November 1994

November 1994 Docket

Georgia State University College of Law

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FROM THE DEAN

By the time this issue reaches you, the fall semester's classes will be drawing to a close. In a typical academic year, as the classes wind down, the moot court and trial competitions begin. Thereafter, each new week usually brings the announcement of GSU's competitors' latest noteworthy achievements.

This year our initial moot court competitors have performed very admirably in the National Criminal Procedure Competition, in which 20 teams competed. GSU's David Marmins earned the Outstanding Orator Award and teamed with Julia Wilson to become quarterfinalists in the competition and to place fifth overall. A second GSU team consisting of Carolina Doherty and Lee Webb placed ninth overall.

This kind of high-quality performance brings recognition to the College of Law as well as to the particular competitors. It reminds our extended audience that this law school invests significantly in developing lawyers' skills as well as providing the essential theoretical understanding for developing effective advocacy strategies.

I look forward to receiving additional reports of our successes. It is an honor for Georgia State's teams to be invited to participate in such competitions. We are especially pleased this year that our student chapter of the National Association of Criminal Defense Lawyers was invited for the first time to compete in the Cathy E. Bennett National Criminal Trial Competition. Members of our Student Trial Lawyers Association have long been award winning in trial competitions. It is extraordinary to have a second student organization recognized for its expertise in this context.

On behalf of the College, I wish to express our appreciation to everyone who has assisted with the preparations for these efforts. In particular, Professors Norman Crandell and Steve Kaminshine have long shouldered the primary responsibility for our moot court teams. Tom Jones has been the dedicated head coach of STLA's efforts, and Professors Ellen Podgor and Roy Sobelson have assisted NACDL. Additional faculty members have also participated in practice rounds, and student members of the various organizations have given extensive support to their competing members. This kind of demanding teamwork is invaluable as a learning experience, and I encourage as many of you as possible to participate in one or another versions of these activities.

Let me also take this opportunity to say that in response to student requests, Dean Stephens and I will schedule informal "open forums" in the months ahead. We will hold them on an alternating basis at noon and at 5 P.M., so that as many of our students as possible will be able to participate. At those sessions, we will do our best to answer your questions and look forward to receiving your suggestions about the College of Law's programs and policies.

The next forum will be held at noon-- on Tuesday, November 29th--. Details on the location will be announced closer to the event.

In the meantime, do plan to take some time to enjoy Thanksgiving before completing the preparations for your final examinations.

Marjorie L. Girth, Dean

SBA UPDATE

Congratulations to our 1L Senators! Kimberly Dawson has been elected as 1L Full-time Senator, and "remandeman" Brad Reed was elected as 1L At-Large Senator (or is it the other way around?). We've welcomed them to the SBA Board, and have quickly put them to work. You'll be hearing more from them later, but please don't hesitate to look them up for answers to your questions and concerns.

We hope to be able to announce the name of the new 1L Part-time Senator shortly (the SBA is in the process of appointing one as we speak!) However, we are still looking for a volunteer to serve as 3L At-Large Senator until the March elections. Interested students should complete a Volunteer Information form (posted on the SBA bulletin board) and return it to the office by 6 pm on November 11th.

The SBA has been working hard over the past month on a variety of projects, including the successful pager offer. Many students have taken advantage of the offer, and others have arranged for cellular phones, also. If you're interested, stop by the SBA office for more information and an application. (Don't forget to put pagers on the vibration mode during classes!) We hope to be able to print an addendum to the student directory soon of all the new pager numbers.

For the record, please note that the SBA office is still in the same place, on the second floor, Room 225. The SBA board member office hours, the book exchange, coffee service and all other student services continue to operate from the office. Any and all incident reports, requests, Docket articles, and applications can be dropped off there. As a reminder -- don't forget to begin dropping off used books for Spring semester ASAP.
The SBA is continuing to develop a new program, the GSU Legal Referral Service. The service will provide information and referrals for students needing legal advice. The resulting consultation will be free or at very low cost. The Service will be conducted out of the first floor offices formerly occupied by Brenda Cornelius and the Office of Student Life. The SBA committee overseeing the program will soon be looking for a part-time student assistant to coordinate the program, contact attorneys, and assist students. If you're interested, please watch for flyers, or drop off your name at the SBA office.

Finally, please note that all SBA meetings are open to the entire student body. We need and appreciate your input, and want you to join us for all or part of our meetings. Check the SBA office door for time and place of our semi-monthly meetings.

Thanks for your support.

Vicki Bell, SBA President

CONTINUED FROM PAGE ONE

The unthinkable has actually come to pass. Learning to think like a lawyer is not being a lawyer. Unfortunately, the predominant structure of law school courses teaches how to think, and not how to be. Thinking without being is not realistic. Thinking without being will not persuade juries, will not win cases, and will not be practical. Since when do we have to learn how to think, and not how to be? Since when do lawyers have to learn how to think, and not how to be? Since when do we relate knowledge to reality? Since when do we speak to judges and attorneys who are actually still in practice? Since when do we have interactive participation in class without the Socratic/Inquisition method?

Could it be that someone has finally realized that there are too many law school grads who have never stood in a courtroom, never argued anything of practical substance, and never known what they didn't know?

Thinking like a lawyer is not being a lawyer. Unfortunately, the predominant structure of law school courses teaches how to think, and not how to be. Thinking without being is not realistic. Thinking without being will not persuade juries, will not win cases, and will not be practical.

So why have we gone a whole year before someone decided that law school should be practical? Has Professor Friedland had some divine inspiration from which we will no longer benefit after he leaves? Is he of some rare breed of professors who believes we're supposed to actually be getting something practically useful out of this whole law school experience?

There's something truly refreshing about getting back to the basics. There's something invigorating about taking a course which teaches us what we thought we were coming to learn. Learning to think like a lawyer is crucial, but if you can't "do it," there's no good in thinking about it. We don't just need to learn about precedents and history; we need to know how to uphold and overturn them. We don't just need to learn how to analyze; we need to learn how to persuade.

CONTINUED ON PAGE FIVE
TAKE THE WALK, NOT THE WAIT
Extensive Law Supplement Section

Bring this ad and get 25% OFF Any Law Supplement/Study Aid

THE GEORGIA BOOK STORE

The Association of Women Law Students will be hosting the
MENTOR PROGRAM KICK-OFF
THURSDAY, NOV. 10TH

Please watch the bulletin boards for time and location. Contact Trisha Smith, Nancy Collins or Brandon Kelly.

Give The Gift Of Life

PHI DELTA PHI

Will Be Hosting Its Annual

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IN THE 1ST FLOOR LOBBY

Tuesday, November 22nd from 10:00am - 3:00pm

Please Give Generously.

Top Ten Signs Your Judge Is Bored

1. Halfway through trial, has his chair replaced with a La-Z-Boy recliner.
2. He asks new witnesses their name, addresses, and if they've heard any good jokes lately.
3. Suddenly stands up and screams at the Defendant, "For God's sake, plead guilty and I'll do your time!
4. "He's popping No-Doz like Chiclets.
5. Won't stop pounding the gavel (if you know what I mean).
6. He asks jury members to dress as their favorite comic book character.
7. Shouts out "Guilty!" and then says "Just practicing."
8. His eyes seem to haze over when you try to explain why you were going 82 mph on the Merritt Parkway.
9. After very little of testimony he interjects, Were you naked the time?
10. He's eating a lawbook!

from "The Late Show" with David Letterman
Here's What Bar/Bri Students Are Saying About PMBR...

November 10, 1993

Mr. Robert Feinberg
PMBR
1247 Sixth Street
Santa Monica, California 90401

Dear Mr. Feinberg:

This past summer, I took the three-day PMBR course taught by Jared Gross in preparation for the July 1993 Texas bar examination. After having discussed the matter with several friends at the University of Texas School of Law who had taken only Bar/Bri, I became convinced that it would be wise to supplement the Bar/Bri multistate materials with PMBR.

I have recently learned that in passing the Texas bar exam I received a score of 162 on the MBE. Enclosed you will find a copy of my score report. I am confident that this score was due in large part to the additional instruction I received through the PMBR course. PMBR's questions were more representative of those on the actual PMBR course. PMBR is a MBE and more difficult than the questions provided to me by Bar/Bri. PMBR is a valuable supplement to any general bar review course and I strongly encourage anyone seriously interested in success on the MBE to take it.

Sincerely,

Ross T. Robinson

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FREIDLAND/CONTINUED FROM PAGE TWO

Maybe that's not what this whole law school thing is all about. So, I'm afraid my original intention will be sustained, for now. I'm afraid my law books, as we all are during our first year, are just the way they were when they were in our shoes. I suppose there's something to be said for tradition...no matter how impractical. On the other hand, maybe we're just too stubborn to change, or maybe we're too blind to see the necessity.

But despite everything, this strange breed of professor, if only for a short time, has brought me a refreshing burst of vigor to the law school setting. If nothing else, we've learned how to travel down the old "evidence highway," and more importantly, Professor Freidland, we've learned how to take the wheel. And when we stand on our feet, we won't be afraid to take a few side roads, and we'll know what to do if we run out of gas. Most importantly, we learned more than just the highway, and more importantly, Professor Freidland, we've learned how to take the wheel. And when we stand on our feet, we won't be afraid to take a few side roads, and we'll know what to do if we run out of gas.

My point is to inform you about what I found. Georgia State offers a terrific "joint degree" program in which you can receive both the J.D. and the M.B.A. degrees in four years- if you are a full-time student. The business school offers night courses for you crazy part-time students. I don't even want to think about how long it takes via that route (probably six years). I had seen information regarding the J.D./M.B.A. program in the College of Law's brochures when I first applied, but hadn't even considered it at the time.

The combination of these two degrees packs a wallop in the professional world. Many corporate lawyers possess these degrees. Investment bankers, business consultants, bank executives, and business professionals of all types have them under their belt. I, for one, have always been interested in the securities industry. I think I may have found the ticket.

The program is structured loosely, to allow you to design the program schedule to your liking. First, students must complete the first year law school requirements. After that, you may select courses from either program, or may take courses in both programs simultaneously. This may be a difficult maneuver, however, because the College of Business Administration runs on a quarterly basis. Anyway, that option is available. I have not tried it yet, so I couldn't tell you how feasible it is.

The College of Law and the College of Business Administration have each agreed to grant transfer credit from the other school. Thus, the College of Law will grant 14 hours of law credit for 20 hours of 800-level business courses with a grade of "B," and vice-versa. The end result of this is that the law degree program is shortened by a semester, while the business school program is four courses (approximately two quarters) shorter.

The M.B.A. program requires single-degree students to complete a major in one of twelve fields: Accounting, Computer Information Systems, Decision Sciences, Economics, Finance, General Business, International Business, Management, Marketing, Personnel and Employment Relations, Real Estate, and Risk Management and Insurance. J.D./M.B.A. students may take courses in each of these areas, but a major, due to the 20 hour waiver, is not required.

Students in the joint degree program must complete the core requirements for the M.B.A. degree. These courses include: Statistical Analysis for Managers, Accounting for Financial Decisions, Microeconomics, Organizational Behavior, Information Technology Strategies for Management, Applied Decision Sciences, Marketing Management, Operations Management, Corporation Finance, The Economic Environment, Managerial Accounting and Control, and Strategic Management. In addition, single degree students must take a course titled "The Legal Environment of Business." A law degree is deemed sufficient training for joint degree students to waive that course.

Don't worry if you don't have a business background or a B.B.A., the business school does not require it, though you may exempt certain courses if you do. You must, of course, have sufficient grades and GMAT score for entry. I took the GMAT in March of last year, during the Spring semester, and was able to take business courses this past summer. I do not have a business degree. My background is in History, of all things, and yet I have not found my lack of experience to be a barrier.

Tara Waller

Georgia State's J.D./M.B.A. Program

It's not too late to get an M.B.A. I found this out during my second year at the College of Law. During the first year, I was a slave to my law books, as we all are during our first year. I went to law school to learn about the law, first, and second, to learn a profession. While my first instinct (I have always thought I would make a good lawyer) was a good one, I found myself languishing during the summer following the first year. There's a kind of "shut-down" mode that sets in after the first hurdle. I wasn't happy with my choice. Don't get me wrong, I know that lawyers do important work, and are often driven to do what they do. But I, for one, found that it wasn't what I was driven to do. The law school culture is such that once you get caught up in it, it's hard to see the forest for all the trees.

When I returned for my second year, I felt trapped. It was too late to drop out of the law school; I just couldn't bear that thought once I had written all those outlines and had borne all that R.W.A. stress- memos and briefs about Ed Bundy and his son Bud. I consulted with friends and family, and received support from them all. I thought about dropping out of law school and getting a PhD in History or something obscure. But I didn't want to stay in school the rest of my life. I still wanted to be a professional.

The M.B.A. program requires single-degree students to complete a major in one of twelve fields: Accounting, Computer Information Systems, Decision Sciences, Economics, Finance, General Business, International Business, Management, Marketing, Personnel and Employment Relations, Real Estate, and Risk Management and Insurance. J.D./M.B.A. students may take courses in each of these areas, but a major, due to the 20 hour waiver, is not required.

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LAW REFERENCE SPECIALS AT THE GSU BOOKSTORE!

SAVE 10% OFF OF NUTSHELLS & HORNBOOKS!

WITH THIS AD.
GSU BOOKSTORE--UNIVERSITY CENTER.
Finally, it is not too late to apply for the JD/MBA program. Students in their third year may have difficulty, but first and second year students may still apply. I will be graduating from the law school in the spring (providing that I pass Morgan's tax class), but will be continuing in the business school for the following year. If you would like more information, contact the College of Business Administration. I would also be happy to answer any questions you may have. My box number is 441. Think about it!

Cliff Stanford

**DOCKET LAUREATE**

by Arturo Corso

...ow we’re rolling! Yet another response--its starting to get ugly people, but please keep ’em coming. This month, aside from the prose-framed character assassination, I include a Romantic period verse that coins exactly how I feel about each and every one of you! You know who you are so Read on and remember the words of Plato, “At the touch of love, everyone becomes a poet...”

-Reply to J. Michael Money

How could we
the so-called stainers
of the whitest white
revert to its visage-
the faded monster
lonely and bereft marker of time
more soundly invested
in coy first initials
than the sublime struggle
we cannot be you, hoarder of specie
nor cast aspersions
by misquoting our idols.
-a friend of Cervantes

**The Kiss**

Grow to my lip, thou sacred kiss,
On which my soul’s beloved swore
That there should come a time of bliss,
When she would mock my hopes no more;
And fancy shall thy glow renew,
In sights at morn, and dreams at night,
And none shall steal thy holy dew
Till thou ’rt absolv’d by rapture’s rite.
Sweet hours that are to make me blest,
Oh! fly, like breezes, to the goal,
And let my love, my more than soul,
Come panting to this fever’d breast;
And while in every glass I drink
The rich overflowings of her mind,
Oh! let her all impatience sink,
In sweet abandonment resign’d,
Blushing for all our struggles past,
And murmuring ’I am thine at last’!

-by Thomas Moore

**WHAT’S GOING ON?**

**NOVEMBER**

For those of you who ordered T-shirts from DELTA THETA PHI they will be arriving in early November.

7 Mon Dr Bullock, the holder of the Richard B. Russell Chair of Political Science at the University of Georgia, will talk about Congressional Re-Districting. 12:00 and 5:15. Sponsored by DELTA THETA PHI. Rm TBA.

8 Tues CAN THE SOCRATIC METHOD DAY. Last week members of PILA exchanged badges for canned food. The food will go to the Atlanta Community Food Bank as part of the Share the Harvest Project. The badges will be used today to prevent contributing students from being called on in class! (Participating professors only*) If you contributed, don’t forget to wear your badge to class.

PILA are hosting a Brown Bag Lunch with a speaker from the Atlanta Community Food Bank. $1 contributions will be collected. The Atlanta Community Food Bank have promised to turn every $1 collected into $13. 12:00 to 1:00. Rm. 230.

BLSA will be holding the third Lunch and Learn lecture. The topic will be “Test Taking”.

9 Wed EXTENDED CAN THE SOCRATIC METHOD DAY. Professors Podgor and Wermiel will continue Can the Socratic Method Day.

15 Tues Jackson Bedford, the President of the Atlanta Bar Association will be speaking at GSU at 12:00. This event is one of the Bench and Bar lecture series sponsored by DELTA THETA PHI. Rm TBA.

19 Sat BLSA will hold its general meeting.

* A special thanks to the following professors for participating in Can The Socratic Method Day:

- Prof. Sobelson
- Prof. Wermiel
- Prof. Hartfield
- Prof. Hogue
- Prof. Stevens
- Prof. Friedland
- Prof. Landau
- Prof. Johnson
- Prof. Jenga
- Prof. Morgan
- Prof. Budnitz
- Prof. Yarn
- Prof. Podgor

Future events sponsored by DELTA THETA PHI:

Next semester Justice Willis Hunt, Chief Justice of the Georgia Supreme Court and Harold Daniel, the President of the Georgia State Bar, will be invited to talk at GSU by Delta Theta Phi.

**Announcement from AWLS**

Remember to return your mentor forms ASAP. We’ve had an excellent response from prospective mentors and will be matching up mentors and students soon. Also, look for news of a mentor/student banquet coming soon.

Nina Edidin
The Moot Court Board is proud to announce the results of the 1994 National Criminal Procedure Competition held in San Diego, California October 20 - 22. David Marmins won the Best Oralist award. The team of Julia Wilson and David Marmins, coached by Cheryl Harris and Shaheen Imami, were Quarterfinalists finishing fifth overall. The team of Carolina DenBrok and Lee Webb, coached by John Rezac and Marcia LaMar, finished ninth. Congratulations to these teams on a job well done.

The Thirteenth Annual John Marshall National Moot Court Competition in Information, Technology and Privacy is scheduled for oral argument on October 27, 28, and 29 in Chicago. This year’s team members are Heidi Geiger, Molly Lee, and Jason Shwiller. The team will be coached by Esther Frankl and Beth Millwood. The problem topic this year involves child pornography via a computer network, and promises to be a challenge.

And finally, The Forty-Fifth Annual National Moot Court Competition will be held November 17, 18, and 19 on an environmental law topic. The regional round will be here in Atlanta, followed by the finals in New York. This year’s team members are Allison Doneghey, Leila Lawlor, and Mark O’Mara. They will be coached by Rhonda Byers.

When the teams begin practicing, a schedule will be posted on the Moot Court Office door (room 140-A) and all students are invited to watch while these fine teams prepare their winning arguments.

Our competitors work very hard preparing for a competition in addition to a full school schedule. They deserve a hardy round of applause from all of us and a “thank you” for representing Georgia State University in this fall’s competitions.

People in America don’t take responsibility for their actions. It’s always someone else’s fault. This may sound strange coming from a future attorney, but there are too many lawsuits filed by plaintiffs who think someone owes them something, and plaintiff’s attorneys who are more than happy to let a jury decide if they’re right. As a result, many plaintiffs are hitting the jackpot on laughable claims. For instance on a recent television show it was reported that a woman won a $2.9 million dollar judgment against McDonald’s because of burns sustained when she spilled coffee bought from the drive-thru. She argued that the coffee was too hot therefore McDonald’s was negligent. The judge reduced the judgment to a mere $650,000, but still enough for her to buy a truckload of aloe vera.

I’m troubled by this. Not only do suits...
While They've Been Giving You Tricks...

Book Deposits, Inconvenient Class Schedules, Changes to Multistate Product, Tier Pricing

We've Got The Treats!

Full Live State Lecture Series, One Fee Pricing, Classes 4x Daily, Full Software Integrated Multistate Program

AND

When Two Sign-Up Together on November 8, 9, or 10 You Get the Course for $600/person
TROUBLE continued from page eight

like this perpetuate the public's stereotype of the money-hungry personal injury attorney (deserved or not), but it's also a sad commentary on the mindset of some Americans. I spilled coffee on myself and by God somebody's going to pay. I say if you can't drink it without spilling it, then get yourself some asbestos underwear.

Some guy was on that TV show whining about his unhealthy work environment. He worked for a municipality in New York State and claimed the air caused him to develop some sort of disease. He's going to sue their pants off. In his words, "Either way its going to cost them big." You bet it will, you lousy freeloader.

Who pays for these massive judgments or disability claims? You and I do with taxes and higher prices at the cash register because companies can't afford to take million dollar hits because someone spilled coffee on themselves. This "blame it on someone else mentality has infiltrated our society to the point of affecting everyone. Where did this mentality come from? Juries who award huge judgments to plaintiffs for silly claims and employers who capitulate to employee's demands in fear of being decimated in a lawsuit certainly have contributed. Now, everyone wants to cash in, buy a doublewide, and move to Alabama to borrow a past Georgia lottery winner's plans. Until we stop throwing money at people whether they to reward them or get them to shut up, and make them take responsibility for their own actions, it will continue.

I saw a blind man walking around campus the other day aided only by a cane and clearly on his way to or from work. Think he gives a damn about that guys allergy problems in New York? I think not.

LETTERS TO THE EDITOR

Setting the Record "Straight" About Attorney General Bowers

There has been considerable recent press regarding Attorney General Michael Bowers' decision not to conduct on-campus interviews at the Georgia State University College of Law. Unfortunately, much of this coverage has been riddled with inaccuracies. We would like to set the record straight.

As ABA (American Bar Association) accredited institutions and members of the Association of American Law Schools, the law schools at Emory, Georgia State University (GSU), and the University of Georgia (UGA) have all adopted policies prohibiting discrimination on a number of bases, including discrimination on the basis of sexual orientation. These policies are uniformly applied to all potential employers wishing to use on-campus facilities for recruiting law students. As a prerequisite to conducting on-campus interviews, employers sign a short standard-form statement of understanding and compliance. Michael Bowers elected to sign the policy statements of Emory and UGA. He declined to sign the identical policy statement of Georgia State, and thus elected to disqualify himself from conducting on-campus interviews at the GSU College of Law.

What made the difference at Georgia State? What has prompted the attorney general to treat Georgia law schools inconsistently? The answer is simple. As a matter of courtesy, Dean Marjorie Girth of the GSU College of Law took the time to explain the policy to Mr. Bowers. Only the part relating to sexual orientation required explanation, since the other components of the policy are defined by federal law. Dean Girth took care to explain by letter dated May 10, 1994 that "an employer who signs this policy agrees that the employer's knowledge of an applicant's or an employee's homosexual orientation will not be used as a basis to deny, to terminate or to adversely affect that individual's employment." Neither Emory nor UGA supplied the attorney general with such an explanation, apparently believing that "sexual orientation" is pretty self-explanatory. Evidently, it is not self-explanatory to Mike Bowers.

After receiving Dean Girth's letter, Bowers did nothing for a while. Near the end of August (just before the beginning of the recruiting season), Bowers apparently became concerned about the fact that his office had already signed the policies at Emory and UGA. Rather than treating the three schools consistently by withdrawing his signature from the Emory and UGA policies, Bowers decided to play a clever little game. He wrote letters to Emory and UGA stating that he must qualify his signature on the nondiscrimination statements. He explained, "With respect to the issue of sexual orientation, I am not aware of legal definition of this term ... However, the Department of Law does not make personnel decisions on the basis of whether a person is heterosexual or homosexual. Private sexual conduct is not a subject of inquiry in this office." Was Dean Girth's explanation not clear to Bowers? When has anyone ever discriminated against a homosexual he or she didn't know about? In what office, anywhere, is private sexual conduct a subject of inquiry?

Unfortunately, Emory and UGA let Bowers get away with this feigned confusion, allowing him to conduct on-campus interviews. Yet Bowers still cries foul. Even though he has successfully narrowed the policy statements at two schools to the point they are without any real effect, he is still unsatisfied. He complains that "[t]he seeming inability of the (GSU) College of Law to accept our policies, and treat the Department of Law with the same courtesies extended to other employers has done nothing but create an unnecessary rift between two state entities." Yet Bowers has been extended exactly the same courtesies extended to all potential employers who elect to use the "resume forwarding" procedure at GSU College of Law. It seems that nothing short of special rights will do for the attorney general. In his view, "the same courtesies" must mean nothing short of an unhampered right to redraft university policies on his own terms.

As the holder of one of the highest offices in the State of Georgia, Attorney General Bowers has been entrusted with a great responsibility. Trustworthiness and cleverness are very different things. True leadership takes more than clever maneuvering and doublespeak. Do we want this type of game-playing to go on for another term at the Georgia Department of Law? In the governor's mansion four years from now?

Sincerely,

Mimi McCain
Georgia State Univ.
College of Law

Jeff Swart
Emory University
School of Law

Georgia State Univ. College of Law
To a lawyer, the way our research tools work together is just as beautiful.

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