

February 2002

## February 2002 Docket

Georgia State University College of Law

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# The Docket

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## PILA Auction Success!

By Lisa Moultrie

Students, faculty, and alumni of the College of Law attended the 10<sup>th</sup> Annual PILA Fellowship Auction in the State Ballroom of GSU's student center on Saturday, February 9, 2002. The fundraiser provides living-expense stipends to qualifying students pursuing unpaid public interest summer jobs. The early estimate of this year's proceeds is between \$12,000 and \$13,000.

The early evening included socializing, food and drinks and silent bidding for donated items. These donations ranged from a homemade cheesecake made by 2L Samantha Johnson to a signed Ken Griffey, Jr. baseball to a first-edition copy of Hemingway's For Whom the Bell Tolls.

The live auction featured dinners and activities with professors. Profes-

sor Sobelson auctioned off his traditional beer and bowling, a student favorite. A last-minute offering to the auction was a 3-on-3 basketball game with Dean Kaminshine and Professors Kinkopf and Segall. Attendees bid on items such as a BarBri course and a week in a Wyoming cabin near the national parks.

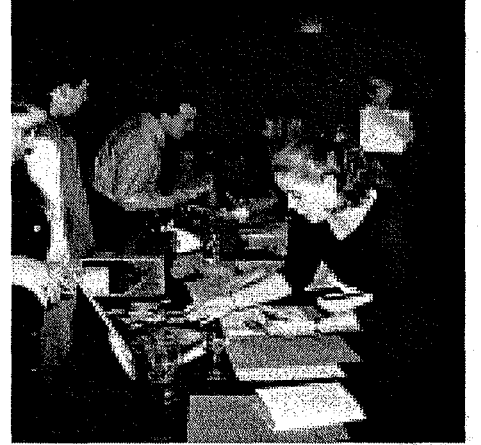
Student and faculty volunteer auctioneers MCed the live auction. Brian Nichols, 2L, said that he wanted to be an auctioneer to raise money for his friends. "I wanted to make sure I got bids for each item. I'm amazed the autographed picture of Michael Vick sold." Nichols thought that the event itself was the "best bargain in town. If Hamerick, Meleski, and Shannon (Carpenter) think it's a good deal it must be because those guys are super cheap." The admission cost of \$5

included food, beer and wine, and parking.

Trish Hinton, 3L, said, "this was the best PILA auction we've had yet." She said that this year's auction had much more alumni attendance. "The alumni attendance just shows how great the auctions have been in the last few years - more alumni want to come back and participate."

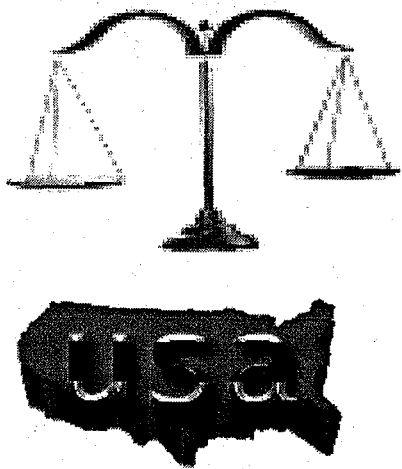
The only complaint many had about the auction was the lack of 1L attendance. "I thought that the student turnout was lower, but we had a lot of alumni attend this year," commented Cheryl Barnes, former PILA president. Students and professors noticed that alumni outnumbered 1Ls; "the only thing I was wondering was where were all the 1Ls?" Brian Nichols remarked.

Despite a lower 1L turnout, the event was a success, and came off without a hitch. "I was thrilled with the results of the auction. I don't think I could have asked for much better," said Emily Gilbert, this year's



Auction Chairperson and organizer of the event. "The only reason that every part of the auction planning process came off so well was because of my group of volunteers. I had some amazing help and they deserve every bit as much of the credit for the auction's success as I do."

Students wishing to apply for a PILA fellowship should look for public interest internships and keep their eyes open for the publication of the application process coming out soon.



By Amy Mcmorrow and Alison Pepper

On January 29, 2002 a lunch-time forum on Anti-Terrorism Laws focused on new laws and proposed changes being considered by Congress in the wake of the events of September 11<sup>th</sup>.

Professor Williams opened the forum with an overview of the PATRIOT's Act, a bill signed into law by President Bush on October 26, 2001 and designed to broaden the reach of law enforcement in the wake of September 11. As well as facilitating an increase in information exchange between law enforcement and intelligence agencies, key measures of the Act include: greater license to tap phones; increased monitoring of internet traffic; Attorney General authority of suspects for up to seven

## Aftermath of Terrorism

days without criminal or immigration charges; and the designation of "terrorist acts against a mass transit system" as a federal crime. The Act contains a "sunset provision" by which the Act expires in 2006. The primary goal of the Patriot's Act is the maintenance of our personal liberties, as Williams points out in his comment that the legislation itself is "designed to balance our liberties with the fact that we're fighting an enemy that seeks to destroy them."

Offering an administrative law perspective, Prof. Flatt explained that the ramifications of governmental changes since September 11 have yet to be determined at the administrative level. No new cabinet positions have been established, nor has any new legislation been fully implemented except the PATRIOT's Act. Although President Bush appointed Tom Ridge as first Director of the Office of Homeland Security, no legislation has been presented to Congress that would give him specific authority and validate his appointment. While this omission reserves to the president the privilege of defining Ridge's role, it also limits Ridge's effectiveness by placing him in a position of "persuader" without clear limits of his authority designated by statute. Things are still in flux with administra-

tive law, and the legislative changes made in the aftermath of September 11 will continue to present unique application challenges.

One proposed change affecting the legal community is the possible loss of the attorney/client privilege under certain circumstances. Professor Podgor addressed the potential effects of Attorney General John Ashcroft's proposed Order allowing monitoring of attorney/client communications when the client is suspected of terrorist involvements. Ashcroft issued the proposed order on October 26, 2001 and accepted commentary and criticism on the proposal until December 31, 2001. The ABA, along with other civil rights organizations, expressed concern that such a provision violates the Fourth Amendment's "probable cause" right and the Sixth Amendment's "Assistance of Counsel for his Defence" right. Professor Podgor, herself a primary author to a comment criticizing the proposed Order, suggested that allowing the monitoring of attorney/client communications of suspected terrorists would be a dangerous step by permitting a standard of "reasonable suspicion" to replace "probable cause."

Military tribunals were last

used in this country in 1942 during World War II. But their time has come around again; Professor Hogue spoke on the renewed use of military tribunals in prosecuting captured Al Qaeda soldiers. On November 13, 2001, President Bush signed an executive order allowing for captured Al Qaeda soldiers to be brought to trial by way of military tribunals. Article 10 of the U.S.C. provides for the use of military tribunals as does most international law. One important issue raised by Professor Hogue concerns the importance of determining the status of prisoners of war; status-convention hearings for POWs are required by the Geneva Convention. Currently, the Al Qaeda soldiers held at Guantanamo Bay, Cuba, are being classified as detainees, not POWs. A status-convention hearing would be a crucial factor to determine the manner in which they are tried and the potential sentencing each may face.

As the strong turnout at the forum indicated, students and faculty have an active interest in these ongoing changes and the potential repercussions in the legal community. Once the dust settles, it remains to be seen which new laws and proposals will withstand legal scrutiny and the test of time.

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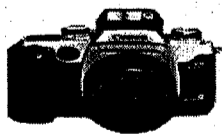
# The Forgotten Victims of September 11

By Andy Lewinter

On January 22, 2002 the National Lawyers Guild chapter at the College of Law hosted two guest lecturers who presented a program entitled "The Forgotten Victims of 9/11: Discrimination in its Aftermath." David Gespass, the Regional Vice-President of the National Lawyers Guild for the southern region and an attorney in Birmingham, Alabama, spoke about the brutality of the attacks themselves, and the negative effect that they have had on efforts to end racism globally.

Mr. Gespass condemned the attacks as a crime against humanity. He then criticized the Bush administration for committing to a military solution but not addressing the global economic disparity that leads people to commit these acts. Mr. Gespass talked about his experiences at the World Conference Against Racism in Durban, South Africa. He complained that the conference produced compromises that gave people hope of progress in combating racial discrimination worldwide, but the progress was nullified by the September 11 attacks.

Loretta Ross, Director of the National Center for Human Rights Education, spoke next. Ms. Ross described how in overcoming obstacles of racial discrimination she developed a devotion to human rights education. She discussed the United Nation's Universal Declaration of Human Rights, and complained that too many judges and lawyers were unfamiliar with the document. She suggested that law schools should lead the way by making human rights education a core part of their curricu-



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## President's Corner

By Trish Hinton

Well, it's almost over. Yessir, I cannot wait. Can't wait to start working every day. Getting up before dawn every morning. Oh, especially on Saturdays! Maybe spending a few Sunday afternoon hours at the firm. I am really so excited about leaving school. Who needs Fridays off? Much better to feel that sense of accomplishment when you put in a long, hard day's work. I'm sure there will be Friday donuts or something to replace the "Free Food (I mean, Mingle with Faculty) Tuesdays."

OK, so I'm lying. As miserable as some may think law school is, as miserable as even I have sometimes felt it to be, law school has been a wonderful experience. It has its downsides: deadlines and stress, reading and studying, embarrassing class performances, disappointing exam results . . . . But (1) reading,

**"As miserable as some may think law school is...law school has been a wonderful experience."**

embarrassment, and stress can happen anywhere and (2) it's not work. (This, of course, does not apply to you masochistic part-time students with full-time jobs.)

I want to warn all of you to enjoy it while it lasts because time is running out—quickly. Second year will fly by, and third year will pass just as quickly. Soon, you will realize how scary this Bar test thing is and be

overcome with fear.

So, take some time to have fun. And when I say fun, (nerd that I am) I don't necessarily mean beer-swilling at Manuel's, but more like getting involved. Do something with

your time to make it memorable (let's think positive—no crazy stunts like protesting graduation). It makes a world of difference when you have been a part of the process.

Enough already with the "rah-rah law school." This is really just to say that I wish I had more time here (but with pay—for some reason, they refuse to pay me). It is difficult to believe it's almost over and that I

## Senator's Corner: Looking For That Perfect Job

By Danny Coleman, 2L Parttime

Here are some things you should consider in your search for a job:

**Health Insurance:** Health insurance should always be an important consideration when evaluating a position. If an employer does not offer affordable health insurance, consider not taking the job. Do not forget to ask whether the employer also offers vision, dental, and life insurance. A job that pays less, yet has a good benefits package is usually a better deal than a job that pays more but has a poor benefits package. Research the topic at [www.monster.com](http://www.monster.com).

**Retirement Plan:** Ask whether the employer offers a tax deferred retirement plan, and how much it contributes to the plan. If an employer's benefit package does not offer a good retirement plan, you may want to look elsewhere. A place to learn about investing and saving is *The Motley Fool* at [www.fool.com](http://www.fool.com).

**Travel:** If the job requires travel, ask how much, how long, and how often is travel required. Jobs that require travel usually lead to better opportunities and additional responsibilities. A job requiring travel may offer a great opportunity; however, your family and personal obligations

must be considered.

**Not Necessarily a Firm:** Practicing law often does not mean that you must work in a firm. Many high-level managers in heavily regulated industries have law degrees. If you have work experience or special skills, consider leveraging those assets to broaden your opportunities.

**Resumes and Cover Letters:** Make sure you have a GREAT resume. In addition to mailing resumes and posting them on the Internet, consider faxing them to potential employers. If you are not getting many calls, make changes to your resume. Do not overlook the importance of sending a cover letter. Sending a well-written generic cover letter is better than not sending one at all.

**Interviews:** Consider doing an interview even if you do not think you are interested in the position. The practice is invaluable, and it will give you an idea of what employers want, and a vision of what you are looking for.

**Accepting a Position:** Do not accept a position during the first interview. Most well managed companies will want a second interview, and usually a background check. If you have reservations about a position, trust your instincts and politely decline. Do not rush to find a position. If you have time to look for a job, use it.

have to get a job without Christmas vacations, Spring Breaks, and summers off. Good luck this semester—use your time wisely.

On a lighter note . . . SBA News

College of Law business cards were a big success, and I hope you all will press your next set of leaders to do it again.

Class of 2002—don't forget—we are going to be the first class to leave a class gift, let's do it right!

Law Week is April 1-6. Barristers' Ball is on Saturday, the 6<sup>th</sup> at the Crowne Plaza Ravinia Ballroom.

The

## Docket

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### EDITORIAL

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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\\_gsu@yahoo.com](mailto:thedocket_gsu@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.

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# Organizations

## Law Review

### Symposium Explores Hot Topics of Arbitration Ethics and Effects

By Misty Speake

When will you be in arbitration? It may be sooner than you think. Due to the proliferation of arbitration clauses in consumer and employment contracts, chances are good that you will deal with arbitration sooner rather than later in your professional life.

The 2002 Law Review Symposium, Ethics in a World of "Mandatory Arbitration," featured arbitration experts from around the nation discussing the ethics of arbitrating and the effects arbitration has

on the court system. This symposium was the first forum in the nation to explore the newly revised Code of Ethics for Arbitration.

"This year's symposium offered a unique format where each topic opened with a presentation by a scholar in that field followed by a discussion of practitioners in that field," said Stephanie Everett, Symposium Editor. "For example, the first panel opened with the former Dean of Duke College of Law, Professor Paul Carrington, discussing ethical dilemmas for lawyers. One issue is whether an attorney for an employer can or should draft an arbitration clause in an employee's contract in a way that severely limits

an employee's rights, while knowing that this employee will probably be barred from seeking redress in a court of law," Everett added. The symposium also presented an unbiased format for discussion, with two members of the bar on different sides of the issue. "Alan Kaplinsky represented Green Tree Financial, a motor home company with a mandatory arbitration clause, before the U.S. Supreme Court arguing that the clause should be enforced. Al Pearson is a local attorney who does not think arbitration clauses should be enforced," Everett said.

Students who attended the symposium learned about hot issues facing today's practitioners. Everett

concluded, "no matter what field you think you want to practice, you will probably go to arbitration at some point. More and more contracts are listing ADR for claims instead of courts, and many courts are ordering arbitration or mediation before a trial date will be set. Besides that, arbitration affects our personal lives. If you buy a Gateway computer, a plane ticket, or sign a contract with your employer, chances are you are binding yourself to an arbitration proceeding instead of court."

The symposium concluded with a cocktail reception that provided the perfect opportunity for students to meet and network with the panelists and ask them a few questions.

## Sports & Entertainment Law Society

### Whales, not Minnows

By Allie Fennell, President

SELS's first guest speaker of the semester, Josh Ziede, is a GSU College of Law graduate of the class of 2000. While studying for his joint MBA/JD program, Josh served as the President of the Sports and Entertainment Law Society for two years. Being the overachiever that most law school students seem to be, Josh started InnerArtists Management, LLC in 1998 while pursuing his law degree. InnerArtists focuses on representing athletes from basketball and football to baseball. In addition, specifically dealing with music, film and literature, Josh practices entertainment law with Cliff Lovette, a former LaFace Records Business Affairs Director. Josh had some great advice on how to get involved and be successful in the entertainment industry. Practicing within the entertainment industry is riddled with challenges. Josh's philosophy is to seek whales, not minnows, better serving his client's needs by cultivating and focusing on the talents of a few athletes ("whales") instead of working with a large volume of clients ("minnows"). He challenged each of the audience members to truly analyze why we wanted to work within the entertainment industry, because that would be extremely helpful in determining which job would best suit us.

Entertainment law, even though it encompasses many areas of the law, is quite specialized and becoming increasingly difficult to break into. SELS has made it a mission to inform the students of some amazing internships, which are not usually publicly

advertised.

On Friday, February 22, GSU's and Emory Law School's SELS will co-sponsor an extremely exciting seminar. David Fagin from New York City will speak on the topic of preserving artists' rights, and how the recording contracts are unfairly slanted against the artist. David has traveled throughout the country speaking out for artist's rights, and has appeared on the Howard Stern show as well as testifying before a panel of Federal Judges with artists such as Alanis Morissette and Sheryl Crow.

## Black Law Student Association

Georgia State University is host to "National Reparations Symposium: beyond Rhetoric, the reality of reparations", February 28- March 2, 2002. This event is organized to increase awareness about the Black Reparations movement; reparations is about much more than a paycheck.

The opening ceremony is at 7:00pm in the West Exhibit area of the Urban Life Building. This event is free. Come expand your knowledge.

### ALL ARE INVITED TO ATTEND!

Co-sponsors of this event include National Black Law Students Association, Georgia State University (GSU) Department of African American Studies, GSU College of Law, GSU Office of Diversity, Office of African American Student Services and Programs at GSU, GSU Spotlight Speaker's Committee, GSU Spotlight Black Life and Culture, BLSA at GSU, Atlanta N'COBRA Chapter, GSU Student Government Association, Malcolm X Grassroots Movement (Atlanta Chapter), GSU Black Student Alliance, GSU NAACP,

GSU Sankofa Society, Drammeh Institute and GSU Graduate Minority Alliance.

For more information, contact the GSU Department of African American Studies at (404)-651-2157 or email [reparationsgsu@yahoo.com](mailto:reparationsgsu@yahoo.com).

## Christian Legal Society

### Students Learn How to Keep Balance in Their Law Careers

By Laura Zschach, President

In its last meeting of January, the Christian Legal Society's speaker Mr. Clare Draper from Alston and Bird's Labor and Employment Law division, shared how he maintains his balance of God, family, and work at a prestigious firm. Draper emphasized the importance of putting Christ first in every area of our lives, including work, which is difficult for many attorneys. He discussed the importance of not allowing the "world's" influence of money to prevent a person from pursuing the One who has given true life. He also encouraged members of the CLS to set realistic goals in order not to forsake family and friends over a job, which has no eternal value, but rather invest in others so that Christ may be glorified. Mr. Draper's words of wisdom truly encouraged me, along with other CLS members, as we strive toward becoming attorneys. I feel that although the road ahead may not be easy, we can rest assured in knowing that the One who gave us His Only Son and provides true salvation will carry us through. The Christian Legal Society meets the first and third Wednesday of every month. For more information, please contact Laura Zschach at [lauramc\\_1@yahoo.com](mailto:lauramc_1@yahoo.com).

## Employment & Labor Law Association

The Employment and Labor Law Association will hold elections for next year's officers in February. Misty Speake, President of ELLA, said this year's officers would like to begin working with the incoming officers in order to have a smooth transition and to ensure that this new organization continues to gain momentum, members, and motivation. Students interested in running for a position can contact Speake at [mistys@mindspring.com](mailto:mistys@mindspring.com).

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# Advice for the Young at Heart

Advice for the Young at Heart: **Don't let your first semester stop you.**



**Editor's Notebook**

**Trez Drake**

It's February and you have gotten all of your grades—Hopefully! Congratulations to all you 1Ls for surviving one semester; only five more to go.

For some of you, grades were excellent. Keep up the hard work. For others, grades were fine. Except, you can't figure out how you did well in the classes that you blew off and badly in the classes where you studied hard. It's random; but,

unfortunately, it happens.

The rest of you are like me (or maybe I am the only one who has experienced this): Grades are well below expectation and you can't even celebrate your highest grade. You are disappointed. Frustrated. You wonder if you are cut out for lawyering, much less law school. And, maybe, you wonder how you ever thought you were smart.

Grades do not determine your worth; you do. First semester law school grades are a midterm evaluation of how well you can express in three hours what you learned in 14 weeks. They are **not** an evaluation of intelligence.

If you are in law school, it's a given that you are smart. But, so is everyone else here. Intelligence is no longer **the** factor in your grades. But, exam performance is. Here's some

advice for next semester:

**1. Talk to your professors.**

It's embarrassing, but these folks are paid to help you learn; they also used to be law students. Follow whatever suggestions they give on how to improve on the next exam.

**2. Find a friend who did well on exams.** Ask to study with them and look at their outlines. Studying alone is futile if you don't understand the material.

**3. Keep up with your assignments.** Enough said!

**4. Use study aids to learn the material.** The bookswap, library and bookstore are filled with alternative sources for learning the material. And, most professors will give you suggestions on what to buy, as well as old exams to prepare for finals.

**5. Outline.** If you waited until the last minute, or didn't do it last

semester, begin today. Making your own outlines helps you learn the material and gives you focus for your exams.

**6. Talk to a counselor.** If you knew your stuff but had horribly-timed test anxiety, you have time to get help before exams. You can learn skills to help you overcome your anxiety.

**7. Rest.** Give your brain time to process what you learn.

If you didn't do well last semester, you have another semester. A "60" is passing. You need an average of "73" or above to return next year; at least "70" to be invited back on probation. And, most of all, you want to be invited back.

You still have time to make a comeback in your second semester. But now is the time to begin. Get to work!

## Careers

A significant portion of students who are now in their last semester of law school stand at a crossroads: Begin constructing the story they'll need to tell family and friends about how the ripple effects of the dot-com crash crushed the dreams of bright legal minds ready to save the world in \$125,000 per year increments; or, start looking for a job now. Those who have working spouses, who have grown weary of eating Ramen noodles for dinner every night, or who have Uncle Sam-sponsored loans at the sunset of their deferment realize that the former road is not exactly a viable option. The following are some ideas from Leah Fisher, Assistant Director of Career Services, that will hopefully save at least a few from advanced degree-style poverty:

**-Attend One (Or Both) of the Upcoming Job Fairs**

**Public Interest Job Fair (February 22, 2002):** employers will conduct both private and "table" interviews.

**Atlanta Legal Hiring Confer-**

**ence (March 15, 2002):** strictly for Atlanta-area employers seeking to hire students with diverse interests and backgrounds, not just necessarily those who are at the top of their class.

**-Take Advantage of the Career Services Office**

**Spring Recruitment:** Remember that the list of employers already circulated is not the end of the story. Many smaller employers in particular recruit on an "as needed" basis.

**Online Job Postings:** Sign up for lifetime use

**-Use Other "Traditional" Job Search Strategies**

**Read the Fulton County Daily Report (or other court organ):** Contact local firms who are working on a case you're interested in, and ask if they'd be willing to give you work on a contract or part-time basis. Contract work can be a great way to network and build experience.

**Post Your Resume on Monster.com or Hotjobs.com:** This is especially a good idea if you are looking for non-traditional or non-

legal work, or work outside of the area. Get a feel for which corporations are hiring and what the markets are like in other cities.

**-Check Government Web Sites' Employment Listings**

**Network:** Can't say it enough. With job hunting, especially at this stage and in this economy, the attitude to have is one of flexibility. Consider working part-time during the semester to build experience and make contacts. Be willing to work in an area of law that may not be your "dream job," if such a thing exists. Diversify your search in terms of the types of employers you solicit. Remember that, if you're looking for non-legal corporate work, that companies tend to do less hiring as the end of the year draws closer. Most importantly, do not wait to get started.

**Don't forget these dates:**

- **Public Interest Career Fair: Feb. 22**
- **Atlanta Legal Hiring Conference: Mar. 15**

### Answers to last issue's puzzle:

ACROSS:

1. diversity
6. intestate
9. alienate
12. forum
15. eleventh
18. en banc
21. tenant
22. gross
23. arbitrary
24. equitable
25. ambit
27. firm
28. subpoena
31. overruled
34. peppercorn
37. assignment
38. fiduciary

DOWN:

2. eject
3. offer
4. bilateral
5. partition
7. fraud
8. libel
10. intent
11. perjury
13. OCGA
14. concealment
16. revocation
17. forbearance
19. CFR
20. heirs
26. FSUPP
29. per se
30. surety
32. venue
33. good faith
35. citations
36. reversed

**Look for a new puzzle next edition!**

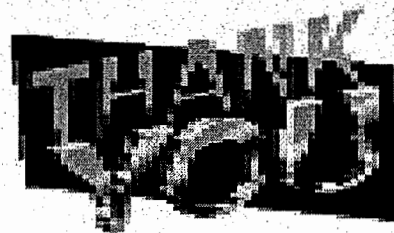
### HONORS DAY



April 9, 2002

West Exhibit Area  
4:30 p.m.

More info coming  
soon. . . .



Trish and Jonthan,  
Thank you for all your  
hard work.

--The Docket Staff