 S						5.50	
	M							
	L							
	XL							
sweatpants	D1 S						11.00	
	M							
	L							
	XL							
children's t	D4 S 6-8						5.00	
	M 10-12							
	L 14-16							
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# Minority

(continued)

odds—and comments like Frakt's tend to enhance a self-fulfilling prophecy that minorities will fail.

Some minority leaders on campus believe that Frakt uses statistics and other data to substantiate a subjective personal belief on his part. They note that statistics can be manipulated.

Eddie Diaz, La Raza's Student Activities Director, says that Frakt's figures are misleading. "Frakt's sample," says Diaz, "was based on the 1984 graduating class and measures the results of what is perhaps the most difficult bar exam ever."

Diaz states that it is a well-known fact that Loyola graduates have had first-time bar passage rates exceeding 70 percent. Yet, Frakt's data seems to indicate that a substantial number of Loyola graduates will fail the exam.

Diaz stressed that the Dean's data only measured first-time performance on the bar exam. However, Diaz says that "bar statistics show that over 90% of Loyola graduates will eventually pass the bar."

"Numbers," said another Raza member, "tend to dehumanize an individual. A legal education is a very personal thing. Not all of us want to become practicing attorneys."

La Raza members point out that one of their greatest success stories is of a student who retested (when it was allowed) and who spent five years at Loyola before graduating in May of 1984. She passed the bar on her first try.

The Dean's comments seem to have also caused a morale problem among the general student body. Steve Lathrop, a second-year student, was "disappointed" by the Dean's comments. Lathrop said that Dean Frakt has "caused anxiety and distress in the hearts and minds of the student body. This has taken students' minds off studies and has detracted from the students' legal education."

## "Minority students feel Frakt has overemphasized minority enrollment as a contributing factor in the low bar passage rates."

In light of the various proposed financial aid changes and Dean Frakt's recent comments, many minority students have become disenchanted with Loyola...

"I would definitely not recommend Loyola to any minority student," said Balsa member Rhonda May Rucker.

# Faculty Exhorted

(continued)

passivity among students" as examples of behavior professors should not tolerate. In a more opaque reference to grading, he stated, "We should be constantly vigilant to maintain fair but accurate grading standards. Our students deserve an honest evaluation of their performance." This language could be interpreted as a reference to grade inflation, and a call for more stringent grading.

Frakt feels that professors should present their courses in a "challenging, demanding environment" that will better prepare the student for the Bar. He admits there are always a few professors "with [whom] a class has a problem," but maintains that the overwhelming majority are well accepted. He emphasized that in the last few years the school has attracted an excellent young faculty, while at the same time the older, more established faculty continues to become even more well-known. In addition, Frakt stressed that teaching always comes first at Loyola.

Additionally, Frakt feels a major contributor to the low passage rate is the amount of outside work some students perform. Calling it "short-sighted," he wrote in the memo that "If a student identifies him/herself as being at risk, consideration should be given to severely limiting extra-curricular activities... or programs that may be less than challenging." He admits that econ-

omic considerations may force some students to work, but feels students should still put school first. To deal with this specific concern, Loyola is in the future planning a much broader financial aid program to decrease some of this pressure to work, he said.

The results of the latest Bar exam may have been an aberration; but if they were not, it could change the makeup of future classes. Historically, 90-95 percent of Loyola graduates eventually pass the Bar. If the last Bar standards become permanent, Frakt fears as many as 20 percent of Loyola graduates will never pass. He has expressed his concern about unduly harsh grading standards to the Committee of Bar Examiners, but does not know if this will have any effect.

If this standard is applied from now on, the school will be forced to "look closely at the lower portion of the entering class," Frakt said. He pointed out that the ABA prohibits a school from allowing a student to continue studying if he or she has no reasonable opportunity for success. He personally has difficulty with allowing "marginal" students to stay in school if statistically there is little chance of their passing the Bar.

This concern is further heightened because a disproportionate percentage of those in the lower portion of the class are minority students. Further, it is the lower portion of the class which has difficulty passing the Bar. This pre-

sents a conflict, according to Frakt, between the school's commitment to affirmative action and its duty not to keep students in school who have an unreasonably low chance of success.

"I have difficulty with a system where we make ten people go through law school so that one of them can succeed," he stated. He reiterated his own position, and that of the school, that it must help integrate the profession. However, he questioned a system which causes nine out of ten people to suffer so much for basically nothing. Nonetheless, Frakt also points out that it is impossible for the school to know if a given individual will succeed. This is one of the reasons why the "marginal" student is admitted.

Frakt wants it understood that at the present time there is no real reason to worry because almost every major law school had a similar drop in passage rates. Had the drop affected only Loyola, he would be worried. He wants students to remember that Loyola's passage rate remains equivalent to that of most of the other major schools in California, and that the overwhelming majority of Loyola graduates pass the bar. As he wrote in his memo, "Good students who have worked hard in law school and have mastered analytical and descriptive skills in challenging courses pass the bar exam." With the February bar just weeks away, it appears that Frakt's prescription for success will be put to the test soon enough.

**WRITE FOR THE  
LOYOLA  
REPORTER**

## Text of Dean Frakt's Letter To The California Committee of Bar Examiners

January 25, 1985

The Committee of Bar Examiners of the State Bar of California  
555 Franklin Street, San Francisco, Calif. 94120

Ladies and Gentlemen:

I am writing to express my concern and that of our faculty over the passing rate for the most recent bar examination.

Although I have both publicly and privately rejected any notions that there is some general agreement to limit the number of bar members, I do believe that a grading standard which results in the failure of 40% of first-time takers from California ABA accredited law schools is excessively stringent and goes beyond the purpose of the bar examination to assure basic legal competence among those licensed to practice law.

I am enclosing a copy of a memorandum I recently sent to the faculty and students, along with comparative statistics on our grading and bar passage. As you can see, we readily acknowledge our responsibility and that of our students to strive to upgrade the quality of education and performance within the law school. I would also acknowledge that a small number of graduates each year may be only marginally qualified to enter the legal profession. All grading and line drawing involves a certain margin for error. At the same time I am convinced that the percentage of our graduates whose legal reasoning ability is below that necessary for competent legal representation is very small indeed. Historically, although 20% to 25% of our graduates might fail the California bar examination once, ultimately over 90% would qualify for admission. Also, virtually all of our graduates in the B (80) or above category would pass and a substantial percentage of those at the C+ level (upper 70s) would also qualify.

Since the quality of our educational program has not deteriorated and since, statistically, the members of our most recent graduating class are the equivalent of any that have gone before, there must have been a more stringent grading standard applied, even if it was done without plan and with the best of intentions.

Among the greatest of our concerns is that if the current standards for the bar exam are continued, members of minority groups will be even less represented in the California bar than they are now. In fact, given the discouraging statistics, many black and Hispanic college graduates who could play an important part in the legal life of the state will not even apply to law school but will turn to other careers instead.

Loyola and other law schools have devoted considerable resources to affirmative action over the last several years. We have a number of outstanding minority graduates who are making a major contribution to our legal institutions and to their communities. At the same time, the number of minority graduates with limited prospects for ever passing the bar under current standards has grown alarmingly. Frustration and despair are replacing hope and ambition.

We at the law schools are put in an untenable position. We provide scholarships and other financial aid, tutorials and teaching institutes to encourage and aid students with minority or disadvantaged backgrounds. Yet, if there is less than a substantial chance for the ultimate success of these students in joining the bar, even if they perform reasonably well in law school, we may be violating our obligations under ABA accreditation standards in admitting and retaining them.

I know that you spend a great deal of time and effort in evaluating the bar examination. I will not propose any radical changes here.

It does seem to me that consideration of a consistent passing rate in the 70 to 75% range for California ABA accredited law school graduates would preserve the integrity of the bar and would provide a substantial likelihood that qualified applicants could gain admittance without years of frustration and disappointment. If upon evaluation of a particular exam, it was clear that an unexplained substantial deviation had taken place, an adjustment should be made in the passing score. This is standard practice in law school grading. Such a practice would moot the criticisms and suspicions that fluctuation in the bar passage rate was related to extrinsic pressures and considerations and not the the quality of the particular group of applicants.

Undoubtedly, there are a number of other means to ameliorate the situation.

As it stands now, the bar examination is in danger of becoming an almost impenetrable obstacle for many students. Rather than stimulating them to becoming better law students, it may be the sole focus of their concern and have an effect on course choices, teaching methods and involvement in significant extra-curricular activities such as law review and moot court. Low pass rates may also encourage a proliferation of questionable schemes and programs which may use scare tactics to persuade applicants to part with their hard-earned funds in order to learn some sure-fire method of passing the bar, while ignoring the need to concentrate on challenging courses in law school.

I know that you share my concern and will consider this issue with your customary fairness and thoroughness.

Sincerely, Arthur N. Frakt, Dean

## S.B.A. SEMESTER AT A GLANCE—SPRING FEBRUARY 1985

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 Financial Aid Workshop Lounge 7:30-8:30 pm	5 Brown Bag—Lon Sobel 12:10-1 pm	6 Financial Aid Workshop Lounge 12 noon-1 pm	7 Paper Chase—Mt Ct. 12 Financial Aid 12 noon -1 pm / 7-8 pm	8	9
10	11 Deadline Grad. Fellowship	12 Brown Bag—Prof. Wolfson 12:10-1 pm	13 Paper Chase Mt. Ct. 12 6-8 pm	14 Blood Drive—Day SBA Party 5:30-11 pm	15 T-Shirt Deadline	16
17	18 No Classes SCHOOL CLOSED	19 Paper Chase-Mt Ct.—I.L.S. Program	20	21 Brown Bag—Dean Frakt 12 noon-1 pm Libel & Slander Casting Call Noon-5 pm	22	23 1st-Year Job Search 10-11:30 am M.H. Ski Trip
24	25	26 Brown Bag—Prof. Costello 2nd Tuition Payment Due	27 SBA T-Shirt Sale	28 Paper Chase—Mt. Ct. Rm. 12 noon-1 pm		

**UNUSUAL CLERKSHIP UP ON THE "HILL"****Student Rewarded by Social Justice Work**

by Ed Manning

*This past summer, Edward Manning, a third-year Loyola Law School student, spent two months working as an intern for NETWORK, a public lobbying group affiliated with the Roman Catholic Church. NETWORK's lobbying activities specifically concern areas of social justice and human rights. The following is Ed Manning's reflections upon his summer activity.*

The usual summer clerkship takes place in a large law firm, where the law student learns the ins and outs of the legal profession in a large, urban environment. In contrast to the typical clerkship experience, I was given an opportunity this past summer to actively participate in the democratic process of our government—an opportunity which I found enriching both intellectually and spiritually.

Shortly after finishing finals in the spring, I took a flight to Washington, D.C., where I was immediately deluged with work. With the interest and support of Dean Arthur Frakt, Fernando Moreno of Loyola Marymount and many others, I was able to spend two months working in Washington for NETWORK, a Catholic social justice lobby group. My own particular area of work was in Central American policy—a volatile topic with continual, intense legislative activity.

As I soon discovered, however, my experience working with NETWORK would be far more reaching than lobby work would suggest. Upon my arrival in Washington, I took the Metro from the airport to my new home in Northwest Washington, near Catholic University of America. On the way, I was befriended by an inebriated street person, who was aimlessly wandering around. In his wandering, he decided to pick me for his discourse on the New York Knicks—a topic I at least could understand.

As it turned out, that meeting was an appropriate beginning to my

stay in Washington. I experienced living with the poor and leaned of the problems of life in a depressed and struggling area. My two months in Washington was destined to be an education in the plight of the poor as well as an experience in lobbying activities.

As a new intern at NETWORK, I was immediately struck by the intense commitment and involvement of the staff. One of the first persons I met was a woman who had taken a year off from her own career to assist NETWORK. She worked without pay, housing, or board. In tears, she related some of her projects' successes and failures while involved with the legislature. I soon discovered that she exemplified the level of commitment and compassion shared amongst the NETWORK staff. This intense commitment urged me to reflect more seriously upon my own social and political awareness as a citizen of a democratic society.

**"We affect peoples' lives in ways that few others can. Our own expertise makes us persons of power."**

I had gone to Washington to use my own personal influence in an effort to affect the legislative process of our government. It may seem odd for a law student to believe that his "personal influence" could someday make a difference; however, law students as well as lawyers should not underestimate the far-reaching influence we have upon others. We affect peoples' lives in ways that few others can. Our own expertise makes us persons of power.

Such power and influence, though, brings with it immense responsibility toward the common good. Our profession confronts us at times with difficult choices. Yet such choices are precisely the ones that are the most rewarding when

made thoughtfully and honestly, according to the values and beliefs we hold.

In working for a lobby group, one quickly finds that keeping track of legislation on the "Hill" can lead to mental incapacity. The myriad of paths a bill often travels is akin to the confusion first-year law students find in the Erie Doctrine. "Appropriation" and "authorization" suddenly take on an importance far outweighing the attention given them by Mr. Webster.

In this maze of activity, the greatest challenge is finding the moment to focus one's energy on "the issue." Timing is essential to effective lobbying.

Imagine trying to convince a Senator whose helicopter was shot down on the Honduran border not to vote for further aid to the Contras in Nicaragua. It is enough to challenge the skills of even the most accomplished of negotiators.

Probably one of the most important activities of a lobbyist, however, is organizing constituent response to an issue in specific Congressional districts or states. As a NETWORK lobbyist, I met with other lobbying groups, with whom we coordinated our efforts. At our weekly strategy sessions, we would discuss what actions had been taken the week before and what was expected to happen in the upcoming week. For factual information about daily events in Central America, I relied heavily on groups such as the Coalition for a New Foreign and Military Policy and the Washington Office on Latin America. This information would be disseminated at the strategy sessions and used on lobbying visits. Many times information we received would surface a few days later in the *New York Times* or *Washington Post*.

At the strategy meetings, we would decide on "swing lists" for various pieces of legislation. A "swing list" contains the names of Congresspersons or Senators whose votes are uncertain. From

this list, I would try to visit as many people as I could to try and convince their staff that their boss should vote "the right way." "The right way," of course, was how we wanted them to vote. At the same time, I would be contacting NETWORK members to urge them to call or write their Senator or Congressperson. This type of constituent response has the most powerful impact on an elected official.

**I relied heavily on groups such as the Coalition For A New Foreign and Military Policy... many times information we received would surface a few days later in the New York Times or Washington Post.**

The actual lobbying visits themselves can be like tightrope walking. You need the right balance to be successful. So you try to be forceful, yet you don't want to come across as a crazed zealot. A strong "breeze" one way or the other can be fatal.

A frustrating aspect of lobbying is the almost obsessed concentration placed upon the "swing" votes. Except once in a while at an occasional informational meeting, one rarely really works with individuals who support the current issue in question. Many times it feels as though you are working alone for your cause and all of your imports are having no impact. This feeling is especially prevalent when working for a church-related group as opposed to other interest groups, such as the NRA. Money speaks louder than almost anything (except votes) in Washington. As an organization with very limited monetary resources, NETWORK must rely on its own resourcefulness and creativity. It must depend upon a committed membership to respond promptly and forcefully to requests from the Washington office.

As I mentioned earlier, part of my experience in Washington consisted in living in a poor urban area. Seeing the success of some lower-income families in their struggle to make it was invigorating; while in turn, seeing so much failure and desperation was disheartening. Living in such an environment was a truly humbling experience that made lobbying on Central American issues often seem like child's play.

NETWORK is a Roman Catholic lobbying organization concerned explicitly with issues of social justice. The staff often refers to NETWORK's efforts as "political ministry." Elizabeth Morancy, a Rhode Island legislator, described the term as "making private pain a public issue." My own efforts concentrated upon heightening public awareness of the suffering of the people of Central America. At the heart of my efforts are my beliefs in the dignity of the person and the primacy of the universal good over the particular good of an individual political unit. In an environment

**Trusts & Wills**

(continued)

the class be given an "administrative pass." This would have allowed every student in the class to pass even before the exam was taken. Ides stated that was inconsistent with ABA standards on grading. Moreover, he felt such a decision would have discouraged students from studying for, and possibly even taking, the final exam. Likewise, Ides turned down requests that transcripts of Zavos' classes be made available to the students. He felt that was asking too much of the administration, and that students probably would not go to class.

Laughran's removal was precipitated by several unscheduled class absences. Prior to that time there had been conflicting reports of Laughran's performance in the classroom. Two petitions were circulated by students, one expressing dissatisfaction with Laughran's teaching abilities, the other expressing approval with his performance.

**CP Class Gets Option**

Laughran did finish out the semester with his Community Property class. However, those grades have not been posted because the administration has changed its mind and is allowing the students in that class the option of taking an "administrative pass." This means that they can choose to have their grade changed to either a pass or fail now, even though they did not choose to take the course pass/fail when the deadline was set before the end of the semester.

Ides stated that the administration was choosing to do this out of fairness to the students. The decision was based, Ides said, on his knowledge of how the subject matter had been presented to the class during the semester and the extent to which the final exam did not reflect material covered by the course. "We wanted to make sure," Ides said, "that the effects of what happened did not unfairly affect students' grade point averages."

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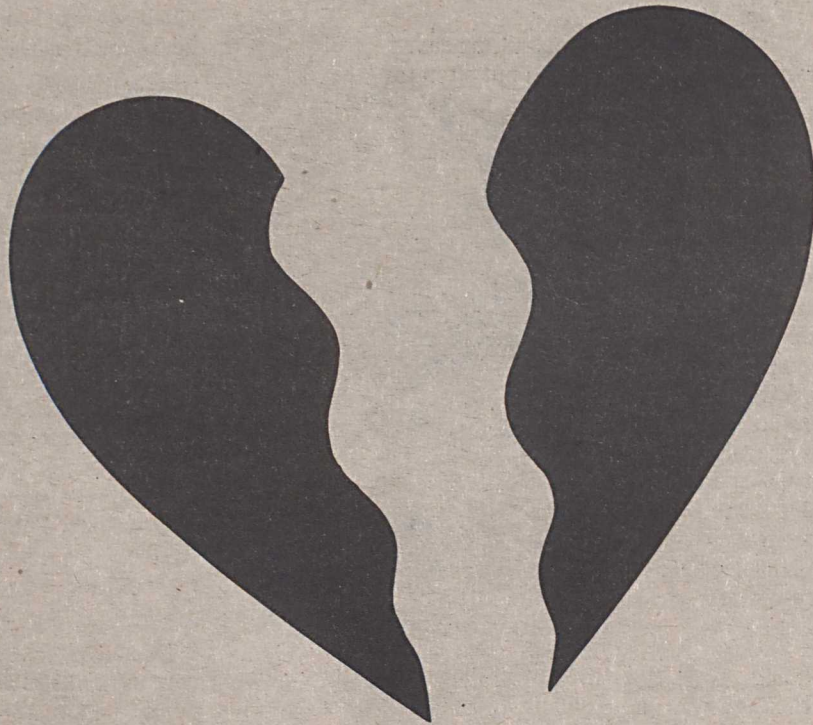
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*"To one person's right there corresponds a duty in all other persons: the duty namely of acknowledging and respecting the right in question. Those who claim their own rights, yet altogether forget or neglect to carry out their respective duties, are people who build with one hand and tear down with the other."*

focused upon "political realities" and short-term gains, the communication of these beliefs was one of the great challenges of my life. I often felt frustrated in my efforts, but knew that my personal involvement and small contribution to our governmental process was important.

Although I personally consider my work in Washington effective, the measure of that success is difficult to ascertain. I find my reasons for spending this past summer in Washington aptly expressed in a quote from Pope John XXIII's encyclical. "Pacem in Terris":

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## WEST SIDE BOY WORTH HIS WEIGHT IN GOLD

# Visiting Prof Dedicated to Helping Students

by Catherine Brame

At best, it's difficult... at worst, it's downright dangerous to write a newspaper article about one's ARW professor. If the content doesn't manage to be offensive, it's a sure bet the format will be. The ARW professor on the spot is Victor Gold. He also teaches Contracts and hails from Arizona State University—where he taught Evidence, Remedies, Contracts, Trial and Appellate Advocacy, and (not surprisingly) the ASU equivalent to ARW. He is currently a visiting professor at Loyola Law School.

Being an ARW student, and having done my fair share of the griping about the grading of writing assignments, my first question to Gold was, "Why would anyone want to teach ARW? Did you just get this dumped on you?" In responding, Gold was quick to acknowledge that the legal writing course brings the reality of law school home quicker than any other course, and involves far more work than any other course. Gold indicated that he had confidence in both his own teaching abilities and in the maturity of the

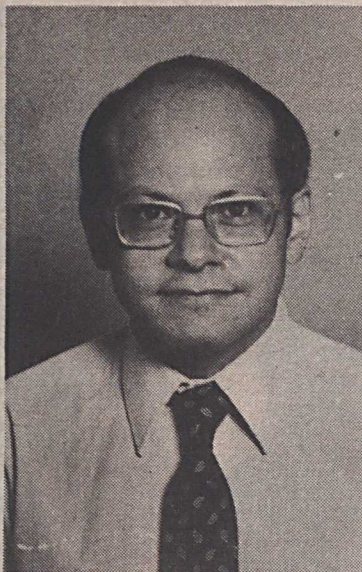
students to overcome the inherent hostilities of ARW classes. Said Gold, "I like to teach ARW... I get to teach a small group of people... it's more like real teaching... there's more of an opportunity to help students."

Gold's concern for helping students is borne out by his past teaching record. While his past is laden with honors (B.A. cum laude in Political Science from UCLA; J.D. from UCLA, Order of the Coif and Comment Editor of the UCLA Law Review), Gold emphasized his involvement with student as being the important element of his career. His past experience as a litigator for a Los Angeles firm gave him a solid background for working with students as a faculty advisor for ASU's Moot Court Program. (Gold declined partnership at Nossaman, Krueger & Marsh to pursue the joys of teaching and for the "freedom to work on what was more interesting.")

### Moot Court Advisor At ASU

While at ASU, Gold was the faculty advisor for all Moot Court

Teams, including the National Moot Court Competition "the granddaddy of the moot court competitions". His 10-20 hours of work each week with that team paid off in the



Victor Gold

team's placing ninth in the country out of 200 teams. "I started out with people who were not sure why

they were there, and there were personality conflicts. By the time we reached the nationals, they were functioning at the level of competent attorneys. It was exciting because I could see the product of my teaching."

Asked why he came back to Los Angeles, Gold indicated that his wife's career potential as a librarian was limited in Arizona because of that state's meager funding of public libraries. Gold's response was consistent with his concern for women's rights. At ASU he was the faculty advisor for the Women Law Student's Association at ASU, as well as his role as a member of the Executive Committee of the 12th Far Western Regional Conference on Women and the Law, 1982. Additionally, he served as the faculty advisor for the ASU Chapter of the Arizona Civil Liberties Union and for the ASU Chapter of the Arizona Trial Lawyer's Association.

Despite all of his extra-classroom commitments, Gold is very much a family man. In his "spare time" he says he likes to play with his children... I'm ready to collapse by the time they go to bed." "The kids" include sons Misha, 5, and Daniel, 2. Of course, there's also his wife, Kim—but Gold is quick to note that "I'm not permitted to reveal her age." The choice of the family pet reflects Gold's tongue-in-cheek humor... it is, of course, a "gold" fish. (I was going to ask if its name is "Golda," but I thought it better not to.)

Gold's recent vacations have been spent as a representative of a tour group which arranges tours for professional groups. In this capacity, Gold took a busman's holiday and taught socialist law to a group touring the Soviet Union last spring. He plans to return to the Soviet Union this summer with another group.

### "Secret" Jogger

My efforts to get down to the "real dirt" behind this warm and sincere-sounding man produced phenomenal results. *Loyola Reporter* readers will be the first to know of "Gold's Secret Shame." Yes, he used to secretly jeer at all of those running fanatics... the joggers who

just couldn't seem to talk about it enough. "I'm really reluctant to talk about this—it's a secret shame—out of character... um, but I run two and one-half miles every morning." However, all of those would-be teacher's pets may now put away the granola bars and sneakers... we can still eat our danish and donuts in front of Gold, for at heart he's still "a pudgy little Jewish boy from the West Side."

Lest one is left with the impression that the man is all fun and games (he *did* dress up as the Uniform System of Citation for the faculty Halloween party), it is only fair to mention that Gold is well-published and is currently working on an article concerning the legal implications of human information processing infirmities for the *Southern California Law Review*, to be published in January, 1986. Other recent publications include "Limiting Judicial Discretion to Exclude Prejudicial Evidence," *UC Davis Law Review* (1984); "Federal Rule of Evidence 403: Observations on the Nature of Unfairly Prejudicial Evidence," *Washington Law Review* 497 (1983); and "Clean Water, Federalism, and the Res Judicata Impact of State Judgments in Federal Environmental Litigation," *UC Davis Law Review* 1 (1982).

### Wants To Write Book

Additionally, Gold admits that he would be "interested in writing a book someday... when I have something to say." Gold's contracts students should be relieved to note that Gold is not interested in writing a case book. "There are already too many case books and treatises... I'm not interested in doing a case book... maybe a book analyzing a special problem."

Professor Gold's dedication to the students has been obvious to those students who have taken the time to talk with him. He has given freely of his time and his wit. And perhaps his ability to laugh at himself has helped some of those too-serious first-year types to laugh at themselves. In any event, it has made the hazards of ARW (and newspaper articles) seem somewhat less threatening. A thank you for that, and welcome!

## Loyola Receives Grant For Family Mediation Clinic

by Deborah Sanchez

Loyola Law School has received a \$21,000 grant from the U.S. Department of Education to help establish a Family Mediation Clinic on campus during the spring and fall of 1985. The psychology department of Loyola Marymount University will participate with the law school in staffing & administering the Mediation Clinic.

The new clinic will involve 12 students per semester, six students from the law school and six graduate psychology students from Loyola Marymount. Law students will be required to have completed Lawyering Skills and to have either completed or be concurrently enrolled in Family Law, Community Property, or Federal Income Tax. All the students will be receiving in-class training to develop family mediation skills.

Students will work in teams of two, counseling couples who are divorcing or separating. This approach was selected so as to allow a cross-disciplinary learning experience. Law students will be exposed to the emotional aspects of separation and divorce, while psychology students will realize the legal consequences of their clients' choices.

### Focus On Mutual Agreement

Most legal clinics traditionally operate in an adversary mode, where each client is individually represented. The mediative approach brings both parties together to reach a mutual agreement, the premise of this approach being that the terms of the agreement will more likely be complied with when both parties are involved with its content. Thus, the mediators commit themselves to the final agreement rather than to either party.

Professor Mary-Lynne Fisher, Director of Loyola's clinical programs, said the goal of family mediation is *not* to reconcile couples. According to Fisher, by the time

most clients come to them they are past reconciliation. What mediation *does* do is help to avoid the bitterness and lessen the emotional impact that a divorce or separation can bring. "Mediation," says Fisher, "lets people separate in the healthiest way."

Fisher said the adversary system is deeply rooted in our culture and couples seeking an alternative to the traditional separation or divorce method are not left with many choices. Additionally, people are frequently pressured into taking opposing sides, which results in a premature settlement that leaves both parties not truly satisfied.

### Children Sometimes Involved

Therefore, a mediative alternative may present an attractive remedy to all families—but especially those with children, in light of the delicate custody issue. Although children are usually not directly involved with the counseling sessions, older children have been permitted to participate by expressing preferences as to the custody arrangement.

The Family Mediation Clinic will have three faculty supervisors. Fisher will supervise the case work of the law students. Joel Edelman, an adjunct faculty member at the USC Law Center and a licensed marriage, family and child counselor, will be primarily responsible for the in-class training which students will receive. Ray Bakaitis, a former member of the Psychology Department at LMU, will be supervising the psychology students.

### County Bar Gives Seed Money

In addition to the \$21,000 grant from the Department of Education, Loyola has received almost \$2,000 in "seed" money from the Los Angeles County Bar Association. The "seed" money enabled Fisher and Bakaitis to receive mediation training.

The grant from the Department of Education is renewable on a

yearly basis, and there is a strong possibility that the Family Mediation Clinic will become a permanent fixture on Loyola's campus.

Potential sources for clientele include referrals from the Superior Court, from private professionals such as attorneys and counselors, and from other groups such as Divorced and Separated Catholics. The focus will be toward low to lower middle income families, or families who may be above the income median but who are having temporary financial difficulties.

There is no doubt that family law services are needed in the Los Angeles area. The limited resources of the Legal Aid Foundation have forced them to concentrate on housing and government benefit cases. Thus, the Family Mediation Clinic will help meet the needs for those services.

### Accepted By Professionals

As more and more people are seeking an alternative to the traditional adversary approach, the mediation alternative is playing a greater role in our legal system. Today, mediation has become more accepted by legal professionals and welcomed by the general population.

The human factors intertwined with the legal problems which currently face our society are becoming more apparent through mediation counseling. As one famous attorney has written:

"I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men's hearts. I realized that the true function of a lawyer was to unite parties riven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises in hundreds of cases. I lost nothing thereby—not even money; certainly not my soul."

—Mohandas Gandhi

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Check the weekly SBA Bulletin

The Student Bar Association will show episodes of Paper Chase The First and Second Year at 12:05 until 12:55 in the Moot Court (Library Building). Lunch may be brought in as long as YOU CLEAN UP AFTER YOURSELVES!!!

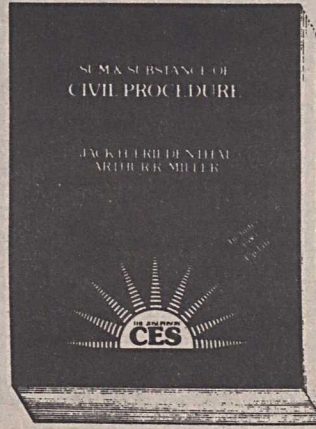
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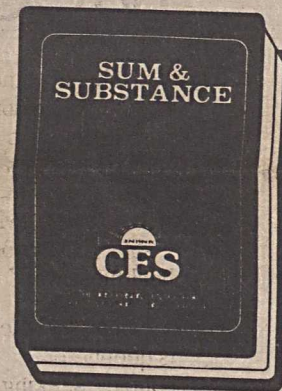
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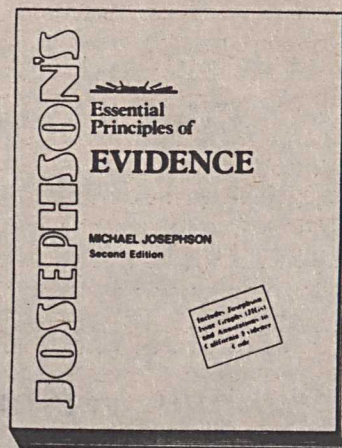
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