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Advocate

UNIVERSITY OF SAN DIEGO, SCHOOL OF LAW

Vol. 1 No. 1 Winter 1982

From the Dean's Desk

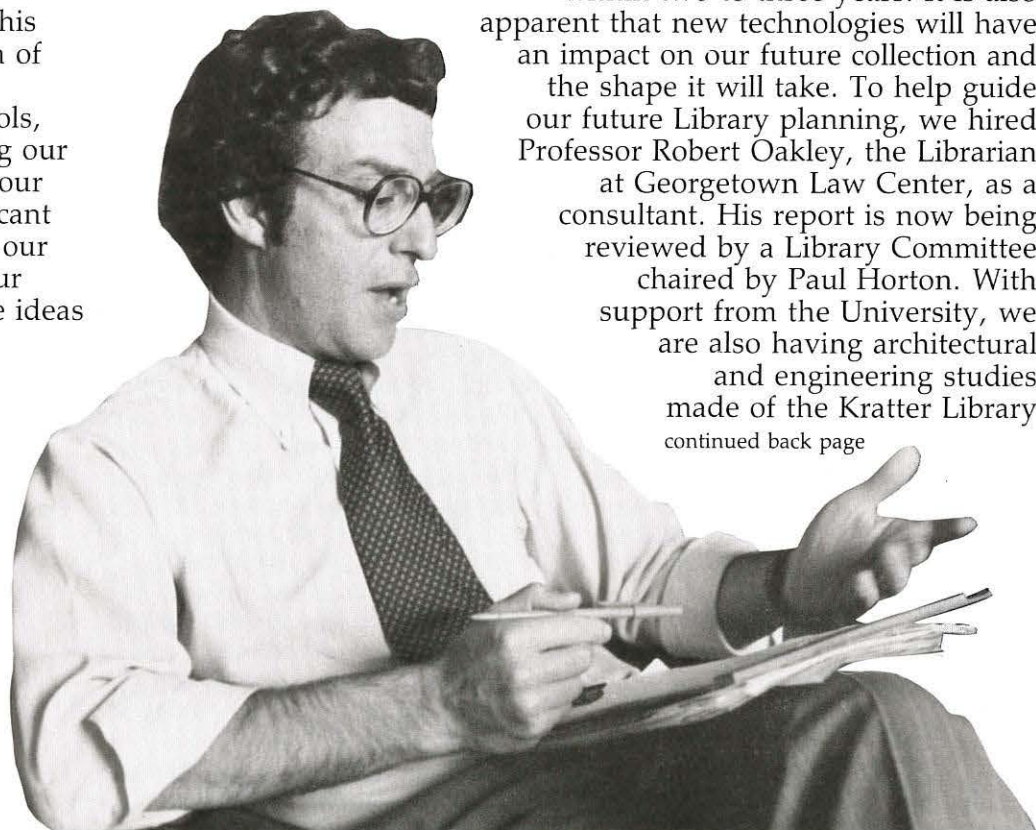
As other articles in this newsletter should indicate, this is an exciting time for the Law School. A clear sense of movement is quite evident. First of all, at a time where there is concern nationally about declining law school enrollments, student interest in USD has never been greater. In addition, important faculty projects abound. We have the wonderful opportunity to fill up to five faculty positions for next year, and the Appointments Committee, under the chairmanship of Jack Minan, is busily engaged in reviewing impressive resumes from significant faculty all over the country. Interest in teaching at USD is high and this suggests the growing strength of our reputation nationally.

Like many other law schools, we are also carefully analyzing our existing curriculum. Many of our faculty have suggested significant proposals for improving both our first year of instruction and our second and third years. Those ideas were explored at length in a recent all day collegium the faculty held at Mission San Luis Rey. Our deliberations have focused extensively on the need to expand coverage of professional responsibility and legal writing and other forms of skills training. There is also considerable interest in providing students with greater opportunities to concentrate their

energies in selected course areas. Grant Morris is chairing the Curriculum Committee now reviewing the various proposals which have been made, both for shorter term and longer range changes. Faculty and student interest in curricular reform is strong, and after careful deliberative process, I anticipate some major improvements will likely be made.

Two other faculty committees are undertaking important studies which have implications for the School. The Library requires priority attention. With our rapidly growing collection, we will run out of usable space within two to three years. It is also apparent that new technologies will have an impact on our future collection and the shape it will take. To help guide our future Library planning, we hired Professor Robert Oakley, the Librarian at Georgetown Law Center, as a consultant. His report is now being reviewed by a Library Committee chaired by Paul Horton. With support from the University, we are also having architectural and engineering studies made of the Kratter Library

continued back page



SHELDON KRANTZ

Kutak discusses Model Rules of Professional Conduct

In my travels [as Commission Chairman] . . . I have discovered a great diversity in the profession—diversity in the kinds of practice lawyers are involved in, diversity in the way lawyers organize to practice, and diversity in expectations about the future of the profession. But I also discovered a few constants that relate to the work of the Commission. By and large, lawyers in this country are truly dedicated to practicing law in the finest traditions of the profession. Contrary to what one reads in biting or bitter columns that appear in the papers from time to time, the members of this profession are willing and able to work together to regulate themselves in the public interest.

I have also had confirmed . . . that most lawyers do not find the 1969 ABA Code of Professional Responsibility to be a satisfactory tool of self-regulation or a useful guide to professionally responsible conduct . . . Nevertheless, I have also found that most lawyers are instinctively skeptical of a new set of rules . . . Why did the American Bar Association Commission produce a new set of rules in the first place? Would not an appropriate series of amendments have been sufficient? . . . Let me attempt to remove the skepticism with which [the proposed new rules] may be initially greeted by explaining the motives of those who drafted them.

[Kutak traces the history of the "profession's efforts at developing rules of self-governance", beginning with the publication, in the 1830s, of "Fifty Resolutions", a document drafted by Baltimore attorney David Hoffman, through the 1908 ABA Canons of Ethics, to the 1969 Model Code.]

The "new" Code certainly looked new . . . [But it was] essentially the 1908 Canons. The Canons, in turn, were an

outgrowth of the 1887 Alabama Code. And the Alabama Code may be read in great part as a codification of lectures in the 1850s by a fine old judge in Philadelphia . . .

One would look long and hard and futilely for another body of law that had seen so much and apparently changed so little. . . . That was the situation the commission discovered as it undertook the assignment. We have a Code that does not respond to the realities of the modern day practice or to the needs of the public, as well as our profession.

Our response to such realities—to those needs—is found in . . . the revised final draft of the Model Rules of Professional Conduct. We submitted the draft to the House of Delegates on June 30, 1982, after virtually five years of study, writing, listening to comments and criticisms, restudying, rewriting and, of course, eventually polishing our text. As submitted, the revised final draft consists of a Table of Contents, a Preamble, a Scope Note, and the text of the Rules and accompanying comments. All of this has been published in the November, 1982 issue of the *ABA Journal*, along with a comparison of the provisions of the current Code. . . .

The Model Rules are . . . intended to serve as a national model of the regulatory law—enforceable standards of conduct—governing the practice of law. [They] have been drafted to articulate the consensus of the profession on a wide range of issues. . . . As "regulatory law", the Model Rules are, at a very minimum, intended for use in carrying out the disciplinary side of our profession's self-regulatory process. Accordingly, the Model Rules consist of enforceable standards presented in the form of a series of directives and prohibitions, accompanied by

discretionary standards marking out "safe-harbors", areas in which a lawyer may safely make reasoned judgments without fear of regulatory penalty. . . . Generalized norms, such as, a lawyer should avoid the "appearance of impropriety", should "exercise independent professional judgment", or should "represent a client zealously within the bounds of law", offer little assistance to the conscientious lawyer. By setting forth the law and the best of professional traditions in discrete and specific standards identifying the matters that the conscientious lawyer would consider in resolving a question of professional responsibility, the Model Rules truly provide a handbook of good lawyering—a guide to those many lawyers who earnestly seek to practice in a professionally responsible way.

. . . As proposed national model standards, the Model Rules . . . will be subject to any necessary modification at the level of local implementation. But at the national level, the Model Rules speak from a broader perspective developed during 30 months of public reaction to successive drafts and reflect the leadership which the American Bar Association has exercised for some 75 years in recommending national standards of professional responsibility.

What are the Model Rules not about?

Despite generalized and somewhat emotionally-charged claims of a few, the Model Rules are most assuredly not an attempt to dilute the fiduciary relationship that exists between lawyer and client. Indeed, it may fairly be said that never before has there been a more client-centered code. . . . Nor do the Model Rules make sweeping, radical, or dangerous changes in the traditional rules of confidentiality. [Comparing them

to existing law and existing standards] it can fairly be said that the Model Rules actually take a more conservative approach to confidentiality and a more restrictive approach to disclosure than do existing codes of professional responsibility adopted in the vast majority of jurisdictions.

As to confidentiality, the starting point in the Model Rules is expansion of the scope of the general obligation. The Model Rules do not use the existing code classification of "confidences" and "secrets" and the related distinction regarding information "embarrassing" to the client. The Model Rules assume that clients initially expect that *all* information relating to the presentation will be protected. With regard to exceptions to the principle of confidentiality, the Model Rules, like the 1969 Code, like every predecessor code, and like every scholar who has written on the issue, recognize that the general obligation of confidentiality has outer limits where transcendent values must prevail over secrecy. . . . The charge that the confidentiality provisions of the Model Rules represent a radical departure from existing standards in favor of more disclosure simply cannot withstand comparison to existing codes and existing law.

Likewise, the broader and even more generalized charge that the Model Rules seek to undermine the adversary system loses much of its rhetorical steam when tested against the actual text. . . . In general, the Model Rules do no more than recognize that the adversary system is a controlled process governed by rules applicable to lawyers as well as to clients and their adversaries.

For example, strenuous objection has been made by a few to a provision [Rule 3.3(a)(3)] that requires limited disclosure of legal authority in the controlling jurisdiction known to be directly adverse and not disclosed by opposing counsel. The provision is taken directly from the 1969 Code and is neither new nor radical. Similarly, the Model Rules continue existing standards that prohibit lawyer presentation of



Robert J. Kutak, Chairman of the ABA Commission on Evaluation of Professional Standards since 1977, was on campus October 29 to present an overview of the proposed Model Rules of Professional Conduct drafted by the Commission. Senior member of the Omaha firm of Kutak, Rock & Huie, Kutak also sits on the Advisory Board of the National Institute of Corrections and the ABA Council of the Section of Legal Education and Admissions to the Bar.

evidence known to be false, lawyer participation in obstructions of justice (jury tampering, falsification or concealment of evidence and the like), abusive trial conduct, and assistance in fraud upon a tribunal.

A response to the more generalized charges that have been leveled is not to suggest that the Model Rules are perfect, or that reasonable and principled alternatives to specific Model Rules cannot be formulated. One thing lawyers can agree upon is that no legislative document is ever really perfect. While founded on law, the Model Rules are informed by experience and, therefore, the product of compromise as well. Thirteen members of a Commission, let alone 387 members of the House of Delegates, let alone 500,000 members of a profession are bound to have disagreements and bound to discover issues that can honorably be argued on either side and honorably resolved in different ways.

For its part, the Commission has truly sought, to the extent possible within the confines of legal principle, sound public policy, and the overriding goal of formulating a national model, to accommodate the suggestions and

differing views communicated by others. The best evidence of that accommodation will be found in the revisions that were made by the Commission first to the January, 1980 discussion draft and then to the 1981 proposed final draft of the Model Rules. . . . The revised final draft is an honest, forward-looking, responsible document that has emerged after a thorough testing at the hands of individual lawyers and bar associations throughout the country. It is a conservative document in the truest sense of the word, for it aims to preserve and enhance fundamental professional values in the face of a rapidly expanding and changing profession.

In reviewing the Model Rules all of us—the Commission, the proponents of amendments, the members of the House of Delegates, lawyers across the nation—share the same goal: the achievement of the best possible national model standards of professional conduct. As Chairman of the Commission . . . I commend the revised final draft of the Model Rules of Professional Conduct to the American Bar to you as a document worthy of a proud profession, jealous of its independence and committed to its tradition of self-regulation.

CAMPUS CORNER

Mexico-U.S. Law Institute formation announced

The announcement of a new Mexico-U.S. Law Institute, being established by the School of Law, was made by Dean Sheldon Krantz at the U.S.-Mexico Border Governors Conference luncheon held on campus September 20.

The Institute, still in the planning stages, will be conducted jointly with one or more Mexican law schools, for five primary purposes: to expand knowledge of the legal systems in both countries; to undertake research and development projects with emphasis on reducing unnecessary legal barriers to cooperation and joint development; to stimulate exchanges of faculty and students; to increase the number of Mexican-American law students attending the USD law school; and to focus national attention on important legal issues affecting the two countries.

"The futures of the United States and Mexico are inextricably tied together," Krantz said. "Nowhere is this more evident than here, in the San Diego-Tijuana region, where the advantages of joint cooperation and economic development are so promising." However, the Dean said, there are many differences between the two countries which "inhibit joint cooperation and development." He cited significant cultural and language barriers, dissimilar legal systems, discriminatory laws in both countries, and ignorance about or confusion over the two legal systems.

Krantz said USD is in an



excellent position to create the Institute, both because of its geographical location and its demonstrated competence in international programming.

Projects for the Institute will include: training and legal education programs for lawyers, academics, students, and corporate executives in both countries, comparing legal systems with special focus on tax and banking laws; creation of a Mexican Law Collection at USD, with volumes of major significance translated into English; exchanges of faculty and students between USD and at least one of the leading Mexican law schools; increased emphasis on Mexican-American comparative law in the existing Master's program; sponsorship of national conferences on issues of importance to both countries.

Consultant to the Institute since October is Professor Alfonso DeLimon, who comes to USD with an extensive background in private law practice, university teaching, and academic administration. DeLimon has been Dean of the School of Law, Universidad Iberoamericana in Tijuana, and on the faculties of that School, the Universidad Autonoma de Baja California and the Instituto Mexico.

Law Center receives second-year funding

The San Diego Law Center, launched in January of this year through the combined efforts of the USD School of Law and the San Diego County Bar Association, has received a second-year grant from the Association, enabling continuation of projects and development of new ones.

In December, 1981, the Bar Association provided an initial grant of \$10,000 to assist in the establishment of the Center, agreeing to set aside an additional \$30,000 to be allocated after the initial projects were clearly defined.

Three priority projects for the Center have been identified by a Planning Committee over the past several months: a research project to assess the needs and to develop strategies for a volunteer lawyers program to fill some of the void created by declining federal

support for legal services; a training program for attorneys representing indigent defendants in criminal cases; and a demonstration project testing dispute resolution alternatives to litigation. Committee members appointed from the Bar Association were Daniel Tobin, Robert Baxley, and Richard Huffman. Appointed from the Law School were Professors Homer Kripke, Walt Heiser, and Robert Simmons. Sheldon Krantz also served on the committee.

According to Dean Krantz, the status of the three projects as of November is as follows:

Volunteer Lawyers Program. In August, an impressive advisory committee of more than 30 members and a smaller executive steering committee were appointed to oversee the development and operation of the program. Tentative plans call for the recruiting of 400 lawyers in the San Diego area, each of whom would take up two cases each year. A volunteer coordinator for the program will be selected in the near future. Most of the necessary funding for the first year of the program, it is likely, will be provided by the Legal Services Corporation; some Law Center funds may be used for some of the training aspects and supporting services. "It now appears," said Krantz, "that the Law Center's first project will be a successful one and the program is one that will provide desperately needed services in this community."

Training Programs. The Planning Committee has confirmed a "real need to supplement training programs now available for lawyers representing indigent defendants." Some entry level training is being handled by Defenders, Inc., with additional training sponsored by Mel Nitz, the Director of the Office of Defender Services. Those familiar with the County Defender Program have indicated that more extensive training on such matters

as pre-trial preparation, the use of forensic or identification evidence, and discovery is warranted. Clinical faculty at USD are now preparing proposals for a training program to be provided to interested criminal defense lawyers at little or no cost. The program will be funded by Law Center funds, possibly supplemented by County funds. It is anticipated that the training will be developed and offered under the guidance of a distinguished panel of criminal practitioners, to be appointed in the near future.

In addition to this area, the Center has developed a training program on interviewing and counselling skills for newly admitted lawyers, to be offered in conjunction with the Bar Association's "Bridging the Gap" program. The training program, which will use video and simulation exercises at USD, will be offered January 8 and 9.

Demonstration Projects. The School of Law and the San Diego Law Center have received a grant of \$125,000 to develop two models of non-litigation alternatives, resulting in the formation of the Center for Dispute Resolution. (See accompanying story.)

Plans for the Second Year

Speaking for the Planning Committee, Krantz said its members are convinced "that the Law Center can become a major force in improving the quality of legal services and the legal profession in the San Diego area, and can provide important assistance to the Bar." At a recent meeting of the committee, five projects were given highest priority: *research projects* to determine ways to improve community attitudes towards lawyers and the profession and to identify areas in San Diego County where additional legal services are needed; *training programs* in areas where the Bar has the greatest need, including at least one program in public or consumer education; a *demonstration project* to

test new ways of improving efficiency and reducing costs in the processing of civil cases; a *study* of ways in which the Center can identify new technological needs for law office management and services, provide training to the Bar on new technologies, provide technical assistance to members of the profession, provide direct services through a centralized computer capability to individual practitioners and small firms that cannot afford to meet their needs; and the establishment of a *Distinguished Fellows Program* to honor and provide opportunities for practitioners to work on Law Center projects.

USD School of Law to co-sponsor public forum

Some of the Country's top spokesmen will discuss such constitutional issues as federalism vs. decentralization, the status of our criminal justice system, and the proposed balanced-budget amendment in a free, open-to-the-public forum to be offered in February, 1983, co-sponsored by the USD School of Law and the UCSD Extension program and Department of History.

Titled "We the People: The Viability of the Constitution in the 1980's", the forum will consist of four sessions, each on a Wednesday evening—those on February 2 and 23 at the UCSD School of Medicine, and on February 9 and 16 in the Grace Courtroom. Speakers will include a White House staff member, experts on federalism, and an author of the proposed balanced-budget amendment now before Congress.

CAMPUS CORNER cont.

New Center for Dispute Resolution launched

A new center for alternatives to litigation in the resolution of disputes, funded in part by a \$125,000 grant from the Weingart Foundation, was announced in October by Dean Krantz. Speaking in behalf of the School of Law and the San Diego Law Center, another USD project [see accompanying article], Krantz applauded the Weingart Foundation for "its generosity and forward-looking concern with the welfare of the community" in making the grant. "This action," Krantz added, "and the support of San Diego foundation Trustee Sol Price, enabled the immediate implementation of a vital activity which might otherwise have been delayed for a considerable time."

"The formal legal system is in trouble," Krantz said, observing that numerous studies have documented the "alarming increase", both in the costs of, and delays in the use of litigation to resolve disputes. Citing various plans to establish alternatives to litigation—studies by the American Bar Association, Congressional legislation supporting experimentation with neighborhood justice centers, and new State programs such as "Rent-a-Judge"—the Dean said there is growing pressure both in the legal profession and outside of it to find approaches to this country's "heavy reliance on litigation", which he characterized as a peculiarly American phenomenon. "Most countries," Krantz said, "historically and currently resolve disputes through reliance on village elders, extended family members, and neighbors, rather

than on institutional methods such as courts. In many countries, such as Japan, it is considered demeaning to file or to be involved in lawsuits." While the values of one society cannot be transferred to another, he pointed out, it is important to recognize that other countries do manage to resolve disputes without undue reliance on lawyers and courts.

The new Center is envisioned as a possible solution to the problem in San Diego, and as a means of testing and promoting alternatives to litigation in dispute resolution. The purposes of the Center are: to initiate demonstration non-litigation projects; to develop and provide training in non-litigation forms of resolution for persons who would be working in these and related projects; to develop and provide education programs for the general public and for special groups such as business executives on the benefits of non-litigation forms of dispute resolution; to develop new courses and materials to sensitize law and business students to the advantages of avoiding costly and delay-ridden litigation; and to provide assistance to other groups that may be interested in starting similar programs.

Krantz said the location of the first project has not yet been determined, but preference will be given to southeast San Diego. Once the area is selected, residents from that area, representatives of community organizations, and Center staff will work together to discover ways to mediate disputes involving petty theft, vandalism, assaultive behavior, family or neighborhood disputes, and the plight of low-income residents who are most affected by the decline in Federal support for legal services. Ms. Carol Hallstrom is assisting in developing the community mediation project.

A second project planned is for the mediation of business disputes, an experimental program which would test alternative forms of resolution, to be formed with

the guidance of an advisory committee of business executives. The University is also arranging for Judge Louis Welsh to participate in the development of the project. Judge Welsh will be resigning from the Superior Court in early January, and will be doing some team teaching in one or two courses at the School of Law in addition to working with the Center.

An advisory board for the new Center has been formed, with William McGill, Ph.D., former Chancellor of the University of California at San Diego and recently retired President of Columbia University; Monsignor I. Brent Eagen, USD Trustee and Chancellor of the Diocese of San Diego; Judge Leland Nielsen of the U.S. District Court; Judge William Yale, retired judge of the San Diego Superior Court, and Krantz as members.

Ralston Purina Scholarship



Second year student Edith Thompson was this year's recipient of the annual Ralston Purina full-tuition Scholarship, established in 1975. Making the check presentation were William Roulon, Secretary/Treasurer of Foodmaker, Inc. and Donald Rupprecht, Director of Industrial Relations of Van Camp Sea Food Company, the local Ralston Purina affiliates.

FACULTY FOOTNOTES

PROFESSOR RALPH FOLSOM will be a Senior Fulbright Research Scholar at the Institute for Southeast Asian Studies in Singapore in 1983. He has recently published Vol. 4 in the Connecticut Estates Practice Series and his article on trademarked generic words will appear in the *Hastings Journal of International and Comparative Law*.

The California Senate has confirmed **PROFESSOR C. HUGH FRIEDMAN** as a member of the California State Board of Education, a gubernatorial appointment. During August he was invited to participate on the faculty of the Hawaiian Citizenship Institute for Elementary and Secondary Teachers from Hawaii and other states, sponsored by the Hawaiian Council on Legal Education for Youth. In September, Professor Friedman served as a discussion leader at a conference on the

media and the law sponsored by the Pasadena Bar Association at the California Institute of Technology.

DEAN SHELDON KRANTZ and **RICHARD HUFFMAN**, Acting Director of the Center for Criminal Justice Policy and Management were sponsored by the German Marshall Fund on a "fact-finding mission" in Scotland that included meetings with ranking police and governmental officials and a study of that country's criminal justice system and how it handles complaints against law enforcement officers. Accompanying the Dean and Huffman, Assistant District Attorney for San Diego, was San Diego's Assistant Chief of Police Robert Berggreen. The German Marshall Fund is an organization in the U.S. which encourages joint American and European efforts to resolve environmental, crime and traffic problems. Dean Krantz said

a report on the group's findings in Scotland may be helpful in some of the future projects to be undertaken by the new Center for Dispute Resolution.

In July, **PROFESSOR GRANT MORRIS** participated as a member of a special review committee for the National Institute of Mental Health by making a site visit and reviewing application for a grant proposal focusing on civil commitment criteria used by clinicians in psychiatric emergencies. In August, Professor Morris was a member of a panel discussion entitled "The Insanity Defense Under Siege" held during the annual American Bar Association meeting in San Francisco. The panel discussion was presented by the ABA Commission on the Standards for Criminal Justice. He spoke on the role of mental health professionals in insanity defense cases.

IN MEMORIAM

Generations of attorneys from coast to coast will be saddened by the death of Professor Richard R. Powell who died on November 13. While he only taught for two semesters at USD, he touched the lives of thousands of law students during his 52-year teaching career.

Born in 1890, Professor Powell received his M.A., LL.B. and an LL.D. (honoris causa) from Columbia University where he served on the faculty for 38 years. He retired from that institution at age 69, taught for several years at a number of law schools, and settled in at Hastings College of the Law for a "second career" which lasted from 1963 to 1975.

Powell's seven volume *Treatise on the Law of Real Property* is a major work. His last book, *A History of California Law* was completed after he retired from Hastings at age 85. He was also the author of the four volume *Restatement of Property*, books on land registration, casebooks on trusts and future interests, and law review articles too numerous to mention. He was a driving force behind the integration of trusts and wills doctrine into a unified course, and behind reforms in the areas of powers of appointment and the rule against perpetuities.

His passing marks the end of an era. He will be long remembered by all who had the experience of knowing this giant in legal education.

The following tribute to The Honorable Mary Gell '67 is reprinted from *Dicta*, the magazine of the San Diego County Bar Association.

I was with Judge Gell a few days before she succumbed to the overwhelming odds of spinal cancer.

She never mentioned what her doctor told me was unbearable pain. She talked of the pain of minorities, women and the disadvantaged.

She possessed a social conscience that recognized no limits. She had been a social worker, probation officer, defender and jurist.

She was the third woman appointed to the bench in San Diego County. This responsibility never left her. She shunned public attention. Her concern when controversy surrounded her was not to compromise the causes in which she so devotedly believed.

Her face was of death, but her soul was of life.

Her skin was pale, but her spirit was vivid.

She tolerated pain, but not injustice.

She acknowledged criticism, but not inequities.

She accepted death, but not unfairness.

She left to us who knew, loved and respected her, the impossible dream to carry on.

Goodbye good friend and colleague.

Your pain is over.

Your struggle ended.

Rest in peace. Hon. Milton Milkes, Judge of The Superior Court

NEW FACULTY, 1982-1983

Appointments of new faculty to the School of Law were announced last fall by Sheldon Krantz, Dean.

Professor Maimon Schwarzschild, who has been teaching Constitutional Law and Evidence, received the J.D. from Columbia Law School. He has worked for the U.S. Department of Justice-Civil Rights Division as a trial attorney and has been on the faculty of the Benjamin N. Cardozo School of Law at Yeshiva University. His fields of expertise include Constitutional Law, Professional Responsibility, Evidence, and Employment Discrimination.

Professor Anne McLeod Trebilcock, who will join the faculty in the spring semester and will teach Remedies, is presently a Research Fellow for the prestigious Max Planck Institute for Comparative Public Law and International Law in Heidelberg, West Germany. She received her J.D. from the University of California, Berkeley (Boalt Hall) and from 1974 to 1978 was Counsel for and from 1974 to 1978 was Counsel for the International Union, United Automobile, Aerospace, and Agricultural Implement Workers (UAW), Detroit. She is a member of the District of Columbia and Michigan bars and has been admitted to practice before various Federal courts.

The faculty has also been augmented by the appointments of seven Visiting Professors. Borham Atallah, LL.B., was with USD during the Fall semester, teaching Comparative Legal Systems. With an extensive international background, Atallah is currently with the faculty of law, University of Alexandria, Cairo. He is a member of the Egyptian Bar and of the International Bar Association, and is noted for his research on the phenomenon of legal acculturation and the influence of Western legal systems on the Islamic system.

Dennis C. Colson, J.D. University of Denver, teaches at the University of Idaho College of Law and is a member of the bar

associations of California and Colorado. His specialty areas are Native American Law, Contracts—both of which he has been teaching at USD—and Agricultural Law.

Irving A. Gordon, long a leading authority in the fields of Commercial, Property, and Constitutional Law, has been Dean for Academic Affairs at Northwestern University since 1978, and in 1979 was awarded the Robert Childres Memorial Award for Teaching Excellence. He will teach Tax II and a tax seminar during the Spring semester.

Visiting from the University of California-Davis is Professor James E. Hogan, a recipient of the American College of Trial Lawyers Bowl for the best oral presentation of the National Moot Court Competition Finals and the Outstanding Teaching Award at UC-Davis. His subjects of specialty are Evidence, Civil Procedure, Trial Practice, Applied Civil Procedure, Crimes, and Products Liability. He has been teaching Criminal Law, Civil Procedure, and Evidence.

Professor Paul Marcus teaches at the University of Illinois College of Law. His main subjects are Criminal Law and Procedure, Corrections and Prisoners Rights, Entertainment Law, and Torts. He has published extensively in these fields and has authored a casebook in the Criminal Law area. The founder and a director of the UCLA Legal-Mental Health Project, he will teach Organized Crime and Entertainment Law during the Spring semester.

Professor Milton Ray has taught Tax I and II in the Fall semester and will offer graduate taxation courses in the Spring semester. Recently retired from the University of Oregon School of Law, where he had been a Professor since 1971, he was Counsel for Baxter Laboratories and General Tax Counsel and Director of Taxes with Hunt Foods, which became Norton Simon. His fields of expertise are Accounting, Corporation Finance,

Estate Planning, Taxation-Federal, and Taxation-State and Local.

Marc Rohr teaches at Nova University Center for the Study of Law and is a member of the California, Florida, and Arizona bars. His fields of expertise include Constitutional Law, Civil Procedure, Criminal Law, and Remedies. He is teaching Civil Procedure and Constitutional Law at USD. Rohr's J.D. is from Harvard.

In addition to these appointments, six legal writing instructors and ten adjunct professors joined the USD law faculty for the year.

SPEAKERS SCHEDULE

JANUARY

- 7 Fri Speakers Program: Professor Robert Fellmeth
- 8 & 9 Sat Client Interviewing & Sun Counseling Seminar
- 19 Wed Speakers Program: James Burnham, Executive Director World Bank
- 27 Thurs Speaker Program: Timothy Muris, Director of the Bureau of Consumer Protection, Federal Trade Commission

FEBRUARY

- 2 Wed "We the People Series: The Founding Fathers," Alfabama and Robert Middlekauff, Berkeley
- 9 Wed "We the People Series: Federalism" Robert B. Carleson, White House and Professor Harry Scheiber, Berkeley
- 16 Wed "We the People Series: The Justice System and the Constitution," Attorneys Leonard B. Boudin and Richard Huffman
- 23 Wed "We the People Series: Economics and the Constitution" Professor William Craig Stubblebine, Claremont and Professor Jonathan D. Varat, UCLA
- 24 Thurs Reception for More Hall Advocates Maudsley Fellows and President's Club Members with Dr. Kenneth Blanchard, *The One Minute Manager*

MARCH

- 10 Thurs Speakers Program: Ambassador Richard Fairbanks III, Special Negotiator for Middle East Peace Process
- 11 Fri Speakers Program: Ann O'Connor Fairbanks, Deputy Assistant Director of Economic Policy, The White House
- 24 Thurs Speakers Program: Professor Edward J. Philbin, Undersecretary of the Navy

ALUMNI ACTIVITIES

President's Message

JAMES C. KRAUSE '75

The by-laws of the Alumni Association of the Law School provide for an annual meeting of the alumni. The by-laws do not indicate when the meeting should take place or what should occur at the meeting.

The purpose of an annual meeting, is, in part, to inform alumni what the Board of Directors has accomplished during the last year. For those of you who were unable to attend our annual Distinguished Alumni Banquet, please consider this column to be the satisfaction of the meeting requirement.

During this last year, the Board of Directors raised more funds than during any previous year. No doubt we were helped by the able assistance of Libby Stroube, the Director of Development and Alumni Relations, who finished her first complete year at the Law School. It is satisfying to know that an annual fund-raising campaign has been established, and has become increasingly successful.

Your Board of Directors also spent more money during the last year than ever before for the benefit of the alumni, the Law School, and the students. For the first time we gave a grant to the *Woolsack*, the student newspaper which is circulated to the alumni. We also authorized funding for short-term loans given to students through the "Dean's Emergency Loan Fund". These are loans of modest amounts given to students in crisis situations.

In October we sponsored the first Alumni Moot Court competition. In June, July and August, we sponsored a summer lecture series, which was given free of charge to the San Diego legal community.

In my mind our most

successful event of the year was a complete surprise. In July we hosted a social function for recent graduates on the afternoon of the third day of the bar exam. We thought that a kegger and hotdog roast would be welcomed by the bar examinees because it would be the last opportunity for them to see many of their classmates. We also had a concern whether students would want to come to the Law School a final time after three grueling days of the bar exam.

The event was set for 4:00 p.m. on the last day of the exam. Yet at that hour not one single law student appeared. Finally, at 5:00 p.m. one obviously exhausted student appeared to tell us that the examiners had switched the order of the exam, and that the test did not conclude until 5:00. Shortly after that announcement, 200 students, or so, did attend and had a very enjoyable afternoon.

On behalf of the Board of Directors, I want to extend gratitude to Dean Sheldon Krantz for his support of the alumni and his strong leadership at the Law School. We also thank Libby Stroube and her assistant Celya Lindberg.

Alumni urged to be "part of the Irvine Challenge"

As announced at the beginning of the school year, the University of San Diego is one of nineteen private California colleges and universities chosen by the James Irvine Foundation to participate in a special alumni challenge grant program which was created by the foundation as a means of spurring alumni support. The Challenge will continue for a three year period ending August

31, 1985.

The main features of the Challenge are:

The Irvine Foundation will match increases in total dollar receipts from USD alumni. Qualifying gifts include donations to any University annual program, including the More Hall Advocates.

The Foundation is providing a bonus of \$25 per individual gift of \$10 or more if the total number of alumni donors increases by 10% or more over the previous year.

According to Libby Stroube, Director of Development and Alumni Relations for the Law School, the multiplier effect on alumni contributions illustrates the significance of each individual gift. For example, a gift of \$50 from an alumna/us who did not give a gift last year could become \$100 with the Irvine match. In addition, if total alumni participation increases 10% or more, the \$25 bonus would be included. Finally, if that person worked for a company with its own matching gift program, another \$50 would be added from that source, bringing the total benefit to the law school to \$175 from a single \$50 gift.

"This outstanding program," commented Dean Sheldon Krantz, "can have a deep effect on our ability to continue our mission of providing quality education. In order for that to happen, current donors must continue to support the University, and new donors must emerge. With our record of growth in the Alumni Fund in recent years, I am fully convinced that USD alumni will meet the Irvine Challenge enthusiastically."

Law Alumni Association Fund Co-chairmen, Webster (Buzz) Kinnaird '75 and Steven R. Denton '75 note additional details of interest to many. The full portion of Irvine funds resulting from Law School alumni gifts will be allocated to the Law School. Also, in keeping with standard procedure at most schools nationwide, persons who have attended classes completing 12 units or more in good standing are

ALUMNI ACTIVITIES cont.

considered alumni of the institution and therefore their gifts also qualify for the match. Reports Kinnaird, "We are pleased that alumni have contributed over \$10,000 to the Law School largely through the efforts of the Law Alumni Fund, but not as pleased as we would like to be. There are now over 125 members of the More Hall Advocates, many of them alumni. We know that there are many more alumni who are capable of joining this effort. A pledge of \$10 per month or \$25 quarterly is not too painful and will have a real benefit to the Law School."

All alumni will receive more information about the Irvine Challenge through the mails and the Spring Phonathon. If you would like to help meet the Challenge, by volunteering to assist with fundraising and/or sending your check, contact the Law Alumni Office at 619/291-6480 x 4349.

Class reunions

Nine USD Law School Classes will be holding class reunions in the Spring. Members of the Class of 1957 will celebrate their 25th anniversary during the May Commencement Weekend. A special tribute to USD's first graduating class will be made at the ceremony.

The other classes planning reunions are 1962, '63, '67, '68, '72, '73, '77 and '78. Class Committees are being formed and plans laid. A questionnaire has been mailed to all (whereabouts known) members of these classes to help the committees map out activities for the maximum enjoyment of all. If you did not receive the questionnaire, contact the Law Alumni Office or Committee Chairman Thomas Polakiewicz '77 at 619/745-4400.

Class Action

'69 ROY B. GARRETT who has been in general litigation practice in Escondido since 1970 was one of four Trustees honored by the San Diego Trial Lawyers Association as "Outstanding Trial Lawyer" in October. Garrett was honored for his "superior trial and legal abilities and outstanding advocacy."

'72 MAX C. GARRICK, JR. has been elected the representative of the Whittier Bar Association to the Board of Trustees of the Los Angeles County Bar Association. He is currently Vice-President and Chief Legal Officer of U.C.O., Inc., an international oil trading and importation concern.

Another recipient of the San Diego Trial Lawyers Association "Outstanding Trial Lawyer" award was ANTHONY MOURNIAN, a former member of the SDTLA Board of Directors and a key participant in the formation of, and former Board member of the Attorney Referral Service.

'75 Rounding out the USD domination of the SDTLA "Outstanding Trial Lawyer" awards was Alumni Association Board member STEVEN R. DENTON. A partner in the firm Ludecke, McGrath & Denton practicing personal injury litigation, Denton is a member of the SDTLA Board and has received several other outstanding practitioner awards.

A. JOHN MURPHY, JR. reports that he and his wife are the proud parents of a son, A. John III born on November 22. John practices with Bronson, Bronson & McKinnon in San Francisco and is active with alumni organizing activities in that area.

'76 ALBERT V. DeLEON has been named an Assistant Vice President of the National Bank of North America in New York. DeLeon had been Associate Counsel and had formerly been a Tax Law Specialist for the Internal Revenue Service in Washington, D.C.

GORDON L. GERSON recently became a partner in the firm of Sullivan, Delafield, McGrath and McDonald in San Diego.

KEVIN J. KELLEY is now the Deputy Division Chief of the Domestic Facilities Division of the Common Carrier Bureau of the Federal Communications Commission in Washington, D.C. An electrical engineer, Kelley has also used his technical expertise for the Naval Ocean Systems Center, NASA, and Hughes Aircraft.

Moving from El Cajon to Los Angeles is STEPHEN A. RAINS who has been appointed counsel of Coldwell Banker Commercial Group and will be handling litigation for the company and giving legal advice to sales personnel on a wide variety of matters. He was also named a delegate to the 1982 California State Bar Convention.

'77 DAVID FROMAN is enjoying the LL.M. course at Harvard Law School along with THOMAS MUNDELL '81 and 106 other students from 60 countries. He and his wife, Liz are happy to announce the addition of Michelle Elizabeth (10-18-82) to the family.

Laurie E. RUCOBA writes that she has transferred from the Washington, D.C. National Office of the Department of Labor to a newly-opened field office in Ft. Lauderdale, FL. She is practicing labor law trial litigation.

'79 DEBRA SUSAN BRAY married a fellow attorney, Roger L. Amole, Jr. last winter. She is an attorney with the Federal Labor Relations Authority in Washington, D.C.

'80 COLLEEN M. BENEDICT has joined the Milwaukee law firm of Richard J. Palmersheim which specializes in medical and legal malpractice.

USD Professor J. PAUL GHOUGASSIAN briefly returned to the campus after a stint on President Reagan's transition team only to leave again to accept an appointment as the chairman of the Peace Corps in South Yemen.

'81 LARRY A. ENGLE writes that he is alive and well and studying for the D.C. bar exam. He is working for the Academy for State and Local Government in Arlington, VA.

Transcending the Class Barrier were PETER J. BARRETT and ELENA M. KISHI '82 who were married in San Diego in August.

'82 A special note of recognition goes to EDWARD FERNANDEZ whose name was inadvertently left off the Editorial Board of the recent issue of EN BANC. It was in the original, honest, Ed. STEPHEN ROBINSON has just hung up his suitcase after finishing a gruelling tour of the country as the Law School's College Recruiter. Highlights of this glamor job included a weekend in Cleveland and an exciting week in Hawaii with Hurricane Iwa!

About the Advocate

In an effort to conserve limited resources and to produce a regular and timely alumni publication, *En Banc* has been transformed into the *ADVOCATE*. The *ADVOCATE* will be published three times each year by the Office of Development and Alumni Relations, School of Law with the assistance of Sandra Edelman, Publications and Information Officer of the Office of Public Relations. *En Banc* may still appear on an occasional basis. We welcome news and quality photographs, to be published at the discretion of the Editor. Please address correspondence to Libby A. Stroube, School of Law, University of San Diego, Alcalá Park, San Diego, CA 92110.



Distinguished Alumni Banquet

On November 19, nearly 200 alumni and friends gathered at the Kona Kai Club to honor the 1982 Distinguished Alumni Award winners. Professor Frank Engfelt presided as Master of Ceremonies for the evening which was capped by an outstanding performance by

comedian George Kirby. Award recipients were: Robert F. Adelizzi '64, President of Home Federal Savings as Outstanding in Business/Education; Thomas H. Ault '72, Ault, Midlam & Deuprey as Outstanding Practitioner; and Hon. Victor E. Ramirez '73, North

County Municipal Court as Outstanding Jurist. Special thanks go to event co-chairs William R. Fuhrman '73 and Shelley A. Weinstein '78, and Michael R. Avery '73 who arranged for Mr. Kirby's appearance.

MOVING?

Just tell us where . . . and we'll follow you.

NAME _____

CLASS _____

FIRM _____

ADDRESS _____

CITY _____

STATE _____ ZIP _____

TELEPHONE () _____

KEEP IN TOUCH!

If you'd like your fellow alumni to know what you're doing, please write a brief (and legible) description for the Class Action section.

From the Dean's Desk cont.

to determine expansion possibilities. We hope to have a workable plan for future Library development by the end of this year.

Given our growth in other areas, we also have other space problems. We have immediate need for additional faculty offices and classrooms, a faculty lounge and renovation of several of our existing classrooms. We have recently received a sizable gift from the Fletcher family and the Fletcher Foundation to construct a new classroom on the first floor of More Hall. This will represent the first phase of development for that currently underutilized area of the Law School. The other needs described above are now being examined by a Committee chaired by Frank Engfelt. These two areas represent only a part of the planning and development being undertaken by our faculty and students.

Elsewhere in this newsletter you will see references to the Mexico-United States Law Institute and the San Diego Law Center. These two new programs indicate this School's commitment to working directly with the Bar and the San Diego community on issues of

great concern to the legal profession. We welcome your interest and involvement in our many activities. In future issues, we will also be bringing you news about our other two institutes, the Center for Criminal Justice Policy and Management and the Center for Public Interest Law, both of which continue to flourish and expand their activities.

Finally, I know all of you join me in congratulating Robert Adelizzi, Thomas Ault and Judge Victor Ramirez, the deserving recipients of the Law Alumni Association's 1982 Distinguished Alumni Awards. These recipients illustrate that, although we are a relatively young law school, we have a remarkable number of leaders of great distinction within the bench and bar and the business community. I also want to thank Jim Krause, the outgoing President of our Law Alumni Association, and the Law Alumni Association Board for their excellent and highly productive efforts on behalf of the Law School. The work of the Law Alumni Association has been of great assistance to the School and is deeply appreciated by our faculty and student body.



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