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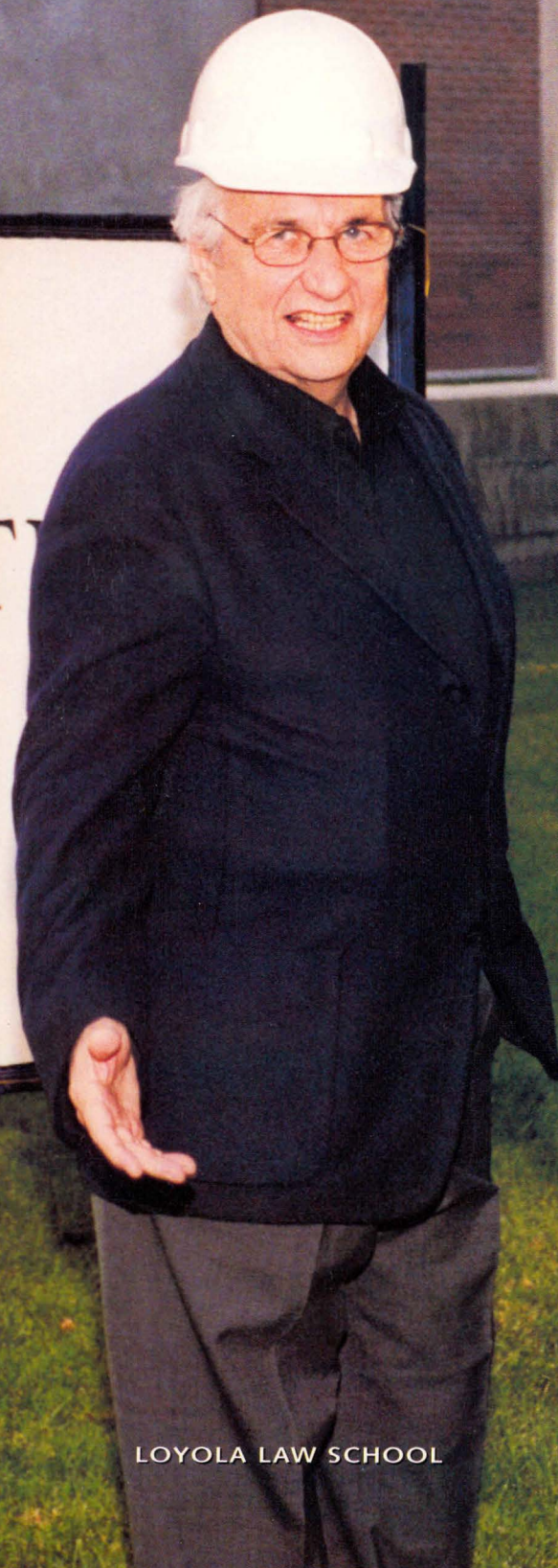
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LOYOLA LAWYER

LOYOLA LAW SCHOOL

WINTER, 2001



Albert H. Girardi Advocacy Center
Frank Gehry's New Addition
to Campus

Trials & Tribulations—Loyola Trial
Attorney Profiles

The Campaign Finance Mess
by Professor Richard L. Hasen

LOYOLA LAWYER

C O N T E N T S

C O V E R S T O R Y

26 Fritz B. Burns Plaza

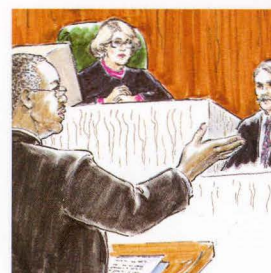
Architect Frank O. Gehry has designed the final building for the campus that will complete the Fritz B. Burns Plaza. A new advocacy center takes shape.



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Loyola Law School has a distinguished record of playing a major role in shaping the civil and criminal trials in southern California legal history. Featured are profiles of just a few of the alumni who comprise the trial bar of California today.



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Launched this fall, Loyola Law School's first graduate program offers a LL.M in Tax. Professor Ellen P. Aprill outlines the importance of the new program.

FROM THE DEAN'S DESK

Dear Fellow Alums and Friends:

We have had a busy but exciting Fall semester at Loyola. As faculty, staff and alums, we are "mobilizing" to take Loyola to the next level of institutional excellence. Three areas are noteworthy.

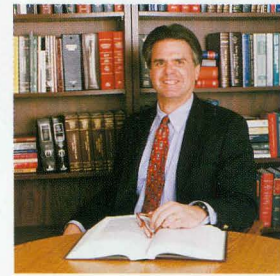
1. Academic Symposia: We sponsored four extraordinarily high quality academic symposia this past semester. In September, we conducted a two-day conference on Los Angeles' Rampart scandal. Many of the City's political leaders participated in the first day of the conference, frequently offering widely disparate views as to the scope and magnitude of the Rampart problem. During the second day of the conference, leading academics explored a variety of complicated legal issues presented by Rampart. In October, one week before the election (and with uncanny prescience), we sponsored a conference on Internet Voting and Democracy. Experts in election law offered insights as to how voting via Internet might affect—both positively and negatively—the body politic. Also in October, Loyola co-sponsored (with the IRS) the 4th Annual Western Conference on Tax Exempt Organizations. Practitioners from around the country attended this important symposium focusing on cutting edge tax issues. And lastly, in December, we co-sponsored with Cal Tech the second annual Henry Yuen Symposium on Law & Technology. The first day of this symposium consisted of a workshop at Loyola where noted jurist and scholar Richard Posner presented a paper on Antitrust and the New Economy. A distinguished panel of academics served as commentators on Judge Posner's theses. The second day of the conference was held at Cal Tech, where Judge Posner presided over a mock appellate argument involving personal jurisdiction issues arising in cyberspace through Internet use. We are now moving forward in planning next year's Law and Technology conference, and it is fair to say that Loyola has already become one of the law school leaders in this emerging area of law.

2. Building Plans: We are finalizing the plans for Loyola's last major building project, the three-story Albert Girardi Advocacy Center. We are actively involved in raising the needed funds for this endeavor. On this score, the alums from the classes of 1990's deserve special commendation for their commitment to raise \$1.5 million toward this \$7.5 million project. In their honor, the second floor classroom/courtroom will be named the "Courtroom of the '90's."

3. Faculty Hiring: I am pleased to announce that we have hired two exceptional new faculty members. Brietta Clark, a recent graduate of USC Law Center, will teach Corporations and Health Care Law. Jeff Atik, a lateral hire from Suffolk Law School in Boston, is an international law scholar. The addition of Professors Clark and Atik to our faculty strengthens the law school in significant ways. *The Lawyer* will profile them in detail in a later edition this year.

This edition of the *Lawyer* focuses on a few of our alums whose practice is devoted to arguing before judges and juries. Loyola has long enjoyed a strong reputation for training students in the art of advocacy. Indeed, in earlier times, the school was frequently referred to as "Trial Tech." Many of the pages that follow highlight the type of trial and appellate work practiced by many of our alums. The sampling of distinguished litigators portrayed here represent but a few of the literally thousands of graduates who, by competently and diligently performing their daily work, allow us to continue to boast that we have one of the finest advocacy skills training programs in the country.

David W. Burcham '84
Dean



LOYOLA LAWYER

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Architect Frank O. Gehry breaks ground with Thomas V. Girardi '64 and Albert H. Girardi for the new Albert H. Girardi Advocacy Center.





Trials &



About the Artist:

Mary Chaney *chaney200*

Courtroom Artist

Ms. Chaney has worked as a courtroom artist for television news broadcasts, covering cases such as the Spielberg stalking, the O.J. Simpson civil trial, both Heidi Fleiss trials, the Menendez brothers murder trial, the DEA Agent Enrico "Kiki" Camarena murder trial and the Richard Ramirez Night Stalker trial.



During the fall of 1993, several of Chaney's courtroom sketches, created for television newscasts, were on exhibit at Loyola Law School's William M. Rains Library. The "Justice or Trial" exhibit, curated by Professor Laurie Levenson, featured sketches drawn during the federal trial U.S.A. Stacey C. Koon et al, known as the Rodney King Beating Trial. Chaney's work from this trial was published in *The Loyola of Los Angeles Law Review* [Jan. 1994, Vol. 27, No. 2].

Chaney studied at Chouinard Art Institute, Otis Art Institute and Loyola University.

Tribulations

by Charles Domokos '00

Recall the trials of Socrates, Jesus of Nazareth, Patrick Henry, Julius & Ethel Rosenberg. Trials are serious business. If only those defendants had Loyola Law School trained advocates, history may have changed. Trials decide the fates of the accused in criminal and civil matters. The community's appointed judges decide on facts and laws that may mean life or death and forfeiture of all property and reputation.

In our legal system, it's the responsibility of the lawyer to represent the client at trial, or to press charges. Louis Clapp, '80, a Deputy Public Defender for Orange County has been dealing with life and death cases for 20 years. He takes the broadest view of his role as advocate. "If you're on your deathbed and feel you helped people, then you can feel you led a worthwhile life. This job permits me to do that. Every day I'm called to do my best for somebody."

Trials also serve a public function. The hemlock Socrates drank in classical Athens was the citizen-jurors' public decree on private morality. U.S. Attorney for the Central District of California, Alejandro Mayorkas, '85 states the modern perspective: "The public — in other words, the jury — must be presented with a complete evidentiary picture of the crime that is alleged to have occurred. The jury will make the best determination based on all the evidence."

Loyola Law School has a distinguished record of playing a major role in shaping the civil and criminal trials in Southern California legal history. From its earliest founding as St. Vincent's School of Law, the law school has emphasized teaching the written and oral advocacy skills needed for an attorney to succeed in court.

The Law School's first Deans served as exemplars of courtroom demeanor. Coincidentally or not, the school has been even-handed by choosing Deans from both sides of the courtroom.

The first Dean, Joseph Ford, was best known in the legal community for having prosecuted the McNamara Brothers in the 1910 "Los Angeles Times" bombing, which claimed 20 lives. Joseph Scott, the second dean, championed the McNamara Brothers against Deputy D.A. Ford's indictment. Today, a bronze statue of Joseph Scott graces the entrance to the Hill Street Los Angeles County Courthouse, and he's the

namesake of the Scott Moot Court Competition which carries on the tradition of distinguished courtroom advocacy at Loyola Law School.

As Loyola Law School enters its second century of educating trial attorneys in Southern California, the school's commitment to keeping that education up-to-date is reflected in the building of the new Frank Gehry-designed Advocacy Center. The commitment to first-class trial advocacy education that Deans Ford and Scott made a mainstay of a Loyola education continues.

The following articles are meant to shed light on current trial advocacy in the civil and criminal courts, and to give a glimpse of the contribution of Loyola trial attorneys to trial practice in Southern California. ►

"Trial lawyers are the fighter pilots of the profession. It goes with the territory. They don't want to go on milk runs. They like the high adrenaline, high publicity, high interest matters. They don't want to probate wills. At least when they are younger." — Richard E. Holmes

Three Trial Attorneys

by Charles Domokos '00

Timothy Wheeler '78: Making a difference for personal injury plaintiffs

Tim Wheeler '78 is literally on top of the world presiding over the corner penthouse office in the Wilshire One Building in Santa Monica, with its stunning panoramic view of Santa Monica Bay, Malibu, and the city.

"While I attended Loyola Law School, I worked as a law clerk for the firm Voorhies, Greene, O'Reilly, Agnew, & Broillet. They offered me a job during my third year of law school. After law school, I went right into that firm as an associate. Two of the partners who were there, Browne Greene and Bruce Broillet, I still work with today."

Wheeler's current firm, Greene, Broillet, Taylor, Wheeler & Panish, started in March 1990. It's 100% civil litigation, primarily personal injury and some business litigation including product liability, aviation, insurance bad faith, and general negligence. Like most plaintiffs' firms, Wheeler represents plaintiffs exclusively.

"The majority of our cases involve catastrophic injuries. They require a certain type of expertise this firm has developed over the years."

Wheeler acknowledges the high cost of bringing such cases to trial, because of their complexity. An auto design case can easily cost up to one million dollars to establish product liability in fuel tank designs, or to litigate crash worthiness issues. The stakes are enormous.

"Two of my partners just tried the General Motors case that resulted in a \$4.9 billion dollar verdict. The General Motors case was based on a faulty gas tank design. The plaintiffs' car burst into flames. That gas tank design is found in nine or ten G.M. vehicles."

"The jury awarded substantial punitive damage awards because the company put profit ahead of safety."

The G.M. case was tried by Christine Panish Spagnoli, '86.

Wheeler incorporates new procedures in the nuts and bolts of his plaintiff litigation practice. Among current trends is to network a case with other law firms, especially in product liability matters.

Wheeler explains that the shared documentation approach involves cooperating with law firms in many states who brought similar claims. "In the G.M. case, each firm did its own discovery and pooled the results to complete the jigsaw puzzle of evidence that resulted in a major settlement."

The modern practice of law is also distinctive if the case gets to

court. "Trial techniques are very important. The average juror is far more savvy as a result of the media. Our job as attorneys has become more difficult."

Wheeler's firm is at the forefront of many contemporary trial techniques. "You have to be an effective communicator."

Wheeler's firm regularly commissions broadcast-quality videos. "Jurors see *60 Minutes*, *20-20* and other magazine shows. They expect a presentation on that level. It's costly and very effective.

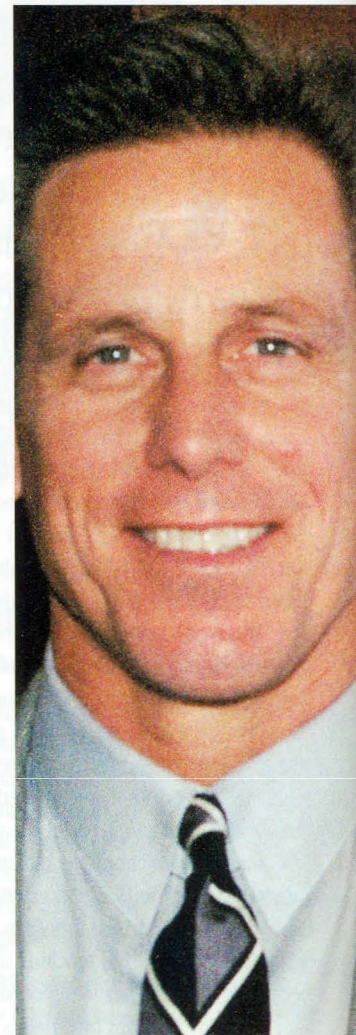
"We also videotape depositions. When we cross-examine a witness, rather than reading portions of a deposition transcript, we show the video right to the jury."

Timelines and "board presentation" graphics are also critical, especially in document-heavy cases such as an insurance bad-faith case. "You try to find the simplest way to say what occurred at a particular time. The other side will even adopt whatever you have established. Your timeline will become the bible for the judge and the other side."

Wheeler asserts that even a 5,000-document case will come down to five pivotal documents. "The way you highlight those five documents to the jury will be critical."

Wheeler acknowledges that a jury may question the cost of the multimedia blitz, but sums up: "If you're handling a large case, you have to leave the jury with the impression that you've put in the time and energy. You're showing you

Wheeler



"The average trial lawyer only has a certain number of big trials in him. The hardest thing is to pick and choose the trials." – Timothy Wheeler on personal injury trials

believe in the case, and the jury knows that the case is worthy of the amounts of money you've asked them to award."

Aside from changes in communication and presentation technology, Wheeler confirms that the law "business" has become more adversarial.

"My style is not to be adversarial. Life's too short. If you're fair to the other side, they're fair to you."

The hardest part of Wheeler's practice is when a case goes to trial. "I watch my wife and four kids react to me when I'm in trial. I didn't notice it 10 years ago. I notice it now. When I'm in trial, they know that's all I fret over. I'm up very early every morning, preparing for witnesses

during the day. I'm far more tense."

Plotin

"It's a tough business. The average trial lawyer only has a certain number of big trials in him. The hardest thing is to pick and choose the trials."

Wheeler averages fewer trials than most of his partners. "Some years I've had no trials. Other years I've had five trials. On average I try two cases a year. Trials used to average 10 days. Now they go 20-25 days. It's the nature of the cases this firm handles.

"The most satisfying part of the work we do is playing a small part in helping people who have had life-altering tragedies. That's winning the war. There are a lot of battles along the way."

Wheeler acknowledges that you can't enjoy a victory for long. "You're only as good as your next case. You're going to have to prove yourself again."

A new case means new facts, a completely different story. "It's very rare that you get the same case over and over. There are all these different disciplines, and you have to hire experts to help make your presentation of the case."

Wheeler freely acknowledges that his firm uses some of the more controversial "commercial" aids to

modern trial work: jury-pickers, focus groups, and shadow juries."

The law firm hires people, "shadow jurors," who will sit through the trial as mock jurors. "They give insight into the actual functioning of the real jury, and help the lawyer prepare."

Wheeler also relies on jury pickers'. "They help determine questions to ask and what you look for. They are usually psychologists."

The worst part of trial work is finding out about facts you weren't

aware of. "It could be a document that shows up you've never known about. Also, there can be witnesses you've put a great deal of faith and trust in regarding their testimony. Then, during cross-examination, they fumble the ball. It's devastating."

One of the hardest parts of being a plaintiff's attorney is the pressure to get results for people with life-altering tragedies. When that result doesn't come, it's very difficult for Wheeler. "These people become like your family. It's hard to lose. It's equally hard to win and not get the monetary result that you hoped for."

Wheeler counsels new attorneys that the business is "relatively hard." However, he feels lucky to be a trial lawyer. "I have the satisfaction of helping folks in their battles. It's given me a good life and opened my eyes to things I'd never know about. I have the opportunity to work with great and interesting people. Every day there's someone new walking through that door, clients, witnesses, lawyers. You see a little bit of everything. I feel lucky to have fallen into this job and career."

Richard Plotin '68: Criminal defense tries to show "reasonable doubt"

Not all civil litigators handle civil matters. Case in point: Richard Plotin '68, criminal defense attorney best known for his recent successful defense of accused murderess Jeane Adair. "The case received a lot of attention. There was a pretty woman, insurance money, a prominent surgeon," says Plotin.

"Only through tremendous effort was she acquitted. The three-and-a-half-million-dollar cost included a full-time investigator available to follow up leads. I had an expert in head injuries to show that the injuries to Mrs. Adair were real. I had the medical evaluation that showed she had a cerebral concussion. I had the forensic blood expert. I did the legal and other work myself. It was a night-and-day job. I will never do more than one homicide case at a time. They consume you."

The stepping stones for Plotin to his present prominence as a criminal defense attorney came through initial work for the Los Angeles Public Defender's office from 1969 to 1975.

"First day, January 9, 1969. I walked into a preliminary courtroom and Judge Homer Garrett looked at me. I told him my name. Judge Garrett pointed to a Marine charged with a burglary and said, 'There's your first client.' After three weeks, I was doing 6-10 cases a day. Then, I was assigned to train new public defenders."

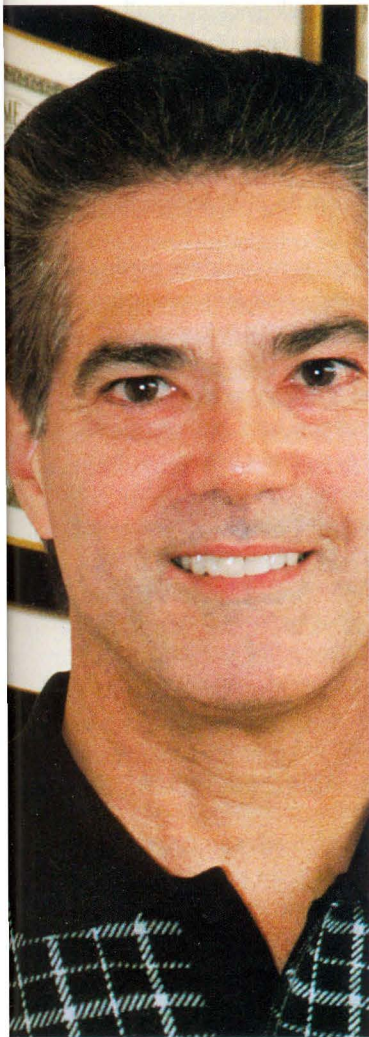
"I stayed with the Public Defender's office and became a Senior Trial Deputy and tried serious felony cases in the San Fernando Valley."

Plotin enjoyed the high quality of the attorneys in the Public Defender's office. Eventually he left, and has been in private practice ever since, working out of his Encino office.

"After 32 cases I select the cases I want. For the past few years, they're predominantly criminal."

Plotin still prepares for trials the old-fashioned way with detailed trial notebooks and expert witnesses. He believes in the extensive use of expert witnesses, but rarely has jury consultants.

Plotin does his own jury selection. "I decide based on my



“I will never do more than one homicide case at a time. They consume you.” – Richard Plotin, Criminal Defense

experience, even if the questions you get to ask potential jurors are more limited today. Based on the quality of their answers, the way I feel about it, that's what I go with.

“Today, you see the whole computer-generated list on everyone. If I bounce a juror, I have a profile on them already. Do I want to delve into this person's background or accept him the way he is? That's where my experience comes in.

“I only felt in one case that a jury made a mistake where they convicted the wrong person. That was when I was a public defender. I got a second trial. Then, another jury convicted that defendant again. As a public defender I couldn't do anything further. I believed he was innocent.”

Plotin finds that as a defense attorney he fights an uphill battle against media perceptions about his clients. In the past, Plotin has ignored what he felt was media bias.

“I used to say nothing.” More recently, Plotin has spoken out to defend his clients and tried to gain public exposure and sympathy, as in the *48 Hours* documentary on Jeane Adair.

“I found that during the Adair case I had to stand in front of the media and tell how the evidence showed she was innocent, namely that there was none of her husband's blood on her.”

In high profile cases, Plotin tries to be specific about the facts as he presses his case in the media. “Reporters ask, “What do you think the evidence in court has shown?”” Plotin tries to explain the evidence in simple terms. He understands that reporters pick and choose “four seconds” to play on the evening news.

Plotin's career, like many trial attorney's, impacts other areas of his life. He's had threatening phone calls by the victim's family members. In one such “incident,” visiting angry family members were dissuaded from entering his office by Plotin “jacking back the slide on my '45 revolver.” When the relatives were picked up, it turned out they were convicted felons.

“My wife is very conservative. She asks me, ‘Why do you defend those people?’ I don't judge their guilt or innocence. They only tell me what I need to know for the factual basis for the case. I never represent someone who doesn't tell me the truth. I can tell in a skilled cross-examination of a defendant that something does or doesn't meet the guilt beyond reasonable doubt standard. My job is to represent someone.”

There's a deeper, more exhilarating perspective as well: “The best thing about being a criminal defense attorney is to stand in front of a jury and have them come back and a client who did not commit a crime stands there and is found ‘not guilty.’ If we allow our client's rights to be trampled, our rights will be trampled. You're standing up for the Constitution, regardless of what the public thinks. Nothing else in law can have the same satisfaction as having the responsibility for a person's life and keeping a person out of prison.”

Plotin finds equal rewards in being able to get plea bargains “for a first offender and get that client through a court drug program or get the first offender to acknowledge his conduct and change.”

Plotin revels in getting that phone call twenty years later thanking him for getting someone to turn his life around. “Those are little things that only a criminal attorney would understand.”

Walter Lack '73: Litigating for environmental plaintiffs

In the hit feature film, *Erin Brockovich*, Loyola alumnus and small practitioner Edward Mazzy '61 needs to enlist a large plaintiff's attorney firm to bring the water polluting electric utility PG&E to the bargaining table. He turns to Walter Lack '73 of the Century City firm of Engstrom, Lipscomb & Lack. In the film, the resulting partnership leads to a winning combination involving some \$330 million dollars in settlement for 600 injured plaintiffs who live in the PG&E contaminated California high-desert town.

Despite the film's focus on Julia Roberts' portrayal as the paralegal and pivotal character, the professionalism and widely-acknowledged expertise of Lack and his firm powered the successful outcome of the true-life story.

While still a day student at Loyola Law School in the early 1970s, Lack worked for Santa Fe Railroad on a part-time basis and was injured on the job. He turned to a major law firm to represent him against the railroad. That firm not only won him a settlement but also hired him as a law clerk. Within six months of graduating law school in 1973, he started his present law firm with two partners, Paul Engstrom, an established litigator, and Lee Lingstrom, a Los Angeles-based aviation adjuster.

Today, Lack's firm is the largest pure contingency firm in California. There are 30 attorneys and 30 paralegals, along with a very large support staff, sharing the 16th floor of the Ten-One Hundred building on “Little” Santa Monica Blvd. The firm specializes in complex business litigation, mass toxic torts, insurance bad faith, and aviation litigation.

Lack involves himself in cases at three critical points. First, he meets a client for an initial interview. At the end of the consultation he tells them, “You won't see me until mediation.” Lack handles mediation efforts personally and considers mediation skills essential for today's attorney.

If mediation is unsuccessful, Lack is the attorney who tries the case. He spends about 80% of his time in court. The remaining 20% is spent interviewing new cases and attending mediation conferences.

“I take about one out of twenty possible new cases and about half of the ones I take are joint-ventured with prominent firms who also have expertise in large contingency fee cases.” Lack's most likely co-venturer is Thomas Girardi '64 of Girardi & Keese, a respected Loyola alumnus.

“These Fortune 1000 companies only hire the largest law firms. Typically they try to paper you to death. By joint venturing we can go toe-to-toe with any law firm in America.”

“Tom Girardi and I have spent over four years in trial together in the last seven years. Our styles complement each other.” The fit between

the two attorneys is near perfect, resulting in over \$1 billion in verdicts and settlements.

Lack describes their give-and-take style: "Typically, I give the opening statement. We split up the cross-examination of defense witnesses, based upon who we want to go after for our own reasons. Often we don't decide until after the witness has testified. Tom has a more free-form style. I have a more organized approach. Our methodology is intuitive, not formalistic."

While Lack agrees that jury consultants are "the vogue," he has never used one. Rather, he tries to tailor his presentation to dial into each juror's life experience.

"For example, it's common to have utility workers and postal workers on a jury. We will try to use examples of how a defendant's conduct was careless in terms that juror can relate to. We also try to weave our perception of the jurors' background into our characterization of the defendant's behavior."

Lack, like other plaintiff's attorneys, feels juries "have been preconditioned by the insurance industry to look upon a victim, especially someone seeking money, with skepticism." However, he is still positive about a jury's appreciation for the need for contingency-fee representation.

"The contingency fee is the key to the courthouse. Lay people still understand that. The shadow audiences for *Erin Brockovich* appreciated the fact that corporations could hire lawyers at \$400 an hour and the only way to go against them was with a contingency fee set up."

Lack clarifies that pursuing a class action lawsuit is different than representing a large number of individual clients. "In California, in a class action suit, a judge will determine your fees and you have no control. In separate cases involving a multitude of people, as in *Erin Brockovich*, there's usually a contractual arrangement. You either win or lose and are compensated based on that."

The risks in class-action suits can be daunting. "For every ten actions brought, only one gets certified. To get to that point of certification takes a lot of effort and it may not work out."

Lack explains that court procedural matters and attorney compensation limits have put entire areas of litigation beyond the practical range of would-be plaintiffs. "The MICRA Act put me out of business in the medical malpractice area. I've only done 2 in the last 20 years. Under this California statute, no plaintiff has received 100% compensation no matter how serious the injury."

Among the most prestigious trial attorney memberships Lack holds is being a Fellow of the International Academy of Trial Lawyers, one of only 10 members in California. Lack is also a prominent member of ABOTA, the American Board of Trial Lawyers of America.

Lack sees his membership in trial attorney organizations as a means to oppose what he views as an ongoing effort to limit the right to trial

under the guise of tort reform. Among ABOTA efforts is a major CD ROM interactive program that teaches grammar school kids how our civil justice system works.

For Lack, the greatest challenge in the courtroom is to get the average juror to appreciate the level of damage suffered by a typical plaintiff. "Jurors have a difficult time compensating for the intangibles such as pain and sufferings."

Lack feels that the substantial results in the PG&E case were based on the jurors' reaction to the bad facts. "Jurors reacted against the behavior of PG&E. PG&E officials knew about the contamination, didn't disclose the problem to the water board, and then lied about it. So? A jury faced with those kind of facts generally will look past a difficult causation issue."

"PG&E had world-class doctors saying that those cancers couldn't be caused by those chemicals. We had doctors who said the opposite. That 'battle of the experts' was resolved because of PG&E's overall bad behavior."

Lack considers where his career has taken him and is pleased with his plaintiff advocate role. "I used to defend a lot of these big corporations for years. It wasn't any less lucrative, but it was certainly a lot less fulfilling. You were lucky to get a pat on the back. From the perspective of corporate America that's what you were hired for."

"When you do plaintiff's work on a daily basis, you can affect your client's life in a favorable way. You become the most important person aside from spouses and children if you can give the client economic freedom. They're already disadvantaged. For example, I've represented a little boy paralyzed from the neck down. He'll be dependent for everything on an around-the-clock basis. If I can give him the chance to finish his education and not worry about housing and food for the rest of his life, I feel good." ▶

Lack



"These Fortune 1000 companies only hire the largest law firms. Typically, they try to paper you to death. By joint venturing, we can go toe-to-toe with any law firm in America." – Walter J. Lack on mass tort claims

For The People: The

by Charles Domokos '00

Mark Polland '00: It's about being in court

Mark Polland (Class of 2000), recent past president of the St. Thomas More Law Honor Society, always wanted to be a trial lawyer.

"During my first year at Loyola, a couple of D.A.s came to school to lecture. One D.A. said that during his second year of law school he got to try his first felony case. I thought that was amazing."

After his first year, Polland clerked for the Honorable Rex Minter '54 and signed up for the "Practical Lawyer Training Program" offered by the California State Bar.

"It's a great program. You become a certified law student who can appear in front of a judge and represent a client without passing the bar." His second year, Polland started to work for the D.A. as a law clerk. "I learned to take a plea and how to advise the defendant of the constitutional rights he's giving up."

From Calendar Court, Polland moved to Juvenile Court. "I did my first eight felonies there in Judge Christina Hill's court. An attorney had to be in the courtroom. These offenders were 11- to 17-year-olds. If they're under 14, you have to make sure they know the difference between right and wrong. You have to talk to them and their parents and their teachers."

Typical cases that Polland handled were "dropsy cases." "That's where the cops see the suspect. The suspect drops cocaine. The cops recover it and the kid says 'It's not mine.'" The standards at these hearings are easily met.

"You're way beyond preponderance. You should win. That's why the D.A. allows certified clerks to bring these cases. The cops can testify to first-level hearsay so you don't need the witnesses. You have 15 minutes to prepare the case."

Polland did some 50 preliminary hearings during the semester. "I also took all the criminal courses. That helped a lot." Polland feels that the combination of abstract classwork and practical experience has worked well for him. "I researched multiple levels of hearsay, international extradition from Mexico, wiretapping, and aerial surveillance from helicopters."

Polland's attitude about his own safety is one of increasing caution. "You've got to be careful. In court, when the defendant is sitting in handcuffs and gang members' 'homies' glare at you, you start thinking. You unlist your address and phone number."

Polland's quest to become a D.A. shows that externing does not guarantee employment. "I'm placing my application now for a Senior Law Clerk Position with the D.A. If I get an interview it won't be until February 2001, and I won't start until April. It's a long wait to make a salary of \$40-50,000 a year. There's a lot of sacrifice there. But, there's

no other way to get into the courtroom because in private firms, it takes years of hard work behind the desk in your office before they let you into a courtroom. I was lucky that it dawned on me early in law school that you have to start in criminal law."

Mary Reed '00: Focusing on my goal made the difference

When Mary Reed '00 entered Loyola Law School as a second-career day student, she had a specific goal: to practice criminal law and be a trial attorney. "In the first year, I found that's not an area law schools focus on. Law schools and career services focus more on moving people into corporate law."

Reed ignored the general wisdom to "get a general legal education." Instead, she persisted in staying true to her vision of becoming a trial attorney. Her "break" into her chosen field came

Polland

Moss



District Attorney's Office

during her second year, when the Externship Office informed her that the District Attorney's Hate Crime Unit was looking for law clerks. "I sent over my resume immediately. I had an interview with the District Attorney in charge, Carla Arranaga. She hired me as an extern."

Reed worked at the Hate Crimes Unit for a semester as an extern. Then, she stayed two months more on a volunteer basis. "I found it fascinating."

Reed's other approach toward reaching her career goal was to be admitted to Professor Bill Hobbs' Trial Advocacy class.

"The first semester, we learned how to put together the case. Next, we were assigned to the prosecution or defense. We would do an opening statement. We'd bring in outside witnesses to play roles. We learned to do exams and cross-exams. An important skill I learned was to present exhibits. Then we did closing arguments. Finally, the class would be the jury. The point of it was to feel comfortable in doing preliminary hearings."

During the second semester of the Trial Advocacy class, Reed entered the Pasadena branch courtroom and did actual preliminary hearings.

Rosenthal

Rackauckas



"You're opposed by a public defender or a private defense attorney."

"After law school, I applied to the District Attorney's office. I went through the three-step interview process. With the Hate Crimes experience, I had met many deputy D.A.s and judges who worked in the criminal courts. Then, when I worked for the D.A.'s office in Pasadena, I met so many wonderful Deputy D.A.s who showed me what it was like on the job on the beginning level. So, when I went to the interviews after law school, I was able to obtain great letters of recommendation from people who had actually seen me perform the job. It think that was extremely helpful."

"Gil Garcetti called me in August and I started working as a Los Angeles County Deputy D.A. in September."

"It was really difficult to go through this path because many people told me, 'you'll never make it to be a criminal attorney.'"

Despite the discouragement, Reed feels Professor Laurie Levenson and Professor Scott Gordon, her Scientific Evidence teacher, were supportive. So were other second-career fellow students. "The greatest supporter and believer in my abilities was Professor Bill Hobbs. He was a lifesaver. He trained me to do what I wanted to do. He was thrilled when I succeeded."

"When I went to law school in my first year I was told by most professors that focusing on becoming a criminal trial attorney was the wrong way to go. They said, 'Get a broad education and keep your options open.' I'm contrary Mary, and for me it worked out."

Wendy Moss '78: Working in the District Attorney's Major Frauds Unit

Wendy Moss '78 has had only one job since graduating from Loyola Law School: working for the Los Angeles County District Attorney.

After moving from Van Nuys Superior Court to Santa Monica Superior Court and doing a stint at Juvenile Court in Inglewood, Moss moved into an area of specialization in Special Operations. There, she began to work in her area of interest, the Major Frauds Unit.

"Those cases involve a loss of at least \$250,000 and the use of a sophisticated fraud scheme."

Moss, like other deputy district attorneys, worked in preliminary hearings but soon was given a number of "hand-offs." A hand-off is when a Deputy D.A. receives a case that is set for trial but is given no time to prepare the case. "It's the type of case where there is only a finite way to prove guilt." Moss realized that she was more interested in fraud cases precisely because they can occur in an infinite number of ways.

"I helped set up welfare fraud prosecutions. These were people who were bilking the system. It might be an individual who had 10 ►

“I was in court lots of times and saw what the D.A. was doing. The D.A. was running the courtroom in every court.” – Mark Polland '00

different welfare frauds and was making \$100,000 a year.”

Moss handles many cases where tragic financial consequences have befallen victims who are all-too-often reluctant to come forward to press charges. “Recently, I had a case where the defendant’s two brothers put notices in the local Torrance paper looking for investors for a real estate venture. There were thirteen victims. It was a cross section of people who live in Los Angeles County. There was a retired teacher, a legal Salvadorean immigrant who had invested \$12,000 and lost it all. All were innocent victims. These people lost everything. I got a conviction and the maximum penalties with enhancements. The main brother got 8 years. It was a difficult case because I wasn’t allowed to aggregate losses from one victim to another. I needed \$50,000 minimum to convict, so I had to prove a conspiracy. The victims’ families were destroyed.”

Moss’s prosecutions deal with another aspect of major frauds cases. Many victims won’t admit they were victimized. Moss may have one victim complain, but others won’t testify. They don’t want to put themselves out there as the “fool.” “It’s upsetting because the fraudsters know that. That’s part of their whole scheme. That’s why undercover operations are necessary.”

Moss is quick to acknowledge that Loyola Law School was instrumental in giving her opportunities. “Today, we have students from Loyola and other schools who are “senior law clerks.” She gives the example of volunteers who have taken out additional loans aside from their student loans to continue to be available should there be an opening in the D.A.’s office. She feels the sacrifice is worth it.

“There’s something that happens when you work here. It’s a good feeling. I feel that I’m on the right side. I am doing what I believe in.”

Richard Rosenthal: Prosecuting L.A.P.D.’s Officer Rafael Perez

Loyola Law School Adjunct Trial Advocacy Professor Richard Rosenthal is a deputy district attorney by day. Since 1996, he has worked in the Special Investigations Division, which handles public corruption. Less than two years after joining the D.A.’s office, Rosenthal was coordinating the prosecution of what was to become the biggest police scandal in the Los Angeles Police Department’s history: the so-called “Rampart Scandal.”

“Officer Rafael Perez was charged with the theft of 3 kilos of cocaine whose street value was about \$50,000. I took him to trial. The jury hung 8-4 for guilty. I filed

additional charges against him.”

Rosenthal’s continued legal pressures against Perez resulted in a plea in September, 1999. “He agreed to plead guilty in exchange for cooperation with law enforcement. Perez received five years in prison.”

That “cooperation” has opened the floodgates to a number of indictments of other officers at the Rampart Station who were implicated in Perez’s wrongdoings.

“Perez’s cooperation and tales of Rampart Station anti-gang units run-amuck have created a cottage industry of deputy D.A.s looking into the allegations. “Perez’s allegations resulted in the Special Prosecutions Team.” Rosenthal is one of 22 D.A.s on the team.

“I’m in charge of the ‘clean up team.’ I supervise four other Deputy D.A.s. We review all other reports of the L.A.P.D. Internal Affairs Division. We eliminate compelled statements by officers who are being investigated. We clean up statements which can’t be admissible in court. For example: an officer can be ordered by the department to give up his 5th Amendment rights and testify in an L.A.P.D. employment hearing. If that’s been ordered in a case, we have to throw that testimony out because it’s inadmissible.”

It should be noted that the U.S. Attorney’s Office under Alejandro Mayorkas is also reviewing these “clean” and “dirty” files. While compelled statements by police officers may not be used in court against them, such statements are admissible as evidence against other defendants in criminal trials. Rosenthal’s team also coordinates its investigation with the U.S. Attorney’s Office.

“We’re preparing and responding to writs of *habeas corpus*. That would be for anyone Perez has admitted framing and placing into custody. We are also proceeding with prosecuting police officers for misconduct.”

Filing writs to free wrongly convicted defendants may be a far cry from Rosenthal’s earlier work as second chair in the prosecution of George Godfrey, the ringleader in the multiple death penalty murders known as the “Mini-Manson Case.” Early in his career, Rosenthal was also

instrumental in conducting additional investigation in his first “Special Circumstances” murder case that resulted in the accused being found not guilty. Rosenthal determined another person had committed the murder and obtained a life sentence conviction on the second defendant.

The common thread in all of Rosenthal’s professional endeavors as a deputy D.A. is “to do justice.” “We have a certain ethical obligation. We must have a good cause to file. That means we only file if we believe the person’s guilty and we can prove it. Your only duty is to do justice.”

“I became more interested in fraud cases than general crimes precisely because fraud cases can occur in an infinite number of ways.”

– Wendy Moss '78, Los Angeles County Deputy District Attorney, Major Frauds Unit

Anthony Rackauckas '71, Orange County District Attorney: Changing the D.A.'s culture

It has been two years since Anthony J. Rackauckas, Jr. ran for and won the spot of top district attorney for Orange County. True to his campaign pledge, he has used his experiences as a former Orange County Deputy D.A. (1972-1990) and member of the Orange County bench in Municipal and Superior Courts (1990-1998) to transform his former office and give deputy D.A.s more discretion in handling their cases.

Rackauckas recalls that when he worked in the D.A.'s office he had the opportunity to use professional discretion in each case. "When 'three strikes' came into being as a law, the D.A. set a blanket policy against allowing discretion for deputy D.A.s. The deputy D.A.s in my courtroom said, 'We are more like clerks than attorneys and have no discretion.'"

Judge Rackauckas thought this was a bad policy. "The professional in the courtroom who has the greatest knowledge of the case should have the responsibility to do justice. I found each deputy D.A. was seeking the maximum sentence in each case. As a judge, I found the D.A.'s office was losing credibility. That's why I ran, to strengthen this out."

Rackauckas has undertaken reform in other key areas of administering justice. "I see the greatest threat we have to peace and security is gangs and juvenile crime."

"Today, we have a much larger population of kids 12 and under than 5 years ago. That may explain why the crime rate is going down. But we're looking at a major increase in crime as the kids under 12 grow up."

Not only is Rackauckas expanding the Orange County D.A.'s anti-gang unit. He also cooperates with other agencies in a multi-agency anti-gang task force. In operation since last fall, the task force has intercepted narcotics and automatic firearms, and dealt with business extortion problems.

Rackauckas uses his office's resources to try to head off problems before they erupt, whether it is dealing with young people or the disenfranchised. "I think it's incumbent on us to work with kids to let

them know that joining gangs is a dead end. There are better and more productive ways to go through life. We work on prevention, as well."

Among prevention programs Rackauckas has initiated is community mentoring. "I'm trying to lead into that area. I've established a Latino Advisory Council. I'm establishing a Vietnamese Advisory Council." Rackauckas is trying to involve leaders and grass roots organizations from each ethnic community in the Councils.

Despite concerns, Rackauckas is convinced that "Orange County generally is a safe place to live. But it's naive to believe there is no crime. We have less crime than other areas. Our gang homicides are going down. I attribute that to good law enforcement, and tough laws that are raising the stakes."

Although Rackauckas has come a long way from his days as a student at Loyola Law School, he has fond memories: "The experience I had at Loyola was a great experience. I can still remember the speech Father Vachon [Reverend Richard A. Vachon, S.J.] gave to our incoming class about the profession of law being a service profession, that we're there to benefit society. Basically, he explained that there are three service professions: law, priesthood and medicine. I was very proud to enter this profession. I think back on that. Many of the professors were inspirational. I think it was a terrific experience." ▶

"Financial criminals are basically likeable. I never met a white collar defendant I didn't like. The only reason they're going to go to prison is because you're willing to work extremely hard to prosecute them."

— Richard Rosenthal, L.A. County Deputy District Attorney, Adjunct Professor in Trial Advocacy, Loyola Law School

"The fear? In this business, you'll have something important and you'll drop the ball. You'll make some kind of a rookie blunder. Somebody walks out because of your stupid mistake and commits more rapes or kills someone because of your stupid mistake."

— Anthony Rackauckas

Public Defenders: The

by Charles Domokos '00

"You need soul, fire, passion. Public Defenders are street fighters. We look for warriors. Someone who likes conflict, who likes to be persuasive, and enjoys cross-examination. We have Republicans, Democrats. The job will change who you are fundamentally. There are so many terrifying moments. It will test your soul."

"You start out doing misdemeanors. You're terrified. Then, it escalates. You figure it out. Then, you do felonies. Finally, you get a death penalty case. Now, you don't sleep. The most I can do is catnap because it's only two weeks before trial. I'm so afraid my client will be executed for lack of my skill. It tests your marriage. You're always at jail or talking to the client."

"Given all this, I do it. The intellectual challenge is complete. The emotion of it all is rewarding. I start to cry at trials because it's so overwhelming. It hits you. It washes all over you."

Carl Holmes, Orange County Public Defender, in a speech at Loyola Law School.

Cheryl Jones '86, special assistant to Michael Judge:

A conscious choice to help

The jail-house guard was coming to take me into downtown's Los Angeles County Jail. Cheryl Jones, Loyola Law School '86, special assistant for the Los Angeles County Public Defender's Office was my "in."

"If you're doing an article on public defenders, see what it's like to be inside the jail." She jotted a number, told me to use her name.

After receiving clearance, I showed up for the tour, signed in, and waited. Eventually, Deputy Alexander Morales, the Custody Officer, appeared. He was my guide. I went past the guard at the desk. The door locked behind me. There are over 6,000 prisoners housed in the Los Angeles County Jail. It was meant to hold 3,000.

I recalled Jones' description of the jail: "There is overcrowding, people sleeping on the floor. It's dark. It's dirty. Prisoners are given several hours to be outside. They try to segregate homosexuals or people who appear to be more vulnerable. There are gang modules. Self-proclaimed gang members are segregated."

I look into a cell. Each cell houses six inmates. Three levels of bunks serve for beds and what passes for privacy in the 8x10 foot space. An open toilet and sink are at the not-so-far end of each cell.

Jones said most attorneys never see the inside of jails. Even when she tried death penalty cases, she was led to the attorney's room to wait for her client to come.

Cheryl Jones made a conscious choice while a day student at Loyola Law School. "[Adjunct] Professor Michael Josephson asked us 'why are you here?' He warned us 'you may get caught up and forget why you came to law school.' I wrote down that I wanted to help people."

Jones' conscious decision led her to represent the Compton Unified School District for several years, and later to join the Los Angeles County Public Defender's Office, where she's been ever since.

"I took Criminal Procedure and Advanced Criminal Procedure with Professor Stan Goldman. He presented things in a courtroom manner. There were always a lot of 'what if...', or 'what would happen if the court had done...' type questions. That was very helpful."

"When I began, training consisted of a lot of videotapes. Now, it's a year-long training program with three supervisors who watch you in court. What hasn't changed is you start by doing preliminary hearings. Then, you go to the Bauchet Street Jail. You do arraignments. That's a different skill. You're making contact, gathering data quickly."

Jones continued to describe the public defender's training

other side of justice

program: "There are weekly lectures on appointing experts in specific areas such as DUIs. After that, you go to traffic court at Hill and Washington and do traffic and DUI offenses. Those could involve vehicular manslaughter at the high end or driving with a suspended license at the low end."

"After about a year, you go to a branch assignment. There are 41 branches. Many have juvenile facilities. You select three places to work. There's also an appellate section. We also have a child support unit, which is in the Civil Court West."

An established part of a P.D.'s daily routine while in court is to plea-bargain with the District Attorney, if that's what the client wants. Jones confirms most cases settle, and "settlement" can include a plea bargain. Some cases are dismissed. Still others are diverted, which means a client will get a dismissal after successfully completing a specified program.

A practical problem public defenders face is getting facts about a case. "Under the U.S. Supreme Court's "Brady" decision, prosecutors must give public defenders information that is exculpatory. There are many cases where prosecutors have failed to do that."

Jones confirms there is a Public Integrity Assurance Section in the Public Defender's Office that identifies cases that warrant reopening due to the likelihood of

unjust conviction. It also recommends measures to reform the criminal justice system.

Michael Judge, Head Public Defender in the Los Angeles County system, has given a list of suggestions to tip the balance away from slam-dunk prosecutions. One recommendation is to do away with the right of the prosecution to bring in hearsay evidence.

Jones describes a typical instance where hearsay may become a problem: "One officer who is uninvolved in a case can testify what another officer saw or did in the case at the preliminary hearing. One way to cut down that potential for abuse is to prohibit hearsay testimony by officers in preliminary hearings."

Jones explains the rationale behind this reform: "At the preliminary hearing, the officer who has done dishonest deeds can allow another officer, who doesn't know what happened, to testify what the bad officer did or saw. Since the testifying officers know that 95% of cases settle, neither officer has to worry about perjury."

There are a host of other proposed reforms. For example, don't allow people who put a line-up together to know who the suspect is. "Then, the involved officer can't say 'tell me, what do you think about number three?'"

Among the benefits of working as a Public Defender, Jones counts the impact P.D.s have on their clients. "We touch people's lives in a positive way. For a lot of my clients, no one has fought for them.

Jones continues to have strong ties to Loyola Law School, especially through her choice of law clerks and new deputies. "Loyola students perform well in interviews. They've done great jobs. I've hired a great number recently. Since I'm from Loyola, I'm proud they're doing well."

Louis Clapp '80: Reaching jurors' hearts beyond the orange curtain.

Louis Clapp '80 interned with the District Attorney's office in Torrance.

"I got interested in criminal law. But when I applied for a job, I didn't apply with the District Attorney's office because I'd rather be on the other side. There's something behind the person behind the complaint. There's a reason people do what they do. Sometimes, good people do bad things. It's sort of that simple." Clapp has been a Public Defender in Orange County for most of his career.

Clapp is uncertain if beyond the "orange curtain," the jury pool is more conservative and less forgiving. "People are people. Sometimes you find a way to their hearts. Sometimes not."

Clapp's way to the jury's heart is to appeal to the juror's sympathetic side. "Find some aspect of the case that moves the jury. Make them see 'hey, that could happen to me.'"

A lot of a public defender's job "involves talking to the client. You've got to figure out what it was he was thinking and feeling at the time the event went down. Do investigations to beef up the sensitive side of the case."

An example of Clapp's approach is "Lyle," an older client up for ▶



Jones

murder. Lyle shot the victim between the eyes. Clapp learned that Lyle had been taunted by the victim: "Hey old man, you can't play pool." Then, the victim followed the defendant out to the car. "My client reached into the car and said, 'Get the _____ away from me. You're _____ with the wrong man.' The young man walked up and tried to take the gun away from the defendant. He called Lyle's bluff. Lyle got backed into a corner."

"The role of the public defender is to convince the juror to step outside his world just for a minute and think, 'If you're Lyle, what you would do?'"

Like many public defenders, Clapp feels the passage of Proposition 115, The Victim's Bill of Rights, has changed the way he practices law. Everything from discovery rules to jury selection is affected. "It was pretty sweeping legislation. Before Prop 115, you could ask jurors lots of questions. Now, you're much more limited."

Clapp agrees that district attorneys are also affected by Prop 115 limitations on *voir dire*. He sees the judges, on the other hand, as enthusiastic supporters of the reform. "Courts want to move cases through the system."

Clapp points out practical benefits of working as a Public Defender. "Monetarily: you make a decent living." Pay scales for defenders, indeed, are identical to their counterparts in the District Attorney offices. In Orange County that means high starting salaries. "I feel so lucky to have a job where I am helping other people and getting paid for it. A lot of times the client, while not innocent, isn't bad. If you could fix what went wrong, he can be a good person. He needs a break. What you don't hear about is people given a chance who make it."

The greatest emotional burden of doing the job for Clapp comes from being unable to represent clients to the

fullest. "Right now, the case law coming down allows courts to do whatever they want. Their decisions are not reversible."

"I've been doing this work for 20 years. I don't see more than 1-2 percent, if that, of clients who are evil. But the general public likes to think that evil exists. The media capitalizes on the evil person, because that's spectacular."

"Find some aspect of the case that moves the jury. Make them see 'hey, that could happen to me.'"

— Louis Clapp

Aside from his disappointment with what he perceives is a built-in inequity in the system he's a part of, Clapp's other concern with being a public defender is personal. "If I do the best job, I'll spend a lot of time in holding tanks, reading files, trying to find some case that's relevant for my client. What about my family, parents, and friends? There are only so many hours in the day."

Clapp considers his own commitment. "There's a passage in the Bible that says 'always remember your last days.' If you're on your deathbed and you helped people, then you can feel you led a worthwhile life."

**Public defenders
"In Rotation":
Shelan Haralson &
Robin Berkowitz**

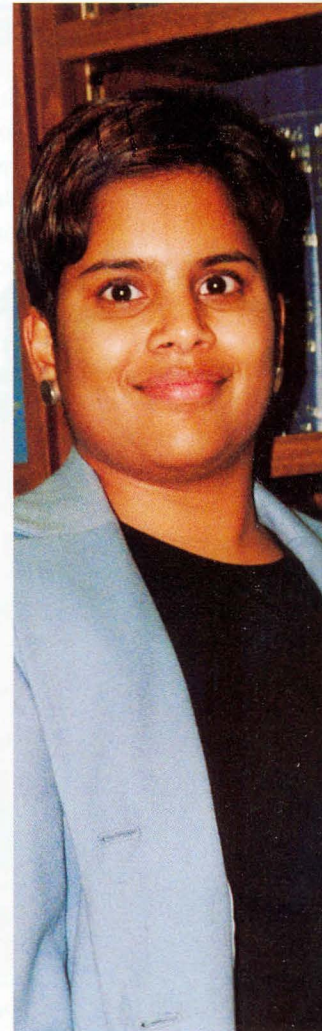
Working for the public defender's office in Los Angeles means being assigned to specific areas of practice and moving from court to court. Two Loyola alumni developing their specialized expertise are Shelan Haralson, Loyola Law School '95, and Robin Berkowitz, class of '90.

**Shelan Haralson '95:
Upholding constitutional rights in downtown criminal courts**

"My typical day is being a part of the Public Defender's trial rotation," says Shelan Haralson '95, a Los Angeles County Public Defender in the downtown Criminal Courts Building.

"You have a large number of cases. Here, in downtown criminal courts, we calendar about 10 cases or more a day."

"I put in more than 40, and realistically between 50-60 hours a week. I come in at 7:30 in the morning every day. That doesn't take into account the time I spend preparing for trial."



Haralson

After graduating from the day law program at Loyola Law School, Haralson first practiced on her own, then signed up for the Public Defender's bar panel.

Haralson's road map to becoming a Public Defender was straight and swift: "I passed the bar in November and I did panel work from January to May. Then I worked in Dependency Court from May to August, and I got hired by the Public Defender's office in the fall of 1996."

Like other public defenders, Haralson went through a year of training doing preliminary hearings. Her next step was the "rotation."

"In arraignment court you learn to interview clients. At first it's misdemeanor trials such as batteries, disturbing the peace, being under the influence, or some domestic violence cases. I came back and did actual trial rotation, so I got trial experience." The rotation period took Haralson to Huntington Park in her second year and to Sylmar juvenile court in her third year. Eventually, she was assigned downtown.

"This is my first year doing adult felonies. Clients are looking at more serious charges and time and custody if convicted. With the three strikes law and Proposition 21, there are a lot more consequences."

Under California's Proposition 21, "Minors can be filed on directly in the criminal courts if they meet certain criteria. For public defenders, you're looking at a 16-year-old kid who is now housed in jail. Statistics in jail for suicide and assault rates are very high. Juvenile Court's focus is on rehabilitation. Adult criminal court is punitive."

To Haralson, the best part of P.D. work is being able to offer legal representation to people with needs who are indigent or have limited means. "I've always felt that people

who don't have the money should have representation just as good as people who can afford to hire private attorneys. We have remarkable attorneys. That's my motivation to work here."

Haralson believes that district attorneys and public defenders ultimately have differing views on what justice is. Haralson's sense of

justice requires that a client receive the best representation he or she can get.

"I had a case today where there was a guy charged with possession of methamphetamine. He had .02 grams of meth. I asked the District Attorney to reduce the charge to a misdemeanor. The D.A. objected: 'Oh no. It's a felony.' That's not justice in my mind. The judge did reduce it. Is it just to give a person five years for such a small amount?"

An area Haralson feels is particularly rewarding is working with juveniles. "It's a great experience when you can help a minor get himself on the right track."

Haralson's job doesn't end with trial. "If a client has problems contacting a probation officer, I try to help out."

Haralson contrasts the "human side" of being a Public Defender with the work of the District Attorney. "D.A.'s read a police report and they take that to be true. In some cases it's warranted. In other cases it's not. We talk to our clients no matter what. When you know a client you try to deal with them on an individual level rather than as an item in a police report."

Haralson has tried to explain the rewards of being a public defender. "I always tell my husband: 'You don't understand. When you get that not-guilty verdict for the person you know didn't do something. That's why you do this.' Take the case over at Ramparts. We fought so hard, and the jury just couldn't see that people would make something up, especially police officers. I believed the evidence was planted. I knew my client was innocent. When later, the case got dismissed, it was a great victory."

Robin Berkowitz '90: Mismatched shoes and maxed-out credit cards in mental health court

Not far north of downtown Los Angeles, nestled among car body shops and auto wrecking yards, is a two-story red-brick building on San Fernando Road. This is Los Angeles County's Mental Health Court. Inside the spartan building are three courtrooms that deal with conservatorship and committing those judged incapable of fending for themselves.

I proceeded to track down Public Defender Robin Berkowitz who is an advocate for those who want their freedom.

Public Defender Robin Berkowitz introduces herself and leads me to Courtroom 95A. The hearings are about to begin. The presiding Judge points out that the "commitment hearings" stem from the State of California's Lanterman-Petris bill, which gives rights for a hearing to those facing commitment.

Those who will come in front of this court this morning have committed no crimes. They are accused of being "gravely disabled." If the Judge agrees, they face ongoing confinement. For many borderline



Berkowitz

cases with no financial resources, the only thing standing in the way of involuntary commitment is a Public Defender's advocacy.

Berkowitz is organized, passionate, concerned. "My role is to be zealous to provide dignity and fight for my clients."

Berkowitz has been "in rotation" in this court for 8 months. She has been with the Los Angeles County Public Defender's Office for 9 years.

Court moves into session. The subject is an attractive red-headed housewife who has been acting strangely since a brain operation in February. The People call the treating physician who is eligible for certification but not yet board certified. The doctor testifies that the "mood disorders" were pre-existing and were not a result of the operation.

"The patient suffers from bipolar disorder in a manic phase. She has exhibited several instances of insomnia, mood disorder, irritability, lack of judgment and no insight. The patient needs ongoing medication and facility care."

Berkowitz in cross-examination brings out the limitations to the doctor's opinion. The diagnosis was based on knowing the patient for a period of less than two weeks.

The District Attorney's office, the "People," offers prior circumstances: "She got into a fight with her mother. She maxed-out the family credit cards and depleted the family savings. She gave \$200 to her taxi driver."

The efficient, certified law student who represents the District Attorney's office maintains the husband and children want Ms. Lang held in a facility, medicated.

Berkowitz objects to much of the testimony as hearsay. The Judge allows the testimony, not for the truth of the matter, but for inference as to the basis for the doctor's opinion to hold the patient.

The doctor retorts, "She came out of a paranoid state. She was accusing people of locking her up to control her. If she stops taking the 'Xyprexa' I prescribed, she'll believe that."

Berkowitz counters, "But isn't her family trying to control her and lock her up?"

Berkowitz doesn't get far. Without the family willing to testify on her behalf, the cross-examination becomes a technical discussion of the relative merits of a cornucopia of pharmaceutical products.

In direct examination, the doctor, well-rehearsed, repeats the critical term "gravely disabled" that will result in the client continuing to be locked up.

The only thing left for Berkowitz is to put her client on the stand.

The client is quiet, respectful as she testifies. She tells the judge she wants to be released from the facility, and says in response to Judge Lueros' question about treatment, "I would love to take the medication. 'Depracote' relaxes me and makes me think clearly."

In explanation for her behavior, she responds calmly: "My husband is an abusive alcoholic. I went to my friend's house because he yelled at me. If my husband doesn't want me back, I can move in with

my friend, Emily. I had no headaches or side effects from the surgery. I was a happy, religious girl, and my husband thought I was crazy."

The judge asks about her financial responsibility. The client sounds scared but level-headed. "I had a job and I have a disability income of \$1,040 a month. I worked in the finance business for 5-6 years." The People concede the client is not a danger to others.

Berkowitz gives her final assessment to the court: "Concerning the issue of 'grave disability,' the client acknowledges she needs medication for her mood disorder. Does it interfere with taking care of her basic needs such as food, clothing, and shelter? Have the People shown that she can't do that?" The judge considers and makes his ruling: "Petition is denied. the client will be kept in the facility on the basis of her grave disability."

The client is led away by the bailiff.

Miles Bennell, the hero of the McCarthy era-inspired science-fiction classic about conformity, "The Invasion of the Body Snatchers," couldn't distinguish the pea-pod humanoids from their human counterparts. You looked and acted the same as before, but you were no longer human.

I looked around the court, face by face. The only one I was absolutely sure was immune to the dreaded pods was Public Defender Robin Berkowitz.



Kittler

The Los Angeles County justice system includes attorneys who advocate for neglected and abused children in Dependency Court.

Carol Gasa Kittler '99: Dispensing justice and teddy bears in dependency court.

The pleasant, airy public building sits in the rolling hills near Cal State Los Angeles University. The spacious waiting room is filled with children. They are well dressed, all ages. Their parents and guardians sit next to them. It could be a terminal at LAX, but the family groups aren't waiting to board a flight. This is Los Angeles County Dependency Court.

Adults and children pass in and out of the courtroom beyond the double doors. Inside, the courtroom is decorated with teddy bears. Some judges give teddy bears to the children after the hearing is over, but they also dispense decisions that can be life-altering. The outcomes of these hearings will determine whether to allow a child to be permanently removed from a parent's home, to have a child be put up for adoption, to grant adoption, or to place a child in a foster home.

Carol Gasa Kittler, an attorney for Dependency Court, had a first career for 20 years before entering the evening program at Loyola Law School. "I was working, and I decided to go to law school. I was looking to go into some area of law to help people and make a positive impact on my community. I externed with the District Attorney's office in my third year of law school."

Kittler distinguishes between Dependency Court and Juvenile Court: "If a child gets in trouble with the law, they go to Juvenile Court. Our children usually have no criminal background. Usually, the children we have are victims of abuse and neglect."

Dependency Court hearings can be triggered by different forms of abuse and neglect. The most common categories laid out by code are physical abuse, emotional damage, sexual abuse, cruelty, abandonment, and abuse of a sibling. Hearings are also mandated in instances of parents, guardians, or a person known by the parent causing severe physical and sexual abuse.

The attorneys in Dependency Court are actually charged with the primary representation of the children. Since children in a dependency hearing are considered separate parties, they are entitled to separate representation, if necessary. "That's one of our jobs. Actually, there are three separate law firms that are part of Dependency Court Legal Services. This way we can represent children in the same family who may have conflicting interests."

Dependency Court offers attorneys a unique role: "My role shifts from case to case. In some cases I align myself with the parent. In others with the Department of Social Services. It depends on my perspective on what is best for the child."

Kittler, like other Dependency Court attorneys, typically starts her day in court. "I carry a caseload of 240 cases and represent, on average, two or three children per case. Of course, these will be children with the same interests." Kittler can have as many as 8 or 9 cases on calendar in a day.

"A case may come up at a hearing to determine if children should be detained. We may be at the stage where we may terminate parental rights. Or the rights may already be terminated and we're doing a legal guardianship of the child."

Mediation is a common tool that supplements the hearings: "Once a week I'll be in mediation. Mediation usually occurs at the stage when the parties dispute over language filed by the department. The parents may also dispute the court's order for what the parents must do to get their children back."

Kittler has not been disappointed in the number of trials she gets to handle in Dependency Court. "I will usually wind up in a trial about once every 3 weeks. That trial can occur at a number of stages in the process. Sometimes, the issue will be the department's language. Sometimes the issue is over whether we will terminate parental rights." Kittler's "day in court" is usually over by midday. Afternoons are spent contacting clients and social workers and preparing for trial.

"My role is to zealously represent the child's interest. I also have a responsibility to ensure the child's welfare while the child is in the system."

The most difficult part of the job for Kittler is sorting out conflicting facts and "who's telling the truth."

As for the question of the most rewarding part of the job, Kittler is quick to reply: "It's the kids. They're an endless source of amazement. Many of them have been through so much trauma in their lives. Yet they are still bright, hopeful, happy. They still have faith in life. They're truly a lesson for me every single day."

Kittler jokes that "I get to practice law and pass out teddy bears," but notes that, on the serious side, this is a "very important area of the law. We're dealing with people's fundamental right to rear their children. It's a Constitutional matter."

Kittler also likes the Dependency Court ambience. "You walk into the courthouse, and the whole courthouse is set up for kids. You see the palm trees in the front and the quilt. The light shades are in the shape of clouds. All the people are there because they are really dedicated to making a difference in kids' lives." ►

The federal criminal justice system encompasses bank robberies, kidnappings, fraud, illegal reentry into the United States and murder of federal employees. It also includes bearing death penalty appeals from state courts. Federal Public Defenders are the condemned's last hope.

Sean Kennedy '89: Federal public defender defending the condemned.



Kennedy

Sean Kennedy came to Loyola Law School wanting to do death penalty work. "I took Death Penalty Law with Professor Howard Gillingham. I really liked it." Some 14 years after graduation, Kennedy spends about 50% of his professional time as a Federal Public Defender on death penalty cases. Among his current clients is Buford O. Furrow, Jr., the accused shooter in the 1999 Northridge Jewish Community Center shootings and the subsequent killing of a Philippine-

American letter carrier, Joseph Iletto, in nearby Chatsworth.

"I'm a Catholic, and my parents were really anti-death penalty. I knew that I wanted to be a Public Defender and do death penalty work. When I was a student at Loyola Law School '89, I worked for Adjunct Professor Mike Lightfoot, who was doing a death penalty case. I gravitated towards that. I knew that I would like that kind of work, and I really do."

Today, Kennedy is also an Adjunct Professor at Loyola Law School and coaches the highly successful Moot Court teams.

As a Federal Public Defender Kennedy ensures that his clients have a fair shot at the justice system. "I ask, 'Is the defendant treated fairly?' The answer to that question is different in different cases."

"The politically ambitious are not going to be there. Most people are going to be there because they're motivated by some aspect of the job."

There are some differences working as a P.D. on the federal level: "In federal court there is a lot more written work, because all your motions must be in writing. You'll probably end up doing trial work and appellate work and federal habeas corpus work."

Another difference in federal courts is that cases come to trial more quickly. "The goal is to have a case tried within 70 days of the first appearance. Cases can go longer, but once you get a client you need to expect to try or plead that case in 2-3 months."

Death penalty cases go on and on. Kennedy confirms he is working on one pre-trial and two death penalty habeas cases. The habeas cases

*"It's a very unfor
They remember
not for the cases*

are from the early '80s.

The process is cumbersome, as befits a matter as grave as life and death: "Once the writ issues, the A.G. either retries the penalty phase or it automatically becomes life in prison without parole." That's Kennedy's goal in the trade, to get the coveted "LWOP" for his client.

Kennedy's typical day is unlike the rotating County Public Defenders, who are tied to a particular court. "Here, you appear before all the different District Federal Judges and the 9th Circuit Court of Appeals in Pasadena. You'll go to court several times a week. You do a lot of library work. All your motions are written. You spend a lot of time researching your appeals or issues for your habeas petition."

The daily routine also includes a lot of time spent with jailed clients, talking about their cases and also about matters not related to the case. "They want to talk about their fears and what's happening in prison. The violence. You talk to prisoners about their families."

Almost any murder can be tried as a death penalty case. Part of the defense is to convince the Death Penalty Committee that in a particular case, the death penalty isn't appropriate. In the federal system, you get a second opportunity to go to Janet Reno's committee. In the end, every case is decided by Janet Reno.

Kennedy is aware of the larger political currents that influence his work. "At the moment there is a debate in Congress about the relationship of punishment to violence. One side feels violent crime is

equally bad no matter what the motivation. Other people think the motive is important."

Kennedy sees this debate as an evolution from the historical Judeo-Christian framework: "In old times, if it was an important victim, then the perpetrator would get a harsher penalty." Kennedy's own feeling is that "people commit murder for different reasons, and the 'reason' might be important."

"People always say: 'it's so depressing being a P.D. You lose all the time.' It's true that you lose a lot. But it's not depressing, because being a P.D. is not about winning in the conventional sense. You try to help people make good decisions about their cases and not be self destructive. Sometimes, you can even save them from these terrible 'let's go to trial' impulses. These people are frustrated, angry and ill equipped to make good decisions on their own behalf."

Part of the job entails being the recipient of clients' frustrations and disappointments. "Lots of times they will get very upset with you. It's a stage you have to get through."

Despite the emotional toll, or perhaps because of the emotional involvement, Kennedy is upbeat about being a Federal Public Defender. "It's a great career. I really believe in it. I feel lucky. It's a real personal relationship you have when you try a case with a person next to you or you try a case for a person for his life. It's like no other law job." ►

*giving profession.
you for your losses,
you win."*

— Richard E. Holmes Supervisor, Major Crimes Ventura County District Attorneys Office

“For weeks you’re not sure of the outcome because the opposition is hurting you. If you win that trial, it’s what happened at the trial, and what you did right, and the mistakes which you realize didn’t cost you.”

California Attorney

by Charles Domokos '00

David Glassman: Taking death penalty cases all the way

“While I was in law school, I was a member of the Jessup International Moot Court Team. I enjoyed the oral advocacy and the brief writing aspect of that competition. I did well. The Attorney General’s office was interviewing students at Loyola. I saw they represented the prosecution in appeals by state prisoners in state and federal courts. I knew that work was what I wanted to do.”

Today, Glassman works in the State Attorney General’s Office within the Criminal Division, with a small group of eight lawyers who do federal death penalty cases. “My unit is very small. Because the death penalty appeals go on for a long time, your caseload can be the same for a long time. Currently, I represent the state in 4 death penalty cases. I have had 3 of them for 10 years or more.” Glassman has argued 8 cases before the California Supreme Court, and has appeared before the United States Court of Appeals in over 20 cases.

Glassman gravitated towards death penalty appeals because it gave him the opportunity to argue cases on the federal as well as the state level. “Once a case is completed in state court, the defendant has an opportunity to present a federal court with any constitutional claims arising out of a trial. These cases are very challenging. Cases involving the death penalty and *habeas corpus* procedure are regularly reviewed by the U.S. Supreme Court.”

Habeas corpus issues combined with death penalty appeals can lead to lengthy court appeals. “Once a death penalty case reaches the federal court level, the issues are always Constitutional in nature. Those issues can involve anything from the selection of jurors to the conduct of the lawyers, to the jury instructions.”

Glassman gives an example of the torturous path *habeas corpus* cases follow over their decade or more journey through state and federal courts: “I had a criminal case involving *habeas corpus*, *Duncan v. Henry*. It was about a rector of a school in Ventura who had been convicted of child molestation. During his subsequent appeal, he lost in state court. He initiated a federal attack, filing a writ of *habeas corpus*. I asserted that he had not preserved his Constitutional claims as required by Supreme Court precedent. The federal district court

disagreed with me. The U.S. 9th Circuit disagreed. I filed a Writ of Certiorari with the U.S. Supreme Court and it was granted. The Supreme Court reversed in the State’s favor, 8-1.”

Glassman’s other experience in the heady world of petitioning the U.S. Supreme Court involved defending a decision of the California Supreme Court in 1998. “The issue in the case was whether the California ‘Three Strikes Law’ violates double jeopardy. It was an unforgettable experience, reminiscent of being a first-year law student. There’s so much you’re expected to know.”

Glassman argued that Supreme Court precedents such as *Stroud v. U.S.*, the “Bird Man of Alcatraz” case, and the California Supreme Court’s most recent opinion on the issue, the 1998 *Munge v. California* decision, had distinguished the process of determining guilt at trial from a sentencing hearing. Glassman argued that the three strikes trial, although it shared some characteristics of an actual trial, was actually, a sentencing hearing.

“I can remember as a law student reconsidering my answers to a test in my mind, wondering if I should have answered differently. I wished I had had another opportunity.” There was no way to tell how the justices would vote. Glassman was gratified when the decision came down. The justices had voted 5-4: “the three strikes proceeding does not violate double jeopardy.”

Glassman concedes appellate advocacy can be isolating. “Trial work generally offers more opportunity for immediate feedback. You’re able to get some idea if you’re being persuasive to the judge and juries. Appeals are much more driven by the underlying facts or the law. Appellate lawyers can lose sight of the fact that they don’t have a good measure of whether they have communicated effectively orally and in writing.”

Glassman sees his teaching at Loyola as a way to get a more immediate response to concepts he seeks to impart. “When I teach Appellate Advocacy I try to determine whether or not I’m communicating well and whether I’m making the concepts of appellate work understandable to my students. If, at the end of the semester, I’ve communicated successfully, I see the concepts reflected back in the work the students do. I find that teaching sharpens my ability to remain focused on the essentials of what I’m trying to do.” ▶

an adrenalin rush. You walk around on clouds for a few days re-living the experience and visualizing the whole trial. Sometimes, it almost feels surreal that you've gone through this and come out ahead."

— Tony Rackauckas, '71 Orange County District Attorney

General's Office

"Heart wrenching! The crimes are homicides and horrible. I deal with survivors of the victims regularly. You see the toll that these crimes take on them. Particularly in the death penalty area. Certainly you see tragic circumstances."

— David Glassman, '84, Appellate Attorney, California Attorney General's Office
Adjunct Professor, Appellate Advocacy, Loyola Law School



Glassman

The United States Attorney's office in Los Angeles is home to 245 attorneys in the California Central District. The Southern California area of jurisdiction stretches from San Diego to San Luis Obispo. The United States Attorney in charge of the entire office is Alejandro Mayorkas '85.

U.S. Attorney

Alejandro Mayorkas '85: I hope to make a lasting difference!

U.S. Attorney and former Loyola Law School Adjunct Professor Alejandro Mayorkas '85, is trying to make a lasting difference "not just in terms of the cases, but the initiatives we define." Mayorkas is currently initiating prosecutions in areas of federal law including narcotics, financial frauds, violent crimes, immigration violations, and bankruptcy white-collar crimes.

"The pressures are significant. We have to make our decisions on what cases to pursue with appropriate care." Among ways Mayorkas can create initiatives is through the federal grand jury process, as in the recent indictment of Buford O. Furrow, alleged shooter at the Northridge Jewish Community Center and alleged murderer of Filipino letter carrier Joseph Ileo.

Mayorkas wants the U.S. Attorney's Office to reach out to all elements of the community it serves. He is especially energized by the upcoming Violent Crimes Initiative that he's championing. "We have an ability to make communities safer by removing significant criminals from them. At the same time we must develop programs that infuse resources into those communities to make peoples' lives better."

As head of the United States Attorney's Office in the Central District of California, Mayorkas is able to spend the bulk of his time selecting and developing cases to pursue. "I try to be even-handed. It's impossible to say that one area is more important than another area."

Many investigations which Mayorkas heads, such as the Rampart investigation into alleged violations of civil rights by L.A.P.D. officers, are ongoing. Despite some overlap and press-noted jurisdictional scuffles between the District Attorney's office and the U.S. Attorney's office, Mayorkas feels his separate investigation is crucial.

"There may be applicable laws that only one jurisdiction may enforce. Our separate involvement allows the most vigorous law enforcement response."

Among the extremely important cases, Mayorkas also counts the Black Tar Case. "Black tar heroin is alleged to have caused innumerable deaths in the country because of the purity of the heroin." Mayorkas acknowledges that to make a difference in the drug area the office must include cases on a host of drugs such as methamphetamine and "ecstasy."

"We could dedicate this entire office to any one area. That's why

we have to be so careful allocating our resources."

Mayorkas tries to allocate resources even-handedly to cases that may be less headline grabbing than Rampart or drug crackdowns. He pursues cases in public corruption, securities fraud, and computer fraud.

Mayorkas reiterates that he seeks a partnership with the entire community in his quest to make the community safer, and a better place to live. He appeals to Loyola alumni to join his Violent Crimes Initiative by fostering support programs to help children develop educational skills and prepare for jobs. "Only by having that kind of partnership, by coupling law enforcement with the development of programs for children, will we be able to have a lasting impact."

"I received a fantastic education at Loyola. I remember very fondly and with great pleasure significant discussions I had with Professor Dan Schechter that helped shape my approach to my legal career and my work."

Mayorkas' zeal for his work is underscored by grade-school children's color drawings around and outside his office. The framed children's artwork, part of a Compton arts program that Mayorkas is integrating into his Violent Crimes Initiative, is a fitting reminder of the goal that inspires Mayorkas' work. "I hope to make a lasting difference."

Mayorkas



165 Attorneys serve in the General Crimes Division. The U.S. Attorney's office also includes a Civil Division and a Tax Division. The Assistant U.S. Attorneys represent the United States government in court in their specialties.

"There's a famous statement by Justice Sutherland of the U.S. Supreme Court: 'a prosecutor wins a case as long as justice is done.' It's important to present a case fairly and thoroughly so the jury will make the best determination based on all the evidence. When you present a case, be extraordinarily thorough and well prepared and fair."

— Alejandro Mayorkas

s Office

Assistant U.S. Attorneys Arif Alikhan, Judy Heinz & Sandra Klein: What it takes!

Among Loyola Law School graduates working for the U.S. Attorney's Office are U.S. Assistant Attorneys Judy Heinz, Arif Alikhan and Sandra Klein.

Heinz '94 has recently moved into the Criminal Complaint Section. Klein '92 is funded by the U.S. Trustees Office and specializes in Bankruptcy Fraud. Alikhan '93 has already taken several general crimes to trial.

Alikhan notes differences between working for the local District Attorney and working as a U.S. Attorney. "We are very selective with our cases. We only deal with federal crimes." Alikhan like the other two Assistant U.S. Attorneys, enjoys being involved in the investigative stage. "We get to build a case early on. It makes it easy to put on a trial."

Working in the Major Frauds Section, Klein is likely to be kept busy in her area of specialization. She acknowledges that Los Angeles is the capital of bankruptcy fraud in the United States. She's quick to add

Alikhan

Klein



that her office has the most prosecutions in the nation as well. "From 1990-1999, our office convicted about 135 individuals who committed bankruptcy fraud."

Heinz, in the Department's shorthand, is an AUSA who assists law enforcement agencies like the DEA, FBI, ATF, and INS. Heinz translates: "We review the search warrant, and the pen registers. There is an AUSA asking questions. An AUSA types up affidavits. We review to make sure there is probable cause for the search. We will review the documentation, counsel the agents. This goes on around the clock. We have a 24 hour duty agent on call."

Alikhan has tried a range of cases. His toughest, he recalls, was the "Veerapol Case." "Supewan Veerapol was the wife of a Thai diplomat who smuggled in Thai garment workers. Although there was no physical confinement, the jury convicted her on involuntary servitude, mail fraud, and harboring undocumented workers from Thailand."

Alikhan understands that as much as that case was emotionally draining for him, it was far worse for the victims. "When you spend a lot of time with victims you see a lot of the human aspect of the crime."

Klein, unlike Heinz and Alikhan, became interested in law enforcement as a second career. "I was a corporate trainer for AT&T, but I wasn't challenged. I thought there had to be more to life. Because I am from Boston, I thought it would be fun to be someplace warm while going to law school. I applied to Loyola, quit my job, and came out West to start a new career here."

Heinz and Klein pinpoint their interest in criminal law to classes they took at Loyola Law School with Professor Laurie Levinson. Heinz recalls "Two weeks after I entered Loyola Law School, I fell in love with criminal law. I thought those cases were just so interesting." Coincidentally, Heinz and Klein both served as Professor Levinson's teaching and research assistants.

Alikhan participated with Heinz in another "stepping stone" to a career as a federal prosecutor: Professor Hobbs' Trial Advocacy Class. Alikhan counsels "take advantage of the Loyola programs. They give you good hands-on training about how to appear in court and be a good advocate."

Heinz, like Klein and Alikhan, advises students to participate in the trial and criminal law program. "When people talk to me about where to go to law school, I have to say I am a fan of Loyola. My time at Loyola has served me so well, both in the professors I had and in the opportunities. Whatever good fortune I had in my work I can trace back to Loyola. When people ask me, I say 'it was great for me.'" **LL**

The writer of these series of five articles on trial work, Charles Domokos, graduated from Loyola Law School Evening Division in May, 2000. He is a past contributor to the "Loyola Lawyer." Charles is currently a Paralegal in the Business & Legal Affairs Department at Fox Family Channel. His interest in trials is based on 9 years of working as a Paralegal at Rosenfeld, Meyer & Susman on entertainment matters.

Trial Advocacy/Moot Court

by Craig Lang

Having doubled the size of the Byrne Trial Advocacy team at Loyola Law School, faculty advisor and head coach Susan Poehls appreciates the addition of moot court and trial ad buildings to the campus. "Making these two new buildings state-of-the-art, we can train our students to be on the cutting edge," Poehls says of the additions such as the video monitoring equipment that will be included in the new buildings. "That's something not a lot of law schools can offer."

As advisor to the Scott Moot Court team, Sean Kennedy sees the value of a building that can replicate a true trial setting. "There's nothing more thrilling than going into the courtroom environment and going into the hot seat," says Kennedy, Clinical Adjunct Professor. "The new Advocacy Center will be great."

This year, the trial advocacy team is expanding from six members to eight, which will allow it to participate in two competitions per semester, twice as many as it has in past years. The competitions involve mini-mock trials that require competitors to create opening statements, evidentiary arguments, direct and cross-examinations of witnesses and closing statements. These procedures usually last three hours, which allow team members to argue both sides during one day of competition.

This year, four team members will travel to Syracuse, New York, to take part in the annual Tournament of Champions, sponsored by the National Institute of Trial Advocates. The other four will travel to San Diego to compete the Consumer Attorneys of San Diego tournament, which involves litigation of medical malpractice cases.

Poehls says the construction of the trial ad and moot court buildings is an example of the school's increased commitment to these programs. She says the increased support and continued training of members by successful alumni ensure that present and future teams will sustain the team's level of success.

"We've really developed a formula that works," Poehls says, pointing out that last year's team won the White Collar Crime Mock Trial Invitational sponsored by Georgetown Law School, as well as placing first in the regional championships of the National Trial Competition.

One of the alumni who is assisting in the training of the current team is '99 Loyola Alumni Margaret Stevens, an attorney with Baker, Keener & Nagra. In March of 1999, Stevens won the coveted Best National Oral Advocate at the National Competition sponsored by the American College of Trial Lawyers in San Antonio, Texas. Even though





Trial Advocacy team member Pezhman Ardanan '00 (r) with Associate Clinical Professor Susan Poehls (l), who serves as the coach of Byrne Trial Advocacy teams.

she was on the team for only one year, Stevens says she has noticed how her training in trial advocacy has provided her with skills that have enhanced her professional life.

"It gives you the ability to work on your feet, to think quickly and structure your thought so it sounds well thought-out," she says. "After having an entire year of trial ad experience, it's so easy now to walk into the courtroom."

Loyola also sponsors the Scott Moot Court Honors Board, named after the late Joseph Scott, the second Dean of Loyola Law School. Each year, students compete in the annual Scott Moot Court Competition, and the top 16 competitors are invited to join the honors program. Throughout the year, members conduct research, write appellate briefs and argue appeals in intramural and intermural moot court competitions.

Kennedy says that every year, about 150 students try out for the 16 team positions. Those 16 compete with other schools in moot court competitions, where they are given a hypothetical legal issue and must argue it in front of a three-judge panel, just as in the ninth circuit.

Kennedy adds that team members will confront a variety of issues, as the topics at last year's competitions ranged from the First Amendment and the Internet to "Does Miranda matter any more?"

"Every argument will be different, because different panels focus on different things," he says.

Among the moot court teams at Loyola is the Jessup International Moot Court Team, which won Northwest Regional Competition last year and advanced to the international round of the competition in Washington, D.C., where it placed fourth in the United States and fourteenth in the world. The American Bar Association Moot Court team won the regional championship last year. Also, Loyola's 2000 Hispanic National Bar Association Moot Court Team was ranked semi-finalist at the national competition held at Georgetown Law School in Washington, D.C.

Trial Advocacy Teams Achieve A National Reputation

During the past five years Loyola Law School trial advocacy and moot court teams have achieved national recognition for winning national and international competitions. The following is a list of some of the past achievements:

- William C. Vis International Commercial Arbitration Competition (2000)
(1st among US law school, 2nd in the world)
- InterAmerican Human Rights Moot Court Competition (2000)
(1st among US law schools, world semi-finalist)
- ACTL-TYLA National Trial Competition (2000)
(Regional Champions)
- Giles Sutherland Rich Memorial Moot Court Competition (2000)
(Regional Champions)
- Philip C. Jessup International Moot Court Competition (2000)
(Regional Champions)
- ABA Section of Dispute Resolution Mediation Competition (2000)
(Regional Champions)
- Georgetown National White Collar Crime Mock Trial Competition (1999)
(National Champions)
- Giles Sutherland Rich Moot Court Competition (1999)
(Regional and National Champions)
- Frederick Douglass Moot Court Competition (1999)
(Regional Champions)
- Georgetown National White Collar Crime Mock Trail Competition (1998)
(National Champions)
- HNBA Law Student Division Moot Court Competition (1996)
(National Champions)
- NITA National Tournament of Champions (1995)
(National Champions)

Teams Continue to Excel

The Byrne Trial Advocacy Team members completed another outstanding tournament, finishing as one of the top four teams. Team members Alex Medina, Jon Sparks and Anna Wang competed in the Consumer Attorneys of San Diego Mock Trial Tournament. In a field of sixteen teams, Loyola went undefeated in preliminary rounds, besting teams from Thomas Jefferson Law School and University of San Diego Law School. Loyola was ranked first going into the semi-final rounds, where Pepperdine Law School was determined the winner.

This is the first year Loyola has fielded a second trial team. We are extremely proud of this first coaching effort by alumni Kristin Walker and David deRubertis as well as the fantastic job by these second year law students. Both trial teams now begin preparations for their spring tournaments, the National Trial Competition, sponsored by the Texas Young Lawyers and the National Student Trial Advocacy Competition, sponsored by the American Trial Lawyers Association. **LL**

Fritz B. Burns Plaza

by Elizabeth Fry, Senior Development Officer

Albert H. Girardi Advocacy Center

Loyola's newest addition to the physical campus will be the completion of the Fritz B. Burns Plaza, designed by Frank O. Gehry & Associates. Construction is expected to begin in May of 2001, adding one additional building to be constructed at the southeast corner of the downtown Los Angeles campus. The three-story Albert H. Girardi Advocacy Center designed along Olympic Boulevard houses two major classrooms and the Ethical Lawyering training facilities.

On the first floor of the Girardi Advocacy building, a 90-person trial moot court classroom and an ancillary jury room comprise the bulk of the design. The second floor comprises a 65-person courtroom/classroom and office space. As part of this expansion, alumni from the classes of the 1990's are in the initial planning stages of a campaign to name the second floor, the "Courtroom of the '90's." The third floor contains a 36-person Ethical Lawyering classroom, video 'studios', offices and the audio-visual control rooms.

This building is planned as a steel structure with a painted plaster exterior. Dramatic architectural elements include the north facade of the Advocacy building which is defined by a cylindrical metal and glass tower element, containing the entrance at the first floor and study areas off the second and third floor lobbies. The tower wall cladding will comprise "angel hair" and mirror finish stainless steel panels and curved glass vertical strip windows on the exterior. The interior walls will be clad in "angel hair" brushed stainless steel panels, while the floor surfaces comprise stainless steel plates and laminated structural glass panels aligned with the windows. The two major classrooms will comprise Vertical Grain Douglas Fir veneer panels on the walls and ceiling. This building will comprise 15,141 gsf and will rise approximately 50' above grade due to the height of the large classrooms. All classrooms and the Ethical Lawyering facilities will provide state-of-the-art audio-visual equipment and classroom space for Loyola Law School students.

Tomaso Bradshaw of the Gehry staff expressed his enthusiasm for the opportunity and challenge for Frank Gehry & Associates to return to the Loyola campus to continue the original "village" architectural design concept. "It is very unusual for an architect to have the opportunity to come back to revisit design elements which were set forth some years ago. We are very happy to be able to produce the future final element to the Loyola Law School urban plan."

Architect Frank O. Gehry, Thomas V. Girardi '64 of Girardi & Keese, and his father Albert H. Girardi



William H. Hannon Foundation Makes \$1.25 Million Gift to Loyola

Kathleen Hannon Aikenhead, President of the William H. Hannon Foundation recently pledged a gift of \$1,250,000 to Loyola Law School to fund the William H. Hannon Atrium on the second floor of the William M. Rains Library. Dean David W. Burcham and members of the Loyola faculty gathered at the Law School to celebrate the extremely generous gift. Mrs. Aikenhead, along with several other invited donors representing individuals, foundations and law firms, were present. All have made significant gifts to the Campaign to renovate the Loyola Law Library. Among those attending was Richard L. Stack of the Hugh and Hazel Darling Foundation, who some months ago made a gift of \$1,500,000 to the renovation of the Rains Library.

The renovation of the William M. Rains Library cost over \$5.5 million. The new technology infrastructure was necessary for enhanced legal research, legal writing training and state-of-the-art information technology. The Law Library is at the core of the academic program and therefore needed to be upgraded to a first rate facility in terms of technology resources; including teaching and distance learning technology, internet connectivity, electronic research capability and student accessibility.

Loyola Law School is proud to acknowledge the following foundations, individuals and law firms who have made pledges and donations to the Law Library Renovation Campaign to date:

Foundations

Hugh & Hazel Darling Foundation
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Skadden, Arps, Slate, Meagher & Flom
Arter & Hadden
Buchalter, Nemer, Fields & Younger
Christie, Parker & Hale
Collins, Collins, Muir & Traver
Even, Crandall, Wade, Lowe & Gates
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Haight, Brown & Bonesteel
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Musick, Peeler & Garrett
Stradling, Yocca, Carlson & Rauth
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Talcott, Lightfoot, Vandeveld, Sadowsky,
Medvene & Levine



Kathleen Hannon Aikenhead (c), President of the William H. Hannon Foundation, with Law Librarian Professor Robert Nissenbaum (l) and Dean Burcham (r) at the reception honoring the donors to the Law Library renovation.

"Classes of the '90's Campaign"

Following Loyola's alumni tradition of naming the Hall of the '70's and the Hall of the '80's, "Classes of the '90's Campaign" Chair, Daniel A. Sonenshine '98 and Dean David W. Burcham, are in the initial planning stages of the \$1.5 million campaign. The Campaign will include participation from all classes from the 1990's and will name the Albert H. Girardi Advocacy Center, second floor, 65-person courtroom/classroom, the "Courtroom of the '90's." Class Vice Chairs are recruiting Class Captains who will recruit Class Committees to contact classmates to encourage participation. Please telephone Elizabeth Fry in Loyola's Development Office at 213.736.1096 or by email at elizabeth.fry@lls.edu if you have not been contacted and you wish to participate in the Campaign to name the new '90's Courtroom.

Professor Laurie Levenson Named Director of Loyola Law School's Center For Ethical Advocacy

Professor Laurie Levenson was named by Dean David W. Burcham, as the Director for the newly created Center for Ethical Advocacy at Loyola Law School. As the Director, Professor Levenson will be responsible for the development of the trial advocacy skills curriculum and, in addition, she will develop a series of trial skills programs for both the bench and bar.



The Center will make use of the newly created courtrooms and ethical lawyering classroom facilities that will be part of the Albert H. Girardi Trial Advocacy Center. "The appointment of Laurie Levenson is critical to our long range goals in the area of trial advocacy. I believe she will help Loyola to establish a nationally recognized program and serve as an important influence for both our students and the bench and bar of Los Angeles," states Dean Burcham.

Professor Levenson served as Law Clerk to the Honorable James Hunter, III, of the United States Court of Appeals for the Third Circuit. In 1981, she was appointed Assistant United States Attorney, Criminal Section, in Los Angeles where she became Senior Trial Attorney and Assistant Division Chief. Professor Levenson joined the Loyola faculty in 1989. **LL**

THE CAMPAIGN FINANCE

MATERIALS



by Richard L. Hasen

People often assume that law professors have the summer off, that once the students have left and exams are graded, we California law professors have little to do but go to the beach. Though summer is a time when things slow down a bit around campus, most Loyola professors spend much of the summer in front of a computer terminal, writing law-related books or articles. We're more likely to be surfing the Net than the waves.

I spent part of my summer working on the second edition of a casebook, *Election Law-Cases and Materials* (co-authored with UCLA professor Daniel H. Lowenstein). The first edition of the book (authored by Lowenstein alone in 1995) covered numerous topics, from term limits to redistricting to the initiative process, but roughly half of the first edition—about 400 pages over 7 chapters—covered the topic of campaign finance regulation. This summer I revamped the campaign finance chapters so that it now will take about 500 pages over

10 chapters to cover the material.

One probably doesn't need an academic to demonstrate that the issue of campaign finance regulation is complicated. News reports are full of debates over bans on "soft money," controversies surrounding the role of "issue advocacy," "foreign campaign contributions," and "White House Coffees," reports of big donors giving \$250,000 gifts to the political parties, and courts striking down voter initiatives regulating campaign finance on the state and local level.

How could things have gotten so complicated, and especially over the last half-decade? This article is a brief primer on the topic, where I have tried to strip as much of the jargon as possible and explain in common sense terms the law of political money. Nonetheless, the law is a mess, and people expecting to find an underlying coherence to the law will be sorely disappointed. My more modest goal is to demystify the world of campaign finance by describing the current rules for campaign

finance regulation and identifying three hot campaign finance disputes likely to remain front and center over the next few years.

Buckley v. Valeo: The "Thing that Wouldn't Leave"

During one of the first seasons of *Saturday Night Live*, perhaps in 1976, the "Not Ready for Prime Time Players" satirized trailers for horror movies. Along with "The Island of Lost Luggage," the skit featured a trailer for "The Thing That Wouldn't Leave." John Belushi played a party guest who planted himself on the living room couch after all the other guests had left. When Belushi, shoving his face full of potato chips, announced that he was going to make a long distance phone call, party hostess Jane Curtin gave a blood-curdling scream.

The year 1976 was also when the United States Supreme Court decided *Buckley v. Valeo*, 424 U.S. 1 (1976). *Buckley* involved a challenge to the 1974 Amendments to the Federal Election Campaign Act (FECA), a sweeping post-Watergate campaign finance reform package passed by Congress. The Supreme Court's *per curiam* (unsigned majority) opinion in *Buckley* was drafted hastily to be in time for the 1976 elections and featured additional separate opinions from five of the eight Justices who decided the case. The *per curiam* opinion tried to split the difference between those who argued that money and politics needed to be separated and those who argued that any regulation of campaign finances violated the First Amendment, which guarantees freedom of speech and association. Over time, the Solomonic *Buckley* has been subject to criticism from all sides of the debate. Yet despite such criticism, nearly 25 years later and many years after the death of John Belushi, *Buckley* truly has become "The Thing That Wouldn't Leave."

Although the Court has decided about a dozen campaign finance cases since *Buckley*, it has always looked to *Buckley* as setting forth the ground rules for evaluating the constitutionality of campaign finance laws. Understanding today's major campaign finance scandals and controversies requires understanding *Buckley*'s holdings in three major areas: contribution and expenditure limits, campaign finance disclosure, and public financing.

Contributions v. Expenditures

The FECA was a radical law, even in the aftermath of Watergate. Among many other provisions, including provisions setting up the Federal Election Commission, the law limited both contributions to candidates for federal office and expenditures *in favor of or opposing* such candidates. Thus, the law capped individual campaign contributions to Senator Jones at \$1,000 per election and also limited to \$1,000 the amount that an individual could spend independently supporting or opposing Senator Jones. I say the law was radical because this latter provision would have prevented an individual from spending more than \$1,000 on a newspaper, radio, or television advertisement supporting or opposing a candidate for federal office; even in 1976, it cost much more than \$1,000 to buy a quarter-page advertisement in the

New York Times.

The 1974 FECA amendments also recodified earlier statutes prohibiting corporations, labor unions, foreign nationals and a few other entities from making any contributions or expenditures related to federal candidates, though the FECA allowed corporations, labor unions, and individuals to set up political action committees, which could make \$5,000 contributions to federal candidates from funds raised according to certain rules (but not from corporate or labor treasuries themselves). Finally, the law placed caps on the amount of personal wealth Senator Jones could spend on her own campaign and imposed overall spending limits for candidates, whatever the source of the money.

The *Buckley* Court upheld the FECA's campaign contribution limits, but it struck down the expenditure limits. The Court held that both giving a contribution to or making an expenditure in favor of or opposing a candidate burdened the First Amendment rights of speech and association. The Court nonetheless saw two important differences between contributions and expenditures. First, the Court held that contribution limits imposed much less of a burden on the First Amendment than expenditure limits. According to the Court, the FECA only limited the *amount* an individual could give to a candidate; the important First Amendment interest in giving a contribution came in expressing solidarity to a candidate, not in the amount of the contribution. In contrast, the Court held that the expenditure limit prevented everyone but candidates, political parties (subject to special rules), and the organized media (mostly exempt from the FECA) from engaging in election-related speech. Thus, the expenditure limits burdened First Amendment rights more severely.

Second, the Court held that the only government interest that could justify any limits on campaign contributions or expenditures was its interest in preventing corruption or the appearance of corruption. The Court rejected the goal of equalizing the ability of individuals to engage in political speech as "wholly foreign to the First Amendment." The Court held that contribution limits could be justified as a means of preventing corruption or its appearance. Someone giving a \$250,000 check to a candidate might be buying influence with the candidate, and certainly the public might believe the contributor was buying influence even if there were no *quid pro quo*. The public could lose confidence in our democracy if such large checks rolled in.

The Court, however, held that the anti-corruption rationale could not support the FECA's expenditure limits. The Court reasoned that someone spending money supporting or opposing a candidate on an independent basis would have a harder time making a deal for influence and might even spend money in ways that hurt the preferred candidate. And certainly, the Court reasoned, the anti-corruption rationale could not support a limit on a candidate spending her own personal wealth on a campaign: Senator Jones cannot corrupt herself. (The Court ignored the fact that if Jones has lots of personal wealth to use in the campaign, that might make her opponents more desperate for money and more likely to engage in corrupt activity.)

Critics have attacked the Court's distinction between contributions and expenditures. Some, who favor greater regulation, believe that ►

corruption could easily result from nominally "independent" expenditures so as to justify expenditure limits. Other proponents of campaign finance regulation believe that political equality is itself a constitutional value that provides an important enough reason to limit campaign expenditures, even given First Amendment concerns. In contrast, those who favor less regulation believe that the First Amendment is violated by contribution limits. According to them, contribution limits are too broad: most people who wish to make large contributions do so expecting nothing in return, so the anti-corruption rationale is not enough to impinge on freedom of speech and association. Although Justices from the late Chief Justice Burger and the late Justice Marshall to the current Justice Thomas have rejected any constitutional distinction between contributions and expenditures, a Supreme Court majority has stuck with the distinction for the last 25 years.

Disclosure

As explained, the Court in *Buckley* upheld individual and PAC contribution limits, but it struck down the expenditure limits. That holding did not leave expenditures completely unregulated, however. The Court held that in most cases the government could require those spending money to support or oppose a candidate to disclose both the source and recipient of funds. The Court held that *disclosure* was justified by three different interests. First, disclosure served to prevent corruption; the Court quoted Justice Brandeis as remarking that "sunlight is the best disinfectant." Second, disclosure provided information to voters. Knowing that labor union PACs or oil company PACs support Senator Jones tells voters something about Jones' politics. Third, disclosure aids in the enforcement of contribution limits. How does the government know if someone is contributing more than the FECA allows without disclosure of contributions?

There was one wrinkle in the Court's discussion of expenditures that I have neglected up until now, a wrinkle that with hindsight turned out to be crucially important. The Court held that the FECA was not written clearly when it defined which expenditures were to be subject to limits or disclosure, and it is unconstitutional to hold someone criminally responsible for a law she cannot understand. So the Court construed the FECA as regulating only election speech that *expressly* advocated the election or defeat of a clearly identified candidate for office, such as through advertisements using words like "Vote for Jones" or "Defeat Smith." Thus, only those engaging in such "express advocacy" needed to file disclosure reports with the FEC.



Public Financing

If the Court struck down the FECA's limits on the amounts candidates can spend of their own personal wealth or the total amount they can spend on campaigns, how is it that most candidates for United States President have been stuck with spending limits? The answer is that these candidates *voluntarily* agreed to spending limits in exchange for public financing. The *Buckley* Court held that the otherwise unconstitutional limits were allowed because they were voluntarily adopted, although critics have argued that one should not be forced to lose a constitutional right just to obtain a government benefit.

Most Presidential candidates have agreed to spending limits in exchange for public financing, but not all have. George W. Bush, for example, declined public financing when he sought the Republican nomination for President this year. He raised a record-setting \$100 million dollars for the primaries. The figure is all the more remarkable because the FECA prevented him from raising more than \$1,000 from any individual (though that figure can be inflated when spouses or children make their own contributions). In the general election, Bush agreed to accept spending limits in exchange for about \$67 million in public financing. Democratic candidate Gore, by contrast, accepted public financing during the primary and general election stages. During the primary stage, public financing comes in the form of matching funds. During the general election, Gore received the same amount of public financing as Bush. Minor party candidates like the Green Party's Ralph Nader were entitled to matching funds in the primaries, but no funds in the general election. Minor parties whose candidates poll over 5% get limited public financing in the next Presidential election.

The Aftermath of Buckley: A Campaign Finance Mess

**An Introductory Hypothetical:
Don't Worry, Your Answer Will Not Be Graded**

You now know the ground rules for deciding on the constitutionality of a campaign finance measure. Cases presenting seemingly endless variations of campaign finance limitations have followed *Buckley*. Let me give you one example of the intricacies of the post-*Buckley* line of cases before I focus on three hot topics in the campaign finance debate.

A state law provides that a corporation cannot make expenditures from its own treasury supporting a ballot measure or a candidate for

state office. Is the law constitutional or unconstitutional? From *Buckley*, you might reason that the law must be unconstitutional. In the first place, *Buckley* struck down all expenditure limits, and this law prevents corporations from making expenditures. Second, the state law involves ballot measures, like the numerous initiatives we have in California. The *Buckley* Court upheld contribution limits because they prevented corruption of candidates. One cannot corrupt a ballot measure, suggesting another reason for the law's unconstitutionality. On the other hand, the hypothetical state law applies only to corporations. Perhaps the Court should have special rules applicable to corporations—after all, corporations are not real people, even though the law sometimes treats corporations as persons.

So what is the answer? The answer is that part of the law is constitutional, part of the law is unconstitutional as applied to all corporations, and part of the law is unconstitutional as applied to certain corporations. My question was unfair because there is no way you could have known that answer from *Buckley* alone. The Court has been making it up as it has gone along in subsequent cases.

In an early case after *Buckley*, the Court held that it was unconstitutional to prevent a corporation from making expenditures in a ballot measure campaign. (*First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).) The Court refused to apply any special rules to corporations, and held that the anti-corruption rationale recognized in *Buckley* could not apply to ballot measure campaigns. So far, the Court seems consistent. But then in two later cases the Court muddied the waters.

First, the Court held that regular rules preventing corporations from spending their own funds to support candidates for federal office could not apply to ideological, not-for-profit corporations that do not take contributions from labor unions or corporations. (*Federal Election Commission v. Massachusetts Citizens for Life*, 479 U.S. 238 (1986).) That case involved an anti-abortion group, Massachusetts Citizens for Life, and the Court held it was entitled to an exemption from the FECA's ban on use of corporate treasury funds because the group was more like an association of concerned citizens than like General Motors.

Then, a few years later, the Court upheld a Michigan law preventing corporations like General Motors from making expenditures favoring candidates for state office. (*Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990).) Although the case involved expenditures, which under *Buckley* should be constitutionally immune from regulation, the Court held that it was constitutional to treat corporations differently in this context, because of the "corrosive and distorting effects of immense aggregations of

wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas." That sure sounds like the equality rationale that the Court rejected in *Buckley*, but the Court majority characterized it as a different kind of "corruption" to keep apparent consistency with *Buckley*.

Enough of the gory details on this single hypothetical. By this point, you probably can see why it takes 500 pages to explain the legal intricacies of campaign finance law. The remainder of this essay focuses on the three major campaign finance issues to watch in the next few years.

Three Issues to Watch

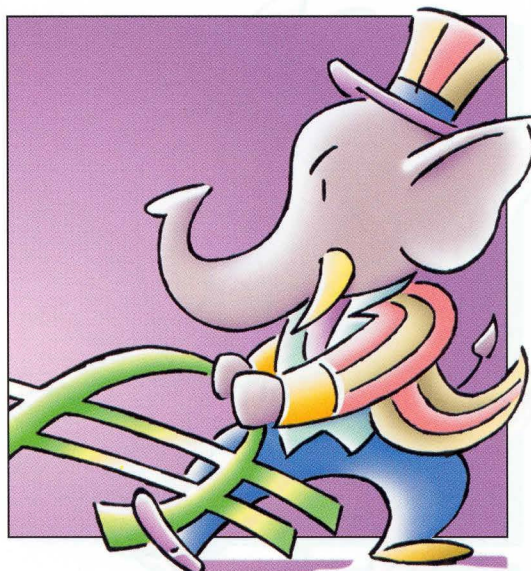
1. Soft Money and Issue Advocacy

We know from *Buckley* that individuals can give only \$1,000 and PACs \$5,000 in an election to federal candidates. The FECA also caps total individual contributions to federal candidates in a calendar year at \$25,000. So how is it that we hear new reports of six-figure donations? How could President George Bush have given special access to members of "Team 100," each of whom donated \$100,000 to the Republican Party? How could President Clinton have held numerous White House coffees and let people sleep in the Lincoln bedroom in exchange for their generous donations? And how is it that candidates Bush and Gore have been giving special rewards to those giving \$250,000, \$300,000 or more? Didn't I just tell you that these

candidates agreed not to raise any money in exchange for their \$67 million in public financing?

The answer is "soft money." "Soft money" is simply money raised to influence federal elections but that is not subject to the FECA. (By contrast, "hard money" is money raised that is subject to the FECA.) Soft money is a huge loophole. George Bush, Bill Clinton, George W. Bush, and Al Gore were not raising hard money for their presidential campaign committees. They were raising soft money for their political parties. So the money went into special "soft money" accounts of organizations like the Republican National Committee and the Democratic Senate Campaign Committee. The lion's share of this money goes to run advertisements favoring the party's presidential candidate and other candidates.

These advertisements are specially crafted to avoid the FECA. I recall living in Chicago during the 1996 presidential race. The Democratic National Committee ran a series of television advertisements ►



attacking Bob Dole, then Senate Majority leader, for his stand on Social Security, education, and the environment. But rather than ending with "Vote for Clinton" or "Vote Against Dole," the advertisements ended with something like "Call Bob Dole and tell him what you think about his plan to destroy Social Security." Everyone knew these were ads attacking Dole and supporting Clinton. But they lacked the magic words of advocacy, which the Supreme Court told us in *Buckley* were required for the advertisements to be subject to the FECA. These advertisements are called "issue advertisements" because they lack words of express advocacy, but the only issue involved is the election of the candidates. Thus, the presidential candidates raise the soft money which is used for something other than express advocacy, making them not subject to any FECA limitations. (A rule of the Federal Election Commission requires that the parties disclose soft money donations, which is why we know about them. The FECA itself does not require disclosure of soft money.)

Interest groups also have been running these sham issue advertisements. Congress recently passed a law requiring a number of these groups, formed under section 527 of the tax code, to disclose their contributions and expenditures. But many groups are organized under different provisions of the tax code and therefore not subject to the new law, so much of this issue advertising is being run anonymously. A bunch of advertisements attacking John McCain during the Republican primaries were anonymous issue ads until the person paying for them, a Texas supporter of George W. Bush named Sam Wyly, volunteered his identity.

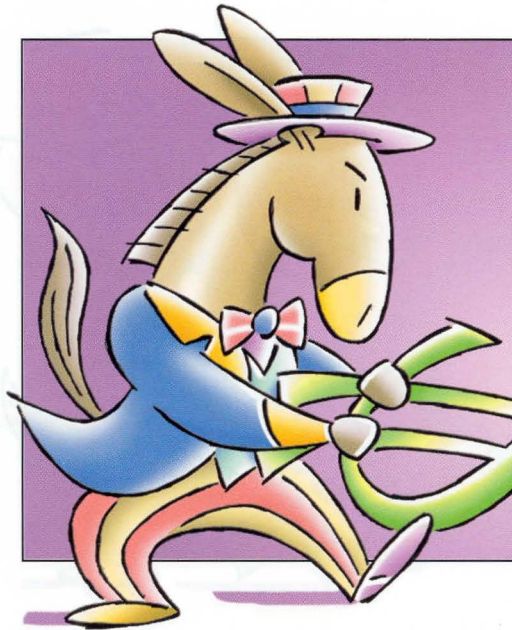
Although virtually everyone used to support disclosure of campaign finances, there is now a question whether disclosure of issue advocacy is itself constitutional. In a 1992 case, *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995), the Supreme Court held that Ohio could not require a lone pamphleteer in a ballot measure election to disclose her identity, citing a First Amendment right to engage in anonymous speech. Lower courts are struggling over how to reconcile this case with *Buckley's* ruling upholding disclosure, and it is uncertain what the case means for the regulation of sham issue advocacy. The Supreme Court may get a chance to answer this question in a challenge to the new federal law.

A broader ban on soft money is at the heart of the McCain-Feingold campaign finance bill that is stalled in the Senate at the time of this writing. Scholars have been debating whether a ban on soft money is constitutional. The open question is whether *Buckley* allows regulation of issue advocacy intended to influence federal elections. I believe that *Buckley* allows such regulation if the law is not vague and does not capture too much political speech unrelated to the election,

but some courts have disagreed in considering similar issues on the state level.

Until Congress passes a new law banning soft money or otherwise regulating issue advocacy, these campaign finance devices are likely to increase in use. The amount spent on soft money in the current election cycle is expected to top \$500 million, about double what was spent in 1996 and about three times as much as the amount of public financing provided to Bush and Gore in the current election.

One soft money-related area where Congress likely will act has to do with campaign contributions by foreign nationals. Foreign contributions became a big issue after the 1996 election, when the press revealed that the DNC, among other groups and candidates, accepted money from foreign nationals in violation of the FECA. The foreign nationals argued that the FECA did not prevent them from donating soft money to the parties. The Court of Appeals for the District of Columbia recently ruled that the FECA does indeed prevent foreign nationals from making soft money contributions. (*United States v. Kanchanalak*, 192 F.3d 1037 (D.C. Cir. 1999).) Congress may still pass legislation clarifying the law. If nothing else, it provides a way for members of both parties to pass uncontroversial campaign finance legislation.



2. Political Party Financing

The FECA provides more generous (hard money) contribution limits for political parties than for individuals or PACs. The Colorado Republican Party challenged these more generous limits, arguing that they were not justified by *Buckley's* anti-corruption rationale because a party cannot corrupt a candidate. Critics argued that individuals could try to corrupt candidates by giving contributions *through* political parties; it is not as though candidates do not know who the major party donors are. The issue reached the Supreme Court in 1996, but there was no majority opinion. (*Colorado Republican Federal Campaign Committee v. Federal Election Commission*, 518 U.S. 604 (1996).) The Court in essence ducked the issue and sent the case back to the lower courts.

The United States Court of Appeals for the Tenth Circuit has now struck down these party contribution limits as unconstitutional (*Federal Election Commission v. Colorado Republican Federal Campaign Committee*, 213 F.3d 1221 (10th Cir. 2000)), and the Supreme Court agreed to hear the case this term (No. 00-191). If the Court agrees with the lower courts that parties have a right to contribute unlimited sums to candidates, another huge campaign finance loophole will open. Because such a ruling would be a constitutional ruling, Congress could

not simply close the loophole by passing new legislation as it arguably can in the case of soft money.

3. Campaign finance in the States and the Future of Buckley

Although Congress has not passed any major campaign finance legislation since 1974, much has happened on the state level. In 1996, California voters passed Proposition 208, a sweeping campaign finance initiative imposing low contribution limits. A challenge to the law remains tied up in the courts and the law has not been implemented. The challenge may be mooted by the recent passage of another campaign finance initiative. More recently, a number of states have passed initiatives establishing public financing of state legislative races. Maine was the first of these states to pass the so-called "Clean Money" law which provides full public financing for candidates for Maine's legislature who collect enough \$5 donations from residents. These candidates cannot raise any other private funds or spend their own wealth on the campaign.

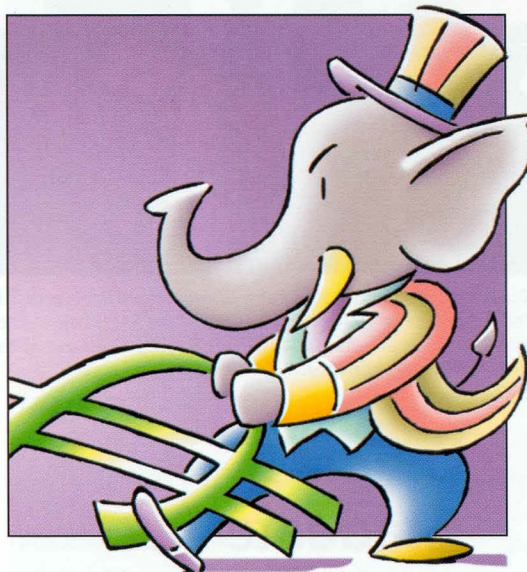
The United States Court of Appeals for the First Circuit just upheld Maine's campaign finance system, despite objections, similar to those raised unsuccessfully in *Buckley*, that the public financing system was not voluntary but rather coerced candidates into joining the program. (*Daggett v. Commission on Governmental Ethics and Election Practices*, 205 F.3d 445 (1st Cir. 2000). Similar challenges are pending in a number of states to both public financing programs and contribution limits.

Until recently many state and local campaign finance initiatives had been struck down by lower courts as violating one part or another of *Buckley*. This past term, the Supreme Court decided yet another campaign finance case, *Nixon v. Shrink Missouri Government PAC*, 120 S. Ct. 897 (2000), which may signal yet another shift from *Buckley*.

Shrink Missouri involved a challenge to Missouri's \$1,075 campaign contribution limit as unconstitutionally low. In *Buckley*, the Court noted that a contribution limit would become unconstitutional if it was so low that it prevented candidates from engaging in effective advocacy. Campaign finance scholars followed the case closely, believing that if the Court ruled in favor of the challengers in *Shrink Missouri* it could threaten the FECA's \$1,000 contribution limit, a limit which is not indexed to inflation and which declines in real value each year. Somewhat surprisingly, the Court by a 6-3 vote upheld the Missouri limit, and went out of its way to make it easy for lower courts to sustain contribution limits.

The case is at odds with the position a number of Justices took on expenditure limits in the first *Colorado Republican* case, leading some law professors to predict that something must give. Sooner or later, "The Thing That Wouldn't Leave" will leave. *Buckley's* distinction between contributions and expenditures is no longer tenable, especially given the rise of soft money and issue advocacy. Many legal scholars believe *Buckley* will fall. The open question is what will come in its place. On the one hand, we might see a Court willing to accept greater campaign finance regulation. Three current Justices (Breyer, Ginsburg, and Stevens) are now on record as believing political equality justifies greater campaign finance legislation. On the other hand, three Justices (Kennedy, Scalia, and Thomas) favor a complete campaign finance deregulation, except perhaps allowing for campaign finance disclosure laws. That leaves three Justices in the middle, who so far appear to want to stick with the status quo.

The current Presidential election race may do more than shatter records with the amount of soft money raised and spent on issue advertisements. It will also determine who will have the opportunity to name one or more new Supreme Court Justices who will decide the future of campaign finance regulation for the next generation. **LL**



Richard L. Hasen
Professor of Law
and William M. Rains Fellow

Educational and Professional Background

B.A., with Highest Departmental Honors, University of California at Berkeley

M.A., with Distinction, UCLA Department of Political Science

J.D., UCLA School of Law, Order of the Coif

Ph.D., UCLA Department of Political Science

After law school, Professor Hasen clerked for the Honorable David R. Thompson of the United States Court of Appeals for the Ninth Circuit, and then worked as a civil appellate lawyer at the Encino firm of Horvitz and Levy. From 1994-1997, Professor Hasen taught at the Chicago-Kent College of Law. He joined Loyola's faculty in 1997 as a Visiting Professor and became a member of the full-time faculty in fall 1998.

Tax LL.M. Program

Loyola's new graduate tax program, which begins this fall, has been greeted with enormous enthusiasm from a diverse and fascinating group. Applicants to the program have ranged from students just graduating from law school to lawyers who have been practicing for more than 20 years.

The experienced lawyers come from a variety of work settings in the big five accounting firms, law firms and corporations. Many applicants already have long experience in tax law; others have worked in related areas, such as family law, probate, or bankruptcy; yet others hope to enter the field.

In addition to Loyola Law School, applicants are from a large number of law schools including Brigham Young University, Emory, Georgetown, Notre Dame, UCLA, USC and Pepperdine. One applicant is from Anglia-Essex, England. Many applicants have advanced degrees in addition to their J.D.

During the fall and spring semester of the program's first year, students in the program will be able to choose from 16 classes, all of which will be open, as well, to J.D. students who meet the necessary prerequisites. Classes being offered for the first time include income taxation of trusts and estates, tax timing issues, taxation of property transactions, tax procedure, and taxation of securities. Additional tax classes will be offered in future years as the program grows, enabling students to tailor their classes to their particular needs and interests.



LL.M. Tax Program Coordinator and John E. Anderson, Professor Ellen Aprill (l) and Professor Ted Seto (r) with Acting Deputy Assistant Secretary of the U.S. Treasury for Tax Policy Eric Soloman who provided the keynote address at the Tax LL.M. kickoff luncheon this past summer.

Loyola's Graduate Tax Program – What It Means for JDs

by Ellen P. Aprill,
John E. Anderson Professor of Tax
Law and Director, Tax LL.M. Program

You may have noticed that the number of tax classes being offered at Loyola seems suddenly to have increased. Such is indeed the case. This fall, Loyola is beginning a program leading to a Masters of Laws (LL.M.) in Taxation, our first graduate degree program. The program has been greeted with enormous enthusiasm from a diverse and fascinating group of 30 students,

ranging from lawyers who have just graduated from law school to some who have been practicing law for more than 20 years. This tax program, however, was designed to benefit our JD students as well. All tax program courses will be open to JD students with appropriate prerequisites, and JD students will have first priority in the event that any course is oversubscribed. This fall many JD student have chosen to take some of these new tax classes. Please know that JD students will not compete with LL.M. students for grades – any JD students in these classes will be curved completely separately from

LL.M. students and in accordance with Loyola's JD grading policies.

Under the new tax program, all advanced tax classes are now 2 hour courses taught once a week., and the tax program will significantly expand the advanced tax offerings available to JD students. Classes being offered for the first time during this academic year include classes on income taxation of trusts and estates, on tax timing issues ("Income Tax II"), on taxation of property transactions ("Income Tax III"), on tax procedure, and on taxation of securities. Once the tax program is fully operational, we expect to be able to offer a total of twenty advanced tax courses, totaling 40 units, to both our JD and LL.M. students on an annual basis. New classes to be offered next year include Business Tax Planning, Corporate Reorganizations, Taxation of Intellectual Property, and Affiliated Corporations. A distinguished, nationally known group of adjuncts professors as well as our full-time tax faculty will teach these courses.

We are also offering a Summer Tax Session beginning. Advanced tax classes to be offered in the Summer Term 2001 are Partnership I, Corporate Tax II, Tax-Exempt Organizations, and Criminal Tax Practice and Procedure. Neither Tax-Exempt Organizations nor Criminal Tax Practice and Procedure have any prerequisites. Students who take these courses will learn not only whether they might have an interest in pursuing tax, but also about legal rules valuable to those considering careers in public interest law or criminal law, respectively.

Advanced tax courses taken while a JD student at Loyola *may* also provide an enormous head start toward the requirements for Loyola's Tax LL.M. *should you later apply and be admitted to the LL.M. program.* Loyola JD students who satisfactorily complete advanced tax courses at Loyola Law School *and who gain* entrance into the LL.M. program will receive up to 12 units of credit for such courses toward the 24 credit units required for the LL.M.

The revamped tax curriculum offers JD students other advantages as well. In today's rapidly changing world, many new businesses are being formed as limited liability companies. This special kind of entity has key similarities to a corporation for state law purposes but is treated as a partnership for federal tax law purposes. Partnerships and corporations are subject to very different regimes under the Internal Revenue Code, and, as a result of the explosive growth of LLC's, students who wish to understand how the income tax applies to businesses now need familiarity with both corporate tax and partnership tax law. Under the new tax program, students who wish to learn the basics of tax rules applicable to businesses will now be able to take Corporate Tax I and Partnership Tax I, each two hours, for a total of four hours of classes. Those who want to learn the tax rules in greater depth can go on to Corporate Tax II and Partnership Tax II.

If you would like additional information about any of the tax courses or about the LL.M. program, please come see me or the other members of the full-time tax faculty—Professors Pratt, Seto, and Sliskovich. We are all very excited about this new endeavor and would be delighted to share our enthusiasm with you. **LL**

Tax LL.M Profile: Paul Velasco '97

Working in estate planning, Paul Velasco wants to provide his clients with the most knowledge of the law that he can provide. That's why this '97 Loyola graduate decided to return to his alma mater to participate in the school's first graduate tax program.



"I really felt it was time to take my job to the next level and give my clients a higher level of confidence," he explained.

Having first worked in a West Los Angeles boutique firm after leaving Loyola three years ago, Velasco opened his own practice last May. The majority of his business is estate planning. When researching to find a high-quality LL.M program specializing in tax law, he first believed he would have to go at least as far as Northern California. However, upon learning that he would be part of Loyola's first tax LL.M program, he felt relieved that he would not have to abandon his Southern California practice to further his education.

Velasco realizes that his clients may not fully understand the expertise that he will gain by participating in the tax LL.M program. However, he said the encouragement of his colleagues to partake in this inaugural graduate program made him aware of the value of such an education. "What I want is to have the knowledge and experience that I can pass on to my clients," he said. "It's a disservice to clients when you don't have the expertise you need."

Velasco added that the locality of Loyola was not his only reason for choosing this tax LL.M program. He said that the caliber of instruction provided by the faculty at Loyola is unbeatable. "I have not been disappointed; the teachers are great."

Tax LL.M Profile: Terri Wagner Cammarano '88

When Terri Wagner Cammarano decided to return to school, she made sure that everyone at her firm, her clients included, understood the priority her participation in Loyola's tax LL.M program had in her life. "It's a commitment," she explained. "I tell everyone, 'The night I'm in class, I leave at three, come hell or high water.'"



She admits that as a partner at the Century City firm of Foley & Lardner, getting away from work some days can be hard, but this '88 Loyola graduate says the opportunity to participate in a tax LL.M is a long time coming for her.

When she first received her J.D., Cammarano said that there was no program offered in California with a solid reputation. With her family rooted in the Southern California area, Cammarano and her husband could not afford to move to the East Coast, which until recently was the only area in the United States which had schools with reputable tax LL.M programs.

But now that she's become a member of Loyola's inaugural tax LL.M class, even her family understands the commitment that she has made. "On Sunday, after church, my husband clears the house and children to let me do the studying I need to do," she said.

Cammarano explains that she primarily works in business law, which doesn't approach all areas of tax law. Nevertheless, the tax LL.M program is something that she has always wanted to be a part of, and she believes that it will provide her with a more extensive base of knowledge.

"I don't need it, but I will be a more valuable asset with what I receive from the program," she explains.

Cammarano says that the expertise of the Loyola tax law faculty is also an asset. "When I rattled off the names of professors to my colleagues, they were blown away," she said. "According to them, we're getting a better program than NYU or Florida."

The Inexhaustable Gloria Allred '74

by Carey Melton '02

Gloria Allred '74 does not sleep. She will claim that she does, even offering that she normally gets six to seven hours of sleep a night. But after talking with her, one realizes that she does not have time for the slumber period that the average human enjoys. Between her work at the law firm, her radio show, her television show, and other appearances she makes, Allred keeps busy day and night. She confesses that she has not taken a vacation in nearly 20 years, and works seven days a week.

Recently, during the Democratic Convention in Los Angeles, Allred served as a delegate for California, worked on one of the delegation's committees, and hosted a daily radio show covering the convention, all while maintaining her normal duties at the law firm. "I love what I do... I find that I will come into the office on the weekend to finish one or two things, only to leave six or seven hours later," Allred explains. Her average day is filled with fighting injustices through her firm, preparing for and hosting her own radio talk show, and enjoying time with her family.

But Allred is anything but average. Born and raised in Philadelphia, she moved to Los Angeles shortly after the Watts riots in 1965. Armed with a bachelor's degree in English from the University of Pennsylvania and a master's degree in English Education from New York University, she moved to California with a five-year-old daughter, one hundred dollars, and a dream.

As a single parent, Allred believed Los Angeles would be a better place to rear a child, and would provide her with ample teaching opportunities. "Los Angeles would be a place where my daughter could grow up in the sunshine," Allred stated.

Her experience in inner-city Philadelphia schools enabled Allred to teach at schools in Watts. "I requested to teach in Watts.... As it turns out, there was a lot of white flight of teachers out of the school after the Watts Rebellion."

During teaching jobs, Allred served as a labor organizer for a year and worked for the Los Angeles Teachers' Association, the precursor to United Teachers of Los Angeles. Her goal was to improve working conditions within the schools. Allred returned to teaching for two more years, at which point she started thinking about attending law school. Hoping to further

her goal to improve the conditions in the schools by obtaining a law degree, she attended Southwestern School of Law for one year before transferring to Loyola Law School.

In law school, she developed an interest in women's rights, and more importantly, in what Allred

calls "women's wrongs." After graduating, she convinced her two partners, Nathan Goldberg and Michael Maroko, to take a chance with her and open their own firm, despite offers of employment from some of Los Angeles' top law firms. With the firm of Allred, Maroko, and Goldberg approaching its



twenty-fifth anniversary, the chance seems to have paid off in huge sums. Aside from the firm itself being highly successful, Allred considers her two partners, whom she met at Loyola, as brothers.

To Allred, her firm forms her extended family, and she does not foresee any change in the future. "I rarely predict anything, but I predict that this partnership will last the rest of our lives," she says.

The firm's practice places a heavy emphasis on employment litigation, covering such areas as sexual, racial, and age discrimination. Civil rape cases, child abuse and domestic battery cases also are covered at the firm. Allred has also been involved in such high profile cases as the Nicole Brown Simpson case, the Paula Jones case, and Hunter Tylo's pregnancy discrimination case against the producers of the television show *Melrose Place* (which the firm won).

No matter what the dispute, Allred's philosophy is that the firm's "most important case is our last case, our current case, and our next case." One of the firm's main goals is to "Inspire and empower those who have

been victimized by discrimination to know that they can stand up for their rights, they can fight back, and that they can win." The firm's track record of fighting injustice has left her very fulfilled. "I am very proud of what we have been able to accomplish over the years," she says.

Although the love for her work runs deep, the love for her family provides the sustenance necessary to keep her going. Allred's daughter works at the firm, and she adores her two grandchildren, ages nine and eleven.

As if work and spending time with her family (both at the law firm and away from it) does not keep Allred busy enough, she also hosts a radio show on KABC Radio (790 AM in Los Angeles) on the weekends. "The show is a great way to have a dialog with the public, and it helps to educate them about important issues," Allred says.

Her work in the media does not end with the radio show. Allred also works in television, and is now a featured attorney in Fox's new syndicated

courtroom show, *Power of Attorney*. The show derives its excitement from A-list attorneys arguing for their clients without the aid of codes or statutes. Allred's daughter has joined the show, creating the possibility for a mother-daughter legal duet being televised to a national audience. She will also be appearing in a feature-length comedy movie that begins filming this fall.

Allred is able to have fun with these side projects, but they don't distract her from what she believes is her duty—to fight injustice in this world. "Fighting injustice is good for the health. I recommend it. It keeps you young," she states. While many people are exhausted after a week's work and readily look forward to the weekend, Allred becomes more invigorated. Granted, she may sleep despite all of her activity. But in the morning, while some people go for their cup of coffee, Allred only needs to read about injustices in the morning paper to wake up and get started on the day.

Lavetta Willis '94: Running Shoe President

In the depths of the industrial area east of Los Angeles lurks a killer. The latest victim really had nothing going for them. Plain and unassuming, this pair of shoes served as the perfect target for the individual dubbed "The Shoe Killer." Around these parts, a simple comment such as "I don't like it" may send a pair of shoes to the unforgiving fashion graveyard.

Although her employees may call her "The Shoe Killer," Lavetta Willis '94 is actually the president and co-owner of LL International Shoe Company, which includes the ever-growing line of Dada Footwear. And yes, this killer instinct enables her to successfully compete against such monoliths/giants/shoe moguls as Nike, Reebok, and New Balance.

Although Willis possesses the necessary killer instinct important in making a company successful, her nickname belies the relaxed attitude and demeanor that she exudes. Below this laid-back appearance lies a motivated and ambitious woman whose hard work has landed Dada athletic shoes in national chains such as Foot Locker, Lady Foot Locker, and Footaction. While obviously very dedicated and serious about her

work, Willis exhibits a good-natured attitude punctuated by tenacity and a strong work ethic.

After graduating from the University of Notre Dame in South Bend, Indiana, with an engineering degree, Willis worked for IBM as a systems engineer. Realizing that she wanted to pursue a different career, Willis moved to Los Angeles with designs on attending law school to pursue her dream of becoming a sports and entertainment agent. As a gifted athlete who attended college on a basketball scholarship, Willis has had numerous friends and contacts who were turning pro and providing her with a potential contact base that would give her an added advantage in the entertainment industry.

Much to her dismay, Willis' first attempt to attend Loyola ended unsuccessfully. Instead of altering her plans to attend law school, Willis merely concentrated her efforts to find a way into Loyola. "I would come up every week [after my first attempt to go to Loyola] to talk to different people and tell them, 'I really want to go here,'" explains Willis. The following year, after spending a great deal of time

talking to professors and finding out what Loyola expected of incoming students, Loyola accepted Willis into the full-time, day-division program. She credits Loyola's easy access to professors and staff for her eventual admission into the school. Although she enrolled in the three-year program, Willis laughs that due to her persistence, "I was on campus for four years."

With her admission into Loyola, Willis pursued her plans to become a sports attorney. "I went to law school because I wanted to be an agent. And then after my first year, I tried to get an internship," she explains. A talent agent whom she had spoken with about an internship explained to Willis that women often encountered great difficulty breaking into the sports industry. He suggested that Willis explore the wonderful world of athletic apparel. Willis initially responded with a resounding "NO." Willis sternly told the agent that she wanted to work in the entertainment industry. Although Willis initially reacted with shock and dismay, she agreed to contact a friend of the agent who worked in the apparel industry. ▶



Although the idea of going into the clothing industry did not appeal to Willis, she realized that a market existed for women's athletic apparel. Harkening back to her playing days at Notre Dame, Willis remembered not being terribly happy with the school's sponsors' clothes. "I had never been really happy with my Nike gear because the sweatsuits were always made for guys. For the women, they make the same sweatsuit, but they make them in pretty colors. They never fit or didn't fit right because they were

designed for men. No one actually made any kind of athletic anything that fit women."

While still in school, Willis created a line of women's apparel named Feline. Although Willis made aggressive attempts to sell Feline, people did not buy it. In the early '90s, the idea of mixing fashion and athletics met a chilly reception. "Back in those days, it was a big no-no to mix fashion with athletics. You had to be a hardcore athlete. You didn't want to be cute when you were working out," explains Willis.

Over the next couple of years, Willis helped clothing brands such as Nation and P.O.C. become very successful, all at the expense of Feline. Eventually, Willis met a graphic designer named Lance Simpson through a business associate with whom she collaborated on numerous projects. Because of Willis' reputation, the owner of Dada, a burgeoning company that sold hats, asked for Willis' and Simpson's help. Weary of helping yet another company while hers remained on the ground, Willis decided to join the fledgling company.

While Dada's apparel received a warm reception from buyers, the stores Dada sold to focused on shoes. In every meeting with Willis and Dada, store representatives asked about the possibility of a shoe line coming from Dada. Willis and Simpson made the necessary contacts with the shoe industry and discussed their options with the president of Dada. Dada finally decided that Willis and Simpson would split off and run Dada Footwear. In April 1998, Dada Footwear shipped its first line of shoes. Now, Dada shoes can be found in stores throughout the nation and is enjoying success in a highly-competitive market.

After countless attempts to make women's athletic apparel through Feline, Willis realized that Feline served as a vehicle to get her where she is today. "It kept me going and gave me a purpose," reasons Willis. "When things happen, you have to go with the flow. When things are supposed to happen, it just flows easily." Going with the flow these days entails focusing on Dada's success in the athletic shoe industry.

When Willis left Loyola in 1994, she pursued a career that would more likely be pursued by someone just graduating from business school rather than law school. But, Willis does not regret pursuing a law degree at all. "You never waste a law degree. You use it every day of your life, if not just for intimidation," jokes Willis. In all seriousness, Willis believes that law school provides a mindset that enables a person to be successful, whatever the task or problem may be. "You can tell if something is illogical thanks to the law school degree. You can know nothing about a person and still logically tell if this person is really telling the truth or not. It also makes you confident enough to challenge people," explains Willis. With this mindset, Willis is successfully leading a new shoe company into the new century. **LL**

Remembering Just How Much Things Have Changed

by Carol Ross-Burnett, Assistant Dean for Career Services & Multicultural Affairs

In 1983 Ronald Reagan was President. Magic Johnson and Larry Bird were the basketball superstars, Michael Jackson ruled the airwaves and "Dallas" was among the first primetime soap operas. The Internet as we know it was merely a notion, and mail of the electronic variety was unknown. Every professional office had an electric typewriter, but a fax machine was probably a luxury item. When we thought of computers, we envisioned massive equipment filling entire rooms, and PCs...well, wasn't an Apple something good to eat?

Since beginning my career at Loyola Law School in March of 1983, I have worked with three Deans (four if you count one interim Dean) and eleven Associate Deans. In addition to several roles in Career Services, I have served as an administrator in Admissions, Clinical Programs and Multicultural Affairs. I have welcomed approximately 7,000 first-year students and bid them a fond farewell at eighteen Law School graduations. So now, after thirty-five On-Campus Interview programs, thousands of student resumes, hundreds of counseling appointments and countless handshakes and lunch-time sandwiches with employers, I have decided to pursue some long-standing interests and life outside of Loyola Law School.

When I first arrived at Loyola, there were only two buildings - the original building that once housed everything and the new Burns Building that was designed by a then lesser-known architect named Frank Gehry. The old parking structure was separated from these buildings by a broad expanse of dirt that turned into mud in the rainy season. Commuter students quickly headed for parts unknown as soon as their classes ended. The official address of the Law School was 1441 West Olympic Boulevard, but it was, by its design, not clearly visible from the street. We were, in many ways, a well-kept secret. A row of impoverished bungalows, fronted on Olympic Boulevard by a small neighborhood store, lined the east perimeter of the Law School, and the old brick building that housed the Law School clinics made its home on the north side of the campus at 1420 West Ninth Street.

The Burns Building was the beginning of a startling transformation of the Law School's physical plant. Within a few years, three freestanding classrooms and a chapel had been built. Workers laid

individual bricks on the dirt landscape, and an oversized, stairstep planter became home to an imported oak tree. This, along with strategically placed patches of grass, somehow changed the formerly lackluster outdoor environment of the Law School into an inviting place. A sense of Law School community began to evolve as students, staff and faculty started to "hang out", using the outdoor spaces to relax, study and congregate. That space now also includes a well-used basketball court and a large shaded lawn with park benches. With the subsequent addition of a five-story building, the construction of a new parking garage and the complete remodeling of two other buildings, the transformation of Loyola Law School is nearly complete. I could never have imagined the Law School we have today.

Change, however, was not just reflected in the physical plant. In 1983, the Law School student body was already approaching 50% female, and since then, an enlarged faculty and an increasingly diverse student population has enabled Loyola to be consistently named as one of the most diverse ABA law schools in the country. The Career Planning and Placement Office became the Office of Career Services and eventually grew from a staff of three to a full-service staff of seven (eight in the fall). The cramped office in the Burns Building gave way to the existing and greatly expanded space in Founders Hall. Use of the Internet and e-mail now provide students and alumni with instant access to jobs and career information. And the hundreds of on-campus interview schedules that were once painstakingly typed on an electric typewriter are now created on the PCs we can no longer live without.

Class of 1983 graduates in Los Angeles earned about \$39,000 annually in the largest law firms, with other types of employers paying much less. Women almost always wore navy blue suits, white blouses and little red bow ties to interviews, and interviewers never, ever wore casual attire. (Who could have guessed that high tech clients would be the driving force behind law firm acceptance of casual dress everyday?) Back then, a graduate who took a job in private practice stayed on track to become a partner within seven or eight years at the same law firm. Those who changed jobs early or frequently were viewed as disloyal, or at the very least,



were suspected of not being committed to "The Law". In today's job market, change is the norm and flexible work schedules or alternative career paths are not at all unusual.

As I prepare to leave, I do so with a great appreciation for and a special pride in the progress and accomplishments of Loyola Law School over the nearly two decades that I have been here. Our alumni are found in every area of the legal profession and compete successfully with the best and the brightest for the highest salaries at the most prestigious law firms. Many more work effectively in smaller law firms or as sole practitioners. Some represent corporate clients in-house, while others continue Loyola's tradition of public service on the bench, in government agencies and in public interest organizations. Still others opt for a wide variety of exciting and innovative non-traditional careers. It is very rewarding to know that I have played some small role in such a rich legacy.

I will never forget my experiences here at Loyola Law School. I am proud to take with me many wonderful memories and a satisfying recollection of just how much things have changed.

Dean Ross-Burnett has resigned her position as Assistant Dean effective January 12, but will remain with the Law School on a part-time basis through June 30. She would like to express her sincere gratitude for the wonderful support and involvement of hundreds of Loyola alumni during her eighteen year tenure in Career Services. Dean Ross-Burnett will be pursuing some lifelong goals and expanding the diversity consulting practice she founded in 1993. You may contact her at CRB Consulting, P.O. Box 37186; Los Angeles, CA 90037; voice/fax 323/971-4340. CRB Consulting specializes in providing diversity training and consulting services to the legal profession. LL

Kevin Murray '87

State Senator

As a talent agent at William Morris, Kevin Murray '87 decided that he needed something to fall back on. So, on a whim, he came home one day with an armful of law school catalogs. After his acceptance into Loyola Law School, Murray attended night classes while continuing to work in the entertainment industry. Approximately four years later, Murray



graduated from Loyola with his juris doctor, having already earned his bachelor's degree in business administration and accounting from Cal State Northridge and his master's degree in business from Loyola Marymount University. Even though Murray claims that his life is lived whimsically, every move is intelligently made.

He believes that his sudden decision to attend law school has served him well during the process. "The thing that allowed me to get through law school and pass the Bar was primarily the fact that I did it on a whim, and that I wasn't necessarily planning to practice law. Without all the pressure, it allowed me to concentrate on learning the material, getting to the exam rather than the anxiety of how I was doing and worrying about my grade point average every step of the way. That sort of whimsical approach tends to work for me because it takes the anxiety out of things."

Whim or no whim, Murray knows what he is doing. And what he is doing is quickly becoming one of California's political stars.

After attaining his law degree, Murray decided in 1994, again on a whim, to run for the California State Assembly. His father, Willard H. Murray, Jr., served the 52nd District at the time young Murray was elected. Although this pairing could have lead to some interesting discussions among family members, Murray claims that "We probably had less political debate [around the dinner table] when I became a member of the legislature. He represented a different district, so frankly we probably spent less time together when we were legislators than before."

Furthermore, although they both shared similar views, Murray was "Always raised with a healthy sense of thinking on my own, so that did not cause any conflict." While serving with his father marked a historical moment in California, it did not affect the decisions that he made for his constituents.

Although his father may not have carried as much influence with his son on the Assembly floor as one might expect, Murray's family definitely influences him. His family has been political since he was born, so the groundwork for his decision to enter politics has been years in the making. Aside from his father's service in the Assembly, his mother was very active volunteering for various political activities prior to her death in 1990. His sister, currently a Deputy District Attorney for Los Angeles County, also ran for office.

As Murray explains, "I have been around politics all my life, and an opportunity came to run for the Assembly and I went for it on a whim."

In 1998, he rode a landslide victory into the California State Senate, and he is currently serving his first term in office. As a state senator, Murray champions such issues as civil rights and education while tackling poverty's effect on individuals in the digital age and police tactics based on race. When choosing these issues, he tries to address the needs of his constituents while adding his personal perspective and resolve to the issue. "Usually, I am one of those people that once I decide to do something, I'm into it. I do take into account my personal perspective, because I like to believe that my perspectives are similar to those of many of my constituents."

Currently, Murray is trying to push legislation through the legislature that will ban racial profiling: a tactic police use to stop and question individuals due to their ethnicity. Recently, due to his effort, an augmented state budget allotted \$5 million to assist law enforcement agencies in collecting race-based traffic stop data. Murray also is working to protect individuals' right to privacy, especially concerning personal information that travels via the Internet. Current legislation he sponsored attempts to bridge the digital divide by bringing the poverty-stricken into the 21st century. In the Senate, Murray serves as the chair of the Senate Elections and Reapportionment Committee and the Select Committee on Tolerance and Diversity. He is also the chair of the Senate Select Committee on Runaway Film Production and the vice-chair of the Finance, Investment, and International Trade Committee.

As for Murray's future, term limits would end his tenure in the State Senate in 2006, given that he pursues reelection in 2002. While nothing is definitely planned for the future, neither is anything ruled out.

Nick Lauro Pacheco, Jr. '94

L.A. City Council Member

Walking into the Chicago Plaza in Boyle Heights, one harkens back to the days of yesteryear, when buildings were made classically, sturdily and honestly. Like the newly refurbished building where he has his Boyle Heights office, Lauro (Nick) Pacheco, Jr. '94 exudes a classic, old-fashioned trustworthiness and sturdiness not often seen in today's politicians. He is a man dedicated to his family, his community, and his job as the council member representing the 14th District of the City of Los Angeles.



Only six years out of Loyola Law School, Pacheco was elected in 1999 to the L.A. City Council. Entering politics has not only been a goal for Pacheco, but was the very reason he attended law school. "I specifically went to law school to be able to communicate, argue, and debate mainstream politicians. I knew that if I ever wanted to be successful in front of the city council or in front of any administrative board, I really had to go to law school."

After attending Loyola, Pacheco worked as a deputy district attorney for the County of Los Angeles for three years. His job included trying and convicting drug

dealers, gang members, and other violent offenders. Despite the rewarding work with the D.A., politics and—more importantly—his community, beckoned. He was elected in 1997 to Los Angeles's Elected Charter Reform Commission to represent the residents of East and Northeast Los Angeles. Hard work and diligence in his 1997 campaign paid off when he was elected in a hard-fought, tightly run race in 1999.

Politics and the last election taught Pacheco not only about the community, but also about people in general. He finds that, "Everyone wants the same thing. They all want clean streets, safe streets. They want their children to make it from home to school safely. So I try to refocus everybody's energy into what we all need, regardless of class and race, and it's been working out pretty well."

The differences become apparent not only in the end, but in the means it takes to attain that end. Pacheco finds that people are willing to work with the government if they know where you are going.

One area that the community can nearly all agree on is the importance of finding activities for their children. Pacheco actively pursues positive activities for the children of his district and the city.

Born and raised in Boyle Heights in East Los Angeles, Pacheco knows the dangers and pitfalls of growing up in a lower-income neighborhood. Coming from a family that has a 40-year history in Boyle Heights, Pacheco wants his young constituents to realize, "It's not always true that where you start determines where you finish, because I also started here in Boyle Heights, and my parents are immigrants who don't speak English."

Brought up in a close-knit family that includes two brothers and two sisters, Pacheco, the second youngest in the family, credits his family with his success. Although he grew up poor, his family played an integral part in his attaining a Religious Studies degree from UC Berkeley and his law degree from Loyola. The idea of leaving the community where he grew up is almost completely foreign to Pacheco. He recently purchased the house he grew up in, his parents and two of his sisters reside in the neighborhood where he currently lives, and his brother practices medicine in Boyle Heights.

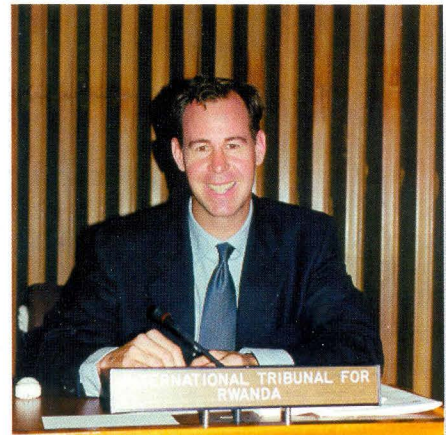
Despite his hard work in city government, Pacheco is the first to point out to his constituents that the government will not solve one's problems. Rather, the government should be used as a tool to assist the community in meeting its own needs. This hands-on approach was seen last spring when Council Member Pacheco sponsored "Celebrating a Clean Community," a community-wide spring cleaning campaign. More than 1,100 residents in the Boyle Heights area alone turned out for the event.

As for his future political plans and goals, Pacheco dismisses any potential races. Instead, he chooses to focus on his constituents and setting a framework to ensure that the people he currently represents will be able to help themselves in the future. Whatever Pacheco's plans are in the future, he makes one thing clear. Even if he is the best council member the district has ever had, he is done in eight years, due to the council's term limits. With this in mind, he tries to act responsibly by having his constituency take ownership of the community.

by Carey Melton '02

Greg Townsend '94 United Nations

For the last two years, Greg Townsend '94 has been working for the United Nations in various parts of Africa. His current position has placed him in Rwanda and Tanzania, working for the Rwanda Tribunal. Townsend's duties mirror those of a law clerk in the United States. Right now his main responsibility is to assist three different judges from Slovenia, Russian Federation, and St. Kitts & Nevis/Jamaica.



Most recently his work has involved the trials of those responsible for the 1994 genocide in which extremist Hutus massacred approximately 800,000 Tutsi people in only three months. Later this year, Townsend is expected to participate in what has become known as the Military Cases. The trial involves Colonel Theoneste Bagosora, believed to be the chief architect of the genocide, as well as three others.

Townsend also worked directly with the judges who recently sentenced Georges Ruggiu to twelve years for two counts of incitement of genocide and crimes against humanity-persecution. The conviction for Ruggiu's role in Rwanda's "hate radio" is the most significant incitement precedent since the Nuremberg Tribunal convicted Nazi anti-Semitic ideologue J. Streicher (the publisher of *Der Stürmer*).

Working for a corporate firm worrying about billable hours was never part of Townsend's plan. After working in politics and on environmental campaigns, Townsend decided he wanted to emulate the careers of the activist lawyers he encountered. With two M.A.'s in international relations and law, Townsend naturally seized the opportunity to participate in Loyola's summer program in Costa Rica and Panama. When Townsend saw a job opening on the United Nations website right after reading a New York Times article on Rwanda, it was too much of a coincidence to ignore.

What initially attracted Townsend to Loyola was its great selection of night classes and professors who are practitioners. Once there, Townsend made the most of his education. He took the time to perfect his writing skills, which he says are the most important aspect of being a good attorney or judge. After surviving his first year, Townsend served on the SBA as well as the International Law Journal. It seems the only obstacle that he couldn't overcome was trying to serve as the SBA President and the International Law Journal's editor-in-chief at the same time. Administrative rules prevented him from doing both.

Red tape and bureaucracy continue to hamper much of what Townsend and his chamber try to accomplish. Despite these obstacles, and contracting malaria during his second month in Africa, Townsend continues to love his life there. The beautiful, unspoiled land has even been enough to lure some of Townsend's fellow alumni to visit him. Townsend truly cherishes his chance to set a precedent in international criminal law, and make a small difference after the slaughter of almost one million people. He appreciates the opportunity to contribute toward ending the culture of impunity for violators of human rights. LL

Loyola Alumni Active in ICANN Leadership

by Craig Lang

It seems appropriate that one Loyola alumnus has become a director of what some consider the future of governance on the Internet. Karl Auerbach '78 says his induction to the board of the Internet Corporation for Assigned Names and Numbers, a.k.a. ICANN, is reflective of his lifelong involvement with the Internet.

"It formed all around me," says Auerbach, a self-labeled "techie" who says he has worked on Internet prototypes since the 1970s. "I have been involved in debates of Internet governance for as long as there's been debates."

Auerbach helped develop ICANN, a nonprofit corporation that has obtained control, from the U.S. government, of many Internet issues, including the management of domain names. In the fall of 1998, Auerbach with the assistance of friend and fellow Loyola alumnus David Steele '00, met with other Internet advocates to form an international organization entitled the Boston Working Group. This group presented a proposal to the Department of Commerce and the White House, which resulted in the formation of ICANN. Auerbach and Steele both assisted in the creation of the ICANN charter. Most recently, ICANN introduced the registration of seven new top-level domains, including ".biz" and ".info."

Since its inception, Auerbach and Steele have had little involvement in the activities of the organization. However, prior to the most recent election of ICANN board members, Steele campaigned for Auerbach to ensure his election to the board as the director of the North American region, one of a total of five regions that encompass the entire globe. Auerbach received the most votes of eight candidates in the online vote last October.

With Auerbach as a director, and Steele as a member of ICANN, the two Loyola Alumni hope to reform some procedures followed by the governing staff of this organization. For example, Auerbach notes that one problem is the fact that the staff does controls many operations that should fall under the direction of the board.

"I'm trying to put process into ICANN," Auerbach says. "I'm trying to get directors votes on the record; I'm trying to push for a modified version of electronic 'rules of order.'"

Steele says that as attorneys, he and Auerbach can act as advisors to the staff and directors of ICANN in issues of corporate governance that many are not yet aware of. "There are a number of legal issues embodied in the ICANN structure: trademark, jurisdiction, free speech. The thing is basically a law school hypothetical just waiting to happen," he jokes.

Steele asserts that because ICANN is still in a formative stage in its existence, right now is an important time for Auerbach, himself and other concerned members to make certain that the organization follows the charter on which its creation was based. "ICANN is at a very pivotal point in its history," he says. "If it really wants the opportunity to govern the Internet, then we really need to work on these reforms."

Call to Protect

In the spring issue of the *Loyola Lawyer*, we profiled two students who started the Loyola Branch of the "Call to Protect" Program—a nationwide effort to stop domestic violence by providing "at-risk" women with cell phones that are preprogrammed to 911 and domestic violence hotlines. Last semester, Susan Colleran and Alex Medina collected over 100 donated cell phones from Loyola students, faculty and staff. Additionally, during the last



Student program coordinators for "Call to Protect", Susan Colleran and Alex Medina helped to collect more than 1,000 cell phones for the project.

six months the project, more than 800 phones were collected at drop-off centers citywide.

Susan and Alex would like to take this time to thank everyone who donated phones and helped with the program. Since the last issue, the program received an overwhelming alumni response and, thanks to all-around support, this year Call to Protect is off to an incredible start, with plans to branch out to the entire Los Angeles community. Various law firms have already set up drop-off centers in their offices, and Colleran and Medina plan to partner with the southern California law schools in creating a southern California "Call to Protect" program.

If you would like to donate a phone, there is a drive-in drop-off center located in the security office of the Loyola Law School parking garage, located at 919 South Albany St. in Los Angeles. In addition, if you would like more information about the program or would like to help, contact Susan Colleran or Alex Medina at calltoprotect@yahoo.com.

Cancer Legal Resource Center

The Cancer Legal Resource Center [CLRC] was just a dream of former Dean Gerald T. McLaughlin in February, 1997. Since that time, the dream has become a successful reality. The CLRC, a joint program of Loyola Law School and the Western Law Center for Disability Rights, recently entered its fourth year of service, providing information and education on cancer-related legal issues to the cancer community. The CLRC regularly provides information on cancer in the workplace, access to health care, changes in health insurance law, government benefits, estate planning, and other issues related to cancer survivors and others impacted by the disease.

Since 1997, the CLRC has reached over 10,000 cancer survivors, their families, friends and employers through telephone intakes, outreach programs, workshops, conferences and other activities. Its founding director, Barbara Ullman Schwerin '87, speaks throughout the country on legal issues of importance to cancer survivors and their families. Additionally, a dedicated staff of Loyola Law School student externs, who are the "front door" to the program, ably handle over a thousand telephone intakes per year under Ms. Schwerin's supervision.

The success of the CLRC can also be measured by the number of attorneys who volunteer their time to provide more in-depth legal information and advice to numerous callers to the CLRC. Approximately fifty attorneys and other professionals volunteer their time to CLRC callers, sometimes simply by providing information over the telephone, other times by writing letters or making telephone calls on the caller's behalf. Since 1997, volunteer attorneys have successfully appealed the denial of Medi-Cal benefits, negotiated more favorable severance packages on behalf of terminated employees, obtained a bone marrow transplant and other medical treatment "out of network" and many other "successes" on behalf of CLRC callers. Without the help of these volunteer attorneys, our CLRC callers would have nowhere else to turn.

Training the law school externs not just in the laws that affect people with cancer, but also being sensitive to the issues that arise, may be one of the CLRC's greatest successes. One of the CLRC's goals is to send out new lawyers who are sensitive to the issues faced by those battling life-threatening disease, and to take this sensitivity into the broader legal community.

Loyola Law School is also a leader academically. Based upon the success of the CLRC and need for training law school students, Ms. Schwerin developed a seminar on Cancer Rights Law. This seminar, taught yearly, helps complement the health care courses taught at Loyola Law School, and is also a training ground for new CLRC student externs. The seminar, with numerous guest speakers practicing in particular areas of the law, addresses not only many different substantive areas of the law, but also "puts a face" on the issues cancer survivors face.

Additionally, the CLRC receives calls nationally, as there are very few programs of this type throughout the country. The magnitude of the number of calls received, and the extent of geography covered, only emphasize the issues and needs of cancer survivors and their families. There are over 8 million cancer survivors in the United States today. As more people survive and thrive after cancer, the quality of life issues they face must be addressed.

In order to help meet this need, the CLRC has recently entered into a partnership with the American Cancer Society, California Division, Inc. [ACS], under a pilot program to expand the services of the CLRC throughout California.

The CLRC would not exist without the continued support of the Western Law Center for Disability Rights and Loyola Law School. Their vision for and recognition of these critical needs in the cancer community should

be applauded.

If you are interested in volunteering your time at the CLRC, or know of attorneys in other parts of California who might be interested in serving on its volunteer panel, please contact Barbara Ullman Schwerin, Director, Cancer Legal Resource Center, 919 S. Albany St., Los Angeles, CA 90015; telephone: 213.736.1455; e-mail: Barbara.Schwerin@lls.edu.

Loyola Law School Ranked 3rd by California Law Business

In the November *California Law Business* issue that listed the top 100 most influential lawyers in California, Loyola Law School ranked 3rd. The publication listed as the top law school Harvard University with 13 top lawyers; and Stanford University with 10 top lawyers and stated; "Loyola Law School appears to be the Cinderella story for 2000. Last year the law school wasn't even counted among the Top Five Law Schools, this year it placed a strong third with nine attorneys counted."

Counted as part of the top 100 lawyers in California were Loyola Law School alumni: Gloria Allred; Johnnie L. Cochran, Jr.; Larry R. Feldman; Thomas V. Girardi; Helene Hahn; Walter John Lack; Alejandro N. Mayorkas; Thomas J. Noland; and Mark P. Robinson, Jr.

Class of 2000 Evening Division Makes Gift to the School

SBA Representative for the Evening Class of 2000, Russell Todd Zink, presented David W. Burcham, Dean, a bronze plaque that quotes the "Universal Declaration of Human Rights" that will be hung on the library wall next to the plaque depicting the U.S. Constitution.

The gift was made possible through contribution of members of the Evening Division of 2000. Dean Burcham remarked at the presentation, "What a thoughtful gift by members of the Evening Class of 2000, and such a meaningful addition to our campus. On behalf of the Law School community I salute the Class of 2000 Evening Division." LL

Be Part of Loyola Culinary History!

Send in your submission for "A Taste Of Loyola"

see form enclosed

The History of Loyola Law School

Loyola Law School
"A Sense of Purpose—A Sense of Mission"

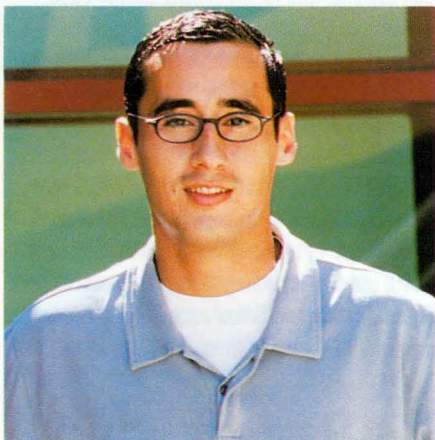
written by Gerald T. McLaughlin

Coffee table edition of the official history of Loyola Law School is available
— an ideal gift and a must for your law library.

see form enclosed

A Profile of Current Students and Recent Graduates

This is the second issue that continues to highlight the achievements of current students and recent graduates. In this particular issue, the four people chosen epitomize the diversity of Loyola Law Students and the uniqueness of their career choices.



Francisco Cabada

A long way from reform school

"I don't think that many Mexican-Americans with my background would be where I am today." Where third-year day student Francisco Cabada is, exactly, is at the top of his class and on the verge of an excellent law career. Now in the top ten percent of his class, Cabada is splitting his summer time with positions at White & Case, and Brobeck, Phleger & Harrison. But unlike most students, he took a rather unconventional route to get here.

At one time, it did not appear that Cabada would even graduate from high school. Without much to do in the small town of Ukiah, California, he fell in with the wrong crowd. Encounters with the police were not unusual. Although these incidents were petty, nonviolent crimes, Cabada had solidified a bad reputation amongst most of the faculty at his school.

"I was infamous there. Let's just say I wasn't a very respectful student."

During his senior year this record got him sent to a reform high school. After successfully completing a requisite number of hours, Cabada was allowed to return to his regular high school to graduate. Scraping by with a 2.0 GPA and having no real direction, Cabada continued to work at a local grocery store where he

had been employed during high school.

Despite doing well and being well-liked at the grocery, Cabada knew he wanted to leave his small hometown. "If I stuck around with my friends, I probably would have ended up in jail like many of them have." His ticket out was the United States Marine Corps. While enlisted, he spent time in San Diego and North Carolina. Cabada had somewhat mixed feelings about his stint with the Marines.

"I wouldn't recommend it to anyone I know, but it was something I needed. It was the first time I really got humbled...got my butt kicked." It took only a couple of years before he realized he wanted more. By switching to the reserves, Cabada had the time and money to go back to school.

Since Cabada had a poor academic record, he went home and enrolled at Mendocino Community College. Working with a college counselor, he established a two-year road map to get him into a University of California school. "I needed to see what I had to accomplish. It was the Marine in me talking. Give me a mission and I'll solve it."

After two years, Cabada did accomplish his mission and entered UC Santa Barbara. Once there, he continued to follow his life map by studying political science. But by the time Cabada graduated from UC Santa Barbara, he was tired of school and needed a break.

Shocking many people, Cabada returned to Ukiah to substitute teach at his former high school. His previous reputation prompted mixed reactions from the teachers at the school. Undiscouraged by this, Cabada made the most of the opportunity. Besides teaching, he also coached the freshmen baseball team. During this time, he continued to perform his duty as a reserve. By the summer following his first year of teaching, Cabada reached the rank of sergeant. Yet a career in the military was not in his future. The LSAT was. However, Cabada did not perform to his expectations.

Not slowed by his subpar performance, Cabada still applied to a number of law schools. Loyola was

the only one to send him an acceptance, but it was on a conditional basis. These conditions included participating in a summer tutorial as well as continual check-ins throughout the year.

"It was very helpful. It was where I met my unofficial mentor, Professor Boylan. I give her a lot of credit on keeping me focused."

Despite not having the statistical numbers that law schools look for, Cabada's focus helped place him in the top ten percent of his class. His ranking and record landed him a summer job working in the Los Angeles office of Brobeck, Phleger & Harrison. Even with these accomplishments, Cabada stays humble. "I found it (law school) to be very difficult, like everyone else. I don't claim to be intelligent; I claim to be hardworking, street smart. Somehow I guess I just figured it out earlier than some." When asked what his secret was, Cabada said, "Being practical. I just look at what is going to bear fruit." His work ethic and street smarts have kept Cabada in the top ten percent for his second year in law school. This approach also helped him place sixth in the Moot Court competition and place in the top ten in the brief.

Cabada hopes to draw on all of his experiences at Loyola and in life to become a criminal defense attorney. "I just want to be in trial or appeals." When asked about what challenges he thinks he will face in this arena, he replied, "The biggest problem will be separating my emotions from my professional duty and clients. I know I am not going to be able to just go home and leave it in the courtroom. On the other hand, that is why I want to get involved."

When asked to give advice to current and impending law students, Cabada was quick to offer a few words. "Remember who you are and treat other people well. It is a stressful situation and you can't let it affect how you treat people...because it comes around." Apparently being friendly is not only the polite thing to do but very handy as well. During the summer he often needs advice and calls upon his friends at other firms.

Overall, law school has not changed Cabada. He remains a cordial, humble individual. "I live off insecurity. I can't believe where I am at, given where I have come from. I still go back to Ukiah and people think I was in jail. I still get those stereotypical comments. I just know they think of how I was in high school. They don't know where I have been. But I like where I have been. I had to go through that."

Jeanne Cook '00

An international humanitarian effort

While not all law students have dreams of becoming litigators, a vast majority follow rather conventional career paths. These can include taking part in the criminal justice system or working in corporate law. Jeanne Cook '00, however, chose neither of these roles. For most of last year Cook held multiple positions with the Carter Center, a nonprofit, humanitarian organization founded by President Jimmy Carter and his wife, Rosalynn.

The organization's objective is to alleviate international inhumane living conditions caused by war, disease, famine, and poverty. In order to assist its commitment to human rights, the Carter Center has created a series of health and peace programs. Each is designed to bring warring parties to the negotiating table, monitor elections, safeguard human rights, and create democracy through economic development.

After obtaining an undergraduate degree from American University, Cook continued her studies and received a master's degree in Latin American studies. She then began working as an international manager of a software organization. "We would take what you see on the screen on a software program or web page, take it apart from the code and translate it into different languages: Spanish, German, Italian, Japanese. Then we would put it back together and hope that it worked."



Meagan Gess '02

A family affair

The average law student is a fairly ambitious person. One has to be able to tackle the subject matter, time commitment, and financial burden of law school. At the same time, it is not rare for those with a family to go back to school to start a second career.

Third-year day student Meagan Gess has taken on even more. Only months before starting her first year of law school, Gess gave birth to her first daughter. Now, successfully into her third year of law, Gess recently gave birth to a second daughter. But don't think that Gess' performance has suffered. This Fritz B. Burns scholar has consistently been in the top ten percent of her class and spent this past summer at the Newport Beach office of O'Melveny and Myers.

Meagan met her husband while she was an undergraduate at UC Davis. They got married right after graduation and moved to Washington D.C., so he could study patent law at American University. Meagan Gess took her LSAT during her final year of undergraduate study with the intent of following her husband into the law. After being accepted at Georgetown, everything was running smoothly. It was not until the first week of class that Gess discovered she was pregnant. She was also very sick, so she decided to take a leave of absence from school.

"It was unexpected and I just didn't know how to handle it on top of the first week of class. It was just a crazy time, so we thought we could wait a year since my husband was going to graduate in a year anyway"

During the year off, Gess had miscellaneous jobs until she and her husband decided to start their own patent searching business. "It was nice just because it was really flexible. He worked full time and went to

school at night, so it was something we could do together."

Gess applied to several law schools in Southern California with the intent of either moving here to be with family, or staying in Washington D.C. and re-enrolling at Georgetown. Los Angeles was where Gess' husband was originally from and where his family was located.

"I applied out here, not knowing if we were going to come. That is when I applied to Loyola." Because they were having a child and wanted to be near family, the Gess family ultimately decided to relocate to Southern California. Gess gave birth to her first daughter that April and started her first year at Loyola that August.

"What attracted me to Loyola was that it was a Catholic, Jesuit University." Gess was also quite pleased with the administration at Loyola. Gess brought her daughter with her during the campus tour. "I really liked the people and how warm everyone was and how receptive they were to my daughter. I wasn't sure how people would react, and I was really impressed with how they handled it." During the same tour of the school, Gess was told her accomplishments and credentials made her eligible for the Fritz B. Burns scholarship. One week later she was informed that she was, indeed, a Burns scholar.

Although Gess knew she would miss her child, there was never any doubt about her attending law school. "I wanted to go. I wanted some intellectual stimulation. I really missed that staying at home." A good support network allowed Gess to pursue that intellectual stimulation. Both Gess' mother and sister-in-law were a big help in taking care of the newborn. Gess also hired a full-time nanny. "We needed that kind of help to do what we were doing."

At the end of the year, Gess' hard work paid off as she found herself in the top ten percent of her class. There are certain things, however, she regrets that she didn't have the time to do. Her time constraints prevented her from being involved in student groups or participating in the law review. "My experience at law school isn't as rich as some because I came and went as soon as possible to see my family." On the other hand Gess is certain that this was what she wanted to do. Her family helped get her priorities straight and motivated her. "Once you see how you are influencing someone and paying for everything they do, it kind of changes your approach to your career."

Gess' drive is abundantly apparent. "I really wanted to do well. I did not see what the point

was if I wasn't going to do well and really learn something. I just think you need to be practical and aspire to do well (in school) if you want to do well in your career." So far this approach has been working quite effectively for Gess.

The first summer, Gess got a summer associateship with the Newport Beach firm of Stradling, Yocca, Carlson & Rauth. Gess continued to perform well at school in her second year and earned a position at O'Melveny and Myers for her second summer. This gave her a chance to be exposed to corporate transactional work, which is where she ultimately wants to practice. "I like emerging growth, high tech companies, and applying old law to a new medium. You are really stuck in a hard place if you are trying to do anything cutting edge on the internet because it might be legal today, but not tomorrow."

Although she is excelling in all facets of her budding career now, Gess does feel that women in the law face obstacles. Specifically Gess feels there is a lack of mentors for women. "I think personally there is a huge difference between someone who is married and wants to make partner and someone who has small kids and wants to make partner. I think those are special challenges you would face in your career. And to find a woman with small children who made partner is almost an anomaly."

Gess definitely wants the partner track to at least be available to her. Although she does not know what she will want in ten years, she does not want any options closed to her just because she has children.

"They almost come in thinking you won't be on a partnership track just because you have small children, which is not fair because it puts you at a disadvantage to begin with." Any antiquated assumptions about Gess would be premature. She is a driven woman who seems to be able to accomplish just about anything she desires.

Aquita Winslow '01

Not your typical bookworm

Almost finished with an internship at Loyola's Law library, Aquita Winslow will have some important career decisions to make. Luckily for her, the fourth-year evening student should have a wide range of options. While most law students are inclined to only enter the library when necessary, Winslow has made a career out of it.

"I have always been in the library since I was a small child. I just have always loved books and reading." Winslow also felt that a background as a librarian might give her an edge on reference work if she ever decided to enter law school. So after graduating UC Santa Cruz, the native Northern Californian sought out a masters program in library science. She made the decision to jump to the other side of the country to attend Simmons College in Boston. With the newly acquired degree, Winslow was able to venture back to Los Angeles after landing a job at the Braille Institute.

Although she enjoyed her time at the Braille Institute, Winslow wanted to continue her education. After waffling back and forth, Winslow decided to apply to Loyola's evening program. Winslow was not ready to go back to school full time, but felt that night school would be an interesting and worthy challenge.

Loyola Law School, however, nearly deprived Winslow of that opportunity. While deciding to go to law school, Winslow was also planning her wedding. Due to Winslow's indecision about school, parts of her application were turned in late. It was not until the day school started that she got a call from Anton Mack saying there was one position still available (as long as she could start that night). To add to all this confusion, this was the same day that Winslow had just returned from her honeymoon. Winslow seized the opportunity and is now in her fourth year of the evening program.

Despite her chaotic start, Winslow has made the most of her time at Loyola. While in the evening program, she continued to work full time at Sinai Akiba Academy. During the summer of 2000, Winslow decided to tackle an internship with Loyola's Law library to expand her library and legal knowledge. The switch to a law library was a bit of an adjustment for Winslow. "I knew how a library functioned but had to work on my legal reference and research skills; what kind of questions professionals ask, what lawyers need, what law students need."

Winslow also spoke about the best way to get help from librarians. "Get to know the librarians. It is

just like with a professor. If you had a professor you spent time with... when you needed something you would find it's much easier than if they didn't know who you were. So it's the same with librarians. If you are friendly, polite and make yourself known to them (especially since you are here for at least three years), it will be easier for them to help you."

Winslow is still weighing her options on whether to practice law or continue on as a law librarian. "The good parts of being a librarian are meeting a lot of people, having direct access to all kinds of information, and constantly getting to learn. The bad part is working with patrons who can be rude, annoying, or disruptive." These pros and cons do not seem that much different than the legal profession. Perhaps that is why Winslow still has not decided which avenue to pursue.

"Once I graduate I will decide. I know I have the ability to work as a law librarian, but I want to practice. Plus I have done all of this and owe so much money. I know I can do both and enjoy having so many options."

Those who might have a preconceived notion of librarians would be thrown completely off guard by Winslow. "I am very outgoing and honest, yet I speak my mind. You'll never meet another librarian like me." This is probably best illustrated in the way she met her husband. After working at the Braille Institute for about a year, Winslow was not meeting many people. So in a bold move, she decided to take out a classified ad in the Los Angeles Times. "I figured that if I was reading the Times, other non-crazy people were." Her original plan was to meet new friends so she could hit the town. Fortunately for Winslow, her husband's best friend told him to answer the ad. The two have now been married over three years.

It will be hard for anything to stand in the way of the dedicated Winslow, no matter which career choice she makes. After taking the spring '99 semester off, Winslow gave birth to her daughter, Avery, on August 22, 1999. Coincidentally, this was the first day of class. Again Winslow had to make important choices about her education. But only two weeks later, Winslow was back in class. "It was hard to make up the two weeks of class. I was used to a hectic schedule and was happy to get back to it." If all goes according to plan, Winslow's schedule will have her graduating in 2001. **LL**

Loyola Applies "Gold"-en Touch

by Carey Melton '02

As the O.J. Simpson trial began and the media maelstrom threatened to draw every camera on the West Coast to the Los Angeles Criminal Courts Building, Professor Victor Gold sat quietly in his office writing and researching his latest book—until the phone rang. The *New York Times* had a few questions they wanted to ask about the Simpson double-murder trial. Professor Gold obliged, not thinking much about the call, since newspapers had contacted him in the past for background information that never make it into the actual story.

The conversation ended, and Gold thought nothing more of it until the next day, when the phone rang again. This time, CNN informed Professor Gold that he had been quoted in the *Times*, and they would like him to appear that very day as a guest on a show to discuss the Simpson case. Gold agreed, and that fateful day in June 1994 threw Professor Gold into the midst of the O.J. trial and the accompanying media frenzy. By the time the trial ended, Gold had appeared on numerous television and radio programs which included guest runs as a commentator with CBS Radio and the Canadian Broadcast Corporation.

But do not expect to hear or see Professor Gold again on the radio or television any time soon. Although he enjoyed the experience, he is wary of the idea of any future employment with the media. As of now, this professor, who is a William M. Rains Fellow, an author of numerous books, and a highly sought-after and highly respected professor, is enjoying the first few months of his tenure as the new associate dean of academic affairs. Gold replaced David W. Burcham '84 (who is now the new dean of Loyola Law School).

Dean Gold's plans as the new associate dean revolve around Dean Burcham's goals. These "team" goals include increasing the bar passage rate at Loyola, recruiting more first-rate scholars to the school, and strengthening the academic counseling and curriculum at the school. These goals are added to the traditional duties of the associate dean, which include working with the school's standing committees that govern school life, setting teaching schedules and the legal curriculum, and working with students and faculty in resolving academic problems. According to Dean Burcham, who served in this role for one year, the associate dean is "the key player in the academic life of the school."



Professor Victor Gold

Filling the role as the key player in the school's academic life is considered by Dean Burcham to be "more than a full-time job," but Associate Dean Gold also plans to teach during the first year of his tenure, and hopefully beyond. Past culture dictates that the associate dean of academic affairs serves in the position for three years and then returns to the faculty. Dean Gold has no plans to deviate from this culture, and plans to continue teaching. This year, he educates first-year law students in the rigors of contract law. He is quick to point out that teaching is something he still loves to do. He also believes that "It is very good for the Law School and the students to have the deans visible in the classroom." Teaching will enable Gold to continue enjoying the classroom, and will serve as a means to stay in touch with the student body. Despite efforts of administrators to meet the student body, Gold finds it regrettable that many students do not know what the administrators' faces look like, especially since many students only encounter deans when they have a problem.

Gold's decision to stay involved with all aspects of academic life by becoming the associate dean and by continuing to teach reflects his belief in the importance of education. His involvement in education is not only on a professional level. In his personal life,

Gold devotes much of his time to educational endeavours. Last year, he volunteered as a reading tutor for a first-grader at an elementary school in Koreatown. He also serves as a tutor for children at Temple Emanuel in Beverly Hills, and chairs the temple's adult education committee. Just recently, the temple elected Gold to its Board of Directors. His love for education has apparently been passed along to his two sons. The eldest, Michael, is completing his final year at the University of Michigan and considering attending law school. The youngest, Daniel, has just begun the highly-ranked engineering program at UC Berkeley.

Although Gold enjoys most aspects of the educational process, some drawbacks do exist with the job of associate dean: he will not be able to teach as much, he may have to stop writing for a while, and he may have to hear more complaints. One of the major drawbacks with the job is that Gold will not be able to devote as much time to many of the side projects in which he is involved. The author of four books, Gold will be looking for any time available to write the second editions to these books and a proposed evidence coursebook he hopes to write with Professors David Leonard and Gary Williams.

Due to his heavy involvement in the law school, Gold may also need to reduce his commitment to the community surrounding Loyola. Earlier this fall, along with Professors Catherine Fisk and Sam Pillsbury, Gold spearheaded the Rampart Scandal Symposium held at Loyola. To Gold, holding the symposium at Loyola was a "no-brainer," since Loyola is located in the very division where the scandal occurred. Gold believes that the law school has a duty to explore the problems and effects the scandal caused the community. With the associate dean position, though, he will have less time to devote to projects such as the Rampart Symposium.

While many in the academic community view the job of associate dean as something to avoid, Gold welcomes the challenge of a new job. "Most members of the faculty think this is not a desirable job. It's not something that if you were sane, you'd want to do. There are certainly a lot of aspects to the job that are extremely difficult. But I wanted to do this from a personal standpoint, because I've been teaching for 20 years," Gold says. "I've written a number of articles and four books during that time, and while I love teaching, and look forward to going back to it full time, I wanted the change. I've reached a point in my life where doing new things is important to me, because if you do something for 20 years, it gets stale. I wanted to try something new." ▶

Dean Gold's enthusiasm for his new job directly stems from the enthusiasm he has for the school. He attended UCLA for both his undergraduate and law degrees and taught law at Arizona State University. Gold explains, "The reality is that I have taught at another school, [and] I went to another school. I know a first-class law school when I see it. Loyola is a first-class law school, and it has only gotten better in the years that I have been here. It will only continue to get better. Everyone associated with this law school really has reason to be proud of that association."

Luckily, after the Simpson media frenzy, the media's siren song did not lure Dean Gold to a new career in broadcast commentating. His love of teaching and his love for the school kept Professor Gold as a member of the faculty at Loyola. With his enthusiasm, work ethic, and first-rate scholarship, Loyola will not only become a better school under his deanship, but has also already become a better school since Victor Gold joined the faculty.

Father Robert Scholla Named Campus Minister

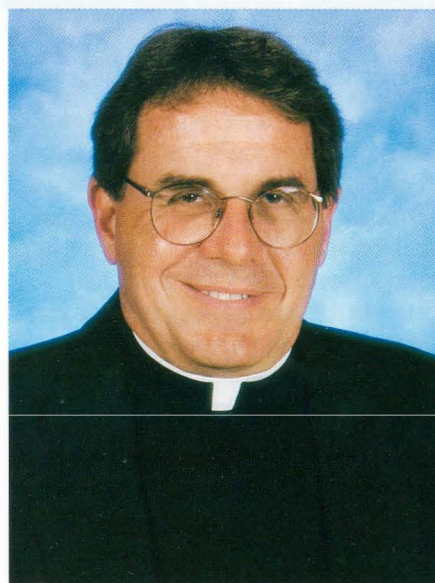
by Carey Melton '02

Loyola Law School welcomes new campus minister Robert Scholla, who takes the spiritual reins from James Erps, S.J., who has become the Director of Campus Ministry at Boston College. Scholla comes to Loyola Law School from Loyola High School in Los Angeles, and has an extensive educational background.

Scholla earned his undergraduate degree in the biological sciences from the University of Southern California, a teaching credential from the University of California at Berkeley, and a Master's Degree in Philosophy from Fordham University, New York City. In addition, Scholla has extensive training, including a doctorate degree in theology, from the Pontifical Gregorian University in Rome and the Jesuit School of Theology at Berkeley.

In addition, Scholla is also an accomplished teacher and lecturer. He has taught at numerous high schools, including Loyola High School and Bellarmine College Preparatory in San Jose. At Santa Clara University, he served as an assistant professor, an academic advisor and a visiting lecturer. This year, Father Scholla will be teaching a theological studies course, "Exploring the Christian Faith," to undergraduates at Loyola Marymount University. He has taught at every educational level, ranging from kindergarten to graduate school.

Father Scholla's duties will include providing support to the "interior life" of students, the faculty, and alumni. Scholla also encourages the entire Loyola



Father Robert Scholla, S.J.

community to utilize the services he provides, regardless of denomination. He also plans to continue the retreat program currently at Loyola, but adds that "We will see what the students and alumni want from their new campus minister." One of the main objectives for Father Scholla is to have a "presence on campus" allowing him to be available for his new flock whenever necessary.

Save The Date

Women's Roundtable

Orange County Event

Professor Therese Maynard will host a Women's Roundtable event in her home on the evening of Wednesday, February 7, 2001, from 6:30 p.m. to 8:30 p.m. A light buffet dinner will be served. The focus of this gathering is to provide our alumnae with an opportunity to discuss the issues facing women lawyers in today's ever-changing legal profession. The evening will feature brief presentations from several women alumnae who have chosen diverse career paths, to be followed by an informal discussion of the choices, compromises and solutions made by today's women professionals. (A similar presentation will be offered at a Los Angeles location later in Spring 2001 – date and time to be arranged.)

Please mark this date on your calendar now...we hope to see you there!

Culinary Celebration of Diversity

Professors Jennifer Kamita and Therese Maynard are pleased to announce that they will serve as the editors for "Taste of Loyola," a cookbook that will celebrate the wealth of diversity that is our Loyola community. Drawing on this rich tradition of culinary diversity, Professors Kamita and Maynard have organized a cookbook project that will be written by YOU – our very own alums. In addition, it will include recipes from our current faculty, students and staff.

Our goal is to publish at least 1,000 recipes. The finished cookbook will sell for \$20 and all proceeds will go to support and expand Loyola's existing public interest programs,

ANNOUNCEMENTS

including our loan forgiveness program (PILAP), and our public interest law summer internship program (PILF grants). We hope to collect all the recipes by year-end and to have the cookbook ready for purchase by Spring 2001.

To meet this goal, we are asking *EVERYONE* to contribute their favorite recipe(s) to our cookbook project. Included as an insert in this issue of the *Loyola Lawyer* is a form to fill out with your recipe contribution to our cookbook project. For you computer-savvy alums, the form can be found on Loyola's web page (<http://intranet.lls.edu/> - select "Fundraising - Taste of Loyola"). You can simply download the recipe form electronically, and then submit the completed form as an attachment to an e-mail addressed to Jennifer.Kamita@lls.edu.

Many of our faculty and alums have already submitted their favorite recipes. A sampling of just a few of the recipes that will appear in the *Taste of Loyola* cookbook include:

Dean David Burcham - (Class of '84)

Rosemary Leg of Lamb

Dean Victor Gold - *Latkes (Potato*

Pancakes)

Professor Christopher May - *Chicken with Orange and Ginger*

Professor Gerald McLaughlin - *Gerry's Chicken Stew*

Professor Michael Lightfoot (Professor of Law '73 to '85 - Talcott, Lightfoot, Vandeveld, Sadowsky, Medvene & Levine) - *Champ (Irish Mashed Potatoes)*

Scott Alderton (Class of '85 - Troop, Steuber, Pasich, Reddick & Tobey, LLP) - *The Alderton Family Christmas Morning Egg Souffle*

Ralph Blakeney (Class of '87 - Pillsbury, Madison & Sutro, LLP) - *Blakeney's Sunday Morning Buttermilk Waffles*

Paul Estuar (Class of '93 - Litt & Associates) - *Hawaiian Sesame Chicken*

Michael Flynn (Class of '85 - Stradling, Yocca, Carlson & Rauth, LLP) - *Grilled Swordfish with Stir Fried Noodles*

Ken Fong (Class of '88 - Hart, King & Coldren) - *Dad's Famous Ginger Beef with Rice*

Martha Romero (Class of '86 - Law Offices of Martha Romero) - *Scrumptious Chile Relleno Casserole*

Roman Silberfeld (Class of '74 - Robins, Kaplan, Miller, Ciresi, LLP) - *Roman's Guacamole*

And, of course, Professor Maynard has agreed to contribute a perennial favorite of hers, *The (Almost) Better Than Sex Cake*, and Professor Kamita will include her recipe for *Jenny's Middle-Age Cookies*.

We hope you will be part of our *Taste of Loyola* cookbook and ask that you send in your contribution as soon as possible. If you have any questions or comments, please contact Professor Jennifer Kamita by e-mail (Jennifer.Kamita@lls.edu) or call her at (213) 736-1057. We are counting on you to be part of Loyola's continuing commitment to support public interest law programs... *so send in your recipe(s) today!!*

Save The Date

Loyola Law School presents: Entertainment Law Symposium

"Developments In International Entertainment Law"

Saturday, February 24, 2001*

LeMerigot Hotel-Santa Monica

*In conjunction with the International Film Market
Information 213.736.8153.

Graham Sherr Named Assistant Dean of Career Services

Graham Sherr, J.D. Vanderbilt Law School '80, who has worked as Assistant Director of Career Services for seven years, has been named by Dean David Burcham as the new Assistant Dean in charge of the Career Services Office and its functions starting in January 2001. "I'm looking forward to the challenge of directing our career services operations under Dean Burcham. We want to be responsive to the needs of the students and directly in touch with the changing job market", stated Sherr. **LL**

We Need Your Support!

Invest in your degree
Make a gift to the Annual Fund 2001

Postage Paid Envelope Enclosed

Internet Voting & Democracy

1 Symposium held October 26th at Loyola Law School. Pictured here are (l to r) Symposium Director **Professor Richard L. Hasen**, Loyola Law School; **The Honorable Bill Jones**, Secretary of State, California; **Dean David W. Burcham**; and **Professor Frank Michelman**, Columbia Law School who presented the Key Note Address.

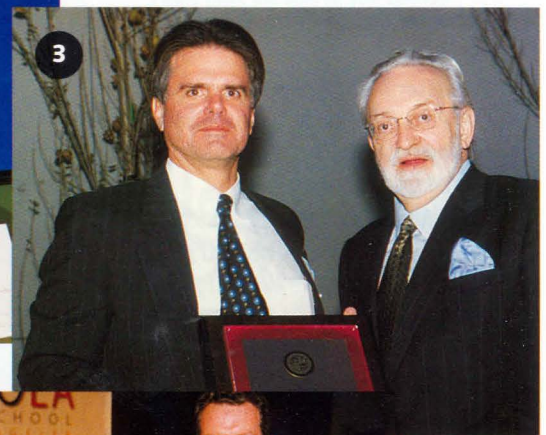


Annual Alumni Dinner

2 One of the 2000 Board of Governor Award Recipients **L. Hunter Lovins '75**. Ms. Lovins is the Co-CEO of the Rocky Mountain Institute, a environmental resource policy institute. She is pictured here receiving an award from the Alumni Association last spring. Ms. Lovins was name by TIME MAGAZINE as one of the "Saviors of the Planet".

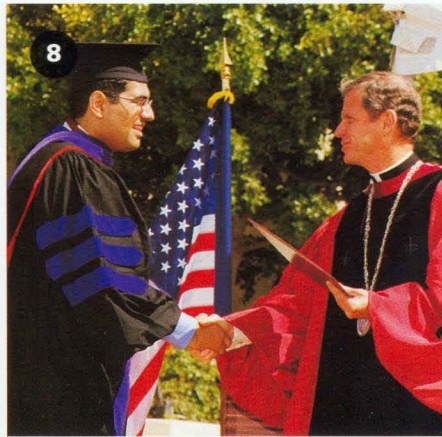
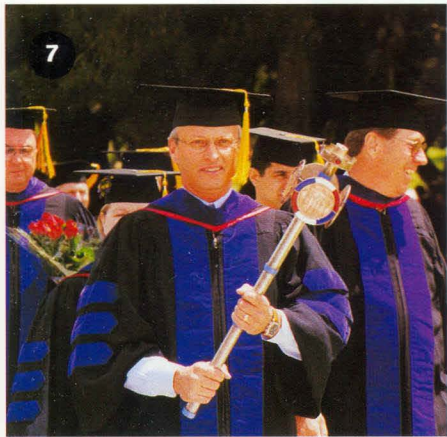
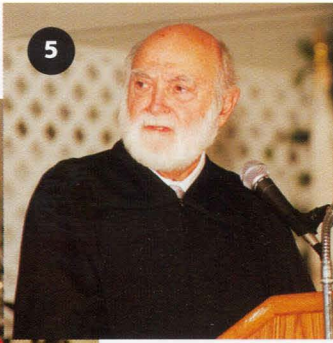
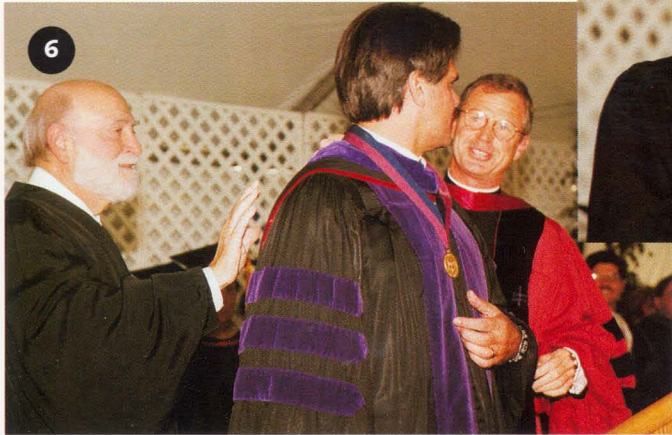


3 **Dean David W. Burcham** awards the 2000 Jurist of the Year Award to the **Honorable William F. Rylarrsdam '64** (Associate Justice California Court of Appeals) presented at the Trial Lawyer of the Year Dinner last spring.



4 Given the Distinguished Alumnus of the Year award last spring and pictured here are **Lloyd Greif '84**, **Helene Hahn '75**, and **Liam McGee '84**.





Installation of Dean Burcham

David W. Burcham became the 15th Dean of Loyola Law School celebrated at an official installation held at the Law School in August. **5** Keynote speaker was **Hon. Ruggero Aldisert** from the 3rd U.S. Circuit Court of Appeals (top). **6** Dean Burcham is congratulated by **Judge Aldisert** and Loyola Marymount University President, **Robert Lawton, S.J.**

2000 Comencement

7 Serving as Marshall for the Commencement and leading the procession is **Roman Silberfeld '74**

8 President **Robert Lawton, S.J.** congratulates **Pezhman Ardalan** Class of 2000.

9 Gathered with **Deans David Burcham** (l) and **Gerald McLaughlin** (far right), and President **Robert Lawton, S.J.** is the Commencement Speaker **Senator Christopher Dodd** from Connecticut (second from left).

Administration

10 Loyola Law School's Administration includes: **Michiko M. Yamamoto**, Associate Dean of Students Affairs; **David W. Burcham**, Dean; **Victor Gold**, Associate Dean Academic Affairs; **Robert Bride**, Associate Dean Business Affairs.

Rampart Scandal Forum

"The Rampart Scandal—Policing the Criminal Justice System" was held on September 14-15 on the Law school campus and included a number of panels discussing issues surrounding the Los Angeles Ramparts Division Police investigation. Panels included:

- 11** Los Angeles Councilman **Mike Hernandez**, Loyola Law School **Professor Laurie Levenson**, Attorney **Johnnie L. Cochran, Jr. '62**;
- 12** Los Angeles Police Chief **Bernard Parks (l)** and Los Angeles City Councilmember **Laura Chick**;
- 13** U.S. Attorney **Alejandro Mayorkas '85** (far left); **Honorable Susan Ehrlich**, Arizona Court of Appeals; Loyola Law School **Professor Samuel Pillsbury** (far right).





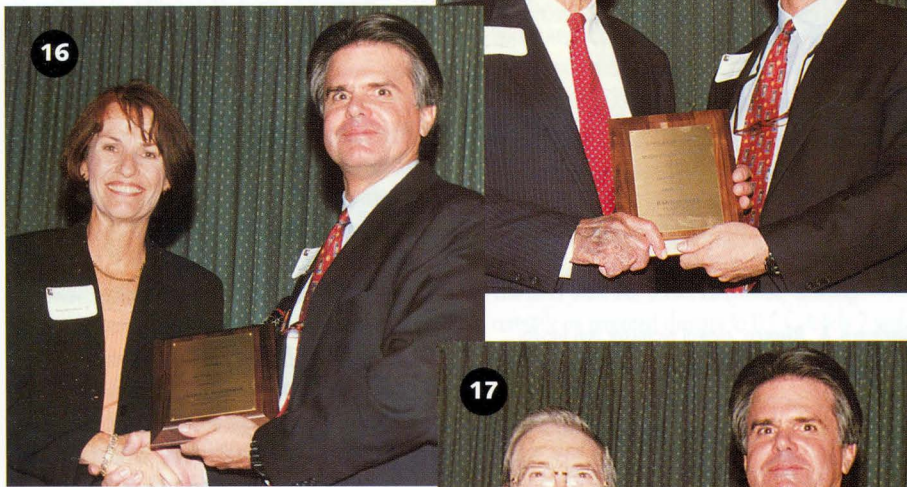
Yuen Scholars

14 Henry C. Yuen '80, President and CEO of Gemstar/TV Guide International, has funded three full scholarships for Loyola Law School students who are entering their final year. Pictured here are scholarship recipients **Antoine Raphael**, **Elizabeth Pechota**, and **Dr. LeRoy Kondo** along with program coordinator **Professor Karl Manheim**. The recipients will work closely with Mr. Yuen and the faculty to develop a law review article directed toward legislative and legal approaches in areas dealing with the internet.

Orange County Alumni Dinner

Receiving the Distinguished Alumni Awards in September 2000 were;

15 Barton Beek '55; **16** Janet T. Davidson, '78; and **17** Louis Knobbe '59 pictured here with **Dean Burcham**.



Professor Ellen P. Aprill

(John E. Anderson Chair in Taxation) has spent much of the spring and summer, as director of the new Tax LL.M. Program, publicizing the program; recruiting faculty, members of an advisory board and students; and establishing various policies. In addition, she has been organizing the Fourth Annual Western Conference on Tax-Exempt Organizations, cosponsored by Loyola and the Internal Revenue Service. Aprill presented her article, "Inadvertence and the Internal Revenue Code: Federal Tax Consequences of State Unclaimed Property Statutes," at Georgetown University Law Center under the auspices of E&Y Tax Policy Workshop. The article has been accepted for publication in the *University of Pittsburgh Law Review*. Over the summer, Professor Aprill wrote an article entitled "Tax Shelters, Tax Law, and Morality," which will be published in the *SMU Law Review* as part of a symposium on the business purpose doctrine; and finished editing her piece "Current Developments in Corporate Taxation," for publication in *2000 Major Tax Planning* (Proceedings of USC Law School's 52nd Institute on Taxation). She also became President of Temple Israel of Hollywood in July.



Professor William D. Araiza has published the articles: "Alden and the Web of Environmental Law," in volume 33 of the *Loyola Law Review*; and "Agency Adjudication, the Importance of Facts and the Limitations of Labels," in vol. 57 of the *Washington & Lee Law Review*. This past summer, Araiza served as the academic director, and also as an instructor, for the second annual Loyola Law School—Brooklyn Law School joint Summer Law Program in Beijing, China. In addition, Araiza has been reappointed to the Los Angeles County Bar Association's Sexual Orientation Bias Committee.

Susan Smith Bakhshian '91, associate clinical professor, has co-authored with Professor Mark E. Wojcik of The John Marshall Law School, a proposal for the Legal Writing Institute. This proposal suggests a new approach to teaching legal writing. By diving into editing and revision skills first, students actively learn the purpose and audience of legal writing. This new approach was presented at the Legal Writing Institute Conference in July 2000.

Sarah R. Bensinger, associate clinical professor, was recently elected to serve on the Board of the Oaks School in Hollywood, where for the past two years she has co-chaired the Learning Disabilities Committee.

Jean Boylan '86, associate clinical professor, served on the fundraising Committee for HeArt, a nonprofit organization which provides funding for art and music to inner city high schools. Boylan planned an event that raised over 26,000 for the Art and Music Programs at the high schools.

Lynne Bassis, adjunct professor and director of the on campus Disability Mediation Center, served as faculty coach for Loyola's team in the first ever ABA National Mediation Advocacy Competition. Competing attorney/client teams battled it out in simulated mediations. Students were scored according to predetermined criteria and received on the spot critiques and written evaluations of their performance. Loyola took first place in the regional rounds and competed in the national rounds held in conjunction with the ABA's Dispute Resolution Section's annual meeting in San Francisco. Bassis says the competition exemplifies new competencies which tomorrow's lawyers will be expected to demonstrate in the delivery of effective legal services.

Professor Robert W. Benson's book *Challenging Corporate Rule* has been published by Apex Press of New York, with cover endorsements by Noam Chomsky, Jim Hightower and Howard Zinn. In July, Benson addressed the annual convention of the Alliance for Democracy, held at the University of California in Davis.

Barbara A. Blanco, clinical professor and faculty externship director, is providing pro bono incorporation services for a non-profit volunteer horse rescue organization in Ventura County. This organization, comprised of veterinarians and volunteers, works with local authorities to rescue abused and neglected horses. The organization also provides free veterinary care and places the horses in safe, loving environments.

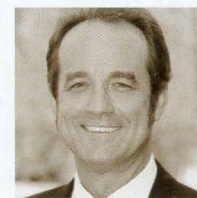
Sande L. Buhai '82, clinical professor and director of the Public Interest Law Department, is the chair of the Association of American Law School's (AALS) Section on Pro Bono and Public Service Opportunities. In addition to organizing public interest events throughout the year, Professor Buhai presented a discussion on ethics to the California Receivers' Forum in April.

Professor Robert Chang has published "Facing History, Facing Ourselves: Eric Yamamoto and the Quest for Justice" in vol. 5 of the *Michigan Journal of Race & Law*, along with "Performing LatCrit" in vol. 33 of the *U.C. Davis Law Review*. He also contributed a chapter, "Why We Need a Critical Asian American Legal Studies," in *Asian American Studies: A Reader* (Rutgers University Press, 2000). His book, *Disoriented: Asian Americans, Law, and the Nation-State* (NYU Press, 1999), is appearing in a paperback edition this September. In addition to continuing as a member of the executive board of the Association of American Law Schools Section on Minority Groups, he is a member of the Independent Review Panel investigating the LAPD Rampart Scandal.

Professor Jan C. Costello participated in the 25th Anniversary Congress on Law and Mental Health held in Siena, Italy in July 2000. Her presentation was entitled, "Ethical Issues in Representing Child Clients with Mental Disabilities." In March and in May, Costello presented trainings on "Due Process Rights of Children and Parents" to case workers in the Los Angeles Dependency Court. Professor Costello continues to serve on the Association of American Law Schools (AALS) Membership Review Committee.

F. Jay Dougherty,

associate professor, organized and hosted Loyola Law School's Second Annual Entertainment Law Symposium, held last spring, entitled, "Starting and Running an Internet Entertainment Company: Selected Legal and Business Issues". Dougherty wrote the "Foreword" for 20 *The Loyola of Los Angeles Entertainment Law Review's* Symposium on "Legal and Business Issues in the Digital Distribution of Music" (2000). Also, he was a participating speaker in the Los Angeles Copyright Society's roundtable on current issues in clearance of rights for the media at its Annual Retreat.



Professor Roger W. Findley, Fritz B. Burns Chair of Real Property, has recently published *Environmental Law* in a Nutshell, 5th Edition, (West Group, 2000), co-authored with Daniel A. Farber of the University of Minnesota.

Professor Catherine L. Fisk, William Rains Fellow, published a chapter on organizing janitors in *Organizing Immigrants* (Cornell University Press,

FACULTY ACTIVITIES & ACHIEVEMENTS

2000). Fisk spoke at the Judicial Conference of the U.S. Court of Appeals for the Tenth Circuit on burdens of proof in civil rights litigation and to the Association of Los Angeles Deputy Sheriffs on public employee strikes. She gave her paper, "Working Knowledge: Trade Secrets and Noncompetition Agreements in Employment and the Rise of Corporate Intellectual Property, 1800-1920," at the 2000 Business History Association meeting, and wrote a *pro bono* amicus curiae brief on the use of race and ethnicity in magnet schools admissions in *Scott v. Pasadena Unified School District* (9th Cir.). Fisk continues to serve as first vice president of the ACLU of Southern California, and on committees of the Los Angeles County Bar Association.

Professor Edith Z. Friedler's current articles are: "Shakespeare's Contribution to the Teaching of Comparative Law: Some Reflections on the Merchant of Venice," published in 60 *Louisiana State University Law Review* (2000); and "Judicial Review in Chile, Symposium on Judicial Review in Latin America," published in the *Southwestern Journal of Law and Trade in the Americas* (Winter 2000). She also has written, "Fundamentals of Immigration Law," a chapter in *Law of the United States Affecting Trade with Latin America*, to be published by Wm. S. Hein & Co. - the Spanish translation to be published by McGraw Hill-Mexico. (Friedler rewrote the chapter due to sweeping changes in the 1996 laws.) Last March, Friedler was a visiting scholar at the University of Bologna and Verona, giving four lectures on Law in the Americas. Also this past spring, she served as a panelist for "Impact on Immigration Law of the Elian Gonzalez Case," a California State University presentation; and for "Will Laws Affecting Domestic Partnerships have an Impact on U.S. Immigration Policy?" a Beverly Hills Bar Association conference.

Associate Dean for Academic Affairs Victor J. Gold, professor and William M. Rains Fellow, published Volume 31 of *Federal Practice and Procedure*, in August. In addition to his having recently been appointed associate dean [see story, page 47], Gold has been appointed to the Board of Directors of Temple Emanuel of Beverly Hills.

Professor Paul Hayden's article, "Butterfield Rides Again: Plaintiff's Negligence as Superseding or Sole Proximate Cause in Systems of Pure Comparative



Responsibility," was published in 33 *The Loyola of Los Angeles Law Review* 887 (2000). His latest article, "Professorial Conflicts of Interest and Good Practice in Legal Education," is forthcoming in the *Journal of Legal Education* (2000). This past June, Hayden participated in a drafting session in Philadelphia as a member of the American Law Institute's Members Consultative Group on the Restatement (Third) of Torts: General Principles. The Fourth Edition of his casebook, *Torts and Compensation* (with Dan B. Dobbs), is nearing completion and will be published in Spring, 2001 by West Group.

Professor Laurence R. Helfer's essay, *Will the U.N. Human Rights Committee Require Recognition of Same-Sex Marriages?*, in the book *The Legal Recognition of Same-Sex Partnerships* (Robert Winemute & Mads Andenas eds.) is forthcoming in November 2000. Helfer presented his paper, "An Analysis of the WTO United States - Section 110(5) Dispute" at the International Intellectual Property Law & Policy Conference at Fordham Law School last April, and also at Whittier Law School's Summer Intellectual Property Program.

Professor Bryan D. Hull recently published (with Aalok Sharma, class of 1999) "Satisfaction Not Guaranteed: California's Conflicting Law on the Use of Accord and Satisfaction Checks", 33 *Loyola of L.A. Law Review* 1 (1999). He also published the update to *Payment Systems*, the multivolume treatise he co-authored with Professor Lary Lawrence. He serves as a volunteer judge pro-tem in the Orange County Superior Court, hearing small claims cases (Judge Judy, watch out!). He also continues to serve as an advisor to the California State Bar U.C.C. Committee, advising currently on proposed changes to U.C.C. Article 2 and the proposed Uniform Computer Information Transactions Act.

Professor Kurt T. Lash, W. Joseph Ford Fellow, directed Loyola's Summer Program in Bologna, Italy. In addition to directing the three-week program, Lash also taught Comparative Constitutional Law. In October, he was a panelist at Thomas Jefferson Law School's Conference on Religion in the Schools. Lash's particular panel's topic is: "Is Government Aid To Private Religious Schools Constitutional?"

Professor David P. Leonard's (William M. Rains Fellow) 2001 Supplement to *Selected Rules of Limited Admissibility: Regulation of Evidence to Promote Extrinsic Policies and Values*, is expected to be

published November 2000. Leonard also will have two articles published in Volume 34 of *The Loyola of Los Angeles Law Review*: "Character and Motive in Evidence Law," slated for publication December 2000; and "Different Worlds, Different Realities," expected for release in early 2001.

Professor Laurie L. Levenson, William M. Rains Fellow, published two books this year: *California Criminal Procedure* (2000) and *Federal Criminal Rules Handbook* (2000); and also published the article, "Cases of the Century" in *The Loyola of Los Angeles Law Review*. Levenson lectured for the Federal Judicial Center this summer and spoke at a variety of community events.

Professor Therese H. Maynard's article, "Teaching Professionalism: The Lawyer as a Professional" was published this summer by the University of *Georgia Law Review*. In May, Maynard chaired a panel titled, "Corporations in Society: Furthering a Successful Securities Regulatory Regime" at the annual Law & Society meeting in Miami, Florida. She continues to serve as director of Loyola's Summer Study Aboard program in Beijing, which boasts a record of 43 students enrolled in this past summer's two-week program. Maynard has been invited to present a paper on controversial underwriting practices in the context of a "hot IPO" at the interdisciplinary Law & Entrepreneurship Conference this fall at Lewis and Clark Northwestern School of Law in Portland, Oregon. Professor Maynard also was appointed to the Executive Committee of the newly created Section on Securities Regulation of the Association of American Law Schools (AALS). This past summer, she continued to serve as a national lecturer throughout the country for BarBri Bar Review.

Professor Samuel H. Pillsbury, a year ago this fall, obtained and fulfilled a grant from U.S. State Department to select and purchase two small libraries of works on U.S. criminal procedure and trial advocacy, for use in Chile pursuant to that nation's criminal procedure reform. Pillsbury spent the spring 2000 semester on sabbatical at the Facultad de Derecho, Universidad de Chile in Santiago, Chile. While in Chile, he gave workshops on teaching oral advocacy to professors in Santiago, Temuco and Antofagasta, Chile. Pillsbury also gave a workshop on trial advocacy for lawyers in the Consejo de Defensa de Estado; the equivalent of the nation's Attorney General's office. He also gave two talks while in Chile: "Justicia Penal: El Alma de un Pais Democratico" (Criminal Justice: The

Soul of a Democratic Nation)—given before law students at Universidad Catolica de Temuco, Escuela de Derecho; and “Valores de la Democracia y la Justicia Penal: Igualdad y Transparencia,” presented before students, professors and judges at Universidad de Antofagasta. Pillsbury’s book *Judging Evil: Rethinking the Laws of Murder and Manslaughter* now appears in a paperback edition from NYU Press; and his article titled “Harlan, Holmes, and the Passions of Justice,” has been published in *The Passions of Law* (S. Bandes ed. NYU 2000).

Professor Katherine T. Pratt’s article, “The Debt-Equity Distinction in a Second Best World,” was published by the *Vanderbilt Law Review* last June. *The Corporate Practice Commentator* has requested permission to reprint the article.

Professor Florrie Roberts has been appointed to the Steering Committee for General Real Estate of the Real Property Section of the Los Angeles County Bar Association.

Professor Dan S. Schechter’s article titled, “Comments on the New Romanian Collateral Law, and Its Effect on the Development of Commercial Finance,” is scheduled for publication in the November 2000 issue of the *International Insolvency Review*. Schechter spoke before the Los Angeles County Bar Association in March on “Enforcement of Creditors’ Remedies Under Revised Article 9;” before the California State Bar Association in April on “Recent Developments Affecting Real Estate Finance;” and before the California Receivers’ Forum in April on “Protecting the Receiver Under the Order of Appointment.”



Arnold I. Siegel, clinical professor and director of legal research and writing, continues to serve on the Pasadena Planning Commission, and was recently elected chair of the Design Review Commission.

Professor Kathryn Tate has published the article, “California’s Anti-SLAPP Legislation: A Summary of and Commentary on its Scope and Operation,” in volume 33 of the *Loyola Law Review*. Professor Tate is currently on leave working on the rewriting of the Ethical Lawyering graded problems.

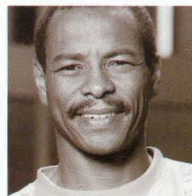
Professor Georgene M. Vairo (William M.

Rains Fellow) writes a column for the *National Law Journal* on forum selection issues. Vairo serves on the Board of Editors of *Moore’s Federal Practice*, and updates the Treatise’s chapters on removal, venue, and multidistrict transfer. She prepared an article for the Loyola Federalism Symposium focusing on the impact of the Supreme Court’s federalism decisions on mass tort resolution. Vairo prepared the third edition of her book on Rule 11 sanctions, and wrote articles for and lectured at ALI-ABA Advanced Federal Civil Practice programs. In addition, she is preparing a history of the Dalkon Shield Claimants Trust, for which she served as chairperson from 1989 until the Trust’s termination. Vairo also continued raising funds for AIDS research by riding in the first Alaska AIDS Vaccine Ride.



Professor Gary C.

Williams, in May of this year, was named to the Board of Directors of the Los Angeles Child Guidance Clinic. In June, Williams became a co-chair of the ABA Section on Litigation Law Schools Committee. In September, he will be a speaker for the Loyola Law School and *The Loyola of Los Angeles Law Review* two-day symposium, “The Rampart Scandal: Policing the Criminal Justice System.”



Visiting Professor

Jeffery Atik: Professor, Lawyer, Traveler. Home is where the heart is, and Jeffery Atik is at home. Unlike the average person who may consider a certain city or structure as the place to relax and settle down, Atik seems comfortable at law school: not necessarily a particular law school, but nearly any law school. This academic year, he will be calling Loyola Law School home as he will be teaching several international law courses as a visiting professor.



When pressed, Atik will claim Boston as his current home. “Boston is where I have been based for the last nine years, so it’s clearly been my home. I’ve lived and practiced there before. I’ve spent more time in

Boston than probably anyplace else,” explains Atik. He is a tenured professor at Suffolk University School of Law, where he has taught on such international subjects as international trade, the European Union, and NAFTA. As comfortable as he may feel in Boston, he still feels just as good in Southern California since he “spends a lot of time in California. I’ve got a lot of family out here. I’m very comfortable with this area as well.”

Atik earned his undergraduate degree from the University of California, Berkeley in Comparative Literature (English and Spanish), and his juris doctor from Yale University. At Yale, he whet his appetite for international affairs by serving as the editor of the *Yale Journal of World Public Order*. In the past, he has also served as a visiting professor at Boston College Law School, Tufts University, and Indiana University. This list does not include the numerous conferences and other educational activities which have taken Atik places ranging from Sweden to Hungary to Mexico. For the fall semester at Loyola, Atik is teaching International Business Transactions and International Banking Law. In the spring, he plans to teach International Law and a seminar on international trade.

Before he was able to dive headlong into a teaching career, Atik also worked as an associate at firms in New York and Boston. At the tender age of 29, he quit his job as an associate and started his own practice in Milan, Italy. Atik “had very much wanted to practice overseas” and was able to work in collaboration with another American who had started a law firm in Milan. Atik cites impatience as his reason for moving across the pond to Italy. “I guess like a lot of people I was impatient and wanted to get out on my own.” After three years in Italy, Atik felt it was the proper time to begin his quest to fulfill his career ambition to educate others. Upon his return to the States, he began his transition into teaching.

Despite his extensive travel, Atik has grand plans for the future. True to his calling as an international law professor, he has countless places in the world that he would like to visit. Atik almost reluctantly states that he is a “Europeanist,” meaning that he specializes in European laws and issues. The apparent reluctance stems not from disinterest in the region, but rather a desire to learn about and become an expert in other regions as well. Atik still plans on visiting countries throughout Asia, Africa, and South America.

For now though, Jeffery Atik has set aside his globetrotting for at least a year in order to spend time at Loyola Law School. Although he is 3,000 miles away from his base of operations, Atik is still truly at home at Loyola. **LL**

2001 J.D. Summer Tax Session

May 21 to July 19, 2001

CORPORATE TAXATION II:

advanced topics in the federal income taxation of corporations and their shareholders (prerequisite: an introductory course in corporate taxation)
(2 semester credits)

**CRIMINAL TAX PRACTICE
AND PROCEDURE:**

the substantive and procedural law of criminal tax practice (no prerequisites)
(2 semester credits)

PARTNERSHIP TAXATION I:

fundamentals of the federal income taxation of partnerships and limited liability companies (prerequisite: an introductory course in federal income taxation)
(2 semester credits)

TAX-EXEMPT ORGANIZATIONS:

organizing and operating non-profit organizations exempt from federal income tax (no prerequisites)
(2 semester credits)

Tax LL.M. Program

To matriculate Summer or
Fall 2001 or Spring 2002

For further information
regarding Loyola's
Summer Tax Session
or Tax LL.M. Program,
call the Admissions Office
at 213-736-1024 or
visit our web site at

www.LLS.edu

Loyola's Summer Tax Session is open to JD students from any ABA-accredited law school. Students should confirm that their home school will credit Summer Tax Session courses towards their JD degrees. All Summer Tax Session courses may be also credited towards Loyola's Tax LL.M. should the student later apply and be admitted to that program.

SAVE THE DATE

**LOYOLA LAW SCHOOL
ALUMNI ANNUAL DINNER 2001**

**March 15, 2001
Beverly Hilton Hotel
Beverly Hills**

**The Social Event of the Year!
Cocktails & Hors d'oeuvres 6-9 P.M.
Socialize the Entire Night
Renew Old Friendships
Meet the New Dean**

**Brief Presentation of Awards
Honoring Distinguished Alumni**

Alejandro N. Mayorkas '85

Joseph E. Rawlinson '58

Honorable Patricia M. Schnegg '77

and

Professor Michael E. Wolfson '73

for his 19 years of service

Invitations mailed in January. Be there this year!

OTHER ALUMNI ACTIVITIES

Women's Roundtable "Choices" Program

Orange County – February 7

Entertainment Law Symposium

February 24

**Latino and African American
Scholarship Events**

TBA

Trial Lawyer of the Year Dinner

April 18

Alumni Office Information

213-736-1029

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