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RES IPSA...

Newsletter of the Student Bar Association • Southern New England School of Law

VOLUME #3

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ISSUE # 10

STUDENT BAR ASSOCIATION IN ACTION

The SNESL Student Bar association charged into the Fall 1992 academic semester meeting twice last month to get the year rolling. Thanks to the cooperation of the school administration the SBA now has an office. Our new headquarters, formerly the book store, has been freshly painted. It is already outfitted with a computer and some office furniture. Soon we will be getting a telephone and an answering machine. There are also plans to begin holding open office hours. Students will be able to meet with their SBA representatives privately as well as at the regular SBA meetings. When the phone is installed you will literally be able to reach the SBA office 24 hours a day. The Bar association hopes this will encourage more students to utilize the services of student government.

During the September 5th meeting President Dave Johnson reported that faculty advisors will be assigned to all first year students. The SBA has been advocating the benefits of faculty advisors for some time and they are pleased that this practice is finally a reality. Class representatives discussed the possibility of starting a Mentor Program and Treasurer George Van Duinwyk has already met with the Dean to begin working on the specifics of the program. While the details still need to be worked out a mentor program would be designed to match volunteer 2nd, 3rd and 4th year students with incoming 1st year students. Mentors traditionally give advice and guidance to novices, something many 1st year students would enjoy having.

The executive board, led by Vice President Jackie Grasso, is preparing to conduct this year's SBA elections. The elections, scheduled for October 16th from 9am to 9pm will include races for the first year class and the day program. Jackie also reported that the date for the annual Holiday Party is scheduled for Saturday, December 12th, at the Hawthorne Country Club in North Dartmouth, MA. Mark you calendars now. Tickets will be on sale in November.

A Student Directory form is currently being circulated to all students. Once completed the forms will be collated and published as a comprehensive listing of the current SNESL student body. Please return your forms in promptly. We would like to distribute the Directory next month.

Editor : Karen Augeri Benson

Staff Writer: David Berger

STUDENT BAR ASSOCIATION IN ACTION continued

At the September 19th meeting representative Margaret D'Alfonso reported on the graduation plans for this coming January. Twenty-two SNESSL students are scheduled to graduate and the Bar Association made tentative plans to sponsor a luncheon in their honor. The SBA also learned about the recently organized Alumni Committee. Committee leader Joe Medeiros will be meeting with SNESSL graduates and the Dean in the near future to solidify the Alumni effort. They will be working in conjunction with the SBA.

EDITOR'S NOTEBOOK

Res Ipsa is growing. We have added three new volunteer staff members and bolstered by their efforts will shortly add a new regular feature. Joining as staff writers are Edwin T. Scallon, who has a short bio in the Library section of this edition; Kelly Martin-Luiz, a legal clerk who will graduate next year; and George Van Duinwyk, the SBA Treasurer.

With this staff Res Ipsa plans to start a new feature reporting on recent developments in the law. We realize that this is a serious undertaking. Our goal is to provide short, concise briefs of cases addressing the subject matter of our studies. Staff writers have thus far selected Civil Procedure, Property, Criminal Law and Constitutional Law as the initial topics to be covered in the new feature. The guidelines for selecting cases are simple. All cases reported in Res Ipsa will be from "our jurisdiction" which has, for our purposes, been defined as Rhode Island and Massachusetts appellate level decisions, including the Federal courts.

Many students have heard Assistant Dean Hillinger say that the bar examiners have a penchant for questions relating to recent development in the law. The editor is one student who believes everything Dean Hillinger says. Hey, even if he's wrong, it can only help to know and learn the most recent interpretation of statutes and common law. This was but one catalyst in our decision to begin covering recent developments. Another important motivation was a desire to attempt substantive legal writing in this newsletter. We do not purport to include all or even most of the late breaking cases. Nor do we in any way intend these summaries as a substitute for your required reading assignments. The goal is to inform. To arm you with enough information so that you can then turn to a resource such as an advance sheet, Bar Journal, Lawyers Weekly or even Westlaw for an in-depth understanding of the material.

A sample of the new feature is found on page four. It still needs a name. We welcome student and faculty comments on our format, content and style. We also ask that you kindly direct your comments to the editor in writing. Anyone interested in writing for this feature is encouraged to drop a note in the SBA message box.

LIBRARY NEWS

The Library is pleased to announce the donation of two copies of Speed Ver 2.01 by Edwin Thomas Scallon. Mr. Scallon is currently a second year full time day student at SNESL, and is best known to readers of this publication for writing the Legal Maze crossword puzzles.

Speed is a computer program for determining speed from skid marks and an accompanying text that is an introduction to accident reconstruction. The program has been modified and authorized so that it may be copied by any student or faculty member with a current library card.

Mr. Scallon is a retired Providence Police Officer. He is a licensed pilot, an amateur radio operator, a professional photographer, a computer programmer and an expert on accident reconstruction. He has reconstructed over 4,000 motor vehicle collisions, written widely on the subject, and developed several other computer programs.

ADMINISTRATIVE NOTES

In order to provide a more private and confidential atmosphere for all students the Administrative Business Office has been moved . It is now located at the top of the stairs near the Library entrance, off Elm Street.

The registrar's and Dean's offices are again located in the main office near the Purchase street entrance. Nancy Hebert, one of the business office staff, notes that SNESL hopes this change will allow them to serve the student body in a more effective and efficient manner.

Financial matters, loan questions and the like are the types of questions that should be directed to the business office. For exam requests see the Registrar, Carol Vidal. Appointments with Professors or the Dean should be scheduled through Sharon Martin.

Information regarding the Health Insurance coverage is now available. The Plan is called ELITE - The Celtic Elite Health Plan. A sample premium for males ages 23-27 is approximately \$408.00 per semester. Actual costs vary according to your age, health and which deductible amount is selected. Students who would like to be covered under the plan will need to see the administrative staff for complete information and a brochure.

RECENT DEVELOPMENTS

by G. Van Duinwyk

CIVIL PROCEDURE - DIVERSITY QUESTION

BANK ONE, TEXAS, NA V. MONTLE

(1st Cir., MA 1992)

This was an appeal from a judgment of the U.S. District court for the District of Massachusetts entered in favor of the Plaintiff. This court remanded with directions to conduct further inquiries into jurisdictional facts and render findings as to the existence or nonexistence of diversity jurisdiction with respect to the Defendant.

Issue: Must diversity be proven *at the time an action is filed* in Federal Court ?

Holding: Yes. Domicile is determined as of the time that suit is filed. Once diversity jurisdiction is established it is not lost by later changes in domicile. The Magistrate here concluded that as of the time the action was brought defendant physically resided in Texas and intended to remain there. Thus, diversity of citizenship was entirely lacking. This court accordingly vacated the appeal and remanded with directions that the action be dismissed.

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