



Briefs

Is Violent Poetry Criminal?

US — The California Supreme Court is deciding whether to throw out the conviction of a 15-year-old boy who served 100 days in juvenile hall for writing a poem that included a threat to kill his fellow students.

The case weighs free speech rights against the government's responsibility to provide safety in schools after campus shootings nationwide.

Attorneys for the San Jose boy described the poem as youthful artistic expression. One passage says: 'For I can be the next kid to bring guns to kill students at school.' Another reads: 'For I am Dark, Destructive & Dangerous.'

Chief Justice Ronald George and other justices wondered aloud whether George T's statements were protected speech because they were presented as verses in a poem. Justice Kennard suggested there was no immediacy to the threat and therefore no crime was committed. 'The poem doesn't say "I will be the next kid to bring guns to school." It says, "I can."' Justice Janice Rogers Brown said the First Amendment doesn't shield works of art with unlawful intentions.

Speaking for the state, Laurence said the boy's poem cannot be analysed in a vacuum. The boy passed the poem to a girl in his English class 11 days after a student killed two classmates and wounded 13 others at Santana High School in Santee on 5 March 2001. 'You have to look at it all in context,' Laurence said.

A ruling is expected within 90 days. (Source: www.cnn.com)

China's First Fund Law

China — China's first fund law will not only help develop the fledgling fund sector, but also encourage regulators and fund managers to do a better job. Mo Taishan, a division chief of the China Securities Regulatory Commission, the securities industry watchdog, said the body was 'stepping up preparation of the relevant regulations to run parallel with the fund law'.

The new rules, which came out in the last week of May, cover six areas — sales of securities investment funds, fund operation, management of fund companies, information disclosure, a code of practice for fund companies' senior executives and criteria for custodian banks. 'The purpose of the legislation is to set up new standards for the fund business and help its growth,' he said. 'But the priority is to provide improved investor protection.'

The Securities Investment Fund Law of China, approved by the Standing Committee of the National People's Congress ('NPC') last October, was expected to take effect on 1 June 2004. It will clarify the standards for fund operation, market entry, information disclosure and, more importantly, the rights and liabilities of relevant parties and punishments in case of breaches.

The new law would also force banks to improve services to fund buyers and usher in new business opportunities. (Source: www.china.org.cn)

Price of Stolen Law Clients: US\$1.4M

US — A jury has awarded a law firm \$1.4 million in damages because several of its clients were stolen by a rookie lawyer at another firm.

Rosenberg Minc, a personal injury firm, had sued another personal injury firm, Mallilo & Grossman, and one of that firm's lawyers for carrying out the client theft scheme. Mallilo & Grossman said it will appeal the verdict.

About \$450,000 of the award must be paid by the lawyer, Mason Pimsler, and the rest by Mallilo & Grossman, said Philip Vogt, lawyer for the Rosenberg Minc firm. The jurors found the firm had in effect authorised Pimsler's actions.

Vogt said trial evidence showed that Pimsler called Rosenberg Minc's answering service every weekend between January and May 1999, pretending to be a partner in the firm and collected messages.

Pimsler was arrested in May 1999 in a sting operation and disbarred in October 2001. Vogt said senior lawyers at Mallilo & Grossman should have been suspicious that Pimsler, as a first-year associate, was generating so much business. (Source: www.cnn.com)

Correction: *The original version of this story incorrectly stated the time frame over which Mason Pimsler called Rosenberg Minc's answering service. The correct time frame was the first five months of 1999.*

Mexican Spared US Death Penalty

US — The governor of Oklahoma, Brad Henry, has commuted the sentence of a convicted murderer from Mexico to life without parole.

The Governor's decision came hours after a court halted Osvaldo Torres's execution set for early June. The appeals court said the US may have violated his rights under international law by not granting him access to the Mexican consulate after his arrest. At issue was whether consular aid would have affected the outcome of Torres' trial.

In March, the International Court of Justice at The Hague ruled that the US had violated the rights of 51 Mexicans on death row in American prisons. The court found that the prisoners did not receive a fair trial because they were not told of their rights to consular assistance. Mexican lawyers argued that consular help could have made the difference between life and death. The 1963 Vienna Convention, which both countries have signed, required the men to be informed of their rights to consular aid.

Torres, 29, was convicted of murdering two people in Oklahoma during a burglary in 1993 and was due to be executed in late May. (Source: www.cnn.com)