March 2002

March 2002 Docket

Georgia State University College of Law

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By Allison Pepper

You knew that law school wasn’t going to be cheap. But do you really know how much it’s going to cost in the end? Have you thought you really know how much it’s with your actual salary? If you don’t see yourself in the private sector, where starting salaries in some large seriously considering how you're lowly-paid public sector.

Estimates that between 1987 and a public school was estimated at public school had climbed to $7,035, while tuition at a private school had more than doubled. In 1987 the cost of law school has doubled since 1994, from $4,100 to $7,035. The starting salary for a public defender in Georgia is about $41,000.

In July of 2000, Governor Barnes created the Georgia Legal Loan Forgiveness Task Force in an effort to create solutions to the growing problem. The Task Force has recommended that the state pay up to $600 a month on education loans for state prosecutors, public defenders and state law department lawyers. The proposed program would assist an estimated 450 lawyers and cost $2.7 million a year. At present, the Task Force estimates that the average public defender has a debt of $60,406, with a monthly loan payment of $574. The starting salary for a public defender in Georgia is about $41,000.

In the report issued by the Task Force, one of the major concerns addressed was the state’s inability to hire and retain experienced attorneys. Extremely low entry salaries coupled with crushing educational debt has created a constant turnover in many of the criminal justice offices of Georgia, with the biggest losers being Georgia citizens both accused of crimes and victims of crimes. Top-quality legal representation costs money, and the lack of adequate salaries has left many offices staffed with attorneys with little experience to deal with the staggering caseload and complexity of the problems they are presented with on a daily basis.

Law students choosing to enter the public sector realize early on some of the sacrifices they will be making by choosing to practice in the public interest. While the rewards of public interest work are many, the oft-times low salaries can make it very difficult to follow one’s heart and pay off those student loans. Hopefully, the initiation of more LRAP programs will make it easier for students interested in public law to both practice law for the common good and be able to pay their bills.

The Relationship Between School Loan Debt And Future Practice Area

In an attempt to alleviate the burden of law school on those who enter the public sector, some schools have enacted Loan Repayment Assistance Programs (LRAPs). There are 47 law schools and 4 states that offer LRAP’s, but this is down from the 48 LRAP’s reported in 1994. While schools such as University of Georgia, Rutgers, and Vermont have all instituted new LRAP’s since 1994, other schools such as Emory, Boston University, and City University of New York have all eliminated their LRAP’s since 1994. NAPIL has reported that while LRAP payout has more than doubled since 1994, from 3 million in 1994 to 7 million in 1999, more than seventy percent of that money goes to just six schools (Yale, NYU, Harvard, Columbia, Stanford, and Georgetown).

The state of Georgia, like many other states, is facing the problem of “brain drain” in that many new law graduates are shying away from state public interest jobs because of low pay. In July of 2000, Governor Barnes created the Georgia Legal Loan Forgiveness Task Force in an effort to create solutions to the growing problem. The Task Force has recommended that the state pay up to $600 a month on education loans for state prosecutors, public defenders and state law department lawyers. The proposed program would assist an estimated 450 lawyers and cost $2.7 million a year. At present, the Task Force estimates that the average public defender has a debt of $60,406, with a monthly loan payment of $574. The starting salary for a public defender in Georgia is about $41,000.

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Henry J. Miller Distinguished Lecture Series

Presents Linda Greenhouse

By Ben Welden

On March 14, 2002 at 6:00 p.m., New York Times reporter, Linda Greenhouse spoke as a part of the Henry J. Miller Distinguished Lecture Series. The lecture was titled "Between Certainty and Doubt: States of Mind On the Supreme Court Today." The Lecture was centered on a division of the United States Supreme Court other than the traditional dividing points such as federalism, equal protection, and substantive due process. Greenhouse suggested that there is another dividing line on the Court based on the underlying stance the Court takes on the judicial role.

Greenhouse won the 2002 Pulitzer Prize for covering the United States Supreme Court and said that there are two opposite ends of the spectrum, minimalism and maximalism. To explain the two theories, Greenhouse used two examples from the Court. She used Justice Scalia as the example of maximalism and Justice Bryan as the example of minimalism.

Scalia and other maximalists think the Court’s main purpose is to make bright-line tests and rules that lower courts can follow. They see the minimalist view as irresponsible because it leaves uncertainty and gives the lower courts no clue how to charge a jury. To illustrate this line of thinking, Greenhouse quoted Scalia repeating his ideas that the Constitution is not living, but dead, and that anyone interpreting it has to do so from the point of view of the founding fathers. Otherwise, there would be new law made every day and no bright-line rules to ground it.

Bryan and other minimalists thinkers, on the other hand, base their decisions on outcomes and are much more fact specific. They do not have a problem leaving an area without a bright-line test because the facts from one case may be too different from another case to use one specific test. Minimalists do not put the same amount of emphasis as maximalists do on history, precedence and legislative history to make their decisions. They base their decisions on facts and consequences. To these types of thinkers, the literal approach does not work because the price is too high, and the Constitution must be read as a whole, not broken apart.

Greenhouse explained that Scalia is known for spreading his maximalist ideology and that now there is finally a counterweight in Bryan who is doing the same for the minimalists. Although throughout the lecture Greenhouse made it apparent that she agreed more with Bryan and the minimalists than Scalia and the maximalists, she concluded by saying that she believed that there did not need to be nine justices of one ideology or the other. In fact, she said that it is best to have a mixture because there are times when each is more advantageous than the other.

To her, the biggest change that is needed is the addition of more candid and transparent decision-making, one case at a time.
SBA Word

When, If Ever Should The State Be Able To Medicate A Mentally Ill Person Against Her Will?

By Julie Barnes

But what about when the patient is not competent? The determination of whether or not a mentally ill person has the capacity to refuse psychiatric treatment can be extremely problematic. There is no universally accepted definition of "capacity" but courts look at the ability of the patient to understand and appreciate the nature and consequences of health care decisions, including the risks, benefits, and alternatives to treatment.

One problem with determining capacity for the mentally ill is that judgment and insight may fluctuate rapidly. Furthermore, courts today recognize that the mentally ill are not globally impaired. For example, someone can harbor a delusional belief that people are trying to kill her, while at the same time holding valid opinions about her experiences with the side effects of antipsychotic medication.

Treatment providers frequently encounter the problem that psychiatrists refuse medications and other treatments that the providers deem appropriate. In these circumstances there is a conflict between the principles of autonomy and beneficence.

The principle of autonomy holds that each individual should have the right to control her own person, including her body and mind. One autonomy-based approach is "substituted judgment." In this method, the decision-maker tries to determine and implement what the patient would do if the patient had decisional capacity.

In Georgia, Title 37 of the OCGA governs involuntary treatment of the mentally ill. The standard in Georgia for involuntary hospitalization is that the person be mentally ill and a "danger to self or others". By law, hospitals are required to follow a prescribed set of guidelines before invading the patient's fundamental right to refuse treatment. However, according to Ms. McKay, "seven out of ten times they don't follow the procedure."

Law Students Guaranteed At Least One "A" This Semester (Not A Guarantee!)

By Rick DeMeadores

There really is no excuse for fisticuffs in school. There will be repercussions, however, if you raise your hand and ask a question that requires a pictogram and a ten-minute explanation from the professor three minutes before the end of class. Avoid this at all costs. Angry mob justice can be swift and quite cruel.

2. Study hard and brief every case assigned. Good study habits are an essential ingredient to success in law school. Thus, however, takes a lot of time. You may want to skip the whole "studying" thing altogether and resort to "The Black Arts." (Note: This will require you to bargain away your eternal soul to the devil, but you are a law student, so this is really a non-issue.)

1. Get plenty of rest. Don't stay up too late studying. Speaking from personal experience, if it's 4:00 a.m. and you find yourself chasing a small troll-like creature around your apartment because you have reason to believe that it has been stealing your case briefs and your socks for the express purpose of building a nest behind the drywall, you have been up way too long - GO TO BED!!

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SUBMISSIONS

The Docket is published by the Student Bar Association of Georgia State University College of Law. All students are encouraged to submit articles for publication. Please submit articles to the SBA office on the 2nd floor or e-mail them to thedocket_gsula@yahoo.com.

It is The Docket policy that all submissions are subject to editing and space limitations. We make every effort to publish stories submitted by the deadline, with priority to the earliest submissions.

The views and opinions contained herein do not necessarily reflect those of the faculty and student body of the College of Law, the SBA Board or the editorial staff of The Docket.

Direct questions and comments to: Trez Drake at thedocket_gsula@yahoo.com.

Law Students Guaranteed At Least One “A” This Semester (Not A Guarantee!)

By Rick DeMeadores

Law school has a funny way of shaking your confidence. For instance, if you think you know something, you really don’t. And, if you’re sure you know something, you will be publically humiliated by a barrage of questions and hypotheticals until you find yourself cannibalizing your own “airtight” argument and wishing that loss of bowel control was socially acceptable and “cool” as opposed to “sad.” By the end of your first semester, you undoubtedly found yourself questioning your success in this legal game. Well, my friends, like any other game, you need a game plan.

You just happen to be in luck because this 1L has developed a check list, forged in the despair of last semester, of five things that will help you become an overall better student and better citizen of your law school community. Study these tips very well, for this is information that the “fat cats” in GSU administration don’t want you to know.

5. Be considerate of your fellow students. It is very important to get along with the people in your class because, after all, the legal community is a small world. If you’re going to hide books in the library, take the time to go to Emory and UGA on a weekend and wreak havoc there, too. You don’t want to inadvertently give the enemy the upper hand in your quest for ill-gotten gains.

4. Open up to your friends when you get stressed-out. It is unhealthy to repress your feelings. Don’t be ashamed to admit that you cry yourself to sleep in a fetal position in the bathtub to hide from the pain. There’s no shame in that. Really.

3. Avoid confrontation.

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New Employment and Labor Law
Association Explores All Aspects of Field

Law students have some big decisions to make in a short time. After only a year of law school, students are pressured to decide not only what field of law they want to practice in, but also whether to go public or private, plaintiff or defendant, or even in-house. All of these decisions come at a time when some students still are not sure they even want to be lawyers.

The Employment and Labor Law Association (ELLA), founded in Fall 2001, is sponsoring a series of lectures to help students make these decisions. "When I started law school, I knew very little about the different fields of law and that made it difficult for me to choose a career path. With ELLA, we are hoping to educate students about an extremely popular and rewarding area of practice and perhaps make it easier for them to plan their careers," Misty Speake, ELLA president, said.

ELLA formed in response to student interest in employment and labor law. Speake said she noticed how many of her classmates were interested in working in this field and she found it surprising that GSU College of Law lacked an organization to represent those interests. She approached Professors Kelly Timmons and Mary Radford with the idea of starting an association and discovering that other students were also testing the same idea. "The timing and interest level was simply perfect for creating ELLA," Speake said. After rounding out an officer's board with vice-president Anne Denoon, treasurer Jennifer Kerby, secretary Stephanie Everett, and faculty advisor Kelly Timmons, ELLA applied for and received a GSU organizational charter and was up and running.

ELLA officers stress that their meetings are not just for students who know they want to practice employment law. Everett said, "Many areas of law are not isolated but overlap. For instance, an attorney practicing employment law could face tax issues, tort law, and immigration law. Even if students are sure about what area they want to practice, it is important to consider other fields and to network with people practicing in your area."

Last semester, the group arranged to have attorneys from the Employment Team of Hunton & Williams talk with students about working in employment defense. Partner Kelly Ludwick, along with GSU Alum and former Moot Court president Kalin Light, presented a PowerPoint presentation describing the basics of employment law. Ludwick also shared with students why he enjoys practicing employment law as a defense attorney. One of the most rewarding parts of working with management, he said, involves helping employers comply with the law. Employment defense attorneys are able to work with their clients to implement employee manuals and coordinate legal strategies designed to prevent constitutional and statutory violations before they occur, protecting both the employee and the employer.

In January, ELLA presented a second speaker luncheon on employment practice that focused on plaintiff-side representation. Local practitioners Charlie Bliss of Buckley & Klein, LLP, and John Beasley of Hill, Lord & Beasley, LLP, talked with students about life as a plaintiff's attorneys in the employment field. The speakers said they found plaintiff-side work a rewarding way of life and enjoyed being able to work with people who are in bad situations and really in need of an attorney's help. They also urged students who know what type of law they want to practice to persevere in the search for their ideal employment and resist the urge to pursue other fields.

ELLA also plans to present another speaker luncheon exploring public interest aspects of employment law. Speakers may include representatives from the National Labor Relations Board.

Federalist Society
Two GSU Students Attend National Student Symposium at Yale University

United States Solicitor General Ted Olson headlined a host of legal stars that attended the Federalist Society's National Student Symposium at Yale. Held March 1-2, 2002, the symposium focused on the "Law and Truth." Solicitor General Olson discussed a lawyer's responsibility to the truth with other legal scholars in a session moderated by Anthony Kronman, Dean of the Yale Law School.

GSU was represented at the symposium by 1Ls Mike Jacobs and Leslie Spornberger. It was "invigorating to attend the meeting," said Ms. Spornberger, "because the panel sessions were open debates which presented all sides of each issue." "The most fascinating debate was between the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and Distinguished Professor Yale Kamisar from the University of Michigan. They debated the value of "Exclusionary Rules: A necessary evil to control government conduct?" said Mike Jacobs.

The symposium began with a philosophical discussion on different views of the truth. The heavy nature of this discussion made one judge comment that "he only understood 15%." The next morning's sessions began with a panel discussion on historical truth and originalism. Associate White House Council Brett Kavanaugh moderated the session, while Professor Randy Barnett of Boston University and Professor John Harrison of the University of Virginia debated, along with others, the various ways to interpret the Constitution while maintaining its original purpose. This discussion was a favorite with Emory University 1L Sandy Pelfrey who noted, "this is the first time I've heard anyone articulate just exactly what I was thinking about this issue."

The most hotly debated session of the day was an afternoon panel on "Juries and the Adversary System." Professor John Langbein of Yale University began this discussion by explaining his view of the jury selection process: "The timing and interest level were simply perfect for creating ELLA," says Misty Speake.

Powerpoint presentation describing the basics of employment law. Ludwick also shared with students why he enjoys practicing employment law as a defense attorney. One of the most rewarding parts of working with management, he said, involves helping employers comply with the law. Employment defense attorneys are able to work with their clients to implement employee manuals and coordinate legal strategies designed to prevent constitutional and statutory violations before they occur, protecting both the employee and the employer.

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For more information about the Federalist Society, go to http://www.fed-soc.org.
Hope on the Horizon

Interview with Vickie Brown, Director of the Career Services Office

By Alice Limehouse

There seems to be a generalized anxiety among law students about job questions these days. Over the last few years, there has been a shift in the economy, so when the conversation around job questions these days.

"Working" can be a very scary word, not to mention intimidating. You are not being asked to do something that you are not capable of doing. You are being asked to show that you are capable of doing it, and that you have the skills and knowledge to do it.

"Working" can also be a very difficult task, at least for those who are not used to working hard at it. It is not just a matter of showing up for work and doing what you are told. It is about being able to work independently, to make decisions, and to take responsibility for your actions.

So, what do we do to get out there and find a job? Vickie's first recommendation is to broaden your outlook. This is not just a matter of expanding your horizons, but also of changing your mind set. Think about what you want to do, and what you are good at, and then go out and do it.

Vickie also recommends that you think about what kind of work you are good at, and what kind of work you are interested in. This will help you to focus your efforts, and to target your job search.

Finally, get a part-time job during the academic year and get involved with student activities. Employers look for practical legal experience as well as an academic record. You may need to offer ten hours a week of your time in an unpaid position to get your foot in the door, but you never know where that will lead and all the experience you get helps. Get involved in student organizations - do not just join and show up for pizza. With student organizations, employers are looking for the development of leadership skills, not just a list on your resume. Both student activities and employment supplement your academic record and have the potential to set you apart from the next resume.

Get out there, pound the pavement, and network, network, network! The jobs are out there!
To: 1Ls, 2Ls & 3Ls
From: Brian Miller
(Your New Best Friend)

By Jerri Nims

This school year brought with it a realization—the amount of messages in my email account indicated that I had a new best friend or was the victim of spam mania. After reading some of the emails, I knew the answer—that the new best friend was our new Assistant Registrar, Brian Miller. Further, my involvement in various organizations began with emails from Brian containing information about them. Beyond extracurricular information, the fabulous Mr. Miller passes anything I want to know—from social activities to job possibilities to externship positions—on to me. Beyond keeping me informed about ways I can develop my personal interests and needs, Brian’s emails keep me up to date on the variety of things which the school as a whole is doing. While it may be your habit to just delete any message from Brian Miller not directly concerning your interests, my knowledge of the school and the careers within which I am involved has increased from skimming all (yes, all) of the emails I get.

Profile of Brian Miller, Assistant Registrar:

--grew up in Cleveland, Ohio
--attended John Carroll University
--currently working on a Master’s Degree in History at GSU
--trained Brew Master

Throughout his career, Brian has invented all types of beer from German Bocks to British barley Wines and Irish Dry Stouts. Brian’s attention to tradition and quality led Michael Jackson, the renowned beer critic from Britain, to comment that his “pure” beer, “the most complex and robust beer being brewed in the Midwest.”

Instead of continuing in the predominantly hands-on field of brewing where Brian was involved in every aspect from brewing to physically transporting up to 6,000 cases and 200 kegs of beer per week, he decided that he wanted to pursue more intellectual endeavors. In that vein, he decided to join his family in Atlanta and work at GSU while he attains his masters in History. Consistent with Brian’s enjoyment of the process and history of creating complex brews, he will begin classes in Fall 2002 focusing on Modern European History. Brian encourages students to stop by his office on the third floor with any questions or just to chat. Beyond offering law students the necessary information to succeed at law school, Brian also has some words of wisdom that ring true for hard-working law students—“Life’s too short to drink bad beer.

Georgia Justice Project
Gives New Perspective on Criminal Justice

By David Dorsey

Last semester, I externed with the Georgia Justice Project, a small non-profit agency that uses a holistic approach to serving its indigent clients who are criminally accused. The legal staff works hard to defend each client, and after accepted, the client and GJP, through its social dimensions, does whatever necessary (education, employment, civic skills, etc.) to create a stable, productive life after either incarceration or acquittal.

Once when I was scheduled to attend a habeas hearing, I found that it had been postponed. Instead I attended a trial calendar scheduling. The courtroom was crowded and where the jury usually sits were 30 young men. All dressed in blue ‘orderly’ shirts; all black; all trials were considered the ‘young’ man’s name, one of the four public defenders and two prosecutors stated what motions needed to be filed or answered. It was a placid, speedy routine. The prisoner’s only role was to stand while his case was discussed. They all seemed so ordinary that I could hardly imagine one were in a passenger, most of them after their trials, would be sentenced, and on release, effectively ostracized from society until death.

I was familiar with three of the accused. One, with no criminal record, had been illegally arrested and tried to flee. Because GJP invested more time and expertise in this case than a public defender could justify, his case was dismissed. Otherwise, he would have been railroaded by black policemen motivated by indifference to law, lust for conviction, prejudice and stereotype—"He had scary eyes."
The second was a fourteen year-old with a fine school record, the stature of an adult, and also no criminal record. He was one of four kids taking turns driving the car of an older brother, when he drove into a tree, killing a pedestrian and injuring the others. What seemed like harmless mischief resulted in tragedy and a felony charge. The judge referred his case to GJP rather than public defenders, so he will be under house arrest until trial, and, perhaps, sentenced wisely. Hopefully this accident won’t cost two lives.
The third client is atypical for GJP: a mentally limited, suicide prone, repeat drug user and purveyor, with a history of gun possession. Despite his criminal record, he has only served a prison term of three years. Now charged with aggravated assault and a list of other crimes, he expects to avoid incarceration! His history reflects that of a simple-minded defendant who, with full legality at each step, law enforcement has proved that she did it. This externship has taught me that ‘whether she did it‘ is a small element of criminal law. Serving real clients has shown me that appropriate adjudication is more complex than guilt or a guilty conviction.

The case dismissed was properly dismissed; but should he have tried to escape? The juvenile is guilty of vehicular homicide, “a proper penalty”—unavailable in this society. This defendant would impose a more humane regime designed to assure that he and our society benefit enormously from his crime. ‘Career criminal’ ironically describes the man whose safety and medication are only available in prison, which he so rightly loathes; he is safer, and so are we, if he is in prison, a place that is needlessly cruel, shuns rehabilitation and pros pers from recidivism.

My interest in the law is systemic: human rights, prison conditions, refugees, genetic principles and practices that are reparable. This externship has shown me that law must be assessed not only by its fidelity to abstract ideas of justice, but also by its response to the vagaries of chance and individual imperfections. GJP has forced me to see that criminal law is not only the judicial application of substantive and procedural law; it is also society’s payment of damages for persons whom, with strict fidelity for incompetence, or persistently negligent calculations of cost and benefit, society creates. With every conviction and acquittal, society pays for her own culpable failure. I do not know how my legal practice can accommodate this discovery.
**2002 SBA / Honor Court Election Results**

**President:** Erin Baird (3L)  
**Vice President:** To Be Appointed  
**Treasurer:** S. Quinn Johnson (3L)  
**Secretary:** Alicia Castillo (2L)  
**3L Senator At Large:** Michelle Hart  
**3L FT Senator:** Jarvis Johnson  
**3L PT Senator:** Danny Coleman  
**3L Honor Ct. Justice:** Scarlett Elliott, Elizabeth Wharton  
**2L Senator At Large:** Samantha Imber  
**2L FT Senator:** Terry Davis  
**2L PT Senator:** Jeff Gordon  
**2L Honor Ct. Justice:** Seth Friedman, Heather Meyer

Congratulations to our newly elected representatives!

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The Docket needs a facelift!

Are you a graphic artist or just like to doodle in your spare time?

The Docket needs a new logo and you could be known as the creative genius who designed it!

We are accepting submissions of possible logos until Friday, April 5 at 5pm.

Submitted logos will be voted on by the Editor-in-Chief, Managing Editor, Chief Layout Editor, Print Layout Editor, Online Layout Editor, and Associate Layout Editor. The new logo will be chosen by Wednesday, April 10 and will be revealed in our last edition of the semester, due out the third week of April.

Logos should be conducive to both our print and online editions, must include our name ("The Docket"), and may also include an image (such as the scales of justice, a gavel, or other type of legal identifier).

Please send all submissions and any questions to thedocket-gsu@yahoo.com with the subject line specifying "Logo Contest" and your name.

Happy doodling!

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**Apology**

Thanks to Jennifer Kane who wrote the Careers article in the February 2002 Edition on job hunting and prospects for 3Ls. We neglected to give her a byline.
Year Ends. President Started.

By Trish Hinton

And so we have arrived at the end of a year, possibly more remarkable if this year marks the end of your time here in law school as it does mine. I have very little time left to be at the top of the totem pole, the graduating senior, before I am plunged into the world of work and revisit first year status as an attorney. In parting. I do have a few words.

First, I would like to thank all of the student body for allowing me to represent you as your Student Bar Association President. I hope I was able to help things at least a little this year. Special thanks to the 2001-2002 SBA Board, who worked to make my job easier most of the time! Whatever I did wrong, please make sure the next board fixes it! I know this is not an award I think of myself for law school for his countless hours of advice in his special role as SBA Consigliere.

More importantly, I want to share what made law school a great experience for me. I just want to warn students who still have a chance to do something outside of the classroom if you want to enjoy law school a little bit more. You don't have to do everything, just one thing, or two things, or whatever makes you happy, but if you can, do something. Litigation may not be the best class ever, but you have to try a case to learn how to write and argue. What Mr. Jones found was a systematic pattern of Hispanic underrepresentation on the jury arrays, an extraordinarily egregious pattern that was steadily getting worse over time.

"What Mr. Jones found was a systematic pattern of Hispanic underrepresentation on the jury arrays, an extraordinarily egregious pattern that was steadily getting worse over time."

The results of Mr. Jones' extensive analysis presented serious cause for alarm. He analyzed every jury pool. He found a pattern that was consistent with the results of the 2000 Census. To be cautious and conservative, Mr. Jones reanalyzed each pool, using the 1990 Census figures which did not show the dramatic increase in Hispanic population that had been witnessed in the latter part of the last decade. Still, in every case, Hispanics were systematically underrepresented. And in every case, the statistical results pointed to an inappropriate selection process with what was, for practical purposes, mathematical certainty.

Mr. Ross convinced Mr. Wester to move forward with a challenge to the array and Mitchell & Mitchell represented Mr. Jones as a statistical expert. In fact, Mr. Ross explained the challenge to the Wh嘤field County Superior Court and conducted the direct examination of Mr. Jones under Georgia's Third Year Practice Act. Whibbley County District Attorney Kermit McGarragan personally handled the cross-examination.

Similar challenges have since been successfully mounted in other Georgia counties a ruling in Whibbley County seems destined to wait for the results of another challenge now pending on appeal.

Law By the Numbers: Two GSU Law Third Years Mount a Grand Jury Array Challenge

Last Spring, Neal Wester, a prominent criminal defense attorney with the firm of Mitchell & Mitchell, P.C. in Dalton, Georgia was engaged to represent a new client accused of murder. While no murder case is routine, Mr. Wester is no stranger to this area of the law. Indeed, spending a few minutes examining the memorabilia that he houses in his office across the street from the Whitfield County Courthouse would convince anyone that he is at home in criminal legal domains that many other lawyers would find uncomfortable. But thanks to his firm's new associate States v. Brewer would not be an ordinary case.

James Ty Ross, a third year law student at Georgia State University College of Law spent his summer at Mitchell & Mitchell and has remained with the firm as he completes his final year of legal education. Working on research related to Brewer, Mr. Ross came across cases that investigated the extent to which jury arrays were representative of the underlying population. Having recently completed research detailing the meteoric rise in the Hispanic population in Whitfield County. Mr. Ross was intrigued. He gathered demographic data from the 1990 and 2000 Censuses and compared those numbers to the official reports of the Whitfield County Jury Commission obtained from the Clerk of the Superior Court. Something seemed awry.

Mr. Ross remembered that a law school colleague of his, Gregory Jones, was also completing a Ph.D. in Decision Sciences (applied statistics) and worked as a statistical expert. He asked his friend to review the numbers. What Mr. Jones found was a systematic pattern of Hispanic underrepresentation on the jury arrays, an extraordinarily egregious pattern that was steadily getting worse over time.

"What Mr. Jones found was a systematic pattern of Hispanic underrepresentation on the jury arrays, an extraordinarily egregious pattern that was steadily getting worse over time."

The results of Mr. Jones' extensive analysis presented serious cause for alarm. He analyzed every jury pool found in the Jury Commission records on file with the Clerk of Court. He compared these findings with the demographic makeup of Whitfield County reported in the 2000 Census. To be cautious and conservative, Mr. Jones reanalyzed each pool, using the 1990 Census figures which did not show the dramatic increase in Hispanic population that had been witnessed in the latter part of the last decade. Still, in every case, Hispanics were systematically underrepresented. And in every case, the statistical results pointed to an inappropriate selection process with what was, for practical purposes, mathematical certainty.

Mr. Ross convinced Mr. Wester to move forward with a challenge to the array and Mitchell & Mitchell represented Mr. Jones as a statistical expert. In fact, Mr. Ross explained the challenge to the Whitfield County Superior Court and conducted the direct examination of Mr. Jones under Georgia's Third Year Practice Act. Whitfield County District Attorney Kermit McGarragan personally handled the cross-examination.

Similar challenges have since been successfully mounted in other Georgia counties a ruling in Whitfield County seems destined to wait for the results of another challenge now pending on appeal.
Friday, March 29, 7:00 p.m. to 12:00 a.m.—Kickoff Party at Smith’s Olde Bar

**CALENDAR OF EVENTS FOR LAW WEEK APRIL 1 – APRIL 6**

**Friday, April 5**
5:00-7:00 p.m. **Artists and Social Activism** with SELS
WHERE: Crowne Plaza Ravinia
DESCRIPTION: Dinner, dancing, drinks, and a whole lot of fun! Tickets on sale now.

**Saturday, April 6**
8:00 p.m. **Ambulance Chase 5K Run/Walk** (only tentatively scheduled)

**MONDAY, APRIL 1**
12:00 p.m. **Religious Discrimination in the Workplace** by ELLA and CLS
WHERE: Room 170
DESCRIPTION: Forum on how religious reasoning to reinforce his argument in support of denying a lesbian woman custody of her children. T-shirt giveaways during Law Week from LGLSA and Lambda Legal Defense. Catered Reception Following.

**THURSDAY, APRIL 4**
12:00 p.m. **“Media’s Influence on Trials”** by AALSA (and Lambda Legal Defense). Catered Reception Following.

**LAW WEEK EVENTS AND SCHEDULE**

**FRIDAY, MARCH 29**

7:00 p.m.—12:00 a.m. WHAT: Law Week Kickoff Party
WHERE: Smith’s Olde Bar
SPONSORS: SBA and LGLSA
DESCRIPTION: All students and faculty are welcome!

**MONDAY, APRIL 1**
12:00 p.m. WHAT: “Religious Discrimination in the Workplace”
WHERE: Room 170
SPONSORS: ELLA and CLS

5:00 p.m. WHAT: “Fellowships: Making Public Service Your Career”
WHERE: Room 170
SPONSOR: PILA and CSO
DESCRIPTION: Forum will feature a panel of NAFLP, fellows, mainly GSU alumni, discussing fellowship opportunities and fellowships as a jump-start to one’s legal career as well as the advantages of working in a public interest area.

**TUESDAY, APRIL 2**
12:00 p.m. WHAT: “Keynote Speaker: Assistant District Attorney Kellie Hill (Al Amin’s Prosecutor)”
WHERE: Room 170
SPONSOR: SBA
DESCRIPTION: Wrapping up work on her prosecution of Al Amin these past several months, Kellie Hill, Assistant District Attorney, will be speaking with GSU law students about the various “roles” she plays (attorney, prosecutor, African-American, and mother) of how all of these roles affect her life as an attorney.

5:00 p.m. WHAT: “Media’s Influence on Trials”
WHERE: Room 170
SPONSOR: THE DOCKET
DESCRIPTION: Forum on how media affects the outcome of criminal cases. J. Tom Morgan, Dade County District Attorney who is prosecuting the Sidney Doney case, Robin McDonald with the Fulton County Daily Report, and Brain Mendehlson, Defense Attorney with the Federal Defender Program, who was one of the attorneys who worked on the Alex Williams death penalty case, will speak about the weighty role that media plays both incidentally and intentionally in the modern justice system.

5:00 p.m. WHAT: Panel Discussion: “How to Succeed in the Practice of Law: Bridging the Cultural Gap From School to Practice”
WHERE: King & Spalding, 191 Peachtree St., 50th Floor
SPONSORS: Multi-Bar Leadership Council of Atlanta
DESCRIPTION: This is not a GSU COL sponsored event, but GSU students are invited.

**WEDNESDAY, APRIL 3**
12:00 p.m. WHAT: “Anatomy of a Medical Malpractice Case: Plaintiff’s Side and Defendant’s Side”
WHERE: Room 100
SPONSOR: SHLA
DESCRIPTION: We know well known plaintiff’s attorney, Tommy Malone, and highly successful defense attorney, Lori Bae, with the firm of Alston & Bird will be presenting their opposing positions on preparing and presenting a medical malpractice case. The forum will include presentation of the issues involved on both sides of a malpractice case.

5:00 p.m. WHAT: “Confronting Discrimination in the Courthouse”
WHERE: Room 100
SPONSORS: LGLSA and JLSA
DESCRIPTION: Speaker from Lambda Legal Defense will discuss the decision in Six Parts H.H. and its affect on the gaylesbian and religious communities. This was an Alabama Supreme Court case and contains a special concurrence from one justice who used religious reasoning to reinforce his argument in support of denying a lesbian woman custody of her children. T-shirt giveaways during Law Week from LGLSA and Lambda Legal Defense. Catered Reception Following.

**THURSDAY, APRIL 4**
12:00 p.m. WHAT: “Artists and Social Activism”
WHERE: Room 100
SPONSORS: SELS and PAD
DESCRIPTION: Description: In the wake of September 11 shaking up our nation, this program will focus on how music is one of the strongest forces for social awareness and change. Berit Downs (REM’s attorney) along with Sandra Brown (from Greenberg Traurig/formerly of SCo DeF Records) will spearhead the program.

5:30 p.m. WHAT: Ben F. Johnson Memorial Service Award
WHERE: New Student Center House Salon
SPONSOR: College of Law
DESCRIPTION: The recipient of the 2002 Ben F. Johnson, Jr. Public Service Award, Ben F. Johnson, Jr., has exemplified during his career, is the honorable Griffin B. Bell of King & Spalding.

**FRIDAY, APRIL 5**
12:00 p.m. WHAT: “Law of the Street: Breaking it Down for the Unaware”
WHERE: Room 170

**SATURDAY, APRIL 6**
7:00 a.m. WHAT: Ambulance Chase 5K Run/Walk
WHERE: Urban Life Front Lobby
SPONSORS: ILS and Bar Fitness

7:00 p.m. to 1:00 a.m. WHAT: Barrister’s Ball
WHERE: Crowne Plaza Ravinia
DESCRIPTION: Dinner, dancing, drinks, and a whole lot of fun! Tickets on sale now. ($35/person and $60/couple—includes dinner, music, fun, awards, great memories, and 2 “drisk tickets”). See an SBA Board Member for more information or to purchase tickets.

**LAW WEEK VOLUNTEER OPPORTUNITIES**

“My House” sponsored by SHLA and PILA
DESCRIPTION: We will be offering students an opportunity to volunteer with “My House,” an emergency shelter for children ages 0 to 4 who are medically fragile and have no home to go to. Volunteers must undergo training, which will be offered during Law Week. Ongoing time commitment is determined by each volunteer based on his/her schedule. Contact jerrminnas@hotmail.com if you are interested. For more information on “My House,” go to www.myhousweb.org.

**FULTON COUNTY SUPERIOR COURT FILING PROJECT**
WHEN: Tuesday, Wednesday, Thursday, 2:00—4:00 p.m.
WHERE: Fulton County Courthouse, Civil Division, Clerk’s Office
SPONSOR: SBA
DESCRIPTION: Each year as part of our service to the legal community, GSU students take part in a filing project to help the clerk’s office handle some of the enormous paperwork that comes through the office. Join us as we learn about the Fulton County filing system and familiarize ourselves with the Clerk’s office.

**ORGANIZATIONS INVOLVED**

American Law Student Association (AALSA); Black Law Student Association (BLSA); DeltafPAD); Phi Alpha Delta (PAD); Public Interest Law Association (PILA); Lambda Legal Defense. Catered Reception Following.

**ON CAMPUS**

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SPONSORS: SELS and PAD
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**ORGANIZATIONS INVOLVED**

American Law Student Association (AALSA); Black Law Student Association (BLSA); Christian Legal Society (CLS); Employment and Labor Law Association (ELLA); The Docket, Jewish Law Student Association (ILSA); Lesbian and Gay Law Student Association (LGLSA); Phi Alpha Delta (PAD); Public Interest Law Association (PILA); Sports and Entertainment Law Society (SELS); Student Bar Association (SBA); Student Health Law Association (SHLA).