

LOYOLA LAWYER

MILLENNIAL ISSUE

SPRING 2000

**McLaughlin Reflects
Upon Ten Years
As Dean**

**Loyola To Offer Its First
Graduate Degree Program
(in Taxation) This Fall**

**Is An Entertainment Law
Career For You?**

LOYOLA LAW SCHOOL LOS ANGELES LOYOLA MARYMOUNT UNIVERSITY

LOYOLA LAWYER

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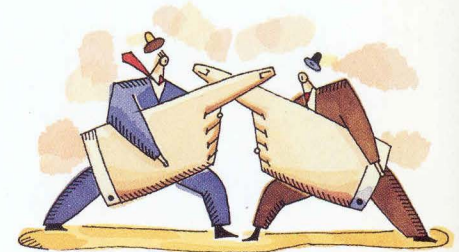
As Gerald T. McLaughlin steps aside from nearly ten years as Loyola's 14th dean, he reflects back upon the Law School's growth.



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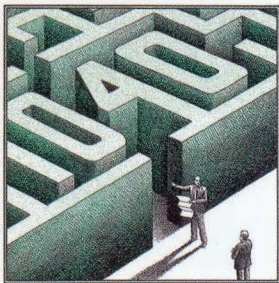
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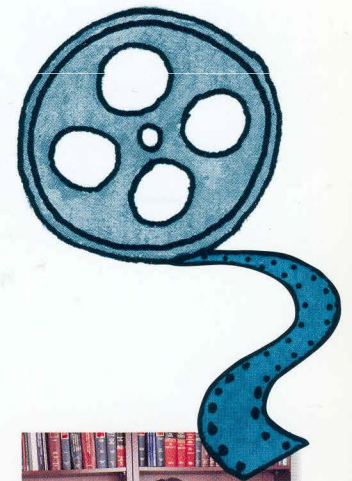
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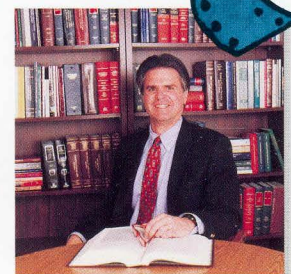


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LOYOLA LAWYER

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Loyola Marymount University

Gerald T. McLaughlin, Dean
Kenneth Ott, Director of Development

Editor: Eloise J. Teklu

Special Assignment Writer:
Charles Domokos '00

Contributing Writers:

Ellen Aprill, Professor of Law
Jan Costello, Professor of Law
Elizabeth Fry, Senior Development Officer
Anton Mack, Assistant Dean for
Admissions

Carol Ross-Burnett, Assistant Dean for
Career Services

Editorial Assistance: Alina Gottlieb

Design: Ron Butler

Cover Portrait: Troy Freeman

Photography:

Charles Domokos '00
Troy Freeman
Sahag Melelian
John Skalicky

LETTERS TO THE EDITOR SHOULD BE ADDRESSED TO:

Public Relations,
Loyola Law School
919 S. Albany St.
Los Angeles, CA 90015-0019
Telephone: 213.736.1045
Fax: 213.384.1659
Email: eloise.teklu@lls.edu

Loyola Students Unite Against Domestic Violence

A woman cries for help. She reaches for the phone. But as she reaches, her abuser rips the phone off the wall. She is trapped.

Sadly, this scenario is played out daily across the nation. But what if she could call for help? What if she had instant access to help at her fingertips?

These questions were asked by two Loyola students. Their answer: provide victims of domestic violence with cell phones that are pre-programmed to dial only 911 and emergency crisis hotlines with the push of a button.

First year students Susan Colleran and Alex Medina recently launched a Loyola branch of the "Call to Protect" program, a nationwide effort to stop domestic violence by collecting old cell phones and reprogramming them with immediate contact to emergency services. The phones are then delivered to battered women shelters and given to "at-risk" women. The program is sponsored by the National Coalition Against Domestic Violence and the Wireless Foundation. Airtime is donated by local wireless providers.

In early April, Colleran and Medina set up a "Call to Protect" donation center on campus. The response was overwhelming. In only two days, students, faculty, and staff donated more than 50 phones.

However, the program does not stop here. Colleran and Medina have plans to expand the program throughout the Los Angeles community. They have been hitting the pavement recently, posting flyers, and sending out press releases and public service announcements, in addition to contacting various members of the community.

In the coming months, Colleran and Medina plan to mobilize the legal community to create an alliance of dedicated legal professionals in hopes that the program will expand to eventually provide a phone for every victim of domestic abuse. Already, members of the community have responded: Colleran and Medina have received numerous phone calls and emails from organizations and individuals who heard about the program

and want to help.

The program started when Colleran, by chance, saw the launching of the "Call to Protect" program on ABC's Good Morning America. She was so inspired by its potential that she decided to do something immediately to make the program happen at Loyola Law School.

"I want to be a legal advocate for victims of domestic violence. That's why I came to law school. I walked into Dean Michiko Yamamoto's office the very first day I saw the show and said, 'How can I start a Call to Protect program here?' Dean Yamamoto sent me to see the president of the Day Student Bar Association, Gil Serrano. He told me to contact Alex Medina, who is my first year class section representative." Colleran's commitment and enthusiasm elicited more than just support from Medina, as he not only agreed to help Colleran get formal SBA approval, but also join her efforts in making this idea a reality.

Fortuitously, Medina shared some of the

same interests. Medina had worked in the Alameda County District Attorney's office while in college. "I worked in the domestic violence unit. Working with battered women and children really opened up my mind about the terrible impact domestic abuse has on lives."

The response was greater than either of them expected. "I told Alex in the beginning that even if we got only one phone, that one phone could save one woman's life," Colleran stated. Medina says, "When the boxes started filling up, I realized that we really had something here. There really has never been an easier way to make a positive impact on the community." Colleran adds, "This program has the potential to save lives by providing a lifeline to victims of abuse and women in transition. These cell phones provide that lifeline." Dean Gerald McLaughlin, one of the program's many enthusiastic supporters said, "If more people did things like this, Los Angeles would be a far better place."

If you would like to donate a phone or receive more information, please contact Susan Colleran or Alex Medina at calltoprotect@yahoo.com. Colleran and Medina will arrange to pick up donations at the donor's convenience. **LL**

If you value your law degree*

Support private legal education at Loyola Law School through the Annual Fund* Alumni support is critical to our future

Select a program, function or scholarship to support and mail in your tax-deductible donation in the postage paid envelope attached in the magazine.

*DEADLINE for your gift to be included in the 2000 Honor Roll of Donors is May 31, 2000.

Mail your gift today. The percentage of alumni donors is critical to attracting additional support donations to the school. Any size gift is appreciated.

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The War Years

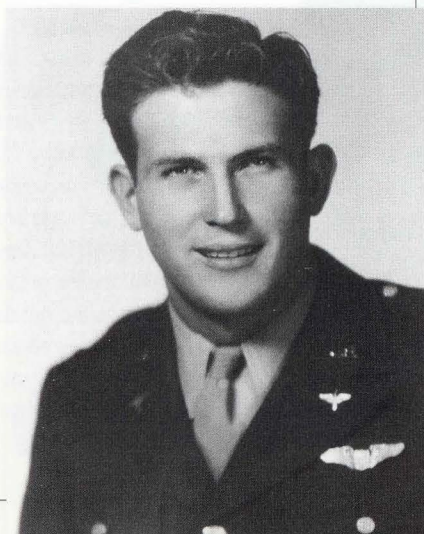
by Dean Gerald T. McLaughlin

Many Loyola Law School alumni were called to serve their country during World War II. Let me mention just a few of the many alums who distinguished themselves during those War years.



The Honorable Mark Wood '49, (above) whose son Scott Wood is now on the Law School faculty, was a decorated Navy aviator during the War. Along with Michael Clemens '57, Judge Wood fought at Pearl Harbor. John Tyler Donovan '38 was also a decorated Navy aviator. He was a member of the Flying Tigers and was killed over Burma in 1942.

Victor Walton '53 served in the 69th Division of the U.S. Army in the European



theater. He was awarded the Bronze Star for his valor during the Battle of the Bulge.

Rabbi Leon W. Rosenberg '60 became the first Jewish chaplain assigned to the Marine Combat Corps. He was awarded the Purple Heart for his wartime services.

John Rolf Aye II '48 was a company commander in the U.S. Army and fought in the Philippines. He also was awarded the Bronze Star for his valor. David William Maynard, a Major in the Army Reserve, became the first Loyola Law student to be killed in action during the war. Maynard died in February 1942, defending Manila. He was awarded the Distinguished Service Cross posthumously.

Mark P. Robinson, Sr. '49 (below) saw his plane shot down in a bombing raid over Budapest, Hungary. His navigator managed to fly the plane into Yugoslavia where it came down outside of the city of Zagreb. Robinson was taken prisoner and sent to an internment camp in Nuremberg, Germany. When Robinson refused to explain to his captors what the code words "Mickey Mouse" meant, he was put in solitary confinement for several months. "Mickey Mouse" was a term used to refer to a new form of radar that could

penetrate a cloud cover. His German interrogators had heard these words and wanted to know what they meant. Robinson followed Air Force policy and told them only his name, rank and serial number. He did make one suggestion to his captors – "Go to a Walt Disney movie and you'll find out who Mickey Mouse is."

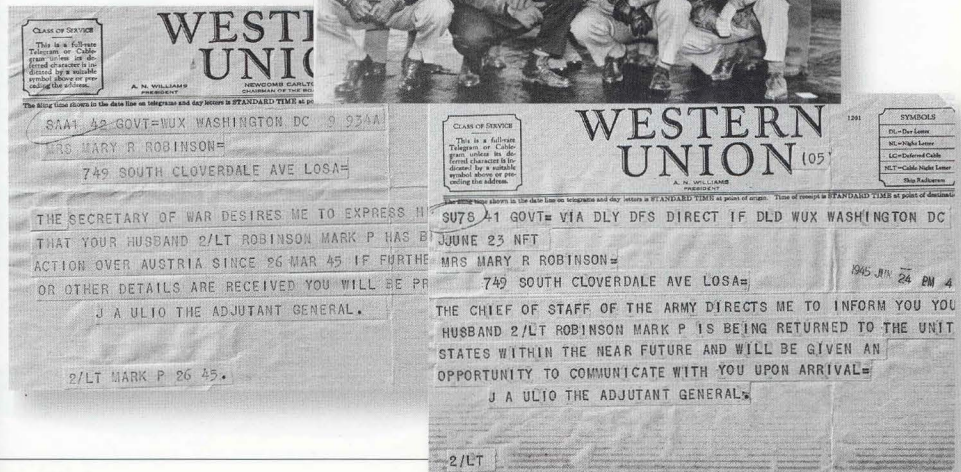
Robinson's disappearance in combat was reported in an April 9, 1945, telegram to his wife. The telegram stated:

"The Secretary of War desires me to express his deep regret that your husband 2/Lt. Robinson, Mark P. has been missing in action over Austria since 28 Mar. 45. If further information or other details are received, you will be promptly notified."

On June 23, 1945, a second telegram was received by Mrs. Robinson. It said: "The Chief of Staff of the Army directs me to inform you your husband 2/LT Robinson, Mark P. is being returned to the United States."

It had been a difficult several months for the Robinson family.

We have mentioned only a few Loyola graduates who fought in WWII. Loyola Law School is proud of all its graduates who sacrificed so much to defend this country. LL



A Lawyer Means They Can't Push Me Around:

The Lawyer/Advocate's Role in Representing Individuals with Mental Disabilities

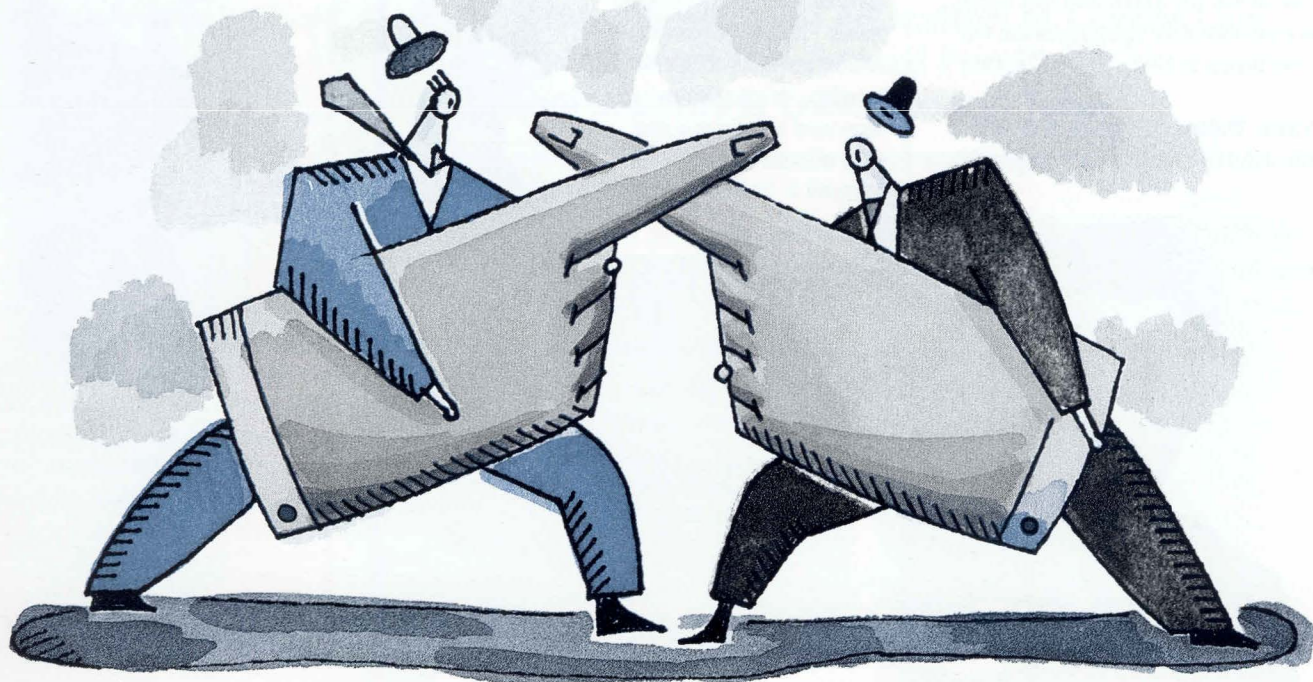
by Jan C. Costello, Professor of Law, Loyola Law School

When and why does an individual with mental disabilities have a right to a lawyer/advocate? What is the difference between a lawyer and an advocate? What are the ethical rules which the lawyer/advocate must follow? Isn't the lawyer/advocate's role different when representing a mentally disabled client? Isn't legal advocacy counter-therapeutic? How can family members work with the lawyer/advocate to benefit a mentally disabled client?

Where does the right to counsel come from?

A right to counsel, both in and outside of institutions, developed in the mid-1970's as part of the broader movement to establish constitutional rights of persons with mental disabilities. As the

U.S. Supreme Court has repeatedly recognized (*O'Connor v. Donaldson*, 1975, *Addington v. Texas*, 1979), a person confined by the state in a mental hospital loses several important liberty rights: among those rights, the loss of the freedom to leave the institution, possibly to refuse treatment, and suffers injury to reputation from the stigma of mental illness. Lower courts found a right to counsel based on the individual's right to "due process of law" under the Fourteenth Amendment to the United States Constitution. At a minimum, due process requires the individual to be given *notice* of the state's proposed action and a meaningful *opportunity to be heard* by a *neutral decision-maker*. Court decisions have established a right to *counsel* (*representation by a lawyer*) in mental disability commitment proceedings, presided over by a judge and decided by a judge or jury, which could result in a loss of liberty for *substantial* periods of time. Individuals facing lesser deprivations of liberty made by *administrative* decisions – for example, the transfer of convicted incarcerated prisoners from prison to a mental hospital or short-term detention for evaluation under a civil commitment statute, are entitled to representation by an independent lay (non-lawyer) advocate.



Different Types of Advocates in California

By the mid-1980's, every state recognized a right to counsel for a person facing involuntary commitment. However, states vary widely in how they implement this right. For instance, California authorizes the public defender to represent individuals seeking to challenge their involuntary hospitalization in judicial proceedings such as *habeas corpus* or "writ" hearings and conservatorship hearings. However, advocacy at *administrative* hearings to confine the individual for up to 14 days of evaluation and intensive treatment (Cal. Welf. & Inst. Code 5250 provides for "certification" or "probable cause" hearings) and at hearings to determine competency to consent to or refuse treatment (Cal. Welf. & Inst. Code 5332 provides for such "capacity" determinations) is provided by the Office of Patients Rights Advocates (lay as well as lawyer advocates). Under federal law, states receiving certain federal funds must establish "Protection and Advocacy" programs to provide legal representation to persons with developmental disabilities and mentally ill persons. The P&A must have the authority to pursue legal, administrative, and other approaches to ensure the rights of their clients; investigate incidents of abuse and neglect; and establish a grievance procedure to ensure that the clients have full access to services of the state system. The federal laws establishing the P&A system specified that P&As do *not* represent individuals regularly in commitment hearings: that is a state function that was not supplanted by the federal program.

In addition to statewide advocacy programs, a number of other projects provide legal services to people with mental disabilities, such as pilot projects funded by the federal Legal Services Corporation, projects of the American Bar Association and/or state or county bar associations, and clinics run by law schools. Some of these programs are local in their focus; others are national projects that concentrate on precedent-setting impact litigation and law reform efforts.

Ethical Obligations of Lawyer/Advocates

Legal advocates who are lawyers licensed to practice law are bound by the rules of professional responsibility. Each jurisdiction has its own such rules, but generally these are consistent in principle with the *Model Code of Professional Responsibility* (American Bar Association, 1981) or the *Model Rules of Professional Conduct* (American Bar Association, 1983). Canon 7 of the *Model Code* states, "A lawyer should represent a client zealously within the bounds of the law." In general, the lawyer's responsibility is to pursue the client's interests – as the client defines them – as long as the client does not ask the lawyer to break the law or violate the canons of ethics. A lawyer can only make decisions as to matters "not affecting the merits of the case or substantially prejudicing the rights of a client" (Ethical Consideration Canon 7-7). Otherwise, the client has *exclusive* authority to make

decisions, and those decisions are binding on the lawyer.

A lawyer as adviser has a duty to inform the client of relevant information and to assist the client in reaching his or her decision. The counseling function can include more than simply providing information. It is quite consistent with the *Model Code* and *Model Rules* for a lawyer to make a recommendation to the client. However, the client must be free to accept or reject the lawyer's advice. The lawyer must not intimidate or manipulate the client.

For example: an individual confined for short-term evaluation must decide whether to exercise or waive his right to a hearing reviewing his involuntary patient status. In assisting the client, the lawyer/advocate first must provide the information necessary for an informed decision. Such information includes the legal consequences of becoming a hospitalized patient. It also includes a patient's right to benefits and services in the hospital, as well as to participate in formulating a treatment plan. After providing this information, the

lawyer/advocate's next task is to assist the client in reaching a decision. This means helping the client identify goals and weigh the pros and cons of the proposed course of action, answering any questions the client has, and expressing a professional opinion as to the practical effect of the client's decision. The lawyer's role is to facilitate the client's decision, not to make it for the client.

The client's probable chances of winning such a hearing may be a significant factor in the decision; typically, the lawyer/advocate would express an opinion, based on the lawyer/advocate's knowledge of the facts of the client's case and of past decisions of the hearing officer or judge in similar cases. However, if the client decides to pursue a hearing even against the lawyer/advocate's

advice, the lawyer/advocate's next task is still to carry out the client's wishes. Although the *Model Code* and *Model Rules* permit a lawyer to withdraw from representing a client who insists upon a course of action *morally* repugnant to the lawyer, this option is not available when a case is pending before a court or tribunal. Moreover, where the client is poor, a prisoner, or confined in a mental institution, access to alternative counsel is apt to be nonexistent. Thus withdrawing from representation likely means abandoning the client. Lawyer/advocates who routinely represent clients in commitment proceedings realize that they cannot ethically withdraw every time a client rejects their advice!

Once the client has determined what he or she wants to do, the lawyer/advocate's task may be over. However, depending upon the nature of the decision, the client may want the lawyer/advocate's help in carrying it out. For example, suppose a client who is a patient in the hospital wishes to stop taking prescribed antipsychotic medication. The client consults an advocate who advises her of her legal right to give or withhold consent to treatment, including medication. The client decides that she wishes to stop taking the medication because she experiences ►



debilitating side effects. The client next asks the advocate to assist her in enforcing that right to refuse the medication. Such assistance may involve simply arranging a meeting between the patient and the treating psychiatrist, at which the advocate helps to clarify the client's concerns for the psychiatrist; the result is a change in medication acceptable to the patient.

However, if the treating psychiatrist believes that the patient is incompetent to make a decision concerning medication and wants to medicate her against her will, the hospital will probably seek a hearing at which a judge or administrative officer will determine the patient's competency. Assisting the patient in carrying out her decision to refuse medication may involve representing her at the competency hearing. The lawyer/advocate presents the patient's argument to the judge or hearing officer. This means introducing witnesses in support of the patient's competence, cross-examining witnesses called by the hospital, and possibly even obtaining an evaluation of the patient by an independent psychiatrist, psychologist, or psychopharmacologist.

The Lawyer's Traditional Role and the Adversary System

The traditional role of the lawyer is usually described as "adversarial." Contrary to most lawyer jokes, "adversarial" does not mean that the lawyer must be hostile or rude; it means that the lawyer should represent the client consistently with the principles of an adversary system of justice. Such a system assumes that the most accurate decision-making will come from each party presenting his or her point of view and challenging that of the other party before a *neutral* decision-maker. The adversary system assumes that parties acting in their own self-defined interest will be motivated to present the strongest case in support of their position.

The lawyer for either side is *not* the decision-maker; it is not the lawyer's role to decide which party is correct, either in its version of facts or in its legal argument. In a civil commitment proceeding, for example, there might be both disputes about *facts* (did the individual throw a rock at his neighbor?) and about the *legal significance* of those facts (does that act, plus additional information about the person's behavior in the hospital, prove that he is dangerous to others?). The lawyer's client expresses his desire not to be involuntarily hospitalized. Following that instruction, the lawyer's role is to challenge the accuracy of the facts the hospital presents in support of the commitment petition, as well as to argue that, even if the court finds those facts to be accurate, they do not support a legal conclusion that the client is mentally ill and dangerous and thus meets the criteria for commitment. Similarly, if a state commitment law uses a term such as "gravely disabling mental disorder," the lawyer for the client may attempt to dispute the accuracy of the hospital's diagnosis of the client

(for example, by introducing expert testimony in support of a "milder" diagnosis). Or the client's lawyer could argue that the hospital's diagnosis, even if accurate, does not satisfy the legal standard (for instance, because it is not usually considered gravely disabling, or because in the client's case it has not been shown to have such severe impact).

In both examples, the lawyer is not deciding what diagnosis is "correct" or whether the client is "gravely disabled" or "dangerous;" rather, the lawyer is presenting to the decision-maker (judge or hearing officer) evidence and arguments that support the client's position. The lawyer is ethically forbidden to *fabricate evidence* or knowingly to *present false testimony* (Canon 22; EC 7-26). The lawyer *cannot testify as a witness* either for or against the client; it is inappropriate for the opposing party or the decision-maker to ask the lawyer, "Don't you agree that your client needs to be in the hospital?" or "Why are you so sure your client isn't dangerous?"

Special Ethical Concerns in Representing Clients With Mental Disabilities

The *Model Rules* and *Model Code* both assume a principle of competency – that in most cases the client is competent to assess the information and advice provided by the lawyer, to make decisions, and finally, to communicate those decisions to the lawyer. If a client, because of mental disability, is unable to perform some or all of these functions, how does this affect the lawyer's responsibilities and role?

The client's mental disability alone does not relieve the lawyer of the responsibility to attempt to inform and advise the client. "If the client is capable of understanding the

matter in question or of contributing to the advancement of his interests...the lawyer should obtain from him all possible aid." (EC 7-12). If the client has a legal guardian or other court-appointed representative such as a conservator, the lawyer informs and advises that representative and may take directions from him. However, even when the client is thus under *legal* disability, the lawyer still has an ethical duty to inform and consult the client to the maximum extent possible. If the lawyer becomes aware that the guardian is acting adversely to the mentally disabled client's interests, he or she has a duty to prevent or rectify the guardian or conservator's misconduct. This could mean asking a court to review the appropriateness of the guardian's actions, or to appoint a different guardian, or even to reconsider the need for guardianship at all. Certainly in a proceeding to renew a conservatorship, where the client objects to the renewal, the lawyer must represent the client's expressed wishes, rather than those of the conservator.

Regardless of the extent to which he or she receives guidance from the client, the lawyer has a duty to "act with care to safeguard and



advance the interests of his client.” (EC 7-12). What would this duty mean in a proceeding to hospitalize the client involuntarily, or to determine whether the client should be placed under conservatorship? Although the lawyer cannot testify “on the merits” of the issue of dangerousness or need for treatment, can he or she ethically request the court to appoint a *guardian ad litem* for the client? (A *GAL* is appointed to represent the interests of an incompetent individual only for the duration of and in the context of a specific legal case.) To do so arguably violates the lawyer’s duty to the client since telling the court that one’s client is incompetent and asking for a *GAL* to be appointed essentially concedes the merits of the conservatorship petition. Model *Rule 1.14(b)* cautions that “a lawyer shall secure the appointment of a guardian or other legal representative... only when the lawyer reasonably believes that the client cannot adequately communicate or exercise judgment in the lawyer-client relationship.” This rule would apply to a situation where the lawyer was totally unable to establish a relationship with the client – for example, because the client just stares into space and does not respond to or acknowledge the lawyer’s presence. In such a case, after repeated unsuccessful attempts to establish communication, it would be ethical for the lawyer to petition for an appointment of a *GAL* to instruct him or her on behalf of the client.

But this situation of the client with a severe impairment must be distinguished from a case where the client wants to resist hospitalization or the appointment of a conservator and communicates this clearly to the lawyer. Just because the client shows evidence of delusional thinking or behaves in ways that indicate the presence of a mental disability does *not* mean the lawyer is justified in seeking the appointment of a *GAL*. *Rule 1.14(a)* requires that “the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the [mentally disabled] client.” The Comment to the Rule states that the fact of disability “does not diminish the lawyer’s obligation to treat the client with attention and respect.” A client with a mental disability may still have “the ability to understand, deliberate upon, and reach conclusions about matters affecting the client’s own well-being.”

May the lawyer, rather than petitioning for a *GAL*, simply assume that role him or herself – decide what is in the client’s *best interests* and pursue that goal, rather than advocate for the client’s expressed desires? No. Such an approach is fundamentally at odds with the principles underlying the *Model Code* and *Model Rules* and was explicitly rejected by two judges and legislatures before the *Model Rules* were drafted. Even if a client’s abilities are impaired by mental disability, a lawyer is not justified in making decisions for the client based on what the lawyer thinks is in the client’s best interests or what the lawyer would have done in the client’s place. The *GAL* acts based upon a theory of what is in the individual’s best interests, even if the

individual objects: the lawyer looks to the client to determine what is in his or her interests, and acts to carry out the client’s expressed desires. There is thus a fundamental distinction between the roles of *GAL* and lawyer, which should preclude the same attorney from serving simultaneously in both roles. (A similar conclusion has been reached by the American Bar Association and other associations of legal professionals about the role of an attorney representing a child client.)

People with mental disabilities, just like other clients, are entitled to expect that their lawyer will “act like a lawyer” and will not suddenly become a *GAL* – or more than that, the judge of the merits of the client’s case. A lawyer who changes roles in this way violates an ethical duty of loyalty to the client.

In practice, lawyers representing clients with mental disabilities in commitment proceedings try to use their *counseling* function to resolve the dilemma of an impaired client. Where going to a formal hearing would most likely result in involuntary commitment, lawyers often

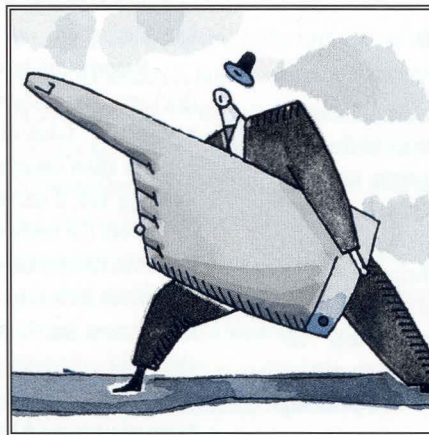
advise their clients to agree to short-term hospitalization as a voluntary patient. A lawyer/advocate who believes it is in a client’s interest to remain in the hospital or to take prescribed medication is free to express those convictions to the client and indeed to attempt to persuade the client to follow his or her advice. But to those outside the lawyer/advocate-client relationship, the lawyer/advocate must present the client’s point of view.

Ultimately, unless the client is seeking something against the law, the lawyer/advocate has an ethical obligation to represent the client’s wishes effectively. Thus, even if the lawyer/advocate has tried to persuade the prospective patient to stay in the hospital and

to give the treatment a chance, once the client has decided to exercise the right to seek release through a hearing, the lawyer/advocate’s responsibility is to pursue that goal for the client. It would be a violation of the lawyer/advocate’s ethics to tell the judge or hearing officer (or the treating psychiatrist, or the client’s family members) that it would be best for the client to stay in the hospital, or to deliberately provide a weak defense or representation to make it more likely that the client will lose the hearing.

Isn’t Legal Advocacy Counter-Therapeutic?

Legal representation, especially by lawyer/advocates using the traditional “adversary” role has been criticized as counter-therapeutic and harmful to therapist-patient and family-patient relationships. Legal advocates are said to encourage aggression and manipulation; patients file legal petitions just to get attention, to express hostility toward staff or family members, or to avoid facing their problems. Yet research done on the therapeutic impact of civil commitment proceedings and access the legal advocacy services does *not* support these conclusions. On the contrary, legal advocacy can promote appropriate and effective treatment by ►



encouraging mental health professionals to treat a patient with dignity and actually listen to what he or she has to say. Providing procedural protections including effective legal representation can counteract patients' perception of being coerced, and promote their long-term compliance with treatment. An individual is more likely to feel fairly treated when given the opportunity to hear in a formal setting the reasons why, for example, the hospital psychiatrist believes the patient should be committed. Clients have told their counsel happily, after losing a hearing: "That's OK. I was just glad you made that doctor answer my questions. I've been trying to get him to talk to me all week." In other cases the opportunity to take the stand and tell the judge or hearing officer his story may reinforce the patient's sense of dignity.

The assistance of a lawyer/advocate affirms the importance both of the legal rights at stake and of the person. Ironically, precisely because individuals with mental disabilities, like others in our society, likely view lawyers as "mouthpieces" and "hired guns," they are apt to feel more powerful since they have a lawyer. In the words of a client, "It means they can't push me around."

Family Members Working With the Lawyer/Advocate

With the client's consent, the lawyer/advocate can communicate with family members and work with them in many ways. In the context of involuntary hospitalization or treatment with medication, the lawyer/advocate may act as a buffer between the patient and family members, or take some of the pressure off family members to advocate for their relative's wishes. The lawyer/advocate may help develop an informal "contract" or agreement between the patient and family members that may govern, for example, a proposed visit home. So long as it is consistent with the client's wishes, the lawyer/advocate can support efforts by family members to enroll the patient in a particular treatment program or residential placement.

A major function of many lawyer/advocates is helping their clients obtain access to services and programs. The fact that a person qualifies for benefits under a state or federal program does not mean that he or she will actually get that benefit without assistance. A lawyer/advocate can make the difference between a right on paper and a right in reality, by advising the client of his or her eligibility, helping to complete the application and obtaining the supporting documentation. The lawyer/advocate can help the client communicate with the agency

worker reviewing the application, making sure that the worker has all the information needed. If the application is denied, a lawyer/advocate can advise the client about the chances for an appeal and represent the client through the administrative appeal process.

If the client is denied benefits because of a policy or procedure that the lawyer/advocate concludes is unlawful, the next step may be system-wide advocacy. This could involve trying to change the policy or procedure through strategies ranging from informal approaches to the agency, to legislative lobbying, to the filing of a lawsuit on behalf of the individual client alone or with others similarly situated (a "class action"). Similarly, counsel appointed in commitment hearings may discover that the clients, when they leave the hospital, are not receiving the "individualized discharge plan" provided for under state law. Rather, they are being released with only a telephone number for a community clinic where they can pick up their medication – if that much. Counsel may try to enforce the right for an individual client first, by negotiating with the hospital. If the hospital refuses, the next step may be asking the court to order a discharge plan and follow-up for an individual client – or for many clients.

Suppose the hospital staff responds to counsel by saying the lack of discharge plans is not their fault: community-based services are all but nonexistent. Counsel may try to establish a right to community-based services again using a range of advocacy techniques including legislative lobbying and, if necessary, litigation.

From the beginning of the patients' rights movement, lawyer/advocates have attempted both to protect people with mental disabilities from unnecessary loss of liberty – and to establish their right to treatment and to improve the quality of services both in institutions and in the community. Lawyer/advocates, while upholding their clients' right to refuse treatment unless found incompetent to do so, have also asserted their right to receive the newest and most effective medications and treatment methods. Federal laws mandating services and rights such as the Individuals with Disabilities in Education Act (IDEA) and the Americans with Disabilities Act (ADA) have codified and built upon the victories won for mentally disabled people by lawyer/advocates in the courts and state legislatures. In all these efforts, just as in representing individual clients on a day to day basis, lawyer/advocates have been most effective when working together with family members who understand and support their role. LL

Did You Know?

The Loyola Law School Senior Class has given a most generous gift to the Law School. The Class of 2000 has donated a big screen television and satellite dish, now placed in the Student Lounge, for the benefit of law students seeking some relaxation time.

Thank you, Class of 2000!

This Fall, Loyola Offers Its First Graduate Degree Program (in Taxation)



In August 2000, Loyola Law School will inaugurate a rigorous LL.M. program in Taxation. Students will be permitted to attend either full- or part-time, although for the first year only part-time students will be admitted. All courses will be offered in the evening. The schedule is designed so that students wishing to do so can attend classes one night a week and earn their LL.M. in three years. Two-year and, after the first year, one-year programs will also be available.

Ellen Aprill, Loyola's John E. Anderson Professor of Tax Law, will serve as director.

Professor Aprill is a fellow of the American College of Tax Counsel, member of the American Law Institute, editor of the ABA Tax Section Newsletter, former chair of the Los Angeles County Bar Section of Taxation, and former staff member in the Treasury Department's Office of Tax Policy.

Professor Theodore Seto, whose articles have been published in the prestigious *Tax Law Review* and *Yale Law Journal*, will serve as Deputy Director.

Professors Aprill and Seto will teach in the new tax LL.M. program. So will full-time Loyola

Professors Joseph Sliskovich and Katherine Pratt, both graduates of the NYU Tax LL.M. program. Professor Meade Emory, who directs the graduate tax program at the University of Washington and was the American Bar Association site evaluator for Loyola's new program, reported to the ABA that "chief among [the] attributes [of Loyola's new tax LL.M. program] is the presence of a strong and sizeable full-time faculty, a feature lacking in many similar programs." Loyola's new tax LL.M. program will also benefit from accomplished local adjunct faculty, including the chief of the Tax Division of the United States Attorney's Office for the Central District of California, the deputy controller of the State of California, the IRS's Western Region Professor-in-Residence, and private practitioners with national reputations,

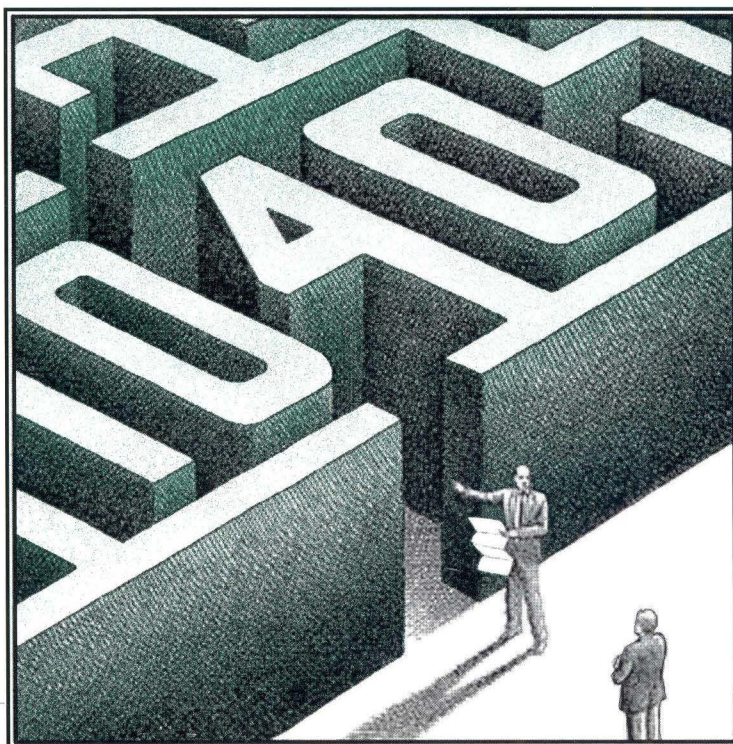
extensive IRS and Treasury experience, and established records as effective teachers at the graduate level.

A distinguished panel of tax lawyers has agreed to serve as an advisory board to ensure that the program meets students' and employers' needs. The advisory board includes representatives from large law firms, small law firms, the big five accounting firms, and major corporate tax departments. Two alumni advisory board members, Michael Lebovitz of KPMG and Moshe Kushman '87 of Skadden, Arps, Slate, Meagher & Flom, have been particularly helpful in establishing the new program.

Loyola brings to its new tax LL.M. program the same commitment to effective practical training that has always been the hallmark of its J.D. program. In all the United

States, only a few law schools now offer Tax LL.M. programs of national stature. Loyola aspires to join that elite group.

Brochures, applications, and further information can be obtained by calling the Admissions Office at 213.736.8129 or sending an email request to admissions@LLS.edu. Program information and an on-line application will soon be available on the Loyola web site at www.lls.edu. **LL**





There's No Show Business

by Charles Domokos '00

Loyola Law School's entertainment law program is positioned to transition Loyola Law School students who want to realize their dream of working in the California entertainment industry, or who want to move from the "show" to the "business" side of the entertainment world. Professor Jay Dougherty, point person for the entertainment law curriculum, brings a dynamic commitment and an academic and industry background to his new role as a tenure-track professor charged with expanding Loyola's reputation in the entertainment field. "My *alma mater* Columbia has a very good entertainment law program and they communicate with alumni. I've always

Portrait of the Loyola Entertainment Community

by Charles Domokos, Class of 2000

Jeanne Collachia '99 Director's Cut

It's tough to switch from being an invited filmmaker/speaker at the Kennedy Center for the Performing Arts to taking notes in Loyola Law School's first year lecture classes, but Jeanne Collachia took the plunge and finished her J.D. in December, 1999. "I wanted to have a marketable skill, I was tired of spending a lot of energy on film projects that more often than not didn't work out."

While studying acting at Northwestern University's Theatre School, Collachia got bitten by the filmmaking bug. "I was so shy I couldn't go into the

Northwestern cafeteria, but when I took a filmmaking class, I could do anything from asking the most handsome actor in Chicago to be in my film to shooting in the Hotel Knickerbocker's grand ballroom. I'd ride the 'L' train carting my film equipment around Chicago since I had no car."

Collachia transferred to UCLA's film school where her concentration was "screenwriting" and "directing" rather than a technical specialty. "I came out of graduate school with an M.F.A. in film and television production as well as "in the black" thanks to selling my thesis film "Robert Frost's Death Of The Hired Man" to Encyclopedia Britannica."

Collachia subsequently received a prestigious Independent Filmmaker's Grant from the American Film Institute and directed her first feature "Odd Birds" starring Michael Moriarty and Donna Lai Ming Lew. The critically acclaimed film about an Asian-American teenager did not help keep Collachia "in the black." "While the film put me on the festival circuit for two years with trips to a

Business Like Entertainment Law

wanted to develop a similar program somewhere. Now, here I am in Los Angeles, the entertainment capital of the world and at Loyola Law School, the largest law school in the Western United States. That's my inspiration, to grow our program and extend outwards to the alumni as well." Dougherty, after doing undergraduate work at Yale, earned his law degree from Columbia University and segued into doing legal contract work for Broadway musicals at the well-known New York firm Paul, Weiss, Rifkind, Wharton, & Garrison.

"I did a lot of work for clients such as Jerry Herman on the Broadway show 'La Cage Aux Folles.' Jerry Herman wrote 'Hello Dolly' and 'Mame' and all those shows. That work was enjoyable, but I wanted to work more in the movie business. So I moved to California and worked for Mitchell, Silberberg & Knupp LLP in their motion

picture and television department."

Dougherty, a performer in rock bands since high school days, transitioned from playing guitar harmonies to writing harmonious legal contracts for movies and TV shows. As a transactional entertainment attorney, he handled film production and development legal matters and specialized in synchronization rights and usage rights for musical soundtracks for films. "I did a lot of work on the soundtrack album for 'Rocky 5,' for example."

Dougherty laughs as he confirms that you don't have to be "The Band," or "Crosby, Stills & Nash" to mount a musical come-back. "My band from Yale, 'The Rockets,' reunited recently and play Yale reunions and other events. One of the other band members is the filmmaker Walter Parkes. We were also invited to play at a DreamWorks ▶

dozen film festivals from Hawaii to Italy, I never saw any money from television or from video sales." Collachia began to sense the quagmire that befalls all but the most successful filmmakers: getting cashable checks from film distributors.

Collachia's next feature was the documentary "Bread And Salt." "It was a film about a Russian émigrée who returns to the Soviet Union to witness the Gorbachev years. As history played itself out, it became a film set against the backdrop of the end of the Soviet Union." "Bread And Salt" got enthusiastic reviews from Kevin Thomas in the *Los Angeles Times* and from other mainstream and underground media reviewers. National film critic Jim Svejsda lauded "Bread And Salt" as "the way history should be written but so rarely is." The accolades catapulted "Bread And Salt" out of the festival circuit into a limited national theatrical release including playdates at Los Angeles' Laemmle Theaters (Sunset 5 and Santa Monica) for six

months prior to the film's national video release. "I was a 'filmmaker for hire' on that film and actually got paid."

Suddenly, Collachia had a number of projects in the hopper. "Once you get to a certain point in your career, you can no longer do it on grants." Collachia recalls a glut of lunches and meetings discussing "what's 'commercial' and what isn't." "It's different from being a filmmaker on your own. With executives, you begin a relationship, and the next thing you know, they're out of a job, and you have to start with someone new."

Concurrently, Collachia taught part-time in the film departments at UCLA, USC and LACC when she was offered a tenure-track position at a new film production program at the University of Central Florida. "At the same time, I was up to direct a feature with Kathleen Quinlan, Paul LeMat and Anthony Quinn, who had all committed to the project. The day I arrived in Orlando, the producer called and told me to drop everything and come back because

the production was set to 'go' in Utah. Fortunately, I had the good sense not to quit my job. His deal fell apart, and he eventually went bankrupt."

Of the 28 neophytes in the budding Orlando-based film program, two of Collachia's students, Ed Sanchez and Dan Myrick hit the financial bull's-eye with "Blair Witch Project."

"In Orlando? All the hype about film production moving there was unfortunately just hype. The final straw for me was when a TV movie-of-the-week about an adoption horror story that was set in Orlando was shot in L.A."

Stymied with the lack of directing opportunities for women in studio dominated Los Angeles as well as in out-of-the-way Florida, Collachia considered an alternative career in law. Collachia saw her strength as that of a storyteller. "I thought this skill could transfer to the field of law. I had also been doing personal legal research, fighting an eminent domain lawsuit in Florida. I got a first-hand look into the judicial system when I had to have an attorney take the case in front of a local Florida jury. I became very involved with the ▶



party last year.”

Dougherty continues to perform in “Belladonna,” his current garage band, in between performing professorial lectures in core entertainment law and copyright classes. Prior to coming to teach at Loyola, Dougherty taught copyright at U.S.C. as an adjunct and held executive posts including serving for five years as senior vice president of motion picture production and worldwide acquisitions, legal affairs for 20th Century Fox.

“Historically Loyola has been very strong in the entertainment field. We have our *Entertainment Law Review*, as it’s called now, formerly the *Entertainment Law Journal*. It’s one of, if not the oldest entertainment law journals in the country.”

The Spring 2000, Volume 20 issue of the *Loyola of Los Angeles Entertainment Law Review* will publish a symposium on digital music distribution in addition to its ongoing notes, comments, and articles on trademark law, copyright law, and the legal issues raised by the Internet.

Programs and Courses in Entertainment Law

Professor Larry Helfer, who alternates teaching copyright with Dougherty, reiterates the intellectual foundation for the entertainment program. “Not all of copyright is entertainment related although much of it is. Understanding copyright is important to being a good entertainment lawyer. For example, you learn to decide the right way to make a movie out of a book. Do you need permission or not? Do you need clearance rights or not regarding a poster in the background? What about the issue of someone who refuses to write a proper contract to exploit an entertainment work in digital media? There are all sorts of

aspects to copyright law. Employers and practitioners feel that it’s important for students who are thinking of going into the field to take copyright to build their knowledge and skills.”

Helfer envisions an interdisciplinary basis to hone student skills: “I think we envision the entertainment program as being one where different courses reinforce each other. We want the program to build in a programmatic way to a full understanding of the subject matter. We hope to teach a coherent body of law that works as a whole and not just as individual courses.”

Aside from the approximately 150 students-a-year who take the core copyright and entertainment law courses, the entertainment program encompasses courses in communications law, trademark, art law, internet law, sports law, music law, motion pictures financing and distribution, television financing and distribution, and specialized advanced courses taught by visiting adjuncts from the entertainment industry.

Professor Karl Manheim’s communications law is an example of a class increasingly considered “basic” in the entertainment field. “This course explores the cutting edge of broadcast, telephone, cable, satellite, and wireless technologies. We also offer several courses focusing on Internet legal issues [cyberlaw],” explains Manheim.

Manheim sees a revolutionary change in the nature of entertainment: “Technological convergence poses an immense challenge and opportunity. We’re on the verge of delivering traditional entertainment to the public with video-on-demand, on the desktop, in one’s car and on one’s wrist. These delivery systems are no longer the subject of science fiction, and are not only technically feasible but

workings of the legal trial system. This was *real* drama with high stakes.”

One classmate recalls Collachia’s creative classroom hypos involving “strange situations such as bogus get-rich popcorn machine business schemes.” Other classmates recall her hard work, and unusual willingness to serve as a beacon of emotional support for frail hearts struggling in the competitive first year day program.

“There is a critical connection between drama and law. Every drama is about ‘what’s at stake’ for the protagonist. Every character has a goal. Likewise, a lawyer has a client with something at stake and an objective, a goal. Even in such a cerebral area of law as Constitutional Law, the constitutional plaintiff must be humanized. In *Saenz v. Roe*, the issue is the right to travel under the Fourteenth Amendment, but the plaintiff was presented as a battered woman who must return to California.”

Collachia’s favorite classes in law school were “Children and the Law” and “Civil Rights Litigation.” She expects to combine her storytelling talents and these two subject areas in future legal work.

Collachia sees “storytelling” as also central to successful trial work. “Jurors want to have events make emotional sense as well as be legally sound. I have been trained all my life to be a storyteller and I also have a natural propensity to tell stories. That’s what I want to do. Civil rights or family law, whatever kind of law that utilizes my storytelling ability.”

Uleses Henderson Jr. From RAP to R.A.P.

“I got involved with music in 1992 when I helped a friend manage a couple of recording acts in Hampton, Virginia.” Third year evening student and Loyola Law Review staff member Uleses Henderson, Jr. has an impressive engineering background including earning a Bachelor of Science Degree in mechanical engineering at Purdue University and a Master’s Degree in Aerospace Engineering at Georgia Tech in Atlanta. But the “stars” he aimed at in his “day job” working as a NASA engineer paled in comparison to the music “stars” whose careers he managed on the side.

Eventually, his focus shifted.

“In Atlanta, I began songwriting for groups and became fascinated by recording studios. I began producing.” Henderson compares the creative work of producing made famous by icons such as Quincy Jones, Barry Gordy, and Richard Martin, the “5th Beatle,” to “being the director of a movie.”

“You have a song, and you bring together all the musicians and artists. You direct the album.” Henderson began producing artists he managed and also lent his songwriting services out to performers such as former MCA recording artists IV Example, and Atlantic Records recording artist Mark Morrison.

“In Atlanta, when I was there, it was a little more of a closed circuit. Atlanta has now become a hotbed for artists and musicians.”

Henderson strongly disagrees with the aura of danger that has come to symbolize rap music. “It’s a bad stereotype. There’s nothing especially dangerous about rap music. People think many of the artists are bad news. That’s not true. When I was in the studio with Ice Cube, he was very professional. He didn’t have a lot of

coming to be expected. Entertainment issues are as much concerned with delivery and distribution as with ownership and content. Towards this end, telecommunications is becoming a staple of the entertainment curriculum."

The Loyola Law School Entertainment and Sports Society sponsors frequent on-campus lectures and symposia dealing with entertainment issues. In keeping with the entertainment world's emphasis on personal contact, the society also hosts off-campus pool parties, Halloween parties and visits with entertainment personalities. The Society has its own web site at "www.esls.org" which provides updates of upcoming events as well as internship opportunities. The 70 members of the society have first access to job and internship information through automatic e-mail messages sent to members on an "as it becomes available" basis.

The Loyola entertainment program also has a well regarded entertainment law practicum that gives law school credit to students for internships. Students serve at Los Angeles area studio and entertainment companies. This program has been the stepping-stone into the world of entertainment law for many Loyola Law School graduates.

Internships are Stepping Stones to Jobs

Gregory Rose '95 credits his third year Loyola Law School internship at Hanna-Barbera Productions with developing the contacts that led him to his present position as associate director in the Business & Legal Affairs Department at Fox Family Worldwide. "I didn't know anyone in Hollywood when I came to town. The internship led directly

to a legal position after I graduated from Loyola Law School." [See *Gregory Rose*, p. 16.]

Erin Einstein '99 echoes Rose's sentiment: "It's unfortunate but connections are necessary. People do get in, but it's harder without knowing anybody." Einstein's career path is instructive as she makes the transition from law school to entertainment legal work. Einstein passed the California Bar in the summer of 1999, whereupon she returned to continue her full-time paid internship in the Showtime Business and Legal Affairs Department. There, she works on copyright filings, chain of title searches, production contracts, and co-financing documentation.

"A personal friend got me the initial interview at Showtime in 1998. I was a second year day law student. It was a part-time position. They liked me, but I couldn't have done the internship without the Loyola Practicum internship class." The summer after she started, Einstein's internship became a "paid" position.

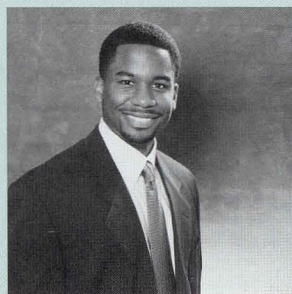
Now that Einstein has passed the bar she looks to parlay her prior television production background in Toronto and Los Angeles and her experience in entertainment contract work into a full-time transactional attorney position in the television broadcast field.

Julie Nguyen '98 works in the Showtime office next door to Einstein. While studying at Loyola Law School, she focused her interests on public interest law prior to trying her hand in the entertainment field. "I didn't know anybody in the entertainment field and had no background. The only connection I had was that I took entertainment law and got to know Professor Dougherty during my last semester. He knew I had an interest in the field. I understood it was very

people hanging out. That's why he is extremely successful. The artists who have success are sophisticated and very talented. I've worked with a number of rap artists, but I do more with rhythm-and-blues and hip-hop. It's tougher to get a smash hit in r&b. It's a very cut throat genre."

Henderson eventually moved back to his native Los Angeles because "there's a lot of production work here." He continued to do studio recording session work. "I took the money I got from my day job as an engineer and built a 24-track digital production studio in Encino." As Henderson immersed himself into the volatile world of songwriting, song-publishing and developing talent, he began to realize the importance of the legal aspect of the music business.

"The music industry is not a friendly industry. You need to educate yourself. People will flash money and have parties. Artists are young and impressionable. In the long run the companies make the money."



Henderson credits his decision to go to Loyola Law School to seeing artist friends chained to adhesion contracts. "That was one of the main reasons I went to law school. My friends did quality work, but they walked away with nothing. The record labels made millions of dollars. That's how the industry works. The record managers and record labels feel they took a chance to get you to the point where you have success. They feel they should be compensated based on the risk. At the same time, artists are getting more sophisticated. You see a lot more artists break unconscionable

contracts that violate the seven-year rule or the California minimum compensation statutes."

In the winter of 1999, Henderson, as Music Chair of the Loyola Law School Entertainment and Sports Society, organized a music panel that brought top professional managing and producing talent to Loyola. Among panelists were Dick Scott, a manager for Maurice Starr

and New Kids on the Block, and multi-platinum producer Kenny McCloud, who works with artists Ice Cube, Mack 10, R Kelly, and who also produced the multi-platinum Bone-Thugs-N-Harmony album "Eternal." Henderson feels the panel achieved its purpose: "The panel gave law students an opportunity to talk with established artists in the entertainment industry and find out what's important to producers and artists."

Henderson's evening program studies have included many of the copyright and intellectual property classes taught at Loyola Law School. "I came to realize that there are a lot of professional opportunities in intellectual property or 'I.P.'" Henderson's engineering background, his interest in the creative intellectual property field, and his law school studies were an ideal match to land him a full-time clerkship at the intellectual property law firm, Christie, Parker & Hale.

Henderson continues to nurture new acts and sees the Internet as key to an alternative music distribution system. "With the new digital age, we can post music from our artists that we record in my studio onto MP3." Henderson's "master tracks" can be converted to the

hard to get into. When he called me and told me about the intern position at Showtime, he suggested it was a good opportunity for me, so I would get in the door."

Today, Nguyen who passed the bar in 1999, works full-time as a paid intern. She confesses that her salary is lower than she could command as an attorney elsewhere but "getting the experience is great." Another plus: she loves her job. "Previous to coming here, I had done drafting work on motions and briefs, but this is much more interesting."

Nguyen recalls her career progress: "The first couple of months at Showtime, I was doing a lot of credit work. I pulled credits and put them into main and end titles, billing blocks, and paid advertisement memos. I did that mostly for the Showtime ad department. They had to know who they're obligated to give credit to. This included any type of obligation including merchandise and names and likenesses. Later, I started doing copyright registration and recordation. I would register scripts and record documents such as assignments or short form options or security agreements."

Today, Nguyen's work encompasses the spectrum of transactional legal work: "I do research on legal issues. I also do chain of title documentation. I draft talent agreements for writers, directors and producers. I also review other attorneys' legal documents."

Deborah Tilton '00 has an internship position at HBO's Legal Affairs Department. She also has an extensive industry background as an actress and as a screenwriter prior to entering Loyola Law School as a day student in 1997.

"I had taken a number of the entertainment courses at Loyola,

such as the television programming and financing class with Adjunct Professor Lee Straus. He was an attorney at Buena Vista TV at the time. That class taught me how to negotiate and write deal points into a contract. That's very directly related to my contract work here at HBO."

Tilton moved into the HBO Legal Department intern slot when "a classmate at Loyola who had interned at HBO prior to me recommended me."

Prior to graduating and passing the bar, Joel Goldstein '99 was the paralegal at HBO in charge of the legal department internship program. "I was eager to hire Loyola Law students as long as they were the most qualified. Often they were."

Goldstein's approach to hiring is indicative of the entertainment law field. It's important to have a "connection," but qualifications are critical. For Goldstein, as for many in the field, serendipity also comes into play.

"The way I got into entertainment law was the embodiment of what John Lennon meant when he wrote in one of his songs: 'Life is what happens to you when you're making other plans.' I started out as an actor, moved into the creative side of the business called 'development,' and in spite of my interest in other areas, I kept getting pointed in the direction of business and legal affairs. I kept doing and enjoying it. Other people kept liking what I was doing. Finally, after working for years as a paralegal, I said to myself 'I'd better go to law school. 'So, I entered Loyola's evening program while continuing to work at HBO as a paralegal.'"

Since passing the bar last summer, Goldstein has become director, business & legal affairs at Village Roadshow Pictures. "We have a

MP3 format without loss of quality. Then, the artists' tracks can be uploaded in near-CD quality onto the internet and downloaded or "sold" on a per-track-cost basis by web-surfing customers. Many smaller labels are making the switch away from conventional distribution deals onto MP3. "We will also post our web site. That's a form of advertising for the artists and for our label. Artists like the Beastie Boys and Public Enemy have signed deals with MP3. A lot of artists are moving towards MP3 and not signing with standard record companies."

Henderson's goals after law school still include the music industry. He plans to specialize in intellectual property and entertainment. "There is a gap between major artists and artists who are trying to make it. A lot of young artists are in limbo because they don't have access to quality representation. Many entertainment attorneys charge rates at \$250-300 an hour. My hope is to help out newer artists. I am sensitive to artists who don't have much money. I want to accommodate them. That's my goal as an attorney. I also continue to write and produce. The

artists know that I understand what they're going through."

Dan Horwits '93 Play Ball!

Dan Horwits '93 clearly enjoys what he does as he leans across the mahogany desk and gives a "play-by-play" run down of what it's like to be a sports agent. This is Wednesday, February 2, 2000, three days after the Super Bowl. "Right now? I just got back from the Super Bowl in Atlanta. I took about 25 of my clients there, just to be there, and to have a great time."

Unlike most of Horwits' agent colleagues, Horwits didn't have contracts riding on how players performed in the Rams-Titans game. Horwits is a "baseball sports agent."

"I've been an agent since 1988. I specialize in pro-baseball players only. I'd rather be the best in baseball than try to shotgun." Horwits' agency, the Beverly Hills Sports Council represents about 130 baseball players. Horwits is one of the four agent-partners at the boutique agency. "Of the players we represent, about 70 are

major leaguers and there are 60 minor league players we hope to bring to the majors."

The baseball focus makes sense for Horwits. He played Division III baseball and basketball before and during his college days at Brandeis. It's clear he loves the game, loves the talk, and everything about the baseball world. However, his office isn't exactly near sweaty lockers in Dodger Stadium. From the right side of his 10th story penthouse suite, a panoramic view of Rodeo Drive frames the downtown Beverly Hills Gucci parade. Large, metal-framed and carefully autographed posters of clients grace the other three walls. It's a who's who of the baseball world from J.T. Snow of the San Francisco Giants to ex-Dodgers Mike Piazza, Bobby Bonilla and Eric Young. Horwits is clearly as much at the top of his game, as the baseball stars theirs. "It's a 24-hour-a-day job to do it well."

Horwits confirms there are advantages to representing baseball players over players in other sports: "One thing about baseball players, there are no bad images. They're good guys. It's not like you have to get your clients out of jail for murder."

multi-picture joint venture agreement with Warner Brothers and have co-produced movies such as "The Matrix," "Analyze This," and "The Three Kings."

At Village Roadshow, Goldstein drafts deal points and documents for development and production deals. Goldstein is also quick to acknowledge the uncertain nature of an entertainment law career path. "Anyone who's interested in entertainment law should be clear that a career in the field right after graduation is uncertain."

As far as skills needed prior to attending law school, Goldstein emphasizes the need for aspiring entertainment lawyers to be "verbally articulate, clear and concise in their written expression."

A Legal Background is Key to Business and Agency Jobs

Dan Horwits '93 is a sports agent and a partner and co-owner of Beverly Hills Sports Council. "I find having a legal background extremely helpful. I can review contract language to protect my clients. Otherwise, as a sports agent, I'd have to send out the contracts to an attorney."

While attending Brandeis College, Horwits spent his summers interviewing as many agents as he could around the country to find out what they did. "I didn't know much about sports agents. I interviewed to find out what they did."

Horwits interned with as many different agents as he could and continued to do internships while attending Loyola Law School. "I took classes two days a week and interned and worked at the Beverly Hills Sports Council the other three days. I called the agent who founded the

firm, Dennis Gilbert. I must have called 50 to 75 times before he gave me an interview."

Horwits emphasizes the essentials: "To get a job in the field is difficult. I get about a hundred resumes a month, everything from high school students to law students. There are also 40 and 50-year-old people who want to change careers and really do what they want to do. It's a people business. I go with people who call a lot. It's the nature of the business to keep people out. If you're an intern? You wash the players' cars, get their dogs milk bones. That's what I did when I was an intern here. Ten years later, I own the company." [See *Dan Horwits*, p. 14]

Rose reiterates that even getting an unpaid entertainment legal internship is difficult. "Even if you have to take a summer job for very little or no money in the entertainment business, it's worth it. A good time to do it is in your summer between the first and second year of law school. Take the time to try to learn something about the entertainment business. That will help you get the legal internship. Use it on your resume. The entertainment studios that I know prefer their legal interns to be third year unless you have a lot of experience before you come to Loyola."

Jeanne Collachia '99, is also a graduate of UCLA's Film School and a case in point of a law school graduate with extensive prior film production experience. She agrees that "hands on" experience in the entertainment field helps prepare graduating law students to work in the entertainment field.

"I've met students who are going to law school to become producers. Having gone to film school and law school, I personally ►

These days baseball, like every sport is big business. Horwits drops some startling baseball stats which can chill Mark McGuire's: "The average major league franchise is worth from \$200-400 million dollars." Add six "zeroes" to those truncated numbers to get the full impact.

"The average salary for a major league player last year was \$1.7 million dollars." Horwits is quick to point out that only 750 players in the world qualify for that prestigious and lucrative designation. "It's a fair situation because the value of the franchises has gone way up."

It's probable that the "magic circle of 750" doesn't include "major-leaguers" in Cuba and Japan, otherwise Horwits' extensive travel schedule wouldn't just be on "American Airlines."

Baseball has always been a game dependent on numbers, but the numbers that are critical seem to have changed. Horwits proudly points out that his agency has broken the salary cap on 14 occasions. He confirms

there have been seven work stoppages by the Players' Association and sadly notes that another one looms when the present contract between the Players' Association and the League expires in 2001.

On the brighter side, Horwits explains that in the telecommunications age, it's not "local revenues" that support teams. "Even franchises in smaller markets are profitable because of the revenues they get from deals with Fox, ESPN, and the superstations." As for the demise of the Wrigleys and the O'Malleys? "The Dodgers were the last family owned baseball team. Now we deal with Rupert Murdoch. It's a different stratosphere. Murdoch and owners like that have more money. We can charge more for our players."

That does not even account for the merchandising revenue.

"We have separate merchandising contracts for our players. For example, J.T. Snow is tied in to Nike spikes and Wilson fielder's gloves. There are separate

negotiations for these equipment contracts." Translate this to separate income and revenue for the players, not to mention the agent and the agency.

Horwits' legal background makes him sensitive to another aspect of sports agenting: how to deal with keeping as much of the players' cash-flow as possible away from Uncle Sam. "We have two in-house baseball accountants who help work out tax considerations. They know the deductions the baseball players are allowed to take tax wise." Horwits' "full service" agency also helps to channel the deductions and the goodwill by guiding the players into appropriate charity work. "We try to emphasize to our players how important it is to give back something to the community. Players pick their charities. We have lists. Different players do different things. For example, Eric Young does a lot of visits to hospitals. J.T. Snow up in San Francisco gives out 50 tickets to underprivileged kids at selected Giant games. It's kind of us being the parents to the players."

So, what's the rest of a baseball sport agent's year like?

"In January and February, we arbitrate for free ►



think that's bizarre. If you want to produce, do it! Produce a film on whatever level you're able to! Having said that, it's a left-brain, right-brain dichotomy. Film school develops your creative ability, while law school develops your analytic ability. The two work together very well because while your creativity comes from your soul and is very delicate, the business is very tough and law school toughens you. You need to both toughen your hide and soften your heart. In order to survive in the entertainment business, you have to combine both talents." [See *Jeanne Collachia*, p. 10.]

Current 3rd year evening student, Uleses Henderson, Jr. whose special interest is the music industry underscores the importance of "networking." "It's a full-time job. You have to be at all the premieres and the record release parties. You have to be seen in this industry to have people give you a shot. They have to become familiar with you."

Henderson cautions "you can't expect friends and acquaintances in the industry to give you a break. Typically, even though a lot of times you know a lot of people, everyone is trying to get work for themselves. Just because you know people doesn't mean they're going to help you. Even when I meet the right people I have to work harder for myself." [See *Uleses Henderson, Jr.* p. 12]

Personal Connections Create Opportunities

The Loyola Entertainment Law Symposium is a Dougherty innovation to keep the entertainment studies program "cutting edge." Loyola Law School (in association with the Los Angeles County Bar Association Intellectual Property and Entertainment Law Section) held its first annual Entertainment Law Symposium in April 1999, on "Legal

and Business Issues in the Digital Distribution of Music." Scientists, attorneys and business executives gave presentations and participated in panels on this rapidly developing technology that is changing the music distribution world.

Dougherty plans to hold this year's one-day symposium at the Loyola Law School campus on Saturday, April 29th. "This year's Symposium will cover Entertainment Content on the Internet. U.S.C. and U.C.L.A. both have lengthy symposia on entertainment law topics during the year for general practitioners. Our symposium is tightly focused and on an advanced level."

Sensitive to the importance of personal contacts in the entertainment field, Dougherty is also developing alumni networking opportunities. "We're having entertainment alumni luncheons at Lunaria Restaurant in Century City on a regular basis. It started last November 5th when Robert Emmer, senior vice president, of business affairs for Warner Music spoke on record distribution, and Barry Gordon, former president of the Screen Actors' Guild, talked about the problems of runaway film production. We had another luncheon last February 25 where Jonathan L. Kirsch spoke on 'Electronic Publishing and E-Books.' The luncheons are not just for law school alumni practicing as attorneys, but for any Loyola alumnus in the entertainment industry. Our alumni work in a lot of interesting areas and can share that information as well."

Know Thy Industry

As far as "sharing information" prior to attending Loyola Law School, Dougherty recommends reading trade journals. "You don't

agents. Players with three to six years of experience in the majors are eligible for arbitration. There are three arbitrators who decide their salary and terms. Usually there's no middle ground. You choose from a very small group of people who are qualified to be arbitrators."

"In February and March you work out your contracts for your clients. March is also spring training. I'm gone for five weeks straight. I go to Florida for two weeks and to Arizona for two weeks."

"In April, the season starts. We go to a lot of Dodgers and Angels games. We're lucky in LA. We can see our clients play in both leagues between attending Dodger and Angel games. There are only two other markets, Chicago and New York where that's possible."

"During the summer we continue to attend a lot of games and meet with our clients. It's kind of like a family thing. When they come to town they stay at my house if I go to their city I stay with them. Close relationships and friendships allow you to do the very best for your clients. In the fall, in October, there are the playoffs and the world series. In November, that's when

free agents are announced. Those are the players who either have six years of service or are being released by their teams."

It's no longer just a "Boys of Summer" game.

Gregory Rose '95 Contacts and Contracts

"I wanted to do something in the movies or television. I was working in radio in Oregon and I went to the USC Cinema Program as a graduate student." Greg Rose's film production career took a giant leap forward when USC chose him from over 50 advanced graduate students to direct one of the seven USC student films produced that semester.

Today, Gregory Rose is an associate director in the Business & Legal Affairs Department of Fox Family Worldwide, a complex of media companies that includes Fox Family channel and the Fox Kids Network. Among the co-ventures' owners are media titan Rupert Murdoch and Saban Entertainment, which is best known for its Ninja Turtles, Power Rangers and sundry children's fare.

Unlike many Loyola alumni working in the transactional side of the entertainment business, Rose had an extensive film and television production background prior to entering Loyola Law School.

Rose left USC Cinema & TV School with a festival-circuit film and a "directed by" credit, newly acquired knowledge about the nuts and bolts of film and television production, and a lack of "connections" into the entertainment world's inner sanctum, the Hollywood studio and television production community.

"I didn't know anyone in the film business. I took a 'temp job' at Columbia Pictures, made some contacts and finally got a job in production. I started as a location manager, and as a result of people I met, I became an 'observer' on 'Family Ties' for an entire season with a view to direct." When the opportunity didn't come to direct that show, Rose moved over to observe on an Aaron Spelling episodic show, "HeartBeat."

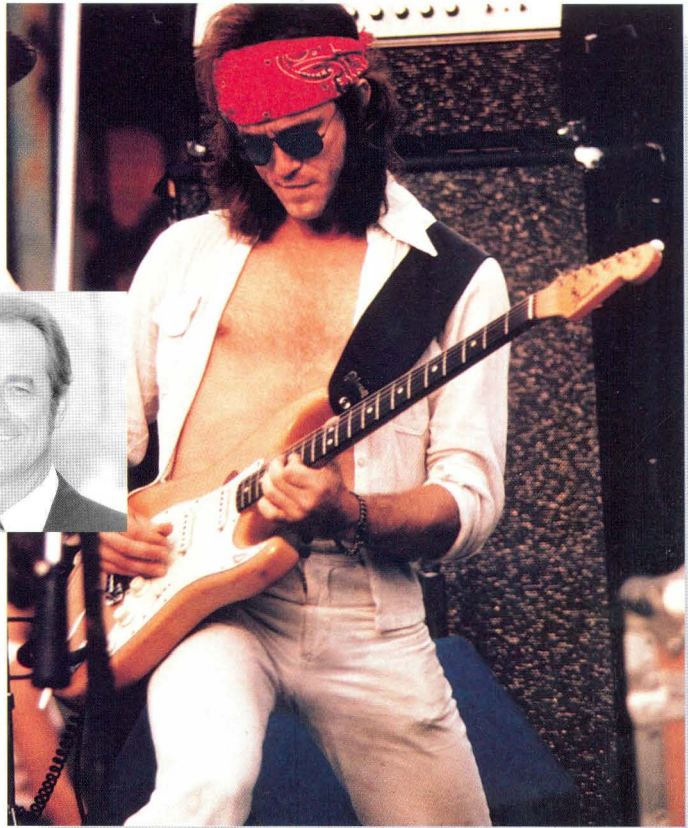
Rose's move to "HeartBeat" led to directing his first television episodes. He became eligible and joined the prestigious Directors' Guild of America. Nevertheless,

even have to subscribe these days. You can get *Billboard*, *Variety*, and *The Hollywood Reporter* on-line as well.” While Dougherty agrees that “networking” matters, Dougherty adds that it’s also important to know the industry. “Watch films, TV shows, listen to records. Know whichever industry you’re interested in.”

Specific recommended introductory books in selected entertainment areas are Don Passman’s *All You Need to Know about the Record Business*, *The Movie Business Book*, by Jason Squires, and *This Business of Television* by Blumenthal and Goodenough.

Professor Manheim also recommends obtaining a copy and reading the recently passed landmark Federal law, “The Communications Act of 1996” as “indispensable reading” to understand the technology basis of modern entertainment.

“We have a lot of students who have been in the entertainment industry in some capacity and who have made a decision to become lawyers.” Professor Dougherty continues to be struck with the varied backgrounds of Loyola entertainment law students. “We have a very talented classical guitarist in this class. We have actors. We have students who have worked for motion picture or television companies. We have producers, directors. That’s good. But I think that what students have to realize, is that in order to become lawyers in the entertainment industry, they first have to be really good lawyers. I don’t want them thinking that, gee, it’s nothing but fun and you go out to lunch and schmooze. I mean schmoozing might be important, but first of all you have to be a really good lawyer. Let prospective students know that, so they work hard.” LL



Professor Jay Dougherty

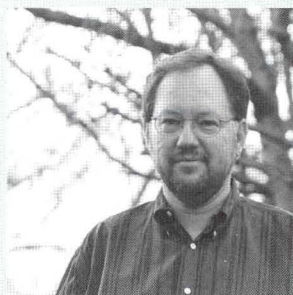
although Rose’s directing career was progressing, he felt confined by the constraints of television directing. “TV directors are unlike film directors. They’re more of an ‘order taker.’ I decided to go to law school to try to be more the person with the power rather than being the guy being told what to do by the person in power.”

Rose enrolled in the day program at Loyola Law School. During his second and third years at Loyola, he also worked part-time as a college instructor teaching Acting for the Camera, and The History of Film. Rose recalls two accomplishments at Loyola that helped his career: Rose won the coveted title of “Best Advocate” in Loyola’s annual moot court competition. He also interned with Hanna-Barbera Productions’ Business & Legal Affairs Department.

Rose credits his transition to becoming “more the person with the power” to that third year internship. “There was no limit to how much you could work. During

the two days a week I was there, I worked at least 10 hours a day to learn as much as possible.”

Rose’s internship led to his first paying legal job. “The person who hired me left Hanna-Barbera to go to a start-up company, and asked me to come work for her.”



Rose moved to the “start-up company,” DreamWorks, right out of law school. “She headed Business & Legal Affairs for DreamWorks’ TV animation division.” At DreamWorks, Rose worked on option purchases, talent agreements, and clearance of episodes. “That’s where we make sure we don’t violate other peoples’ trademarks or

defame anyone.”

From DreamWorks, Rose moved to his present position at Fox Family Worldwide. “Here, you’re the buyer. At DreamWorks, you were a combination of the buyer regarding the artists, but you were also the seller with respect to the programming. You had to sell the projects to a network or other exhibitor.” Whether as

production or legal executive, Rose sees the core of success in the entertainment business as maintaining a reputation. “Your reputation’s the most important thing at the end of the day. It follows you wherever you go.”

Rose continues to keep his hand in production through his consulting work. Most recently he served as associate producer on “Pitch People,” a feature documentary about the Anglo-Saxon tradition of direct marketing and salesmanship that was shown at the spring 2000 Palm Beach, Florida International Film Festival. “My caution is if you’re under contract somewhere like I am with Fox Family, make sure any consulting work falls outside your employment. Of course, you have to have an employer willing to agree to it.”

“At some point I’d like to combine my production and legal backgrounds with a view to returning more to the production side. I think my legal experience is invaluable as a production executive. I’d rather prevent fires than fight them after they’ve become an inferno.” LL

Fictional Alter Egos

by Charles Domokos '00

Secret sharers, alter egos, a chance to exercise a creative craft, to make a statement – or to follow in the attorney/novelist tradition. What sets Loyola Law School professors and fiction writers Sam Pillsbury, Yxta Maya Murray, and Michael Wolfson apart from current mainstream attorney-writers such as Scott Turow and David Kelley is the personal point of view and varied form each Loyola author brings to his or her writing.

Criminal Law and Criminal Procedure

Professor Sam Pillsbury's background includes work as a sports journalist covering upstate New York minor league baseball teams for the "Daily Freeman" in Kingston, New York. "There's AA, A, B, C and D leagues. I covered the Upstate New York D league." Pillsbury switched from sports reporting to crime reporting when he made the move to the *Jacksonville Journal* in Jacksonville, Florida. "That's what got me interested in going to law school." After attending U.S.C. Law Center and graduating first in his law class, Pillsbury served a stint as an assistant United States attorney, criminal division.



Pillsbury's experiences in the U.S. District Attorney's office in Los Angeles provided him with background for his 1992 published novel, *Conviction*, an insider's look at the colliding worlds of Hollywood media glamour, the world of the courtroom, and the prosecutor's mindset.

"First, I started writing science fiction stories. Those were low pressure. Then, I started writing novels. I drew on my professional background. The main character in *Conviction* is a federal prosecutor. It's a good guy, bad guy kind of story."

Pillsbury's 1996 book, *The Invasion of Planet Wampetter* is also based on events arising out of his personal life. "I'd have to make up characters and stories for my kids. The 'wampettters' seemed to be characters that delighted them." Pillsbury built on his early science fiction stories to create a threatened world of "wampettters" who use washing machine microwaves with dire



results and thank gift-givers for presents before they open them to better imagine wonderful gifts. The hero wampetter children Gertrude and Eloise Tubs help save their family and their planet from threatening invaders who want to end the wampettters' adventurous and loving lives.

"It's always a struggle to find time to write between my teaching and my family. I don't have a set writing schedule." Pillsbury keeps writing in short time-bursts, usually on week day nights. "I enjoy teaching, but with creative writing you get to explore the human situation in a different way."

Criminal law and feminist jurisprudence **Professor Yxta Maya Murray** started writing seriously during a judicial clerkship at the ninth Circuit Court in Pasadena. "My writing grew out of my training in the law." Murray cites American Novelist Toni Morrison and Irish Poet and Writer Seamus Heaney as influences. "Those two writers deal with ethnic identity and political crisis.



They've written incredible art around the social problems they faced." Murray began to write short stories which were published in magazines. "I wrote in the Latina dialect and set my stories in urban areas. They are not autobiographical."

In October, 1999, Murray was selected as the recipient of one of ten 1999 Whiting Writers' Awards. The awards have been given annually since 1985 by the New York-based Giles Whiting Foundation to writers of exceptional talent and promise. The honor includes a cash award of \$35,000. Murray joins previous awardees such as playwright August Wilson, man of letters Wright Morris, and 1995 awardee, Michael Cunningham, winner of a 1999 Pulitzer Prize.

Murray sees a close connection between her fiction writing and being a law school professor. "I consider it a different vehicle to examine the same problems." Murray writes about issues of race and gender in America. "I have to think about what it means to be an individual in our community when I write. That's also what we explore in law school: your goals and obligations as an individual in your community. Those problems are doubled when you're talking about racial minorities and women. Women may not have the same means to pursue their goals as our founders."

Murray had already published an earlier highly praised novel, *Locas* when the publication of one of her short stories in *Buzz* magazine garnered the interest of a publisher for a longer work of fiction. "This was in the summer before I started to teach at Loyola Law School. I had been inspired by Hemingway's short story 'Fifty-grand' about a washed up boxer. I wanted to write about the boxing world in East Los Angeles."

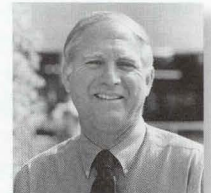
Murray set her lyrical descriptive style to work creating *What it Takes to Get to Vegas* a tough minded look at the world of East Los Angeles women, such as the passionate heroine Rita Zapata, who love their men too much. Zapata, an outcast, falls for a charismatic, flamboyant, immigrant boxing hopeful, Billy Novo. She places her faith and future on the line. She loves and sees in her hopes for a life with Billy the escape route to escape a stifling life in East L.A. Murray's second novel was published in 1999 by Grove Press.

Murray is straightforward about some of her mentors: "I learned about writing action and violence through studying Hemingway."

Murray researched boxing by going to boxing matches. She also credits her Loyola colleague, Professor David Tunick and his home pay-TV system. "I studied boxing a lot by going to David Tunick's house. Tunick holds these boxing nights."

Murray is at work on her third novel. "I write every workday. I organize my writing around my classes. My new book has a contract law situation. Last year I balanced a lot. I'm lucky to work in a wonderful place such as Loyola where that's possible."

Trial Advocacy and Negotiations **Professor Michael E. Wolfson** has been writing stage plays for a dozen years. His most recent play "The Soul Sitter" was the winner of the Sonoma County Repertory Theater Company's first annual "Harvest Festival of New Plays" competition. "The Soul Sitter" is a thoughtful and humorous "up-to-date" look at the significance of the Orthodox Jewish practice of the "shomer." A shomer is a person who watches over the dead in the hours before burial.



"I wanted to write a story about celebrating life even in the face of death and chose the Jewish [tradition] as the setting. Of course today, shomers are for hire and carry beepers and cell phones." While the setting has changed, the fundamentals Wolfson writes about have stayed constant. "I think what I'm trying to say is that 'each of us should squeeze as much from our life as we can.'"

Wolfson came to writing naturally. His father was a novelist and Hollywood screenwriter who moved into the world of TV in the 1950's. One of his sons is also a writer, so it is a family tradition. "I've written novels and scripts for TV prior to writing plays, but I feel most at home writing plays for the stage. I like to tell a story through dialogue. That's what I think I do best, and that's what I enjoy doing."

Wolfson's subjects rarely encompass legal matters although one play, "Undue Influence," has a trial setting and explores the issue of whether we can ever truly reconstruct the past in a courtroom to arrive at the truth. Wolfson's only other legal "character" is a pompous attorney in "Paradise of Fools," a play written in the style of a 17th Century Italian farce.

"I get my ideas in different ways. For example, I wrote a play based on reading a single line in Edith Hamilton's book *Greek Mythology*. She was writing about an early classic play and mentioned Ismene, the sister of Antigone. The line went something like: 'Once Ismene disappears from Sophocles' play 'Antigone,' nothing is ever heard of her again.' I wrote my play to find out what might have happened to her."

Wolfson has been able to write five full-length and five one-act plays by sticking to a disciplined writing schedule. "My first play was full-length, but that's not so unusual. It just depends on the story I want to tell." Wolfson sets aside specific time, such as one week end day and parts of two weekdays for his writing.

Wolfson, Murray, and Pillsbury are three law professors who prove it is possible to combine high-level right brain and left brain activities and not let the rigors and the professional jargon of the legal life extinguish creative talent. **LL**

Ollie D. Cantos '97: A Clear Vision

by Charles Domokos '00

Attorney Ollie Cantos sees what's important: to excel and to help others. "The only thing I won't do is jump out of an airplane." Ollie sits back and considers: "I might try that, too." As a staff outreach and education attorney at the Western Law Center for Disability Rights, Ollie deals with other peoples' disabilities. Ollie also has a condition known as Retinopathy of Prematurity (ROP) which blinded him in infancy. "So often, people who lack sight including me question, 'What can I do?' Whenever I do something new or athletic, like go mountain climbing, it teaches me that I need to push myself to the limit."

Most people would think getting through Loyola Law School and passing the bar are worthy challenges, especially lacking sight, but Ollie takes his past accomplishments in stride. "In law school I completed reading assignments by having fellow students read the material onto tape. I also had access to a state-of-the-art scanner and a computer with specialized software. Dean Yamamoto got me that Kurzweil adaptive computer."

Ollie could take notes in Braille on a slate and with a stylus, or on his laptop computer. Next, he would type or input the information into the adaptive computer. The Kurzweil's audio card could "talk" the information back and give Ollie an audio version of his papers and outlines. Once he input final changes and corrections, the computer could print out the finished version on paper as well as in Braille.

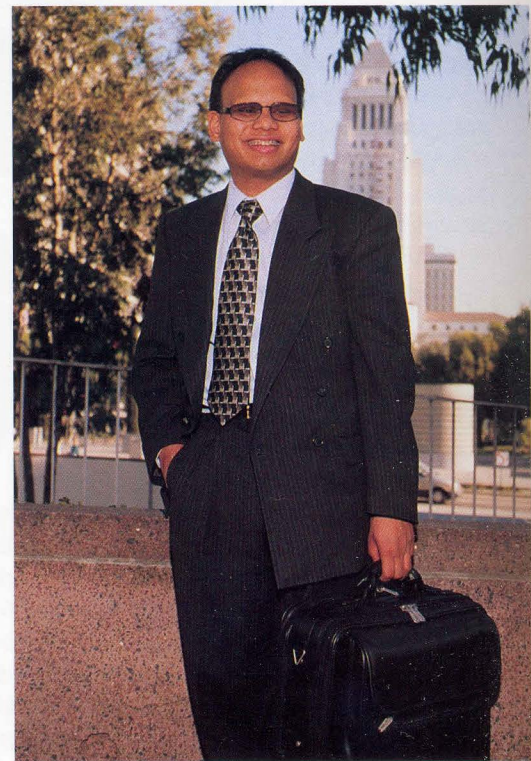
"Taking the bar? I took it the same way I took final exams at Loyola." In both of these time-pressure situations, Terry DeLoah, a professional "reader" assisted Ollie. "In the exam I would issue spot and outline on the computer. If I felt certain things tied together in an essay question I would ask Terry to draw an arrow to link paragraphs. Then, above the arrow, I would ask her to write the name of the issue. Next, I could say: 'okay, what did I

write?' She'd read the two things that I had linked together. Then, I'd write on the Kurzweil adaptive computer equipment and I'd type out my essays. Then, Terry would read back the essay. The computer's audio board could 'talk,' but I wanted Terry to read the essay aloud. Sometimes, I just needed to hear Terry's voice. Then, I'd make changes and I'd print the exam out by the end of the exam period."

Ollie climbed the legal mountain of knowledge as he continued to brave local mountain peaks on weekend hikes. "Matter of fact, I was on a mountain when the bar results came out. I was so nervous waiting to find out about results that I had gone hiking in the San Gabriel Mountains with four friends. I found out I had passed the bar when one of my friend's wife called us on his cell phone to tell us that my name had been posted on the California Bar's internet site among those who had 'passed!'"

"Last fall, I climbed the highest peak in Southern California, Mount Baldy, with my best friend Dave Gordon. I used my cane every step of the way. On the way up, the most exciting challenge was getting across Devil's Backbone. It's a three to four-foot ledge that spans and connects one side of the mountain to the other. On both sides of the ledge there's a drop of several hundred feet. When I would swing my cane from left to right, it would 'swish' and go over the edge. I could hear the wind whistle from the gorge below. Whoa! I don't want to step that far! It took about five minutes to get across Devil's Backbone and about four-and-a-half hours to get to the [mountain] top. What a blast!"

Since passing the California bar, Ollie has not only begun to exercise his profession full-time, but was elected to the Loyola Law School Alumni Association Board of Governors in 1999. Ollie enjoys dealing with people. He is sociable, charming, and upbeat. He is also committed to his work.



As an outreach and education attorney at the Western Law Center, Ollie works one-on-one, face-to-face in the community. Dealing with people means working without computers or other visual impairment disability aids. Ollie's stock-in-trade is specialized legal knowledge in the disability field, and an uncanny ability to develop trust and confidence in those who need help.

"I also work in partnership with social service groups to aid their legal efforts." Ollie estimates he's worked with 50 social service groups while at the Center. He's also participated in statewide disability right projects which set organization goals and coordinate high profile legal cases.

"I try to develop coalitions to achieve common goals." Ollie sees a natural pairing between disability and civil rights groups: "Many minority disabled people don't know their rights." To make sure that they do, Ollie used a grant from the United Latino Fund to disseminate information on disability rights under the Americans with Disabilities Act.

Ollie credits a lot of his success to the support he received from his parents, Orlando and Linda Cantos. "Mom and Dad came here

from Batangas, Philippines. They believe in the work ethic and in education. Dad kept telling me ‘Once you have your degree, you’ll never lose it. No one can take it away from you.’ They pushed me real hard. I don’t know what I’d do without them.”

At times, the elder Cantos chauffeurs the entire family to work including Ollie’s mother Linda and sister Jennifer. “When we’re dropped off we tell each other ‘I love you.’ We’re a close-knit family.”

Ollie’s commitment to his community also means running in the Los Angeles Marathon: “I did it to raise money for two organizations, the Legal Aid Foundation of Los Angeles and The Blind Children’s Center. I ran the 26 miles, *and* I biked the 26-mile route on the same day. On the morning of the marathon I got to the starting line by 6 a.m. I got on a tandem bike with my friend, Mark West. He’s a fellow board member at the

Blind Children’s Center. First, we biked the entire marathon route. From the finish line, we biked back to the starting line where all the runners were lining up. There, I got off the bike, gave Mark my helmet, pulled out and opened my collapsible cane, said ‘see you guys, later,’ and ran off. I was in the midst of a huge throng of marathon runners. When we went through the different neighborhoods, people would cheer. The course runs from Beverly Hills to East L.A. Some kids would say: ‘Is that guy blind?’ as I would run by. People would come up and offer oranges and water. That was a lot of fun. Especially when I made it, cane first, across the finish line. That was in April 1998. This April, I’ll be faster!”

On weekends, Ollie’s life includes being an ordained elder by The Church of Jesus Christ of Latter-Day Saints. Ollie was converted by missionaries when he was 26.

“I was skeptical and my parents have never understood, but it was the right thing for me.” Today, Ollie’s the one who strengthens people considering joining the church and who deals with their skepticism.

Weekends also mean legal studies. “The area of law I’m most excited about is estate planning. I think it would be great if I could give people the assurance that their affairs are in order.” For now, Ollie’s next goal is to go into private practice as a trust and wills attorney. Eventually, Ollie aspires to public office.

“I have many responsibilities. That’s what life is all about – keeping busy. I look for the good in others and for the potential that they have in life. When you see the good in people, they’ll see the good in you. It’s up to us to get to know one another as brothers and sisters. It’s this mindset that has gotten me through life.” **LL** (Copyright 2000, Charles Domokos)



▲ A law student “reader” sometimes assists Cantos with his work at the Western Law Center for Disability Rights.



▲ Cantos’ positive mindset steers him through many an obstacle.



▶ Cantos crosses the finish line, Los Angeles Marathon, 1998.

Loyola Law School: on the Last Decade

As Gerald T. McLaughlin steps aside from nearly ten years as Loyola's 14th dean, he reflects back upon the Law School's Growth

By Anton Mack, Assistant Dean for Admissions

On June 30, Dean Gerald T. McLaughlin steps aside from his tenure as Loyola Law School of Los Angeles' 14th dean. Recently, I asked him about the changes the Law School has witnessed during the last 10 years of the 20th Century.

Anton Mack: Looking back over almost a decade of tremendous growth and development at the Law School, which accomplishments are you particularly proud of?

Dean Gerald T. McLaughlin: This is one of those "big picture" questions. I guess I am particularly proud of three accomplishments that occurred during my watch. The first is

what I call an "attitudinal change." The students and the alumni are much more positive towards the institution today than they were a decade ago. At the same time, the relationships between the Westchester campus and the Law School have also improved. Effectuating these changes took a lot of hard work. Second, in the last decade, the Law School has taken major steps to strengthen its public interest programs. As you know, every Loyola student must now contribute 40 hours of uncompensated but supervised legal work aimed at helping the disadvantaged in the community. In the past years, we have also created the Center for Conflict Resolution and the Cancer Legal Resource Center – two programs aimed at helping the community. Finally, I am proud of the increased diversity of our student body. The entering class of 1990 – the year before I came – had roughly 20 percent of its student body coming from disadvantaged group backgrounds. By the entering class of 1994, that number had increased to 41 percent. This number has remained relatively constant since then.

Can you describe how Loyola Law School has impacted the City of Los Angeles and the surrounding region?

As I mentioned earlier, the Law School has moved strongly in the past decade to create a wide variety of public interest law programs. The 40-hour mandatory public service requirement for our students generates over 30,000 public service hours per year. During the last decade, that translates into over a quarter-million public service hours. The Center for Conflict Resolution has trained literally thousands of community people in conflict resolution skills and process. The Cancer Legal Resource Center receives hundreds of phone calls each year from individuals who seek help from the consequences of that dread disease. Two post-graduate fellowships funded by Loyola Law School, a new Public Interest Office at the Law School and our expanded Public Interest Law Foundation fundraising auction – I could go on and on listing activities and events aimed at positively impacting our city.

Looking Back of the 20th Century

I am proud of our efforts to make Loyola Law School relevant to the community.

Loyola Law School has distinguished itself amongst many of the nation's best law schools. What are Loyola's most distinguishing characteristics?

I think that there are at least three distinguishing characteristics.

First, our students graduate with a "practical bent." I hear that over and over again when I speak to lawyers in the legal community. Loyola graduates make great lawyers. Our skills programs and recently restructured legal writing program contribute to this.

Second, though, we have gone through many metamorphoses during the last decade, we have kept the "student centeredness" of the Law School. "Student centeredness" means that students come first. Faculty take teaching seriously. Most importantly, their scholarship is not divorced from the rest of what they do – it is an important component of keeping teaching fresh and thought-provoking. "Student centeredness" also means attention to such things as providing first rate campus amenities and sponsoring events that showcase our students' successes. Look at the ambience of this campus – tables and umbrellas and even a coffee cart. We refurbished our Law School library in spectacular fashion, built an outdoor basketball court and are exploring



construction of a fitness room. Loyola's parking structure would be the envy of any law school. What I mean by "student showcase" events are such things as our swearing-in ceremonies for new bar admittees and the annual dinner before the final round

of our Scott Moot Court Competition.

Could I add two more thoughts about what I mean by "student-centeredness?" Although it may be a small thing, I am particularly proud of instituting the tradition of allowing ►

Loyola alums who are parents of graduates to give the diploma to their sons or daughters at Commencement. Alums are an important part of the extended Loyola family and it is great to include them in the ceremonies when we graduate their children. Sometimes I think we should allow every parent of a graduate to give the diploma. I am also proud of what the Law School did when we discovered that we had inadvertently scheduled our 1992 Commencement on a Jewish holiday. We held a separate Commencement for those students who could not attend the main ceremony.

The third characteristic that distinguishes Loyola from other law schools is rooted in the Law School's Mission Statement. The Mission Statement says that the Law School "should continue its efforts to provide opportunities for legal education to the poor, the underprivileged, women and minorities." It is our evening division that has played a large part in allowing us to live up to the words of that Mission Statement. Over the years, we have provided a first-rate legal education to those who were unable to attend law school during the day. Remember Loyola opened as an evening law school in 1920. It wasn't until 1930 – ten years later that we added a day division. Historically, evening division law programs were aimed at opening the bar to the sons and daughters of immigrants. Originally, the names of these immigrants may have been McLaughlin, Tramantano, and Schwartz; today the names are Kim, Sanchez and Mubarak. Recently, we have noticed an

increase in the number of women in our evening division. It is also my feeling – a feeling not supported by any research, however – that we have a disproportionately large number of students with scientific and engineering backgrounds in our evening division. They go on to become top-rate intellectual property

"...the Law School has moved strongly in the past decade to create a wide variety of public interest law programs. The 40-hour mandatory public service requirement for our students generates over 30,000 public service hours per year. During the last decade, that translates into over a quarter million public service hours."

lawyers. By way of a postscript, let me say that a law school in the Midwest has recently opened what it calls a "weekend" law program. It is trying to provide access to legal education for those who can't go to school at any time during the workweek, day or night. Internet law schools are also becoming a reality. We are witnessing new tensions between pedagogical

considerations and a desire for increased access to legal education.

Serving as dean of California's largest law school is an exciting challenge. What would you say was your most difficult decision?

I guess the most difficult decision I faced was the decision to close the then existing parking structure in July of 1992. Damage caused by the Sierra Madre earthquake led structural engineers to tell me that another quake of that same magnitude might lead to extensive personal and property damage in that structure. You didn't have to be a rocket scientist to figure out what had to be done. Closing the parking garage was necessary. There was just about a month left before classes were to begin and we had no parking. The staff of the Law School rose to the occasion. We managed to find adequate substitute parking within the month. Later, of course, we demolished the old parking structure and built our wonderful new building.

If you would allow me for a moment to move from the sublime to the ridiculous, I would mention one other decision – a decision that was small but resulted in an unexpected payoff. I approached the City of Los Angeles to install Loyola Law School directional signs on the major freeways and side streets near the Law School. I can't tell you how many people have said to me "Gee, I saw your signs – you're downtown! I always thought the Law School was up in Westchester."



The alumni play a very important role in the advancement of the Law School. In what ways will the alumni be "key players" in the life of Loyola over the next years?

Relatively speaking, Loyola has a very young alumni base. Since 1980, roughly 59 percent of our alumni have graduated from the Law School. If one assumes that a lawyer reaches the top of his or her profession 20 years out of law school, then the majority of our alums have not yet reached their full potential. If we go back before 1980, we see that Loyola has produced many prominent and successful alums. Let me just mention two. In the class of 1971, we graduated two governors – Bob Miller, who recently stepped aside as Governor of Nevada, and Benjamin Cayetano, who still serves as Governor of Hawaii. Not too many Law Schools can boast of having two governors as alums – let alone two governors from the same class. Can you imagine the strength of Loyola's alumni organization when we add the large number of new graduates to our existing strong base of older alums? If I were a betting man, I would predict a very bright future for Loyola.

How has Loyola reached out to the community – both here in our neighborhood and in the world beyond?

As your question suggests, there are several different communities with which the Law School interacts – the local community, the

wider national community and the even wider international community. I have already spoken of our interaction with the local community. Let me speak a little about our interaction with the national and international communities. Recently, I made visits to our

"The Law School has also created new academic programs for our students – a JD-MBA Program with the Westchester campus; new moot court programs including the LaRaza, BLSA and the Vis International competitions; the Sayre Macneil Program for students in the top 5 percent of the class; and last but not least, the Graduate Tax Program that will open in the 2000-2001 academic year."

alums on the East Coast and in the Northwest. I have been heartened to see a steady increase in the number of our graduates practicing in these areas. Several of our alums, for example, have worked on the White House staff and one is now a prominent Washington

political commentator. When I became Dean, there was already a Loyola summer program in Costa Rica. Now we have three foreign summer programs – one in Costa Rica, one in Bologna, Italy, and one in Beijing, China – Brooklyn Law School in New York co-sponsors the last two. We have had several visiting foreign faculty members and several of our faculty have taught abroad. The world grows smaller every day and Loyola must train its students to work in a multi-legal and multi-faceted world. When I went to law school, international law was basically one course in the curriculum. Now, it is its own curriculum with hardly a subject area that doesn't have an international dimension.

Over the past ten years, the faculty has been exceptionally active in their scholarly pursuits. How do you see the scholarly accomplishments of the Law School?

You are right in saying that in the last decade the faculty has been exceptionally productive. We have several nationally and even internationally known scholars on our faculty. In recognition of this increased scholarly productivity, in 1995, three Deans' Fellowships were added to our existing roster of Rains Fellowships. Creating these Deans' Fellowships was a way of recognizing faculty achievement. Over the past decade, the Law School has also added important scholarly programs – particularly the annual Burns Lecture funded by the Fritz B. Burns ▶



Foundation. The Burns Lecture, for example, has brought to our campus notables such as Justice Scalia, Ronald Dworkin and Richard Epstein to name but a few. I am also very excited about a recent program on Law and Technology, which we co-sponsored with Caltech. One of our alums, Henry Yuen '80, the president of Gemstar Development, has been instrumental in getting this program up and running. Hopefully, the program will continue to grow. Our three law reviews have published over 20 symposia dealing with many different legal topics. The Law School has also created new academic programs for our students – a JD-MBA Program with the Westchester campus; new moot court programs including the LaRaza, BLSA and the Vis International competitions; the Sayre Macneil Program for students in the top 5 percent of the class; and last but not least, the Graduate Tax Program that will open in the 2000-2001 academic year.

The campus has grown much larger during the last decade. Is there more construction planned?

At the risk of appearing to have an “edifice complex,” I can’t deny that there have been several major additions to the Law School’s physical plant during the time I have been dean. A new parking structure was built; the Rains Library was renovated; Founders Hall (the former Catholic Charities building) was purchased and reconfigured. The five-story commercial building on the corner of Olympic and Albany was also purchased and demolished. In its place will be built a trial advocacy center and a new moot court room near the basketball court. We have the plans for these buildings pretty much complete but that will be the job of the next dean. Let me just say one additional word about campus expansion; it has been the generosity of the Trustees of the Fritz B. Burns Foundation that has made much of this campus expansion possible. Loyola Law School is in their debt. In this context, I should also mention the generosity of Tom Girardi '64 and the Hugh and Hazel Darling Foundation. They too have been there for us.

Relations with the Westchester campus are important for the Law School. Would you care to comment on the state of these relations?

The question you ask is an important one. I have often said that the single most important relationship for the Law School is the relationship between the president of the University and the dean of the Law School. So much hinges on their chemistry and their level of trust. I have been privileged to work under three Loyola Marymount University presidents – Fathers Loughran, O’Malley and Lawton. My relationship with each of them has been close and personally rewarding. I expect that the new dean will forge his or her own special relationship with President Lawton.

"I've learned that leadership is not science, but art. Sometimes you lead from the front, sometimes from the rear and sometimes from the sidelines. Knowing where to stand, of course, is half the battle."

It is also important for the dean of the Law School to forge good working relationships with the University vice presidents and the other deans. Add to those relationships, relationships with the University Board of Trustees. The Loyola dean is invited to Trustee meetings – most law school deans do not participate in Trustee meetings. Nurturing all of these many relationships is very time consuming – particularly given the 17-mile distance between the two campuses. But these relationships can only be tended by the dean.

Let me just add some additional thoughts about relations between Westchester and the Law School. If the Loyola Marymount University president climbs to the top of the highest tower on the Westchester campus and

looks in the direction of the Law School, he won't see us. We are just beyond the curvature of the earth. Still, it is important for the Law School to be seen by the president. He must see us, therefore, through our involvement in the life of the whole University. During my years as dean, the Law School helped create a joint MBA-JD degree program and a 3-3 program whereby top-ranked LMU students can complete their undergraduate training in three years and then come to the Law School. We have consistently participated in the LMU President's Day program. One year, in conjunction with the Academic Vice President's Office, we put together a wonderful program on politics and conscience. We brought Elliott Richardson out to speak. Richardson, you may recall, refused to fire Archibald Cox as Watergate special prosecutor when ordered to do so by President Nixon. For that he lost his job. Father Coleman from LMU teaches at the Law School and Chris Kazcor from the LMU Philosophy Department has participated in a Law School-sponsored program on religious law and censorship. The Law School curriculum includes courses on Islamic, Jewish and Natural Law. These courses by their very nature deal with values. They should be prominently displayed in a law school that is part of a university such as Loyola Marymount.

How would you describe the job of being a law school dean?

In the main, it is a wonderful and rewarding job. You can actually see your ideas take shape and produce tangible results. You also get to meet and work with many fabulous people. The staff here at the Law School, for example, is superb; they have been a great support through all the ups and downs of the past decade. If a spotlight should be thrown on any group here at the Law School, the spotlight should be thrown on them. There is, however, another part of the dean's job that is very draining. As the representative of the Law School, you are expected to appear at a great number of events. You can simply not go, of course, but that would not be in the best interests of the Law School.

Loyola Law School

Alumni Donor Nine-Year Increase (1990-91 – 1998-99)

I thought that you might ask me what I've learned from being dean. I'll make believe you asked me that question, because I'd like to answer it. Obviously, I've learned a lot over 10 years but two things stand out. First, I've learned that leadership is not science, but art. Sometimes you lead from the front, sometimes from the rear and sometimes from the sidelines. Knowing where to stand, of course, is half the battle. Second, I've learned that it's critical for a dean to have a smile that is felt in the hip pocket of every alum and foundation. I'm kidding, of course.

What do you think will be the biggest challenge facing Loyola Law School in the next decade?

I can answer that question with just one word – "technology." In the next few years, I believe Loyola will face tough competition both from other law schools and from corporate education-providers. Technology enables an East Coast law school to offer courses to California students and vice-versa. It also enables companies that have hired away some of the best-known law professors to offer legal education in non-traditional ways. What will happen when law school tuitions approach \$30,000 per year and some Internet law school staffed by a distinguished faculty offers a legal education for one third of that price? How will students react? With burgeoning tuitions, will students choose Internet legal education as a way of keeping their debt burdens low? Where technology is likely to be king, it is folly to be complacent. I think we are moving in the right direction, and prepared to face whatever challenges lie ahead. But it is a little scary when you don't know what the challenges may be.

What plans have you and your family made for the near future?

I plan to take some time off and then return to teaching at Loyola. The title of professor was one that I earned by many years of work. It is the title that perhaps is dearest to me. My main interest is the Uniform Commercial Code and, while I have been dean, most of it has been revised. I have a lot of learning to do. I've been lucky in one sense though. While

NUMBER OF ALUMNI

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DONORS '90-'91 (712) '91-'92 (1,018) '92-'93 (1,117) '93-'94 (1,074) '94-'95 (1,208) '95-'96 (1,566) '96-'97 (1,985) '97-'98 (2,216) '98-'99 (2,585)

I've been dean, I've managed to keep up some writing. For example, I've continued co-authoring a monthly commercial law column in the *New York Law Journal*. The

column is frequently reprinted in the *National Law Journal*. Given 10 years of monthly commercial law deadlines, I hope that I will not have to learn as much as I fear. LL

Loyola Marymount University Names David Burcham as New Law School Dean

Rev. Robert B. Lawton, S.J., president of Loyola Marymount University, announced March 3 2000, the appointment of David W. Burcham as dean of Loyola Law School, effective July 1, 2000. Burcham, currently the Law School's associate dean for academic affairs and a professor of law, will succeed Gerald T. McLaughlin, who will return to a teaching position at the Law School. "David Burcham exemplifies in his life the highest achievements and the noblest aspirations of Loyola Law School," said Father Lawton. "He is respected by his peers, admired by his students, and blessed with the talent, energy, and experience to help the School live up to its great promise."

"As a law school alum and faculty member, I am ecstatic and grateful at being given this opportunity," said Burcham. "It would be an understatement to say Fr. Lawton has 'made my day.' "Loyola Law School, like other law schools across the nation, faces tremendous challenges as we work to train highly competent and ethical lawyers.

"I look forward to confronting these challenges and working with faculty, staff, students and alumni to further the rich tradition of legal education at Loyola Law School." Burcham graduated *magna cum laude* and number one in his class at Loyola Law School in 1984. He earned his master's degree from Cal State Long Beach and completed his undergraduate work at Occidental College. While in law school, Burcham was chief articles editor of the school's *Law Review* and received the William Tell Aggeler Award for attaining the highest cumulative grade point average in his class. After graduation he served as law clerk to the Honorable Ruggero Aldisert, chief judge of the United States Court of Appeals for the Third Circuit. He also served as law clerk to United States Supreme

Court Justice Byron White. Before joining the law school faculty in 1991, Burcham practiced with the law firm Gibson, Dunn & Crutcher in Los Angeles, specializing in labor and employment law. Prior to becoming the Law School's associate dean in April, 1999, Burcham taught courses in constitutional law, legal ethics, legal process and a Supreme Court seminar. He served as chair of the school's Strategic Planning Committee, working for two years to develop strategies for improving the school's curriculum, finances and physical plant.

After conducting a nationwide search that involved contacting hundreds of individuals "it quickly became apparent that David was the truly outstanding candidate in a highly talented field of applicants," said Law School Professor Christopher May, chair of the selection committee. "As a graduate of Loyola Law School, a student of educational administration, and a longtime member of Loyola's faculty, David will bring knowledge, enthusiasm, and outstanding administrative ability to a position for which he is admirably qualified."

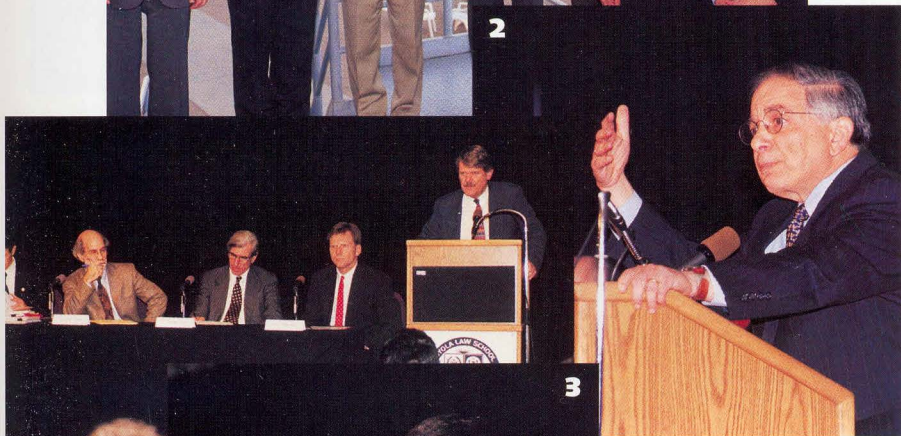
"David is a superb choice to be dean of the Law School," commented outgoing dean Gerald T. McLaughlin. "Having been a student, faculty member and associate dean, he has seen the school from all perspectives and is therefore uniquely qualified to lead the school into the future." Earlier in his career, Burcham served as assistant principal at Foothill High School in Tustin and was a teacher and administrator with the Long Beach Unified School District. A resident of Long Beach, Burcham is married to Chris, his wife of 26 years. They have two children – Stacy, a senior at USC, and David who attends Long Beach's Wilson High School. LL



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The 1999 Fritz B. Burns Lecture

"The War in Yugoslavia as a Model for Presidential Power" was the focus of discussion at the Seventh Annual Fritz B. Burns Lecture held on December 2, 1999 at Loyola Law School. Moderated by Professor Allan Ides, the presenters were C. Boyden Gray, Paul Kahn, Honorable Abraham Sofaer and Congressman Dennis Kucinich.

1 The panelists with members of the Fritz B. Burns Foundation. (l to r) Joseph E. Rawlinson '58, Professor Allan Ides, Paul Kahn, C. Boydan Gray, W.K. Skinner, Sen. Dennis J. Kucinich and Hon Abraham Sofaer.

The four distinguished guests addressed the United States' military intervention in Yugoslavia, and the legitimacy of a unilateral presidential power to authorize offensive military action against a sovereign nation. They also addressed the converse question of congressional responsibility, and the interpretation of the NATO defense pact that permits member nations to engage in military action to promote stability in the North Atlantic region.

C. Boyden Gray is a partner in the Washington office of Wilmer, Cutler & Pickering, serves as chair of Citizens for a Sound Economy and is credited with being one of the principal architects of the 1991 Clean Air Act Amendments. Paul Kahn is Nicholas Professor of Law at Yale Law School, where he teaches constitutional and international law. Kahn was a member of the Nicaraguan Legal Team at the International Court of Justice and was a legal consultant to the Constitutional Commission of Liberia. 2 The Honorable Abraham Sofaer has been a prosecutor, legal educator, judge, government official and attorney in private practice. Sofaer served as legal advisor to the U.S. Department of State. 3 In 1977, Congressman Dennis J. Kucinich, then 31, was elected the mayor of Cleveland — the youngest person ever elected mayor of a major American city. The Ohio congressman was elected to state senator in 1994 and rose to the U.S. House of Representatives in 1998.

The annual Burns Lecture is sponsored through the generosity of the Fritz B. Burns Foundation.

Collection of Oil Portraits of Deans

4 During the past year, a collection of oil paintings featuring Loyola Law School's 14 deans were completed by Artist Peggy Ebright and placed in a Founders Hall conference room.

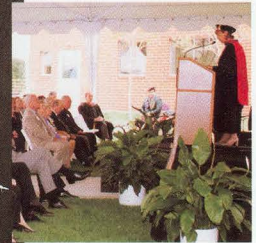
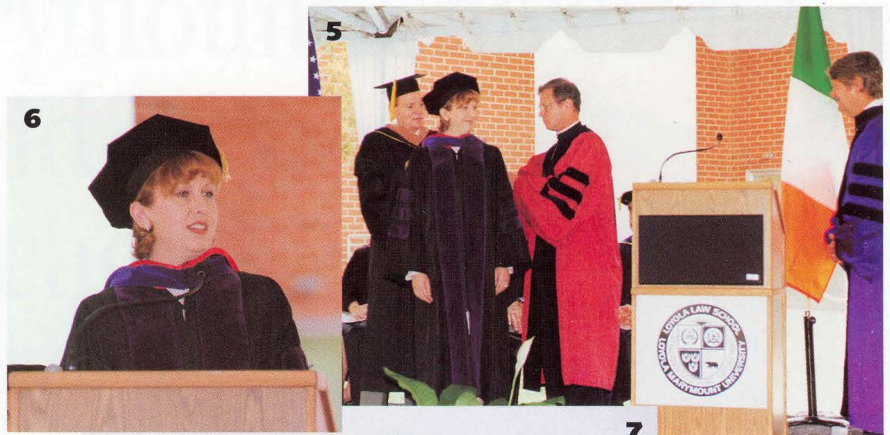
President of Ireland Visits Law School – Receives Honorary Juris Degree

5 During a week long stay in California in mid-September, President of Ireland Mary McAleese’s tour included a visit to Loyola Law School. During formal ceremonies held in the courtyard of Founders Hall, Dean Gerald T. McLaughlin, and President Robert B. Lawton, S.J. and Vice President Joseph Jabbra of Loyola Marymount University, bestowed upon President McAleese the honorary degree of doctor of laws.

6 Her Excellency Mary McAleese graduated from Queen’s University, Belfast, and upon passing the Northern Ireland Bar, practiced mainly criminal and family law. In 1975, McAleese was appointed Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin. Later, she was appointed pro-vice chancellor of Queen’s University Belfast.

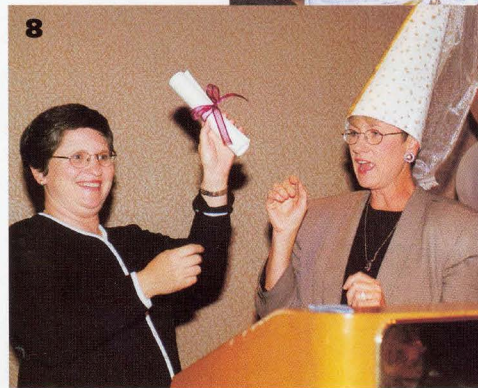
McAleese was inaugurated as the eighth president of Ireland in 1997. The President’s program while here in Los Angeles included a reception for the Irish community and an awards luncheon with the Irish American Bar Association.

7 (l to r) Robert B. Lawton, S.J., president of Loyola Marymount University; Gerald T. McLaughlin, Dean of Loyola Law School; Mary McAleeser, president of Ireland, David Burcham ’84 associate dean for academic affairs; Dr. Joseph Jabbra, vice president of Loyola Marymount University; Michiko Yamamoto, associate dean for student affairs; and Rev. James Erps, Loyola Law School campus minister.



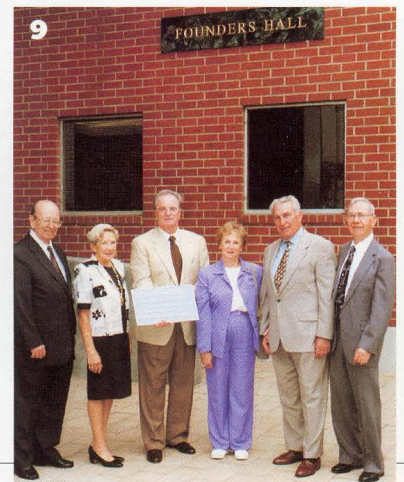
Women’s Roundtable Honors Professor Levenson

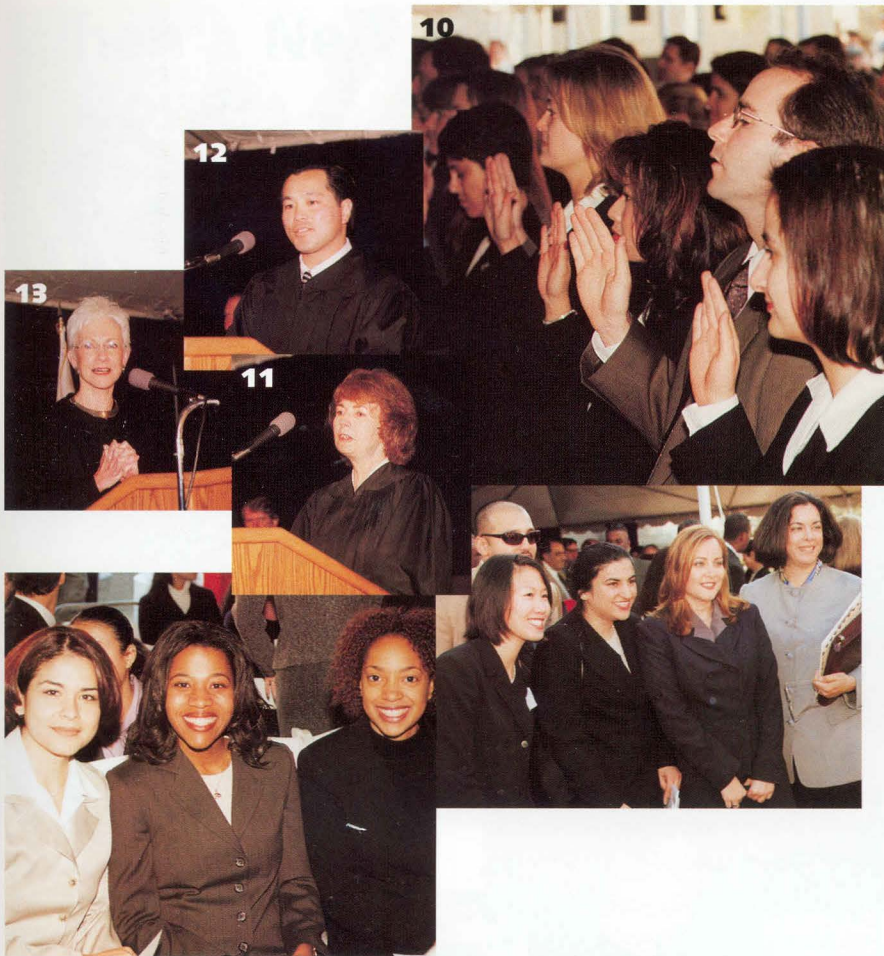
8 Professor Laurie L. Levenson, former associate dean for academic affairs, was honored by the Women’s Roundtable this past fall at its annual dinner. The Women’s Roundtable is comprised of all the “alumnae” of Loyola Law School, and schedules events and lectures throughout the year. Levenson (l) who was honored for having hosted and moderated events for the relatively new group, was named first lady of the roundtable by Professor Therese Maynard, who hosted the dinner.



Founders Hall Dedicated

9 On September 17, 1999, the campus’ new student services center was officially named Founders Hall. Formerly owned by Catholic Charities, the building was purchased by Loyola Law School and the interior completely renovated during the summer of 1998 thanks to the generosity of the Fritz B. Burns Foundation.. Founders Hall houses student services offices such as Admissions and the Registrar, student organization offices, the three law reviews and the Western Law Center for Disability Rights. (l to r) W.K. and Joyce Skinner, Robert A. Cooney, Pat and Edward Slattery ’47, and Joseph E. Rawlinson ’58.





Fall 1999 Swearing-in Ceremony

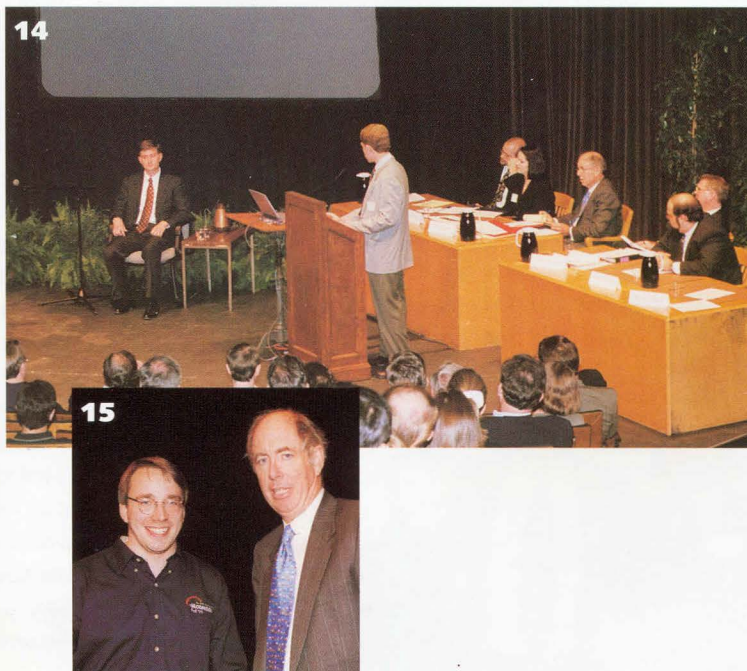
10 Held on December 6, the Swearing-in Ceremony for new attorneys who passed the July 1999 bar exam was presided over by **11** Hon. Patti S. Kitching '74, associate justice of the California Court of Appeal; **12** Hon. Sam Ohta '89 of the Los Angeles Municipal Court; **13** and Hon. Lourdes G. Baird, U.S. District Court, Central District of California.

Judge Kitching delivered the judicial address, and Judges Ohta and Baird administered the state and federal oaths, respectively. Craig de Recat '82 extended greetings from the Alumni Association, over which he serves as president of the Board of Governors, and Professor Bryan Hull gave his congratulations on behalf of the faculty. Dean Gerald T. McLaughlin also congratulated the new attorneys.

Loyola Launches Law & Technology Program with Caltech

14 A "mock" patent infringement case was presented before the Honorable Diarmuid O'Scannlain of the Ninth Circuit Court of Appeals as part of "At the Crossroads of Law and Technology," a program held October 23, 1999 by Loyola Law School and Caltech, on the Caltech campus, Pasadena. Among the notable participants were Dr. Ed Felton, a professor of computer science at Princeton University; Ira Magaziner, former senior policy advisor to President Clinton, who coordinated strategy for electronic commerce and a digital economy; and **15** Dr. Linus Torvalds of Transmeta Inc., who created Linux, the open-source computer operating system. Attorney Don Baker was among several participants.

The host and driving force of the presentation was Henry C. Yuen '80, president and CEO of Gemstar International Group, who is an alumnus of both institutions. During the past year, Loyola Law School and Caltech have been exploring the feasibility of a potential course for students from both institutions — a course attempting to bridge the gap between law and technology. In addition to Dr. Yuen, Dean Gerald T. McLaughlin and Professor Karl Manheim of Loyola Law School served as advisors for the presentation, which was coordinated by law student David Steele. Loyola Law School students Lena Smith and Vincent Pollmeir served as attorneys for the defendant and plaintiff, respectively.



Dr. King's Birthday Celebrated at Law School

16 Rev. James Lawson (r) spoke to students on "Economic Justice for the 21st Century" at the second annual Dr. Martin L. King, Jr. Celebration at Loyola Law School in mid-January. Rev. Lawson was one of Dr. King's top lieutenants. The program included a screening of the documentary film, "At the River I Stand," which is a chronicle of Dr. King's involvement in the 1968 Memphis sanitation workers' strike. Also pictured are Professor Gary Williams (l), who along with Professor Lary Lawrence planned the program, and Dean Gerald T. McLaughlin.

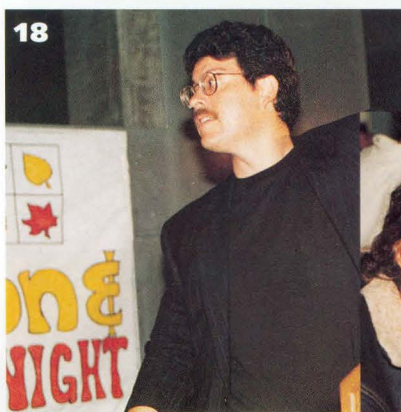


17 Trial lawyers Barry Scheck and Peter Neufeld, who have authored *Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted* along with journalist Jim Dwyer, spoke to law students and alumni in February at a book signing hosted by Professor Laurie L. Levenson.



PILF Auction

18 The Public Interest Law Foundation (PILF), a student organization at Loyola Law School, holds an annual auction and casino night in support of raising funds for public interest externships.



Mass of the Holy Spirit

19 President of Loyola Marymount University, Robert Lawton, S.J. (l) and Campus Minister James Erps, S.J., concelebrated Loyola Law School's annual Mass of the Holy Spirit last September. The Mass is held at the beginning of each academic year.



Academic Awards Ceremony

20 In early December, members of the 1999 graduation class received their academic honors at a ceremony preceeding the annual Swearing-In Ceremony for New Attorneys. Forty new members were inducted into the Loyola's chapter of the prestigious Order of the Coif, which recognizes those students who have achieved a high grade of scholarship. In addition to being named to the Order of the Coif, Richard Frenkel received the William Tell Aggeler Award for superior scholarship, and Michael B. Bradford received the Lloyd Tevis Award for demonstrating exceptional achievement in the commercial law curriculum. (l to r) Richard Frenkel, Associate Dean David Burcham and Professor Linda Beres.



When a New Dean Comes to Town

by Carol Ross-Burnett, Assistant Dean for Career Services

I have heard many stories over the years from my career services colleagues about what can happen when a new dean comes to town. Just say, "I'm getting a new dean", and assorted tales of budget cuts, downsizing and all manner of evil are told with great fervor and gnashing of teeth! Such fears are not completely unfounded. Career services offices are typically among the first departments to undergo the scrutiny of a new dean, although not always with the negative results so aptly described. But it was against the backdrop of such stories that I faced my first experience with a new dean in 1991. After meeting with all of the candidates, including Gerald T. McLaughlin, I was inclined to believe that it could be a positive experience.

During the Eighties, the Law School underwent tremendous change, including the expansion and diversity of its faculty and a complete transformation of the physical plant. When Dean McLaughlin arrived in January of 1991, change was the continuing order of the day. My colleagues were right in that Career Services did draw the new Dean's immediate interest. They were, fortunately, wrong about everything else!

Dean McLaughlin has provided immeasurable support to the Office of Career Services during his tenure. He made it clear from the beginning that he viewed Career Services as a critical component of the Law School's success. The Dean has been a willing advocate and an effective devil's advocate, as well! He has even been the chief architect of a few Career Services programs.

Together we have explored many avenues that might lead to more job opportunities for Loyola students and alumni – from holding an off-campus interview program in Orange County to pursuing prospective employers in



the Inland Empire. Programs implemented during Dean McLaughlin's deanship will yield lasting benefits for Loyola students and graduates for years to come. These include:

Programs using innovative technology:

Dean McLaughlin has fully supported our use of emerging technology. For example, the Video Interview Program (VIP) enables employers in other geographic areas to conduct first interviews of Loyola students without the time and expense of traveling to campus. It also gives students an easy way to interview in job markets outside of the Los Angeles area. Locations for past participating employers include Denver, Seattle, and San Francisco. Loyola is arguably the only ABA law school in the country to have offered interviews by videoconferencing for several, consecutive years.

The creation of a Diversity Clerkship Program for first year students: It took both courage and commitment to favor

such a program during an era of increasing opposition. The Diversity Clerkship Program is now entering its sixth successful year and is the only program of its kind in Southern California. Nearly 90 percent of participating students have received second summer and/or permanent offers from participating or comparable large and mid-sized law firms.

Funding for a temporary, seasonal position since 1994 to exclusively assist unemployed new graduates with the job search after the July Bar exam: Crafted in the wake of an economic recession and a dismal job market, Projects '94-'98 have resulted in a nearly 20 percent increase in graduate employment rates since 1993. Loyola is one of just a few ABA law schools in the nation providing such service.

I am also personally grateful for Dean McLaughlin's support of my own professional development. Without his consent, I could not have served on the National Association for Law Placement (NALP) Board of Directors; accepted a two-year appointment as co-vice chair of the California State Bar Subcommittee on Legal Professionals with Disabilities; or served an extended term as NALP liaison to the ABA Commission on Opportunities for Minorities. As an added plus, my involvement in these activities helped to better establish the Loyola Law School name in settings where it may otherwise not have been well known.

Dean McLaughlin and I were recently discussing his imminent departure. He reminded me that he wasn't really going anywhere and that after a brief respite he will still be around to teach and pursue scholarly endeavors. Dean Gerald T. McLaughlin has been a true friend to the Office of Career Services. Our programs, and correspondingly, the lives of our students and graduates, have been enriched by his support.

I'm happy to note that I anticipate the same level of support from David Burcham, who was just named Loyola's new dean. LL

FACULTY ACTIVITIES & ACHIEVEMENTS

Professor Ellen Aprill, the John E. Anderson Chair in Tax Law, is the newly appointed director of Loyola's Graduate Program in Taxation. [See story page 9.] Aprill's numerous speaking engagements during 1999 included the Fourth Annual Edward N. Polisher Lecture at Pennsylvania State Law School and organizer for the Association of American Law School's Tax Section 1999 Annual Meeting Program on the Professional, Pedagogical and Policy Implication of Accounting Firms in the Legal Market; speaker for the Insurance Tax Committee during the January meeting of the ABA Tax Section in Orlando, Florida; the Tax Exempt Finance Committee for the ABA Tax Section in Washington, D.C.; and the Federal Bar Association's Annual Tax Seminar in Washington, D.C. Aprill also discussed "Current Developments in Corporate Tax" at the 52nd Annual Tax Institute on Federal Taxation, sponsored by University of Southern California Law School. In addition, she was the speaker for the third annual Western Conference on Exempt Organizations, co-sponsored by Loyola Law School and the Internal Revenue Service. Currently, Aprill is the supervising editor and columnist for the Tax Section of the American Bar Association, and the articles editor for *Tax Lawyer*. She was also elected to the American Law Institute.

Professor William Araiza co-edited the second edition of *Constitutional Law: Cases, History and Dialogues*, a constitutional law casebook published by Anderson Publishing Company in August 1999. Araiza also authored "The Trouble with Robertson: Equal Protection, the Separation of Powers and the Line Between Statutory Amendment and Statutory Interpretation," published by *Catholic University Law Review* in July 1999.

Professor Susan Smith Bakhshian '91

and Professor Mark E. Wojcik of The John Marshall Law School co-authored a proposal for the Legal Writing Institute. This proposal suggests a new approach to teaching legal writing; students actively learn the purpose and audience of legal writing by



focusing on editing and revision skills before attempting their writing assignments. The proposal will be presented at the next conference of the Legal Writing Institute in July 2000.

Professor Robert Benson attended the ministerial meeting of the World Trade Organization in Seattle at the end of 1999 as a credentialed delegate of the California Fair Trade Campaign. While in Seattle he served as a legal observer during the Seattle WTO street protests and was co-prosecutor against the Unocal Corporation at a "People's Tribunal on Corporate Crimes Against Humanity" in Seattle's labor union hall. Earlier in the year, Benson testified at U.S. Trade Representative hearings on the WTO, helped draft resolutions passed by the California legislature condemning NAFTA and the WTO, and spoke on revocation of corporate charters at Mealey's Toxic Torts Conference in Los Angeles and at National Lawyers Guild forums in San Francisco and San Diego. He made several television and radio appearances on the topic of globalization of the economy. Benson's article, "Constitution? Forget It! NAFTA Rules," appeared in the *Los Angeles Times* in June. He serves as *pro bono* counsel to a number of environmental and human rights organizations and continues to direct Loyola's Costa Rica summer program, which he founded a decade ago.

Professor Robert Chang published his book, *Disoriented: Asian Americans, Law, and the Nation-State*, in the summer of 1999 with the New York University Press. In addition to a few book signings, he presented papers and talks at the University of Michigan School of Law, *LatCrit IV*, the Hispanic National Bar Association Annual Meeting, and the Korean American Scientists and Engineers Association Conference.

Professor Jan Costello's sabbatical project (spring 1999), an article on "Representing Children in Mental Disability Proceedings," will appear in the first issue of the new journal established by the California Judicial Council Center for Children and the Courts. Costello continues to serve on the Membership Review Committee of the Association of American Law Schools and on the Board of Directors of Mental Health Advocacy

Services, Inc. She also is a volunteer consultant to the Office of Patients Rights Advocates and Protection and Advocacy, Inc.

Professor Jay Dougherty's recent presentations include "Acquisition and Development of Literary and Life Story Nights" and "Screenplay and Teleplay Agreements, Documents, Deals and Industry Customs" at the University of Texas School of Law's Ninth Annual Entertainment Law Institute in March (which took place in conjunction with the SxSW Music Festival); "Recent Developments in the Right of Publicity" at the Sedona Conference on Independent Financing, Programming & Distribution of Music, TV and Film in Sedona, Arizona and at the Los Angeles Copyright Society's Annual Retreat in Palm Springs; the paper "Exhaustion of the Right of Publicity" in July at the Annual Meeting of the Association for the Advancement of Teaching and Research in Intellectual Property, hosted by the World Intellectual Property Organization in Geneva, Switzerland; and an "Update on Copyright Law" in November at the annual meeting of the California State Bar Intellectual Property Section. He also organized and participated as a speaker at the first annual Loyola Law School Entertainment Law Symposium, the topic of which was "Legal and Business Issues in the Digital Distribution of Music." Dougherty published "Recent Developments in Right of Publicity," in the *Journal of the Copyright Society of the U.S.A.*, and is working on a paper addressing the "first sale doctrine" and the right of publicity. Finally, he organized the first Loyola Entertainment Law Alumni Luncheon, which is expected to become a periodic opportunity for alumni working in the entertainment and related industries to meet and learn about each others activities.

Professor Roger Findley, the Fritz B. Burns Chair of Real Property, was a visiting professor at the University of Paris X, Nanterre, France during the fall of 1999, and the faculty member in charge of Loyola Law School's Summer Program on International Environmental Law at the University of Costa Rica during the summer of 1999. He recently published the fifth edition of his book, *Cases and Materials on Environmental*

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Law, and an article, "La Protección Penal del Medio Ambiente en los Estados Unidos de America," published in Spain in the *Revista de Derecho Penal y Criminología*.

Professor Catherine Fisk, a William M. Rains Fellow, co-authored a chapter of *Organizing Immigrants*, published by the Cornell University Press. Other recent publications include "Civil Rights Without Remedies: Vicarious Liability Under Title VII, Section 1983, and Title IX" in the *William and Mary Bill of Rights Journal*. She presented conference papers on statistical proof of employment discrimination and on the history of trade secrets and non-competition agreements. Fisk serves as vice president of the ACLU of Southern California.

Professor Edith Friedler '80

awaits publication of the book, *Fundamentals of United States Immigration Law*, in which she wrote the chapter "Law of the United States Affecting Trade With Latin America," by Wm. S. Hein Publishers; and an essay, "Shakespeare, Penalty Clause and Alienage: Reflections on The Merchant of Venice," to be published by *Louisiana State University Law Review* this spring. Friedler was a panelist for "The L.A. Eight" Case: Do Aliens in Deportation Hearings Have First Amendment Rights?" held at Loyola Law School. In March of 1999, Friedler was a member of the ABA Site Inspection Team evaluating Eugenio Maria de Hostos Law School in Mayaguez, Puerto Rico. From May through June of 1999, she was director of the University of San Diego Summer Program in Barcelona, Spain; Friedler is also Loyola Law School's director of the joint Brooklyn Law School/Loyola Law School Summer Program in Bologna, Italy.



Professor Jennifer Friesen, a William M. Rains Fellow, participated as a panelist on "Religious Freedom Legislation" at Cardozo Law School in March 1999 and as a panelist at the New York City Bar Association's Conference on the Legal Status of Animals last September. A year ago, she trained teacher advocates in contract

arbitration at a National Education Association Conference. Friesen's speaking engagements have included giving a seminar in state constitutional methodology to the members of the Supreme Courts of Vermont, New Hampshire, and Maine in Dixville Notch, NH. In February, Friesen presented her paper on "Civil Liability for Constitutional Violations" at Willamette College of Law, where she was a visiting professor for the fall semester of 1999. Friesen has written the 1999 annual supplement to her treatise on state constitutional law, and in addition, has contributed an essay on the legal issues depicted in the 1941 Bette Davis film, "The Letter," for inclusion in the book *Screening Justice*.

Professor Victor Gold,

a William M. Rains Fellow, completed the manuscript for his latest book on the Federal Rules of Evidence, Volume 31 of *Federal Practice and Procedure*.



He also wrote the annual supplements for his other three volumes in this series. Additionally, Gold gave lectures on evidence law in Baltimore and Chicago to approximately 300 federal district court judges. He also volunteers as a reading-tutor for a first grader at an elementary school in Koreatown.

Professor Rick Hasen organized a conference at the University of Texas on "Money, Politics, and Equality" and a symposium for the *Loyola of Los Angeles Law Review* on "Election Law as Its Own Field of Study." He published "Campaign Finance Laws and the Rupert Murdoch Problem," in the *Texas Law Review* and "Introduction: Election Law at Puberty; Optimism and Words of Caution," in the *Loyola of Los Angeles Law Review*. Hasen also has forthcoming articles in the *Virginia Law Review* and the *Columbia Law Review*. Hasen recently began work on the second edition of *Election Law — Cases and Materials*, which is being co-written with Professor Daniel Lowenstein.

Professor Laurence Helfer's

most recent publications include "World Music on a U.S. Stage: A Berne/TRIPs and Economic Analysis of the Fairness in Music Licensing Act" in the *Boston University Law Review*, and "Forum Shopping for Human Rights" in the *University of Pennsylvania Law Review*. Helfer also published an analysis of a decision of the European Court of Justice, *Grant v. Southwest Trains, Ltd.*, in the *American Journal of International Law*. In July 1999, Helfer gave a presentation on human rights law and same-sex marriages at an international conference, on legal recognition of same-sex marriages and partnerships, held at King's College London School of Law.



Professor Emeritus Gideon Kanner

was awarded the 1999 "Harrison Tweed Award" by the American Law Institute and the American Bar Association for exceptional merit in continuing legal education. Kanner was recognized for more than 30 years of quality lecturing, writing and course planning in the fields of land use, inverse condemnation, eminent domain, appellate advocacy and tortious interference with contracts. A retired faculty member now in private practice, Kanner is the founding president of the California Academy of Appellate Lawyers. He is a prolific contributor to law reviews and other legal periodicals, and also is the editor and publisher of *Just Compensation*, a monthly periodical. Kanner also is a regular columnist for the *National Law Journal*, and his columns have appeared in the *Wall Street Journal* and the *Los Angeles Times*.



Professor Lary Lawrence,

the Harriet L. Bradley Chair of Contract Law, undertook sole authorship of the 20-volume treatise, *Anderson on the Uniform Commercial Code*, the



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most cited multi-volume treatise on the Uniform Commercial Code. The treatise will be renamed *Lawrence's Anderson on the Uniform Commercial Code*. Lawrence has undertaken the immense task of rewriting two volumes of the treatise each year, as well as supplementing all 20 volumes. In addition, Lawrence has written a volume on Revised Article 9, which will be enacted soon in California. His volume on the new Uniform Computer Information Transfer Act will appear in print this coming September.

Professor Daniel E. Lazaroff, the Leonard Cohen Chair in Law and Economics, authored the article, "Sports Equipment Standardization: An Antitrust Analysis," published in the *Georgia Law Review*.

Professor David Leonard, a William M. Rains Fellow, spoke at a symposium on clergy confidentiality at Cardozo School of Law in New York. Leonard also wrote the 2000 Supplement to his volume *The New Wigmore: A Treatise on Evidence; Selected Rules of Limited Admissibility*.

Professor Laurie L. Levenson, a William M. Rains Fellow, recently published three articles: "Ethics of Legal Commentators," "Responsibilities of Federal Prosecutors," and "The Need for the Exclusionary Rule." Levenson also completed her book, *Handbook on the Federal Criminal Rules*, and her submission, "Free Press/Fair Trial," in the *Encyclopedia of the American Constitution*. In addition, she wrote monthly columns for the *Los Angeles Daily Journal* and the *National Law Journal*. This past year, Levenson spoke to more than 50 legal associations and community groups on a variety of social and legal issues. Levenson also serves on the board of directors for four community organizations and is a lawyer representative to the Central District of California.

Professor Karl Manheim

was a panelist at the Georgetown University Law Center Conference on Regulatory Takings last October, where he spoke on exotic takings issues. In addition, Manheim was



the Loyola Law School faculty advisor for the Technology & Law Symposium at the California Institute of Technology, also held in October. His *pro bono* activities have included: an *amicus* brief to the Ninth Circuit in *Tahoe-Sierra Preservation Counsel v. Tahoe Regional Planning Commission*, on behalf of California cities and counties; cooperating attorney with the ACLU Foundation of Southern California; and coach of the Culver City High School Moot Court Team.

Professor Therese Maynard

served as founding director and established Loyola's newest summer study abroad program in Beijing, China. The program commenced in summer 1999 and is jointly sponsored with Brooklyn Law School. While on leave this past year, Maynard wrote and published a six-hour audiotape review lecture entitled the "Law of Securities Regulation," which was produced as part of Harcourt Brace's "Law School Legends" series. In addition, Maynard's presentations included participation in the conference, "Teaching Corporate Law," hosted by the University of Georgia School of Law. Her paper, "Teaching Professionalism: The Lawyer as a Professional," will be published by the *University of Georgia Law Review* as part of its symposium issue. Maynard also presented her paper to a faculty workshop at Whittier Law School this past fall. She is currently at work on a paper examining the controversial practice of "spinning" shares as part of the process of allocating new shares in a hot IPO.



Professor John Nockleby, this past fall, co-taught an experimental course at Harvard Law School — which integrates legal writing and analysis in a first year torts class — while simultaneously teaching at Loyola Law School. Soon to be published is Nockleby's "Hate Speech" in the *Encyclopedia of the American Constitution*. Currently, he is working on a review essay entitled, "Free Speech in the 21st Century," which will be published in the *Journal of Law and Social Inquiry*.

Professor Susan Gallagher Poehls '89

coached Loyola's Byrne Trial Advocacy team for the 1999 regional rounds of the ABA/Texas Young Lawyers National Trial Competition. Both Loyola teams advanced to the final round. One team won the tournament and advanced to the national finals of the tournament in San Antonio in March 1999. At the nationals, Loyola's team placed second in the nation and received the National Best Advocate award. This academic year, the Byrne Trial Advocacy Team has also been very successful [see story page 44] and three team members will soon be competing at the national competition.

Professor Katherine Pratt wrote the article, "The Debt-Equity Distinction in a Second-Best World," which is forthcoming in the *Vanderbilt Law Review*.

Professor Florrie Young Roberts is completing an article entitled, "Disclosure Duties in Real Estate Transactions: The Case for 'As is Clauses.'" Roberts organized and conducted a mock Supreme Court project in the public schools, and also lectured to public school students on the Bill of Rights and served as a career counselor.

Professor Dan Schechter

conducted programs for a State Department-sponsored commercial finance seminar in Romania, the State Bar Convention, the Orange County Bar Association, and the Orange County Bankruptcy Forum. Schechter published "Comments on the Pending Bankruptcy Legislation" in the *Loyola of Los Angeles Law Review*. Also, he served as *amicus* counsel *pro bono* in a real property finance case. In addition, he was a member of the State Bar Uniform Commercial Code Committee and the Los Angeles County Bar Commercial Law Committee.



Professor Daniel Selmi chaired a roundtable discussion on land use initiatives at the annual meeting of the State Bar Section on Environmental Law, held at Yosemite last October. This past January, Selmi gave a presentation on

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recent developments in planning, zoning, and development law at the 14th annual Land Use Law and Planning Conference held in Los Angeles. His 1999 publications include his co-authored casebook, *Land Use Regulation: Cases and Materials*, published by Aspen Law and Publishing; the annual update to his book, *State Environmental Law*, which he is expanding into two volumes; and a short article, "Ten California Environmental Law and Land Use Cases for the Century," for the *California Environmental Law and Land Use Reporter*. Selmi also wrote an *amicus curiae* brief for *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* on behalf of 10 nationally and internationally prominent scientists who are experts in the ecology of lakes. This case is currently pending in the Ninth Circuit Court of Appeals

Professor Arnold Siegel

participated in Loyola Law School's summer exchange program with Beijing's University of International Business and Economics. For two weeks in June, Siegel taught contract remedies to graduate law students. Last July, he attended the Association of Legal Writing Directors' second biennial conference at New England School of Law in Boston, where he served on the Conference Program Committee, coordinating sessions on building better legal writing programs. Siegel continues to serve as president of the Pacific Housing Alliance, a Pasadena-based developer of affordable housing projects. He also was appointed to the Pasadena Planning Commission.



Professor Lawrence Solum, a William M. Rains Fellow, completed the 2000 Supplement to his book *Destruction of Evidence* and the 1999 update to *Moore's Federal Practice* on recognition of judgments, prior adjudication, *stare decisis*, and the law-of-the case doctrine. Other new publications include an article entitled, "The Value of Dissent," forthcoming this year in the *Cornell Law Review*; another article entitled, "The Foundations of Liberty," published in the *Michigan Law Review*; and a chapter titled, "Destruction of

Evidence in Civil Litigation" in *The Litigation Manual: Pretrial*, published recently by the American Bar Association. During the Annual Meeting of the Association of American Law Schools, Solum served as program chair for a session concerning the "Developments in Interdisciplinary Scholarship: Virtue Ethics and Law." He also participated in a Socratic seminar on "The Structure of Liberty," sponsored by The Liberty Fund, while on sabbatical during fall 1999; and attended an "Equality and Responsibility" conference at the University of Pavia. In addition to undertaking a variety of research and writing projects, he coordinated an effort to enhance the use of web pages, computer-based presentations, and Internet discussion groups in law school classes. Also during the past year, Solum taught "International Business Litigation" at the University of Bologna (The Loyola Law School/Brooklyn Law School Summer Program). Solum has been elected vice president of the American Section of the International Association for Law and Social Philosophy, and has completed his term as the chair of the Scholarship Section of the Association of American Law Schools.

Professor Peter Tiersma

a Joseph Scott Fellow, published the book *Legal Language* in early 1999 with the University of Chicago Press, and an article "Jury Instructions in the New Millennium" for the *Court Review*. In February 1999, he spoke about his book during an interview with Robert Siegel for National Public Radio's program "All Things Considered." Two months later, he appeared locally on the program "Air Talk" with Larry Mantle. During the 1999 year, Tiersma also spoke on various topics relating to language and law, including seminars at Stanford University and presentations at meetings of the Law and Society Association and the International Association of Forensic Linguists. In addition, Tiersma continues to serve on a Judicial Council taskforce dedicated to drafting more readily understood jury instructions in California.



Professor Georgene Vairo

a William M. Rains Fellow, lectured at the ALL-ABA Advanced Federal Civil Practice program in Florida and San Francisco. She serves on the Board of Editors of *Moore's Federal Practice* and continues to update the Treatises' chapters on removal, venue, and multi-district transfer. Vairo's most recent publications include an article on the use of class actions in arbitration for *ADR Currents* and her monthly column for the *National Law Journal* on various forum selection issues. Currently, she is working on a history of the Dalkon Shield Claimants Trust, and continues to serve on its board. Vairo also is keeping involved with the California AIDS Ride by leading training rides.



Professor Gary Williams published two pieces in *The Loyola of Los Angeles Entertainment Law Review* in 1999. One was the foreword to a symposium on the right to privacy, entitled, "The Right to Privacy versus the Right to Know: The War Continues," (19 *Loyola of Los Angeles Entertainment Law Review* 215); and an article in that symposium entitled, "'On the QT and Very Hush Hush: A Proposal to Extend California's Constitutional Right to Privacy to Protect Public Figures from the Unauthorized Disclosure of Confidential Information,'" (19 *Loyola of Los Angeles Entertainment Law Review* 337). In October, Williams presented a paper at the University of Iowa Law School entitled, "'...don't try to adjust your television... I'm Black:' Ruminations on the Recurrent Controversy Over the Whiteness of TV." This presentation was part of a symposium held by the *Iowa Journal of Gender, Race and Justice*; the article should be published during 2000. Last July, Williams was an assistant team leader and teacher at the National Session of the National Institute for Trial Advocacy held in Boulder, CO. In addition, he was elected as an affiliate representative to the National Board of the American Civil Liberties Union, and served as a vice president of the Southern California Affiliate of the ACLU. LL

Harry Lepppek

A Shingle on Whittier Blvd. for 54 Years

"When I first started my practice here in East Los Angeles? There were a lot of Maliken Orthodox Russians with long beards. They had immigrated from Russia to Persia to Mexico to East Los Angeles to escape religious persecution. Today, almost 60 years later, most of my clients are Hispanics."



Harry Lepppek '40 set out his shingle in East Los Angeles at the end of World War II. Lepppek has represented a working class clientele for 54 years as a solo practitioner. He served in the Pacific front during World War II as a naval reserve officer, met his bride Harriet Dakins on the military transport ship to Hawaii, and returned to set up a private law practice in a two-story building owned by another attorney at 920 S. Ford Blvd. — across the street from the Belvedere Township Justice Court. Eventually, his firm bought the building.

Today, over a half-century later, Lepppek still looks out over Whittier Blvd. from the same office. Russian piroshki kiosks and orthodox Easter eggs have given way to colorful pinadas and a El Pollo Loco on the corner. The Belvedere Township Justice Court has become Pastor Ricardo Balades' church. Lepppek's trials most often take place in East Los Angeles Municipal Court. The unincorporated Belvedere township where Harry Lepppek, son of Polish immigrants, grew up, is better known today as "East LA."

"I continue to have a varied practice. Everything from probate to GTA [grand theft auto]. Child Custody? Domestic relations? Those get real interesting. But the most exciting cases are criminal trials. Especially if you win!"

Winning has become more difficult over the years. "Today, there's a greater emphasis on scientific testimony. It's very tough for a defendant unless you can call experts. Most of my clients here in East Los Angeles don't have the money to hire them." Lepppek points out that the standards for conviction in some criminal cases have become stricter. "A simple thing like a DUI (driving under the influence) used to be you needed '.15' alcohol level in your blood to convict. Now, it's just '.08.' Plus, victims' groups such as MADD send observers to court. They sit in the front. That makes it more difficult to convince a jury of the client's innocence."

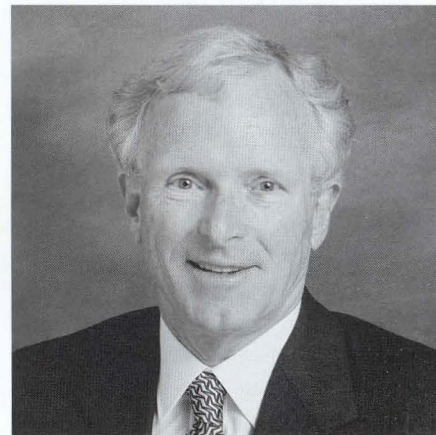
Does he have any plans to retire? "It's still exciting to win."

by Charles Domokos

John McNicholas

Holy Land and the Holy See

"What I love best is when I preside as a small claims court judge, I can take the time to educate those who place their faith in the courts and explain how the legal process works." John P. McNicholas, is a part-time judge in Los Angeles Superior Court as well as a partner and civil trial attorney in the West Los Angeles law firm of McNicholas and



McNicholas. McNicholas represents clients as diverse as the GTE Corporation (in antitrust matters), the pop singing group The Isley Brothers (with copyright infringement issues) and the The Holy See (The Vatican) (with international law issues).

Currently the only attorney to represent The Holy See in a case in a U.S. court, McNicholas also represents the Archdiocese of Los Angeles, for whom he recently won a landmark case involving environmental land use and zoning issues crucial to the construction of the Cathedral of Our Lady of the Angels in downtown Los Angeles.

Working with archeologists who examined artifacts found at the Cathedral site at Temple and Hill Streets, he convinced the court that human skeletal remains previously found on the site had been transported there from elsewhere and did not represent the presence of an ancient burial ground, contrary to claims of Native American groups who brought suit to halt the Cathedral project.

In addition to his extensive private practice and his part-time work on the bench, McNicholas also serves on professional and state review boards. Currently this includes his appointment as one of 30 attorneys statewide serving on the California Commission of Judicial Nominees Evaluation (JNE Commission). The JNE Commission investigates prospective nominees for judicial office and makes recommendations to Governor Gray Davis.

McNicholas, a fellow of the American Trial Lawyers and a fellow of the International Academy of Trial Lawyers, is also a diplomat for the American Board of Trial Advocates, as well as a former president of its Los Angeles chapter (1995). Certified as a specialist in civil litigation by the National Institute of Trial Advocacy, he served as an adjunct professor of trial advocacy at Loyola Law School from 1992-1997.

A Knight to Malta and a Knight of the Holy Sepulchre, McNicholas was named by Pope John Paul II to the Pontifical Order for St. Gregory the Great in 1998. On April 27, McNicholas is one of five graduates receiving the "Board of Governor's Recognition Award" at the Loyola Law School Annual Alumni Dinner.

by Charles Domokos and Eloise Teklu

Hon. Sam Ohta

Los Angeles Municipal Court Deciding for Justice

"In my second year at Loyola Law School, I was a victim of a crime." The Honorable Sam Ohta's '89 understatement refers to a violent incident in 1987 in which he was the victim of a random stabbing in Torrance. The injury left Ohta incapacitated in a hospital for five months and forced him to drop out and retake his second year law school classes. It also focused his interest and desire in seeing justice done.



Thirteen years later, Judge Sam Ohta has completed his first year serving on the bench in the Los Angeles Criminal Courthouse Building. Judge Ohta's courtroom, Division 30, is best known as the courtroom where felony arraignments are made. Ohta estimates he decides about 350 such arraignments a week and recalls the pivotal event 13 years ago that focused his desire to become a municipal court judge. "After the crime incident, the support and love I received from law school students as well as from the faculty and administration at Loyola was overwhelming and played a large part in shaping who I am today."

Ohta's decision to choose a commitment to public service also had roots in his family. Ohta's family had immigrated to Southern California from Japan when young Sam Ohta was nine. "My father had suggested a career in law. I was about 10 or 12. I didn't think about it much." Ohta attended South Torrance High School. "I still have friends I see from high school although none of us live in that community anymore."

As a college undergraduate, Ohta reached back to his heritage and studied Japanese history at U.C. Santa Barbara. "I had studied with Professor Henry Smith who specialized in Japanese history. Nearing graduation I asked him to help me become a professional historian. He agreed to help me but said 'I think there might be a better path for you if you study the practice of law.' So two people whom I respected pointed the way for me to go to law school."

Upon graduation from Loyola Law School in 1989, Ohta worked at the law firm of Jones, Day, Reavis & Pogue. "I worked in a large corporate law firm. It was a good experience, but there was something about that experience that didn't connect with me on a deeper level." Ohta transitioned to the City Attorney's Office and made court appearances on misdemeanors. "I realized I love doing criminal trial work."

Eventually, Ohta moved to the LA District Attorney's Office after a stint at the Community Redevelopment Agency. He enjoyed all three positions, especially the opportunity to appear in court against accomplished opponents. "The last position I had at the District Attorney's office was in the Hardcore

Gang Unit. We prosecuted gang homicides. You're going up against the best criminal defense attorneys around. The stakes are so high that it brings out the best in people in terms of their litigation skills. That was very fulfilling as a trial lawyer. I did that until I was appointed as a municipal judge."

Ohta recommends Loyola students work in the LA City Attorney and District Attorney offices if they have the chance to intern. "They'll certify you to do preliminary hearings." Ohta continues to savor the idea of being a "servant." "The word 'servant' always evoked something noble for me. My father inculcated that in me. That's what has led me here today."

by Charles Domokos

Patty Schnegg

A Committed Leader for the Los Angeles County Bar's New Century

"It is a privilege to be a lawyer. I believe that so strongly. With that privilege comes the responsibility to give back to the less fortunate." Patricia Schnegg '77 is in the second half of her year-long term as president of the 23,000-member Los Angeles County Bar Association, the largest local bar organization in the country. "I'm trying to get into a 'rush for the finish' mode."



Schnegg's law career has been in a "rush to the finish" mode since graduating from Loyola Law School. As an associate with the civil litigation firm of Knapp, Marsh, Jones & Doran, she became aware of the slow progress women associates made to partnership status. She initiated a survey of major Los Angeles law firms regarding their promotion practices. "The survey got picked up in the 'Business Section' of the *Los Angeles Times*. That was a catalyst for major Los Angeles law firms to be more equitable in considering women associates as partners."

Schnegg also became involved in County Bar Association affairs. She served on a number of Association committees over the last 20 years including the nuts-and-bolts Audit and Finance Committee (1994-2000). "I am a very fiscally oriented person. When you come from a background in an organization like 'Woman's Lawyer Association' every dollar counts."

Schnegg's desire to serve led her to take on increasing responsibilities culminating in her election as president of the Los Angeles County Bar Association for the 1999-2000 term. "I think I got that sense of the desire to serve from 19 years of Catholic education. You were taught that public service is a responsibility that everyone shares." ▶

As president of the Los Angeles County Bar Association, Schnegg oversees social and professional activities that help shape the professional status of attorneys at the beginning of the new millennium. "Many young lawyers are disaffected by their practice. They make a lot of money, but they burn out quickly. They're not viewing the law as a professional way of life. I want to encourage attorneys to volunteer to impact society where there are needs."

Of the many County Bar volunteer opportunities, Schnegg is extremely proud of the Juvenile Justice Task Force. "That task force pairs volunteer attorneys with youth who are aging out of the county foster care program. The attorneys teach the young men and women how to get a job, how to write a check, how to get a roommate, an apartment."

Schnegg also recruits volunteer attorneys for the Association's Domestic Violence Project. "The courthouse has given us a separate court. Volunteer attorneys show people who sign-up how they can get through the court system to get a temporary restraining order if that's necessary."

Aside from "volunteer attorney activities," and a push to encourage women and minorities to run for Association office, Schnegg promotes the Bar's program to reach back and record the history of law in Los Angeles. "We have some icons of the legal community in Los Angeles, attorneys who've made a national impact. In Los Angeles, we're usually concerned about what we're going to do next. We should also remember our roots."

Schnegg's own roots show that talent, hard work, and an attempt to make things better can overcome adversity. "I worked all through high school, Loyola Marymount University and during the summers while I was at Loyola Law School. I am an example of that fact that you can do it. That you don't need to have a privileged background to accomplish something."

Schnegg's helming the County Bar Association's leap into the new century has not cut back on her commitment to other aspects of the community she lives in. "I love Los Angeles. I love living here." Schnegg continues to try to better that community on all levels from serving as a Commissioner of Los Angeles International Airport to mentoring low-income students from Lennox middle school. Schnegg's activist vision, commitment, and energy ensures that she will continue to make a difference.

by Charles Domokos

Judge Howard Patrick Sweeney Holding Court for the Air Force

Take heed Tom Cruise, watch out Jack Nicholson, it's not just a few good men, but the Honorable Howard Patrick Sweeney who's coming to town! After 30 years serving in the United States Air Force as a staff judge advocate, Air Force district judge and as chief circuit military judge for the Western Judicial Circuit of the Air Force Judiciary, Colonel Howard Patrick Sweeney '68 is exchanging Air Force blues for civilian pin stripes as he moves into the world of private practice.

"I clerked for Judge Andrew Hauk in U.S. Federal District Court in Los Angeles after completing Loyola Law School. After my year serving as Judge Hauk's law clerk, I had a four-year commitment to the Air Force. I found I enjoyed the practice of law in the Air Force. It's diverse, and it gives you quite a bit of trial experience."

Judging by the statistics that Judge Sweeney throws out, the Air Force's diverse law practice is also a major law enterprise: "The Air Force Judge Advocate General's Department (JAG) employs 1,350 attorneys, 970

paralegals, and some 700 civilian support staff including civilian attorneys as well."

Sweeney's first position in the Air Force was as an assistant staff judge advocate. "I was assigned to serve as a claims officer providing legal assistance to Air Force people and their dependents at Otis Air Force Base on Cape Cod in Massachusetts."



Sweeney's reputation as an outstanding military trial advocate earned him the recommendation of his military commander in 1970 to be considered for the military bench. The young captain was appointed as an Air Force district judge that very same year.

At first, Judge Sweeney presided over special court-martials. "Those are proceedings where the accused faces a maximum confinement of six months and a bad conduct discharge." Judge Sweeney's "world circuit" included presiding duties in military district courts at Yokota AFB, Japan and Bitburg AFB, Germany, near the Luxembourg border.

"I enjoyed each of the places we were stationed. In Japan, the Americans gathered together, and I made many friends. In Germany, we traveled a lot in the free time." The "we," Judge Sweeney refers to is his family, which like many military families, gets used to moving.

Judge Sweeney's family includes his wife Diane and his seven children, including daughter Megan, a sophomore in theater arts at Loyola-Marymount University. "The military was close knit, especially if you lived on the base with other Air Force families of similar age."

Eventually, Judge Sweeney presided over "general court-martials." These are cases where even capital punishment is allowed, as in matters of treason. Judge Sweeney, who has presided over 500 military trials, recalls a California espionage case as being one of the most difficult. "It was in 1986 at Beale Air Force Base. The accused airman 1st class attempted to give secrets about the SR-71 airplane to the Russians. He was in his early 20s and was motivated by the need to get money to impress a young girl. It was a sad situation. I sentenced him to 25 years in prison."

In addition to his distinguished record on the military bench, Judge Sweeney served in a number of legislative capacities for the Office of the Secretary of the Air Force as well as for the Office of the Secretary of Defense, culminating in becoming the first Air Force attorney to be appointed as a White House Fellow in 1981-82.

"I retired last October 1st. The judge advocate general of the Air Force presided at the ceremony. It was a very significant closing of a chapter in my life. I had a sense of pride I had done all I could do. I served my country faithfully and successfully and now it is time to do something different." **LL**

by Charles Domokos

A Profile of Current Students/ New Grads

With this issue, the *Loyola Lawyer* introduces a new column which profiles current students and new graduates. This particular issue features three students/graduates who represent accomplishment in public service, business, and technology prior to beginning their legal studies. Amy Greenspun '00 has had close to a decade of public service in the White House and in national politics prior to coming to Loyola. Mimi Johnson '99, an M.B.A. graduate of the U.C.L.A Anderson School of Management, was a vice president for commercial lending at major California banks prior to deciding to "take a break" and earn her law degree. David Steele '00 earned his bachelor of science degrees in electrical engineering and computer sciences at CalPoly University in Pomona, and had a 10-year background in developing internet standards, prior to entering law school. Steele was the coordinator of the first joint Caltech and Loyola Law School-sponsored symposium held last October, which examined legal and social issues associated with the rise of the Internet.



Amy Greenspun '00 To the White House—and Beyond

"I got involved in politics by volunteering. I was still in high school." Amy Greenspun is a Las Vegas native who first tasted the exuberance of a winning political campaign when she volunteered for the Las Vegas County commissioner's winning bid in her glitzy, fast-growing hometown. She has been passionate about politics and public service ever since.

In 1992, the summer after her freshman year at the University of Arizona, Greenspun interned in the Washington, D.C. senate offices of Harry Reid, senior democratic senator from

Nevada, now the Senate minority whip. "I interned in his press office. I loved Washington, D.C. I was an idealist. I still am."

The following summer Greenspun interned in the White House Office of Media Affairs. "Our office dealt with the local media in each state." Greenspun developed an expertise doing "advance work." "I had the opportunity to work on the Health Care Task Force. I set up Mrs. Clinton's interviews around the country."

After graduating from college Greenspun returned to national politics. "I went to Washington in December 1995. I interned as a staff assistant at the White House for six months working for the director of Oval Office operations."

Greenspun's work in the Oval Office and her commitment to Bill Clinton and Al Gore's re-election landed Greenspun a paid job offer. "In June, I was offered a 'job' job on the Clinton-Gore campaign's national advance staff. Each of the Gores and the Clintons had their own advance staff helping them on the campaign trail. I did the advance work on several of Mrs. Gore's trips. It was a smaller operation, so the opportunity for interaction with Mrs. Gore was greater. Afterwards, she asked that I continue to work for her. I became a lead for her advance teams for the rest of the campaign, including setting up her appearances at the Olympics and the election night in Arkansas. It was a thrill to be a part of historic events."

After the election, Greenspun was asked to

work full-time for Tipper Gore as deputy director of scheduling & special Assistant. "I worked on both long-term and short-term scheduling. Mrs. Gore has a special interest in the areas of children's advocacy, mental health and the homeless. She is the President's advisor on mental health." Greenspun's admiration, commitment and loyalty to Tipper Gore is clear as Greenspun recites Tipper Gore's accomplishments in the mental health and children's advocacy fields. "For example, last year, Mrs. Gore had the courage to declare that she had been treated for depression. She hoped the announcement would aid in the effort to eradicate the stigma associated with mental illness."

Greenspun's assignments also meant accompanying the Gores on Air Force Two on diplomatic missions around the world including to Russia, South America, China, Japan, and Korea. She developed a close relationship with Tipper Gore. "She's like a nurturing mother figure who takes care of her staff like they're her kids."

Greenspun was uncertain how to fit her next career goal in with continued work for the White House. "I saw most of the other staff at the White House had law degrees. Also, my family had stressed that a legal education provided a solid foundation for just about anything. I never had the desire to practice law. But I did have the desire to go to law school."

With Tipper Gore's blessing, Greenspun exited the White House and entered Loyola Law School two weeks later as a first year day student. She timed her three-year absence from full-time politics to allow for a May 2000 graduation from Loyola and a potential re-entry into politics in the "Gore for President" campaign.

In the meantime, Greenspun has kept her political skills honed by doing "advance" work for Mrs. Gore when the second lady has visited Los Angeles and Las Vegas. "For example, I did the advance work for Mrs. Gore's visit to the recent AFL-CIO convention in Los Angeles. Mrs. Gore made a pre-convention trip and warmed up the crowd that later endorsed Al Gore for President. I want to see the best done for her. I want to see her succeed."

Greenspun also returned to the White House in summer 1999 to work as a legal intern for White House Counsel Cheryl Mills. She was again able to be "a part of history," as she witnessed the impeachment trial of Bill Clinton from the ▶

insider's perspective of the White House counsel. "I worked a lot on the issue of campaign finance laws. It's the first time I was able to meld my interest in law and politics. My legal knowledge gave me the background to do legal research and write legal memos. I came to understand the importance of the body of knowledge I had gained in law school."

Greenspun is realistic enough to acknowledge that her future will be shaped by the November national elections. "I will have to reassess where my career is going on November 5th. I owe a lot to Al and Tipper Gore and I intend to repay them in any way. But I want to have a much more substantive role which my law degree prepares me for. When I left Washington, D.C., I had a sweet taste in my mouth. I still do."

by Charles Domokos



Mimi Johnson '99

Breaking the Bank

"I had been in commercial banking for 11 years when I decided to take a break and go to law school." Mimi Johnson '99 had held increasingly responsible positions with Bank of America, Sanwa Bank and Union Bank. After completing her M.B.A. at UCLA, Johnson entered the banking field because of her interest in business and because of the perceived opportunities for women to develop professionally. "Despite the mergers of

the '90s, there are still many opportunities in banking for women. However, the banking environment is very different today from when I started in 1983."

Johnson's personal interest was in the commercial lending side of banking. At Bank of America she had reviewed the bank's problem credits to determine the bank's loan-loss reserve position. She became an account executive for corporate clients and was promoted to assistant vice president for corporate banking. In 1989, Bank of America selected her for its "Exceptional Performance" award. Johnson next moved to Sanwa Bank where she became a vice president. At Union Bank she received the coveted "Eagle Award for Excellence" in 1994, prior to "taking her break" to get her law degree.

Johnson's tri-lingual, tri-cultural background and her education in France and in the United States prepared her well as a commercial banker and as a law student. "Taking the baccalaureate exam in France after finishing high school was just as stressful when I was 18 as taking the California bar."

Unlike most mid-career professionals who tend to opt for Loyola's evening law program, Johnson chose the Loyola Law School day program because "I wanted to get through it as quickly as possible." Johnson admits that the "break" was no "break" at all. "I was working 70 hours a week as a commercial banker with manufacturing, high-tech and real estate clients. I came to Loyola and soon learned that it was just as much work."

"It was also difficult because I commuted from Orange County, first from Newport Beach and the last two years from San Clemente." In 1999, Johnson's perseverance and hard work paid off when she graduated and passed the July bar. What the December 6, 1999 Loyola induction ceremony and her official status as a member of the California bar doesn't show is Johnson's concern and thoughtfulness for others during her three years at Loyola. That concern was reflected in continuing gestures. For example, even when she hit the Orange County freeways at 5 a.m., she would often stop at a bakery to pick up pastries for her fellow students who also had to suffer through 8 a.m. first year classes. She was known to provide French pastries for the entire first year

class of 85 students during review sessions.

Johnson hopes to combine her business and legal background working on behalf of corporate or law firm clients. One area that intrigues her is environmental law. "As a commercial banker, I had to deal with federal, state, and local environmental regulations that manufacturers and commercial enterprises had to comply with prior to the bank providing credits." Johnson was struck with the rules' complexities. "It could take six to nine months or longer to research whether there was full compliance. During those months, the businesses were on hold. We couldn't provide credits for fear of liability until the client complied with all of the rules."

Johnson hopes to use her legal knowledge and her law school focus on the courses Land Use Planning and Environmental Law to help her push commercial ventures through the logjam of regulations that she feels often stymie businesses and manufacturers.

Johnson's interest in the environment has taken her on another turn: to several trips into the Alaskan wilderness. On the first of these trips, in 1993, she went with her husband, Jim on a deep sea fishing expedition on the Kenai Peninsula, about three hours south of Anchorage in a "rough" fishing vessel. She achieved her husband's wildest dream, a Hemingway-esque adventure catching a 300-pound halibut that dragged the boat for two hours through the ocean before it became exhausted and she could haul it in. "My husband had been an avid fisherman since age five and this was my first time fishing." Johnson recalls there was only one other woman there. Everyone else was a fisherman. "This was very exciting for a woman in Alaska. At first, no-one in the fishing town of Kenai believed it. But seeing the picture of the giant fish next to me, the fish three times my size quickly spread the news. The macho locals became very sheepish about the experience." Johnson savors being a pioneering woman in deep-sea fishing almost as much as a pioneer in the male-dominated banking world. With her newly acquired legal skills added to her impressive business background, it is a safe bet that her pioneering work has just begun.

by Charles Domokos



David Steele '00

Surfing the Legal Net

"I gravitated toward working at companies that were developing cutting-edge communications systems, it wasn't even called 'computer networking' at first. I have bachelor of science degrees in electrical and computer engineering from California State Polytechnic University in Pomona, but this stuff wasn't in any of my textbooks. Our biggest technical problem was getting stuff from one company to work with the stuff from another company — we called it 'interoperability.' There simply weren't any technical standards for us to follow, we had to develop those as we went along — it was all pretty new. It was the ability of computers and devices from one company to 'talk' to those from another that allowed the Internet to grow into the international phenomenon it is today."

Third-year day student David Steele is in a new phase of his career as he prepares to graduate from Loyola Law School in May. The one-time techno-wizard now juggles his law school studies with a growing family that boasts a newborn son Nathaniel, born January 3, 2000. Steele also clerks at the Pasadena intellectual property firm of Christie, Parker & Hale, and actively participates in the public policy development and governance of the Internet.

As the Internet started to reach the mainstream, Steele began to think about the non-technical aspects of Internet use. "I found that as more people began to use the Internet, and to use it for things we'd never thought of, it was clear

that it had the potential to create a huge paradigm shift in the way people led their lives. The technical problems we'd spent so much energy solving were just the tip of the iceberg. Then, over the course of about six months, we started to see social issues and legal problems that we'd never even considered, running head strong into the Internet. But one thing has been clear for some time, the Internet is going to change the fabric of our society — and not just in the U.S. where the Internet started, but around the world."

It was Steele's fascination with these social and legal issues resulting from his technical work that led him to enroll at Loyola. "On the simplest level I wanted to earn my law degree because it made sense for me personally, but on another level I really wanted to bring together the worlds of law and technology to start solving these problems."

"I do a lot of intellectual property work at Christie, Parker & Hale that focuses on the Internet." Among the firm's clients Steele works with are current bellwether NASDAQ stars Broadcom and Gemstar, but he also works with a lot of Internet start-ups. "I love working with Internet start-ups. Just when you think you know about all the different ways people can use the Internet, an inventor comes in and just blows me away with a completely new and fantastic idea. That's when I know I made the right choice going to law school."

In 1998, while a second year law student, Steele and Loyola alumnus Karl Auerbach '78 played key roles in the U.S. government's transferring the majority of its control over the Internet to the private sector. Working together with the White House, the U.S. Department of Commerce, and an international group of Internet leaders, they helped create the new nonprofit corporation that received control from the U.S. Government. The corporation, named the Internet Corporation for Assigned Names and Numbers (a.k.a. ICANN), was created to address many of the issues Steele had identified several years earlier. After ICANN's creation, Steele and Auerbach were guests at the White House to take part in the ceremony transferring operational authority for the Internet to ICANN.

This year, Steele helped to create the first ever joint program between Caltech and Loyola Law School. The event, for which he served as the program's coordinator and case manager, took

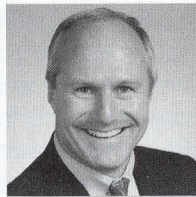
form this past October when the Honorable Diarmuid O'Scannlain of the Ninth Circuit presided over a mock trial involving some of the novel legal issues that stemmed from an Internet-based dispute. "The fact pattern was based on allegedly tortious activity which occurred exclusively on the Internet. The facts were very similar to the recent collaboration by thousands of computer programmers who developed the Linux operating system exclusively on the Internet. This is what's so exciting about the Internet; it's completely changing the way people do things, like developing software. In the real life case of Linux, these non-paid volunteer programmers have, for the good of computer users around the world, collaboratively developed a viable alternative to Microsoft's Windows, and Linux is free to download from the Internet."

At the mock trial, a California corporation wants to sue the developers of the new software for infringing its patent, but as Steele explains it, "the traditional software developer [read Microsoft, ed.] isn't sure who, or even where to bring suit. Like Linux, the infringing software at issue in the mock trial was developed by a collaborative Internet effort and was freely downloadable." The mock trial focused on the threshold issue of whether or not there was personal jurisdiction over the individual programmers, and if so, where venue was proper.

Now in his last semester, Steele is helping the Law School and Caltech follow up on their first event's success by helping design a new Law and Technology class. The goal is to get students from both disciplines to begin working together. Steele explains, "Technologists and lawyers must identify and resolve these legal and social issues which live on the cutting edge of technology before they inhibit the technology from reaching its potential. Imagine the world today if we stopped building the Internet the first time someone read someone else's e-mail? What the mock trial, and this new class will help illustrate, is the inadequacy of our legal system to deal with new technology. Law today is fundamentally based on the notion of *situs* or 'relevant location,' but the Internet has fundamentally erased the notion of geography. Reconciling this dichotomy is now the single greatest challenge facing jurists." LL



William F. Rylaarsdam '64



Craig J. de Recat '82

Trial Advocates Awards Dinner 2000

Loyola's "Trial Lawyer" and "Jurist" Awards Presented

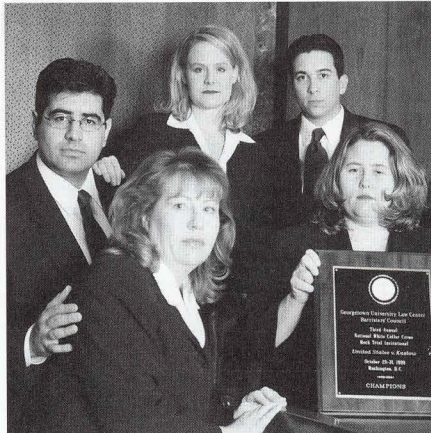
Craig J. de Recat '82 and The Honorable William F. Rylaarsdam '64 were the honored guests at the Trial Advocates Awards Dinner, held the evening of Wednesday, April 12. The dinner preceded the annual Scott Moot Court Final Rounds, an inter-campus competition determining which law students will be members of the following academic year's Scott Moot Court Team. The "Trial Lawyer of the Year" award was presented to de Recat, co-chairman of the Litigation Division of Manatt, Phelps & Phillips, LLP, for his litigation work with petroleum companies, real estate developers, financial institutions and environmental engineers. His practice focuses on complex environmental, antitrust, real estate, land-use and related business and commercial matters, and he has handled more than 20 jury trials. The "Jurist of the Year" award was presented to Justice Rylaarsdam of the California Court of Appeal.

A *cum laude* graduate of Loyola Law School, Justice Rylaarsdam practiced law, specializing in criminal litigation, with Breidenbach, Swainston, Yokitis & Crispo for 21 years until his becoming a member of the judiciary on the Los Angeles Superior Court in 1895. A year later, he was appointed by Gov. George Deukmejian to the Orange County Superior Court. Rylaarsdam was appointed to the also has served on the California Court of Appeal in 1995.

Loyola Maintains Its Position as a Top-Ranked Law School in Trial Advocacy

Byrne Trial Advocacy Teams Enjoy Victories

In an unprecedented winning streak, Loyola's 1999-2000 Byrne Trial Advocacy team finishes its year with yet another round of victories. "The



Pezhman Ardalan, Lorie Ball, Jeremy Rawitch and Roxanna Manuel with Coach Susan Poehls '89.

accomplishments of our students in the past year have been astounding" said Professor Susan Poehls '89, faculty advisor and coach for the team. "The combination of talented students, dedicated and experienced coaches, and lots of hard work are the keys to our success. We are very proud of Loyola's growing reputation as one of the top trial advocacy schools in the nation."

Earlier this 1999-2000 academic year, the Byrne team won first place honors at the White Collar Crime Mock Trial Tournament sponsored by Georgetown law school, defeating teams from Georgetown, University of Texas, Michigan State and Chicago-Kent. The competitors bringing home the trophy from this tournament were Pezhman Ardalan, Lorie Ball, Roxanna Manuel and Jeremy Rawitch.

More recently, in February, three members of Loyola's Byrne Trial Advocacy Team were named "Regional Champions" of the National Trial Competition hosted by Chapman Law School. After four rounds of competition, students Lorie Ball, Ann Cooney and Simone Schiller emerged victorious. As of press time, Ball, Cooney and Schiller were working tirelessly for the National Final rounds in Dallas, TX. A year ago, Loyola ranked second in the nation following this tournament.

Loyola's Byrne Trial Advocacy teams have had tremendous success in recent years, winning nine of the last 11 regional tournaments, and winning three national tournaments within the last five years. In addition to Professor Poehls, coaches Tom Carter '86, Mark Drew '93 and John Henry '99 have been instrumental to the advocates' recent successes. Much credit also must be given to the faculty members who have assisted the students: Professors Judy Fonda, Victor Gold, David Leonard, Laurie Levenson, Larry Solum, Gary Williams, Michael Wolfson and Scott Wood, and Adjunct Professor Sean Kennedy.



Simone Schiller, Lorie Ball and Ann Cooney

"Young Lawyers" Middle School Outreach Program Established

What is law school really like? What does it take to get there? What do law students do all day? Law students and alumni do not need to be told the answer because they have lived the experience. But what about the young person from a lower-income neighborhood? Will he or she ever know? Loyola Law School, in an attempt to reach out to young students from surrounding communities, is experimenting with a new program which will bring youths to campus for a day, or more, so that they may live the experience for themselves... and perhaps learn that attending law school is not such an impossible dream.

Assistant Dean for Admissions Anton Mack has announced that Loyola Law School has established a middle school outreach project temporarily entitled, "Young Lawyers". The program is in co-sponsorship with the Los Angeles County Probation Department's Community Outreach Program. Through the cooperation of Professors Sande Buhai, Ruth Hill and Gary Williams, Assistant Dean for Career Services Carol Ross-Burnett, and the Law School's student organizations La Raza, Black Law Students Association (BLSA) and Phi Delta Phi, Loyola has designed an exciting exploration program for youth in two of Los Angeles' most underserved communities.

In late February, for the first time, the project brought nearly 50 middle school children to Loyola Law School. Students from the [predominantly Latino] Florence Nightingale Middle School (located northeast of downtown Los Angeles) and [predominantly African-American] John Muir Middle

School (located in south central Los Angeles) participated in a variety of activities including a computer exercise, a career planning presentation, library tours, a discussion on diversity, trial training sessions and mock law classes. The project culminated with four mini-mock trials held on campus the following month (the trial training sessions were conducted on the middle school campuses).

The project is being funded in part by the Law School Admission Council.



(l to r, clockwise) Mark Singleton, Professor and Coach Laurence Helfer, Luke Anderson, Jean Lin and Danielle Gerber

Jessup International Law Moot Court Team Wins Northwest Regional Championship

Loyola Law School's Jessup International Law Moot Court team won the Northwest regional championship held in Seattle, WA in February. The team of four law students — Luke Anderson, Danielle Gerber, Jean Lin and Mark Singerton — defeated eight other moot court teams from the Northwest and California and prevailed against Gonzaga Law School in the final round of argument before a panel which included two sitting justices of the Washington State Supreme Court.

Not only did the team win the regional championship, but also won best oralist (Jean Lin), second place oralist (Mark Singerton), fifth place oralist (Danielle Gerber) and second best brief. Luke Anderson performed exceptionally in the semifinal and final rounds to pull the team to victory.

Loyola Law School's Professor Laurence Helfer, the Jessup Team's coach, worked closely with the four team members during both practice rounds and

the four-day competition in Seattle. The team's victory was also aided by several Loyola professors, alumni, and friends of the law school who helped to judge practice rounds before the competition. These individuals included Cheryl Conn, Professor Roger Findley, Sharon Foster, Albert Golbert, Sean Kennedy, Alan Kindred, Brian Krantz, Eve Marcella, David Poff, Graham Sherr, and JJ Weston.

The team moved on to the international round of competition held in Washington D.C. in early April [results unknown at press time].

Hawaiian High School Students Participate in the Second Annual Loyola Law School and Dr. Edison H. Miyawaki Moot Court Competition

Former Loyola Marymount University Board of Trustees member Dr. Edison H. Miyawaki and his wife Sallie (pictured) of Hawaii have along with Loyola



established an educational outreach program for Hawaiian high school students. Now in its second year, the Loyola Law School and Dr. Edison H. Miyawaki Moot Court Competition provides youths with the opportunity to learn hands-on about the legal process. Held in a courtroom-like setting, the annual mock trial consisted of a hypothetical based on a real U.S. Supreme Court case and judged by a panel of Loyola Law School alumni and faculty. While providing the young students with a memorable educational experience, those coordinating the program hope the competition also inspires the high school students to entertain the idea of pursuing college and a legal education.

A year ago this past March, three schools (with two student representatives from each) competed in the first annual competition: Iolani, Punahou and Pearl City high schools. Not unlike law school-level moot court competitions, the participants argued both sides of a case in a preliminary round. Following lunch, the victors proceeded to the final round and then the presentation of awards, where two young women were named "best oralist." Punahou High School hosted, and won, the

competition. Dr. Miyawaki awarded crystal bowls to each school, along with monetary awards. Serving as judges in 1999 were alums Jim Ashford '88, George Playdon, Jr. '71, Mario Roberti '60 and Valentina Stewart '89. "Our first year, in my view, was a great success," says Carmen Ramirez, assistant director of admissions, who along with Professor Chris May, Dean Gerald T. McLaughlin and Dr. and Mrs. Miyawaki coordinated the event. "Everyone came away with something, including a positive feeling. I was impressed with how well the teams were prepared. All of the students did an outstanding job."

This year, a fourth high school participated: Sacred Hearts Academy. Governor of Hawaii Ben Cayetano, from the class of 1971, served as one of the judges in the final round of the competition, which was won by the team from Iolani High School. In addition to the Governor, nine other Loyola graduates served as judges, and Dean McLaughlin and Professor May also served as judges.

Loyola Wins ABA's Regional Mediation Advocacy Competition

Law Students Kevin Chroman and Laura Roth grabbed first place at the regional competition of the Mediation Advocacy Competition, hosted by Pepperdine in early February. Their coach Lynne Bassis is director of Loyola's Disability Mediation Center. Sponsored by the American Bar Association, the Mediation Advocacy Competition was comprised of two mock mediation rounds in which Chroman and Roth were required to switch their roles as attorney and client. Successful at the first rounds, the two then advanced to the final round, where they prevailed — adding to this educational experience were the accolades of three separate mediator judge panels. The team will now go on to compete at the National Competition to be held at the American Bar Association's annual meeting in San Francisco.

Late-Breaking News

Congratulations from the Loyola Law School community are extended to the ABA National Appellate Advocacy Team, which was recently named Regional Champions of the ABA National Appellate Competition, and winners of Fifth Place Best Brief. The student competitors were Tina Ibanez, Shelly Kinsella and Michael Shanahan, who received one of the "Best Advocates" awards. **LL**

Hugh and Hazel Darling Foundation Pledges \$1.5 Million to Law Library

by Elizabeth Fry
Senior Development Officer

In mid-January of the New Year, Dean Gerald T. McLaughlin announced to the Loyola Law School community that the Hugh and Hazel Darling Foundation had pledged \$1.5 million dollars in support of the William M. Rains Library renovation. This extraordinary gift of loyal support was committed by Trustee Richard L. Stack '73 on behalf of the Darling Foundation as part of the *1998-2001 Campaign for Tomorrow* at Loyola Law School.

Over the years, the Hugh and Hazel Darling Foundation has continued to give generously to the Law School. In the fall of 1989, a groundbreaking ceremony was held to dedicate the construction of the Rev. Charles S. Casassa, S.J., Building and the Hugh and Hazel Darling Library Pavilion. The pedestrian skywalk leading from the Rains Library and the two library floors in the Casassa Building honors the memory of two individuals who were great supporters of the Law School and the legal profession, Mr. Darling and his wife Hazel.

The pledge from the Darling Foundation, combined with a recent gift of \$500,000 from The Fletcher Jones Foundation, establishes a strong base to ensure that the overall fundraising goals of the *Campaign for Tomorrow* will be accomplished. The Fletcher Jones Foundation gift will also provide for the expansion and technological renovation of the William M. Rains Library. The names of these *cornerstone* foundations will be prominently placed on a plaque mounted at the entrance to the Law Library.

Dean Gerald T. McLaughlin, wishes to thank the following foundations, alumni, individuals, and friends of Loyola who have to date pledged their support to the *Campaign for Tomorrow*:

The Hugh & Hazel Darling Foundation;



The John & Katherine Gurash Foundation; The Fletcher Jones Foundation; The Weingart Foundation; The Estate of Leslie C. Burg '54; Leonard Cohen '51; Hon. Sheila Prell Sonenshine '70 (Ret.); The Estate of Orlan S. Friedman '50; The Estate of Maurice D. Schwartz; and The Seidler Companies, Inc.

Participation from 40 Law Firms will ensure that Loyola reaches its goal of \$1 Million dollars needed to prepare every law student to work with the latest technology and legal research tools. The quality of a law school's library resources directly correlates with the preparedness and research talents of its graduates. All participating law firms will be listed on a plaque displayed in perpetuity in the lobby of the main entrance of the William M. Rains Library and also will be listed annually in the Law School's Honor Roll of Donors publication. Partners at participating firms will also be invited to the dedication events associated with the completion of the renovation.

Dean McLaughlin, with sincere gratitude, wishes to thank and recognize the following law firms who have to date, pledged their support to the 40 Law Firms partner program for the renovation of the William M. Rains Library:

Arter & Hadden;
Buchalter, Nemer, Fields & Younger;
Burke, Williams & Sorensen;
Christie, Parker & Hale;
Gibbs, Gidden, Locher & Turner;
Haight, Brown & Bonesteel;
Heller, Ehrman, White & McAuliffe;
Musick, Peeler & Garrett;
O'Melveny & Myers;
Robins, Kaplan, Miller & Ciresi;
Skadden, Arps, Slate, Meagher & Flom;
Sullivan, Workman & Dee;
Talcott, Lightfoot, Vandavelde,
Sadovsky, Medvene & Levine.



Library computer lab and new study spaces.

Those who are listed were pledged at the time that the *Loyola Lawyer* went to press. We respectfully regret any omissions. Please telephone Elizabeth Fry in the Development Office at 213.736.1096 if you have any questions regarding your desire to make a pledge to *The Campaign for Tomorrow* or the 40 Law Firms partner program. **LL**

The editor would like to hear from you. What articles did you find the most interesting? What topics would you like us to write on? Email your comments and suggestions to eloise.teklu@lls.edu – thank you.

Visit Loyola Law School on the World Wide Web at www.lls.edu



Professor Robert Nissenbaum, Law Librarian.

Fritz B. Burns Foundation Gives Law School \$1.4 Million

Dean Gerald T. McLaughlin reported in February that the Fritz B. Burns Foundation awarded Loyola Law School \$1.4 million dollars. One hundred thousand dollars of this amount was designated for scholarships; another \$100,000 for an alumni challenge grant; \$200,000 for a mezzanine courtyard where the Law School's transformer is now located (and will be moved from); and \$1,000,000 towards an existing pledge for the Fritz B. Burns Plaza. The continuing generosity of the Fritz B. Burns Foundation has had a significant impact on the excellence of the Law School. **LL**

The Third Annual Bob Cooney Golf Tournament

Coyote Hills Golf Course, Fullerton, CA
Sunday, October 1, 2000

12:00 noon Shotgun Start

To benefit the Cancer Legal Resource Center at Loyola Law School

Loyola Law School is offering opportunities for corporate sponsorship, supporting the Cancer Legal Resource Center. A sponsorship package, as well as further information, is available by contacting Elizabeth Fry, Senior Development Officer, at 213.736.1096

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Former Dean Theodore Bruinsma Passes Away

Theodore Bruinsma, 78, the 11th dean of Loyola Law School (1979-81), died September 8, 1999 – 20 years following the beginning of his tenure. In addition to being an educator and a South Bay attorney, Dean



Bruinsma was active in business, politics and publishing. He most recently headed Torrance-based University Technology Transfer, a company he founded to market new technologies developed on college campuses. "During Ted's tenure as dean, the Law School's board of visitors was significantly strengthened and preparations were underway for major campus expansion," stated Dean Gerald T. McLaughlin.

Bruinsma, a 1943 graduate of Harvard Business School and a 1948 graduate of Harvard Law School, pursued postgraduate studies at New York University and Columbia University. He served as a naval officer during World War II and the Korean War. His notable and varied business/legal background included serving as president of Lear Jet Industries, Inc., executive vice president of Packard Bell Electronics Corporation, Los Angeles, and senior attorney for Whitman, Ransom & Coulson of New York.

Bruinsma's political career included having served as a city councilman in Glen Rock, N.J., and after moving to California in the early 1960s, running for the Republican nomination for the U.S. House of Representatives and the U.S. Senate. He also was an advisor to Governor Deukmejian and President Nixon, and served two years on the California State University system's Board of Trustees. His son, Tim Bruinsma is a 1973 graduate of the Law School.

Developer William H. Hannon Dies

William H. Hannon, 86, one of the foremost real estate developers in Los Angeles history, succumbed on November 4, 1999. A third-generation native of Los Angeles, Hannon joined Fritz B. Burns & Associates (a major Los Angeles-based developer) immediately after graduation from Loyola University (the forerunner of Loyola Marymount University) in 1937. In 1942, Hannon and Burns began the development of the Westchester area of Los Angeles (near LAX). Hannon also founded his own company, Hannon Realty Corporation.



Hannon served in the U.S. Army during World War II. He was assigned to military intelligence as a commissioned officer. Hannon worked on the "Manhattan Project," which designed and built the first atomic bomb, and received a special meritorious award for his service.

A noted philanthropist, through his own foundation and that of the Fritz B. Burns Foundation, which he chaired for many years, Hannon supported numerous charitable causes, particularly Catholic-based schools, colleges and other organizations. He was a major donor to Loyola Marymount University, and served on its Board of Trustees and Board of Regents. Cardinal Roger Mahony named Hannon a Knight of St. Gregory

At Loyola Law School, Hannon funded the Eugenie B. Hannon Trial Advocacy Center, in memory of his mother. "Giving money away with warm hands," was his personal philosophy. The Burns Foundation, in which he served as a member, has over the years been exceptionally generous toward the continual renaissance of the Loyola Law School campus.

William G. Tucker '56, Prominent Trial Lawyer, Passes Away

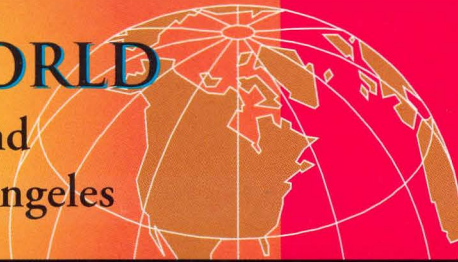
William G. Tucker '56 died on February 9, 2000 in Carmel, California. A prominent trial lawyer, Tucker ranked number one in his class and upon graduation was awarded the William Tell Aggeler Award for his academic



achievements. At the time of his law school career, Tucker and wife Cora Lee were raising five of their seven children. William Tucker was a veteran of the United States Marines Corps, 1st Marine Air Wing (1946-50). His distinguished legal career expanded six decades, during which he tried more than 250 federal and superior court jury trials to verdict. He taught aviation law as an adjunct professor at Loyola Law School from 1958 to 1991. His high profile cases were predominantly in the arena of aviation law. Among the most notable cases included the damages phase of the Pan Am Flight 103 crash in Lockerbie, Scotland; and the Pan Am Flight 806 Pago-Pago Crash in American Samoa in 1974 – it was with this crash that Tucker developed the theory of wind shear factor, which is now an established fact of aviation crash investigation. Among Tucker's 14 grandchildren is grandson Thomas Johnston, who is currently enrolled at Loyola Law School. LL

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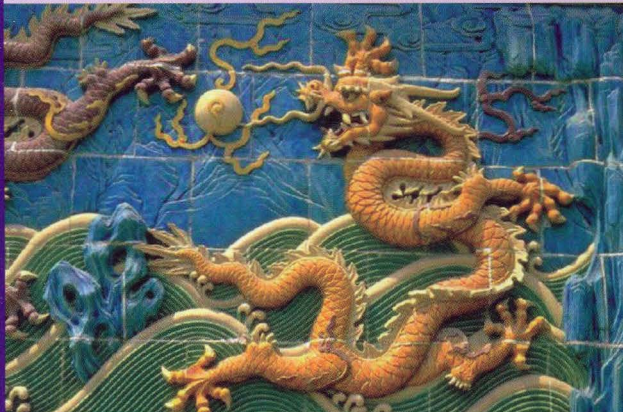
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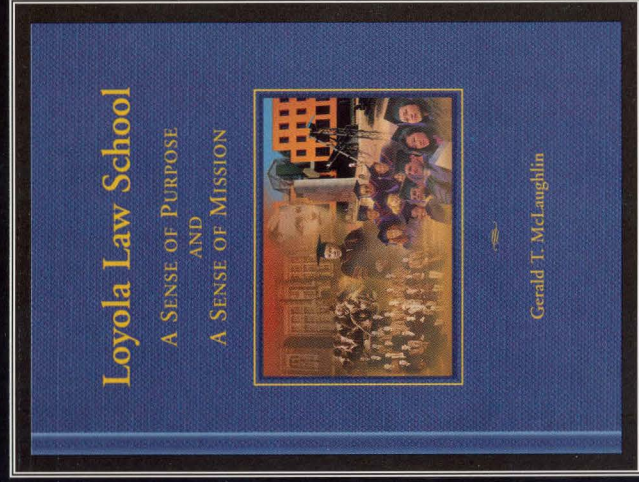


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