

October 1995

## October 1995 Docket

Georgia State University College of Law

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# THE DOCKET

VOLUME 4, NUMBER 2 A Publication of The Student Bar Association, Georgia State University College of Law October 1995

## SBA Proposes Constitutional Amendments

Earlier this month, the SBA Board of Directors approved an amended version of their Constitution, which governs the Board, the Honor Court, student elections, and many other appointed student leader positions. The new version is needed to address issues which are not covered by the current Constitution, to clarify ambiguities, to codify new procedures, and to reassign various functions in an effort to increase the effectiveness of the SBA. Throughout the last few months, changes were suggested and reviewed by SBA Board members and representatives of the Honor Court, resulting in a substantially improved

nent.  
This week, the entire student body has the opportunity to approve the amended Constitution. Voting will take place during 1L elections at polling places in the first

floor lobby.

As required by the Constitution, proposed amendments have been posted for the last two weeks. However, students who wish to review the changes may refer to the revised version at the library reference desk, at the SBA bookstore, on the third floor bulletin board, or at the polling place. Among the substantive changes in the proposed Constitution are:

- \* creation of additional standing committees of the SBA, which will provide more opportunities for students who would like to get involved in student government.

- \* codification of the appointment process for the Student Government Association Senators, student representatives for the faculty committees, and Honor Court prosecutors.

- \* clarification of the number of

hours students must have before running for office or voting for Senators in a particular class.

- \* addition of SBA service requirements for the SBA Presidential Candidates.

- \* delegation of election-related informational sessions for students and SBA candidates to the SBA.

These are not the only substantive changes in the proposed document, and students are encouraged to look over the listing at the front of the Constitution for a description of amended provisions. Any questions can be addressed to Vicki Bell, mailbox # 120.

The SBA has endorsed the document and asks for your support in approving these necessary amendments to the SBA Constitution.

## U.S. Attorney Kent Alexander Speaks at GSU College of Law

By: Meredith Bates

Kent Alexander, United States Attorney for the Northern District of Georgia, spoke to Professor Podgor's White Collar Crime class on Friday, September 19. Mr. Alexander was prosecuting attorney in the Legion of Doom case, which was one of the first computer crime cases. That case involved around three men who placed logic bombs in BellSouth Corporations computer system.

Alexander's lecture centered on the fledgling field of computer crimes. He taught the class how to protect computers from outside intervention. Tips included: change your password frequently, watch out for social engineering and use a shredder when dealing with computer secrets. Much of the information the defendants received in the Legion of Doom case came from dumpsters outside Bell-South's corporate headquarters in Atlanta.

Alexander also stated that increased use of on-line and internet systems, crimes like those in the Legion of Doom would be harder to track back to the source. Investigators in that case were able to discover the times the suspects were on the phone and compare it to the times the crime was committed. However, since on-line service has increased dramatically in the last few years, the probability of being able to match the timing with an illegal venture is greatly reduced.

Alexander related that Attorney General Janet Reno is making computer crimes dealing with child pornography on the internet a high priority in the Justice Department. Just two days before Alexander's speech, the Justice Department announced that dozens of people had been arrested and 125 homes and offices across the country had been searched in the culmination of a two-year investigation into child pornography on the internet.

Computer crimes, such as this, are on the rise and are expected to become a specialty of law unto itself.

Classmember Scott Poole stated, "It was a pleasure to hear from Mr. Alexander, a pioneer in an exciting new field." This reflected the sentiment of many of the audience members, who look forward to hearing more on campus speakers.

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# A Message from the SBA President...

Welcome back to another year of legal growth and development. Well, at least welcome back. Many of you are busy with interviews, papers, deadlines, and reading assignments, but I encourage you to take the time to read through this new issue of *The Docket*. *The Docket* has taken on a new look and style. I applaud Jason Harper and Victoria Davis for making the change and doing things differently.

*Change is here...*

Hopefully each of you had a wonderful summer, I know many of you worked or took summer classes, but whatever you did, I am confident that you are glad school is back in session, especially third year students.

has been busy over the summer. Many of you have noticed some of the changes that have occurred. For example, there are three concrete picnic tables on the second floor plaza, which were bought by the SBA. We hope you enjoy the tables and the sunshine. The SBA bookstore has a new look, and it is more organized so that we can serve you better. Thanks to Jennifer Sandberg, Vicki Bell, Kristi Rowell, and Brad Hutchins, for reshelving the books into the new bookshelves.

Further, the new office of the SBA is room 231. We have moved our desks, computers, and office equipment to take advantage of this new space. I encourage each of you to drop by for a visit. The room also serves as a resource center for the umbrella groups.

*Many, many thanks...*

I would like to thank a few people for their help over the summer. Without the support of Associate Dean Stephens, Assistant Dean Bob Shuford, Assistant Director Tom Gromme, and Brenda Cornelius, the SBA could not have made these changes necessary for a better life on campus. Moreover, a special thanks to York Singleton who helped in locating the bookshelves, moving the desks, and being there when we needed him. Finally, Kevin Demer was very instrumental in buying the sofas and setting up the office equipment. Thanks to each of you.

(Continued on page 4)

## College of Law Top Ten

You know you are *not* the average law student when...

10. You have free access to the fourth floor.
9. More than half of your classes have not been in Rooms 170 or 100.
8. You think someone is making a pass at you when they compliment you on having great *briefs*.
7. You look forward to having an Olympic experience in Dalton this summer.
6. You purposefully park on the sixth floor of the parking deck just to get some exercise.
5. Going to the copy center is a pleasurable experience.
4. RWA is a fond memory.
3. You foolishly sit in the front row on a day when Professor Stephens proclaims, "I left my glasses at home."
2. You foolishly say, "I pass!" when Professor Stephens calls on you.
1. You mistakenly believe when the professor says, "The *syllabus* is going around." that a form of v.d. is rampantly spreading.

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# GRAIN TEASER

This test does not measure intelligence, fluency with words, nor mathematical ability. However, it does give puzzle solvers a gauge to measure their mental flexibility and creativity. In the three years since it was developed, the test has shown that few people can solve more than half the questions on the first try.

Instructions: Each question contains the initials of words that will make the equation correct. Fill in the missing words. GOOD LUCK!

Example: 16 = O. in a P.

Answer: 16 ounces in a pound

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (1) 26 = L. of the A.             | (14) 3 = B.M. (S.H.T.R.)          |
| (2) 7 = W. of the A.W.            | (15) 4 = Q. in a G.               |
| (3) 1001 = A.N.                   | (16) 24 = H. in a D.              |
| (4) 12 = S. of the Z.             | (17) 1 = W. on a U.               |
| (5) 54 = C. in a D. (with the J.) | (18) 5 = D. in a Z.C.             |
| (6) 9 = P. in the S.S.            | (19) 57 = H.V.                    |
| (7) 88 = P.K.                     | (20) 11 = P. on a F.T.            |
| (8) 13 = S. on the A.F.           | (21) 1000 = W. that a P. is W.    |
| (9) 32 = D.F. at which W.F.       | (22) 29 = D. in a F. in a L.Y.    |
| (10) 18 = H. on a G.C.            | (23) 64 = S. on a C.              |
| (11) 90 = D. in a R.A.            | (24) 40 = D. and N. of the G.F.   |
| (12) 200 = D. for a P.G. in M.    | (25) 15 = M. on a D.M.C. (Y.H.H.) |
| (13) 8 = S. on a S.S.             | (26) 8 = B. in a B.               |

(Answers will be provided in the next issue)



# GSU to Celebrate Black History Month

Georgia State University will once again participate in the annual Martin Luther King Jr. birthday observance and Black History Month celebration. King Week '96 activities will be held during January, and Black History Month is observed during February.

Martin Luther King, Jr. and Black History Month commemorate the legacy of persons who fought for the rights now enjoyed by all, not just African-Americans. This celebration is a way of sending a message that history lives and gives homage to those that have and are now making a difference in our lives. Everyone has been touched in some way by the African-American experience, be it through song, education, dance, poetry, athletics, etc...

Last year the MLK/Black History Month Programming Committee brought lecturer and poet Nikki Giovanni. She inspired the audience by discussing the power one has to make a difference in oneself and in the lives of others. The Physical Plant Department presented a gospel music extravaganza with a special appearance by the Atlanta Public Schools Excellence Choir.

Monday, November 13, is the deadline for submitting information to be included in the calendar of events for both King Week '96 and Black History Month. All College of Law organizations that are planning an event, should forward information about the plans to Virginia Brown in the Department of University Relations (extension 1-3573).

# SBA Prez. cont....

Further, we are planning many activities to take place over the next year to make law school more enjoyable. For example, the SBA is planning a Halloween Party, a Spring talent show, and a Barristers' Ball. If you would like to help with these and other activities, please contact your SBA Representative. Remember to read the bulletin boards, especially the third floor bulletin board across from the assignment board.

### *Fruits of thy labor...*

The third and second year students should be happy to know that there are new copy machines in the law library. I know last year, as a first-year student, the copier room was always a nightmare. Professor Nancy Johnson, Kevin Demer, and I worked very hard to have a new contract put out to bid. However, Bill McChesney, from Auxiliary Services, decided not to put the contract out to bid. He decided to remain with Kinko's provided a few changes were made.

The most noticeable change, of course, is the new copiers. Kinko's also agreed to provide an employee on-site to monitor the area every day. Further, the new copy cards may be used in any Kinko's store throughout Atlanta. (Please refer to the new agreement on the third floor bulletin board if you have any questions.) The good news is we have new machines and better service. However, please voice your concerns to Kinko's if there are any problems.

Finally, the elections for the first year class are coming up this week, October 3, 4, and 5. The SBA would like to take advantage of this election to make changes to the SBA Constitution. Over the past couple of months the SBA has debated and unanimously approved the proposed changes to the current Constitution. Because the changes are substantial, the SBA has decided to propose a new Constitution. We need your vote for a more coherent and workable Constitution. (Please refer to the article on page 1 for more information.)

Thanks again for your support and I look forward to another grand year.

-Brad Reed, SBA President  
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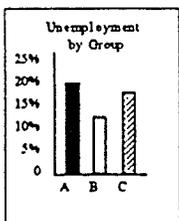
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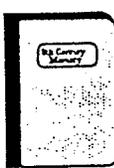
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## A Message From Dean Marjorie L. Girth

It was a real pleasure for me to welcome our new first years, transfer and guest students during our orientation program in mid-August. The diversity of these newcomers will again enrich our community with the combination of talents and experience that they bring to class discussions and our extra-curricular programming.

Greeting our returning students in less official settings is also fun for me. This law school has an extraordinary amount of summer programming. Nonetheless, the month between the end of school and the first-year orientation program is always notable for its unusually quiet atmosphere. After approximately one quieter week, I am eager to experience the liveliness and sense of unlimited opportunities that your presence brings.

We have also welcomed two new faculty members to our community. Associate Professor Victor Flatt will direct the development of the College of Law's Environmental Law Program in the years ahead. He comes to us from the faculty of the University of Washington's Graduate School of Public Affairs and received its Teaching Excellence Award for 1993-1994. Professor Flatt is currently teaching Environmental Law and plans to offer courses covering

issues affecting Natural Resources and Hazardous Waste in the spring semester.

Our second new faculty member is Teresa Wright, who has joined our Research, Writing and Advocacy faculty. She is a graduate of Emory University's School of Law, where she taught legal writing, research and advocacy as an adjunct professor in 1990-1991. Ms. Wright also undertook graduate studies at the university of Georgia's Grady School of Journalism and was a litigation associate in private practice for many years. At our College of Law, she will be working with Linda Harrison, Jennifer Chiovaro, and Linda Robinson, who coordinates our RWA program.

During each academic year, we also welcome guest speakers who provide the opportunity for you to expand upon the education which you receive in your formal classes. Two of these visitors are already scheduled for this semester. In mid-September, the Federalist Society sponsored a lecture and faculty forum with Prof. Randy Barnett of Boston University's law faculty. Prof. Barnett's writings have focused on the natural rights in constitutional adjudication. His public lecture explored the differing results which could be anticipated if legislative enactments were subject to presumption of liberty instead of presumption

of constitutionality. Prof. Paul Milich served as commentator for that program, as well as working with John Creasy, this year's President of the Federalist Society to facilitate the arrangements for Prof. Barnett's visit.

Our second visitor will Arthur T. von Mehren, Story Professor of Law, Emeritus, at Harvard University. He will deliver our Henry J. Miller distinguished Lecture at 5 p.m. on October 11 in Room 170. Prof. von Mehren, who is an expert in conflict of laws and in commercial arbitration in international contexts, will present an analysis of how we decide who the decision-maker should be in multi-state (including international) conflicts. Prof. E.R. Lanier is the faculty's liaison for Prof. von Mehren's visit.

I know how busy these early weeks of any semester can be, but urge you to try to find the time to hear outstanding visiting lecturers such as these. They can introduce you to fields of interest that you might not otherwise experience and may well increase the range of your own academic and professional interests. In addition, the social occasions related to these visits are really fun, so that participation has a wide range of benefits. Do enjoy them!

# SBA ELECTIONS

## October 3, 4, and 5

VOTE FOR: 1L Senators

1L Honor Court Justice

SBA Proposed Constitutional Amendments

10am - 1pm & 5pm - 8pm in the 1st Floor Lobby



# Capital Punishment: The Ultimate in Deterrence

By: Jason T. Harper, Editor-in-Chief

Capital Punishment. Is it necessary in our society? The answer to that question rests on what purpose you feel the death penalty serves. It is my belief that the death penalty's main purpose is deterrence.

Critics often argue that states that have the death penalty show a murder rate that is equal to or greater than states that do not. Thus, it would seem that the death penalty is not serving as a deterrent to others who commit capital offenses.

No one can argue that the death penalty acts as a specific deterrent. There is no recidivism by the guilty party once the sentence is carried out. This in and of itself is reason to utilize capital punishment, for society has nothing to fear from that person again.

However, the second prong of deterrence is far more important, and that is that the death penalty should act as a general deterrent to all in society who may be thinking of committing a capital offense. Currently, I would agree that general deterrence does not exist. Is it because the death penalty is ineffective at creating general deterrence? No, if such a sentence cannot act as a general deterrent, then there is no sentence that will ever act as such.

The reason that such criminals do not fear receiving such a sentence (To the point that they will not commit the crime.) is that the sentence is not carried out. Death sentences are handed down each year in courts across this state and nation. However, executions in Georgia have averaged only 1 per year. The chance of going from the sentencing phase to the execution of the sentence (no pun intended) is virtually nil. Until the sentence is handed down, and carried out within a reasonable time thereafter, the general deterrent effect will never exist.

Attorney General Michael Bowers gave a speech several months ago where he told the audience that new laws with tougher sentences do not need to be passed, instead the laws and sentences we have need to be enforced.

Thus, to correct that problem, the legislature and congress will have to intervene to limit the number of appeals

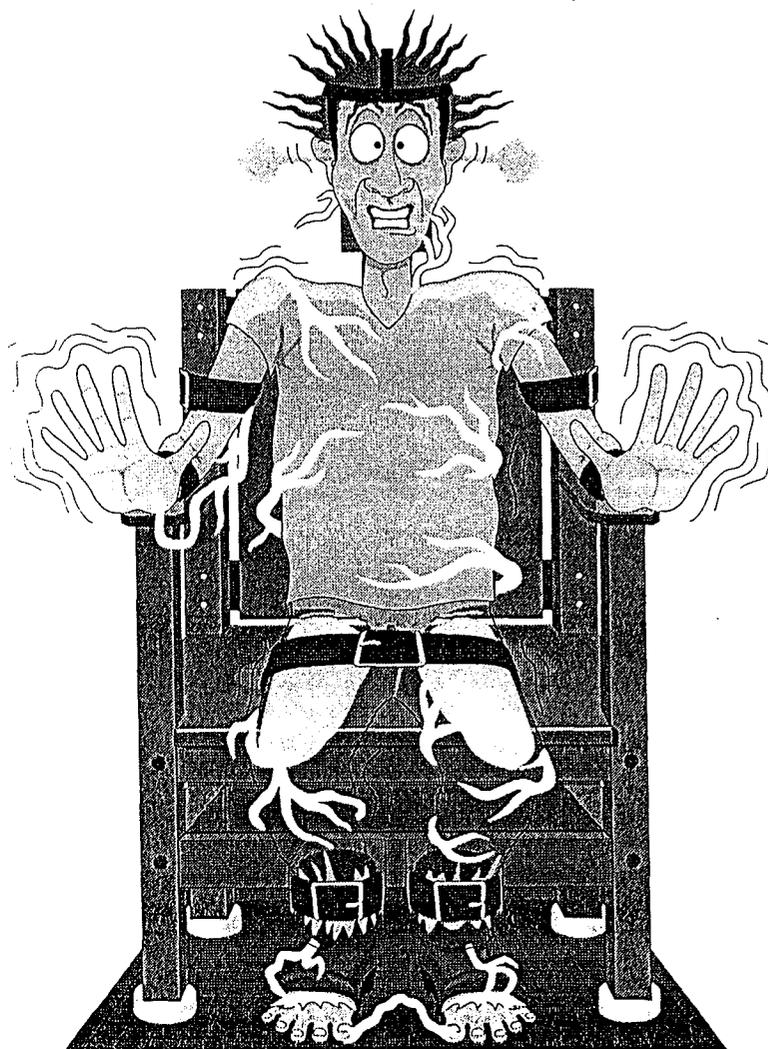
granted to those sentenced to death.

Opponents of the death penalty can state to the dollar how much more it costs to carry out a death sentence as opposed to carrying out a life sentence. The costs lie in the appeals process that takes years to complete. Eliminate the costs by eliminating the appeals. This is a time of "tough on crime conservatism" and it would not be surprising to see some of these changes become the law of the land. The citizenry is tired of being the victim. When citizens do their civic duty and serve on juries that agonize over whether a defendant deserves to die, what message are we sending by failing to carry the sentence out?

Let me share a true story about a friend of mine who I have known since kindergarten through our days at Mercer University. Last year, he and his girlfriend left Mercer for a drive to Lake Juliette. They arrived at Dames Ferry, which is a camping/activity area on the lake. From

nowhere shots rang out and bullets riddled the driver's side door. This bright college student lay dead beside his girlfriend with multiple gunshot wounds. No one knows exactly what happened that night on the lake, but it is suspected that the perpetrator(s) then pulled the young lady from the car and assaulted her within sight of her dead boyfriend. Surely she must have known her fate at that moment. The gun rang out one more time and two young college students were left lifeless on that serene shore of Lake Juliette.

I ask you, did the perpetrator(s) show remorse for the victims? Did the perpetrator(s) allow the victims any appeals for mercy? Did the victims get to call mom and dad just one more time to say goodbye? Did mom and dad get to see either of their *only* children one more time? NO. On that fateful night someone acted as judge, jury, and executioner. The fact is: society should be all three as well.



# BUYING A COMPUTER FOR LAW SCHOOL

by: Jason Puckett, Law Library Computer Lab

If you are planning to buy a laptop or desktop computer for law school, here are a few things to keep in mind.

First, you'll want a PC compatible computer, not a Macintosh. Macs are generally good computers, but PC's really dominate the market and are what most people are using. You will save yourself a lot of headaches with a PC when it comes to sharing files, printing or editing in the lab, etc... Make sure your computer includes Windows, or buy it separately. MS-DOS is still around, but probably won't be for long, and if you do not know how to use Windows applications, you will be left behind very quickly. Windows 95 will probably be the standard operating system by this time next year, if not sooner.

**Hardware:** Your machine should have at least 8 megabytes of RAM. If you can afford to go ahead and get something faster with more memory, then do it. Even if it is more than you need to start with, you will yourself an upgrade later.

Your hard drive needs will depend on what you will be using your computer for. "Bigger is better" is a good rule of thumb, up to a point - there is not need to waste money

on a 1.2 gigabyte hard drive when all you ever use your PC for is WordPerfect. Make sure that you have at least 350-400 megs, or you will probably find yourself running out of room once you have installed a few moderate size applications. Hard drive prices are continuing to drop, so it should not be a problem to find a good price on one that fits your needs.

**Software:** We have WordPerfect 6.0 for Windows in the Law Library computer lab, so if you plan to do a lot of switching back and forth between your home PC and the computer lab (to use the laser printer for example), you should consider buying WordPerfect. The other major word processing package is Microsoft Word. Both programs have their dedicated followers; it is just a question of which you prefer to use. Most word processors can convert files between different formats. (i.e. WordPerfect can read files created in Word, and vice versa.) the conversion is not always flawless, and you will occasionally run into problems with things like footnotes and document formatting, if you switch between differently programs frequently.

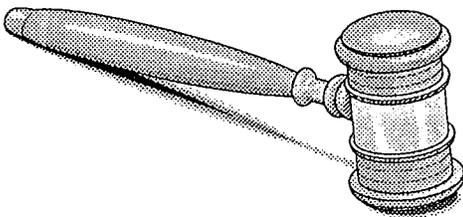
You will also want to acquire a virus checking program. This is something that everyone should have installed on their

PC to prevent viruses from infecting the memory or hard disk and causing problems. Norton Anti-Virus, a commercial program, is recommended; it has been able to catch just about any virus we have had in the computer lab. Another program we use is the McAfee Viruscan; this is available for free from the computer lab by bringing 2 blank, formatted high density disks to the lab supervisor.

**Options:** If you want to access the Internet or other online systems from home, you will need a modem. The current standard speed is 14.4 kbps, although 28.8 modems are rapidly coming into common use, and it is probably worth going ahead and getting one.

CD-ROM drives are also becoming standard equipment on many new computers. If you are planning to get one, make sure it is at least a quad speed (4x) drive; anything slower is already outdated. The newest drives on the market are hex-speed (6x), but are still comparatively expensive.

Computers are getting better and faster all the time. Unfortunately, the machine you buy today will probably be outdated in a couple of years unless you buy upgrades bit by bit, so be prepared.



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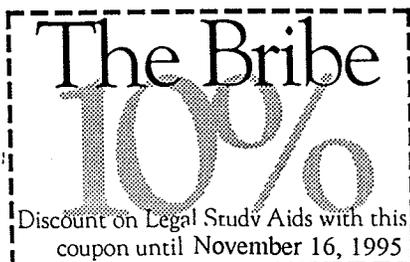


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