

3-1-1992

# Loyola Lawyer

Loyola Law School - Los Angeles

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## Repository Citation

Loyola Law School - Los Angeles, "Loyola Lawyer" (1992). *Loyola Lawyer*. 18.  
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# LOYOLA LAWYER

SPRING 1992

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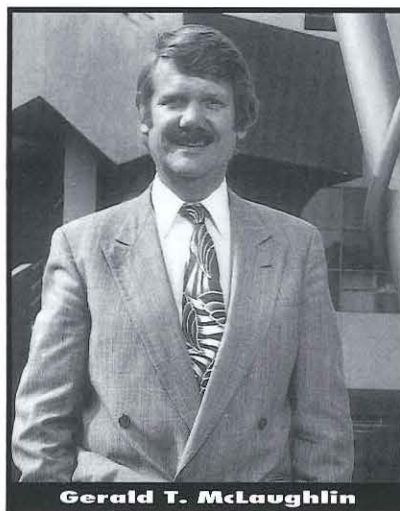
# ON BEING THE DEAN

"**H**ere is the answer which I will give to President Roosevelt," Winston Churchill told the British people in February of 1941. "Give us the tools and we will finish the job."

My message to Loyola Law School's graduates in April of 1992 is much the same: "Give us your support and we will finish the job of making Loyola one of the premier law schools in the Western United States."

In my opinion, this goal can be achieved by the end of the decade. Look how far the Law School has come since it was founded in 1920. There were only nine students in that first entering class. Now our students number over 1,300. The median LSAT score for our 1991 admitted class ranked in the 90th percentile nationally. Our students have become quite competitive in the job market. There are few large law firms or public interest agencies in Los Angeles, or for that matter in California, that do not have Loyola graduates on their staffs. With increasing frequency, our students are now seeking job opportunities outside of California. Some even seek employment abroad. For example, during the past year, two of our students worked for the summer in Seoul, Korea; another was an intern in the Office of the High Commissioner for Refugees in Geneva, Switzerland. Over and over again I hear the same message from employers: "We really like what we see at Loyola Law School."

But no law school moves into the top register of U.S. law schools without a carefully planned strategy. Loyola has such a strategy — let me share it with you.



Gerald T. McLaughlin

## A Strategy for Excellence

1) **Loyola must continue to improve its academic reputation.** Reputation-building takes time, but we have implemented several measures aimed at achieving this goal. The first measure concerns faculty hiring. In recent years, the time and energy spent on faculty hiring has been enormous. Happily, the results have been rewarding. Slowly we are building a core of nationally and even internationally known faculty. In my view, no law school can achieve true greatness without a productive and research-oriented faculty. Law reviews can also play a significant role in reputational growth. To raise their visibility in the academic community, our law reviews have begun to publish a series of academic symposia

that focus on broad policy issues. The first symposium addressed the issue of whether

the rules of evidence really matter in the practical world. Organized by Professors David Leonard and Victor Gold, over 20 law professors and judges have contributed essays for publication in the *Law Review*. The symposium should constitute a major addition to the literature in the evidence field and without doubt will be heavily cited in the years to come.

We have also begun to sponsor high-level, on-campus debates and colloquia for the bench and bar. The Fritz B. Burns Foundation has again come to the aid of the Law School by establishing an annual debate series at the Law School. The first debate on the "takings" clause of the Fifth Amendment featured Professor Richard Epstein of the University of Chicago School of Law and Professor Joseph Sax of the University of California (Berkeley) School of Law. Professor Dan Schechter

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## LOYOLA LAWYER

LOYOLA LAW SCHOOL - LOYOLA MARYMOUNT UNIVERSITY

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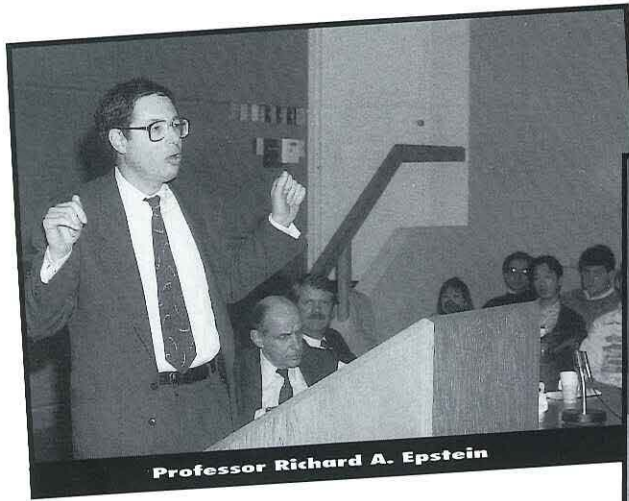
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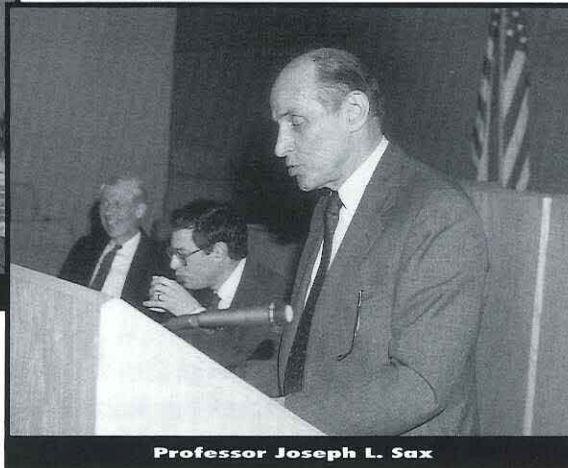
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LETTERS TO THE EDITOR ARE ENCOURAGED. PLEASE ADDRESS THEM TO THE EDITOR, LOYOLA LAWYER, LOYOLA LAW SCHOOL, 1441 W. OLYMPIC BLVD., LOS ANGELES, CALIFORNIA 90015

OPINIONS EXPRESSED IN THIS PUBLICATION DO NOT NECESSARILY REPRESENT THOSE OF THE EDITORS OR THE ADMINISTRATIONS OF LOYOLA LAW SCHOOL AND LOYOLA MARYMOUNT UNIVERSITY.



Professor Richard A. Epstein



Professor Joseph L. Sax

In his opening remarks, Dean Gerald T. McLaughlin noted that this was the first time it had rained in Los Angeles on March 20th "since Cro-Magnon times." Yet the veritable torrent which fell that afternoon couldn't dampen the enthusiasm of the attendees nor the heated rhetoric of the two distinguished academics participating in the first annual Fritz B. Burns lecture.

Entitled "The Constitutional Dimensions of Property: Rent Control, Coastal Management and Regulatory Takings," the debate featured Professor Richard Epstein of the University of Chicago Law School and Professor Joseph Sax of the University of

California School of Law at Berkeley — two of the nation's most active and vocal authorities on property law — advocating opposing viewpoints in the lively one-hour debate followed by audience questions.

was decided that since the South Carolina statute was protecting a compelling public interest, the government did not have to compensate. The award was overturned.

Professor Epstein fired the opening salvo with a spirited overview of what he called the "totally confused and completely inadequate state of substantive law" regarding government "takings" of private property by use-restrictive regulation. His contention was that private property often is taken for

public use without any compensation to the owner under the rubric of protecting the public from some ill-defined and suspect harm.

Reading from the South Carolina statute, Epstein was hard-pressed to find the public harm so egregious that it would outweigh the Fifth Amendment requirement of "just compensation." Although there was language about protecting the beaches

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# SPIRITED DEBATE MARKS FIRST BURNS LECTURE

by  
Thomas Riordan '94

## Epstein and Sax Debate Property "Takings"

California School of Law at Berkeley — two of the nation's most active and vocal authorities on property law — advocating opposing viewpoints in the lively one-hour debate followed by audience questions.

The Fritz B. Burns Foundation's sponsorship of this annual lecture series is a further example of its continuing support of Loyola's efforts to enhance the quality of legal education and academic investigation. By bringing pre-eminent scholars together to explore opposing sides of pressing legal issues, these lectures will promote exchange among lawyers, scholars, public officials and students.

"As Mr. Burns was a real estate developer, we felt it would be appropriate to initiate the series with a debate on critical aspects of property law," said Professor Roger N. Findley, moderator of the debate.

Property law issues are at the forefront of interest this year as the U. S. Supreme Court will be deciding two major property rights cases this term, *Lucas v. South Carolina Coastal Council* and *Yee v. City of Escondido*. Both liberals and conservatives believe these decisions may have far-reaching impact on rent-control laws, free market economics, investments, property development and environmental regulations. *Lucas* and *Yee* were launching pads for the debate, although the discussion focused primarily on issues raised in *Lucas*.

In *Lucas*, the plaintiff was not allowed to build a house on his South Carolina beachfront property due to regulations passed after Hurricane Hugo. At trial, *Lucas* was awarded \$1.23 million as compensation for the regulatory "taking." On appeal it

### PRIVATE PROPERTY AND THE CONSTITUTION

by Professor Roger W. Findley, Fritz B. Burns Chair of Real Property

Private Property is the principal institution adopted by Western societies to allocate land and other scarce resources among the citizenry, as well as to provide individuals some security against governmental domination. The United States Constitution provides that private property shall not be taken for public use without just compensation. However, the definitions of "property" and of what constitutes a "taking" are elastic, and have been expanded and contracted over the years by the Supreme Court.

In *Pennsylvania Coal Company v. Mahon*, decided by the Supreme Court in 1922, Justice Holmes said, "The general rule...is that while property may be regulated to a certain extent, if regulation goes too far it would be recognized as a "taking." The continuing issue since that time has been, when does regulation go too far?"

Because the *Lucas* and *Yee* cases may provide substantial guidance to the resolution of this issue, we at Loyola Law School thought that these cases would be an ideal focus for the debate presented as the First Annual Fritz B. Burns Lecture.

After the Court has decided these cases, we hope to have Professors Epstein and Sax back to the campus next year for another program to explore the meaning of the decisions and to offer some prognostications for the future.

# ORDER OF THE COIF INDUCTEES HONORED

**T**he Order of the Coif is a recognition of how far Loyola Law School has come," said Dean Gerald T. McLaughlin at the Order of the Coif Ceremony for 1991 inductees held January 16 in the Darling Pavilion of the Rains Library. Professor Lawrence B. Solum explained the significance of the Order of the Coif — which is the national legal honor society — and summarized Loyola's ongoing commitment to excellence. "Loyola started small, as a part-time evening program," Solum said, "and we have grown to become one of the largest J.D. programs in the nation, with an outstanding student body, a truly superior faculty, and a distinguished body of alumni."

In addition to honoring the 38 members of the Class of 1991, the Order also permits member chapters to honor each year an alumnus/a who as a lawyer, judge, or teacher has attained high distinction for scholarly and/or professional accomplishment. Upon the unanimous recommendation of the faculty, Joseph E. Rawlinson '58 — in recognition of his achievements as both attorney and Certified Public Accountant, and for his significant humanitarian activities — was named an honorary member of the Order of the Coif that evening.

Solum gave a brief history of the Order of the Coif, named for the wigs worn in medieval England by members of the

## Joseph E. Rawlinson '58 Receives Honorary Membership



Honoree Rawlinson (I) with William H. Hannon and Donald P. Merrifield, S.J., LMU Chancellor.

Order of the Sergeants of Law and still worn by English barristers. According to Solum, the Order originated in the United States when two legal fraternities merged in the 1920s. The purpose of the Order is to encourage excellence in legal education by fostering a spirit of careful study, and to recognize those students who have completed their course of study in the top 10 percent of their class. Loyola Law School was awarded a chapter of the Order in 1990.

"There is little that Joe does which doesn't redound to the benefit of Loyola Law School," said J. Robert Vaughan '39 as he introduced honoree Rawlinson, his friend and colleague. Rawlinson's fellow Fritz B. Burns Foundation trustees William H. Hannon, Edward Slattery, and Don Freeberg as well as Vaughan, who all know of Rawlinson's concern for Loyola, were present for the occasion. Hannon has said of Rawlinson, "I don't think we could work with a more honest, hard-working and intelligent individual... I've never found any critics against him."

Rawlinson was joined at the podium by Dean McLaughlin and Thomas P. O'Malley, S.J., President of Loyola Marymount University, who presented him with the certificate of membership. 1991 inductees received their certificates from Professor Jennifer Friesen, President of the Loyola Chapter.



## CAMPUS CEREMONY SWEARING-IN

94 Alumni Begin a New Tradition

Speaking on behalf of the Law School faculty and administration, Dean Gerald T. McLaughlin remarked that he was "extremely gratified by the number of graduates who elected to be sworn-in here today in light of the very short time between notification of bar results and the date of swearing-in." He announced that this event is the first of what will be "an annual tradition for Loyola Law School alumni." Following McLaughlin's remarks, the Oath was administered by former Law School Dean and Professor, the Hon. Frederick J. Lower, Jr., '64, now judge of the California Superior Court. Graduates and guests enjoyed a reception on the Donovan Patio while the newly sworn-in attorneys had their Oath Cards signed by Judge Lower and Justice Ramirez.

Loyola Law School alumni/ae who passed the July, 1991 California State Bar Examination were sworn in as members of the Bar on December 17 at the first formal swearing-in ceremony held at the Law School campus. More than 250 guests of the graduates, along with members of the faculty and administration, witnessed the proceedings. Roxanne E. Christ, '85, President of the Alumni Association Board of Governors welcomed graduates on behalf of the Alumni Association. The principal address was delivered by the Hon. Manuel Ramirez, '74, Presiding Justice of the California Court of Appeal, 4th District, Division Two.





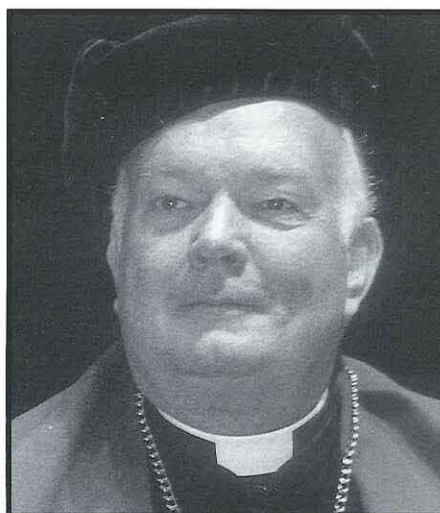
Internationally renowned architect **Frank O. Gehry**, creator of the Loyola Law School campus, addressed a group of Los Angeles business leaders at a luncheon at the Law School on February 11. He took those present through a slide presentation of Loyola's development since 1979 and delighted everyone with his reflections on various aspects of the campus renaissance. Despite the enormous degree of international acclaim heaped on him in recent years, Gehry — 1989 winner of architecture's highest accolade, the Pritzker Prize — has continued to maintain a close involvement with development at Loyola. "Loyola was my first major commission," he told the group. Gehry showed slides of a number of his current projects throughout the United States and Europe.

This year alone, Gehry has received several major awards. The highly prestigious Wolf Prize was awarded to him by the Wolf Foundation of Israel. Gehry also received the American Institute of Architects 1992 National Prize for his design of the Vitra Furniture Museum in Weil Am Rhein, Germany. Most recently, he was awarded the 1992 Progressive Architecture Magazine competition's Architectural Design Award for the American Center in Paris. In the same competition, he received a Design Citation for the Frederick R. Weisman Art and Teaching Museum at the University of Minnesota.

In addition to the American Center in Paris, his more notable current endeavors include the Walt Disney Concert Hall in Los Angeles, a major project for Euro Disney, and a large fish sculpture for the city of Barcelona.

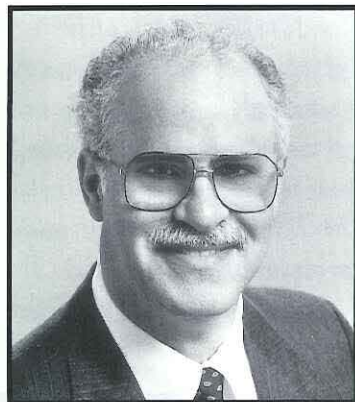
Representatives of 105 colleges and universities from around the world along with the faculty, trustees, and regents of Loyola Marymount University — all in academic regalia — gathered on March 3 to form the colorful and impressive procession which commenced the ceremony to inaugurate **Rev. Thomas P. O'Malley, S.J.**, as the University's thirteenth president. Pomp and circumstance were the order of the day as the LMU choruses, the Chamber Orchestra, and a brass ensemble filled Gersten Pavilion with inspiring and uplifting music. Formal greetings were offered to Fr. O'Malley by members of each of the University constituencies, including greetings from the Law School by Dean Gerald T. McLaughlin.

Following the inaugural address delivered by Sr. Maureen A. Fay, O.P., President of the University of Detroit Mercy and the only woman president of a Jesuit university, the Presidential Seal and



University Charter were given to Father O'Malley by Roland Seidler, Jr., Chair of the Board of Trustees, assisted by Sr. Mary Milligan, R.S.H.M., Board Secretary.

In his tribute to Fr. O'Malley, Dean McLaughlin concluded his remarks with a classical allusion to the Roman historian Gaius Suetonius. "Suetonius said that during Caesar Augustus' long years of rule, Augustus made so many improvements in Rome that he could rightfully boast that he had found Rome a city of brick and left it a city of marble. Father O'Malley, your first months here have shown us all that, when you step down from office, you will be able to boast that you found this University a strong and vibrant one, but left it — with its new Leavey campus — one of the premier Catholic universities in the nation."



**Marc Hankin '80** has long been a familiar sight in the California State Capital in Sacramento as he continues to campaign for changes in the law to benefit senior citizens. His latest legislative success is the passage in October of SB 679, an amendment to the Elder Abuse and Dependent Adult Civil Protection Act. The amendment provides for conservatorship, court general jurisdiction, the recovery of pain and suffering damages even after death for seniors who have been abused by con artists, nursing home workers, relatives, etc. Hankin believes that this law is necessary to protect against a growing number of those who prey on the elderly.

Hankin's involvement in the concerns of the elderly stems from his own difficulty with the Medi-Cal system when his father was diagnosed with Alzheimer's disease and needed long-term nursing care. According to the information then given to the family by Medi-Cal, in order for his mother to avoid virtual impoverishment before her husband could be declared eligible for Medi-Cal benefits, she was forced to divorce him — after 40 years of married life — in order to convert half of their estate to her separate property.

After graduating from Loyola and earning an LL.M. in Taxation from New York University, Hankin was drawn into further activism on behalf of the elderly. Fueled by frustration and anger over the trauma his own family suffered — not only because of then-existing laws, but also because of Medi-Cal procedures — Hankin devoted much of his time and effort to achieve passage of the first law he drafted, W&I Code Section 14006.2, California Spousal Protection Against the High Cost of Long-Term Care, which asserted the rights of Medi-Cal applicants to qualify for benefits by separating property without resorting to divorce. The bill was used as a model for a similar federal law which took effect in 1990.

Hankin has subsequently drafted and been instrumental in the adoption of other laws and amendments to the Probate Code and has authored proposals which are yet to be acted upon by the Legislature. Intense and passionate about his work, Hankin, a partner of Grayson, Givner, Booke, Silver & Wolfe, says that he practices law to finance his "pro bono habit."

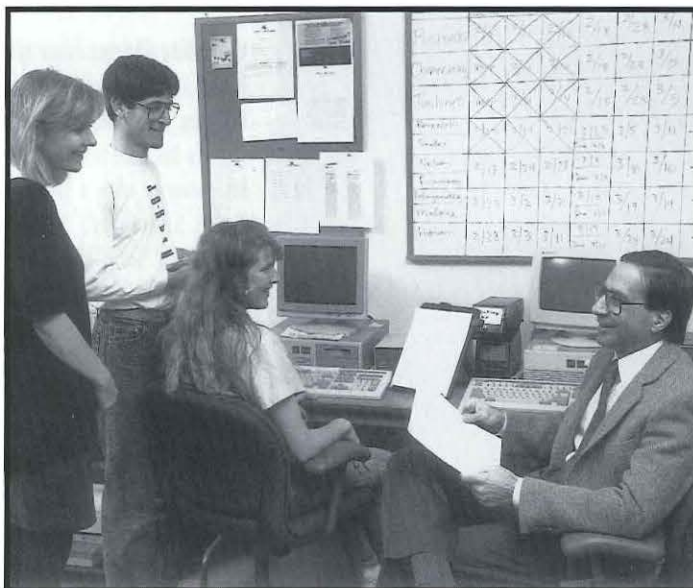
**Hon. Victoria M. Chavez '78** was elevated from the Municipal Court to the Superior Court of California in January. She was sworn-in during a private ceremony by her father, **Hon. Victor E. Chavez, '59** also of the Superior Court. They are one of the few father - daughter teams in the judiciary.



**Helene Hahn '75** recently was honored with Sara Lee's 1991 Frontrunner Award in Business. Hahn was cited as a "woman of dedication, compassion and courage who has led the way in her chosen field." Hahn holds the distinction of being the first woman to head the business and legal departments of a major motion picture studio as lawyer and Executive Vice President of Walt Disney Studios.

# FACULTY

More than 20 outstanding evidence scholars from around the country have contributed to a *Loyola of Los Angeles Law Review* Symposium entitled "Does Evidence Law Matter?" which was published in April. All of the contributors are deeply involved with the law of evidence. They include law professors from such diverse schools as UC Berkeley, Northwestern, Michigan, Fordham, UCLA, Oregon, and Brooklyn. The Hon. Arthur Alarcon, of the U.S. Court of Appeals for the Ninth Circuit, also contributed an essay. Loyola faculty members Victor Gold and David Leonard, with help from Professor Laurie Levenson and Dean Gerald T. McLaughlin, solicited the participation of these experts. Approximately 350 pages in length, the symposium involved extensive personal contact with contributors and editorial work on numerous drafts of their manuscripts. According to **Chief Articles Editor Ann Penners Wrosch** (shown standing with articles editors Mark Snyder and Marjorie Turk and Professor Leonard), "the success of the Evidence Symposium is in large part attributable to the hard work of all eight articles editors of the Law Review, each of whom carried an unusually heavy editorial load."



**Professors Therese Maynard and Joseph Sliskovich**, who are team teaching Business and Tax Planning this spring, have invited several Loyola alumni to serve as guest lecturers. They are assisting in describing, negotiating, drafting and role-playing several types of recurring business transactions. According to Maynard, "This program gives alumni an opportunity to view and participate in the academic process and at the same time helps convey to students a real-world sense of what it is to be a 'transactional lawyer.'"

Participants are drawn from a wide spectrum of practice settings, from in-house counsel to Wall Street practice, and the size and types of "deals" reflect a similar range. Guests lecturers include **Ken Berke** of Allied-Signal Aerospace Company, Torrance; **Lary Cohn** and **Michael Flynn** of Stradling Yocca Carlson and Rauth, Newport Beach; **Richard Troop** and **Scott Alderton** of Hill Wynne Troop & Meisinger, Westwood, and **Nick Saggese**, **Michael Mohr**, and **Moshe Kushman** of Skadden, Arps, Slate, Meagher & Flom, Los Angeles.

Professor Jan C. Costello has announced that seven Loyola graduates have been granted assistance under **Loyola's Public Interest Loan Assistance Program (PILAP)** this year, up from four in 1990-91 and two in 1989-90. "Graduates who want to help the disadvantaged often need help themselves," said Costello. "They may have been forced to shoulder \$60,000 or more in loans to complete law school. Such a massive debt would burden any new lawyer, but for one who desires a career in public

interest law where annual starting salaries are typically in the low \$20,000s, it can be overwhelming." Loyola's program helps make such a choice possible to graduates employed at an annual salary of less than \$38,000 by a qualified public interest program, i.e., a non-profit organization providing civil legal services to indigent, low-income or underrepresented persons such as the elderly, children, and disabled persons.

The primary object of PILAP is to provide substantial

On April 9, Loyola Law School was privileged to host oral arguments of the **United States Court of Appeals for the Ninth Circuit**. The arguments were held in the Moot Courtroom. The distinguished panel included **Circuit Judges Harry Pregerson, Dorothy Nelson, and Charles Wiggins**. Summaries of facts and issues presented by the cases argued were made available to students in advance of the argument. Appointed to the Ninth Circuit by President Carter in 1979, Judge Pregerson served as a U.S. District Court Judge, a Superior Court Judge, and on the Municipal Court. He is known for his work with community groups in East Los Angeles and for advocacy on behalf of the homeless. Judge Nelson, also appointed by President Carter in 1979, is former Dean and Professor of Law at the University of Southern California Law Center. She was the second woman appointed to this court. Judge Wiggins, a 1984 Reagan appointee, served for many years in the U.S. House of Representatives.

Among the cases the Court selected to be heard that day — chosen because of their particular interest to students — were an appeal from a murder defendant claiming that his guilty plea was coerced; a diversity of citizenship action for wrongful termination; an appeal in a multi-million dollar loan fraud case; and a civil rights action against L.A. Police Chief Gates for misconduct during a police investigation (and raising the issue of sanctions against a lawyer for misconduct during the trial).

On January 17, students observed as the **Bankruptcy Appellate Panel** of the United States Court of Appeals for the Ninth Circuit held oral arguments at the Law School. The panel comprised the Hon. Sidney C. Volinn, Hon. Robert Clive Jones, and Hon. Lawrence Ollason.

# COMMUNITY

financial assistance to qualifying graduates during the first five years of practice, when it is most needed. Loyola graduates receiving assistance are currently employed by the Inner City Law Project, Elderline Project of the Los Angeles County Bar Association, Inland Counties Legal Services, San Fernando Valley Neighborhood Legal Services, Bet Tzedek Legal Services, Farm Workers Education and Legal Defense Fund, and Legal Aid Foundation of Los Angeles.



Cuauhtemoc Cardenas (l), Prof. Roger Findley (c) and Prof. Edith Z. Friedler.

If it is indeed true — as Professor Edith Z. Friedler, Director of the Loyola Institute for Latin American Legal Studies, maintains — that “The progress toward the ultimate determination of the North American Free Trade Agreement is being carefully monitored by many if not all Latin American countries,” then the issues raised at the recent international conference held at the Law School on **“Latin American Free Trade and the Environment”** will have a bearing not only on this agreement, but on all other similar agreements which may be proposed in the future.

The success of this timely conference, held February 28 and 29 at the Law School campus, was due in large part to organization of Loyola Professor Robert W. Benson, Research Director of the Institute.

Attendees who gathered to consider the issues raised by the conference included representatives of the governments of the United States, Mexico and Brazil; Latin American and United States political leaders; academics; legal scholars; law students; representatives of numerous political and community agencies; and members of the media. The keynote speaker, Cuauhtemoc Cardenas,

leader of the Democratic Revolutionary Party of Mexico and the focal point of the Inaugural Dinner on Friday evening, spoke on “Free Trade, Environment and the Need for a Social Charter.”

Saturday’s program featured John Cobb, Jr. of the School of Theology at Claremont who delivered a paper entitled “Growth Without Progress,” which considered GNP and alternative indicators of the costs and benefits of free trade. A second panel considered a paper presented by Anne Alonzo, Attorney and Environmental Protection Agency Attache to the U.S. Embassy in Mexico City entitled “Pollution Across Borders: Mexico and the United States.” Saturday’s luncheon featured two keynote speakers, James R. Holbein of the Office of Latin America of the U.S. Commerce Department who advocated “The Case for Free Trade,” and Herman E. Daly, Senior Economist of the Environment Department of the World Bank who opposed Holbein’s contention in “The Case Against Free Trade.” At the final panel, Jose Goldemberg, recently named Minister of the Environment of Brazil, presented a paper “Technological Leapfrogging,” which considered the transfer of technology. In concluding the program, U.S. Congressman William R. Richardson (D-New Mexico) attempted to answer the question “Will the Congress Approve a North American Free Trade Agreement?”

**VISITING FACULTY BRING NEW PERSPECTIVES TO LOYOLA.** To increase the breadth and perspective of the academic program, Dean Gerald T. McLaughlin has sought to bring outstanding scholars and legal experts to the Law School faculty on visits of one or two semesters. This spring, **Visiting Professor Jacob Dolinger** is teaching Comparative Law and Jewish Law. **Scholar in Residence Robert Rendell** teaches Banking Law and International Trade. It should be noted that the Scholar in Residence Program brings members of the bar and judiciary to be in residence at the Law School.

A specialist in international law, and international litigation in particular, Professor Dolinger is widely published in both Portuguese and English. He has recently visited at both Brooklyn Law School and the University of Miami School of Law. He has held the academic appointment of full professor of Private International Law at the State University of Rio de Janeiro since 1959. In accordance with Brazilian custom, along with his academic activities, Professor Dolinger maintains an intensive legal practice in the fields of civil, commercial, and international law in Rio de Janeiro, New York, and Zurich and serves as attorney for various foreign corporations which are active in Brazilian industry and commerce. Dolinger says that the opportunity to teach, study, and reflect that faculty visits in American law schools have provided to him is a significant contrast to the life that academics lead in Brazil where they must both teach and practice.

Scholar In Residence Robert Rendell is a partner in the Dallas, Texas law firm of Johnson and Gibbs where he heads the firm’s International Practice Group and also practices in the Banking Department. Highly regarded in his areas of expertise, he has written and lectured extensively on international trade and banking law. He currently serves as Chair of the American Bar Association Section of Business Law’s Committee on International Business Law and is past chair of the ABA Section of International Law and Practice. A *magna cum laude* graduate of the Woodrow Wilson School of Public and International Affairs at Princeton University, Professor Rendell also holds an LL.B. and LL. M. from Harvard Law School. “Through his publications and bar activities,” says Dean McLaughlin, “Bob Rendell has become a well-known and respected figure in international trade and banking circles.”

**Professor Roger W. Findley, Fritz B. Burns Chair of Real Property**, has been employed by the United Nations as a consultant to advise the government of Colombia on the structuring and revision of laws and programs that concern the environment and natural resources. He is charged with the goal of developing a three-year working plan for the implementation of these changes.

Third year evening student **Trish Peckham** was honored at the California State Bar Convention in Anaheim last fall as the winner of the 1991 Essay Contest of the Criminal Law Section of the State Bar. She is the second Loyola student to achieve this distinction. Peckham learned of the contest while engaged in an independent study project with Loyola Professor Laurie Levenson, to whom Peckham is quick to give credit, citing her invaluable advice, and constructive criticism. An edited version of Peckham’s semester-long project entitled “The California Grand Jury and the Criminal Law Justice System: The Impact of Proposition 115” received a cash award and was published in the Criminal Law Section’s fall newsletter.

FACULTY



## DEAN CONTINUED

of our faculty, also organized two invitation only roundtable discussions for the Los Angeles bankruptcy bar. Professor Marcy Strauss invited constitutional law professors from neighboring ABA accredited law schools for an evening of scholarly exchange. All of these programs have been extremely well received. It is the slow piling up of one successful event upon another that will strengthen our reputation and make the word Loyola a synonym for excellence.

2) **Loyola must continue to internationalize its programs.** When lawyers measure the greatness of a law school a decade from now, they will inevitably have to look at the school's commitment to international programs. Given the growing interdependence of the world's economy, international law cannot simply be viewed as one course in the law school curriculum; it must be viewed as its own discrete curriculum.

We have begun to take steps to broaden our offerings and programs in both international and comparative law. Next year, for example, we will offer such courses as International Banking, International Trade, Canon Law and Jewish Criminal Law. In the 1991-92 academic year, visiting professors from Australia and Brazil joined our faculty each for a semester. Next academic year, professors from Israel and Singapore will visit us. We have just added to our full-time faculty a professor who was born in Ghana and educated in Benin, Africa. I should also note that Loyola continues to sponsor a highly successful summer school at the University of Costa Rica Law School and is considering sponsoring judicial exchanges with foreign law schools.

3) **Loyola must continue to improve both the quality and diversity of its student body.** Ultimately, the reputation of any school will be judged by the competence of its students. We have worked hard to improve both the quality and the diversity of our student body. As I mentioned earlier, the admitted 1991 freshman class had a median LSAT score in the 90th percentile nationally. At the same time the number of students from minority group backgrounds increased significantly. To continue to improve these statistics in the face of consistently escalating tuition costs will not be easy. It is clear to me that the Law School must increase scholarship and loan funds to help offset the ever-mounting debt burden of our students. It is also clear to me that we must emphasize the unique qualities of this Law School. Our focus has always been "student-centered." Over the years, Loyola has strongly emphasized the importance of good teaching; not surprisingly, the school has also encouraged its faculty to combine good teaching with an open-door policy with respect to its students. Our "student-centeredness" also shows in our night program — a program that has given hundreds of students the opportunity to change their careers and better their lives. We will continue these policies in the future. It is

## DID YOU KNOW...

- ▶ **Loyola is the largest ABA law school in California.**
- ▶ **The median LSAT of the class admitted in 1991 is at the 90th percentile.**
- ▶ **The first year class has a minority enrollment of 32%.**
- ▶ **Loyola boasts a full time faculty of 52 — up from 27 in 1982.**
- ▶ **More than 160 judges are Loyola alumni.**
- ▶ **The Governor of Nevada, the Lieutenant Governor of Hawaii and the Secretary to President Bush are graduates of Loyola Law School.**

this "student-centeredness" that will make us increasingly attractive to quality students.

4) **Loyola must continue to strengthen its ties to its alumni/ae.** I know of no great law school in these United States that does not boast of a committed alumni/ae organization. I have repeated this to alumni/ae group after alumni/ae group. When the message is important, the message must and should be repeated. The over 7,500 living alumni/ae of Loyola Law School can provide the energy to fuel Loyola's advance to the highest altitudes of excellence. We need your good words; we need your networking to help find job opportunities for our students; we need your contacts with foundations and potential donors; we need your own financial support.

"Give us the tools and we will finish the job."

## SPIRITED DEBATE CONTINUED

from erosion, there was also language about protecting the beaches from aesthetic harm. Epstein read this as protecting the economic interests of the tourism industry and the sensitivities of "back-to-nature" environmentalists.

"This is income-transfer through regulation," said Epstein. "What they couldn't get by contract, they were able to steal by election."

According to Epstein, allowing for uncompensated "takings" creates an incentive for the government to over-regulate. He believes that if the government is going to "take" with these types of regulations, then it should be held financially liable and required to compensate. Consequently, the government would be forced to evaluate the environmental "bang" gained for its "buck."

"In *Lucas*, the question is, are you getting \$1.23

million worth of public benefit?" he asked. "And since this affects hundreds of homes along the coast, do you see 20 billion dollars worth of public benefits from "taking" all this land?"

Professor Sax also put forth a forceful, persuasive case. His point was that the government isn't "taking" under the Fifth Amendment when it restricts private use to prevent public or environmental harm. This notion is based on the well-established area of nuisance law and the constitutionally recognized police power of the state to protect its citizens from harm created by private use of property.

Sax believes that, based on "current scientific knowledge," society is developing an expanded view of harms occasioned by private use. Just as the law has long justified an uncompensated "taking" when an owner builds on a landslide area threatening harm to his neighbors below, so does today's ecological understanding justify the same by showing aggravated coastal erosion caused by construction on fragile dune systems.

After reading to the crowd from Epstein's *amicus curiae* brief in the *Lucas* case, Sax accused Epstein of "wanting to fix the law of nuisance somewhere in the 19th century because of his desire for certainty."

"Should we have a standard set in the 1850s just to keep a law that can be known?" he asked Epstein. "Is this the price society should pay for fixity?"

Sax further claimed that the statute also protected the public from large scale harm occasioned by the destruction of houses which are particularly vulnerable during hurricanes. Not only is the public endangered by flying debris, there are more serious harms to consider like the pollution caused by broken sewer lines, which can devastate marine life, and therefore, industries dependent on it.

Although the overflow crowd in the Moot Courtroom could not reach agreement on a winner, the consensus reached at the champagne reception which followed was that the debate was both informative and entertaining.

Gideon Kanner, professor emeritus at Loyola and an expert in eminent domain law, thought the audience was treated to a "lively professorial exchange." Kanner would have preferred that Epstein and Sax had addressed the issues in light of existing case law. "They debated in theoretical terms as if the Supreme Court were about to write on a blank slate," said Kanner. "But there is a good deal of case law which the Supreme Court will take into consideration and which they did not in their debate."

For those unable to attend the debate, Professor Findley announced that Professors Epstein and Sax will publish articles responding to the decisions of the Supreme Court in *Yee* and *Lucas* in the first issue of the 1992-93 *Loyola of Los Angeles Law Review*.

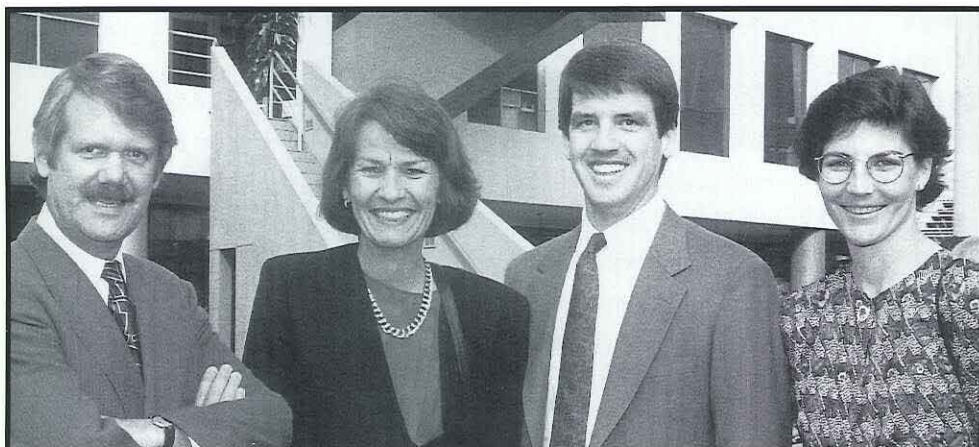
# EVENTS



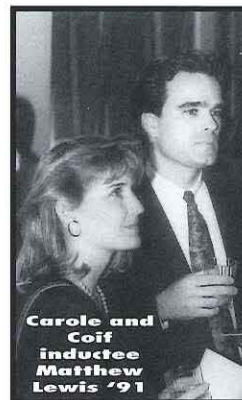
Ariane and Larry McLaughlin '78 at Big Cap Day.



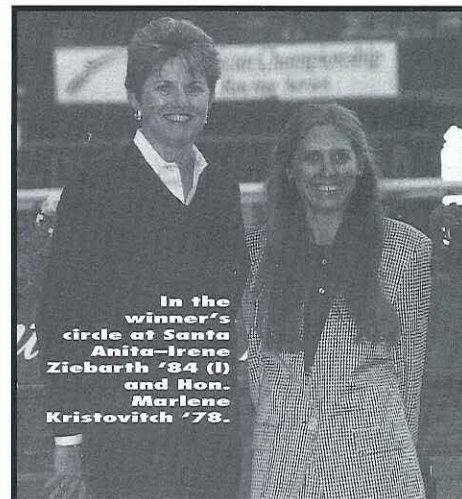
Hilda (second from left) and Sam Arkoff '48 (r) with friends at Big Cap Day.



Janet Toll Davidson '78 with son Garr Davidson '91 at the Swearing-In with Dean McLaughlin and Roxanne Christ '85 (r).



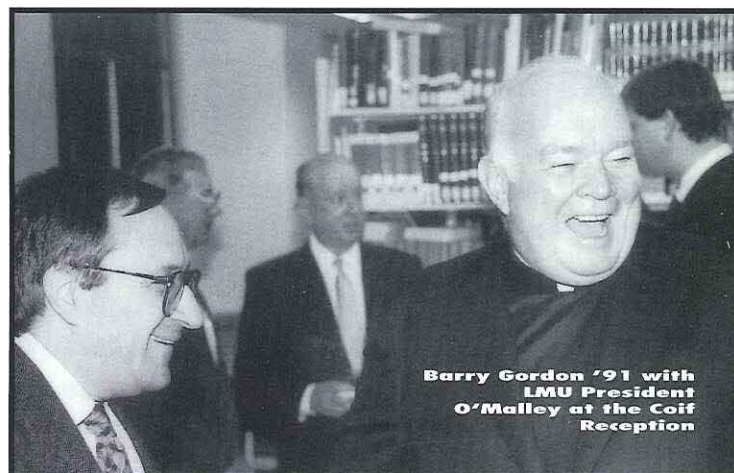
Carole and Coif inductee Matthew Lewis '91



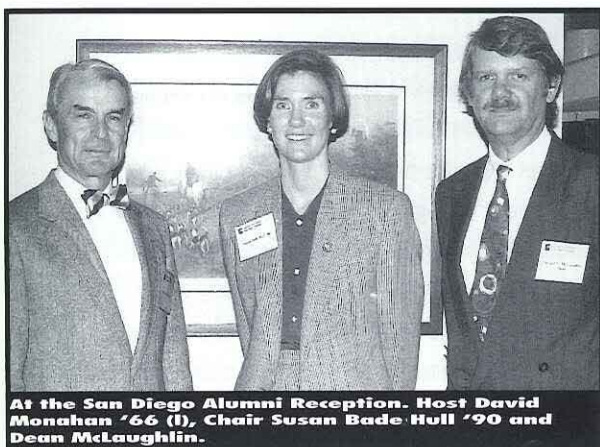
In the winner's circle at Santa Anita-Irene Ziebarth '84 (l) and Hon. Marlene Kristovitch '78.



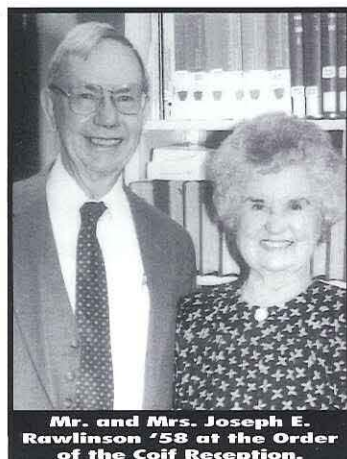
Meghan A. White '91, the first recipient of the Lloyd Tevis Award in Commercial Law.



Barry Gordon '91 with LMU President O'Malley at the Coif Reception



At the San Diego Alumni Reception. Host David Monahan '66 (l), Chair Susan Bade Hull '90 and Dean McLaughlin.



Mr. and Mrs. Joseph E. Rawlinson '58 at the Order of the Coif Reception.

# EVENTS

Do you have a job opening?

Do you know of a student we should recruit?

Have you moved or changed jobs?

**REMEMBER**  
The Loyola Law School  
**ALUMNI HOTLINE**  
**1-800 ALUM-LAW**

**1952 Alan R. Woodard**, co-founder of the Loyola Law School Alumni Association and Advocates and organizer of the first Scott Moot Court Competition, formed a new partnership with alumna **Angela Hawekotte '79**, past president of the Loyola Board of Governors and current chairperson of the Advocates, and **Daniel J. Woodard '85**. The firm's practice includes estate planning; probate; trust management and litigation; and federal and state income, gift and estate taxation. Their offices are located in Pasadena.

**1960 Peter S. Smith**, a retired judge, has moved his successful arbitration and mediation practice to new offices in Monterey Park.



John Collins

**1961 John J. Collins**, partner in Collins, Collins, Muir & Traver of Pasadena, was selected 1991 California Trial Lawyer of the Year by the American Board of Trial Advocates. This honor is awarded by one's peers in consideration of outstanding work. The ABOTA is a national organization dedicated to the preservation of the jury

system. All its members have tried a minimum of 20 jury trials in courts of general jurisdiction.

**1964 Hon. William F. Rylaarsdam**, supervising judge of Orange County Superior Court's Complex Litigation panel, was named 1991 Judge of the Year by the Orange County Bar Association's Business Litigation section. **Hon. Philip E. Schaefer**, Judge of the Superior Court for San Bernardino County, is running for re-election this year.

**1967 Janet L. Chubb**, who joined the firm of Jones, Jones, Close & Brown's Reno, Nevada office in August 1989, announced the recent merger of her firm with that of Mortimer, Sourwine, Mousel and Sloane. Bankruptcy, bond work, and class action wrongful death suits will be the expanded firm's areas of specialty.

**1968 Hon. Luis A. Cardenas**, elevated to the Orange County Superior Court in 1980, was recently profiled in the *Orange County Reporter* as the leading judge in settlements of criminal cases (80 percent of his cases each month). **Col. Howard P. (Pat) Sweeney**, U.S.A.F., is the staff judge advocate for the Headquarters Air University, an institution of professional military, graduate level and continuing education, at Maxwell A.F.B. in Alabama. This position is the military equivalent to a general counsel for a major university.

**1971 Hon. Victor H. Person** was recently appointed to the Superior Court of Los Angeles County, taking the bench in the Pomona Superior Court, Department E.

**1972** For **John Alan Cohan**, when not practicing tax law, he is practicing the piano. Besides being a preeminent specialist in horse-investment law, he has developed an

international reputation as a composer of classical music. He is last year's winner of a prestigious competition to compose an orchestral work based on the diaries of Christopher Columbus. The work — to be performed by the Binghamton Symphony and Chorale — will premier in New York this October. **David C. Grant**, a judge *pro tem* in the Orange County Superior Court for the last nine years, opened a seven-lawyer firm with partner Barry Laubscher. The firm specializes in business, real estate and securities litigation. **Michael Stanley** was promoted to partner at Brobeck, Phelger & Harrison in its San Francisco office. Stanley practices civil litigation with a focus on products liability.

**1973 John R. Contos** and **Bruce Bunch '74** have moved their expanded civil litigation practice to new, larger offices in Woodland Hills. Contos has just been appointed to the committee on long-range planning for the Superior Court. Bunch had recently lectured to the National Business Institute. **Raul Granados** was recently featured in the *L.A. Times* as he took office as president of the 600-member Mexican American Bar Association. His goal is to increase the effectiveness of MABA's mentoring program, which assists Latino law students to enter the "mainstream" of the profession. **Helen N. Oda**, and husband George Abe, are proud to announce the birth of their second child, Rosemeri Kay Abe, weighing in at six lbs., three oz. **Hon. Jan A. Pluim** calls himself the "high-tech judge." Appointed to the bench of the Los Angeles Superior Court in January 1991, he has been assigned one of the six state-of-the-art courtrooms located in the new Central Civil West in the Mid-Wilshire District. These courtrooms come fully equipped with voice-activated video cameras instead of court reporters.

**1974 Hon. Deanne Myers (Smith)**, appointed to the South Bay Municipal Court in 1989, was unanimously elected as 1992 assistant presiding judge.

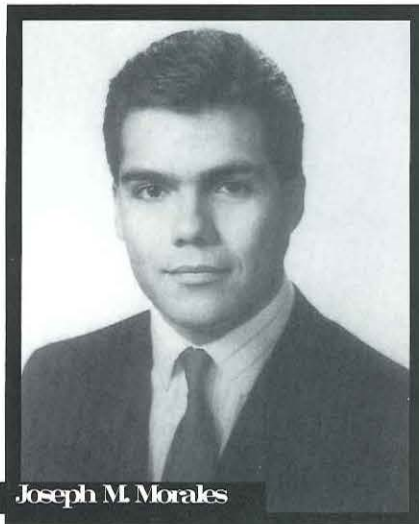
**1975** Last January, **Paul Lorenzini** took over the helm as president of Pacific Power and Light, one of the largest investor-owned utilities on the West Coast. **Robert M. Myers**, city attorney of Santa Monica since 1981, was the subject of an article in the *L.A. Times* in February. According to the article, Meyers, known as the "father of rent control," once again came to loggerheads with the city council when they asked him to draft a law to control camping in the city's parks by homeless people. In October, **John D. Peck** became the 60th president of the Pasadena Bar Association, as well as the president of the Board of Directors of the Hear Center.

**1976 Steve Paine** just completed his first year as managing partner at Cotkin, Collins & Franscell in its Los Angeles office.

**1977 Ana I. Segura** was appointed by Mayor Bradley to the Los Angeles City Police and Fire Pension Commission, which is responsible for all investment decisions for the 4.5 billion dollar trust fund. She continues to practice commercial and employment litigation as a partner at Reinis & Reinis. In September, **Craig Simon** was the keynote speaker at the International Association of Special Investigative Units conference in San Antonio, Texas.

**1978 Hon. Marlene Kristovitch** has developed an alternate sentencing program, which has received considerable attention, for people convicted of DUIs. Dubbed HAM (Hospital and Morgue) this program requires that offenders take a graphic guided tour of

hospital emergency rooms and the county morgue to get a look at the unfortunate results of DUI. **David L. Moring** has just opened the "Law Offices Of ..." in Century City. His practice will specialize in employment law and alternative dispute resolution programs.



Joseph M. Morales

**1979 Nancy Miller Salzman** has left the law firm of Simon McKinsey to pursue a solo practice in litigation of independent contractor matters and to build a practice in the area of adoption law. **Joseph M. Morales** joined the Pasadena firm of Hahn & Hahn. He was also appointed by Pasadena Mayor Jess Hughston to the 15-member Redistricting Task Force for the city. **Michael A. Santoro** joined the Los Angeles office of Cadwalader, Wickersham & Taft as counsel, further

expanding the firm's range and depth in the real estate and workout area. He will concentrate on major project lending, debt restructures and bankruptcy. **Judith B. Sporn** has her own practice specializing in immigration, nationality and consular law.

**1980 J. Scott Bovitz** and **Susan M. Spitzer '82** are not only partners in marriage. They opened the law firm of Bovitz & Spitzer in December. Last year, Bovitz was a featured speaker on bankruptcy law at the California State Bar Convention and the National Conference of Bankruptcy Judges. **Marla E. Levine** joined Morgan Creek Productions as counsel in October 1991, leaving her position as director of business and legal affairs at Sovereign Pictures.

**1981 Richard J. Foster**, partner at the Irvine firm of Case, Knowlson, Moble, Burnett & Luber, was elected president of United States Water Polo, the governing body of the sport. **James M. Phillippi** joined Knapp, Petersen & Clarke as a senior principal in the firm. He is manager of the real estate department and will continue his practice in transactional and litigation real estate matters.

**1982 Mark J. Drever** was promoted to corporate vice president for FreshCo, Inc. He has been with FreshCo, Inc., since 1988. Although he has no plans to return to full time lawyering, he remains of counsel with his former firm, Noland, Hamerly, Etienne & Hoss. **David L. Edwards** was recently re-elected to another four-year term as president of the Shasta County Board of Education. He continues his general trial practice in Redding.

**1983 Carol Elswick (Williams)** was appointed to the Santa Anita Municipal Court as a court commissioner in June 1991. In January, **Rick S. Kirkbride** was elected partner at Stroock & Stroock & Lavan's Los Angeles office. He is currently a member of the executive committee and chairperson of the commercial development subsection of the real property section of the Los Angeles County Bar Association.

**1984 John Borer** was promoted to managing director of corporate finance and senior vice president of Rodman & Renshaw Capital Group, Inc., last October. The Chicago concern is a full-service broker/dealer and investment banking firm. **Judith A. Lower '84**, **Stanley H. Shure '84** and **Catherine Endo Chuck '85** became shareholders in the firm of Thorpe and Thorpe in January. Lower has been an associate with the firm for six years, specializing in representation of redevelopment agencies and real estate developers. Shure, with the firm two years, practices business litigation. Chuck was a six-year associate practicing corporate law. Aside from his practice with Cotkin, Collins & Franscell, **Scott D. MacLathie** spent 1991 running seminars on proactive civil liability management for law enforcement agencies nationwide. In April, he and wife Laurie had their second son, Ryan Robert. **Liam McGee**, executive vice president of Security Pacific Corporation, will oversee the California branch operations of the new BankAmerica, created by the merger of Bank of America and Security Pacific.

**1985 Janice L. Feinberg** has been contracted to serve as the director of the American Society of Consultant Pharmacists' Research and Education Foundation. Since graduation, Feinberg has been in Washington D.C. putting her J.D. and Pharm.D to work as a consultant to a variety of pharmacological concerns. **Marianna Hofer** was busy in 1991 putting on estate planning seminars for a variety of organizations.

**1988** In November, **William D. Burding Jr.**, has become an owner of the National Title of Denver, Co. where he is in-house counsel. In May, he and wife Dana had their first child, Alissandra. **Erin L. Foster** practices law with the Woman's Legal Center in New Orleans, LA. She and her husband, Richard Lynn Ducote, have co-authored two published monographs on child abuse. Foster and Ducote also co-authored the birth of their daughter, Emily Foster Ducote, published January 19, 1991. **Samuel K. Kiang** was sworn in as mayor of Monterey Park on November 25, 1991.

**1989 Vahan Hogroian** publishes a newsletter for the alumni of Section One '86. The June 1991 issue included such items as **Tim Neal** marrying Miranda (you might have met her at the Alumni Awards Dinner), **Leni Janner** playing fender guitar after-hours in the office and **Alma Thurmer** working as an assistant prosecutor in Battle Creek, MI. If you have any good gossip or are not receiving your copy of the newsletter, write to Hogroian, 97 Cold Soil Rd., Lawrenceville, NJ, 08648. Alumni **Vickie Michael** and **Jon Walluck** became partners in marriage last June. She practices municipal finance with Hawkins, Delasfeld & Wood. He practices sales law with the Law Offices of Jerry Ellinghouse. They are expecting their first child in August, 1992.

**1990 Robert J. Hale** was promoted to Deputy District Attorney II in December. **Darlene "Di" Ricker (Sordillo)** wrote the cover story for the *ABA Journal* (July 1991) on police brutality. She is also a contributing editor on the *ABA Student Lawyer* and writes the "Verbatim" monthly column on legal writing.

**1991 Rebecca H. Lessley** and husband Michael announce the birth of Michael Andrew Lessley on November 22, 1991. **Rebecca I. Lobl** was named associate at Baker & Hostetler, McCutchen Black's Los Angeles office.



MAY

- 1 **Chancellor's First Friday Mass and Forum**  
Chapel of the Advocate 7:30 a.m.  
Speaker: Michael Josephson,  
Josephson Institute of Ethics
- 1 **Law Day Red Mass**  
Immaculate Conception Church 5:30  
p.m. Reception; Student Lounge, Burns  
Building 6:30 p.m.
- 12 **Board of Governors' Meeting**  
Bannan Room, Burns Building 6:00 p.m.
- 15 **Admissions Dinner for 1992 Entering Students**  
5:30 p.m.

JUNE

- 5 **Chancellor's First Friday Mass and Forum**  
Chapel of the Advocate 7:30 a.m.  
Topic: Euthanasia;  
Speaker: Dr. Paula Vandegaer
- 7 **Commencement Ceremony**  
Loyola Marymount University
- 9 **Board of Governors' Meeting**  
Bannan Room, Burns Building 6:00 p.m.

JULY

- 26 **American Disability Act Celebration**  
Western Center for Law and  
the Handicapped
- 28-30 **California State Bar Examination**
- TBA **1975 Class Reunion**  
Heritage Square Museum, Pasadena

AUGUST

- TBA **Alumni Night at the Hollywood Bowl**
- 10 **Orientation for Entering Students**
- 11 **Board of Governors' Meeting**  
Bannan Room, Burns Building 6:00 p.m.
- 17 **First Day of Fall Semester**

FUND RAISING UPDATE:

• In early January, the Law School learned that **Mrs. Athalie R. Clarke** contributed \$1,000,000 to the scholarship named for her grandson, James Irvine Swinden '79. This scholarship was instituted to provide financial aid for needy students of promise, particularly

those from low income and minority backgrounds, who deserve to benefit from a Loyola Law School education.

• From the estate of **Irene McManus Dockweiler**, a bequest of \$48,000 has been received to be designated the John Francis Dockweiler Scholarship Fund in memory of

Mrs. Dockweiler's late husband.

- The law firm of **Hill Wynne Troop & Meisinger** recently donated \$25,000 to the Law School's scholarship fund.
- The Law School received \$25,000 from **Elliot A. Gottfurcht** for scholarships.
- The **Fritz B. Burns Foundation's**

\$500,000 challenge grant announced last fall — which matches each \$2 gift to the annual fund with \$1 — is helping to spur alumni giving this year. Both the amount of donations and the number of alumni donors is above last year at this time.

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