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Loyola Lawyer

SUMMER 1985

LOYOLA LAW SCHOOL/LOYOLA MARYMOUNT UNIVERSITY

VOLUME 4

Loyola Celebrates Completion of New Facilities

DEDICATION DAY

On April 19, Loyola Law School celebrated the completion of the new campus facilities. The day began with a reception and dedication luncheon in honor of the graduates and friends of Loyola Law School whose investment of time, energy and capital made the realization of the new campus possible.

Father James N. Loughran, S.J., president of Loyola Marymount University, and Dean Arthur N. Frakt expressed their gratitude for the generous support of so many graduates and friends during the building program and singled out the exceptional generosity of the Fritz B. Burns Foundation and Mrs. Liliore Rains, widow of Judge William M. Rains, '26, in the development campaign.

Throughout the afternoon, tours of the new buildings were conducted with refreshments served on the patio. Visitors were welcome to explore the new facilities and view the unique character of Frank Gehry's architecture.

Finally, in the evening, a special reception and dedication ceremony was held for the Instructional Hall of the 70's. This hall was the product of the fund-raising efforts of graduates from the decade of the 1970's. Claire van Dam, '73, Chair of the program, thanked those present for their support



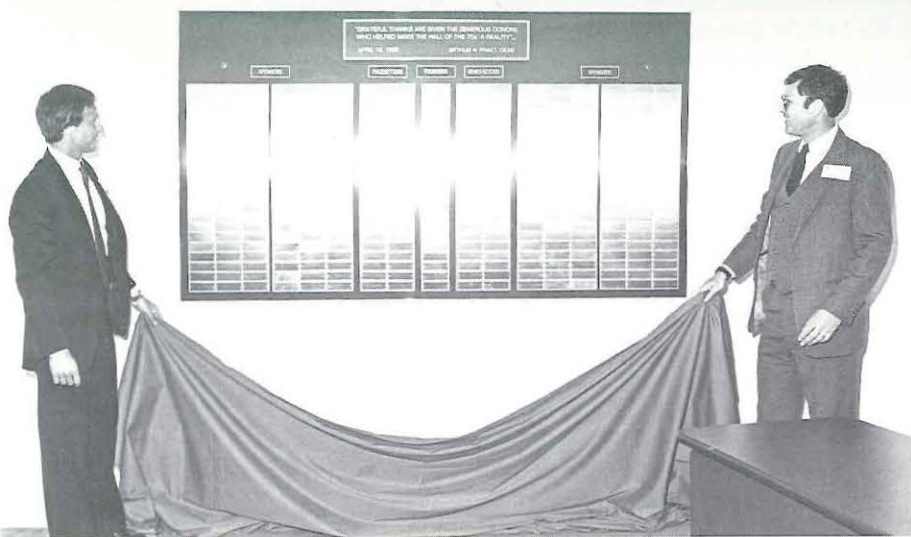
The Reverend James N. Loughran, S.J., president of Loyola Marymount University, receives the key to the new law school campus from architect Frank O. Gehry (left) and Kip Meyer of Meyer's Construction.

throughout the campaign and reminded them that the instructional hall was the first project at the Law School completely funded by a particular group of graduates.

The new Law School facilities consist of the Fritz B. Burns Academic Center; three

free-standing classrooms: The Instructional Hall of the 70's, Merrifield Hall, and South Hall; and the Chapel of the Advocate. The original 1964 building has been completely renovated and dedicated as the William M. Rains Library.

Scenes from Dedication Day



(Clockwise from top): Alumni President Roman Silberfeld (left) and Dean Arthur Frakt unveil the plaque commemorating the donors to the Hall of the 70's; Assistant Dean Robert Cooney (left) and John Anderson tour the campus; '85 graduate Deborah Snyder (left), Kevin Fiore, '69 (middle) and Professor Ken Vogel enjoy the afternoon reception; Alumni President Roman Silberfeld welcomes guests to the dedication luncheon.



NEWS BRIEFS

1985-86 Journal Editors Announced

Ken O'Rourke, Editor-in-Chief of the *Loyola of Los Angeles International and Comparative Law Journal* for the 1984-85 academic year, has announced the new Board of Editors for 1985-86. The new Editor-in-Chief will be Edward J. Kania with Robert R. Jesuele and Hedwig C. Swanson as Managing Editors. Jill W. Mazirow will serve as Business and Promotions Editor with Joan B. Kessler as Chief Articles Editor, Jennifer N. Pahre as Chief Note and Comment Editor, and Christopher M. Crain as Chief Symposium Editor.

The *Loyola of Los Angeles Entertainment Law Journal* has announced the new editorial board for the 1985-86 volume. The new Editor-in-Chief is Russell Clampitt. The remaining members of the editorial board are Stephanie Davis, Executive Editor; Barbara Caretto and Deirdre Beckett, Managing Editors; Melissa Widdifield and Steve Kilduff, Articles Editors; Natasha Roit and Jay Lake, Casenote Editors; Michael Wofford, Business Editor; Sandy Lee, Directory Editor; and Jeff Mamet, Jonathan Roldan, Paul Csiszar, Tammy Horton and Steve Monette, Associate Editors.

Jesuit Honor Society

Alpha Sigma Nu Initiation

Seventeen Loyola Law School students were initiated into Alpha Sigma Nu, the national Jesuit honorary society, on Saturday, April 20. The Mass, initiation ceremony and dinner took place at Loyola Marymount University and included the initiation of new members from the graduate and undergraduate divisions. Dean Arthur Frakt, who was made an honorary member of the society at the ceremony, gave the initiation address.

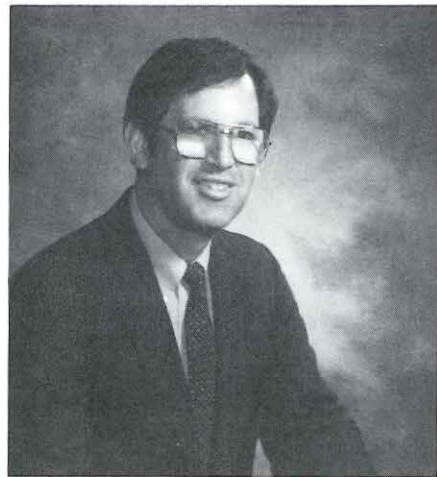
Alpha Sigma Nu is an honor society established by the Jesuit colleges and universities in the United States. Membership in the society is based upon academic excellence as well as service to the university and dedication to the goals and values of Jesuit education.

The following Law School students were initiated into the society: Darryl S. Cordle, William L. Cummings, Thomas J. Daly, Elizabeth J. Delgado, James J. Freedman, Jack B. Hicks, III, Scott B. Kidman, Moses J. Kushman, John D. Lilly, Erich Luschei, Lisa D. Mahrer, Christie L. Morehead, Sharon Y. Moriwaki, Paul N. Phillips, Deborah J. Snyder, Christine D. Spagnoli, James J. Sullivan.

The text of Dean Frakt's address is found on page 6.

FROM THE DEAN

Since many of our graduates, donors, and friends were unable to be present at the Law School dedication ceremonies on April 19, I would like to take the opportunity in this issue of the *Lawyer* to share with you my remarks from the dedication luncheon:



"It would be easy to stand up here like Greer Garson when she won the Academy Award and spend hours thanking everyone who contributed to this facility. I will not do that, but there are a few who must be mentioned. First, Professor Robert Benson of our faculty who pursued and promoted his vision for an urban campus with a fierce and honest dedication to principle. Fred Lower, dean and professor, who chaired the faculty building committee with patience, humor, and insight. John Pfaffinger (Vice President for Finance and Planning) and Bill Wilson (Facilities Planning and Construction) of Loyola Marymount who worked with us unceasingly to help translate the faculty's and architect's vision into reality.

"And the members of my staff — Steve Johnson, our director of plant and operations, who has been responsible for bird-dogging and trouble-shooting this project from the beginning. Without Steve's efforts I doubt that it would ever have been completed. Leo Ramos and more recently Bob Cooney who as assistant deans for administration played major supervisory roles. Thanks also go to Mark Weiner who worked closely with Bob Cooney in fundraising.

"And, among the many contributors, I must take special note of the officers of the Fritz B. Burns Foundation and Mrs. Liliore Rains whose generosity provided inspiration and incentive to others who have helped fund this campus. . . and, of course, Fathers Casassa and Merrifield.

"I feel very privileged to be a participant in this ceremonial event. Loyola Law School is one of the preeminent Jesuit-related law schools in the country — among a small handful of outstanding private law schools in the West.

"I do not say these things boastfully or with false pride. An objective analysis of the accomplishments of our faculty and alumni and the breadth of experience, ability, and potential of our student body are attested to by those indicia which are most critical to the legal profession and in legal education.

"The faculty teaches a broad range of courses and, increasingly, is publishing important books and articles in national and regional legal journals. Our alumni are successful in every area of practice: the bench, major firms, public interest, government, corporate counsel, and the small business, family and criminal law practice which remains the bedrock of the profession.

"Now we have these magnificent physical resources, almost literally a stone's throw from the burgeoning central business district. The classrooms, library, moot court, administration building, chapel — and the furnishings, books, computers, landscaping and services which fill and surround them — are architecturally exciting and provide us the setting to continue the tradition of excellence in legal education without compromise or physical limitations.

"All of this prompts two observations: The first is that all of us who will benefit from these facilities are in the debt of those who have gone before us at Loyola.

"Many of you have given generously of your funds and your time to help us realize the potential of this physical site, but just as important, you — along with others, some of whom are no longer with us — have for over sixty years created, nurtured, and brought to maturity an institution which has commanded the loyalty and respect of the legal community. This has permitted us to reach the high plateau where Loyola is today.

"It is to you and to them — the Scotts, Donovans, Cooks, Vachons, Dibbles, and so many others who made Loyola a welcoming place of opportunity — we give thanks.

"The second important point is this: Every conclusion marks a beginning. This day of dedication is truly that — a time when we resolve to build upon all that has gone before us — to assure that this law school will respond to the needs and challenges of the 80's, the 90's and beyond.

"This then is what I and all of us pledge. We will not take for granted the resource that has been placed in our stewardship. We will not forget that the prime reason that this law school came into being was to provide opportunities for those of talent and determination to achieve great things in the law — without regard to their ancestry, race, religion, or the influence — or lack thereof — of their families in the community. We will not forget that law, in its best and most important sense, provides a structure for a civilized and fair means of organizing society within the ethical and moral context of the Judaeo-Christian tradition.

Arthur N. Frakt
Dean

Senator Patrick Leahy Speaks at Loyola Law School

The John V. Tunney Lecture Series presented Senator Patrick Leahy as its 1985 speaker this past March. Senator Leahy, a Democrat, is the United States Senator from the State of Vermont.

In his presentation at the law school, Senator Leahy focused mainly upon the United States' position in international affairs and the arms control issue. Senator Leahy stated that the international dominance of the United States after the Second World War and the arms race are closely interrelated.

"If you look at the United States since World War II," the Senator stated, "you notice that there is a sense in which we ruled the world. Apart from the tragic loss of American lives during the war, the country emerged relatively unscathed by the war's devastation; industrially and economically we could do what we wanted. What we had to decide, however, was how to use this enormous power without compromising our traditional ideals."

The Senator pointed out that for the past thirty years, the United States has wrestled with the problem of encouraging the growth of justice globally on the one hand and the increasing arms race on the other. The political tensions and increased production of arms has at times strained national ideals, resulting in a type of "realpolitik" that denied abroad the ideals Americans cherished at home.

Part of the impasse in dealing with the Soviet Union, the Senator mentioned, has been in concentrating solely upon military strength. Neither superpower can permit or will allow an arms superiority by the other. Thus in dealing solely with arms, the United States ends up in a no-win situation.

What the United States needs, however, is a more balanced understanding and appreciation of the country's overwhelming strength in other areas. The Senator stated, "We generally think only in terms of weapons; but we are far stronger than that as a nation. We have an economic wealth and strength that is unparalleled in history. We have a leadership capacity and stability that has even survived assassination and scandal."

By engaging in open-ended military competition, the United States effectively prevents itself from competing in broader areas where the possibility of success is much higher — that is, in American economic and technological expertise, food production capabilities, etc.

Senator Leahy ended his presentation by emphasizing the traditional moral values of the United States. "We have been raised in a tradition," the Senator said, "of deep respect for the dignity of the individual." It is this sense of respect for human rights and the value of the individual which must guide the American national efforts in international affairs, whether in dealing with friends or enemies.

Since his election to the Senate in 1974, Senator Leahy has shown active concern in environment and arms control issues. He serves on four major Senate Committees: Appropriations, Agriculture, Judiciary, and Intelligence. Senator Leahy is also co-chair of the Environmental and Energy Study Conference and a member of the Democratic Steering Committee.

Please turn to page 6

Faculty Forum

Professor JAN C. COSTELLO and Adjunct Professor VICKI MICHEL were speakers on a panel on Reproductive Technology and the Law, sponsored by the Women Lawyers' Association of Los Angeles. Professor Costello discussed legal problems in identifying parent-child relationships and enforcing "surrogate mother" contracts while Adjunct Professor Michel considered the ethical problems inherent in the improved technological ability to control conception and engineer genetic combinations. Professor COSTELLO also gave a workshop on "Women's Rights and Family Law" at the Eighth Annual Pasadena Women's Conference.

Associate Professor MARY-LYNNE FISHER has been awarded a research grant by the National Institute for Dispute Resolution. The purpose of the project is to develop a negotiation evaluation scale which will promote grading on the basis of negotiating skills rather than on the outcome of the negotiation. Professor FISHER's article, "Implementing the Sullivan legislation: How to Make Do with a Make Whole Remedy," appears in the May issue of the *Los Angeles Lawyer*.

During April, Professor VICTOR GOLD served as judge for the Canby Moot Court Competition at the Arizona State University College of Law. The panel additionally consisted of members of the Ninth Court of Appeals and of the Arizona Supreme Court.

Professor GIDEON KANNER has given a number of presentations during the past several months. In February, Professor Kanner addressed the Southern California Association of Law Libraries on the topic, "The View from Academe." In March, Professor Kanner debated "The Taking Issue" at a conference on the recommendations of the President's Commission on Housing held at the University of California, San Diego. Professor Kanner also participated on the panel on the Role of the Organized Bar Concerning the Re-

tention Election of Appellate Court Justices at the Los Angeles County Bar Association conference of local bar leaders.

Professor FREDERICK J. LOWER, JR. addressed the 24th annual meeting of the Association of Southern California Defense Counsel on the topic, "Pondering the Doctrine of Reasonable Expectations." Professor Lower also spoke at the Institute for Corporate Counsel on "The Duty to Deal in Good Faith: What Course After Seaman's?"

Professor JOHN McDERMOTT recently returned from a sabbatical trip to Hong Kong, Malaysia, Singapore and the People's Republic of China.

Professor LON SOBEL addressed the Institute for Corporate Counsel on economics and antitrust, and participated in an entertainment and sports law program at Brigham Young University Law School. In April, Professor Sobel also spoke on merchandising rights at a Los Angeles County Bar Association Seminar.

Professor DAN STEWART spoke to the Loyola students on "The Allende Years in Chile: Some Thoughts on the Dynamics of Structural Change." Professor Stewart will also attend the Harvard Law School summer courses for attorneys on legal history and critical legal studies.

"Structuring and Negotiating Contracts for Hardware, Software and Services" will be the topic of Professor DAVID C. TUNICK's seminars which will be given in Minneapolis, Chicago, Denver, and Reston, Virginia.

Professor GERALD F. UELMEN participated in a conference at UCLA sponsored by Attorney General John Van de Kamp on the reductions in reported crime rates. In April, Professor Uelmen spoke at a seminar of California Attorneys for Criminal Justice on "Endorphins, Addiction and the Law." In May, Professor Uelmen also participated on a panel on Child Abuse Laws for the Los Angeles Bench-Bar-Press Council.

LOYOLA LAWYER

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Library Renovation Completed

The library lies at the heart of an educational institution. It provides the tools for research and an environment of quiet study. The library grants access to the reflections of the past as well as the discussions of the present. The quality and extent of available resources is an indication of an institution's commitment to scholarship.

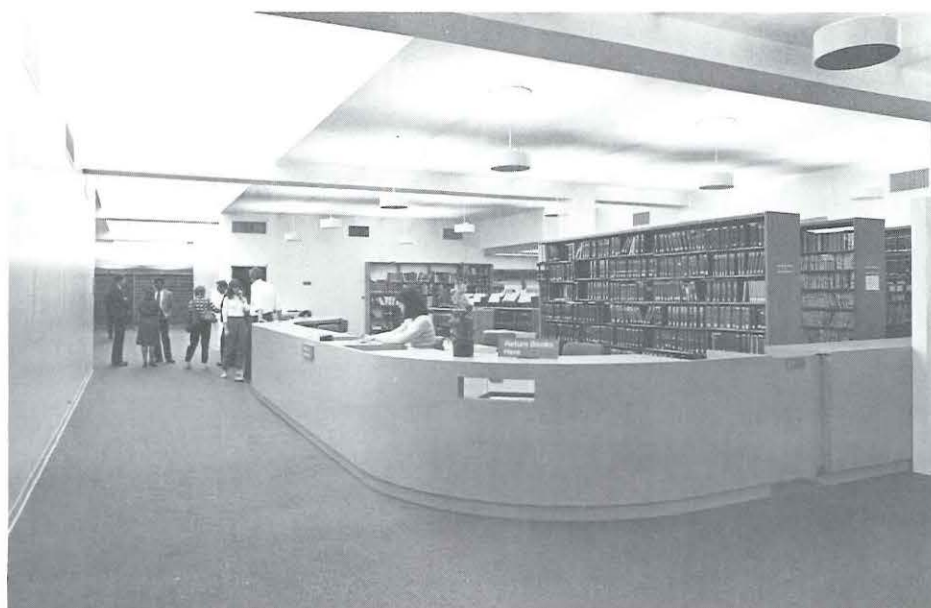
When Loyola Law School moved from Grant Avenue to Ninth Street in 1964, the library comprised a major portion of the school's physical space. As the school expanded, however, the available space became increasingly inadequate for student and faculty needs.

The design of the new law school campus envisioned a greatly expanded library facility to meet the demands of contemporary legal research and education. This expansion began last spring with the virtual demolition of the interior of the William M. Rains Building.

During the first semester students picked their way carefully through plaster scraps and around plywood barriers in search of elusive periodicals and reference books. Walls where once corridors had been added to the confusion. From the plaster dust and noise, however, has emerged the new law school library — a facility almost twice as large as the former.

The renovation began shortly after the end of classes in May. At that time, the three classrooms located in the center of the first floor of the Rains Building were gutted to create one large central area. The graduated floor levels of the former lecture halls were then filled and cemented to provide an even floor surface.

While renovation of the former classrooms was in progress, the library staff had begun the exhausting task of sorting and storing the library collection. Slightly more than twenty thousand of the older volumes



The circulation desk in the Rains Library is illuminated by the new skylight.

were boxed and stored in a large sealed container placed between the Rains and Burns Buildings.

The remaining, more frequently used volumes were then organized according to their eventual place in the new design. The northern quarter of the second floor was completely emptied. The construction company then built a barrier and proceeded to transform that area into a large open area intended for study and reference space.

Upon completion of the north quarter, the library staff vacated the southern quarter and the process was repeated. With the two ends of the second floor finished, the middle half of the floor was renovated. Amid the sounds of drills, dropped beams, falling plaster, etc., the library staff patiently maintained services to the students and faculty.

The newly renovated library comprises

almost the entire Rains Building. The central portion of the first floor where the three large classrooms were formerly located is now a large stack room. To increase the library's storage capacity, the new design calls for the installation of compact shelving. Only one section is presently installed. Future sections will be added as shelving space is needed.

This expansion of volume capacity is essential to the growth of the library. The original facility was designed for a total capacity of 150,000 volumes — a capacity completely inadequate for the present collection of 290,000 bound and microfilm volumes. The new stack areas will easily hold the present collection and provide adequate space for years of future growth.

The remaining sections of the first floor serve a number of needs. The east side of the floor consists of small, group study

rooms and typing areas. The Ninth Street portion provides study and reference areas, thus completing the library section of the first floor. The west side of the first floor houses the Chancellor's office, Development, Institute for Corporate Council, and faculty offices. The Law Review and Moot Court retain their former locations on the north side of the first floor.

The second floor of the Rains Building is now completely devoted to library use. Reference materials and the more frequently used volumes remain shelved there for easy access.

The new library provides a much needed expansion of student study areas. The library offers seating for more than 500 students. Of this, 200 individual study carrels offer a maximum of privacy for concentrated study.

Funding for the renovation of the library derives mainly from the generous gift of Mrs. Liliore Rains, widow of the late Judge William M. Rains, class of 1926. Mrs. Rains donated one million dollars toward the renovation of the library in honor of her late husband. This money has subsequently accumulated more than \$400,000 in interest. The entire sum will be applied to the 2.2 million dollar project.

The graduates from the decade of the 1960's have pledged the \$250,000 necessary for the renovation of the Moot Court. The remaining \$550,000 in construction costs will be met with reserve savings of non-tuition funds.

The renovation of the library and Moot Court completes Phase III of the "Into the 80's" rebuilding program initiated by Dean Frederick Lower in 1977. Phase I saw the construction of the Fritz B. Burns Academic Center in 1980. The center contains six classrooms, administrative and faculty offices, the student lounge, student organization offices, the bookstore, and dining area.

Phase II, which was completed last year, realized architect Frank Gehry's vision of an academic village. The three freestanding classrooms, chapel, and surrounding landscaping provide an open and inviting environment.

Loyola Art Program Praised

Remarks by the Honorable William A. Norris, Judge, U.S. Court of Appeals for the Ninth Circuit, on March 22, 1985, at the Evening of Art and Architecture celebrating Loyola's new campus:

It is clear to me, as I stand here in this lively and provocative space, that architecture has the capacity to influence our thinking, our self-image, and the possibilities we envision for the world around us. I personally find it entirely appropriate that an institution of higher learning should build such an exciting space.

That Loyola Law School should "take on" Frank Gehry signals an unusual and daring frame of mind. To some, Frank Gehry might not seem a likely choice for a commission as solemn as a law school. And therein lies the true brilliance of his selection: Loyola has not accepted the ordinary, the staid, the expected — instead, Loyola has sought the extraordinary, and has warmly embraced the fresh vision, the

wit and what some have affectionately called the "quirky creativity" of Frank Gehry.

In return, he has wrought a small miracle: he has created a campus out of a commuter school. Students now congregate in this courtyard; they linger here. The architecture draws them in. There are quiet corners for solitary study in the sun; there is a sense of oasis in the midst of downtown Los Angeles. Gehry's buildings have altered the psychic life of this campus, revitalizing not only the space, but also the interaction among the students and faculty. That this academic village promotes a sense of community is probably the most rewarding — and unexpected — element of this design.

And what message does this architecture send to the marketplace? Certainly, these dignified columns embody a sense of continuity with the tradition of the law. But Gehry does not merely quote from the past: these pillars are spare and stripped down; they are made of common industrial materials and place us squarely in the present moment while reverberating with the past.

Then there are all the deliberate subversions of rationality: the explosion of the ordered facade of the Burns Building, with the dramatic stairway and "greenhouse"; the skewed angles, and jostled plan of the campus layout.

And then there are all the wonderful surprises that reward a closer look: the view of the skylight from the front row of the seats in South Hall; the bell tower without a bell; the unexpected loveliness of the South Hall entranceway.

This architecture demands that we not take it for granted. We must see the world with fresh eyes; we must refuse to accept the predictable; we must question.

What a stimulating environment in which to study the law! Indeed, this architecture has, in fact, been stimulating in all sorts of unexpected ways: busloads of architects



Ellie Blankfort, Loyola's art curator, and her husband, Dr. Peter Clothier

from all over the world come to see the campus, and an entire art program has been generated in direct response to the space, complete with a permanent collection and an ongoing exhibition program.

Why is this aesthetic activity so important at a law school? Why should law students have all these visual distractions? The answer lies in the nature of the law. For the law is more than precedents and logic. Every case you study as a student, just as every case you will work on as a practicing lawyer, involves a slice of life in short, as lawyers will be serving real people with feelings and frustrations, aspirations and dreams.

So law, like art and architecture, deals with life, with the irrational, as well as the rational. Indeed, the law's development parallels that of architecture. Just as lawyers once embraced Blackstone's formalism — the view that the law was something natural — pronounced but not created — so, too, architecture once accepted classical forms as the natural elements of buildings — to be incorporated but never changed.

Then, as lawyers abandoned their "formalism" and turned to a "functionalist" view of the law, architects proclaimed that "form follows function." Like architecture, the law is again in ferment. The battle between two schools of legal scholarship — "critical legal studies" and "law and economics" — signals our renewed questioning of the accepted notions of the law's functions and influence. We are seeking ways to accommodate the realities of life.

So I salute Loyola's vision and bold spirit. As it turns out, Frank Gehry's architecture proves to be the perfect choice for this very contemporary law school, because the central energizing force in his architecture is the individual, with all of his or her idiosyncracies intact.



The Honorable William A. Norris

Professor McDermott Visits Malaysian Arbitration Center

Earlier this year, Professor John T. McDermott visited Malaysia, Hong Kong, and Singapore. While in Malaysia, he visited the Regional Arbitration Center in Kuala Lumpur. The following are Professor McDermott's observations on the program:

Located on a secluded hillside on the outskirts of town stands the Kuala Lumpur Regional Centre for Arbitration, one of three regional arbitration centres established under the auspices of the Asian-African Legal Consultative Committee (AALCC).¹ The Kuala Lumpur Centre was established on April 1, 1978, and the Centre in Cairo (serving the Middle East) and Lagos (serving Africa) were established shortly thereafter.

Establishment of one or more arbitration centers in the developing countries in the Asian-African area had been under discussion since 1972.² The Asian-African Legal Consultative Committee, recognizing that many of the developing countries in the region were rich in raw materials, anticipated that they would become involved in joint-ventures and other business relationships with developed, (generally western) countries and would be forced to agree to arbitration in the West often resulting in the use of western procedural and substantive law. Furthermore, the foreign exchange problems common to developing countries often made it difficult for developing countries to obtain adequate legal representation in the foreign venue.³ Indeed it has been suggested that it was "not . . . uncommon for foreign contractors to use the prospect of an expensive and protracted arbitration as a form of pressure on developing countries to accede to their demands."⁴ Thus the purpose behind the establishment of the regional arbitration centers was to "provide a safeguard for the interests of developing countries in the Asian and Pacific region in seeking a fair machinery for settlement of trade and commercial disputes."⁵

To succeed as an international arbitration center, an institution should, at a minimum, possess the following attributes:

1. Adequate facilities and a professional support staff;
2. An available "pool" of experienced, competent and impartial arbitrators; and
3. Appropriate procedures for the conduct of the arbitration and the enforcement of arbitral awards.

The Kuala Lumpur Centre seems to have adequately satisfied the first two criteria and is taking steps to satisfy the third. The "Regional Centre" is housed in a very spacious home in a quiet and secluded setting only a few minutes from downtown Kuala Lumpur. Although the building (a former home of a high court judge, now owned by the Malaysian government) is rather rustic, it is quite comfortable and has the necessary facilities for the conduct of an arbitration. It has a small but experienced professional staff headed by the Director, Miss P.G. Lim. Miss Lim, a Barrister at Law (Lincoln's Inn) and member of the Bar in Malaysia, has had a distinguished professional career including serving as her country's Representative to the United Nations and as its Ambassador to Yugoslavia and Austria.

The Centre's panel of arbitrators is equally impressive. It includes experienced arbitrators and jurists from all over the world.⁶ Under the applicable UNCITRAL Arbitration Rules, the parties may choose their own arbitrators, but if they fail to do so, or if they appoint the Centre as the "appointing authority," the Centre will make the selection from its panel.

In order to insure the general acceptance of its arbitration rules, the "Regional Centre" employs, with certain minor modifications, the UNCITRAL Arbitration Rules of 1976. While the parties are en-

couraged to utilize the Centre's facilities, the parties may choose to conduct the arbitration elsewhere. One of the growing concerns with international commercial arbitration is the increasing cost and delay. Rather than establishing a fixed schedule based on the amount of the claim as is done by most Western arbitral institutions, the "Centre" has chosen to fix costs on a case basis and seems committed to keeping the costs as low as possible.

Western parties considering arbitration in Kuala Lumpur, especially those familiar with English law practice which forms the basis for the Malaysian legal system, might be apprehensive about the potential interference by the local government or its courts. This fear was addressed by the then Deputy Prime Minister of Malaysia, Datuk Seri Dr. Mahathir bin Mohamed at the initial conference in July 1979 when he gave his assurance "that the Government will respect the independent functioning of the Centre as an international arbitration institution." This commitment was formalized in the second operating agreement when the Malaysian government expressly guaranteed that the Centre would function independently. And in 1980, the Malaysian Arbitration Act was amended to preclude the exercise of jurisdiction by the High Court over any arbitration held under the auspices of the Centre.⁸

At least as important as are fair arbi-



The High Court Building at Kuala Lumpur

tration procedures is the availability of procedures for the enforcement of arbitral awards. This does present a problem for the Kuala Lumpur Centre as Malaysia has yet to accede to the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Malaysia has attempted to compensate for this failure by including in the 1980 amendments to its Arbitration Act a provision for enforcement of arbitral awards resulting from arbitration conducted under the auspice of the Kuala Lumpur Centre. The Act, as amended, provides that enforcement proceedings may be commenced in the High Court in accordance with either the 1965 Convention on the Settlement of Investment Disputes or the 1958 New York Convention. While this provision may simplify and expedite the enforcement in Malaysia of Kuala Lumpur Centre arbitral awards, it will not insure reciprocal enforcement of awards in other countries even if they have acceded to the New York Convention. While this factor may not seriously deter the use of the Kuala Lumpur Centre in commercial disputes involving a Malaysian company or government agency or department and a western company, if it is the western party which initiates the arbitration, it might deter the use of the Kuala Lumpur Centre as a third country arbitrator, for example in

a dispute between a Thai company or government agency and a U.S. company since there can be no assurance that such an award would be enforced in either Thailand or in the United States since, although both have acceded to the New York Convention, Malaysia, the place of the arbitration, has not. Hopefully, this problem will be resolved shortly.⁹

The Use of the Kuala Lumpur Centre

The Kuala Lumpur Centre has been in existence almost seven years and has entered into several co-operative agreements.¹⁰ Its use has been endorsed by LAWASIA, a regional bar association composed of lawyers from the region. Although no one with whom I spoke on a recent trip to Singapore, Malaysia and Hong Kong expressed any specific objections to the use of the Kuala Lumpur Centre or could even give an adequate explanation for its non-use, the fact is that there has never been an arbitration conducted at the Kuala Lumpur Centre under the auspice of the Kuala Lumpur Centre.¹¹ One reason may be the reluctance of the Western party to agree to arbitration in Malaysia, not due to any objections to either its rules or the available panel of arbitrators but simply because the Western party, or more likely its counsel, has had some experience with arbitration in the West, either in London, New York or Paris, and feels more "secure" there than

they would in Kuala Lumpur. As long as the Western trading partner can dictate the venue for arbitration, it seems unlikely that the Kuala Lumpur Centre will be used frequently. When the Malaysian trading partner is in a position to dictate or at least influence the arbitration agreement, the Kuala Lumpur Centre might see more service as a local arbitration center.¹²

The probability of using the Kuala Lumpur Centre as a regional arbitration center seems somewhat less likely. Most countries in the region either have arbitral agencies or are contemplating creating them. It seems doubtful that counsel from Thailand or Australia, for example, would include a provision for arbitration of a dispute in Malaysia when they could arbitrate in either Thailand or Australia or, if third country arbitration was thought necessary, in New York, London or Paris.¹² Perhaps the real reason for the failure of the Kuala Lumpur Centre to attract more business may be a general disinterest in arbitration as a means of resolving international commercial disputes. Chinese businessmen seem particularly reluctant to include arbitration clauses in their agreements or to invoke the arbitral process if a dispute arises, preferring to attempt to resolve the dispute through face to face negotiations and, should that fail, through litigation.

Conclusion

While the Kuala Lumpur Centre seems to have all the ingredients necessary for a viable national or even regional arbitration center, it has, even after seven years, failed to approach its potential. Given a cultural disinterest in arbitration and a not surprising preference by western parties for arbitration in New York, London or Paris, it may never rival the Stockholm Chamber of Commerce or the International Chamber of Commerce in Paris as an international arbitration center. What it has done and can continue to do is to promote arbitration as the preferred means of resolving international commercial disputes and provide the Malaysian trading partner (and possibly other regional entities) with an alternative to arbitration in the West.

Footnotes

1. The Asian-African Legal Consultative Committee is composed of the following countries: Arab Republic of Egypt, Bangladesh, Cyprus, Gambia, Ghana, India, Indonesia, Iran, Iraq, Japan, Jordan, Kenya, Dem. Peoples Republic of Korea, Republic of Korea, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mongolia, Nepal, Nigeria, Oman, Pakistan, People's Republic of China, Philippines, Qatar, Senegal, Sierra Leone, Singapore, Somali Democratic Republic, Sri Lanka, Syria, Tanzania, Thailand, Turkey, Uganda, United Arab Emirates, Yemen Arab Republic. In addition, Botswana, Ethiopia and Saudi Arabia are "associate members."
2. Dr. Zakaria M. Yatim, *Institutional Arbitration Under The Auspices of the Regional Centre for Arbitration, Kuala Lumpur, Seminar on International Commercial Arbitration, Kuala Lumpur, 2-3 November, 1982 (Regional Centre for Arbitration, Kuala Lumpur 1982) p. 6.* (hereinafter "Dr. Yatim")
3. *Id.* p. 8. It was thought to be "derogatory for Governments and governmental institutions to (be forced to) submit themselves to arbitration under the auspices of private arbitral institutions."
4. Text of the Statement by the Secretary General of the Asian-African Legal Consultative Committee at the Inauguration of the Conference on The Settlement of Disputes at Kuala Lumpur on 3rd July 1979.
5. Dr. Yatim, p. 8.
6. In addition to members from countries belonging to the AALCC, the panel includes arbitrators from countries such as the United Kingdom, Federal Republic of Germany, Australia, France, the Netherlands, the United States of America as well as from the World Bank. P.G. Lim, *Kuala Lumpur Regional Centre for Arbitration, INSAF, Jan. 1983 p. 4* (hereinafter "Miss Lim")
8. This provision also applies to all arbitration in Malaysia conducted under the UNCITRAL Arbitration Rules or the Convention on the Settlement of Investment Disputes between States and Nationals of other States, 1965.
9. I was advised by a high ranking attorney in the Attorney General's Chambers that Malaysia would rectify this "oversight" within the year.
10. For example, on February 5, 1979, the World Bank's International Centre for Settlement of Investment Disputes (ICSID) entered into an agreement with the AALCC in relation to its Kuala Lumpur Centre for mutual co-operation and assistance. Under this agreement, arrangements can be made to conduct all or any part of a proceeding conducted under the auspices of either institution at the seat of the other institution.
On March 5, 1982, a Co-operation Arrangement was concluded with the Tokyo Maritime Arbitration Commission, which, when the parties agree, the Commission will administer maritime arbitration on behalf of the Centre, either at Kuala Lumpur or anywhere the parties agree.
On October 20, 1982, an agreement was concluded with Korean Commercial Arbitration Board (KCAB) whereby the KCAB will, at the request of Kuala Lumpur Regional Arbitration Centre, provide facilities for the conduct of arbitral proceedings under the auspices and rules of the Centre and will co-operate in providing assistance in the enforcement of arbitral awards rendered in such proceedings.
Another similar agreement has been concluded with the Indian Council of Arbitration in March 1983 and with Japan Commercial Arbitration Association in February 1984.
11. Kuala Lumpur Centre facilities have been used on occasion for "ad hoc" arbitrations and the Kuala Lumpur Centre was preparing to conduct its first arbitration in January 1985.
12. The Director of the Kuala Lumpur Centre informed me that a recent, and at the time incomplete, study revealed that nearly one thousand contracts between Malaysian government agencies and departments and foreign companies now include a provision for resolving disputes by arbitration under the auspices of the Kuala Lumpur Centre.

The Reverend James N. Loughran, S.J. Inaugurated as President of Loyola Marymount University

On March 7, the Reverend James N. Loughran, S.J. was formally inaugurated as the President of Loyola Marymount University. At the academic convocation of inauguration, the Reverend Timothy Healy, S.J., president of Georgetown University, delivered the inauguration address. Below is the text of Father Healy's speech and an excerpt of Father Loughran's own address at the convocation:

Address of Father Timothy Healy, S.J.

When John Carroll founded the first Catholic college in America almost 200 years ago he announced in his proposal that it would be "agreeable to the liberal principle of our Constitution." He wanted an institution that was purely American; he hoped his school would train citizens for the great new republic he saw as the hope of mankind. At the same time, he reveled in the religious freedom of America and looked to his Academy to provide the church with leaders, lay and clerical, so that an American church could grow on these shores. He wanted that church to be as different from the European churches he had known as the young republic was different from the states of Europe.

Thus, ever since its founding, Catholic higher education has had laid upon it a double burden. The first was to share the civic task of all American universities; the second was to hold to its founder's original dream, and stay intricately and usefully Catholic.

Two hundred years later, his design is clearly countercultural. The general American acceptance of colleges and universities sees them as formally secular. Their purpose is the cultivation of knowledge as its own end with a clear understanding, as John Henry Newman puts it, that knowledge "prior to being a power is a good; that it is not only an instrument, but an end." Many of them have abandoned the religious beliefs on which they were built and have dug in behind an understanding of their task that is limited to human knowledge, to this "temporal object and transitory expression," as Newman calls it. John Carroll, like Newman, came from a tougher tradition. It taught him that "we perfect our nature, . . . by adding to it what is more than nature, and directing it towards aims higher than its own."

What then does this Catholic aim, higher than learning itself, bring to a university in the late twentieth century? While there are a dozen different answers, I would like to single out three. In each Loyola Marymount differs from both Stanford and Berkeley, as Georgetown differs from Johns Hopkins and Virginia. The first of these is the understanding we have that all learning is worship. The second we Catholics derive from Jesus, "the sacrament of our encounter with God," — the habit of seeing all reality with sacramental eyes. The third is that this sacramental grasp leads us to a new vision of ourselves and of our community. For Catholics the work and community of a university is a "symbolic realization of God's covenant with humanity."

Learning as worship is hardly a new idea. It is the burden of Jewish history and understanding since the destruction of the temple in the year 70 of this era. The Christian tradition embodied it in the great rule of St. Benedict that defines the monastery and the life within it as *Dominici Schola Servitii*, "a school for the Lord's service." In the great prayer that Ignatius of Loyola puts at the end of his *Spiritual Exercises*, he starts with the fact and beauty of creation as we know it in all our arts and sciences. He then tells his sons to see "how God labors and works in all created things on the face of the earth." It isn't much of an imaginative jump to pass



The Reverend John Clark, S.J., Provincial of the California Province of the Society of Jesus, (right) presents Father Loughran with his mandate of office.

from that sacramental contemplation to the conclusion that all learning, all teaching, all research, can lead the mind and heart of man to know and love the laboring presence of God.

In this university, as in all others, you learn and you teach. Both are changed by a sacramental view of our world. Teaching itself becomes a sacramental action. For Karl Rahner a handshake is not only a symbol of friendship or of love but, when we make it, it also strengthens that friendship and love within ourselves. Our teaching is such a gesture: one of giving, of welcoming, at its best of loving. The fact that we teach, that we share, and that we do both with love makes all of us each time we do these things more and more sharers, lovers.

Students' learning also changes under this vision. We all know the old crack about material passing from the professor's notes to the students without the intervention of either's mind. Even at its secular best our teaching is a great deal more than this. When, however, our teaching becomes a sacrament of sharing and loving, then a student by learning accepts our gift and welcomes our love. It is in these terms that we can define the community of a campus, the Catholic vision that lends it depth and seriousness that no other vision can confer.

The sacramental imagination, instinct to a university that calls itself Catholic, draws us onto charged ground. Any sacrament pulls us towards God's covenant with all mankind and away from the particularity of our studies into a far larger world. We are obliged to reread our secular work in spiritual terms, to see it inextricably linked to God's plan for His creation. Both learning and teaching embody the ancient covenant of love between man and God. As a Jew I can read this in the covenant of Abraham; as a Christian in the person of Christ; but to both parts of me the love is the same, and the love is of God.

One further gift comes from that sense of covenant — the gift of hope. Even in secular terms, all universities are one in purpose, one in process, and one to some extent in results. That oneness, however, is deepened and redefined when we know it as based upon the sacramental action of giving and loving, and when both actions tug us deeply into the giving and loving of the Lord God Himself. Because of this, a Catholic university community can see itself as based upon more than closeness, more than a common end, more than our common fears or hopes. It can be built on the presence of God to all his creation. It is instinct with the hope that he will not abandon to the powers of darkness that

creation, or the faculty who probe and expound it, or the students who share our learning and our love. Any university community looks to the future of man; that is its business. Catholicism adds to that work and purpose the strongest base any man can have to believe in that future. The God who made us and loves us will not abandon us, even to ourselves.

Were John Carroll to land among us this afternoon, he would be astonished at the beauty of California, and proud that his infant republic had stretched across a continent and in many ways across the world. He would also have to recognize a new agenda, in the savage pressures that this century exercises upon all of us, young and old, towards privatization and fragmentation. Our days are bombarded by technological weapons of great skill and subtlety which falsely pit "me and mine" against "you and yours." We who live and work in Catholic colleges have a great antidote. We know and can teach that there is no growing but in oneness, no grace but in sharing. Our job is to keep the world, as we study it, and the minds and hearts of our students as we teach them, open to the creativity of God's purpose. Our days are filled with ideas, fact and beauty.

Inaugural Speech of Father Loughran, S.J.

I shall begin this way. At the end of each year, Jesuit superiors in Rome request reports from the hundreds of Jesuit apostolates around the world. As president of Loyola Marymount, I concluded my letter to Pietr Kolvenbach with this paragraph: "One final exuberant thought, a fantasy of sorts. Suppose the first Jesuits to arrive in the United States were to arrive today. Where would they go to establish a college? Perhaps to a city like New York or Washington or Chicago, urban centers of economic and intellectual influence, with large Catholic populations, including the poor. But I prefer to think that they would choose Los Angeles which has not only these things, but also a flexible youthfulness and a natural position of leadership as the world turns toward the Pacific Ocean."

We are, however, hardly starting anew in 1985. Thank God. Though still young and growing, we are seventy years old. Many of you here today have for a long time supported and worked to make this university what it is today. It has been a

most important part of your lives. We newcomers reap your harvest. I am especially conscious of how much I owe, we all owe, to three people on the platform with me — Fr. Casassa, Sr. Raymunde, Fr. Merrifield — since 1949, thirty-five years, my immediate predecessors as President.

In connection with this inauguration, I have had a number of interviews with the media. The reporters always ask this question: As someone brand new from across the country, how do you find Loyola Marymount University? I am beginning to tire of giving the same old answer. But here, very simply, is the Loyola Marymount I have discovered: Within sunny southern California and the great city of Los Angeles, a beautiful, one-hundred acre campus, with fine facilities, next to the airport, on a bluff overlooking the ocean and the city, the mountains in the distance, no smog; a thriving law school downtown, newly famous for its architectural design; a solid faculty dedicated to teaching, devoted to the university, and fond of their students; an able, high-spirited, generous student body who obviously profit enormously from their years here; a staff who not only run the university efficiently and courteously, but who appreciate and identify with its mission of teaching and learning; a university community which nourishes friendship, fairness, and loyalty; a institution in very good financial shape; alumni and alumnae who are impressive as persons and for their accomplishments in life; a university with many friends, including the trustees and regents, who contribute generously their time, talents, and money; a campus with many new buildings and renovations — this pavilion where the Olympic weight-lifting competition was held, the Fritz Burns Fine Arts Center just dedicated, a new engineering wing under construction, the Hilton School of Business scheduled next; meanwhile, the Leavey Campus, twenty-eight gorgeous acres to the west, recently purchased, waiting to be developed according to our dreams — undoubtedly in part with student housing as this becomes more and more a residential campus. But the thing I stress most with the reporters is that the ideals of both Loyola and Marymount are publicly articulated, widely understood, and clearly operative in the University's life. My evaluation, coming from outside, is that this is a university with its head and heart in order, moving in the right direction.

There is a second question, predictably, the reporters always ask: What are your plans for the University? How do you intend to shape its future? Invariably, they are visibly disappointed with my answer. I have the feeling they would love to hear me say something like: build a medical school, triple in size, or, best of all perhaps, become the Georgetown of the west! Instead I answer: My objective is to help this University do even better what it is already doing quite well. More specifically, we have to pay even greater attention to the quality of teaching and learning, to the depth and rigor of the intellectual life on campus.

This is a medium-sized, liberal arts, Catholic university, steeped in Jesuit and Marymount traditions and committed, above all, to the formation of tough-minded, large souled men and women. My hope is that the University community will use the arrival of this new president as an occasion for renewed courage, boldness, and generosity in continuing to accomplish its own wonderful mission. But don't get me wrong. My own resolve is to continue to combat complacent, "business-as-usual" attitudes wherever I find them. We need to challenge the best in one another. No mindlessness or small-mindedness, too much is at stake. For I am convinced of this: The time is ripe for Loyola Marymount to secure and strengthen its position, in fact and reputation, as Los Angeles' major Catholic university. The vacuum is there. We have the resources. It remains to be seen whether we also have the nerve and generosity.

Dean Frakt Speaks at Alpha Sigma Nu Initiation Ceremony

The following is the text of Dean Arthur Frakt's address at the Alpha Sigma Nu initiation held at Loyola Marymount University on Saturday, April 20:

It is a distinct honor for me to be welcomed into the fellowship of Alpha Sigma Nu.

As you probably know, I am not a Jesuit—in fact I am not even a Catholic.

When Father Buckley asked me to speak this evening, I could only think that at the time of my birth — if someone had told my parents that someday I would be the Dean of a law school in Los Angeles within a University affiliated with the Society of Jesus and the Religious of the Sacred Heart of Mary, they would have been stunned with disbelief. And my grandparents who immigrated through Ellis Island at the turn of the century from the ghettos of Romania and Latvia would have found the idea incomprehensible.

Not that the story of my family is unusual — far from it. But in its very commonplace nature, there is something remarkable. My grandfathers were a carpenter and a tailor. One of my grandmothers made shirts in a loft in the Garment District in New York. After my grandfather was killed in an industrial accident, the other ran a small dry goods store in Hoboken, New Jersey. To them, and others of their generation, the United States was a refuge from the pogroms, discrimination, and poverty of Eastern Europe.

Although they knew that America was a much different kind of place, still they were strangers in the land. Even to the time of my birth, they huddled together in the Jewish neighborhoods of old cities along the Eastern shoreline: Newark, Brooklyn, Hoboken. They regarded the Christian community with a mixture of awe and fear. The little time they did not work was spent in synagogues or visiting relatives.

When the workers on the Hoboken ferry saw my grandfather's car approaching on his Sunday visit to New York, they would cringe because, inevitably, it would overheat or fail to start at the end of the short trip across the Hudson, and would have to be pushed back onto the dock to continue the journey to my great aunt's in Brooklyn.

Although my parents and others of their generation earned more material successes, and thought of themselves as Americans, and fought in this country's wars, they still largely clung to what was familiar.

I won't bore you with the labyrinthine details of my own movement away from the narrow pale of settlement within a few miles of the Atlantic where I grew up, but I will tell you that since I am no smarter and no more energetic than my grandparents, the fact that I hold this position in this university says a lot more about the kind of culture that has evolved in America than it does about me.

It also says a lot about the attitudes of the Jesuits in America. While maintaining their own faith and vision, they have not hesitated to rise above prejudice and parochialism. They embrace and provide opportunity to people of all faiths and all cultures within a common humanity and desire to improve the quality of life — spiritually, morally, intellectually, and, when it does not interfere with these other values, materially.

And how have I found the Jesuits and the sisters? Well, *remarkable*. First, it is hard to generalize since they are so individualistic. But, on the whole, I have found them to be good humored and humorous, smart and energetic, compassionate and fair. Although they are sometimes quirky and stubborn, I have not found them to be stuffy, pompous, conceited, ponderous in thought, self-important, pretentious, dull, pedantic, or sanctimonious. They are individually and collectively good people, tolerant of human frailty, whose faith informs and shapes everything they do — and yet is not worn on their sleeves or trotted out for show on ceremonial occasions and then returned to social cold storage.

And what about the institutions they serve? Particularly Loyola Marymount and Loyola Law School. I am often asked, are they different? Are they better than other places which are state supported or purely secular? It is easy to answer YES . . . we are dedicated to human service — we have high ideals. But, of course, the truth is not so clear and simple.

Most of the time in our educational administration, in our teaching, and in our social interactions, our thoughts and activities are largely worldly, secular, pragmatic. It would be glib and misleading to say that, for example, the typical torts, contracts, or



Dean Arthur N. Frakt delivers his address at the Alpha Sigma Nu initiation. At the left of the photo is Father Thomas Buckley, S.J., moderator of Alpha Sigma Nu; at the right is Father James Loughran, S.J., president of Loyola Marymount University.

real property class at Loyola is significantly different from its counterpart at U.C.L.A. or U.S.C. And most of what we do in administration is not sharply different from the actions taken at other institutions.

And yet, there is a difference. Not just in our efforts to ensure that religion, philosophy and ethics have a place in our curricula.

I have noted among my colleagues in administration and teaching a consistent and dominant concern for their fellow human beings. The first and most important question confronted in every issue is how will we best serve our students and our community . . . not what is best for ourselves. We serve in this endeavor because good education properly applied can bring humankind to a higher level of understanding and action so that we may come ever closer to fulfilling our potential and God's design.

There is a very important lesson in the tolerant and gentle way faith is expressed here. Recently my son applied for an after-school job with an agency which is prominent in the fund raising efforts for African famine relief. He was surprised to find that

the questionnaire he was required to fill out seemed far more concerned with such questions as when was he born again and what kind of a Christian was he — rather than his skills or his knowledge and concern for the terrible famine in Africa. When he inquired he was told that although as a Jew, he would certainly be considered, he would probably "not be comfortable" in the working environment of a "born again" charity. Not comfortable raising money to save starving children?

I want to tell you that the kind of faith and action I have found here in this community is far different from the bigoted, narrow pieties of the polyester T.V. ministers. It is based not on slogans and showmanship, but on a deep commitment to service, and a strong sense of responsibility to liberal education to open the hearts of men and women by enriching their minds.

You who are newly welcomed in Alpha Sigma Nu will, I am certain, regard it as something more than just a recognition of your achievements, but will reflect upon the importance of leading lives which serve others as well as ourselves. Thank you. . .

Senator Leahy continued from page 2

On the Agriculture Committee, the Senator has become a leading spokesperson for rural America through his role on the Rural Development, Oversight and Investigations Subcommittee. He also serves on the Nutrition Subcommittee and is the ranking Democratic member on the Agricultural Production, Marketing and Stabilization of Price Subcommittee.

The Appropriations Committee oversees all aspects of federal spending. The Senator serves on the Foreign Operations Subcommittee, the HUD-Independent Agencies Subcommittee and the Interior Subcommittee.

Senator Leahy is also the senior Democratic member of the Subcommittee on Security and Terrorism of the Judiciary Committee and serves on the Subcommittee on Patents, Copyrights and Trademarks and on the Subcommittee on the Constitution.

On the Select Committee on Intelligence, Senator Leahy is Vice Chair of the Subcommittee on Legislation and Rights of Americans and a member of the Budget Subcommittee. The Intelligence Committee reviews and oversees the operations of the Central Intelligence Agency, the intelligence operation of the FBI and has access to all U.S. intelligence data.

The John V. Tunney Lecture Series was established by former U.S. Senator John Tunney as a forum for discussion between Loyola Law School students and prominent American leaders.

Planned Giving and Estate Taxes

In the last issue of the *Lawyer*, the question was raised of broadening clients' horizons regarding charitable giving generally and regarding Loyola Law School specifically. Suppose that you have made a client aware of Loyola's contributions to our community and society. The next problem will then be to deal with the client's fear that a charitable gift will lessen the amount of property that can be passed to his or her children or to other non-charitable beneficiaries.

In this regard, it is noteworthy that for persons dying before 1988, the highest marginal federal estate tax rate is 55%, for taxable estates over \$3,000,000. Smaller estates which fall in the \$750,000 to \$1,000,000 range, for example, will be in the 39% marginal federal estate tax bracket.

In either event, it is clear that the client's children will receive far less than a dollar (after federal estate taxes have been paid) if that dollar went to them rather than to a charitable beneficiary (which latter gift can qualify for the federal estate tax charitable deduction). To put it another way, the cost of a charitable gift of a dollar to the non-charitable beneficiaries (i.e., the decrease in the total amount going to non-charitable beneficiaries by virtue of the charitable gift) may be far less than a dollar.

The net cost to non-charitable beneficiaries of a charitable gift can be decreased even more if the charitable gift is made during the donor's lifetime. A lifetime gift to charity not only takes the asset out of the donor's estate for federal estate tax purposes, but also gives the donor a potential income tax deduction during his or her life. If a charitable gift during the donor's lifetime saves him or her a dollar in income taxes, that is one more dollar which stays in the donor's estate and which is available to be passed on to the non-charitable beneficiaries.

The donor's saving during lifetime and the corresponding positive effect on the non-charitable beneficiaries can be enhanced where the gift is of appreciated property. Let us use stock for example:

If the donor had intended to sell certain stock and to invest the proceeds, he or she would be subject to a tax on the resulting capital gain, the payment of which would decrease the amount of his or her estate available for distribution to the non-charitable beneficiaries. If the stock were instead given to a charitable beneficiary, not only will the donor get an income tax charitable deduction (subject to certain limitations) based on the fair market value of the property, but, in addition, the donor will

avoid the capital gain. Both of these benefits increase the amount of the donor's estate available for distribution to the non-charitable beneficiaries.

This article does not purport to exhaust the options for creative charitable giving and for the attendant saving of income and estate taxes, but rather seeks to point up some of the ways in which a client's charitable gift can be structured so as to minimize the net cost to the non-charitable beneficiaries.

Questions regarding this article may be directed to Randy Spiro, J.D. class of 1978, M.S. (Tax), at (213) 824-1924.

By Randy Spiro, '78

Loyola Student Receives National Writing Award

Second-year student, George S. Burns, has been awarded National First Place in the Second Annual Computer Law Writing Competition sponsored by the Center for Computer Law. Mr. Burns received the award for his article entitled, "Litigating Computer Trade Secrets in California." His article was one of twenty entries from students attending seventeen law schools throughout the United States. Mr. Burns' article will be published in an upcoming issue of *Computer/Law Journal*.

If you have news, contact your Class Correspondent or write Michael Moodie, S.J. Alumni Relations Department, Loyola Law School, 1441 West Olympic Boulevard, Los Angeles, California 90015.

1966

THOMAS J. KELLEY has entered partnership with Richard Money-maker in the firm of Money-maker & Kelley. The firm emphasizes civil litigation and business law.

1968

DALE S. GRIBOW is the Executive Vice President of Thaliens and is on the Executive Committee of the Board of Trustees of the Institute for Cancer of Blood Research.

1969

JOHN DARLINGTON is the current District Attorney of Nevada County, California.

1932

JOSEPH C. DU ROSS is now in practice with his son, Daniel, in Manhattan Beach.

1949

JAMES E. BUNKER is chairman of the California State Bar Committee on adoptions.

1951

MARTIN STONE of Lake Placid, New York, is the chairman and owner of Adirondack Corporation, a real estate development corporation, and of *California Business Magazine*.

1956

DAVID DAAR made a presentation on the subject of "Punitive Damages Avoidance in the Business of Insurance" before the National Association of Independent Insurers at the Claim and Legal Conference held in April in Chicago.

WILLIAM H. ROUNDTREE is planning to run as the Democratic candidate for U.S. Representative to Congress in the 11th Congressional District in Florida.

1960

LES J. HARTLEY and George E. Dalton have formed the partnership of Dalton & Hartley in Newport Beach.

1961

FRANK P. CAMPBELL was a panelist at the American Bar Association Institute, "Defending Fraudulent Claims While Avoiding Tort Damage Exposure," held in Florida this past March. Mr. Campbell's paper on Punitive Damages was entitled, "Crime and Punishment in the Civil Courts."

1963

THOMAS M. WHALING is attorney and advisor to Missionaries at Home, operators of the largest shelters in Santa Ana for the Homeless.

1964

THOMAS V. GIRARDI has been re-elected to the Board of Governors of the 5400 member California Trial Lawyers Association, the nation's largest trial bar.

1965

MARTIN E. GILLIGAN, JR., is the Executive Vice President of York-Shipley, Inc., in York, Pennsylvania. Mr. Gilligan has been named to the County of York Business Enterprise Resource Small Business Incubator Board which oversees the development of an advanced technology infrastructure in the York County area.

JAMES KREUGER presented a paper before the Belli Society in Rome on the contrast between the American and Italian legal systems. Mr. Kreuger also wrote a chapter in the newly-published "The Trial Masters," a book on trial practice.

ALLAN N. LOWY has been a lecturer at U.C.I. and U.C.L.A. on legal aspects of residential and subdivision marketing.

1975

GARY H. EDELSTONE has become a partner in the Beverly Hills firm of Lazarow, Rettig & Sundel; Mr. Edelstone specializes in tax planning and entertainment law.

ROBERT D. FISCHLER was promoted to vice president/regional manager of Personal Capital Management at the Beverly Hills office of Union Bank.

PHILIP A. OLSEN has opened a bi-state (California and Nevada) practice in the Tahoe area specializing in personal injury litigation, especially litigation involving defective ski equipment.

JUDITH A. LEVITT, '78, and **DAVID NAFTALIN, '78**, are authors of the current supplements to the CEB books: *Debt Collection Manual* and *Debt Collection Torts*. They are also co-authoring two chapters of the 3rd edition of the CEB *Debt Collection Manual*. In addition, they have concluded six conservatorships of collection agencies under appointment of the Bureau of Collection and Investigative Services.

1971

JEFFREY L. GUNTHER wrote the chapter on the State Personnel Board in the revised edition of the California Continuing Education of the Bar book, *California Administrative Agency Practice*.

1972

ANTHONY BLANKLEY was married this past winter to Lynda C. Davis in Alexandria, Virginia. **JAMES M. HODGES** has been appointed as the first City Prosecutor of the City of Paramount. Mr. Hodges will handle criminal prosecution of all municipal code violations.

Two Loyola Law School graduates, **RAE DECKER WYMAN, '78**, and **GAIL HOCHMAN EFFROS, '80**, have opened the law offices of Effros, Weissman & Wyman, an Association of Sole Practitioners, in Torrance.

1973

LEROY A. ABELSON has become a Senior Partner in the Law Firm of O'Neill, Huxtable & Abelson. The firm's practice continues to emphasize Real Estate Law with concentration in condemnation, property tax and real property damage.

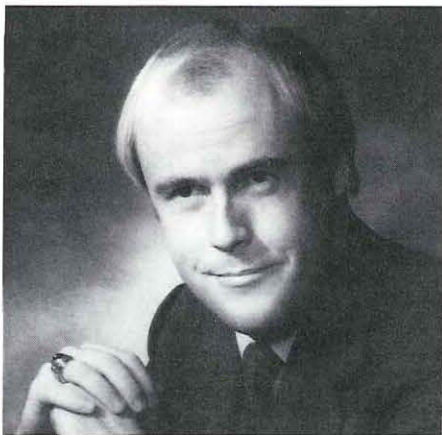
FRANK S. ADLER is the director of legal services for the Motion Picture and Television Fund in West Hollywood.

THEODORE S. GOODWIN has recently opened a new practice in Woodland Hills specializing in civil litigation and child abuse cases.

MARSHALL H. JACOBSON is Secretary and Director of the Bakersfield Independent Lawyers Association. In May of last year, Mr. Jacobson travelled to the Soviet Union as a member of a delegation of attorneys and judges. The delegation visited Moscow, Minsk, Kiev and Leningrad and met with judges, educators, procurators and advocates. The delegation also sat in on sessions of a People's Court in Moscow and of the Supreme Courts of the Ukrainian and Byelorussian republics.

1974

DENNIS A. ALEKEL is the Senior Vice President as well as General Counsel of Lewis Homes, one of the country's largest residential home builders and developer of commercial, industrial and office projects.



John D. Barrett, '74

JOHN D. BARRETT has joined the accounting, tax and consulting firm of Coopers & Lybrand in the Los Angeles office. Mr. Barrett is the partner-in-charge of real estate tax within the firm's tax department.

PATRICIA A. CLEMENS and **MICHAEL NASH** were married this past November. Mr. Nash has recently been appointed to the Los Angeles Municipal Court.

1976

PHILLIP BRADY was appointed Associate Deputy Attorney General serving as deputy to the Honorable Carol E. Dinking, Deputy Attorney General of the United States. Mr. Brady was also a member of the U.S. delegation to the International Conference on Assistance to Refugees in Africa which was held in Geneva.

JONATHAN L. KIRSCH of the firm of Weissman, Wolff, Bergman, Coleman & Schulman is also a columnist for the Los Angeles Times Book Review.

GARY STARRE practices real estate and bankruptcy law in the firm of Starre & Cohn. Mr. Starre and his partner recently acted as legal consultants on the television show, "Divorce Court".

1977

ROBERT B. HILL has obtained certification for specialization in workers' compensation.

SAMUEL H. GRUENBAUM is Contributing Editor on acquisitions and mergers for the *Corporation Law Review*.

JOEL M. LEVY was appointed to the position of Senior Attorney of the Santa Monica Rent Control Board.

JOHN W. OUDERKIRK has been promoted to Grade IV Deputy District Attorney in Los Angeles and placed in charge of the Crimes Against Peace Officers Unit.

RICHARD A. HONN, '78, and **HOWARD S. SECOF, '78**, have formed the partnership of Honn & Secof in downtown Los Angeles. The firm has a general corporate and business litigation practice and has recently added **ANN C. PUMAR, '82**, as an associate.

1978

DAVID R. IGL is currently working in the fiscal department of McDonnell Douglas in Saudi Arabia.

RAMON R. LOPEZ was the trial attorney in a products liability case which received the largest jury verdict in the history of San Luis Obispo County.

DARRYL A. MAJIED has been appointed commissioner of the Compton Municipal Court.

JOSEPH M. MONTOYA, III is serving as the President of the Board of Education for the Paramount Unified School District. Mr. Montoya was recently honored by the Superior Court for his volunteer Child Advocacy work in Dependency Court and by the District Attorney for his involvement in the Alternatives to Gangs Program.

DENNIS H. MORITA is an associate with the El Centro law firm of Horton, Knox, Carter & Foote. He was elected president of the Imperial County Bar Association for the 1984-85 term.

BONNIE PASTOR is now associated with the law firm of Ziskind, Greene & Associates in Beverly Hills. She is married and the mother of two children, Jonathan and Michael.

JOHN J. RUSSO is a partner in the firm of Gilbert, Kelly, Crowley & Jennett.

GARRETT ZELLEN is in private practice specializing in criminal and appellate matters. Mr. Zellen has recently been admitted to practice before the United States Supreme Court.

1979

MINDELYN R. BUFORD is on the board of directors of the West Contra Costa County YMCA and serves as Chair of its community services council. She is expecting her sixth child this June.

JANET M. FRANGIE has become an associate with the law firm of Narvid, Glickman & Harrison, a firm specializing in real estate and business law litigation. Her second child, Jeffrey Philip, was born last August.

WENDY G. GLENN has joined the De Anza Corporation, a national real estate syndication and management company, as vice president and general counsel.

GREG PEDLAR has joined the labor law firm of McLaughlin & Irvin; his wife, **LEAH GASENDO, '80**, has been promoted to Senior Trial Attorney at the law firm of Callopy & Salomone in Glendale.

NANCY MILLER SALZMAN is associated with the firm of Simon, McKinsey & Miller, specializing in personal injury litigation. A daughter, Sarah Danielle, was born last July.

HENRY C. YUEN and **LINDA HITCHENS** specialize in general business law practice with emphasis on international business transactions, real estate, corporation and immigration.

1980

TERRENCE GRACE is the deputy city attorney/police legal adviser for Santa Ana.

MARGOT O. KNUTH is now an Assistant Attorney General for the State of Alaska with the natural resources section.

RONALD L. LEVITT is currently involved in talmudic research at Yeshiva University of Los Angeles.

ANTHONY L. VAUGHN is vice president, labor relations, Filmed Entertainment, at Columbia Pictures Industries, Inc.

LINDA M. WILDER-CURTIS is legal advisor to Constitution Health Network, Inc., in Connecticut and was nominated for the 14th edition of *Who's Who of American Women*.

1981

MATHIS ABRAMS, M.D., is the president-elect of the Southern California Society for Adolescent Psychiatry.

JOSEPH T. GORDON is on the board of directors of the South Bay Free Clinic. The clinic offers medical, dental, legal and other services to the South Bay area.

KAREN J. LEE is associated with the firm of Memel, Jacobs, Peirno & Gersch in the business litigation department.

MARY ANN McNAMAR works for the U.S. Navy in procurement law and deals mainly with air-related systems.

ALAN V. THALER spent a year practicing law in Atlanta, Georgia and has now returned to the Los Angeles area.

WEN WINNEY YANG was last year's secretary of the Southern California Chinese Lawyers Association.

1982

G. STEVEN ANDERSEN has become a partner in the Los Angeles law firm of O'Neill and Huxtable and will continue to practice Real Estate Law. Mr. Andersen was reelected to a second term as Councilman for the City of Hawthorne after having served as Mayor during 1983.

LORI A. FEINBERG has been admitted to practice in the states of New York and New Jersey.

JOHN P. POXON, JR., is now associated with the Los Angeles law firm of Hill, Farrer & Burrill.

1983

PHYLLIS BROURMAN is in practice, specializing in Family Law.

DAVID R. GOLD is now associated with the Los Angeles law firm of Booth, Michael, Strange & Smith.

BRIAN D. KRANTZ has announced the birth of a daughter, Rachel Alison.

PAM LACEY has joined the Orange County firm of Ramsay & Johnson, specializing in insurance defense.

ERIC K. MARCUS, who worked for over twelve years in data processing, including being vice president of a nationwide computer software corporation, has now formed his own practice specializing in computer and corporate law.

MALCOLM S. McNEIL has opened his own practice in the airport area, specializing in business litigation, estate planning, and personal injury.

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CAMPUS DEDICATION

ALEXANDRA K. MELLS has become associated with the law firm of Winograde & Lee in Malibu.

CAREN R. NEILSEN has become associated with the Los Angeles law firm of Davis & Winston which specializes in immigration and civil litigation.

TOMSON TIO ONG is the Deputy City Attorney of Santa Ana.

JULIE SALTOUN has been appointed associate counsel for Informatics General Corporation, an international computer software and servicing corporation. Ms. Saltoun is engaged to be married this spring.

RUBEN N. SARKISIAN has become a partner in the Los Angeles firm of Hannon, Schelly, Park, Lennon & Sarkisian, a firm specializing in Public Sector Labor Law and Immigration.

RICHARD SIMON is Deputy District Attorney for Ventura County.

LINDA VOGEL has been appointed California Deputy Attorney General in the civil division, professional and vocational licensing section, representing the California consumer affairs agencies in administrative hearings and state and federal courts. Ms. Vogel also does pro bono work for the La Mirada Community Service Center.

ALAN D. WALLACE has been named as staff attorney to the California Association of Realtors legal services department specializing in real property law.

1984

ALAN AMICO has joined the San Diego firm of Saxon, Alt, Brewer & Kincannon, practicing as a business litigator. The firm primarily represents banks and financial institutions.

ALTHEA BAKER is an associate in the Santa Monica firm of Dunn & Roth and was appointed to the Los Angeles County Department of Mental Health, Community Liaison Committee, by the Board of Supervisors. In March, Ms. Baker presented a seminar to the San Fernando Chapter of the California Association of Marriage and Family Therapists on "Divorce, Surviving the Crisis: What are My Legal Rights?"

LISA J. BYUN is currently attending Georgetown Law School in the LL.M. (Tax) Program.

JAMES G. DAMON, III and **JENNIFER A. MARTYN** were married this past March in Newport Beach.

JOHN S. CROUCHLEY and **ADAM SIEGLER** have been working as law clerks for U.S. District Court Judge William Keller.

MARY K. DAVIDSON is presently clerk to the Honorable Mary Ann Cohen, United States Tax Court, Washington, D.C. Ms. Davidson will be joining the Los Angeles firm of Loeb and Loeb this fall.

DOUGLAS P. DITONTO recently joined the law department of Southern California Edison at the corporate offices in Rosemead. His responsibilities include state and federal regulatory administrative proceedings for the utility company.

STEVEN M. EDEN has joined the Los Angeles firm of Corporate Planners & Coordinators, Inc., and will be dealing with real estate law and international real estate acquisitions.

LLOYD GREIF has been named Vice President of Corporate Finance for the banking firm of Sutro & Co., Inc. Mr. Greif will be responsible for mergers and acquisitions, public offerings and private placements of middle market and emerging growth companies on the West Coast.

JOSEPH A. HOUSEHOLDER has been admitted as a member of the San Gabriel Valley Estate Planning Council.

JOHN C. KELLOGG has announced the opening of his law offices in Newport Beach, specializing in General Business and Real Estate.

MICHAEL LBOVITZ and **ANA PALUDI ('83)** were married last September and now live in Walnut Creek, California. Mr. Lebovitz is in the tax department of Arthur Young and Company, San Francisco.

JOHN P. MARTIN was the Rotary Foundation Scholar this year at the Freie Universitaet in West Berlin.

TED McCABE, JR., has joined the staff of Clinica Legal del Pueblo which provides legal services to the Spanish-speaking community in Los Angeles.

JEAN PAUL MENARD has become associated with the Pasadena firm of Munns, Kofford, Hoffman, Hunt & Throckmorton. The firm specializes in business law and business litigation with an emphasis on construction law.

DAVID J. MICLEAN has joined the Redwood City firm of Ropers, Majeski, Kohn, Bentley & Wagner.

RUBEN SALAZAR has joined the Los Angeles law firm of Fogel, Rothschild, Feldman & Ostrov. **JACQUIE SCHECK** is an associate to Dr. Richard S. Scott, M.D., J.D., an expert on right to refuse medical treatment/right to die. Ms. Scheck also helped draft the Writ of Mandate in *Bartling v. Glendale* which was granted by the Court of Appeal in December. This case is the first declaration in California of a competent patient's right to refuse medical treatment, even when such treatment is necessary to sustain life.

LAWRENCE J. TURNER has opened offices in Los Angeles specializing in tax, entertainment, and business law. Mr. Turner is also a practicing CPA. **NANCY WAGNER** is currently a member of the Compliance and Practice Department of NBC in Burbank.

CLIFFORD WERBER has joined the Los Angeles firm of Shagin, Myman, Abell & Fineman.

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In this Issue

Law School Dedication	Page 1
Library Renovation Complete	Page 3
Feature Article	Page 4
Inauguration of President Loughran	Page 5

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