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The Docket

April, 1992 *A Publication of the Student Bar Association, Georgia State University, College of Law* Vol. I, No. 8

From the Dean

March has been a month in which our moot court competitors have really produced exciting results. Several weeks ago, Michael Berlon, Steve Bristol, Carolyn Jordan, and Barbara Mastin received the "Best Brief" award in the national 1992 Saul Lefkowitz National Trademark Moot Court Competition. Then this past weekend, Tawny Rountree, Bardeen Dunphy and Karen Davenport became the national champions in the New York Law School 1992 Wagner Labor Law competition. Our congratulations go to them and to their faculty advisors, Professors Norman Crandell and Steven Kaminshine! Their achievements encourage all of us to work even harder to maintain our commitment to first-class legal training.

April will find us hosting a series of important events. On **Tuesday, April 7**, the Georgia Supreme Court will honor us by its presence at this College. Beginning at **10 A.M.**, the Justices will hear three oral arguments. I urge you to take advantage of the opportunity to observe the oralists and to learn from the interaction that the Justices' questioning will produce.

Festivities at Honors' Day, on **Tuesday, April 14, at 5 P.M.**, will recognize students within our community whose leadership and achievements have been extraordinary. Professor Walter Wadlington, one of the nation's leading academic experts in the field of "law and medicine," will visit us on **Thursday, April 16**. The focus of his Spring, 1992, Henry Miller lecture at **5 P.M.** will be on proposals for "no-fault" compensation for children who suffer neurological injuries at birth. It should be of special interest to those of you who care about children's rights, the social and ethical issues inherent in health care policy decisions, and tort compensation systems.

I am also very pleased to announce that the College has received a $50,000 gift from the Georgia Civil Justice Foundation to endow a scholarship that will be awarded annually, beginning in 1993-94. This endowed scholarship is our first, and I hope that it soon becomes a precedent for other gifts that will help to ease the financial burdens for successful applicants.

The Regents have also announced that GSU's new president, effective July 1, will be Dr. Carl V. Patton, currently the Vice-President for Academic Affairs at the University of Toledo. Dr. Patton is eager to visit all of the Colleges as soon as possible in the fall semester, and I look forward to introducing him to you at that time. Meanwhile, good luck with successfully completing your exams and other year-end projects!

Marjorie L. Girth, Dean

Sports Law Club

There will be two meetings held for the purpose of determining the level of student interest in forming a Sports Law Club on campus. Professor Jack Williams will serve as faculty advisor if a club is formed. The meetings will be held April 2 at noon and at 5:00 in Room 325B. The meetings will last approximately 15-30 minutes. The same subject will be covered at each meeting. If you have an interest in helping form this club or in joining the club, please try to attend one of the meetings. If you are unable to do so, but are interested in joining, please contact Robby Hughes at Box 347 or Barbara Mastin at Box 135.

Ref
.D62

Law Library Food and Drink Policy

POLICY:

To protect library items (books, periodicals, computer terminals and keyboards, copiers, microforms, etc...) from potential damage from food, beverages, and the insects they attract, no food is to be consumed in any part of the Law Library (including study rooms). In addition, open food and drinks and visible food and drinks, are not to be brought into the Library. "Open" food or drink is defined as any food item or any food packaging that is open. "Visible" food or drink is defined as any food and drink that can be readily seen. For example, food or drink which is contained in the sacks, cups, or packages of fast food franchises with the names and/or trademarks displayed on the packages or sacks is considered "visible" food. Also, styrofoam carry out packages, food which does not quite fit in its container, aromatic food (Pizza, fries, popcorn) regardless of container and Koozies are considered "visible" food and drink.

When food or drink is completely contained and not visible (out of view of the public), it can be brought into the Law Library, but not consumed.

Deliveries of food through the Library entrance is prohibited.

PROCEDURE:

Patrons seen with open or visible food or drink will be told that food or drink is not allowed in the Library. If it is an open drink, the patron can choose to leave and drink it outside the Library or discard it immediately. If it is open food, it must be put back in its container and concealed. If it cannot be put back in its container, it must be discarded.

If food or drink is not discarded or contained, the patron will be told to leave the Library. If (s)he refuses to leave the Library, the campus police will be called. If the offender is a GSU law student, the Law Library Director will also be notified. If a law student disregards this policy, (s)he will be in violation of the Honor Code [Sec. 4(c)].

ENFORCEMENT:

All staff members are responsible for enforcing this policy.

Wanted!

Apartments in the Atlanta area to sublet for the summer. The President-elect of the Student Bar Association of the University of Virginia School of Law has requested that any student interested in subletting their apartment to a summer law clerk contact him as soon as possible. If you are interested, send a brief typed explanation of the location, number of bedrooms, price, etc. along with your name and telephone number to:

Grant P. Fondo
3765 Ivy Woods Lane
Charlottesville, VA 22903

Congratulations!

. . . to Edward Tanner and his wife on the birth of their son, Elliott Mitchell Tanner. Elliott was 7 lbs. 8.5 oz.

. . . to Mark Murphy and his wife on the birth of their son, David Mark Murphy. David was 8 lbs.

. . . to Jill Wood and her husband on the birth of their daughter, Caroline Ann Wood. Caroline was 7 lbs., 1 oz.

No details have been reported about the conditions of Mrs. Tanner or Mrs. Murphy (presumably, no news is good news). However, reports are rampant that Jill Wood is disgustingly thin for having just had a child.

Moot Court News

Although the Georgia State Moot Court Society has been in existence for only eight years, it has recently garnered its fifth national championship title by being awarded First Place in the New York Law School 1992 Wagner Labor Law Competition. The GSU team of **Bardeen Dunphy, Karen Davenport, and Tawny Rountree** traveled to New York City where they argued the final round against the University of Texas before the current members of the National Labor Relations Board. At a luncheon honoring the winners, our GSU students were asked by the NLRB members, who must soon provide an opinion to the Supreme Court, to give their comments on the merits of the case, which is currently on appeal.

The Wagner Cup has not been an isolated incident. In fact, it caps what is perhaps the most successful year yet for our teams in competition. In February, the GSU team of **Carolyn Jordan, Mike Berlon, Steve Bristol, and Barbara Mastin** beat 39 teams to win the National Best Brief Award in the 1992 Saul Lefkowitz National Trademark Moot Court Competition. This victory was especially rewarding since this was the inaugural year of the competition. For the first time, GSU won two national titles in separate competitions within the same year.

Last August, the GSU team of **Heather Dognazzi, Anthony Morris, and Kristen VanderLinde** placed 5th in the nation (reaching the quarterfinal round) in the national finals of the ABA National Moot Court Competition. This team advanced from the regional competition last Spring, where it won the Best Brief Award and finished second in the competition.

The GSU National Team, which included **Joanna Fone, Jeff Kuester, and John Hennelly**, reached the semifinals in the National Moot Court Competition in Atlanta last November.

This month, we sent two teams to Miami, Florida to compete against 19 other teams in the Southeast Regionals of the ABA National Moot Court Competition. **Denise Steiner, Jessica Harper, and Mimi Himes** formed the second-year team, and the third-year team of **Kristen VanderLinde, Kathy Valencia, and C. R. Wright** reached the quarterfinals.

Last Fall, the GSU team of **Cindy Hall, Steve Bristol, and Carolyn Jordan** reached the quarterfinals in the 1991 Information & Privacy Moot Court Competition in Chicago, Illinois.

In the Criminal Procedure Competition in San Diego, California, both the team of **Stacey Kasten and Bill Hamrick** and the team of **Barbara Mastin and Jeff Walker** reached the quarterfinals.

On the state level, GSU sent two teams to Macon, Georgia this month to compete in the Georgia Intrastate Competition against six teams from "those other" Georgia law schools. **Robert Buck, Cathleen Robson, and Cheryl Kelley** comprised one team. **Kathy Johnson, Twanda Hawkins, and Sandra Cuttler** comprised the other. Both teams did an excellent job representing GSU.

The GSU Moot Court program has continued to grow and succeed. With each new victory, our competitors cement the reputation that GSU Moot Court teams are first place competitors on both the state and national levels. Special thanks goes not only to the teams for representing GSU in such a stellar fashion, but also to the Moot Court members and Officers who worked behind the scenes, and especially to the superb coaching and guidance of faculty advisors **Norman Crandell and Steve Kaminshine.**

Jessup International Moot Court Competition

Congratulations to the Georgia State University team of: **Jane Blount, Johan Droogmans, Michael Jones, Patrick Lail** and **Monique Walker** for a job well done in the Southeastern Regionals of the Jessup International Moot Court Competition! This team placed 4th out of a total of 16 teams competing.

Annual Conference
National Jewish Law Student Association

The National Jewish Law Student Association collects and disseminates information of interest to Jewish law students; encourages Jewish law students to identify with the Jewish community; serves as a means of exposing law students to legal issues of concern to the Jewish community; and aids in the establishment and continuation of Jewish Law Student Associations at law schools throughout the world.

Over the Spring break, the National Jewish Law Student Association held its annual conference in Washington, D.C. The conference was attended by over 200 students from 22 states and from four countries. For four days, the group interacted with various participants in domestic and international politics, jurists, and advocates for various causes.

At the Rayburn office building, Rep. Stephen Solarz (D-NY) talked about the negotiations surrounding legislation he introduced last year (Religious Freedom Restoration Act) in response to a perceived threat to freedom of religious practices in light of the *Employment Division v. Smith* decision (the "Peyote" case); Sen. Joseph Lieberman (D-CT) attempted a tortured connection between Judaism and environmental law in an effort to encourage interest in the field. At the Israeli embassy, Ambassador Zalman Shoval talked about the effect of the elections in the U.S. and in Israel on the political climate in both countries and on current relations between the two nations. Judge Abner Mikva, former chief judge of the U.S. Court of Appeals, D.C. Circuit, and former congressman from Illinois, talked about the strong influence of Judaism on the various roles he has played in is long career. Judge Abraham Sofaer, former judge of the U.S. District Court, Southern District of New York, and former legal advisor to the U.S. Department of State, discussed the Pollard spy case and the Bush administration's relations with Israel. Sofaer described himself as the token conservative Republican that often gets invited to student discussions so that students may attack the speaker and the administration. Some availed themselves of the opportunity when the judge fearlessly offered to respond to questions. The difference between listening to these public figures talk for an extended period compared to the usual 30-second sound bite exposure was striking. Most astonishing was that some are better in the 30-second spot!

On Friday evening, Justice Antonin Scalia joined us for dinner, discourse, debate, and dessert. He made himself very accessible, and was surrounded with questioners and critics until we dined. After the meal, Scalia talked for about forty-five minutes about constitutional interpretation and distinguished his originalist approach from the theory of original intent. Scalia summarized that the purpose of entrusting a specific set of governmental powers and individual protections to the hands of nine judges, instead of to the legislature, was to "snatch those specific powers and protections out of the democratic process." He expressed his fear that interpretation of the constitution on the basis of an evolving standard of decency would render it a majoritarian document, defeating the purpose of creating a constitution in the first place. After his talk, he took questions for over two hours.

Students asked all the Con. Law questions we wanted to ask after having read all those Scalia concurrences in Con. Law, argued theory with him, and challenged the analyses in his opinions. The Louisiana case, in which Justice Scalia concurred with Justice Thomas's dissent had just been released three days earlier, and was a topic of heated discussion. Scalia explained his reluctance to extend the Eighth Amendment's prohibitions on infliction of cruel and unusual punishment to the prisoner in that case on the basis of the originalist approach to Constitutional interpretation. He distinguished abusive and assaultive conduct while incarcerated -- relief for which should be sought under state laws -- from the Constitutional prohibition against legislating *sentences* that are cruel and unusual.

One student asked where, under originalist interpretation, one would draw the constitutional line of Second Amendment protection among sidearms, rifles, bazookas, mortars, and H-bombs. Scalia reminded us, arms gesticulating, that the Second Amendment protects our right to *bear* arms, not to *push* them, and that the right being protected in Colonial times was not the right to possess cannons; rather, the weapons that could be borne were weapons that those in the militia could carry, such as pistols and rifles.

The Georgia State J.L.S.A. serves the same purposes as the N.J.L.S.A. and welcomes all G.S.U. students, faculty, and alumni who embrace one or more of those purposes.

--Richard Genirberg

Rules and Regulations for New Lawyers' Trial Participation

(D) Requirements for Participation in Litigation

(1) **Trial Experiences.** Any member admitted to practice after January 1, 1988, may not appear as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case until after such member has obtained nine (9) litigation experiences and has filed an affidavit with the State Bar of Georgia demonstrating compliance with this Rule. The affidavit shall be accompanied by a fee in the amount set by the Commission to cover the cost of administering this Rule. A litigation experience is defined as:

(a) actual participation in a trial or hearing under the direct supervision of a member of the Bar; or

(b) observation of an entire trial or hearing; or

(c) observation of a State Bar of Georgia approved video tape of an entire trial or hearing under the direct supervision of a member of the Bar.

Litigation experiences may be obtained by (a), (b), (c), or any combination thereof, but must include:

(i) In the Superior or State Courts of Georgia, three jury trials (at least one of which shall be criminal and at least one of which shall be civil), one non-jury civil trial or injunctive relief hearing, and three motion hearings;

(ii) In a United States District Court, two jury trials (one to be criminal and one to be civil).

Three of the litigation experiences may be obtained by satisfactory completion of an approved mock trial course. Up to six (6) of the nine (9) required trial experiences may be obtained before admission to practice but only after completion of 60% of the credit hours required for law school graduation. The appearance of any member admitted to practice after January 1, 1988, as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case shall constitute a certification by such member to the court of compliance with the requirements of this Rule.

Regulations

Trial Experiences:

(1) The trial experiences rule applies to all members admitted in Georgia after January 1, 1988. Admission to practice in other jurisdictions or previously terminated admission in Georgia will not alleviate these requirements. The exemptions listed in Rule 8-104(C) are not applicable to the trial experiences rule. The association of qualified, lead counsel is appropriate when a member needs to make an appearance in the Superior or State Courts of Georgia prior to obtaining the nine (9) trial experiences.

(2) Since the litigation rules are minimal standards, even minor reductions in their requirements are not appropriate. For example, the observation of an entire trial cannot be satisfied by the observation of most of one or more trials. There is, however, no requirement as to how long the trial must last. Also, a trial that begins, but ends prematurely due to mistrial or settlement, will count as a completed trial experience. Three motion hearings are required even though several motions may be argued during one motion hearing.

(3) The intent behind the trial experience rule is to enhance an attorney's competence through direct supervision by a member of the State Bar of Georgia or by observation of such members in the trial of cases. For example, the Rule does not allow a member's personal participation as sole or lead counsel in trials in the state courts of a state other than Georgia to qualify as trial experiences.

(4) The Federal Court trial experiences may be obtained in any United States District Court. The Georgia courts trial experiences may be obtained only in the Superior or State Courts of Georgia and not by trials held in other states.

(5) Approved mock trial courses that encompass complete trials, rather than segments (cross-examination, closing arguments, etc.) thereof, may be substituted for up to three (3) of the nine (9) required litigation experiences. Mock trial courses offered by ABA accredited law schools shall qualify for three (3) substitutions. The number of available substitutions (1,2, or 3) for mock trial courses offered by all other sponsors depends on the composition of such courses and shall be determined by the Commission when the approval is granted. As a contribution to professionalism, non-paid teaching of an approved mock trial course shall entitle the teacher to the same number of substitutions.

(6) The State Bar will maintain the affidavits filed by members to demonstrate their compliance with the litigation requirements. It will respond to any court, attorney, or member of the public as to whether or not a member has filed the affidavit. However, the certification of compliance is made by the members when they make the court appearance described in the Rules. The sanctions for false certification or other non-compliance lie with the Court in which the lawyer appeared and with the State Disciplinary Board of the State Bar of Georgia. If the Commission receives allegations or evidence of a false certification or other non-compliance, a report thereof shall be forwarded to the State Disciplinary Board for any action it deems appropriate.

(7) The administrative fee to be paid when the affidavit is filed is $25.00.

(8) Actual participation shall mean having the responsibility for, and actually performing, substantial oral participation of some aspect of a trial or hearing under the direct supervision of a member of the State Bar of Georgia.

(9) The observation of a State Bar of Georgia approved video tape of an actual trial or hearing will qualify as a litigation experience so long as it is viewed under the direct supervision of a member of the State Bar of Georgia.

(10) Trial experiences, including mock trial courses, obtained prior to January 1, 1988, are acceptable as long as they meet the provisions of these Rules and Regulations.

(11) In addition to the physical appearance in the Superior or State Courts of Georgia, the taking of a deposition and the signing and filing of any pleading or an entry of appearance form in a contested civil case or in the trial of a criminal case shall constitute an appearance for the purpose of Rule 8-104(D), provided, however, that seeking a continuance on behalf of another lawyer shall not constitute an appearance.

(12) Lead counsel is defined as the attorney who has primary responsibility for making all professional decisions in the handling of the case.

(13) Up to six (6) of the nine (9) trial experiences may be obtained after completion of 60% of the credit hours required for law school graduation and prior to admission to practice. This rule applies whether the experiences are obtained by actual participation, trial observation, video observation, or mock trial courses. At least three (3) of the nine (9) trial experiences must be obtained after admission to practice.

Top 10 Student/Professor Exchanges Over the Past Three Years

10. Professor Maleski asked a student, in the course of another of the strange but true cases in the Torts book, "What makes a plane fly?" He expected the normal answer of, "A pilot". Instead, the student replied, "The Bernoulli principle."

9. Professor Wiseman, when reviewing the takings case involving a California beachfront property, asked a student why Justice Scalia ruled as he did. The student gave the obvious answer, "Because Scalia owns a beachhouse."

8. A student in Professor Williams' class, answered a question in class and received a few hisses from his classmates. Professor Williams told the student, "(Name redacted), its not your answer that caused the hissing, its just the way the class reacts to you!"

7. Professor Maleski responded to a student who had posed a rather argumentative rhetorical question by saying, "You said that as if you meant it to be important."

6. Professor Milich, dissatisfied with a student's answer to a question, was met with the student's plea that the answer corresponded with the brief that the student had prepared. Professor Milich responded, "Well, your brief sucks."

5. A student was called upon in Professor Kaminshine's Civil Procedure class to explain a rather arcane ruling. The student prefaced his answer with, "This answer will either get me on Law Review or out of school." Unfortunately, it got him out of school.

4. Professor Stephens called upon a student to brief a case in Debtor-Creditor. The student, unprepared to brief the case but wanting to appear intelligent anyway, responded, "Before I start, let me point out that the year in which this case was decided corresponds with the Falcons' last winning season." Stephens, always quick to the punch, pointed out that Bartkowski had had an outstanding season that year. The student, anxious to defer returning to the original subject, replied that Jenkins had also had a great season. The student successfully avoided giving the requested response for 3 or 4 minutes, while his classmates rolled on the floor, consumed with laughter.

3. Professor Urbonya was discussing a person's right to have life support disconnected when a close family member is in a vegetative state. When questioned on the subject, one student replied that a person should have the right to decide what kind of vegetable he wants to be.

2. Professor Maleski engaged in the following exchange with a student:

Maleski: "Is it okay to take a machine gun in the forest and fire it randomly?"
Student: "Sure."
Maleski: "Is it okay to take a Howitzer into the forest?"
Student: "Professor, I can't answer that because I don't know who Mr. Howitzer is."

1. Professor Milich was angry at his Contracts class for not responding according to his expectations and advised them all to take up plumbing if they weren't going to study harder. At the next class, he was met with students wearing overalls and carrying pipe wrenches.

HENRY J. MILLER DISTINGUISHED LECTURE SERIES

Prof. Walter J. Wadlington
James Madison Professor of Law and Professor of Legal Medicine
University of Virginia Law and Medical Schools

Lecture Topic:
No-Fault Compensation for Birth-Related Neurological Injury:
Past Experience and Future Problems

Thursday, April 16, 1992 at five o'clock p.m.
Room 170, Urban Life Building, 140 Decatur Street
Corner of Piedmont and Decatur

Reception immediately following lecture

Will's World

This new column is established in honor of Will Colvin, who has been known from time to time to spout kernels of wisdom in a burst of creative genious. In honor of the creative, zen-like genius, a new column is born: Will's World. Will's first kernels:

1. "I wish law school was a place where rankings were in reverse order."

2. While sitting in the "Going Solo" seminar, Will came up with the secret of being successful after graduation. No, not working long hours or doing thorough research. Not even limiting practice to representing only wealthy clients. The secret is: BASEBALL CARDS!

Blood Drive Upcoming

Phi Delta Phi is sponsoring another Red Cross Blood Drive on Tuesday, March 31 form noon until 6:00 P.M. in the first floor Student Lounge. The Red Cross is very low on blood supplies and desperately needs our help. Our last drive in the fall was very successful and we hope to do even better this time.

SBA Bookstore

Exams are fast approaching! If you find that you're lost and need a helping hand, remember that the SBA Bookstore has a wide selection of study aids for you to choose from.

Changing of the Guard

The beginning of April finds us nearing the end of classes and our thoughts begin turning to exams and panic. Since most law school activities peter out in April, this issue will be the last *Docket* for this semester.

I would like to thank all of those who have helped make this first year of *The Docket* successful. In particular, I would like to thank Lawrence Schill for tracking down advertisers for *The Docket*, Marcus Patton for his insightful cartoons and Tahira Piraino for being my interface with the adminstration and student organizations. Without their help, even this year's modest effort would not have come about.

Thanks are also due to the administration and the student organizations for their support in regularly submitting items for publication. Robby Hughes and John Gravante deserve special thanks for feeding me tidbits for the Hearsay Column.

Future issues of *The Docket* will be published by the new editors, Lawrence Schill and Keith Wood. Under their guidance, it is my hope that *The Docket* will grow beyond its infancy and begin to report more substantive (and perhaps more controversial) news. This type of publication takes a staff of dedicated volunteers to be successful. If you are interested in being a part of next year's *Docket*, please contact Lawrence or Keith as soon as possible.

My thanks to both Lawrence and Keith for bravely volunteering to take over this project. I wish them great success and hope that you will give them the support which you have given me for this past year.

Patti Muise, Out-going Editor

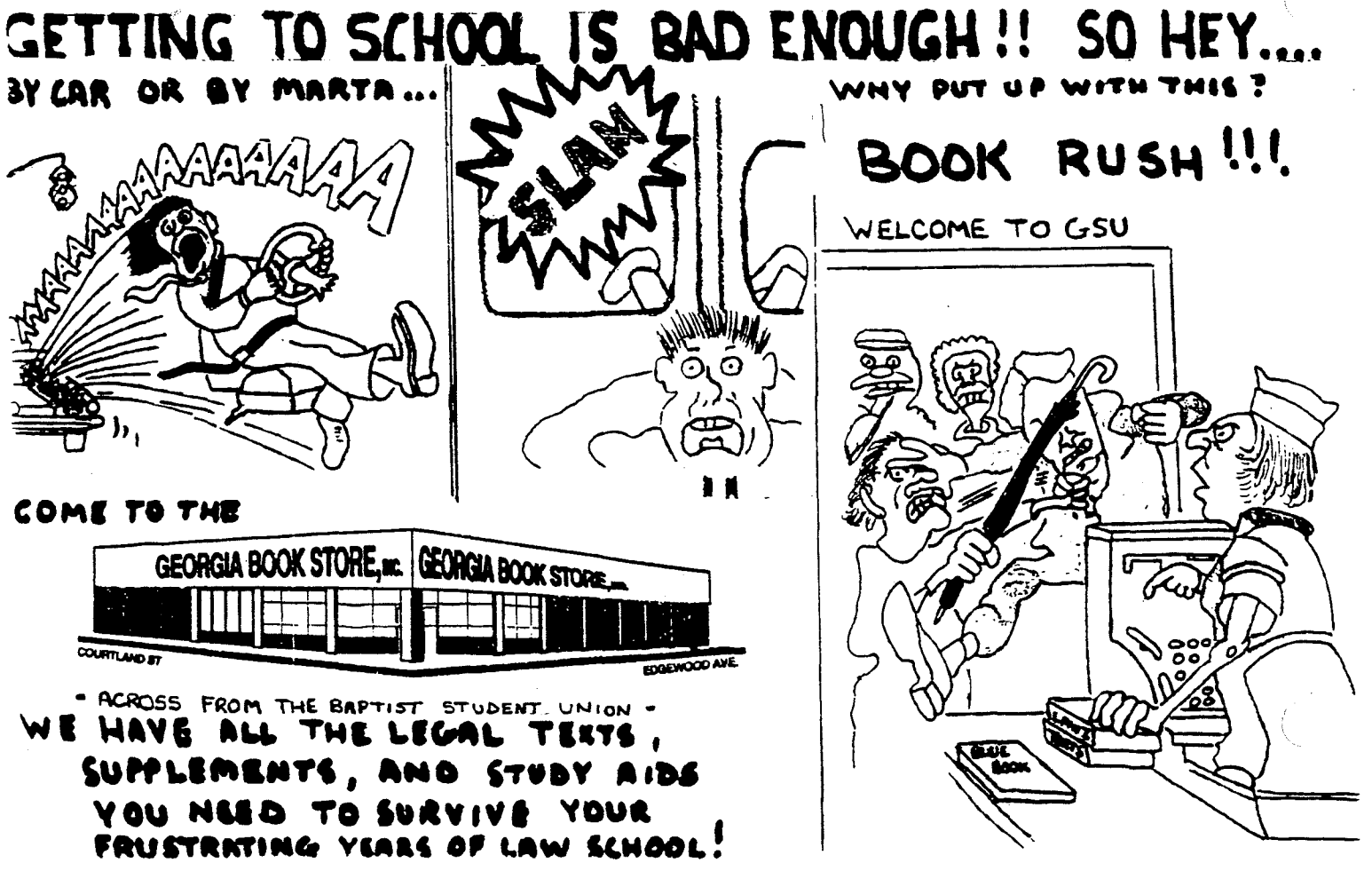
Hearsay Column

Have you heard. . .

. . . that Professor Radford, during a class discussion, looked up at Jim McCain, started laughing and said, "I can't help laughing when I look at you."

. . . a female student, who shall remain nameless to protect her reputation - but who is a 3L and should know better by this stage of her life, parked her car on Decatur Street, east of the school, east of the liquor store, and yes, even east of the Interstate one day while running late for school. Upon returning to the jungle that night for her car, (can you believe it?) she found the car broken into, the battery gone, the radio hanging by a wire and the window smashed. Hard to believe, isn't it? Well anyway, this student was able to run down an old boyfriend and they returned to attempt to rescue the car. A few of the neighborhood regulars, not accustomed to these strangers in the area, and naturally suspecting that the GSU pair were up to no good, were heard to ask the boyfriend, "How much for the bitch?" I guess you've got to take your compliments(?) however you can get them.

. . . that Moot Court extraordinaire, Kristen van der Linde, who is judging the 1st year Moot Court competitions, was actually addressed by more than a few 1Ls as "Your Honor"?

. . . that a student heard a loud banging in the hallway where all the student organization offices are located one Wednesday night at 9:00. Startled, the student didn't know what to do. As the noise continued, the student tried to home in on the source. It appeared to be coming from outside the windows on the Piedmont side of the building. Surely, he thought, no one in their right mind would be on that small, 2-foot balcony in February at 9:00 at night! The blinds were drawn, obstructing any view of the outside. Fearing a burglar or other dangerous individual, the student parted the blinds and peered out on the ledge. Lo and behold, a GSU College of Law student had locked himself outside on the ledge at night in the cold. Who was this bozo? None other than our Honor Court Chief Justice, who then spent countless minutes explaining how he came to be locked out on the balcony.

Apologies flow freely to Evelyn Ashley who was wrongly associated with the Federalist Society in the last Hearsay column. The correct party was Evelyn Proctor.