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University of San Diego School of Law Student Bar Association

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USD Hosts Debate for ALI
Products Liability Study

San Diego Law Review Sponsors Tort Symposium
Featuring ALI Study Participants

By Gregory T. Lyall
Managing Editor

The San Diego Law Review (SDLR) presented “Blueprint for Tort Reform” Nov. 6 and 7 in Grace Courtroom.
The topic of this symposium was the American Law Institute (ALI) Reports’ Study on Responsibility for Personal Injury.
The law school’s Kathy Cannon and USD professor Edmund Ursin organized the conference.
The symposium was structured to stimulate informed debate on the Study, which is the product of a five-year collaboration by fourteen eminent scholars (Reporters) in the field of tort reform.

The reporters each addressed a different aspect of the Study.
Each session began with the Study recommendations, followed by a critique by prominent tort scholars.
The Reporters had an opportunity to respond, and USD faculty commentators then asked questions.

ALI Reporters participating in the conference were: Paul Wiser, Chief Reporter, Harvard; Kenneth Abraham, University of Virginia; and Robert Rubin, Stanford.
Critiquing the Study were symposium authors: Alfred Connnard, University of Michigan; Jeffrey O’Connell, University of Virginia; Jerry J. Phillips, University of Tennessee; and Marshall S. Shapiro, Northwestern University.
Mediating the symposium was USD professor Robert Fellmeth.
USD faculty commentators were: Mary Jo Newborn, Virginia Nolan, Michael Rappaport, Thomas Smith, and Edmund Ursin.
Not attending the conference, but participating in the SDLR symposium is Victor Schwartz, a senior partner at the Washington D.C. law firm of Crowell & Moring, and coauthor of Cases and Materials on Tort from Prosser, Wade, and Schwartz.
The Study was initiated in 1986 to respond to the tort crisis of the 1980’s.
While not a restatement, it is an evaluation of key issues of tort law and policy in “high stakes” litigation.

Having hosted previous Tort symposia, the SDLR is rapidly gaining a reputation as a high quality publication in the area of tort law.
Developing this reputation relies on the culmination of years of hard work by the SDLR.
Professor Rubin praised the SDLR for havin “consistently...taken a great deal of initiative in putting together first rate symposia,” particularly in the torts area.
Such a reputation improves the standing of USD in both academic circles and the legal community in general.

Planning the conference began almost a year ago when Kathy Cannon, SDLR Lead Article Editor, with the help of Professor Ursin, chose the newly released Study for a symposium and subsequent Law Review issue subject.
See Torts page 4

Musings of a Supreme Court Justice: California Jurist Panelli

By Christopher Harris
Managing Staff Writer

The Federalist Society recently invited California Supreme Court Justice Edward J. Panelli to speak at USD.
In the program, appropriately entitled “Musings of a Supreme Court Justice,” Justice Panelli described the administrative functions of the California Supreme Court and courts of appeal.
He lamented that the opportunity for justices in both the Supreme Court and the courts of appeal to write scholarly opinions has become drowned by a tidal wave of litigation.
Because the Supreme Court is a policy court, not an error court like the courts of appeal, it can decide what issues it chooses to review, in addition to its traditional function of rectifying competing lines of appellate decisions.
Every Wednesday the Court decides which cases it wants to grant review, yet the justices can only spend approximately 90 seconds per case scanning the table of contents for interesting issues because there are over 200 appellate decisions which are asked to be reviewed per week.
He described the role of a Supreme Court Justice as a “traffic cop” constantly directing the flow of paper and an “editor” merely revising opinions originally crafted by staff attorneys.
Justice Panelli enjoyed the discussion with the students and fielded questions on a variety of topics.
Regarding the need for habeas corpus reform of death penalty cases, he stated the court will frequently see the same issues twice, once on the Court’s automatic appeal review and then via a petition for habeas corpus, usually argued in the guise of Ineffective Assistance of Counsel (commonly referred to as AIC for those in the know).
He speculated this argument.
See Panelli page 4
An Interview With the Dean

By Scott Slattery

Last week, the author sat down with Law School Dean Kristine Strachan and a tape recorder. What follows is an edited transcript of the questions and answers discussed.

Q: When California Supreme Court Justice Edward J. Panelli spoke at the law school last week, many students attending were surprised by the lack of attendance by the administration and faculty.

A: I must say that I was somewhat surprised by the way this occurred. I think there may be some information gap between the student organizations and the administrative system in the law school. What needs to happen when a student organization invites an important person on campus is that the administration and the faculty become involved as well.

Q: In general I think the point is, if there is an appointment made, we can tell right away if we have a major schedule conflict between events and could have tried, in this situation, to see if it was possible to get Justice Panelli here on a day when there was not a faculty candidate coming in.

A: In general I think the point is, if there is an appointment made, we can tell right away if we have a major schedule conflict between events and could have tried, in this situation, to see if it was possible to get Justice Panelli here on a day when there was not a faculty candidate coming in.

New Journal Format

MEMORANDUM

To: Members of the Faculty

Re: Journal of Contemporary Legal Issues

Date: 30 October 1992

1. The Journal of Contemporary Legal Issues (“Journal”) operating under the auspices of the University of San Diego School of Law, shall be managed by a Faculty General Editor (“FGE”).

At the end of the academic year 1993-94, the Journal shall cease to exist unless its existence is continued by a majority vote of the faculty voting at regular faculty meetings.

2. The format of the Journal, to be published once or twice a year, will be the publication of papers generated by a live symposium on a selected theme, held annually or semiannually at the Law School.

3. The FGE appointment will rotate on an annual basis among interested members of the faculty in an order determined collegially by said faculty and the Dean. Any issue concerning the rotation will be resolved by majority vote of ad hoc committee consisting of three faculty members appointed by the Dean.

JCLI Seeks Student Articles

First Faculty-Managed Issue of the Journal of Contemporary Legal Issues Seeks Articles by 2, 3, and 4L Students

By Paul C. Wohlmuth

On Oct. 30, the USD Law faculty passed a resolution regarding management of the Journal of Contemporary Legal Issues to a Faculty General Editor (“FGE”) to be designated annually on a rotating basis by faculty consensus. The resolution was drafted by Dean Strachan, Professor Larry Alexander (who will be the FGE for 1993-94) and me, with consultation and input from the outgoing student editorial board consisting of Victoria Black, Richard Grauenger, Keith Johnson, Tony Palmer and Kim Renstick, and SBA President Robert Cheeseman.

Thus, the Journal, beginning with the Fall 1993 issue, will be managed by the FGE, a committee designated by the faculty, and the Editor of the Journal, a position newly created, will assign to the student editors significant consultative, editorial, operational and authorial responsibilities.

The Journal, now a biannual publication, will continue to publish research articles, symposia, column essays and book reviews. However, the Journal will feature a live symposium which will be held annually or semiannually at the Law School.

By mid-March each year, faculty members will indicate their interest in becoming FGEs. By April 15, 1993, of papers on the theme “The Lawyer as a Moral Agent.” These papers can be written on an academic credit or non-credit basis. As announced in the pre-registration packet last week, papers may be written under my supervision in conjunction with my Spring JDR Seminar on a 3-unit graded basis or a 2-unit pass-fail independent study basis. Papers written under other faculty members’ supervision would, of course, be welcome.

The best papers submitted will be published in the issue and their authors invited to join faculty participants in the live symposium.

The author is a professor at the University of San Diego School of Law and writes about the newly reorganized Journal at Motions’ invitation.

MOTIONS

A Student Newspaper of the University of San Diego School of Law

Founded in 1987

Previously The Woolsock, 1971-1987

Published between four and eight times each semester. USD School of Law, Alcala Park, San Diego, California 92110.

Editor in Chief: Stacie L. Brandt

Business Manager: Scott E. Slattery

Advertising Director: Gregory T. Lyall

Associate Editor: Elizabeth Gruenberger, Keith Johnson, Tony Palmer, and Kim Renstick, and SBA President Robert Cheeseman. The resolution assigns to the student editors significant consultative, editorial, operational, and authorial responsibilities. Annually or semi-annually the Journal will publish the results of a live symposium on a specific theme held each year at the Law School.

I have taken on the role of FGE for the 1992-93 issue, to be published in the Fall. I will conduct a live symposium at USD in late May on the role of private and public sector lawyers in the shaping of public policy. To help generate student articles for the issue, I am inviting submissions by April 15, 1993, of papers on the theme “The Lawyer as a Moral Agent.” These papers can be written on an academic credit or non-credit basis. As announced in the pre-registration packet last week, papers may be written under my supervision in conjunction with my Spring JDR Seminar on a 3-unit graded basis or a 2-unit pass-fail independent study basis. Papers written under other faculty members’ supervision would, of course, be welcome.

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How to Practice Being a Lawyer

By Elizabeth Genel

I spent last Wednesday at the Clinical Program Information meeting. I'm glad I did, because clinics are a great way to practice being a lawyer while you are still in school. Kind of a reality check, work in process sort of thing. An excellent opportunity to make sure you are in the right school, as opposed to art school or medical school.

The purpose of a clinic is to get students involved in skills development in the practice of law. The clinics focus on specific skills such as interpersonal relationships, including building rapport with clients, judges, juries, and yes, your adversaries. Students learn effective interviewing, negotiating and presentation skills. Some of the basic office practices students learn are: how to prioritize your time, how to keep a case file, and basically how to avoid malpractice. All the clinics have prerequisites, and you need to get approval of the clinic supervisor, so keep that in mind, and pick up a handy info sheet on clinics, available in room 308.

The Civil Clinic is affectionately known as the oldest, most prestigious law clinic in San Diego. (Think how great that will look on your resume.) Their motto is, "no case is too simple." The clinic is a 4 unit course where students have the opportunity to interview, counsel and represent clients in actual cases. Students work on cases such as landlord and tenant, disputes over dogbites, footstamps, and your everyday contract disputes. Students average 20 hours per week, but sometimes things can get hectic, and students have been known to spend up to 50 hours per week. (Very rare, but it does happen.) Weekly group meetings like Douglas has on "L.A. Law" are combined with individual case conferences to provide intense personal training in the above-mentioned skills. Talk with Professor Hartwell during the spring semester, if you are interested in the fall program.

The Criminal Clinic is a great way to maximize courtroom time and practice all the skills you learned in Lawyering Skills II. Students obtain placements in different offices depending on your preferences. For example, students may be placed with the District Attorney's Office, the Federal Defender, the Federal Public Defender or the in-house clinic. The criminal clinic is very exciting, and it is a great place for you if you want to develop your litigation skills in the context of environmental law. Students will be involved in helping the San Diego Bay by attending hearings and impact lawsuits.

Professor Wharton will be supervising this clinic; talk to him if you have questions.

The Immigration Law Clinic is for you if you are interested in helping indigent clients with various immigration problems like deportation and political asylum. It sounds intriguing, and space is very limited so catch up with Professor Esparza if you're interested. So that's what I learned about clinics. They sound like an awful lot of work, but as a resident member, there are prerequisites, and some of the clinics have a class you take at the same time. Also, you need approval from the clinic supervisor.

Head over to room 308, get yourself a clinic info sheet, and start thinking about the clinic you want to take next year.

PDP Initiates with Cal Western

By John G. Iannarelli

Phi Delta Pi Legal Fraternity held their fall initiation ceremony Dec. 13 at California Western School of Law. The initiation, which takes place once each semester, formerly inducts new members into the country's oldest legal fraternity.

Shawn Cusack, Newport Beach attorney and PDP National Council member, chaired the initiation with the USD Professors John Roche and Hugh Friedman, both of whom are PDP members. Also present were PDP members Andrew Aller, a California Western alumnus who is now a San Diego attorney, and Professor Arthur Campbell of California Western.

New fraternity inductees from USD are Rachel Merrill (2D) and Meg Edwards (3D), which brings the number of active members to 40. Seven were initiated in a ceremony last spring. California Western students just organized a chapter this semester, and they inducted 21 members in this ceremony.

PDP held its initiation of campus for the first time in its 46-year history with USD, even though both legal professionals and faculty attended the ceremony. This change of location was due to the Office of the Dean's new policy which limits use of the Grace Courtroom.

SECRET CEREMONY: Left to right are USD Professors John Roche and Hugh Friedman, Sharon Cusack, Andrew Aller, and Cal Western Professor Arthur Campbell.

Motions

December 2, 1992

Pro Bono Publico

Lawyers Donating Services

By Shannon Goldman

Pro Bono Legal Advocates (PBLA) is an organization of students formed last year to promote the values of charity and selflessness among the members of the USD Student Bar. "Pro bono" comes from the concept of lawyers donating services to the poor, "pro bono publico" - for the common good. It's a long-standing tradition and an ethical obligation of being a lawyer. PBLA is listed in the 1992-93 Campus Compact Member's Survey and Resource Guide for its role in the provision of legal aid to the indigent and its work in exposing students to public interest law. Last year, about 150 students participated in our programs.

Currently, there are four programs in place for those USD law students wanting to assist others and get involved with the San Diego community. Two of these, the Domestic Violence Prevention Project and the Supplemental Security Income (SSI) Project, are operated in coordination with the San Diego Volunteer Lawyer Program (SDVLP). Many students attended the Domestic Violence Prevention Training in September and the SSI training earlier this month that were provided by SDVLP. The PBLA coordinator for the Domestic Violence Prevention Project is Nina Golden, and the coordinator for the SSI Project is Rich Britschgi.

Mediation training by the San Diego Mediation Center is scheduled for November. Students who successfully complete this training may help resolve landlord-tenant disputes and conflicts referred by the City Attorney's Office. Most students who participate in this training will go on to mediate cases for the Small Claims Court. Students will receive intensive classroom and on-the-job training on their way to individually mediating the small claims disputes. Suzanne Burke is the PBLA mediation coordinator.

The Mentoring Program at Kearny High School targets juniors who have a potential for academic success but need a role model. A two-year commitment is requested in order to see the high school student through both their junior and senior years. Mentors are needed for the new juniors, so leave your name, telephone number, and year in school in coordinator Courtney Wheeler's mailbox, if you are interested.

Some new areas PBLA is considering include developing student volunteer programs for AIDS-related issues, emancipation for minors in Juvenile Court, and assisting at the Public Defender's Office. For more information on PBLA activities, check the PBLA bulletin board on the first floor of the law school (across from the Writs), come by our office at lunchtime (located in the Community Service Office on the lower level of the University Center), or call 260-4600 ext. 8733.

Choice Gifts, $50 And Under.

We have a selection of sophisticated holiday gifts for everyone on your list. Our wood shoe shine kit is handmade of polished pine and stocked with shoe cream and bristle brushes. Earmuffs of dark brown natural ranch mink on a band of rich velvet accent affordable luxury.
TORTS from page 1

According to Cannon, the most difficult organizational hurdle was to convince ALI Reporters Weiler and Abraham to commit to the symposium. Cannon explained that encouraging quality writers is especially difficult for most legal journals. However, once Weiler and Abraham were confirmed, quality authors quickly fell into place. As Cannon noted, "At one point I had to start turning them down."

Professor Unruh rates the symposium a success. All participants enjoyed having a forum in which to share their views. Unruh was pleased to note that many of the participants were familiar with, and respected, the work that the SDLR had done in the torts area. Such a reputation is "good for all of us."

JOURNAL from page 2

the symposium, the number of issues to be published, student editors' work, and editorial matters. All expenditures for each FGE's term must be paid or invoiced by the outgoing FGE. The incoming FGE will also select, with the assistance of the current editors, the SSE or the FGE for the following year. The incoming FGE with the assistance of the current SSE may appoint senior editors who will be responsible for coordinating the symposium; editing articles submitted; dealing with the printer and other third parties; and in general overseeing all the details of publication. The FGE will also select senior editors who will be responsible for coordinating the mechanics of publication, including communication flow, tracking deadlines, management of subscriptions and keeping of accounts.

Subject

To the budgetary process and parameters of the University, the Law School will provide budgetary and other support for the Journal as follows: symposium expenses, publication expenses, student stipends or tuition remissions, administrative and secretarial assistance, and release time or other appropriate support for the FGE.

9. The Journal is subject to USD policies providing academic freedom and decanal authority over the law school. The Journal shall have appointees (i.e., the general USD policy - which is applicable to the Director of CPL. appointment may be terminated "at the expense of reasonable notice and for unsatisfactory administrative performance or other cause.")

PANELLI from page 1

most was common because the appellate attorneys are not the trial attorneys.

Furthermore, every death row convict has two attorneys and one investigator. Although they "do not earn a handsome amount," they usually re-examine the case in its entirety and will also file a petition, not because they think the court will find it meritorious, but merely as a vehicle to get into the federal system. Justice Panelli cited the Robert Altman Harris case as the most egregious example of how this procedure becomes abused. However, he stated he preferred California's system to states like Mississippi and other Southern states where the attorney will get paid a paltry amount to handle both the trial and the appeal.

Regarding tort reform, Justice Panelli discussed a recent case which may signal a rift in the Court regarding strict liability. This case involved the defense of assumption of risk. In a plurality decision, half the justices utilized a strict liability argument while the other half inferring negligence concept into the analysis. Justice Panelli saved his most disparaging comments for the California political environment and complained that by opposing the Court in political disputes, California government resembled the worst aspects of the judicial cliques in nations like Bolivia or Colombia, where judges' opinions are closely examined by those responsible for their funding. He cited the legislature's bi-partisan effort to punish the Supreme Court for approving the constitutionality of Prop. 140 (a 1988 proposi-

MOTIONS

JUSTICE PANELLI: Meeting for informed discussion with lecture audience, including the author.

which installed term limits in the California legislature, reduced staff and expenses by 38% and reduced retirement benefits) by attempting to reduce the Court's budget by the identical 38%. Fortunately, Governor Wilson vetoed that budget. However, Wilson involved the reluctant Court into the redistricting quandary when he vetoed all three of the legislature's efforts. He noted even though the Court has a majority of Republici an appointees, the Special Masters who handled the technical process of creating districts turned out to be mostly Democrats. Although he feared partisanship did not enter into the district designs, he wondered if poetic justice had not been served by the gain of two of the three seats in the Assembly for the Democratic party.

Surprisingly, the student turn out was very light, particularly considering what an engaging talk Justice Panelli gave when compared to last year's Nathanson lecturer, Supreme Court Justice Sandra Day O'Connor. Professors Wohlgemuth, Siemon, Horton, and Advisor Janet Madden represented the faculty and administration.

DEAN from page 2

has made it very clear that they will continue to do their rankings despite the anger and the protestation of the ABA and most law schools. I'm pretty sure that the word doesn't get out as much that we happen, we will get a fairer shake of the information out of law schools. If there was some way that law schools could legally band together and boycott them they would, but it would probably be an antitrust violation. The other thing that is happening to schools like USD in these difficult employment times is that we are seeing more of our students go out of state. As that happens, we will get a fairer shake of the information that they want, we will be fairly evaluated by them in the process. We do not want to be in the position of giving them all of our numbers, and then ending up in a lower quadrant anyway because this evaluation system is artificially skewed against us - how do you then explain that?

We will participate when they deal fairly with us - and it looks like that will be the case this year. But it has been a difficult battle, and they have engaged in conduct bordering on extortion to get this information out of law schools. If there was some way that law schools could legally band together and boycott them they would, but it would probably be an antitrust violation.

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TRIAL TEAM CHOSEN

USD's Trial Team has completed its selection process for this school year. Members are, left to right: Front row, Robin Segal, Steve Welseins, Susan Woods, Melissa Burke, Wendy Angas; Center row, Dyke Hulst, Ann Broderick, Stephanie Meckley, Acton Springer, Adolpho Professor Richard Harris, Mare Garnderbella, Julie Westwater, Chris Harrington; Back row, Steve Polapinik, Sonny Celafta, Paul Hora, and Mike Gillispie. Other Trial Team members are: Lisa Werries, Shivam Shenma and Paul Jurge II.

USD Mediation Training

Nation's First

By Troy Zander

Twenty-two law students recently participated in the first mediation training program of its kind in the nation. Sponsored by the Pro Bono Legal Advocates, it is likely to serve as a model for other law schools in the future.

Barbara Filner is the Director of Training at the San Diego Mediation Center (SDMC). She and a host of SDMC staff and trainers came to USD to instruct the first, second, and third year students in this rapidly expanding alternative method of dispute resolution.

Mediation is a powerful tool for settling disputes. In the mediation model that SDMC teaches and practices, disputants meet with mediators who structure a process in which the parties can voluntarily reach a specific oral agreement to resolve their conflict. The agreement is then written down for the disputants. As a general philosophy, the mediators control the process; the disputants control the result.

During the training, students participated in seven mock mediations, ranging from auto repair bill disputes to property and landlord-tenant issues. Students acted as both mediators and disputants to practice their newly learned skills. Observers and students acted as disputants and gave constructive criticism to the mock mediators to let them know what was effective and what was not.

In addition, the students participated in several training sessions that focused on active listening, reframing and translating. This training was designed to facilitate the student mediators' ability to identify the disputants' underlying concerns, validate those concerns with neutral, objective language, and emphasize the disputants' goals.

In a recent article in California Lawyer, Pepperdine University School of Law Professor Robert P. Cochran, Jr. suggested that attorneys who fail to offer their clients alternative to litigation, including mediation, should be subject to malpractice. Calling litigation the "equivalent of surgery," Cochran believes that just as doctors must inform their patients of alternatives to surgery, "clients who bring legal problems to a lawyer have the same right to personal choice as patients who seek medical treatment."

Cochran's article reflects the growing trend in favor of alternative methods of dispute resolution and away from the winner-loser mentality of litigation.

SDMC began in 1982 as a joint effort of the San Diego County Bar Association and the University of San Diego School of Law. SDMC is now an independent, non-profit corporation. The program receives funding from the state and county of San Diego, contracts, training fees and private donations. SDMC handles a variety of cases, including landlord-tenant, employer-employee, creditor-debtor, real estate, personal injury, property damage and domestic issues.

The mediators at SDMC have diverse backgrounds, including law, teaching, business, and mental health. To become a mediator one must successfully complete a 25 hour training program. Thereafter, active mediators are required to attend a two hour professional meeting every month for one year. Normally, unpaid volunteers act as mediators. Volunteers receive the skills training at no charge in exchange for mediating 8-12 hrs/mo for one year. For more information on mediation or the SDMC, contact the SDMC at 295-0203.
SBA President’s Report

By Robert Chong

I hope everyone who attended the Halloween Party had an outrageous time. I did! Stop by the SBA office to see some of the Kodak moments as captured by the Dragon-cam (Yours Truly).

Enough of the fun and games. As SBA President, I sit on a number of committees to represent you, the student body. If you have a concern to express, please feel free to see me.

FACULTY COMMITTEE: Each year, the SBA president sits on this committee and has a vote on issues raised at meetings. The faculty meets monthly to address issues pertinent to both the campus and the faculty. I find the views and debates of various professors both interesting and perplexing. (If you think law students like to debate, wait until we become law professors.)

Dean Strachen opened the Oct. 30 meeting by recognizing the student accomplishments of the National Trial Team and Motions. Most of the meeting focused on the Journal of Contemporary Legal Issues. The committee passed the motion proposed by Professors Wohlmuth and Dallas to have faculty control of the Journal. I thought the proposal was fair, and even though it takes away student autonomy, the Journal should be better served.

LAW ALUMNI BOARD OF DIRECTORS: Many USD Law School Alumni are prominent members of the legal community, and we are lucky that our Law Alumni Association is very active. In particular, those who sit on the Alumni Board spend valuable time working to help USD and its students. The Board has six standing committees: Student Relations, Communications, Programs, Nominations, Executive, and Law Alumni Weekend. I am the lone student representative on the Board and also serve as a member of the Student Relations Committee.

Student Relations is responsible for the Alumni Advisor program, as well as the Law Clerk Training and Career Choices Program in conjunction with Career Placement. Also in the works is a Pilot Bar Party for all July bar takers (we'll probably have something for February bar takers, too). Last year, the Alumni Board hosted a party after the third day of bar exams and a sugar luncheon on the second day. STUDENT AFFAIRS COMMITTEE FOR THE BOARD OF TRUSTEES: Members of the Board of Trustees and representatives from the law, undergraduate, and business schools, and all other graduate programs sit on this committee. We meet twice a semester to discuss various student concerns: parking problems, the enactment and implementation of the American with Disabilities Act, cultural diversity, and financial aid. Student Affairs is a source of information about programs and benefits throughout campus, as well as a valuable networking system.

Among the Board of Trustees are Ernest Hahn, Chairman of the Board who sits ex officio; and Jenny Craig, president of Jenny Craig, Inc. Donna Baytop, Medical Director of Solar Turbines, is chairman of the Student Affairs Committee.

VITA UPDATE: After all the hoopla and coaxing, we have enough student interest to get the Volunteer Income Tax Assistance program off the ground. According to VITA coordinator Renee Adamson, the training will be on two consecutive weekends, Jan. 16, 17 and 23, 24; times will be 8-5pm (over in plenty of time for the Superbowl). The campus center will open in February, and we will advertise our free services in the community. Program volunteers will help the poor and elderly fill out simple tax forms. A pamphlet and sign-up cards are in the SBA office.

I leave you with these parting words: “Do you not know that in a race all runners run, but only one gets the prize? Run in such a way as to get the prize.” GOOD LUCK WITH FINALS.

THE MENTOR RECEPTION: Left to right are Roxanne Parks (’85), Denise Boticelli (’77), and Kathleen Quines, Director of Law School Development.

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USD School of Law Final Exam Schedule Fall, 1992

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<thead>
<tr>
<th>Wed, Dec. 9</th>
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<td>Crim Pro I - Schwarzchild</td>
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Bennie Witkin, often called "The Guru" of California law, wrote a syllabus many years ago, intended to help his associates pass the bar exam. He was successful. Now his work has matured and stands as legal authority for the bench and bar. A recent Lexis, Westlaw search turned up over 8,000 cases in which Witkin was cited as authority. Bancroft-Whitney is the exclusive publisher of Witkin.

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LRAP Survey Results

Students Show Tremendous Support

By Christopher Harris

Everyone by now has become aware of the clip boards circulating around. The petition asked students to express their support for the creation of an LRAP Loan Repayment Assistance Program at USD Law. Over 500 students signed the petition.

In the survey, an overwhelming 84% of students thought USD would benefit from an LRAP program. Unfortunately, USD is the only major California law school not to have some version of an LRAP.

However, the survey also revealed disillusionment with the public interest field. Although 31% of students chose public interest careers as their first career option upon entering law school, only 19% are currently still considering the field. A whopping 86% of the surveyed law school debt as the primary reason which prevents them from seriously considering public interest careers. These students averaged almost $55,000 in debt. The average salary nationwide for public interest positions in $52,000; the average salary nationwide for private employment is over $50,000 (according to the National Association for Law Placement Class of 1991 Employment Report and Salary Survey).

Sacrificing personal aspirations for the betterment of the community is an integral part of the public interest work ethic, but over the past decade, public interest work has demanded an increasingly greater financial sacrifice from conscientious graduates. An LRAP would enable USD graduates not only name that their own civic duty, but it would provide important legal assistance to a needy community as well. An LRAP would reduce the initial loan payments of students who enter into public interest jobs with non-profit or government organizations. The USD Office of Financial Aid would administer the fund, which would pay a portion of a student’s loans based on a sliding scale according to that student’s ability to pay. A student who leaves the public interest field would pay back the fund the money loaned.

Members of the LRAP committee have met with Dean Strachan, who voiced her general approval to the concept of forming an LRAP on this campus. However, the administration does not want to reduce current levels of student funding from existing programs. Consequently, the LRAP concept is in its early stages. The LRAP force will now begin to solicit “new money.” The LRAP task force is considering foundation, grant money, local law firms’ philanthropy programs, alumni, and faculty fund raising. The LRAP task force leader is Christine Harbs.

The Lucas Decision

Impacts and Implications

By Jamison A. Ross

When the Supreme Court handed down its much awaited decision in Lucas v. South Carolina Coastal Commission this past June, it was expected to have a profound impact on regulatory takings law.

In the ensuing months commentators and practitioners have discussed the opinion to determine the precise impact and implications of the high court’s decision. USD’s newly formed Land Use and Planning Association hosted a panel discussion to address these questions on November 4 in the Law School Faculty Lounge.

Moderated by Professor Jack Minan, the panelists were: Karen ZoBell, partner with Seltzer, Capkin, Wilkins & McMahon; Dwight Worden, USD graduate and president, Law Offices of Dwight Worden; and Valerie Tehan, supervisor of the land use litigation team for the County of San Diego. The panelists were chosen to provide perspectives of both property owners and developers, as well as regulatory governmental agencies.

The panelists agreed that the impact of the decision remains unclear and will remain so until future cases are decided in light of the Court’s ruling. Given the current state of the economy, particularly in Southern California, building and development is grinding to a halt. Ms. ZoBell is skeptical that, until the economy improves, property owners will develop their properties, and major challenges to land use regulation will persist.

Another point of agreement was that the decision enhances the burden on governmental regulatory agencies to justify their denial of building and development permits. Ms. Tehan and Mr. Worden did not see this as problematic, but they do not advise the governmental entities they represent to ever effect a total taking of property without a just compensation.

Ms. ZoBell, however, sees this as good faith attempt by the Supreme Court to ascertain standards by which governments may regulate land use.

Historically, regulatory agencies have had an "ideal" of how they want to control the land within their control. When a property owner seeks a permit to develop his land, if the property owner has developed or the property owner has a prior use, the agency has a great deal of discretion to manipulate the semantics of existing regulatory law to deny the permit. For example, a regulatory agency might define what is a wetland and what is a waterway and then manipulate their "findings" that a particular piece of property is within that definition in order to deny the building permit.

Mr. Worden believes that governments are attempting to give property owners a "bundle of rights" to the wetland and that it will be impossible for the owners to drain the swamp and build on it without the "bundle of rights" acquired by the owner. If the owner cannot build on it, the "government didn’t take your property away from you, nature did. You didn’t buy a piece of buildable land, you bought a swamp," Mr. Worden says. Ms. ZoBell believes that requiring compensation for frustration of investment backed expectations would open up a Pandora’s Box of claims from individuals who would argue, "I had a wish, I had plans for this land that you’ve denied me, so pay me." Mr. Worden believes that governments should be able to deny permits for uses which would injure, damage or destroy the property without any notion of economic owner presence. He pointed out that the common law is replete with the concept of nuisance and is an area and an infrastructural and a retired couple who only has one piece of real property and want to build their retirement home. The panelists further discussed various subjects in light of the decision: the result when an owner of an appropriated water right upstream of a bay delta is required to release his water to preserve the delta; diminution of land values versus complete elimination of land values; mitigation of the decision; and evaluating some "value" to property even if building may not occur. The clear answer is that it will be open more often and for more legal problems. Ultimately, our goal is for U.S. Legal Clinic to be self-sufficient and to expand into other areas of need.

Students will be trained to handle domestic violence cases, including the filing of Temporary Restraining Orders. The first clinic will open in November, with students in participating, contact Jackon Wang (524-2168) or Robert Chong (569-9218).

APALSA Legal Clinic Is Major Challenge

By Robert Chong

The Asian Pacific American Law Student Association (APALSA) is an organization comprised of students with Asian heritage at law schools throughout the United States. APALSA members share common goals and interests, including cultural awareness, civic activities, and educational achievements.

APALSA is undertaking one of its greatest challenges, one which will affect both law students and the San Diego community. It is establishing a legal clinic to assist the rapidly growing Asian community. Many in the Asian community are reluctant to take advantage of organizations such as Legal Aid because of cultural barriers and language differences. New immigrants often distrust attorneys or have encounters with corrupt legal systems in their native countries. The San Diego Asian Law Clinic exclusively assists attorneys by law students with similar cultural backgrounds and languages.

Statistically, Asians comprise 11.8% of the City of San Diego’s total population (roughly 130,945, 1,100,549 people are of Asian descent). In all, we work with and offer Asian group reports in the 1991 census. These groups in- clude Chinese (17,060), Japanese (8,873), Lao- nese (6,261), and Cambodian (3,198). These various groups have many different cultures, languages, and religious beliefs.

The Pan Asian Legal Clinic will operate in conjunction with the Union of Pan Asian Communities and the Asian Legal Clinic. The clinic’s pilot project will concentrate on domestic violence. If that project is successful, the clinic will be open more经常 and for more legal problems. Ultimately, our goal is for U.S. Legal Clinic to be self-sufficient and to expand into other areas of need.

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NORTHERN SUMMER EXPOSURE

USD Student spends summer in Alaska, where men are men, and Moose are Scared

By Kathryn Turner Arsenault

MAY 18 , 1992. My little Honda Civic is loaded to the gills with clothes, books, and everything else I might need for the summer. I don't know if there will be any stores where I am going, so I am taking everything. Art checked the car over thoroughly, changed all the belts, fluids, etc. I drove to Stockton yesterday and will try to make mid-Oregon by tonight. I hope I'm not really lonely this summer. Art and I have never been apart for more than two days in seven years, and now we won't see each other again for 83 days.

STORAGE ROOM FOR OFFICE

May 29 - I started work Tuesday. When I arrived the lawyers weren't there. In the meantime, Art showed me to the storage/library supply/extra furniture room, which she said I could fix up for myself. I cleaned it all out and spent two days doing library filing and organizing new notebooks for the advance sheets. (The filing got done once a year - when the summer law clerk arrived.) I have a great view of snow-covered mountains out my window.

There are twelve offices in the Alaska Public Defender Agency. Only four of those twelve can be reached by car. To get to the others takes a several long days' ferry ride or an airplane. I chose Palmer because it is rural yet close to Anchorage, and I could bring my car.

I drove 3,700 miles in six days to Palmer. A trip from San Diego through California, Oregon, Washington, British Columbia, and the Yukon before reaching the road into Alaska - then I had to go south for almost four hundred miles to reach Palmer.

Most of the roads here, once you get off the main highways, are gravel and dirt, and the street the office is on is no exception. Today, I made three trips to the courthouse and bought one of my $75 high heels on the second trip! Now I know why the woman lawyers were2mptous in court (and changes in the courthouse library) even though it's only a couple hundred yards away.

June 1 - Today I took a tour of the Matanuska (formerly Matanuska-Susitna) Borough Pre-trial facility (jail). It is absolutely unlike the San Diego County Jail (except for the cement, guns, barbed wires, prisoners, and locked doors). The Public Defender's office is catty-corner from the courthouse, down the street from the jail, and around the corner from trooper headquarters. The courthouse is fairly new and light and airy. Only four courtrooms - nice and big. The view out the back door of the courthouse is farmland, dirt roads, and a small airport. (Alaska has a higher per capita number of airplanes than any other state.)

There are one district court (municipal) judge, one superior court judge, and one magistrate (small claims and bail hearings and arraignments). The superior court judge is a woman and a former P.D. The Palmer judges are generally acknowledged to be fair and of excellent judicial temperament.

Raven still good law in Alaska

I have heard told by at least two different attorneys that Alaska is a great place to be a public defender. For one thing, search and seizure law is construed strictly in favor of the defendant. Some of the pro-defendant cases that the Rehnquist U.S. Supreme Court has overruled are still good law in Alaska. Mariana was legal (in any amount) until just last week. Despite the Constitution amendment which made it illegal in most circumstances, Raven is still good law.

The Raven court held that no one can search a residence for marijuana, no matter the quantity, even with a search warrant. A person's right to privacy is greater than the government's need to search for pot.

June 5 - One of the attorneys in this office never works from June 1 to October 1. He runs a charter fishing business and bed and breakfast with his wife. His position is, if you are going to live in Alaska, why work in the summer? If I were to work here, I would take my rotation from December 1 to April 1. My position is, why live in Alaska when it's dark?

The office where I work is a mobile home parked on a corner lot in a residential area across from the courthouse. Each of the two felony lawyers has one bedroom. The two misadventure lawyers have the garage (with a wall built down the middle). I have the smallest bedroom, and the secretary and her helper have their office in the kitchen, which also has a microwave and refrigerator and all the file cabinets. Any noise (ahom) from the one bathroom carries crystal clear to the rest of the office.

Fish stories plentiful

June 8 - I really like what I am doing here. The lawyers (and staff, if they want) go to lunch every day. They have a certain restaurant for each day, and they sit around and talk about their cases and fishing and clients and fishing and politics and fishing, FISHING! And, when they're not talking about fishing, they talk about PSIB.

This is a very different state. When I was doing the library filing, I could not believe the number of appellate and supreme court cases having to do with fishing and hunting and poaching. In addition, I am living in the Matanuska Valley, about forty miles north of Anchorage, and this is the marijuana capital of Alaska. Plants of any kind grow well here; 24-inch heads of lettuce are common.

The sun has been going down closer and closer to midnight, and coming up around 4:15 a.m. There is still snow on the mountains, and I hear it never completely melts.

June 11 - Great job, great office, great summer. The bad news is that there is no Weslaw or Lexis computer available, even at the library. The good news is that Alaska is only 33 years old, and all the belts, fluids, etc. I drove to

By Kathryn Turner Arsenault

HAPPY HOLIDAYS: Motions sends correspondent Kathryn Arsenault to the Great White North for the ultimate Christmas card.

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San Diego

SCHEDULE OF CLASSES

Friday, November 20, 1992
6:30 pm to 10:30 pm
CIVIL PROCEDURE I
(Duration: 12 hours, Class Gifts: $45.00)

Saturday, November 21, 1992
1:00 pm to 5:00 pm
REAL PROPERTY I
(Duration: 12 hours, Class Gifts: $45.00)

Sunday, November 22, 1992
9:00 am to 1:00 pm
CONTRACTS I-U.C.C.
(Duration: 12 hours, Class Gifts: $45.00)

Monday, November 23, 1992
4:30 pm to 8:30 pm
CRIMINAL LAW
(Duration: 12 hours, Class Gifts: $45.00)

The Pre-Registration Price for Each Seminar is $50.00
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Orange County

Monday, Nov. 30, 1992
4:30 pm to 10:30 pm
CONSTITUTIONAL LAW
(Duration: 12 hours, Class Gifts: $45.00)

Tuesday, Dec. 1, 1992
6:30 pm to 10:30 pm
CORPORATIONS-BUSINESS ORGANIZATIONS I
(Duration: 12 hours, Class Gifts: $45.00)

Wednesday, Dec. 2, 1992
6:30 pm to 10:30 pm
EVIDENCE I
(Duration: 12 hours, Class Gifts: $45.00)

Thursday, Dec. 3, 1992
6:30 pm to 10:30 pm
CONTRACTS II-U.C.C.
(Duration: 12 hours, Class Gifts: $45.00)

Friday, Dec. 4, 1992
6:30 pm to 10:30 pm
REAL PROPERTY I
(Duration: 12 hours, Class Gifts: $45.00)

Saturday, Dec. 5, 1992
6:00 pm to 10:00 pm
CIVIL PROCEDURE I
(Duration: 12 hours, Class Gifts: $45.00)

Sunday, Dec. 6, 1992
1:00 pm to 5:00 pm
CONTRACTS I-U.C.C.
(Duration: 12 hours, Class Gifts: $45.00)

Sunday, Dec. 6, 1992
6:30 pm to 10:30 pm
TORTS I
(Duration: 12 hours, Class Gifts: $45.00)

Monday, Dec. 7, 1992
No Class

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Address: _______________________________________________________________________
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Telephone: __________________________
Fax: _________________________________
Law School: __________________________
Number of Semesters Currently Enrolled: __________________

Semester to Attend: __________________________

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The American Law Institute’s (ALI) initiative on ‘Personal Injury Law’ began in 1980 in response to tort law, the torts of the 1980s. This book focuses on the current debates and issues in tort law. The book has been updated and revised to reflect the most recent developments in tort law. This book is a comprehensive resource for those interested in understanding and applying tort law principles. The book covers the following topics:

- **Product Liability in Switzerland**
- **Symposium Authors Debate Study**
- **Tort Perspective: ALL Reporters’ Study**

### Product Liability in Switzerland

**By Christine Schaub**

The Swiss legal system includes a comprehensive system of product liability. The Swiss Product Liability Act (RL) of 1997 is a comprehensive and modern piece of legislation that provides a comprehensive framework for product liability. The RL is based on the principles of risk allocation and risk sharing. The RL establishes a comprehensive system of liability for manufacturers, importers, and retailers of products. The RL is divided into several chapters, each of which addresses a specific aspect of product liability. The RL is widely recognized as a model for product liability legislation.

### Symposium Authors Debate Study

**By Gregory T. Lyall**

The Symposium Authors Debate Study is a collection of papers by leading experts in the field of tort law. The papers address a wide range of topics, including product liability, personal injury, and tort reform. The papers are divided into several sections, each of which addresses a specific aspect of tort law. The papers are written in a clear and concise style, and they provide a comprehensive overview of the current state of tort law.

### Tort Perspective: ALL Reporters’ Study

**By Alfred F. Conrad**

The study recommends that courts be allowed to impose punitive damages for defects that have been identified as defects in the past. The study also recommends that punitive damages be limited to cases where the defendant has been found liable for the defective design. The study concludes that punitive damages are a useful tool for punishing defendants for defective designs and for deterring future defects.

### Product Liability in Switzerland

**By Jeffrey O’Connell**

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### Symposium Authors Debate Study

**By Jerry J. Phillips**

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**By Victor E. Schwartz**

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**By Marshall S. Shapo**

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The study recommends that courts be allowed to impose punitive damages for defects that have been identified as defects in the past. The study also recommends that punitive damages be limited to cases where the defendant has been found liable for the defective design. The study concludes that punitive damages are a useful tool for punishing defendants for defective designs and for deterring future defects.
CONARD from page 11

reduction of injuries. To achieve this goal, Conard recommends that pain and suffering damages be apportioned. Finally, the courts would be permitted to consider the amount of "incentive damages" required to induce care. These damages should be excluded from insurance and indemnification. Additionally, all damages should be made deductible for damage payments and insurance premiump from taxable income. Finally, Conard advocates a burden of proof to intelligently allocate the rules of liability. Attorneys should be duty bound to edify judges as to who ultimately bears the costs of compensation.

STUDY from page 10

value of benefits is materially improved.

Pain and Suffering

The Study recommends limiting pain and suffering damages to victims of "significant injuries," where large monetary awards are made to permanently disabled victims for adjustment to their disabled condition. Although the Reporters oppose absolute caps on pain and suffering damages, they suggest a scale of inflation-adjusted damage amounts attached to a series of disability profiles to provide jury guidance.

Punitive Damages

To be liable for punitive damages, there must be clear and convincing evidence of recklessness disregard for the safety of others by the manufacturer's management officials or other senior personnel. Calculation of the punitive award should not eliminate the defendant's overall wealth and require closer judicial scrutiny of the size of the jury verdict. The Study recommends that judges should have the power to bifurcate these trials into separate proceedings for punitive damages trials. In the event of a compensatory claim verdict, it is suggested that the trial judge fix the amount of the award once the jury has determined that the punitive award is warranted.

Attorney Fees

Recognizing legal expenses as a distinct financial loss by victims of serious injuries, the Study's forensic proposals of damages reform are only encouraged in conjunction with expansion of recoverable attorney fees incurred by the successful plaintiff.

Environmental Liability

In addition to the creation of the science panel, the reporters recommend the addition of the following features to environmental liability law. In tort cases for long latency toxic harm cases.

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SCHWARTZ from page 12

lishing manufacturers that withhold proof of a defect to be discovered. As a consequence of the legal framework of EFTA, defective products will have to be withdrawn from circulation. This also provides that a company can go to a court in his own country and sue a foreign producer over a product which is defective only in a foreign country.

The polls show that Switzerland will probably vote for the EEA treaty (although it will certainly be passed in the Swiss Parliament), therefore not only the lawyers but especially the Swiss producers will have to face the problem of the newly introduced product liability.
Sex We Can Do Without

By Dallas O'Day

No reclusion at convention

O n October 22, Luciano Pavarotti made his much anticipated arrival in San Diego at a near sellout performance. I am an aciano and his fans, he arrived at the San Diego Sports Arena. Although not even Luciano could turn the Sports Arena into a silk purse, he probably could come away with a little help from the fans.

A great event involves an interplay of the setting, the audience, the music, and the performances. Score two and a half out of four here: a point each for the performances and musical selections; no points for the dismal acoustics and visual quality of the arena with all its attendant cables and grotesque rooftop junctures.

Finally, I leave you wondering when Capt. James T. Kirk will make an appearance in the "Next Generation." We've had Scotty, Spock, and Bones. "COUNSELOR JOHNSON TO THE BRIDGE!" Ooops, on my part. Captain. I hope I have violated the prime directive enough to interfere with your stau
dious lives, and have convinced you to take an hour off to watch Star Trek tonight. May all of you live long and prosper. One to beam up.

Pavarotti Plays Sports Arena

By Allan D. Wopschall

Pavarotti was left hungry until the second of his three encores.

Only with the second encore, in which Pavarotti sang the venerable "O Sole mio" and the magnificent finale of "Nessun Dorma," did the crowd feel the magic.

Encores were given mainly in for
eign accents. It was sad to see many in the crowd depart before each of the three encores. Perhaps someday San Diego will awaken to its rich classical history.

In spite of the obstacles, Pavarotti was magnificent as always, supported by a fine perfor
mance of the San Diego Concert Orchestra with Leone Maggini as guest conductor and Andrea Grimenzelli as flute soloist.

Pavarotti managed to give much of the magic most have grown to expect. One notable highlight from the main perfor
mance was "E Lucevan le Stelle" from Puccini's "Tosca.

The San Diego Opera is a fine organization and did an excellent job putting together the other event, but it was hamstrung by the com
mitment of the promoter to the Arena. This was likely the last performance of Pavarotti for San Diego, as his announced schedule for the foreseeable future is limited to Europe and the east coast. One can only hope that for any future performances of similar calibre, the economic considerations which forced the choice of the arena will not be the choice of another venue. On balance, better to see the master than not, but a de luxe experience like the Rome concerts of a stereo VCR is as good as it gets without being at a truly great live performance. Don't hold your breath waiting for the compact disc of Pavarotti at the San Diego Sports Arena.

The San Diego Opera has what looks to be a fine season ahead at the Civic Center, and it offers very reasonable student and non-stu
dent discounts and subscriptions for as little as $8. "The Barber of Seville" will be performed Jan. 23, 26, 31 and Feb. 3. "Madama But
terfly" runs Feb. 13, 16, 19, 21, and 24. Mozart's "Don Giovanni" plays March 5, 9, 12, 14, and 17. "The Pearl Fishers" plays April 18, from Puccini's "Turandot.

Finishing the season is Massenet's "Werther" on April 17, 20, 23, 25, and 28. Expect "Faust" to produce performances throughout the season, and as a plus "Wagner" will star Rich
ard Leech, who will replace Pavarotti for the final performances. The local politian Opera's production of "Lucia di Lammermoor" in No
vember. For ticket information call 232-7636.
BAR REVIEW:
The North County: Watering Holes in the Wilderness

THE SANDBAR
PCH & TAMARRACK, CARLSBAD

Hollywood: The Sandbar is the premier North County hotspot. The Sandbar has many hot babes, and I think even a few were over twenty-one. I specifically remember the one patron who were two glow-in-the-dark Sandbar bumper stickers across her bumpers. The Sandbar, like Neon lovers, does glow in the dark. It features black lighting which casts an eerie hue over the bar and makes anyone wearing a white shirt a target (I wish I had known in advance). The decor comes alive with light under the sea. The walls are painted iridescent light blue and are humorously decorated with plastic sharks trapped in netting. The back bar radiates with the shimmering rotary of a disco ball. I love a bar where one can bask in the iridescent glow of polka dots. However, I was distracted by the television sets which featured sports on a Saturday night. One should have played "The Little Mermaid," and the other should have played reruns of "Gilligan's Island."

The major attraction was the band. A bawdy group of teenagers, they enthralled the crowd with covers of classic rock tunes. When they performed the club was alive, and everyone took to the dance floor. However, when the band did not perform, all the patrons zoned out at their tables. The bar has poor circulation, so if you are going alone you can't be shy if you expect to meet anyone. There are two additional rooms where beer is sold, yet both of these remained strangely empty. Not a bad bar, but bring your wallet because it will change! First thing they did was raise the cover and the drink prices considerably. While this hurts me personally to no small extent (considering my appetites for beery comestibles), it does keep the riffraff out. As I am now retiring from this law school thing (if all goes as planned!), look for me here, but not because I actually tell you about the prices since I left the previous bar with my beer carefully hidden (it was only half-soaked, but he was kind enough to return the shaker by knocking on the correct bar's door after closing! And what's this Georgia O'Keefe crap? It was a plaster cow skull, all white with black horns - the sort of thing they can't even get rid of at swap meets! I am yet to sample this guy would like drinking out of hand blown glasses with the dyed blue needles, like being politically incorrect, like getting roped into the murdered critter motif.

I also remember of that particular part of the mating ritual). "singers" were all fairly liquored up, so the dozen of us wandered down to The Belly-Up Tavern SOLANA BEACH

The Belly-Up is the flagship of North County bars. In fact, it is three different bars under one roof. The Belly-Up features a mingling and schmoozing bar (my favorite), a lounge for romantic moments or late night dining (the kitchen serves the typical: nachos, chicken wings, crab cakes, etc.) and the main pit, a large, cavernous area where one stands to watch the often magnificent bands! (John Mayall & the Blues Breakers and Harry Connick all have played here recently.) The crowd is a lively mix of UCSD students, North County yuppies, and a few middle aged night owls. The diversity of the Belly-Up is one of its best qualities. The bar caters to every whim and wanton desire. One can meet someone special, drink to the band, and then intimately gaze into each other's eyes in the lounge, and walk along the beach on your way to the car. By the time you make your way home, you will have already accomplished enough activities to satisfy the third date rule! Saunter over to the Belly-Up for the best the North County has to offer. It's just past Del Mar, and you will appreciate the change of pace from having to only go out in the Gaslamp or P.B. Just be careful of the local police. Nothing else goes on in Solana Beach, so they closely monitor patrons leaving the Belly-Up after a night of making merry.

GRINGO'S NON-PICK OF THE MONTH:
Neiman's
CARLSBAD

I f you haven't picked up on it yet, I have moved to the Great White Suburban North. If you ever come by and see me mowing the lawn or (god forbid) "puttering" around the house, PLEASE KILL ME! Next thing you know I'll be married with kids. OK, fat chance there with my love life, but weirder things have happened.

So after the housewarming/birthday party (I turned thirty-one; sweet Jesus, now I'm THIRTY-SOMETHING (please kill me), we were all fairly liquored up, so the dozen of us wandered down to Neimans. I'd had a pretty good lunch there, and it seemed like a nice place. The bar was beautiful, the selection of potables to every whim outstanding: they had three kinds of Meyer's rum and a whole shelf full of Jagermeister (DANGER! Danger Will Robinson!). It's a gorgeous 104-year old building and a very historic landmark. Looks gorgeous, food's good, restaurant is very date-worthy (from what I remember of that particular part of the mating ritual).

So we do go. It was karaoke night. "Karaoke" is from the Japanese word meaning "get really drunk and make a complete ass out of yourself." We went in. Now, I need no special devices or encouragement to make an ass out of myself, so I felt no compulsion to sing. I had in fact seen this machine in action in PB where the "singers" (construing this term in its broadest sense) would dress up as Cher, or whoever, and put their all into their performance under the unshakable belief that there were a plethora of talent scouts present just waiting to find them. This was never so in PB and was most certainly not so in Carlsbad. The locals were too busy complaining so disappointing that the karaoke operator felt compelled to sing a few tunes himself; this was even more disappointing. As far as I'm concerned, when it comes to karaoke, follow Mommy Reagan's encouragement to make an ass out of yourself, so John.

Personally, I liked Neimans. It had everything you want in a bar except people, atmosphere, music, and dancing. Avoid it for anything but a nice dinner. Avoid it like sharing needles, like being politically incorrect, like getting roped into being my replacement for this column now that I'm graduating.
Gay Rights

I

n a recent letter, L. Lucarelli stated his opposition to the rights of gay people to teach school, lead a scout group or adopt children. The basis of his opposition is that millennia of universal condemnation, supported by Western religion, demonstrate that homosexual behavior is, as a matter of human nature, morally wrong. He uses as comparisons cannibalism and incest. Before Motion's readers take Lucarelli too seriously, they might think twice about his arguments and where they lead. Lucarelli talks about homosexuality exclusively as conduct. Being gay is essentially a way of being in the world, not a choice about conduct. While Lucarelli is correct that condemning people as immoral for who they are by inveigling against how they supposedly behave has a long history, that long history is marked by hate and bigotry. Consider the following. As recently as the 1920s, educated white society almost universally continued to teach that Afro-American and other colonial peoples were inherently morally inferior based on their supposed behavior. Du Bois, "Psychology and Prejudice," 47 Am. Psychologist 1182 (1992). The U.S. Armed Forces continued to preach that blacks were morally inferior based on their behavior until the late 1930s. Melson, "Public Policy and Private Prejudice," 44 Am. Psychologist 933 (1989). More than 16 states still had segregation laws on the books when the Supreme Court struck them down in 1967 in Loving v. Virginia. The indifference and bigotry of the educated white majority prolonged lynching in this country for generations. As with homophobia, a dominant motive of lynchings was sexual fear: if you are not too sure about your own sexuality, make yourself feel better by beating up on people else. Zangrando, "The NCAAP Crusade Against Lynching," (1980). Further, our educated society continued to teach that women were inherently morally inferior to men as reflected by their behavior until the early 1980s. Gilligan, "In a Different Voice," Harvard Univ. Press (1982). This official view continues to condemn gender oppression and gender violence for many men.

Until 1973, mainstream psychology taught that homosexuality was a mental illness. Mainstream psychology now recognizes that homosexuality is a normal sexual orientation of normal people. Research psychologists attribute the delay in understanding to cultural homophobia that scared away competent researchers, undermined research funding and candid subjects. I hope Lucarelli, as an educated and influential member of the community, understands the dangerous consequences of his editorializing beyond his concern that someone might think he’s a bigot. An estimated 30-35 million gay people live in the United States, the majority of whom remain cloistered because of the physical danger they face in coming out, a danger orchestrated by influential people like Lucarelli who casually lump being gay with cannibalism and incest. Among the people Lucarelli Torquen boldly deny the possibility that it’s morally acceptable to abuse a gay man or lesbian as if they were no better than cannibals? To affirm, as Lucarelli asks, that he is no worse than a common bigot is to let him off lightly.

Steven Hartwell
Clinic Professor of Law

LETTERS

I'd like to address a few points raised by L. Lucarelli's letter which appeared earlier in this space. Such misguided thinking has long been repudiated by those who, unlike Lucarelli, know something about this subject. The research shows that sexual orientation is part of our identities, and may or may not correlate with behavior. May I suggest that Mr. Lucarelli and like-minded people look at "Towards a Science of Human Sexuality," 42 Am. Psychologist (1987). For uninformed laymen to criticize others while ignoring this research is pathological arrogance. (For such persons to lump homosexuality with "cannibalism and incest" is gratuitously stupid and hateful.) Second, in order to even debate most of Lucarelli's "questions," we'd have to take seriously the notion that gay men and women are, simply by virtue of their sexuality, inferior human beings. Enlightened people can't do that. And as to the label "bigotry," if the shoe fits...

Warner Broun

Mr. Lucarelli's diatribe against the homosexual community incensed me. The position he advocates results in gays being bash, killed, tarred and discriminated against in almost every conceivable way. While Lucarelli questions gay rights, homosexuals are struggling for equality and the right not to be discriminated against by an intolerant and insensitive society, where hate crimes are increasing.

Yes, major Western religions have condemned and persecuted homosexuals for being who they are. That does not make such condemnation right. Such demarcation does not suggest that homosexuality contradicts human nature. Homosexuals have been a part of our world since the dawn of civilization - proving that homosexuality is a part of human nature for millions of people and so is homophobia. For Lucarelli, it seems that only homophobia expression represents human nature. This premise is both false and absurd. The most current scientific research demonstrates that there are multiple millions of homosexuals all over our planet. Approximately 25-30 million homosexuals call the United States home. For each of these individuals, an aspect of human nature means being homosexual. To each of them, homosexuality is an expression of orientation, not choice about conduct.

Homosexual couples should be allowed to adopt and have their own children because they are as entitled to have families as heterosexual couples are. Homosexuals should also occupy positions as role models and scout leaders because they have a right not to be discriminated against based solely on their sexual orientation.

Hate crimes against homosexuals are on the rise all over the world, especially in the United States. Hate crimes often start with unenlightened and hate-filled perspectives about homosexuals. Such deep-seated hatred cannot go unaddressed. Respect human dignity regardless of sexual orientation and fight back when confronted by homophobia. Strive to make this world a less hateful and ignorant place, seek to enlighten.

Dnyar Mehta

The other day, Justice Ed-ward A. Panelli of the California Supreme Court spoke to an audience of twenty-nine in Carlsbad Courthouse. The talk was well publicized: flyer- ers entitled "Musing of a Supreme Court Justice" with Justice Panelli's photograph were posted around the law school; individual copies of the flyer were placed in all faculty mailboxes a week be- fore; the sponsoring Federalist Society cleared the event through the Office of the Dean. Federalist Society President Bob Little arrived with Justice Panelli from the airport around 3pm. They visited with Professor Siegan for a few minutes. As no coordinated plan had been formed with Dean Strachan, she was un- available to meet the justice due to prior commitments. No formal reception was held before or after the speech.

The talk began a few minutes after 5pm. An assortment of stu- dents, three faculty, and a member of the administration had found their way to the courtroom. Justice Panelli was an engaging speaker and provided welcome insight into the thinking of California's high- est court. The seven students who accompanied him to dinner after- wards talked for days about how special the experience had been. Nevertheless, it was both sad and embarrassing for every twenty-nine people attended. Reasons have been put forth: 5pm is a bad time because evening students have class soon after; one professor with a competing time slot forbade her large class to attend; because the Federalist Society and Justice Panelli himself are known to be "conservative," "liberals" were not interested in his views. Education at any university is a concept that goes beyond class- room attendance and exam grades. The quality of a university is often judged by events that occur outside the lecture halls: faculty research, accomplishments of alumni, publica- tions, and outside speakers who lecture on campus. For example, Oxford is one of the premier uni- versities in the world, yet few classes hold regular meetings. Instead, students supplement one- on-one tutorial discussion with voluntary attendance at many lectures held throughout the univer- sity.

Great institutions have concrete goals; great universities should have as their primary goal providing a place where the finest education possible can occur. The University of San Diego School of Law should be honored that Justice Panelli would speak here to provide that opportunity for the Law School community promotes the mission of the school. How- ever, each member of the law school community must take seri- ously the reciprocal of that mis- sion: each must seize that oppor- tunity for education.

For a year and a half now, the true identity of Gringo has been a not so closely guarded secret. He did come out of the darkness this year enough to let us publish his photo sans dis- guises.

So, Jeffrey Gaffney, you will be sorely missed in the editorial by- ways of Motions. Your contributions as Gringo relieved late deadline ten- sions more than you should know. We refrain from ex- pressing surprise at your early gradu- ation, and wish you luck with the Law Office of John Lawrence Allen in Carlsbad, where we understand you will be "saving little old ladies from crooked stockbrokers from coast to coast."

Note: Hollywood seeks a new pub partner.
Interviewing Tips by SNL's Cajun Man

By Susan Kang

T he day was sweltering. My ponytail clung to my legs as I began to giggle. So there I was, wearing my power navy suit and my Barbara Bush pearls, practicing my most sincere smile. In front of me was a closed door with the list of names of my colleagues who were "lucky" enough to chosen to interview with this firm. I recognized most of the names. The list was made up of the same ten people I had been seeing in suits all week. I began to get nervous.

As I was about to bolt out of there, my good friend John (A.K.A. the Tool) came up to say "hi." I live vicariously through John's career because he actually got a job at his first choice firm located in his favorite city.

Sensing my distress, John asked me in his thick, Irish brogue, "Whatever's the matter, Lass?"

"John, I'm fully stressed about this interview thing. Can you help me out? What was your secret?"

"Now calm down, Lass. Just listen to this interviewing techniques tape by the Cajun Man and you'll be fine." He handed me his tape and Walkman, and he left muttering something about buying a Super Nintendo system with all of the money he was going to make this summer.

I listened, I interviewed. I conquered. (Or at least they haven't sent me a rejection letter yet.)

In these woeful days of job hunting, I wanted to share the transcript of the tape with everyone. And if you get a job through this and get your name on a letterhead, will you remember me? Here's the tape.

Interviewing by the Cajun Man. Q: You're late, Cajun Man. What happened?
A: Parking situATiON.
Q: Well, good morning.

A: SalutATiON.
Q: What position are you applying for?
A: Summer law clerk posiTION.
Q: What did you major in as an undergrad?
A: Communications.
Q: Your transcript shows that you scored very high on the LSAT. What was your method?
A: Process of eliminaTiON.
Q: Why did you decide to go to law school?
A: Loan RemissiON.
Q: What have you enjoyed the most about law school thus far?
A: Most court competiTION.
Q: Really?
A: Summer vacaTION.
Q: What kind of law do you want to practice?
A: My intentions?
Q: Yes.
A: LitigaTiON.
Q: It says on your resume that you're taking environmental law. What do you study in that class?
A: PollutiON.
Q: What other classes are you taking?
A: Corporate.
Q: Why did you apply to our law firm?
A: ReputaTiON.
Q: What is the number one priority in your job search?
A: CompensaTiON.
Q: Have you ever been arrested?
A: Repeat the question?
Q: What charge, if any, have you been arrested for?
A: ProstitutiON.
Q: Why did you do that for?
A: ExcitaTiON.
Q: Besides that, have you broken any other laws, American or otherwise?
A: Drug experimentaTiON.
Q: Have you tried to reform in any way?
A: RehabiliTiON.
Q: What would you do if you got this job?
A: CelebratiON.
Q: What would you do if you didn't?
A: DepressiON.
Q: Thanks so much for coming in. Finally, what extra curricular activities have you participated in?
A: Writing for MOTiONS!

THE GRILLE: Slow lines to "just" food.

Bagging the Grille
USD Food Monopoly Inefficient

By Christopher Scott Trunzo
Marine Staff Writer

T he UC Grille is the most inefficiently run food service organization this side of Jack Murphy Stadium. The comparison with the stadium is apt, as we can trace their problems to a single root cause: they are both monopolies.

How many times have you gone over to the Grille, your mouth watering for some of the weirdburgers and salt-fries or greeseball pizzas they seem to specialize in, only to be deterred by a line of people stretching into Tecolote Canyon? While waiting your requisite fifteen minutes in line, observe the food preparers and servers. They spend a great deal of time just standing around. Make no mistake: this is no fault of the employees themselves: when they do work, they work hard and for the most part well. The problem is that quite simply they often have no work to do. The fault lies within the system itself; the Grille is both structurally and operationally poorly organized.

Quite often, you will see the cashier-food servers waiting for the food preparers to finish, or vice versa. In a well run system, everybody should be doing something constantly. This year, the Grille added another register. However, this is little help when there is still only one person to prepare the food. Instead of two really long lines, we now have three marginally long lines. Even though you spend the same amount of time in line, in the wild and wacky world of bureaucratic monopolies this is called improvement.

While we do have the freedom to leave campus for food, we would never, upon our return, be able to find a parking spot closer than Little Rock, Arkansas. This would be fine if we all wanted to take up chicken farming, but it leaves the students and faculty with very little choice and creates a de facto monopoly for all of the university-owned food outlets on campus. Monopolies are by their very nature inefficient and slow to adapt to consumer needs. Without any real competition, a monopoly has no incentive to change its ways; the people are forced to use its services.

The food service people may argue that they can improve or reform the system, but rather than attempt to reform a system with an inherent structural flaw at its heart, i.e., lack of competitive incentive to improve, wouldn't it be better to rebuild the food service system from the ground up? The American people have recently expressed a mandate for change. In keeping with this spirit of revolution I would propose a break the University's monopoly on food service, and lease areas of the Grille out to private contractors. By introducing an element of competition, the various campus eateries will be forced to offer increasingly better food, services and prices.

Visit the coffee cart behind [insert Rich Donor's Name Here] Hall. Ask any of the patrons if they would rather drink the wonderful gourmet coffee served there or the nasty foul brew concocted over at the UC. Yet until this year, we were forced by the exigencies of scholastic life and the unavailability of any real choice to drink swill. Imagine the possibilities if other private contractors were allowed to operate on campus instead of a mile or more away! For those of you who still have doubt, drive over to UCSD, where private and university run establishments operate side by side to their mutual benefit.

There is an argument that the University would lose revenues and student jobs if they were to privatize the Grille. But, because of its relatively low prices, the Grille cannot be a cash cow. Almost any losses to the University could be recouped by rents or a percentage of the net income of the private contractors. (The Paniniik Cart pays a sliding scale profit percentage to the University.) As the jobs, let the students work somewhere else on campus; the government subsidizes a great deal of the cost of those workers anyway. They could even try to work for the private establishments that would be running the Grille.

The University should explore the options for private food services on campus. The school, the faculty and even the students would benefit from such a move. If you are tired of waiting in long lines for third rate food, try putting some pressure on the local authority figures. Perhaps, in this time of sweeping changes, we can effect some small change locally as well.

---

Cardiff Coffee Company
Espresso Cappuccino Pastries
Tea Waters

Located on the patio behind the Law School

Extended Hours Dec. 5 - Dec. 18:
M - Th 8am - 7pm
Fri 8am - 2pm
Sat - Sun 9am - 1pm

Beginning Dec. 1 Happy Hour 12 - 2
50% off all espresso drinks
By Judy Carbone
Marino Staff Writer
I drove up to the clinic and noticed the usual handful of week day anti-abortion protesters. I knew them all by name. We had confronted each other every other Saturday for the last two years on the front lines of the abortion battle, yet this was the first morning they had ever approached me with their literature and their taunting. I had heard it all before. "-We can save your baby! You don't know what they'll do to you in there! Stop! Don't kill your baby!" but it was somehow different this time: now it was directed at me, instead of someone I was assisting into the clinic.

I checked in and laid through magazines while waiting for a patient who would allow me to accompany her throughout her day.
The receptionist called to me and introduced me to Patricia. She told us to wait in the next room. That was it. I had been told by the Assistant Director that I was not to become, did I not interfere. She had also warned me that the patient may not want to talk at all. Let her take the lead, she advised. So I did. Patricia looked at me and smiled shyly and then asked why I wanted to go with her. She nodded as I explained my political involvement and my desire to learn more about what goes on inside the clinic.

"My mother protests in front of clinics," she said, looking at the floor. "We don't believe in abortion. I didn't really know what it was she did until this morning. She had medical problems, and her doctor said it was her about pro-choice activists Easterning out at us - yelling and throwing things at us - it was as if they didn't think we knew where we were going."

She started to cry.

"What is it that you do out there?" she asked. I told her about protests and that sometimes bomb threats were aimed at clinics. I told her about pro-choice activists escorting women into clinics. I also told her that all protesters were not alike, and that the mother might not act the way the protesters did this morning. She seemed to appreciate my understanding.

I learned a lot about her during our wait. She was 25 years old. She grew up in a small town outside Boston, and her husband had driven almost two hours to the clinic.

They had four children and desperately wanted to keep this one, but she had too many problems, and her doctor said it was...See Justice page 13

Add a Verse of Justice

By Anthony Carbone
Motions Staff Writer
September 9 Briefs due inside Moot Court Office at 6:00 p.m. SHARE •

...Some students apparently thought the Sept. 8 sign-up deadline referred to the sign-ups they had already completed when they first picked up the problem and rules packet.

The Board reasonably could have assumed that students who read General Rule III.6 knew three things: (1) they must sign up to brief a student when they picked up the problem and rules packet; (2) they needed to sign up for each competition; and (3) they needed to sign up when they had not signed up for either side when they picked up the problem and rules packet.

The Board's decision to enforce a rule that prevents several students, including the authors, from competing in the Alumni Tort Competition. The General Rules for Moot Court Competitions (III.6) stated: "Each competitor must sign up for the side they are writing for by the specified deadline for each competition." The Board distributed the General Rules with the problem and Alumni Tort Competition Schedule to every student interested in the competition. The schedule contained the deadlines involved (emphasis in original): "September 8 Deadline to sign up at Moot Court Office door is by 6 p.m. YOU MUST SIGN UP BY THIS DATE IN ORDER TO COMPETE. NO EXCEPTIONS.

A Framework for California Politics

By Robert Little

The vote totals of conservative Republican Bruce Herschensohn and moderate Republican John Seymour in their campaigns for the U.S. Senate point to the great irony of California politics: Democrats have no enemies to their left. Republicans have no friends to their right. Simply put, while Democrats can pick up more support by going centrist and avoiding several blood-curdling moderate Republicans have no such luck.

Anecdotally, this appears true. This month, tens of thousands of voters voted for conservative Republican Bruce Herschensohn, then voted against moderate Republican George Bush and John Seymour. Being "too conservative" - never heard George Deukmejian or Ronald Reagan, who both won four statewide general election victories. Nor did it hurt Attorney General Dan Lungren. Being "moderate" never helped Ed Zschau, who lost to Alan Cranston in 1986, nor Seymour, who lost woefully, nor Bush, whose loss in California was a first for a Republican candidate for President since 1964. As for the Democrat, note the success of the centrist Feinstein, who received many more votes than Barbara Boxer, who is significantly to her left.

(The enigma is Republican centrist Peter Wilson. But his three statewide wins are explainable within this framework: as a defense-oriented Republican, from a conservative city, he appeared more conservative in the Senate during the Cold War. When he ran for Governor in 1990, the supreme is in conservative depth and reassertment.)

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The Board reasonably could have assumed that students who read General Rule III.6 knew three things: (1) they must sign up to brief a specific side of the problem; (2) they had not signed up for either side when they picked up the problem; and (3) they needed to sign up for a side by a specific deadline. The Board reasonably assumed that students would check the schedule to find that deadline. The schedule contains two deadlines: one to sign up and one to submit briefs. See Rules page 19

The Death Penalty: A Matter of Justice

By D. Elisabeth Espy
Motions Staff Writer
C

penalty is barbaric and should not be condoned in any civi-

lized society. All of our European allies and most religions in the U.S. have rejected such killing. Executions by judicial authority are procedurally unjust, poorly justified even by proponents, and morally wrong.

Dozens of citizens later proven innocent have been executed in America. This number is a product of the examination of only a fraction of capital cases; it is unknown how many more mis rents have not been executed. No sufficient benefits have been offered to justify a system which knowingly accepts the killing of innocent citizens. Even if we assume that those who commit monstrous crimes deserve to die, we should reject the death penalty. Of all the injustices committed in the name of justice in this country, the most heinous is the killing by the state of an innocent person. By mak ing itself a party to this wrongful killing - shall we call it murder? - the state of California has voluntarily granted it.

Those who support the death penalty first assume that a par ticular convict is guilty of a ter rible crime, then claim that jus tice requires his death. They erroneously assume that the pro cess by which we determine guilt and decide which convicts are to be killed is efficient and just. In fact, the imposition of the death sentence is arbitrary and unjust.

Whether a particular conv ict is condemned to death de pends substantially on his race or class. A black killer, especially one who kills a white victim, has been shown to be as much as ten times more likely to be executed than a white killer (all other things being equal). Poor defend ants usually cannot afford to hire an attorney, bring witnesses to court, or make an appeal. In some states the attorney-assigned to capital cases are paid less than two thousand dollars. It takes no...See Left page 13

On the Right

L

et me tell you about a man named David Raley. Raley was a security guard at a mansion, where he would sometimes give unauthorized tours. One day, Laurie (17 years old) and Jeanine (16) asked for a tour. Raley concluded the tour by taking the two teenage girls downstairs and locking them in a safe. After subjecting them to humiliating sexual molestation, Raley assured the girls that he would let them go. He then proceeded to club Jeanine into unconsciousness. Laurie resisted, and he clubbed her and stabbed her thirty-five times with a knife. Raley then dumped the girls in the trunk of his car and drove home. He refused Laurie's plea to be taken to a hospital. He left them in the trunk, covered and bleeding, for about five hours while he watched television and played monopoly with his family. When night came he drove out to a ravine, removed the girls from the trunk, and beat Laurie around the head and neck with a club ten or eleven times. Finally, he drove the bound and bleeding girls into the ravine and left them there to die.

Laurie managed to crawl out and flag down a passing motorist. She survived. Sixteen-year-old Jeanine was less fortunate. She bled to death on the operating table. Her autopsy revealed forty-one stab wounds and a skull fracture.

A lot of arguments about the death penalty focus on its impracticality. Its opponents suggest that it is not a good deterrent and that it is expensive. They are right. The death penalty is actually applied only in extremely rare circumstances, which makes it ineffective as a general deterrent (although it's an outstanding specific deterrent). And the unavoidable and exhaustive appeals make it much cheaper to simply keep an offender in prison for life. But the death penalty is not about utility. It is about jus tice.

Our criminal justice system is aimed at promoting justice, not...See Right page 13

The Death Penalty: A Matter of Justice

By L. Lucarelli
Motions Staff Writer

On the Left

Against the Death Penalty

By D. Elisabeth Espy
Motions Staff Writer

On the Right

The Death Penalty: A Matter of Justice

By L. Lucarelli
Motions Staff Writer

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By L. Lucarelli
Motions Staff Writer

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Our criminal justice system is aimed at promoting justice, not...See Right page 13
Competitive League:

T
I
n what has got to be the big-
gest shocker of the year, Sec-
t1661 - thirteen ranked and
without a win all year - pound-
the fourth ranked Bad Guys in a first
round upset. The Bad Guys, always
hiring to talk a good game, failed
both offensively and defen-
sively as Section E moved on to a
second round date with seventh
ranked Torfesfors. The
Torfesfors, led by some mighty
(mighty high) pitching, knocked
of the once powerful, now tenth
ranked, Weasels. Section E better
enjoy that winning feeling while
they can, because the Torfesfors
are going to put an end to it next
week.

In other first round action, eighth
ranked Section B (Yeah, I know you
guys don't like to be called Section B, but get used to it),
whose self-contradictory style has
dimmmed a bit since dropping three
in a row, sent ninth ranked Bark
Like A Dog's offense to the dog
house as they advanced to a meet-
ing with number one ranked, and
undefeated, Well Hung Jury
- Another team that talks a big game but has not proven that
it isn't bragging when you can back
it up. Look for them to easily prove
it again against Section B.

Fifth-ranked Carefors Forces
overcame some early inning leth-
 bearings to coast to the easy win over twelfth-ranked Section A (Note to
Che: Neither choice would have got
you very far, in advance to a second
round meeting with the third ranked
Fliers. Both of these teams are
erratic from week to week and this
should be a close one, but give the
Fliers a slight edge.

Rounding out the second round
bracket is Undergrad Aluminum.
The Skins, as they call themselves,
the book of their Blue eleven, didn't
keep up their eleventh ranking by
defeating a much improved sixth ranked Sec-
tion C team. The Skins move on to
play the always tough, and second
ranked, WSU team. The Skins are
going to have to be at the top of their
game if they hope to stay with the
heavily favored WSU team.

Co-Rec:

While the qualifying round of
the playoffs produced two exciting
games, the quarterfinal round saw
the top four teams advancing eas-
ily and confidently.

Eighth ranked Section C
squeaked by ninth ranked Section B in extra innings to advance to a
second round rematch with second
ranked Drunk Sluts. In the final
week of the regular season, Section C
dropped Drunk Sluts from their previous number one ranking by
overcoming, in one inning, a four-
teen point deficit in a game that
would end up ending in a tie, Section
C was out to prove that their
scoring ability was no fluke - it
didn't happen. Drunk Sluts re-
garded the earlier loss and advanced
to the semi-finals by easily crushing their overmatched opponent.

Rounding out the semi-finals was
a late inning scoring surge fell just
short as the tenth ranked Faculty
team managed to pull off an upset
by holding off seventh ranked Smile,
We Suck. The Faculty, who al-
tually rates a big game, finally man-
aged to play one. The celebration
was short-lived, however, as the
faculty, trailing 15-1 after two in-
nings to the number one ranked
Knuckleheads, decided they had
different things to do and forfeited.
The Knuckleheads were less than
pleased with the Faculty's actions,
but got the win and advanced to
the semi-finals.

Section A had a bad day as
both of their teams were handed
quarterfinal round defeats. Both
number three Not and number four
Godzilla by Section A teams to
advance to the semifinals.

The semifinal pairings look like this:
#2 Drunk Sluts vs. #3 Not
Tough game to call. Not, as always,
is playing tough and is looking
to average an easy season loss
loss to the Sluts. The smart bet,
however, is on the Drunk Sluts to
win a close one.
#1 Knuckleheads v. #4 Godzilla
Even though APALSA changed their name to Godzill, so far
they haven't managed to strike
fear in the hearts of many of their
opponents. Look for the girls to
carry the Knucklehead guys into
the finals.
PMBR Improves Score On California Bar Exam By 250 Points!

I PASSED WITH PMBR!

TOTAL SCALED SCORE OVER 1440

Robert Feldberg
Executive Director PMBR
1447 6th St.
Santa Monica, Ca. 90401
(213) 455-9841

Dear Mr. Feldberg,

I am writing to let you know that I recently passed the California bar exam. I attribute my passing largely to having taken the PMBR full study course prior to the last test. I have enclosed a copy of the letter from the Committee of Bar Examiners showing I passed the bar exam.

If you look at my scores from the earlier tests you will notice that on my last test I scored only 1093 on the written exam and 142 on the performance test. Although I have some apprehension about doing well in the bar exam, I want to show you just how big a difference the PMBR course made to me.

While preparing for the first test I believed that if I had good knowledge of the law I would be able to pass the bar exam. I discovered that it was not enough to know the law, it is at least equally important to be able to communicate my knowledge effectively. The performance test portion was the most difficult aspect of the PMBR course. The essays written by Mr. Feldberg's assistants were not only informative but highly motivational. I would truly like to thank you for your help in passing the bar. I am recommending the PMBR full course to all my friends who have yet to take the California bar exam.

Sincerely,

Steven R. Smith

The Switch Is On To PMBR!

The Best Essay Workshops!
The Best Multistate Workshops!
The Best Performance Workshops!

NATIONWIDE TOLL FREE (800) 523-0777

OTHER COURSE

The Committee of Bar Examiners regrets to inform you that you were unsuccessful on the July 1993 Bar Exam.

Your answers were read and your total scaled score was below 1390.

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Due to your low score, you are not eligible for the scaled score which you obtained.

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