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Loyola Lawyer

The Magazine of Loyola Law School
Winter/Spring 1979



Computers and the Law: A Systems Analysis

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Loyola Lawyer
Winter/Spring 1979

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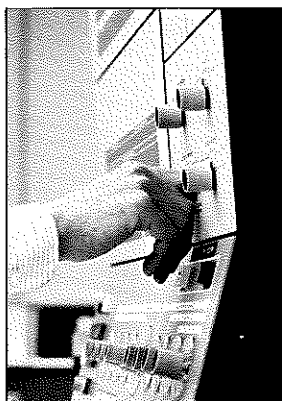
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From the Dean



As previously announced to the Law School community, Dean Frederick J. Lower, Jr. '64 has submitted his resignation as Dean of Loyola Law School effective on or about July 1, 1979. The following interview conducted with Dean Lower highlights some topics of significance to the Law School from the perspective of the Dean.

- Q.** You are a member of the class of 1964, which was the last class to graduate from the Grand Avenue campus. While in private law practice you joined the adjunct faculty in 1966 and later you left practice to become a member of the full-time teaching faculty. With your service as dean from 1973 through 1979 you have experienced virtually every role within Loyola Law School. These experiences place you in a unique position to comment on development of the school over nearly two decades. What changes in the Law School curriculum, faculty, student body and facilities do you find most striking?
- A.** My first reaction is to comment on changes in size and scope. The four areas you mention are far larger now than in the earlier history of the school. For example, in 1964 there were only 43 total courses offered while today we have nearly 150 required and elective courses in the curriculum. The faculty then consisted of 14 full-time and 13 adjunct professors and today the

faculty has grown to 64 adjunct professors and 43 full-time professors. The same pattern has been followed with respect to the student body. And finally, notwithstanding the shortcomings of our present physical plant, the Grand Avenue location was more inadequate than memory may recall.

- Q.** You noted the growth of the student body. What is your opinion of the qualifications of the applicants of today as compared to the credentials of applicants fifteen or twenty years ago?
- A.** Well, before the increased interest in attending law school, which occurred in about 1967 or 1968, it was not uncommon for almost every law school in the United States to select its entering class from a small number of applicants. In one sense the admissions policy was more open in those days than it is now. Instead of a pre-admissions selection process, the process was more like a post-admissions selection process. Most law schools had a large classroom for the first year class, a medium size classroom for the second year class and a small classroom for the third year class. That old saying to first year students that they should "look to the left, look to the right, next year one of you won't be here" reflected what I am describing.

Commencing in about 1968 both the numbers of students and the quality of the basic academic credentials of those applying to law school increased dramatically. For example, Loyola suddenly had over 2800 applications to choose from to fill a first year day and evening class of about 400 students.

- Q.** Why did Loyola and other law schools experience a sudden growth in applications?
- A.** I believe it was due to a combination of circumstances. In the 60's issues that came to prominence were race, poverty, equal education, consumer and environmental protection. There was, of course, the war and the reactions to the war. There was an increased sensitivity to the need for change in the system — changes that would be promotive of social justice. And students saw the legal system as a vehicle for bringing about the social change they envisaged.
- Q.** Is that sensitivity present in the current applicants?
- A.** I think the keen interest in social justice has been blunted, though it persists. I will have to join other commentators who have observed that in many ways today's students are beginning to become like

students of the 1950's. I am referring to their level of altruism and idealism.

- Q.** Do you believe the interest in attending law school will continue at the same level?
- A.** The numbers of students applying to law school will decrease when compared to the numbers of applicants of a few years ago. I seriously doubt, however, that we will ever return to the low point experienced before 1965. In other words, I think the interest in attending law school will dip somewhat, but I think it will level out at a plateau much higher than that experienced ten or fifteen years ago. I think the interest level will parallel the need for lawyers in our society.
- Q.** What is your view concerning the future need for lawyers in our society?
- A.** The level of need is now and will continue to be a function of several factors in our society. First, the role of government in our society is probably an overriding consideration. The scope and number of statutes and regulations affecting us in every facet of our lives is increasing. This is particularly true in the fields of business, health and education. Persons with legal training will be required to digest this material and advise those who may be affected by these governmental pronouncements. Then, of course, there is the problem of maintaining compliance. Compliance can be a serious problem because not infrequently many regulations are incomplete, or vague, or even in conflict with regulations issued by another governmental body.
- Second, coupled with increased regulation is a growing sensitivity to individual rights which in turn produce conflicts and disputes that must be resolved. Unfortunately, the brunt of that burden falls squarely on our already over-extended court system.
- Finally, I think a distinction should be drawn between those law graduates who undertake a traditional practice of law and those law graduates who make use of their legal training in other than the "practice of law." I think that so far the vast majority of all law school graduates have headed for the traditional practice of law. In time, however, and I think this is especially true in large metropolitan areas, there may be a movement toward utilizing skills gained in law school in a non-traditional method or model. I might also add that in many

of the large metropolitan areas the lawyer market may well be nearing a saturation point. However, there are other geographical areas where the ratio of lawyers to population is low.

If my somewhat dismal premise is accurate, that we will experience increased regulation, it is conceivable that in time, probably one generation, there may be a shortage of lawyers. The usual pool of applicants to law school consists of recent college graduates. But as our society experiences a decrease in the birth rate, the numbers of college graduates, on a national basis, will decline. And as we become a nation of older Americans an entirely new set of social and legal problems probably will emerge.

Q. *Are there any other significant changes in the student body at Loyola that you have observed over the last several years?*

A. Yes. One of the most significant changes is in the number of women attending law school. When I was a law student I think we had three or four women in the entire law school. Slightly more than one-third of the total enrollment is now made up of women. We made no particular effort to recruit and admit women. Rather, we simply selected the best students from our applicant pool and what I just described resulted.

Another area of change that should be noted is the increased number of minority students now in law school. In 1968, Loyola, along with many other law schools in the United States, developed a special admissions program for minority students from disadvantaged backgrounds. Because of their disadvantaged educational experiences many of these specially admitted students presented academic credentials that were not, on their face, competitive with those presented by other students. We made an institutional effort to bring into the law school as many of these students as our resources would permit and whom we believed, usually on the basis of extensive interviews, had what it took to successfully complete law school. I'm happy to say that our record has been remarkably good especially as compared to the experiences of many other law schools.

Finally, another change in the student body that I think is quite significant is the increased number of students who have come to Loyola from other parts of the United States.

Today about forty percent of our students come to us from other states and foreign countries.

Q. *A moment ago you mentioned the diversity in the present curriculum as compared with course offerings of 15 years ago. Is there a need for such diversity in the curriculum?*

A. In general, the curriculum mirrors the law explosion of the last decade or so. By "law explosion" I am referring, for example, to the staggering number of cases decided each year by courts, both state and federal. Likewise, I am referring to the increased regulatory activity at every level of government. Today there are approximately 70 federal regulatory agencies, more than 50 of those federal agencies were created since 1960, and each agency regularly promulgates reams of regulations.

I sometimes describe what has happened with respect to law school course offerings by using an analogy to an apple. In the 1950's and 1960's law schools taught "Law and the Apple," an imaginary survey course that examined briefly an entire apple. Today, because of increased research and publication relating to the entire apple, law schools feel compelled to offer such courses as "Law and the Apple Stem," "Law and the Apple Skin," "Law and the Apple Seed" — do you see what I mean?

Q. *Has the growth in course offerings had an impact on the law library?*

A. In 1964 when the law school moved we had about 47,000 volumes in our library. Today our collection stands at slightly in excess of 205,000 volumes and microforms. Some of this growth is attributable to the proliferation of decisional law, statutes and the promulgation of regulatory materials. But another part of the growth is attributable to the increased number of courses that we are offering. Our library ranks 4th in size among all California law schools. And it is the 2nd largest private law school library in the state.

I think the time has come for accrediting agencies, law school librarians and law faculties to consider regional collections that are housed in designated law school libraries for two reasons: first, the cost of building new library space is extremely high and, second, the cost of books themselves is rising rapidly and acquisition costs threaten to gobble up an increasingly substantial portion of any law school's operating budget. Law schools themselves have highly specialized collections. Because of

the major law schools in the greater Los Angeles area, there is, it seems to me, a unique opportunity for law librarians in this area to work toward formulating a plan that could be a model for regional libraries in other parts of the United States.

Q. *Does the expansion of the curriculum have any impact on recruiting and retaining faculty members?*

A. First of all, the law explosion has once and for all, I think, killed off the one room school house approach to legal education. By this I mean to describe a situation where a member of the faculty could teach in three or four discrete subject areas. Today so many new developments are occurring in various subject areas that many of them are breaking down quickly into sub-specialties and then in turn blossoming into new specialties.

Having said all this, however, I don't want to give the impression that I advocate trying to cover the entire spectrum of legal problems. The fundamental core of a sound program of legal education is to provide the students with the basic training that is required to enable them to be good competent lawyers for their professional lifetimes that will last, in most cases, at least 35 years. And so a graduate of ours who receives his or her degree in June, 1979 and who looks forward to 35 years at the Bar, will retire in 2014. And if past events are any indication of what is to come, the legal system as we know it today will bear little relationship to that of 2014. Yet, our students in just three short years must develop the basic skills that will enable them to practice effectively throughout this period of great change.

Notwithstanding all that I have said, there is one feature of modern American legal education that continues to puzzle me. Law schools across the United States enroll students from diverse educational backgrounds, expose them to a rigorous three year program (four years if they're evening division students) and, after those students pass the Bar Examination in the state in which they wish to practice, they are licensed to do everything and anything a lawyer with 10, 20, 30 or 40 years' experience can do. I'm speaking here, of course, of the practical training of law students. The apprenticeship model of post-graduate training for lawyers has changed because of the large numbers of graduates who have been admitted to practice in the United

States over the last decade or so. There are fewer opportunities today for a recent graduate to have an apprenticeship experience in a law firm or governmental agency. A fairly large number of students will begin practicing law as sole practitioners or will practice with other lawyers who are as relatively inexperienced as they are, or with some public law offices that cannot afford a training program.

This issue is drawing increasing attention and I believe in the next few years the practical training of law students will be a matter of major concern to the organized bar and to law schools.

For many years law schools have stated publicly that they do not attempt to teach their students how to practice law. That is certainly an accurate statement as far as it goes. But my point is that the legal profession, whether it is the courts or the organized bar or law schools or a combination of all three has an obligation to provide some basic training in practical skills for law students and new lawyers.

Q. *Is Loyola Law School doing anything to meet the responsibilities you have described?*

A. We try to blend the theoretical aspects of legal training with the practical during the law school experience. We try to recruit to our faculty men and women who have had significant experience in the practice of law. We provide extensive opportunities for clinical experiences. Moreover, we make use of a highly skilled group of adjunct professors, both judges and lawyers, to teach specialized courses that have both theoretical and practical components. We have begun to develop a program of continuing legal education for members of the bar.

Q. *Have there been philosophical or technological changes in the approach to legal education over the past decade or two?*

A. I'll have to answer "yes and no" to that question. And I will have to add an ingredient you did not mention, namely methodological changes. Let me start with methodological changes.

In terms of the "traditional" law school curriculum, "traditional" as compared to "clinical," there has been a movement toward applying a problem solving technique rather than the traditional casebook method. The principal effort in some courses is to use a problem approach rather than a case by case approach.

For instance, the course in business and tax planning uses a series of problems likely to be encountered by a practicing attorney. But in the main, the major thrust of legal education is still the use of the casebook method introduced by Langdell some 100 years ago.

Probably the most significant change in legal education has been the advent of what is commonly known as "clinical" education. In its purest form this type of legal education offers students opportunities to interview and counsel clients and to represent them in adversary proceedings before administrative tribunals and in court.

But compared to the so called traditional method of legal education, clinical education is extraordinarily expensive. I believe clinical education is here to stay, to some extent, but the philosophical debate over the role and place of clinical education and the financial debate over the costs associated with it are far from over.

Q. *Can you predict the outcome?*

A. I cannot.

Q. *Well, are you able to predict changes that are likely to occur in legal education?*

A. No. But I think I may be able to identify some significant factors that may have an impact on legal education.

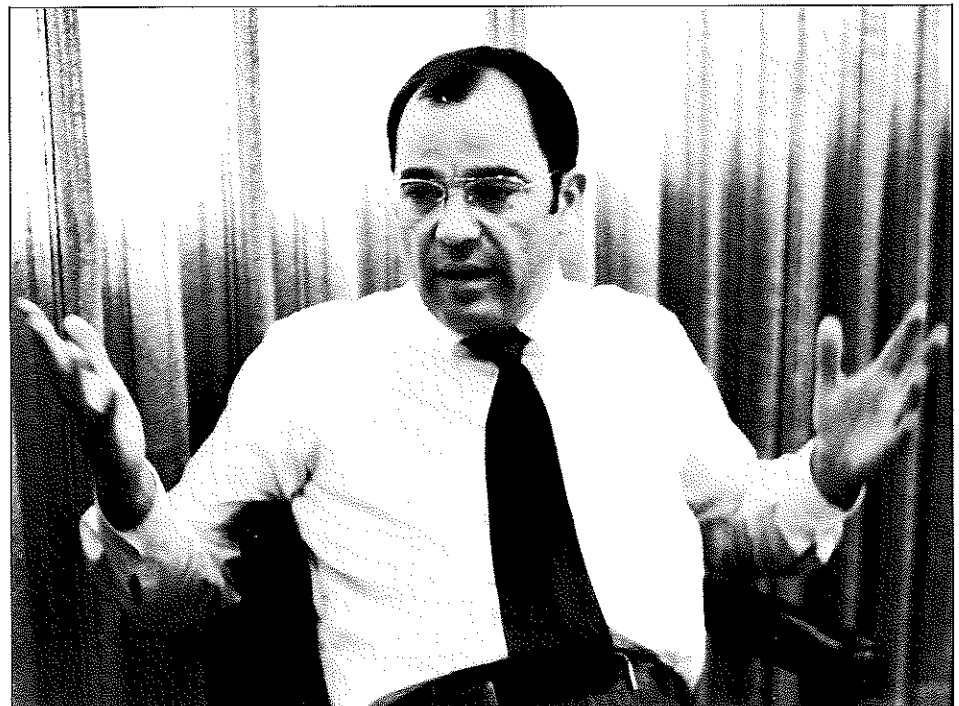
Q. *What are they?*

A. I have already mentioned two, the growing concern on the part of the

legal profession over the issue of practical training of law students and lawyers and a decrease in the number of college age students. Another significant development may occur after several national studies, currently in progress, are published. These studies are expected to provide a detailed examination of the processes and products of legal education. For instance, one study will pay particular attention to the role that law schools have had, and the role they should have, in the development of those skills necessary or important to the practice of law.

I liken this to a professional photographer who for years spent considerable effort tinkering with chemicals used in the developing process, lenses used in taking photographs, types of films to be used and the like, but who never carefully examined the finished prints. By analogy, the finished prints, lawyers, are now being examined to determine if what has gone into the production of the finished product should be changed to produce an even better finished product.

Last, but by no means least, is the issue of increasing costs and rising tuition rates. These two factors are particularly important to private educational institutions although even state institutions are not immune. The traditionally generous approach of alumni, friends,



foundations, corporations and the like simply must be not only maintained but increased. Otherwise, legal training will become the province of the wealthy and the American tradition of making education available to a large segment of our population will die.

- Q.** *Let me return to your comments a moment ago concerning the faculty. How do you rate our faculty with that of other law schools?*
- A.** I think our faculty is one of the best teaching faculties to be found anywhere in the United States. I am speaking here of ability to organize and present effectively course materials in their respective areas of expertise. With some extremely notable exceptions, however, our faculty is not known for the production of scholarly articles and books. There is a delicate balance between adding significantly to the sum total of human knowledge and merely writing for the sake of writing. As one of the law professors at Yale once remarked, "By and large law reviews exist to be written and not to be read." Yet, there are many significant contributions that need to be made and I would like to see more of those contributions coming from members of our faculty.
- For years, at all levels of higher education, a premium has been placed on scholarly writing and only passing attention has been paid to teaching ability. Loyola's position in terms of effective teaching is very strong and must be maintained. At the same time, we must continue developing a tradition of productive scholarship.
- One of the functions of a law school is to be a critic of the legal system. There is no other institution in our society that has members with the time, the training and the inclination to study and criticize constructively our legal system. Law Schools, therefore, have an obligation — an obligation to society — to fulfill that role.
- Productive legal scholarship is teaching on a broad scale. Law teachers who don't write reach only their classes. Law teachers who do write reach many J.D. candidates and law teachers, as well as legislators and judges. Writing also provides a means of testing one's ideas and theories.
- Q.** *While you have been dean have you taken steps to encourage productive scholarship on the part of the faculty?*
- A.** One of the first things I did after being appointed dean was to

establish the Summer Research Grant Program for our full-time faculty members. Each year faculty members are encouraged to apply for a summer research grant the purpose of which is to provide them with a certain sum of money during the summer months which hopefully will enable them to begin or finish work on research projects that in turn will be published. This program has produced many articles and at least two books.

I was able to reduce the faculty teaching load thereby making more time available to faculty members to do research. A few years ago it was not uncommon for faculty members to teach an average of 16 hours each year. That average is now down to just under 13 hours each year. When you bear in mind the number of hours devoted to preparation for class together with the number of hours devoted to research that is related just to teaching, this represents a significant diminution in teaching load. Likewise, we have been able to provide more student research assistance and secretarial help to faculty members.

- Q.** *Loyola is one of the limited number of ABA approved law schools that offers a part-time evening program as well as a full-time day program. Why has Loyola continued to offer two programs?*
- A.** The reason for the existence of institutions in our society, particularly educational institutions, must lie outside the institution itself. The simple fact is that we are filling a community need in one of the world's largest metropolitan centers. There are those in the legal profession, both in practice and in legal education, who believe that it is somehow beneath a school of "real stature" to offer a part-time evening program. But there is ample evidence to show that the vast majority of those who pursue the evening program go on to become respected members of the legal profession, both as lawyers and judges.
- Q.** *Are there major differences between these two educational programs?*
- A.** There are no differences in terms of the faculty members who teach the students or in terms of the curriculum that is available to the students. I suppose the major difference is that evening division students tend to be more experienced in practical affairs and perhaps more sophisticated than the majority of day division students principally because they have lived longer and experienced more diverse situations in life. Moreover, evening division

students probably squeeze more mileage out of each hour in the day than their counterparts in the day school because of the fact they have limited time available for the study of law.

- Q.** *Do you think Loyola will maintain an evening division?*
- A.** I believe we will do so as long as we fulfill a community need. If the academic credentials of the evening division applicants were to vary suddenly and substantially from those presented by the day applicants or if the numbers of applicants dropped off significantly, I believe the faculty would examine the situation with a view toward eliminating the part-time division. We have had a part-time division for 59 years, years that spanned the depression and several wars, and I expect it will continue.
- Q.** *After nearly six years as Dean, why did you resign?*
- A.** Many former deans would tell you that to ask the question is to answer it. But, seriously, my answer is that I miss the law. Being the dean of this law school is not unlike being the president of a small college. I remember the day my predecessor announced his resignation, the President of the University, Fr. Merrifield, made that very comparison to the assembled faculty. At that time, little did I know that I would be appointed as the new dean and little did I know how accurate his observation was.
- My point is that I have been out of the mainstream of my professional life as a lawyer for as long as I have been dean. I have not been able to teach on a regular basis because of the demands made on my time and for the same reason I have not been able to indulge my interest in research and writing.
- Q.** *What are your feelings as you prepare to meet your successor?*
- A.** Well, as I said in a recent letter to the alumni, I have mixed feelings. The dominant feeling is one of gratitude for having had this opportunity and gratitude to all those who have done so much to help the school.
- The job of leading the law school has been and will be carried out by a succession of individuals. It's a job that will never be finished.

Computers and the Law: A Systems Analysis



As the legal profession faces a crucial juncture in its history entering the 1980's, an intriguing and perplexing question emerges in the minds of many attorneys about the perceived incompatibility of sophisticated electronic computers applied to the traditional practice of law. Is the inevitable transition to space-age technology inherently compatible with an ancient and respected profession which traces its roots to the precepts of Hammurabi, Socrates, Cicero and St. Thomas More?

The answer which is surfacing from a wide variety of legal practitioners today is a resounding and unqualified affirmative! The ever-increasing utilization of modern high-speed data processing is becoming an accepted and necessary partner of the legal profession in at least four major functional areas—the law office, the courts, litigation research, and law schools.

The merits of applying data processing to the practice of law have been postulated and identified by both computer experts and legal scholars. The contemporary interface between computers and the law is now clearly evident only within certain narrowly defined parameters due to limitations in existing hardware and software. However, the future impact of this technology is predictably vast as refinements in computer systems design are adapted for legal applications.

A need for professional understanding of electronic data processing operations and capabilities is no longer restricted to the sciences, engineering and business—lawyers are increasingly confronted in the normal course of their practice with legal issues arising from the "Computer Revolution" of the 20th century, technological progress with a greater potential sociological effect than the "Industrial Revolution" of the 18th century.

Despite their enormous impact on modern society, however, computers are not the esoteric "thinking machines" possessing artificial intelligence which were envisioned by early science fiction writers, nor are they the cybernetic bane of civilization anticipated in "1984." Computers *per se* are merely tools. Even though it functions at incredible speed and efficiency, it is still only a machine incapable of thought. A computer may be able to play chess, but only because a human programmer has conceived every possible move. The computer, receiving a given move from an opponent, will search its memory banks and select an optimum response. The computer, however, cannot invent chess strategy, nor is it intuitive.

The evolution of computer systems as a cultural tool began eons ago with the first digital computer—the fingers of

Neanderthal man. Later development of the abacus enabled a skilled operator to extrapolate basic mathematical formulae with relative speed and accuracy. The quantum leap in operational capabilities of subsequent computer generations evolved over the centuries from early research on mechanical systems such as the "differential wheel" and adding machines, and industrial applications of punched card and tape mechanisms led to further experimentation on this process.

The first successful electro-mechanical data processing system was developed in 1944 with the MARK I analog computer using vacuum tubes and relays connected by hundreds of miles of conduit. Very large and slow by today's standards, it was followed by rapid advancements in the 1950's and '60's with the introduction of transistorized, printed, and integrated circuitry which significantly reduced the computer cost, calculation time, and size. The invention of "silicon chip" electronics used in the present generation of computers has enabled calculation time to be measured in terms of "nano-seconds"—one thousandth of a millionth of a second—while geometrically increasing core memory and inversely reducing calculation cost and equipment.

Computer firms today are marketing commercially viable data processing hardware and software systems which can enable an attorney, through an office terminal, to access an on-line disk storage capability of 10 trillion "bits" of information—enough capacity to store all of the statutory and case law of the United States.

With all of the competing electronic wizardry available today, how are computers being used within the legal environment, and more importantly, what should attorneys be aware of when contemplating the purchase or lease of data processing equipment?

Cost effectiveness and capabilities are the two most important considerations when evaluating the best mix of available hardware and software to do the job. An attorney with only a vague understanding of the options could choose an excessively powerful and expensive system when all that is really needed is a system to control limited clerical functions. Conversely, the attorney with budget limitations might contract for a system which is inadequate to do the required work, with futile and wasted effort, expense and time the result. It is therefore incumbent upon the attorney to seek basic understanding of computers,



Court Computer—Hon. J. Steve Williams '50, San Bernardino Superior Court, and Thomas Hudson, Project Manager, examine the Automated Court Information System IBM 370 computer terminal operating in the County Courthouse which controls the complex judicial administrative tasks, statistical records, case files, the court calendar, police and probation data to assist litigation proceedings.

systems design capabilities, and costs in order to ask the proper questions of computer vendors and to acquire the hardware and software suitable for individual needs. The use of data processing for multiple applications within the legal environment to spread cost factors can be crucial to the decision to acquire in-house capability, to use a computer service bureau, or to perhaps avoid data processing entirely. Consultation with a systems analyst is advised.

When considering if a computer is appropriate for your situation, it is important to note that within the legal profession today, data processing is being used effectively in a wide variety of ways: in the law offices for case files, administrative bookkeeping, client relations, and document generation; in the courts for maintaining calendars, probation and police records, and for case processing during adjudication; in the areas of litigation support and legal research, computers are particularly useful for document storage and retrieval, and in law schools, they are used for library reference files, computer assisted instruction, and approached as part of the legal curriculum.

Law offices utilize computers for several major functions. Accounting and office management, which includes generating monthly statements, creating profit and loss balance sheets, payroll, accounting for attorney time, and related administrative applications, can assist the organization by upgrading

management control of personnel assignments, case files, and law firm revenues.

Using computers for document generation enables the firm to store in peripheral memory complete form documents such as wills, trust deeds, contracts, and interrogatories. The computer, through its ability to customize, prints out a final, completed document to specifications by rapidly making changes, revising paragraphs, and correcting errors. This is a significant use because it can assist the legal profession in lowering its costs for services. Another important aspect is in the area of client relations, where the computer can assist by searching all client wills, deeds, or other documents stored in its memory banks and, as changes occur in the areas of real property laws or estate and gift taxation, the computer can list all clients affected by the changes and generate personalized correspondence to them regarding the need for updating documents.

In the context of computer assistance within the Courts, various applications have already been implemented in several judicial areas. Attorneys, judges, and administrative agencies attempting to use the courts efficiently recognize that court calendars are frequently an extremely complex and unmanageable aspect of the litigation process. Also, referencing probation referrals and police records, issuing warrants and subpoenas, maintaining Registers of Action and coordinating case indexing are important but equally complex and time consuming when done in a manual operation by the Court Clerk.

While various limited computer systems are now relatively common in major courts, an example of an innovative computer system which may serve as a prototype of the future was installed by the Superior Court of San Bernardino County under a grant from the Law Enforcement Assistance Administration in 1975. Known as the Automated Court Information System (ACIS), it is designed to streamline and coordinate the massive amounts of documentation generated through the courts from both criminal and civil activity, and has proven to be highly successful, according to Hon. J. Steve Williams '50, the San Bernardino Superior Court judge who supervised research and development of ACIS. The experimental computer system allows improved access to case files and better flow of information for the Municipal and Juvenile Courts, the District Attorney's office, the public defender, private attorneys, probation officers, police, Sheriff, and other state or local governmental agencies by providing on-line terminals to ACIS within the court and user offices.

The coordination of ever-changing court calendars and case activity reports has significantly improved with ACIS. Daily print-outs of court calendars adjusted via the input of various user agencies, opposing counsel, and court



WESTLAW—The Los Angeles County Law Library maintains a litigation research data-processing system known as WESTLAW. Here, law librarians demonstrate the effective operation of the computer's plain language search and retrieval research capabilities to Loyola Law School students Grace Freixes '80 and Matt St. George '79.

personnel has eased the court log-jam normally associated with the complex series of motions, delays, arraignment, litigation and sentencing. ACIS also allows for centralized control of records, thereby protecting privacy and data integrity while increasing efficient and equal access to important case data for authorized agencies of the court. The information must be entered only one time into the computer, and may be recalled through individual terminals, thus eliminating costly duplication of data collection and storage efforts with a commensurate reduction in clerical time within many offices related to the case. ACIS represents a flexible criminal justice system computer module which could be transferred and adapted to meet the needs of any jurisdiction.

In the area of litigation research, data processing can assist the law firm or individual attorney by allowing volumes of legal documents to be reviewed with speed and accuracy. Both the *LEXIS* system and the *WESTLAW* system currently operating in the Los Angeles County Law Library lets the researcher input through the terminal a plain language search and retrieval order for a particular narrowly-focused sequence of key words in context likely to appear within the document of interest. A cathode ray tube display device enables a quick scan of the highlighted information, and the option of ordering a hard-copy printout on demand. The computer will display a comprehensive file of those documents which contain the appropriate sequence of words in the title. Thus, the attorney can focus or expand the range of search through either full text or summary information generated, providing the researcher with useable materials in printed form or simply suggesting new directions for further research.

In some United States law schools, computer law is emerging as part of the legal curriculum. Loyola Law School offers an elective course in "Computers and the Law" which focuses on the impact of the computer on various aspects of society, and the legal responses to some of the problems created. Attention is given to the drafting of a contract between supplier and user of computer services, the effects of computers on privacy, the use of computer generated output as evidence at judicial proceedings, "white-collar crime," alteration of computer data such as credit ratings, anti-trust litigation, the effect of computers on banking and electronic funds transfer, patent, copyright, and trade protection of computer products, and uses of the computer within a law firm to familiarize students with systems which will become commonplace during their careers.

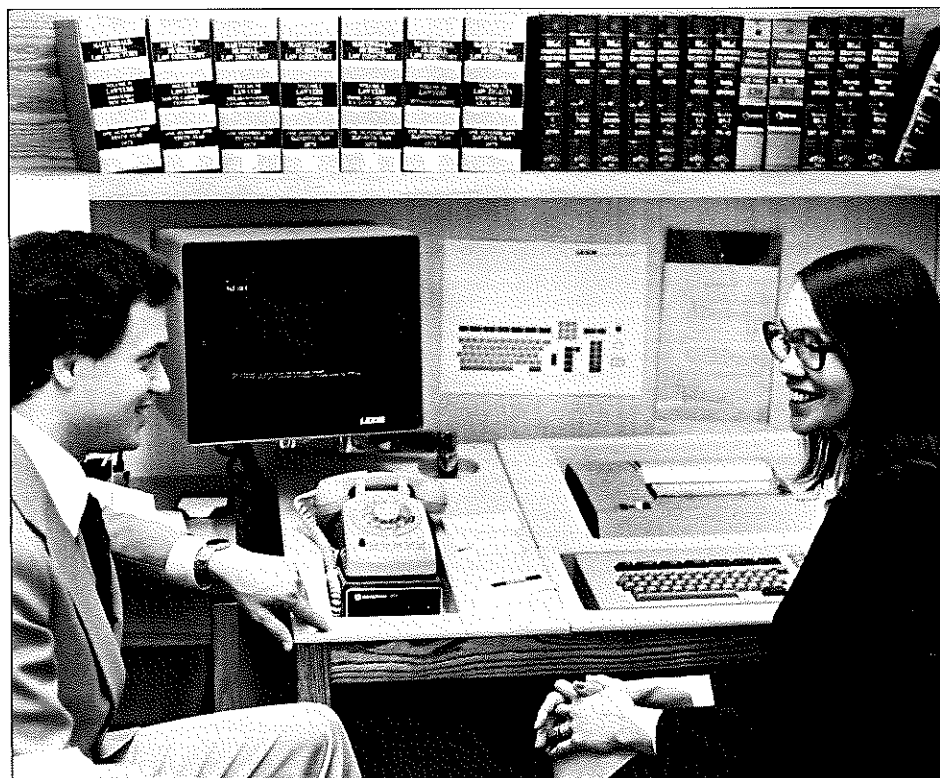
Another important aspect is the use of

computer assisted instruction (CAI), which is being recognized as a valuable and flexible tool in legal education. Although relatively new in law schools, CAI has been an accepted mode of improving teaching and learning skills at the undergraduate level for a decade. CAI is gaining a foothold at some law schools today as further research and study indicate the benefits derived from engaging the student in a form of electronic Socratic dialogue. Students work at their own pace, control the programs, respond to questions and receive immediate feedback on the computer terminal. Law professors may assign course work on a variety of topics to be conducted at the terminals, and then evaluate completed printouts from the entire class for grading purposes. Computers have already been installed in many law libraries for use in compiling and tabulating bibliography files, and adapted for administrative assistance in the areas of law school financial aid disbursement, alumni relations, budget control, and curriculum planning.

These are just some of the important developments which clearly indicate that the use of data processing is

becoming an accepted trend in the legal profession, and that it will surface as an indispensable tool for practicing attorneys during the 1980's. Various reference works on computers and the law are available for attorneys interested in expanding their knowledge of this complex and demanding field. One excellent source of information on this subject can be found in the *Loyola of Los Angeles Law Review*, Volume 10 (March 1977), "The Use of Data Processing in Litigation." Copies of this issue may be ordered in writing by using the reply envelope provided in the *Loyola Lawyer* and enclosing a four dollar fee.

Any attorney contemplating the use of data processing should certainly consult systems engineers and other computer specialists who can help you understand this sophisticated discipline. With some basic grasp of computer operations, the attorney will be able to provide better client services, reduce costs, and most importantly be able to manage a mass of information to assist in litigation, by correlating data analysis with the legal issues involved. This combination will prove to be highly effective and worthwhile.



Firm Data—The Los Angeles law firm of O'Melveny & Myers leases on-line computer terminal hardware to aid clients and attorneys in the efficient and cost-effective processing of case files, legal documents, research, and basic administrative operations. O'Melveny associates Gary J. Singer '76 and Diane R. Holman '76 check the computer capabilities.

Data Bits: An Overview of Computer Law

Introduction

The Computer Law Association, a national organization, is committed to providing a forum for the discussion of legal problems related to the use, production, and marketing of computers and data processing goods and services and to providing programs which deal with such problems and issues. Membership includes lawyers, data processors, and others interested in computer law.

In 1976, the Association held its first annual West Coast Conference to discuss many aspects of computer law, some of which are reviewed briefly in this "Data Bits" section of the **Loyola Lawyer**. At that conference, those in attendance were asked to suggest topics for the 1977 conference. Taxation of computer goods and services was the first choice; and since this unsettled area was receiving much attention in the computer trade journals, it was decided to devote the entire 1977 conference to a discussion of taxes. The next West Coast conference, held in January, 1979, included, among several topics, an update in the area of taxation of computer goods and services.

Since the taxation problem is of such concern in the computer law field, an expanded treatment of that topic is included in this issue of the **Loyola Lawyer** beginning at page 10. The discussion focuses only on state and

local taxation problems. Considerations of brevity preclude attention being given to federal and international problems.

Privacy

In *Whalen v. Roe*, 429 U.S. 589 (1977), the Court was asked to rule on the constitutionality of a particular use of a computer system by the State of New York. New York recorded in a centralized computer file the names and addresses of all persons who had obtained certain drugs pursuant to a physician's prescription.

New York had found that there was no effective way to prevent the following: (a.) use of stolen prescriptions; (b.) pharmacists from repeatedly refilling prescriptions; (c.) users from obtaining prescriptions from more than one doctor; and (d.) doctors from over-prescribing. The recording of patient information in a centralized computer file to assist in investigation was New York's response to the problem. Physicians were required to submit a copy of each prescription to the State Health Department, and the prescriptions ultimately were recorded on magnetic tape for processing by the computer.

There was concern that some patients would be reluctant to use, and some doctors would be reluctant to prescribe, needed medication because of the possibility of public disclosure of the information collected for data processing. But the Court found that the fear was unwarranted since the New York statutes prevented public disclosure of the identity of the patients, and that the patient data was protected by wire fences, alarm systems, and locks. The Court found that the patient identification requirement was a

reasonable method of assisting in the enforcement of drug laws by providing a deterrent effect on potential violators and by aiding in the investigation of specific instances of apparent abuse.

The Court said that it was aware of the threat to privacy implicit in the accumulation of vast amounts of personal information in computerized data banks, and specifically mentioned its concern with public disclosure of the information. But the Court held that the record in this case showed no invasion of any right or liberty protected by the Fourteenth Amendment.

Criminal Law

In *Hancock v. Texas*, 402 S.W.2d 906 (Tex. Ct. Cr. App. 1966), Hancock's conviction was affirmed for felony theft of the printed listings of the computer instructions for fifty-nine computer programs. The court said that the term "property" under the theft law includes all writings of every description, provided such property possesses any ascertainable value. The court said it was evident that the computer program listings came within the theft law, and that the evidence supported the finding that the listings were valued in excess of the \$50 required for felony theft, especially since testimony showed a minimum market value for the listings of approximately \$2.5 million.

In his subsequent petition for federal habeas corpus relief, Hancock contended that he was unlawfully convicted of felony theft since the corporeal personal property he was accused of taking did not have a value in excess of \$50. Hancock claimed that at most he stole \$35 worth of paper. He contended that the information contained on the paper constituted trade secrets, not corporeal property worth in excess of \$50. The United States Court of Appeals said that the Texas law, as construed by the Texas courts, was not so unreasonable or arbitrary as to be violative of due process, and denied relief. *Hancock v. Decker*, 379 F.2d 552 (5th Cir. 1967)

Contracts and Fraud

In *Clements Auto Co. v. Service Bureau Corp.*, 444 F.2d 169 (8th Cir. 1971), Service Bureau Corporation (SBC) was engaged in the electronic data processing business. SM Supply Company operated wholesale supply houses which dealt in automotive parts and supplies, electrical construction materials, and electronic supplies and equipment.

SBC made a study of SM's operations with the view of providing data processing services to SM. From 1963 to 1967, SBC and SM entered into several agreements whereby SBC was to provide data processing services including accounting, billing, sales analysis reports, and inventory reports.

The data processing services proved to be unsatisfactory to SM, which sued SBC and charged that the input method on flexowriters was slow and expensive, and that the reports were too error-prone and voluminous to be useful. The court found that during preliminary discussions, SBC had made a number of specific misrepresentations, and had made one central misrepresentation that the proposed data processing system would, when fully implemented, be capable of providing SM with sufficient information in a form such that when properly used it would constitute an effective and efficient tool to be used in inventory control.

In the contracts, SBC disclaimed liability for any warranties not stated in the contracts. The court, however, rejected SBC's argument that this disclaimer prevented recovery by SM for innocent misrepresentation. The case was decided under Minnesota law, which the court found would hold a general disclaimer clause ineffective to negate reliance on even innocent misrepresentation. The court said that, under Minnesota law, the damage to SM was the same whether SBC knew its representations were false and made with the intent to deceive, or if the

representations were made innocently and in good faith. SM was allowed to recover the costs paid for data processing services which were unsatisfactory, and for certain supply and salary costs which were incurred because of SM's reliance on SBC's misrepresentations.

Anti-trust and Misappropriation of Trade Secrets

In *Telex Corp. v. International Business Machines Corp.*, 510 F.2d 894 (10th Cir. 1975), Telex brought an action against IBM for monopolization in the manufacture, distribution, sale and leasing of certain peripheral products (e.g. magnetic tape drives, printers) which can be attached to IBM central processing units. IBM filed a counterclaim against Telex, which included claims of unfair competition, theft of trade secrets, and a request for punitive damages. The United States Court of Appeals found that IBM had not violated the anti-trust laws since IBM's share of the peripheral products market was not large enough to show monopolization, and since IBM's leasing methods were ordinary and reasonable business practices. However, the court found that Telex had misappropriated IBM's trade secrets by luring away key IBM employees with promises of financial reward. These IBM employees brought with them trade secrets which enabled Telex to market certain products sooner than if Telex had waited until IBM's equipment was placed on the market and then duplicated the equipment through reverse engineering. This head start gained by Telex was a result of misappropriations of IBM's trade secrets. The court's award of damages to IBM included \$17.5 million for unjust profits to Telex and money saved by Telex in developing the products, and another \$1 million in punitive damages because of Telex' flagrant and willful conduct involved in luring away IBM employees and in using IBM's secrets.

Liability for Non-use of Modern Technology

In *The T.J. Hooper*, 60 F.2d 737 (2d Cir. 1932), two tug boats were towing barges containing cargo. Both barges sank in a gale. The cargo owners sued the barge owner under the contracts of carriage; and the barge owner sued the tug owner under the towing contract for its own loss and as bailee of the cargo.

Although there was no custom for tugs to carry radio receivers, the court found that the tugs were unseaworthy for not being so equipped since the receivers would have enabled them to receive weather reports and avoid the gale. The court said that lack of usage in an industry does not necessarily show that such lack is reasonable, and that certain precautions are so imperative that even universal disregard will not excuse their omission.

Although it may not appear obvious what the relationship is between this 1932 case and computer law, the failure of a business to use a computer may result in liability if it can be shown that harm may have been avoided by use of a computer. *Hooper* said that radio receivers were inexpensive, so the cost factor could be included in determining if a business should have been equipped with a computer. But since computer systems are getting less expensive and operate more quickly than in the past, it may be cheaper to use computer services than not to. Consider a physician in the near future who fails to take advantage of available computer assisted diagnosis and does not properly identify a medical problem. *Hooper* suggests that liability may attach to the physician's failure if it can be shown that a computer system was available at a reasonable cost, that the computer system would have properly diagnosed the medical problem, and the proper diagnosis would have prevented certain harm that occurred.

Taxation of Computer Goods and Services

By Acting Professor David C. Tunick

Taxation Discussion

In the tax area, one question that has been seen often in recent reported cases deals with whether "software" is to be treated for tax purposes as being "tangible" or "intangible." (The terms "software" and "computer programs" often, and perhaps mistakenly, are used interchangeably.)^{1*}

It would seem important for attorneys handling tax matters, either for governmental agencies trying to raise money or for businesses trying to keep their taxes as low as possible, to understand this area. This understanding is important since the classification of "software" as tangible or intangible can be a critical factor in a decision whether an event should be taxed. An examination of some of the cases and legislation will show how various courts and legislatures treat the problem.

A. Personal Property Taxes

In *District of Columbia v. Universal Computer Associates, Inc.*,² Universal purchased, for about \$290,000, from International Business Machines (IBM) a computer (the hardware) and two sets of punched cards (the computer programs). One set of punched cards contained the operational programs, while the other set contained the applicational tax programs.^{3*} In the District of Columbia, tangible personal property would be subject to personal property tax, while intangible property would not be.

In making its determination if there would be personal property tax on the punched cards, the court did not distinguish, for purposes of the tax, between the operational programs and the applicational programs, although the court did mention that there was a difference in function between these two types of programs. (Later in this article, in the discussion of California legislation, it will be shown that in the personal property tax area, California distinguishes between these two types of programs in assessing a tax.)

The court decided that the programs were intangible, and should not be taxed. The court said:

"It appears to us that the material of

the punched cards themselves is of insignificant value. It was for the intangible value of the information stored on the cards that Universal paid IBM."⁴

Later the court continued:

"We think computer software, then, can be likened to the cartoon mats involved in *Washington Times-Herald v. District of Columbia*,⁵ in which this court *en banc* held that cartoon mats which were sold by publishing syndicates to individual newspapers were not tangible personal property for purposes of the D.C. sales tax. Judge Miller expressed the rationale of our Court:

'The syndicates sold to the Times-Herald the right to reproduce one time the work of artists who make the drawings. *They simply sold the professional and personal services* of the artists whom they had under contract and in so doing transferred title to the mats, of inconsequential value, from which the drawings could be reproduced. *The price was paid for the artists' work*, i.e. for the right to reproduce the impressions on the mats—not for the mats themselves. The newspaper bought the creation of the artist—not the material on which it was impressed—and the right to reproduce it. Without that right, the comic strip mats would be entirely worthless.' (Emphasis supplied)⁶

"We think that the knowledge stored on computer cards, tapes, or discs is even more demonstrably intangible intellectual property than the right to reproduce from the cartoonist's drawings involved in *Washington Times-Herald*."⁷

In *Universal Computer*, the court had one other task, that of "unbundling." The hardware and software had been "bundled" together and sold for about \$290,000; but only the hardware was subject to a personal property tax. The court "unbundled" the sale to determine the value of the hardware, which was to be taxed.

After going through some mathematical calculations, and explaining the uncertainty involved, and describing the contradictory evidence regarding the value of hardware and software, the court found that a 50%-50% split was not unreasonable, saying "[w]ith a different set of facts, King Solomon did no better in making a similar choice."⁸

Universal Computer involved personal property taxes, but the same problem occurs with sales and use taxes.

B. Sales Tax

In *Commerce Union Bank v. Tidwell*⁹ the bank purchased some computer software. The court said that the sole

question in the case was whether computer software is tangible personal property, making the sale of software subject to state sales tax. Tangible personal property is defined as "personal property, which may be seen, weighed, measured, felt, or touched, or is in any other manner perceptible to the senses."¹⁰

The court recognized and described two types of programs, calling them operational and applicational programs.

"[A]n operational program . . . controls the hardware and actually makes the machine run; it is fundamental and necessary to the functioning of the computer hardware itself. Secondly, there is an applicational program which is a type of program designed to perform specific functions, such as preparation of the employee payroll, preparation of a loan amortization schedule, or any other specific job which the computer is capable of performing. Applicational programs instruct the central processing unit of the computer to perform the fundamental computations, comparisons, and sequential steps required to take incoming information and compute the desired output."¹¹

Even though the court recognized the two different types of programs, it did not distinguish between them for purposes of the sales tax. The court said:

"What is created and sold here is information, and the magnetic tapes which contain this information are only a method of transmitting these intellectual creations from the originator to the user. It is merely incidental that these intangibles are transmitted by way of a tangible reel of tape that is not even retained by the user."¹²

The tapes were returned by the user after the information on the tapes had been stored in the user's computer. The court distinguished the facts of this case from *Crescent Amusement Co. v. Carson*¹³ in which a tax was levied on the rental of motion picture films.

"In *Crescent* the tax was levied on the rental of a motion picture film. The film is inherently related to the movie; without the film there could have been no movie. Therein lies the crucial difference. Magnetic tapes and cards are not a crucial element of software. The whole of computer software could be transmitted orally or electronically without any tangible manifestations of transmission."¹⁴

The court found that the transfer of any tangible personal property was incidental to the purchase of the intangibles stored on tape, and that the sale of computer software does not

constitute the sale of tangible personal property under the applicable state statute.^{15*}

C. Use Tax

In a use tax^{16*} case, *State v. Central Computer Services, Inc.*,¹⁷ the question was whether computer software constitutes tangible personal property for purposes of the state use tax. The reasoning of the majority paralleled that of the courts in *Universal Computer and Commerce Union Bank*.

In distinguishing the case from *Boswell v. Paramount Television Sales, Inc.*,¹⁸ in which the "court held that the leasing of movie films and tapes by Paramount, a California Corporation, to television stations in Alabama involved the leasing of tangible personal property rather than an intangible right to publish . . .,"¹⁹ the court said:

"We believe that magnetic tapes and punched cards are distinguishable from movie films. In *Boswell*, the court noted that the right to publish or broadcast the motion pictures was physically inseparable from the movie itself. The physical presence of the movie film is essential to broadcasting the intangible artistic efforts of the actors. However, in the present case, the physical presence of magnetic tapes and punched cards is *not* essential to the transmittal of the desired information from its creator. . . . Testimony in the present case indicates that this information can also be telephoned to the computer or brought into Alabama in the mind of an employee of [the licensor]."²⁰

The dissent responded to the majority's statement that the lease of movie films can be distinguished from the purchase of computer programs for tax purposes. The dissent said that films can be transmitted by telephone lines or radio waves. Also, the actors could appear personally. But that would not make the film product an intangible. In the present case, the cards and tapes had value because of what was contained on them. In *Boswell* there also was some hardware used to get information off the film, just as hardware is used to get information off of the cards or tapes.²¹

D. California Personal Property Tax Legislation

California has passed legislation in the area of personal property tax on computer programs.²²

Essentially, California has a personal property tax on "control programs" [which the code says is interchangeable with "basic operational programs"], but no personal property tax on any other programs. The functions of the control programs are defined in the statute. Basically, the code says that the control programs manage the operations of the other programs that operate in the

computer. Excluded from the definition of control program, and thus not taxable, are applicational programs. Thus, California's approach is not to categorize on the basis of "tangible" or "intangible" for personal property tax determinations, but rather on the function of the programs. Recall that the cases discussed in the personal property, sales, and use tax areas distinguished "tangibles" from "intangibles" for tax purposes.

E. Sales Tax on Goods and Services Provided by Service Bureaus

One final area of interest involves the taxation of goods and services provided by service bureaus, which are businesses that perform data processing services for others. An Ohio case provides a good discussion of the issues involved, and some possible solutions.

In *Accountants Computer Services, Inc. v. Kosydar*,²³ the Ohio Supreme Court considered three separate fact situations, and said:

"The essential issue common to each of the three cases is the applicability of the exception from taxation provided by [the tax code] for items of tangible personal property which are transferred, as an inconsequential element for which no separate charge is made, in conjunction with a transaction which also involves some significant degree of contracted-for service. . . ."²⁴

The court continued:

"The problem lies in the fact that most transactions, to at least a limited extent, involve a mixed degree of *some* personal service and the transfer of *some* tangible personal property."²⁵

The court determined that the real object sought by the buyer is critical in knowing if the sales tax would apply. If the true object is service, the sales tax does not apply; however, if the true object is the tangible personal property, the tax applies to the entire gross receipts without deduction for work, labor, skill, thought, time spent, or other expense of producing the property.²⁶

Quoting from *Goodyear Aircraft Corp. v. Arizona State Tax Comm.*,²⁷ the court listed three possibilities:

- "1. The service is the main item sold and the property sold is incidental thereto and not separately charged. (Not a taxable sale as a sale of services.)
- "2. The services and property sold can be readily separated. (One tax exempt and the other taxable.)
- "3. The service sold is incidental to the property and not separately charged. (Taxable in gross.)"²⁸

The Court then applied these three standards to the three cases before it:

a. In the first case the court said that the service bureau (taxpayer) received raw material from its customer and transcribed it onto key punched cards. Then the cards were fed into a data processing machine to be sorted, classified and rearranged. The printout was delivered to the customer, and it was the customer who studied, altered, analyzed and adjusted the data. Thus the object of the transaction was the rearranged raw material, the "write-up work," and the limited personal service was an inconsequential element of the object sought and sold. The entire transaction was taxable, under the sales tax, with no allowance for the insignificant personal service rendered.²⁹

b. In the second case, the service bureau obtained information from its client for analysis of business problems. The service bureau's professional workers applied thinking to the client's present system. The data processing machines and their printouts were used to assist the service bureau in sorting work so as to allow the service bureau personnel to spend time solving the client's problems. The printed matter was valuable because it existed as a result of personal service efforts by the service bureau personnel. Thus the tangible property (i.e. the printed paper) was an inconsequential element for which no separate charge was made. The contents of the paper represented personal services, i.e. analysis of the client's problems, and there was no tax on this analysis.³⁰

c. The third case before the court did not involve a data processing service bureau, but the facts nevertheless would seem applicable to the problem of applying a sales tax to output from a service bureau. In this case a market research firm (A.C. Nielsen Company) was to provide services consisting of compiling statistical data; interpreting the data in order to determine marketing information; analyzing, interpreting, and presenting to the customer the statistical information; and assisting the customer in management and in making marketing decisions based on the data. The court thought that the intellectual and manual personal efforts of the employees of the marketing research firm were the object of the sale, and not the inconsequential tangible personal property that was transferred. Thus there was no taxation of any portion of the consideration paid.³¹

As an example of the possibility wherein the service and property sold can be readily separated, the court mentioned an optometrist who provided an eye examination and eye glasses. The court reasoned that two separate and

distinct transactions were occurring; one, a purely professional service, and the other purely a sale of tangible personal property.³²

Thus, the Ohio case demonstrates the need to examine the facts of the particular transaction in order to determine how much, if any, of the transaction is subject to a sales tax. Costs paid for analysis are not subject to a sales tax which is based upon taxing tangible personal property, while the mere rearranging and listing of data will result in a sales tax on the purchase price. Also, if the events can be separated into distinct transactions, it is possible that some of them will be the sale of goods, and others the sale of services, with a sales tax imposed only on the sale of goods.

Conclusion

This article has examined sales, use and personal property taxes on computer software, and sales tax on output from computers. Obviously there are ways of viewing these areas which have not been explored by this article, and there are other tax problems in the computer field which this article has not addressed. It has been the intent of the article to alert the reader to some problem areas which otherwise may have gone unnoticed. For an overview of the entire area of Computer Law, the reader may wish to peruse Bigelow, Computer Law Service and Computer Law Service Reporter, a multi-volume series which is a collection of cases and articles in the Computer Law field.

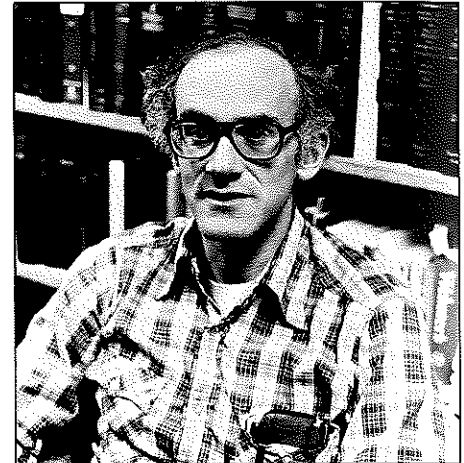
Footnotes

1. The word "software" has no generally accepted meaning within the data processing industry. "Software" may include a listing of computer program instructions that can be read by a human; it may include those same computer instructions translated into machine readable form and now residing on some storage media such as magnetic tape; it may include those same computer instructions after they have been "read into" the computer; and it may include human readable documentation which describes the capabilities of the computer program. "Software" also may be used to describe data to be processed by the computer. Such data may be customer lists, student grades, or some other set of information. As with computer programs, this data may be represented in human or machine readable form, and either form may be considered "software." "[E]xperts in the computer field, while using exactly the same words, uniformly disagree as to precisely what they mean." *Honeywell, Inc. v. Lithonia Lighting, Inc.*, 317 F.Supp. 406, 408 (N.D. Ga. 1970). "There is probably no single term to which that

statement more accurately applies than 'software.'" D. BINDER, COMPUTER LAW: EVIDENCE AND PROCEDURE § 2.06 n. 1 (1978). For a discussion of "software" and its definitions, see BINDER at § 2.06.

2. 465 F.2d 615 (D.C. Cir. 1972).
3. *Id.* at 616-17. Nearly all computer systems require operational programs to control the environment within the computer's central processing unit (the "C.P.U."). In the C.P.U., the computer programs operate. While the specific functions of operational programs vary with each computer because of each computer's capabilities, two major functions appear common to most operational programs: a) control the input and output of the computer, and b) schedule the order in which the various computer programs will operate. Applicational programs are designed to do specific jobs for the user of the computer, such as bookkeeping, billing, and statistical analysis. See R. BERNACCHI & G. LARSEN, DATA PROCESSING CONTRACTS AND THE LAW 280-82 (1974). Definitions of "operational programs" and "applicational programs" vary within the computer industry, and an additional definition of each term will be given in section "B" of this article dealing with sales taxes.
4. *Universal Computer*, 465 F.2d at 617.
5. 94 U.S.App.D.C. 154, 213 F.2d 23 (D.C. Cir. 1954).
6. *Id.* at 155, 213 F.2d at 24.
7. *Universal Computer*, 465 F.2d at 618.
8. *Id.* at 619-20, citing 1 *Kings* 3:16-28.
9. 538 S.W.2d 405 (Tenn. Sup. Ct. 1976).
10. *Id.* at 406.
11. *Id.*
12. *Id.* at 407.
13. 187 Tenn. 112, 213 S.W.2d 27 (1948).
14. *Commerce Union Bank*, 538 S.W.2d at 407-08.
15. In 1977, Tennessee enacted legislation to impose sales tax on certain types of computer programs. This was repealed in 1978, leaving *Commerce Union Bank* as the law in Tennessee in the area of sales tax on computer programs. Comp. Law and Tax Rep., Feb., 1978, at 5-6; Comp. Law and Tax Rep., Mar., 1978, at 7; Comp. Law and Tax Rep., May, 1978, at 7.
16. As an example of the meaning of "use tax," Illinois defines "use" under its applicable code as "the exercise by a person of any right or power over tangible personal property incident to the ownership of that property." *Philco Corp. v. Dept. of Revenue*, 239 N.E.2d 805, 808 (Ill. Sup. Ct. 1968).
17. 349 So.2d 1160 (Ala. Sup. Ct. 1977).
18. 291 Ala. 490, 282 So.2d 892 (1973).
19. *Central Computer*, 349 So.2d at 1162.
20. *Id.*
21. *Id.* at 1163-65.
22. Cal. Rev. & Tax Code §§995, 995.1, 995.2.
23. 298 N.E.2d 519 (Ohio Sup. Ct. 1973).
24. *Id.* at 523.
25. *Id.* at 525.
26. *Id.*

27. 1 Ariz.App. 302, 306, 402 P.2d 423, 427 (1965).
28. *Accountants Computer Services*, 298 N.E.2d at 526.
29. *Id.* at 527-28.
30. *Id.* at 528.
31. *Id.*
32. *Id.* at 526-27.



Acting Professor David C. Tunick, who teaches a course at Loyola in Computers and the Law, was graduated from UCLA Law School in 1971. Prior to attending law school, Professor Tunick spent a year as a data processor and data processing manager at Data Services, Inc. and six years as a computer programmer and computer programming instructor at System Development Corporation, both in Santa Monica, California.

Currently he is a member of the Computer Law Association, for which he serves on the West Coast Conference Planning Committee. He spoke at the Association's 1977 West Coast Conference on the topic: State and Local Taxation of Computer Goods and Services. He is a member of the Los Angeles County Bar Association's Subsection on Computers and the Law. In 1977, he was that Subsection's first speaker, and addressed the group on the topic: Computer Law in Law School curriculum in the United States. Also, he is a member of the Association for Computing Machinery. Beginning in the spring of 1979, Professor Tunick is to conduct seminars throughout the United States on the topic: Practical and Legal Aspects of Negotiating Data Processing Contracts. He is now preparing an article for publication in the Loyola Law Review entitled: An Introduction to Computer Law for Non-Computer-Type Attorneys. Portions of the article have been condensed for this issue of the Loyola Lawyer.



Luc P. Benoit '67 Establishes a Data Bank of Technology Transfer Law at Loyola

The most recent addition to the Loyola Law Library is a Data Bank of Technology Transfer Law, trying to meet an emerging need in a new fashion. Technology is now outstripping its most current dictionary meaning to become simply "the means and processes of the industrial age."

This development is paralleled by a growing recognition that technology transfer can only be successful as an exchange, with givers and recipients exchanging their roles as to different needs, such as production and management information in a developing country and raw materials in a developed market economy.

Technology transfer is not only a transnational matter, but is truly an exchange of the means and processes of the industrial age, internally, externally, domestically, and transnationally. The involvement of multitudinous laws and often interdependent if not countervailing legal systems is similarly bewildering. Also, the subjects of technology transfer and technology transfer laws are intertwined to such an extent that the lawyer is practically lost without an understanding of the underlying means and processes.

Against this background, Luc P. Benoit '67 in September 1977 conceived the idea of a Data Bank of Technology Transfer Law which would unite the function of a law library with that of a repository of appropriate supportive materials in the context of cross-referencing and retrieval facilities. Luc Benoit's practice in different aspects of technology transfer law, first overseas, then in Western Pennsylvania and now in Pasadena, his directorship and committee chairmanship of the Los Angeles Patent Law Association, were bound to make him particularly sensitive to the need for a data bank on technology transfer law.

Lislotte Benoit, against a background of a career in multinational corporations and as consular secretary

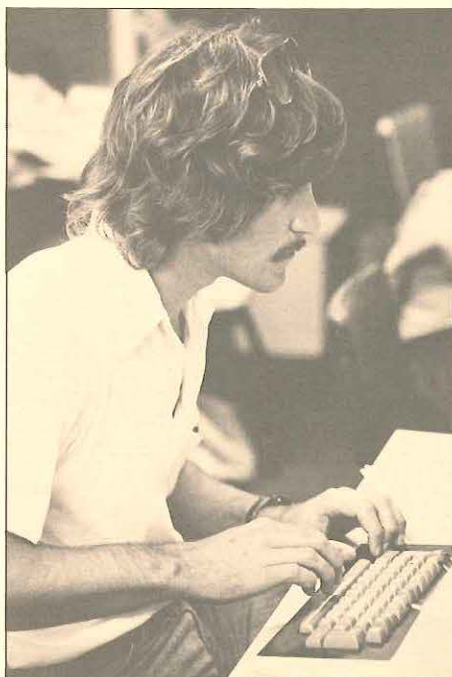
in South America, joined her husband in recognizing the need for a data bank here on the West Coast. Accordingly, a gift from the Benoit's gave the impetus to establish the Data Bank to receive books, periodicals and other materials on technology transfer law for the use of lawyers, law students, and members of the academic community in Southern California. In particular, Loyola Law School has agreed to maintain such contributions accessible in its law library.

Technology transfer laws and concerns are becoming an increasingly frequent topic of seminars and extensive studies. A recent nationwide study of Public Policy and Technology Transfer was funded by the United States Department of State, sponsored by the Fund for Multinational Management Education, Council of the Americas, United States Council of the International Chamber of Commerce, and The George Washington University, and yielded a four-volume review of a wide variety of legal and socio-economic topics. Luc Benoit participated in that study and the Fund for Multinational Management generously gave him a copy of the four-volume review in trust for the Data Bank. A continent and an ocean away, the newly established European Patent Office in Munich, Germany, has initiated free contributions to our Data Bank in mid December, and the world intellectual property organization in Geneva, Switzerland has also begun contributing books.

Contributions to the Data Bank can be made through direct contributions to Loyola Law School which become part of its Law Library. An abstracting, indexing and cross-referencing system is intended to permit easy access and review for academic study and for legal and background research and information by students, teachers and interested lawyers.

Books, periodicals and articles on international and domestic licensing, domestic and foreign patent laws, transnational corporations, antitrust laws, commercial laws, European Economic Communities laws, and similar topics along with contributions specifically directed to technology transfer subjects elucidating the need for and the purpose of laws and regulations, are particularly needed at present.

Computer Assisted Learning, Research and Library Processing and Reference Systems



Computer assisted learning, research and library processing systems are a must for Loyola Law School. As the use of such assistance becomes more prevalent in the practice of law so the law school must keep pace. The young lawyer must be familiar with every modern technique in order to provide the best possible client advice at a given situation.

The "law explosion" caused by new case law, new areas of legal entanglement, new and expanding fields of legal specialization and a myriad of other reasons force the law student and the law professor to spend an inordinate amount of time researching rulings, codes and statutes to find answers germane to the problem in law he is facing.

The student may no longer be able to assimilate all of the available information solely through the traditional lecture method of teaching law. He must have methods of self-study and self-testing on an interim basis. The student *must*, at the same time, become familiar with the techniques used by practicing attorneys now and in the future.

The law professor is faced with similar problems, when developing course assignments that must often enter jointly into the realm of state, interstate, national and international law. He must take into account the research time the student will use in relationship to other course commitments.

Because of the "law explosion" new focus has been placed on research techniques, on self-learning and on more efficient use of the law school's 200,000 volume library. The answer that becomes clear is computer assistance in three specific areas — computer assisted learning, computer assisted research and computer assisted library processing and reference.

It would be almost impossible for any private law school such as Loyola to develop the software and acquire the hardware needed to establish its own computerized system and data base. The cost would be prohibitive. Fortunately much of the hardware and software in this area has already been developed and is available now. Viable and flexible systems that answer today's needs and allow the answers for tomorrow's problems to be added are available on a time sharing basis. This makes the utilization realistically feasible and cost effective for Loyola Law School.

The three systems that Loyola is currently considering installing or time sharing are EDUNET, a computer assisted learning system, LEXIS, a legal research system and BALLOTS, a library processing and bibliographic reference system. All three are separate

systems, not related to each other but together form an integrated, comprehensive, computer assisted learning and teaching system. Each will have its own terminals and different master computers; however, the three together make a formidable grouping of efficient and effective tools to enhance the teaching and learning of the law.

EDUNET makes it possible for law students, professors and administrators to access, at reasonable cost, computer aided learning and teaching resources that would otherwise not be available to them. The computer assisted law programs are situated at the University of Minnesota computer center. Many programs are already established while others may be written by our own faculty and entered into the system.

LEXIS was developed by Mead Data Control as a service for lawyers who are heavily involved in research. It is a plain language research and retrieval system using key words to bring out of its memory related facts to the inquirer.

BALLOTS system allows the law librarian to determine in seconds where and what research materials are available, either in Loyola's own library or in other law libraries throughout the nation. This system also provides information regarding access to materials that are in libraries other than our own. In addition it is a reference system that has the capacity to construct a bibliography and provide cross indexing with other law libraries.

BALLOTS was developed at Stanford University, and its data base includes material from California State Law Libraries, California State Documents Library, the law libraries of Boalt Hall, Stanford, UCLA, McGeorge and Hastings Law School among others.

The cost of establishing such a computer assisted system is estimated at \$78,500 and the operating costs are estimated at \$50,000 per year.

As an alumnus or friend of Loyola Law School you might wish to consider a gift to the educational enrichment fund of Loyola Law School to be applied to either helping to establish or helping to endow these computer assisted systems.

A capital gift may help in the establishment of this computer assisted center by the purchase of equipment and dedication of space.

A bequest, charitable remainder trust, or gift annuity may be designated towards the enrichment fund and used to endow the program and offset the operating costs in the future.

Computer Assisted Exercises in Legal Education

Following are examples of computer assisted instructional programs currently developed in the EDUCOM system and in use at other ABA accredited law schools in the United States. The application of CAI at Loyola Law School is one part of many long-range planning studies now being conducted for possible implementation. The concept of using computers in a traditional legal education environment may be questioned by those who perhaps did not benefit from this type of technological advancement in teaching and learning. However, the advantages of CAI as a supplement to the traditional lecture/research method of teaching law have been clearly identified, and a brief overview of these exercises is presented here for informational purposes.

An Exercise in Case Analysis

This exercise is designed to help train beginning law students in the analysis of judicial opinions. The student is asked to agree or disagree with assertions about a diversity jurisdiction case (*Baker v. Keck*). The computer responds to the student's answers by evaluating them or asking further questions.

The Complaint

The student is presented with a hypothetical slander case. He must compose a complaint for a diversity action in federal court. The student is told that his complaint must be drafted so that it would completely satisfy even the most punctilious judge. The student composes the complaint by choosing from a menu of paragraphs contained in the workbook which accompanies the exercise. The computer asks the student to explain the grounds upon which rejected paragraphs were not used. The student explains by choosing from a multiple choice format, and the computer responds by asking further questions or by criticizing the answers. The exercise requires the student to compose a complaint which pleads grounds for jurisdiction and the elements of the claim at a proper level of generality, while avoiding superfluity or violation of Rule 11.

Code of Professional Responsibility

Students are given a series of hypothetical factual situations and asked whether certain conduct would violate the Code of Professional Responsibility. This exercise is designed to be a drill in black letter law, leaving more sophisticated problems of construing the Code for class discussions.

The Defense Function

The student plays the role of a lawyer in a hypothetical trial. As the trial progresses the student is faced with various problems of professional responsibility. The computer asks what should be done in each situation, and responds to the answer by commenting upon it, asking further questions, or progressing further with the trial.

Demurrers and Motions for Judgement on the Pleadings

The student is given sets of pleadings in civil cases, and asked to identify issues that would be raised on a demurrer or motion for judgement on the pleadings.

Evidence — Casebook Version

The computer prints a transcript of questions and answers asked to witnesses during the trial of a personal injury case. At various points, the computer notes that an objection has been made to the question. The student must indicate whether the trial judge should sustain or overrule the objection. After the student indicates whether the objections should be sustained or overruled, he is asked to justify the answer by choosing from a multiple-choice format. If the student gives an incorrect answer, the computer responds and the student is asked to try again. When reasonable arguments can be made for either sustaining or overruling an objection, the computer explains the arguments on both sides.

Objection

This exercise is similar to the Evidence exercise; however, the student is more frequently asked to give short free-language answers. In the second part of the exercise, the student is placed in the role of a lawyer and asked to make objections to testimony. This exercise is designed for use in conjunction with an evidence or trial practice course.

Federal Rules of Evidence

This exercise is similar to the Evidence version except that it is based upon the Federal Rules of Evidence rather than those described in civil procedure casebooks or common law.

Jurisdiction and Venue

The student is asked whether a hypothetical lawsuit could be brought in various forums. The computer responds to the answers by asking questions about venue, diversity jurisdiction, removal, and personal jurisdiction. The exercise is designed primarily to familiarize the student with the provisions of a typical long-arm statute, and with statutes governing federal venue, diversity jurisdiction, and removal jurisdiction. However, the exercise also requires the student to apply two diversity jurisdiction cases con-

tained in the written material to the factual situations presented.

Directed Verdicts, Summary Judgement, and Instructions

This exercise deals with the use of directed verdicts/judgement n.o.v., summary judgement, and instructions to remove issues from the jury. For example, students are asked whether, in specified factual situations, it would be appropriate to direct a verdict for or against the party bearing the burden of proof.

Decisions Before Trial

This exercise permits the student to choose the role of counsel for the plaintiff or for the defendant in relation to a potential claim for wrongful death arising out of alleged negligence in servicing a trailer wheel. In the chosen role, the student is asked to make decisions on problems of trial tactics and strategy and problems of professional responsibility that arise as the case develops. The computer is programmed to gather data on answers and on experienced trial lawyers responding to these same questions. The program also contains comments and answers to questions on which competent counsel might differ and explanation of the conflicting considerations bearing on the decisions the student is required to make.

Computer Generated Intent Questions

The program requires the student to apply the concept of "Intent" as defined in *Restatement (Second) of Torts*. By means of computer-generated questions, the student is asked to approve or disapprove asserted propositions applying the concept to a fact situation and to identify the errors in erroneous propositions.

Child Injury in Tort Law

The student answers questions concerning an eye injury to a 7-year-old child caused by a classmate. The student must identify entities against whom claims may be made, theories of those claims and instructions to the jury. Also, the student has an opportunity to submit to the computer questions seeking information from a vital witness; this information helps the student evaluate proposed instructions to the jury.

The Case of Driver, Trucker, and Sharp

This problem is available in workbook form and on the computer. The problem begins as an examination question of the type commonly used in law schools. The student is urged to spend an hour writing an examination answer under typical examination conditions before turning to either the workbook or computer version of the exercise. Under each version, the student is led through a careful analysis of issues in the problem.



The Advocates Sets \$80,000 Goal

The Advocates Council of Loyola Law School has established a fund-raising goal of \$80,000 for The Advocates, the School's annual support group, during 1978-1979. Last year, The Advocates contributed almost \$57,000 to the Law School's annual operation.

Council chairman, Charles R. Redmond '75, vice president for administration and services and assistant to the president, Times Mirror Company, reported to the Alumni Association Board of Governors that, through December 31, 1978, a total of \$33,000 had been received from 227 alumni and other friends.

To promote increased alumni awareness and support of The Advocates the Council conducted a phone-a-thon last November to reach graduates residing in the 18 alumni chapters throughout California. Since the phone-a-thon, there have been 62 new donors (thru December 31) with contributions of more than \$4,000.

If you were not contacted during the phone-a-thon, or if you simply did not make a pledge at that time, please consider helping The Advocates surpass its \$80,000 goal by sending your

tax-deductible contribution in the reply envelope provided with the *Loyola Lawyer*.

Another activity to help increase contributions is the formation of Dibble Fellow and Cook/Advocate Fellow solicitation committees. Volunteers have taken on assignments to contact other alumni and personally ask each individual to join The Advocates at a particular giving level.

Annual giving categories for membership in The Advocates include the Rev. Joseph J. Donovan Fellows (\$1,000 or more), the J. Rex Dibble Fellows (\$500-\$999), the Walter Henry Cook Fellows (\$250-\$499), and The Advocate Fellows (\$100-\$249).

Funds received through The Advocates are used for a number of operational needs, including the recruitment and retention of a highly qualified faculty, the purchase of books and equipment for the library, financial aid for needy and qualified students, and the maintenance of Law School facilities. All contributions received through The Advocates are used exclusively for Loyola Law School.

Advocates receive recognition in the Annual Report and Donor Honor Roll, library privileges, and a handsome

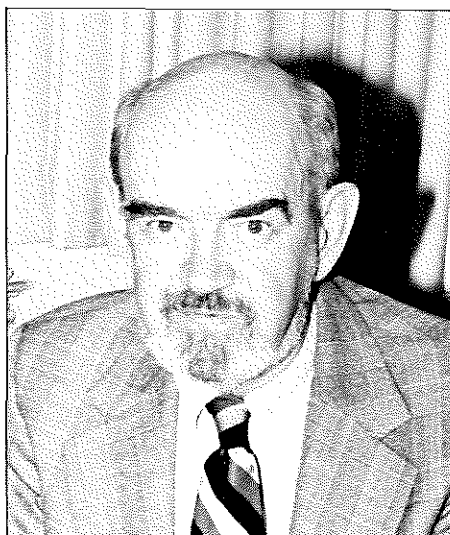
certificate or medallion (Donovan Fellows).

Loyola Law School would like to take this opportunity to acknowledge and thank the alumni volunteers who assisted in the recent phone-a-thon, especially the following Alumni Chapter fund-raising chairpersons: Claire Van Dam '73 (Brentwood/Westwood/Beverly Hills); James E. "Pat" Patterson '61 (East San Gabriel Valley); Benjamin Felton '60 (East San Fernando Valley); N. Fred Woods, Jr. '63 (Long Beach/San Pedro); Carl J. West '78 (Los Angeles); Michael Tenerelli '77 (Orange County); Robert S. Rose '55 (Pacific Palisades/Santa Monica); Brian K. Brandmeyer '62 (Palos Verdes); Anthony Bellino '71 (Riverside/San Bernardino); William M. Wilson, Jr. '76 (Santa Barbara); Craig H. Edgecumbe '72 (South Bay); William S. Stack '55 (West San Fernando Valley); and Richard Hall '73 (West San Gabriel Valley).

Thanks are also extended to representatives of the Dibble Fellows Committee, Gerald M. Singer '68, chairman, and Martin J. Burke '26, and also to Roman M. Silberfeld '74, chairman of the Cook/Advocate Fellows Committee.



Dean Frederick J. Lower, Jr. '64



Professor Quentin O. (Bud) Ogren '50

Annual Alumni/Advocates Event to Honor Outgoing Dean

The Alumni/Advocates Dinner Dance, to be held on Friday, March 23 at the Beverly Wilshire Hotel (Beverly Hills), will honor Frederick J. Lower, Jr. '64, who announced his resignation as Dean of Loyola Law School effective July 1.

Professor Quentin O. "Bud" Ogren will receive the Faculty Recognition Award for 25 years of teaching at Loyola Law School, and the Alumni Association Award for outstanding service and superior scholastic achievement will be presented to a graduating law student.

The semi-formal affair will begin with cocktails at 6:30 p.m. in the Le Petit Trianon Room, followed by dinner in Le Grand Trianon. Laurence G. Preble '68,

president of the Alumni Association Board of Governors, will serve as master of ceremonies for the evening.

A special California State Assembly Resolution will be presented to Dean Lower by Assemblyman Charles R. Imbrecht '74 (36th District).

Music for dancing will be provided by the Gregg Elliot Band. Ticket price for the annual event, sponsored by the Alumni Association's Board of Governors, is \$30 per person. Loyola law students, who are also invited to attend, will receive a discount on the tickets to encourage participation.

All Law School alumni will receive an invitation to this gala affair. If for some reason you have not received an invitation (mailed in February), simply mail your check to the Law School using the reply envelope provided with the *Loyola Lawyer*.

Board of Governors Elections Scheduled for June

Elections for positions on the 1979-80 Board of Governors of the Loyola Law School Alumni Association will take place in June.

There will be five positions on the Board to be filled for a two-year term of office beginning on July 1, 1979. Active members of the Alumni Association, which includes all graduates of Loyola Law School, are eligible for nomination.

Anyone interested in nomination for election to the Board must submit a nominating petition stating one's intent and signed by at least 20 members of the Alumni Association. Nominations by petition must be received by the president of the Board of Governors by May 1. Petitions should be mailed to Mr. Laurence G. Preble, c/o Loyola Law School Alumni Association, 1440 West Ninth Street, Los Angeles, California 90015.

Election ballots will be mailed to the entire Alumni Association on June 1 and must be returned by June 15 when the tabulation of votes will be made.

Alumni Directory Publication Plans Move Forward

In late December, a special information update card was mailed to the Law School's more than 4,600 alumni to gather current data for the School's first Alumni Directory. Alumni were asked to provide information on the card with which to update the most recent information the Law School has on record, and to return the card to the School by January 31.

It was originally hoped to have the Alumni Directory available for distribution in January, but with a delay in mailing the information update card, the Directory will probably not be available until March.

The Directory format will include an alphabetical listing of alumni with business addresses and phone numbers; a roster of alumni by class year; a geographical breakdown by city in California and by states outside of California; and a list of alumni chapters with membership rosters.

Alumni who wish to reserve a copy of the Directory can do so by completing the form below and returning it in the reply envelope provided with the *Loyola Lawyer*.

Alumni Directory

Loyola Law School Alumni Directory Questionnaire

19				
Last Name	First Name	M.I.	(Maiden Name)	Class Year
Professional Occupation/Current Business Title				
Firm Name				
Business Address	City	State	Zip	Telephone
Residence Address	City	State	Zip	Telephone

I prefer receiving alumni mail at my Business Residence

I wish to reserve a copy of the Alumni Directory Yes No

Board of Visitors Adds Members; Anderson Named Vice-Chairman

At its fall meeting, the Board of Visitors elected John E. Anderson '50 as its vice chairman. He has been a member of the Board of Visitors since September 1977.

Anderson is a founding partner of the Los Angeles and Santa Ana law firm of Kindel & Anderson. He has served as a member of the Law School Alumni Association's Board of Governors and as an adjunct professor of taxation and tax planning at the Law School.

Anderson serves on several other educational and civic boards including Claremont Men's College, St. John's Hospital and Health Center Foundation, and the Metropolitan Los Angeles YMCA.

He and his wife Marion have four children and reside in Bel Air. Mr. and Mrs. Anderson hosted the initial Board of Visitors meeting for 1978-79 in their home.

James L. Barrett '51 is senior partner with the law firm of Barrett, Stearns, Collins, Gleason & Kinney (Torrance). He earned his bachelor's degree from the University of California, Los Angeles. For the past two years, he has served as general counsel for the UCLA Alumni Association.

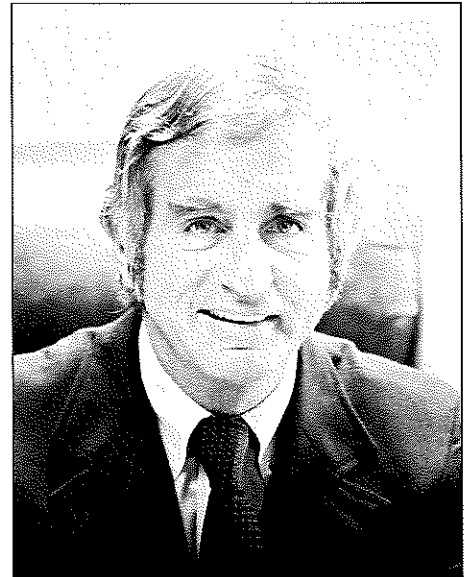
Mr. Barrett's other professional and civic activities have included

membership on the Los Angeles County Bar Association Disciplinary Committee—Real Property Section, director of Little Company of Mary Hospital (Torrance), and past president of the South Bay Bar Association. He is currently owner and general partner of Chateau Montelena Winery in Napa Valley.

Walter F. Beran is the partner in charge of West Coast District offices for the accounting firm of Ernst & Ernst (Los Angeles), a position he has held since 1971. Mr. Beran has been a member of the firm's five-man Managing Committee since 1972. He joined the firm in 1948 after earning his bachelor's degree from Baylor University in the same year.

Mr. Beran's current civic activities include service as vice president and chairman of the Executive Committee of the Los Angeles Area Chamber of Commerce and vice chairman of their Economic and Job Development Council, and chairman of the Board of Councilors of the School of Business Administration, University of Southern California.

Mr. Beran has frequently been honored by business, civic, government and professional organizations. In 1976



James L. Barrett '51

he received the Loebbecke Award as chairman of the United Way Region in Los Angeles with the highest increase in campaign contributions.

Daniel C. Cathcart, father of Loyola student Peter Cathcart '80, is a partner with the Los Angeles law firm of Magana, Cathcart & McCarthy. He earned his law degree from the University of Southern California following undergraduate studies at both the California Institute of Technology and USC.

Since being admitted to the bar, Mr. Cathcart has specialized in the handling of medical-legal trial matters, but for the past several years most of his practice has been devoted to the handling of aircrash litigation.

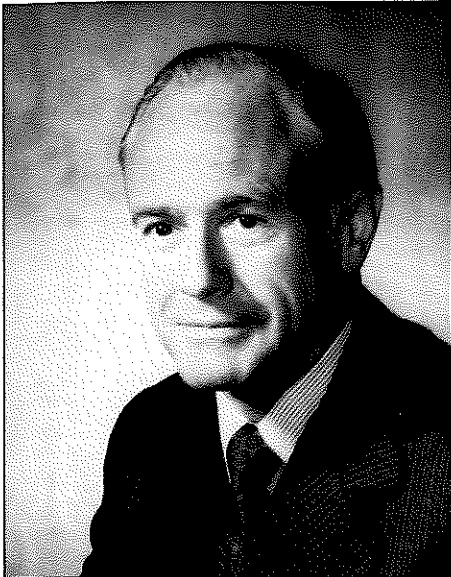
Mr. Cathcart was formerly on the faculty of the Institute of Aerospace Safety and Management, University of Southern California, and also the USC Law Center, Advanced Professional Program, as an instructor in Aviation Accident Litigation.

Leonard Cohen '51 is senior executive vice president of National Medical Enterprises (Los Angeles). He has been an executive officer and director of the company since its inception in 1969, overseeing company activities in acquisition, finance, and operations.

Mr. Cohen received his bachelor's degree from the University of California, Los Angeles. He has



Dinner Meeting — Attending the Loyola Law School Board of Visitors meeting last Fall were (from left) J.R. Bob Vaughan '39, chairman, Jack M. Ostrow '48, Hon. Mariana R. Pfaelzer, John E. Anderson '50, vice-chairman, and Morris Pfaelzer along with other Board members, faculty, staff, and students.



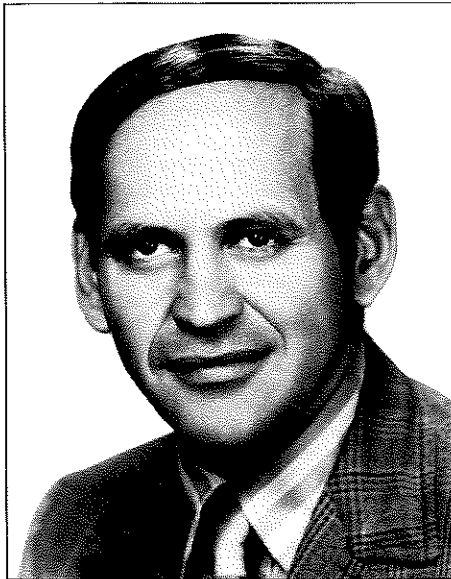
Walter F. Beran



Daniel C. Cathcart



Hon. Mariana R. Pfaelzer



Leonard Cohen '51



Hugh L. Macneil '48

extensive experience in tax law through his more than 20 years as a partner in the law firm of Ervin, Cohen & Jessup (Beverly Hills), and was a lecturer at the University of Southern California School of Law for 15 years. Mr. Cohen has also authored articles on taxation.

Hugh L. Macneil '48 is a partner with the Los Angeles law firm of O'Melveny & Myers. Mr. Macneil, son of the late Sayre Macneil, former dean of Loyola Law School (1941-59), earned his undergraduate degree from Harvard University.

Mr. Macneil's professional activities include delegate to the State Bar

Conference for 20 years; past chairman (two years) of the Probate & Trust Law Committee of the Los Angeles County Bar Association, member of the executive council (1974-78) of the International Academy of Estate and Trust Law, and a regent since 1974 of the American College of Probate Counsel.

Mr. Macneil's community involvement includes serving as a director of the Pasadena Child Guidance Clinic (president 1974-76) and a trustee of the Del Amo Foundation.

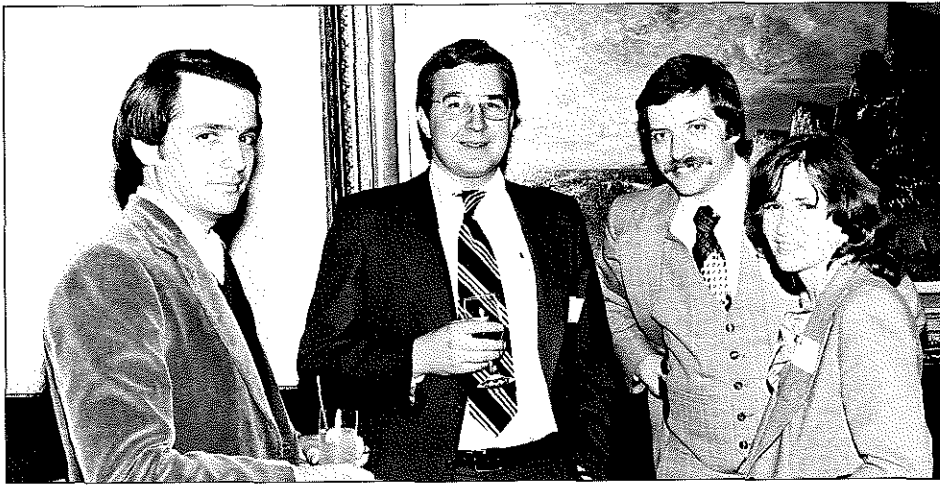
Board Member Appointed to Federal District Court

The Hon. Mariana R. Pfaelzer, a member of the Loyola Law School Board of Visitors, was appointed to the Los Angeles Federal District Court by President Jimmy Carter and sworn into office on Nov. 7, 1978 by Ninth Circuit Court of Appeals Judge Shirley M. Hufstedler.

Judge Pfaelzer, the first woman appointed to the Federal District Court in California, was a senior partner in the Los Angeles law firm of Wyman, Bautzer, Rothman & Kuchel, which she joined upon graduation from UCLA law school in 1957. During her long tenure with the same firm, she handled a wide variety of cases, specializing in business and entertainment law, with the last 10 years devoted exclusively to litigation.

She earned a bachelor's degree from UC Santa Barbara, and graduate studies in political science at UCLA led to enrollment in law school despite an already established career in secondary education.

Judge Pfaelzer is a former president of the Los Angeles Police Commission, and joined the Loyola Law School Board of Visitors last year. She has also served on the State Bar Committee on Professional Ethics and the Special Committee on Juvenile Justice.



Bar Reception — Recent graduates of Loyola Law School gathered in January to celebrate their passing of the State Bar Examination during 1978. The annual Bar Exam Reception is hosted by the Alumni Association.

Alumni Host Bar Exam '78 Reception

The Alumni Association hosted a festive cocktail reception on January 31 at the Los Angeles Athletic Club for all Loyola Law School graduates who passed the California State Bar Examination in 1978.

The reception marked the third year that the Alumni Association has welcomed the Law School's new attorneys into the legal profession. Some 100 recent graduates attended the affair, and they were joined by faculty and administrators who extended congratulations upon their success.

Laurence G. Preble '68, president of

the Alumni Association Board of Governors, discussed the goals of the Alumni Association and ways that the new Loyola lawyers can assist the Law School.

Results of the July 1978 General State Bar Examination released by the Committee of Bar Examiners indicate that the combined percentage passing rate of the 316 day and evening Loyola law students taking the test for the first time was 75.3%, well above the statewide passing average of 52%.

Statistics compiled from the Spring 1978 State Bar Exam conducted in February show that 74 Loyola graduates attempted the test for the first time and that 78.4% passed.

Santa Barbara Chapter Holds Social

The Santa Barbara Alumni Chapter held its second annual social event on October 12 at the University Club in Santa Barbara. Attending the cocktail reception and luncheon were over half of the Loyola Law School graduates residing in the area.

Dean Fred Lower '64, featured speaker at the event, conducted a round-table discussion on Loyola's history, present state, and future plans.

The social was chaired by Thomas P. Anderle '64, president of the Santa Barbara Alumni Chapter. Also attending the event were John G. Barnes, Jr. '52, and David R. Penso '75, with the local law firm of Harris, Parke & Barnes; Martin J. Kirwan '51, with Ives, Kirwan & Dibble; law partners William W. Luc '64 and Dennis G. Merenbach '64; Alice T. Merenbach '66 of Merenbach & Patison; and attorneys at law Eugene J. Flynn '58, M. Carmen Ramirez '74, Ana I. Segura '77, and William M. Wilson, Jr. '76.



Chapter Event — The Santa Barbara Alumni Chapter social event held in the University Club was attended by (from left) William M. Wilson, Jr. '76, chapter fund-raising chairman, Dean Frederick J. Lower, Jr. '64, and Thomas P. Anderle '64, president of the Santa Barbara chapter.

Law School to Expand Reunion Program

"The response to the limited class reunion program begun in 1977 has been so enthusiastically received by the alumni that it will be expanded in 1979 to include events for all classes from 1924 to the present for every five years since graduation," announced David Morrissey, Director of Law School Development. It is planned that this year, the Classes of 1974, 1969, 1964, 1959, 1954, 1949, 1944, 1939, 1934, and 1929 will all hold reunions.

Class reunions are an opportunity to renew friendships, extend professional contacts and recall the "Paper Chase" of a legal education at Loyola.

Alumni from these classes are needed to be part of a committee to help plan and publicize their reunion. Anyone interested in assisting should give Morrissey a call at the Law School at 642-3135, or drop him a note using the reply envelope provided with the *Loyola Lawyer*.



A Decade — The Loyola Law School Class of 1968 Reunion Chairman William F. Davis III (center) chats with fellow graduates on the occasion of their 10-year reunion in November.

Class of 1968 Holds Reunion

Members of the Class of 1968 held their 10-year reunion on November 4 at the Riviera Country Club. Attending the cocktail party as guests of the class were Dean and Mrs. Frederick J. Lower, Jr. '64 and Professor Lloyd Tevis '50.

The reunion was organized by committee chairman William F. Davis III, Adams, Duque & Hazeltine, and committee members Michael F. Bowler III, Kams & Karabian, David Patrick Callahan, Frazier, Dame & Doherty; Daniel C. Cassidy, Paterson & Taggart; Robert H. Keefe, private practitioner; and James Paul Lower, Hanna & Morton.

Alumni Chapter Leadership Changes Announced

Loyola Law School has recently reorganized the leadership of some of its 18 regional Alumni Chapters established throughout California in order to increase involvement of the approximately 80 percent of Loyola's 4,600 alumni who reside in the state.

The purpose of the Alumni Chapters is to foster a strong working relationship between Loyola graduates and their Law School, and to promote closer personal and professional contacts among alumni.

Goals of each chapter are to hold an annual social or educational event which would provide the opportunity for the Law School Dean to meet with chapter members, to serve in a liaison capacity by increasing the regular flow of information between the Law School and the chapter, and to conduct

fund-raising activities on behalf of the Law School through The Advocates, Loyola's annual support group.

However, these chapters depend on alumni interest and participation to achieve the effective involvement necessary for the advancement of Loyola Law School.

Each Alumni Chapter is organized with a leadership group of volunteers consisting of a president who serves as the primary contact with the Law School and oversees the chapter steering committee. Also included on the steering committee are a chapter secretary who functions as the informational liaison between the membership and the Law School; a fund-raising chairperson who organizes and coordinates the annual giving efforts within each chapter, including a phone-a-thon; and the event chairperson who plans and organizes the annual chapter social or educational activity.

To develop and insure active alumni

chapters which meet their goals, it is necessary to gain the involvement of as many alumni as possible. Then, each chapter's activities can be delegated and shared for the collective benefit of all members. The Law School will continue to provide guidance and secretarial support.

If you are called upon to volunteer some of your valuable time to help with chapter programs, please give the request your thoughtful consideration and an enthusiastic and affirmative response. If you would like to volunteer your time now to assist your chapter in one of its activities, simply drop a note in the reply envelope provided with the *Loyola Lawyer*, or call your chapter president.

Following is an updated roster of chapter presidents.

Alumni Chapter Presidents

Brentwood/Westwood/Beverly Hills

Claire Van Dam '73
Swordlow, Glikbarg & Shimer
9601 Wilshire Blvd., Suite 544
Beverly Hills, Ca. 90210
(213) 274-8045

Central Coast

William A. Herreras '66
Ghitterman, Eskin, Schweitzer
& Herreras
1264 Hiaguerra
San Luis Obispo, Ca. 93401
(805) 541-3800

Central Valley

Marshall H. Jacobson '73
Jacobson & Gianquinto
214 H Street
Bakersfield, Ca. 93004
(805) 327-7325

East San Gabriel Valley

John J. McCue '48
Miller & Mautino
Bank of America Building
13006 East Philadelphia St.
Whittier, Ca. 90601
(213) 698-9575

East San Fernando Valley

Benjamin Felton '60
15233 Ventura Blvd., Suite 706
Sherman Oaks, Ca. 91403
(213) 788-2161

Long Beach/San Pedro

(to be announced)

Los Angeles

Mark P. Robinson '50
Robinson & Robinson
888 W. Sixth St., 11th Floor
Los Angeles, Ca. 90017
(213) 485-1798

Orange County

John C. Gamble '71 and
David C. Grant '72
Allen, Matkins, Leck, Gamble
& Mallory
4299 MacArthur Blvd., Suite 105
Newport Beach, Ca. 92660
(714) 752-1721

Pacific Palisades/Santa Monica

Henry K. Workman '56
Thorpe, Sullivan, Workman, Thorpe
& O'Sullivan
800 Wilshire Blvd., 4th Floor
Los Angeles, Ca. 90017
(213) 680-9940

Palos Verdes

Robert C. Haase, Jr '56
Haase & Heinemann
707 Wilshire Blvd.
Los Angeles, Ca. 90017
(213) 625-3500

Riverside/San Bernardino

Philip B. Wagner '57
141 N. Arrowhead Ave., Suite 4
San Bernardino, Ca. 92408
(714) 889-1438

San Diego

David E. Monahan '66
Gray, Cary, Ames & Fry
2100 Union Bank Building
San Diego, Ca. 92101
(714) 236-1661

San Francisco/Sacramento

John L. Carr '59
United Financial Corporation
700 Market Street
San Francisco, Ca. 94102
(415) 772-1468

Santa Barbara

Thomas P. Anderle '64
1114 State St., Suite 300
Santa Barbara, Ca. 93101
(805) 963-3826

South Bay

Michael E. Gleason '63 and
Craig Edgecumbe '72
Barrett, Stearns, Collins, Gleason
& Kinney
21515 Hawthorne Blvd., Suite 1150
Torrance, Ca. 90503
(213) 540-2020

Ventura/Oxnard

(to be announced)

West San Fernando Valley

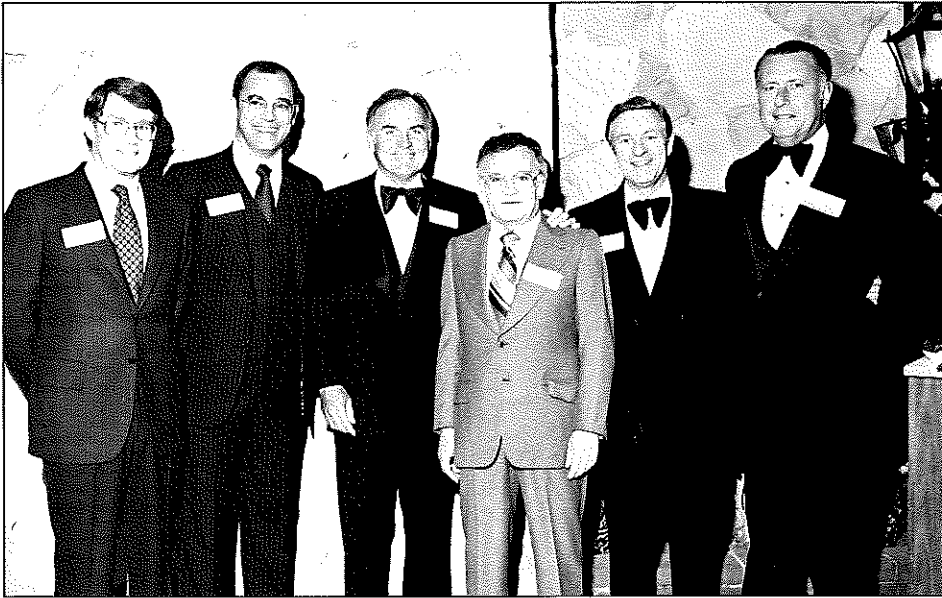
Vincent W. Thorpe '59
Thorpe, Sullivan, Workman, Thorpe
& O'Sullivan
800 Wilshire Blvd.
Los Angeles, Ca. 90017
(213) 680-9940

West San Gabriel Valley

John H. Brink '57
Irsfeld, Irsfeld & Younger
7060 Hollywood Blvd., Suite 1011
Los Angeles, Ca. 90028
(213) 446-4161

Bebette Gualano Coleman '56

900 Singing Wood Drive
Arcadia, Ca. 91006
(213) 681-9116



Donovan Fellows — Members of the Loyola Law School Donovan Fellows support group attending the annual donor recognition dinner held November 1 included (from left) James J. McCarthy '61, Frederick J. Lower, Jr. '64, James N. Kenealy, Jr. '51, Godfrey Isaac '51, Thomas E. Garcin '52, and the Hon. Ross Gene Tharp '52.

Donovan Fellows Feted at Annual Banquet

John and Paula Meehan, Regents of Loyola Marymount University, hosted a dinner in their home on November 1 honoring the University's major benefactors during 1977-78. Recognized on this occasion were Joseph J. Donovan Fellows of Loyola Law School, as well as Members and Friends of LMU and the Los Angelenos de la Loma support groups. Membership in these groups is achieved by annual contributions of \$1,000 or more.

During the cocktail hour, guests were invited to tour the house and grounds of the former Elvis Presley estate in Holmby Hills. Following a multi-course Mandarin and Cantonese dinner, Law School Dean Frederick J. Lower, Jr. '64 introduced the new Donovan Fellows, and Regent Kenneth Olsen introduced new Los Angelenos members, as LMU President Rev. Donald P. Merrifield, S.J., presented each with a traditional engraved medallion.

New Donovan Fellows honored from both The Advocates and Other Law School Gifts were:

H.H. Sheikh Shams Aldein Al-Fassi
John E. Anderson '50
Theodore A. Bruinsma
Sy R. Cohen '62

M. Louise Eason
Thomas E. Garcin '52
Carl M. Gould '42
Stafford R. Grady
W. Montgomery Jones '52
Patrick S. Lynch '66
Hugh L. Macneil '48
James J. McCarthy '61
Robert Nibley '42
Jack M. Ostrow '48
Hon. Mariana R. Pfaelzer
Raymond A. Rodeno
Martin Stone '51
Hon. Ross Gene Tharp '52
Maynard J. Toll
Theodore A. Von der Ahe '31 (in memoriam)
Clement F. Von Lunenschloss '42
Arthur B. Willis '42
Agnew, Miller & Carlson
O'Melveny & Myers
Western State University Foundation

Special tribute was paid to Mr. and Mrs. Wilfred L. Von der Ahe '33 in recognition of many years of outstanding service and generosity to the University.

Entertainment was provided by the LMU student *Grupo Folklorico*, dressed in the costumes of the regions, who performed dances from Guadalajara and Mazatlan.

Robert Lynch Memorial Scholarship Gifts \$35,000

Since the fall issue of the *Loyola Lawyer*, contributions and pledges to the Robert D. Lynch Memorial Scholarship have grown to \$34,186. Gifts have been received from alumni, other individual friends, and from several law firms, including Agnew,

Miller & Carlson where Bob had been made a partner just prior to his death in February, 1978.

Anyone wishing to make a contribution can do so by enclosing a check, made payable to Loyola Law School—Lynch Memorial Fund, in the reply envelope provided with the *Loyola Lawyer*. All gifts to this memorial fund are tax deductible as provided by law.

Those, to date, who have given to the Robert D. Lynch Memorial Scholarship are:

Allan L. Alexander
Coe A. Bloomberg '72
William J. Bogaard
Theodore E. Calleton
Mr. and Mrs. Robert Caniglia
Mr. and Mrs. Robert E. Carlson
Mr. and Mrs. Richard M. Clark
Ronald K. L. Collins '75
Ralph W. Dau
Mr. and Mrs. Michael Dennis (Patricia '73)
Peter L. Eppinga
William A. Finer '72
Owen G. Fiore '61
John C. Gamble '71
Donald L. Gerecht '70
David H. Goldberg '76
Haig Goshgarian '72
Mr. and Mrs. Kent V. Graham '69
David C. Grant '72
Linda B. Greenberg '77
Mr. and Mrs. Kenneth C. Higgins
Marc S. Hurwitz '72
Walter P. Jitner '71
Deane F. Johnson
Mr. and Mrs. Dennis A. Kendig
Jean A. Kennedy
Richard E. Llewellyn II '72
Frederick J. Lower, Jr. '64
Patrick S. Lynch '66
James D. Madison '72
Perry E. Maguire
Gavin Miller
Robert L. Pike '72
Carl G. Phelps
Mr. and Mrs. Robert Pisano
Mark P. Robinson, Jr. '72
Patrick G. Rogan '72
Richard R. Rogan
Larry D. Rosenberg '73
Mr. and Mrs. Morton M. Rosenfeld
John L. Ryan '72
Michael M. Sachs
James V. Selna
Mark R. Steinberg
William J. Sulentor '72
Job Taylor
Rolf M. Treu '74
Michael V. Vollmer '72
Mr. and Mrs. Steven O. Weise
William R. Weisman '73
Stanley M. Williams '73
David C. Wright '72

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Sheehan, Phinney, Ross & Green

Survey Results – Class of 1977

No. of Graduates	364
Graduates Identified	262
Graduates Unlocated	102
Graduates Employed	252
<hr/>	
Graduates Identified as Unemployed	1
<hr/>	
Graduates Not Yet Passed Bar	4
Graduates Not Seeking Employment	5
<hr/>	
Employment Patterns	Base Number 253 100%
Private Practice	176 70%
Solo	38 (22%)
Small Firm (1-5)	50 (28%)
Medium Firm (6-15)	60 (34%)
Large Firm (Over 15)	31 (16%)
Government Practice	26 10%
Federal	6 (23%)
State	7 (27%)
Local	13 (50%)
Corporate Counsel	20 8%
CPA Firms	5 2%
Public Interest Firms	5 2%
Legal Services	2 .8%
Judicial Clerkship	1 .4%
Military	3 1.2%
Teaching	2 .8%
Graduate School	2 .8%
Legal Writing	1 .4%
Satisfactorily Employed in Non-Legal Pos.	6 2.4%

Placement Survey Shows 100% Employment

A Loyola Placement office survey has found a 100% employment pattern among recent Law School graduates. This is very encouraging and reflective of the Law School's career placement efforts on behalf of our alumni. The Loyola Law School Placement Center offers a complete range of professional placement services to assist legal employers, including on-campus recruiting interviews and informational presentations about your firm to Loyola students, processing of resumes and direct applications, coordinating law clerk openings, referrals for alumni to job opportunities, and individualized assistance. Law firm personnel recruiters interested in meeting with Loyola students are encouraged to contact the Placement Center at (213) 642-2955.

CLE Program to Offer Timely Courses

The Loyola Continuing Legal Education program will be offering three courses for Spring 1979. These courses of timely and growing concern to the practicing bar were selected in response to alumni interest questionnaires, according to Professor William G. Coskran '59, chairman of the CLE Committee.

A course on "Civil Trial Advocacy" will be conducted by Thomas V. Girardi '64, Loyola adjunct professor and partner in the Los Angeles firm of Girardi & Keese. He will be joined by an outstanding panel of experienced trial practitioners.

A course on the substantive, procedural, and practical aspects of various "Real Property Litigation" will be given by Allan E. Wilion, an experienced property litigator with the Los Angeles law firm of Boren, Howard, Sloan & Brickman.

"Tax Aspects of Divorce and Separation" is the topic to be presented by Loyola Professor J. Timothy Philipps. Six two-hour sessions will cover federal tax problems, with an emphasis on tax planning through anticipating and resolving problems likely to arise on dissolution of marriage.

All CLE courses will be conducted at Loyola Law School beginning in April. For further information on tuition, dates, times, and course materials consult the Loyola CLE brochure mailed in March to all Southern California attorneys, or call Ms. Joan P. Profant, director of Placement and Continuing Legal Education, at (213) 642-2955.

Calendar of Events

March		3	27th Annual Scott Moot Court Competition
3	Energy and Environment Symposium Sponsored by the Environmental Law Society Loyola Law School, 10 a.m. to 4 p.m.		Final Round Arguments before Hon. Stanley Mosk and a panel of presiding judges Loyola Law School, 3 to 6 p.m.
8	Alumni Association Board of Governors meeting Loyola Law School, 5 p.m.	4	South Bay Alumni Chapter Annual Event
8-9	Jessup Moot Court Competition	6	Riverside/San Bernardino Alumni Chapter Annual Event
10	"Libel & Slander Nite - A Law Revue" Presented by the Student Bar Association Inglewood High School auditorium, 8 p.m.	24	J. Rex Dibble Testimonial Luncheon Dorothy Chandler Pavilion (Music Center), noon
15	West San Gabriel Valley Alumni Chapter Event Brookside Clubhouse Restaurant, 6:30 p.m.	May	
23	Annual Alumni Advocates Dinner Dance Beverly Wilshire Hotel, 6:30 p.m.	10	Board of Governors meeting Loyola Law School, 5 p.m.
29	Career Planning Seminar Sponsored by the Alumni Association Loyola Law School, 5:30 to 7:30 p.m.	11	Palos Verdes Alumni Chapter Annual Event
April		June	
1	St. Thomas More Law Honor Society Breakfast Los Angeles Athletic Club, 11:00 a.m.	3	Loyola Law School Commencement Ceremonies Loyola Marymount University, 11 a.m. to 3 p.m.

For further information, contact the Alumni/Public Relations Office at (213) 642-3549 or 3550

Legal Briefs

1930's

Hon. Thomas E. McCarry '33 concluded more than 10 years on the Los Angeles Superior Court when he retired on his 70th birthday in July 1978.

1940's

Hon. Thomas C. Murphy '40, Superior Court Judge, spoke to the Burbank Bar Association on "Everything You Always Wanted to Ask a Judge, But Were Afraid to Ask." He was also the featured speaker at the 30th birthday party of the San Fernando Valley Legal Secretaries Association. **Hon. Albert M. Felix '47** of Hilo, Hawaii, succumbed to a heart attack on September 9. **Hon. Otto M. Kaus '49**, State Court of Appeals, spoke on "Legal Malpractice" to the Lawyers' Club of Los Angeles County, lectured on current problems in criminal evidence at a California Continuing Education of the Bar program, and spoke on "How to Make Clients Happy — Winning Techniques in Trial and on Appeal" at a Beverly Hills Bar Association luncheon. He also attended the 46th annual meeting of the California Judges Association and discussed recent opinions which have had significant judicial fallout at a seminar titled "Appellate Super Novas II."

1950's

William A. Kurlander '50, partner in the firm of Kurlander & Hix, San Marino, was elected to the State Bar of California Board of Governors. **Hon. Manuel L. Real '51**, U.S. District Court, was a panelist in a discussion on "Techniques for Efficient and Speedy Handling of Business Litigation: Views from the Bench and Bar" at a meeting of the Association of Business Trial Lawyers. **John S. Malone '52** retired from his position as State Bar Secretary. **Hon. Milton L. Most '52**, Superior Court Commissioner, spoke on "Child Support and Custody" at a meeting of the Lawyers' Club of Los Angeles County. **Hon. August J. Goebel '54**, Superior Court Judge, in a speech titled "How to Irritate a Judge," called upon court reporters to curb excessive individuality and other techniques for improving the team role of reporters at the National Shorthand Reporters Association convention. **Milton Feinerman '56** was appointed president of the Federal Home Loan Bank of San Francisco. **Irving A. Kanarek '56** spoke to the Beverly Hills Legal Secretaries Association on the various criminal procedures involved in the Charles Manson trial. **Hon. Dion G. Morrow '57** spoke to the Lawyer's Club of Los Angeles

County on "How to Lose 1538.5 Motions without Really Trying." **Hon. Robert C. Todd '57**, Superior Court Judge, addressed the Orange County Barristers on "Family Law." **Hon. James S. Yip '58** was sworn in as a Los Angeles Municipal Court Judge. **Norman E. Stolba '58** was installed as first vice-president of the Southwest Los Angeles Bar Association. **Thomas R. Breslin '59** was installed as president of the Glendale Bar Association for 1978-79. **Hon. Francis X. Marnell '50**, Superior Court Judge, spoke on "Avoiding the Evidence Code — or — Through the Back Door," to the Lawyers Club of Los Angeles County.

1960's

Dewitt W. Clinton '61 spoke on "Coping with Proposition 13" at a Los Angeles County Bar Association meeting. **Lawrence W. Crispo '61** was installed as vice-president of the Wilshire Bar Association. **John A. Howard '62** was elected president of the Burbank Bar Association for 1978-79. **Robert M. Marshall '62** of Taecker, Marshall & Neuhoff, moved to offices in Brentwood from Westwood. **Richard A. Dawson '63** spoke on "Business License Taxes and Ordinances Since Proposition 13" to the Los Angeles County Bar Association, Taxation Section. **Robert K. Steinberg '62** spoke to the Los Angeles Trial Lawyers Association on "Techniques: The Dynamic Opening Statement." **Frederick J. Lower, Jr. '64**, Dean of Loyola Law School, addressed the Federal Bar Association, Los Angeles Chapter, on "Alienation in an Institutionalized Society: Check Your Guns at the Door." **Robert L. Charbonneau '65** was elected a vice-president of the 1979 California Trial Lawyers Association. **Thomas S. Gallagher '65** spoke on "How to File a 706 With No Questions Asked" to the San Diego County Bar Association. **Thomas J. Kelley, Jr. '66** completed a 10-kilometer race along the Venice and Marina del Mar beachfront in 42 minutes, 30 seconds. **Hon. Richard Mednick**, Federal Bankruptcy Judge, spoke on "Bankruptcy" at the Lawyers' Club of Los Angeles County. **Lola McAlpin-Grant '67**, Assistant Dean of Loyola Law School, presented certificates of honor to minority women law school graduates at a NAACP Legal Defense Fund reception. **Hon. Madge S. Watai '67** was sworn in as a Los Angeles Municipal Court Judge. **Delores R. Bauer '68** opened her law office in Pomona. **Hon. Paul I. Metzler '68** was elected to the Los Angeles Municipal Court, Los Angeles Judicial District. **Curtis W. Morris '68** won a hole-in-one worth \$2,500 at the annual golf tournament of the Eastern Bar Association of Los Angeles County. **Laurence G. Preble '68** spoke on "Recent Developments in the

California Usury Laws" to the Los Angeles County Bar Association, Business and Corporation Law Section, Real Property Section. He was also a speaker at a seminar on "Acquisition of Commercial Property" for the Association of Real Estate Attorneys. **Gerald M. Singer '68** conducted a lecture on "Care & Feeding of Clients" at the 44th Semi-Annual Orientation Program of the Law School Bridging the Gap Program. **Major H. Patrick Sweeney '68**, former legislative liaison for the office of the Secretary of the Air Force, has been named to the office of the Assistant to the Secretary of Defense for Legislative Affairs. **Walter R. Zech '68** of the Orange County Public Defender's Office, spoke on "People v. Drew" to the Orange County Bar Association, Criminal Law Section. **J. Douglas C. Barr '69** opened a law office in Burney, Ca. **Roger W. Blakely, Jr. '69** spoke on "Business Names — Protection and Procedure" to the Beverly Hills Bar Association. **Kenneth L. Chotiner '69** was elected president of the Santa Monica Bay District Bar Association Board of Trustees. **Fred J. DiBernardo '69** was appointed to a four-year term on the California Federal Selection Commission. **Patrick J. Duffy, III '69**, partner in the law firm of Monteleone and McCrory, was installed as vice-president of the Loyola Marymount University Alumni Association. **Larry R. Feldman '69** spoke on "How to Cross-examine a Defense Doctor" to the Los Angeles Trial Lawyers Association, was elected treasurer of the Association for 1979, and also discussed damages under railroad law at the Association of Trial Lawyers of America conference. **Steven L. Houston '69** spoke on "Labor Relations Problems Arising Out of Proposition 13" to the Los Angeles County Bar Association, Labor Law Section.

1970's

Jeffrey S. Neisen '70 was named chief of the Tax Division, Office of the U.S. Attorney, Northern District of California and also appointed special assistant to the U.S. Attorney for the Central District of California to handle selected tax related matters. **Kenneth R. Warner '70** announced the formation of Friedman & Warner in Thousand Oaks. **Elizabeth Y. Williams '70** spoke on the subject of credit to the Orange County Women Lawyers. **Herbert F. Blau '71** was elected treasurer of the San Fernando Valley Bar Association. **Robert A. Donath '72** opened offices in the Monex International Building, Newport Beach. **Alexandra Leichter '72** was the featured speaker in a mock trial in the orientation program "Bridging the Gap." **Michael C. Mitchell '72** had an article published in the December issue of the *Los*

Angeles Lawyer called "The Equitable Conversion Trap." **Mark P. Robinson, Jr.** '72 spoke on "Discovery in Personal Injury Practice — Use and Abuse" to the Orange County Trial Lawyers Secretaries; participated in a panel discussion on punitive damages at the American Board of Trial Advocates meeting held in conjunction with the California State Bar Convention, and spoke on settling clients' claims at a Law School "Bridging the Gap" Practice. **Patrick J. Hegarty** '73 was installed as treasurer of the Foothill Bar Association for 1978-79. **Gloria B. Allred** '74 discussed her career and family life in a *Los Angeles Times* "Home Magazine" article; spoke at a "Celebration of the Achievements of Women" conference at UCLA; participated in a debate with Congressman Robert K. Dornan (R-27th Cal.) on the Loyola Marymount University campus, and is currently president of the Los Angeles chapter of the National Organization of Women (NOW). **Steven J. Dzida** '74 joined the Newport office of the firm of Fulop, Rolston, Burns & McKittrick after completing four years of active duty in the U.S. Air Force. **Robert B. Charbonneau** '74 spoke on "Pretrial Jury Preparation" to the Orange County Legal Secretaries. **Fred W. Gabourie, Jr.** '74 conducted a seminar on legislative changes affecting the courts sponsored by the Municipal Court Judges' Association. **Evanne L. Levin** '74 became associated with Mason & Sloane. **Gary M. Paul** '74 was elected to the Los Angeles Trial Lawyers Association Board of Governors and spoke on "How to Open, Handle & Close a Personal Injury Case" to the Los Angeles Trial Lawyers Association. **Joseph Posner** '74 authored an article in the January '79 *Los Angeles Lawyer* on the liability of physicians for negligent medical reports. **George Rosenberg** '74 spoke on "The Discretion of the District Director" to the Los Angeles County Bar Association. **Robert J. Sherwin** '74 was named supervising attorney for the Hill Street Division of the Criminal branch of the Los Angeles City Attorney's office. **James C. Alle** '75 has moved to Grosse Pointe, Michigan from Manhattan Beach. **Ronald K. L. Collins** '75 has accepted a teaching fellowship at Stanford Law School for 1979-80 and was also the editor of "Constitutional Government in America" (Carolina Academic Press, 1979) and coauthor of "Interrogational Rights: Reflections on *Miranda v. Arizona*," 52 Southern California Law Review 1 (1979). **John K. C. Mah** '75 has left Los Angeles Mayor Tom Bradley's staff and United Way, Inc.; he now practices law at the World Trade Center. **Sharon L. Mason** '75 joined The Bekins Co. as associate counsel and will

marry **Robert C. Masino** '75 in July, 1979. **Michael S. McDaniel** '75 opened his new office of Sterling & Countryman on Wilshire Blvd. **Bruce H. Robinson** '75 was appointed to the position of Deputy Public Defender in the Riverside County Public Defender's Office. **Leon Small** '75 was installed as a member of the Board of Directors of the Wilshire Bar Association. **Meredith C. Taylor** '75, former staff attorney for U.S. Small Business Administration, has opened her law office in Northridge. **Donna B. Weisz** '75 was named assistant to **Robert J. Sherwin** '74 for the L.A. City Attorney's Office, Criminal Branch. **Lee B. Ackerman** '76 and two other partners in the firm of Leeds, Ackerman, Welter & Schubert drafted a Senate Bill for introduction by State Senator Alan Sieroty, which delineates a procedure for the registration of acupuncture and authorizes the collection of fees. **Lewis S. Feldman** '76 and **Leslie J. Shaw** '76 formed a partnership under the firm name of Feldman, Shaw & King in South Lake Tahoe. **John Kirsch** '76 is the senior editor of *New West* magazine. **Donald Peckner** '76 announced the opening of his law office in Beverly Hills. **Richard F.**

Seitz '76 has been appointed to teach Business Law at Marymount Palos Verdes College. **Dean W. Drulias** '77 co-authored an article called "The Equitable Conversion Trap: A Matter of Economics" in the December 1978 issue of the *Los Angeles Lawyer*. **Brenda L. Green** '77 opened her law office in Century City. **Linda B. Greenberg** '77 has been appointed as a deputy district attorney for Los Angeles and was assigned to Beverly Hills. **Michael S. Harris** '77 opened his law office in Marina del Rey. **Ted M. Handel** '78 has been accepted as counsel/lobbyist for the Administration Office of the U.S. Supreme Court under Justice Warren Burger. **Dallas W. Johnson** '78 completed the Lawyer's Military Justice Course of the U.S. Navy and is a Marine Captain. **Gary E. Knell** '78 was named consultant to the U.S. Senate subcommittee on Intergovernmental Affairs. **Lynda E. Rothholz** '78 was awarded a scholarship for outstanding scholastic achievements in the field of family law from the Family Law Section of the Los Angeles County Bar Association. **Floyd J. Siegal** '78 has opened offices at the AVCO Center on Wilshire Blvd.

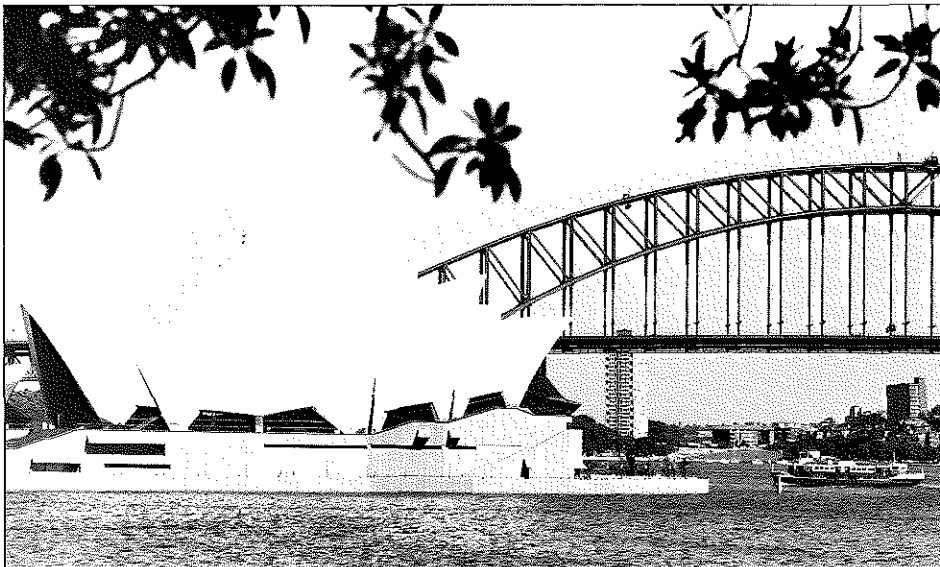
Legal Briefs Reply Form

We are seeking information regarding your significant academic, personal, professional or community activities for inclusion in upcoming issues of the *Loyola Lawyer*. Items of interest include (but are not limited to) presentation of a speech or paper, honors, awards, promotions, authorship of a book or article, new organization/committee assignments, marriage, births, or other items of general interest to our alumni. We appreciate your returning this form in the enclosed reply envelope.

Name and Class Year _____

Firm or Business Title _____

News/Information _____



International Study — Sydney, Australia and Madrid, Spain will be the destinations for students enrolling in Loyola's new International Law Study Programs in Summer 1979.

Summer International Law Programs Initiated by Loyola Law School

International Law Study Programs in Sydney, Australia and Madrid, Spain have been inaugurated by Loyola Law School for Summer 1979.

The programs will be conducted at Macquarie University in Sydney, and at The International Institute in Madrid from June 25 through August 4. Enrollment is open to all interested law students who have completed at least one year of legal education at any American Bar Association accredited law school, and to members of the legal profession.

Up to 8 semester units of credit will be offered in an International and Comparative Law curriculum to be taught by a prominent international faculty. Visits to courts and Parliament, discussions with members of the international Bench and Bar, low-cost lodging, and extended weekends to explore and enjoy cultural interests will be featured in the programs.

The faculty for the Madrid program is composed of Distinguished Visiting Professor of Law, The Honorable Frank C. Newman, associate justice of the California Supreme Court; Dr. Juan Jose Solozabel Echavarria, University of Madrid School of Law; and Professors Harry S. Laughran and Robert Benson of Loyola Law School.

The Sydney faculty consists of Dr. L.J.M. Cooray, senior lecturer, Macquarie University; Professor G.C. Garbesi, Loyola Law School; Professor P.E. Nygh, Head of the School of Law, Macquarie University; and Mr. Michael

Sassella, Macquarie University School of Law.

Course offerings in Madrid include International Human Rights, Comparative Constitutional Law, International Law, Comparative Law, Independent Study, and a non-credit course in Survival Spanish.

In Sydney, the curriculum will be Clinical Internships, Comparative Conflict of Laws, International Business Transactions, International Law, and Roman-Dutch Law.

A median tuition range of \$100 per semester unit has been established on a sliding fee scale based upon the number of units taken. Students enrolling in the programs will be responsible for air fare/travel arrangements, lodging, books and living costs.

Further information and application forms are available by request using the enclosed reply envelope.

Loyola is Subject of Educational Survey

Loyola Law School's evening division is slated for intensive study by the American Association of Law Schools as a follow-up to the KELSO Report, the "AALS Study of Part-Time Legal Education: Final Report (Washington, 1972)."

Professors E. Gordon Gee of Brigham Young University and Martin Frey of the University of Tulsa Law School have been awarded a grant from the AALS to conduct the survey, comparing effectiveness of part-time and full-time legal study. In addition to reviewing statistical data, the professors have identified ten representative law schools throughout the country to visit for further study.

Loyola will be visited prior to the end of the current academic year. In conjunction with the two-day study, students, alumni and faculty may be requested to complete confidential questionnaires.

Professor Evaluating Economic Litigation

Loyola Professor John T. McDermott has received a grant of \$9,975 from the U.S. Department of Justice to evaluate the Economic Litigation Pilot Project rules limiting discovery in Superior Court cases.

The professor, working in conjunction with Hon. August J. Goebel '54 and two student research assistants, will determine if the rules could be effectively utilized in similar Federal Court litigation, evaluate the impact on actual trials, and the identification of types of cases most effectively handled under E.L.P. rules.

Courts involved in this project are the Los Angeles Superior Court, Southwest District; Fresno Superior Court; and the U.S. District Court for the Central District of California.

The one-year project, sponsored by the Office for Improvements in the Administration of Justice, will conclude in September.

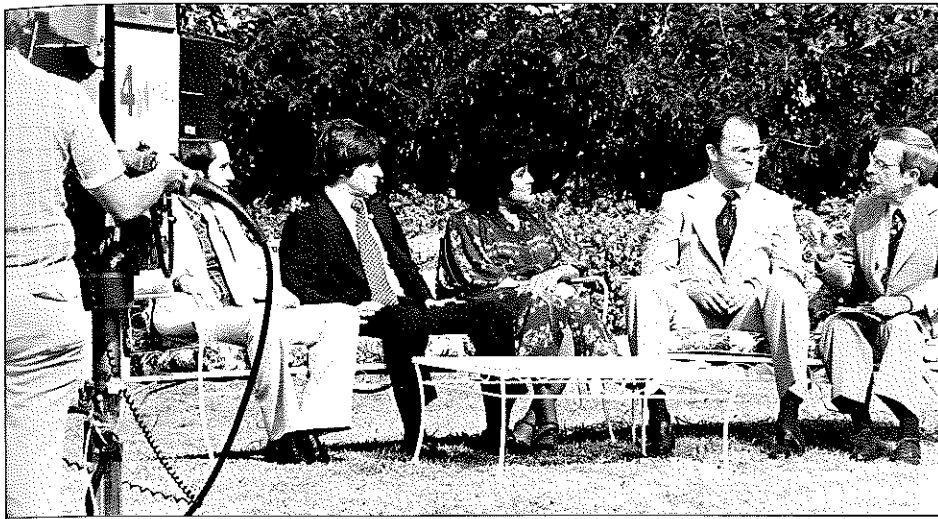
Law Library Designated as U.S. Depository

The Loyola Law Library has been selected by the United States Government Printing Office to join the national Depository Library System. This designation enables Loyola to acquire *gratis* federal documents which were formerly purchased for the library collection.

While some of the cost savings will be offset by increased administrative handling of the documents, the net effect will result in more budget availability for a wider variety of books. Many of the publications selected are reduced to microfilm which also results in considerable savings of internal library space.

Volumes to be secured include U.S. Supreme Court Reports, Statutes at Large, the Official U.S. Code, the Code of Federal Regulations, and various government agency reports.

The Loyola Law Library collection has now grown to over 205,800 volumes and microforms which places it second in size among private California law schools and fourth among all ABA accredited law schools in the state.



Talk Show — Loyola Law School was featured in a public service television program titled "On Campus" broadcast in November by KNBC-4 Los Angeles. The informative interview sessions focused on the history, curriculum, clinical education, the Law Review, career placement, student and alumni activities. Faculty, administration, student and alumni representatives participated in panel discussions supplemented by film of the Law School. Shown taping their panel segment are (from left) Gonzalo Freixes '79, Evening Student Bar Association president; Alan Bail '79, Day SBA president; Lola McAlpin-Grant '67, assistant dean; Dean Frederick Lower, Jr. '64; and George Fenneman, program host. According to the show's producer, the Loyola program generated the most public response and interest ever received during several years of "On Campus" programming.



Professor's Dinner — Conversing at the annual Professor's Dinner held January 13 were (from left) Harry N. Zavos '70, John T. McDermott, Jordan A. Dreifus and spouses. The dinner, sponsored by the Loyola Law Student's Partners Association, was held at the Westwood home of Leonard Mandell.



Sports Day — The Law School "Legal Eagles" squad competed in the first annual intramural Sports Day last November against teams representing the LMU undergraduate colleges. Law students and faculty won first place in the softball tournament behind the power hitting of Professor Steve (The Stick) Hirschstick (above), and were also very competitive in basketball, volleyball, tug-o-war, swimming and track events.



First Down, Three to Go — Pat Haden '83, quarterback for the Los Angeles Rams football team, is completing his first year of study in the evening division at Loyola Law School. The USC graduate and Rhodes Scholar enrolled here because the four-year accredited program afforded him the opportunity to pass the Bar and pass the Ball simultaneously.



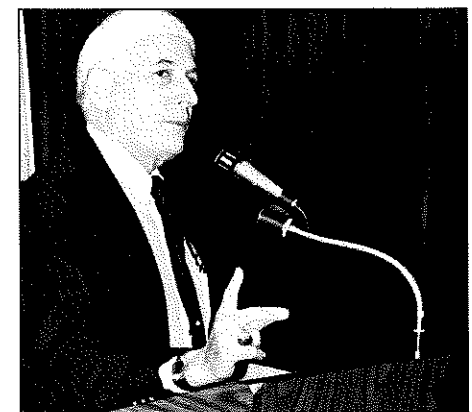
Corporate Counsel — Professor Susan W. Liebler (left), David Pasternak '76, from the California Department of Corporations, and Steve Peden, private practitioner, spoke to Loyola students in January regarding the jurisdiction of the Commissioner of Corporations, state corporate securities laws, and the franchise investment laws.



Tax Seminar — Loyola adjunct professor of law Owen G. Fiore '61 presented a series of comprehensive Tax and Estate Planning seminars at the LMU campus in November attended by University and Law School advisory board members.



New Staff — Michiko M. Yamamoto was appointed in August, 1978 as the new Director of Admissions for Loyola Law School. In this position, she is responsible for implementing both regular and special admissions programs in conjunction with the faculty admissions committee, for coordinating an intensive student recruitment process, reviewing applications, and general administrative duties. Ms. Yamamoto earned a B.A. degree in Sociology from CSU Northridge in 1970, and is the former admissions director at UCLA School of Law.



Guyana — Attorney Charles Garry discussed his experiences during events leading to the infamous Jonestown, Guyana mass suicide with Loyola students recently in a lecture sponsored by the California Attorneys for Criminal Justice. Garry, co-counsel for the People's Temple with Mark Lane, was present in Jonestown immediately prior to the tragic events.

Faculty Forum

Daniel L. Stewart '70 was recently elected chairman of the five-member South Coast Air Quality Management District Hearing Board for a one-year term of office.

William G. Tucker '56, adjunct professor, recently participated in a Southern California Continuing Education of the Bar seminar. The program involved products liability, pleading, practices and proof as particularly affected by the recent Supreme Court decisions in *Barker v. Lull*, *Daly v. General Motors*, and *Nestkart v. Safeway Stores*. He was also selected by the *New York Law Journal* to serve on the faculty presenting a program on aviation accident litigation in Los Angeles.

William G. Coskran '59 was a speaker at the regional meeting of the Self-Service Storage Association. His topic concerned legal problems faced by the "mini-warehouse" storage industry.

David C. Tunick, acting professor, is a member of the West Coast Conference Planning Committee of the Computer Law Association which held its annual West Coast conference on January 25 in Los Angeles.

Joel I. Edelman, adjunct professor, is director of the recently-opened Neighborhood Justice Center in the West Los Angeles area. The center is funded by the U.S. Department of Justice and operates as a demonstration program in mediating family, consumer, tenant and other interpersonal disputes using skilled community mediators as an alternative to court adjudication.

Michael M. Berger, adjunct professor, attended an AALS seminar in Chicago last January and responded to a panel discussion on the topic of "Airport Noise Nuisance v. Taking," and also served on a panel presentation exploring "Regulatory or Police Power Takings."

Dr. A. Muhsin El-Biali, adjunct professor, has been appointed as director of the Committee on Religion and Law (CORA) at Harvard Law School. He is currently writing a book on Islamic Law under the sponsorship of USC's School of Religion.

Gerald M. Singer '68, adjunct professor, spoke at the Los Angeles County Bar Association "Bridging the Gap" program on the topic of

law office operation and practice in January at the County Courthouse. This program, jointly sponsored by the County Bar and the *L.A. Daily Journal*, is aimed at newly-admitted attorneys.

Owen G. Fiore '61, adjunct professor, was a faculty member of the 1978 ALL-ABA Estate Planning in Depth Course presented at the University of Wisconsin Law School. He was also on the faculty of the N.Y.U. Institute on Federal Taxation where he presented the subject "Value and Asset Shifting Opportunities in Estate Planning." In January 1980 he will be a speaker at the Estate Planning Institute sponsored by the University of Miami School of Law.

Susan W. Liebeler attended an invitational "Freedom of Contract Conference" last October in San Diego which examined the factual and philosophical presumptions behind the present restrictions on freedom of contract within an inter-disciplinary context.

Gideon Kanner spoke at two ALL-ABA seminars in Coronado during January. The topics were "The Compensation Issue: The Liability of Governments and their Employees in Damages for Planning and Land Use Controls," and on "State and Local Taxation as a Land Use Control."

Steven Hirschtick solely conducted an all day seminar for attorneys regarding Deferred Compensation and ERISA sponsored by the National Practice Institute and held January 13 at the Century Plaza Hotel. Professor Hirschtick also recently earned his private pilot's license from the Federal Aviation Administration.

Travis H.D. Lewin, visiting professor of law, recently completed a new 255-page manuscript of course materials on Evidence.

Richard W. Havel, adjunct professor of law, participated in a lecture program regarding Debtors and Creditors Rights for the California Continuing Education of the Bar program.

Gerald F. Uelmen spoke to criminal lawyers on the implications of "California's New Insanity Test" at a special seminar held February 3 in Los Angeles. The panel also featured Chief Judge David L. Bazelon of the U.S. Court of Appeals for the D.C. Circuit.

Hon. Richard P. Byrne, adjunct professor of law, has been assigned by Los Angeles County Superior Court Presiding Judge Richard Schauer to the position of Presiding Judge of the Juvenile Court of Los Angeles County for 1979.



Professor J. Rex Dibble Retires; Testimonial Luncheon Planned

After a career spanning more than 41 years as a member of the Loyola Law School faculty, which also included seven years as Dean, J. Rex Dibble retired in January at the conclusion of the Fall semester, and has been accorded the title of Professor Emeritus by the Law School.

To properly recognize Professor Dibble for his outstanding contributions to legal education at Loyola, a luncheon will be held on April 24 in the Dorothy Chandler Pavilion of the Los Angeles Music Center.

All Loyola Law School alumni, the vast majority of whom were beneficiaries of Professor Dibble's teaching since he started at Loyola in 1937, will receive an invitation to the testimonial luncheon.

Professor Dibble received his B.S. degree from Utah State Agricultural College in 1932, and earned his LL.B. from Stanford Law School in 1936. General law practice in California from 1936 through 1960 paralleled his teaching career at Loyola which began with his appointment as an Adjunct Professor of Law in 1937 by the late Rev. Joseph J. Donovan, S.J., Law School Regent.

Dibble served in the U.S. Army from 1942-46, and later associated with the Los Angeles law firm of Hill, Farrer & Burrill, specializing in federal taxation and constitutional law. In 1959, Dibble was named Acting Dean of the Law School, and was appointed as the sixth Loyola Dean in 1962, a position he held until 1966. During his tenure as Dean, he supervised the construction and transition of the Law School from its Grand Avenue location to the present Ninth Street campus.

Until his retirement, Professor Dibble has been a full-time faculty member, teaching courses in Constitutional Law. Among his many honors, Dibble received the Loyola Alumni Association Faculty Recognition Award in 1977.



REMEMBER

join us at
the Annual
Loyola Law School
Alumni/Advocates Dinner Dance
Friday, March 23, 1979
Beverly Wilshire Hotel
Please make your reservations now.



Loyola Lawyer

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