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USD Mock Trial Team: The Verdict Is In: Best in the West

Angus and McGreevy Take First Place in American Bar Association Western Regional Championship

BY TOM TURNER

Last month, the USD trial Team took first place at the American Bar Association Western Regional Championship in San Francisco. It was USD's first ever win at an ABA event. The victory qualifies the Trial Team for its first invitation to the ABA National Finals. They take place March 17-18 in Dallas.

The team of Wendy Angus and Steve McGreevy defeated the team from Loyola Law School in the final of the three day event, held February 10-12. That same winning combination competes for the ABA championship in Dallas.

According to Trial Team Coach and Lawyering Skills Competition Director Professor Richard "Corky" Wharton, Steve and Wendy, "prepared and dedicated themselves to the competition as much as anyone. They endured hardships in the courtroom that would destroy other competitors." Luckily for the team and for the law school, they survived.

Besides the thrill of victory, a first place finish at this ABA event, coupled with other recent successes, and the USD Trial Team continues to impress those inside and outside the law school.

In fact, last April, the San Diego Union-Tribune ran an article praising the team. In that article, a professor from a Texas law school was quoted as saying that the USD Trial Team, "is a force to be reckoned with."

With a roster consisting of only two people back in 1987, our squad now has 18 members. The history of the Trial Team is full of successes and victories. They have won the last two major tournaments they entered, including American Bar Association Association Competition. Last year, the annual National Championship honors by winning the Tournament of Champions.

While students come and go, one constant throughout the lifetime of the Trial Team is Professor Wharton. As the coach, he assists the students throughout the preparation phase of every tournament. That means reading all the problem material, existing with case work-ups, analyzing case construction, brainstorming for themes and theories, working through evidentiary issues, choosing the best combinations for each competition and then helping with the actual practice sessions. The whole process generally takes 6-7 weeks from start to finish.

As for the actual mock trials themselves, Professor Wharton finds it difficult to watch his pupils perform. Like a nervous parent, he gets very wrapped up in the competition and says it's often easier to wait outside the courtroom.

Wharton stated that the main focus for any event is preparation. "The best competitors know it so well that it is not conscious thought. Total preparation allows you to react to anything." If nothing else, a month of six days a week, four to five hour practice sessions will familiarize a person with the different angles of a case.

How does a student get on the trial team? There are actually a few roads that lead to Rome. Second year students compete in a closing argument competition during the fall. The 4-6 best competitors make the team. Third years who have Evidence or Lawyering Skills II experience must compete in a trial competition in order to make the squad. And, in some cases, exceptional Advanced Trial Advocacy students make the team after recommendation by the professor.

A frequently overlooked asset to the trial team are the student witnesses. Newer team members usually fill these roles for the mock trials. And their testimony can end up as important as the lawyer's work. Professor Wharton said that the team emphasizes the direct examination, making the witness and not the advocate the star of the show. Therefore, he chooses students to play witnesses as carefully as he does the litigators.

For the law school as a whole, the accomplishments of the trial team add to the reputation as a top-notch litigation department. The availability of the Lawyering Skills II and Advanced Trial Advocacy classes, along with the various clinics and nationally recognized trial team and moot court systems, makes the USD program enviable to say the least.

Annual Women's Law Caucus Faculty Auction: Professor Richard "Corky" Wharton performs his usual outstanding job as auctioneer extraordinaire for Women's Law Caucus.

Moot Court Team Compete in Sports Law Tourney in New Orleans

BY TOM TURNER

Why do people travel all the way to New Orleans during the middle part of February? If you think like most of the population of the United States, you would answer Mardi Gras. If you're Renae Adamson and Pete Salmon, the answer is the Tulane National Sports Law Competition. Coincidence? Let's consider the facts:

"Twenty-eight moot court teams represent such law schools as Georgetown University, New York University, Northwestern University, Florida State University, Whittier and USC competed in the tournament.

"Renae and Pete placed in the top eight, earning Quarter-Finalists honors.

"Renae and Pete gave up part of their winter break to work on the competition brief and then spent the first month of the spring semester preparing oral arguments.

"As members of the USD Moot Court Board and based upon their participation in last year's on-campus competitions, they were one four teams chosen to compete on a national level.

In examining the relevant evidence, an argument could definitely be made that they selected their competition in good faith. After all, as one who's participated in Moot Court before, I can tell you that it's no holiday. Any competition, regardless of time and place, requires enormous amounts of time, patience, skill and nerve.

As with every task though, there should be some element of reward. Maybe Renae put it best when she said, "Although National Team is a lot of work, doing the competition and meeting people from other schools was well worth the effort." But what's the real deal with the fact that Tulane held the competition during Mardi Gras? Did the tournament organizers purposely schedule the event during February to attract more teams? Wouldn't the

In The News --

Honor Code. Progress continues on revision of honor code. (Article on Page 2)

Mono Lake. Vice Chairman of State Water Resources Control Board discusses future of Mono Basin. (Article on Page 2)

Belinda Rachman spends a weekend with some judges, has informative discussions. (Article on Page 5)

Bar Review. Emil and Sinsky get down to basics in their continuing quest for enlightenment. (Article on Page 7)

"The Return of the Menendi" begins. Opinion piece by Kevin Kemper. (Article on Page 10)

"Stupid Cop?" Policeman / Law Student asks you to reconsider the job policemen do. (Article on Page 10)
SBA President's Report -- SBA Elections Near

BY BRAD FIELD

A t this point in the year, SBA elec-tions are about five or six weeks away. However, we still have a lot of activities planned. Look for upcoming information regarding our St. Patrick's Day Party, Bar Review Information Session, Law Review Talent Show, Class Registration Information Sessions (for first-years), and Graduation Party. Speaking of SBA elections, they will take place in the middle of April. Look for information in Sidebar and posted on the SBA door. Elections will take place for the following positions: SBA President, Day & Evening Vice Presidents, Secretary, Treasurer, Class Representatives, ABA Representative, and Honor Court.

If you have any questions regarding our upcoming programs, events, or anything else, drop by our office in the Wris or call us at 260-4600 x4346.

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State Water Board Vice Chair Del Piero Addresses Water Law Seminar
On Issues Surrounding the Reclamation of Mono Lake

Fate Of Wetlands, Wildlife, Cultural Resources and Air Quality Discussed

By Peter MacLagian

One of the outcomes of the second longest water rights hearing in the history of California, the hearing officer was on hand to brief Professor Jack Minnion of the Water Law Seminar on the emerging issues. Marc Del Piero, Vice Chair of the State Water Resources Control Board, addressed various aspects of the Mono Lake water rights hearing. Governor Pete Wilson appointed Del Piero to the five-member SWRCB in January 1992. The Board is responsible for administration of water rights and water quality functions of the state.

According to Del Piero, the public trust doctrine is one of the key issues facing the SWRCB as it attempts to balance the competing interests for Mono Basin water resources. This was not always the case. In 1940, legitimate concerns were raised regarding the City of Los Angeles' proposed diversion of water from streams tributary to Mono Lake and the anticipated adverse effect the exploitation of water would have on the aesthetic and recreational value of the Mono Basin. The 1940 State Water Code (predecessor to the SWRCB) had no alternative but to dismiss the protests because at the time, it was understood that water use for domestic purposes was the highest use of water. Usage by downstream states is recent public trust decisions reflecting changes in the courts' attitudes about water resource policy. Modification of water rights in consideration of instream uses for fish and wildlife and other public trust needs is the most recent application of this doctrine.

In 1983, the California Supreme Court, in National Audubon Society v. Superior Court of Alpine County, held that the City of Los Angeles' right to divert water from streams tributary to Mono Lake must be balanced against public trust considerations—a holding which Del Piero stressed must be read literally. In a subsequent case, the court required the Water Board to modify the permits and licenses issued to Los Angeles to appropriate water from the streams feeding Mono Lake to ensure sufficient water flows for fisheries purposes.

Consequently, the Water Board is in the position to consider the City of Los Angeles' right to appropriate and divert water from the Mono Basin. At issue is the beneficial use of 26 billion gallons per year of runoff from the four tributary streams: Lee Vining, Walker, Parker and Rush Creeks. As hearing officer for the Mono Lake water rights hearing, Del Piero has logged 46 days of public hearing. Now that all the hearings are complete, the Water Board has taken the hearing record under submission. Del Piero expects the Board to issue a draft order in the near future which will seek to balance the public trust needs with the needs for other beneficial uses of water. Del Piero said that if the Board include stream flows, lake levels, air quality and cultural resources, issues must include stream flows, lake levels, air quality and cultural resources.

The next case includes the need to establish minimum flows in four tributary streams to protect the fishery and establish habitat comparable to that in Mono Lake. Mono Lake is a saline body of water — the oldest in North America. The lake supports only two species, the brine shrimp and brine fly. The brine shrimp is a proposed candidate for listing under the state and federal Endan-

Disappearing California Wetlands

烃 Act. Additionally, Mono Lake may be designated as an Outstanding National Water Resource. Both designations will have the effect of shifting additional weight toward the public trust values. Air quality issues literally surfaced as the lake receded. Water diversions caused the lake to drop 35 feet below its historic elevation of 6410 feet above mean sea level. According to Del Piero, the state has lost 9900 acres of shore line consisting of a fine alluvial dust known as PM-10 are exposed. Wind blows the PM-10 dust across the valley. As a result, the Mono Basin rarely meets clean air standards and PM-10 is suspected to cause respiratory problems. The air quality problem in the Mono Basin was raised at the water rights hearing as a public interest problem in the Mono Basin as it attempts to balance the anticipated adverse effect the export of water will have on the aesthetic and recreational value of the Mono Basin. The State Water Board's charge is to protect the state's fish and wildlife and other public trust needs is the most recent application of this doctrine.

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Honor Code Revisions Closer To Becoming A Reality, Draft Prepared, Second Forum Held

By James Kuster

On February 28 and March 1, SBA President Brad Fields sponsored two student forums in which he distributed a draft of his proposed revisions to the Student Honor Code and asked for further faculty input. The Honor Code sets out the guidelines by which student academic conduct is governed and possibly disciplined. The Code also defines the procedures for the election and maintenance of the Honor Court, the Honor Court counsel, and the student and faculty preliminary examiners.

The two latest forums follow in a series of steps that should, pending ratification by the students and faculty, culminate in a new, revised honor Code. After Fields initially decided that the Honor Code was in need of major revisions, he held a student forum in January in which he voiced his proposed changes. At this time Fields also solicited the informal input of Prof. Steve Hartwell as well as other students and faculty. Fields next put together a draft of his changes and held the latest student forums. Fields now plans, as per the amendment procedure in Chapter Ten of the Code, to circulate a petition setting forth the nature of the proposed changes. Ten percent of the student body needs to sign the petition before the changes can be put to a faculty and student vote. Fields will then give the draft to the Faculty-Student Relations Committee to elicit some preliminary facility feedback and interaction, before holding a faculty forum on the proposed changes. After Fields incorporates any faculty-proposed changes, the changes will be put to a faculty vote at the March 25 faculty meeting. If the changes receive at least a majority approval of the faculty then the changes will be placed on the ballot of the April SBA election where a two-thirds majority of voting students must approve of the changes.

If the faculty fails to approve of the changes then the Honor Code will not be changed this year. Chapter Ten of the Honor Code calls for faculty approval at least two weeks before the student vote, but the faculty vote can not precede the student vote by more than a month. Fields wants the changes to be on the April ballot. He fears that if a separate election is held student/voter turnout will be too low. Therefore, it would be doubtful whether another faculty vote could be taken in time. Fields is graduating this year, consequently another student would have to institute the changes, starting the entire amendment process from the beginning, if they are not ratified this year.

The proposed draft is a combination of the student's own changes to the original Honor Code, student and faculty input during an initial forum in January, and general input from students and faculty outside of any forum. Some of the major changes made by Fields include clarifying and further defining what constitutes prohibited academic conduct, providing that instructors should furnish the students with a copy of the instructor's rules on or before the last day of classes or prior to beginning work of a written assignment, providing for an elector honorary conduct defense counsel that a stu-
dent could choose to have represent him/her at their hearing, giving the prosecutor discretion in deciding which alleged misconduct to prosecute, and providing the Honor Court with a list of prior sanctions to help it render a decision.

Brad Fields will supply a completed draft of the proposed changes to anyone interested in examining the revisions. He may be reached at 260-4600 ext. 4348.
March 1994)

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  - Orange County - March 5-6, 1994 (Live Presentation)
  - Los Angeles - March 12/13, 1994 (Live Presentation)
  - Orange County - March 19/20, 1994 (Live Presentation - Attorney Al Law, Mara Feiger)
  - Riverside - March 26/27, 1994 (Video Presentation)

- July 1994 Long Term Bar Review
  - Begins March 5, 1994 ends July 17, 1994

- Fall Final Reviews
  - San Diego - April 1994
  - Orange County - April/May 1994

- June 1994 Four-Day Baby Bar Review
  - Orange County - May 14-17, 1994 (Live Presentation)
  - Riverside - May 21-24, 1994 (Video Presentation)
  - San Jose - May 21-24, 1994 (Video Presentation)
  - Orange County - May 28-31, 1994 (Video Presentation)
  - Bakersfield - May 28-31, 1994 (Video Presentation)

- July 1994 Short Term Bar Review
  - Begins May 25, 1994 ends July 19, 1994

- Performance Workshop – July 1994 Bar Review
  - Orange County – Fullerton – July 2/3, 9/10, 1994

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Hence at last, free at last, thank God Almighty, we've (almost) free at last! We've gone through the days, the thick and thin of it, and come to this. The day that many of us thought could not come to soon is almost at hand. There is a light at the end of the tunnel and surprisingly enough it is not a train. But wait, before you make that headlong rush to the door of this venerable institution, there are a few more hurdles to be jumped. For those of you who are not in the habit of paying attention to such trivialities as deadlines, due dates or checking your mailbox with any regularity, or even at all, I thought that it may be wise to remind you of a few of the requirements and formalities pertaining to your graduation.

If by the time that you are reading this, you have not already submitted your orders for your Cap and Gown or Graduation Announcements, you'll just have to make due without them. They were due on March 4th. Perhaps wrapping a blue bed sheet around yourself will suffice, but you will look awfully silly. More importantly, you must by March 4 notify the records office that after much soul searching you have decided to part ways with your beloved alma mater and graduate this May. They also want to know if you want to be a lawyer someday and you need to wear the right clothes. 

B- No, I don't own any goon clothes. It is very possible that I am never going to be a lawyer someday. You need to be around people like that and I'm never going to be around people like that. I think I can't be myself. I don't want go to. I'm bringing my clothes and what I wear to the dentist is what I wear to the dentist.

M- Yes ma'am.

So began my investigation into what role clothes and personal style plays in the finding of a lawyer that you want to work for. Always put personal function and health. I always put personal function and health. If you have always refused to be anything other than myself, so you can imagine the problems that have arisen.

Sensing that I might need reinforcement to do fashion battle with the judicial establishment I arranged a little week-end with 5 of my friends from school and 2 detectives and assorted boyfriends and spouses. I thought it would be interesting to see what other types of questions my friends would have for the judges, and to outline a few classes. Some started out as an all girl week-end. The others were transformed into something else as all but two of the original people I invited had other plans. My mission of darkness, feeling lost in my own dark several times I was identified. I was married and divorced once before. The logistics of who would drive up with who were worked out, Randy Finch, Dave Stern and I hit the road. The whole ride was spent dissecting the personalities of C. Section. Hours after we got up to Lake Arrowhead the rest of the gang got there. Melisa Kirschner, Rob Moore, Sophia Ray, boyfriend Ollie and my half showed up. We got no work done that night, but had a lot of laughs.

Saturday we jammed on outlining property. Broke for lunch and the grill-ironing of the judges began. My mother and her pal Judge Roberson, were most obliging as we questioned them. Randy- What do judge's clerks do? Mom- Each judge's clerk will do something different depending on each judge's assignment. My assignment is to appear in the superior court so I am in the courts. Randy - What do judge's clerks do? Mom- Each judge's clerk will do something different depending on each judge's assignment. My assignment is in the superior court. The clerks for trial court, judges which we have in LA, and we have anumber of clerks who do that full-time. They do both law and motion type matters and other matters that might come up in the course of a trial.

Randy- And Robi, yours does the same?

Dave- Who writes your opinions? Robbie- They draft opinions after discussing the matter with you, getting your view on it and seeing what you are looking for. After they get it, draft it and get it to you, you take a look at it and make your revisions or either approve or rewrite the whole thing entirely. That's basically it, or if you have a point of law that you want looked up, because of your case load you would instruct them as to what you want them to present to you in the way of a memo. Just like you did recently. That's what it's all about. But the clerk doesn't write the opinions. They write the analysis they have given it based on what you have discussed with them. You write your own opinion, they're writing what you have instructed them.

Belinda- Do all judges work in the same way?

Robbie- Yes, basically.

Belinda - I wanted to ask you what you look for in a resume, either when you were in practice or as a judge, what are important things we should put in our resumes? Robbie- It's a little different in practice than it is for us when we are. Belinda - Because most of our students will be applying to firms and the firms may be getting 100's or 1000's of resumes. Is there any way you can distinguish your resume from others? Robbie- It's been a long time since I have hired anyone in the private area. One of the people we hired when we were in practice is now the senior partner of the firm. You try to get people that you feel can deal with the public. Someone who has a decent personality that doesn't alienate anybody. You want someone who is bright, but that doesn't necessarily mean the top 10% of their class. You want someone who is intelligent and perceptive who has a good grasp of the law.

Belinda - Do you think putting things on your resume that reflect what you do with your spare time, maybe something quirky or unusual that would get someone's attention is a good idea?

Robbie- I'd like to see that if I was hiring someone for the practice of law. But for legal research, that's what a law clerk basically is for, to follow leads that you give them, to polish up on points that you ask them to look up for you, you don't expect the kind of well rounded person you would want if you were hiring someone for a practice. I'd want someone who has had some experience, someone who hasn't been sheltered all their life, that knows something about life. I think that would help.

Belinda - How about when you and Angela had your practice what were you looking for?

Mom- I think different firms are looking for different things. The very large firms and old firms are going to hire only from...
In Re Marriage of Bubba:

As the months passed, we enjoyed many suntan strolls through the "yard." As our bond grew stronger, my mind began to drift toward the idea of marriage. During a weekend pass, which I had received for good behavior, I went home to discuss marriage plans with my parents. They were traditional and so I knew that as the parents of the bride they would want to pay for the ceremony and reception. Upon arriving at home, I gathered my mom and dad around the kitchen table and related to them the joyous story of my new found love. To say the least, the news shocked them.

My mom burst into tears and began screaming, "My God, what have they done it turns out, the many phone calls that my father made to the ward went unanswered. As time wore on, my celibate and my relationship progressed, but the romance had grown a bit stale. Now I have watched plenty of talk shows during my life, and as a result I my mind is filled with a virtual library of knowledge on how to relight the candle of love. And so one day, when my celibate returned to our cell, I met him at the door naked. Much to my dismay, my plan backfired, my nudity seemed to bother him. He pushed me aside and said, "Stay away from me you freak." But don't you care about our relationship, don't you care about us?"

"What relationship, we don't have a relationship you idiot. And do you want to know why? Because we never talk anymore." "What?" "It's always sex, sex, sex, with you. You Baseball, you just want my body! Couldn't we just hold each other once in awhile?" "What the Hell are you talking about, you crazy bastard?"

"You see, you see there, that's just it, we don't communicate." "Listen, you stupid sorority, I'm gonna' tell you this just once, shut the Hell up!"

"Or what, you brute, you gonna' rough me up? Must it always be violence with you, can't you let love in? Can't you for once let me inside your heart?"

"All right, that's it, I warned you."

I have always been a sucker for two things: love and a good left hook, and this time around I fell for both. The left hook connected with my chin, and sent me right to the floor. Every subsequent kick to my head pounded the sad truth deeper and deeper into my mind, until I had no choice but to accept it. "The thrill was gone, our love was over." "You Baseball, you just want my body! Couldn't we just hold each other once in awhile?"

Sports Shorts: News You Can't Refuse

BY ERIC SIEGLER

Skating - Now that the Olympics are over, maybe Tonya and Nancy will stay out of the news. Tonya is being indicted after crying over broken shoes and Nancy is complaining that her Disneyland appearance was corny. Nancy has been showing her true colors which brings to mind the view.

Swedes, Fins etc... her gown. The rest of the awards show was received mucho dinero for their story rights but they still need an outside shooter. The hosts were nervous, the Kettles got Derek Harper and now can't win games. Not his fault but they still need an outside shooter to take the heat off of Ewing and Starks. The Mavericks are on a streak 6 out of their last 14. Pretty soon they'll move out of the cellar. But maybe the Lakers can try for the most lottery chances.

ESPYS- The best thing about the Espn awards was Nicole Eggert walking out in her gown. The rest of the awards show was contrived. The hosts were nervous, the music poor and the awards were uninteresting. It was like a tune up for the other awards shows.
Weekend With a Judge
(Continued From Page 5)
the very top of the class and that's it. They may hire people who have less personality skills because those people are going to be in the factory and they are going to be researching a long, long, long time before they ever see a court room or a client. If it's a small firm like my firm we would want someone with intellectual ability, but we also wanted somebody with community contacts. Because the life blood of a law firm, particularly today in small firms, would be people who have community contacts and personality attributes that could be developed to bring in clients so you are interested in people who could do a good job and bring in clients to the firm.

The very largest firms are not concerned; basically they don't think that any of the new people are going to bring in business to the firm, but that they are going to be the work horses. And then there is a lot of employment in the public sector, and those are good jobs. Everything from the IRS to the Security Exchange Commission to the Dept. of Agriculture and the City Attorneys Office. There is a tremendous amount of employment that also leads to a good job later if you see it as just a stepping stone into employment. There are a lot of court clerk jobs now that the courts in California are going to the fast track. And I think that ours is not the only system that has clerks for the trial court judges right? I think that San Diego probably does, and San Francisco and the other large cities.

Robbie - I know that law and motion and writes and receivers has always had them. Obviously they have to have them in fast track there's so much work. I don't know about San Diego and some of the other counties.

Diego - Do you guys have any practical advice about 1st years getting a summer job?

Robbie - Know someone. Rob Moore - That's funny because I was going to ask you if you had to know someone in order to get summer volunteer positions.

Robbie - I would think so because an established law office might have a problem taking a first year student and putting them on something that is really meaningful because they don't have enough experience to really be able to handle it. A straight research job maybe. But I think they may consider them getting in the way. I don't know how many letters I get from people all over the country asking to come in and work in our dept. We each have a law clerk, all 4 of the judges in our court. I really couldn't find any use for an additional person. I'd have to put them under my law clerk in order to do something meaningful, but I really can't think of any use for them. The law offices depending on the type of practice, a first year student is really not much help. That's my own opinion.

Stay tuned for the next installment, when Randy, of the long, long, blond hair asks Robbie what he thinks about his cases. I ask him about the goon clothes, if they are going to hire people who have less personality skills because those people are going to be in the factory and they are going to be researching a long, long, long time before they ever see a court room or a client.

BAR REVIEW:
STAR & GARTER
3596 University Avenue
San Diego, California
281-8129

This Bar Review column is widely recognized as a cutting edge source for learning about the latest developments in political correctness. In keeping with this tradition, this issue's article seeks to commemorate Women's History Month with a stand-up-and-salute review of none other than Star & Garter.

With its fresh coat of purple paint and flashing lights, Star & Garter is hard to miss. The bar is located on an otherwise raunchy strip of University Avenue. The North Park neighborhood, with its family-run shops and suburban atmosphere, used to be a charming part of town. Today's version, with its myriad auto shops and check-cashing outlets, exhibits many sad signs of urban decay. Yet despite the surrounding deterioration, Star & Garter manages to preserve some of the vanished neighborhood charm by its ability to serve as a central meeting place for the old locals.

Star & Garter is truly an anachronism. Most of today's strip bars are part of national regional chains that take the military and feature a wide variety of gimmicks solely designed to empty the pockets of their customers. Positioned in high-profile locations for maximum traffic exposure, they're more along the lines of Vegas casinos or Hard Rock Cafes than simple watering holes.

Unlike its glitzy brethren, Star & Garter manages to preserve the unadorned appeal of a friendly neighborhood strip bar. You don't see frenzied and frothing packs of construction workers held at bay by armed bouncers. There's a distinct absence of strobe lights and neon. Instead, patrons play pool and enjoy their drinks in the relaxed atmosphere that the big-time strip bars seem to discourage. There's even a pool tournament on Wednesday nights.

Sure, the place is not everyone's ideal nightspot. The Women's Law Caucus probably won't enter a team this year's annual Star & Garter bowling tournament. You also won't see too many couples on their second or third date. Actually, you're more likely to see a lot of guys who've never had a date. But don't be deterred by the fact that it doesn't have a full liquor license, or the fact that there's a good chance that more than a handful of the patrons participate in prison furlough programs. The beer is cold and not as overpriced as one might expect. Also, the one-time-cover charge of five dollars buys you membership for two full years. What more can you really want?

Emil and Stinky Discuss Liberty

Emil: I was an anticipating two overwhelming responses to the fact that a strip bar is featured in Bar Review (assuming we have a readership large enough to constitute "overwhelming" responses.) This article would summon the cheers of the gay community reeling from the sterilizing effects of political correctness. Raucous applause would welcome the return of the strip bar to the forefront of viable entertainment alternatives. Or this article would draw the venom and anger of an enlightened community rallying under the high-flying flag of feminism. Emil and I would be seen as heroes, fearlessly insisting that the American male can be a proponent of both women's rights and table dancing. Or we would be seen as misogynists, casting a dark shadow of ignorance and chauvinism on the shooting star of gender equity. We would be outcasts; candidates for academic sanction, public ridicule and castration.

Stinky: Luckily, the Star and Garter should elicit no response. This strip bar warrants neither the delighted primal screams of bonding males nor the activist's vanquished cry of frustration. The Star and Garter is nothing more than a sad commentary on the state of "lowest rung" American society. This bar is a vacuum, a void, a hole in which to crawl and die.

Hmmm, lets see—was it the overpowering odor of stale cigarette smoke? Or the mirrors and windows glistening with sweat? Maybe it was the absurdity of the shows "spectacular," which had about as much erotic appeal as the Brady Bunch's baseball-throw dunk booth. Whatever, the Star and Garter strip club has got to be the dirtiest, seediest, and most contemptible dump I have ever seen this side of Avenue Revolution.

I don't know who is less interested; the dancer/waitresses who prowl the floor taking drink orders and soliciting table dances in a zombie-like daze or the patrons who seem to have been the subjects of war time lobotomy experiments. All in all the Star and Garter is nothing more than a congregation of runaways, felons, and losers. At issue here is not the objectification of women, but the pathetic state of the downtrodden, women and men. Make no mistake, this review is not to be interpreted as a moral condemnation of strip bars or the uncompromised form of entertainment they provide. To be sure, many strip bars in the San Diego area can provide hours of action packed entertainment that will leave even the harshest critic satisfied. But the Star and Garter leaves one left with only a forlorn sense of pity for the inhabitants of this cave.

Stinky: Now Open to Serve You
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Gourmet Beverages in a Welcoming Environment!
Have you noticed that after winter break, suddenly all our classes got harder? There was more reading and way more pressure. Did knowing there wasn’t a chance in hell for you to ever make law review take the wind out of your sails? Is that what’s bugging you buddy? Well let me assure you that if you want to relax and have a few laughs there are good times to be had around here.

The Women’s Law Caucus started organizing their yearly auction a while ago. I did my bit by hitting up teachers for donations. I had heard my beloved contracts teacher always donated a ride in his Porche (sic.), Hester, lunch and a tour of Bane’s Nut Farm. (He calls it Nate’s Butt Farm) While getting him to sign on the dotted line and commit to this year’s auction, I inquired as to the price range his magical mystery tour had brought in over the years. He said it had gone anywhere from the mid $20’s up to $100. Having him all to myself for a few hours sounded like fun.

After looking over the list of valuable gifts and prizes that we had collectively collected I resolved to spend a little cash. The hour of the auction came and they handed over the items up for bid. Had you listener agreeing with the dotted line and commit to this year’s Frank Engfelt tour of Bates Nut Farm, lunch and a the lucky winner.

My partner in crime, the ever mysterious Donald Mays, had his eye on the Frank Engfelt Porche (sic.) ride too. He had the opening conditional bid. He wrote on the price list poster that he would pay $25 if he could sit on Frank’s lap and steer. As much as I would have liked to have Frank for the day I let Donald get it. Everyone had a good time as Judy Carbone made a running commentary on the items up for bid. Had you been there you would have had fun too.

If you want to really let loose may I suggest the law school talent show coming up April 15th. Stern worked up a very amusing act a few weeks ago that consists of leading questions ending with the listener agreeing to anything he suggests. He mixes the black heart of an evil salesman with an ambulance chasing shyster as only a hambone actor can. If you want to really distinguish yourselves from the self conscious around you there is nothing as liberating as making a fool of yourself in front of a big audience. Let’s face it, if you are shy you are never going to make it as a trial lawyer. Instead of trying to purge yourself of fears by paying lots of money to a shrink, why don’t you jump into the deep end of the pool and get it out, a la G. Gordon Liddy.

If he can eat a rat and lash himself to a tree in the middle of a thunder storm in order to burst through his fears, then you can do an act in drag or make fun of a teacher in front of your peers. Trust me, it’s fun.

Belinda Etezad Rachman Says

There’s Fun To Be Had At U.S.D. Law School

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BAD BEHAVIOR: BY SELF

Proclaimed "Victims" is Condoned by Jurors and the Public

BY KEVIN KAPER

et me see if I understand all of this. It's OK to engage in a lethal shoot-out with federal agents, killing four of them, because they were on your property to take all your automatic weapons and grenade launchers away, and besides, a guitarist playing religious fanatic told you it was God's will. So held a jury in Texas, acquitting the remaining members of the Branch Davidian cult in Waco of murder. It's OK to cut off your sleeping husband's penis if he abused you, had bad manners, and generally acted like a lout at every opportunity. So held a jury in Virginia, which let Lorena Bobbitt off because they understood she'd be moved to an "irresistible impulse" to mutilate. It's OK to spend two weeks sitting on relevant information in the Nancy Kerrigan knee-wracking incident because, after all your ex-husband used to abuse you and, therefore, you must have been afraid. So suggested Tonya Harding's attorney. It's OK to let an innocent truck driver to within an inch of his life with a brick and a fire extinguisher because, after all, you heard some bad news, and besides, all your friends were upset as you were. So held a jury in giving the "L.A." the equivalent of a slap on the wrist for attempted murder. And finally, it's OK to walk into your parents' den with shotguns and blast them into blood-splattered unrecognizability if they abused you terribly and frightened you. So said enough members of Lyle & Eric Menendez (hereinafter referred to collectively as "the Menendez") juries to result in hopeless deadlock and mistrust for both.

Everyone you pick up a paper, you read that the public is getting sick and tired of crime. We're scared and pissed off, and we want revenge. "Three Strikes, You're Out!", and all of that. But place 12 ordinary people in a jury box, present them with a real, live defendant, give the defendant a good lawyer, and those ordinary Americans will forgive just about anything.

Behold the "I'm a victim, too" defense. You're showing up everywhere, just waiting to smooth the way to instant freedom and respectability for anyone who commits monstrous crimes, misdemeanors or whatever.

The trouble with domestic abuse stories is that there is no subject which lends itself to abuse and the foulest exploitation. Our horror at the very thought of it is so huge that the mere suspicion of it is likely to be used to justify actions which would otherwise be considered unforgivable. (Like, for instance, turning your own parents into blood-sausage—or cutting your husband's penis off.) Obviously, domestic abuse disgusts and appalls most of us. It's supposed to. And just as obviously, John Wayne Bobbitt was the sort of beer-drunk jerk all of us prefer that our daughters, sisters, nieces and co-workers not hang out with, much less marry. Still...

Even if Jose Menendez' household wasn't the Dickensian horror that his historian sons told the world about on the witness stand, the evidence is ample that he was the sort of paternal Simon Legree who accepted nothing but the most ridiculously macho kind of excellence from his sons. So what? Even if you concede that everything the Menendez accused their lawyer of could be used to justify acts which would otherwise be considered unforgivable, someone has to do something about the crime.

Many of the ordinary people who make up juries desire neither justice nor revenge. They desire absolution, the collective and individual wishes of those whose main concern is self-pity, self-righteousness and self-preservation. Bobbitt case is a third year evening student.

MOTIONS

OPINION

OUT OF STATE DRIVERS: Fines galore.

WOULDN'T YOU LIKE TO BE A VICTIM TOO?

"The Return of the Menenidi and Other Horrors Too Appalling To Contemplate

The University of San Diego School of Law

Vicrmination: Not guilty by reason of abuse.

Page 9

POLICE REPORT

Stupid Cop? In Defense of Police Officers

BY LEE MCGILL

A s a law student I repeatedly hear from students and faculty that cops are stupid, poor writers and poorer witnesses. I understand lawyers' frustration with cops. I am a third year evening student and a cop. I see the problems from both sides. Most of you already know the lawyer's side of the story, so let me explain the cop's side.

The lawyer wants the cop to be a good cop. If he isn't, the shifts are ten hours long. Overtime is the norm because an arrest takes two or more hours to process and write. The "graveyard" shift is from nine at night to seven in the morning. Court starts at eight in the morning or one in the afternoon. By the time I get there in the afternoon, I have a huge headache from lack of sleep. I am hungry, or if I have eaten it was at a grease pit (the only thing open at 3 a.m.) and my stomach is upset. There is so much gear in the patrol car that my neck hurts from hunching over to see out of the windows. My back is sore from carrying 20 pounds of gear on my waist for the past 10 hours. I have sores, bruises and cuts from jumping over fences, searching cayonos in the dark and arresting resistive suspects. The injuries don't heal as fast as they did when I was younger.

I don't look physically well to the judge. I'm tired, I'm sleepy, I'm slower than usual, my attention span is shorter, and I'm easily irritated. I have all the classic symptoms of sleep deprivation and jet lag. I look bad, it is embarrassing to me and adds to the stress I feel in court. Yet I know that if I don't pull myself together the crook will go free. I put much time and effort into the arrest and want to do the best I can. It's similar to looking after my family all day and then giving an oral argument at four in the morning on a case he briefed three months ago.

The lawyer wants a well written report. The cop wants to write a good report. I really don't enjoy having the defense embarrass me with my own report. Why doesn't the defendant have to write a report so the prosecution can embarrass him? The reports must be completed before I can go home at the end of my shift, so the prosecutor has time to file charges. Remember how well written your homework assignments were when they had to be finished before you could go home? If the arrest is made near the end of the shift, fatigue is a factor. It is not unusual for me to spend 10 to 12 hours investigating and writing a single arrest report. I usually write in my patrol car. I have to twist sideways to get the clipboard to fit between my wheel and the steering wheel data terminal. That really screws up your back. The lighting inside the patrol car is poor, straining my eyes and giving me headaches.

My fear of being shot while writing a report is real and has a tendency to cause me to lose my train of thought. A cop...
Beware Out of State Drivers!

By April Spitzer

If you drive a car with out-of-state license plates, this is a must read! A few weeks ago I was unfortunate enough to be pulled over by two cops for $400 (and my worst fear was "failing to stop" at a stoplight which resulted in an exorbitantly expensive ticket as my car was registered in Nevada, not California.) I was exiting the east side of the Ralph’s shopping center around 10:30 a.m. as I was pulled over about ten feet from the light. The officer proceeded to my car and after stating that I failed to stop, took my license, registration, and went back to his car. After the shock had worn off, I realized that I had definitely stopped at the light the officer said I ran.

When the officer returned however, I questioned my alleged violation. The officer then said that it wasn’t the actual light that I failed to stop at, it was the fact that I rolled through the crosswalk, failing to stop at the very first line limit, and that was why I was pulled over.

Well I was in an accident the previous day. No one was in the crosswalk. That didn’t matter. Wasn’t stopping at the light enough? No, each driver is required to stop at the very first line limit. This seemed unbelievable to me, but as we are learning here, the law is the law. Warning! This was a $102 ticket.

The next day while driving, I watched exactly how many other drivers ran through the first line limit. I thought I was the one who gets caught. Figures. I seem to be like a magnet to certain black & white tickets. Lesson 1: Stop at the very first white line you see, it could cost you of course $102.

But on to the issue at hand: out-of-state registered vehicles. Believe me the hassle is not worth it: Either get your car registered here in California, or keep your out-of-state license; otherwise, the process you will have to deal with goes something like this...

Once stopped by the officer, you may try and attempt to explain to the officer exactly why your car is not registered: things like, I am a transfer student for this semester only; really, or, it’s my fathers car, I just drive it while I am saving money to buy my own car (trust me, the excuse will not work), however, I can say first-hand, it will not work. So, stay calm because the worst just begins after the ticket is handed over.

Although you can wait until a notice officially arrives in the mail to explain your bail, etc., a good bet would be to call up the friendly people at Triple A. If a member, they can advise you legally by calling their legal hotline (they even accept collect calls!), or simply call the local ‘triple A’ at 483-4960 to find out the amount your ticket costs. This can be done all by phone, by stating your citation number and court appearing on your ticket. You need to wait approximately one week however since this is in the computer system. This is quite a handy dandy service, definitely a time-saver.

After receiving the costly news, I was told that I had a mandatory court appearance to clear this ticket up. Major pain if I say so myself. I was cited for a misdemeanor...this was not funny business. I was told however, that if I registered the car in California, it would be dismissed. This in itself was a costly ordeal.

I decided to avoid the DMV and register through Triple A. Good decision—no lines and nice, quick service. I was there, were about five various forms to fill out, questions asking me what my mileage was when I entered California, what the date was, exact date, etc. I became a resident of California, etc. I had no idea what my mileage was nor did I know the day I went to the DMV and traded in my Arizona license for a California license. These are not things I retain. Regardless, if you are recently check and certificate, that was another $28.95.

So I again had to waste another afternoon getting my car smog checked and then trekked back to the Triple A, smog certified and with a hefty check. After completing the paperwork, I was handed my new plates, yet not before getting the spiel about the various personalities of personnel, nameplates you can order at an additional cost of...I stopped the representative at that point. I just paid you $610.00 for these plates which I believed to be enough...

I was then handed my new out-of-state driver and told to remove my plates, replace them with these and I would be on my way. No surprise that I was unable to remove my Arizona plates. If you have those memorable alumni license plate frames on your car, an ordinary screwdriver will not work. So, with an Arizona out-of-state plate and a California plate on the front of the car, I had to proceed to the nearest Auto part store to get some help. To save you any future trouble, you need an allen wrench to get those spirited license frames off your precious.

After finally getting the plates off, fortunately the auto store lent me this screwdriver, I attached my rear plate to the cheers of some customers. One welcomed me to this great state saying, "Hey, there’s no ‘Zonie anymore?" I replied, "Nope" as he watched me drive away, this time with license plates from the same state. Back to the Triple A to drop off my plates.

But, it was not over yet, I still had my court experience. I was to appear in court in three hours in lines and simply waiting for the court session to begin before settling my citation. Advice: don’t need to be there an hour early, half an hour will be ample time; and, if it looks like a rainy day, bring an umbrella as the line starts outside.

My citation for failing to have my car registered was dismissed due to the proof of registration for the low cost of $10! I was then informed that I was to pay another $102 for the failure to stop and could take traffic school. How kind! Hopefully, it won’t be that bad since I chose The Comedy Store Traffic School.

Hey, I definitely could use a laugh, not to mention they give Arizona tickets with the purchase of any class!

So my grand total was an exces-sive, unbelievable $702! And the advice: it is not worth the hassle, nor the additional cost of not registering your car in California (I have never get pulled up near the end of the month) to be an out-of-stater! So, if you are an out-of-stater stay tuned to this brand-spankin’ new California plates, and drove off a broke Californian.

Work for Motions

Motions is seeking interested applicants for next year’s newspaper staff. Students interested in positions should call 260-4600 extension 4343. Application forms are available.

The following positions are available:

Editor
Managing Editor
Director of Publications Features (Centerfold) Editor
Advertising Director

All of the above positions are paid through tuition reimbursements.

Training is available during our final issue of this year.
Letters to the Editor

Oh No! We're Politically Correct!

Editor:
Although I congratulate you for publishing a comprehensive pro-life article ("Life's Apologia," February 8), I find your editor's disclaimer an outrageous example of political correctness. Labeling mainstream opinion as out of bounds is one of the more notorious arrows in the quiver of political correctness. No other piece in any of your recent issues was similarly disclaimed. I doubt you would have made an effort to separate yourself from a pro-abortion article, but you nonetheless felt it beyond the pale to be mistaken for a pro-lifer. Your note labeled as unacceptable an opinion shared by up to 40 percent of Americans. Authors Farhat and Shonafelt did not take a position so outrageous as to warrant a disclaimer, as though they advocated racism. They should be congratulated, you should be ashamed.

ROBERT DAVIES
GRADUATE SCHOOL OF BUSINESS

Good Job Jim

Dear Motions,
I enjoyed Jim Ballard's write-up of the Law School IM playoffs in your Tuesday, 8 Feb. '94 issue. Good Job, Jim. Keep it up!

LOU KERIG
FORMER FACULTY ADVISOR OF LAW SCHOOL IM PROGRAM

Coming Soon:
The Motions Third Year Survey

Over spring break, Staff Editor Tom Turner will be placing surveys in every third year student's mailbox soliciting their opinions on a variety of weighty topics concerning the law school. Included among them will be such gems as: Student Most Likely to Be Shot by Their Future Client, Professor Most Likely to Swear in Class and Student Most Likely to Tell You How Little They Study. Please fill out the survey promptly and conscientiously and return it as soon as possible to Tom Turner's mailbox.

Stupid Cop

(Continued From Page 9)

league of mine was shot at while he wrote his report. The bullet hit his headrest instead of his head. For safety I look around every few minutes to avoid an assault. The pens issued by the department are from the lowest bidder to save tax dollars. They are narrow, causing my hand to cramp up. The ink runs and blots. The rain causes traffic tickets and reports to look like I washed them. Everything must be written in ink, and to be time efficient there can be no rough drafts. There are no extra officers to cover my beat while I am writing. If a high priority crime occurs while I'm writing, I have to stop, solve the crime, and make the arrest. Now I have two reports to write. This gets really fun when I work in a high crime area. There are no computer generated forms, no spell checkers, no thesauruses, and no secretaries. When was the last time you wrote a six page report by hand in ink inside your car at night in Southeast San Diego? Try it and you'll get the idea. On second thought, don't. It will just cause me to investigate and write another crime report.

When was the last time you wrote a six page report by hand in ink inside your car at night in Southeast San Diego? Try it and you'll get the idea. On second thought, don't. It will just cause me to investigate and write another crime report.

The lawyer wants smart cops. Being a police officer involves knowledge of the law, psychology, sociology, English, political science, foreign languages, family counseling, crisis intervention, negotiations, Problem Oriented Policing, self-defense, firearms and patrol tactics. Being a patrol officer encompasses all of these fields every day, unlike college where you only have one major. Not many people are experts in everything. It's like being a general law practitioner who doesn't have time to research anything before he has to give an answer. (How much was that malpractice insurance policy?)

On my squad of eight officers, two have masters degrees, most have college degrees. To be a police officer the qualifications are much stricter than to be a lawyer. A police candidate cannot have used any controlled substance (drug).

There are random drug tests at least once every year after you are hired. A candidate must pass psychological and physical testing. There are criminal and psychological background checks which are confirmed by a polygraph examination. There is a stressful six-month academy in which many candidates wash out. If you get less than 70% on a test you get one makeup try, then you are dismissed. The job pool left after the testing is very narrow.

Most people won't even apply because of the poor pay, the job environment, the injuries, the shifts, the fear, the politics and the criminals. Those police officers who make it through all the challenges to be in your courtroom or office have truly accomplished something. As the saying goes they are "America's Finest." Remem ber that they are doing their best under the circumstances.

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Graduation

(Continued From Page 5)

On May 20th, Law School Graduation Mass held in the Founder's Chapel at 2:30pm. Thank God for your good fortune, he deserves it and will appreciate it. Following that, at 4:00pm, will be the Graduation Awards Ceremony where you can watch outstanding students receive nice pieces of paper commemorating their outstandingness.

Finally, the good bit. At 10:30 in the morning of May 21, 1994, the Commencement Ceremony will be held in the USD Campus Stadium. See deliciously happy soon to be ex-students transform themselves into JD's suddenly worrying about the bar. The University recommends that those graduating arrive no later than 9:30 a.m. for line up and orientation. Reception follows in the University Center. Good luck to all.

FRAN DURAKO
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