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September 1994 Docket

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THE DOCKET

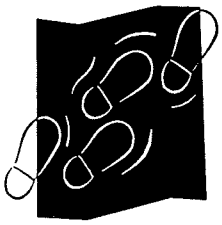
VOLUME 3, NUMBER 2 *A Publication of The Student Bar Association, Georgia State University College of Law* SEPTEMBER 1994

SBA PRESIDENT'S COLUMN

SBA and Honor Court Elections are Approaching for 1L's

On behalf of the SBA, I'd like to congratulate our newest 1L's on their successful completion of their first few weeks of school. Hopefully, the fog is beginning to clear and you're beginning to establish a routine. Since everyone else here has been through the same experience, please don't hesitate to ask for advice and assistance from SBA, the student organizations, and your "buddies".

The nomination process for the Student Bar Association's three 1L Senators will be beginning soon. Please consider running for this office (as if you needed more to about). An SBA Senator is responsible for representing their fellow students to the SBA Board, which meets approximately every other week. Senators are required to assist the SBA in selling books, making coffee, staffing the office, and serving on an SBA committee. Although the position involves a moderate time commitment, most of the current officers and senators have been able to juggle busy class schedules, outside jobs, and other law school activities during their term of office. To help you make up your mind about running, the SBA will be holding a question and answer session very soon for interested SBA candidates-- keep checking the bulletin boards for flyers.



By the way, **we're moving!!!** Very soon, the SBA office will relocate to the first floor space previously occupied by Student Life Coordinator Brenda Cornelius, who has moved to the floor. The new SBA office will have its grand opening in the next two weeks, and the SBA will be sponsoring a "coffee talk" to mark the occasion. For now, the book exchange, t-shirt sales, and coffee service will remain on the second floor. More details will become available soon!

And speaking of coffee... we hope everyone's enjoying our enhanced coffee service this year. Our new "buffet style" coffee pots are brewing coffee that's fresh, tasty and economical. The SBA will be holding "coffee talks" throughout the semester to give you a chance to meet the Board, ask questions and, most importantly, make suggestions for improvements in and around the school.

However, if you can't wait until then, remember that students (and faculty) can submit ideas at any time via our combination "coffee money and suggestion box", located on the coffee table on the second floor (outside the SBA office). For those students who are computer literate, you might also check out the "Skippy" E-mail system as a way to transmit your messages quickly and efficiently. More information on Skippy and related options will follow in the next few months.

We really do follow up on your suggestions!

The SBA and Moot Court Board responded to previous suggestions and purchased the new refrigerator, located near the vending machines on the second floor. Law students can use the "fridge" to store food and beverages on a daily basis (no overnight storage), thereby saving big bucks during those grueling 12 to 14 hour days. However, for your safety and in consideration of your fellow students, please read the rules posted on the freezer door -- they will be strictly enforced.

Also, the SBA has compiled a "car pool" notebook for interested students. In just a few days, thousands (literally) of undergrads will converge on GSU, and all of them will want your parking space! To avoid being late for class (and becoming the object of your professor's wrath), plan ahead:

* try to arrive at least 30 - 40 minutes early for classes (this is not a joke),
* get a budget parking card, which increases your parking options while saving money,
* consider riding MARTA to the Georgia State station (it really is smarta!),
* check out the "stadium shuttle", a park and ride program from the Atlanta/Fulton Co. stadium (more information at the auxiliary services desk, second floor, University Center), and
* car pool, when possible.

Once your gastronomic, travel and social needs are met, you might want to evaluate your academic needs. In case you didn't know, the SBA office is now fully stocked with an enormous selection of study aids. For those of you who are already struggling through cumbersome case law and stale statutes, study aids (hornbooks, Emanuel's, Nutshells, etc.) can provide an organized presentation of the law in an understandable, "user friendly" format. The book exchange also has a wide variety of flashcards and audiotapes for use later in the semester, when things **really** get intense! While SBA doesn't recommend reliance on study aids at the expense of reading case law, we'll be glad to suggest guides that seem to be best suited for your class and professor, when possible. Stop in and look around when you have a chance -- office hours are posted on the door.

Also posted on the SBA bulletin board are the usual items, such as **Volunteer Information** forms for SBA committees; **Incident Report** forms for use when you feel you've been slighted (or for other problems or inequities around the school); **Suggestion** forms for your ideas and comments; and **pictures** of some of your SBA Board members, to help you put names and faces together. These items are intended to make

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THE DOCKET

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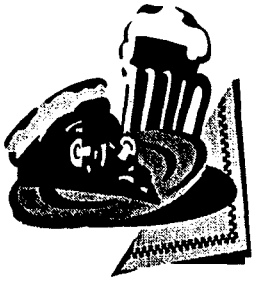
The views or claims expressed in THE DOCKET are those of the author/advertiser and are not necessarily those of THE DOCKET, its staff, the College of Law, or Georgia State University.

SAVE MONEY ON YOUR LAW BOOKS & STUDY GUIDES!

Buy from your fellow students at the SBA Bookstore, Room 225.

Remember:

$ SAVED =



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the SBA as responsive and accessible as possible -- please take a few moments to give your input!

Information is also available in the SBA office about membership in the Law Student Division of the American Bar Association.

We encourage all students to join -- at $15 annually, it's a bargain! Besides the informative journals (ABA Journal, Student Lawyer), student members are eligible for group medical insurance at very reasonable rates. Please stop by the office for more information, or drop us a note and we'll put information in your student mailbox.

Thanks to all who have purchased books, coffee, T-shirts, hats, or who have simply stopped in to say "hi!" We appreciate your support.

Vicki Bell, SBA President

WHAT'S GOING ON?

September

9 Phi Alpha Delta will be holding a Rush Party from 7:00 to 9:00 p.m. at the Beer Mug.

13 The Public Interest Law Association (PILA) will be holding a meeting at 12:00 and at 5:30. Room to be announced.

13-14 Videotaped Practice Interviews. Career Planing Office of College of Law, 10:00 to 6:00.

14 Professor Hartfield will lecture on "Case Synthesis." This event is sponsored by the Black Law Students Association (BLSA). Room 230, Urban Life Building, 5:00 to 6:00 p.m..

17 On-Campus interviews begin.

19-24 Legal Ethics Week, organized and sponsored by Phi Delta Phi.

22 The Environmental Law Society invites Professor Sherk to speak on Employment Opportunities In Environmental Law. Room to be announced. Time: 12:00.

The 16th annual Henry J. Miller lecture will be held at 6:00 p.m. in the Urban Life Building. This year Drew S. Days III, Solicitor General of the U.S., will be speaking. For more information call 651-2040.

23 Phi Delta Phi general meeting. Watch mailboxes and notice boards for time and place.

26-30 The International and Comparative Law Society presents a speaker from the Atlanta International Legal Community. Time/place to be announced. Watch the notice board for more details.

End Sept Delta Theta Phi presents the first speaker of this semester's "Bench and Bar" lecture series. Time/place will be announced on the notice board.

October

6 "How To Find A Job" seminar organized by Phi Delta Phi and co-sponsored by Westlaw.

End Oct Phi Delta Phi is sponsoring a Halloween Blood Drive in the Urban Life Building. Please give generously.

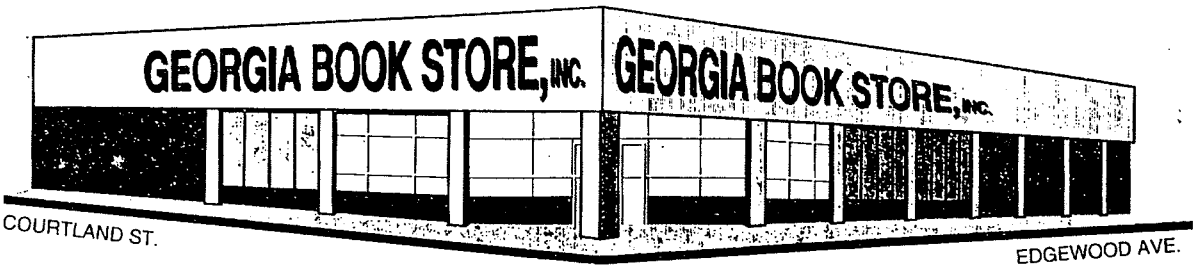
Members of the Association of Women Law Students will attend a function with the Federal Bar Association. You can join AWLS by dropping by Room 227 of the Urban Life Building. Annual membership $15 (t-shirt included) or $5.

November

12 The 1994 Southeastern Public Interest Law Job Fair. For more information and student registration contact the Law School Placement Office.

INTERNATIONAL AND COMPARATIVE LAW SOCIETY

ICLS has coffee mugs for sale. If you're interested in buying one contact any ICLS officer or leave a note on the door of the ICLS office (229 Urban Life Building). 1Ls, it's not too late to become a member. If you're interested attend the ICLS General Meeting. Dates to be announced.



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THE GEORGIA BOOK STORE

DELTA THETA PHI

DTP made a great start to the semester by hosting a social mixer at the Texas bar. The DTP President Robert Hilliard reports that there was a terrific turnout. Those still interested in joining contact an officer or drop by Room 226, Urban Life Building.

This year DTP has T-Shirts for sale. Place your orders with a DTP officer. T-Shirts will also be sold in the Foyer of the ULB during the semester.

ASSOCIATION OF WOMEN LAW STUDENTS

In the next few weeks you will receive a questionnaire on childcare in your mailboxes, part of a survey being conducted by AWLS. Please help by giving your feedback.

AWLS has set up an Outline Bank for its members, especially good for 1Ls. If you haven't already done so, become a member by stopping by the AWLS office (Room 227 Urban Life).

PHI ALPHA DELTA

The new president of PAD is Lacy Cary. If you want to know more about PAD and you missed the Rush Party on September 9th, call Lacy at 449-8359 or stop by the PAD office (Room 226 Urban Life Building). PAD will be holding their first meeting in mid-September. Dates/time will be posted on notice boards.

Note to Student Leaders

If you have an announcement you would like to be published in THE DOCKET please call Shivon at 643-0998.

NEW FACULTY

Who is the new professor who has students excited about Evidence? And what is this about artistic expression and legal understanding? The connection between duck hunting and a lawyer's role in the judicial process may seem tenuous to some, but not to Professor Steve Friedland who is visiting with Georgia State University College of Law.

With an undergraduate degree in Mathematics, he thought he would find the same systematic logic and process in law. After obtaining his law degree from Harvard and L.L.M. from Columbia, it would be interesting to see what his current opinion is of law and of systematic logic. He has had plenty of experience in different areas to develop an opinion. After earning his law degree, he served as a clerk for a Federal District Court judge. He moved on to work as an assistant U.S. attorney in D.C. in the criminal division, as well as working with a psychiatric hospital as counsel and representative for

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commitment proceedings. That may explain that knowing look in his eye when he gets some of the questions from confused students.

After teaching evidence for over nine years, you would think he would feel fairly confident with his deliverly and grasp of the subject. But he doesn't allow himself to get too comfortable with what he has known. "I learn every time I teach, and like to dive beneath the doctrine," he responds to a question on his legal focus. Here is a teacher who experiences the class and learns from what he hears as much as he imparts his grasp of the subject to the students. What a concept! Here at GSU we have an atypical student body, with day and night, full and part-time sutdents. It is not uncommon to be in a class where a middle aged mother of three children is sitting beside a younger student straight from undergraduate studies; a retired military officer next to a young man who worked organizing inner-city residents to fight off the oppression of city hall and other repressive institutions. And here is a professor who actually recognizes that there are perspectives and viewpoints that he can learn from while teaching a required second year course. If he could emphasize something to a law student it would be that lawyers are problem solvers, and that the law (as troubled as it may be) is a better way to solve problems than the alternative. His emphasis is that there are different viewpoints, and a lawyer must learn how to interpret the facts and law to persuade others on behalf of his client. Words and communication are a favorite of his, because words are inherently ambiguous--or lawyers would not have a job.

There seems to be a questioning depth, a sincere search, beneath a comfortable character. Perhaps the questioning is why he has a burning interest in law and medicine, particularly bioethics and life and death issues such as "do not resuscitate" orders. Having travelled extensively and taught extensively, Steve Friedland still finds that "life is an experiment." While his hypothesis remains unstated, students find his classroom laboratory very rewarding.

Forrest Shealy

The Austrian-American Comparative Dispute Resolution Program

On May 19, 1994, twenty-five College of Law students,, accompanied by Professors E.R. Lanier and Michal Landau, travelled to Linz, Austria, to participate in the first installment of the Austrian-American Comparative Dispute Resolution Program. The program is the brainchild of GSU Professor E.R. Lanier and his Austrian counterpart in Linz, Professor Hanz Dolinar. The program grew out of the professors' collaborative efforts in the area of international commercial arbitration, which may soon culminate in a text on that topic.

The students studied two topical areas, receiving College of Law credit for each. First, the students engaged in comparative law, focusing on the Austrian and American court structure and civil procedure, and culminating in a colloquium discussing the comparative merits of the civil and common law systems. The second area of study was international commercial arbitration. This aspect of the program included an overview of the rules of the various arbitral bodies, including those of the American Arbitration Association, the ICC, ICSID, the UNCITRAL Model Rules, the Vienna Rules, the Swiss, the German, and the Hungarian Rules. Students also studied the substantive law regarding the enforcement of foreign arbitral awards, as expressed in the New York Convention, as well as choice of law rules in international arbitration. Professor Landau supplemented the curriculum with a lecture on arbitration in patent and copyright disputes.

All lectures took place (in English) at the Johannes Kepler University of Linz. One of the highlights of the program was the signing of a formal agreement making Johannes Kepler a sister school of the GSU College of Law. Plans for the future include more student exchange programs and visiting professorships at both schools.

Integral to the 1994 program were various "field trips." Linz is the capital of the province of Upper Austria, and thus gave the students first hand access to the Austrian courts. Students were given tours of courts which roughly correspond to the American district and circuit courts, including attendance at civil trial hearings (conducted in German), as well as a tour of a separate criminal court. Each tour was accompanied by lecture from Austrian judges. Students also visited VOEST Alpine Technologies, a steel mill in Linz, where they were lectured by the general counsel regarding the use of international commercial arbitration by his company.

Students also travelled as a group to Salzburg and Vienna as part of the program. In Salzburg, the students toured the baroque buildings which house the law school of Salzburg University, and received a lecture on European Community human rights law at the Salzburg Research Center for Human Rights. Students made two separate trips to Vienna, the capital of Austria. On the first trip, the students received a lecture on international commercial arbitration under the Vienna Rules by the President of the Austrian Federal Arbitral Center, Dr. Werner Melis. Students also toured the Barfuss-Torggler law firm, the largest in Austria (with some 30 lawyers) and were given a chance to ask questions regarding the practice of law in Austria. The second excursion to Vienna included a meeting with the general counsel of Coca-Cola for Central and Eastern Europe, who spoke of his experiences with international commercial arbitration commercial arbitration and with the courts of the formerly communist states of Eastern Europe.

In addition to the program's structure, students were given weekends free to travel in Austria and Europe. GSU was represented all over Austria, including Linz, Vienna, Salzburg, Melk, the Wachau region, Friestadt, and the Salzkammergut region. Students also ventured forth into the Czech Republic, including Ceske Budejovice (Budwies) and Prague, and to Budapest, Hungary. One student even travelled as far as Belgrade, Yugoslavia.

The College of Law paricipants in the program included 1st, 2nd, and 3rd full time and part time students. The

Austrian-American Comparative Dispute Resolution program is an excellent addition to the College of Law's curriculum. Future installments of the program are anticipated in the coming years.

Cliff Stanford

Feeling Stressed? Then Vent Your Spleen!

Your mother always told you it's not good for you to keep things all bottled up inside. That's why The Docket is providing a safe, easy vehicle for you to get things off your chest that are just bugging you to death. From now on look for "The Vent", a space devoted to pet peeves, issues, or general gripes you have about school, life, the country, the world. We don't really care what it's about as long as it makes you feel better. After all, we're here to serve.

More fun than a peptic ulcer and not half as painful, "The Vent" can be your pathway to inner peace. Four out of five dentists surveyed said they didn't really give a damn, but somebody might. You never know who'll read your "venting" and actually do something about it.

You can vent by sending it to Scott Bailey, Box 026, or dropping it off be the SBA office, c/o "The Vent". Names and addresses will be withheld to protect the innocent, but we would appreciate it if you let us know who you are.

So, to kind of show you what we mean, here are a few recent gripes sent in by some overly hypertensive 2L's.

"Why can't someone do something about the smell emanating from the first floor bathrooms? Not only is it repulsive, but it doesn't provide a very nice atmosphere for studying in the library, not to mention the impression it leaves with visitors to our otherwise fine law school. Is it too late to sue the architect who attached columns, those symbols of higher learning and academic excellence, to the back wall of the ladies room?"

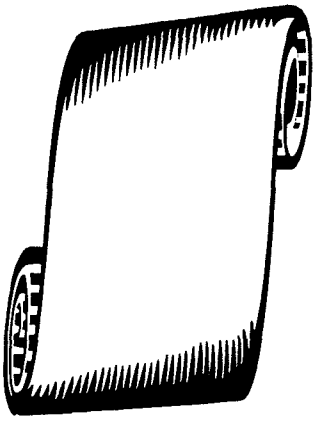
"Is it like a state law or something that requires every financial aid worker in the state to be openly hostile towards law students? Just wondering."

"Why does the Plaza Cafe arrange its hours of operation around the rest of the University, when a substantial part of its business comes from law students and faculty? We've been in school since August 23rd and it hasn't opened yet."

Ahh, we can just feel the tension leaving our body like wheat chaff spirited away by the cool autumn breeze. Uh...sorry, I thought I was "The Docket Laureate" for a second there.

Scott Bailey

DOCKET LAUREATE
by Arturo Corso



For this issue I have compiled a pinch of wisdom and a little shocking romance. I hope you enjoy it. If you wish to submit works or suggestions to this column, send them to me at the SBA office. I await your contributions, one and all...

"i like my body when it is with your
body. It is so quite new a thing.
Muscles better and nerves more.
i like your body. i like what it does,
i like its hows. i like to feel the spine
of your body and its bones, and the trembling
-firm-smooth ness and which i will
again and again and again
kiss, i like kissing this and that of you,
i like, slowly stroking the, shocking fuzz
of your electric fur, and what-is-it comes
over parting flesh . . . . And eyes big love-crumbs,

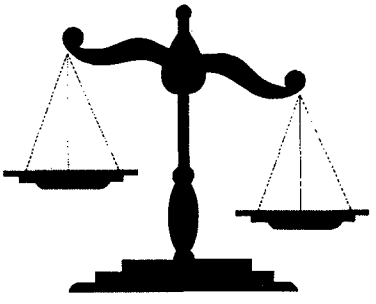
and possibly i like the thrill

of under me you so quite new"

by e.e. cummings

From Life's Little Instruction Booklet #322

"Don't say you don't have enough time. You have exactly the same number of hours per day as Helen Keller, Pasteur, Michelangelo, Mother Teresa, Leonardo da Vinci, Thomas Jefferson, and Albert Einstein."



NEW LAWS OF INTEREST

The most recent session of the Georgia General Assembly has enacted legislation of interest to both prosecuting and criminal defense attorneys. The following is a brief report on selected legislation which has passed in the 1994 session. Copies of Bills are also available upon request from the Clerk of the House of Representatives or Secretary of the Senate.

Bills Effective July 1, 1994

The first change of interest involves the **Third Year Practice Act**. House Bill 804 amends O.C.G.A. § 15-18-22 to allow law students admitted under the Third Year Practice Act to serve for up to **18 months** and also permits out-of-state law students to qualify for appointment.

In response to the Olympic Games, House Bill 1357 and Senate Bill 414 deal with **Hotel Price Gouging** and **Professional Licensing Law Exemptions**. O.C.G.A. § 43-21-16 now makes it a misdemeanor for hotels to charge excessive prices during the '96 Olympics. Also, O.C.G.A. § 43-1-26 creates a temporary exemption from State professional licensing laws for trainers, doctors, pharmacists, and security personnel for the '96 Olympics.

Additionally, House Bill 1225 amends O.C.G.A. § 10-1-310 adding two new subsections which extend the **Anti-ticket Scalping** law to any entertainment event. The ticket issuer may, however, authorize service charges which exceed the three dollar limit which applies to certain sporting events.

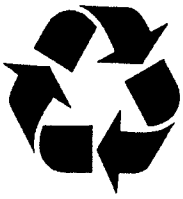
In response to the increasing concerns of **Weapons in School**, House Bill 1100 amends O.C.G.A. § 16-11-127.1 by adding "any bat, club, or other bludgeon-type weapon" to the prohibited articles, but also adding "baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes" to the list of exemptions.

Also involving **Minors**, Senate Bill 517 amends O.C.G.A. § 16-5-71 by raising the legal age to be **Tattooed** from 16 to 18. Additionally, House Bill 1229 requires the Board of Pardons and Paroles to order **Sex Offenders** (when the victim was under 18) to register, within 10 days of release on parole or setting up residency, with the superintendent of the public school district and the county sheriff.

There are also several changes in **D.U.I.** law, although some are in effect trivial. First, a nolo contendere plea will no longer be accepted if the offender has a blood-alcohol concentration (BAC) of greater than .15 within three hours of driving. Also, drivers under 18 are now per se D.U.I. if their BAC is .04 or greater (the old law maintained a .06 threshold).

Other miscellaneous legislation of interest to Kevorkian followers includes House Bill 415 involving **Assisting a Suicide**. O.C.G.A. § 16-5-5 now defines suicide and "intentionally and actively assisting suicide." It is a 1-5 felony to publicly advertise, offer or hold oneself out to be a person who will intentionally and actively assist another to commit suicide AND to commit an overt act to further that purpose.

It's also important to be aware that, under the **Human Body Traffic** Bill, O.C.G.A. § 16-12-16 makes it unlawful to remove a **human body part** from the scene of a person's death or dismemberment unless lawfully discharging specific duties.



Finally, House Bills 1395 and 1398 amend O.C.G.A. § 45-7-4, increasing **Superior Court Judges Salaries** from $65,519 to $75,544 and **District Attorney** salaries from $58,256 to $67,281, also increasing the salaries of **Supreme Court Justices** from $90,514 to $105,249, **Court of Appeals Judges** from $89,931 to $104,582, and **Attorney General** from $69,315 to $90,000 (effective 1/1/95).

Tara Waller

LETTERS TO THE EDITOR

I Choose to Speak Up

To the Editor:

I choose to speak up.

For the past year or so, I have displayed on my locker a paraphrase of Rev. Martin Niemoller's famous poem about apathy in Nazi Germany ("First they came for the Jews, but I was not Jewish, so I didn't speak up"). During the time the poem was displayed, other students gave me both positive and negative comments about it; I relished the opportunity to discuss it with anyone, regardless of their opinions of its message.

One recent morning, I arrived at school to find that my locker had been vandalized. The poem itself had been torn from locker, leaving only fragments of tape and bits of paper; on those bits of paper, someone had written disparaging comments such as "Pay taxes," "grow up," "Democrats are the enemy," and my personal favorite, "stop waiting for a handout." I can only conclude from these comments, combined with the destruction of my personal property, that someone is trying to silence me, the message contained in the poem, or both.

Since I am by nature an optimist, I choose to believe that the person responsible was not a College of Law student or had no idea that such destruction is an Honor Code violation. Even so, I am saddened that any person would feel insecure enough to try to silence me by denying my right to speak.

Since I have been at Georgia State, I have been impressed with the overall atmosphere of tolerance and diversity here. I have found that, as a general rule, College of Law community looks be[illegible] political or philosophical ideology; instead, the community values the exchange of well-founded ideas, regardless of their political implications.

Ideas are not dangerous. Attempts to restrict the exchange of ideas are incredibly dangerous. The Constitution protects my freedom to speak, and so protects others' freedom, even if their ideas are contrary to my own. I am secure enough in my freedom to encourage others to speak, even though they would deny me the right to do the same.

After much consideration, I have decided to leave those paper fragments on my locker. Every day they will remind me of Rev. Niemoller's point: that destruction of one person's rights eventually leads to destruction of everyone's rights. Every day, they will remind me not to remain silent.

I choose to speak up.

Sincerely,
Amy Waggoner

Westlaw. Think of it as your own personal newsstand.

barbri 2987 Clairmont Road, Suite 130 Atlanta, Georgia 30329 (404) 315-0024

An Open Letter to all GSU Law Students:

Recently PMBR announced that it will no longer be involved in full service bar review preparation for the Georgia bar exam. PMBR was a primary and best known multistate component of the BRG bar review. While we don't know precisely what this change will mean to students who were planning to take either of these courses, we do know one thing for sure:

BAR/BRI will continue its 20-year commitment to help students successfully prepare for the Georgia bar exam.

Even before the recent changes, BAR/BRI students could be confident they were receiving the consistently best bar review course in Georgia for both the MBE and essay portions of the Georgia bar exam. Each BAR/BRI student receives:

- ✔ **Superior** substantive lectures by Georgia bar exam experts.
- ✔ **Over 2700** practice Multistate questions.
- ✔ **Both** the BAR/BRI Multistate Workshop **and** the Gilbert Multistate Workshop with ***exclusive nationwide computer performance analysis.***
- ✔ **StudySmart** software which includes released and simulated MBE questions as well as an on-line outline.
- ✔ **Georgia Essay Testing Volume** containing every Georgia bar exam essay since the current format was adopted, all with model answers as well as subject-by-subject frequency analysis to show commonly tested issues.
- ✔ **Essay Writing Workshop** with individually graded and critiqued answers.

We hope you will take this opportunity to join the thousands of licensed Georgia Attorneys who have relied upon BAR/BRI to help them pass the Georgia bar exam the first time. It only takes a $50 payment to freeze your course tuition and receive law school outlines. We will honor deposits made to another bar review course. Contact your rep to enroll or call us at (404) 315-0024.

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