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## The Loyola Reporter

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# The Loyola Reporter

Volume 19, Number 2 September 30, 1995

# PUBLIC INTEREST ISSUE

## You've Survived Your First Month of Law School

Rod Rummelsburg ('98)

Welcome to Loyola Law School. You have completed your first month of law school, and if you are reading this, you have survived. If you are a first year evening student, all your lectures are in Merrifield

Hall. Your whole world revolves around Merrifield Hall. Now is the time to take a breather, look past the BAR BRI and Barpassers tables, and take in some of the other

Loyola sights and sounds.

To the west of Merrifield Hall stands Burns Hall. It was designed by world-famous architect Frank Gehry, who realized after the building was completed that he had forgotten to include any staircases. Mr. Gehry quickly remedied this with several day laborers, some scrap metal, and a blow torch. The result is striking. Any lesser architect would have stopped at this point. But not Mr. Gehry. He did not want future generations to remember him by his staircase fiasco. So he painted Burns Hall bright yellow. It distracts attention. Pure genius. You hardly notice the gray staircase appendages jutting out from the four-story tall banana.

Staircase planning is not a Loyola strong point. Take, for example, Rains Library. To enter into the first floor of the library, you must first climb the stairs to the second floor and ride an elevator back down to the first floor. Or, to get to the 3rd floor of Casassa Building, you must enter the Rains Building, walk up a flight of stairs to the second floor, walk over an arched bridge to the Casassa Building, go down the Hall of the 70s, burrow under Donovan Hall, and climb a second flight of stairs. Based on the staircase situation, it is clear that Mr. Gehry had a hand in designing the Rains and Casassa buildings, but abandoned them as a lost cause. (Historical

continued on page 12  
Welcome

## SUPPORT THE PILF AUCTION

Jim Dunn ('98)

On the evening of Saturday October 21, 1995, PILF will hold its annual auction. Not only is it the best party of the year, but the money we raise goes to the best of causes. The essays that follow present some examples.

Each year PILF awards a number of Summer Fellowships. The amount we raise determines the number of fellowships we can give, and they go to you and your fellow students. The application process begins in the spring, and fellowships are available for all students. If you'd like to work on the auction, or know someone who can make a tax deductible donation of an item or service to be auctioned, the call us at (213) 736-8116.

Over the three years that the PILF Summer Fellowship has been in existence, Loyola students have served at various public interest organizations, including: AIDS Project L.A., Appalachian Legal Research and Defense Fund, Black Law Institute, Camden N.J. Regional Legal Services, El Rescate, Legal Aid Foundation, Legal Corps of L.A., Los Angeles County Public Defender's Office, National Whistleblower Center, the Center for Human Rights And Constitutional law, San Diego Volunteer Lawyers, Harriet Buhai Center, Justice Para Naturaleza, Women's Advocacy Project, Protection & Advocacy, Inc., CARECEN, and Bet Tzedek. PILF Summer Fellows have provided over 8,100 of legal assistance to the under represented here in L.A. and throughout the country.

Last summer we were able to support seven students, and these essays convey something of their experience.



## CONTENTS

### PUBLIC INTEREST ARTICLES

(BY AUTHOR & TITLE)

- DAVID PAUL BLEISTEIN  
*SUMMER IN APPALACHIA* . . . 2
- R. J. COMER  
*NATIONAL WHISTLEBLOWER  
CENTER* . . . . . 3
- HEATHER BUSHMAN  
*A SUMMER OF "MORAL  
SENSE"* . . . . . 4
- MARY CARLSON  
*CENTRAL AMERICAN  
RESOURCE CENTER* . . . . . 5
- MICHELE COBIN  
*BET TZEDEK LEGAL SER-  
VICES* . . . . . 6
- MALAIKA COLE  
*HARRIET BUHAI CENTER FOR  
FAMILY LAW* . . . . . 7
- JIM DUNN  
*SUPPORT THE PUBLIC INTER-  
EST AUCTION* . . . . . 1
- JOSE FUENTES  
*DEFINING PUBLIC INTEREST  
IN TRANS-NATIONAL LITIGA-  
TION* . . . . . 8
- DOV LUTZKER  
*PROTECTION AND ADVOCACY,  
INC.* . . . . . 9
- VANESSA SHINMOTO  
*RECLAIMING OUR INSTINCT  
FOR SURVIVAL: HELPING BAT-  
TERED WOMEN WHO KILL* . . 10
- 
- CROSSWORDS . . . . . 14
- YOU'VE SURVIVED YOUR  
FIRST MONTH OF LAW  
SCHOOL! . . . . . 1



# Summer in Appalachia

David Paul Bleistein

"Yeah, babe, I'm a gorgeous hunk and we both know it!" The male deer stood tall above the rest of the herd, Arnold Schwarznegger with 11-point antlers flocked in brown velvet, supported by a muscular neck and a heavily powerful, but graceful body. Thirty deer stood dead-still, heads cocked, nostrils flaring, eyes swiveling in sockets, scanning the world for danger. It looked like some truck driver said to hell with it, and left a load of lawn ornaments in the K-Mart parking lot. The deer sensed me lurking around the corner of the store, hugging the brick wall, spying on them. Then, they snort-barked with alarm and leaped in one graceful wave into the dark forest and disappeared.

**The deer sensed me lurking around the corner of the store, hugging the brick wall, spying on them. Then, they snort-barked with alarm and leaped in one graceful wave into the dark forest and disappeared.**

I spent ten weeks of the summer of 1994 in Somerset, [population c.12,000] Pulasky County, Kentucky, clerking with the Appalachian Legal Research and Defense Fund (APPLRED), a public interest law firm. (I tell the curious that I worked to protect the poor from the rest of us.) While there, I served people who were otherwise, in a very real sense, isolated from access to the benefits of the law. One of our clients was a handicapped man who was a name plaintiff in a class action suit in the Sixth Circuit that ended up forcing the Commonwealth of Kentucky to use a more reasonable, fair standard in awarding Social Security Disability (SSD) benefits. The client used the lump-sum payment we won for him to get a house; it was the first one he'd ever lived in that had running water and a heater that didn't require him or his 92-year-old mother to go out and chop wood. Another time, we managed to persuade a judge in a neighboring county to continue a restraining order against our client's wacky, litigious, estranged husband. I also researched a wide range of issues, from property to bankruptcy.

But, as important as the work was, the after-hours time made my short stay in Pulasky County, Kentucky, a particularly rich experience.

Pulasky County isn't some Volvo-infested yuppie exurbia. Rather, it's an authentic rural area, and happy to be that way. The nearest city of any size, Lexington, KY [population c.60,000 and Home of the University of Kentucky

Wildcats] was 60 miles north on I-75. Chattanooga, Tennessee was about 100 miles to the south on I-75. Pulasky County is about 30 miles north of the Tennessee and Virginia borders, just a short distance from the Cumberland Gap in the Appalachian mountains.

Small towns dotted the fat, forested countryside, with names like Bandy, Bark Camp, Bee Lick, Burnside, Dog Walk, Eli, Elihu, Eubank, Goldbug, Gum Sulphur, Kayjay, London, Monticello, Nancy, Ogle, Science Hill, Stanford, Strunk, Sublimity City and Tateville among many others. Some, like London and Monticello, were county seats with a columned courthouse, lawyers' offices in fine, old

restored houses and a Wal-Mart on the outskirts. Most others were little more than a collection of a couple dozen houses clustered around a mini-market, a video-rental/tanning salon and maybe a gas station with a sneakered attendant.

East-south-central Kentucky wasn't a place where every perversion was easily catered to. There were no porno shops, horse or dog tracks, Indian Bingo Parlors, cock-

**East-south-central Kentucky wasn't a place where every perversion was easily catered to.**

tail lounges, or nudie bars. Nor were there any 24-hour bookstores [except Wal-Mart] Computer-Marts or really serious malls. Pulasky county was so far from any big city that it was hard to get TV signals without a dish antenna.

Pulasky and all of the nearby counties were "dry"; they banned alcohol, to buy, sell or possess. The nearest legal booze was in Richmond KY, 40 I-75 miles away, or Scott County, TN, 30 miles down rural roads. Where it was available, beer was relatively cheap; drive

**And, surprise, surprise, Pulasky County had a nightclub scene.**

right on into Mega-Liquor, son, and fill up your trunk with Bud for \$4.50 a twelve-pack. But be careful on the drive home with that trunkful; "transporting" alcoholic beverages through dry counties was a separate criminal offence. And if you got caught with a lot, you were presumed to be a bootlegger, subject to harsher punishment.

But who needed big-city sins for amusement? Cool, blue, thousand-foot-deep Lake

Cumberland was full of fish, snapping turtles, waterfowl and people partying endlessly on boats. Some fish were huge, like the giant lake sturgeon someone photographed hanging almost a foot off each end of an old Cadillac.

The woods were everywhere, filled with fascinating flowers, mammals, birds and insects. If you were so inclined, you could hunt deer and ducks in season.

And, surprise, surprise, Pulasky County had a nightclub scene. Not like the Sunset Strip, but thriving nevertheless. I lived about five blocks from the Silver Eagle, in downtown Somerset. It was a C & W (country & western) dance hall. The music was usually good to excellent; most of the bands

drinking beer on the front steps of our funky, old, apartment house [Glad I wasn't with them]. Pranksters were always emptying boxes of sudsy detergent into the fountain on the town square, or

draping a prominent [male] citizen's statue with a filmy negligee. One night, some kids broke into a bank and amused a jeering crowd outside by out-

running the cops for almost an hour. Other crimes weren't silly at all. A jogger found near-skeletal human remains in a field near a posh subdivision. They'd only been there a week; bodies rot fast in a 90+ F. Kentucky summer, leaving tarry stains like shadows on the grass. The victims turned out to be a young woman and her 4-year-old half brother who had disappeared

**Pulasky County isn't some Volvo-infested yuppie exurbia.**

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were clearly ready for bigger and better things in Nashville, 150 miles to the west. I have to concede that I did miss the beer; drinkin' and cheatin' songs really needed aluminum cans to crush in your fist.

My favorite night spot was the West-80, on U.S. route 80, just of Somerset. The '80 was a corrugated metal barn. It was a [genetic] family operation; gram-maw took the money at the door, mamma minded the food counter, dad and uncle acted as bouncers and the kids played in the band. Unlike the 'Eagle, you could bring your kids to the '80 and many people did, some as young as toddlers. It was more like a wedding reception every week than a night club.

The crime rate in Pulasky was lower than LA, but crime was far from nonexistent. Some crimes were almost silly; my next-door neighbors all got hauled off to the pokey for the heinous crime of

over the fourth of July weekend. So far, no suspects.

Another killing was less mysterious but no less tragic. A man shot his estranged wife to death on the front lawn of their house while the neighbors watched. Then the husband shot himself. Their obituaries were published on separate days.

Pulasky county's population was only about 45,000 but it was a sort of mini-big-city compared with nearby counties, like McCreary, population about 15,000. McCreary's county seat, Whitley City had a population of just over a thousand. The McCreary County Courthouse still had iron horse-head hitching posts out front, a broad lawn with lots of big trees and no parking meters.

As the out-of-town law clerk, I got invited to many outings and parties. One of the best outings

**For \$38,000 you could buy "12.64 acres, tillable . . . city water, fenced & stocked pond and a 704 square foot house."**

continued on page 13  
Appalachia



# National Whistleblower Center

## R. J. Comer

Up and down the wrought iron steps of a clean, but nondescript row house in a rough D.C. neighborhood, lawyers and legal interns in shorts and sneakers hustle heavy briefcases, chasing case law on behalf of employee whistleblowers.

This is the office of The National Whistleblower Center (NWC), where lawyer/author/historian Stephen Kohn (the modern guru of whistleblower representation) is chief counsel. He's the short, stout guy in his early forties with wild black curls dressed like Bart Simpson.

He does not look like a man who has published five books and won cases before the United States Supreme Court. When I met him, the near-maniac gleam of purpose in his eyes met the second-nature cynicism and aggression in mine and I knew two things: 1) he and I will either hate each other or love each other before this Summer ends; and 2)

the space and three times the support staff. Case files are piled in boxes along every wall. The mysteries and missing pieces within the filing system would send Sherlock Holmes reaching for his opium. Sometimes, no one is there to

answer the phone during business hours. And their softball team is the worst in the city's non-profit league... well, second worst. The worst team in the league is Greenpeace, because they can't play very well in Birkenstocks and they just can't seem to bring themselves to hit

cowhide with any passion at all. I was one of six legal interns this Summer at NWC, and only one of two first-year students. My

work was funded by Loyola's Public Interest Law Foundation, to whom I will always be grateful. The schools represented ranged from Yale to Tulane to others I'd never heard of. Each of us worked closely with one of the several staff lawyers. For

worked on, the issue I dealt with most deeply was whether the Secretary of Labor's edict that hush money provisions cannot be included in whistleblower settlement agreements should be upheld by federal circuits. Of course, we argued that they should be, but nuclear power plants argued that the Secretary was abusing his discretion. Watch for Carolina Power & Light Co. v. Secretary of Labor in the Fourth Circuit and Porter v. Brown & Root in the Fifth circuit to see how it goes.

As I wrote to my friends back in L.A.: "they work me like I know what I'm doing." Which I did not, at least not at first. On one assignment, given to me during a staff meeting, I was asked to draft a response to opponent's motion to suppress surreptitiously tape recorded conversations between our client and the opponent. Stephen asked me to find a way to get it admitted and to make sure "we don't have a best evidence rule problem." Not yet having enjoyed the benefit of Professor Gold's Evidence lectures, I raised my hand sort of sheepishly and asked: "what's the best evidence rule?"

After the snickering died down, Stephen said "I guess I better let you out of the meeting early so you can go find out."

So it was like that... swim or play plastic diving man to some disinterested catfish on the bottom of that murky fish tank some call the Potomac. And that is what made the Summer great, that gauntlet, that urgency, that relentless demand to produce your best because there's no time for mediocrity. It wasn't about this specific question of law or that list of helpful authorities anymore; it was about doing what I had committed three years to learn to do, and finding out I loved doing it. It was also about making a great friend and mentor in Stephen Kohn. And finally, it was about gratitude... realizing that as fundamentally lonely as life can sometimes be, no one ever really gets anywhere all by themselves. Without PILF, my friends here in L.A., my colleagues at NWC,

and the fruit stand guy who gave me bananas when I had no money for lunch, this Summer would have just been about a job. Instead this Summer was about experience, in the fullest and richest sense of that word.

**... this Summer was about experience, in the fullest and richest sense of that word.**

**I even got to cut my teeth on a couple of appellate briefs to the Fourth and Fifth Circuit Courts of Appeal.**

**When I met him, the near-maniac gleam of purpose in his eyes met the second-nature cynicism and aggression in mine and I knew two things: 1) he and I will either hate each other or love each other before this Summer ends; and 2) either way, I will learn more from this guy than I could ever have imagined.**



LARRY BUD MELMAN



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either way, I will learn more from this guy than I could ever have imagined.

NWC is a non-profit law firm and public interest organization which has argued and won many of the landmark cases regarding employment discrimination of federally protected nuclear and environmental whistleblowers employed by public utilities and government licensees. Like many non-profit organizations, NWC could use twice

some reason, Stephen had me working with him all summer on a variety of cases. Perhaps it was happenstance, maybe more, but I was fortunate to work on a series of cases each resulting in some sort of filing with the Administrative Law Judge (ALJ) or the Secretary of Labor (Secretary). I even got to cut my teeth on a couple of appellate briefs to the Fourth and Fifth Circuit Courts of Appeal.

Among many issues I



# A Summer of Moral Sense

Heather Bushman

*"I believe...that the moral sense is as much a part of our constitution as that of feeling, seeing, or hearing...(and) that every human mind feels pleasure in doing good to another." - Thomas Jefferson*

When I wrote my proposal for the PILF Fellowship, I used this quote as a basis, as the underlying reason for my desire to do public interest work. Throughout my life I have participated in numerous philanthropic organizations and activities and I had strong convictions about this idea of a "moral sense," but I did not realize the levels it could be taken to until my experience this summer. The work I had done in the past was undoubtedly very fulfilling, but there was something about combining my moral sense with my education that surpassed this type of fulfillment. Unlike my previous efforts, this work involved more than just contributing my time and lending the proverbial helping hand, it involved legal skills, good judgment, tenacity and compassion.

As I had hoped, my internship with the San Diego Volunteer Lawyer Program (SDVLP) gave me with the opportunity to work in several areas of public interest law, exposing me to some very interesting clients and communities within the county. The majority of my time was spent in the areas of social security/disability, domestic violence and AIDS, and whenever the schedule allowed, I assisted the family law team. My supervisor, Jerry Polansky, made every effort to see that I was given a variety of assignments so that I could not only develop my legal skills, but so that I could see how all the aspects of public interest law operate in conjunction with one another.

A typical week at SDVLP would involve clinical work, legal research, client interviews and correspondence, but I have to say that aside from the nature of the work, there was no such thing as a "typical week." Every day brought unexpected developments and every assignment presented new problems; it seemed that just when I thought I had interviewed the most unusual client or had dealt with the most complex issue, someone or something would challenge me in a way in which I had never been challenged before. Although it was trying at times, I feel this was one of the most beneficial aspects of the internship because I was always learning, either about the law, about our society or, as was often the case, about myself. By the same token, I feel that this is one of the most beneficial aspects of public

interest law in general because regardless of which area it is, the people you encounter and the issues you face require a unique understanding of not only the law, but of society as a whole as well as yourself as an individual.

As a woman and as a legal scholar, I found this to be especially true in the area of domestic violence. Throughout the summer, I spent two days a week at the domestic violence clinic at one of the courthouses and this experience opened my eyes to a whole world that had always been right in front of me, but had never been acknowledged in my mind as the problem it truly is. While I had read about the legal issues and been told the statistics concerning domestic violence, I had

never thought about how the cycle of violence occurs, how it affects our society or how I could take action to stop it. Many of the clients that came into that clinic were in very serious, imminent danger and over the course of the summer, I learned to analyze their situation, take the appropriate legal action and help them to safety, so to speak. Their sense of urgency for someone to actually listen and try to help really made me feel like I had the power to change their lives, like I could help them empower themselves.

Most of my efforts at the clinic were spent interviewing clients and filing temporary restraining orders to be presented to the judge in ex parte hours. The process included writing a declaration, explaining in specific detail what had happened within the last 30 days to constitute the request and the relationship between the parties which provided the reason the order should be granted. This was usually the most difficult part of the clinic for me because people are not always willing to tell a stranger that type of information and I was not always comfortable trying to get it out of them, especially when the children were present. Also, as it is often the case in domestic violence, I dealt with many "reluctant plaintiffs", which can be the most challenging clients of all. Some of these women would walk into the clinic with a black eye or bite mark, and leave the clinic without their restraining order because they were either too afraid of angering their batterer further or because they loved them too much to take this

type of action against them. It was absolutely astounding to witness this first hand and it was difficult for me to comprehend why I was having to talk them into filing the order.

In addition, I had to be cautious in the way I presented the information to the court because unless very precise, persuasive language is used, the court is not going to grant the order. In my opinion, this reflected the general perception of domestic violence - what had in fact been my perception prior to working at the clinic - and this is one of the instances in which I learned as much about society and myself as I did about the law. Granted, the experience I gained interviewing the clients, doing conflict checks with the family court, writing declarations and filing orders was extremely educational, but the first hand experience I gained dealing with the problem as a liaison between the victims, the perpetrators and the justice system was just as educational and it was not something that could have been taught to me in a casebook or through the Socratic method. While every case presented some new unsettling element, I always left the clinic feeling that I had done something significant with my time and that in some way, my view of things had been altered another degree.

This is not to say that my other experiences were not equally eye-opening and educational, they were in different ways. In fact, the work I did with SDVLP's disabled clients was probably the most educational in a purely legal sense. For the most part I conducted interviews with clients who were in pursuit of their social security benefits. I was to establish what the basis of their claim was, how the evidence they had could help or hinder them, what was the best legal argument that could be made on their behalf and to what extent SDVLP could assist them at their administrative law hearing. Because many of the clients suffered from mental impairments, these interviews had a tendency to become much more complex than they needed to be and I had to adopt my own way of obtaining the information I needed for SDVLP's purposes while building a rapport with the client. I had to be creative at times and often take a roundabout way of drawing out certain facts, which as I quickly learned, is just part of a lawyer's job, especially when in the public interest arena. It was not easy to find the delicate balance between displaying my compassion and yet keeping the client focused on the issues at hand.

As far as my long term goals are concerned, this part of internship was really productive because I am considering a care in elder law and disability is obviously a central focus of that area do not think an able-bodied person can honestly say that they can relate to a disabled person, but I think it takes a special level of

understanding to really be able to help the disabled and I feel that I developed this understanding over the summer and it is something I will use throughout my career. It requires a different type of compassion because unlike other areas of public interest, such as domestic violence and AIDS, these clients have done nothing whatsoever to bring these problems upon themselves. In light of this, I feel they deserve the utmost compassion and yet when I saw how they were treated by the justice system, I realized this clearly was not the case. Due to my past experiences with volunteer work, I personally have always had an appreciation for the plight of the elderly and disabled, but I quickly learned that society in general does not share that appreciation.

With domestic violence, the clients were the most surprising aspect of my experience, but with the social security cases, the general perception was the most surprising aspect. These clients are afflicted with impairments that seriously diminish if not eliminate their quality of life and more often than not, the impairments are of such severity that these people could not work under any circumstances. Yet, somehow the general population is under the impression that this is a pleasant lifestyle and that their unemployment is due to mere laziness. It was very rewarding for me to work with these particular clients because not only did they provide me with practical experience I will need, but they were the most appreciative clients I worked with. Almost every single client I worked with tried to be as cooperative as possible and thanked me extensively for my help. As downtrodden as some of their stories were, there was always a bright spot to the encounter when they shook my hand and gave me the sincerest of thanks, leaving me with the knowledge that they really did need my help and they really did appreciate it.

In addition to the client interaction, I spent quite a bit of time doing legal research and writing on social security issues. Of course, these skills can always be improved upon and I received a lot of valuable feedback from my mentor, which will prove to be beneficial for me if I go into this area of law. While most law students perform this kind of work in their perspective jobs, I feel that I personally gained more than the average in that I learned something besides how to use the Code of Federal Regulations and write a legal memorandum. As I was sorting through the overwhelming amount of information, trying to find exactly what I was looking for, trying to present it in some persuasive manner while adhering to volumes of rules and regulations, I realized how complex this system is in this country. I do not see how someone

continued on page 11  
"Moral Sense"



# Central American Resource Center

## Mary Carlson

Through a PILF grant, I spent this past summer working at the Central American Resource Center (CARECEN), a community-based organization located just three blocks from Loyola. Along with providing a broad range of immigration services, CARECEN organizes economic development projects, youth outreach programs, cultural exchanges between residents of the U.S. and El Salvador, and other community-based service projects.

Given my community organizing background, I approached my summer with a high level of enthusiasm and interest. I was looking forward to delving into a new area of law, improving my practical lawyering skills, and, perhaps most significantly, learning ways to combine my law degree and organizing experience after graduation. Little did I know, however, how much I would enjoy the particulars of immigration law and working at an organization like CARECEN. I would like to describe two particular projects that I found extremely interesting and challenging. Hopefully this brief review will pique other students' interests in immigration law and encourage others to volunteer at CARECEN or another legal service organization.

Throughout the summer, I worked with CARECEN attorneys in the preparation of documentation for various asylum claims. An asylum applicant must demonstrate either past persecution or a well-founded fear of future persecution if forced to return to his or her country of origin. Establishing past persecution or a fear of future persecution is a difficult task, and documentation is a key component of an asylum seeker's application. It takes many forms, such as letters from family and friends attesting to the persecution suffered, reports from physicians and psychologists, declarations from the applicant, and reports and articles detailing the political and economic conditions in the country of origin.

Researching the political, economic, and social conditions in an applicant's respective country of origin was particularly interesting. I learned an incredible amount about the political and economic status of a number of Central American countries throughout this process. Most enlightening, perhaps, was learning specific details about the policies and activities of the U.S. government in Central America, including, of course, those of the CIA. Needless to say, it was disturbing to witness how U.S. foreign policy dictates the number of asylum grants for applicants from a particular country. I found the documentation process especially intriguing because of this interception between foreign policy deci-

sions and immigration policy.

The most exciting and challenging project I worked on was preparing a brief for submission to the Board of Immigration Appeals. This particular brief was for a client whose requests for asylum, withholding of deportation, and suspension of deportation were rejected by an immigration judge at the merits hearing. Filing an appeal with the Board was the next step in the chain

**Needless to say, it was disturbing to witness how U.S. foreign policy dictates the number of asylum grants for applicants from a particular country.**

of administrative review.

This client's appeal was unique in that her request for suspension of deportation presented a novel immigration issue: the interpretation of the immigration-related provisions of the Violence Against Women Act (VAWA). VAWA was enacted by Congress to combat the severe problems of violence against women, especially domestic violence. In enacting VAWA, Congress explicitly recognized the deficiencies of prior legislation, as well as the inherent biases associated with domestic violence, such as the societal tendency to blame the abused rather than the abuser. With VAWA's passage, an enlightened Congress aimed to provide

**Under VAWA, battered immigrant women are eligible to apply for suspension of deportation after residing in the U.S. for three years, rather than the customary seven or ten year wait. Before VAWA, many immigrant women were trapped in abusive relationships because their immigration status was dependent upon the legal status of their husbands.**

new strategies, protection, and remedies for domestic abuse victims.

One of the new remedies significantly affected immigration law. Specifically, VAWA amended the Immigration and Nationality Act's suspension requirements to allow immigrant women who were battered by their U.S. citizen or lawful permanent resident husbands to apply for suspension of deportation under a special provision. Under VAWA, battered immigrant women are eligible to apply for suspension of deportation after residing in the

U.S. for three years, rather than the customary seven or ten year wait. Before VAWA, many immigrant women were trapped in abusive relationships because their immigration status was dependent upon the legal status of their husbands. This provision provides immigrant women with an opportunity to leave their abusers without damaging their immigration status.

Because of the novelty of this issue, a large portion of the brief focused on the client's suspension claim. The brief detailed the congressional intent behind VAWA, as well as the specifics of the VAWA immigration provisions. It also argued that the traditional standard of review for suspension claims must be broadened to reflect the unique situation of battered immigrant women.

Traditionally, a suspension applicant must show that he or she would experience extreme hardship if deported to the country of origin. The traditional analysis includes a review of factors such as community ties, the length of time in the United States, and proximity to family and friends. The brief argued that the typical multi-factor analysis used by adjudicators must include factors unique to the incidence of domestic abuse, such as the lack of counseling services and legal protection for victims of domestic abuse in the country of origin, the nature and extent of the abuse, and any counseling or medical treatment the applicant is currently receiving. The brief examined these factors independently and in light of the particular facts of the client's case.

Besides improving my legal writing skills, this case presented me with the unique opportunity to work with leading experts on domestic violence and immigrant women. To aid in establishing extreme hardship, additional documentation needed to be compiled. Attorneys from other legal service organizations nationwide assisted in detailing the lack of psychological services, general health services, and legal protection for battered

women in the client's country of origin, and the ready availability of such services and protection in California.

Each of the projects described above provided me with the opportunity to further my legal research and writing skills while learning more about a particularly interesting area of immigration law. In addition to the practical legal experience I gained, it was extremely refreshing to work with attorneys clearly dedicated to the ideals of public interest law. It certainly reenergized my commitment to pursue a public interest legal career.

I would strongly encourage other Loyola students to volunteer at CARECEN. It could prove to be an invaluable experience—perhaps by redirecting your career path to an area of public interest law or, at a minimum, offering you the opportunity for practical lawyering experiences while assisting CARECEN in its provision of essential legal services to members of our community. Any interested students may contact me at 736-1125.

Ad Council

1 year old, 1991



2 years old, 1992



Stevie Ace Flores.

Killed by a drunk driver on March 23, 1993, on Pacific Coast Highway in Wilmington, Calif.

**FRIENDS DON'T LET FRIENDS DRIVE DRUNK.**

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# Bet Tzedek Legal Services

Michele Cobin

This summer, I worked as a law clerk at Bet Tzedek Legal Services in Los Angeles. Bet Tzedek provides free legal assistance to low-income persons, and many of our clients are also elderly and/or disabled. Because our clients are often both poor and isolated (and mostly senior citizens) they are vulnerable to many problems that threaten their security, health, and dignity: nursing-home violations, loss of welfare and health benefits, fraud, and eviction. By

offering effective legal representation, Bet Tzedek aims to protect seniors from these problems.

Bet Tzedek is the principal supplier of critical legal assistance to low-income seniors in

the Los Angeles County Area. Through the operation of a main office in Los Angeles, satellite offices in San Fernando Valley, and weekly visits to over 25 nursing homes, hospitals, and private residences, Bet Tzedek provides services to over 10,000 clients a year.

Recognizing that Bet Tzedek's work is of paramount importance, both the City and County of Los Angeles have made Bet Tzedek the exclusive grant recipient of all funds mandated by the Older Americans Act of 1993. This law recognizes the special legal problems this group faces and provides partial funding to meet these needs.

Besides taking on individual cases to protect the rights of elderly persons, Bet Tzedek works on impact litigation that affects thousands of people. Recent cases include a challenge to the constitutionality of a state law that gave nursing homes and physicians sweeping authority to declare residents incompetent, and then withhold or impose treatment at will. This successful fight for the autonomy of nursing home residents is just

one example of the important work done at Bet Tzedek.

I first became interested in Bet Tzedek when I met Robin Sommerstein, the personnel director, during on-campus interviews at Loyola. I had an opportunity to discuss with her both the purpose and need for Bet Tzedek's work, as well as the duties and responsibilities of a summer law clerk. I became excited about this opportunity and was happy to receive an offer for employment.

**One of the best feelings I had at work came from talking to and helping clients who might otherwise have been homeless in a matter of days.**

My first three days at Bet Tzedek were spent with about fifteen other new law clerks in orientation. My fellow students-in-training were mostly second and third year law students from schools within L.A. and from around the country:

Michigan, University of Virginia, Loyola, U.C.L.A., U.S.C. and Southwestern. At orientation, we were all provided a valuable overview of several different aspects of Bet Tzedek's legal services. I learned in greater detail about the wide variety of legal services Bet Tzedek offers, along with what my specific duties as a law clerk would be.

We spent the three days going carefully over a large packet of information about dealing with the different kinds of legal issues we soon be encountering in our work with real clients. Included were samples of legal forms and documents we would be handling with each of the various types of issues. The first day was spent learning about Supplemental Security Income (SSI) issues related to disability and overpayment. We also spent time going over many valuable interviewing techniques. The second day involved going through such problems as unlawful detainer, the Fair Debt Collection Practices Act and consumer remedies, and unemployment benefits. The last day we went over bankruptcy, conservatorship, guardianship, and powers of attorney. The three days of orientation gave me an overview of how to deal with the wide range of legal issues I soon began to deal with on a daily basis throughout the summer.

The Monday following the last day of orientation, I was given ten client files to start with. Each file was connected to a specific case Bet Tzedek had taken on for which legal work continued to be necessary. Each was in a different stage of the legal process. Throughout the summer I continued to be given more files. When assigned a case, I would meet with the particular lawyer supervising it, which was

either Marc Bender or June Eicker. They brought me up to date about the case. I was advised as to the client's legal problem, what had happened so far in each case, and what would be coming next. I also discussed with them the next steps to take in each case, along with various strategies that might be possible. After this initial meeting with the lawyer, it would usually be necessary for me to do research into each client's specific legal problems in order to ascertain the best course of action to take. I would also spend a great deal of time gathering additional information about each case. I would make numerous phone calls to clients to gain more specific facts about their case — for example, dates, times, financial information, etc. I also spent time contacting bureaucratic organizations to see how my client's issues were being handled or to gain various pieces of information. Sometimes it was necessary to gain information about medical records.

Another duty I frequently undertook for various cases was to go on a home visit. This was often necessary when a client was homebound and couldn't come into the Bet Tzedek offices for an interview. I also had to visit client's homes in order to observe, assess, and document problem areas. This often

**An example of a case that I handled . . . would be student loan fraud. A client would be induced to borrow several thousand dollars in federal funds to attend a technical school . . . . The funds would go directly to the school, and then, following a few months or years, the school would close.**

involved taking photos. This was most often necessary for cases in which a client had a legal dispute with their landlord. Some client~ were being threatened with eviction. Others were living in conditions that were not habitable and were being sued by their landlords because they had chosen not to pay rent if the conditions were repaired. One thing I learned in respect to this situation was that it is always best for lessee to pay the rent- even in less than habitable conditions. This leaves them in a stronger position when arguing that their apartment is not habitable, and helps persuade the landlord or judge that repairing the conditions is the central issue. On the other hand, a party being sued by their landlord for nonpayment of rent may appear to be raising issues of habitability to avoid past due rent payments. I also went on home visits sometimes to assess living conditions in order to determine whether a potential client had a legal problem with which Bet Tzedek could help. In all these

activities, I learned a great deal about a wide range of legal processes. I gained valuable experience in legal research for real-life situations, gathering information for legal purposes, relating to clients, and determining the best strategies to take in a case.

Every Monday and Thursday morning I was scheduled to help with client intake. This was my opportunity to help assess a person's eligibility for legal assistance. Although the clients had been pre-screened by the legal interns (college and high school level students who take down basic information on the phone and set up appointments), "intake" with law clerks or paralegals was a necessary step. After being assigned a client and given their file, I would pull the appropriate checklist and call their name. Then, I would introduce myself and accompany them to one of about 10 small rooms used for the interview. By asking a series of questions and eliciting necessary information, as well as by assembling and organizing any documentation the client has brought in, I am able to record information to take to the supervising attorneys. While the client waits, Mark Bender or June Eicker goes over the information and determines with my assistance and judgment the veracity of the client as well as the existence of a legal issue on which the client can depend. Often, we decide not to "take a case" which implies certain responsibilities for representation, but rather, to "take a case under investigation." This option allowed us to work on the file and gather information without being bound in the event that no actual defense materializes for the client. Often, however, a client would have no legal claim and the very difficult task of rejecting the client would befall a law clerk (me!). This was a learning experience that Mark Bender in particular wanted us all to learn. Dealing with difficult clients, as well as the friendly, considerate, and thankful was all a part of serving in the public's interest.

An example of a case that I handled from intake to closure, and one that is typical for Bet Tzedek in general, would be student loan fraud. A client would be induced to borrow several thousand dollars in federal funds to attend a technical school (Wilshire Computer College, for example). The funds would go directly to the school, and then, following a few months or years, the school would close. Often, there are very few classes offered, in substandard facilities, by teachers who speak a language different than the client. Under certain guidelines, a student can have these types of federal loans eliminated. My job would be to do research and to track down facts in order to ascertain the kind of action to take. The type of claim available to a student depended on

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continued on page 11  
Bet Tzedek



# Harriet Buhai Center for Family Law

Malaika Cole

My experience as a PILF Summer Fellow was extremely positive. I worked at the Harriet Buhai Center for Family Law. I helped limited income in pro per clients in the preparation of pleadings dealing with family law matters. It was extremely rewarding to work in the pro bono field. I felt very lucky to have some of my expenses paid while I did something I truly love. Without the help of PILF I could not have afforded to work at the Buhai Center because they have no budget to pay interns. As a single mother I had to be concerned with meeting my sons expenses if not my own. With the help of the PILF grant I was able to pursue the opportunity to learn more about the family law field.

The Buhai Center is a non-profit organization sponsored by the Los Angeles County Bar Association, Black Women Lawyers and the Women Lawyers Association of Los Angeles. The Center provides assistance to in propria persona limited income clients in family law matters involving dissolution and paternity, in the South Central community since 1982. For many clients it is the only place where they can receive regular and continuing help with their family law case. The Center for a one time ten dollar fee helps the client through their entire family law legal proceeding. With the rising number of people who file in pro per they fill a gap which is steadily increasing. Often these people are taken advantage of by typing services who offer to help them for hundreds of dollars who are not attorneys and sometimes give very bad and misleading advice.

I found the organization of the Center to be its strongest asset. The Center relies on volunteers supported by a small staff. Anyone who is willing to undergo training and make a small commitment to the Center can be a volunteer regardless of whether or not they have a legal background. Most clients are seen in the context of a clinic. In a clinic several clients at the same stage in a similar family law proceeding are led through the preparation of the pleadings by a volunteer. The clinics are divided into dissolution I, II and III and paternity I, II and III. Clients are also helped on an individual basis according to their particular circumstances or if a client doesn't fit within one of the prescribed clinics. All clinics and individual appointments are supervised by one of the staff attorneys.

The clients are given as much time as necessary for them to understand the legal proceeding they are initiating as well as it's consequences. The staff goes out of their way to be very patient with the clients. If someone doesn't understand the staff explains everything

and gives the client written instructions in very simple language and will go over and over the material until the client does understand.

The Center has a staff entirely dedicated to helping people. There are four attorneys: Betty Nordwind, Executive Director, Maria Salas-Mendoza, Director of Education, Training and Volunteers, Donna Hershowitz, Staff Attorney, in charge of child support issues and

Julia Reuschmeyer, Staff Attorney, in charge of all the Center's clients. There is also a supporting staff of five to help with the administrative tasks. The supporting staff was also very

helpful and often went out of their way to help clients. The staff work Saturdays and long hours without overtime. They care about each and every client on an individual basis more than just as a client but as a human being deserving of respect and dignity regardless of their economic worth. The staff usually know clients on an individual basis because they take the time to listen to the client's circumstances and concerns.

I felt extremely lucky to have the most client contact of all the legal interns. During the summer there were four other legal interns who worked at the Center. I worked the most with clients because of my prior experience. Prior to coming to law school I volunteered for a year at the Maynard Toll In Propria Persona Legal Clinic, a project of the Los Angeles Legal Aid Foundation, helping low income clients in the preparation of family law pleadings. Spring semester I completed an externship with Maynard Toll. With a year and a half experience and the goal of helping as many clients as possible I was chosen to have the most contact with clients. My work at the Center was basically an extension of an externship with the Maynard Toll In Propria Persona Legal Clinic last semester. I felt very confident and well trained to help clients.

My first week at the Center I volunteered and lead a clinic when the volunteer canceled at the last minute. This was the beginning of a very hectic summer. My goal in choosing the Buhai Center to work was also to rectify the four to five month backlog at the Center. Working at Maynard Toll we would often refer clients to the Buhai Center. It was difficult for me to refer clients knowing it would be several months before they would have access to help. I did as much as I could to help with the backlog. I saw all my scheduled clients, all my standby appointments as well as several emergency cases. During my time at the Center I never had a

client who didn't show up for an appointment. Because I had a real problem with the fact that a client had to use their limited resources as well as time although I understood the Center's rationale for standby appointments, I also saw my standby appointments even when the regular appointment showed up. I would advise the standby appointment that they might have to wait several hours while I finished with the regular appointment but I would help them as soon as possible. For me this meant many working lunches.

My work at the Buhai Center involved mostly working with clients, projects and research. I really enjoyed working with clients. Research was not as tedious because it applied to a real life person with a real legal problem. I enjoyed working on the projects because they often involved some aspect of making the Center's service better.

Our first couple days at the Center comprised orientation. We got a basic understanding of the workings and procedures of the Center. We were given a 700 page manual to read and our respective list of projects. We were told the list of projects wasn't expected to be completed but we were to accomplish as much as possible. After taking several days to read the manual and other orientation materials I began working on my projects. I identified the most important items on the list and began. By Friday I had familiarized myself with two cases which needed to be researched and began researching the issues at our law library.

The Buhai Center, with a very limited budget, has a very limited

that had happened in the client's case. For a non-profit organization with such a small staff I was appreciative that I never picked up an incomplete file. I would review not only pleadings filed in the client's case but also notes made by anyone who had helped the client as well as the Center's own questionnaires. Sometimes depending on the client's case it would take me one to several hours to familiarize myself with their case.

There were many clients who I will always remember. I would love to tell you about each and every client but it would violate confidentiality to speak about the clients and their particular cases. For the most part the clients were very appreciative to get our help. Most clients took the time to thank me and seemed to appreciate the service provided by the Center. Some of the clients were very frustrated by the legal system. The clients who were just beginning their cases were told very realistically about how long their case would take and the steps they would have to take to proceed. Clients in the various stages of their legal proceedings were more understanding depending on how much experience they had already had with the judicial process. Because of the professionalism exhibited by the Buhai staff it was very rare that clients got upset with the Center. Whenever possible the staff went out of their way to act in the client's best interests. The attorney client relationship was highly valued and the staff adhered to a strict confidentiality standards.

Often my work with the clients would overlap with projects. Several of my projects involved

doing research on particular cases. One of my projects was to compile a case for a client who had just started coming to the Center. Her case had been going on since 1992, she couldn't afford a lawyer anymore and the case was so extensive that it took me several days just to organize the file. My efforts

paid off very shortly because once I got the case organized it was referred very quickly to a private attorney who agreed to handle the case pro bono. I also worked on organizing the Center's file cabinet. The file cabinet contained sample pleadings and points and authorities for situations which didn't come up very often and usually weren't covered in the manual as well as sample letters for parties not directly involved in a case like the other party's employer, court clerks, etc.

It took me the entire ten weeks to finish the file cabinet organizing it so the material was readily accessible. I learned a great deal organizing the file cabinet because I

**Research was not as tedious because it applied to a real life person with a real legal problem.**

**The Center provides assistance to in propria persona limited income clients in family law matters involving dissolution and paternity, in the South Central community since 1982. For many clients it is the only place where they can receive regular and continuing help with their family law case.**

ed library. My work at the Center involved several appointments a week. Originally I was scheduled to work with four clients a week; however, because I enjoyed working with clients and there was such a need I usually saw six or seven clients a week. On Wednesday and Fridays, Julia Reuschmeyer, my supervisor would answer the phone lines and answer questions for clients and/or schedule them for individual appointments depending on the circumstances of their case. Julia would ask me if I minded taking on another client when she felt it was necessary. I didn't have the heart to turn down a client who needed my help. I would prepare for an appointment by reading the entire file of the client. I couldn't help the client without knowing all

continued on page 12  
Harriet Buhai



# Defining Public Interest in Trans-Cultural Litigation

Jose Fuentes

Sitting in a plastic seat looking at the faces and hearing the voices. They look young but dress and speak old. They are excited and already planning the night activities for their two week summer camp/summer school in Costa Rica.

They are the squanderers, the wasters, the polluters of the world. From their behavior

you can infer that they lack any environmental conscious. But, you can not blame them. Everything has always been taken care of by someone else.

I am trapped with them for three hours in a capsule and have to hear about their plans to wreak havoc. They are loud and do not seem to consider other interests beside their own. If they could just pause for a second and appreciate their surroundings then the capsule would be a better environment.

In my space I read about a Spanish Tourism Corporation that wreaked havoc in Central American countries. "Well, the Dominican Republic is not fruitful anymore so lets move to Costa Rica. They have land to be developed and tourist to be taken care of. We will make home away from home for the tourist class."

Through the fog, I can see lights and rolling mountains and darkness. The fog engulfs us and shakes us up and the voice cease. We are spat out and the tires hit the ground. There are a few claps and I roll my eyes.

I speak spanish to the immigration officer but he is skeptical. Your language is different and you look different, besides you have long hair and speak funny. What are you doing here? What school do you go to? Where are your school papers? think to myself, "are you going to arrest me or let me in". Have a good stay.

Well the garble above captures what my summer would be like in Costa Rica. Trans-cultural experience like trans-cultural litigation takes a lot of understanding and patience. To elaborate on this theme I will talk about the Costa Rican culture, their lawyers, and the cases I work on. Through my observation I hope to convey the message that public interest work involves respect for the people you are representing, the people you are working with and in general respecting the sovereign identity of other even if it means a violation of yours.

**COSTA RICAN CULTURE**  
The "Ticos" are a strange bunch. They can be divided into the city folks and the country people. The city folks call each other "mahe" which literally means maggot. This

group while interesting and relatively well educated is naive and ignorant of other groups in their society. These other groups in the Costa Rican society are the interesting ones for trans-cultural litigation.

The issues that these groups face are different for women, men, and the future generations.

**WOMEN IN COSTA RICA'S COUNTRY SIDE**

As the rest of the world, she is a second class citizen. If she is lucky she only has 4 jobs instead of 5. The unlucky women have to work in banana, coffee, or fruit plantations. Some have to work as maids for the trans-national hotels that promise jobs to the local pollution washing toilets. Almost all have to work at home as their first or second job. The cooking, cleaning have to be done by someone. Not to mention the shopping for food and finding natural

**I researched the annual reports of the International Labor Organization (ILO) to see what type of violation had been filed against Panama for violating the ILO treaty on indigenous people. . . . I had to read about endless child rapes and killing by governmental death squads in Central America.**

resources to cook. There other job is raising the children. There next job is being involved in their children school to make sure the children are obtaining a decent education. Lastly and most importantly in this culture is their duties toward their husband.

Women's duty toward their husband, lover, mate, etc., is vital for her existence. This job is the source of her abuse, societal respect, and some times her death. However, this is the culture and while some women have organize to oppose their oppressor they need help to break the chain of oppression and cultural tradition.

**MEN IN THE COSTA RICAN COUNTRY SIDE**

He is the bull or the hoarse that must use his body to earn his daily bread. His work sometimes result in him becoming sterile in the banana plantations. His culture makes him be quit about his problems since it is not manly. The result of his manual work means early retirement which translate into more work for his woman.

**FUTURE GENERATIONS IN THE COSTA RICAN COUNTRY SIDE**

The question is what future? The rate in which Costa Rica's bio-diversity and Climate is being changed could mean no future for the new children. They have no local voice

and little foreign voice to protest what their parents and government are doing. Some of these children are already feeling this crisis as they beg in the streets without shoes for hand downs. Other's play in contaminated rivers where no biota exist and some of the new generation are born deformed. Yet, the government turns their heads in order to accommodate trans-national interests.

**COSTA RICAN ATTORNEYS**  
Board meeting is at 2:30 and they show up at 3:30. Some of them have to be reminded of the time and date of the meetings even though the schedule has been the same for over a year. Hard work is not in their vocabulary or they try to keep it out.

However, when it is time to do real work they know how to do movidas which translates into "knowing how to play the system". The system is straight forward and the people accept that it is a corrupt one. There is no hiding the ball. If you want a case to move in your favor then money and who you know plays a decisive role.

The team I worked for was no

exception. While money was lacking, since they are a non-governmental organization the contacts where plentiful.

One of the attorneys was a Supreme Court alternate. Another was an ex-judge and then there was the law professor running the show. Well, not quite. The show was run by an American attorney who happens to be a female and had a wealth of international contacts.

**CASE WORK IN COSTA RICA**

There are two cases that I worked on this summer. They both involved international law. The first case involves a law suit against a company and the second one involves a suit against the Panamanian government.

**GEEST Caribbean Case**

The British owned and Bahamas incorporated transnational, GEEST CARRIBEAN, came to Costa Rica in 1990 to expand their banana

business. They purchased many tracts of land on the Atlantic slope under numerous locally incorporated business associations owned by GEEST DE

**COSTA RICA.** GEEST applied to the Forestry division of the Ministry of Natural Resources for permits to clear cut lands to open banana plantations. Some permits were issued. Thousands of acres of land

including primary and secondary forest were cleared.

A complaint was filed by a government forestry engineer in 199 in a regional prosecutors' office in Guacimo located in Costa Rica's Atlantic region. The complaint alleged that the multinational banana company GEEST CARIBBEAN, via their local subsidiary GEEST DE COSTA RICA, obtained permits from the Forestry Department of the Ministry of Natural Resources to clear parcels of forest on various tracts of land they purchased to develop banana farms. The complaint states that GEEST and their agents eliminate approximately 700 hectares (2.2 acres = 1 hectare) of forest beyond the scope of their permits, and furthermore that the permits were defective and therefore null and void. The attorneys at JPN studied the file and saw the opportunity to use the case as a test case in many aspects. First the attorneys pointed out to the prosecutor that they must request the Court to add several more crimes to the list of accusations, such as clear cutting up to the riverbanks, eliminating buffer zones from Tortuguero National Park, changing course of streams and aquifers, etc. The Court granted the amendment of the complaint.

Second, administrative proceedings were initiated against the Ministry of Natural Resources for granting illegal permits and failing to guard that the permits were complied with. Third, the attorneys filed a civil damage action against GEEST and the State for the destruction of the natural resources lost in the forest destruction.

My work on this case was assessing the true value of the loss of 700 hectares of tropical rainforest. The norm in Costa Rica up to now has been to assess damages in terms of wholesale value of timber cut. My fellow intern and I were to find out how to argue to the court to appoint environmental economy experts to evaluate the loss of the biodiversity to Costa Rica. This has never been done in Central America to our knowledge. Therefore, our work involved researching for international customary norms that took into account the market failure when assessing the penalty for natural resources.

**PANAMA CASE**

**One of the attorneys was a Supreme Court alternate. Another was an ex-judge and then there was the law professor running the show.**

Oil crisis. The oil crisis if the 1970's trickled down to affect the indigenous people

of Panama. While indigenous people did not worry to much about the shortage of oil, much of the

continued on page 12  
Trans-Cultural



# Protection and Advocacy, Inc.,:

## Dov Lutzker

Dov Lutzker

I know too many lawyers who hate their jobs. Unlike many of my peers who entered law school simply to find a job, I promised myself that I would use my legal education to pursue an area of personal interest.

One of those areas of interest is disability rights law. While in law school, I felt pressure to join the fray of frantic job seekers vying for a precious few corporate positions. I interviewed with a few big firms during OCI last year.

However, I had extreme difficulty telling the interviewers why I wanted to work for their firm because I honestly didn't. After going through OCI, I began looking into opportunities in areas of the law that I was interested in. When I interviewed with Protection & Advocacy, Inc. I was relieved that I could answer the interviewer's questions with

**When the administrative staff of the state hospital learned that PAI people were on site, they freaked out (to use a complex legal term). They treated us like we were Ralph Nader showing up at Ford for a Pinto design conference.**

*interest and sincerity.* While excited to be offered a position, I could not afford to work for free. PILF's summer grant allowed me to work for a public interest firm and pursue an area of personal interest. I applied for and was awarded a PILF grant to work for Protection & Advocacy, Inc., which is a nonprofit corporation established in 1978 to act as the agency in California responsible for the protection of individual rights for persons with disabilities. Protection and Advocacy (PAI) has a handbook which outlines priority issues; however, disability rights law covers every area of the law that effects individuals who do not have a disability as well as legal concerns specific to individuals with a disability. Thus, I was exposed to many different areas of the law, from criminal law to trusts and wills.

PAI provided immediate hands on experience. I participated in every aspect of work at PAI. I sometimes acted like an attorney and I sometimes acted as a receptionist or secretary. The summer clerks were sent information packets to read before we arrived, which provide an overview of a variety of areas of the law which PAI covers. The first two days on the job were spent with an intensive overview of the materials. By the end of the week, I was put on the phones.

Since PAI is a nonprofit public interest firm, it does not solicit business like a private firm. Rather, individuals in the community receive PAI's number through various forms of outreach. When a person with a

disability calls, the receptionist gathers some preliminary information about the caller and the purpose of the call. I got a list of callers and I called them back, found out their issue and figured out what resolution was necessary. The first calls were scary, but not much different than the interviewing part of ECN. Some calls could be resolved in a few minutes during the initial conversation while others required consultation with a staff attorney and extensive legal research. Still other

callers were provided representation by PAI.

Sometimes the caller needs information which is contained in the PAI materials. I could either relay the information to the caller over the phone or mail the materials to them. The direct contact with callers was

*very rewarding because many callers have spent many frustrating years trying to get straight answers from someone. I discovered that many callers were appreciative even to hear that I didn't know the answer to a question and would try to find out. For many, the opportunity to vent their frustration and anger was enough.*

PAI assembled pamphlets on complicated issues such as Medi-Cal and Social Security which is in a simple question and answer format. The law and procedures are so complicated in those areas that many attorneys don't even understand it. PAI's materials assist individuals in understanding what their rights are and how to assert them. Many individuals are not receiving all the support that is available because they do not know how to access various resources. Some calls were outside the scope of what PAI does. For example, a grandmother got PAI's number in the

**The first calls were scary, but not much different than the interviewing part of ECN.**

phone book and called because her grandchildren were being abused by their father. Although PAI does not cover domestic abuse, I researched the children's

options and called their grandmother back.

One of the first and most valuable experiences I had this summer began when I took a call from a parent who had a hearing that same week. The parents have a son with acute developmental and physical disabilities. The parents both work and are able to provide excellent care for their son. The regional center provides respite, or

parental relief, for parents so they can do such things as work and sleep. The parents called because the respite hours were cut. Without the respite, their child will have to be placed outside the home, where there are apparently no appropriate placements. I brought this to the attention of a staff attorney who agreed to represent the family at the hearing. I conducted the client interview the following day. Once again, I laughed to myself because the interview was simply a replication of ECN. I was surprised at how comfortable and prepared I felt playing the role of an attorney. After the initial interview, we met with the attorney and cranked out a brief on the spot. Then I met with the client again to prepare for the hearing.

The previous day I called the administrative law judge who presided over the hearing to ask for a continuance with the respite continued in the interim. The judge denied my request before I really understood what was happening. That was definitely a learning experience. At the hearing, I assisted counsel in questioning the witnesses. The regional center did not have legal representation and was clearly frustrated at their inability to submit evidence in the appropriate format.

After the hearing I stayed to discuss it with the attorney and judge. The judge said that the next hearing he expected me to lead and the attorney to assist. I asked if the hearings are conducted the same when there are no attorneys. The judge explained that the hearings are much more informal when there are no attorneys and are conducted as a series of monologues by the parties. What struck me was how invaluable legal representation was for the parents. Without us, the parents would have no legal support for their claims and were facing the three top administrators at the regional center, which would be intimidating for any parent. With legal representation, the hearing was held by formal legal procedure and the regional center administrators were outmatched, frustrated, and overwhelmed. Further, the attorney explained that while the parents claim deserves representation, the legal staff rarely has time to do representation such as this and that the primary reason for agreeing to represent these parents was to train me. These parents won a lottery. They called at the right time and lucked out. I know of at least 10 parents at the same regional center with a similar situation who will go to hearing without representation. After the hearing, the parents thanked me profusely. My reaction was mixed between the excitement of helping a family and

the knowledge that the other families were not so lucky. One hope is that PAI representation at select hearings provides a precedent for similar cases so that the mere threat of PAI involvement produces results long before a hearing.

One day early in the summer the law clerks spent all day on an emergency project to try to keep a care facility from closing without the proper notice and transition time. We researched the legality of closing a facility and whether a TRO or an injunction would be appropriate.

**The patient was plead not guilty insanity by a court appointed attorney and told the sentence would be 90 days. That was 13 years ago.**

While I was working on this, I got a call from a satellite staff attorney who had a guardianship question. I excused myself from the facility project to research and resolve the guardianship issue. It was an intense and lengthy day.

I also worked at the North Los Angeles County Regional Center and the Orange County Regional Center. This field work was similar to my PAI work, except there were very limited resources at the quasi-satellite offices, but I was surprised that I was able to answer many inquiries with limited materials. I referred some questions to the main office. At NLACRC, there are 7,400 consumers and I Client Right's Advocate so my assistance was definitely needed and appreciated.

Another memorable event was a call I took from a patient at a state hospital. The patient was plead not guilty insanity by a court appointed attorney and told the sentence would be 90 days. That was 13 years ago. I made some calls and verified the information. In consulting with attorneys, I learned that this is a common occurrence. Forensic patients in a state hospital are locked up and often forgotten about. The patient was extremely appreciative that I was just listening. I conducted a number of interviews with the patient and established direct contact between the patient and the patient right's advocate. While I was able to obtain direct assistance for this patient, there are thousands of similar patients and only one on site advocate. These are truly the forgotten people in society.

Finally, I attended a training at a state hospital with the other law clerks. When the administrative staff of the state hospital learned that PAI people were on site, they freaked out (to use a complex legal term). They treated us like we were Ralph Nader showing up at Ford for a Pinto design conference. It's nice to know that PAI has an impact. We

**continued on page 13  
Protection and Advocacy**



# Reclaiming Our Instinct for Survival: Helping Battered Women Who Kill

Vanessa Shinmoto

*"Battered women have a right to self-defense."*

- Suzanne Donovan, from Texas Council on Family Violence

*"All I remember were that there were many fights and I'd try and fight back as best as I could."*

- Bemone Nickerson, woman convicted of killing her abuser

The Gatesville prison for women sits innocuously in the middle of a wide plain of vibrant green grass. The most imposing thing about it is the tall, grey fences with barbed wire encircling their tops. From the outside, escape appears impossible. It's 10 minutes before I'm scheduled to interview Bemone Nickerson, a possible clemency petition candidate. I've been waiting to meet Jana, the other person who will be interviewing Bemone. I seek refuge from the Texas heat underneath a guard tower. But the heat is inescapable, following me even

**A chill goes through me as I hear the gate click shut behind us and I sense I've crossed more than just a physical boundary. Suddenly, the urge to flee descends on me and I clutch my notebook to ward it off.**

under the shade of tower. I clutch my notebook nervously and take deep breaths. I've never met a prisoner before. In my world, prisoners are "Other" or "them," terrible people who commit heinous crimes and don't deserve to see the light of day. For many people, prisoners are nothing more than drug addicts, murders, rapists, robbers, thieves and other vicious people.

I've read her file and in it I have found a story which doesn't fit the stereotypes. Instead, the file tells a story about an individual woman coping in with a world that does not value her gender or her race. Ms. Nickerson is a 26 year old, African-American woman who struggled with violence her entire life. Her stepfather physically abused her mother and she married at 17, in an attempt to escape the violence in her home. Her husband left 8 months later to Germany and she met her abuser. They dated for 6 months and during the time they dated, he was very charming and loving. After 6 months, he persuaded her to move in with him and that's when the physical abuse began. At first the abuse was "mild." Mostly, he'd blow up over nothing and push her or shove her against the wall. Eventually, the violence gradually escalated, from shoving, to slapping, from slapping to punching, from punching to chok-

ing to pulling a gun on her, kicking her in the stomach when she was pregnant and almost putting her eye out. After each violent episode, he'd become loving and promise that he'd never do it again. She endured this abuse for 5 years. Then one day, while he came at her with his fists clenched, she managed to reach for the gun he kept in the nightstand drawer and shoot him.

Her relationship with her boyfriend possessed nearly all the characteristics of an abusive relationship: escalation of violence, a pattern alternating between loving and violent behavior, extreme jealousy, extreme and rapid mood changes. Like other battered women, she lived in constant fear of him, never knowing what would trigger his aggression and always trying to appease him. Her story resembles the stories of other battered women but it is more than a story about an abusive relationship. It is a story about the instinct for self-preservation which exists in all of us. This instinct surfaces whenever we experience an immediate threat to our personal safety or our lives. During those frightening moments, this instinct wipes out all conscious thought while the desire to survive takes over. In her clemency application, Ms. Nickerson, wrote that she never intended to kill her boyfriend, she just fired the gun to keep him from hurting her. Now she's serving time for her crime.

People who aren't familiar with domestic violence usually don't recognize the importance of self-preservation for battered women. These people constantly ask the same question: "Why didn't she just leave?" When I explain the many reasons, financial, psychological and emotional, why women can't leave, some people still insist that a woman should leave. Perhaps underlying their failure to understand a battered woman's perspective is a notion that any "self-respecting woman" would leave such an awful relationship. Because they stay, battered women are "self-respecting women and thus not worthy of our compassion, protection or help. This judgmental attitude intensifies when a battered woman kills her abuser. Often people proclaim emphatically, "She didn't have to kill him. If she was abused, she could've just left. Leaving is always preferable to killing." No matter how hard I try to convince people of the difficulty involved in leaving, they remain unconvinced.

The law recognizes the importance of self-preservation in the doctrine of self-defense. Yet courts and judges become ambiva-

lent when applying self-defense to women who kill abusive husbands or boyfriends. According to Suzanne Donovan from the Texas Council on Family Violence (TCFV), in disproportionate number of cases involving women defendants for violent crimes, judges routinely refuse to allow attorneys to introduce the issue of self-defense. Judges deny women this defense even when the circumstances of her crime suggest self-defense may be an issue. Also, attorneys who represent women sometimes fail to consider the possibility of self-defense. Currently, the Women's Advocacy Project and TCFV are working on the possibility of conducting seminars to educate defense attorneys about the use of self-defense in the case of women who kill or assault their abusers.

During a training session in San Antonio, Ms. Donovan also suggested that society is extremely uncomfortable with the idea of violent women. Our patriarchal culture labels physical violence and aggression as masculine qualities available to men but not women. Without that

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wonder hormone known as testosterone, "normal" women are supposedly incapable of physical aggression. A

woman who kills calls into question general social beliefs regarding the life-giving attributes of women such as nurturing, gentleness and supportiveness. As a result of these attitudes, the courts punish battered women who kill with longer prison sentences than men who commit similar crimes. Ms. Donovan noted that this was true even when the women used self-defense.

The recent experience of a friend hints at our culture's discomfort whenever women fight back. A friend of mine was recently mugged while she walked home from work. As the mugger reached for her purse, she pushed him against a wall and ran as fast as she could. Later, when she talked to the police one of them said to her, "You shouldn't have pushed him because a young woman like you could've gotten hurt. You should've let him take your purse." For her, pushing the attacker was an act of self-preservation and she didn't think twice. She felt angry that the police officer should criticize her actions when she was the one being attacked. In essence, he criticized her for not acting the way a woman should act when confronted with a threat. Rather than fight back,

women should act passively and let a mugger take their purses. In the context of an abusive relationship, women should leave and not fight back.

A few minutes before the interview, Jana shows up and a guard escorts us past the fence and into a small cottage. A chill goes through me as I hear the gate click shut behind us and I sense I've crossed more than just a physical boundary. Suddenly, the urge to flee descends on me and I clutch my notebook to ward it off. Before I enter the cottage, I look past the fence and snatch a glimpse of the other side; the side of freedom. How many women have looked past that same fence, taking in the landscape of the other side? And how many of them were abused by husbands, lovers, boyfriends, fathers, brothers before they ended up here?

We enter the cottage and another guard takes us to the interviewing room. It's drab and depressing. A large thick, black wire mesh encircles the center of the room. Surrounding it is a long, cheap orange formica-looking table, with lots of chairs perched in front. Ms. Nickerson emerges on the other side of the wire mesh. I'm amazed by how everything is tightly controlled. We sit down, introduce ourselves and the interview begins.

During the interview I find myself asking her the same awful question people who don't understand ask.

Why didn't you leave?

"I didn't leave even after I stopped loving him because I wanted my kids to have a father," she said quietly. "I figured a father was important to them so I thought I'd stay and try to stick it out."

Her conviction for voluntary manslaughter and her subsequent punishment suggest a vicious criminal who poses a danger to society. Yet, her reason for staying reveals a woman who loved her children so much she was willing to jeopardize her own life. The depth of her love for her children demonstrates qualities associated with motherhood; nurturing, selflessness and concern for others. These qualities are not associated with killers and yet technically that is how society views Ms. Nickerson. Since she stayed in the relationship, she had to fight back as best as she could to survive. Eventually, the day came when she had to kill him to ensure her own survival.

A feminist critique of our culture points out that all our laws and unspoken rules originate from a masculine perspective which does not account for women's experience. This critique applies in Ms. Nickerson's case. She stayed with her abuser because she wanted her

continued on page 13  
Battered Women Who Kill



**"Moral Sense" from page 4**

with a disability and no legal education or background could possibly get through the system successfully without some sort of assistance. This confirmed my convictions about this area of law more than anything else. Compassion factors into the equation, the legal issues are important and the growing number of people in this situation speaks to the inevitability of addressing this issue, but seeing the logistics of the system first hand demonstrated to me that there is truly a need for the elderly and disabled to receive more legal representation and assistance than they have been receiving in the past.

Unfortunately, this is true in the area of AIDS as well and I realized this comparing my experience at the AIDS legal clinic to the response of the general public to AIDS. Unlike most of the areas I worked in this summer however,

I was not surprised at any aspect of the AIDS project. For the most part, everything was as I expected regarding the clients behavior, the society's response to the problem and even my own viewpoint. I learned a lot from a legal standpoint and I feel that this is an area of the law that needs to be more developed given the rapidly increasing number of AIDS victims in this country. As a student, it was great experience because I was exposed to a wide variety of legal issues; landlord-tenant, employee discrimination, property rights, trusts and wills, criminal charges, etc.

As a person though, it was a sobering experience because with every single client, I knew that regardless of how serious their legal problem was or how much we could help him or her solve it, there was so much more for them to face when they left that clinic and there was nothing anyone could do to help them. Ironically, by the time the work was complete, the clients were usually in better spirits than the attorneys and interns, and they were very appreciative for the help. While the "moral sense" is what drives people to do this type of work, it is always nice when the person is grateful for your efforts - it makes your work all the more rewarding.

In fact, after my summer with SDVLP, I feel that this rewarding feeling is what separates public interest from other areas of law. While it is true that hard work and dedication give one a sense of satisfaction and it is very fulfilling to win a big case or settlement, it is truly rewarding to know that your success has not only been a victory for you but for someone who desperately

needed your help. And along the same lines, it is one thing to lend a helping hand or donate your spare time, but it is another thing to focus all of your attention and put your skills to the test in an effort to see justice done. I do not know that anything can compare to the feeling of knowing that someone's life is better because they have crossed your path; in fact I am not sure who bene-

many factors, including if the student ever completed high school, what year the school closed, and whether the federal government has taken official notice of the closing of the schools by listing it on the closed school list. Unfortunately for students caught in the student loan fraud scheme, the process of getting their loans erased takes some time. It is possible to accomplish,

client lives in a portion of the county with rent control. There are different legal arguments and defenses available to a tenant, but the strongest protection comes from strict regulations and enforcement that is offered in rent control cities like the City of Hollywood and Santa Monica (though this might change due to recent high profile cases regarding rent control). While clients wait in the waiting room or across the street at the Farmer's Market, I fill out the necessary legal documents by hand. These then get a preliminary check by Mark or June before someone from the secretarial staff types it up. A second review by Mark or June makes the document ready for pick up by the client, who can then take it to the appropriate courthouse for filing. On occasion, a client is disabled or unable to make the trip, and though it is rare, a clerk may be asked to take the client on short field trip out of the office. The client must go and file personally, however, because in the instance described above the client is acting "pro se", and we are not officially acting as their attorney.

One of the best feelings I had at work came from talking to and helping clients who might otherwise have been homeless in a matter of days. They often walked in the door with papers they did not fully understand what to do with, full of apprehension. I was often able to calm them down, explain their situation and options, and prepare the necessary papers for them so they could get control of their case and begin to pursue their legal rights.

As a law clerk at Bet Tzedek this summer, I had an extraordinary opportunity to provide necessary legal services to one of the most under-represented groups in society. Bet Tzedek is an excellent organization that offered me important legal training in a variety of areas, ranging from client contact and advocacy to legal research and memo-writing. I also drafted legal documents and prepared briefs and witnesses for

administrative hearings. I enjoyed developing these valuable legal skills while providing an essential service to those who need it. Moreover, assisting elderly persons who are in dire need of legal services appealed to me. I have long been committed to defending the rights of people with little voice in our system, and this position provided just such an opportunity.

**Bet Tzedek from page 6**

**SCENES FROM THE PILF AUCTION, 1994**



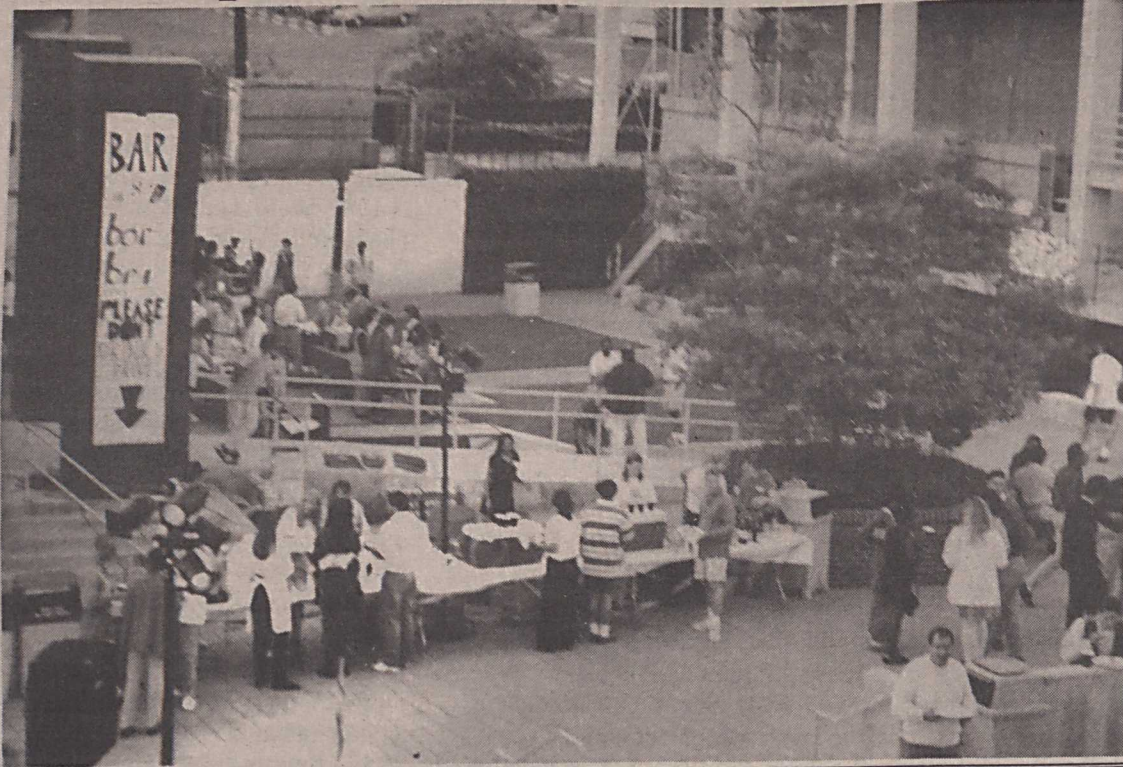
**GLUG, GLUG, GLUG!**

fits more, the person who needs the help or the person who gives it.

Overall, I feel that I benefited immensely from working with SDVLP and if I had to summarize

however, and a diligent law clerk can assist greatly in this matter, serving as a useful advocate through the process of the appeal.

One of the most important



**GULP, GULP, GULP!**

what I learned into one sentence, I would use the quote from Jefferson to do it. I learned more valuable lessons about the law in ten short weeks at SDVLP than I learned in ten long months of law school and I feel that if everyone took the opportunity to realize this moral sense as part of the Constitution, we would have fewer problems in society and more satisfied lawyers in practice??

tasks associated with intake is the filing of an answer for clients served with a three day notice to quit. Tenants who have complaints filed against them are given five days from the service date to answer the complaint. Often, clients would come into the office with incomplete information/documentation regarding their landlord problem, but with only one day, or even a few hours, before their answer is due. Fortunately, Bet Tzedek has a well organized and efficient system for helping these clients complete their answer. Much depends on if the



**Harriet Buhai from page 7**

also had to update the material especially by checking and changing whenever appropriate the material to reflect the new Family Law Code.

I learned a great deal working at the Center. I got extensive training in interviewing a client. I saw firsthand the problems caused by not thoroughly interviewing a client. Further, I got to follow several cases to completion. At Maynard Toll we often prepared one of two small steps. We rarely completed a case other than to correct a small mistake on a judgment or something. At Buhai I started some cases and finished others. I learned the family law process from start to finish. With a thorough understanding of the entire process I was better able to help clients at the beginning and during their cases.

I would recommend the Harriet Buhai Center for Family Law as an excellent place to work. The staff made you feel welcome and appreciated. I also learned a great deal. When I made mistakes they were brought to my attention in such

a way as to get me to learn from them. My suggestions and experience were appreciated. I felt that for all I gave a lot more was given back to me. I would also like to take this opportunity to express my gratitude for PILF. I believe Loyola Law School is very lucky to have the Public Interest Law Foundation on its campus. I know what having this opportunity meant to myself and the other recipients of the grants. I am very thankful for the opportunity. I know it helped me as a person helped me as a person to be more appreciative of all that I have been blessed with and to consider my own choices more carefully. I know how hard the members of PILF worked to raise the funds to allow me this opportunity. I would like all of you to know that your work was not in vain. I did something very worthwhile and meaningful this summer. I helped many people who wouldn't have had help. On behalf of all of them as well as myself I thank you for the opportunity.

world was desperately seeking alternative forms of energy. World Bank and Panama.

The government of Panama and the World Bank entered into an agreement to finance a hydroelectric projects flooding the country's largest river, the Bayano. The only obstacle to Panama's development goals were the ten communities of Kuna Madungundi and several communities of Embera who occupied the otherwise uninhabited area that was to be flooded by the construction of the hydroelectric project. Agreements. In 1971, the government enters into an agreement with the indigenous communities of the area to compensate their losses and relocate them onto comparable lands with legal title. The General Assembly created a special fund to cover these costs. However, there was never any formal relocation, the affected people sought higher grounds to survive around the newly created Lake Bayano. The government made only a few initial minimal payment of compensation. The special fund was determine to be exhausted and nobody knew wer all the money end up.

**NEW AGREEMENTS AND CONFLICTS.**

After intense pressure, in 1976, General Omar Torrijos H., the President of Panama, signed another agreement with the injured indigenous communities, again agreeing to compensate and grant their land title. However, this was never complied with either. The indigonus people faced a new enemy, the "colonos", who moved down along the extension of the Panamerican highway leading to the hydroelectric project and lumbered and cattle farmed and then sought titles to the "unclaimed" new frontier. Over the years, many confrontations and subsequent accords were entered into by the Panamanian government, all to no avail. The most recent agreement was signed in 1992 after a violent confrontation between the indigenous people and the government and "colonos".

The "colonos" and the indigenous people were burning each other's communities and government officials were held hostage by the indigenous groups. The government tear-bombed the indigenous communities and finally an accord was reached. However, as of today this new accord has not been honored by the government and the "colonos" still occupy indigenous land.

**THE FORUM.**

Panama is a member of the Organization of American State (OAS) that was chartered in 1948 in Bogota. Panama has ratified the American Declaration of the Rights and Duties of Man, as well as the American Convention on Human Rights. These regional international treaty provide mechanism for dispute resolution via the Interamerican Commission on Human Rights that is located in Washington D.C. (IACHR).

The Commission publishes yearly reports on the human rights condition of the regional countries. Special country reports are published when the human rights viola-

tion are numerous. The Commission also has the power to have the Interamerican Court of Human Rights resolve a case.

The purpose of having the Commission publish yearly reports and special reports is to let all the other countries and international world know what is happening in a specific country. It is not good for a specific country's government to have a report publish against them for violating the rights of their people. Such a report injures the countries reputation and has economic and political repercussions. Thus, governments try to work their problems out and follow the commissions recommendation once they have been report.

The Commission will meet in April of 1996 in Panama. Therefore, Justicia Para La Naturaliza (JPN), a Costa Rican nongovernmental organization will file a petition to the IACHR in September 1995 on behalf of the indigenous groups of Panama. Having friends in Washington D.C. and in the IACHR, JPN will push to have the Commission request Panama to reply to the petition. The strategy is to have Panama resolve their problems with their indigenous people before the Commission meets in Panama to avoid bad publicity.

The arguments for the petition were written by me this summer. I researched U.N. resolutions and sub-commission's reports as well as American, Australian, New Zealand and other countries case law to establish customary international law that would resolve the property issue of the indigenous people. Furthermore, I researched the annual reports of the International Labor Organization (ILO) to see what type of violation had been filed against Panama for violating the ILO treaty on indigenous people. I also researched ten years of annual reports by the IACHR. Reading these reports was the most sickening part of the job. I had to read about endless child rapes and killing by governmental death squads in Central America. The end result was a twenty five page argument written in spanish and capturing five human rights violations with an environmental twist.

**CONCLUSION**

I would like to propose a hypothetical that will capture what trans-cultural litigation is all about. Suppose that after all the work by lawyers in Panama, Costa Rica and American Law University that the indigenous people wish to drop the charges against the Panamanian government. The reason is that the Panamanian government is wining and dining the tribe leaders in Panama in the hopes of settling their differences. The attorneys on the other hand have the power of attorney and can continue with the proceedings. What should they do? JOSE LUIS FUENTES

Summer, 1995.

**Trans-Cultural from page 8**

**Welcome from page 1**

note: It is perhaps on the basis of such early disasters that Frank Gehry had changed his name from Frank Goldstein to Frank Gehry. Rumor has it that after the Loyola project, he contemplated changing his name again, along with some face-altering plastic surgery. But this became unnecessary. The Walt Disney Company was so impressed with the whimsy that Mr. Gehry incorporated into a law school that they hired him to design the new Disney Music Center.)

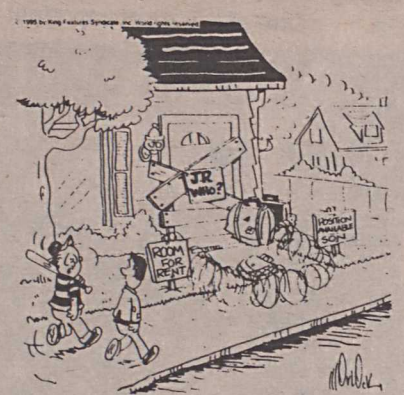
On the southeast corner of Merrifield Hall stands world-famous sculptor Chaes Oldenburg's homage to industrial accidents. It is a tilting 15 foot high chain link fence with a can of paint about to topple off. As I walk under the can of paint, sometimes I can actually sense a personal injury attorney salivating in the background. And off in the distance, I can hear an OSHA inspector developing ulcers. The effect is haunting. Mr. Oldenburg is a genius. A less gifted person would not have even conceived of setting a paint can down on top of a chain link fence.

To the east of Merrifield Hall is the new parking structure and the Loyola monument to aluminum siding. Parking lots do not get more high tech. Nor can I think of another parking structure that you could fry an egg on.

Merrifield Hall is flanked on the south by the campus chapel and on the north by the Mortal Kombat video game in Casassa Hall. (Mortal Kombat is an interactive teaching aide for most of the intentional torts.) Inside Casassa Hall is the Hall of the 80s. It pioneers the world of vertical lecture rooms. The desks double as safety railings. Next to the Hall of the 80s is the Hall of the 70s, which is distinctive in that it is a normal lecture hall. And next to the Hall of the 70s is the Hall of the 90s, a canvas-topped kiosk featuring Cafe Ole.

Off in the distance, you will hear the ever-present jingle of an ice cream truck. This is the only ice

cream truck I know of that makes rounds in the late evenings when no kids are around. What a clever marketing idea. I have seen anxious people walk up to the truck. Not one of them walks away with ice cream. What could this truck of bliss be selling? Ice cream futures? Horn books? I will not answer these questions now. Instead, this is your research assignment. Using Westlaw or Lexis, look up cases using the search terms "ice cream truck" and "probable cause". Let me know what you find.



"I wonder what I did this time?!"



"He's a man of multiple personalities...and I can't stand any of 'em."



"You weren't much for change back then either."



Protection and Advocacy from page 9

were allowed to attend the training, but we could only go to the training room and had to have an escort with us the whole time. The state hospital looked like the one in One Flew Over the Cuckoo's Nest. I think it was J.D. Salinger that said that people should convalesce at cemeteries and be buried in hospitals. It's hard to argue with that after simply walking the hall of a state hospital and talking to a patient.

At the end of the summer I worked on the pending county health cut crises. I took declarations from individuals who use the services at the county hospitals. I also went to meetings where different public interest organizations planned and strategized to block the imposition of cuts. It was excit-

ing to work on an issue which was dominant in the news.

When I first learned that PILF gives grants directly to Loyola students, I thought it was an expensive and indirect way of helping people. However, this summer I realized that it serves a dual purpose. First, it afforded me the opportunity to gain invaluable experience in disability rights law and learn about what career opportunities are available in public interest. Second, this summer provided me with an opportunity to directly assist individuals who may not have otherwise been able to obtain legal advice. Although the work itself was rewarding, I was surprised at how many people thanked me. In return, I want to thank PILF and those who donated to PILF.

Appalachia from page 2

was a weekend boating- camping trip on Lake Cumberland, in a borrowed pontoon boat with a senile engine. We camped in tents on a thickly forested lake shore alive with creatures. Glittering fireflies jeweled the forest into a black carpet of diamonds. Whippoorwills called, and bats flitted in and out of the firelight after insects. The next day, we dropped anchor and swam in the lake. It was cool, clean and wonderful.

Pulasky county isn't ethnically diverse like L.A. 95% of the people who lived there (according the U.S. Census) trace their ancestry back to the people who preceded Daniel Boone through the Cumberland Gap. [You can still find 200-year-old stone cabin foundations in the forest]. But there were other groups, including a small, but significant African-American population.

Generally, the folks around Pulasky County like the place. But the local economy is limited to light manufacturing, farming and tourism. [The Pulasky County Bar Association has only about 30 members.] Many people find it more economically feasible to leave than to stay.

But not all. One day, I met a brown-skinned man who turned out to have lived in Riverside, California, same as me. Hector had noticed my California license plates. I told him why I was there; what brought him to Kentucky? Work, he said, he and his three brothers and four cousins, all from Michoacan. Mostly, they worked in tobacco and vegetables, though once they worked in a rodeo. Their crew cab truck with Arkansas plates had a brahma bull painted on the side, and silver silhouettes of naked women on the mudflaps.

Hector liked Kentucky. The weather wasn't always nice, but, he said, the people there accepted he and his brothers and cousins better than Californians did. Cops didn't hassle them. The local women found him intriguing, exotic, even a little dangerous. I guess I looked surprised; he just laughed. Hector's round face and slightly receding hairline made him look more like

Bob Newhart.

Best of all, land was cheap. How cheap? For \$38,000 you could buy "12.64 acres, tillable . . . city water, fenced & stocked pond and a 704 square foot house." I rented a small apartment in the center of Somerset for about \$230.00 a

children to have a father. Unlike women, men are not taught the values of selflessness and concern for others and men generally do not raise children. As a group, men possess more authority and power and they make laws and create a justice system which leaves out women's experiences. From reading the file and talking to Ms. Nickerson's, it is obvious that her attorney, a white male, didn't bother to learn more about domestic violence or look into the feasibility of using Battered Women's Defense. He didn't even interview witnesses or obtain police records of the times she called for help. Since he didn't raise the issue of domestic violence, the judge who sentenced her probably didn't consider the possibility that she had been abused. Or if he did, he might have asked himself that awful question: Why didn't she leave?

This is one of the places where our legal system does not produce just results. She ended up killing him because she stayed in the relationship. And she stayed because she wanted her children to grow up in a two-parent family. Essentially, the law punishes Ms.

we need to have more compassion towards prisoners and realize that sometimes desperate circumstances drive people extreme measures, such as murder. The woman suffering physical and emotional violence from a husband or lover is in a desperate situation. She may have no means of financial support. She may be concerned about her children's welfare. Her abuser may threaten her life if she tries to leave. Punishing a woman under these circumstances seems incredibly harsh, especially when domestic violence is a widespread problem.

The work I did this summer inspires me to use my legal education to help victims of domestic violence. One thing I would like to see more of is stronger punishments for men who abuse their partners and stringent enforcement of those laws. Oftentimes, much of the discussion surrounding domestic violence focuses on women. Trash papers such as the Enquirer print computer-generated pictures of Nicole Brown Simpson's bruised and bloody face. The Family Violence Prevention Fund advertisement protesting domestic violence also features a woman's bruised face. State legisla-

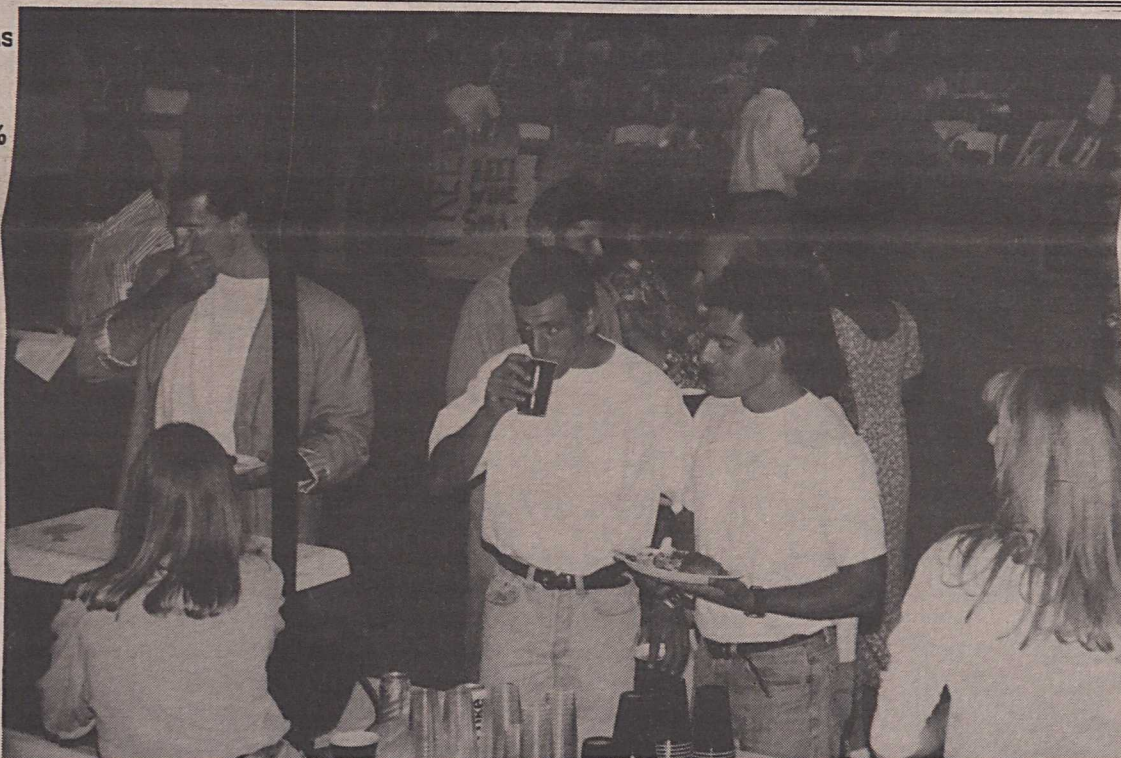
tures, such as Texas, pass laws strengthening protective order laws aimed at helping women. My work this summer involved helping an incarcerated woman. Although domestic violence clearly impacts women, sometimes I wonder whether this focus obscures the real reason this crime exists. Domestic violence happens because men physically abuse their partners.

To eliminate this crime, society must do more than simply provide resources to victims. While resources for victims are badly needed, at some point our focus must be directed at the men who batter their partners. Already, batterer's treat-

ment programs exist and courts are ordering men convicted of domestic violence to attend these programs.

Society must take a zero-tolerance attitude towards violent men, regardless of whether a battered woman chooses to stay. The courts, the police and prosecutors must emphasize that physical violence is a crime, even if it occurs within sexually intimate relationships. Otherwise, desperate women will continue to kill and assault their abusers and end up in prison. A zero-tolerance stand would also signal that society values women's lives and physical safety. Perhaps, if young girls saw their fathers being punished every time they hit their mothers, the message that women's lives are worthwhile and valued will seep into the consciousness of these young girls. Then, they could carry this message into adulthood and become the strong, liberated women they were meant to be.

SCENES FROM THE PILF AUCTION, 1994



GLUG, GLUG, GLUG!

month including utilities.

The band at the West '80 played a rowdy version of "I Like My Women Just A Little On the Trashy Side." All the sitting sardines repacked themselves on the fake-parquet dance floor. I found myself in the company of two young women, Jenine and Karen ["we seen you- all over at the Courthouse, where we work. . ."]. We danced the two-step, the fox-trot and a waltz. Then I danced with their moms. Little children hopped and skipped in rhythm; none got stepped on. Outside, the fireflies glittered, and mist curled across the road in my car headlights. A herd of deer flew across the two-lane road in a single bound. It was time to pack Jimi Hendrix [my experienced car] and head back to LLS, O.J., and L.A.

I gained useful experience. But I also had a wonderful time. I will always profit from both.

Nickerson and other women like her for caring so much about their children that they would jeopardize their own lives for the sake of their children. And this punishment reeks of hypocrisy, especially when that same society exalts motherhood above all else as every woman's true calling in life. Does her noble reason for not leaving mean nothing? It would appear so because the judge's sentence will technically separate her from her children for 20 years.

Meeting Bemone Nickerson has erased the stereotypes I used to believe about prisoners. As she spoke about her experience, her demeanor was calm and dignified. She stressed that her most important concern was getting her life together so that she could be a good role model for her children. I got a sense of her as a very decent person who would never kill anyone except in self defense. While people should be punished for their crimes,



# CROSSWORDS

## CROSSWORD® Crossword

Edited by Stan Chess

Puzzle Created by Fred Piscop

<b>ACROSS</b>	<b>DOWN</b>	<b>ACROSS</b>	<b>DOWN</b>
1 Bond holders, perhaps	1 Eject	11 Actor Mineo	11 Start of a palindrome
6 C.P.A.	2 _____ marcia (in march style)	14 Serling or Steiger	12 Capital of Nigeria
10 Java neighbor	3 All-out	17 Marine leader?	13 Ryan or Dunne
14 Smokestack sight	4 Former boxing champ Griffith	18 Pinnacles	21 George Carlin's radio station
15 Concert or theater follower	5 Opening words?	20 — carte	25 King Kong's kin
16 Five-star name	6 City on the Jurnna	21 Granada gold	26 Last call?
17 Author Havelock	7 <i>The Little Engine that</i>	22 Trick	27 Verge on
18 Make a decision	8 Home of the '62 Mets?	23 Start of a remark by Robert Benchley	29 Tony of <i>Leave it to Beaver</i>
19 Fad	9 Halloween benefactor	24 Marino of football	33 Fresca alternative, once
20 Washington city	10 Pacific island? Pacific island?	25 Gets what one basks for	35 Return to the scene of the crime?
22 Author of many poems?	11 German city? German city?	26 Handy bit of Latin	36 Menlo Park middle name
23 Rig	12 Capital of Nigeria	27 Duplicating	37 Dizzy or Daffy
24 PC application	13 Ryan or Dunne	28 Occupied	38 American Samoa harbor?
26 Toe preceder	21 George Carlin's radio station	29 Artist Johns	39 Samoa harbor?
28 Tight position?	25 King Kong's kin	30 Timothy of "Licence to Kill"	41 Pound sound
30 <i>Man</i> (Emilio Estevez movie)	26 Last call?	31 Producer Spelling	42 Relay-race component
31 Overtime basketball org.	27 Verge on	32 Dachshund-like	43 Sunken-treasure sites
32 Chimney-sweep's target	29 Tony of <i>Leave it to Beaver</i>	33 Clean-air org.	44 Yoko's man
34 Go over the fine print	33 <i>Geek</i>	34 Appomattox signature	45 Sweet Home
		35 Grist for De Mille?	
		36 Fuzzy fruit	
		37 Part 4 of	

0100  
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 E L T I S   R U L E   S I T I S  
 P L U M E   G O E R   M A R I  
 S A F E S   A C T   B A L L I  
 CROSSWORD®

## Super Crossword

<b>ACROSS</b>	<b>DOWN</b>	<b>ACROSS</b>	<b>DOWN</b>
1 Drink deeply	1 Eject	11 Actor Mineo	11 Start of a palindrome
6 Subject matter	2 _____ marcia (in march style)	14 Serling or Steiger	12 Capital of Nigeria
11 Actor Mineo	3 All-out	17 Marine leader?	13 Ryan or Dunne
14 Serling or Steiger	4 Former boxing champ Griffith	18 Pinnacles	21 George Carlin's radio station
17 Marine leader?	5 Opening words?	20 — carte	25 King Kong's kin
18 Pinnacles	6 City on the Jurnna	21 Granada gold	26 Last call?
20 — carte	7 <i>The Little Engine that</i>	22 Trick	27 Verge on
21 Granada gold	8 Home of the '62 Mets?	23 Start of a remark by Robert Benchley	29 Tony of <i>Leave it to Beaver</i>
22 Trick	9 Halloween benefactor	24 Marino of football	33 Fresca alternative, once
23 Start of a remark by Robert Benchley	10 Pacific island? Pacific island?	25 Gets what one basks for	35 Return to the scene of the crime?
26 Marino of football	11 German city? German city?	26 Handy bit of Latin	36 Menlo Park middle name
27 Gets what one basks for	12 Capital of Nigeria	27 Duplicating	37 Dizzy or Daffy
29 Handy bit of Latin	13 Ryan or Dunne	28 Occupied	38 American Samoa harbor?
30 Duplicate	21 George Carlin's radio station	29 Artist Johns	39 Samoa harbor?
31 Occupied	25 King Kong's kin	30 Timothy of "Licence to Kill"	41 Pound sound
32 Artist Johns	26 Last call?	31 Producer Spelling	42 Relay-race component
35 Timothy of "Licence to Kill"	27 Verge on	32 Dachshund-like	43 Sunken-treasure sites
36 Ark park?	29 Tony of <i>Leave it to Beaver</i>	33 Clean-air org.	44 Yoko's man
39 Overall?	33 <i>Geek</i>	34 Appomattox signature	45 Sweet Home
40 St. Teresa's home		35 Grist for De Mille?	
42 Part 2 of remark		36 Fuzzy fruit	
48 Sour stuff		37 Part 4 of	
49 Russian sea			
50 Halloween happening			

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Age 7, 1982

Age 15, 1990

Age 18, 1993



Elizabeth Suto.

Killed by a drunk driver on February 27, 1994, on Bell Blvd. in Cedar Park, Texas.

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U.S. Department of Transportation



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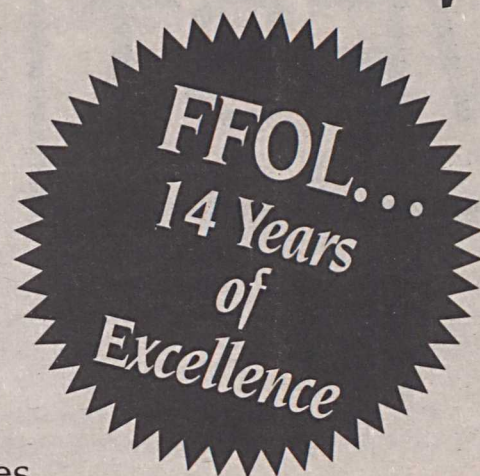
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Saturday, September 16, 1995 : Noon-6:00 pm

Sunday, September 17, 1995 : Noon-6:00 pm

All sessions will be given **live** at the California Western School of Law, 350 Cedar Street, San Diego, in the Auditorium.

#### LOS ANGELES

Saturday, October 14, 1995 : 1:00 pm-7:00 pm

Sunday, October 15, 1995 : 1:00 pm-7:00 pm

All sessions will be given **live** at the Ramada Hotel, 6333 Bristol Parkway, Culver City, Premiere Room.

#### ORANGE COUNTY

Saturday, October 7, 1995 : 9:00 am-12:30 pm, 1:30 pm-4:00 pm

Sunday, October 8, 1995 : 9:00 am-12:30 pm, 1:30 pm-4:00 pm

All sessions will be given **live** at Pacific Christian College, 2500 E. Nutwood at Commonwealth, Fullerton (across from California State University, Fullerton), Second Floor, Room 205.

Saturday, October 21, 1995 : Noon-6:00 pm

Sunday, October 22, 1995 : Noon-6:00 pm

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