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CAVEAT

GOLDEN GATE UNIVERSITY SCHOOL OF LAW

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MARCH 1994

American Society of International Law Meets at Golden Gate

by Bert McMeen
Editor-in-Chief

On March 18 in Auditorium B, GGU Professors Sucharitkul, Rechtschaffen and Marsh presented "Current International Problems Affecting the Improvement of the Environment and the Promotion of Human Rights." Featuring some eleven law professors from the United States and abroad, the program explored current environmental law in developing countries. It was a very enlightening symposium — I only wish it had been publicized farther in advance and to a greater degree.

The first speaker, Hilal Zilelioglu, Professor of Law at Ankara University, spoke on the rise of environmental protection in Turkey. She described how rapid economic growth has damaged Turkey's environment, and explained that significant environmental laws were not promulgated until the early 1980s. Going on to explain environmental law in Turkey as it now stands, she noted that Turkey has signed over twenty agreements and "protocols," including the Montreal Protocol on the Substances That Deplete the Ozone Layer (1991) and the Convention on the Protection of the Black Sea Against Pollution (1992).

Our own Barton Selden, Professor of Law, discussed environmental issues which have come before the European Court of Justice. Important among these issues are those created by the Maastricht Treaty on European Union. Professor Selden stated that this treaty includes a provision that the European Community "promote...sustainable and non-inflationary growth respecting the environment..."

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New ADR Law Affects Home Owners Associations

by Wendy Giblin
Caveat Staff Writer

A law that took effect on January 1 will affect how disputes between homeowners' associations and unit owners are settled. Disagreements over the use of common areas must now be submitted to mediation or arbitration before going to court.

The amendment to Civil Code section 1354 requires plaintiffs to prove that alternative means of resolution have been attempted, before filing suit. A judge may dismiss a case in which mediation or arbitration has not been attempted. Section 1354 applies only to covenants and restrictions in common interest developments, and not to disputes between neighbors. The purpose of the law is to reduce the number of lawsuits over insignificant disputes, such as swimming pool hours and the number of cars parked at a residence.

According to the Contra Costa Real Estate Mediation Service (CCRMS), alternative dispute resolution often reduces the expense, time and hard feelings associated with litigation. And, unlike a legal proceeding, the arbitration process remains confidential. Jill Cooper, Executive Director of CCRMS, explains that the flexibility of arbitration and mediation allows parties to find a solution that is satisfactory to all the parties involved, whereas litigation is more "winner-loser" oriented. When a person calls CCRMS, a trained volunteer gets information about the problem and contacts the other party. If the other person is willing to participate, a hearing is scheduled at a convenient time and place. The mediator helps the parties work toward a mutually satis-

fying solution. Any agreement reached is then written, and signed by the parties.

The agreement is not legally binding, but CCRMS reports few instances of non-compliance. "Since the parties have arrived at the solution together, they all generally leave satisfied," says Cooper. "In a lawsuit, someone has to win, and the other person is forced to comply." Cooper says most dispute mediations are completed within two to three hours. For mediations involving homeowners' associations, CCRMS charges a \$250 base fee, plus a \$150 charge for each hour of mediation. There is no charge for mediations between neighbors.

CCRMS is a division of the Contra Costa Conflict Resolution Panel (CCCRP). The real estate branch was created last year because of the growing number of homeowners' claims in recent years. Over the past nine years, the CCCRP reports that 85% of its hearings result in successful resolutions. Of the agreements made, 85% are still in effect a year later.

"Based on the success rate of other mediations, I'm certain that the real estate mediation service will be a successful, and now necessary, service," Cooper said. The CCRMS can be contacted by writing to: P.O. Box 23227, Pleasant Hill, CA, 94523, or by calling (510) 798-0800.

C.

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S.B.A. BEAT

by Timothy Roscoe Carter
S.B.A. Correspondent

The Student Bar Association (SBA) will hold elections March 29, 30, and 31 in the student lounge on the second floor. At the February 28 SBA meeting, President Alex Lubarsky announced that the Constitutional Convention had approved a draft of a new constitution that would be submitted to the students. Lawrence Kaldor, Mid-Year Admit Representative, proposed an amendment to the new constitution that would add one representative to the Board of Governors who would represent all clubs. The "Kaldor Amendment" was in response to complaints that SBA has been unconcerned with club interests. Questions were raised regarding how and when the clubs' representatives would be chosen, and how one person could fairly represent the wide diversity of GGU School of Law clubs. The amendment failed by one vote to get the two-thirds majority needed to present it to the student body. Later, Kaldor stated that he really did not care whether or not the amendment would have been accepted but that, "I just thought the students should have a chance to decide for themselves."

Afterwards, President Stauffer spoke to announce that he is conducting a once-in-five-years review of Dean Pagano's performance, and he encouraged all students to contact him with any comments they have on the subject. The meeting was then officially adjourned so that students could talk to the president about the Dean free of press surveillance.

At the March 21 meeting, the representatives discussed having a Presidential debate on Monday, March 28 at 5pm. Kaldor disagreed with the day the debate should be held, and no vote was taken, but there seemed to be an unofficial consensus to hold the debate.

Kelly Chandler, a student in Chief Justice Rose Bird's Constitutional Law class last semester, spoke to the SBA about her dispute with the administration about the regrading of the exams in that class. She stated that Chief Justice Bird had originally given her a B, but that the administration reported that Bird had not complied with the required curve, and that the tests were being sent to her (in Australia) for regrading. After a time that Chandler described as being "virtually impossible" to accomplish that task, she was informed by the administration that her final grade was a C. She later learned that a student with a lower point total than her had received final grade of a B. She claimed that the administration has refused all attempts to explain to her how the final grades were arrived at, and denied her the opportunity to put a notice in the Law School News requesting that other students with similar concerns contact her. Another student, Tasos Konstantin, backed up Chandler's description of the time period in which the tests were supposedly sent to Australia for regrading, stating, "It's not virtually impossible, it IS impossible."

A representative of BALSAs requested that the SBA approve a transfer of \$50 from their video line item to their food line item to allow them to pay for their portion of the dinner that they cosponsored with APALSA and LALSA. Lubarsky and several representatives took the opportunity to chide BALSAs and LALSA for not being as diligent as APALSA in receiving prior approval for transfers. The motion then passed with one nay vote.

Kaldor proposed that the SBA refuse to allow any Presidential candidate win by only one vote because it "shocks the conscious." The proposal received no support.

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Professor Seldon said that this provision, as well as statements of environmental protection in the constitutions of EEC countries, could form the basis of a fundamental right of Community members to environmental protection. Concluding with a prediction of the possible characteristics of such a right, Selden stated the fundamental right to environmental protection would consist, *inter alia*, in public availability of environmental information, requirements for environmental impact assessments, and public involvement in decisions affecting the environment.

Also from the GGU law faculty, Professor Armin Rosencrantz spoke on the "Impact of Deforestation on the Indigenous People of Siberia." His presentation focused on the plight of the Udegay, a people indigenous to the Beacon Valley

please see International, page 3.

THE CAVEAT

Published by the students at Golden Gate School of Law, the *Caveat* mission is to provide a forum for the law school community. Opinions expressed in Letters to the Editor and in by-lined articles are those of their authors, and do not necessarily represent the opinions of the editorial staff, the Student Bar Association, or the School of Law.

Submit to the Caveat! The submissions envelope is on the door of room 223. The deadline is the 15th of every month. Submissions to the *Caveat* are subject to editing for grammar, punctuation, and space considerations.

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Editor-in-Chief.....Bert McMeen
Copy Editor.....Carolyn West
Assistant Editors.....Robert Bae
Wendy Giblin
Joe Gonzalez
Hallie Kate Loveridge
Entertainment Editor.....Ken Devore
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Treasurer.....Dan Alweiss

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of Siberia. Threatened by the encroachment of multinational logging companies, the Udegay are struggling to prevent destruction of their forests, which are essential to their way of life. They rely greatly on the forest, since they are hunter-gatherers. Logging companies threaten not only their material way of life but also their entire culture and world view. The Udegay's primary values include respect for nature, especially the greatly endangered Siberian Tiger. The Siberian Tiger is the largest feline in the world, and logging in the Beacon Valley threatens its existence. The Professor concluded by stating that many organizations are taking part in the effort to protect the Udegay, including Greenpeace and Professor Rosencrantz's own organization, Pacific Environment and Resources Center.

Ms. Adriana Fabra Aguilar, a Sierra Club Legal Defense Fund attorney practicing in Spain and specializing in international environmental law, spoke on the impacts of development on the indigenous peoples of Ecuador. She stated that current development in Ecuador has caused "misery, uprooting, malnutrition and injustice for the inhabitants of the region, particularly for indigenous people that have been living in the area for time immemorial." Ms. Aguilar noted that many of the problems indigenous peoples of Ecuador face arise from their past isolation from the main population of Ecuador. These groups do not speak Spanish and do not know anything of Ecuador's legal system. Further, government land grants to these groups are often qualified. For example, the land grant to the Huaorani "expressly states that [the Huaorani] cannot impede oil development." Ms. Aguilar's conclusion stressed the need to petition the Inter-American Commission on Human Rights to pressure the Ecuadorian government to protect its indigenous peoples.

Other speakers at the symposium included Professors Sucharitkul and Rechtschaffen, as well as Alexandre Kiss, Vice President of the Institut International des Droits de l'Homme.

C.

Conspiracy in the Tobacco Industry?

by Jennifer Dhillon
Caveat Staff Writer

Many have predicted that the tobacco industry could end up like asbestos companies, bankrupt and destroyed by product liability claims. One investment firm predicted that the potential liability for tobacco companies could exceed \$67 billion dollars.

The claims against the tobacco industry are that their products (cigarettes, chewing tobacco and pipe tobacco), when used as directed, are dangerous to a person's health. The tobacco companies claim that there is no causal connection between their products and the health problems smokers and chewers complain about. They also have the Constitution to fall back on—Americans are free

please see Tobacco, page 4.

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AFRICAN-AMERICAN SPEAKER SERIES: S.F. Youth Center Attorney James Bell

by Carol Farrand
Special to the *Caveat*

On February 8, the African-American Speaker Series, sponsored by the Helzel Family Foundation, presented speaker James Bell. An attorney with the San Francisco Youth Center, Bell recently returned from South Africa, where he has been working on the revision of the South African juvenile code. Bell's talk, entitled, "The Ugly Americans: A Reflection on the Juvenile Justice Systems in South Africa and the United States," addressed critical issues facing both countries in this area. In using the term "Ugly Americans," Bell borrowed the name of one of the most vicious gangs in South Africa. The gang's symbol is the dollar sign.

In describing the political climate of South Africa, a country facing its first all-race elections in April of this year, Bell commented, "The place is a powder keg. I've never been to such a tense, violent area—except maybe North Philly." Bell's remark captures the recurring theme of his talk: in many ways, particularly in our treatment of children in trouble, this country is little more enlightened than South Africa.

Bell proposes that our democracy sustains the same systematic denial of participation of the poor, societally accepted separation, and indifference to the treatment of children that characterize South Africa's system of apartheid. He cites the following statistics: in the United States, every eight seconds a child drops out of school; every 26 seconds a child runs away from home; there are 100,000 homeless children; every 67 seconds a teenager has a baby; every seven seconds a child is arrested on drug charges; and every 104 seconds an infant dies. Regarding South Africa, Bell did not have similar statistics to cite, but noted that South Africa's system, which values nothing African, denies education to black children, encourages family breakup, and accepts the homelessness of preteens with the same equanimity that the statistics suggest Americans do.

Moving to the criminal justice system, Bell noted that the United States has the highest lock-up rate in the world and that California has a higher lock-up rate than any country. In Russia, 283 persons in 100,000 are incarcerated per year; in South Africa, 311 in 100,000 are imprisoned per year. In the United States the figure is 455 per 100,000. Each year 500,000 children are placed in juvenile facilities in the United States.

Americans in many ways enjoy greater constitutional protection and face less discrimination than Africans in South Africa. The South African court system is, according to Bell, truly a system of legal oppression. There is no tradition of legal representation of the poor. There are no due process constraints on the power of the police, who enjoy unfettered discretion in holding persons after arrest without a probable cause determination. Of the 163 judges, there is one Indian and one white woman; the rest are white males. Should Nelson Mandela, leader of the anti-apartheid African National Congress, prevail in the upcoming election, he will face a formidable obstacle in obtaining the loyalty of the police to enforce the new constitution.

Bell described recent changes in South Africa and what the ANC hopes to accomplish within the legal system. The first Public Defenders office for juveniles has been set up in Cape Town. (The office needs a social worker for four months beginning in April of this year. Interested persons should contact Bell or Professor Rutberg as soon as possible.)

Theft of material goods accounts for 95% of juvenile crime, although associated violent crime (such as carjacking) is on the increase. In South Africa, the punishment

please see Speaker, page 6.

Tobacco, continued from page 3.

to choose what they want to do with themselves and their bodies and cannot sue a cigarette company because they chose to smoke.

The tobacco litigators have a different angle to their claims. They say the tobacco industry has known for years that their products pose a health danger but have denied that knowledge to the public. The continued manufacture and sale of a product known to be unsafe is the basis of the successful claims against asbestos companies.

In fact, the firm who was a major player in asbestos litigation saw the potential for tobacco claims and took the bulk of new tobacco cases. In all, the firm of Budd Larner Gross Rosenbaum Greenberg and Sade ended up with six tobacco industry claims. However, it wasn't long before their optimism faded and now the firm is desperately trying to get out of the "pit of tobacco litigation."

What is happening behind the litigation suggests secret industry committees and conspiracy. The tobacco companies are working hard to prevent any possibility that even \$1 in damages will ever be paid. The reaction of the large companies that manufacture cigarettes and other tobacco products is reasonable given what is at stake. A single tobacco related products liability claim can open a floodgate of litigation, and destroy a very profitable industry.

The charges of conspiracy and secretiveness against the tobacco industry revolve around "Special Projects," a branch of the Council for Tobacco Research, an industry-funded organization. "Special Projects" was originally set up to employ the best scientists to research the affects of tobacco on health. However, by 1966 the scientists were replaced by lawyers.

The firms representing plaintiffs suing tobacco companies have attempted to access information from "Special Projects" claiming that scientists did uncover evidence that tobacco products are dangerous to those who use them. However, the firms were given a log of over 1,500 documents which were claimed by "Special Projects" attorney's to be off

please see Tobacco, page 6.

SBA PROFESSOR EVALUATIONS

The purpose of these SBA Professor Evaluations is to enable future students to research their professors before registering for classes. By publishing your opinions of a given professor, next semester's students will have some criteria to base their choices. Similarly, if and when you are selecting classes next semester, you will have access to prior students' rating scales of the professors you will be considering. Please use additional forms to evaluate all of your professors. Return the forms to the SBA Office or leave them in the drop-box outside the office.

Please Answer the Following:

1. The name of your professor: _____

2. The name of the course / semester: _____

3. Please rate your professor in the following areas (5 is best): Circle your response

a. Teaching style 1 2 3 4 5
 (were you inspired or bored by the lecture?)

b. Teaching effectiveness 1 2 3 4 5
 (would you have faired just the same relying solely on the casebook and/or study aids?)

c. Treating students with respect 1 2 3 4 5

d. Helpfulness in answering questions and clearing up problems 1 2 3 4 5

4. Please circle your response to the following questions:

a. Did your professor use the socratic method or lecture? Socratic Lecture

b. Did your professor use push-pull points? YES NO

c. Did your professor have a "strict" attendance policy? YES NO

d. Did your professor assign an excessive amount of readings? YES NO

e. Was the exam fair (answer only if applicable)? YES NO

f. Would you recommend this professor? YES NO

5. Any comments regarding the professor which would be of concern to a future student?

LETTERS TO THE EDITOR

Score one for Camillo

For most of this year, I have served as the Caveat's SBA Corespondent. I have attended almost all SBA meetings and several events, and I have observed without participating. I am a member of no clubs. From this informed, objective viewpoint, I feel that I must urge my fellow students to vote for Stacey Camillo for President of the Student Bar Association. As Co-chair of LEGALS this past year, Camillo has been a charismatic, energetic, and overall positive presence on campus.

Camillo is genuinely enthused about improving the school. A common complaint from SBA members about the clubs is that they do not attend meetings, but then they get upset when they feel hurt by the decisions made. Camillo is a striking exception to this pattern. She has attended more SBA meetings than many voting members. Her participation has been active and to the benefit of not just her own organization, but of the entire SBA. (Recent examples of her participation include taking the minutes in the absence of the Secretary, and warning others of the dangers of my presence.)

Her motivational skills are truly impressive. As a Communication Studies major, I have been somewhat appalled by the level of speech-making and other rhetorical skills of law students. Camillo is a natural. Watching her performance at the LEGALS symposium on gay and lesbian marriage, it is obvious that this a person who belongs at podium addressing an audience. And although I am not familiar with the interworkings of LEGALS, I have heard from several who are that her ability to organize and inspire others has been a great contribution to LEGALS successes as the most visibly active organization in the School of Law.

Not that there are not caveats to this endorsement. Her energy and enthusiasm have lead her to leap into controversy too quickly and without looking. As Lawrence Kaldor, Mid-Year Admit Representative and an opponent of Camillo's says, "She's too radical." He's afraid that she will not be able to reach out to the conservative students on the campus. It would be too easy to ignore this criticism. (A self-described "moderate" might be tempted to assume that ANY Co-Chair of LEGALS is "too radical.") I believe there is truth to it. However, I also see two problems with this criticism. First, if avoiding trouble is your goal, Kaldor is hardly your candidate. After watching him in class and at SBA meetings, I conclude that he has an even greater tendency than Camillo to jump into verbal sparring. Not due to any political motivation maybe, or even any discernible motivation, but he does seem often to lead groups into pointless debates.

Second, I'm not convinced that a little controversy would be a terrible thing. If this school already had an actively engaged student body, I might be endorsing Mark Figueiredo, 2nd Year Day Representative, a hard-working student with a lot of good ideas who has an impressive resume of service to the Law School. But I think the most pressing problem with the student body is apathy. I am convinced that Camillo will motivate most students with her presence, energy, and ideas. If she manages to motivate some students in opposition to her, all the better.

Camillo is an inspiring leader that this school's students could be proud to claim as their President. This school needs a shot of adrenaline. Stacey Camillo is the best shot we have.

- Timothy Carter
IL

The Caveat wants to hear from you! Send a Letter to the Editor expressing your opinion on current events, legal issues, or on anything else that may be on your mind.

Not a Clinton fan

In November of 1992, the Democrats proclaimed victory over the country. It was the "year of the woman," it was "change" and the "politics of virtue." Clinton was a New Democrat and embraced a new vision of America referred to as "Putting People First." The Republicans were bankrupt of ideas and stripped of all legitimacy as a ruling party.

Well, what a difference a year makes. During 1993, Clinton has had so many mishaps, one couldn't enumerate them all and not swell the length of a Russian novel. Clinton's problems, however, could be summed up to be his love of government. Take health care, for example. When Clinton thought up the keen idea early in his presidency of buying up all the vaccines and immunizing every child in America, one could only see the onslaught of socialized medicine coming over the horizon.

The medical insurance industry is the enemy; the drug manufacturers are the enemy; that miserable warlord with the funny name in Somalia is the enemy. In essence, the private sector is the enemy and needs to be replaced with new and improved government-run bureaucratic apparatuses. And in the case of health care, that means that private medical insurance get usurped by health alliances paid for by smokers and small business people.

And if the debacle that ensued after the pro-regulatory 1993 Federal Cable Act that thought that regulating the cable industry would drive down prices (they went up instead) is any evidence of how effective regulations are, plan on pouring more money down the blowhole of big government and increased medical costs. Disgusted with the failures of the New Democrats as being nothing more than "tax and spend" Democrats who learned from David Duke that a face lift and flouty rhetoric can make anyone look more palatable around election time, the local electorates have gone into revolt.

It began early in 1993 with the election of Richard Riordan (R) over Michael

please see Letter, page 6.

Speaker, continued from page 4.

of whipping is meted out in open court in 70% of juvenile cases. The ANC hopes to abolish the practice of whipping juvenile offenders.

South African prisons house adults and children together indiscriminately. There are no juvenile offender programs, and no time limits on court processes. Bell described the sense of futility, despair and frustration of the children caught up in this bureaucracy. Under the auspices of the ANC, a draft of a revised juvenile code based in part on the juvenile codes of Ireland, Israel, Sweden and Zimbabwe, will be submitted to the legislature in June of this year. Mr. Bell said the code could be enacted in 1995.

Turning to the United States, Bell characterized the juvenile court established here in 1899 as a "judicially decorated gigantic adoption agency." He spoke of recent moves to lower the age of responsibility to 13 as a dangerous message to send to children in trouble with the law. Most states impose the death penalty at 16 because that is the age at which waiver may be obtained to treat the child as an adult.

Bell argues that lowering the age of responsibility to 13 would open the door to imposing the death penalty on children of that age. Additionally, Bell noted that states are rushing to lower the age of responsibility. In California, the age of responsibility would be 14. The voting age remains at 18, as does the age at which one may legally own a handgun. Bell reiterated that the current situation in the U.S., although different in form, bears many similarities to that of South Africa: "People of African descent are caught up in a legal system which does not help them and which does not help community safety."

Bell then quoted Von Schiller, "into today already walks tomorrow," and asked that we take responsibility for ourselves, our family and others; that we inform ourselves more about the issues ("Oprah won't do"); and that we continue to struggle.

C.

Tobacco, continued from page 4.

limits due to attorney-client privilege. Inside those documents, plaintiff lawyers claim, lies the evidence that the tobacco industry knew of the dangers of tobacco products but continue to deny their effects on consumers.

The tobacco litigators have met with hardball strategies from the tobacco industry in other ways. The law firm of Budd Lerner asked all of its plaintiffs to drop suit (reportedly without a settlement from tobacco companies) claiming the cost of litigation is too high. In one of its cases, Cipollone v. Liggett Group, the firm had won a victory when the U.S. Supreme Court agreed that state tort laws could be preempted by federal laws regulating the labeling and advertising of cigarettes.

This decision allowed plaintiffs to avoid summary judgments in federal courts by tobacco groups attempting to find protection behind state tort laws. However the victory was short-lived for the firm because after winning a \$400,000 settlement in a lower court, the settlement was overturned on appeal, and the firm was out millions of dollars in expenses and lawyer's fees.

Budd Lerner claims it lost more than \$650,000 in out-of-pocket expenses, and \$6 million dollars in lawyer and paralegal time. In 1990-1991, partners in the firm saw their yearly partner profits drop more than \$50,000 (per partner) due to the tobacco litigation. One firm claims they were inundated with discovery matters from the tobacco company lawyers. The firm claimed that in one case they sifted through more than 600,000 pages of documents and copied more than 50,000 pages.

Their suit was filed in 1984, and as of August, 1993, they had yet to make it to trial, and expected much more work was needed, including deposing more than twenty-four expert witnesses for the defense. Litigators started seeing a pattern developing and like Budd Lerner looked for ways to get out.

There are still some plaintiff's groups interested in tobacco litigation—but they have changed their strategy. They now anticipate claims based on recent government reports on the negative effects of

Letter, continued from page 5.

Woo (D), the guy who committed heinous acts of being an incompetent and was sentenced to hard labor on the City Council of Los Angeles (spending other people's money is so hard nowadays), in the race for Mayor of Los Angeles.

In Texas, Kay Bailey Hutchinson (R) won the Senate seat of the incumbent and seat warmer Bob Krueger (D).

This month marks a new revival of Republican power when three cherries came up on their slot machines. In a major power grab, Rudolph Giuliani (R) is now Mayor of New York, beating the aging David Dinkins (D). Christine Todd Whitman (R) is now governor of New Jersey, beating incumbent Jim Florio (D). Finally, George Allen (R), the love and joy of the religious right, now can watch Pat Robertson's "700 Club" high aloft his seat now as the governor of Virginia, beating Mary Sue Terry (D).

The public was voting for law and order (New York), lower taxes (New Jersey), and family values (Virginia). Clinton, however, seems committed to gun control, higher taxes, and gays in the military. The clock on Clinton's wall is ticking very loudly right now!

- David Pollack
IL

second-hand smoke. Anti-tobacco forces are hoping that the litigation will educate and coalesce the 200 million Americans who don't smoke to encourage local and federal governments to tax and control tobacco products.

The hardball strategies of the tobacco industry will no doubt continue through any new litigation. One firm was able to get their hands on a 1986 strategy memorandum purportedly written by outside council concerning tobacco litigation that was sent to an executive at R.J. Reynolds. The memo said:

"To paraphrase General Patton, the way we won these cases was not by spending all of Reynolds' money, but by making the other son of a bitch spend all of his."

C.

President's Perspective, *cont. from page 8.*

2) CREATE A MASTER CALENDAR OF EVENTS AND MEETINGS FOR THE YEAR AND STICK TO IT. All traditional events should be scheduled early (SBA Picnic, MYA and First Year Orientations, the Constitutional Convention, and the Dinner for the Homeless) these events generally require deposits and reservations of spaces and equipment and should be planned and scheduled far in advance. This master calendar should indicate the event, date, and STUDENTS IN CHARGE OF IT, and should be copied and widely circulated throughout the school. This enables the students to know which events take place when and if the event fails to happen, the students know who to put on their *&%\$ list because the students responsible are on the calendar. The extra incentive such a posted list gives the members in charge of the event is striking.

3) MAKE SURE EACH MEMBER OF THE BOARD OF GOVERNORS SELECTS A GOAL FOR THE YEAR AND ACCOMPLISHES THAT GOAL. At meetings, all representatives should do a progress report on their goals. This idea was first implemented this year and it has worked well. The SBA face board, SBA professor evaluations, 24 Hour Nautilus Passes, Giant's Day, and the new lounge are just a few of the many incredible enhancements this goal setting project has brought forth.

4) GET TO KNOW ALL OF THOSE LOVELY PEOPLE AT STEVENSON STREET. You will be dealing a lot with the 15th floor for scheduling events, law school news submissions, money matters, running by new ideas, and what have you. It is important to be familiar with the varying and at times far reaching temperaments of the administrators. You'll find, in time, that they're a great and invaluable lot so don't waste any time getting to know and work with them!

5) BE OPEN TO NEW IDEAS. SBA administrations that stubbornly repeat themselves year after year gather moss. As the needs of law students and the legal community as well as the community in

general change the SBA should be flexible enough to similarly change accordingly. Some of the best and most successful programs this year's administration has implemented were NEW ideas brought to us by night students and even students at other law schools. Don't be afraid to experiment a little you'll be pleasantly surprised at the results.

6) DON'T GET TOO BOGGED DOWN IN THE TECHNICALITIES. Some administrations I have been involved in have disregarded the constitution's provisions totally in practice while others have steadfastly followed the letter of the law. In my opinion, a middle ground is the best approach. You should operate within the meaning of the constitution but if it is impossible or impractical to accomplish an important objective while staying exactly within the four corners of the document, cut yourself some slack and bend the rules at times if the benefit outweighs the burden and there is no substantial negative ramifications associated with such leniency. Sometimes it pays to sacrifice technicalities for efficiency.

7) NOTICE, NOTICE, NOTICE. For every meeting, event or simple announcement, post fliers and put it in the *Law School News* as well as in *The Caveat*. You will be surprised at how much it takes to get the word out to a law student. Most importantly, MAKE CLASSROOM ANNOUNCEMENTS AND REQUIRE THE BOARD TO DO THE SAME.

8) BE ACCESSIBLE. Make office hours and KEEP THEM. Require the board to do the same. Post your office hours and HOME telephone number and make sure you are put on the ABA list of SBA Presidents. Attend as many functions and social events as you can. Approach new students, especially night students, and find out how you can improve their law school experience. Be a grabber.

9) GET TOUGH AT TIMES. This is perhaps the hardest thing to do and it doesn't exactly pull you higher in the popularity polls, but this MUST BE DONE to combat apathy which itself can

lead to the demise of an SBA administration. Unfortunately, sometimes nice guys/girls *do* finish last. One of the biggest problems at GGU is apathy. If a club is not meeting or a board member is missing meetings, give a warning or two and then get in their faces! Also, you will be subject to a tremendous amount of criticism from self-proclaimed "school activists" and "SBA watchdogs." Do not immediately discount such criticisms. Think about what merit they may have. Many times they will be without any merit and if you disagree with such criticisms or deem them unfounded and destructive, don't be afraid to challenge them and stand up for your position.

10) And the most important - KNOW WHO YOUR CONSTITUENTS ARE. It is very tempting to feel obliged to cater to the interests of the board of governors and the club presidents and "active" students who constantly surround you. However, these students are NOT representative of the typical GGU law student. Remember that the student body is largely composed of working students with families and students who are simply too busy to be heavily involved in campus activities. These are your constituents - the night student in her forties or the nameless man who sits behind you in one of your classes are your typical constituents and you should strive to cater to the needs of the average student rather than those of the campus activists or members of the board.

In my effort to be Letterman-esque I have limited my tidbits of advice to only ten areas. Trust me, I could go on and on. I hope this advice serves to be valuable and helps your administration. The SBA presidency, to do it right, involves an extraordinary amount of work and time for a non-paying and often headache/stress filled job so it's to your advantage to make the most out of it and have a good time in the process. I have learned a tremendous amount about myself and others through my service as president. I am sure you will too.

If you take these words of wisdom to heart now, our future lunch date shorter, after all Wendy's does close at eight.

C.

S.B.A. PRESIDENT'S PERSPECTIVE

by Alex Lubarsky
Student Bar Association President

Ten Pieces of Grandfatherly Advice for the New SBA President

After I had won the SBA Presidential election nearly one year ago to this date, the out-going President, Kieran Flaherty, called to congratulate me and he promised that "we would get together for lunch and all the dirt associated with the position would be disclosed in private." Unfortunately, that day never came. Kieran was too busy graduating and I was preparing for a trip throughout the Former Soviet Union and before I knew it I was sipping Vodka in a Ukrainian village wondering what "dirt" lay ahead.

Upon returning to the California sunshine and the long registration lines, I slowly started to discover "the dirt" for myself. In fact, within a short time I was rolling in it. As I write this article, there are four highly qualified and active students running for SBA President. I don't yet know which one will be approached by me with my offer of the traditional "changing of the guards" lunch date, however I do know what I plan to divulge when we inevitably "do lunch." (And yes, I promise something more appetizing than the square pizzas at Sorrento Gardens.)

What SBA nuggets of wisdom and deep dark secrets will come from my mouth at that anticipated luncheon? Here's a sneak preview of the top ten.

1) DELEGATE TASKS THROUGH COMMITTEES and appoint students who WANT to be on committees rather than appointing your friends or SBA officers. It is too easy for an SBA President to forget that EVERY STUDENT AT GGU is an SBA member and has rights equal to anyone on the board of governors under the SBA constitution (except certain voting rights).

Many committees will need to be formed right away. This is the president's first in a seemingly endless line of duties. The administrators at Stevenson Street require students to serve on several committees including the coveted admissions committee, the placement committee, the safety committee, the diversity committee, the night student committee, etc. The SBA constitution requires a budget committee and election committee as well as a judicial committee. The budget committee must be composed of members from the board of governors but the other committees CAN AND SHOULD consist of students outside of the board. The President should post a description of the available committee positions in the *Law School News* and require prospects to submit detailed resumes and essays. This insures that applicants are not only qualified but REALLY do desire to serve on the committee as evidenced by the trouble they went to in order to submit a conforming application.

Next, once all applications are in the applicants should be invited to a special SBA meeting in which they will be subject to a candidate's forum and offered the opportunity to speak and answer questions before the board of governors. Following a question and answer period, THE ENTIRE BOARD should vote to recommend a candidate to serve on the particular committee. The President should then appoint the person recommended by the board.

The SBA president should distribute via flier AND in the *Law School News* a list of the successful candidates and their duties. This puts pressure on them to diligently do their job as the students know they are accountable. Lastly, all committee members should be required to attend all SBA general meetings and make a committee report updating the progress of the committee (if any).

Finally, it is important for the SBA President to be creative and make committees that are not required by the constitution nor the aristocrats at Stevenson street. Committees for SBA events should be made. For the past several years certain

Editor's Notebook

SBA presidential elections are here once again — get out and vote! Your vote will make a difference, even if for no reason but that all the candidates have more than shown their dedication to GGU. If you are undecided, perhaps because you haven't yet met all the candidates, do meet them. Familiarity with their faces will facilitate communication of your views to the new SBA officers in the months to come. And if you have a complaint or comment, tell it to your new rep, or to the new President. This may be done informally or at the numerous SBA general meetings held Monday evenings on the third floor.

Please note that enclosed in this issue of the *Caveat* is an SBA professor evaluation form. It is yet another way to make your voice heard. Please fill one out for each of your past and present professors, regardless of your bents towards them. Forms may be both picked up and dropped off in the student lounge — if you have any questions, please contact Mark Figuerido.

- Editor

representatives were automatically on certain committees. For example, first year reps and mid year reps are in charge of the homeless dinner, second year reps are in charge of the SBA Picnic, third year reps are in charge of law school social gatherings such as keg receptions and all other reps are in charge of a Spring event. Today's magic word is DELEGATE. Please allow me to repeat that: DELEGATE, DELEGATE, DELEGATE!

please see President's Perspective, page 7.