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The Loyola REPORTER

VOLUME 22, NUMBER 4 Loyola Law School Student Newspaper FEBRUARY 1, 2000

REVEREND JAMES LAWSON REMINDS US WHERE WE'VE BEEN...AND WHERE WE SHOULD BE

By Tina Calabro

Contributing writers:
Cori Ferraro & Ann LaClair

Ten-year-old James was running an errand for his mother. He passed by a parked car on his way home. A white child, standing in the back seat with the window down yelled, "Hey nigger!" James backed up, reached inside the car and slapped the kid as hard as he could. Feeling triumphant, James went home and told his mother of his victory over the child-racist. His mother replied, "What good did that do, Jimmy?...What harm could a little insult do with all the love that surrounds you? That insult was nothing, just ignorant words from an ignorant child who is gone from your life the moment it was said. That child is gone forever. You don't even know him."

From that moment on, Reverend James Lawson, close advisor to Dr. Martin Luther King, Jr. and cornerstone of the Civil Rights Movement, would

never be the same. At that instant Lawson vowed never to hit anyone again if possible.

This experience started

world other than the white world described in American newspapers and radio. He found friends who believed, as he did,

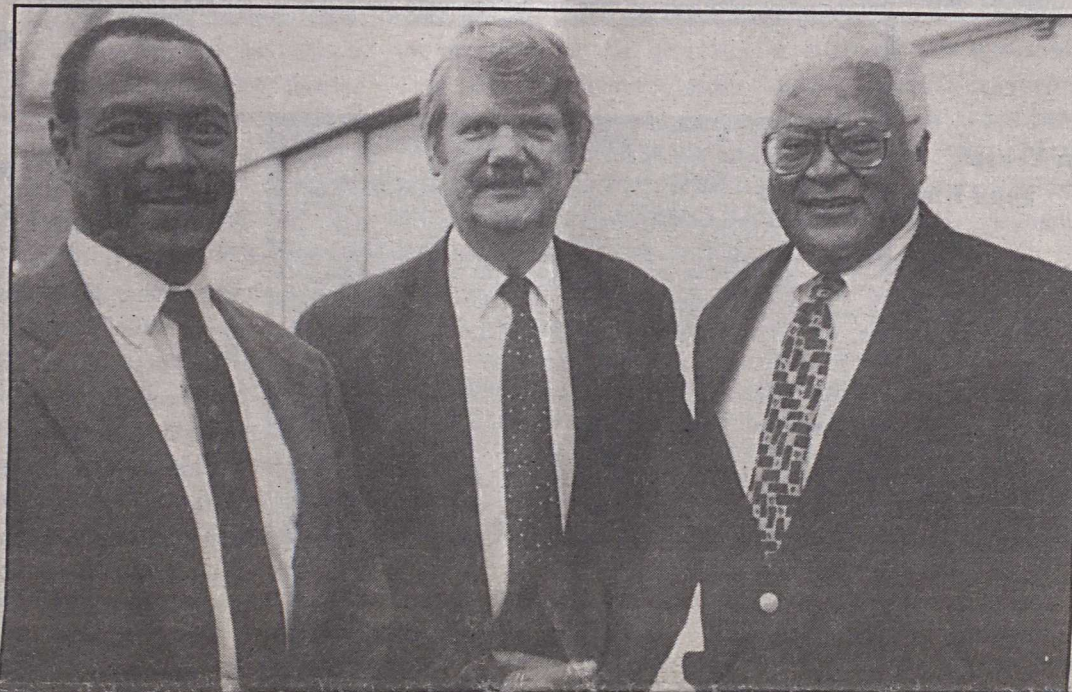
Draft came around in 1950, he conscientiously objected to the armed forces as a gentle, nonviolent, black Christian radical.

a missionary in India. He spent three years there, studying Gandhi and developing his own intellectual and spiritual beliefs about Gandhi's nonviolent political ability to effect change for his people. He firmly believed that nonviolent protest could be used to make a great difference in the United States.

During his presentation at Loyola Law School's Celebration of Dr. Martin Luther King, Jr., Lawson spoke of his involvement with King and what the 1960's Civil Rights Movement was all about. He recounted how he first met King as an Oberlin theology student in 1957. King persuaded him to come to Nashville and join the Movement, to teach activists the politics and strategies of protest without force.

Lawson began teaching and became instrumental in the Sit-In Movement - a time when black people could only enter eateries and order food if they did not eat inside. Protesters sat

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Professor Gary Williams, Dean Gerald McLaughlin and Reverend James Lawson at Loyola Law School's Dr. Martin Luther King, Jr. Celebration

James Lawson down a path of nonviolent activism. While attending Baldwin-Wallace, a United Methodist school in Berea, Ohio, he discovered a

that so much had been left out of the history books. By the time he was a junior in college he had become completely opposed to American politics. When the

Those beliefs landed him in prison for a year.

When he got out of prison in 1952, the Methodist church offered him a chance to serve as

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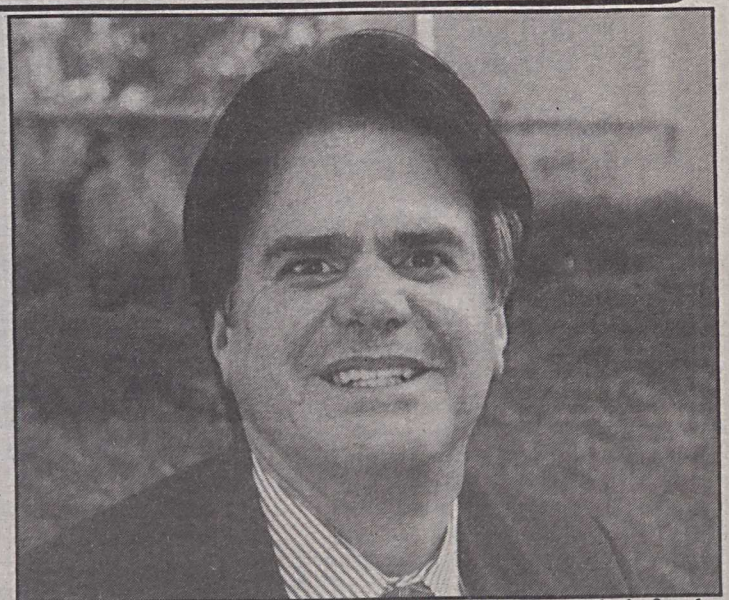
An Interview with Associate Dean David Burcham,
Candidate for Dean of Loyola Law School

By Gil Serrano

Last Spring Dean Gerald McLaughlin announced that he would step down from his position as Dean of Loyola Law School at the end of the 1999-2000 academic school year. Dean McLaughlin's reason for stepping down is simple, he has served as Dean of Loyola for ten years and wants to return to teaching. Following Dean McLaughlin's announcement, a Dean Search Committee was formed to find candidates interested in becoming Loyola's new Dean. After reviewing numerous applications, the Dean Search Committee narrowed the field to four candidates. The candidates are: Professor Antoinette Sedillo Lopez of the University of New Mexico School of Law, Professor Linda S. Mullinex of the University of Texas School of Law, Dean Neil H. Cogan of Quinnipiac College School of Law, and our very own Associate Dean of Academic Affairs David Burcham.

I interviewed Associate Dean Burcham to find out why he is applying for the position and what he hopes to accomplish if he does become Loyola's next Dean. This is what I learned:

Dean David Burcham began his teaching career in the Long Beach Unified School District in 1973, teaching classes in U.S. Government, U.S. History, Anthropology and Ethnic Studies. From 1980 - 1981, he served as the Assistant Principal at Foothill High School in Tustin, California. Then, in 1981, he left a successful career as a high school teacher and administrator to enroll as a student at Loyola Law School. He graduated first in his class in 1984, and went on to clerk for Chief Judge Ruggero J. Aldisert at the U.S.



Court of Appeals for the Third Circuit, and later, to clerk for the Honorable Justice Byron R. White at the U.S. Supreme Court during the 1986 - 1987 term.

After Dean Burcham finished his clerkship with the Supreme Court, he worked for Gibson Dunn & Crutcher for three and a half years. But his first passion - teaching - pulled him back to Loyola. He joined the Loyola Law School faculty in 1991. As a professor,

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"Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom."

Justice Benjamin Nathan Cardozo

Palko v. Connecticut, 302 U.S. 319, 327 (1937)

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SUBMISSION DEADLINE for UPCOMING ISSUE

PUBLICATION DEADLINE
March 1st February 21st

STUDENTS AND FACULTY ARE ENCOURAGED TO SUBMIT ARTICLES FOR PUBLICATION.

Letters to the editor should be submitted on a 3.5" floppy disk in IBM compatible format. Preferably in Microsoft Word 6.0. Attach a print copy of the article, including your name and phone number. The Loyola Reporter is located in the Founders Hall, Room 224. Either slip it under the door or leave it in the envelope posted outside the door.

WE WANT YOUR IDEAS

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or Call (213) 736-8117

Dear Editor,

Full semester seems to have supplied more than enough controversy for our little campus. ExamSoft this, stolen exam that. Here a scandal, there a problem, everywhere another issue.

I'm afraid we may be departing from the basics. This has never been more clear to me than when I went to make a few copies in the library copier room. There it was staring me in the face. The green monster. I'm sure these machines are older than the law itself.

Sure it sounds petty. But think about it for a minute. I had just left the multi-million dollar computer lab in the multi-million dollar, you-don't-have-a-library-for-6-months, network-at-every-couch-space, look-at-the-neat-glass-bricks, wow-it's-comfy-in-here, library, and was struggling to make 10 silly copies.

I don't mean to be funny...it really is an embarrassment. I'm not saying we need to have some sort of Kinko's super express multi-color deal. How about a page feeder? How about a collating machine? Is this too much to ask?

Then it hit me. Maybe the copy machines aren't so surprising. After all, consider the reason for my mission to the copy room...

I was trying to make copies for a class that had half the midterm thrown in the trash, on the way to a meeting to discuss exam software that randomly erases students' answers, and I planned on a quick stop at the phone to see if three weeks was enough time for the school to let me know how I did last semester.

Signed,
Steve Lurie

CAUTION: When Professor Recommendations Do You Wrong

As you read this, I want you to imagine a perfect world where people say what's truly on their minds, that tell you if they admire or detest you, in a word, honesty. Wait a minute, I'm a recent law grad, what do I know? Well Loyola has taught me much more than I bargained for about honesty and I'd like to share my lesson with you.

During my first year, I placed a lot of trust in Loyola. I placed my faith in the administration that they would continue Loyola's tradition of excellence. I also placed faith, too much faith, in the faculty. Unfortunately, that's where I went wrong.

Recently I learned through a confidential source that a Loyola professor wrote the most deplorable recommendation imaginable on my behalf. According to an accurate source, this recommendation cost me a position in a firm I dreamed about working at. So what happened? Well I don't know. I never received a complaint from this professor, in fact I received smiles at school, positive feedback and decent grades. The professor never told me that she/he could not write me a favorable recommendation and in fact led me to believe that she/he liked me. Obviously, I am stunned by this experience and very bitter, but I have learned a vital lesson of which I wish to pass on to you. First, always ask to see a copy of the recommendation letter, and if the professor wishes to keep it private, reject the offer (I wish I would have done that). Then, ask them to be candid with you about how they like your work and you as a person (I believe that my professor had personal issues with me unrelated to my work). I believe that these strategies may reduce the likelihood of getting screwed as I was by this professor.

As for this professor, or any professor who has lacked the cojones or ovaries to tell a student how she/he really feels about them, I think you can benefit from a class on ethics and integrity. I hope we're just dealing with one bad apple here, but since all of them look alike, take a closer look before taking a bite, or believe me they will bite into your chances of getting that job. Always play it safe.

Because I am preserving the anonymity of my "source," I cannot divulge too much information and am instead relegated to warn all of you of the dangers of being too wide eyed and trusting. Take heart; I believe the majority of the professors do practice what they preach, in terms of ethics and fairness. However, never assume that this is the case counselor - do lots of research into the heart and feelings of your reference, and good luck.

I encourage comments from professors and administrators.

Signed, Legally Jaded

Dear Loyola Administration, Faculty, and Student Body:

Before the Professor Ides Civil Procedure debacle is swept completely under the rug, I would like to express a few thoughts and suggestions, and to air the general dissatisfaction / outrage shared by many of my fellow classmates.

If students are capable of obtaining old exams via the Internet or former students, shouldn't professors be capable of and responsible for anticipating this, and taking prophylactic measures? Furthermore, shouldn't Loyola have a policy requiring such a duty?

The following are two rather obvious measures to prevent the misfortune that our class recently experienced:

1) Never give the same exam, 2) If it's such a brilliant exam that it *must* be re-administered, at least sufficiently modify it. How difficult can that be?

Don't the students deserve the respect of being given a proper exam, after the blood, sweat and tears we put into studying for it? More importantly, doesn't Loyola have a contractual duty to its students to ensure this?

After all, that's what we're paying for, isn't it? We're not just paying the school for an education; we're paying them for grades - grades that directly affect which jobs we'll be getting - the amount of money we'll be earning.

So when we are denied a grade...because our exam was thrown out...because certain students had prior access to the exam, it seems to follow that Loyola owes the students a refund - a refund for the hours spent in lecture learning material that wasn't graded.

We did our part. We paid tuition; we went to lecture; we studied; we studied less for other exams in order to study more for this one - just to find out that the majority of this exam, the majority of this grade, has been thrown out!

It's time Loyola does its part. Refund us. Figure out a way to make the students "whole." At the very least, prevent this from recurring - start fulfilling *your* part of the contract by preventing professors from re-administering exams.

Signed,
Concerned Second Year Evening Student

"It is the duty of every citizen according to his best capacities to give validity to his convictions in political affairs."

Albert Einstein (1946).

Voice YOUR opinion. Letters to the editor and articles are welcomed. Send to the Loyola Reporter mailbox at the Burns Info. Center or call (213) 736-8117.

"Criminals do not die by the hands of the law. They die by the hands of other men."
Shaw

LAWSON: from page 1
at counters and demanded service. When they got arrested, another wave of protesters would take their place, and then a third wave would take their seats and then a fourth. This was known as the "human wave technique" and left police stunned.

To encourage successful dissension, James Lawson taught a basic lesson: that the word nigger "defined only those who used it, not those whom it was used against." They would shout the word over and over again to get used to hearing it, feeling neither shame nor anger. If they were knocked down by white resisters, they were taught to use their bodies as shields, crouching into the fetal position. If a colleague were knocked down, they would shield him/her from the beating with their bodies.

They were taught to accept that being arrested and beaten was just part of what was to be ultimately achieved. Lawson tried to mold their minds into tools of independence while training them to use their bodies as shields against injustice. At workshops, Lawson reminded them, "As children of God, you have within you the greatest of qualities, human nobility."

Reverend Lawson addressed Loyola students as future lawyers, emphasizing that the law and lawyers are important for justice. If you read the pre-

amble to the United States Constitution and the Bill of Rights, he said, you will see that the intent of the Constitution has not yet been realized. Mainstream thought is that *we have arrived*, that there is life, liberty and the pursuit of happiness for all. This is *not* true, says Lawson.

He reminds us that women

Constitution applies to everyone, regardless of who they are.

The Civil Rights Movement was, according to Lawson, about "more than getting a hamburger or integration. It was about a nation's need to look at itself and recognize the need for change." The steps we've made toward liberty and justice have not come from congress, the legislature,

The Movement was also about the call for a spiritual and moral revolution, a revolution of values. He chided the nation for its continued emphasis on military spending rather than the social uplift of its people. A nation that does so is not only "morally bankrupt, but, also, possibly already dead." Since 1939, our tax dollars have gone

address even the most difficult problems of ordinary human beings.

This effort is exemplified by the 1968 Sanitation Workers' Strike in Memphis Tennessee, footage of which was shown during Lawson's presentation. Lawson was a minister of Memphis' Centenary Methodist Church at the time, and organized a mass demonstration in support of the strike. This demonstration marked King's and Lawson's last crusade together.

Just as the sanitation workers struggled for economic justice in 1968, our generation is also struggling. Economic justice has not arrived for the vast multitudes of people, Lawson explained. There are "23 million children who die from lack of access to opportunity for life. Children need a welcoming environment to take hold of the tree of life." Moreover, every worker must earn a wage that permits him dignity and worth, and allows him "to begin the task of shaping his own family and environment." Los Angeles' Living Wage Movement — an ordinance that guarantees decent wages for every worker whom the city contracts out to private employers — is one step toward achieving that end, and shows a commitment to the truth of Dr. Martin Luther King, Jr.

If you are going to be lawyers, you must make it your aim "to overthrow law in America and make law just and holy and right and applicable to every man, every woman, every child, every boy in our society."

could not vote until the 1920s; it was not until the 1950s that the Constitution applied to more than just white male landowners; and it was not until 1972 that the Supreme Court held that even the worst kind of criminal has certain guaranteed rights. As Martin Luther King, Jr. wrote in his letter from Birmingham jail, the white moderate is more dangerous than the racist because "[s]hallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will." Lawson says that if we wish to continue the work of Dr. King, our task is to ensure that the

the president, or war, he said. They have come from the working people.

While the current climate in America, the courts and the legislature, expect law students to become tools for making the Constitution a document of despair and ruthless power, you must instead work to make sure that it remains an inclusive document. His speech crescendoed: If you are going to be lawyers, you must make it your aim "to overthrow law in America and make law just and holy and right and applicable to every man, every woman, every child, every boy in our society."

more toward war than toward people. Scientific research has focused on how to kill people instead of how to cure cancer, or A.I.D.S. The state of California has spent more on prisons than on building schools.

Finally, the Movement was about a call for community, and through community, toward a nonviolent understanding of life and self. King, Lawson, and the many nameless people who comprised the Movement were trying to create what they called "the beloved community." It was a place where the barriers between people came down, where people made a constant effort to

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DEAN: from page 1

Dean Burcham taught Constitutional Law I, Constitutional Law II, Ethical Lawyering, Legal Process, and the Supreme Court Seminar. Finally in April, 1999, Professor Burcham accepted his current position as Associate Dean of Academic Affairs.

Q: How is being the Dean of Academic Affairs?

A: It's challenging. I work a lot with faculty and students, and I enjoy both. Right now I'm working on improving the curriculum offered at Loyola. We'd like to offer more courses in areas of interest to students such as international business and Internet law. However, I also want to improve the bar passage rate, so we can't neglect the core courses.

Q: What would being the Dean of Loyola Law School entail?

A: Being the Dean is like being the C.E.O. of a very loosely organized corporation. Loyola has lots of constituencies. As Dean you have to build consensus between students, faculty, alumni, LMU, and outside foundations. Trying to get these groups to agree on what direction to take the law school is a hard task. However, the core mission of Loyola is to educate students. As Dean you have to make sure you don't lose sight of the core mission.

Q: What personal characteristics make you a qualified candidate for Dean?

A: I work well with a wide variety of people. Being Dean requires working with diverse groups and individuals who sometimes have different interests. When these interests become divisive, a good Dean needs to be open-minded and possess good interpersonal skills.

Q: What changes would you like to implement at Loyola?

A: First off, I'd like to get an on-campus exercise room. (Laughs. Very popular answer.) I would also like to increase the law school's academic counseling function. I'd like to establish a program offering a sequence of courses based on different law practice options. That way students who come in with a particular interest in mind can make the most of their tuition dollar. I would also like to increase Loyola's endowment. Right now 90% of the operating budget comes from tuition. Increasing the endowment will decrease the pressure to raise tuition.

Q: How would you increase alumni donations / fund raising?

A: The number one challenge is to keep alumni connected, physically involved with the law school. Most alumni have a natural affinity for Loyola. After all, law school represents a huge change in their lives. So it's important to have events such as net-

working opportunities and the Alumni Dinner. These events increase the percentage of alumni involved, and also make it easier to ask for money.

Q: How would you improve the relationship between students and the administration?

A: Most problems are caused by inadequate communication. I would take the initiative to seek input from individ-

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DEAN CANDIDATE MEETINGS WITH STUDENTS

Dean Neil H. Cogan (Quinnipiac College of Law)

Feb. 7

12:00-12:30 p.m.

Group Meeting with Students (Student Lounge)

4:45-5:30 p.m.

Group Meeting with Students (Student Lounge)

Feb. 8

7:45-8:30 a.m.

Breakfast with Student Representatives (FH 128)

Professor Linda Mullenix (University of Texas School of Law)

Feb. 10

12:00-12:30p.m.

Group Meeting with Students (Student Lounge)

4:45-5:30 p.m.

Group Meeting with Students (Student Lounge)

Feb. 11

7:45-8:30 a.m.

Breakfast with Student Representatives (FH 128)

Professor and Associate Dean David Burcham (Loyola Law School)

Feb. 15

12:00-12:30p.m.

Group Meeting with Students (Student Lounge)

4:45-5:30 p.m.

Group Meeting with Students (Student Lounge)

Feb. 16

7:45-8:30 a.m.

Breakfast with Student Representatives (FH 128)

Professor Antoinette Sedillo Lopez (University of New Mexico School of Law)

Feb. 22

12:00-12:30p.m.

Group Meeting with Students (Student Lounge)

4:45-5:30 p.m.

Group Meeting with Students (Student Lounge)

Feb. 23

5:15-6:00 p.m.

Reception with Student Representatives (FH 128)

"A community is infinitely more brutalized by the habitual employment of punishment than . . . by the occasional occurrence of crime."

Wilde

L A W S C H O O L

PROFESSOR PROFILE: GARY WILLIAMS

By Yalda Yousefi

Prof. Williams graduated from UCLA with a B.A. in History and attended law school at Stanford. Upon entering his office for the first time, I was overwhelmed by the jazz memorabilia surrounding me. His love for jazz intrigued me, and as our conversation progressed, I was touched by his passion for public interest law.

Q: Why did you decide to go to law school?

A: Actually, a history teacher got me interested. I was a history major at UCLA and I sort of got into it. I thought I wanted to teach history. I worked with him a lot and at some point he said, I don't think you're going to be a history teacher, because I was involved in all sorts of things on campus. He said, you're too active; you should think about being a lawyer. That started it. Then we talked about different things that lawyers do, and I got excited about doing public interest law, and that's when I decided to go to law school.

Q: When you got to law school, what were your long term goals?

A: Once I sort of got the idea what lawyers could do and how they had been helpful in the Civil Rights Movement, I knew what I wanted to do, and once I got to law school, I knew exactly what kind of law I wanted to practice. And, at the time, I thought that's what I would do for my entire legal career. It wasn't my plan to teach.

Q: How did you transition into teaching?

A: Again, it was a teacher, my favorite professor, William Gould, with whom I took two courses. I worked for him as a research assistant. He helped me get my first job. After I started working with the ACLU, I began working with students during the summer program, and I would always talk to Professor Gould about it. I decided it was time for me to think about something else; I wasn't sure what, so I called him...as usual. He said, you've been working with students; you keep talking about it; why don't you think about teaching? So I did for a little bit, I wanted a break maybe, and then I wanted to go back to public interest law. He offered to talk to some of his friends to possibly get me a temporary teaching job, since law schools are always looking for gaps to fill. He found me a job at Loyola as a business professor.

Q: How long ago was that?

A: Much too long; 14 years ago.

Q: What was your first job out of law school?

A: I worked for the California Agricultural Labor Relations Board as staff counsel for three years; then I came

to Southern California and worked for the ACLU for 8 years; then I went into teaching. When I started it was as a visiting professor and I really liked it. I got a kick out of teaching, so I stayed.

Q: What's the best part about being a lawyer?

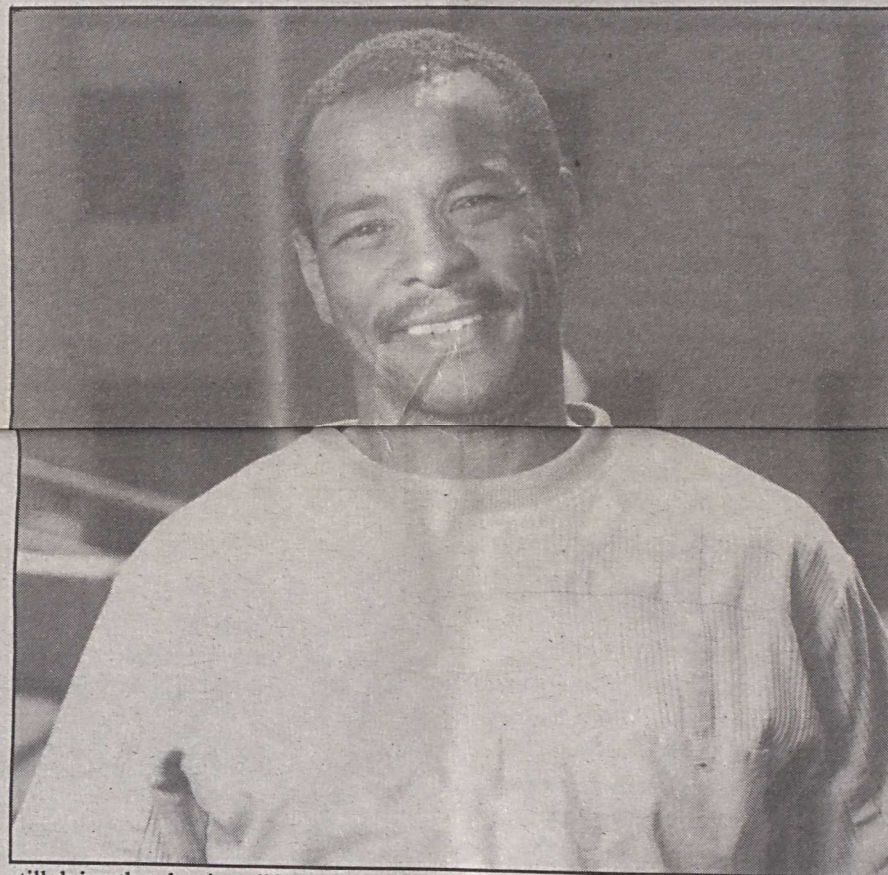
A: The ability to help other people. I really loved what I did at both places because I helped farm workers get rights to organize at the Agricultural Labor Relations Board, and I helped people in a variety of situations at the ACLU; I always felt good about what I was doing, even if I lost. I felt bad about losing, but I knew that I had tried to do what I felt was the right thing. So in my legal career, when I was in practice, I always felt good about what I was doing. That was the best thing about it. Even now when I am teaching, I am always talking about doing public interest law and using the law in a proper way. I feel like I'm

Litigation class that I teach with Professor Manheim. I have 17 students working at public interest law organizations in Southern California.

Q: Is Public Interest Law your favorite class to teach?

A: Absolutely. Yeah. I like all of my classes. I like teaching Ethical Lawyering and Evidence, but this is definitely my favorite, and it's exciting. It's very new. We tried it for the first time last semester, and the things we were able to do and talk about in class were fabulous. We were able to bring in a lot of practicing lawyers to talk to the class. We created problems for in-class exercises and exams based on situations that were in the news - it was great. You can tell people they ought to take the class next year.

Q: What's the most memorable experience you've had in your legal profession?



still doing that, but in a different context.

Q: What do you think is the worst part about being a lawyer?

A: (A long hesitation) Um, in practice a lot of it is simply road work or grunt work and discovery. A lot of it is detailed and can be boring. It's necessary, and to be a good lawyer you need to do that work; but it's not fun. Fun is doing a trial or making a big deal, but the stuff that comes before, I guess, is the hard part. Teaching, no question, is great.

Q: How do you describe your teaching style?

A: Quasi-Socratic. I like to have students participate; I feel better if they're talking to me, so I try to make a real effort to call on people and get them engaged. Hopefully, it's not too - for a lack of a better word - too mean. But, I don't know how my students feel about that.

Q: What are you currently teaching?

A: Ethical Lawyering, and I'm supervising students who took the Civil Rights

A: I represented an African American family trying to adopt their white foster child. It was the most memorable, the most painful, because we lost, yet the most satisfying because my clients are still friends of mine. It is probably about 15, 16 years later and I am still close to their family. In terms of what I was saying about a lawyer's ability to try to help, that was the ultimate. They had kept the child for about a year and a half when the government tried to take the child away from them. They were really in love with the child, and attached...so on a human level, on every level, that was my most memorable experience with the law.

Q: If you could meet anyone, who would it be, and why?

A: That's very hard for me because I go back and forth between lawyers and jazz musicians. But, I guess I would probably say Thurgood Marshall because of what he accomplished in terms of overturning segregation and what he accomplished as a Supreme Court Justice.

Q: Alright, I'll let you meet one jazz

icon too! Who is it going to be?

A: Hmm. That's probably harder for me because there are so many people. Probably Duke Ellington, because he was accomplished on so many levels, and he's still the most celebrated jazz musician in terms of all of his accomplishments. He certainly shaped music for many, many years.

Q: I know you listen to jazz, but what else do you do in your free time?

A: What free time? (Laughs) I have two daughters, so I try to be involved in their lives, I try to work out on a regular basis, and I work in my garden at home.

Q: Would you recommend or encourage your daughters to go to law school?

A: If they wanted to. I'm not trying to push them in that direction; I think they should do what makes them happy. I would be very happy if one of them became a lawyer, but I sort of let them figure it out. So far, neither of them have shown any interest in it. My oldest daughter is a junior in high school and she's been very clear...she doesn't want to do anything like what I do.

Q: If you could be remembered for one thing, what would it be?

A: Trying to change the law or the practice of the law to help those who are disadvantaged. There are a lot of things you can do in your life in the law, but the most important thing would be to help people who are not really in a position to help themselves.

Q: Who has been the most influential person in your legal career?

A: Professor Gould both because of what I told you and because he reinforced everything I thought about lawyers and public interest law. He was teaching at Stanford, and while he was teaching he was doing *pro bono* cases on his own, which is really hard. That's what I did for him as a research assistant and that really inspired me. At that point he could have done legal research and writing and would have been perfectly successful, but he did something that was part of who he was.

Q: Who has been the most influential person in your life?

A: My mother. No Doubt.

Q: I know you helped organize the Martin Luther King, Jr. Celebration on campus; how did you become involved in that event?

A: Professor Pillsbury and Professor Lawrence asked me to help work on it this year, and of course I was honored and pleased that it went well. One of the reasons I like working at Loyola is that it has a strong public interest emphasis, so the things that I think are really important about the law are part of the curriculum, and part of the life at the law school. And to me the school's participation in support of that event really reaffirms that part of my job.

On hearing it said that they were drinking too much, the Justices of the Supreme Court decided they would henceforth drink nothing on their see if there was any sign of rain. Justice Story replied, "Mr. Chief Justice, I have very carefully examined this case, and I have to Justice Marshall replied, "Justice Story, I think that is the shallowest and most illogical opinion have ever heard you deliver; you forget

C O M M U N I T Y

DISPELLING RUMORS SURROUNDING EXAMSOFT

By Leo P. Norton

By now we are all aware that some students experienced difficulty taking Fall exams on their laptop computers. Numerous stories flooded our e-mail addresses as students began airing their concerns through the student-wide e-mail address. Many students did not appreciate receiving these unsolicited e-mails and began responding to them with exaggerated claims, legal analysis, insults; one student even claimed to be Larry H. Parker, ready to "fight for those whose rights were violated." Obviously, a large portion of the information disseminated was unreliable and completely lacked any factual basis. It is time to set the record straight so students can make an informed opinion about laptop examinations, instead of judging it based on rumors and e-mails.

Contrary to the rumors, no student lost an entire examination taken on their computer. Furthermore, no student received a failing grade due to problems with the software. This is not to say that the process went over without a hitch; there were some minor problems, but none as serious as we may have been led to believe.

The computer exam process began early last Fall when representatives from the Office of the Registrar spoke to classes eligible to participate in the program. At this time, they notified students that in order to take laptop exams, students would have to sign up in the Registrar's Office, download the required software from the vendor's website, and pay a \$5.00 fee. They also distributed hand-outs detailing the proper procedure and offering some warnings. They warned students against participating in the program if they were not familiar with computer hardware, were unfamiliar with basic software applications, or did not have a reliable computer.

ExamSoft was Loyola's software vendor. They have a website describing the four steps a student must take to successfully download their software. The first step is registration, where the student inputs their personal information, including their e-mail address. The next step requires the student to allow the ExamSoft computer to perform a system check on their laptop to ensure that the software will function properly when downloaded. At this point if the student did not already have Internet Explorer 4 installed on their laptop, they would have to download it. This was necessary because the Windows operating system is not complete without Internet Explorer 4, and because the system check is done in

an Internet Explorer based program. The third step requires the student to actually download the software. The fourth step requires the student to take a practice exam. The purpose of this five-minute practice exam is to allow the students to familiarize themselves with the software before actually taking an examination.

Two problems arose in the downloading process. The minor glitch was that a small number of students either did not know how to download and install computer software from the Internet, or their laptops did not have Internet access. This was actually not much of a problem because students either received help from other students or from the library computer center and successfully completed the download.

The more significant issue was that some students did not enter their e-mail address correctly when registering for the software. This surfaced as a problem about three weeks before Fall exams when ExamSoft discovered a potential bug in their software. Rather than make students re-download the software, ExamSoft e-mailed registered students an attachment containing the cure for the bug. But because some students had not entered their e-mail addresses accurately, they consequently did not receive the e-mail, and thus did not receive the cure.

Learning of the situation, ExamSoft provided Loyola with a "patch" disk, which also cures the error, to give to students prior to their exams. Additionally, the Registrar's Office held two sessions, conducted by the ExamSoft founder, to assist students with the software. These sessions were scarcely attended.

Safety measures were also in place in the event a problem should arise during an exam. The most important ExamSoft safety feature is one that automatically saves a file of the student's examination on the hard drive if their laptop locks up, power is lost, or they fail to save their exam on disk. In addition, bluebooks were made available in each testing room as a back-up. If a student encountered a problem, they could simply begin writing in a bluebook. What had been typed could be recovered later so that the student would not lose time writing what they had already typed.

The first day of exams was full of delays. Before each exam was given, each student had to copy the files from the "patch" disk onto their computer to ensure that everyone had eliminated the potential bug. This process took longer than expected because some students did not know how to copy the files or experienced difficulty in doing so. After this process, which in some cases caused 45 minute delays, the exams were administered. At the end of the day, five students were unable to save their exam to their Virtual Bluebook Diskette, one student's computer malfunctioned, and three students lost some text. Of these three students, two were unable to recover it. The other recovered the material from the

hard drive backup file. Not one student, however, lost an entire examination.

Subsequent to the problems experienced on the first day, representatives of the Registrar's Office made an announcement before every exam explaining what had occurred so students could decide if they still wanted to use the software. Naturally, some students decided not to, and wrote their exams instead. Only three more problems were reported when students' computers froze while taking their exam.

Approximately 300 exams were taken using the ExamSoft software. Approximately 12 of these exams experienced some type of problem. In all but two cases, the Office of the Registrar was able to remedy the situation and prevent permanent loss of exam text. The two students who did lose portions of their exam had utilized the "cut and paste" feature of the software and were, unfortunately, unable to paste the text back after they had cut it.

Many other law schools have also used the ExamSoft software. ExamSoft shipped approximately 35,000 Virtual Bluebook Diskettes. While ExamSoft will not release a list of its customers, if a student goes to their website to register as

a new user, he/she is given a short list of schools from which to select. Among those listed are: USC, Harvard, Santa Clara, Pepperdine, Whittier, UC Hastings, Wake Forest and Hofstra.

Loyola Law School has met with the president of ExamSoft to discuss the problems we experienced. ExamSoft has assured us that it is addressing the problems and will have a new version available later this semester. It is Loyola's intent to continue using ExamSoft for the Spring 2000 examination period. But until the administration is confident that the software is working properly, they will reduce the number of classes eligible to use ExamSoft.

On February 4, 2000 there will be a meeting in which the faculty will receive a report of Loyola's experience with ExamSoft.

Additionally, Associate Dean David Burcham is meeting with a committee of students on February 9, 2000 to address student concerns regarding the software.

The Thursday Noon Communication Series (Presented by Professor Hobbs)

"You're Making Me Crazy!!"

March 2 - Thursday @ Noon
Burns 206

"You Haven't Heard A Word I've Said!!"

March 9 - Thursday @ Noon
Burns 206

"You're The Problem!!"

March 23 - Thursday @ Noon
Burns 206

"It's Never The Toothpaste."

March 30 - Thursday @ Noon
Burns 206

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weekly consultation day unless it was raining. The following consultation day Justice John Marshall asked Justice Story to go to the window and give it as my opinion that there is not the slightest sign of rain." Not content with the assessment of the situation that our jurisdiction is as broad as the Republic, and by the laws of nature it must be raining some place in our jurisdiction. Waiter, bring on the rum!"

LAW SCHOOL COMMUNITY

ENVIRONMENTAL LAW SOCIETY ACTIVITIES UPDATE

ATTORNEY GENERAL LOCKYER TO ADDRESS ELS

California Attorney General Bill Lockyer will address the Environmental Law Society on Saturday, February 26 at 2:00 pm. Mr. Lockyer, who will be on campus that day in conjunction with Loyola's Government Career Day, has accepted an invitation to speak separately to the ELS. The Attorney General is expected to discuss the major environmental challenges currently facing the AG's office. Additional details, including location, will be announced as soon as they are available. All Loyola students interested in California environmental law and policy are encouraged to attend.

UPCOMING NATIONAL EVENTS

- 18th Annual Water Law Conference, February 24-25, 2000, U.S. Grant Hotel, San Diego, CA. Sponsored by ABA Section of Environment, Energy, and Resources. For information, call (312) 988-5724, or visit: www.abanet.org/environ/home.html
- Environment 2000: New Issues for a New Century, February 25-26, 2000, UC Berkeley School of Law (Boalt Hall). Sponsored by the Ecology Law Quarterly. Call (510) 642-0457 or visit: www.law.berkeley.edu/journals/elq
- Keystone 2000: 29th Annual Conference on Environmental Law, March 9-12, Keystone Resort, Keystone, CO. Sponsored by ABA Section of Environment, Energy, and Resources.

UPCOMING LOYOLA ELS EVENTS - DATES TBD

- Screening of documentary by filmmaker Sheila Laffey chronicling the fight to save the Ballona Wetlands
- ELS sponsored panel discussion on land use, planning, and environmental justice
- Earth Day 2000—Get Involved!

For information, call (312) 988-5724, or visit: www.abanet.org/environ/home.html

PRINCIPLES OF LEGAL WRITING*

1. Never use one word where ten will do.
2. Never use a small word where a big one will do suffice.
3. Never use a simple statement where it appears that one of substantially greater complexity will achieve comparable goals.
4. Never use English where Latin mutatis mutandis, will do.
5. Qualify virtually everything.
6. Do not be embarrassed about repeating yourself. Do not be embarrassed about repeating yourself.
7. Worry about the difference between "which" and "that."
8. In pleadings and briefs, that which is defensible should be stated. That which is indefensible, but which you wish were true, should merely be suggested.
9. Never refer to your opponent's "arguments;" he only makes "assertions," and his assertions are always "bald."
10. If a layperson can read a document from beginning to end without falling asleep, it needs work.

* Reprinted from Daniel R. White, *Trials & Tribulations, An Anthology of Appealing Legal Humor*, Plume, 1991.

LAWSON: from page 3

In closing, Reverend Lawson left us inspired and pensive. In order to understand the Movement, we must see King as a prophet - he jested when clarifying that he did not mean "profit" but "prophet."

In order to keep the work and message of King alive, we must talk about the Movement. He summoned us to bring in the 21st century with a commitment

to the truth of the Movement, to live and revive it in such a way that men and women of all styles, shapes and colors come together to achieve the dream of our society.

Just as his mother's words changed James Lawson at the wee age of ten; so too has he changed our nation through his commitment to the notion that all people are created equal in God's eyes, and are worthy of life, liberty and justice. In his

words, we must "be more than lawyers; [we must] be human beings."

Background material on Reverend Lawson was taken from: *LA Times Magazine*, "The Man Behind the Dream" and *The Children* by David Halberstam.

DEAN: from page 3

ual students by holding regularly scheduled forums. I would also get out and talk informally to students around campus. There's no magic to good relations with people. You just need to talk, listen, understand and find common ground to work from.

Q: How would you improve the relationship between the faculty and the administration?

A: At Loyola there's nothing more important than faculty and students. The faculty are like

pilots; you need them to make [Loyola] work. So as Dean you can never be too busy to work with them. I would also articulate an institutional position at Loyola stating that a professor's two main jobs, publishing and teaching, are not mutually exclusive and need to reach a balance.

Q: What do you feel is the most important job as Dean?

A: The core mission: To make sure students get the best education possible.

Prof. Hobbs' Trial Advocacy Class

Professor Bill Hobbs teaches a trial advocacy class which is a prerequisite to participation in a **District Attorney's Clinic**. Because of the limited number of placements in the DA's Office, interviews will be necessary for admittance to this class. **Students may sign up for interviews for the FALL class of 2000 from Tuesday, January 18th through Monday, February 14, 2000.** Sign-ups for interviews are not on a first-come, first-served basis. All students who sign up will be eligible for the lottery, if a lottery is necessary.

Please see the board outside of Faculty Support (Burns 320) for additional information. If you have questions, please see Bridget in Faculty Support.

"To me, a lawyer is basically the person who knows the rules of the country. We're all throwing dice, playing the game, moving our pieces around the board, but if there is a problem, the lawyer is the only person who has read the inside of the top of the box."

Jerry Seinfeld

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SCHEDULE OF SEMINARS

SAN DIEGO

- Saturday, February 19, 2000 : Noon-6:00 pm
- Sunday, February 20, 2000 : Noon-6:00 pm
- All sessions will be given **live** in the Auditorium at the California Western School of Law, 350 Cedar St., San Diego.

SAN MATEO

- Saturday, February 26, 2000 :
9:00 am - 12:30 pm, 1:30 pm - 4:00 pm
- Sunday, February 27, 2000 :
9:00 am - 12:30 pm, 1:30 pm - 4:00 pm
- All sessions will be given **live** at the Villa Hotel, 4000 S. El Camino Real, San Mateo.

ORANGE COUNTY

- Saturday, March 4, 2000 :
9:00 am-12:30 pm, 1:30 pm-4:00 pm
- Sunday, March 5, 2000 :
9:00 am - 12:30 pm, 1:30 pm - 4:00 pm
- All sessions will be given **live** at Hope International University (formerly Pacific Christian College), 2500 E. Nutwood at Commonwealth, Fullerton (across from Cal. State Univ., Fullerton), Second Floor, Room 205.

LOS ANGELES

- Saturday, March 11, 2000 :
9:00 am - 12:30 pm, 1:30 pm - 4:00 pm
- Sunday, March 12, 2000 :
9:00 am - 12:30 pm, 1:30 pm - 4:00 pm
- All sessions will be given **live** at the Ramada Hotel, 6333 Bristol Parkway, Culver City, in the Projection Room.

ORANGE COUNTY

- Saturday, March 18, 2000 : Noon - 6:00 pm
- Sunday, March 19, 2000 : Noon - 6:00 pm
- All sessions will be given **live** at Hope International University (formerly Pacific Christian College), 2500 E. Nutwood Ave. at Titan, Fullerton (across from Cal State Univ. Fullerton), Room 215A. *Course lecturer for this session only: Professor Mara Feiger, Attorney at Law, Legal Education Consultant.*

VENTURA

- Saturday, March 18, 2000 : 10:00 am-4:00 pm
- Sunday, March 19, 2000 : 10:00 am-4:00 pm
- All sessions will be given at the Ventura College of Law, 4475 Market Street, Ventura, Room 9. VIDEO PRESENTATION.

CLOVIS

- Saturday, March 18, 2000 : 9:00 am-3:00 pm
- Sunday, March 19, 2000 : 9:00 am-3:00 pm
- All sessions will be given at the San Joaquin College of Law, 901 5th St., Clovis, Room 201. VIDEO PRESENTATION.

SACRAMENTO

- Saturday, March 18, 2000 : Noon - 6:00 pm
- Sunday, March 19, 2000 : Noon - 6:00 pm
- All sessions will be given at America's Books, 725 J Street, Sacramento. VIDEO PRESENTATION.

RIVERSIDE

- Saturday, March 18, 2000 : Noon - 6:00 pm
- Sunday, March 19, 2000 : Noon - 6:00 pm
- All sessions will be held at California Southern School of Law, 3775 Elizabeth St., Riverside. Room number will be posted on the day of the seminar. VIDEO PRESENTATION.

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Course Lecturer:

PROFESSOR JEFF A. FLEMING

Attorney at Law ♦ Legal Education Consultant

For the past eighteen years, Professor Fleming has devoted his legal career to the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

Professor Fleming's experience includes the Lecturing of Pre-Law School Prep Seminars and First, Second and Third Year Law School Exam Solutions.® He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer.

He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Exam Solution® and Multistate Examination Workbook, the creator of The Exam Solution Tape Series,® which aids law students in exam preparation, the Author of the Examination Writing Workbook, Volume 1, the Essay Examination Writing Workbook, Volume 2, the Essay Examination Writing Workbook, Volume 3, and the Essay Examination Writing Workbook, Volume 4. These are available in legal bookstores throughout the United States.

Professor Fleming has determined that the major problem for most law students is weak analytical skills. Most students can learn the law, but application of the law is a stumbling block under exam conditions. Professor Fleming has structured his programs to include both substantive law and legal analysis training. This provides the combination necessary for the development of a better prepared and skillful law student and Bar candidate. These courses have made it possible for thousands of law students to improve their grades and ultimately pass the Bar exam.

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Telephone: (_____) _____

Law School: _____

Number of Semester in Which Currently Enrolled: _____ Graduation Date: _____

Workshop Location/Date to be Attended: _____

Form of Payment: Check Money Order (Make Payable to: Fleming's Fundamentals Of Law)

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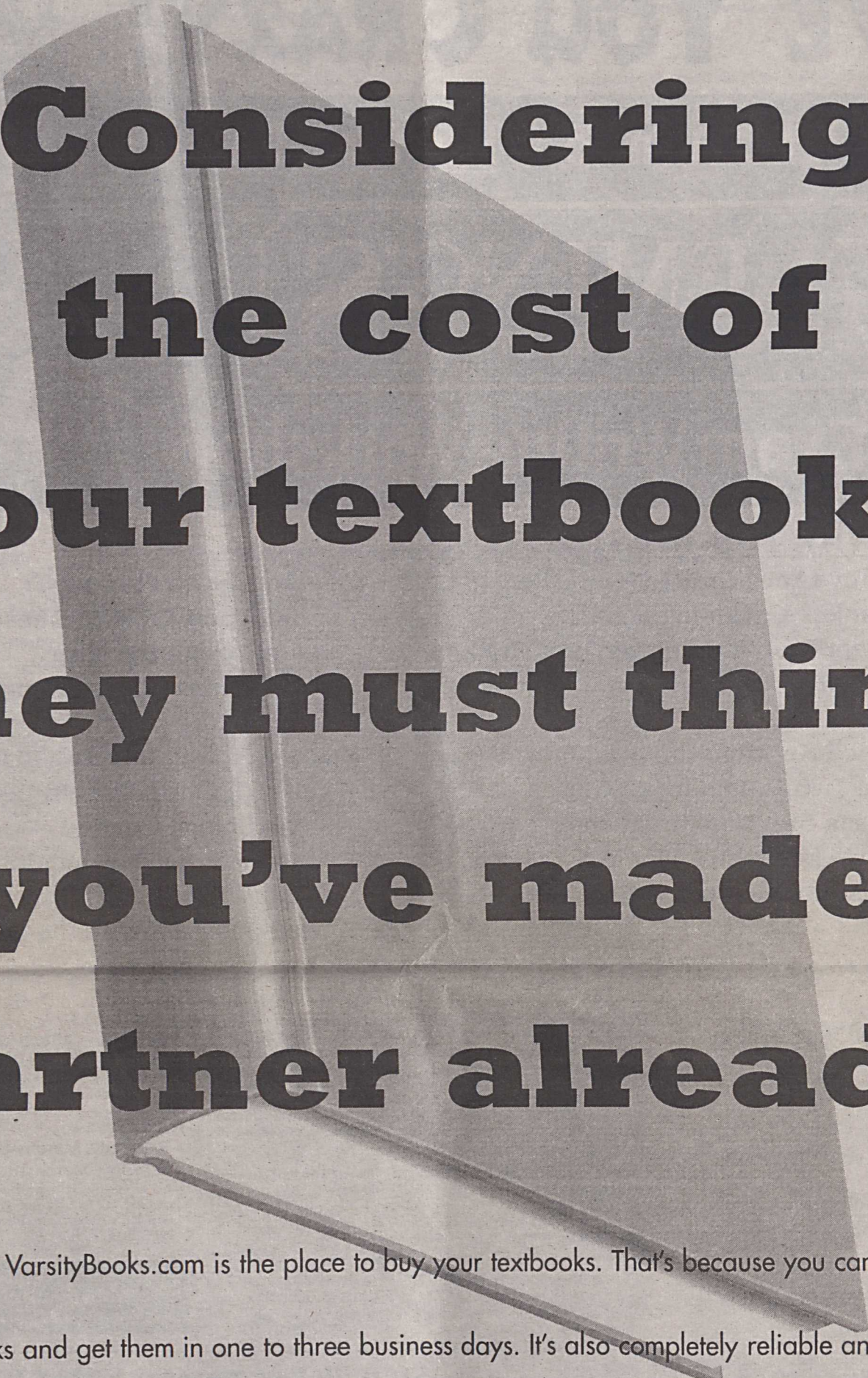
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