

Arizona State University
College of Law

LAW FORUM

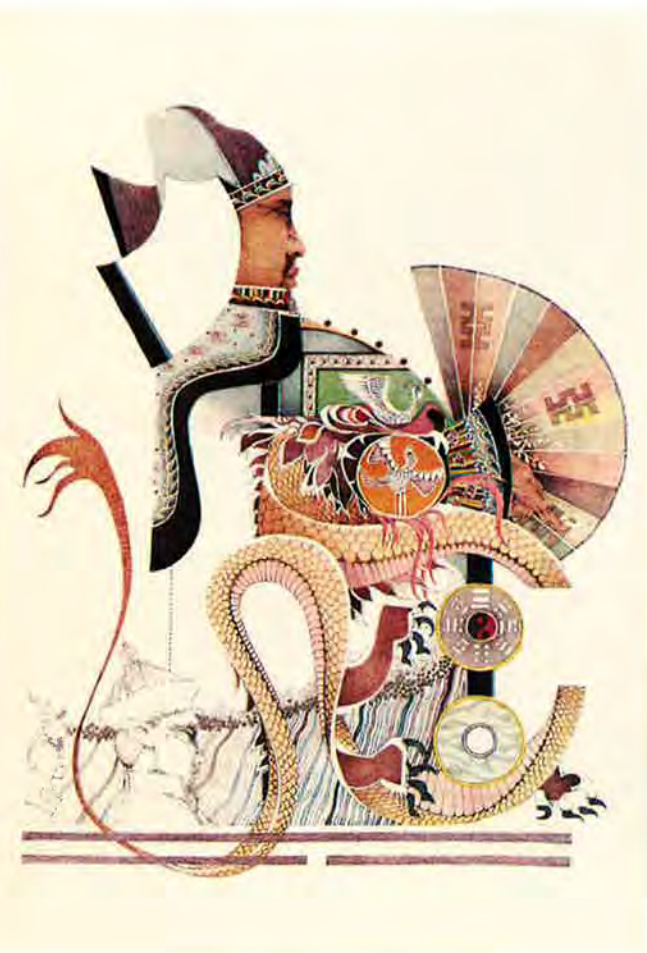


SPRING '87

The art displayed on the front and inside covers of this issue is part of artist John Doyle's "The Counselors" series. This series consists of 20 original stone lithographs and is part of a larger series of works entitled "The Great Human Race." Each image in the series represents the concept of justice as it varies from one culture to another. Some of the concepts expressed are given in the prints' titles: "Equity," "Wisdom," "Harmony," and "Judgment." The artist averages two years of research before beginning a series, although the actual execution may be completed in three months.

"The Counselors," which is now a part of the law school's permanent collection, was donated by the Student Bar Association, Professor **Dale B. Furnish**, Adjunct Professor **Stephen Lee**, **Todd Stansbury** and an anonymous donor. A reception to celebrate our recent gifts of art was held on October 16 and was attended by John Doyle (see article in this issue).

For further information about these and other works by John Doyle, contact the artist at his address: P.O. Box 715, Burnsville, NC 28714.



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COLLEGE OF LAW

THE LAW FORUM

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Letters

With this issue we begin a "Letters to the Editor" section. Please address your comments to Editor, *Law Forum*, ASU College of Law, Tempe, AZ 85287. Please include your name and address (although you may request anonymity). We may need to edit letters for clarity and space.

Sanctuary: Trapped by The Law

To the Editor:

I'm afraid that Professor Michael Altman's zeal for the representation of one of the sanctuary defendants has blinded him to his professional responsibilities. I refer to his article in the *Law Forum* for Fall '86 in which he blames Judge Earl H. Carroll's conduct of the trial for the verdicts of the jury. His litany of disapproval culminates in this sentence:

"The authority figure was the trial judge who repeatedly used words, tone of voice and body language to communicate that the 'person in charge' wanted a guilty verdict."

Such an assault upon the integrity of the judicial process by a trial lawyer is totally unacceptable. If every disgruntled advocate made a public attack on the conduct of the trial judge as the scapegoat for the unfavorable outcome of his case, the administration of justice would soon be a shambles. The maintenance of public confidence in the judicial process is the sacred trust of the legal profession. Professor Altman's petulant outburst is a violation of that trust.

Even more distressing is the fact that the author of this unseemly article is a law professor whose behaviour is seen by law students as a model of propriety. Professor Altman and the editors of *Law Forum* should be prepared to accept responsibility for a generation of young lawyers who will see nothing wrong in the public vilification of judicial officers.

Philip E. von Ammon
Fennemore, Craig, von Ammon,
Udall & Powers
Phoenix, Arizona

Professor Altman responds:

Is it "totally unacceptable" for a law professor or trial lawyer to write critically about how a federal judge conducted himself during a trial? Phil von Ammon apparently thinks so. To criticize a federal judge, he writes, is "an assault upon the integrity of the judicial process."

With all due respect to Mr. von Ammon, neither the public nor the profession is well-served when lawyers value protecting themselves, including the judges before whom they will appear, more than they value justice.

The sad reality is that the *sanctuary* defendants did not receive a fair trial and thousands of people, including lawyers, from around the United States have less respect for the courts because of Judge Earl Carroll's conduct in the *sanctuary* trial. A typical non-lawyer reaction was expressed by a class of junior high school students from Mesa who visited

the *sanctuary* trial for an entire day. The Arizona Republic published the *unanimous* reaction of those students on its front page: "Judge Carroll was very biased and unfair to the defendants."

Mr. von Ammon's letter also states that I must bear the responsibility for the attitude of a generation of young lawyers. I wish I had that much influence. If I did, I would urge those young lawyers to respond publicly and vociferously whenever and wherever injustice is observed.

Michael L. Altman
Professor of Law
ASU College of Law

CORRECTIONS

We regret the following errors made in the Fall '86 issue of the *Law Forum*:

The list on page 5 of the Annual Giving report inadvertently omitted the Phoenix law firm of **Meyer, Hendricks, Victor, Osborn & Maledon** as a donor. The firm should have been listed among those contributing more than \$1,000.

Parts of two sentences were omitted from the first paragraph of Professor Altman's article "Sanctuary: Trapped by the Law," (page 15). The two sentences should read:

Usually refugee assistance was conducted in the open with the media covering the reception of the refugees by a sanctuary community. The assistance never included violence, exploitation or financial gain.

The "Scholarship News" article (page 29) incorrectly identified the source of four new scholarships for especially promising minority and disadvantaged students. These scholarships have been donated by the **Fellows of The Arizona Bar Foundation**.

Letter From The Dean



ASU Media Production Photo

Dear Alumni and Other Friends of the College of Law:

As I write this, construction has just begun on the first stage of the long awaited (and much needed) expansion and renovation of the law school's physical plant. The start of this project is a very important step in the school's present and future development. The original Armstrong Hall has served us for almost twenty years. During that time the school's faculty has more than doubled in size and the scope of our educational and student service programs has also increased substantially. As a consequence, we have been, for some time, without adequate office space for many of our faculty and staff, and without proper facilities for our placement, admissions and development offices, for our legal writing and tutorial programs, for the Moot Court Board and the Law Journal, etc.

The construction that has just started will solve a great many of these problems. The project, drawings of which will appear in our next issue, will consist of two two-

story wings to be added to the south end of Armstrong Hall. The wings will rise over foundations that are already in place (library stacks are underneath) and will be connected to the present building on both the first and second floors. The project is scheduled to be completed in December, 1987, and ready for occupancy for the semester that starts in January, 1988. We will, at the same time, be remodeling substantial areas of the present building. When the project is finished we will have a large number of new faculty, staff and administrative offices, new and larger space for an expanded Legal Clinic, a new medium-sized classroom, three new seminar rooms, a new ground-level student lounge with kitchen facilities and enclosed outdoor patio, expanded student locker space and shower and changing areas in the basement, expanded new quarters for the Law Journal, the Moot Court Board and the writing and tutorial programs, and many other improvements too numerous to mention. All of this construction and renovation is being financed through the sale of bonds approved by the State Legislature last year.

When the current addition is completed, our physical plant will be in excellent shape except for the continuing inadequacy of our library facility, which we have long since outgrown. A new library structure, which will probably also house the newly created Center for the Study of Law, Science and Technology, will constitute the second stage of our building program. This structure will be located to the south of the new addition to Armstrong Hall, in an area that is now a parking lot. That project should begin in about three years and will be financed by state bonding funds and private contributions. Our planning is already underway for what we expect will be a state of the art library that will serve as an outstanding resource for the entire metropolitan Phoenix legal community, as well as for the College.

Although the initiation of construction on our building addition is the biggest single item of news from the school at this time, there have been other wonderful developments as well. For example, our moot court teams have been remarkably successful this year. In the fall, our Jenckes Competition team, composed of two first-year students selected through an intraschool competition open to all three classes, defeated the University of Arizona in a jury closing-argument competition; our National Moot Court team took second place in our regional competition and progressed to the round of sixteen in the national finals in New York, where it was eliminated by the ultimate second place finisher. Our team also won overall national second place honors for the best brief in the entire competition. Our Jessup International Law moot court team recently won its regional competition and will compete in the national and international finals in Boston in April.

Admissions is another upbeat area that also deserves some brief mention here. The number of applications for our 1987 entering class is currently running more than 25% ahead of last year's total, in a period when law school applications nationwide are down by a similar figure. The quality and diversity of applicants continues to improve dramatically.

Construction activity will cause a considerable amount of turmoil here for the next several months. There is also, however, a great deal of excitement, optimism and general good feeling. I'm delighted to report that the law school is doing very well, indeed.

Paul Bender
Dean and Professor of Law

Who Said We Have Too Many Doctors?

Jonathan Rose

The American Medical Association, like other professional associations, suffers from a split personality. While it is devoted to improving the quality of medical care, education and the profession, it also operates as a cartel to protect the economic interests of its members. Although the A.M.A.'s recent report on physician manpower reflects both personalities, the cartel strain is dominant. The report's assertion of a physician surplus and its recommendation that the surplus be eliminated by curtailing medical school enrollment is a blueprint for anti-competitive action.

On the central and difficult question of whether a surplus actually exists, the report is shaky at best. This judgment is particularly complex given the extensive government regulation and subsidies that affect physician supply. Even after conducting "an extensive review of the data and literature," the A.M.A. acknowledges that the studies produce "little consensus about the adequacy of physician supply" and that an acceptable measurement standard does not exist. Thus, the report states that policy makers must base their conclusions on "perceptions and professional judgment," implying that the A.M.A. knows what supply of physicians best serves society.

Another flaw is the recommendation that the medical education system "establish appropriate medical school enrollment." Assuming one could determine that a physician surplus exists, it does not follow that the appropriate remedy is to limit medical school enrollment. Such a solution implies that society is better served by excluding new physicians rather than existing ones. Arguably, given advances in medical education, the opposite may be true.

Moreover, the recommendation that our "future needs for additional physicians will be more than satisfied through the U.S. medical education system" unfairly lumps all foreign medical education into the same dismal category. One does not have to read Doonesbury to know about the low quality of some foreign medical schools. However, other countries have high quality medical education. Imagine if American auto makers announced that our "need" should be fully satisfied by American cars.

In addition, the A.M.A. ignores the economic reality that physician supply is influenced by the demand for

medical education. This demand is determined by the students' expected benefits (income and non-monetary) as physicians and the costs (tuition and others) of becoming a physician. For some years, prospective students have anticipated a high income as a result of their educational investment, and medical school tuition has been priced well below the cost of educating students. Both of these factors have produced a shortage of spaces in medical schools relative to the demand by quality students. The response has been a substantial American student demand for foreign medical education.

Rather than confronting the true determinants of physician supply, the A.M.A., like a classic cartel, proposes to restrict supply artificially by controlling medical school enrollment and slowing the flow of foreign-trained physicians. However, excessive demand for medical education will persist as long as its value to prospective physicians exceeds what it costs them. I am not advocating that medical schools auction off spaces to the highest bidder. We should insure that all groups have access to medical school.

The report's conclusion that a surplus of physicians "is likely to have negative consequences on the quality and cost of patient care" is puzzling. Apparently, the A.M.A. believes that if doctors are too plentiful they will not perform medical procedures often enough to maintain the needed skill level. While possessing some merit, this position is overbroad.

The connection between physician surpluses and a pervasive reduction in quality is unproven. Moreover, it seems more appropriate to encourage physicians who have not performed procedures with sufficient frequency to refer patients to other physicians and to discipline incompetent performance. More generally, the A.M.A. should focus on policing the conduct of existing physicians rather than restricting new entry.

Further, the report makes the dubious assertion that an oversupply will produce a greater tendency for specialists to provide primary care at a higher cost than generalists. But an increase in physicians should lower costs by creating greater competition among both physicians and delivery systems. Specialists could raise prices only if they had monopoly power or if patients or third parties paid whatever price the specialist charged. Given the widespread adoption of cost containment and alternative de-

livery mechanisms such as health maintenance organizations, these assumptions seem unrealistic.

Just as dubious is the argument (not made by the A.M.A.) that a surplus would cause physicians to perform unnecessary procedures to maintain income. This problem is most likely when services are rendered under a retrospective cost-reimbursement system that lacks any controls to monitor overutilization. Once again, the increased use of controls, cost-containment measures and incentive-based systems substantially reduces this problem.

To its credit, the report's recommendations dealing with insuring high quality medical education and improving the distribution of physicians reflect the positive strain of the A.M.A.'s personality. Unfortunately, the report's cartel-like preoccupation with restricting physician supply overwhelms the salutary aspects. ■



Jonathan Rose is a Professor at the College of Law. He received his LL.B. *magna cum laude* from the University of Minnesota and is an expert in antitrust law, professional regulation and regulatory reform, writing frequently on regulatory issues. This article has previously been published in the *New York Sunday Times Business Forum*.

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Los Angeles Memorial Coliseum Commission vs. The National Football League:

The Student Bar Association and the College of Law sponsored a law school forum on the Oakland Raiders franchise move case on November 7, 1986. Professor **James Weinstein** coordinated the program. Dean **Paul Bender** was moderator.

Pat Lynch and **Max Blecher**, lead counsel for the National Football League and the Los Angeles Coliseum respectively, debated issues from the case after an introduction of the legal issues by Professor **Jonathan Rose**. **Pat Lynch**, a 1966 graduate of Loyola Law School in Los Angeles, practices antitrust law with O'Melveny and Myers in Los Angeles. He is the past chairman of the Antitrust Committee of the American Bar Association. **Max Blecher** was a trial lawyer with the Antitrust Division of the United States Department of Justice, after graduating in 1955 from the University of Southern California Law School. Since then he has been in private practice with an emphasis on antitrust law and is a member of the National Commission for the Review of Antitrust Laws and Procedures.

After the debate, a panel of experts was introduced by Professor **John Morris**. The panel was composed of the following: **Dave Meggessey**, a former linebacker for the

St. Louis Cardinals and author of the book "Out of Their League;" **Mike Gallagher**, a 1970 graduate of the ASU College of Law and former professional baseball player, now with the Phoenix firm of Gallagher & Kennedy and specializing in sports law; and Professor **Ralph Spritzer**, an expert in antitrust law and oral advocacy. Excerpts from this program are given below.

Jonathan Rose: Let me see if I can quickly put the anti-trust issues that are going to be discussed today in context . . . Everyone agreed that this case called into question whether rule 4.3 of the NFL violated the antitrust laws. The rule at that time required three-quarters of all the owners to vote to approve a move of a franchise into the home territory of an existing franchise. The question in the case, therefore, was whether that rule violated the antitrust law. There was an agreement by both sides that the issue would be tested under the rule of reason, not the *per se* rule, which meant that there would be an inquiry into the harms and benefits of that rule. In a rule of reason case you look at the harms to competition, the benefits to competition, and whether there are any less restrictive alternatives. This rise of the rule of reason in antitrust litigation has caused some real problems, since

The Oakland Raiders Franchise Move Case*

it had been used infrequently in the past in delineating what kinds of harms and benefits would be relevant to the analysis. In one sense this was not a new issue to antitrust law. As early as *Chicago Board of Trade* in the first part of the century, Justice Brandeis had suggested that shortening working hours was a legitimate benefit. There have been other claims, including a reduction in racial discrimination, improved foreign relations, and a whole host of things. Antitrust has always been somewhat dubious about things that weren't related to competition. The same question arose with regard to harms. Recently Missouri sued the National Organization of Women, claiming that efforts to have states which didn't pass the ERA boycotted violated the antitrust laws. The court decided that those kinds of harms were really politically motivated and not the kind of harms that had the anti-competitive effect the antitrust laws were concerned about.

Thus the debate has existed throughout antitrust as to what kinds of harms are relevant, and what kinds of benefits are relevant . . . In the *Professional Engineers* case, the Supreme Court talked about the impact on competitive conditions, which made it appear that many kinds of

social benefits would not be considered because they weren't benefits to competition. They were just other kinds of social benefits. However, that narrow language in *Professional Engineers* didn't tell the whole story, and actually further language in that case, as well as the holding in that case and other cases, raised the prospect that the kinds of relevant benefits that could be looked to were broader. And this case involves partly that problem, the question being whether community interest and fan interest are the kinds of benefits that are relevant in antitrust analysis . . . As I am sure the debaters will tell you, the jury (upheld by the Ninth Circuit) found that rule 4.3 was an unreasonable restraint of trade. But the main issue that we want to focus on, in making that judgment, is what kinds of benefits ought to be deemed relevant in antitrust analysis and whether they ought to include things like fan and community interest and not simply benefits to competition in the sense of increased efficiency or reduced costs . . .

Pat Lynch: What's right in this case? Is it right that the Oakland Raiders should move from Oakland, where they have been supported continuously by sellout crowds for 20 seasons, to Los Angeles because the citizens of Los Angeles find it inconvenient to drive an additional 30 miles to Anaheim? Is it right that the people in Oakland, who undertook 30 years of bonded indebtedness to keep the Oakland Raiders in existence at a time when they were roughly equivalent to the late lamented USFL in stature, built them a stadium, supported them at that time, and made them a big and profitable enterprise, now can lose "their" team because of the personal preferences of Al Davis (owner of the Raiders) or because of the opportunity to latch onto what seemed to him to be a highly lucrative pay TV market in the Los Angeles area? It's advantageous to this one individual to leave behind that stadium, with its bonded indebtedness, and those fans who had paid for season tickets for 20 years and who have waited on waiting lists for even longer, and move to Los Angeles. Is that a good thing? Is the public well served by that decision? That, to me, is the question we ought to be asking. Are the antitrust laws, as the primary focus of how we deal with professional sports, as a part of our society, doing a job for the public? . . .

*726 F. 2d. 1381, 1398-99 (1984).



Forum on the Oakland Raiders franchise move case: l-r, Prof. James Weinstein, Max Blecher, Pat Lynch (speaking), Prof. Jonathan Rose, Dean Paul Bender, Prof. Ralph Spritzer, Dave Meggessey, and Mike Gallagher.

Now the first question posed in this case was: Should the antitrust laws govern this activity? Is it fair to call the league a conspiracy, or is the league more like a corporation, . . . a single enterprise engaged in a common business and necessarily required to make joint decisions? When my law firm, over my objection, established an office in Washington, I wouldn't have lasted long in the federal court had I alleged that there was a conspiracy between my partners to restrain trade by forcing us to reduce our competitive posture in Los Angeles by sending off these fine lawyers to Washington, which I though was a crazy idea. Why? Because the partnership, although it is clearly a combination of people able to escape in business on their own, is a single economic enterprise under well established, ironclad precedent. And what we asked the judge to do in this case . . . and ask, "Isn't this more like a corporation or a partnership or a single enterprise, and shouldn't the antitrust law standards that apply to the decisions of a single enterprise be applied to it?" . . .

The second question that we raised with the court was: Assuming that the antitrust laws are going to govern here, can't we try to bring the antitrust laws somewhat in accordance with common sense? And can't we call to the jury's attention that the real issue in this case . . . is simply this: Is it reasonable for a partnership, an enterprise, a combination, or whatever you want to call it, to recognize a duty of responsibility to the people who have been its good customers for so many years? One of the most bizarre and unbelievable conclusions reached in this case was an overnight decision by Judge Pregerson that he could grant a directed verdict on the grounds that the Raiders could have engaged in business on their own; that they could have pulled out of the National Football League and become the Harlem Globetrotters of football. And from that he concludes that they are not a single enterprise. There was not one bit of evidence to that effect. There was express evidence that the Los Angeles Coliseum would not have talked for 35 seconds, much less given away something like \$14 million dollars in public subsidy, if Al Davis didn't bring the National Football League flag. It wasn't the ability of Al Davis to promise to play in the Coliseum that sold, it was the ability of Al Davis to guarantee that the Denver Broncos would be there (as they were last Monday night to a sold out stadium), that the New England Patriots would be there, that these other enterprises would be required by contract to come and play there . . .

We said that in that sense it's reasonable for the people who operate the whole enterprise to consider loyalty to their customers, to consider the fact that each and every one of them is playing in a stadium which is to some degree or other funded by public money, on which they are getting a very favorable financial tradeoff . . .

Now in the trial of this case, we were entitled to refer to public interest factors only to the extent that we could communicate to the jury a lot of exotic economic analysis . . . I think that the law absolutely let the public down on that issue. Instead, the issue that went to the

jury in this case was: Does this restriction cause an increase in competition? As if increased competition between football teams was of any relevance to the public whatsoever . . .

Max Blecher: You can look at the franchise relocation issues two ways, and I am going to do it for you both ways. You can look at it in terms of rigid, legal, Jonathan Rose antitrust law under the rule of reason, and that's of course, what you are required to do in the courtroom . . . Or, you can look at it on the basis of ethical and moral considerations, which I submit to you are really the underpinnings of the decision and the resolution of this case allowing the Raiders to do what they did. But first let's take a look at the legal analysis and where Pat's notion of community interest, fan support, fits in . . .

The bottom line is that, in straight legal analysis, in a "rule of reason" approach, those facts play a very minor, relatively insignificant role in the resolution of the legal question. That question starts with, as Pat said, whether or not the National Football League is one person incapable of internally conspiring, or whether it is in truth 28 separate teams which, if they make internal agreements, are capable of conspiring. Now the one thing that I think has been twisted and distorted out of context is a lawyer-created afterthought. Lawyers can come along and convince the clients of something that never entered the clients' heads. It is fantastic and you see it every day; inventive and imaginative defense lawyers to get \$22 million dollar fees are wonderful at this. Now they have a new thing; they hire a social shrink to go through videotape performances and help them structure these new ideas, these afterthoughts. The idea that the NFL is a partnership of some kind immune in its internal decisions, immune from the antitrust laws, is something the lawyers thought of. The business people who put the NFL together never thought of that. What did they think? The very first article of their constitution, Art. I, recites that the purpose of the NFL is to "promote and foster the primary business of league members." . . . The purpose of the league was to help the owners make money . . .

Once you accept the notion that there is that kind of competition, and that's what they did here. They passed a rule, the origin of which said that . . . no team in this league can move into the territory of another team. Carol Rosenbloom (owner of the Los Angeles Rams) owned downtown Los Angeles and everything within a circle of 75 miles around it; that was his fiefdom. He said, "I own this; no one can come in here," because the rule said no one can move their team into that territory without the consent of every owner in the League . . . So we said, "That's not a very fair rule. That doesn't seem to permit competition. Why can't Los Angeles have another team?" So we attacked that rule, and the court immediately said football is a very unique business. It's not like selling tomatoes at the supermarket; it is a business that's unique because, as Pat correctly observes, the conduct of the business among these various owners is dependent upon some degree of cooperation between them. But

that doesn't mean they get an immunity from the antitrust laws . . .

What the rule of reason says under the antitrust laws is that where something restrains competition by preventing someone from coming into Carol Rosenbloom's fiefdom, you judge that rule only if it can be shown that restricting someone from coming into Los Angeles produces more competition rather than less. And, of course, fan support and community interest cannot logically, or in a courtroom contest be contextually related to the increase in competition. Fan support and community interest are arguments to tug at your heartstrings, but they have zero, or maybe 1 on a scale of 10, to do with competition . . .

This is a case decided by judges, much the same as it was decided by juries, because there was an essential element here of unfairness that cut across the evidence viewed as a whole and compelled anybody that looked at this factual setting to reach the conclusion that Al Davis was victimized; and the NFL and the owners who pontificated about the needs for rules and the protection of the communities in which they are located were a bunch of hypocrites. What they did here was without a vote of the League. They allowed Carl Rosenbloom to move out of the Coliseum, which had housed professional football for over 20 years. They allowed them to move down to Anaheim and play in a baseball stadium because he was able to make an extraordinarily favorable land deal there and go from a multi-millionaire to a multi-multi-millionaire . . . And when the City of Los Angeles went to the NFL and said, "Can we have a team?" they said, "What do you mean? You have a team; it's just down in Anaheim." . . . And we couldn't find anybody who was willing to move here except . . . the Minnesota Vikings. It's cold in Minneapolis in the winter. And Max Winter (owner of the Minnesota Vikings) came out here and he said, "My God! It's the middle of the winter and the sun is shining, and there's no snow. I can't believe it! I am moving." . . . And the League said, "Yes, the Minnesota Vikings are going to move to Los Angeles." But they roused up the community of Minneapolis to the point where they collected \$80 million dollars to build a stadium with a roof on it so Max Winter could stay and play in the warm mid-winter in Minneapolis. The League helped him to stay in Minneapolis by threatening to move his team to Los Angeles. But when Al Davis was talking to the Oakland Coliseum and negotiating with them in late 1979, the League announced that there is no possible way Al Davis would ever be allowed to move this team to Los Angeles—famous last words. When everybody looked at the record of this case completely, their stomachs turned in terms of fairness . . .

There's one final thing that I think the jury and the judges on the court responded to, and that is that under our system, . . . the man who invests his money in a business ought to have the right and freedom to determine where he's going to conduct that business with his investment, his money (not the investment of some myth-

ical thing called the NFL). And I think that's at the core of this case—the freedom, under our society, to take your business and locate it where you please . . .

Pat Lynch: The *Professional Engineers* case held not that you can only consider things that promote or increase competition, for the rule of reason does not support a defense based on the assumption that competition itself is unreasonable. However, the jury was instructed that you are not allowed to consider Al Davis's freedom as an entrepreneur or whether the fans at Oakland have an interest which society ought to recognize and give some weight to. You can only consider those things which tend to promote competition. And incidentally, what is the effect of that rule here in Phoenix, Arizona, which may have some interest in having a football franchise someday? Any owner who wants to move his team from Kansas City or Minneapolis or San Francisco or Seattle to New York or Los Angeles, or any other place where there's already an NFL team, has an antitrust argument that he's entitled to move because he's moving, by Max's definition, from a place where there is no competition to a place where there will be competition. But if he wants to come to Phoenix or if he wants to go to some place where there is not currently a team, and there will be no "increase in competition," then the nexus of the antitrust laws isn't present. There have been cases subsequent to this Raiders case which have held that under those circumstances the antitrust laws do not act as a restraint on the League's ability to govern itself.

Now, let's talk about this alleged immunity argument. That's one of those emotional tags that gets applied here. We call it an immunity. General Motors is not immune, although it may decide to close 11 plants. It is judged by the standards that the antitrust laws apply to a single enterprise. Now Max quotes a phrase out of the NFL Constitution which I think is absolutely ambiguous. It is not clear . . . that the primary business of the teams is being teams separate from being members of the League, it merely says "their primary business as League members." . . . If you join a law partnership just because you're interested in making money, that doesn't make you separate competitors of your partners. Lastly, as to precedent, within three months of the jury verdict in this case, the Baltimore Colts moved out of Baltimore, the San Diego Clippers, represented by Max Blecher, moved out of San Diego, and the New York Giants (that we criticize for being in New Jersey) moved. And the League is handcuffed because there's not a thing a league can do to try to represent public interest under the present state of the law.

Max Blecher: The answer to this notion about what the rule of reason should be is dealt with by the court in this case. The judge instructed the jury that it should consider only the pro-competitive benefits of the rule. The NFL was permitted to argue that the rule had pro-competitive effects related to serving the public, and the court said, "No more is necessary." So much for that. In other words, the NFL had every opportunity to persuade

people that this rule was better for the public interest and better for competition. . . . Now, finally, the fact of the matter is that there is an immunity if you adopt this single entity notion. . . .

There's a lot of debate about the single entity notion. But the bottom line fact is that if the League were viewed as a single entity, all the internal decisions of these 26 separate owners and corporations would be immune from the antitrust laws. He may not like the word, but that's the reality of it. That's different from General Motors. General Motors is one entity. It doesn't have 26 separate competing interests, people who threaten each other in some way by moving into their locations, for example. And so this process that he argues for, to treat the League as though it was a single company, is nothing more than an argument to say our decisions are above inquiry by you, the United States of America, or anybody who seeks to attack them. . . .

John Morris: We here in Phoenix are deeply grateful to you, Max, for your representation of the Raiders. We've been looking to get a franchise in Phoenix for years . . . Bruce Babbitt went to New York to confer with Mr. Rozelle (NFL Commissioner) about getting a franchise in Phoenix, and when he met with Rozelle the rumor was that Pete said to him, "Would you like tickets to the Super Bowl?" and Babbitt said, "What's the Super Bowl?"

We're sure it's not going to be solved for some time. Ask Jack LaSota (Adjunct Professor and attorney with Meyer, Hendricks, Victor, Osborn & Maledon, P.A.) sitting there in the back. He is now representing the negotiations for the City of Phoenix to build a stadium with beaucoup de loot to make sure everyone gets a chance to bid on a franchise. Now see Alison Swan there (with the Attorney General's office); she's our antitrust expert for the state. So we're listening to what you have to say today, and we have a panel there to discuss some of the issues which were raised or to make a statement. I think I will start off with Professor Spritzer. Do you wish to make a statement?

Ralph Spritzer: I think this case and the discussion of it really illustrates a couple of difficulties that often involve lawyers and law students, especially law students. One is the difficulty of applying a doctrine which has grown up to deal with one set of problems to a problem that really doesn't fit very well. . . . Now the fact is, with a professional sports league one has a very special problem. There are matters as to which the league members have to get together. The prosperity of each of them depends upon working out schedules, upon each team being viable, upon each team having a certain degree of stability. And so there has to be a compromise in dealing with a professional sports league in the sense that conduct which might not be allowed or clearly would not be allowed in an ordinary business may have to be permitted to some degree where a professional sports league is concerned. And the problem, of course, as our oral advocates have made clear, in this case was to decide whether some restrictions that might be imposed with re-

spect to mutual arrangements, with respect to stability of the franchise, whether some restrictions which might be permitted were exceeded by the kind of regime that the NFL adopted.

The other difficulty that I think this case illustrates is that the antitrust laws really don't provide a very good mechanism for taking into account the community interest of Oakland or of its fans—the real concern that the Oakland fan may have in keeping hold of its cherished heroes. . . . The antitrust laws are concerned with the opportunity of somebody like Al Davis to trade, as well as somebody like the owners of the other pro teams to pursue their individual and joint activity in prospering by exhibiting football. Well, if there is a legitimate interest in communities that isn't very well served by the antitrust laws, . . . aren't there other ways by which cities like Phoenix, if they get a franchise, can protect their interests through contract or regulation? . . .

John Morris: Why don't we ask Dave Meggessey, who is with the National Football League Player's Association and is the Western Regional person, to comment.

Dave Meggessey: It seems to me that what was really going on in Los Angeles (at least regarding the National Football League) are questions of monopoly power and questions about the concentration of monopoly power. The antitrust laws have not only applied to franchise relocation issues, they've applied to the draft, the Rozelle Rule, and a number of things that have been central to the players' interests in terms of seeing how the monopoly has worked to the detriment of the players and to the detriment of the public interest. I think there is another element here, and it really is a question of responsibility. It asks the question of how responsible the National Football League has been in its operations over the past 64 years. . . .

I think, in the course of events over the past 20 years, that the public interest has been served by the fact that the League has conformed to antitrust laws. . . . I think the other thing to keep in mind is how the League has operated over the years. It basically has operated to get limited antitrust exemptions from Congress: in 1961, when the Sports Broadcasting Act was passed that allowed the member clubs to share all the television revenues; the second one . . . was to form a functional monopoly . . . which was the merger exemption in 1966. The trade for that was the New Orleans franchise and numerous Super Bowls that are played in New Orleans. So my point is that the League has not been above acting . . . against the public interest. I think the antitrust laws have not only protected the Al Davises of the world, they've protected the players and they certainly have protected the general public interest. . . .

John Morris: Also, one might say in passing, that in terms of the damage issues involved in the Oakland Raiders' case, I think the law may make some adjustment with reference to the change of assets—that is, the leaving of the Oakland franchise there and the Raiders moving into Los Angeles, in effect appropriating an asset, as the court viewed it, which belonged to the National

Football League, so there might be a tradeoff in the damage issue.

Moving on, we have our own representative here. Mike Gallagher has done yeoman's work in representing the City of Phoenix in terms of the professional football and other activities, and we asked him to serve on the panel to make a few comments. Thank you, Mike.

Mike Gallagher: I thought what I might do is share a little bit of the historical perspective of what was going on in Phoenix while the Al Davis lawsuit was being decided, because a reasonable argument can be mounted that the Al Davis lawsuit cost Phoenix a National Football League franchise. . . . Governor Bruce Babbitt had a meeting in New York with Commissioner Rozelle after which he returned to Phoenix and formed a committee to study numerous issues related to the obtaining of a professional football franchise for Arizona. I was asked to head that committee. One of its principal functions was to study the Board of Regents' then-existing rule that Sun Devil Stadium could not be used for professional football. After much investigation, the committee recommended that the rule be changed, which recommendation was accepted by the Board of Regents. Thus, Sun Devil Stadium was ready and willing to house a National Football League expansion franchise. However, due in large measure to the Al Davis lawsuit, the NFL put its expansion plans on hold. Around this same time, while the NFL was litigating, the USFL was forming.

Since the change in ASU policy, Sun Devil Stadium has in fact housed USFL football, and three NFL clubs have expressed varying degrees of interest in the Phoenix area. The first was the Baltimore Colts, which ultimately

moved to Indianapolis. The second team to stir up excitement in Arizona was the Philadelphia Eagles. That organization went so far as to rent office space, hire press people, and identify a practice facility. The Eagles' approach was rather simple. They asked nothing of the city, merely announcing they had decided to move. The local press broke the story just before the last regular season game. When the news hit Philadelphia, there was an outcry and the city leaders, by complying with a number of demands of Mr. Rose, the owner, were able to convince the team to stay in Philadelphia. The last team to generate a lot of interest in Arizona has been the St. Louis Cardinals. Mr. Bidwell, the owner of that club, has let it be known that he is testing the water in a number of market places, including Phoenix.

The seeking out of a major league baseball franchise has probably been a little less flamboyant than the football efforts. A contingent from Phoenix, including Mayor Goddard and myself, met with Commissioner Ueberroth in December, 1985. At that time, Mr. Ueberroth announced to a number of communities that a major league baseball team should be viewed in many respects as a civic project, which is an interesting proposition when applied to major league sports which generally are viewed as part and parcel of the free enterprise system operated by entrepreneurs for a profit motive. Nevertheless, I believe that the economic and intangible benefits which flow to a community as the result of major league sports are of such a magnitude as to justify the expenditure of substantial public moneys to help underwrite playing facilities. ■

Hail Britannia: Impressions of the College of Law's London Program

Mark A. Hall and Diana S. Greene

Your eyes are stinging, weary from the burdens of reading endless cases about incomprehensible bankruptcy statutes. You decide it's time for some refreshment. You step outside. Would you like to step out into brisk air that shows your breath and walk past the green grocer's, the fish monger's, and the baker's on your way



Mark A. Hall is an Associate Professor at the College of Law. He received his J.D. degree *cum laude* from the University of Chicago Law School and teaches health care law, administrative law and contracts. His wife, Diana S. Greene, is a journalist who is currently writing a book on child care. Also pictured is Marissa, their one year old daughter.

to the corner pub, where you sit in an overstuffed chair in front of a blazing fire surrounded by Victorian hunting decor sipping a Whitbred's "Best Bitter," or would you rather climb into your scorching car, drive to the generic fern bar in the nearest shopping center, and guzzle a Miller's Lite while sitting on a laminated wood bar stool surrounded by video bleeps, strobe lights, and drunk undergrads? The twenty-four students who participated in the fall semester's London Program found the former more appealing, never mind the fact that the beer was warm and the fire fake.

The students came from ASU, Arizona, Missouri, Iowa, Indiana, and Kansas, six of the seven schools that make up the London Law Consortium, which was formed two years ago to give students an international perspective to their law studies. The program is headquartered at the University of London in the Bloomsbury district. Bloomsbury is where folks like Virginia Woolf, E.M. Forster, D.H. Lawrence, and Bertrand Russell lived and met to sip tea and chat about the intellectual issues of the times. It is a considerably more inspiring environment than Tempe (or Tucson or Bloomington, or Lincoln . . . you get the picture; funny that Hastings, Washington, or Colorado aren't Consortium members).

We went along as one of three teacher families charged with the task of seeing that the students actually worked. Each student enrolled in four of the six offerings, which ranged from traditional legal subjects, such as bankruptcy and administrative law, to esoterica such as comparative health care law and art law. The courses were enriched by interesting (at least we thought so) and enlightening presentations by British guest lecturers on the topic at hand.

The most entertaining offering was art law, where, as part of their studies, students attended an art auction at Sotheby's, gave class reports on the most expensive art object they could convince some unsuspecting gallery owner to let them see, and studied the controversy over the "Elgin marbles," the British Museum's marble carvings taken from the facade of the Parthenon by Lord Elgin in the 19th century (supposedly only for safekeeping, but now that Greece is a safe place no one is offering to give them back).

Of course, the classes are not what everyone remembers most vividly. The London Program offers an experi-

ence that teaches as much out of the classroom as inside. The American Institute of Foreign Studies (AIFS), which provides all the logistical support for the program, arranged a wide variety of legal and cultural extracurricular activities. We took day trips to Oxford, Cambridge, Bath and other nearby towns and we attended first-rate theatre. We walked the lanes and byways of legal London, explored ancient legal bookshops, marveled at the regalia displayed during the ceremonies for the opening of the legal year, and toured the Inns of Court and the Royal Courts of Justice.

We learned a great deal about the differences in our supposedly similar legal systems. Our two systems are often conjoined almost as Siamese twins by the term "Anglo-American." However, try asking an American lawyer to keep a straight face during a dead serious courtroom argument while wearing a George Washington wig. It's even harder if you are a woman, since the orthodox wig styles have not evolved to accommodate a two-gender profession. Personally, neither of us could ever be a trial lawyer in England. Even a necktie is too formal for one of us.

The structure of the British legal profession is also rather curious. Far from the ambulance-chasing reputation of contingent-fee-paid American trial lawyers, British barristers strictly adhere to the ethical constraint that they cannot have a direct attorney/client relationship with a member of the public. If you want a trial lawyer in England, you can't get one without going through your solicitor and paying by the hour.

The most revealing experience with the British legal system came during an oral argument at the Royal Courts of Justice in an appeal of a criminal sentence. This case was remarkable for several reasons. The defendant had no communication with his counsel during the entire proceeding; he sat like a penalized hockey player between two guards in the booth on the far side of the room. The issue was not whether the sentencing judge considered illegal factors or exceeded the legal maximum, but instead it was a *de novo* reconsideration of the length of the sentence, something unheard of in our legal system. The most vivid impression though came from something as mundane as the method of transcription. Instead of a bored stenographer mechanically jabbing away at a strange looking instrument, there was an elderly, overweight gentleman whose substantial jowls jiggled as he furiously handwrote each word.

This is just one of many examples of where the high-tech, computer world has yet to arrive in the U.K. While this characteristic makes the country enormously quaint, it also makes for some hair-ripping annoyances. Take the answering machine, for instance. It seems that very few homes are hooked up with those impersonal screening devices so prevalent here. In our book, that's a definite plus in the quaint category. However, when the absence of phone-answering devices means letting the phone ring

at least 10 minutes for some bloke at British Rail to pick up, quaintness goes right out the window. Over time you learn to prepare for phone calls as you would a plane trip by bringing books, bills, or stationery to while away the time.

Banks in London provide another example of a country that has not quite embraced the computer age. British banks look just like the ones you may remember from the movie "The Sting": oak filing trays instead of pneumatic tubes, gray tin wastebaskets instead of paper shredders, and countless stacks of handwritten receipts instead of minute, computer-printed cards. And British bank architecture offers a pleasant change from Valley National Bank's oversized golf ball at Apache and Rural.

When it comes to the written and spoken word, the British are so eloquent and well-versed it's almost intimidating. Newspapers are not afraid to print words like "mendacious." Penguin paperbacks are displayed along with the pulp at train station magazine stores and, riding the "tube" (the subway), most commuters seem to be reading poetry, history or literature. Don't misunderstand us—there is lots of smut. With more than a dozen daily papers published in London, all tastes are accommodated. If you're looking for sensational headlines with bare bones writing and some sensual photographs of bare bone females, there are several offerings.

Television news in Britain is yet another barometer of our very different cultures. For starters, there are no former Miss Britains smiling at you as they blithely report that thousands were killed in an earthquake in southern Nepal. Women newscasters are delightfully normal looking. Blow-dried news hasn't hit the U.K. The star wars between stations, with its resulting slick superficiality, is rather low-key.

On the other hand, President Reagan's Star Wars defense plan is very big news. During the tense autumn of arms race posturing, seemingly every twitch of Reagan's eyebrow became front page news. All defense issues are of grave concern to the British since it is their boggy moors where those nuclear arsenals are stockpiled.

We could continue on and on with our impressions of England. We lived with dorm-room-sized refrigerators; we heard cockney-accented strangers call us "luv" and "guvner"; we saw first-run television showings of "Spitting Image" and "Yes, Minister" with minimal commercial interruption (and never a mention of NutraSweet); we smelled the mixture of odors that emanate from a street crowded with sidewalk fish stalls and unkempt punk rockers. But to carry this any further would merely detract from our overall impression that the second annual London Program was a "smashing" success, despite the falling value of the dollar and the rising fear of terrorism. So next time you hear the pitch "sign with us and see three continents," listen up. It may be the law school's recruiter, not the Navy's. ■

Art and Architecture Reception

A reception was held at the College of Law on October 16, 1986 to celebrate recent gifts of art and also to view the plans for the new building addition.

Over the past several months, the College of Law has received numerous art donations. "The Counselors", a series of 20 lithographs by artist John L. Doyle, is now a part of the law school's permanent collection. Doyle traveled from his home in North Carolina to attend the reception. His presentation focused on his research of the various cultures represented in "The Counselors" and highlighted the meaning of some of the symbols used in his work. He commented that the concept of justice varies from culture to culture and is based on the moral and ethical foundation of custom and religion. In effect, law and justice often become the mirrors that reflect the social values of a society.

Other works of art donated by individual artists were exhibited in Classroom 112. The artists represented include: Lynn Berryhill, Minnie Dobbins, Gale Dubrow, Katalin Ehling, Jerry Gunning, Ken Harbaugh, Bob Howard, Daryl Howard, Howard Post, Dolona Roberts and Veloy Vigil. Some of these artists were also present at the reception to discuss their works.

Suzanne Brown, of the Suzanne Brown Gallery in Scottsdale, offered comments regarding these donations, which are also a part of the law school's permanent collection. She stated that the College of Law now has one of the most significant collections of contemporary southwestern art in the United States. Her gallery was responsible for coordinating these gifts to the law school.

Jim Hughes, an architect with Dean/Hunt/Kreuger and Associates, Incorporated, gave an overview of the building addition plans, noting that



John L. Doyle



Suzanne Brown



Prof. Jonathan Rose, Chair of the Building Committee, receives a useful gift to aid him in his task: a Basic Lego set.

construction was scheduled to begin in mid-February. Blue-



Dean Paul Bender discusses art with Stephen Lee, Todd Stansbury, and their son, David, while (l-r) Suzanne Brown, Prof. Dennis Karjala, Jack Brown, Mike Kennedy and Prof. James Weinstein look on.



Model of Armstrong Hall, showing building addition and idea for future library building

prints, artist renderings, and a model of the new building

addition were on display during the reception.

Profile of Four Entering Students

The College of Law has always attracted a wide variety of students, and the '86 entering class is no exception. Composed of 191 students, this year's entering class represents 108 undergraduate institutions and 28 states. Their ages range from 21-73 years: 41% are women and 18% are minorities. The median LSAT is now 37 and the GPA 3.33. Statistics alone are not a true measure of diversity, however, as can be seen in the following four profiles:



When other retired businessmen are out playing golf and enjoying the fruits of their labor, **William Shapiro**, at age 73, studies law. Mr. Shapiro, the most senior member of the entering class, is also one of the most popular. "My classmates have been so helpful and are such a caring group of people," he says.

In 1948, Mr. Shapiro began a paint manufacturing business near South Bend, Indiana. He was accepted at Notre Dame Law School in the 1960's but stated, "Going to law school then would have interfered too much with my family and business commitments, so I declined the invitation." After selling his business in the 70's, Mr. Shapiro and his family moved to Arizona. His concern for the indigent elderly prompted his work as a volunteer with the Senior Citizens Law Project in Phoenix. Listening to, and helping sort out, the various problems of these citizens convinced Mr. Shapiro "that it might be a good idea to get in the law profession and assist those who can't afford a lawyer."

Mr. Shapiro's wife and two daughters have been very supportive of his new venture. One daughter is a concert violinist and Director of Music at the University of Alaska, and the other is a medical doctor in New York City. While enduring the rigors of the first-year curriculum, this energetic student looks forward to continuing his legal education over the next two years.



Kevin White traded a football for law books when he entered the College of Law at ASU. Originally from Casa Grande, AZ, he attended the University of West Virginia when offered a football scholarship. Mr. White played all four years and was starting quarterback his senior year, while also receiving his B.S. degree in Political Science. He says he finds football and law school to be similar because of "the competitive atmosphere."



LynDee Wells-Stevens is the former Director of the Human Resources Department for the Quinault Indian Nation in Washington. Previously she served for three years as Deputy Director for the Puyallup National Health Authority in Washington.

Returning to an academic environment has been an exciting challenge for Ms. Wells-Stevens. Her commitment is based on the belief that her legal education can be used to effectively benefit the Tribe. She hopes to obtain experience in working with both the court systems and private firms specializing in health care law.

Ms. Wells-Stevens chose the College of Law at ASU because she was comfortable with the atmosphere: "The tone was just different from other schools." A member of the Gros Ventre Tribe in Montana, Ms. Wells-Stevens' future plans include returning to work with the Tribe. She presently resides in Tempe with her husband and three children.



Being on the other side of the desk feels a little strange to **John Stookey** after teaching Political Science at ASU for ten years. Dr. Stookey is a first-year law student with a B.A. and M.A. in Political Science from Marshall University in Huntington, West Virginia, and a Ph.D. in Political Science from the University of Kentucky at Lexington. "Law school is a logical extension of what I've been doing," he stated.

Dr. Stookey was influenced to come to law school by his wife, Kitty Taylor, who is a third-year law student at ASU College of Law. They plan to set up a practice together after graduation. Dr. Stookey sometimes finds it difficult to switch modes from teaching part of the day to being taught the rest of the day. He also says he finds law school different from other graduate programs because it is "very focused."

Clinical Program Receives Grant

For the second year, the College of Law at Arizona State University has received a grant from the Arizona Bar Foundation. The grant, in the amount of \$48,630, will be used to continue the College's community service clinical program in Mesa. This grant was among more than \$800,000 in grants given statewide this year by the State Bar Foundation to support and expand the delivery of legal services to the poor under Arizona's Interest on Lawyers Trust Accounts (IOLTA) Program. Eleven students are participating in the Mesa clinical program this year.

The College of Law's program is designed and supervised by Associate Professor **Douglas Blaze**. Professor Blaze graduated *magna cum laude* from Dickinson College with a B.S. and received his J.D. *summa cum laude* from the Georgetown University Law Center. Prior to coming to the law school, he had been an associate with the Fennemore, Craig, von Ammon, Udall & Powers law firm in Phoenix. ■

Building Addition

The addition of 17,228 square feet to Arizona State University's College of Law building is under way. This project will add two two-story wings for library and study space, offices, and classrooms. 14,200 square feet of the present facility will also be remodeled, providing expansion of classroom space, the law school clinic, the moot court, and the legal writing program.

During the fall semester a program reflecting the school's needs was developed. Architects drew up blueprints based on those findings. The Building Committee then worked to refine the plans, not only to satisfy the needs, but also to stay within budgetary restrictions.

Professor Jonathan Rose, Chair of the Building Committee, commented, "We are very pleased with the design

that the architects have created, and we look forward to the beginning of construction." The next issue of the *Forum* will highlight the building addition. ■

Moot Court News

The College of Law's Moot Court Board began its schedule of events for the 1986-87 academic year with the Jenckes, ABA Negotiations, and the National Moot Court Team competitions. In November, the ASU team won the Jenckes Cup from the University of Arizona during the closing argument competition in Tucson. The team was comprised of **Joe Rogers** ('89) and **Alice Finn Gartell** ('89). Professors **Michael Berch** and **Douglas Blaze** coached the Jenckes Cup team.

In addition, two three-member teams from the College of Law excelled at the November 20-22 National Moot Court Regional Competition in Denver. The team of **Cathy O'Grady** ('87), **Alicia Lawler** ('87) and **Frank Sandler** ('87) came in second overall in the Regionals, with their brief also ranking second place. The team of **Mike Golder** ('87), **Patty Bushkin** ('87), and **John LeMaster** ('87), won third place for their brief at the Regionals.

Alicia Lawler, **Cathy O'Grady** and **Frank Sandler** were invited to the National Moot Court Finals, which were held in New York in January. The team advanced to the quarter-final round of the competition and also received best runner-up brief. These students will receive several books and their briefs bound in leather as an award. The College of Law will receive a silver cup, engraved with the recipients' names, which will rotate among the winning schools. The College of Law has sent a team to the National Competition in New York for six out of the last seven years. Professor **Michael Berch** was the coach for the teams, and Professor **Hannah Arterian Furnish** was the faculty advisor for the Moot Court Board.

Congratulations to these students and faculty! ■



National Moot Court teams: (l-r), Alicia Lawler, Frank Sandler, Cathy O'Grady, Dean Paul Bender, Patricia Bushkin, and Michael Golder. Not pictured: John LeMaster



The Jenckes Cup is held by winning team members Alice Finn Gartell ('89) and Joe Rogers ('89). Sharing the pleasure are, (l-r), Dean Paul Bender, Prof. Douglas Blaze, and Prof. Michael Berch.



Negotiation Competition team Sally Mabarak and Angela Miller, with Dean Paul Bender and Prof. Gary Lowenthal.



National Moot Court Finalists Alicia Lawler, Frank Sandler, and Cathy O'Grady with Dean Paul Bender

Jessup Team Prevails

The Jessup International Moot Court Team, **Kevin Neal** ('87), **Sue Lowther** ('87), **Rita Jarosz** ('88), and **David Shein** ('87), finished in first place in the Regional Competition in February. Ten regional teams competed at the University of Denver College of Law. The ASU team will travel to Boston in April for the finals. **Patty Bushkin** ('87) served as coordinator for the team, and Professor **Fernando Teson** is the team's faculty advisor. ■

Negotiation Competition

The Law Student Division of the American Bar Association sponsors an annual negotiation competition for law students. This fall we entered the competition for the first time, on very short notice. In late October, we conducted a very spirited intraschool negotiation competition. The intraschool competition was organized and administered by the Moot Court Board. It took place over several evenings, with both a preliminary round and a final round. Each round was judged by practicing lawyers and members of the law school faculty. The winners of the intraschool competition were **Sally Mabarak** ('88) and **Angela Miller** ('88).

Sally and Angela represented the College of Law at the regional competition in Provo, Utah at Brigham Young University on Saturday, November 22, 1986. During the two weeks before the regional competition, Sally and Angela engaged in several "practice" rounds, negotiating against recent graduates of the College of Law who volunteered their time to assist in the program. Other lawyers, in addition to members of the law school faculty, observed and critiqued the team during its practice round negotiations.

There were two rounds of negotiation during the regional competition at Provo. The ASU team performed excellently. Sally and Angela outscored all their opponents during the second round, and finished in second place overall in the combined score for the two rounds. The ASU team score was only five one-hundredths of a point behind the overall winner of the regional competition, a team from the host school, BYU. Sally and Angela were disappointed that they did not win the regionals, after finishing such a close second. Had they won, they would have gone to the national finals, to be held in New Orleans in February. Nevertheless, they and I are justifiably proud of their outstanding accomplishment.

Professor **Gary T. Lowenthal** Faculty Advisor for the Negotiation Competition. ■

Special Football Game Recognition for Law Professors Michael Berch and Charles Calleros

Professor **Michael Berch** was one of only three ASU faculty members chosen to be specially honored this year in pre-game ceremonies for their outstanding contributions and accomplishments. Mike was recognized in an on-field ceremony prior to the ASU/Washington State game on September 27, 1986. This is the second year of this program of recognizing selected outstanding faculty at football



Dean Paul Bender presents Outstanding Faculty Award to Prof. Michael Berch during pre-game ceremony. Sharing the happy occasion are Margie Bender, (l), Rebecca Berch, and a huge stadium crowd.

games. **John Morris** was chosen last year.

In addition, six ASU faculty members were recognized in public address announcements during home football games for their accomplishments and contributions. **Charles Calleros** was honored at the Utah game on October 25. Last year, Professor **David Kaye** was recognized. ■

Center for the Study of Law, Science and Technology

The Center for the Study of Law, Science and Technology sponsored a workshop on scientific evidence in December and a national conference on "Effective Use of Computers in Legal Services and Public Defender Programs" in January. The National Legal Aid and Defender Association co-sponsored the computer conference, which attracted approximately 175 participants from across the country. In addition to conducting these two programs, Center staff and volunteers edited and published the proceedings of the Center's April 1986 symposium, "Responding to the AIDS Epidemic: Constitutional, Legal and Social Policy Issues."

Faculty affiliated with the Center helped teach a course in scientific evidence at the National Judicial College, and Center affiliated faculty published papers on topics in

communications law, computer law, forensic science, and health law.

Professor **Ira Ellman** served as Editor-in-Chief of the *Jurimetrics Journal of Law, Science and Technology*, which is produced jointly by the Center and the ABA Section on Science and Technology. The first annual Greyhound Awards for proposed papers for the *Journal* went to Professor **Jon Robertson** of the University of Texas and to Professor **Pamela Samuelson** of the University of Pittsburgh.

The Center initiated its Forum, a series of public talks dealing with law and science. This spring's program included talks on a comparison of the judicial protection of the right to an abortion in the United States and Germany (March 6), legal issues arising from the cryopreservation of human embryos (March 16), legal barriers to modifying software (March 20), and artificial intelligence and legal reasoning (April 10). ■

Students Argue Before U.S. Court of Appeals

On March 12, **Jim Belanger** ('87) and **Bruce Smith** ('87), two Clinic students, argued a case before the U.S. Court of Appeals for the D.C. Circuit. The case involved an *ex post facto* challenge to a Social Security law that prohibits the payment of social security retirement benefits to incarcer-

ated felons and a challenge to regulations implementing that law as *ultra vires* and creating an irrebuttable presumption. The students briefed the case last semester and carried it on to oral argument. The panel drawn consisted of D.C. Circuit Court Judges **Pat Wald**, **Spottswood Robinson**, and **Harry Edwards**.

Congratulations to these students! ■

Fall Orientation

Orientation for the 1986 entering class was held on August 22 with approximately 185 students taking part. "Orientation is a way to make first-year students more comfortable and familiar with their school", said **Tom Stillwell**, President of the Student Bar Association. "New friends and support groups are often established at this time."

The day began with a tour of the campus led by members of the SBA. Following the tour, the class assembled in the Great Hall, where they were greeted by Dean **Paul Bender**. A welcoming speech was made by former Chief Justice of the Arizona Supreme Court **William A. Hoholohan**. **Tom Stillwell** introduced **Christine Smith**, Coordinator of Administrative and Student Services, and **Brian Murphy**, Coordinator of Admissions, as well as leaders of several student organizations.

Sample classes were taught by Professors **Jonathan Rose**, **Laurence Winer**, **Hannah Arterian Furnish**, and **Robert Misner**, and **Dean Bender** taught a sample class to spouses of entering students. Members of the entering class were divided into ten groups and participated in a question and answer session with peer advisors from the second-year class. These peer advisors have continued to meet with the entering class throughout the semester to provide them with an on-going source of information. The orientation ended with a reception in the rotunda for faculty, staff, and students. ■

Women Law Students Association

Karen Dickinson ('87)
Conference Co-Chair

The 16th Annual Far West Regional Women and the Law Conference, hosted by WLSA on October 17-19, was a resounding success. One hundred fifty registrants from the nine-state region began the Conference at the Dean's Reception, hosted by Dean **Paul Bender**. Registrants were treated to hors d'oeuvres and an exhibition of art by two local groups of women artists, "Women in Design" and "Woman Image Now." In addition, keynote speaker **Sonia Johnson** discussed feminism in today's world. The rest of the weekend, following a keynote address by **Ginny Foat**, consisted of workshops on topics such as Negotiation Skills, Stress Management, Pornography and the First Amendment, Alternative Life-



JoAnn Garcia, (l), and Karen Dickinson, Conference Co-Chairs, at 16th Annual FarWest Regional Women and the Law Conference.

styles and The Physically and Mentally Challenged. In addition, registrants attended a party at Rawhide, which included food, dancing and socializing. The site for next year's 17th Annual Far West

Regional Women and the Law Conference will be Loyola School of Law in Los Angeles.

For the 1987 spring semester, the Women Law Students Association has planned both its Annual Wine and Cheese



Prof. Dennis Karjala at art exhibition during the Women and the Law Conference

Party with community attorneys and the Annual WLSA/Moot Court Auction. WLSA will also sponsor speakers and continuing stress management seminars. ■

Admissions Update

Brian J. Murphy
Coordinator of Admissions

Not only was the 1986 entering class the second largest in the history of the College of Law, it was also the most diverse. The recruitment efforts made in the previous fall and spring semesters resulted in a substantial increase in both the quantity and diversity of the entering class, bringing the total number of first-year students enrolled to 191. All this comes at a time when the vast majority of law schools are experiencing a rapid decline in their applicant pool.

This growth was partially the result of an increase in the ratio of students accepted for admission to the number of students actually enrolled. In effect, fewer and fewer students once admitted to the College of Law are choosing to attend other institutions. In addition, the total number of applications increased 12% to 1108, and the number of women and minorities increased to 41% and 18%, respectively, of the entering class. The median LSAT is now 37 (650 on the old scale) and the GPA is 3.33. The age of the entering stu-

dent body ranged from 21 to 73 years. Sixty-five percent of the students were from outside the metropolitan Phoenix area and 41% were non-residents. The most dramatic change, however, occurred in the number of undergraduate institutions represented; this figure, now at 108, has doubled from that of a year ago. The institutions represented included the following: Brown University, Columbia University, Dartmouth College, Georgetown University, Harvard College, Scripps College, Stanford University, University of California-Berkeley, University of Michigan, University of Pennsylvania and University of Virginia.

Currently the Admissions Office is besieged by applications to the entering class of 1987. All indications are that the number of applications will increase this year as well. ■

Placement Updates

Coordinator of Placement

There is never enough time or hands to prepare for and administer the fall recruitment program, not to mention the extra counseling, listening and

encouraging that is needed by the interviewees. During the fall semester, 83 employers conducted over 1200 interviews with 101 second-year and 63 third-year students. Twenty-eight of the interviewers were recruiting for out-of-town employers.

Although callback interviews and employment negotiations were still in progress in December, it appears that approximately 48% of the second-year class had secured summer clerkship positions by that time, and 61% of the third-year class had accepted offers for associate positions. Eight percent of the 1987 graduating class had received judicial clerkship appointments.

First-year students are anxious to throw their hats into the summer program ring. Many began their search during semester break. Others are waiting for the interview program lineup to pursue employment opportunities in the legal arena. The spring recruitment program will begin in March and continue through May for employers seeking new associates and law clerks from the first and second-year classes.

Results of the recent em-

ployment and salary survey reveals that 78% of the 1986 class secured employment within six months of graduation. Starting salaries have increased slightly, to an average of \$31,572, from last year. It should be noted that a few more of our graduates are being lured to positions outside the state. ■

New Approach for '87 Recruitment Program

Employers participating in the on-campus recruitment program next fall at Armstrong Hall may not need to miss a day at the office. Due to the construction at the law school and an increased number of faculty members, the Placement Office is considering all-day interviews on Saturdays during the period from September 26 through October 17. Although some requests for week day schedules may be arranged, the law school is asking the employers to see this as a positive new approach to the recruiting process. Employers who want to reduce the "non-billable" time during the recruiting season, faculty members who

want to be rid of the interruptions and students who dread missing a portion of their classes will welcome the new program. We are excited about this new approach to the recruiting process and are hopeful we will be able to work out the final details to make this a productive and successful program for everyone.

Reservations for on-campus interviews may be made after April 1 by contacting the Placement Office, 602-965-5808. ■

SBA Briefs

Tom Stillwell ('87)
President

During the Fall 1986 Semester, the Armstrong Hall Student Bar Association began a special emphasis on serving the broadest possible spectrum of law students. Realizing that there are no "typical" law students, the SBA made plans in two directions.

First, some activities were especially planned to be of interest to ALL students (and even faculty and staff). A debate on Proposition 103, a talk by then-candidate Richard Kimball, and support of a law school forum on the anti-trust aspects of the National Football League provided some intellectual diversion.

The SBA continued to operate its Book Store, taking texts, hornbooks and study aids on consignment from

some students and then selling them to others, with a 10% commission kept for the SBA. Some "emergency supplies" were also added this year, and the popularity of the legal pads, pens, highlighters and hot cocoa has been astounding!

Also, some social events were designed to bring in law students with their spouses, partners and families. Early in the semester, a semi-formal party and "Armstrong Hall Roast" was well-attended by students, faculty, staff and many guests. Food, drink and dancing were plentiful, and the "anything goes" roast of the law school and its people will be remembered for a long time.

Communication of current information is essential to any successful programming, so the SBA Briefs began publication on a weekly basis. The single-sheet newsletter is printed each Wednesday morning, and gives students a quick way to keep up on what's happening throughout the college. The SBA makes the Briefs available to all student organizations as well as faculty and staff for announcements.

Realizing that you can't please all the people all of the time, the SBA also undertook some activities that appealed to a smaller number of people. The goal with these kinds of activities, however, was to make sure a variety of events

was held so that most students would be served by one or more of them.

For the fitness-minded, "RotundAerobics" got together early mornings and later afternoons. Named for the original workout location (the law school rotunda), the group eventually moved to the floor of the Great Hall to avoid the crowds of onlookers. The class' motto: "Be There or Be Rotund!"

SBA supported several student organizations' events, most notably the Western Regional Conference of Women in Law. This outstanding event was highlighted by a spectacular art exhibit in the Rotunda, following the conference's theme of "Women Making a Difference." The removal of the art after the show made everyone realize how much we look forward to the remodeling next year.

Law student teams in the ASU Intramurals Program received SBA sponsorship, and several teams made it to championship tournaments. The women's flag football team, The Roadblocks, dominated their division and won the championship going away!

Perhaps not surprisingly, however, the SBA's most popular program this-year has been the installation of a "real" coffee service in the student lounge. Over one-third of the student body joined the Coffee Club, with many others enjoying the gourmet blend on a more occasional basis. The SBA put up the initial investment in the service, but the program is designed to be self-sustaining. ■

1987 Legislative Interns

Four students from the College of Law have been selected to serve as Legal Interns for the Arizona Legislature during the 1987 legislative term. These students and their assignments are as follows: **Carol Coter** ('88) and **Lynden Munsil** ('88), Senate; **Luis Guzman** ('88) and **Kenneth Skousen** ('88), House of Representatives.

Legal interns assigned to the

Senate will work with the Senate Rules Committee Attorney and the Senate Counsel to the Majority Leader, while those assigned to the House will work with the House Rules Committee Attorney. In general the students will research and prepare summaries and analyses of bills, prepare titles on bills for the Senate and House Rules Committees, handle constituent case work, contact state agencies, and serve as congressional liaisons. ■

Flagstaff Summer Program

The College of Law will hold its first summer program at Northern Arizona University in Flagstaff from June 8 - July 15, 1987. Students will be offered the unique opportunity to combine the study of law with the recreational attractions available in Northern Arizona. Students can select from four course offerings: commercial law - secured transactions, evidence, federal income taxation, and conflicts of law. Professor **Michael Berch** is the Director of the Summer Program. ■

Devil's Advocate Election Results

The award-winning student newspaper, the *Devil's Advocate*, elected its staff for the 1986-87 academic year. The new staff is comprised of **Tom McCauley** ('88), Editor; **Joanne McCarthy** ('89), Managing Editor; **Alex Poulos** ('88), Business Manager; **Gary Sommer** ('89), Layout Editor; and **Mark Manoil** ('87), Publishing Consultant. In August 1985, the *Devil's Advocate* was awarded an Honorable Mention for best student newspaper and an Honorable Mention for a feature article on internal law school affairs by the ABA Law Student Division. ■

Cum Laude Graduates

In the past, honors awards were based upon academic standing after five semesters.

Cusumano Photo



SBA President Tom Stillwell

This rule has now been changed to reflect six semesters of course work. The following additional 1986 *cum laude* graduates were excluded from the last issue of the *Forum* because the change in policy occurred after our publication deadline:

M. Maureen Anders, Jack Cornman, Kevin Rattay, Leanne Loquidis, and Dale Klausner. ■

New Externship Program

During the fall semester, **Robert Hubbard** ('88) participated in an externship with the Tribal Court of the Gila River Indian Community. He was the first ASU law student to be chosen. The externship provides experience in Indian law and in legal practice at the Reservation level. It is expected to be available to students each year and will be an important part of ASU's expanding Indian Law Program, which is being developed and supervised by Visiting Professor **Leigh Price. ■**

Guests and Visitors

Armstrong Hall was the site of several conferences and many meetings during the fall semester. In addition, LSAT review courses were run by the National Center for Testing and the Chicano Law Students, and a bar review course was held by BAR/BRI.

The Development/Alumni office sponsored several events, including a DWI Seminar on September 6, an art reception on October 16, the Wendell Kay Tribute on November 9, and Super Seminar Saturday II on November 15.

The Center for the Study of Law, Science and Technology held two events. The first, on December 6, was "Scientific Evidence 1986: Developments in Arizona and the Nation." The second was an event co-sponsored with the Center by The National Legal Aid & Defender Association and Advocate Computer News. It was held January 8-10 and was entitled "Effective Use of Computers in Legal Services and Public Defender Programs."

The Women Law Students Association held a national conference October 17-19, 1986 entitled "Women and the Law: Sixteenth Annual Far West Regional Conference."

The Student Bar Association sponsored a debate in the Great Hall on Proposition 103, a proposed amendment to the Arizona Constitution that would allow the legislature to place limits on liability judgments.

A Sports Law Forum was held in November, 1986 discussing the Oakland Raiders Franchise Move case. Speakers included Max Blecher, Pat Lynch, Michael Gallagher and Dave Meggessey. (See article on page 6.)

In addition, the Arizona Prosecuting Attorneys Advisory Council held a week-long training session at the law school in January, 1987 during the semester break. ■

Staff News

Diane Schwan, Coordinator for Development, received the Professional Excellence Award given by the Arizona Administrators Association last fall. This award is given annually to outstanding state supervisors, employees, administrators and professionals whose "accomplishments go beyond normal job requirements, who demonstrate creativity and dedication, make significant



ASU Media Production Photo

Helping to trim the Armstrong Hall Christmas tree are (from top) Brian Murphy, Dominica Peterson, Frank Kendall, and Marianne Alcorn.

contributions, and maintain the highest levels of effectiveness and morale." Ms. Schwan has been at the College of Law since 1983. She is primarily responsible for the administration of development and alumni activities. Ms. Schwan received a certificate signed by former Governor Bruce Babbitt.

Dorothy Swanton, Printing Supervisor, has been ap-



Diane Schwan

pointed to the University Copiers Standards Committee to study photocopier standards evaluation criteria for the campus. Ms. Swanton has 25 years of experience in the area and received the University's Award of Merit in 1985.

Bonnie Cotter, formerly an Administrative Assistant in the Law School Clinic, has been promoted to Program Coordinator. This position reflects her present duties and responsibilities in administering and supervising the Clinic. ■

ASU Students Accept '87-88 Judicial Clerkships

Several members of the 1987 graduating class accepted judicial clerkships with judges on the state and federal court benches.

UNITED STATES COURT OF APPEALS
Judge William C. Canby, Jr.
Ninth Circuit

Catherine O'Grady
Judge Mary M. Schroeder
Ninth Circuit

Karen R. Dickinson
Judge Bobby R. Baldock
Tenth Circuit

Lori S. Roback

UNITED STATES DISTRICT COURT

Judge Carl A. Muecke
District of Arizona

Bruce Smith

Judge Roger B. Strand
District of Arizona
Deborah L. Gross

SUPREME COURT OF ARIZONA
Chief Justice Frank X. Gordon, Jr.

Danny Adelman
Justice James Duke Cameron
Jenae R. Bunyak

ARIZONA COURT OF APPEALS

Judge Sarah D. Grant
Sandra J. Padegimas
Judge Thomas Kleinschmidt

Michael L. Scott
DISTRICT COURT OF NEVADA

Judge Mario G. Recanzone
Third District

Cheri K. Emm ■

Faculty Highlights

Jane Aiken spoke to the Arizona Public Health Association in September on "Conflicts and Constraints: Ethical Dilemmas Confronting Health Professionals," and was a panelist on "Does Provision of Sex-Related Information Condone Socially Controversial Behavior." She also was a panelist at the 1986 Annual Arizona Rural Health Conference on "AIDS: An Arizona Perspective."

Professor Aiken was a panelist on "AIDS and Women" at the Regional Women and the Law Conference held at the College of Law on October 18. She also participated in a panel discussion on "AIDS and the Law" for the Arizona Federation of Teachers, and spoke to the Arizona Episcopal Diocesan Convention on "The Legal Aspects of the AIDS Crisis" in November.

She has helped found an ASU Law Student Chapter of the National Lawyer's Guild, and is assisting in the development of a program in which ASU law students will help women in Perryville Prison with legal research and writing.

Michael Altman is on sabbatical leave during the spring semester and is presently working on a book based on his experience with the "Sanctuary" case. Professor Altman's recent speaking engagements have included the University of Denver School of Law; American University School of Law; Boston College Law School; University of San Diego School of Law; Arizona State University College of Law; Iliff School of Theology, Denver; Aquinas College, Newton, Massachusetts; Amherst College; Boston College; University of California, San Diego; University of Arizona; Temple Emmanuel, Tucson; St. Catherine's Church, Phoenix; Sunrise Presbyterian, Mesa; North Phoenix Baptist Church; Franciscan Renewal Center, Scottsdale; Arizona Civil Liberties Union Honoree and Featured Speaker; National Lawyers Guild Annual Convention, Denver; American Immigration Lawyers Association Annual Convention, Boston; Our Lady of the Cape, Brewster, Mass.; Weston Priory, Vermont; Sisters of St. Joseph, Cohasset, Mass.; "This Cross is Not For Sale" Artists Exhibition in Support of Sanctuary, New York, New York; and South Church, Andover, Mass.

Robert Bartels was selected the first holder of the Charles M. Brewer Professorship of Trial Advocacy. His book, *Wheels of Justice, the Murder Trial of Ernest Triplett*, was accepted for publication by the Iowa State University Press. Professor Bartels' article "Capital Punishment: The Unexamined Issue of Special Deterrence" was reprinted in *Philosophy*

of Law, Feinberg and Gross, eds., (3d ed. 1986). In addition, he published an article on national issues affecting legal services in the *Maricopa Lawyer*.

Dean **Paul Bender** was appointed by former Governor Bruce Babbitt to serve as a member of the Arizona Prosecuting Attorney's Advisory Council for a term to expire in 1989. He was also appointed a member of the "Arizona Coalition on Minorities and Women in the Law" formed by the State Bar of Arizona. The Coalition will encourage the development of employment opportunities for women and minorities in Arizona, as well as instituting educational programs to encourage careers in the law for minorities. Dean Bender participated in a debate on the appropriate governmental response to pornography with Alan Sears, member of the U.S. Department of Interior and Director of the 1986 Meese Commission on Pornography. The debate was sponsored by the ASASU Political Union.

Michael Berch was selected by the Law Alumni Board of Directors to receive the Outstanding Faculty Award at their annual luncheon on December 10th. He was also honored in a pregame ceremony as one of three ASU faculty

members distinguished for (their) outstanding contributions and accomplishments. He has recently written an article with Rebecca White Berch for the January 1987 issue of the *Arizona State Law Journal* entitled "Will the Real Counsel for the Insured Please Rise?"

Rebecca White Berch is presently writing a series of articles on legal writing for *Bar Briefs*, The Arizona State newspaper. She continues to serve as Director of the Legal Writing and Tutorial Programs. Professor Berch and her husband, Professor Michael Berch, just finished an article that will soon be published in the *Arizona State Law Journal*.

Douglas A. Blaze established a new component of the clinical program in cooperation with Community Legal Services. The new program, which is partially funded by the State Bar Foundation (IOLTA) and the U.S. Department of Education, serves indigent clients out of the Mesa office of Community Legal Services in matters involving government benefits, housing, consumer, and domestic relations issues. Professor Blaze obtained a grant from the State Bar Foundation to continue the program for 1987-88.

He is also serving as Legal Advisor to



Outstanding Faculty Award recipient, Professor Michael Berch with his wife, Director of Legal Writing and Tutorial Programs Rebecca White Berch



Law School faculty meeting; Dean Bender on far right (actually, SBA Halloween party)

the University Code of Conduct Hearing Board. He is currently working on an article which explores the validity of the Social Security Administration's policy of "non-acquiescence" with decisions of the federal courts.

Charles Calleros published an article in the Spring 1986 issue of the *University of San Francisco Law Review* entitled "Variations on the Problem Method in First-Year and Upper-Division Classes." He was recognized for his accomplishments and contributions to the University in a public address announcement during an ASU football game last fall. Professor Calleros was recently re-elected to the Board of Governors of the Society of American Law Teachers (SALT), and he continues to serve as Editor of the SALT newsletter. He and his wife, Debbie Driggs, are the proud parents of a new son, Alexander Carlos Calleros, born on February 20th.

Selwyn L. Dallyn continued as one of the Directors of the Law School Clinic. He assisted with the selection of the Jesup Competition participants and with the participants of the negotiation team. He also judged the practice rounds of the team. Professor Dallyn is presently working on an article exploring the due process limitations on the admission into evidence of the results of blood alcohol tests conducted by law enforcement personnel.

Richard Effland has returned to the College of Law this spring to teach trusts and estates. He was a Visiting Professor at Pepperdine Law School during the fall semester. He is a member of the Na-

tional Conference of Commissioners on Uniform State Laws Drafting Committee working on a proposed Uniform Statutory Power of Attorney Form Act and attended a meeting of the Committee in Chicago in January.

Ira Mark Ellman spoke on "Bioethics Committees" at a weekly seminar series of the University Health Service in November. He served on the Planning Committee of the Greater Phoenix Affordable Health Care Foundation, which organized a conference on "Rationing Arizona's Health Care Resources." He continues to serve on the Bioethics Committee of the Good Samaritan Medi-



Professor Ira Mark Ellman

cal Center, and on a subcommittee of that Committee, which reviews policies in the area of reproductive medicine. He served in September as a panelist for a presentation on "Hospital Ethics Committees", sponsored by the Arizona Humanities Council for the benefit of local hospitals. Professor Ellman is presently working on an article examining the theory of alimony. He continues as faculty editor of the *Jurimetrics Journal* and as secretary of the ABA Committee drafting a model NonProfit Corporations Code.

Hannah Arterian Furnish is the Chair of the College of Law's Appointments Committee for the 1986-87 academic year.

Dale Furnish was a Visiting Scholar at Southern Illinois University School of Law in November, where he taught in commercial law classes and gave a faculty seminar on "The History of the Uniform Commercial Code." He published an article in the 1985 issue of *Arizona Journal of International and Comparative Law* entitled "Foreign Judgments in Mexico and the United States" which includes a draft statute for Arizona and Sonora, Mexico. Professor Furnish also published a 1987 updated version of his chapter on "Mexican Law of Secured Transactions" for the Matthew Bender book *Doing Business in Mexico* (1984). His article "Formacion del Contrato Mercantil y el Problema del Riesgo" was accepted for publication by *Derecho*, the law review of the Pontificia Universidad Catolica del Peru. Professor Furnish attended the dedication of the new law school building at the University of Iowa as the official representative of the College of Law. He is serving as the Chair of the College of Law's Advisory Personnel Committee and is a member of the following University committees: Graduate Council, Curriculum Committee, the Board of Directors for the Center for Latin American Studies. Professor Furnish served on the ABA accreditation team that visited Fordham Law School in November. He is a member of the State Bar Committees on Bankruptcy, Creditor-Debtor and Continuing Legal Education and is Vice-President of the Integration and Development Committee of the Inter-American Bar.

Mark Hall spoke at the annual meeting of the Health Law Section of the American Society of Law and Medicine on the topic of "Economic Analysis in Teaching Health Law." He was one of the London Law Consortium's resident faculty members at the University of London during the fall semester. He had two articles accepted for publication: "Rate Appeals Under Medicare's New Payment System: Reflections on the Meaning of 'Prospectivity,'" by the *University of Florida Law Review*, and "The

Jurisdictional Nature of the Time to Appeal," by the *University of Georgia Law Review*. He also published an article entitled "Hospital and Physician Disclosure of Information Concerning a Patient's Crime" in Volume 63 of the *University of Detroit Law Review*.

Dennis Karjala has returned to teaching after a year's sabbatical in Japan. His article entitled "Protection of Computer Database Under Japanese Law" has recently appeared in the September 1986 issue of the *European Intellectual Property Review*. A Japanese translation of this article by Mr. Keiji Sugiyama, a Tokyo attorney who is spending a year as a Scholar in Residence at the College of Law, has appeared in the February 1987 issue of *Horitsu Jiho* (Legal Times) in Japan, together with a glowing introduction by Professor Nobuhiro Nakayama of the University of Tokyo. Professor Karjala's article entitled "Federalism, Full Disclosure, and the National Markets in the Interpretation of Federal Securities Law" will soon appear in the issue of the *Northwestern University Law Review* dated Summer 1986, and another article entitled "The Limitations on Protection as Program Works under Japanese Copyright Law" will appear in Volume 8 of the *Michigan Yearbook on International Legal Studies*. He is currently working on an article which critically analyzes the protectionist trend in current United States judicial decisions involving computer software and databases.

David H. Kaye continues as Director of the Center for the Study of Law, Science and Technology at the College of Law. He is a member of the College's Appointments Committee, Chair of the University's Microcomputer Infusion Fund Advisory Committee, a consultant to the Personal Computer Support System project, and a member of the Academic Computing Sub-Committee. Professor Kaye has published several articles, one in Vol. 61 of the *Washington Law Review*, entitled "Is Proof of Statistical Significance Relevant"; one in Vol. 26 of the *Jurimetrics Journal*, "The Admissibility of Probability Evidence in Criminal Trials"; and one with Professor Ellman on "The Pitfalls of Empirical Research: Studying Faculty Publication Studies" for the *Journal of Legal Education*. He prepared a discussion of personality testing for the Law School Admissions Council which was published in *Law School Admissions, 1984-2001: Selecting Lawyers for the 21st Century*. He is presently working on several articles on the evidentiary issues of paternity testing. Professor Kaye was a lecturer in September at the National Judicial College, in December at the conference on "Scientific Evidence 1986: Developments in Arizona and the Nation," and

in January at the "Conference on the Effective Use of Microcomputers in Legal Services and Public Defender Programs." He is on the Board of Editors for the *Journal of Legal Education*, *Jurimetrics Journal* and *Law and Human Behavior*.

John Lesly was on sabbatical during the fall semester doing research on Arizona constitutional issues while in residence at the University of Southampton, England. He has published a book review in the Nov. 1986 issue of the *Washington Monthly* of "Cadillac Desert," a history of western water development. His book, *The Mining Law: A Study in Perpetual Motion* was published in January, 1987, by Resources for the Future in Washington, D.C. Professor Lesly was elected to the Board of Directors of the Grand Canyon Trust, a non-profit entity organized to advocate protective measures for the Canyon and associated features of the Colorado plateau. He worked for former Governor Bruce Babbitt during the summer of 1986 on a variety of natural resource issues.

Gary Lowenthal was engaged in several scholarly projects during the fall semester. He completed two sets of teaching materials which will be included in a book to be published by West Publishing Company in 1987. One set was a mediation exercise, and the other was a client counseling problem for a first year Criminal Law course. Professor Lowenthal conducted an empirical study involving over 100 Arizona attorneys to be included in an article he is preparing on lawyers' negotiation ethics. In addition, he conducted a national survey of public

defender offices that examined their funding problems during the past decade. The survey is part of Professor Lowenthal's ongoing research comparing criminal justice performance standards with the resources provided to criminal justice agencies.

Professor Lowenthal's interest in public defender funding also focused on local problems, as he served on a County Bar Association Committee studying the inadequate resources of the Maricopa County Public Defender Office. He also served as a volunteer mediator for the Community Mediation Program in Phoenix, mediating over ten disputes, including landlord-tenant, consumer, and minor criminal matters. In addition, Professor Lowenthal's community activities included team teaching a seminar on parenting skills, along with his spouse, Susan Cedar. He assures us, however, that his participation in this seminar was not necessarily a reflection of his own skills as a parent.

Alan A. Matheson was reappointed to a new term on the DNA (Navajo Legal Services) Board. He is a member of the Executive Committee, DNA; a member of the Board of Directors of Faculty Development Program; Chair of the Advisory Committee on Athletics, ASU; and Chair of the Curriculum Committee, College of Law. Professor Matheson completed an article for *Arizona State Law Journal*, "A Peacock's Tale: Free Speech and Due Process in Academe." In addition, he was the educational director for a legal professional tour of the Soviet Union last summer.

Robert Misner has recently had two articles accepted for publication: "Limiting



In Business Associations I, Professor Richard Morgan serves ice cream to his hungry customer, Professor Douglas Blaze.

Leon: A Mistake of Law Analysis," to be published this spring in *The Journal of Criminal Law and Criminology* and "The Awkward Case of Harry Gibson," to be published in the *Arizona State Law Journal*. Presently Professor Misner is serving on the University Tenure and Promotion Committee. He also serves as Chairman of the Board of the Franciscan Renewal Center. Professor Misner will be leaving the College of Law in July to be Dean at Willamette University College of Law in Salem, Oregon.

Richard Morgan will be leaving the law school this summer to begin his new duties as Dean of the University of Wyoming College of Law.

John P. Morris has been appointed to the Dean's Advisory Committee and to the Affirmative Action Committee at the College of Law, and has completed a paper on stadia construction and financing. This is a position paper for ASU to consider in relation to its posture when NFL football comes to the Valley. He has also started his draft of a Sports Law book.

Willard H. Pedrick was the Rice Distinguished Visiting Professor at the University of Kansas Law School during the fall semester. In November, he delivered the Sullivan Lecture at Capital University Law School in Columbus, Ohio on "Perspectives on Personal Injury Law." His article on that subject will be published in the *Washington Law Review*. In December, he conducted a faculty seminar at the University of Kansas Law School. He will be teaching estate planning at the College of Law this spring.

This peripatetic professor is already scheduled for Southern Methodist University Law School next fall. He continues membership on the Torts Committee of the Multi State Bar Exam, the Editorial Board of CCH's law school casebooks in Taxation and the Arizona Bar Committee on Lower Court Improvement.

Almarin Phillips visited at the law school for eight weeks beginning in March as the Merriam Professor. Professor Phillips is the Hower Professor of Public Policy, Economics and Law at the University of Pennsylvania. He taught Regulation and Deregulation at the College of Law.

B. Leigh Price, who will remain a Visiting Professor at the College of Law for the 1986-87 academic year, served as Vice Chairman of the ABA Committee on Native American Natural Resources Law, organizing the 1987 Annual ABA Conference on Reservation Environments and the Law. He also spoke at the Southwest Regional Women and the Law Conference and spoke to tribal officials from the Great Lakes on the subject of regulatory authority of tribal govern-

ments. In January, he participated in a conference of officials from California, Nevada and Arizona tribes interested in environmental protection, and during the fall and winter he served as consultant to the House Interior Committee, advising on Indian amendments to the Clean Water Act and the Safe Drinking Water Act. He is developing proposals for a summer pre-law program for Native American students and an Indian Legal Studies Program for the College of Law. He will be teaching Environmental Law and Indian Law during the spring semester.

Charles Pulaski is on leave for the 1986-87 academic year, working at the Phoenix law firm of Snell & Wilmer.

Jonathan Rose is the Chairman of the College of Law Building Committee, and a member of the Faculty Senate Academic Affairs Committee and the President's Consultative Committee. He is also a member of the Governor's Regulatory Review Council; the Arizona Board of Legal Specialization; the Annual Program Committee, National Clearinghouse on Licensure, Enforcement and Regulation; the Antitrust and Trade Regulation Advisory Board, Bureau of National Affairs; and of the Executive Council of the Antitrust Section of the State Bar of Arizona. Professor Rose was a speaker at the Annual Convention of the National Clearinghouse on Licensure, Enforcement and Regulation, in Denver, Colorado on "Sunset Laws" and "Executive Oversight of Rulemaking"; at the 1986 Annual Rule Making Seminar on "The Governor's Regulatory Review Council"; at the College of Law's Antitrust Forum on the Oakland Raiders Case on "Antitrust and The Rule of Reason"; and at the College of Law's Alumni "Super Seminar Saturday" on "Rule Selection and Characterization in Antitrust." He was also a participant in the 1986 Annual Mountain Bell Academic Seminar held in Denver, Colorado. Professor Rose was a guest on KAET's "Horizon" television show speaking on "Arizona Regulatory Agencies" and on "Interstate Banking." He gave bar review lectures on Contracts and Exam Techniques in Phoenix and Tucson, and acted as a consultant for various public and private clients regarding contracts, antitrust, economic regulation, and administrative law.

Milton Schroeder is on sabbatical leave during the spring semester of 1987 and will be engaging in research in the general area of commercial banking transactions. During the first part of the semester, Professor Schroeder will remain in residence at the College of Law, where he will study modern electronic payment systems and work on a new edition of his book, *The Bank Officer's*



Professor Fernando Teson

Handbook of Commercial Banking Law. Later in the spring, Professor Schroeder will be a scholar in residence at the University of Melbourne, Melbourne, Australia.

During the past year, Professor Schroeder served as a judge pro tem with Division One of the Arizona Court of Appeals. He was an active member of the American Bar Association's Committee on New Payment Systems, which is reviewing proposals to revise Articles 3 and 4 of the Uniform Commercial Code and add a new Article 4A to cover wire transfers of funds. Professor Schroeder represented Arizona State University at the annual meeting of the National Collegiate Athletic Association. He continued his work as a member of the NCAA Committee on Infractions which, during the 1985-86 year, met on nine different occasions to conduct hearings on alleged violations of NCAA rules by member institutions. During this period, the Committee issued public penalties in infractions cases involving 23 member institutions and private penalties in 83 cases.

Ann Stanton spoke in November at the Arizona Bar Association's Family Law Conference. Her subject was "Economic Issues of the Eighties." In January she moderated a panel on "Custody Preferences: The Policies of Parenting" at the Association of American Law School's Annual Meeting. Professor Stanton is on sabbatical leave during the spring semester.

Fernando Teson has completed the manuscript of his book *Humanitarian Intervention: An Inquiry on Law and Morality*, which will be published by Transnational Publishers in 1987. He published his article "Le Peuple, C'est

Moi! The World Court and Human Rights" in the January 1987 issue of the *American Journal of International Law*. He has been awarded a Faculty Grant-in-Aid by the University to work on an article on David Hume's theory of international law.

Professor Teson presented a paper on the International Court of Justice and the discussion of human rights in the Nicaragua case at the "Conference on International Courts and Human Rights", held on October 9-12 at the University of Connecticut School of Law in Hartford, Connecticut.

Last fall he taught a class in French on European Economic Communities to the students of the French translation program at ASU Department of Foreign Languages, and spoke on international terrorism at a meeting of the Phoenix Association of Law Librarians. Professor Teson is again coaching the ASU Jessup International Moot Court Team in the spring of 1987.

Lawrence Weeks taught in the Clinic during the fall semester. In September, he was the lead trainer for a negotiation training workshop for Arizona Legal Services Lawyers. Throughout the semester he was a volunteer mediator in the Community Mediation Program.

Laurence H. Winer moderated a dinner discussion on "Product Liability: Debate of the Decade" in September for a local meeting of the Society of the Plastics Industry, Inc., Western Section. At the "Sixteenth Annual Far West Regional Conference on Women and the Law" sponsored by the law school's Women Law Students Association, he conducted a workshop on "Pornography and the First Amendment." Professor Winer also served on the Steering Committee for the Maricopa County Bar Association's Law and the Media Seminar which planned the program for January, 1987, on "A Crime Story: Media Practices, Obligations and Privileges." He has begun serving on the Rules of Professional Conduct Committee of the State Bar of Arizona, and is a member of the Editorial Board of the *Jurimetrics Journal*, which is published jointly by the Law School and the American Bar Association Section of Science and Technology. ■

FACULTY SEMINARS

The College of Law faculty held the following seminars during the fall semester: **Chris Nicholson**, Director of the Legal Resources Center in Durban, South Africa, spoke on "The Role of the Public Interest Lawyer in South Africa"; Professor **Fernando Teson** of the ASU College of Law, on "The World Court's Decision in *Nicaragua v. United States*"; **Michael Block**, Commissioner, U.S. Sentencing Commission, on "The Draft Report of

the U.S. Sentencing Commission"; Professor **Richard Abel**, UCLA Law School, on "Contradictions of Legal Professionalism"; and **Joe Feller**, EPA Attorney, on "Ambient Air Quality Standards." ■

ADJUNCT PROFESSORS

The Honorable William C. Canby, Jr. returned in the Spring semester of 1987 as an adjunct professor to teach Constitutional Law.

Stephen W. Craig, of Winston & Strawn, taught Corporate Acquisitions.

Amy Gittler, Director of the Arizona Center for Law in the Public Interest, taught a public interest law seminar.

Dennis Hoffman, Associate Professor of Economics at ASU, teamed up with Professor **David Kaye** to teach the course in Forensic Economics during the spring semester.

John A. LaSota, of Meyer, Hendricks, Victor, Osborn & Maledon, taught State and Local Government.

Bruce E. Meyerson, ASU General Counsel, taught Judicial Remedies.

Jeffrie G. Murphy, Professor of Philosophy at ASU, taught Jurisprudence.

The Honorable George B. Nielsen, Jr., Bankruptcy Judge for the District of Arizona, taught Corporate Reorganization.

Samuel J. Sutton, of Cahill, Sutton and Thomas, taught Commercial Torts.

Bonnie P. Tucker, of Brown and Bain, taught Law and the Handicapped.

Mark S. Wallace, of Meyer, Hendricks, Victor, Osborn & Maledon in Phoenix, taught Planning for the Business Client.

Hugo Zettler, a Deputy County Attorney for Maricopa County, returned to teach and supervise the Prosecutor Clinic. ■

Two Professors Accept Positions as Deans

Two professors at the College of Law will be leaving Arizona State University July 1st to begin their careers as Deans at other institutions. Professor **Robert L. Misner** will be the new Dean of Willamette University College of Law at Salem, Oregon. Professor Misner, who received his B.A. *magna cum laude* from the University of San Francisco and his J.D. from the University of Chicago, has been teaching Criminal Law at the College of Law since 1975.

Professor and Associate Dean **Richard J. Morgan** will be leaving to become Dean of the University of Wyoming College of Law at Laramie. Professor Morgan received his B.A. from the University of California, Berkeley, and his J.D. from UCLA School of Law. He has been teaching Business Associations and Corporation Reorganization at the College of Law since 1980 and has been the Associate Dean since 1983. ■

Irregardless of Who or Whom

The following letter was written by Associate Professor **James Weinstein** on January 14, 1987. Professor Weinstein began teaching at the College of Law in the fall semester of 1986. His areas of interest include constitutional law, federal courts and civil procedure.

Dear Chief Justice Rehnquist:

After reading an account of your correcting a lawyer for using "irregardless" in an oral argument, I thought you might be interested in a grammatical error in one of your opinions.

In *Phillips Petroleum Co. v. Shutts*, 105 S. Ct. 2965, 2972 (1985), you write:



Professor Robert Misner, (l), and Associate Dean Richard Morgan

"Petitioner's posture is somewhat similar to the trust settlor defendant in *Hanson v. Denkla*, who we found to have standing to challenge the forum's personal jurisdiction over an out-of-state trust company . . ."

A strict grammatical constructionist would hold that "who" in the above sentence should be "whom" because the objective case should be used for the subject of an infinitive. See, e.g., J. Hodges & M. Whitten, *Harbrace College Handbook*, p. 64 (9th ed. 1982). (Thus, "we found him to have standing," not "we found he to have standing." Cf. Fed. R. Civ. P. 23(c) (3), "The judgment in an action maintained as a class action . . . shall include and describe those **whom** the court finds to be members of the class." (emphasis added).)

In your defense, I must admit that when I told a friend of mine in the English Department at Arizona State University about your alleged error, she responded that under liberal, modern usage, "who" is correct wherever "whom" has traditionally been used. (The reverse, she assured me, is not true.) I suppose there is nothing inconsistent with a judicial conservative being a grammatical liberal, although in your case I wish it were the other way around.

I should also confess that there is weighty Supreme Court precedent for misuse of "who" and "whom." In *King v. Smith*, 392, U.S. 309, 329-30 (1968), Chief Justice Warren wrote: "AFDC was intended to provide economic security for children **whom** Congress could not

reasonably expect would be provided for by simply securing employment for family breadwinners." (emphasis added). Your mistake is thus exactly the reverse of your predecessor's. (Does this herald the long awaited reversal of Warren court opinions?)

"Irregardless" of grammar, good luck in your new position as Chief Justice. It ain't an easy job.

Editor's Note: Justice Rehnquist (who is known for having a good sense of humor) recently responded to Professor Weinstein's letter. He stated that although he tries to pay attention to the distinction between "who" and "whom," he must have "missed it" in his *Shutts* opinion. ■

Bartels Appointed to Endowed Professorship

Professor **Robert Bartels** has been selected as the first holder of the Charles M. Brewer Professorship of Trial Advocacy, Dean **Paul Bender** of the college announced in December.

Established by a nationally prominent Phoenix trial attorney, it is the first fully endowed professorship to be established at the college since its founding in 1967. The income from the professorship endowment will permit the college to expand and enlarge its innovative trial advocacy programs.

Bartels, who has been on the ASU faculty since 1982, is one of the leading academic figures in the United States in the areas of trial advocacy, clinical education, and evidence. He received a Bachelor of Arts degree from the University of Michigan and his J.D. degree from Stanford University, where he was an editor of the *Stanford Law Review*. After serving as a Reginald Heber Smith Fellow in the Michigan Legal Services Assistance Program, Bartels joined the faculty of the University of Iowa College of Law, where he taught until he joined the ASU faculty.

Bartels has pioneered the teaching of new law school programs in the trial advocacy and clinical areas. These programs use real and simulated situations to train students to be skilled, responsible and ethical advocates and introduces them into pro bono legal work for the benefit of those unable to pay. Bartels and his clinical students have been responsible for scores of significant legal decisions, a number of which have es-

tablished important national precedents. He argued and won one of the leading U.S. Supreme Court cases on the admissibility of confessions.

He is president of the Community Legal Services in Phoenix. He previously served on the board of Directors of the Legal Services Corporation of Iowa.

The Brewer Professorship is the largest single gift yet received by the College of Law. ■



Professor Robert Bartels, (l), with ASU President J. Russell Nelson



(l-r) Charles M. Brewer, Daniel Cracchiolo, and Professor Robert Bartels



(l-r) Charles M. Brewer, Dean Paul Bender, and Professor Robert Bartels

ASU Law School Holds First Scholarship Reception

The ASU College of Law held a scholarship reception at the home of Dean and Mrs. **Paul Bender** to honor various student scholars and donors. During the reception, Professor **Robert Bartels** was formally presented as the first holder of the Charles M. Brewer Professorship of Trial Advocacy.

Scholarship donors include the Phoe-

nix firms of Streich, Lang, Weeks & Cardon; O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears; Mariscal, Weeks, McIntyre & Friedlander; Brown & Bain; Lewis and Roca; Snell & Wilmer; and Meyer, Hendricks, Victor, Osborn & Maledon. Other organizations which sponsored scholarships at the ASU College of Law include the

Sun Angel Foundation, the ASU Law Society, ASU Law Alumni Association, Maricopa County Bar Association, and the Fellows of the Arizona Bar Foundation. Individual scholarships included the Truman Young Prosecutorial Fellowship, James M. Koontz Scholarship, Salt Scholarship, and the DeConcini Externship. ■

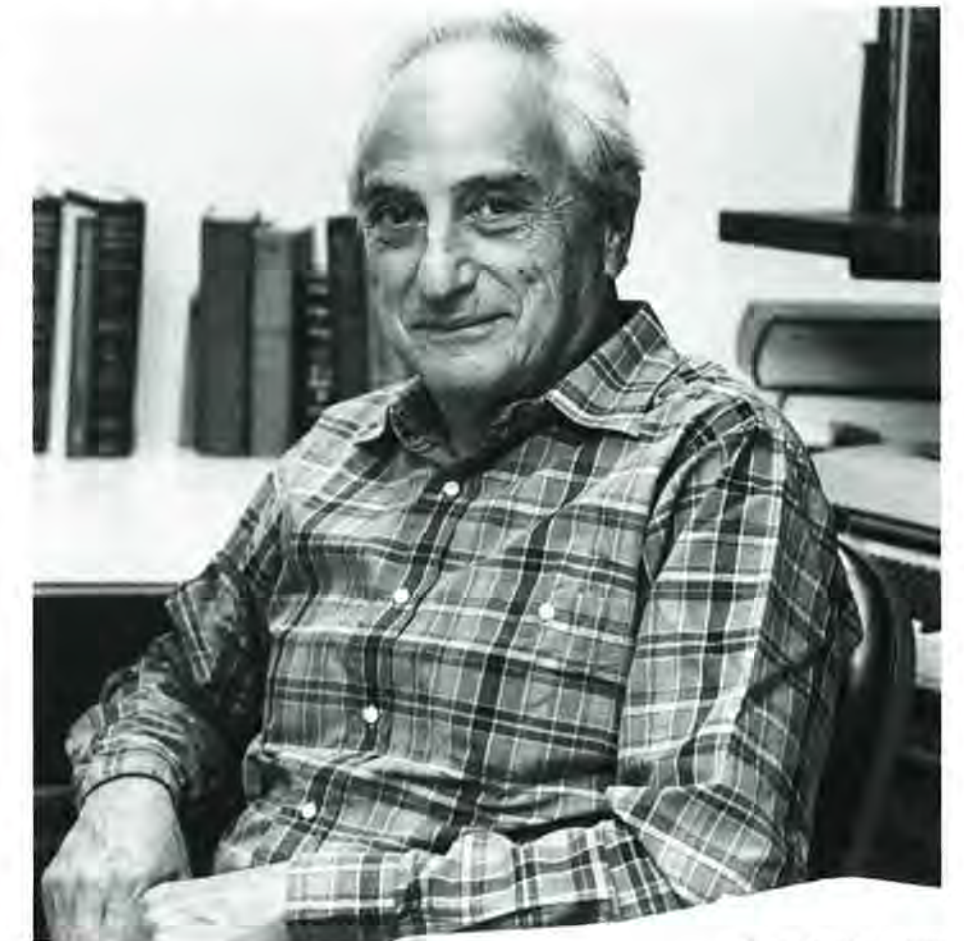
We are happy to report a new addition to the College of Law faculty. **Ralph Spritzer** joins us from the University of Pennsylvania where he was a professor from 1968-1986. He retired from the Pennsylvania faculty last year.

Professor Spritzer received his B.S. and LL.B. from Columbia University and has had a distinguished career. He served as a trial and appellate attorney in the Department of Justice (1946-1953), as Assistant to the U.S. Solicitor General (1953-1960), as General Counsel to the Federal Power Commission (1961-1962) and as Deputy Solicitor General (1962-1968). During his career he argued more than sixty cases in the United States Supreme Court.

In addition, Professor Spritzer has had a long collaboration with Dean **Paul Bender**. They first worked together when Dean Bender joined the Solicitor General's Office during the summer of 1963. In 1969, they jointly initiated a major clinical program at the University of Pennsylvania, providing representation to a large number of indigent State prisoners. They also represented Pennsylvania state judges in a mandamus action involving the scope of media access to pre-trial suppression hearings, and later jointly served as Special Counsel to the Federal Election Commission when the constitutionality of the Federal Election Campaign Act of 1971 was challenged (*Buckley v. Valeo*, 424 U.S. 1).

Professor Spritzer teaches Antitrust, Regulated Industries, Criminal Procedure and Litigation at the College of Law, and has published in the areas of criminal procedure and regulated industries. He says the lifestyle in Arizona is pleasant and teaching at the College of Law is a good way to spend one's "advancing years." ■

New Faculty Member



ASU Media Production Photo

A Tribute to Professor Wendell P. Kay (1913-1986)



A tribute and reception to honor Professor **Wendell Kay** was held November 9 at the College of Law. Professor Kay, who served the law school as an adjunct professor for 12 years in the field of trial advocacy, died on June 29, 1986. Speakers at the tribute included Dean **Paul Bender**; Emeritus Professor **Willard H. Pedrick** and **Philip von Ammon** of Fennemore, Craig, von Ammon, Udall & Powers, both of whom attended law school with Professor Kay; Dr. **Webster Kay**, his cousin; Professor **John Morris**; and two former students, **William H. Sandweg, III** ('74) of Robbins and Green, P.A.; and **Crystal L. Francis** ('82), Executive Director of Pinal and Gila Counties Legal Aid, Inc. in Coolidge, AZ. The tribute highlighted Professor Kay's life and legal career from law student to practitioner and educator.

During the tribute, Professor Pedrick recounted a story from a manuscript Professor Kay was compiling of tales of the Alaska Bar. The story, which exemplifies his life as a trial lawyer, is as follows:

Back in law school I had read an English short story about a murder case. The evidence was all circumstantial, and the defendant's lawyer staked everything on final arguments.

After attacking the weakness of the circumstances, he went on, "Ladies and Gentlemen, no one really knows who killed the deceased. Certainly the evidence you've heard does not require you to find that it was my client. But we've worked long hours, we have followed every possible clue, and now we can tell you that the man is known." (Sensation in the courtroom.) "Not only was he discovered, but at this very moment he is standing outside the door of this room." (Sensation and murmur.) "Ladies and Gentlemen, in exactly 30 seconds those doors will open, and the person who caused the unfortunate death with which you are concerned will enter this courtroom." (Dramatic pause with counsel looking at his watch and all other eyes on the door.) No one ever entered the door. Counsel put his watch back in his pocket and continued, "Ladies and Gentlemen, forgive me for my deception, which I can assure you was undertaken only in the interest of justice, but let me point out something to you. Anyone who looked at that door must have thought it possible that someone would enter this room.

If that be true, then you had a substantial doubt as to the guilt of my client. Ladies and Gentlemen, every one of you, every person on the jury, looked at that door." The case concluded, and the jury very shortly returned with a verdict of guilty. The attorney was stunned. He encountered the foreman of the jury in the hall. "I don't understand it," the lawyer said. "Everyone in the courtroom was looking at that door. What happened?" "Well," said the juror, "there was one person that never looked at the door. Your client. He apparently knew no one was coming in."

So went the story. I finally decided to give it a try. The scenario went very dramatically. I pointed to the door. "Mr. Githy," I said, "please bring the person who shot Allan Albuna into the room." Keith went out the door. Joey Nelson (that's his client) jumped up so violently to see who was coming in that door that he knocked over his chair. The jury eyed the door. Joey Nelson was acquitted. Many drinks were poured at the old club bar. I wonder whatever became of the .38 caliber pistol.

That was the weapon that apparently had been used and had been owned by Joey Nelson. The newspaper account reported that the prosecutor was absolutely outraged at this flim-flam. But the acquittal stood, notwithstanding.

Another of Professor Kay's tales: Eddie Midlodick, a small, stoop-shouldered Indian with bad teeth and iron-gray hair, was the village chief. Trooper John O'Brien had been sent out to investigate a report that Allie Assiopassic had shot her husband several months earlier. Eddie readily admitted that Adam Assiopassic was indeed dead. He indicated that the death might very well have resulted from a gunshot wound, and that the gun could have been fired by Allie. Trooper O'Brien was curious. Why had there been no report? No charges filed? The chief gazed off into the distance with a serious look on his face. Finally he said, "Mr. Trooper, Adam very bad man. Beat wife many times. Hurt her bad. Adam deserved to die." Eddie returned his gaze to the trooper, "And besides that, it was her first offense."

Wendell Kay was an exceptional man who will be missed by all who knew him. ■

Alumni News

Gift Update to the College of Law

Annual Gifts			
By January 1987, midway through the 1986-87 Annual Fund Drive, the College of Law had received an increase in overall gifts as compared to last year's figures. As illustrated in the chart below, the most significant growth had been in law firm gifts, at an increase of 250% from the same period last year.			
	July/1/85- Jan. 13/86	July/1/86- Jan. 13/87	1986-87 GOAL
Alumni	\$ 44,748.70*	\$ 40,185.00	\$ 57,500
Law Society Indiv.	\$ 48,561.50	\$ 99,272.82	\$150,000
Law Society Firms	\$ 11,350.00	\$ 28,480.33	\$100,000
Law Society SUBTOTAL	\$ 59,911.50	\$127,753.15	\$250,000
TOTAL	\$104,660.20	\$167,938.15	\$307,500*
*includes gift of land valued at \$18,000			

Art

Individual gifts of particular importance include numerous gifts of art from **Jack and Suzanne Brown**. The collection includes three lithographs "Les Avocates et les Plaigneurs", "Les Gens de Justice: Plate 2", and "Les Gens de Justice", commentaries on the French legal system, by 17th century artist Honore Daumier. Additionally, the Browns donated "Spanish Dancer," a tapestry by Joan Miro; "Violinist", an etching by Graciela Boulanger; "The City Going Moon", mixed media by Savelli; "Wedding", a painting by Kangaras; "Bank Street", a lithograph by Alexis Katz; "From the Gate", a watercolor by Carl Muecke; "Viermannerninderkneipe", an etching by Kathe Kollwitz; "The Monumental", a painting by Pompa; an untitled mixed media by Bestario Navarro; and "Mixed Media on Masonite" by Hector Navarro.

Additional art was donated individually by several artists, including "Fanny", a monograph by **Ardyth Bernstein** of Phoenix; "Santa Cruz Valley", an oil by **Ray Jacobsen** of Tumacacori, Arizona; and "Valley Rhythms", an acrylic on paper by

James Mack of Taos, New Mexico. These art acquisitions will be hung throughout Armstrong Hall and in the new building addition.

Equipment

The Flagstaff law firm of Aspey, Watkins & Diesel donated a word processor and printer for the law school's use.

Firm Giving

The College of Law began a major campaign of Phoenix law firms, asking for an annual gift to support our scholarship program. These awards will bear the name of the contributing law firm. Law Society President **Gary Keltner**, Dean **Paul Bender** and other members of the Law Society Board of Directors including **Ed Hendricks**, **Ted Warner** and **Michael Sillyman** ('75) have asked a number of the firms for their support. As of this publication, the following firms and organizations have agreed to sponsor one or more annual scholarships at the law school: Arizona State Bar Foundation Fellows; Brown & Bain; Burch & Cracchiolo; Evans, Kitchell & Jenckes; Fennemore, Craig; Gallagher & Kennedy; Jennings, Kepner & Haug; Jennings, Strouss & Salmon; Jones, Skelton & Hochuli; Lewis and Roca; Mariscal,

Weeks, McIntyre & Friedlander, P.A.; Meyer, Hendricks, Victor, Osborn & Maledon, P.A.; Mohr, Hackett, Pederson, Blakley, Randolph & Haga, P.C.; O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears; Ryley, Carlock & Applewhite, P.A.; Snell & Wilmer; and Streich, Lang, Weeks & Cardon, P.A.. 4

Alumni Annual Luncheon
Patricia Nolan ('83)

The Alumni Association of the Arizona State University College of Law held its annual membership meeting at the downtown Arizona Club on Wednesday, December 10, 1986. In addition to providing an opportunity to visit with the law school faculty and former classmates, the annual meeting featured the presentation of the 1986 Outstanding Faculty Award, a guest speaker and the election of nine alumni to the Association's Board of Directors.

Professor **Michael A. Berch** was the recipient of the 1986 Outstanding Faculty Award, which is presented annually by the Association to a College of Law faculty member as recognition of his or her contribution to the school, the community or the legal profession. A long-standing member of the faculty, Professor Berch was cited for his continued devotion to, efforts on behalf of, and involvement with, ASU law students. Although his contribution to the emergence of ASU as a powerful contender in moot court activities was highlighted, his years of assistance and support of law students in all activities was recognized as well.

The Association was honored to welcome then Vice Chief Justice **Frank X. Gordon, Jr.** to the meeting as its guest speaker. Having served on the Arizona Supreme Court for over 11 years, Justice Gordon was, at the time of the meeting, less than one month away from being sworn in as the Court's Chief Justice. He shared with the membership the many duties and responsibilities he

would assume in his position as Chief Justice and provided considerable insight into the administrative aspects of the judiciary. He discussed the upcoming 200th anniversary of the signing of the Constitution and expressed his pleasure at being chairman of this State's committee to coordinate that celebration. Finally, he challenged all members of the Board to continue efforts to educate the public about the courts, the law, lawyers and the judicial system.

The Association takes this opportunity to once again congratulate Professor Berch on being named the outstanding faculty member of 1986 and to once again thank Justice Gordon for his attendance and his comments at the meeting.

During the luncheon, the membership voted to elect nine alumni to positions on the Association's eighteen-person Board of Directors. **Andy Abraham** ('82), **Alan P. Bayham, Jr.** ('76), **Elizabeth R. Finn** ('72), **Cathey L. Joseph** ('83), **Benidia Rice** ('84), **David L. Richardson** ('73), **Michael B. Scott** ('71) and **Louise Stark** ('83) were elected to two-year terms on the Board and **James L. Stevenson** ('71) was elected to a one-year term. At a subsequent meeting of the Board, Scott was elected President for the 1987 term, Abraham was elected Vice President, **Theodore C. Jarvi** ('73) was elected Secretary and Rice was elected Treasurer.

The Board of Directors represents all of the alumni of the law school and welcomes suggestions regarding activities in which the Association might be or become involved. Several seminars are planned for the upcoming year and a reception is scheduled during the annual State Bar Convention in Tucson. The Board has also recently funded a loan program which has resulted in several students receiving increased financial aid and which will soon be available to third-year students to offset the costs of bar review programs.

If any member has questions or comments about the Association or its Board of Directors, they may contact any Board member. ■

Your Alumni Association Working for You

Judge **Elizabeth R. Finn** ('72)

The ASU Law School Alumni Association presented two seminars in the fall of 1986. These seminars were offered to any practitioner in the State.

The first seminar was presented on September 6, 1986 on the subject of "DWI". This was one of the best-attended seminars ever presented by the Association, with 228 attendees. The discussion covered many topics including: Discovery Problems, Corpus Delecti, Blood Test Issues, How to Cross-Examine the Criminalist, and What to Do at the Time of Arrest.

The second seminar, entitled "Super Seminar Saturday II," was presented on November 15, 1986. This seminar presented ten different topic areas with five topics presented simultaneously in the morning and the afternoon. Some of the topics were: Criminal Law Update; Tax Consequences of Buying and Selling Real Estate; Domestic Relations; Worker's Compensation; Legislative Lobbying; Construction Law Update; Garnishment and Provisional Remedies. These topics were presented by well-known attorneys in the various fields.

In total the Association grossed over \$30,000 on these two seminars, and the Association Board is currently discussing the most appropriate use for these funds.

Attendees were surveyed as to those areas in which they most desired seminars. As a result of those surveys, a Domestic Relations Seminar is being planned for this spring. We are always interested in presenting seminars on those topics you feel are significant. Please feel free to contact me at 261-8610 if you have ideas for future topics.

Thanks for all your support! ■

College of Law Nominates Class Agents: 1986-87 Goal Is \$57,500

The College of Law selected the following alumni to serve as Class Agents for the 1986-87 Alumni Annual Fund Drive.

John Lancy ('70)

Lancy, Scult & McVey, P.A.

Guy Knoller ('71)

Guy David Knoller, P.C.

Tim Tweeton ('72)

Paul Harter ('73)

Stephen W. Myers ('74)

Myers & Barnes

Judy Bailey ('75)

Gaston Snow Moya Bailey Bowers & Jones

Martha Kaplan ('76)

Horne, Kaplan & Bistrow

Michael Brophy ('77)

Ryley, Carlock & Applewhite

Barbara McConnell Barrett ('78)

Evans, Kitchell & Jenckes

Rebecca White Berch ('79)

ASU College of Law

Jack MacIntyre ('80)

Martin & MacIntyre

Susan Van Slyck ('81)

Carson Messinger Elliot Laughlin & Ragan

Judy Miller ('82)

Harrison & Lerch

Lenni Benson ('83)

Daughton, Hawkins & Bacon, P.C.

David Damore ('84)

Campana, Vieh & Strohm, P.C.

Vicki Riccardio ('85)

Feller & Cohen

Gloria Cales ('86)

Skarecky, Horenstein & Davis, P.A.

The goal for alumni gifts this year is \$57,500. Last year's goal of \$46,000 was met and exceeded! All alumni received a letter from their Class Agent and a subsequent letter from former Dean **Willard Pedrick** encouraging their support and participation in this year's Alumni Annual Fund Drive.

The Alumni Annual Fund Drive was kicked off on October 21, 1986 at the College of Law. After the planning session, Class Agents joined the faculty and staff in the Dean's office for a reception in their honor. The primary role of the Class Agent is to solicit and encourage gifts from classmates and to serve as an advisory board regarding gifts from alumni. The Class Agent also serves as a resource for other alums regarding questions or ideas for the law school. They also prepare the

Class Notes section for the *Law Forum* and participate in the phonathons.

If you wish to learn more about becoming a Class Agent, please contact **Diane Schwan**, Development Coordinator, 965-6181. ■

Phonathon

The College of Law sponsored a phonathon on the evenings of December 9, 10 and 11, 1986 to encourage gifts from alumni. This was the first phonathon held in the fall, and was designed to encourage gifts prior to the end of the 1986 tax year.

The goal of our fall phonathon was to raise \$18,000. The total amount pledged, however, was \$20,145.00 By January 1987, over \$12,000 was received. The average gift resulting from the phonathon was \$73.00. ■

1987 State Bar Convention

The College of Law Alumni Association sponsored a cocktail reception on Friday, June 5, 1987 during the annual State Bar Convention in Tucson. ■

Alumni Elect New Board Members

The College of Law Alumni Association elected new members to the Law Alumni Board of Directors at their annual luncheon on December 10, 1986. Below is a list of the 1987 Law Alumni Board of Directors:

Clare Abel ('81)

Burch & Cracchiolo

Andy Abraham ('82)

Vice President; Burch & Cracchiolo

Alan P. Bayham, Jr. ('76)

Bayham & Gutterman, P.C.

The Honorable **Elizabeth Finn** ('72)

Judge, Phoenix City Municipal Court

Stuart Gerrich ('83)

Harrison & Lerch

Ted Jarvi ('73)

Secretary; Jacoby & Meyers

Cathey Joseph ('83)

Jarvis & Owens

Richard Lorenzen ('80)

O'Connor, Cavanagh, Anderson,

Westover, Killingsworth & Beshears

Patricia Nolan ('83)

Hiner, Crowe & Scott, P.A.

Randy Nussbaum ('80)

Owens, Rybarsyk & Nussbaum, P.C.

Larry Pringle ('76)

Mariscal, Weeks, McIntyre & Friedlander, P.A.

Benidia Rice ('84)

Treasurer; Arizona Department of Revenue

David L. Richardson ('73)

David L. Richardson, Attorney at Law

Michael B. Scott ('71)

President; Hiner, Crowe & Scott, P.A.

James L. Stevenson ('71)

Jerome, Gibson & Stewart, P.C.

Louise Stark ('83)

Les Miller & Associates

Maurie L. White ('83)

Hiner, Crowe & Scott, P.A. ■

Alumni Feature Articles

From Arizona To Dar es Salaam: Reflections on Life in The Foreign Service

Robert D. Caudle ('80)*

How does a prosecutor get from an Arizona courtroom to Dar es Salaam, Tanzania, serving a tour with the U.S. Department of State Foreign Service, a career change which some would describe as radical? Despite the obvious differences between the two careers, Foreign Service experience can be a valuable corollary to a legal career, and legal experience is quite helpful in the Foreign Service. Law and the Foreign Service are similar in that each require the ability to communicate effectively, both in writing and orally, as well as the ability to understand and apply complex rules and regulations to factual problems. Service with the State Department allows one to use and improve legal skills in situations that would probably never be encountered in normal legal practice. The Foreign Service also offers the practical experience of actually living and working overseas in an underdeveloped country, which emphasizes the advantages that Americans enjoy but so often take for granted.

Although it sounds like a cliché, people from many backgrounds and all parts of the United States are in the Foreign Service. This is contrary to the perception that the typical Foreign Service officer is from a long line of diplomats, educated in diplomacy and interna-

tional relations at an Ivy League college, and fluent in several languages. Although officers with this background certainly exist to keep the stereotype alive, it was surprising to discover that my own background was not atypical.

The selection process for the Foreign Service begins with the written Foreign Service examination, which is similar to the LSAT or other graduate level aptitude tests. The applicant is then invited to participate in oral interviews and practical tests, and if successful is placed on the appointment list for the career specialty selected (political, economic, consular, or administrative). An introductory course designed to expose the junior officer to all aspects of life in the Foreign Service is given in Washington, D.C. Depending on the post to which the officer is assigned, other courses are also taken, including area studies, consular and language. There are hundreds of overseas posts at which one can serve, and the selection process is based on individual preferences as well as available positions and State Department needs. Some posts, such as Dar es Salaam, are not popular because of the low quality of life that they offer. In an effort to make a tour at such a post more attractive, they are identified by the State Department as hard-

ship posts, with substantial cost of living and post differential salary allowances.

Dar es Salaam is the capital of Tanzania, a country on the east coast of Africa, just south of Kenya, the site of the recent movie "Out of Africa." Tanzania has a socialist government controlled by a single political party. For over two decades after Tanzania gained independence from Great Britain in 1964, the president and party leader was Julius K. Nyerere. During his long tenure as president, Nyerere sought to establish his own style of socialism, termed "Ujumaa", roughly based on British Fabian socialist philosophy and Eastern European socialist rhetoric. Despite being the recipient of the greatest per capita influx of foreign aid in sub-Saharan Africa, Nyerere's socialist experiment is widely regarded as a failure, doomed by misguided economic policies, governmental mismanagement and corruption. At present, U.S. economic aid to Tanzania is suspended due to Tanzanian default of loan repayments, and even longtime Scandinavian donor countries are growing weary of pouring millions of dollars into the Tanzanian economy with little or no result. In late 1985, Nyerere relinquished control of the government to a new president, Ali Hassan Mwinyi, but has retained control of the sole political party and remains a powerful political force. Tanzania recently reached an agreement with the International Monetary Fund for a standby loan package, and underwent a major currency devaluation in connection with that agreement. A massive injection of foreign aid is expected to begin by the end of 1986, but it remains to be seen if governmental policies will change sufficiently to allow any real economic change or growth to occur.

U.S. diplomatic relations with Tanzania are "correct", which means that the two countries are on friendly terms but differ on key foreign policy issues. The most notable difference of opinion is over

the U.S. policy of constructive engagement towards South Africa, and the related issue of sanctions. Tanzania is vehemently anti-apartheid and anti-South African government, and as a member of the Front Line States openly supports South African liberation groups. However, this difference between Tanzanian and U.S. foreign policy towards South Africa does not show in the attitude of the local populace towards the American community in Dar es Salaam. By and large, Americans are welcomed and made to feel at home.

As an Economics and Commercial Officer in the U.S. Embassy in Dar es Salaam, my duties are two-fold. Most importantly, I follow and report on developments in the Tanzanian economy. This is done by speaking with local and economic trade officials, as well as following local indices of economic activity. I also perform a function reserved in larger missions for the Foreign Commercial Service of the U.S. Department of Commerce, which is to assist U.S. and Tanzanian business concerns in bilateral commercial arrangements. From a practical standpoint, commercial activity between Tanzanian and U.S. concerns is minimal due to the generally poor investment climate and depressed economic conditions in Tanzania.

Dar es Salaam is a city of over a million people, most of whom live in squalor by U.S. standards. As one would suppose, the climate is generally hot and humid. The only seasonal variations are between the two rainy seasons and the rest of the year, which is comparatively dry. Daily life is so unlike that of the U.S. it is difficult to describe. There are innumerable inconveniences, including abysmal roads, intermittent water and electrical supplies, and the nauseating smell of garbage constantly being burned. Because of bacterial and parasitic contamination, water must be boiled and filtered prior to use. Weekly pills must be taken to guard against the very real danger of malaria. There are no decent

restaurants, movie theaters, shops, or any of the other diversions that Americans take for granted. The crime rate is very high, which necessitates that extraordinary security precautions be taken at Embassy residences, which are scattered throughout the "best" residential areas in Dar es Salaam. An around the clock guard service is maintained at all Embassy residences, and each residence is equipped with elaborate radio, security lighting and alarm systems. In addition, each residence has a feature known as a "safehaven". The safehaven isolates a portion of the house, usually the top floor, with steel grillwork and doors. Before going to bed at night, it is necessary to secure the safehaven by locking a large steel door that looks exactly like the door to a jail cell.

As strange as it may sound, daily food preparation is another inconvenience. There are no supermarkets in Dar es Salaam. Fresh vegetables and fish are the only two types of food that can be purchased locally with any certainty. All other food and household supplies must be shipped from the U.S. or Europe, either personally through the use of a consumables allowance provided by the State Department, or through the commissary located at the Embassy. As can be imagined, keeping food in the house requires a great deal of planning and imagination. One great help to household chores is provided courtesy of locally available labor. Most American families employ at least two house servants and a gardener, for a total cost of around one hundred dollars a month.

Leisure activities in Dar es Salaam are limited to activities such as swimming, jogging, tennis or softball. Most families own elaborate audio and video systems for after-hours recreation. Participation in the active mission and diplomatic community social calendar is also popular.

Tanzania is not without its attractions. Beautiful beaches on the

Indian Ocean are just minutes away from Dar es Salaam, and internationally recognized game parks such as the Serengeti Plain, Lake Manyara and the Ngorongoro Crater are only hours away. A popular vacation spot is Mt. Kilimanjaro, the highest peak in Africa at over 19,000 feet in elevation. The walk to the top of Kilimanjaro and back down takes nearly a week, and although not a technically demanding climb, it is difficult because of the lack of oxygen on the upper slopes. Zanzibar, which combined with Tanganyika in 1964 to form Tanzania, is an island off the coast only fifteen minutes by air from Dar es Salaam. Zanzibar was one of the centers of the East African slave trade which flourished until the late 19th century, and offers several historic monuments to those events. Zanzibar is also the site of the house where Stanley outfitted his expedition in search of Dr. Livingstone. The waters of the Indian Ocean offer excellent deep sea fishing. Olduvai Gorge in northern Tanzania is the site of several major archeological finds. Unfortunately, although Tanzania has the potential to be a major center of tourist activity in Africa, this potential has been largely ignored by the Tanzanian government. Basic infrastructure such as hotels, roads and transport are in poor condition and what services are available are vastly overpriced.

A career in the Foreign Service can be exciting, different and rewarding. It is also definitely not for everyone. In exchange for what amounts to free air travel to posts all over the world, and the promise of different experiences at each new post, the Foreign Service officer must agree to pay. Payment is made in frustration, disruption of home at regular intervals, and long separations from family and friends. Perhaps most unfortunately, long service overseas deprives one of long years of the "American experience", a part of being American that is derived from just living in the U.S. However, when living in a country like

Tanzania, especially in these difficult times for Americans living overseas, something special is learned about what it means to be an American. ■

*Mr. Caudle is a 1977 graduate of Northern Arizona University and a 1980 graduate of Arizona State University College of Law. He was associated with the Navajo County Attorney's Office and the City of Phoenix Prosecutor's Office until 1983, when he joined the State Department Foreign Service.

Issue Development During an Attorney General's Campaign

David J. Bartz ('85) *

During the summer and fall of 1986, I had the opportunity to participate in the campaign of the new Attorney General of Wisconsin, Don Hanaway. As an attorney with a background in government and public policy, this experience afforded me a unique chance to apply my knowledge in three different areas in the course of a single endeavor while learning a great deal more about each of them. In addition, since I had never been directly involved in a race for a state-wide elective office, I acquired a great deal of the sort of knowledge which can be characterized as "the things they don't teach you in school."

Throughout, I was fascinated and challenged by the wide variety of issues which were raised during the campaign. In general, this diversity is a product of the scope of the attorney general's authority and responsibility and, concomitantly, his or her influence with respect to state government and its citizenry. In Wisconsin, the Attorney General is specifically mentioned in over 400 separate sections of the statutes. Further, the incumbent is the administrative head of the state's Division of Criminal Investigation and Law Enforcement Services; the latter encompasses the responsibilities of training state law enforcement officers and operating the state's forensic investigation laboratories.

While many attorneys generally owe their broad grant of authority to traditional common law powers

which have been ascribed to the office by the courts, Wisconsin is one of a few states where the courts have held that the Attorney General does not possess such powers and, therefore, has no inherent authority to initiate litigation unless pursuant to a statutory directive.¹ To a great extent, this has contributed to the proliferation of statutes referred to in the previous paragraph. For purposes of the campaign, this meant that the potential existed for any of the statutorily-defined responsibilities and duties of the office to become the subject of discussion or debate. For example, during one week of the campaign, I addressed a question raised by a district attorney relating to the possibility of changing a procedural requirement in the state's Children's Code,² prepared background materials on a government attorney's duties under the Code of Professional Responsibility with respect to the exercise of prosecutorial discretion,³ and delivered a speech to a Gay Rights group covering the subject of civil rights enforcement authority and efforts within the Attorney General's office.⁴ Beyond the breadth of the authority and responsibility statutorily vested in the attorney general, other characteristics of the attorney general's role in state government contributed to the issue diversity present throughout the campaign. One of these characteristics is that of policy maker. Basically, all races for elective office involve a process whereby the candidates define themselves by articulating opinions on matters which are relevant to the office being sought, the concerns of the electorate, and the issues of the day. This process differs only according to the position which the office occupies within the structure of government. Candidates for Congress may address funding levels for domestic programs versus strategic defense; individuals on the ballot for municipal posts might be concerned with the implications of continued public provision of services versus privatization.

Candidates for the office of attorney general must deal with similar,

generalized public policy options. In addition, they must be aware of the legal underpinnings to, and ramifications of, the policy options which they support. Put another way, and as it was in Wisconsin, the options may be a state law versus a local ordinance approach to defining obscenity. However, the implementation of either option would be influenced by *Miller v. California*.⁵

Wisconsin's obscenity statute had been declared unconstitutional under *Miller* in 1980.⁶ Subsequently, the Legislature was unable to enact a new law, and a few municipalities adopted individual obscenity ordinances. During the campaign, both candidates espoused the view that obscenity should be dealt with as a state-wide matter of concern. So *Miller* became a factor in the policy-making process.

Another characteristic which fostered issue diversity is the attorney general's role as a policy interpreter. As the state's "top lawyer," there are many matters outside of his or her direct, statutorily-defined responsibilities which the attorney general might have occasion to be concerned with. One example of this involved a securities regulation proposal which had been introduced during the previous session of the Legislature. In brief, the bill would have exempted certain securities transactions from state registration and merit review by the Commissioner of Securities, provided that a registration had been effected with the Securities and Exchange Commission and other criteria limiting eligibility for the exemption were satisfied. While the attorney general has no authority with respect to regulating the offer or sale of securities, violation of the Wisconsin Uniform Securities Law may be referred to the attorney general for legal action.⁷ Thus, a campaign issue developed as to whether the provisions of the bill would, if enacted, cause an increase in securities law violations and prosecutions.

As an elected official with far-reaching responsibilities and a constituency encompassing the entire voting population of the state, the

attorney general is looked to for, and can use those aspects of the office to realize, the enunciation of public policy programs and directions which transcend the direct authority granted to the office. This characteristic, the attorney general's ability to be a policy initiator, afforded a number of instances in which multiple issue situations were presented. For example, one of Hanaway's proposals involved an inter-agency approach to address drug abuse, with equal emphasis upon the development of education, treatment and prosecution options.

In conclusion, the foregoing is representative of a few of the issues I dealt with as strategy and platform initiatives were developed by those of us involved in the campaign. In many ways, it was those who I worked with who are responsible for my being able to have had this opportunity. Thank you all. I have sworn off fast food and no longer do my memo-writing in moving vehicles⁸, but it wouldn't have been as interesting without a little of that type of diversity, too. *Consilia multorum quaeruntur in magnis*. ■

1. *Estate of Sharp*, 63 Wis. 2d 254, 260-261, 217 N.W. 2d 258 (1974). The line of cases so holding began with *State v. Milwaukee Elec. Ry. & Light Corp.*, 136 Wis. 179, 116 N.W. 900 (1908).

2. Wis. Stat. Sec. 165.25(3) (1985). The Attorney General is required to advise district attorneys when requested.

3. Wis. Stat. Sec. 165.25(1) (1985). Sets forth the general duty of the Attorney General to represent the state.

4. Wis. Stat. Sec. 111.395 (1985). The Attorney General, through the Department of Justice, is required to represent the Labor and Industry Review Commission in actions to enforce anti-employment discrimination orders.

5. 413 U.S. 15 (1973).

6. *State v. Princess Cinema of Milwaukee*, 96 Wis. 2d 646, 292 N.W. 2d 807.

7. Wis. Stat. Secs. 551.57 and 557.58 (1985).

*David J. Bartz received his B.A. from the University of Wisconsin-Madison; an M.A. from the Humphrey Institute of Public Affairs, University of Minnesota, and a J.D. from Arizona State University College of Law in 1985. He is currently employed by the Wisconsin Department of Justice, Division Administrator, Ad-

ministrative Services. He is responsible for budget, fiscal planning, personnel, and management information systems. His duties also include acting as a legislative liaison and coordinator.

A Lawyer Tries To See the World

Ruth Finn ('70*)

It was more than a year since I had taken four weeks away from the office on my great trip to China. It was time to plan another adventure. A trip to Egypt and Israel was available. Could I leave the office? I am a single practitioner, in general law practice. There are two other sole practitioners who share the small house in which I practice, and we often do favors for each other.

Leaving a single practice for a period of three weeks or more can be a problem. Is there a case that only you are acquainted with that will need attention? Can you clear the trial calendar? Will that big case come in while you are gone—one that is precedent setting, or the one that will give you a multi-million dollar judgment?

All of this would be lost if you are off playing tourist. Also, there is always the nagging thought that if I leave it for too long, will the business be there when I get back? There is little doubt that the most important expense of a vacation to a sole practitioner is loss of income. Clients forget your address but creditors never do. You must carefully weigh your priorities. Is money or fun more important?

When my husband practiced law in a small firm, for the first ten years of his practice, money won out. The financial needs of a growing family were more urgent than fun. Then a strange thing happened. It seemed as if business conferences were being held in some delightful parts of the country and a lawyer needed his spouse along for the social aspects of these business trips. My husband experienced a kind of renewed energy upon his return to the office. We were able to rationalize that the renewed vigor would help make up

for the temporary financial losses incurred during his absence.

We started to take yearly vacations, but never for more than ten days; not long enough for a trip to exotic places. Well, the priorities have changed. The children are grown, and I am getting older, and fun is much more important than money. It probably always should have been. My husband was murdered in a hold-up in New York on our way to our dream trip to Egypt and Israel. That was five years ago, and it was time for me to realize that dream.

On this trip my traveling companion and I took two TWA tours that left us a number of free days. We arranged to arrive in Cairo a day before the first tour began. There we saw our first view of the Great Sphinx and the pyramids of Giza during sunset. We got up at dawn the next morning and again were alone with the wonder of these ancient marvels. Our group later visited these relics in a mob scene. We were informed of many interesting facts by the guide, but some of the wonder was lost with so many others around. I later felt sorry for some young people trying to see the ancient tombs on their own as tour leader after tour leader "pushed" their groups into the tombs, leaving the young people stranded.

The glories of ancient Egypt are greater than any museum exhibit would indicate. There are miracles of color, fresh and glorious, and the size of the ancient monuments is unimaginable. It is a thrill to stand next to a statue when only your head barely reaches its ankles.

The Nile is a constantly changing panorama of beauty. There is rich, verdant growth on its banks. A short distance away you can glimpse barren desert. The children along the banks wave at your boat, and farmers work with donkeys and camels. Abu Simbel, the Temple of Rameses the Great, is overwhelming with four six-story high statues of Rameses. This Temple is a monument to both ancient and

modern engineering genius. It was taken apart entirely, piece by piece, when threatened by the Aswan Dam. The Temple was reconstructed so that it still grows out of a mountain. Only by seeing the inside construction can you realize that the mountain is manmade.

When we arrived at Kom Ombo, we had already seen such magnificent temples that there was a temptation not to get off the boat. However, we did not give in to that temptation, and saw scores of crocodile mummies and elaborate crocodile coffins. Creepy but memorable.

We then went by boat to Aswan, by plane to Abu Simbel, by train to Cairo, by bus across the Suez Canal and on to Tel Aviv. We saw almost every imaginable kind of desert, from shifting white sands to scrub brush. We observed the Bedouin families in their free and lonely attempts to eke out an existence in a barren land.

Israel has everything for the tourist. There was the thrill of just being in places with biblical names, seeing Massada and Galilee and swimming in the Dead Sea. The old city of Jerusalem still has remnants from the many, many conquerors throughout the ages, from the Persians, Greeks, Mamelukes, Crusaders, Turks, etc. I loved our free time in Israel. We wandered through Mea Shearim, the place where the ultra orthodox live as they did hundred of years ago, wearing ancient garments, with the men studying Torah and the women working.

While traveling in foreign countries you recognize that the people are similar in so many ways and yet so different. However, if you want to see some really interesting and exotic conduct, you pay attention to your fellow Americans on your tour!

Home: Back in the office. My desk is piled high. I cleaned my desk preparatory to my trip, and now I have to hustle to clean up the backlog. If I did not take a long trip once in a while, would I ever have a clean desk? I wish my hus-

band had taken more time off for travel. Fun is more important than money!

•••••

Since writing the above article, I visited the breathtakingly beautiful country of Ireland. While there, I became interested in Ireland's history, the years of revolutionary struggle, freedom from Great Britain, partition along religious lines, civil war and bloodshed. All of which led me to reading about India, and its similar struggles. What did the man say about people who don't learn from history?

Last month I visited India and Nepal and the foothills of the Himalayas. I watched families of Jaines teaching their children to pray in their temples. These gentle people wear masks to avoid ingesting an insect. I observed Tibetan Buddhists solemnly prostrating themselves in a holy place after a long pilgrimage, while Buddhist apprentice monks with shaven heads played tag. I observed Hindu death rites in which the corpse was carried to the holy river, garlanded with flowers and then burned. I rode a train called "Palace on Wheels," where the bar bill of one of the American couples was close to the yearly income of an average local family.

Old Delhi is probably the most crowded place in the world - rickshaw bicycles, marriage and funeral parties, and merchants of live chickens all compete for a few inches of space. There is poverty, but also vibrant life and a calm acceptance of conditions most Americans would find intolerable.

Something happens to a traveller who observes very different material, artistic and spiritual life in societies much older than our own. One has a broader view of the options open to humanity, expanding the definition of what it means to be human.

I bought a carving of the elephant-headed Hindu god Ganesh. Ganesh is one of thousands of gods, all of whom are "one". Ganesh is the god of wisdom and cut-

ting red-tape; no practicing lawyer should be without him. I have put him next to the certificate that says I kissed the Blarney Stone. Between them both, I may be able to handle my law practice. ■

*Ruth Finn received her J.D. from ASU College of Law in 1970, and has been a general practitioner for nearly 17 years. She has a daughter, Judge Elizabeth Finn, who graduated from ASU College of Law in 1972, and a daughter, Alice Finn Gartell, who is currently a first-year student at the College of Law.

Class Notes

Class Editor's Note: Alumni should use the enclosed information form, found at back of this magazine, to provide address changes and news. We welcome personal notes, clippings, photographs and other forms of communication about events of interest in the lives of the College of Law Alumni. Photographs will be credited and returned after publication if so requested. Please send your news to Class Notes Editor, Law Forum, College of Law, Arizona State University, Tempe, AZ 85287.

The class agents listed below are for the 1986-87 fiscal year.

'70

John S. Lancy
Lancy, Scult & McVey, P.A.
3003 N. Central, Suite 2601
Phoenix, AZ 85012

Michael Hawkins served on the panel of the Maricopa County Bar Association's seminar, "Examining the Newsgathering Process," held in January. Michael is with the Phoenix firm of Daughton, Hawkins & Bacon.

Richard A. Jones is practicing in Las Vegas, Nevada.

Gerald E. Kriehn has relocated his practice to 301 W. Indian School Road, ;102, Phoenix.

Duane Schultz is a partner in the firm of Mecca & Schultz in Grant's Pass, Oregon.

Stuart J. Susser won a major immigration case before the U.S. Court of Appeals, 2nd Circuit, New York, preventing deportation of an Iranian student who overstayed his visa because his family was politically opposed to Khom-eini. He is with the New York City firm of Barst & Mukamal.

William M. Spence has moved his Phoenix office to 122 W. Osborn Road, Phoenix.

C. Peter Whitmer has relocated his office to 625 N. Gilbert Road, ;101, in Gilbert.

'71

Guy Knoller
Guy David Knoller, P.C.
3550 N. Central, Suite 1600
Phoenix, AZ 85012

Van Bethancourt is a partner in the Mesa firm of Bethancourt & Fuller.

David Bonsall works in First Interstate Bank's law department.

Brian Hendrickson is practicing in Tempe.

Bruce Demaree and **Sandra Massetto** are sole practitioners in Phoenix.

Ronald Lee is practicing in Flagstaff.

William Perkins now practices with Teilborg, Sanders & Parks in Phoenix.

Nils Olmstead practices in Phoenix.

Leonard Whitfield is practicing in Houston, Texas.

Judy Skousen is in Morro Bay, California.

Cecil Patterson, Maricopa County Superior Court Judge, served on the panel of a Maricopa County Bar Association seminar entitled "Examining the Newsgathering Process" in January.

Michael B. Scott was elected President of the ASU Law Alumni Association in December.

James L. Stevenson was elected to serve on the Law Alumni Association's Board of Directors.

'72

Timothy J. Tweeton
2525 E. Arizona Biltmore Circle, ;130
Phoenix, AZ 85016

Judis R. Andrews is with the Maricopa County Public Defender's Office in Phoenix.

Andy Abraham has been re-elected Vice President of the ASU Law Alumni Association for 1987.

John W. Wall is now with the Attorney General's Office, Financial Fraud Division, in Phoenix.

'73

Paul S. Harter
Attorney at Law
2025 North Third Street, Suite 200
Phoenix, AZ 85004-1471

William K. Culbertson is a Superior Court Judge Pro Tem assigned to the Juvenile Court.

Ted Jarvi has been re-elected Secretary of the ASU Law Alumni Association.

David L. Richardson is a new member of the Law Alumni Association Board of Directors.

Paul Harter is now in private practice and will continue to work in commercial and civil litigation.

George F. Klink has relocated his office to 323 W. Roosevelt, Suite 102 in Phoenix.

Craig R. O'Connor is the Southeast Regional Counsel for the National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

Severiano A. Rodarte has moved his office to 111 W. Monroe, Suite 718, Phoenix.

Crystal A. Russell has relocated to 1875 Century Park East, Suite 1296, Los Angeles, CA.

'74

Stephen W. Myers
Myers & Barnes
234 N. Central, Suite 600
Phoenix, AZ 85004

Donald H. Bayles, Jr. served on the faculty of a State Bar of Arizona C.I.E. seminar entitled "Cross Examination," held at the Grand Canyon National Park in October, 1986. He is a member of the Flagstaff firm of Aspey, Watkins & Diesel.

William J. Curosh is with the Phoenix firm of Schulman, Klock & Co., P.C.

Janet G. Effland is with Churchill International in San Francisco, CA.

Gareth G. Morris is Vice President, General Counsel and Secretary of Advanced Systems Incorporated, an international training company providing multimedia training in data processing and other subjects to Fortune 1000 companies and other large governmental and private entities.

'75

Judy Bailey
Gaston Snow Moya Bailey Bowers & Jones
2198 E. Camelback, Suite 365
Phoenix, AZ 85016

Maria Regina-Brandon is with the Maricopa County Attorney's Office in Phoenix.

David R. Hevel is in private practice in Kennewick, WA.

Michael W. Sillyman is now associated with Wentworth, Lundin & Herf in Phoenix.

Susan Smith is a certified specialist in tax law with Olsen-Smith, Ltd. She has been appointed to the Desert Samaritan Hospital Foundation Board.

Matthew Yingling has relocated to Phoenix from Honolulu, Hawaii. His offices are at 2191 E. Camelback Road in Phoenix.

John D. Schroeder is associated with Nguyen & Schroeder in San Jose, CA. He was recognized as a "doer" in San Jose by the *San Jose Mercury News* in August, 1986. His first child, Michael Albert, was born on December 24, 1986.

'76

Martha Kaplan
Horne, Kaplan & Bistrow
201 N. Central, Suite 2480
Phoenix, AZ 85073

Alan P. Bayham, Jr. has been elected to the 1987 ASU Law Alumni Association's Board of Directors. He is with Bayham & Gutterman in Phoenix.

Donald Aden is in practice at 3080 N. Civic Center Plaza, ;20, in Scottsdale.

Frank Lesselyong will conduct "Proving the Tough Wage Claim" at the Arizona Trial Lawyers Association's "Learn at Lunch" Seminar in May.

'77

Michael Brophy
Riley, Carlock & Applewhite
101 N. First Avenue, 26th Floor
Phoenix, AZ 85003

Kevin T. Ahern, William R. Brown, Richard E. Chambliss and **John L. McCormley** are now partners with Nye, Shaw, Ahern, McCormley, Chambliss & Brown, P.C. (formerly Nye, Shaw and Fisher) in Phoenix.

Lindsay Ellis Budzyn was appointed Maricopa County Superior Court Judge Pro Tem with a full-time criminal calendar. Offices for the Superior Court are located in East Court Building, 101 W. Jefferson, Suite 912.

After five years as hearing officer for the Arizona Department of Real Estate, **Robert N. Bass** is now a sole practitioner concentrating in the areas of real estate and personal injury.

Rory C. Hays is now associated with the Phoenix firm of Molloy, Jones, Donahue, Trachta, Childers & Mallamo, P.C.

Raymond M. Deeny is associated with Sherman & Howard, 101 S. Tejon, Suite 500, Colorado Springs, CO 80903.

Roland J. LaVallee has relocated his office to the Western Savings Financial Plaza, 1201 South Alma School Road, Suite 3050, in Mesa.

Kathleen D. Masters is now associated with Case & Bennett, 10032 West Bell Road, Suite 102, in Sun City.

Richard S. Plattner served as President of the Phoenix Trial Lawyers in 1986-87; Posse Commander, MCSO Adjunct Posse, 1986-87; President of the Arizona Professional Association, 1984-86; Superior Court Judge Pro Tem, 1987; and, on a personal note, he is proud to announce the birth of his first child, Samuel Morris Plattner, born in September, 1986.

'78

Barbara McConnell Barrett
Evans, Kitchel & Jenckes, P.C.
2600 N. Central, 20th Floor
Phoenix, AZ 85004-3099

Denise Blommel is currently Legal Counsel/Compliance Supervisor for the

Industrial Commission of Arizona. She is a member of the State Bar of Nevada. She decided to return to Phoenix with her husband, Donald Doerres, in 1985. She says they are glad to be home!

Stephen W. Baum relates that the true meaning of life is finally becoming a parent.

Teri A. Thomson-Taylor has remarried and is with the Arizona State Compensation Fund.

Michael R. Temple is Operations Manager of the U.S. Bankruptcy Court in Phoenix.

'79

Rebecca White Berch
College of Law
Arizona State University
Tempe, AZ 85287

After serving a one-year term as a member of the governing council of the Economics of Law Practice Section of the American Bar Association, **Donna M. Killoughey** has been re-elected for a two-year term that began in September, 1986. She will continue her duties as a member of the Products Media Board of ELPS, supervising the evaluation of all Section materials currently in print and deciding whether to publish updated versions of these materials. Ms. Killoughey practices with the Phoenix firm of Paul G. Ulrich, P.C.

Corinne Bridges is now on the Law Department faculty of the U.S. Military Academy at West Point.

Steve Chanen is now of counsel to the firm of Wentworth, Lundin & Herf. He "semi-retired" from law practice to start an investment banking firm specializing in acquisitions and investments. If you can't find Steve at his law firm office at the Valley Bank Center, you may be able to reach him at his securities office in Scottsdale or the new investment banking company office at the United Bank Tower at Central and Osborn. Don't try to find him at his advertising company; he has sold it. . . . I wouldn't have the energy to "semi-retire" in such a fashion . . .

Scott Rose is on the faculty for the Maricopa County Bar Association Continuing Legal Education Series Seminar on Basic Real Estate Law. Scott has specialized in real estate at O'Connor, Cavanagh, et al for several years. It's good to see the class of '79 taking charge.

On the lighter side: **Nina Rivera**, District Counsel, U.S. Small Business Administration, and **Jose Rivera** ('76), Managing Partner, Rivera & Scales, had their fifth child this year, a son, Josecito.

I am writing a series of articles on legal writing for *Bar Briefs*, the State Bar

newspaper. If you have topics you would like to have me write about, please give me a call at 965-1304. Please also call to let me know what you're up to, so I can write about you in the next issue of the *Forum*.

Finally, a special thanks to **Nina Rivera** for her contribution to the Arizona State University Foundation/Law.

'80

Jack MacIntyre
Martin & MacIntyre
6900 E. Camelback, Suite 920
Scottsdale, AZ 85251

Mark Dioguardi is with the Phoenix firm of Eaton, Lazarus, Dodge & Lowry, Ltd.

Lawrence Kelly is now in Universal City, Texas.

Jack Olson is with U.S. Army Troop Support Command in St. Louis, Missouri.

Steven Tackes has relocated from Beaverton, Oregon to Carson City, Nevada.

Layna Taylor is currently Staff Attorney for the American Federation of State, County and Municipal Employees (AFSCME).

Dale Zeitlin is now associated with Dushoff & McCall, P.C. in Phoenix. He was formerly with Gust, Rosenfeld, Divelbess & Henderson.

'81

Susan Van Slyck
Carson, Messinger, Elliott, Laughlin & Ragan
3300 N. Central, Suite 1900
Phoenix, AZ 85067

Vicki Gotkin Adler is working at the office of the Arizona Attorney General, 1275 West Washington, Phoenix, AZ 85007.

Bruce R. Cohen and **Sandra Fromm** have formed Cohen & Fromm, P.C. located at 300 West Clarendon, Suite 240, Phoenix, AZ 85013-3422.

Thomas A. Curran is now with Bosco & DiMatteo, P.C., 400 Southwest Financial Plaza, 3101 North Central Avenue, Phoenix, AZ 85012.

Jeff Erhart is with the American Continental Corporation, 2375 East Camelback, Phoenix, AZ 85018. He was formerly with Beus, Gilbert, Wake & Morrill.

Margaret P. Hastings-Hale has a new office at 2390 East Camelback, #325, Phoenix, AZ 85016-3448. She is with Nye, Shaw, Ahern, McCormley, Chambliss & Brown (formerly Nye, Shaw & Fisher).

Andrew Gastelum has relocated his

practice to 6302 West Del Rio in Chandler, AZ 85224.

Michelle O'Hair is working in the Maricopa County Attorney's Office. She was an Assistant City Prosecutor for Mesa City Court.

Steven L. Reed has now joined Bill Stephens, P.C., 1112 East Washington, Phoenix, AZ 85034.

Robert J. Sorce has joined the Office of the Attorney General in Phoenix.

Susan M. Van Slyck has become a partner with Carson, Messinger, Elliott, Laughlin & Ragan.

Gaylen Whatcott practices with HQ U.S. Army Garrison, Attn: ASH-SJA, Fort Huachuca, AZ 85613, and is a Recruitment Officer for this region.

Raymond Vaca, Jr. has changed his office address to Route 1, Box 23-B, Parker, AZ 85344. He is counsel to the Colorado River Indian Tribes.

Gregory G. Wilmoth's office address is 7993 North Jensen Drive, Tucson, AZ 85741-1560.

'82

Judy Miller
Harrison & Lerch
1001 N. Central, Suite 900
Phoenix, AZ 85004

Crystal Francis is the new Executive Director of the Pinal & Gila Counties Legal Aid in Coolidge, AZ.

Judy Miller has left sole practice to join Harrison & Lerch to specialize in Domestic Relations Law.

Mike Upshaw has been appointed Attorney General of the Navajo Nation Department of Justice by Navajo Tribe Chairman Peter MacDonald.

'83

Lenni Benson
Daughton, Hawkins & Bacon
3636 N. Central, 11th Floor
Phoenix, AZ 85012

Cathey Joseph and **Louise Stark** have been elected to serve on the 1987 ASU Law Alumni Association's Board of Directors.

Amy Langerman will conduct the Arizona Trial Lawyers Association's "Learn at Lunch" seminar, entitled "Constitutional Attacks on Statutory Defenses," in March.

Consuelo Ohanesian has become associated with Burch & Cracchiolo in Phoenix.

Scott Richardson opened a private practice in January, 1986, with exclusive emphasis in immigration law matters.

Both he and his legal assistants are fluent in Chinese and Spanish.

Steve Titla is currently president of the American Indian Bar Association, and is practicing in Globe, AZ.

Mark D. Wilson is now with Storey & Ross in Phoenix. He was formerly with Gust, Rosenfeld, Divelbess & Henderson.

Christopher Ware is now an associate attorney with Perry, Goodman, Drutz & Musgrove in Prescott, AZ. He was previously associated with Culbert & DeNinno in Globe, AZ.

'84

David Damore
Campana, Vieh & Strohm
4422 N. Civic Center Plaza
Scottsdale, AZ 85251

Thomas Klobas is now working for the Maricopa County Public Defender after two years in Pinal County in private practice.

Lynne Lagarde Bonanno will be leaving Bowling Green, Kentucky, to return to Phoenix to join the firm of Earl, Baird & Williams.

Cynthia Cheney and **Gregg Temple** have a "perfectly wonderful baby girl, Meryl Cheney Temple, the first born of the Class of '84 (upon information and belief)."

Lizbeth Griffin Ellis is now teaching a course in Business Law at New Mexico State University in Las Cruces. She is associated with the Las Cruces firm of Dolan & Wood.

Jeffrey R. Finley is now an associate with the firm of Wisniewski, Surrano & Fendon in Phoenix.

Angela Karadsheh Kreta is an associate with the law firm of Atkinson, Andelson, Loya, Ruud & Romo in Pleasanton, CA. The firm specializes in education and labor (management — public sector) law. She notes that she really enjoys her work and she loves being in the San Francisco area!

Kent Lang is now with MeraBank in Phoenix. He was formerly with Murphy, Ingraham & Clements.

Benidia Rice has been elected to serve as Treasurer of the 1987 ASU Law Alumni Association's Board of Directors. She is with the Arizona Department of Revenue, Tax Policy Division.

Gary Saba is now in private practice in Phoenix. He was previously associated with Larry G. Haddy, Ltd.

Ted Williams has been appointed head of the State Department of Health Services by Arizona Governor Evan Mecham.

'85

Vicki Riccardo, Esquire
Feller & Cohen, P.C.
301 E. Bethany Home Road, A-200
Phoenix, AZ 85012

In case you are interested in what our illustrious classmates have been up to since graduating from ASU: **Jane Beach** is an associate at Jones, Skelton & Hochuli. **David Bartz** has moved from Senator Hanaway's office in Wisconsin to the Wisconsin Department of Justice. **Nancy Bronson** and **Tim O'Neill** are both associates with Snell & Wilmer. **Alisa Bush** is at Smith and Curtis in Phoenix. **Charles Cahoy** is at Aspey, Watkins & Diesel in Flagstaff. **Doug Clark** is practicing with Community Legal Services in Glendale. **Patti Doyle Kossick** is an associate at Rawlins, Burrus, Lewkowitz & Feinstein. **John Friend** is working for the firm of Berry Becker, P.C. **Barbara Goldberg** is an associate at Wentworth, Lundin & Herf. **Dennis McGuire** is with the Law Office of Joseph W. Charles. **Denise McKenna** is an associate at the Law Office of Edward P. McNeff. **Timothy Moulton** is at the Maricopa County Attorney's Office. **Jim Wright** is an associate at Fennemore, Craig, von Ammon, Udall and Powers. **Jeanette Woods-Decker** practices law with her husband, Rex Decker, at the firm of Decker and Woods. **Dan Shepherd** is a Maricopa County Public Defender. **Jeff Katz** is at the Law Office of David Engelman, P.C. **Barbara Maxwell** practices with Plattner, Silhasek and Schneidman in Phoenix. **Phyllis Hughes** is with the Natural Resources and Civil Division of the Arizona Attorney General's Office.

We have had some happy news in the Class of 1985. **Beth Savoini** and **Doug Fitch** were married in November of 1986. Congratulations!

I am always interested in hearing what the members of our class are doing. If you have any interesting information, please give me a call so that I may include it in the next issue of the *Law Forum*.

'86

Gloria Cales
Skarecky, Horenstein & Davis
3130 N. 3rd Avenue
Phoenix, AZ 85013

James Holmes is an associate with King & Williams in Century City, CA. **Joe Lichtenstein** is an associate with Olwine, Connelly, Chase, O'Donnell & Weyher.

in New York City. **Martha Tolman** has joined Weil, Gotchal & Manges in New York City. **Diana Fuller** is in Van Nuys, CA. **Jo Anne Deatherage** is attending the F.B.I. Academy in Quantico, Virginia, and will return to Tulsa, Oklahoma. **William R. McDowell** has joined the Office of the Staff Judge Advocate at Camp Lejeune Marine Corps Base, North Carolina. **Debbie Lister** is working with the U.S. Commission on Sentencing in Washington, D.C. **Greg McAtee** has joined Higgs, Fletcher & Mack in San Diego, CA. **Sarah Owens** is with a law firm in Kansas City, MO. **David Philips** is with Kopelowitz, Atlas, Pearlman & Trop, P.A., in Florida. **Richard Krecker** has joined a firm in Santa Ana, CA.

The following members of the class of 1986 have accepted associate positions with Phoenix law firms: **Scott Houston** and **Kevin Moran** with Teilborg, Sanders & Parks; **Diane Huckleberry** with McGroder, Tryon, Heller & Rayes; **David Rozema** with Harrison & Lerch; **David Jones** with Eaton, Lazarus, Dodge & Lowry, Ltd.; **Mike Hensley** with Jones, Skelton & Hochuli; **Anne Findling** with Burch & Cracchiolo; **Jack Cornman** with Robbins & Green, P.A.; **James Braselton** with Mariscal, Weeks, McIntyre & Friedlander; **Robert Bornhoft** with Ryley, Carlock & Applewhite; **Kevin Beckwith** with Teilborg, Sanders & Parks; and **Nina Ortega** with O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears. Also accepting positions with Phoenix firms are **Jeff Laskin** with Broadman & Hartmann, P.C.; **Leanne Loquidis** and **Jeffrey Schoen** with Storey & Ross; **Sharon Mais Hensley** with DeConcini, McDonald, Brammer, Yetwin & Lacy, P.C.; **Brandie Malcolmson**, **Carl Mariano** and **Kristi Simon** with Snell & Wilmer; **Sharen Meade** with Streich, Lang, Weeks & Cardon; **Nikolas Nikas**, **Barry Shelley** and **Lesa Storey** with Fennemore, Craig, von Ammon, Udall & Powers; **Jeff Pyburn** with Gallagher & Kennedy; **Nancy Tribbensee** is with Evans, Kitchel & Jenckes; **Rosemarie Christofolo** with Lewis and Roca; and **Lynda Pederson** with Crampton, Woods, Broening & Oberg.

Ray Miller has joined Skousen, McLaws, Skousen, Gulbrandson & Patience, P.C. in Mesa. **Kevin Rattay** is practicing in Peoria, AZ.

Debora Caruth is studying International Law at the University of Notre Dame in London and teaching in the University of Maryland's European Division. **Vista Thompson Brown** will join Rawlins, Burrus, Lewkowitz & Feinstein in Phoenix when she returns from maternity leave in May.

Larry King is working for Century Insurance Company in Phoenix; **Karen Jones** is with Coopers & Lybrand in Phoenix.

Doug Brown is with the Apache County Public Defender's Office in St. John's, AZ. **Cliff Vanell** has joined the Phoenix Prosecuting Attorney's Office. **Michelle Lue Sang** is with the Maricopa County Public Defender's office. **Bette Adelman** has joined the Community Legal Urban Indian Law Office in Phoenix. **Susanna Pineda** is with the Criminal Division of the Attorney General's Office. **Karen Santoro** is with the Maricopa County Public Defender's Office, Juvenile Division. **Kirk Thompson** is with HUD Office of Indian Programs in Phoenix.

Amy Wainwright has been named the Minority Staff Attorney for the Arizona State Senate in Phoenix.

IN MEMORIAM
Patricia E. Ream '75
Virginia Balmes-Whitehead '80
Natalie Fiedler '85

Lost Alumni

The College of Law is presently compiling a new Alumni Directory. If you have any information on the location of any of these alumni, please contact the Development Office at 965-6181.

'71
Paul S. Truesdell

'73
William F. Butler
Phillip A. Hamm
Norman B. Randall

'75
Jack S. Emery
Herbert Yazzie

'78
Bruce James Dunn

'79
Michael Scott Martin

'80
Maria Graciela Alfaro
Phillip R. Byrnes

'81
Elizabeth Vivian Anderson
Mitch Chaplin
George H. McCaskey

'83
Mary Ellen Studer

'84
Dorothy M. Macias
Charles F. Meyer

'85
Edward Joseph Humphryes
Dwayne S. Smith

100863

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College of Law
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