Law Student Killed at General Dynamics

by Mary A. Sniwerski

Michael Konz, a 25 year old second-year evening student, was shot and killed by a disgruntled employee at the Convair division of General Dynamics on January 24. Robert Earl Mack, 42, a former General Dynamics employee who had been fired for attendance problems, has been charged with his murder and the attempted murder of his supervisor, James English, 52.

On January 24, Mack went to the General Dynamics plant to attend a grievance hearing related to his termination. Konz, a human resource counselor, was acting as a labor negotiator during the hearing. According to witnesses, Konz and English left after the hearing and were walking to a courtyard at the back of the building when Mack caught up with them. Mack drew a gun and shot both men in the back of the head.

Konz died at the UC San Diego Medical Center and English remains hospitalized and is listed in fair condition.

Deputy District Attorney Robert W. Sickels was charged seeking the death penalty in the case.

Konz was remembered by fellow students as someone who was very disciplined, working long hours at his job while striving to be the best in law school. Konz was also remembered for his quick wit and sense of humor.

Many students attended two memorial masses held in Konz’s honor and paid tribute to a friend they regarded as inspirational. The second mass was presided over by Konz’s brother, Greg, a Jesuit priest.

Konz is originally from Phoenix. He graduated from Arizona State University within a degree in economics. He came to San Diego in 1988 to begin work with General Dynamics.

Friends of Konz have established a memorial fund in his name at the School of Law. Students hope to raise at least $5,000 to endow the fund. The interest will be awarded as a scholarship to a student who possesses the qualities which best embody Konz’s spirit.

“Michael’s friends wanted a tribute to what a good person he was, the way he worked hard, and to make sure he is remembered,” Kathleen Quinn, Director of Law School Development, said.

Students who wish to make donations to the fund may contact Quinn or send their donation directly to Michael Konz Memorial Fund, USD School of Law, Warren Hall 112, Alcala Park, San Diego, CA 92110.

Barkacs and Mehta Win Con Law Competition

by Laura G. Morton

Linda Barkacs and Dinyar Mehta took first place among the 29 teams that competed in the 1992 St. Thomas More Constitutional Law Competition held last week. Michelle Meissner and Bill O’Leary took second. Barkacs and Mehta will go on to represent USD at the Justice Roger Traynor Constitutional Law Competition which will take place at UC Berkeley in March.

Justice Edward T. Butler (ret.) of the Fourth District Court of Appeals, Professor Mike Kelly who serves as faculty advisor to the Moot Court Board, and Mark Siegel, Senior Associate at Grady & Farley judged the competition. Siegel will be the coach for the Traynor Team.

The final round was held last Friday in the USD Grace Courtroom with a reception immediately following. The winners of the competition received a free Barpassers Course. John Iannarilli and Julie Westwater came in third, and fourth place went to Angie Bartosik and John McGowan. In addition, Paul Junge was named best oralist. The Best Brief (Petitioner) was written by Greg Stuman and Colin Atkins and the Best Brief (Respondent) was written by Chris Johnson and Richard Rayner.

The tournament was coordinated by Moot Court Board Member Steve Weisenberg. The problem concerned freedom of speech issues which arise when citizen passes ordinances that prohibit nude dancing. Although competitors write a brief for only one side, they are required to argue both sides of the case in the oral rounds.

The problem for the Criminal Procedure Competition will be distributed on February 26.

Women in the Legal Field: How Do They Fare Today?

by Laura G. Morton

The sexual revolution has been quelled for women has left many of them burnt out and feeling cheated, and Gloria Steinem has recently written a book on self-esteem in which we see the weaknesses of the woman long considered to be the leader in the quest for equal rights for women.

For years, many women and men have been speaking of the demise of the women’s rights movement. Many younger females have not been as active although they are appreciative of the struggle their mothers and older sisters went through. However, recent events have brought to the forefront some of the problems which many women continue to face in their daily lives: sexual harassment, not enough child care options, and a lack of understanding of the stress that many women feel, having to be both homemaker and breadwinner. The legal profession, once the bastion of white males is changing as more and more women decide to become attorneys. Or is it?

According to Virginia Nelson, a USD Alumni and past president of the San Diego County Bar Association, there has been some change, but the legal profession is still dominated by men and the rules of the game, created by men, have not changed.

“Some things have changed dramatically from 1979 when I graduated from law school,” Nelson said. “People have gotten used to having and seeing women in professional roles.”

Nelson pointed out, however, that bias and discrimination in the workplace towards women still exist.

“The attitude towards women is getting better,” she continued, “but discrimination is also getting more subtle, when it exists, so that it is more difficult for women to combat.”

A recipient of the USD School of Law Distinguished Alumni Award, Nelson is a sole practitioner specializing in medical malpractice. Nelson said she is happy with the progress women have made and believes it will continue to get better.

“Women are becoming more powerful within the profession so they are exerting more pressure for change,” Nelson
1992 Jessup Team Prepares for Victory

by Mary Smigielski

While many students spent their Christmas vacation at home trying to recover from the torture of final exams, the four students who make up the 1992 Jessup International Law Moot Court Competition Team were hard at work. These students, Dyke Huish, Chris Miller, Laura G. Morton, and Troy Zander, quickly learned that their knowledge of the problem was limited despite having competed in the intra-school competition.

"The Jessup Team, coached by Janet Richardson, is preparing for a win at the regional competition on February 21-22 at Hastings School of Law. The winner of the regional competition will advance to the April international competition in Washington, D.C. where they will compete against teams from around the world.

USF has a strong track record in the Jessup competition. Last year's team, comprised of Janet Richardson, Kevin Childs, Kipp Williams, and Paul Katrinak, placed third in the world. In addition, Katrinak was chosen as best oralist in the world.

"Being on the Jessup Team requires a tremendous time commitment but the members think it is well worth the effort. Valuable lessons can be learned; valuable knowledge gained."" It is so hard for me to imagine that I am spending more hours preparing for this competition than I do in class,"" Morton said. ""It is giving me great satisfaction to know that I can discipline myself and dedicate myself to something just for the pleasure of expanding my learning experience here at USD."

The problem for this year's competition is loosely based on the crises in the Persian Gulf and raises a range of issues from the use of force to prevent human rights violations to economic interdependence.

Team members research the issues on a daily basis and continually try to supplement their oral arguments with up-to-the-minute information.

Formal practice rounds are held twice a week and team members are required to approach the practices as they were the real thing. USD alumni act as judges critiquing everything from personal appearance to the substantive arguments. It is an arduous process which team members say only helps to enhance the learning experience.

"This gives me an opportunity to get an education that cannot be obtained in the classroom. In-class work is not reality; moot court competitions approach reality. By getting involved in Moot Court I am taking responsibility for my education," Zander said. "I refuse to sit idly by and let others direct my learning. So I don't!"

Despite the long hours, team members agree that there is some fun to be had. According to Huish, while it is necessary to ensure that the formal process is followed, it is also important to enjoy the experience.

Huish pointed out that when the team members are having fun they are much more relaxed and do better.

The entire team hopes that the hard work will pay off with a trip to the international competition. They realize that they must uphold the excellent reputation past teams have established for USD.

"We've wrest three intense months learning and interpreting the international law of war, oil and human rights," Miller said. "While we have all made sacrifices for a strong Jessup Team, the long hours will pay off—I hope. I look forward to the competition at Hastings. We're going to win!"

INTENSIVE ADVOCACY PROGRAM both Pre-Trial and Trial Skills

The University of San Francisco School of Law announces a new comprehensive program of prelitigation and trial skills training. You will receive three units of credit for a comprehensive program of prelitigation and trial skills training over a two-week period (May 17-31, 1992). The program involves over eighty (80) hours of lectures, demonstrations and practice. You will have numerous opportunities to develop your litigation skills. There is limited enrollment!

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• use discovery tools
• write & argue motions
• recognize evidence issues
• make objections
• present direct testimony
• use experts effectively
• cross-examine witnesses
• recognize evidence issues
• make opening statements
• prepare for trial
• conduct a trial
• gain self-confidence
• respond to opinions

Eligibility: An evidence course is a prerequisite for admission (unless approved by the Associate Dean; preference will be given to students who have completed evidence). The cost for the entire program and materials is $1595. Students who have completed a trial practice course are not eligible to enroll in this program.

For application and information call:
(415) 666-6361

USF School of Law, Intensive Advocacy Program, Kendrick Hall, 2130 Fulton St., San Francisco, CA 94117-1080
Prof. Alexander Explains Weak Links in Roe v. Wade

by Laura G. Morton

The debate on abortion and whose rights should prevail, those of the woman or those of the fetus, has been passionate ever since the Supreme Court handed down its decision in Roe v. Wade in 1973. The debate has taken place on many grounds, moral, ethical, medical, but few in the forefront of either side have looked at the Constitutionality of the Court's decision in Roe. The media have rarely asked legal scholars about the validity of the Court's opinion.

In the legal field, however, much has been written about the decision and, more importantly, the path the Court took in reaching the decision. Whether for against the legalization of abortion, many scholars agree that there are some problems with the opinion of the Court in Roe.

Professor Larry Alexander, who teaches Constitutional Law, explained that there are three weak links in the Court's opinion. Although it is unclear if the current members of the Court will overrule Roe based on these factors, it is important to understand, from a legal perspective, how the decision in Roe was reached.

The first weak link is the line of cases on which the Court relied in reaching its decision. Alexander says that the cases that existed at the time Roe was decided dealt with contraception and that the Court reframed those cases to encompass abortion. The Court looked at those as cases covering the right to privacy generally. In addition, Alexander said that the jurisprudential status of these cases is questionable. Many of them have been criticized as having no basis in the language of the Constitution itself.

The second problem with the opinion in Roe is the viability line Justice Blackmun drew. Many in the medical and legal professions believe that there is no scientific basis which corresponds to the lines drawn by Blackmun.

"The viability line is dependent on human technology and choice," Alexander explained, "not on anything which is inherent to the fetus itself."

Alexander also pointed out that the significance of viability would actually be opposite to what Justice Blackmun argued in the opinion because viability indicates when it is permissible to remove the fetus from the womb because of its ability to survive.

"The final weak link in the decision is that it did not decide the ultimate question of the fetus' moral status. According to Alexander, even if there is a privacy interest, the Court must still determine if there is a compelling state interest which would allow this right to privacy to be abridged."

"The state in Roe argues that they had the most compelling state interest: life," Alexander noted. "This requires that the court decide the status of the fetus in order to determine if a compelling state interest exists."

Alexander said that the question of whether a fetus is a person who has a moral right to any of these protections must be answered.

"The question just cannot be ducked."

Frank Susman, prominent attorney from St. Louis, captivated his USD audience when he spoke on Friday, January 31. His visit was a rare opportunity for most law students—a chance to listen, learn, and ask questions of an attorney who has appeared before the U.S. Supreme Court dozens of times in the last 20 years.

Susman stated that the Court hears four cases per day. On one occasion in front of the Court, Susman argued two cases, completely unrelated, on the same day. As he argued the first of the two, then Justice Rehnquist inquired as to whether Susman felt it was "cruel and unusual punishment" to force an attorney to argue two cases in one day. Yes, Justice does have a sense of humor.

Susman also stated that it is a myth that only the most qualified advocates appear before the Court. Often a case starts in some small town and then "drags" the attorney all the way to the Supreme Court. Once there, however, the Court has very strict rules. You must stop speaking when the red light comes on, even if you are in the middle of a word. Furthermore, you may not evoke a question.

Aside from explaining the procedural aspects of appearing before the Court, Susman made predictions concerning various decisions pending this term. Some of his predictions follow:

"Boys Who Love Boys," Justice Department officials met him at his mailbox and arrested him as he attempted to retrieve his first copy. The U.S. Circuit Court of Appeals for the 8th Circuit confirmed the farmer's conviction. The issue here is entrapment—may government conduct a targeted, undercover operation when there is no reason to believe there has been any wrongdoing? Susman predicts that the issue will be decided in the upcoming term.

Continued on page 4

Women, How Do They Fare? Continued from page 1

Ways,” King acknowledged. “It is true that there is still bias towards women out there but on the other hand many people often see me as being motherly. This works to my advantage because many times they open up and say things that they would never say to a male attorney.”

King is delighted by the growing number of women sitting on the bench in San Diego but she emphasizes that women still have a long way to go before being completely equal in the legal profession.

“Women are in a different position than men simply because of their overall role in society,” King remarked. “They need to have a firm that will cut them some slack and be understanding of the other parts of their lives.”

The firm where King works is so enlightened and she hopes it is an indication of how things will be at other firms in the future.

“This is a great place to work because they understand that we are all human beings with many other responsibilities in addition to our job,” King said. “I think that as the economic climate changes, the legal profession will be undergoing some drastic changes in the way it conducts business. It just is not good lawyering to have someone who is being worked into the ground.”

Like many others, King is concerned that the influx of women into the legal profession will drive salaries down.

“In history, whenever women have entered into a certain field, the salary goes down,” King said. “It happened in teaching and nursing and I would hate to see it happen in the legal profession. It is unfair especially since women are just as capable as men.”

Women in the profession will grow stronger because of their ability to relate to clients. King argues that women, unlike men, have the ability to relate to clients without losing their touch of humanity.

“As women the greatest asset we have is our ability to relate to people,” King advised. “When you are in the business of helping people that is the one thing that will distinguish you from others.”
MOTIONS

Have You Ever Wondered What Your Professors Are Doing When They Are Not in Class? Faculty Works

The School of Law Faculty has been busy these past few months working on various projects. The following information is from the Faculty Newsnotes newsletter edited by Debbie Gough.

Professor Larry Alexander: Completed a paper on "Incapacitory and Exculpatory Mistakes of Facts and Law," and worked on a major paper on the place of religious convictions in liberal theory and completed a first draft. He also finished a book review for Constitutional Commentary.

Professor Laura Berendt: Wrote an article entitled "Proposition 115 Preliminary Hearings: I Heard It Through the Grapevine."

Professor Roy Brooks: Began research and wrote drafts of several articles, completed the final draft of a Civil Procedure textbook, wrote teaching materials for civil rights, and wrote three book reviews. The review of Stephen Carter's book Reflections of An Affirmative Action Baby, appeared in the Washington Post.

Professor Kevin Cole: Drafted a proposed uniform act on civil forfeiture in drug offenses, and completed a book with two co-authors, on the Federal Sentencing Guidelines. (See the November 26 issue of Motions.)

Professor Robert Felmeth: Drafted a bill regarding cable television regulation. The bill succeeded in legislative passage during the late summer. He also conducted an analysis of cable system contracts with multi-family dwelling arrangements.

Professor Ralph Folsom: Completed a Nutshell on EEC Law for West; a Connecticut Estates Practice volume on "Probate Litigation"; and a second edition of an IBT problem coursebook with documents supplement and teachers' manual by West.

Professor David Hartwell: Began a draft of an article on "Fostering Moral Development Through the Experiential Teaching of Professional Responsibility," and started an article regarding truthfulness in persuasive legal documents.

Professor Gail Heriot: Completed an article on statute of limitations and a book review of Posin.

Professor Michael Kelly: Completed a draft of an article tentatively entitled "The Phantom Reliance Interest in Contract Damages."

Professor Jack Minar: Co-authored an article on Article 2A of the Uniform Commercial Code which will be published in the Spring 1991 issue of the Kansas Law Review.

Professor Jean Montoya: Completed a draft of an article on shielding child witnesses from defendants.

Professor Grant Morris and Allen Snyder: Completed the first four chapters of a book (Stanley Stres). Professor Morris also gathered data for an article on incompetency to stand trial; and conducted hearings involving mental patients' competence to refuse treatment, writing case statements for each that summarize the evidence and the factors that influenced his decision.

Professor Mary Jo Newborn: Completed an article analyzing the question of whether or not corporate and partnership debtors should be entitled to damages under Section 362(b) of the Bankruptcy code which will be published in the Annual Survey of Bankruptcy Law. She completed an outline of a second article.

Professors Virginia Nolan and Ed Ursin: Worked on Enterprise Liability, No Fault and Tort Reform: Basic Foundations, and wrote a book review of Peter W. Huber's Galileo's Revenge: Work Science of the Courtroom for Science magazine. Professor Nolan also worked on course materials for Environmental Torts; Professor Ursin revised materials for his Tort Theory course.

Professor Malmom Schwarzchild: Did interviews in England about how the English legal professions have been affected by the Courts and Legal Services Act of 1990; he is working on an article on the same subject.

Professor Emily Sherwin: Completed a draft of an article entitled, "An Essay on Private Remedy."

Frank Susman Continued from page 3

Court will rule 5-4 in favor of the farmer. Bray v. Alexandria Women's Health Clinic, W. Va. Since Roe v. Wade, the Court has heard over 25 abortion cases, an unusually large number for one topic. Bray involves the issue of whether a conspiracy by Operation Rescue to block parking lots is a violation of travel. Susman predicts that the Court will rule 5-4 against Operation Rescue, not as a reflection of the Court's view on abortion, but rather due to their "law and order instincts."

Planned Parenthood v. Casey: In this case, the 3rd Circuit interpreted Webster as overruling Roe although Webster actually said the opposite (according to Susman, who argued the case for Planned Parenthood). There are three issues at stake: a 24 hour waiting period before receiving an abortion, informed consent, and a narrow emergency clause. Planned Parenthood won in the 3rd Circuit on the issue of spousal consent. Susman predicts a 7-2 decision against Planned Parenthood, therebyemasculating Roe.

Susman pointed out that there is more at stake in this case than the right to abortion. The decision may seriously erode the right to privacy, which would impact even the right to obtain and use contraceptives. Such an outcome, if it occurs, would mark the first time the Court's view of a "fundamental right" has been reversed. Hudson v. McMillan: The 5th Circuit overturned the conviction of prison guards who beat a chained and handcuffed prisoner. They found no 8th Amendment "cruel and unusual punishment" violation because the prisoner did not sustain permanent damages. Susman predicts the Supreme Court will overturn the 5th Circuit. West v. Wright: This case will be "the final nail in the habeas corpus coffin," says Susman.

Other issues currently before the Court include the constitutionality of "hate crime" bills, whether the warning label requirements on cigarette packaging preclude civil lawsuits against tobacco companies, and whether the U.S. may offer a bounty to retrieve an accused murderer from Mexico. Susman concluded by saying it was both an honor and somewhat awesome to argue before the Court. He believes, however, that the current Court cares little for the circumstance of the oppressed nor for individual rights. He quoted former Justice Marshall, who said upon his retirement, "Power, not reason, is the new currency of this Court's decision-making process."

Professor Steven Walt: Completed a review essay on Posner's The Problems of Jurisprudence for the Texas Law Review, and collected materials for a contracts book he has agreed to write for McGraw-Hill.

Professor Paul Wonymut: Presented a paper on contract at the summer meeting of the International Society for the Systems Sciences, in whose proceedings it has been published; and completed an article on "transitivity".

Professor Chris Wonnell: Completed an article exploring whether abstract principles from the common law of contracts should be superseded with specific rules in the area of labor relations.

Professor Fred Zacharias: Wrote an article entitled "A Critical Look at Rules Governing Grand Jury Subpoenas of Attorneys."

Faculty Forum Begins Tonight

Beginning tonight the faculty of the University of San Diego will host a series of discussions exploring "Peace and Justice in a Changing World." Panel discussions will occur on five consecutive Tuesday evenings during the months of February and March, and are free and open to the public.

7pm, Tuesdays, University Center Forum:

Feb. 11 "Negotiation and Mediation: Achieving Just Outcomes"
Dr. Briscoe, Prof. Schwartzchild, Dr. Pach

Feb. 18 "Revelation and Justice in Africa"
Dr. Peffer, Dr. Gamp, Sr. Tumukunde, RSCI

Feb. 25 "Peace and Justice in Latin America"
Dr. Schmidt, Dr. Mueller, Dr. Anderson, Fr. Espin

March 3 "Shifting Alliance in Europe"
Dr. Willoughby, Dr. Drinan

In Maher Hall:

March 24 "Prospects for Peace: The Role of the Media"
Dr. Dobkin, Dr. Kim, Dr. Robatyn

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4 - February 11, 1992 - MOTIONS

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...so don't get left behind in the shuffle!

Avoid waiting till the last minute to buy your books this semester. After February 20th textbooks will be returned to the publishers and will no longer be available in the Bookstore.
One Year Later: Student Expresses Gratitude for Wartime Support

by Laura G. Morton

Frank Tobin is a second-year student who is also a full-time reservist. While many here watched the war on their television sets, Tobin was in the desert. Currently a First Lieutenant, Tobin worked on the logistics aspects of Operation Desert Storm and was one of the thousands of people who involved in ensuring that ground troops had the supplies they needed. His specialty was water, an important resource in the desert.

While in the Gulf region, Tobin was grateful for the help received from everyone at the law school. Tobin stressed the importance of having received mail during the war for all the troops.

"It was nice to receive so many letters that were one-hundred percent supportive of all of us who were out there," Tobin said. "For everybody over there the biggest source of moral support came from the mail they received. It was very important to all of us to know that people cared." In addition, Tobin was grateful for the way the law school administration and faculty cooperated in the days prior to his departure. Tobin explained that the administration helped him to receive immediately a refund on his tuition and the approval of his leave of absence.

"From the beginning the administration did as much as they could to make my leave from the law school go as smoothly as possible," Tobin said. "I can’t stress enough how much help and support I received from them."

Changing from law school student to full-time Army Lieutenant involved in a war effort changed Tobin’s perspective. Law school became something that was inconsequential and replaced by the back burner. For Tobin, it was essentially a shift in his main occupation. If necessary he would do it again.

"I look at it as something which is a part of my job as a reservist," Tobin explained. "It is my job and my responsibility and I will do it again if I am called upon." Tobin stated that the experience has also changed his approach to law school. Now he enjoys classes much more and thinks they are more interesting.

The experience was for Tobin a complete change from his life as a law student and he understands that many people are curious about what he went through. Tobin says he doesn’t mind when fellow students ask him questions because it indicates to him that there is still strong interest and support. Tobin remarked that students who are curious should feel free to approach him.

"No question is stupid because other students have not been in the same situation," Tobin stated. "They don’t have the same perspective that I do and if they ask, then maybe we can both learn something." Tobin wants all the students and faculty to know that the time they took to show their support was very important to him. He analogized the situation involved in a football game where the home team does better because of the support they receive from the fans.

"The people back home had just as much to do with the success of Operation Desert Storm through their support of all the men and women in the military," Tobin said. "They should be very proud of themselves."
What's Up for Grabs: Upcoming SBA Elections

by Miles Weiss
SBA Vice President

The annual spring Student Bar Association (SBA) elections are around the corner, so here's a list of what's up for grabs. Below, you will find a description of what each position entails, together with some comments from current officers of the SBA.

Declarations of Candidacy will be available in the months before the SBA and the tentative deadline for such declarations to be filed with the SBA will be Thursday, March 5 at 5 pm. The other tentative dates are as follows: The campaign period will run from Monday, March 16 through Thursday, March 26; elections will be held Wednesday and Thursday, March 25 and 26, with run-offs, if necessary, on Wednesday, Thursday, April 1 and 2. So read up and take the plunge into law school politics!

President:

The following description of the SBA President comes from the SBA President herself, Shawn Randolph: "The SBA President's duties are numerous and, as such, being President is a time consuming job. The position has its benefits and its burdens. While it is often a thankless job, it is very rewarding, and offers opportunities to effect change. The President is responsible for being a spokesperson on many levels, including the ABA, the University, and the Law School. First and foremost, it is the President's job to provide overall council meetings. The President is an important link between the Law School Administration and the Student Bar. The President must communicate often with the Dean and the Administration to dispel rumors and facilitate matters affecting SBA. Another large part of the job entails planning and organizing to ensure that the various SBA sponsored activities take place. This is perhaps the most time consuming part of the job. The first order of business is for the President to chair and coordinate the First-Year Orientation Program. The President appoints committees and chairpersons to be responsible for other SBA sponsored activities; however, the President is ultimately responsible for making sure they go as planned and remain within the budget. Some examples are: the SBA Retreat, First-Year Mentor Program, SBA Picnic, Halloween Party, and Law Review (talent show). The President serves on the elections committee and the budget committees, and acts as a liaison to the Pro Bono and Advocacy Board.

The SBA by-laws provide that the President shall appoint members to the Speaker's Bureau, the Graduation Committee, the Calendar Committee, and a student to serve on the University Social Issues Committee. The President also nominates replacements for vacant class representative seats, and participates in and appoint members to the Dean's Student Advisory Council. As well, the President has the privilege of siting as a Board member of the Law Alumni Board of Directors, representing student views to the alumni and serving on the Student Relations Subcommitte.

One of the greatest opportunities the President's job offers is participation as a delegate in the ABA’s Law Student Division. The SBA funds four trips per year for the elected ABA Representative and the SBA President to attend the national and circuit meetings. As a delegate, the President has a voice in policy-making concerning issues affecting law students across the country.

The conferences are a wonderful place to make contacts and friends. Finally, the SBA President is in a unique position to effect change both within and without the law school.

Projects that I felt were important included working toward improving access for students with disabilities, improving the First-Year Orientation process, facilitating the development of student organizations, and without the law school. The current SBA student officers, from left to right, President Shawn Randolph, Vice President Miles Weiss, Secretary Shirvan Serma, Evening Vice President John Sullivan and Treasurer Rosa Linda Hanau.

Continued on page 11
What They Asked For:

The total amounts requested by each student group is reprinted below. In addition, SBA allocated $2,000 for a graduation party, $1,500 for the transition period before the fall budget is approved, and is keeping $2,500 in reserves to cover any unforeseen expenses. If you would like further information, please contact the Motions office at ext. 4343.

### Amounts Requested

**Balanced Legal Services Association (BALSA)**
- Conference Fees: $300.00
- Equipment: $300.00

**Asian Pacific American Law Students Association (APALSA)**
- Conference: $186.00
- Team Building: $44.00

**Student Organizations and Speakers Bureau (SBS)**
- Speaker: Strashower ($150.00)
- Speaker: Rothman ($500.00)

**Gallia Law Students Association (GALLSA)**
- Conference Fees: $300.00
- Misc Expenses: $40.00

**Delta Theta Phi**
- Conference: $740.00
- Team Building: $44.00
- Chocolate/Champagne: $150.00

**Phi Delta Phi International Law Society**
- Membership Meeting: $75.00
- Informational Meeting: $100.00

**American Bar Association (ABA) Rep.**
- Speaker: Strossen ($250.00)

**Christian Legal Society**
- Advertising: $100.00

**Federalist Society**
- Speaker: Strashower ($150.00)

**La Raza**
- Conference: $1375.00
- MLK Reimbursement: $306.00
- Kegger: $90.00

**M.H.P.l.L.F.**
- Answering Machine: $58.00

**Environmental Law Society**
- Joint Meeting with CLS: $325.00

**Jewish Law Student Association (JLSA)**
- Operating Expenses: $1290.00
- Lodging: $105.00

**International Law Society**
- Television: $135.00
- File Cabinet: $100.00

**Moot Court**
- Spring Retreat: $240.00

**Moot Court Research Society**
- Speaker: Strossen ($250.00)

**Thomas More Society**
- Newsletter: $150.00

**Women's Law Caucus**
- Presentation Seminar: $875.00
- Speaker Fees: $500.00

**Student Government Association (SGA)**
- Speaker: Strashower ($150.00)
- Speaker: Rothman ($500.00)

**Comparative Law**
- Speaker: North ($250.00)

### Total Amount Allocated: $16,521

### SPRING 1992 SBA BUDGET ALLOCATION BREAKDOWN

<table>
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<tr>
<th>Organization</th>
<th>Amount</th>
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<td>JOURNAL OF CONTEMPORARY LEGAL ISSUES</td>
<td>$2600.00</td>
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<td>INTRAMURAL (on hold until more info is obtained)</td>
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<td>Total Amount Allocated: $16,521</td>
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Lookin' for Romance?
Maybe It's Here...

To My Honey!
Even though others may not always recognize your brilliance and your beauty, remember that I always have and always will. You're all mine on Feb. 14 and forever.
Love, Me

Billy Clinton:
I'd send you a Valentine card, but I'm kinda low on cash. You'd be surprised by how little $150,000 buys in 1992! I sincerely hope that you win the presidency 'cause I know I'd be on Dennis Miller or Arsenio Hall, for sure. So good luck.
Jennifer Flowers

Kay at UC:
Congratulations on your new baby girl!
Motions

To the World's Best Strip Poker Player:
How 'bout if we try strip backgammon next time?
Love, Naked and Chilly

To the Gorgeous Mom in Heaven:
I love you Always.
Love, Son

Sweetie:
I promise not to say a word about you at night.
Mr. Happy

To My Wonderful Pokey Bear:
As long as you're happy, I just want you to know that I made a woof without all your hugs and love.
Love, The Bear

To the Big Monkey:
Thanks for the best Valentine's Day ever.
Love, Sugar Daddy

To My Mickey Mouse:
Mucho Amor now and always. This will be the best Valentine's day ever. Mushi
Mushi.
Your Gigante Amor

Clarence Thomas:
The most appropriate gift we can offer you this holiday is the gift of knowledge. Since you claim to have never heard of Roe v. Wade, we'd like to tell you it's a 1973 case that made abortion a federally protected right.
The ACLU

Stef Weyl Cohn,
You lushus piece of Manhattan thunder,
Your D.V.D. I long to plunder.
Your dreamy eyes just make me wonder,
if you'll throw up on my shoes.
Smoochies! Your Little Dumpling Ple

Darling:
It's a marvelous night for a romandce.
with the stars up above in your eyes.
Fannbulous night to make romance.
beneath the cover of February skies.
Can I just make some more romance
with you, my love?

M e
Regardless of how you may feel about fur (that is, the senseless murder of dozens of small mammals just to provide a way to display how much money you have to waste) you would still make in-scene and invisible without a trace. Drink the fruit of the vine, (no cocktails are served here) or sip Evian or cappuccino.

If the night is warm, or is decorated with a full moon, definitely come here because it is one of the few places in town with an outdoor patio. Its wrought iron fences, tables and chairs always make you think of the French Quarter of New Orleans. If I spend my Valentine’s evening at the opera, Mozart’s Marriage of Figaro plays at the San Diego Civic (S$ public rush), you may see me here enjoying their after-the-depiction desserts which are quite tasty, although somewhat overpriced.

Gringo’s Recrudescence:

Oh YUCK! First of all, dear Reader, go back to our first issue and rehash over my opinion of Ole Madrid: this opinion will not only warn you about Hollywood’s Pick of the Month, but all the rotten things I said apply equally to the Cafe Foofoo—they’re neighbors. And I wish Hollywood would quit with that “romantic” and “candlelight” talk—mean, after all, we go there with each other to evaluate these places!!

Now, Cafe Doodoo may look harmless from the outside, or even from the inside, but BEWARE. The atmosphere at Cafe Boofoo leads inexorably to the Hollywood past-time of going places “to see and be seen.” While this may seem innocuous, it leads to devastating elitism, snobishness, wasted lives, and, yes, the rebirth of Communism. Let us never forget that Communism, socialism, and in fact most times, were created and nurtured in cafes just like this one. The decor is even subtly industrial to make you feel like one of the down-trodden people but in reality you become part of an anti-intellectual social cliques espousing ideas and deals to the rhythm of bongo drums in smokey rooms.

Soon you’ll want to free yourself from something or rebel against society or become Democrats. Avoid this place like holes in the ozone, like taking classes from Professor Alexander, like Reagonomics.

Japengo, La Jolla Hyatt Hotel, 8960 University Center Lane

Hollywood: A most exquisite bar in a most elegant setting which will create a most exciting, exhilarating evening. Enchant your Valentine’s date by taking them here. Park your car in the lot, admire the glowing flowers, transverse the magnificent, larger than life geometric shapes, marvel at the delicate structure and enter into the spectacle of Japengo.

The ethereal music of the Cocketta Twins or Jean Paul Jarre and minimalistic lighting help create the exotic and enticing ambience of Japengo. This ultra modern, incredibly hip bar is the place to go to see and be seen in San Diego.

The clientele here is very hip and very beautiful and surprisingly convivial. The guys who frequent this establishment belong to the blazer and jeans set. Fortunately, not all of them have long hair. The women are, as a rule, ravishing and older than twenty-one. Indeed, at Japengo a gentleman may wear a haredo and a woman may dress in an evening gown and fur and not feel beautiful and older than twenty-one.

The decor is ultra modern and hip, made to make you feel you are going to see and be seen. The decor is even subtly industrial to make you feel like one of the down-trodden people but in reality you become part of an anti-intellectual social cliques espousing ideas and deals to the rhythm of bongo drums in smokey rooms.

Japengo originally made its reputation as a sushi bar. Unfortunately, not only have they lost their sushi, but they have moreover lost their decor, their music, their ambiance. Japengo is now a danceless disco. Go on Valentine’s Day evening and wear red. You may see me there. There is often a cover charge required in addition to more standard favorites and Grandfully Dead sound-alikes. For the connoisseurs, they have Moosehead on tap—at least I seem to remember that it was Moosehead, but my roomie bought so much of it for us that this is a somewhat strained memory. There’s pool and cool video games and always a large collection of babes and bike and boozers for your entertainment. By all means, go there for fun and fine, fine music.

Hollywood’s Recommendation for Valentine Raging:

Ole Madrid, Gaslamp, 435 F Street

It has come to my attention that there are a few lost souls who have yet to catch the BAR REVIEW tip. For you will repeat myself and round out my Valentine’s Day recommendation with my most favorite, Ole Madrid. First and foremost, get here early. Arrive by 10pm; otherwise, the door man won’t be able to let you in because of the crowd. Don’t lie and say you have a table, list already been tried and he won’t believe you.

Ole Madrid has retained its loyal following because no place else matches its mystique for licentiousness or fashion. Without a doubt, this is where the stylish crowd rages. No other place in town has the reputation for licentiousness or fashion. Sport your Mizrahi or Arrmani, purchase your pitcher of Sangria and enjoy the flirtatious atmosphere. Don’t be surprised to find yourself serenaded by the lyrics of Volare or grunting to the latest in house music. Also, when U2 is played, the lights are dimmed and the patrons hold up their lighters for a very spiritual affect.

Gringo’s Pick of the Month:

Blind Melons, Pacific Beach

Now here’s a bar for a nicely man. Situated in the coolest part of town, it has a manly collection of brews and bodacious music. Sadly, there is often a cover charge required in order to indulge yourself in their outstanding tunicage, as provided by some of the hottest R&B bands and the funky world’s most immunized and low-down. For you I will repeat myself and round out my Valentine’s Day recommendation with my most favorite, Ole Madrid. First and foremost, get here early. Arrive by 10pm; otherwise, the door man won’t be able to let you in because of the crowd. Don’t lie and say you have a table, list already been tried and he won’t believe you.

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**The Sexy, Surprising Secrets of Studs and their Women**

by Dallas O'Day

A few days ago I went, along with my roommate and a small corps of freshmen from the San Diego area, to the Mission Beach Red Onion. Our journey (at the ungodly hour of 10am) was sparked by the prospect of appearing on the television show Studz. OK, laugh all you want at the idea of someone like myself appearing on the show. The funny thing, however, is the process.

I went to the (Sp)Red Onion dressed in jeans and a green turtleneck. As I really wasn't sure about dressing properly, I didn't see any reason to dress to the nines. But others clearly did not agree. My roommate, for example, was clad in a purple and black ensemble that made me wish that the human eye could only see things in black and white. Some other clown was wearing a coat that belonged in either Kool Moe Dee's "Wild Wild West" video or on a Brat Packer in "Young Guns." All in all, it did seem appropriately cheesy, especially since the R.O. is notorious as the cheese headquarters of San Diego.

Upon entering into the travesty that is the Red Onion, we all filled out information sheets. Height, weight, eye and hair color—the important things in life. At the bottom of the page was something that surprised me. It asked us for our educational background. One thing I have noticed about Studs is that few of the guys (and even fewer of the girls) appear to have IQ's above room temperature. Instead, there seems to be an emphasis on 1) burly guys, 2) rocker types, and 3) surfer dudes. While there are many exceptions to the general proposition that these types of men haven't enough brain activity to generate a squiggle on an EEG, my suspicion that the proposition was true was confirmed during the next stage of the process.

The next step in the process consisted of standing in the middle of the group and answering questions from the interviewer, during which time other Studs flunkies scribbled things down about the interviewee. Most of the questions involved recent dating experiences and ideal women. As you can guess, I lied a lot. The fun part in all this was listening to my fellow Studs hopefuls discuss what attracts them to women first. Hair seemed to be number one, followed by such standards as "face," "eyes," "ass" and "hardbody." I would have liked to have tossed in "brainless" and "shutty appearance" for some of these guys, who seemed to lack the ability to speak in complete sentences.

Such an ability was apparently not in high demand, however. Neither my roommate nor I were chosen. Also deemed lacking in the study department were the SDSU yahoos. The chosen few included a couple of burly guys, the guy with the kooky coat, a rocker dude who looked as if he hadn't eaten within the last few months, and a couple of other clowns with the Steven Seagal look comprised of long, slicked-back hair in some semblance of a pony tail. There was also an aspiring boxer with the usual moniker of Achilles.

As compensation for having the courage to show up and embarrass ourselves, we were given a couple of free passes to the R.O. I think I would have preferred to work out, but if ever I get a hankering for a 37-year-old divorcée, then I'm sure that I will make use of these passes. I think that a classmate of mine, a burly guy with a prehistoric conception of women, could make it on this program. Talk to me, Jerocules!

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**First La Raza Scholarships Awarded to Students**

by Jack Y. Bournazian

Treasurer, La Raza

Congratulations to Nieves Kelly and Gary Talavera as the first awardees of the La Raza Law Students Association Scholarship. The effort to establish a scholarship fund was headed by La Raza members Rosa Linda Hanna, Lorentta Castro and Claudia Garcia who worked hard last year organizing the first La Raza Scholarship Banquet.

The fund raiser was heavily attended by members of the San Diego La Raza Lawyers Association and USD faculty, staff, and students. Over $1,600 was raised; $1,000 was reserved for start-up costs for the September 1992 Banquet and $600 was disbursed in two awards of $300 each. With this year's start-up costs already covered, the fund should more than double with the fall banquet.

Applicants to the La Raza Scholarship must be first-year law students and members of the La Raza Law Students Association. To apply, students must complete an application form and submit a personal statement and two letters of recommendation. Applications are evaluated based on financial need, past economic or social disadvantage, and commitment to community service. The Scholarship Committee was impressed with the high quality of all the applicants and astonished by the lack of funding granted them by USD. Most of the students are overly dependent on loans and forced to work to supplement their income while trying to make it through their first year.

La Raza Law Students believe these scholarships are extremely important because the Law School cannot benefit from an increase in the diversity of its student body if diversity students have difficulty staying in school due to financial hardships.

**SBA Proposed Resolution**

The following Resolution was proposed by SBA Vice President Miles Weiss at last Wednesday's SBA meeting. It will be further discussed and voted on at the SBA meeting on Wednesday, February 12 at 5pm in Fletcher A. All interested parties should attend and voice their opinion.

**PROPOSED RESOLUTION**

WHEREAS the solicitation or otherwise seeking of student organization endorsements by candidates running for SBA positions has historically caused much controversy and been a source of conflict during the Spring SBA election period, and

WHEREAS such controversy and conflict inevitably casts doubts upon the fairness and impartiality of the Spring SBA election process,

IT SHALL BE RESOLVED THAT candidates running for any SBA position in the Spring semester elections shall not solicit, seek, or otherwise attempt to secure any public or private endorsement by any student organization for that candidate's election to office. Be it known that this resolution does not prevent student organizations from endorsing any candidate via a decision to do so made according to that organization's voting procedures. Be it also known that violation of this resolution will be considered a violation of election rules and procedures, as published in the SBA by-laws, and subject to the penalties available under those by-laws, including disqualification for a material violation of the election rules. The decision whether a violation of this resolution is material, is to be made by the election committee that is administering that election.

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**The next issues of Motions will come out on March 31. All submissions are due in the Motions mailbox by 5pm on March 23.**
More Hall PIL Foundation
Sponsors Student's Dreams

Robert Chong

What is M.H. PILF?
More Hall Public Interest Law Foundation (PILF) is an organization dedicated to the promotion of public interest law through summer internships. PILF encourages interested students to actively seek summer employment in various agencies specializing in public interest law. PILF’s contribution is a summer grant to qualified applicants which helps to pay for their summer expenses.

This past summer, I received a half grant to work in the Asian Pacific American Legal Center in Los Angeles. The Legal Center caters to the needs of indigent Asians in the southern California area. The Legal Center handles cases of spousal abuse and family matters, as well as aiding clients involved in landlord/tenant disputes, immigration problems, and civil rights disputes, including language rights and discrimination.

As an intern, my duties included client interviews to determine eligibility and need, assisting clients in completing pleadings and appearing in court to assist Pro Per clients in TRO hearings, child custody disputes and immigration hearings. In addition, I helped research the law for a suit against the Los Angeles Police Department (LAPD), charging LAPD for their disparate hiring practices against Asian applicants.

On one particular occasion, I had the opportunity to work closely with a pro-bono attorney in a child custody case. Together we assisted a Vietnamese woman in obtaining custody of her infant child after her husband and his family had beaten and tied her up, then had her arrested on trumped up charges of grand theft. The woman spoke limited English and could not help herself. As the child’s attorney, I assisted the attorney in defending the mother’s falsified criminal charges and prepared the child custody case.

The grant from PILF helped pay for my summer expenses with some money left over for the school year. PILF funds the internship program via contributions from students with traditional summer clerkships, who pledge a day’s pay to supplement PILF grant recipients. More Hall PILF will be having their annual pledge drive from April 6-10 to raise money for this year’s grants. Applications for this summer’s grants will be taken in March. Those who are interested should think of an agency where they would like to work this summer and begin drafting a proposal.

WLC Plans Active Semester

by Linda Bell
Women’s Law Caucus

The Women’s Law Caucus has had an active spring semester. Regina Petyx, a partner at Gray, Cary, Ames and Frye, spoke on “Minorities and Women in the Legal Profession” as part of the Martin Luther King, Jr. week celebration. Also, we were pleased to be able to assist BALSA in bringing Jesse Jackson, Jr. to USD. On January 31, Frank Susman spoke on “The Supreme Court: What Does the Future Hold?” Mr. Susman, an attorney who has appeared before Supreme Court numerous times, gave his top predictions for pending Supreme Court cases.

We have an even more active semester ahead of us. We will hold a general membership meeting today at noon and tomorrow at 5pm. Current members and those interested are encouraged to attend. We will discuss future events, board positions for next year and we will be selling Women’s Law Caucus T-shirts and sweatshirts. Please attend and bring your suggestions!

On Saturday, February 22, the Women’s Law Caucus will host a seminar on “How to Talk Like an Attorney.” This seminar will focus on men and women’s wardrobe selection, colors and accessories specifically tailored to the legal profession. The second half will be “How to Use Technology.” This seminar will discuss voice, body language, and overall demeanor.

A lunch will be provided. This is a great opportunity to pick up some pointers before spring interviews!

At the end of February a task force meeting will be held for the Women’s Resource Fair. The Women’s Law Caucus is excited to be involved in this special community outreach project. The Fair, an all-day event for homeless and battered women, is sponsored by Legal Aid, Volunteer Lawyers, the San Diego County Bar Association and the Lawyer’s Club. Homeless and battered women are invited to get legal, medical and job information. They are also offered showers, makeovers and clothing to improve their self-esteem. If you would like to become involved, call extension 4345.

Elections

Continued from page 6

Honor Court Justices and Counsel:

There are three student justices elected to hear all complaints based on a violation of the Honor Code. Two alternates and a Preliminary Examiner are also elected. The Preliminary Examiner is responsible for conducting an investigation of any complaint and determining whether further action is warranted. The Preliminary Examiner is also responsible for gathering evidence in all matters of alleged breaches of the Honor Code. The Preliminary Examiner is elected to hear all complaints based on a violation of the Honor Code.

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Pro Bono Starts New Program

Motions Staff

The newly instituted Pro Bono Legal Advocacy Board in cooperation with the San Diego Volunteer Lawyer Program has initiated the Domestic Violence Project. Students may participate in the downtown clinic, which services 6,500 victims of domestic violence per year, by assisting victims in obtaining temporary restraining orders and other court actions. Program directors hope to institute a method of assigning students to assist the individual victim throughout the duration of each case.

Congratulations to Law Review

by Kristine S. Karzia
Editor-in-Chief
San Diego Law Review

Congratulations to the students named below who have been invited to write for the San Diego Law Review based on their ranking in the top five percent of the first-year class. Successful competitors are inviting professors, former participants, those who have already enrolled for 1992, and juniors. The deadline to register for the training program was yesterday. If you are still interested, contact Nina Golden or Ed Rogan.

SLIDESHOW TONIGHT

You are cordially invited to a slide show and discussion of summer foreign programs. We are inviting professors, former participants, those who have already enrolled for 1992, and people who have expressed interest, to a 45-minute program tonight, in the Grace Courtroom at USD, on the 3rd floor of the Law School, at 5pm. The program will be followed by an informal reception on the 2nd floor of the Law School.

We hope you can join us.
Herbert Lazerow
Professor of Law and Director

Announcements

Financial Aid

The Financial Aid Forms for the 1992-93 school year are now available in the Financial Aid Office, Warren Hall Room 203.

Career Seminars

Career seminars featuring USD law alumni will be in March, sponsored by the Student Relations Committee of the Law Alumni Board of Directors. The first seminar, Career Choices, will be Tuesday, March 24. USD law alumni will speak on careers in law from large law firms, government agencies, and corporate legal counsel, to careers outside the legal profession. The second seminar, Law Clerk Training, will be Wednesday, March 25. Topics relating to law clerking will be covered.

Check your student mailboxes in early March for more information or contact Kathy Riebel in the Law Development and Alumni Relations office, Room 112 of Warren Hall.

Calendar of Events

Feb. 2-May 31
Anish Kapoor Exhibition, San Diego Museum Contemporary Art, 700 Prospect Street, La Jolla, CA, 454-3541.

Feb. 11-16
"The Recruiting Offerer" by George Farquhar, 8pm Sacred Heart Hall (USD), admission 8$, 231-1941 ext 2131.

Feb. 12
Last day to submit bids for the Barpasser Bar Review Auction, PDP office, ext. 4969.

Feb. 14
Last day to submit entries for the Barrister's Ball design contest, PDP office, ext. 4969.

"Happy Valentine Show", Marie Hitchcock Puppet Theater (near the Aerospace Center), Balboa Park, 10:30am, 1pm, and 2:30pm, admission $1 for adults, $1 for children.

Feb. 21-22
Regional Jessup Competition, Hastings School of Law

Feb. 26
Problem for Criminal Procedure Competition distributed, Moot Court Office, ext. 4530.

March 7-15
Spring Break

March 8
6th Annual American Youth Hostel International Bicycle Tour, Contact the AYH Office at 338-9981 for registration information.

April 3
Atmos Wind Quintet, 8pm, Brown Chapel, Point Loma Nazarene College, 453-4333.

UNIVERSITY OF SAN DIEGO 1991-92 MEN'S BASKETBALL

Nov. 7 vs. Texas Christian University
Nov. 10 vs. University of Texas at El Paso
Nov. 14 vs. Loyola Marymount University
Nov. 20 vs. Oregon State University
Nov. 24 vs. Houston University
Dec. 2 vs. Pepperdine University
Dec. 8 vs. UNLV
Dec. 9 vs. San Diego State University
Dec. 11 vs. UC Irvine
Dec. 28 vs. Princeton University
Jan. 9 vs. Loyola Marymount University
Jan. 16 vs. Arizona State University
Jan. 18 vs. Arizona University
Jan. 26 vs. University of California, Los Angeles
Feb. 2 vs. Stanford University
Feb. 5 vs. UC Santa Barbara
Feb. 7 vs. UC Santa Barbara
Feb. 9 vs. University of Arizona
Feb. 12 vs. University of California, Los Angeles
Feb. 14 vs. Stanford University
Feb. 16 vs. University of California, Los Angeles
Feb. 18 vs. University of Arizona
Feb. 19 vs. Stanford University
Feb. 22 vs. University of California, Los Angeles
Feb. 24 vs. University of Arizona
Feb. 26 vs. Stanford University
Mar. 1 vs. Loyola Marymount University
Mar. 3 vs. University of California, Los Angeles
Mar. 6 vs. UC Santa Barbara
Mar. 7 vs. WCC Tournament
Mar. 9 vs. University of Portland

UNIVERSITY OF SAN DIEGO 1991-92 WOMEN'S BASKETBALL

Nov. 17 vs. Loyola Women's Team (Cal)
Nov. 29 vs. Marquette University
Dec. 6 vs. Stanford University
Dec. 8 vs. University of California, Los Angeles
Dec. 11 vs. Oregon State University
Dec. 13 vs. Loyola Marymount University
Dec. 15 vs. Princeton University
Dec. 18 vs. University of California, Los Angeles
Jan. 4 vs. Loyola Marymount University
Jan. 8 vs. University of Arizona
Jan. 10 vs. Arizona State University
Jan. 12 vs. California State University Fullerton
Jan. 14 vs. Arizona State University
Jan. 17 vs. UC Irvine
Jan. 19 vs. University of California, Los Angeles
Jan. 21 vs. University of Arizona
Jan. 23 vs. Stanford University
Jan. 26 vs. University of California, Los Angeles
Jan. 28 vs. San Diego State University
Feb. 2 vs. University of Arizona
Feb. 4 vs. Loyola Marymount University
Feb. 6 vs. University of California, Los Angeles
Feb. 10 vs. Stanford University
Feb. 12 vs. University of Arizona
Feb. 19 vs. University of California, Los Angeles
Feb. 21 vs. Stanford University
Feb. 23 vs. University of Arizona
Feb. 25 vs. University of California, Los Angeles
Feb. 27 vs. San Diego State University
Feb. 29 vs. Loyola Marymount University
Mar. 1 vs. UC Irvine
Mar. 3 vs. Loyola Marymount University
Mar. 5 vs. Stanford University
Mar. 7 vs. University of Arizona
Mar. 9 vs. University of California, Los Angeles

* west Coast Conference games
FLEMING'S FUNDAMENTALS OF LAW

Examination Writing Workshop

Be Prepared For Law School and the Baby Bar/Bar Examination

The Legal Examination Writing Workshop is designed to teach the student at the law school level how to Analyze, Organize and Write a Superior Law School Examination.

The course will clearly Demonstrate these fundamental Writing Techniques on a Step-by-Step Basis giving the student both a visual and cognitive understanding of proper exam format.

It is imperative that the student develop Proper Writing Skills during law school to avoid the panic many students experience when they discover during Baby Bar/Bar Review that they can’t reverse 1-4 years of poor writing habits that went undetected during law school.

The Writing Workshop will Provide the law school student and the Baby Bar/Bar Candidate with the Foundation from which he or she may Achieve Excellence in law school and on the bar examination.

Professor Fleming has determined that students who are unsuccessful in law school and the Baby Bar/Bar Examination generally suffer from a lack of Basic Fundamentals in Analysis, Organization and Writing skills. Therefore, he has designed the Course to Aggressively Address these Problem Areas.

This Practical Course will be the most Significant two days of Learning in your law school career. You Can’t Afford to Miss It!

WHAT THE WORKSHOP WILL DO FOR YOU

1. Provide 12 hours of Intensive Exam Writing Techniques.
2. Teach Exam Approach (including issue spotting techniques, issue headnotes, factual analysis and proper sentence structure).
3. Develop Outline Organization Techniques within the purview of the Call of the Question (including identification of major/minor issues and fact to element application).
4. Structure Adversary Arguments within the IRAC Format.
5. Provide a Sentence by Sentence Analysis of six in-class hypotheticals.
6. Explain the “Do’s and Don’ts” of a successful exam answer.
7. Provide an extensive 100 Page Writing Workbook. The material is not available anywhere in published form.
8. Most of all, you are trained to write Superior Answers.
9. In addition, each student will have the opportunity to write Two Exam Hypotheticals. One answer will be critiqued in class and one answer will be collected at the conclusion of the second class session. The answer will be critiqued extensively through audio cassette and returned to each student. One blank cassette tape must be provided by each student.

SCHEDULE OF SEMINARS

SAN DIEGO
- Saturday, February 29, 1992: Noon-6:00 pm
- Sunday, March 1, 1992: Noon-6:00 pm
- All sessions will be given live at California Western School of Law, 350 Cedar Street, San Diego, in the Auditorium.

ORANGE COUNTY
- Saturday, March 7, 1992: 9 am-12:30 pm, 1:30-4:00 pm
- Sunday, March 8, 1992: 9 am-12:30 pm, 1:30-4:00 pm
- All sessions will be given live at the Anaheim Plaza Hotel, 1700 S. Harbor Blvd., Anaheim (across from Disneyland), Lanai Room (next to pool).

MILPitas/SAN JOSE
- Saturday, March 7, 1992: Noon-6 pm
- Sunday, March 8, 1992: Noon-6 pm
- All sessions will be given live at the Crown Sterling Suites Hotel, 901 Calaveras Boulevard, Milpitas. VIDEO PRESENTATION. Room location will be posted in the lobby.

LOS ANGELES
- Saturday, March 14, 1992: 1:00-7:00 pm
- Sunday, March 15, 1992: 1:00-7:00 pm
- All sessions will be given live at the Ramada Hotel, 6331 Bristol Parkway, Culver City. In the Studio Room 3/1.

RIVERSIDE
- Saturday, March 21, 1992: Noon-6:00 pm
- Sunday, March 22, 1992: Noon-6:00 pm
- All sessions will be held at California Southern School of Law (formerly Citrus Belt), 1775 Elizabeth St., Riverside. Room number will be posted on the day of the seminar. VIDEO PRESENTATION.

ORANGE COUNTY
- Saturday, March 28, 1992: Noon-6:00 pm
- Sunday, March 29, 1992: Noon-6:00 pm
- All sessions will be given live at the Marriott Hotel, 2701 E. Nutwood Ave., Fullerton, University Room.

President MARA FEIGER
Attorney at Law • Legal Educational Consultant
Professor Feiger is an experienced criminal defense trial advocate currently practicing in the Public Defender office in the County of Riverside. She is a graduate of Western State University of Law where she was the President of the Student Bar Association and earned multiple Moot Court Awards. Professor Feiger has extensive training in the Fleming method and has lectured for Fleming’s Fundamentals of Law for the last three years. Her experience and training makes her uniquely qualified as a Writing Course instructor.

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( Please Type or Print)

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From the Editor's Desk:

by Mary A. Smigielski
Editor-in-Chief

This past week, two things made me pause and decide to write my first editors column. Actually, I just haven’t had time until now because of all the problems left over by last year’s staff. First, there was an editorial that appeared in the Villanova University School of Law newspaper, the Docket. Second, Matt Murphy visited our office this Saturday and expressed shock at exactly what goes into putting Motions together.

The editorial in the Docket hit home because it said exactly what I have wanted to say to the students of USD since I began this job as editor. To paraphrase and make it applicable to USD: There seems to be a misconception that Motions is comprised of a staff, complete with writers and reporters. Actually, I believe there seems to be a misconception that all we do is pick up articles from aspiring lawyers whose first love is journalism and transport them to a magical place where they turn into a newspaper.

This is not the Daily Planet. We don’t send Clark Kent and Lois Lane to scour campus looking for breaking news and we don’t have Jim Olsom to take pictures. Nor do we wish a stack of prose into a newspaper.

THIS IS YOUR PAPER! We are completely dependent on the law school community, students, faculty and our minuscule staff. In the issues of Motions that have come out this year, Laura Morton, Pam Schaffer and myself have written, contributed or researched the majority of articles. In a law school of close to 1000 students, this shouldn’t happen! If you have an opinion or want to write an article, please do! Drop it in our box and there is a 98% chance that we will publish it. And that’s where we will allow the perfect storm.

We do the rest. We want to know what students think and what issues they perceive as important. We can’t discover all for ourselves. I cannot tell you how many times students have come up to me and said either, “I have an article on this,” or “Why don’t there is such a picture of this?” Often that some person will spend the next five minutes describing in detail some subject they think is interesting, usually more interesting than I do. If I say, “Why don’t you write an article about it,” they do one of two things. They either get a puzzled look on their face and say, “Oh, didn’t think of that, or more likely, ‘I just don’t have time. I have to study, you know.’

Well, it may be news to some of you, but we have to study too. And we are also responsible for putting out a newspaper. I think we do a damn good job of it with the extremely limited resources we have to work with.

Which brings me to my second point. Matt Murphy came into our office on Saturday to help us. We think when we used to be in office the entire weekend—literally—he was shocked. He was shocked because he didn’t know what goes into the product students see when Motions comes out. So here it is:

We spend the week after our deadline tracking people down and collecting stories that were not in. We write articles that were promted but never delivered, check sources for accuracy, and write about events occurring after the deadline. Once we have all the articles, we make sure they are all entered accurately into the computer. Some articles are given to us on disk, but over 75% of what you see in Motions, we typed in ourselves.

Next, all articles must be edited. We check the grammar, spelling, content, and make sure all changes are on the computer. Once each and every article has been edited and triple checked, we are close to being complete.

From here, we ensure that we have two disk, each with exactly the same information on them, but in different forms. This, because we have two computers with different systems. (Actually, this is the first issue we are doing with two computers because SBA finally gave us the money we needed to update the second one enough to use it.)

The problem here is that we have spent the entire year trying to update our less than adequate computer system. Our computers were purchased second hand approximately six years ago. At that time, no one bothered to check that the systems could be readily updated as computer technology advanced.

For example, the aforementioned "second computer" didn’t have enough memory to run a publication program. Actually, we couldn’t access most of the memory it did have. Actually, when I took over the job, 97% of the memory we could access was taken up by the program that appeared in once a week. Like I said, this is your paper. Without your support and cooperation, it is difficult for us to do our job. Consider Motions an open forum for your opinions, news, and announcements. We need you.

By the way, the last publication of Motions is completely supported by our advertising revenue. This is what our business manager does. The only money we receive from the USD: is what little they may think is necessary for us to improve our computers despite the fact that no SBA manager has ever visited our office to see how the system really works.

The printer now has the capability that it needs. At this point, we can’t wait to get the printer and hope all color is done accurately. Only then does the printer turn the layout into negatives and produce a newspaper which is delivered the next day.

So that’s what happens.

Like I said, this is your paper. Without your support and cooperation, it is difficult for us to do our job. Consider Motions an open forum for your opinions, news, and announcements.

The more diversity we have, the better Motions can be. Thanks for listening.
Reflections on Martin Luther King, Jr. Day: The Current State of Race Relations in the U.S.

by Robert Little

“I have a dream that my four little children will live in a nation where they will not be judged by the color of their skin but by the content of their character.”

The Rev. Martin Luther King, Jr. (1963)

“...Farther north still we find a different kind of theocracy, the nation, and it is no longer on the hilly plateau of the land, but within the city, within the street, within the house, within the family, and within the room.”

Henry David Thoreau

Race relations are indeed in a dense thicket in America. I come to this easy conclusion after reflecting on the sixty-third anniversary of Martin Luther King Jr’s birth and I address to USD law students. It is scarcely possible to conceive how the civil rights leadership came from the extraordinary leadership of Dr. King to its current morass. Some examples:

Justice Thomas. The National Association for the Advancement of Colored People (NAACP), the most moderate civil rights organization in the country, opposed Justice Clarence Thomas’s nomination to the Supreme Court even before Senate confirmation hearings were held. They voted on the issue not at the NAACP National Convention, held the week after President Bush announced the nomination (where representatives of the general membership could have publically debated the issue), but instead the national board voted in a backroom meeting the following week. Why? Because they wanted to provide a single, unanimous opinion that the media could represent as being the “black” position. Justice Thomas in order to cast any other view as illegitimate. Indeed, when the Compton, California chapter of the NAACP voted against the nomination, their charter was threatened by the national board, in an autocratic attempt to enforce consistency of opinion. Thomas was the only high court nominee in history to be opposed by the NAACP before Senate confirmation hearings. More conservative nominees—e.g., Rehnquist and Kennedy—weren’t opposed until the Senate and the public heard their views. Why? Because the civil rights leadership was administering a legacy of winning by compromise that left no room for public legitimacy opinions of African-Americans. Being conservaive is acceptable in a Rehnquist or a Kennedy, but for Thomas this was treason and punished more stricly as an example to Judases of the future. Free thinking costs at a price.

Polls show African-Americans supported Justice Thomas by the same margin (two-to-one) as the public in general. Only among African-Americans did support for Thomas increase after Professor Anita Hill’s testimony in the Clarence Thomas confirmation hearing. Polls lie. Much, if not all, of the vote to be tougher on crime than the general public. When civil rights leadership talks of crime, it talks of the rights of the accused and poor Willie Horton, and not the rights of the majority of African-Americans and the majorities in every other demographic group other than death row inmates is so unfair.

The Persian Gulf War. The civil rights leadership opposed the Gulf War. African-Americans supported it. What makes this disparity between leaders and the allegedly led interesting is it makes the civil rights leadership just like the leadership of other special interests. The AFL-CIO endorsed Mondale in 1984; most labor union members voted for President Reagan. (For that matter, eighty percent of the workers the AFL-CIO claims to represent are not members of unions.) Similarly, most gun owners think the National Rifle Association should quit whining about making assaults rifles more available than condoms and start sponsoring gun safety classes and turkey shoots like the old days. Most of the executives of companies who are “represented” by the National Association of Manufacturers favor free trade principles to the same degree NAM supports the occasional protectionism.

Twenty years ago, it was frequently said that liberal democracy had fractured into “interest group liberalism” (cf. the term used by the Supreme Court in its majority opinion of the School Board v. Allen case). Leaving governments to make decisions not on the basis of people or party but instead on an instrument of interest groups represent general representatives and Washington lawyers and lobbyists find favorable deals with the IRS, seats of power, etc. workers, etc. organizations really represent anyone other than their board members.

This guttersnapping of the older leadership faces is sad. The feminist movement provides an interesting parallel. Once their leadership led masses in favor of popular ideals like equal rights. Their members dropped out with each major political defeat (why was there not a new Socialism when you can still buy a subscription to Communist, leaving a skeleton of bitter, aging extremists fighting for the rights of lesbians and non-issue. Does the National Organization of Women represent American women? Most of the board members are women for President Reagan twice—while NOW opposed him.

Similarly, the great civil rights movements of the fifties and early sixties lost focus with each success. There was plenty of work left to accomplish, but the old organizations fought without regard to the erstwhile represented. Once again, the leadership is more extreme than those represented.

On this last point, some examples from young Mr. Jackson’s harangue:

—The pyramids were built by blacks, but white historians have never owned up to being descendants of the slaver Pharaoh.

—Any opposition to the King Holiday (Mr. Jackson here compared USD to Arizona) is “almost crypto-fascist.” After all I may revel in being politically incorrect, may I distance myself from the likes of Hitler, Mussolini and Amin by saying that proper observance of the enormous contribution of Dr. King is stigmatizing and that remembering his benefit instead of being the occasion for a mattress sale at Penney’s (cf. every other holiday).

—American politics has become a “one party system of white people.” Kind of like the Democratic platform favored Sen. Kennedy of any claim to nobility. He is, I suppose, to young Mr. Jackson a dupe, lackey, or knave of the “Party.”

—The European Community was established to exclude the United States from international business.

—Last, Mr. Jackson’s presumptuous and racist comments about Justice Thomas’s nameless “white wife from Geor- gia.” Internal damnation from the leadership of “race misce- genation” that Dr. King fought to legalize. A system is a “right to privacy”; marrying the “wrong kind” is treason. Now, who’s progressive?

Thus the increasing irrelevance of an arrogant leadership out of touch. The result? The organizations at the head of Dr. King’s great movement for mutual respect become one hand bitter extremists and on the other hand mere figures for causes they no longer fight. Take from backrooms. Abbe de Siesy says “Every century’s election of leaders from the dawn of the French power grab: Now is the time to get more radical, which is as radical as the day that as a Communist, Robert Mack is a killer who gunned down a prime minister who had become our system of justice is some- where. Abbe de Siesy says “Every century’s election of leaders from the dawn of the French power grab: Now is the time to get more radical, which is as radical as the day that as a Communist, Robert Mack is a killer who gunned down a prime minister who had become our system of justice is some- thing to the world. When the news came out, the slick lobbyists whistled workshops for programs and handouts and set-asides and government favors like dairy farmers while the people go about their business.

It is lamentable that a day to observe the dream of Dr. King becomes merely a soapbox for indolent chiefs. It is disgusting that the dream of brotherly love and respect has become an occasion for hate and attacks, slander and smears.

Letters to the Editor:

Letters to the Editor will be published monthly. Please address all letters to Motions Editor and place them in the Mailboxes in the mailroom next to the assignment board on the main floor of Warren Hall. All letters must be signed and include a phone number so we can contact you if necessary. Names will be withheld upon request.

Students Angry at Media Coverage of Classmate’s Death

We are writing this letter in response to much of the media coverage given Friday’s fatal shooting at the General Dynamics plant. The media presents us with a dramatic image: Robert Mack, a working class man who was “unfairly” fired after devoting his “entire adult life” to General Dynamics, lashed back at the corporate giant by killing the “arrogant” company representative and attempting to kill his former supervisor. He was portrayed as a person pushed too far, a pleasant young man was shot and killed by a stress and tension of law school with grace but also knew how to drink a beer with his friends. He was a godsend to anyone who needed it before an exam, even the office. He had a great sense of humor and an unrepentant, dreams, and his potential will never be com- pletely fulfilled.

Robert Mack is a killer who gunned down a young man, before he even reached his prime. It is grossly irresponsible for the Times or anyone else to portray him as a hero. Michael Konz was a wonderful person who will be missed by everyone who knew him and loved him. It is even worse, to portray him as some kind of villain.

The term “unfair” is very similar in definition to “justice,” and our system of justice is some- thing that Michael Konz had studied so diligently. Fair is indeed fair, and justice we need.

Best easy Michael, we will miss you very much.

Matthew Murphy

Editor’s Note: This letter was originally written as a letter at the Editor of the Los Angeles Times of Konz’s evening division classes. It was not published by the Times.
SPORTS
AND
THE
LAW

Amy Kuhnert does her best to impress visiting Dodger scouts during intramural baseball.

Rugby: Can you find Greg Garrison, Kevin Fortin, and John Philpott in the scrum?

You, too, could be a Law Dog: Steve Kane does his best Lawrence Taylor impersonation.

Surfer God: Here, Chuck Egan attempts to combine surfing and theater by reenacting the Battle of Trafalgar with his board.

Martial arts expert Kurt Campell goes for push points as he successfully tests for his Red Belt.