November 1998

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1998 Law Symposium on Federal Criminal Discovery

Chris Darden, former Assistant DA with Los Angeles Prosecutor’s Office, to speak.

By Jay Fisher, IL

The 1998 Georgia State Law Review Symposium will be held on campus on Wednesday, November 11, and promises to be an even more publicized event than previous ones. The Symposium, which is titled “Federal Criminal Discovery—A Tool for Truth,” will focus on the topic of federal criminal discovery rules and issues that have arisen in this area with the advent of expanding technological innovations, such as global interaction has become a commonplace phenomenon. All these developments have radically affected the rules and procedures of criminal discovery, especially in federal cases. The Georgia State Law Review Symposium is a long-overdue conference to examine the constitutional and practical issues affecting this area.

“Back in 1963, Justice Brennan of the Supreme Court urged the adoption of new discovery rules as a ‘tool for truth,’” said Cathie France, Symposium organizer. “He wanted to get away from the rules being used so one side could hide critical evidence from the other. A key goal of this conference is to see how far we have come along in realizing his goal.”

The Federal Criminal Discovery Symposium is taking place concurrently with a conference of the National Association of Criminal Defense Lawyers that will be held in Atlanta starting November 12. The scheduling of these two events at the same time has helped the Symposium to gather a list of well-known speakers and guests whose expertise should greatly add to the discussion.

The notable speakers in attendance this year include such high-profile names as Christie Darden, Magistrate Judge Gerrilyn Brill, and Larry Pozner.

According to organizers for the event, 35 years ago, a similar conference was held in Washington, D.C. that focused on evidentiary discovery at that time. Since then, a massive upheaval has occurred in the high tech industries, and global interaction has become a commonplace phenomenon. All these developments have radically affected the rules and procedures of criminal discovery, especially in federal cases. The Georgia State Law Review Symposium is a long-overdue conference to examine the constitutional and practical issues affecting this area.

“The decision to interfere with an instructor’s grades is not an easy one; the threshold is very high.”

By Michael Walker, 3L

Students from one section of Litigation from Spring 1998, were given the option of keeping their numerical grades or taking a “pass” after concerns were raised about grading problems within the section. However, the same option was not offered to students from any other sections. The problems surfaced after one student contacted Professor Mark Kadish, the Litigation Program Director, to express concerns about the instructor’s grading and his apparent failure to genuinely evaluate the student’s work. The student informed Kadish that the instructor made few if any substantive comments on the student’s submitted assignments, including the heavily weighted trial notebook.

Kadish investigated the situation by reviewing the student’s written assignments, by speaking to other students enrolled in the section, and by speaking to the section instructor about his method of evaluating student performance. Kadish concluded that he could not be confident in the standards used by the instructor to evaluate the students. Kadish discussed his concerns with Associate Dean Steven Kamishine. They both concluded that the grades were too tainted to stand and that the students in that section

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According to Kamishine, the grade changes were not the result of student complaints about the strict curve that was applied to Litigation grades in the middle of the spring semester. “We have heard from students about the curving, and we understand their concerns; but that was not at work here,” he said.

When asked about the possibility of grade changes for students in other sections, Kamishine responded, “The decision to interfere with an instructor’s grades is not an easy one; the threshold is very high. The problems that surfaced in this case were very unusual; it was apparent that the instructor never really evaluated some of the students’ work product.”

Litigation instructors are adjunct faculty hired specifically to teach one section of the required course. The instructor of the section involved with grade changes was a first-time GSU instructor and will not return next semester.
Relections on Hate Crimes: Law Professor Speaks

By Beth Littrell, IL

Standing alone in the center of a small, wooden stage, a man attempted to raise his voice over the hundreds of students laughing and talking on their way to class. He spoke briefly about a vicious assault. He reminded the collegiate crowd that a young man was dead; one quiet, bright, peaceful young man who only recently walked through a campus like this one, laughing and talking on his way to class. A college student chosen for brutality, beaten beyond recognition and strung up on a fence, left to die of injuries and exposure, for one reason: his sexual orientation.

“There is no redemptive value to this tragedy,” said John Speaks, a GSU alumni and human rights activist, referring to the death of Michael Shepard of the University of Wyoming. “It will only lead to an increase. It will only lead to more violence.”

The open forum on hate crimes, organized by Georgia State students, drew a crowd of about a hundred several weeks ago. A technical malfunction left the speakers without a microphone, but they spoke nonetheless. The people who took the stage raised awareness with raised voices. Most called for hate crimes legislation. Many told stories of personal experience with hate-motivated violence. They spoke of apathy and the need for coalition building. One had the courage to challenge the crowd.

“Are there already laws on the books,” an unidentified student said. “Why do you need special laws?”

“Because it affects an entire community in a vastly different way than an individual crime,” said Jordan Forman, assistant director of the Anti-Defamation League. The need arises because “crimes clearly motivated by hatred of a group, not an individual, puts an entire community at risk; he said. “Terrorism deserves a more severe punishment.”

Forman drove home the point with an example. A synagogue is spray-painted with the words, “Tony loves Jane,” another with a swastika and the words, “Kill all Jews!” He thinks the crimes should be treated differently because they are different. One creates a climate of fear and intimidation while at the same time, encouraging bigotry.

“Bigotry historically brings violence,” said Linda Harrison, a GSU College of Law professor. “We know there are groups of people who have been historically disenfranchised in this country.” Legislative attempts to “level the playing field,” such as Affirmative Action and Title VII of the Civil Rights Act, are nothing new according to Harrison, who teaches Sexual Identity and the Law.

Still, there are those who believe the legislation is unnecessary. Some think it legitimizes unpopular behavior, like homosexuality, or would grant special rights to minorities. Harrison disagrees. She pointed out one of her course’s first lessons - everybody has a sexual orientation. Anti-discrimination laws protect equally. There are no special rights or different categories of protection. Because everyone has a racial affiliation, a gender, and a national origin, the proposed hate crime laws offer equal protection. They simply offer greater punishment if anyone is targeted for violence or intimidation based solely and overtly on one of the classifications enumerated in the legislation.

Many students don’t think in those terms because they have no need, said Harrison. Perhaps because they aren’t persecuted, condemned or oppressed because of it, many students fail to realize they have a sexual orientation when it is heterosexual; or don’t think in terms of a racial affiliation because they are WASPs.

Harrison said the summer course opens students’ minds to issues facing people different than themselves, and she believes it is invaluable knowledge.

“People who call themselves educated need to know what the real issues are and not just the rhetoric,” said Harrison.

According to the non-profit organization, Fighting Hate Across the Nation (FHAN), the increased punishment might not have an effect on the capital murder cases in the headlines. And it won’t ease the pain of the family in California, who live without Vincent Chin, beaten to death with a baseball bat because two men mistook him for a "Jap." Neither will James Byrd Jr.'s family gain relief. They will live with the grief and knowledge that their relative was dragged behind a pickup truck by alleged white supremacists, far enough to rip his head and one limb from his body.

But, for others it would have made a big difference. Thanh Mai’s family would have gotten justice. The 23-year-old student, whose skull was split because a white man didn’t like a “gook” looking at him, died from his injuries. His attacker received a two-year sentence. And, increased punishment will help the next Atlantan who is brutally bashed, as many who spoke at the forum bore witness to.

The students who spoke at the forum shared their stories of injustice. They told firsthand stories of violent perpetrators whose light sentences reflect the homophobia and racism of judges and juries. Other stories mirrored a system in which the prejudice of the police discourages even reporting the crime. These student speakers called for the crowd to allow the deaths of the innocents, at the hands of brutal bigots, to create change. Their unwilling sacrifices, they hope, will lead to increased legislation. They reminded people that there are hundreds more that die unnoticed, thousands who become crippled, maimed and terrorized every year because of who they are, or who they are perceived to be.

In the end, as Speaks said, there is no redemptive value. There is only more violence. And, today, at the University of Wyoming, one less college student is on his way to class.

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1998 Law Symposium Schedule
Wednesday, November 11, 1998

The symposium events will be a comprehensive examination of multiple areas of criminal discovery and will run all day long. The schedule for this event is:

9:00 am Greetings and Introduction
9:20 am Bruce Malloy - Overview of the Issues
10:45 am Peter Henning - Discovery in White Collar Crime Cases
12:30 pm Lunch
1:00 pm Final Remarks

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For more information on the Georgia State Law Review Symposium, contact Cathie France at telephone number (404) 651-2047.
Law Students Attend Summer Classes in Austria

By Stacy M. Pineo, 2L

The title, Transnational Comparative Dispute Resolution Program, may be long and imposing, but for those who’ve been on the trip, it’s also known as the most fun you’ll have in Law School. The Georgia State University College of Law sponsors a month-long study abroad program in conjunction with the Johannes Kepler Universität in Linz, Austria. I went on the May/June 1998 trip and it was the best (and shortest) month of law school I’ve had so far! The program this summer was the first to be accredited by the ABA, so students from other law schools may be joining GSU law students next summer as the word spreads about this popular program.

It’s popular for a reason. The program consists of two seminars; International Commercial Arbitration and European Civil Litigation. Classes ran Monday through Thursday and on Fridays we took trips to Prague, Vienna and Budapest to see the different Arbitral Courts. We also visited Coca-Cola’s European office in Vienna, the law firm of Heller Loeber Bahn in Vienna, the steel mill in Linz, VOEST Alpine Technologies, and spent a day at the University in Salzburg where we attended a lecture on human rights. Also in Linz, we spent two days at the courthouse, studying the differences between the Austrian civil-code and our common-law legal system. It’s a very concentrated program, the pace is fast and furious, yet we managed to have great fun in our free time.

Ah, yes! The free time! Linz is a great central location, perfect for the student traveler. A few hours on a train and you can be almost anywhere. Vienna, Salzburg, Prague, Munich, Budapest, Venice, and all the picture-perfect towns in-between are all within reach. After the Friday lectures, we were free to travel until Monday morning. Most took advantage of the fact that we were in a beautiful city and spent the weekend exploring it, whether it was Prague, Vienna or Budapest. Some returned to Linz to enjoy a few days of (much needed!) rest and relaxation, while a few hearty souls ventured out even farther.

Linz itself was a wonderful host-city. We stayed at the Sommerhaus Hotel, known as the Raabeham! Herr and Frau Muller managed the place and made us feel right at home. The first few days were a struggle for some: jet lag, foreign language, funny money, bubbly water, beef or pork, stores close at 6:00 pm, sunrise at 4:15 am!, and what was with those weird toilets? Once everyone learned how to ask for chicken or turkey at the deli counter at the Winkler Market (a.k.a. “The Fonz”), find bottled water (“ohne gas bitte”), and guessimate at how much things cost, we were fine. Really. Calculating how much alcohol was in those half-litres of beer took a little longer! A word to the wise; you are traveling with your peers. Someday you will be practicing law with them, or at least have to face them in class in the fall. Try not to create a lasting impression in their minds that you can barely remember! (Am I speaking from personal experience? What do you think?)

That said, Sassi’s was one of our favorite bars. And there’s a great little Irish Pub just off the Hauptplatz that Professor Lanier might lead you to, if you’re buying! And have I mentioned the food? Those of us that had been to Germany or Austria before knew what to expect... Wiener Schnitzel, Bratwurst, Rostbratten, etc. Yum! But don’t worry, there’s a great path down by the Danube that’s perfect for running, walking, biking, or roller-blading. Soccer is a very popular sport over there as well, and we were lucky when you get back. Or don’t work; keep traveling if you can. Some people got to go Eurailing through beautiful Italy, others got to see a World Cup match in Paris, still others made vacation plans with their families. It’s an unexpected program and a great addition to your law school curriculum.

Environmental Law Society

The Environmental Law Society seeks to educate the law school community about current environmental issues and environmental law practice. This year’s ELS team consists of a mostly outside shooting lineup with the former Susan Poston and David Hoffman making up the starting ELS team. This year, Professor Victor Flatt has given an overview about environmental law courses and job opportunities; and Ann Pickett, a recent GSU graduate, has discussed her path to a public interest environmental law gig.

We plan to have a speaker here at GSU from the Environmental Protection Agency in November. Next semester, we hope to have several speakers, including a partner at a large local law firm and a spokesperson from the Sierra Club. Also, we plan to send two students to a National Environmental Law conference in Washington, D.C. in February, 1999.

The ELS is planning to participate in the annual Red Clay Conference in Athens, GA this spring and to help in a river cleanup. GSU has a very strong environmental program and we encourage everyone to come out and listen. The Society also has occasional social events, which is another chance to stay involved.

To be added to the ELS mailing list, please sign up on the sheet posted on the Society’s door on the second floor.
Law Review News

The Georgia State University Law Review is the College of Law's student-run and student-edited scholarly legal journal. Our fifty-six member staff, consisting of second- and third-year law students, publishes four issues of the Law Review annually with a mix of articles written by our students, by professionals and by law school faculty from across the country. In each issue, we endeavor to cover those topics on the leading edge of legal debate and reform, with a special focus on areas that hold significant interest to members of the Georgia legal community.

This year, the Law Review is celebrating its fifteenth anniversary, but as a young addition to the list of nationally-published legal journals, our goal is to bring prestige and notoriety to the College of Law through excellence in legal writing and analysis. Recently for example, the Law Review sent reprints of an article from our May 1998 issue to each Justice on the United States Supreme Court. The article, authored by 3L student Katie Wood and entitled "Holding School Systems Liable for Peer Sexual Harassment," concerns a Georgia case, Davis v. Monroe County Board of Education, in which the Court granted the petition for writ of certiorari. The article provides an excellent discussion of the Eleventh Circuit's decision in the case, as well as other recent cases involving peer sexual harassment causes of action, which may generate interest among the Justices. Also, this month, the Law Review will be holding its annual symposium, which is open to all College of Law students. Our speakers will be discussing issues which are on the leading edge of federal criminal discovery and their commentary will be published in an upcoming issue.

Also, we would like to remind the 1Ls that, while they must wait until the Summer of 1999 to participate in our Candidate Selection process, a successful first year in law school is essential to becoming a member of our staff. We invite twenty-eight members of each second-year class to join the Law Review: fourteen students will "grade" onto the staff, as the highest-ranked students in their first-year class, and fourteen students will "write" onto the staff, based upon their performance in the writing competition held over the summer.

Our offices, located in the back corner of the law library, are always open to every student with questions and suggestions. Since our specialty is legal writing and research, we hope that we can be a valuable resource in those areas. For more information on the Law Review, please contact Tom Schramkowski, Editor-in-Chief, or Denise Kazlauskas, Managing Editor, or any member of the staff. The Law Review number is (404) 651-2047.

Notice of Class Addition

There will be two sections of Advanced Evidence in the Spring: a Tuesday night section taught by Professor Deane and a Wednesday night section by Professor Milich. Both sections are limited enrollment and require a paper that satisfies the writing requirement.

Phi Delta Phi Inducts New Members

By Denise Kazlauskas, 3L

The members of Phi Delta Phi International Legal Fraternity held Fall initiation on October 19, 1998 and initiated seven new members into the Ben F. Johnson Inn at the Georgia State University College of Law. The new initiates include (refer to photo - from left to right): Patrick O'Connor, Tom Lundin, Rebecca Capes, David Moulds, Kevin McMurray, Peter Floyd, and Don Thomas. Judge Michael Allgood (behind bench), the state President for Phi Delta Phi and former GSU law graduate, conducted the initiation ceremony.

Phi Delta Phi was established in 1869 to promote a higher standard of professional ethics. Phi Delta Phi holds for professionalism, legal ethics, and scholarship. It is the oldest professional fraternity in the Western Hemisphere and the largest legal fraternity in existence.

Phi Delta Phi was established in 1869 to promote a higher standard of professional ethics. Phi Delta Phi holds for professionalism, legal ethics, and scholarship. It is the oldest professional fraternity in the Western Hemisphere and the largest legal fraternity in existence. For over a century, Phi Delta Phi has been the home of legal professionals. The Fraternity promotes professionalism, legal ethics, and scholarship through its commitment to excellence in academic achievement and its dedication to its members.

Philosophically, the Fraternity is in support of the rule of law and upholds the principles of justice and fairness. In addition, Phi Delta Phi promotes the importance of community service and encourages its members to be active in their communities. Phi Delta Phi also supports the development of leadership skills and provides a network of support for its members.

International & Comparative Law Society

President: Joe Wyant
Vice President: David Belle-Isle
Secretary: Claire Lemme
Treasurer: Mark Kashdan
Social Secretary: Vonda Wolcott

ICLS is primarily responsible for the administration of the Jessup International Moot Court competition and team. Jessup, the largest moot court competition in the world, will concentrate this year on cultural identity and intellectual property.

This semester, ICLS has sponsored lunchtime talks with Karin Ryan of the Carter Center, who spoke on the establishment of an international court of justice, and Dr. Eva Horvath, President of the Hungarian Arbitral Court, who spoke on differences between European and Chinese commercial arbitration.

Intellectual Property Law Society

On Tuesday, November 3, the Intellectual Property Law Society (IPLS) hosted Jim Johnson and John McDonald of the Atlanta intellectual property law firm Jones & Askew who presented a seminar on "Licensing of Intellectual Property." The speakers also held an open discussion concerning career options at boutique and large firms in the Atlanta area. Turnout for the presentation was exceptional - about 40 students attended.

The IPLS is a newly formed organization which will be meeting on a more regular basis in the future to discuss current issues in intellectual property law.

For more information, contact Roger Williams at roger.williams@trottmansanders.com or Sandra Ghosh at sumita@gsu.edu.
Austrian Professor teaches classes in International Law

By Sarah J. Hawk, 2L

His distinct Austrian accent strikes you immediately, as do his European suits which are stylish in colors that defy the American blandness of corporate blue and black. Professor Hans Dolinar, a visiting professor from Austria, brings his unique international perspective to the Georgia State community by teaching two classes this semester. This program is run in conjunction with the American Alternative Dispute Resolution Program at Georgia State and its sister school in Linz, Austria, co-directed by Professor E.R. Lanier.

Dolinar's presence here as a visiting professor have established a partnership agreement permitting students to gain experience in a foreign civil law country during their regular J.D. studies. This month-long, summer program is intensive in subject matter with legal exposure to the international cities of Linz, Vienna, Salzburg, Prague, and Budapest.

During the 1998 Transnational Alternative Dispute Resolution program held in past summer, approximately 30 students from Georgia State University attended. Several law faculty members also attended including Professors Landau, Yarn, Gregory and Lanier, who taught the international aspect of related law topics.

Background:

Professor Dolinar was born and educated in Vienna, graduating from the Law School of Vienna University in 1963. He served with the military in the Austrian Federal Army in Salzburg and Vienna and has been a professor at Johannes Kepler University in Linz, since 1967. He became president of that university in 1983, a term which lasted until 1988. In 1991, Professor Dolinar spent a year in the United States as a Visiting Scholar at the Harvard Law School. The Partnership Agreement between Georgia State University and the University of Linz (Johannes Kepler University) was formed in 1994, as one of the first of its kind in the United States.

In an interview with The Docket, Professor Dolinar shared his thoughts on being a visiting professor.

Interview:

Q: Is your family here visiting?
A: Unfortunately, the family did not come visiting me, because I have an eight-year-old who has to go to school, and she refused to come to the United States arguing that she cannot take a leave in her class at school and she was adamant about it.

Q: What are your main interests?
A: I am a person of civil procedure, teaching civil procedure at my home university in Linz, Austria, but I developed an international focus and a research track with Professor E.R. Lanier after my term as president of the university. Our main interests are in international commercial arbitration and in comparative civil procedure, which should be emphasized in the comparative domain in general.

Q: What are the benefits to this type of study?
A: We think that the enforcement of the law is an important aspect in international business and looms always in the background. Therefore, basic knowledge about corporate organization and organization of the bar and bench in foreign countries where business is conducted is of paramount importance for the international practitioner as well as it being a practical prong.

Q: What is the exact nature of the program under which you are teaching?
A: There is a partnership agreement between the Georgia State College of Law and Johannes Kepler University, and provisions have been made for the exchange of students and exchange of teaching staff in order to promote international dimensions for both institutions. We also set up a Transnational Alternative Dispute Program, which has been active since 1994. Since 1997, the program has been granted accreditation by the American Bar Association so that the credits earned in Austria are valid for the regular J.D. program in the United States. In addition, there is also an interest in establishing an international base within the College of Law itself in order to motivate more students to study comparative civil procedure and international commercial arbitration, which might be useful for their career in law firms with an international focus.

For that reason, the College of Law invited me this year as a visiting professor to teach two courses, one in International Commercial Arbitration and the other in Comparative Civil Procedure. I have been here on a regular basis since 1992, but the 1998 commitment is the first as a visiting professor at the College of Law. The earlier stays have been research stays in order to develop a research focus in comparative civil procedure and international commercial arbitration.

Q: Can you describe Johannes Kepler University?
A: It is a regular university in Austria and there are university centers in Vienna, Graz, Innsbruck, Salzburg and Linz. In Linz, we have three faculties: the law faculty, faculty for business administration and economics, and a faculty of science and technology focusing on physics, chemistry, computer science and mathematics. The institution has a total of 50,000 students of which there are approximately 1,800 law students. What is unique about the law curriculum is that we reform our law curriculum by introducing an international track. It consists of a two-hour course of legal English in the first stage of the studies and six hours of teaching in English on an advanced level, concentrating on international commercial arbitration, comparative civil procedure and an introduction to the common law legal system. With that program, it will be possible to have more American teachers in Linz on an expanded level than we have in the past.

Q: What are your specific interests here in the United States?
A: Apart from doing research without interference into routine university matters, and teaching the two courses, my general interests have been the challenge of living in the U.S. for a prolonged period of time as if I were an American. I think it is intellectually important for me to have this experience and this exposure not only to the College of Law but also to the American pattern of life.

Q: What are your impressions of the law school and students?
A: I like the American approach to legal studies where the students accept compliance with assignments and then engage in a Socratic dialogue on issues raised. This interaction would not take place in Austria. There’s another aspect to this stay in the United States. If I didn’t have the possibility to have access to that exposure it would have a negative impact on my research and outlook in general.

Q: What do you think about American culture, food, etc.?
A: I like the uncomplicated approach to food by the Americans when it comes to snacks. It is efficient and uncomplicated. Atlanta is a good place to experience not only American food but also the whole range of food cultures of the world. I have a strong preference for seafood, which is offered at a quality not seen in Europe. On the unhealthy side, I unfortunately like steaks and Mexican food, because it is spicy and exciting.

Q: What is your opinion of Atlanta?
A: I have been exploring Atlanta since 1992, and consider it a dynamic quintessential American city where you can experience what America is all about, and I come back to enjoy this.

Q: What do you think of current American politics?
A: [Professor Dolinar declined to comment on the interesting state of affairs that the Clinton administration has bestowed upon our society.]

Professor Dolinar will return to Austria at the end of the fall semester. For additional information on the program, see Professor Lanier, Director.
President's Report: SBA at Halftime

By Rupal Vaishnav - SBA President

By now most of you are in full swing towards preparation for exams. The First Years are worried silly about finding study groups and outlining. The Second Years just want Moot Court tryouts to be finished and the Third Years, like myself, can take comfort in the fact that we are one semester away from reaching the end of the tunnel.

I want to take this opportunity to fill you guys in on what the SBA has done and what we plan to do in the near future. First, I want to thank those board members who have worked hard this semester to make a difference in our law school. Despite their busy schedule, they have found time to help the overall student body through their various projects. Thank you.

SBA published the current student directory. We have added a faculty and staff section for everyone's convenience. We hope this tradition continues through the coming years. We want you to partake of as many activities as you can. Stay involved, have a pleasant remainder of the semester, and good luck on your exams.

The SBA is also involved with the Atlanta Bar Association's (ABA) Lunch With the Pros. We have been instrumental in voicing our concerns and comments on the type of speakers the students want to have come speak at the school. We have helped, along with the Career Services Office, to host two speakers this semester and plan to have two more next semester. We also want to stress the network opportunities that are available to students once they become ABA members. Students have opportunities to meet local attorneys who practice in their areas of interest. Please take advantage of this opportunity. It is never too early to start networking.

We have reorganized the bookswap and removed books that are outdated. We are also enforcing the old policy - SBA is not responsible for any lost or stolen books. The bookswap is a service offered by the SBA for the students. We try our best to make the process painless and worry-free for all the students. However, there are times when an SBA representative is not available to oversee everyone and we have a few mishaps. While the SBA does a good job of limiting these mishaps, they do occur. Thus, students must realize that the use of the bookswap is at their OWN RISK.

We have tried to contact owners of the outdated books. However, there are individuals who have left no forwarding address or phone number. The SBA plans to donate these books to a volunteer/charitable organization. Books that are not donated will be offered in a book sale. These books will be available at a very nominal cost and the proceeds will go to benefit the student body.

We also sponsored the ABA Work-A-Day on October 24, 1998. We had a great turnout and GSU volunteered at 4 different sites. Through programs such as these we are able to give back to the community and bridge the gap between attorneys and society. In their own small way, projects such as these work to bring down the negative stereotypes of attorneys. Due to all the positive feedback, we plan to do another community project next semester.

The SBA is already working on coordinating activities for Law Week (April 5-10, 1999) and the annual Barrister's Ball (April 10, 1999). We are in the planning stages and if you want to help out, please contact myself or the SBA Vice President, Dawn Jones.

Next semester, we are planning to have more speakers and events for the school to participate in such as the law school regional mixer. This will be an opportunity for GSU students to meet and socialize with students of other Georgia law schools. On top of that we are going to hold a blood drive, a CPR course and much much more. If there are things that you want your SBA to be doing please do not hesitate to attend one of our PUBLIC meetings and give us your input.

Last but not least, SBA will be selling designer GSU hats starting next week. Soon thereafter we will have coffee mugs. Every self-respecting GSU student should have a hat and at least 2 coffee mugs (can't blame a guy for trying).

Seriously folks, in order for all of these things to be successful, we need student involvement. This is for you and it is important that you partake of as many activities as you possibly can. If there are any concerns or comments please feel free to contact your SBA representative or myself. We will do all we can to address your comments and concerns.

Stay involved, have a pleasant remainder of the semester, and good luck on your exams.

Delta Theta Phi

Delta Theta Phi Law Fraternity invites all students to become part of our organization immediately! We have many exciting plans and activities on our calendar, but there is always room for more members.

Some of our plans include guest speakers, academic enrichment programs, monthly meetings, social events, and Law Week activities. We will have a great time during this academic year, and invite all to share in the support and fellowship of the fraternity by joining!

Benefits of becoming a member of Delta Theta Phi include:

- Law outlines on file in our office (by subject)
- Professor evaluations
- Monthly meetings (both day and evening)
- Bench & Bar guest Speaker series
- Academic help programs
- Social interaction (remember being human beings?)
- National affiliation
- Complete Georgia alumni contact directory for networking
- Membership pin and certificate
- And much more...

Membership applications are available on the bulletin board next to the SBA bookswap. For more information, you may speak with any Delta Theta Phi member or drop by the fraternity office on the second floor. If no one is in, please leave a note under the door and we will contact you as soon as possible. Officers are especially willing to answer questions about our organization and plans.

Dean:
Melody Hunter
404-206-7337
gs08mlh@panther.gsu.edu

Vice Dean:
Terri Duda
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Secretary:
Wenda Murphy
770-642-7534
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Social Chair:
Rick Rycezek
770-761-0579
rycezec@peachnet.campus.mci.net

The cost of membership is $75.00 the first year and $35.00 each year thereafter for renewal. Checks should be made payable to Delta Theta Phi. Your membership application and check may be given to any member or placed in Mailbox #682.

ΔΘΦ
Phi Alpha Delta

Phi Alpha Delta held its first initiation ceremony of the year at the Georgia Supreme Court Building on October 24, 1998. The Phi Alpha Delta chapter at Georgia State is known as the Russell Chapter. The chapter re-activated last year going inactive and currently has over 40 members.

The fraternity plans on sponsoring a canned food drive during the winter holidays, a review session for first year students taking fall exams, and a Holiday Party on December 19th.

Phi Alpha Delta will also sponsor the 2nd Annual Memo Morning Mixer on the day the first year students turn in their memos for RWA. On this morning when 1Ls show up exhausted and relieved that their fall RWA work is complete, the members of Phi Alpha Delta will be there to congratulate them in the lobby with hot coffee and warm pastries. All of the faculty are invited to attend as well.

Phi Alpha Delta is dedicated to service -- service to the law school, the law student, and the community. In addition to community service projects and academic enrichment programs that are offered to the students, the fraternity attempts to unite the law students at GSU by providing social opportunities for students and faculty members alike to attend.

The fraternity would like to congratulate our new initiates and welcome other students who are interested in learning more about Phi Alpha Delta to stop by our bulletin board on the 2nd floor to pick up additional information.
Reflections on the Bill of Rights

By Susannah E. Scott, 2L

One Sunday evening, after having spent a beautiful autumn day lost up in the mountains, my boyfriend and I were winding our way through downtown surface streets when we came upon a police barricade. As we stopped, I noticed several cops moving from car to car carrying a Breathalyzer. One officer came up to our car and Breathalyzer the cop was holding up. The officer asked Mat if he'd had anything to drink out the car window to blow into the straw of the Breathalyzer. Mat honestly answered no and leaned out the car window to blow into the straw of the Breathalyzer results, wished us a good evening, and waved us on down the street.

Now before you get on your Fourth Amendment bandwagon, I ought to tell you we were in Australia when this happened. I had been taking a summer semester abroad course at MacQuarie University in Sydney. One of the classes I was in was Comparative Constitutional Law, so I knew there were some differences between the two countries, but how different we were in some regards hadn't sunk in until that moment.

Roslyn Smackum: I would make a greater variety of courses available in the summer, especially the ones that are hard to get into.

David Cornelius: I would reinstate Legal Method. I'd also make people be quieter in the library!

Nineteenth century Australian politicians and legal scholars spent a number of years at the end of last century working to create Australia's constitution. To a large extent, they looked to the American constitution and American jurisprudence for guidance. They saw the problems we had in fleshing out the Commerce Clause and decided to be a lot more specific in what they meant with theirs. They examined our governmental structure, compared it to Britain's, and decided to stick with the Westminster system. But in most respects, they followed the American example with one notable exception.

No Bill of Rights. They agreed with our drafters that there are certain fundamental rights that should be enjoyed by all people. But if a right is fundamental, they reasoned, why do we need to spell it out? They decided to leave the job of figuring out those rights to the High Court (the Aussie version of the Supreme Court) rather than risk setting out some rights and inadvertently leaving out others. Far better, in their opinion, to let the Court determine what rights were fundamental on a case-by-case basis, than to create a potentially incomplete list that a future court might feel was meant to be all-inclusive.

As it turns out, the implied rights the High Court has recognized as being fundamental thus far (they've been at this job for less than a century and cases about fundamental rights don't pop up every day) pretty much match up with ours. They recognize freedom of speech, relying heavily on Sullivan v. New York Times, although limiting it in certain respects (politicians aren't fair game just because they're public figures, which makes for a refreshing change at election time). They have also implied that the people have a right to a representative government, at least at the federal level. But there are no Fourth Amendment protections: no right to be secure in your person, papers or effects without probable cause and a warrant. As one cop I met put it, "We don't have any of that Miranda/Bill of Rights crap to deal with." The argument I heard repeatedly in defense of random Breathalyzer tests was, "It's better to catch a drunk driver before he kills someone than after." There's truth to that statement. And yet, I can't get past the idea that it's wrong to subject a person to a search when there's no probable cause to suspect them of wrong-doing in the first place.

Although I doubt we have to worry about road blocks for random Breathalyzer tests anytime soon, I do think that we Americans are becoming more and more willing to trade in on what we've long considered fundamental rights for the same reason that Australians have been willing to accept random Breathalyzer testing - safety.

Keep in mind, that fifty years ago, when George Orwell published 1984, it was incomprehensible to most Americans that the state would ever have cameras everywhere monitoring our actions. And yet today, I see security cameras all over the place. In certain cities around the country they're not just in places of business (like banks, convenience stores and MARTA stations), they're on street corners. And we accept this because we think it helps as a deterrent to crime and therefore promotes safety. But as Justice Brandeis reminded us in Olmstead v. United States, 277 U.S. 438, 479 (1928), "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent.... The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

Maybe those road blocks aren't so far away after all.

1L Election Results

1L Full-Time Senator: Bernadette Clark
1L Part-Time Senator: Michael Warner
1L At-Large Senator: Christopher Abbott

Each class has a full-time, part-time, and at-large Senator (except the 3rd years, who lack a 3L part-time Senator) to represent their concerns and needs to the SBA. Find out who the SBA Board members are, and make it your business to get to know them as they are working for you.

Strictly Hearsay

We asked for your opinion, and this is what you had to say.

Question Asked: What would you change about Georgia State University College of Law if you could?

Adam Emrick: The inefficiency of the administration department.

Kerry Beaver: The fact that most extracurricular activities - speakers and lunch activities, etc. - are never held at night when night students are available.

Julia Norris-Brown: The hours various facilities are open. For those of us who are night students, the early times the gym, bookstore and food court close, don't work and we need these facilities as much as day students do and we even pay for their use.

Katherine Eichelberger: I wouldn't put so many of the "good" classes at night.