January 2010 Docket

Georgia State University College of Law

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Understanding the registration controversy

"Class reserving" framed by issues of ethics, notice and technological limitations

By Andy Hagenbuch, 2L

Registration for second year law students at Georgia State University for Spring semester 2010 opened up at Noon on October 27th, 2009. Hoping to get the few remaining spots in the classes of their choice, 2Ls crammed into any available classroom, most at least 15 minutes before noon, repeatedly refreshing the registration website. Within a minute after registration opened, many of the classes were already filled and some students had to resort to their second or third choices in many classes, including some very inconvenient hours for some litigation sections.

However, for those 2Ls who worked with a 3L to hold the classes they wanted, there was never any doubt they would be able to register for their classes.

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Speculation and rumor quickly spread among the students. For some, the first and final word on any inappropriate registration practices came directly from Sobelson in a school-wide email, stating only that, “It appears that one or more students may have taken undue advantage of their early registration privileges and ‘reserved’ class spots for students who might not be able to register for those classes until late enough that the classes are closed.”

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Additional security added for students leaving Urban Life after dark

By Kevin Jeselnick, 2L

The Georgia State University police department has implemented a new service for students of the College of Law and others in the Urban Life building in order to ensure that the campus remains as safe as possible for students, faculty and staff. A uniformed officer will be available outside the building each day after dark this semester. The officer will escort them to their vehicle or MARTA.

The program is an extension of the campus’ existing safety escort service. The service currently provides two escort vans on call 24 hours a day, 365 days a year. They pick up students and take them to or from any campus building, to any nearby parking lots, GSU or Five Points MARTA station, or other destinations near campus. The Escort Vans can be reached by calling (404) 413-2100 or 3-2100 from a university phone.

According to GSU Police Sergeant Kristal Perkins, the additional escort will be stationed outside the building each day between 3 p.m. and 10 p.m. to serve as a crime deterrent—specifically as an escort to students leaving night classes or the late evenings in the library from 8:45 to 10 p.m.

Find more employment statistics from the GSU College of Law Career Services Office on Page 4

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<th>Employment Statistics - Class of 2008</th>
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Source: GSU College of Law Career Services Office

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<th>Average Starting Salaries</th>
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Graph showing average starting salaries.
Governments and humans: An insider's view of the EPA

By Jane Stebbins, 2L

Comments made by employees of the EPA in this article are personal views and do not reflect the official positions of the EPA or the United States.

To many Americans, the Environmental Protection Agency (EPA) represents the quintessential monolithic government—something from Douglas Adams's Vogon philosophy book. But it is much more than that.

Recently, I had a chance to look beyond the machinery of the EPA. Last semester, the possibility of an externship with the EPA gave me the opportunity to learn a little more about the agency and its inner workings.

Just visiting the EPA office involves visions of a bloated federal government agency. Located in the Sam Nunn Federal Building, an imposing structure complete with a gray courtyard and green tinted windows marching in straight, perpendicular lines, the setting for the EPA's Region Four headquarters in Atlanta does little to shed the typical imagery of government bureaucracy.

Guests hoping to visit these offices must sign in, navigate security and locate the appropriate elevator in the dim, cavernous lobby of the federal building. Upon reaching the correct floor, the guest must sign in again and stare into a computerized camera for photo documentation of their visit.

Beyond the necessary security procedures, however, the bureaucratic stereotypes start to crumble. When I visited the EPA for an externship interview, I was greeted by a middle-aged man with fuzzy gray hair, glasses sliding down his nose and sleeves rolled to the elbow. He led me to a comfortable, somewhat worn meeting room.

There I spoke with a group of equally comfortable, casually dressed attorneys, all of whom were nice, knowledgeable and open about their experience with the EPA. These lawyers working at the EPA are people. They have opinions, they care and they wear blue jeans.

Inspired by my experience during this interview, I decided to peek further into the EPA. Sarah Scott, 2L, a former intern from Georgia State University's College of Law and Paul Schwartz, an experienced attorney with the EPA, provided me with a perspective largely unrepresented in media coverage of the EPA—a human perspective.

After she interned at the EPA in the fall semester of 2009, Scott recognized the burden inherent to security procedures. "Until security gave Sarah her "official" badge, the check-in process added 10 minutes to her commute every morning," she said. "I think that one of the most unexpected aspects of the experience for her was how laid back the attorneys were."

"I was also relieved," Scott said, "to see how much common sense and compassion they used in dealing with different sites. Some of these environmental laws can be pretty strict."

Schwartz is a veteran EPA attorney. Unlike many attorneys, Schwartz works forty-hour weeks. Schwartz primarily works with the Clean Water Act. His daily activities include analysis of complex statutory legal issues, client communication and preparation for potential litigation. Schwartz rarely has to wear a suit, but takes the responsibility seriously and knows his work is important.

"Environmental matters will always be a flash point for controversy," Schwartz said, "because controlling pollution can be very costly, or can disrupt a status quo that someone is heavily invested in and because there are a lot of people who are very passionate about protecting the environment, sometimes to a degree that the law doesn't necessarily validate. So a lot of times when you work on something it's like poking a hornet's nest. It's just part of the territory and you have to develop skills at navigating in a contentious environment."

As one of about 75 attorneys in the Southeast branch, Schwartz said the majority of what he does is help keep the agency out of trouble, which involves ensuring the EPA's actions fall within the constraints of several federal and state laws and regulations.

Scott's work with the agency involved elements of bankruptcy, tax, corporations, property and even criminal laws. Her research included "a lot of Tennessee corporation law," Concentrated Animal Feeding Operations and the Clean Water Act. She also wanted to keep the Rule Against Perpetuities is not anachronistic as survivors of first your property classes might hope.

"It seemed like everything I worked on," Scott said, "led to some different areas of law that was unexpected.... A lot of the projects that I worked on were originally based on environmental law, but the determining issue was usually something completely different—which was both fun and frustrating at times."

Scott not only worked with a broad range of laws, but she also collaborated with several different attorneys—benefiting from their experiences while they benefited.

Scott summarized her favorite aspect of the position, "Getting to work on several different projects with several attorneys and having my opinion/ideas given as much consideration as a "real" employee."

I was also allowed to sit in on both client meetings and opposing party meetings," Schwartz said, "which was interesting to get a fuller picture of how some of these environmental sites are dealt with."

Her position with the EPA also satisfied Scott's newly childhood dream: she received her very own cubicle.

Schwartz has passed the point of excitement over his cubicle, but he reflected Scott's satisfaction regarding his work with the EPA.

He began his career at a larger firm, which he said, "Didn't interest me very much and didn't mesh well with my life in a rock band." He eventually joined the EPA where he has been since.

Schwartz's band, The Big Fish Ensemble, is largely inactive these days, but Schwartz remains intensely interested in his work while maintaining a life outside of the Agency.

"There are some exceptions," Schwartz said, "but usually I take my kids to school in the morning and am home for dinner."

When President Obama took office in 2009, some EPA employees expected major changes to agency policies and practices. Schwartz said that his day-to-day experience has not changed much, but it is early.

"I'd say there is a greater focus on following science," Schwartz said, "and sort of a renewed effort to address some problems that have seemed intractable—figuring out how to deal with climate change, how to better address storm water and agriculture-related pollution, nutrient pollution of waters and coal mining impacts. It's still early in the administration so policies in these areas are still emerging."
Stronger notice against future "class registering" practices. The Dean was less vigorous in his position, saying, "It would be difficult to draft a revision without it being outdated...we only want to restrict the process." Additionally, Sobelson believes the Code's "pro-professional misconduct" provision already encompasses the activity in question.

Although "class registering" is not specifically prohibited by the current Honor Code, the system was improved because there had been no notice that their actions were punishable.

After discussing the matter with numerous students, it became clear that student reaction to the practice of "class registering" broke along lines of graduating class.

Because the practice has no effect on 3L ability to register for their desired classes, the Dean agreed, for the 2Ls were predictably the most vocally opposed group of students.

The system was designed to ensure everyone had an equal chance at registering for a class. [Those who] circumvented the process and...some professors give out higher grades than others, not getting into a particular class definitely can affect their grade.

On the other hand, some students argue that the practice resolves the third issue using manual methods. Had these safeguards been in place, the class registration controversy in question would not have occurred.

Solving these technological limitations is difficult because the College of Law is tied to the registration software of the University and cannot acquire better software on its own. Even so, Sobelson noted, "the first two problems have since been solved." The Dean and Registrars are currently solving the third issue using manual methods.

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The behavior in dispute involved a cooperative effort between pairs of students: one with significantly more hours than the other. The student with more hours will register for a class that they have already taken or who had already taken or have no interested in taking only to later "drop" that class at a predetermined time.

See REGISTRATION on Page 3.

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Governments and humans: An insider’s view of the EPA

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Many EPA decisions are thrust into Americans’ collective consciousness because of mounting concerns of global warming, water shortages, pollution and the responsive “green movement.” Recently, I had a chance to look beyond the machinery of the EPA.

Last semester, the possibility of an externship with the EPA gave me the opportunity to learn a little more about the agency and its inner workings. Just visiting the EPA office invokes visions of a bloated federal government agency. Located in the Sam Nunn Atlanta Federal Building, an imposing structure complete with a gray courtyard and green tinted windows marching in straight, perpetual lines, the setting for the EPA’s Region Four headquarters in Atlanta does little to shed the typical imagery of government bureaucracy. Guests hoping to visit these offices must sign in, navigate security and locate the appropriate elevator in the dim, cavernous lobby of the federal building. Upon reaching the correct floor, the guest must sign in again and stare into a computerized camera for photo documentation of their visit.

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Paul Schwartz and Sarah Scott’s experiences help to personalize the EPA. Their comments may not prevent many from losing faith in the great governmental machine, but they help to humanize the agency.

The full interview with Paul Schwartz can be found online at www.law.gsu.edu/thedocket.

Jane Stebbins is interested in land use and environmental law. She is particularly fascinated by knowledgably writing incise prose, she can be seen rocking the base with her band, The Jane and Scott Show. Jane is Managing Editor of The Docket. Her other blog can be found at www.janeandscottshow.com.

“T’d say there is a greater focus on following science,” Schwartz said, “and sort of a renewed effort to address some environmental problems that have seemed intractable—figuring out how to deal with climate change, how to better address storm water and agriculture-related pollution, nutrient pollution of waters and coal mining impacts. It’s still early in the administration so policies in these areas are still emerging.

Paul Schwartz and Sarah Scott’s experiences help to personalize the EPA. Their comments may not prevent many from losing faith in the great governmental machine, but they help to humanize the agency.

The full interview with Paul Schwartz can be found online at www.law.gsu.edu/thedocket.

Jane Stebbins is interested in land use and environmental law. She is particularly fascinated by knowledgably writing incise prose, she can be seen rocking the base with her band, The Jane and Scott Show. Jane is Managing Editor of The Docket. Her other blog can be found at www.janeandscottshow.com.
The system was designed to ensure everyone had an equal chance at registering for a class.

Admittedly, the software used at GSU has been criticized for its flaws which permit students to engage in practices of "class rezving" that favor particular students. Although the software has been improved, there is no indication that this practice has been eliminated.

The new service was spurred by student concerns voiced at a Dean's Forum last semester regarding the long waits experienced by those seeking the safety escort service. Other students complained that it was impossible to get information by calling the student on their cell phones as they approached that the student could indeed be out of the building without having to wait outside the entire time.

The best way for students to ensure their safety is to always be conscious of their surroundings. It is important to walk in groups of two or more. Don't take a short cut down a back alley or service thoroughfare just to save two minutes; stay in well-lit areas. You can program the emergency number, (404) 413-2100, into your phone. It is critical to "think ahead" when planning how to best serve our students," he explained.
Spell Check vs. law students: Microsoft's attack on our right to freely associate... words

By M. Christian Clark, 1L

For countless law students, Spell Check and AutoCorrect functions are not only a hassle, but destructive. Students are forced to either live with the two functions, or occasionally use their word processing software's built-in spell checker. For me, the latter was the only option. Developed from the core idea of a computer program's spell-checking tool, it was as brutal as it was effective.

I decided to use Spell Check my first semester.

With a complete install of Windows 7, I realized that Word and One Note had only the default dictionary lists for the Spell Checker. All of the exceptions and words I had to look up had vanished, leaving me with my notes and writings peppered with jagged, red lines.

I determined to find a solution.

I scoured the Internet and found Microsoft's labyrinthine web site. I found that the Internet, with its seemingly infinite information, has no site with the two functions. For others, like me, the following steps are a simple solution to end the struggle with Office's proofing functions.

How Spell Check operates is simple. Office checks a built-in dictionary and flags any unlisted words. AutoCorrect may make changes automatically to commonly mistyped words. AutoCorrect also capitalizes words after a period unless an exception is added. This can be a major hassle with abbreviations and legal terms, especially Latin phrases.

Changes made to most proofing options in Word, apply to all other Office programs. In modern versions of Word, there is a custom dictionary option. You have likely used this by right clicking a misspelled word and selecting "Add to Dictionary." This option adds an exception to Office's Spell Check.

In Word 2003 or earlier, click on Tools, Options and then Spelling & Grammar. In Word 2007, simply click the Office logo at the top left, Word Options at the bottom and the Proofing tab on the left. All versions have this proofing menu, with minor variations. AutoCorrect and other spelling functions can be changed from within this menu as well.

To change Spell Check, click "Custom Dictionaries" from within the proofing menu. This opens the "Dictionary List", which contains all the custom dictionaries Office uses for Spell Check. The document listed as "custom dict" contains any words you may have added to the dictionary. "dict" is the file extension (type) used for Office dictionaries. By highlighting "custom dict" and clicking the "edit word list" button, users can view any words added and also manually add words one-by-one. This is cumbersome, though, and not recommended.

The best method is to download or create a new dictionary file and add it to the menu. Simply click add and then select the dictionary. Googling the words "list legal terms" will generate sites with lists ranging from specific to broad. Wikipedia has two lists that I used to create a dictionary file of 3870 legal words/terms and a file with over 350 Latin terms. The files are posted online at ge.edu/brdoc and can be used by following the steps above. Once added, users can check, uncheck or remove a dictionary. The check box in the proofing menu suggest from main dictionary only must be unchecked to use custom dictionaries.

Another issue students face is the AutoFormat function and Styles option of Word. This affects any bullet/multi-level lists for outlines created by a user.

AutoCorrect options can be changed by clicking on the "AutoCorrect" button in the proofing menu. From this menu you can add exceptions for text replacement and auto capitalization after a period.

Unfortunately, I am unaware of any way to save an exceptions or text replace list. The "AutoFormat As You Type" and "AutoFormat" tabs have several options and functions that can be saved. Users can simply uncheck any bothersome options. Options checked in the Spell Check menu can then be removed by right-clicking the union list, in which you can select which exceptions to remove.

To give you an idea of what our graduates do and how much they typically earn, here is a snapshot of our Class of 2008.

<table>
<thead>
<tr>
<th>Type of Employment</th>
<th>Employment Area</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>Medium Firm (30+)</td>
<td>55 (31.07%)</td>
</tr>
<tr>
<td>Part-time</td>
<td>Large Firm (over 50)</td>
<td>2 (2.56%)</td>
</tr>
<tr>
<td>Other</td>
<td>Large Firm (200+)</td>
<td>3 (1.68%)</td>
</tr>
<tr>
<td>Non-Legal</td>
<td>Small Firm (25+)</td>
<td>26 (14.68%)</td>
</tr>
<tr>
<td>Legal</td>
<td>Medium Firm (26-50)</td>
<td>25 (15.03%)</td>
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<tr>
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<td>Public Interest (Legal Aid)</td>
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<td>Self-employed</td>
<td>Public Interest (Non-Profit)</td>
<td>6 (3.92%)</td>
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<tr>
<td>Self-employed</td>
<td>Public Interest (Public Defender)</td>
<td>5 (3.16%)</td>
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<tr>
<td>Self-employed</td>
<td>Prosecution (Local)</td>
<td>3 (1.82%)</td>
</tr>
<tr>
<td>Self-employed</td>
<td>Prosecution (State)</td>
<td>10 (6.55%)</td>
</tr>
<tr>
<td>Self-employed</td>
<td>SOLO</td>
<td>6 (3.92%)</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>177 (100%)</td>
</tr>
</tbody>
</table>
The Honor Code: Fooling others or fooling ourselves?

By Drew Crecente, 2L

This incident has been labeled as trivial, as exploiting a "loophole," and even as a "non-violation." These arguments are irrelevant and I address them here.

While this issue may be trivial for some students, it ignores the effect on others. Consider the huge impact that our actions is necessary not just as law students but as members of society. It is important to recognize that these improper actions have adversely affected students.

Our law school was recently recognized for its outstanding part-time program. Part of the success in this area is the ability to accommodate the schedules of such working students. If a necessary time slot was taken through the dishonest acts of fellow students, those with time conflicts are adversely affected. These students are forced to adjust their work schedules and do not see this as a trivial issue.

The adjunct professors teaching litigation have a variety of backgrounds that are clearly important to their prospective students—so important that the school provided a webpage providing such details. A student interested in Entertainment Law might want to enroll in the section taught by Monica Emmings Ewos, a "top entertainment attorney." Unfortunately for such students, this section had more than half of its positions filled by the time registration began for the 2Ls. Students that missed out on their only opportunity to take litigation from an instructor with entertainment experience law likely are not to see this as a trivial issue.

Other students have positioned this incident as a utilitarian "loophole." Those students should re-evaluate their understanding of the term loophole. A loophole, at its core, requires an ambiguity or omission which is then circumvented in some manner. Without the ambiguity or omission, the loophole does not exist and there is no ambiguity about the moral fitness of those students involved with the Honor Code with respect to this issue. A loophole is not a technical work-around, it is not a system error, and it is not an act of malfeasance.

This leads us to the most common argument: the Code does not preclude this behavior. The Code, like the law we uphold, does not speak to every eventuality, nor should it be expected to. As law students, our ability to derive specific rules from general guidelines is a foundational requirement. Certainly, by at least the third-year, a law student shouldn't be expecting all rules to be "bright-line" laws.

The Honor Code, in section 4(b)(1), recognizes that it cannot speak to every bad act even when it attempts to provide examples of violates behavior, including "[b]y way of illustration only and not by way of limitation, the following are examples of conduct which constitutes cheating..." Furthermore, section 4(a) of the Code states that "[i]t shall be a violation of the Code for any student to obtain or seek to obtain an unfair academ­ic advantage for himself or herself or any other student." Reserving a litigation section to the detriment of other similarly interested students is clearly taking an academic advantage over other students.

For those that are either too stubborn or obtuse to recognize these as violations, it is an "unchal­led" provision in the Code: section 6 states that "[i]t shall be a violation of the Code for any student to engage in any conduct in connection with any activities of the College of Law which raises a substantial question as to that student's honesty, truth­worthiness or moral fitness to practice law or become a member of the legal profes­sion."

As unfortunate as this situation has been, the subsequent conversations have been even more unfortunate. Those who insist that no wrong has occurred due to lack of the sufficient "men's rea" ignore that ignorance is both implicitly and explicitly not an excuse. But while the inadequacy of the Code demonstrate their inability to parse rules and regulations properly—that very skill set that is one of the most important for an attorney to possess.

I am hopeful that the administration does not modify the Code as the result of this incident. To do so would reflect a lack of faith in the student body, a lack of our ability to align our own moral compass properly and a lack of our core capability—as future attorneys—to properly understand and respect the relationship between the "letter" and the "spirit" of the law.

Drew Crecente is the executive director of "Jennifer Ann's Group," a nonprofit char­ity dedicated to prevention of teen dating violence; and co-founder of the Legal Society of Intimate Violence Education (L.I.V.E.), a new organization at GSU focused on integrating "domestic vio­lence" education into Law schools.

The Docket Online
Read more original news stories, opinions, blogs, and much more every week at law.gsu.edu/thedocket

These students have been punished enough

By Patrick Lee, 2L

I grew up in Atlanta and I first heard about 3Ls saving seats for 2Ls. I won't lie to you—I thought it was pretty sneaky. Uncool even. Word quickly spread and left me with an unpleasant feeling believing an unfair advantage of the process had been taken at expense.

Unfortunately, I did not share the outrage and sense of betrayal many of my peers felt at the news. To be sure, they were correct to be alarmed; reserved seats in this manner gave undue benefit to the scheme's participants. But charging these students with an honor violation code goes too far by retroactively applying a newly established rule. More impor­tantly, the stigma such a charge carries proscribe too strict a punishment, disproportion­ation to the offense.

It is true that all too often being enrolled in a certain covered class has the ability to make or break our ideal schedule. This makes the nerv­ering moments before our allotted reg­istration time serious business. As such, I applaud the administration's recognition that such a vocal outcry, formed over a controversy, is not unusual to those interested in the process. Looking back, I personally doubt whether these actions played any part in my eventual enrollment in a Saturday morning litigation class.

The eventual question concerning the proper consequences has proved divisive. There are those who believe the offend­ers should receive a proportional punish­ment. I would agree that Section 6 of the Honor Code and others who believe no punishment should come to pass the students involved. On one hand, we like­ly all can agree that understanding that entire student body for the gain of a few is nothing shy of dirty pool which merits the proper measures to prevent and repre­sentence in the future. On the other, holding a seat for a student (one that could have very well been a working part-time student or other serious concerns) is not an Honor Code violation it was not. To charge these students was a helping hand to their friends. While this conduct may seem repugnant in hindsight, do not forget how simple and consequence-free a decision can look during the semester.

For instance, some students were aware that the 3Ls had seats for 2Ls. Minutes faster than the official U.S. time, allowing those students a two-minute buffer over those who were unaware of this fact. At the time, no one broadcasted this news. Was that also Pre-Professional Misconduct? The point is the Honor Code, like many codes we study, is filled with ambiguous wording. Moral fitness may not mean the same thing to all. That is why a proportional punishment is key.

I was satisfied with the administration's final and stern reaction taken by our administra­tion. The responsive email sent to the students made clear their dis­content with the conduct as did the can­did discussion in group forums. There is no doubt that this sort of conduct will not be tolerated in the future. As such, further discussion of this issue serves no purpose other than vengeance.

We have all learned a lesson from this and, if any doubt existed before it has been effectively removed. Would incidents of recocruette be practically reduced at all if new spread that those involved will now be explaining their actions to the bar fitness board? Not bloody likely. The message has already been sent and clear that this conduct by any is not acceptable and I would be legis­latively surprised if anyone attempts any­thing like this again.

Those who remain unsatisfied should take solace in knowing that the offenders did not just get off scot-free. Dean Sobelson's email indicated their ideal class schedule was dropped and they were to receive feedback on every aspect of the process had been taken at expense. That there has also been an infor­mally naming-and-shaming of sorts led by those most offended. This has may lead to a loss of goodwill among these students previ­ously enjoyed. Reserving seats was admittedly unfair but not an Honor Code violation it was not. To charge these students with such would be a worse offense than anything they possibly did to us.

Patrick Lee has a political science degree from Georgia State University and is a graduate research assistant at the GSU College of Law. He has worked for the Taxpayer Clinic.

January 2010

Point Counterpoint: The Registration Controversy

The issue of "class reserving" has created quite a stir amongst students and the administration alike. Drew Crecente and Patrick Lee discuss the various points of contention below. For an in-depth analysis of what actually occurred, please see Andrew Hagenbush's covoretory on the front page.
Please consider posting a financial donation to our account at www.law.gsu.edu/pila/auction.php or contact Nicole Motter, our PILA Donations Chair, at nicole.motter@gmail.com.

We are currently accepting both financial and item donations for the silent and live auctions.

PILA would be honored by your presence at the event! Tickets go on sale beginning Tuesday, January 19 in the Urban Life Building lobby or on our web site, www.law.gsu.edu/pila/auction.php.

We are currently accepting both financial and item donations for the silent and live auctions.

Early Bird Special: First 100 tickets $25 for students and faculty. All tickets $30 thereafter.

STAY TUNED FOR UPCOMING AUCTION EVENTS!

2009 PILA FELLOWSHIP RECIPIENTS

- Eric Coffelt – Office of the Georgia Capital Defender
- Olga Dashevskaya – Health Law Partnership
- Jennifer Ivey – US Department of Health and Human Services, Office of General Counsel
- Crystal Gentleman – Pro Bono Partnership of Atlanta
- Melissa K. Rice – Bridges Across Borders Southeast Asia, Chiang Mai, Thailand, and Care International, Vientiane, Laos
- Brenda Smeaton – Federal Defender Program
Jennifer Ann's Group: Bringing awareness to teen dating violence

By Madeleine Peake, 2L

Whether you are a 1L, 2L or 3L, you have likely encountered a case involving domestic violence. It may have been in torts when you studied assault and battery, in criminal law when you discussed punishment, or in family law when you learned about the crime itself.

If reading about domestic violence in class was your first time learning about the crime, consider yourself lucky. The U.S. Department of Justice reported in 2001 that approximately 4.8 million intimate partner rapes and physical assaults are perpetrated against women annually.

"Abusers at the age of 15 will likely be abusers at the age of 35 if nothing is done to educate them or their parents about the effect of their behavior," Crecente said. "By working with schools, churches, police, hospitals and other organizations we can help teens personally, or through a friend who has been a victim."

By increasing awareness and education about teen dating violence, Jennifer Ann's Group is helping teenagers identify abusive relationships as early as possible. Crecente states, "By working with schools, churches, police, hospitals and other organizations we can help teens (and "tweens") identify and exemplify healthy relationships.

He said their goal is for this information to become as commonplace as knowing to look both ways before crossing the street. In order to stop the domestic violence we read about in our casebooks, we must address intimate partner violence at an early age. You can help by volunteering with Jennifer Ann's Group.

Making a difference can be as simple as joining Jennifer Ann's Group on Facebook and/or following them on Twitter. "Through our online presence we can always use people that can locate current stories related to [teen dating violence], post them, comment on them and spread the word about how common and tragic these stories can be, both on our Facebook page as well as through our online forum."

National Teen Dating Violence Awareness Week is the first week of February. By becoming a member of Jennifer Ann's Group on Facebook, you will have the opportunity that week to change your profile image to one that Jennifer Ann's Group supplies and become eligible to win an Amazon gift certificate.

"Those that have limited time and a difficult schedule... can help us out tremendously online," Crecente said. "We have online presence we can always use people who can locate current stories related to [teen dating violence], post them, comment on them and spread the word about how common and tragic these stories can be, both on our Facebook page as well as through our online forum."

...or calls 1-866-331-9474 National Teen Dating Abuse Hotline to make donations. For more information, go to jenniferann.org.

Pro Bono Calendar

Students who are looking to get out of the law library for a few hours and help the community this semester are in luck. Pro bono projects are happening all over Atlanta and they provide a wonderful opportunity for students to improve their resumes while giving back to the greater Atlanta area. Need more of an incentive? GSU College of Law graduates who have completed 50 hours or more of pro bono service "pro bono distinction" at graduation. The Docket has compiled a calendar of upcoming pro bono projects, however there are always more becoming available... take a study break and start working towards your "pro bono distinction" today!
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If reading about domestic violence in class was your first time learning about the crime, it’s likely this is the sort of violence that you have been in torts when you studied assault and battery, in criminal law when you discussed punishment, or in family law when you learned about the crime itself.

More likely than not, you know someone (whether personally, or through a friend) who has been a victim. Whether you are a 1L, 2L or 3L, you have likely read about domestic violence in class. For those that have limited time and a difficult schedule taking a study break and start working towards your "pro bono distinction" today!

"Abusers at the age of 15 will likely be abusers at the age of 35 if nothing is done to educate them or their partners about the effect of their behavior,” Crecente said.

Not only does intimate partner violence affect teens and adults, it also affects children. The U.S. Advisory Board on Child Abuse and Neglect reports that 59 percent of men who regularly assault their wives, also assault their children.

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Madeleine Peake maintains the Pro Bono Page and the Pro Bono Calendar.

Pro Bono Calendar

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Pro Bono Calendar

February

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<td>1</td>
<td>National Teen Dating Violence Awareness Week begins (ends Feb. 6)</td>
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<td>2</td>
<td>6 p.m. to 8:30 p.m. Atlanta Community Fund Bank</td>
<td>3</td>
<td>7 p.m. to 10:30 p.m. Children’s Healthcare of Atlanta Attend “Take of the Year.”</td>
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<td>9</td>
<td>6:30 p.m. to 8 p.m. Backyard Health &amp; Rehabilitation Play BINGO and socialize with seniors.</td>
<td>10</td>
<td>3 p.m. to 5 p.m. Atlanta Children’s Shelter Sort and organize donations.</td>
<td>11</td>
<td>6:30 p.m. to 7:30 p.m. East Atlanta Kids Club Become part of a one-on-one mentoring program that allows an adult to get to know a particular child.</td>
<td>12</td>
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<tr>
<td>14</td>
<td>Volunteer Tip Make homemade valentines and deliver them to your local hospital or nursing home!</td>
<td>15</td>
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<td>18</td>
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<td>19</td>
<td>3 p.m. to 5 p.m. Atlanta Children’s Shelter Sort and organize donations.</td>
<td>20</td>
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<tr>
<td>21</td>
<td>7 p.m. to 9 p.m. Atlanta Community Fund Bank Attend “A Night of Low Country Cooking Simple, Affordable Class”</td>
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</tbody>
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For more information, go to jenniferann.org.
State of the Student Bar Association

Mimicking marriage rights with legal instruments

By Lindsey Harrison, 3L

There are over twelve million unmar­ried partners living together in the United States. Social trends indicate that this num­ber will continue to increase. Couples choose to live together without getting married for a variety of reasons. Some eventually to tie the knot, others either do not want to marry or are unable to do so.

At the present time, same-sex couples can only marry in Connecticut, Iowa, Massachusetts, New Hampshire and Vermont. Thus, for attorneys who do not live in a state that recognizes marriage, it is becoming increas­ingly important to learn how to mimic the privileges and obligations associated with the marital relationship.

Last Fall, the Estate Planning and Wealth Management Society and OUTLaw cosponsored a presentation on replicating the benefits associated with marriage for those who either are incapable of being married under our current laws or who choose not to get married.

Some of the legal rights afforded to married couples include: the right to receive a property settlement and/or sup­port in the event of divorce, the right to receive survivor’s benefits from Social Security and retirement plans, the right to file joint tax returns, the ability to obtain “family” insurance benefits, a spousal exemption from gift taxes and an automat­ic share in a deceased spouse’s estate in the event of his or her death without a will.

Michael Evans, an attorney at Baker, Donelson, Bearman, Caldwell & Berkowitz, discussed the process of imitat­ing the marital relationship.

One important tool utilized by attor­neys is a cohabitation or domestic partner­ship agreement. This is a private contractu­al agreement between cohabitants that seeks to establish the rights and obligations that would exist if the parties were married.

In addition to the cohabitation agree­ment, Evans stressed the importance of laying out a will, granting a power of attorney to one’s partner, and creating a cohabitation agreement that would stipulate the disposition of property on the event of divorce, the right to obtain “family” insurance benefits, a spousal exemption from gift taxes and an automat­ic share in a deceased spouse’s estate in the event of his or her death without a will. A durable power of attorney is effective immediately and allows the agent to act concurrently with the principal. In contrast, a springing power of attorney only grants power if the agent once the principal or grantor has become disabled.

Choosing the type of power of attorney is vital because, if neither agent is empowered to act while the principal is capable of acting, this would prevent the power of attorney from becoming effective when the principal or grantor is incapacitated. Including an advance directive for health care or a living will is also essential. This document pro­vides information about what actions should be taken when an individual is not able to make health care decisions due to incapacity or illness. Without this docu­ment an individual’s partner could be excluded from the health care decision making process.

Unfortunately, not all of the benefits associated with the marital relationship can be imitated via contract law. Cohabitating individuals do not qualify for a marital exemption on their taxes and many employers do not provide insurance benefits for unmarried partners of employees. However, many benefits are available and it is important, as attorneys, to know how to provide these privileges to individuals through contract law.

Lindsey Harrison graduated from the UGA in 2007 with a degree in Political Science. She is currently a member of the GUS Law Review, the Vice-President and a founding member of the Labor and Employment Law Society, and is interning at the Department of Corrections legal office.

Law society stresses need for intimate violence education in curriculum

By Kristen Scalzitti, 2L

Last Fall, law students organized the Legal society of Intimate Violence Education (L.I.V.E.), a new student organi­zation at GSU focusing on integrating domestic or intimate violence education and awareness into the study of Law.

In 1998, the U.S. Department of Justice Office on Violence Against Women released the first round of grant awards to support programs providing civil legal assistance to those who have been affected by “domestic violence” (DV). Although the funding provided the abused with greater access to legal aid, more work needs to be done to provide assistance in finding legal counsel that fully understands the complexities of abusive relationships and the difficult decisions faced by those affected.

Law schools have a unique opportunity to send a signal to the community that they recognize the importance and the difficulties associated with DV by incorporating much needed information about DV law and practice into their curricula, law schools can effectively use their education to combat domestic violence.

In recognition of this role of law schools, the American Bar Association adopted an official policy in 2003 encour­aging law schools to promote awareness of DV through law school activities and pro­grams. Despite this resolution, professors and students alike have shown resistance to DV education. Faculty members may fear mischaracterizing the subject because they may not feel knowledgeable enough about the subject. Many schools have begun to address the issue due to stereotypes about victims of DV or due to a mistaken belief that it is a feminist issue or some­thing that only arises in the context of family law. Yet DV affects virtually every area of the law. Lawyers who practice tort law, corporate law, property law, immigration law and tax law, for instance, all represent both the abused and the abusers of DV. Core curricula courses such as civil procedure, contracts, torts, property, and constitutional law, evidence and professional responsibility provide an excellent opportunity to teach about this subject.

Students may also feel uncomfortable addressing the issue due to stereotypes about victims of DV or due to a mistaken belief that it is a feminist issue or some­thing that only arises in the context of family law. Yet DV affects virtually every area of the law. Lawyers who practice tort law, corporate law, property law, immigration law and tax law, for instance, all represent both the abused and the abusers of DV. Core curricula courses such as civil procedure, contracts, torts, property, and constitutional law, evidence and professional responsibility provide an excellent opportunity to teach about this subject.

In 2008, the American Bar Association’s (ABA) Commission on Law School Accreditation adopted a resolution that requires schools to review and modify their curricula to effectively teach about DV. This is a good start, but many schools have not yet accomplished this goal.

Although DV appears in many practice areas, it is important to learn how to provide services to victims of DV. This includes understanding DV law, knowing how to identify victims of DV or DV cases, knowing how to access information about DV and knowing how to integrate DV issues into traditional law school courses.

Although a cohabitation agreement can create an obligation to create a will, it is not an effective substitute. By granting a power of attorney to one’s partner, the grantor or (any other individual) the authority to act on his or her behalf. It is important in creating this docu­ment to specify whether the power of attorney is durable or springing.

A durable power of attorney is effective immediately and allows the agent to act concurrently with the principal. In contrast, a springing power of attorney only grants power if the principal or grantor has become disabled.

Choosing the type of power of attorney is vital because, if neither agent is empowered to act while the principal is capable of acting, this would prevent the power of attorney from becoming effective when the principal or grantor is incapacitated. Including an advance directive for health care or a living will is also essential. This document pro­vides information about what actions should be taken when an individual is not able to make health care decisions due to incapacity or illness.

Without this docu­ment an individual’s partner could be excluded from the health care decision making process.

Unfortunately, not all of the benefits associated with the marital relationship can be imitated via contract law. Cohabitating individuals do not qualify for a marital exemption on their taxes and many employers do not provide insurance benefits for unmarried partners of employees. However, many benefits are available and it is important, as attorneys, to know how to provide these privileges to individuals through contract law.

Lindsey Harrison graduated from the UGA in 2007 with a degree in Political Science. She is currently a member of the GUS Law Review, the Vice-President and a founding member of the Labor and Employment Law Society, and is interning at the Department of Corrections legal office.

Photo by Alison Makins
Winter Soulstice brings the gift of music
Music and arts festival raises money to benefit children's education
By Robert Bentley, 2L
Downstairs at Smith's Olde Bar, art-works of all kinds line the walls, drawn by local artists for a silent auction. While browsing the various drawings, paintings, photos and jewelry, bidders provide a cool, relaxed atmosphere to mingle or simply chill on the comfy couches and chairs.

Upstairs, other local bands plug in and blast the audience's ears with rousing hard rock while artists paint live on the side of the stage.

While the ticket booth and hammering t-shirts is Beth Bachman, 2L, the event organizer. Bachman and fellow organizers, Sam Gunston, 2L, and Johnny Manos, have raised over $5,000 dollars for Atlanta's local art and music communities.

This year proved to be the most successful Winter Soulstice yet. Combining ticket sales, auctioned artwork, a raffle, and door and poster sales, the event pulled in more than $4,000 dollars, more than the prior two years combined.

WonderRoot is an Atlanta-based non-profit organization committed to uniting artistic and community communities for positive social change. One of the organization's core programs is Creativity for Kids, a youth arts-enrichment program which WonderRoot partners with community organizations and schools that serve low-income and at-risk youth to fill the void created by cuts to arts education.

Since the first Winter Soulstice in 2007, Bachman and fellow organizers, Sam Gunston, and Johnny Manos, have raised over $5,000 dollars for Atlanta's local art and music communities.

Sports and School: How students make it work
By Stephanie Stewart, 2L
With all of the pressures surrounding law school, it is amazing when students are able to enjoy extracurricular activities, especially when they are not academic in nature. Sports and school can be equally as demanding as school. A sports and school, both Sam and Gino share some insight into how they balance hectic law school life and the demands surrounding participating in competitive sports.

Sam Gunston, 2L, who rode on the equestrian team at UGA and now rides for UGA as an alum. Sam said that she made the choice to continue participating in equestrian competitions during law school because horses are her life and she loves everything about the competition including "the thrill, the feeling of victory," and "the fun." Of course these benefits do come at a price. For Sam, time management took a hit during her 2L year. Unfortunately (or fortunately on how you look at it), she qualified for the equestrian national championships which took place in Tennessee two days before her torts final. When she tried to prepare for torts as be translated into moot court. she probably knew my head, these amazing students have managed to

An interview with Robin Simpson of the 4th floor
By Eli Bennett, 2L
Every student has had to go up to the fourth floor for one reason or another. Whether it was getting an RWA paper time-stamped before the switch to online assignment drop boxes, picking up a bag of red ink, or signing up for your jury slot during litigation mock trials, chances are you have come across Robin Simpson, the receptionist on the fourth floor of the Urban Life Building. Armed with hot chocolate, I asked if she would take a few minutes out of her busy day to talk to me.

Q: Tell us what your role is here at GSU Law.
A: You probably know me as the receptionist on the fourth floor. I've been at GSU since 2005. I started as a temp in the Dean's office when I was nineteen. Right now, I work two jobs and attend night school at Atlanta Metropolitan College. I'm a psychology major, and I want to be a life coach for middle and high school students. I pay all my school expenses out of pocket, and I'm on track to graduate without any debt.

Q: Debt free, huh? That's an accomplish.
A: Yes, I'm very proud of myself. I ate a lot of ham sandwiches and noodles, but I'm lucky it is so.

Q: It's my understanding that you are also in charge of the infamous RWA time stamp.
A: Have you seen the inked yank job band, play-

Q: Nice try, huh.
A: Yeah, the strange thing is he actually had the rest of the memo with him, and just wanted to proofread it. He did his proofreading thing, then handed me the memo to stamp just in time. The stamp read "9:59.54.

Q: Wow, Ever thought about going to law school?
A: Honestly, no. I wanted to be a veterinarian my whole life, so I took college biology classes here at Georgia State. I've certainly made every effort to ensure there isn't anything crazy to get their memo in on just say, "Hey, Sweetie," if you can't make your own charitable donation, please visit www.WonderRoot.org.

Team Harvery Woodley and cheerleaders. Top row left to right: Ginny Goddard, 1L; Ryan Kolb, 1L; THE Gino Emanuels, 2L; Matt Barnwell, 1L; Brett Switzer, 1L; David Mize, 1L; Will Driggers, 1L; Gabe Klaas, 1L; Jenna Cloyd, 1L. Bottom Row: Brian Klein, 1L; Billy Shaugnessy, 1L. Not pictured: Nick Forste, 1L; Steve HUTMAN, 1L.
since the mid-1970s. Awareness Month in the United States. Organizers have worked on various initiatives to increase awareness and education about DV in their efforts to mitigate a problem that affects over 5 million men and women every year and costs the government, employers, and workers an estimated 5.8 billion dollars per year in healthcare costs and lost pro-
ductivity. Awareness about DV is the first, and most crucial step, in preventing it. Unfortunately, "domestic violence" is saddled with a dangerous, self-defeating label. While violence is fitting and appropriate, domestic is neither, in both its implicit exclusion of some groups as well as the inappropriately connotations of its historical usage. "Domestic," as provided by Merriam-Webster's online dictionary, has various definitions, including: "living near or about home; having to do with the domestic (cat): or relating to the household or the family (domestic happiness); devoted to home duties and pleasures (leading a quietly domestic life)."

Implicit exclusion As defined, "domestic" violence implicitly excludes some groups that we now know are affected by DV. Implicitly it excludes same-sex relationships (23-25 percent of the U.S. population are in abusive relationships); teenagers (while youth aged 18-24 comprise only 11.7 percent of the U.S. population, they represented 42 percent of victims of DV violence between 1998 to 2002); as well as any other non-married or non-cohabiting people involved in dating relationships. In addition to the societal impact of exclusion, many states have legislated a legal presumption that there are only providing assistance for those that are in a state of domesticity. When that domesticity does not exist, these groups are disallowed the legal protection available to married couples. Five states do not allow protective orders for same-sex couples and 11 states do not allow unmarried couples in a dating relationship to apply for protection under civil or restraining order laws.

Historical usage As indicated by its dictionary definition and usage, "domestic" is generally associated with happiness ("domestic happiness"), tenanness ("a domestic cat"), and solitude ("domestic tranquillity"). The label of "domestic violence," while well-meaning, is improper due to its association with both these historical associations of domesticity and with the inaccurate implication that the violence is contained to the physical household. Although DV is considered by many to be an issue that only occurs "behind closed doors," the sad reality is that 24.1 percent of all workplace violence has its nexus in some manner of relationship outside of campus are also affected. In 2007, 32 people were murdered on the Virginia Tech University campus.

The initial discovery of two bodies in the campus dormitory was believed to be a "domestic violence" incident by the police on the scene; as a result, no campus-wide notifications were sent and the campus was not locked down, allowing the mur­derer the opportunity to prove the campus unchallenged. Virginia Tech President Charles Steger said, "authorities believed that the shooting at the dorm was a domes­tic dispute and mistakenly thought the gunman had fled the campus. We had no reason to suspect any other incident was going to occur." The belief of the police in this situation is telling: "domestic violence" is a prob­lem that, on its face, is contained and man­ageable while "random shootings" are not. This dangerous thinking may have led to an additional 30 murderers that day.

Lawyers gain from Georgia's water issues From the blog "What's Happening Around Atlanta" by Robert Dukes, BL

Unless you have avoided reading any thing related the news altogether, you know that Georgia has serious water issues. So, when Paul Magnuson announced, in July 2008, U.S. District Judge Paul Magnuson declared that Georgia would not compensate Alabama for water withdrawn from Lake Lanier, there was a valid argument that they could not be appealed. There is use for writ­ing about the Georgia Public Defender Standards Council. Also, Jim Martin is teaching legislation this year so you could look into the questions about the Georgia Assembly that you always wanted to know but cannot find on the Internet. Take a class on natural resources. Georgia is full of minerals and there are a number of legal issues around the state that deal with surface mining, property, and natural resources. The best part about natural resources is that they cannot be outsourcing and all the natural resources are in Georgia.

Robert Dukes has worked as an envi­ronmental engineer for the Georgia Department of Natural Resources and enjoys reading about emerging technologies and social movements.

Snap out of your false sense of security From the blog "The Law Student in the New Economy" by Laura Ng, LL

Unless you are a high-powered attorney who started her legal career as a public defender intern and later moved on to become a Super Lawyer, an adjunct pro­fessor at Emory Law, or an editor for the International Bar Association, and a regu­lar commentator for CourtTV. While you may not land the job with your very first application, there is a good chance that you will not have to apply directly out of law school, not all hope is lost. There is still light at the end of the tunnel.

Laura Ng studied Neuroscience and Behavioral Biology at Emory and is currently clerking for an intellectual property law firm and writing appellate briefs and memos for the Appellate Division of the Georgia Public Defender Standards Council.
Live Music Review: The Jane & Scott Show
By Ben Marlin, 2L

Jane Stebbins, 2L, can be seen around campus carrying the various organic desserts she makes, but at night Stebbins unleashes her wild side as vocalist and bass player in The Jane and Scott Show. The alt­folk band, which performs as a duo or three piece, and includes the aforementioned Scott on guitar and “featured drummer” Govind Dixit.

On November 10, 2009, the band ran through a set of ten humor-charged, rocking originals, including songs from its album Expectations, which is also available on “featured drummer” Govind Dixit.

On stage, Stebbins served as the de facto leader of the group between songs, telling jokes, offering anecdotes about her songwriting inspiration, and generally keeping the crowd entertained. Her voice sometimes along Scott’s to create beautiful harmonies.

Scott was generally restrained on guitar, playing rhythms that intertwined with Stebbins’ bass lines but he was not afraid, as illustrated by the rocking “Southern Exposure.” The slower tempo eased the frustration that sometimes come with juggling school, relationships, and life in general.

The group moved through the songs at a well-masured pace, giving the songs time to breath and showing the individuality that each track carries.

The show closed with a mellower song, “Rhydoosy and Amazon.” The Jane and Scott Show can also be followed on Twitter, MySpace and Facebook.

Ask Carli...

By Carli Mingus, 2L

Dear Carli:

I am seriously crushing on this guy in my section. We hang out a lot, study together, and have become close since school started this year. Everyone tells me (including my guy friends) that we would be perfect together. I really like him too, and want to start pursuing it as a relationship. What should I do?

Sincerely,
First Year in Love

Dear First Year in Love,

Generally, in a situation like this, I would say the best thing to do is to act like you are not super interes­ted. Most guys like the chase. Give him something to work with so he knows you at least like him: flirt with him, but do not let him think you are only pursu­ing him. Men like a bit of mystery, but you have to let him know you like him so he is not putting himself out there blind­ly.

However, there is a time when the flirting has gone on too long and you just need to define it. For instance, are you looking up? Hanging out every weekend? Doing stuff during the week that is non-academic? If the opportunity presents itself, bring it up carefully, just don’t sound pushy. You have the right to know if you have been going on long enough and has turned into a pseudo rela­tionship, you definitely have the right to define what is going on. Just be aware that asking a man to define a relationship can often be a scary prospect for them and sometimes has the bizarre effect of making them run in the other direction.

If the opportunity presents itself, bring it up carefully, just don’t sound pushy. You have the right to know if you should let him go and start pursuing other people. Always remember, there are plenty of fish in the sea; do not throw yourself after someone who does not know how fabulous you are and who does not deserve you!

UPDATE: She finally asked him what was going on and he just wanted to be friends. She moved on and is dating other men.
The PATH to compromise: Greenspace can increase property values

By Jane Stebbins, JL

A few blocks away from the frequently car-clogged junction of North Decatur Rd. and Clairmont Rd., deceptively calm after the storm of controversy that culminated in a settlement last December, there is a section of trail. A pedestrian can begin in the Medlock neighborhood and wander through the woods along South Peachtree Creek, winding up in Mason Mill Park, avoiding the busy, loud, and largely sidewalk-less section of Clairmont Rd., the primary route to Mason Mill. With the Clyde Shepard Nature Preserve only a few blocks away, this section of Peachtree Creek offers an idyllic option for an entire day of pretending you are not surrounded by urban sprawl.

The Medlock to Mason Mill section of the path is only one small part of a much larger movement in Atlanta to promote transportation alternatives, recreation, and environmental awareness. The Atlanta PATH foundation, which began in 1991, has created over 100 miles of trail in the Atlanta Metro Area. PATH's website states that they work closely with local government, and they have some highly influential sponsors, including Cox Enterprises, The Coca-Cola Company, NIKE and the Robert Woodruff Foundation.

However, the land the PATH Foundation uses has to come from somewhere. The Medlock section alone began with five eminent domain disputes and nearly ended with a stop work order due to a number of legal issues regarding permits and improper contract bidding. The Three Forks Heritage foundation, a group vocally opposed to PATH in Dekalb County, including the section behind Medlock, blames irresponsibility in environmental planning and lack of communication with the communities affected. While the PATH website claims that property near PATH trails enhances that property's value, property owners who have portions of their backyards might disagree.

PATH proponents maintain that they are preserving greenspace and promoting environmental awareness by giving people an opportunity to be out in the woods. In addition, finished trails provide an efficient alternative to Atlanta's constant traffic problem. PATH's long term goals are to connect the entire city with a web of pedestrian friendly trails. When Phase 2 of the South Peachtree Creek trail has finished, bicyclists and walkers will have a healthier option for commuting in the Clairmont Rd. area. Every cyclist winding through Mason Mill on his or her way to Emory is one less car on the narrow, two-lane road, providing a little more space and a little less pollution on a daily basis.

Please visit www.pathfoundation.org for more information.