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Loyola THE Reporter

Volume 18, Number 7 February 28, 1995

A REPLY TO: IMPROVING ETHICS AT LLS

PROFESSOR SANDE BUHAI POND

This piece is a reply to an editorial that appearing in the Jan. 31 issue of The Loyola Reporter

It was suggested in the last issue that all ECN final examinations be given in the week prior to the MPRE. I am responding to this suggestion on behalf of a number of the professors who teach ECN. We want to make it clear that student input concerning the class is welcome. However, although we understand that it would be convenient for students to have completed all of the ethics assignments prior to the time the

ECN is not a Bar Review course for the MPRE.

MPRE is offered each semester, there are some very good reasons why the class is not structured in that way.

First, although the class does cover both substantive ethics law and skills training, it does so in a way that intentionally incorporates practical training on ethical issues. It is not simply two classes put together as one, but rather a different approach to teaching ethics.

This approach allows students to experience dealing with ethical issues as they arise in actual situations with clients, and thus to learn and apply the ethical rules as they will occur in practice.

see "REPLY" page 4

WHY BLACK HISTORY MONTH IS IMPORTANT

PROFESSOR GARY WILLIAMS

When the editor [of *The Loyola Reporter*] asked me to write something about Black History Month, I began by asking myself why we celebrate it.

The visit to our campus of William Gould IV, the Chairman of the National Labor Relations Board (NLRB), provided the answer I was searching for. My Gould is himself an important figure in American history, as the first African American to serve as the Chairman of the NLRB.

My children need to know they lead a privileged life today because the heroes who preceded us sacrificed their time, their energy and, in some cases, their lives in the struggle for human equality and dignity.

than just graduation from Stanford. He encouraged me to aim high, higher than had dared aim before. There were times when I did not do as well in classes as I hoped. In those days, Professor Gould encour-

aged me to continue aiming high. Remembering the encouragement I received from Professor Gould reminded me we all part of a continuum. That continuum is an ever moving stream of humanity with the potential to improve American society. To play a positive role in that stream I must, in my teaching career,

recall and emulate the high stan-

see HISTORY p. 6

Inside

- CROSSWORDS..... 7
- LLS ALUM BECOMES CCA PRESIDENT 4
- LLS ALUM: ELDER LAW PRACTICIONER .5
- OBITUARY FOR LLS ALUM.....2
- REPLY TO: IMPROVING ETHICS 1
- WESTLAW UPDATE . 3
- WHY BLACK HISTORY IS IMPORTANT 1

Chairman Gould was one my professors when I attended law school. At the time, he was the only African American law professor at Stanford Law School. He became the first African American to receive tenure there. Professor Gould is also the primary reason I am at Loyola Law School today. When I attended Stanford, Professor Gould provided the inspiration for my survival of the first year of law school. A quiet man, he inspired by example. He wrote as much and as well as any of his colleagues (actually much better in most cases). And he handled three major employment discrimination cases as pro bono counsel even as he struggled to get tenure under the demanding standards set by the Stanford faculty.

Professor Gould's quiet and dignified example caused me to aspire more

OBITUARY
ROBERT S. FARRELL
LLS ('37)

John Rogers, ('98)

LLS alum Robert S. Farrell (1937) died on December 29, 1994. He was 81. Farrell was a prominent probate practitioner in San Bernardino for over 57 years.

Farrell was admitted to the California Bar in 1937, served as president of the San Bernardino County Bar Association in 1961-62 and held the chair of the probate section for several terms. Most San Bernardino probate lawyers considered Farrell to be their "elder statesman."

Farrell began to practice law in the far different world of the late 1930s in San Bernardino, a rural hinterland at that time. Farrell's approach to probate was one given to story telling and personal reminiscences of a long-gone and far more simple legal community. His memories of a California court landscape populated by colorful and eccentric judicial characters always provided fertile ground for conversation. This valuable link with the past is now a lost asset.

He will be missed.

Mr. Rogers is probate supervisor for the L.A. DAILY JOURNAL



St. Thomas More

The St. Thomas More Society has the following announcements:

Tuesday, March 7 12:00 Noon & 5:00 p.m. Burns 256
Officer nominations.

Tuesday, March 14 12- 1:00; 5- 6:00 and 7:45- 8:00
Officer elections in St. Thomas More Office, Rains 121.

Sunday, March 26 St. Thomas More Medallion Banquet in honor of Judge Terry Hatter, Four Seasons Hotel.

**The Tay-Sachs gene can
hide for generations.
Testing can discover it
before tragedy does.**

What is Tay-Sachs Disease?

Tay-Sachs Disease is an inherited genetic disorder of infancy. The affected baby develops normally until about six months old. Then destruction of the nervous system begins, and death follows by the age of four or five.

What are the chances of being a carrier of the Tay-Sachs gene?

The carrier rate is 1 in 150 in the general population, and 1 in 27 in the Jewish population. Carriers are normal and healthy, and most have no history of Tay-Sachs Disease in their families.

A simple carrier detection blood test is available.

Testing is conducted at the Tay-Sachs Disease Program clinics and at outreach programs, but it is not available through physicians' offices, private laboratories, or as part of the blood test required before marriage.

Who risks having a child with Tay-Sachs Disease?

Anyone can be a carrier. If both the father and the mother carry the gene, there is a one-in-four chance that each pregnancy will result in a child doomed with Tay-Sachs Disease.

**You can be tested free at
Loyola Law School
Thursday, March 23, 1995
10:00 A.M. to 2:00 P.M.
at
The Student Lounge**

WESTLAW UPDATE

Welcome again to WESTLAW UPDATE, a concise summary of WESTLAW press releases sent to *The Loyola Reporter* on a regular basis.

The following databases have been added to WESTLAW for your researching pleasure. Some are treatises that have been placed on-line; others are looseleaf services and others are databases acquired from other on-line services.

For more information on specific databases, call the West Reference Attorneys at 1-800-REF-ATTY (1-800-733-2889). For technical assistance in general, call West Customer Service at 1-800-WESTLAW (1-800-837-8529).

DB NAME is the name you'd use to call it up once you've logged on to WESTLAW.

If any database is not available, let us know.

DB NAME WHAT'S IN THE DATABASE

STATE ADMINISTRATIVE CODES

AZ-ADC Complete Arizona Administrative Code; updated quarterly. Current through September 30, 1994.

CT-ADC Complete *Regulations of Connecticut State Agencies*; also includes recent amendments published in *Connecticut Law Journal*; current through November 8, 1994.

noteWESTLAW also has administrative law dbs for: CA, FL, IL, IN, NC, SC, PA, TX, UT, and WA.

STATE BILL TRACKING [NEW ADDITIONS]

NC-BILLTXT Full text of enacted legislation for 1993-94 from the regular session of the North Carolina Legislature. Updated daily.

UT-BILLTXT Full text of enacted legislation for 1993-94 from the regular session of the Utah Legislature. Updated daily.

FEDERAL RESERVE BOARD DATABASES

FFIN-FRBACT Docs released by Fed's Board of Governors, including: actions, order, minutes and letters. Coverage begins in May 1990; new docs added as released by Fed.

FFIN-FRBSP Docs released by Fed's Board of Governors, including: speeches, remarks, testimonies and statements. Coverage begins with October 1992; new docs added as released by Fed.

FFIN-FRBAGR Docs released by Fed's Board of Governors, begins May, 1990; added as released by Fed.

FFIN-FRBFRR Docs from the *Federal Register*. Includes: rules and regulations, proposed rules, agendas and

JUST WALK

SPECIAL OFFER!
Loyola Law Students & Staff
**FREE COFFEE AND WALNUT
CAKE WITH PURCHASE OF
LUNCH AND DINNER ITEMS**

BREAKFAST \$2.50

BAGLE WITH CREAM CHEESE
COFFEE OR NATURAL JUICE

우동 전문점

LUNCH \$4.99

UDONG · RAMEN · HOT RAMEN
MORISOBA · SALAD · SANDWICHES

삿판

Enjoy!
SAPPORO
NOODLE HOUSE

**Pasguini
Cappuccino**

MON.~SAT. 9:00 am
10:00 pm

HOUSE DINNER \$12.99

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(OLYMPIC AND UNION CORNER)

PARKING FREE

⊙ FRIED WHOLE FISH
FULL COURSE DINNER
(INCLUDE CAPPUCCINO
COFFEE ICE CREAM)

⊙ SHABU-SHABU
DINNER

10% DISCOUNT ALL ITEMS

10% DISCOUNT ALL ITEMS

notices. Coverage begins with July 1980; new docs added as released by the government.

US-RULESCOMM Minutes of advisory committee hearings as prepared by the reporter of that committee. Includes minutes from Advisory Committees on: Appellate Rules, Civil Rules, Criminal Rules, Evidence Rules and Bankruptcy Rules. Coverage varies by committees.

WOMEN'S LAW ASS'N EVENTS

The Woman's Law Association has a number of events planned for this semester.

1. On March 9, a "Mentor Mixer" is planned for 6:30 p.m. LLS students will have the opportunity to meet with female LLS alumnae to ask questions and discuss issues.
2. On March 22, a panel discussion, "Women in Law." Female attorneys have been invited to come and share their experiences in the legal field as well as the path they took to get there.

THANK YOU CALIFORNIA BAR/BRI!

California Bar/Bri has generously provided three (3) bar review courses the three (3) winners of our Intramural Moot Court Competition.

The bar review courses will be awarded to the following:

- Best Advocate
- Best Brief
- Best Oralist

These winners will be announced Thursday April 6, 1995.

THANK YOU CALIFORNIA BAR/BRI!!!

REPLY from p. 1

ECN is not a Bar Review course for the MPRE. It does not cover all the areas on the MPRE, nor is it intended to. It is a skills/substantive course which integrates certain skills with their correlative areas of ethics. It is not designed nor driven by the MPRE. Students must also remember that the MPRE is not the only testing of ethics by the bar examiners. Ethics questions may also appear on the full Bar Exam. Students who feel the need for extra assistance in preparation for the bar exam and MPRE are advised to take the ethics bar review course given by private companies.

Second, if ECN were set up so that only ethics was taught the first seven or eight weeks, there would be insufficient time during the remainder of the course for the students to do videotaped practices of interviewing, counseling and negotiation and get feedback from the professors prior to the final graded exercises. This process of practice and evaluation (including on the handling of ethics issues with clients) is crucial to learning both the lawyering skills of interviewing, counseling and negotiation and the practical application of the ethics rules.

Third, only a small percentage of students take the MPRE during the semester they are enrolled in ECN. Most wait until the next semester or take it during the summer.

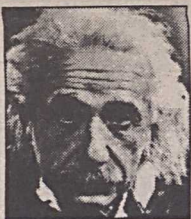
Finally, the purpose of law school is not primarily to teach students to pass the bar exam, but rather to educate future lawyers in both substantive information, policy, doctrine and the skills to use, apply and understand the interrelation between them and the real world. The needs and proclivities of the MPRE or Bar Exam do not drive the requirements and structure of legal education.

I am glad for the opportunity to explain why ECN is structured in the way that it is. Once again, I encourage students to actively question and suggest improvements to the curriculum.



DAN QUAYLE

+



ALBERT EINSTEIN

=



POTATO + E = POTATOE



LLS ALUM NAMED PRESIDENT OF CENTRAL CITY ASS'N

The Central City Association named LLS alum, Carol E. Schatz (1973) as its President and CEO. She is the first woman to hold the position. "I am proud of the leadership role the Central City Association has assumed in promoting a stronger and more vital business climate in Los Angeles. I look forward to carrying the torch forward as we approach the 21st century," said Schatz.

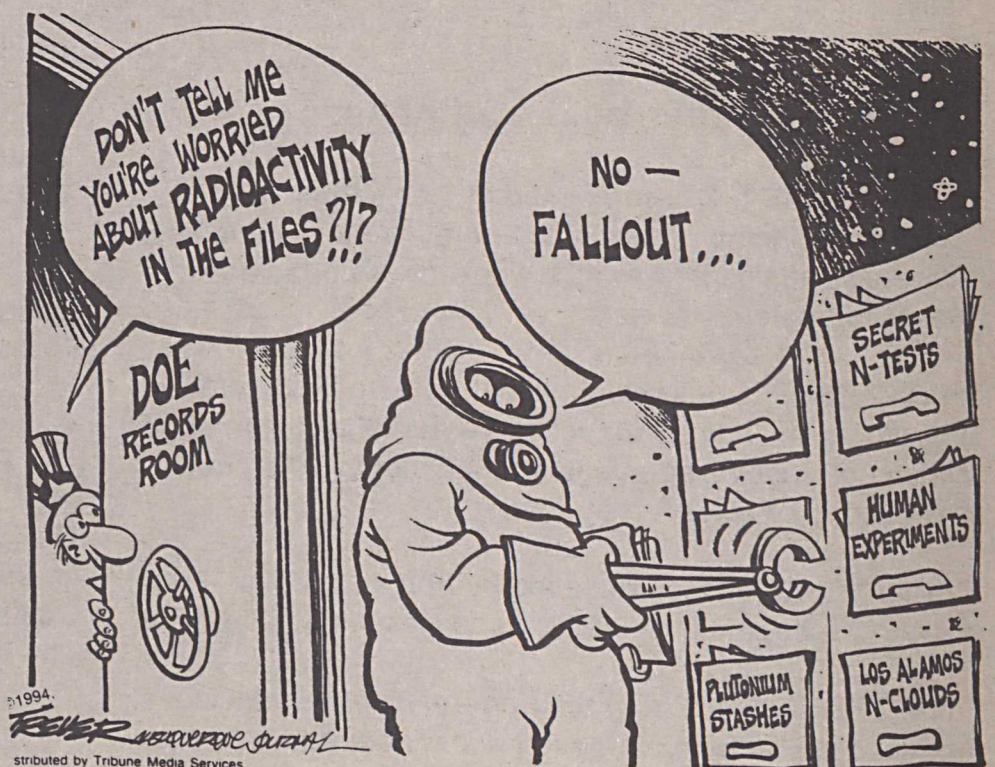
Schatz had been the Senior Vice President who "oversaw the economic development, business retention and attraction activities" for the CCA. The CCA's members include "major corporations, developers, professional firms and retailers based in Los Angeles." Ms. Schatz advocates the CCA's client's positions by "working closely with the Mayor's office, the City Council and other government agencies" on issues ranging from "business taxes to regulatory reform."

In January 1995, Mayor Riordan appointed Ms. Schatz to the Metropolitan Transportation Authority (MTA).

Before joining the CCA in 1990, Schatz served as a Deputy Regional Director for the Western Region of the Federal Savings and Loan Insurance Corporation (FSLIC). The FSLIC was responsible, among other things, for liquidating the assets of over 30 failed savings and loans.

Schatz began her career in the Planning that Research Unit of the Los Angeles County Municipal Courts and established the county's first alcohol detox center. Two years later, she was named Deputy Attorney General serving the consumer protection unit of California's Department of Justice, representing the state in civil actions.

A graduate of U.C. Berkeley, Schatz is a member of the State Bar of California, served as president of the Women Lawyer's Association of Los Angeles in 1980- 81 and "co-chaired the Los Angeles Women's Campaign Fund in 1985- 86. She is also a present Vice President of the Central City Police Boosters.



LLS ALUM PROFILE: ELDER LAW EXPERT

Attorney: Marc B. Hankin
Law Office of Marc B. Hankin
11355 West Olympic Bl. #550
Los Angeles, CA 90065- 1619

Law school(s): J.D., Loyola Law School, 1980
LL.M., NYU (Taxation), 1982

Calif. Bar: 1980

Background: Private practice (1980- present)

Specialty: Elder Law

Prologue:

Marc B. Hankin is one of California's most highly regarded Elder Law practitioners. He has been at the forefront of legislative drafting in the fields of elder law, conservatorships, trusts and probate for over ten years. Adversaries have called him "contentious" while associates, especially lobbyists for elder rights, label him "courageous and innovative". Most recently, Hankin has been at work on SB1679, the "Due Process in Competence Determinations Act"; an attempt to further protect the elderly from abuse and supply a standard guideline for evaluating capacity. Hankin co-authored the senate bill itself and was instrumental in designing its accompanying "checklist".

One thing is obvious, in view of Hankin's enormous output over the past decade. He is tireless and passionate about his subject. He is a fighter.

Interview:

What are your fondest memories of Loyola?

I remember Dave Tunick (Civ. Pro.) telling me to approach the practice of law by always thinking of what's going to happen when the "dust settles". A maxim I still live by. I also recall Gerry Rosen (Contracts) saying on the first day of law school that yesterday was the last day of my life I could go to sleep knowing everything was done!

Harry Laughran, my first year property instructor, humiliated me horribly then the next day apologized before the entire class. I'll never forget that. He offered to help me in any way he could and stuck by his word.

Were there any especially colorful or interesting faculty members you had classes with?

Oh yes, there was Zen Bob. Yes, Zen Bob - that's what everyone called him. He had long hair and a big beard. His real name was Robert Sulnick and he taught Torts. People used to joke a lot about him.

Oh yes, there was Zen Bob. . . . that's what everyone called him. He had long hair and a big beard.

But he was actually one of the most brilliant professors I ever had. He was an artist with an uncanny ability to see the structure of the law, to know instinctively where the court was going to go and why. His unique perspective created the most intense arguments in class - we practically came to

fisticuffs in there several times!

What skills should we be working on now to get us ready for the transition to "real- life" law?

Despite what people may tell you, concentrate on theory. Theory is the backbone of the law. You simply won't be able to see the crucial relationships between cases and principals behind them without it. Just learning the rote procedures and rules won't serve you well.

Once you're in a serious case and your opponents sense you haven't got the grounding in theory, they're going to know you're weak. And you'll know it yourself.

When you get out of law school you're not even going to know how to cross the street. That's normal. The first two years of practice will be spent, trust me, on self- learning all of the ropes.

Only after you adequately build your personal operating system (dealing with courts, other attorneys, etc.) will you be able to return to theory. But, then it will become you. It will govern your approach to practice for the rest of your life.

What recommendations do you have for outlining & studying or, rather, what would you do differently if you had to go back through law school?

I'd buy the Gilbert's outlines before class started - sometime during the summer. I'd read and memorize as many of the rules as possible so once class began it would be just theory and case analysis. I'd highlight the exceptions, breakdown the elements of each rule, etc.

Your specialty is elder law, in fact you teach it here at Loyola. What classes were of particular benefit to you regarding that field?

Torts, trusts and real property were immensely helpful to me. The firm understanding of the powers of appointment in estates of land that real property gave me has been invaluable.

Don't worry if you don't find a job first off. If anything, you can build from scratch. That's what I did. I made my own practice from nothing.

What areas of law, especially ones connected to your practice, do you see expanding and opening within the next decade?

From my end, I see disputes about competence rising

dramatically. As we move inexorably towards some kind of national health care system, these issues will become widespread; issues of durable power of attorney, of trusts and of probate. We're going to see increases in the litigation of these cases as time goes by.

What elements do you look for in a new lawyer when you're in hiring mode?

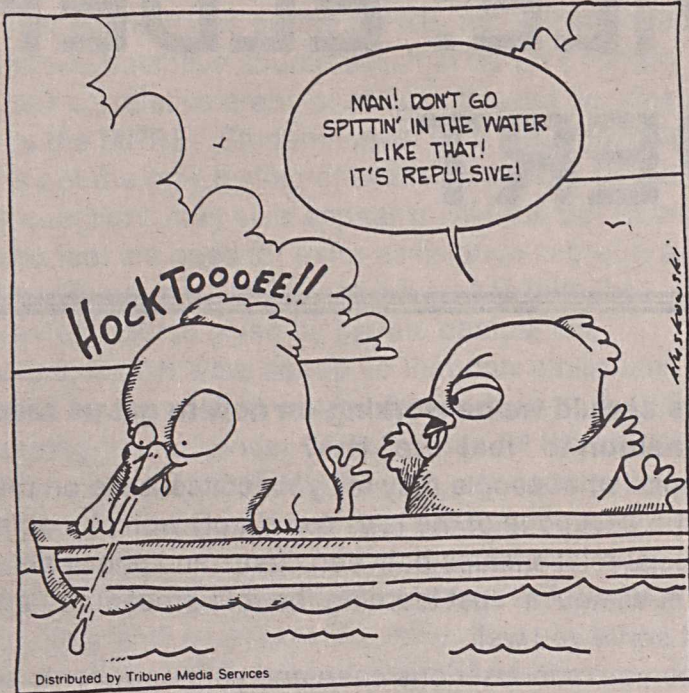
Well, first of all, I'm a little weird. I prefer an academically inclined intellectual person. Someone who clearly likes to think, enjoys thinking. Also, someone who has proven to be responsible for his or her own actions.

And, I need someone with a similar social agenda; someone interested in helping the elderly. If money is all they want, they've come to the wrong office.

How strong an emphasis do you place on rank, grade aver-

ELDER from p. 5

YEAH BOB by Darryl Kluskowski



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CHICKEN FLEM BAY.

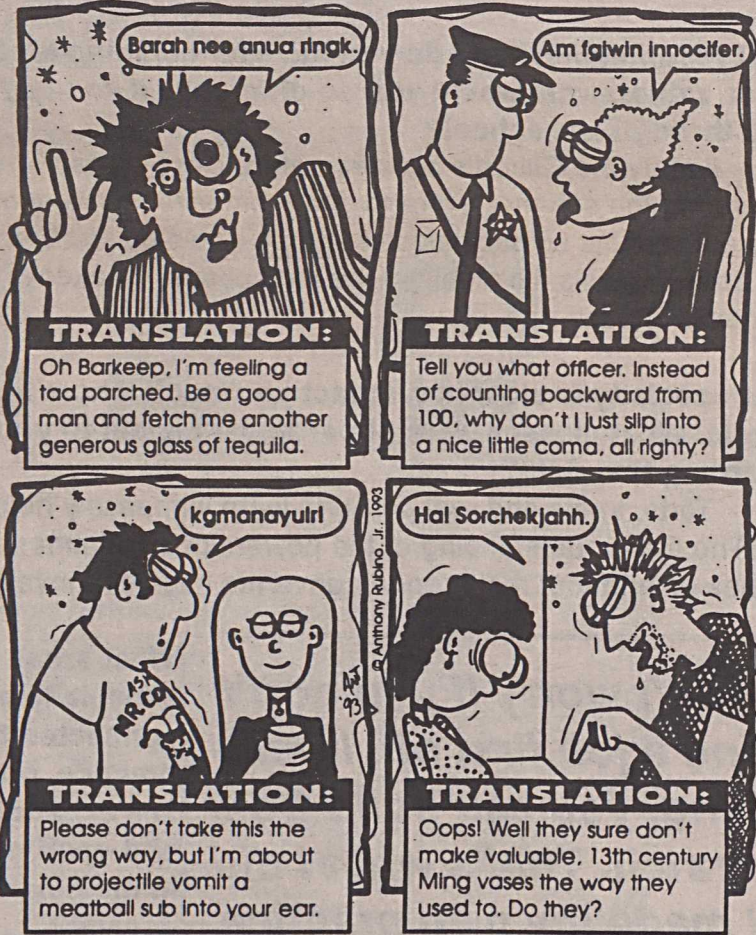
Wild Kingdom

Distributed by Tribune Media Services
By Anthony Rubino, Jr.

"A man is never drunk if he can lay on the floor without holding on"—Joe E. Lewis

Now you can understand and communicate with the *sobriety impaired*, while remaining completely sober! Join us for this week's installment of...

HOW TO SPEAK DRUNKENESE



LOYOLA REPORTER

vol. 18, no. 7

Editor in Chief

David Paul Bleistein

Associate Editors

Steve Baker
Gary Pfister
Dave Rubin

Contributors

Prof. Gary Williams
Prof. Sande Buhai Pond
John Rogers

age and so on?

They are each good indicia; both of skills and determination. I would look for someone in the top 25% of the class. Try your hardest to keep the grades fairly high. It does matter.

Are you active in alumni functions, groups; that sort of networking?

Not nearly as much as I'd like. Unfortunately, I got divorced during law school and it really hampered my student networking. It's valuable to do, though.

Are you involved in bar associations, interest groups, special sections, etc.?

Yes, very much so. I can't stress enough the importance of belonging to these associations. They keep you in touch with authorities from all areas of practice. Through them you meet and form relationships with attorneys who will help you all through your career. They will call upon you for help and vice versa.

Any other comments about employment and networking?

Yes. Don't worry if you don't find a job first off. If anything, you can build from scratch. That's what I did. I made my own practice from nothing. In the course of my career I've only worked for one firm and that was for a very short period of time. You can figure out how to do it on your own. And those bar groups don't hurt.

Final thoughts on surviving law school?

Don't ever forget, law is a jealous mistress. It'll take all of your time if you let it. But don't. Exercise. Keep other interests going. Try to clerk - I did all three years and it gave me an exceptional grasp of real law - of cases and of people. Take advantage of your teachers, use their office hours as much as possible. Argue with them. It'll make you think and therefore learn. Don't be afraid to tell them you think what they said is baloney!

- Marc Hankin teaches Elder Law every Wednesday night at Loyola-

HISTORY FROM P. 1

dards set by Professor Gould.

That summarizes why Black History Month is important. My children need to remember that no long ago, Dr. Martin Luther King, Jr., and many African Americans, Jewish Americans, Asian Americans, and Anglo Americans placed their lives on the line daily for the cause of racial equality and justice. My children need to know they lead a privileged life today because the heroes who preceded us sacrificed their time, their energy and, in some cases, their lives in the struggle for human equality and dignity. It is because of those sacrifices my wife and I could attend UCLA and Stanford. It is because of those courageous acts we could even contemplate applying for jobs with IBM and Loyola Law School. Black History Month reminds us of the contributions of those who have come before. Hopefully, it will inspire my children to emulate those heroes of the past.

William Hastie, a great figure in African American history, eloquently stated why any group should celebrate its history. HE said "[h]istory informs us of the past mistakes from which we can learn without repeating them. It also inspires us and gives confidence and hope bred of victories already won." Black History Month is important because it informs and inspires me, and gives me hope for the future.

CROSSWORDS

THE Crossword

by Judith Perry

- ACROSS**
 1 Assumed character
 5 Neck parts
 10 Local stir
 14 Author Hunter
 15 Ease
 16 Underdone
 17 Krupa or Kelly
 18 Solid ground
 20 Wile
 21 Wings
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 23 Bridge supports
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 37 Hardy heroine
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 49 Ornamental stone

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- 10 Franciscan
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 19 Skirmish
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 25 Wind instrument
 29 Network of nerves
 30 Villain's look
 33 Quito's land: abbr.
 34 Offer temporarily
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 42 Friendly
 44 Breaks the cipher
 45 Performs

ANSWERS

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- 46 Fr. poet — de Lisle
 47 Bureau
 49 Scoff
 52 Precipitous
 54 Open
 55 Untidy
 57 Help with the dishes
 60 Held a meeting
 61 Gr. letter



BOB DYLAN

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THE Crossword

by Judith Perry

- ACROSS**
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- DOWN**
 1 Boat race
 2 Swamped
 3 Portable light
 4 Chemical suffix
 5 Of birth
 6 Poplar
 7 Sunshade
 8 Raison d'—
 9 Red or Black

- 10 Franciscan
 11 Most comprehensive
 12 Ancient Asian land
 13 Feudal farm worker
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ANSWERS

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 60 Held a meeting
 61 Gr. letter

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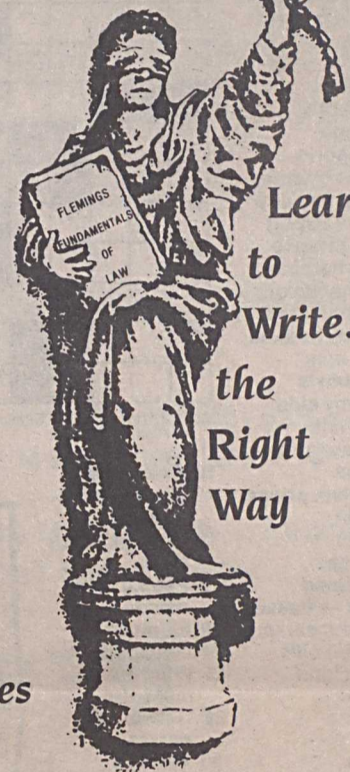
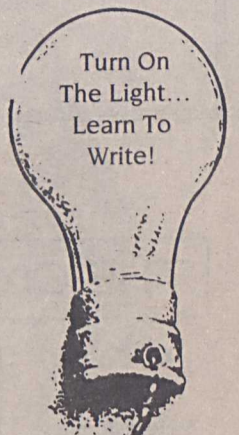
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Mr. Fleming has taught as an Assistant Professor of the adjunct faculty at Western State University in Fullerton and is currently a Professor at the University of West Los Angeles School of Law where he has taught for the past eleven years. He maintains a private practice in Orange County, California.

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