1994 Commencement Speaker to be Drawn From a "New List" of Nominees

Group Includes Many With a "Peculiar" Relationship with Law

BY ROBERT LITTLE

Law students would be surprised to hear who could end up as 1994’s Commencement Speaker next month. The list is, to say nothing else, a little strange. After reaching regard with a long list of notables from law and politics, the Faculty-Student Relations Committee, which helps find speakers, is turning to a new list of potential honorary degree recipients with an unusual relationship with the law. Some are victims of the legal process, some are defendants: any from the new list would have a different perspective on American jurisprudence.

Different to say the least. The University of San Diego requires graduation speakers to be worthy of the honorary degree granted at commencement. University by-laws require a speaker to have a “strong commitment to social justice;” a "history of commitment to the [legal] profession;" or a "deeply-rooted sense of ethics and principles.”

The exhausted list included mostly judges and politicians, including Hillary Rodham Clinton, Elizabeth Dole, and U.S. Circuit Judge Richard Posner. The new list includes, among others, former U.S. Attorney General Edwin Meese III (a former USD Law adjunct professor), former Assistant Attorney General-designee Lani Guinier, ex-Supreme Court nominee Robert H. Bork and financier Michael Milken.

Although these individuals are the most famous on the list, the Law School is concentrating on another controversial idea first. According to the Dean’s Student Advisory Committee (DSAC), the first invitee will be San Diego’s most famous recent criminal defendant Dale<br>

USD Places First In 26th Annual Roger J. Traynor Moot Court Competition

Jesup Team Wins Southwestern Regional Competition

BY CATHERINE CORNS

Reconciling the talent of USD students’ advocacy skills, this semester’s Appellate Moot Court team has been very successful. On March 12, Dave Bigelow and Kate Fishery from the Moot Court Board’s National Team placed fifth in the 26th Annual Roger J. Traynor California Moot Court competition. Held at Stanford University, the Traynor Competition attracted 24 teams from 24 different law schools throughout California. The Traynor competition typically revolves around Constitutional Law issues.

This year’s problem dealt with a statute criminalized dissemination of unlawfully obtained information about the HIV status of identified individuals. Competitors argued whether or not that statute amounted to an unconstitutional prior restraint on speech.

Law and Kate advanced through two preliminary rounds, a quarterfinal round and a semifinal round to meet Southwestern University Law School in the final round. The final round Bench included two Ninth Circuit Appellate judges, the
What's New at the Legal Research Center? New Books Received

**Book Review**

Richard Glen Boire.

**MARIJUANA LAW**


Reprinted from the *San Francisco Lawyer* (Volume 9, Number 31, 1992) by permission of the author.

Richard Boire's *MARIJUANA LAW,* a handbook of civil rights law for use when the cop is wrong, shows that even if the reader needs a crash course in self-defense against unfair police methods and onerous anti-marijuana laws, Boire's purpose is to inform marijuana users of their rights and how to protect and assert them. The result is a compact practical guide to marijuana usage, expertly written and directed toward the reader to a spirited and articulate dunking in constitutional law.

The proposition that opposing war on drugs is the war on individual liberties is a perspective that needs to be heard. And Boire's book is a siren call. At the outset, Boire identifies the right of individuals to retain control over their bodies and their minds, and to enjoy the natural and human freedoms. The government's ban of Cannabis is no different from the government's banning of a particular book. Boire opens his book with a quote from Thomas Jefferson that illuminates the soul of the Bill of Rights and the heart of libertarianism.

"If a nation expects to be ignorant and free, it expects nothing but slavery. Can a nation expect to be free and never be free? The people cannot be safe without information. Where the press is free, and every man able to read, all is well. Knowledge is the best weapon against tyranny. Citizens must be informed of their rights in order to preserve them and remain free. This book is one small weapon still legal to carry. Mr. Puff's case is a popular work not intended for in-depth research but it could legitimately be used as a survival guide. The reader should not expect the potential recovery of the criminal justice system, but also for the dazed and confused law student and attorney who will be asked the same by the exceptions (is it still sevent?) to the search warrant requirement. Boire is a defense attorney specializing in marijuana cases. Many of his examples, all entertaining and illustrative of a legal principle, are taken from actual court cases and resemble the issue-spotting scenarios familiar to law students.

The Table of Contents is a model of clarity and comprehensibility. The material is divided into ten chapters, as follows.

1. Fourth Amendment
2. Fourth-Amendment Basics
3. Searches and Seizure
4. Search Warrants & Searches without a Warrant
5. Marijuana & Your Car
6. Marijuana & Your Home
7. Gardens
8. What If You're Arrested
9. What If You're Sued
10. Drug Testing at Work

The chapter subdivisions are wonderful expositions of situational applications of constitutional rights. Some examples from Chapter 5 include:

- *When can a Police Officer Stop Your Vehicle?*
- *Breaking Open Your Vehicle Trunk: Throwing Marijuana from a Moving Vehicle*
- *Furtive Movements*

An example of how Boire uses colorful facts to illustrate black letter law is found in Chapter Four's subpart, *How Mr. Puff Properly Asserted His Constitutional Rights.* A citizen's encounter with the police.

Officer Friday stopped Mr. Puff's vehicle because his registration was expired, and asked Mr. Puff, "Would you please empty the contents of your pockets?" Mr. Puff properly asked, "Am I being asked to empty my pockets, or are you ordering me to empty my pockets?" Officer Friday said he was simply asking Mr. Puff properly said, "No thanks, and I really must be going." Analysis: Mr. Puff's question to Friday was entirely appropriate. In fact, Mr. Puff's response was an effective refusal to his constitutional rights.

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Unique Clinical Opportunities Await USD Law Students at CPIL

By CPIL STAFF

A pre-registration approaches, USD law students should be aware of two unique clinical opportunities: the Center for Public Interest Law (CPIL) and the Child Advocacy Clinic (CACI).

Both CPIL and CACI are directed by Professor Bob Fellmeth a former "泰州Raider" consumer advocate, a former Deputy District Attorney and Assistant U.S. Attorney, and who recently finished a five-year term as the State Bar Discipline Monitor under appointment by former Attorney General John Van de Kamp. Professor Julie D'Angelo supervises the Center for Public Interest Law, and Professor Sharon Kalenkmian supervises the Child Advocacy Clinic.

Center for Public Interest Law

CPIL is presently recruiting current first-year, second-year, and third-year evening students interested in administering, legislative, regulatory, consumer, environmental, or public interest law for a limited number of internships available during the 1994-95 academic year. Selected students are given the opportunity, unique in the nation, to participate first-hand in the state's regulatory process and to have articles they wrote published in the California Regulatory Law Reporter, the only legal journal of its kind in the nation.

Created in 1980, CPIL is an academic center of research, teaching, learning, and advocacy in public interest and administrative law. The Center focuses its efforts on the study of an extremely powerful, yet often overlooked, level of government: state agencies which regulate business, trades, professions, and the environment. In addition to teaching the substantive law governing these agencies and direct skills in public interest law, CPIL has an action component. Through its professional staff and assisted by student interns, CPIL drafts and sponsors legislation, lobbies, test cases, and represents the interests of the unorganized and underrepresented in state regulatory proceedings. The goal of CPIL is to make the regulatory functions of state government more efficient, visible, and accountable by serving as a public monitor.

In November 1990, CPIL was endorsed by Sol and Helen Price, through a $10,000 gift which created the Price Public Interest Law Chair.

Center interns take a yearlong, four-unit course entitled California Administrative Law Practice. As part of the course, each student monitors two of California's fifty regulatory agencies which include the State Bar, the Public Utilities Commission, the Coastal Commission, the Water Resources Control Board, the Department of Insurance, the Medical Board, the Department of Banking and California’s State Office of Consumer Affairs.

Policy students interested in participating in the Child Advocacy Clinic must take Child Rights and Remedies, a course offered in the fall semester which surveys the broad array of child advocacy challenges: the constitutional rights of children, defending children accused of crimes, child abuse and dependency court proceedings, tort remedies in child abuse cases, and policy work with CAI professional staff involved in public interest lawmaking, legislation, class action litigation, or similar advocacy.

The 1993-94 academic year was the first year of the Child Advocacy Clinic. During this year, eight students completed a seminar on "The Public Defender’s Office representing abused and neglected children. Their cases concerned an adolescent who had been in foster care for three years, who had been abandoned by both parents and left with a substance-abusing older sister; an infant who had been severely physically abused by her parents, and a young child who had been allegedly molested by his father. Students are expected to participate in all aspects of the cases, including court appearances, trial preparation, interviews of witnesses including the child, and telephone conferences.

Policy students initiated a variety of interesting projects, each with a concrete result which has benefited the children. One student collected declarations for a class action lawsuit brought by the National Housing and Home Finance Association of California Department of Health Services.

MOTIONS FRIDAY, APRIL 1, 1994
Student Bar Association
President's Report

BY BRAD FIELD

Well...my term in office is almost finished. I have only a few weeks to go. However, we still have many events left...

Our St. Patrick's Day Shamrock Party has been postponed until April 9th. It will be at Ski Beach. Be there or be talked about.

We also have our annual Law Review Talent Show on April 15th. No need to sign up or rehearse...just show up at Solomon Lecture Hall and be somewhat funny or talented. Look for more information soon on a bulletin board near you.

During the middle of April, in conjunction with Assistant Dean Carrie Wilson, we will be assisting in a number of First Year Class Registration Information Sessions. At these sessions, a number of upper-class students will talk about the classes that they took. There will be one session for each section. First-year students are interested in becoming an SBA representative!

Dr. George Georgaklis practices in General Dentistry, and specializes in Orthodontics, TMJ Dysfunction and Oral Surgery.

FREE initial consultation
and a 10% discount to current USD students.

Dental Health Benefits
for University of San Diego Students

Dr. George Georgaklis has treated USD students and alumni for over 12 years.

552-1223
9339 Genesse Ave.
Suite 240
San Diego, CA 92121

Moot Court
(Continued From Page 1)

Team members Ann-Margaret Bartish, Kirk Donnelly, Eric Prosser and Sean Schwarzgefeier advanced 4-0 through four preliminary rounds, beat the University of Denver law school in the semi-finals, and beat University of California at Davis law school in the final round.

All four USD team members competed in USD's International Law Moot Court competition in November. From that competition, Ann-Margaret, Kirk, Eric and Sean were chosen to represent USD in the regional. With the guidance of Jessup competition coordinator and Jessup team coach, Vince Kovacs, the team devoted Christmas break to completing two 25 page written memorials. Therefore, the team practiced their oral advocacy skills 3 times per week for about 4 weeks with local attorneys acting as judges.

All four team members will advance to the International Competition in Washington, DC April 5-10. Twelve teams from the United States and approximately 50 teams from around the world will converge on Washington to participate in this prestigious competition. The final round, held on April 10, will be televised on CSPAN. Obviously the hard work and devotion really paid off! We wish the Jessup Team the best of luck in April!!

Geoff Morrison and I traveled to Denver, CO in mid-March to compete in the Western Regional American Bar Association competition. The ABA competition also typically involves Constitutional Law. This year's problem involved a woman who was convicted of a misdemeanor for striking her children in public and who was mandatorily placed on birth control. Twenty-eight teams from 19 law schools throughout the western United States gathered to participate. Although we did not advance in the oral rounds, our written brief received high marks.

The USD Lou Kegri Criminal Law competition was also recently held at the Downtown courthouse. First place honors went to Margaret McCahill, second place to Russell Gold, third place to Siobhas Callen, and forth place to Cindy Freeland. Congratulations to all participants!!

For those second year who are interested in applying for membership on next year's Moot Court Board, applications for the 1994-95 Moot Court Board will be available within the next couple weeks. Interviews for Board positions will take place Sunday, April 17, followed by training for new Board members at the Winters Competition April 18 and 19. More details will follow in Sidebar. If you have any questions about the Moot Court Board, please feel free to drop by our office near the lawyering skills offices first floor of the law school.

The 1993-94 Moot Court Board would like to extend a big THANK YOU to all the students, faculty and attorneys who made this year's Moot Court program such a success! Good luck with finals!
**The Court System**

**Jury Nullification: An Evil That Must Not Be Encouraged**

By Christopher Scott Trenk

Most of you have probably not heard the term "Jury Nullification" although the concept it embodies is well known and obvious. It means that it is within the power of a jury, in the secrecy of the jury room and in the discretionary fact-finding, to lead beyond a reasonable doubt the defendant's guilt, we nevertheless find him guilty. If the jury was not so blatant about it, it could, and often does, get away with the same kind of behavior without the artificialization of the specifics. This is a problem, or advantage depending on your point of view, inherent in the jury system. It would in any event be very difficult to combat, you cannot force the jurors to apply the law or even pay attention to it. Some however would be more willing to encourage jurors to do so, to simply decide based on their "gut feelings" of guilt or innocence. As prospective jurors, we should beware.

A group based in El Cajon has been in the news for the past several months promoting the concept of Jury Nullification on court premises. County judges, needless to say, have been less than amused - most had the activists kicked off court premises. The issue is whether the states interest in a just and efficient court system outweighs the right of the defendant to have a fair and impartial jury nullification system. To decide this we must look at three things, what goals our system laws and courts set to promote, what detrimental effects would jury nullification have on that system and the goals, and what beneficial effects would accrue from jury nullification.

Our system of law both reflects and guides our behavior as a society. Much of our law, criminal law in particular has been decided through the legislative process. Such law can be said to be truly significant of the views of a majority of the population - despite all of the legislative chicanery that goes on, the voice of the people speaks more clearly through the law than through any other medium. The law also has a normative aspect, it sets standards to which society expects its members to adhere to, standards of behavior deemed reasonable by the majority. Majoritarian tyranny, i.e. the creation of laws by the majority, i.e. the creation of laws by the majority, i.e. the creation of laws by the majority . Majoritarian tyranny, i.e. the creation of laws by the majority .

To decide this we must look at three things, what goals our system aims to promote, what detrimental effects would jury nullification have on that system and the goals, and what beneficial effects would accrue from jury nullification.

**Packing Wood: The Reminiscings of an Incurable Romantic Revealed**

By Kevin Kemper

So, it was inevitable, as well as to the Supreme Court, Senator Bob Packwood said he would turn over his diaries to the Senate Select Committee on Ethics. He said he had been under a cloud since last year when the first of more than two dozen women accused him of grabbing them, gropping at them and kissing them against their respective wills.

So what's with all the racket about Senator Bob's diaries, anyway? Are you telling me the U.S. Senate doesn't have manpower to better do it with its time than spend day after day arguing about the sexcurricular activities of some old goat who can't keep his hands to himself? The Senate Ethics Committee wants the diaries in hopes they will prove or disprove allegations made about him by roughly half the adult female population that Packwood has taken the old political technique of "pressing the flesh" to entirely new levels.

Well, excuse me, but can we cut to the chase here? There are few topics that interest me less than the Intimate Love Secrets of Bob Packwood. Now, if we were talking about Tonya Harding's diary, that might be a different story. But Packwood's? Please. I'd rather re-take Wills and Trusts.

Besides, he already confessed. At least sort of, as much as any politician who gets snagged like this can be expected to. Without going into specifics, said he had a drinking problem and that the Devil made him do it. Some things he wasn't proud of and so on and so forth. It's not the best excuse in the world, nor is it particularly original, but it's his and he's entitled to use it, right? So, as a public service, and in an effort to get the Senate to more interesting topics (for instance, WhitewaterGate), I worked my extensive network of Washington sources and managed to obtain a few of the highlights from Packwood's diary.

How did I do this, you ask? Don't ask. At one rate, here's a sample of the material the Senate has been promised. It offers it in the sincere hope that it helps resolve this unfortunate situation:

Dear Diary: Afternoon meeting with Missouri'sartifec of the North. America. Became completely undone by a winsome, mysterious creature from their Interstate Distribution division. Followed her back to an office and, bending at the waist, rubbed forehead against her flank, crying, "In me be power, beauty, power and merit!" She said she was married to a woman, room, giggling. That oldploy.

Dear Diary: Routine day. Spooned pre-chew and legislation. Voted to save loophole for timber industry. Attended Finance Committee hearing. Copped a feel from that blonde page with the fishnet stockings in the hall room. She seemed a little horrified, but I think she digs me.

Dear Diary: Interviewed today by the Washington Post. Had a couple glasses of wine and kissed the reporter quite Syria. He had a little peck on the lips. She acted shocked. So much talk about sexual harassment these days, you just want them to know they're appreciated. Anyway, I made profound apologies. (neurological seizures, not unlike epilepsy. Drugs to control it, etc.)

Dear Diary: Watched tapes from the Clarence Thomas confirmation hearings. Public hair on a Coke can? God, man is smooth.
Nullification
(Continued from Page 5)

tion of guilt or innocence based on intu-
ition, chance entrapments, and his or her
what have you. It gives no clue to others
whether their behavior would make them
liable, no one would know whether if
they committed the same acts that got
Defendant X 30 years in the state pen,
they would get the same treatment,
harsher, lighter or even no punishment at
all. Precedent would be meaningless as
no one would be bound by it. If written
law need not be applied, the concept of a
decision based on precedent would be an
oxymoron. There would be absolutely
no predictability in the outcome of the
law.

Jury Nullification would also give
prosecutors much less guidance in ex-
actly what to charge people with and
when. Certain prosecutors, especially
those with an eye towards further politi-
cal office would likely set up grandstand
cases based on spectacular, if legally
weak, charges. Those with an eye towards
further political power would likely see
those cases as a way to manipulate the
court system in order to further their own
political ends. Every courtroom. The more sympathetic
the defendant, the more likely a convic-
tion based on an inscrutable basis, the more
likely a conviction based on suspicion of
guilt or innocence based on intu-
tion of guilt or innocence based on in-
tuition, chance entrapments, and his or her
now depends on pure emotion and
people who would under a system of consistent
law be found guilty would never be
charged.

Advocates of jury nullification pre-
sume that a panel of twelve people will
always do justice, that those impaneled
have some special pipeline flowing to
them from the vast pool of natural law
wherein all truth lies. What is to stop
them from being petty, mean spirited,
bigoted, racist, dog kicking, sons of moth-
erless goats? Is it not just as likely that
they will do injustice as justice? What
gives this vanishingly small minority the
right to supersede the wishes of a consti-
tutional democracy of which they are
only a part? Is it their special proximity
to the case at hand? If so, then we run
the risk of creating a beauty contest in
every courtroom. The more sympathetic
the defendant, the less likely a convic-
tion would become. Our prisons would
be even more free of blacks, blue eyed,
Nordic types than they are now. Con-
versely, persons who under application of
the law to the facts would be innocent
might find themselves serving long sen-
ences because they had the misfortune of
innocently harming widows and or-
phans.

It is only through the law that our
constitutorial rights can be enforced.
Would desegregation have happened in
the south in the 1950's and 60's if the
juries located therein could flout the law
handed down to them by the supreme
court? Could someone accused of an
inflammatory crime such as child molestation
ever hope to be found not guilty when the
prosecutor could simply point at a young
child with tears in its eyes and make her
case? In both cases, no.

The biggest problem with the theory
of jury nullification is simply this: they
advocate informing jurors of their ability
to base their decision on "insight" or a
"gut feeling." In other words to base
their decisions on inarticulated and pos-
sibly inarticulable facts. Try to explain
the basis of a decision based on insight.
Try to point out what is just and what is not.
For every twelve people you poll,
you'll get twelve different answers. If
you refer to standards of "ethics," whose
ethics are you talking about? The eth-
ics of the styke trader or the saint, the ethics
of a Nietzsche or Mother Theresa? In
any case, court decisions would range
from Page 5)

the entire spectrum from ruthless logic to
illogic, from passion to passion, from
caring to callousness. Remember, we
are not talking about the power of the
jury to determine the facts, that is inher-
et, facts differ from case to case. What
we are talking about here is the ability of
the jury to decide that the law will apply
differently for one person than it does for
another -- to forget entirely the 14th
Amendment's guarantee of equal pro-
duction and due process for all.

There is no way to know the absolute
truth, if indeed there even is such a thing.
We must therefore at least have a consis-
tent method of determining what we call,
for lack of a better term, the "truth." The
jury has the power and the right to deter-
mine the facts, but once it has done so it
must apply those facts to a set of laws
that applies equally to all people or else
they pass without right into the uncharted
realm of mob rule and injustice. Jurors
can get this, they regularly do, and there
is no way to stop them without violating
the integrity of the jury system. But
they should not be encouraged to do so.
Justice is blind, it must be so lest it become
injustice.

Letter to the Editor

Reader Decries "Fowl" Usage in Article

Dear Editors,

How dare you! Last night, while
perusing the latest issue of your other-
wise outstanding newpaper, I happened
to chance upon your article detailing
the visit of State Water Board Vice-Chairman
Marc Del Phero to our school. While the
article itself was well written and thought
provoking, in several places it referred
to our winged brothers here on Space-
ship Earth as "fowl." This we will not
stand for.

This is yet another example of the
ercerable insensitivity shown by news-
papers to minority groups. Birds have a
long and noble history. Recent scien-
tific evidence has shown that they are the
ture descendents of the mighty dinosaurs,
rulers of the earth for far longer than mere
mammals, let alone primates, have existed.
For millions of years, they have served a
vital and valuable role in the
ecosystem. To try to imagine a world
without them: we would be overrun by
all manner of insects, spiders, worms and
other nasty, squiggly, slimy but nev-
ertheless quite tasty little creatures.
You would fit like that very much would you?
No more than our avian friends like to
hear the term "fowl" applied to them.

"Fowl" is a pejorative term cooked
up by the mammalian usurpers who for
the last million years have kept avians in a
state of servitude and penury. You say
the early bird gets the worm? Forget it,
by the time the bird gets there, some
horrible primates will have dug it up to
go fishing, a very fowl deed indeed. Every
time you use the word "fowl" when you
mean "Bird" you perpetuate the evil per-
petrated on these innocent creatures who,
just like you and I, are trying to do their
best to get by in this crazy thing called
life. Instead of "fowl," why not try
"bird," or better still "Avian- Americans"
Show some respect, if you stop shitting
on them, maybe they'll stop shitting or
you.

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Show some respect, if you stop shitting
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PHIL ORENTIONS
Handy Guide For Potential California Bar Takers

By GICP MONACO

Congratulations to all graduating third and fourth year students! You have qualified the opportunity to take the bar exam for the state in which you intend to practice. For those of you who plan to remain in California, here are some dates and various other miscellaneous you might find useful:

The application for the Bar is due on April 1. The cost is $255. Therefore, it is still possible to apply, however a late penalty will be assessed. The later, the State Bar’s uniquely draconian graduated late fee payment plan takes effect. See the Records Office for more details.

For those of you who have not-completed-the-California-moral-character-application-and-still-intend-on-practicing-law-in-the next calendar year, it’s time to get moving. The application is surprisingly easy to complete, and costs only $265. Also, remember that you’re only required to report misdemeanor and felony convictions. Traffic tickets, infections, and any arrests not resulting in a guilty verdict, a plea of guilty, or a plea of no contest are between you and your priest.

Additionally, for those of you who have not yet registered as a first year law student with the California State Bar, now is the time to do so! I recently completed this process, and I’m pleased to announce that it costs only $85!

The California Bar Exam is on July 26, 27, and 28. Mark those days off your calendar so that you don’t forget. You might want to mark off a few study days as well. Keep in mind that the exam contains three types of test questions: essays, the multistate (multiple choice), and performance. This year, Motions is proud to enthusiastically endorse any commercial bar review course as an alternative to none.

For your convenience, Motions has created the following chart so that you can track your financial progress towards becoming a full-fledged practicing attorney:

<table>
<thead>
<tr>
<th>1) Total Law School Cost:</th>
<th>$97,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Total Law School Cost (after interest):</td>
<td>$131,000.00</td>
</tr>
<tr>
<td>3) Cost of Your Bar Review Course:</td>
<td>$0.00</td>
</tr>
<tr>
<td>4) State Bar Application Fee:</td>
<td>$0.00</td>
</tr>
<tr>
<td>5) Moral Character Application Fee:</td>
<td>$0.00</td>
</tr>
<tr>
<td>6) First Year Registration Fee:</td>
<td>$55.00</td>
</tr>
<tr>
<td>7) First Year Registration Late Fee:</td>
<td>$30.00</td>
</tr>
<tr>
<td>8) Total:</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Instructions:
- Ignore line 1.
- Add lines 2, 3, 4, 5, and 6.
- Add line 7 if applicable. If line 3 does not apply to you, repeat step 4 in December.

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My Summer With Antonin: Justice Scalia's Spin on the Bill of Rights and The Separation of Powers

Summer Program Offers Unique Insight

By Ken Zaretsky

If you were Justice Antonin Scalia, and you were lecturing on one of your favorite subjects, the separation of powers, what would you say? Roughly the following, which is a distilled account of what Justice Scalia (himself) did say last July in Cambridge, England, with yours truly sitting in the audience.

Justice Scalia began with the observation that the rights of Englishmen, from which our own system of government evolved, were never abstract "highfalutin'" rights. They were, and are, concrete rights embedded in a system of government. By way of illustration, Justice Scalia told us to consider the Bill of Rights. To practicing lawyers, the Bill of rights looks like the "centerpiece" of our system of government. But the Bill of Rights, Scalia said, isn't really the centerpiece. It's just an abstract document. It gives expression to sentiments that have no real force in themselves, and even gives the Bill of Rights force is our structure of government, by which Scalia meant mainly the separation of powers.

Compare, Scalia said, the Bill of Rights of the former U.S.S.R. with our own Bill of Rights. He called the former Soviet Bill of Rights "mag- nificent, much better than our own Bill of Rights -- wonderful stuff." But it wasn't worth the paper it was printed on. The Soviet Union, with its centralized socialist system of government, had no room for such niceties in enshrined bill of rights. When he was a law professor, Justice Scalia said, he used to call the structure of government, as opposed to individual rights, "real constitutional law." What gives a Bill of Rights life is the structure of government. Individual rights are parasitic upon the structure of government. Whatever force they have depends on the government being wisely set up.

The first case Justice Scalia discussed was Humphrey's Executor v. United States, a 1935 case that involved the President's appointment and removal powers. That case involved FDR's attempt to dismiss a conservative commissioner of the Federal Trade Commission (FTC) who had been appointed by Herbert Hoover. (The commissioner of the FTC had power over many New Deal projects.) The commission, one Humphrey, refused to resign. FDR called him. In a decision that Scalia said was wrongly decided, the Supreme Court unanimously held that Humphrey had been improperly removed from office. The basis of the Court's opinion was that the FTC is a "quasi judicial and quasi legislative" body, and therefore the commissioner could not be dismissed by the President because he was not an officer, or at least not purely an officer, of the executive branch.

What bothered Justice Scalia about this is that as an independent administrative agency like the FTC, which is formally part of the executive branch, may not be answerable to the President because it functions in a "quasi-judicial or quasi-legislative" way. In Scalia's view, all delegation of powers is unconstitutional; Congress cannot delegate power to the FTC to perform "quasi-legisla- tive" tasks. Nor can it require that an "official of the FTC" be removed by the Presi- dent only for "cause" when the FTC is officially part of the executive branch. We do not need, as Scalia said elsewhere in one of his famous dissent, a "junior-varisty Con- gress." If we really need a fourth -- administra- tive -- branch, then we should create one. I don't recall that Justice Scalia said anything about this, but I doubt he would have any problem with it.

In practice, the President with his delega- tion of powers is in a lousy position to be accountable. If FDR could not dismiss it will the conservative Humphrey in favor of more expediently appointed New Deal programs, then the FTC could follow a policy clearly less to the President's Account- ability goes out the window. In Justice Scalia's view, the three branches of government should therefore be kept strictly separate. As he said, when power is "given to the courts, as soon as it's given, hung it becomes a judicial power." When power is given to the executive, hung it becomes an executive power.

Humphrey's Executor, Scalia noted, was decided less than a week after it was heard -- "and it shows" -- whereas the case it modified, Myers v. United States, authored by Chief Justice Taft, took 1-1/2 years of deliberation, during which Taft continually researched and worked on his analysis of the case. Humphrey's Executor did not even give a reason for its conclusion; it only said the matter "cannot be doubted." Scalia regards Myers as a model of judicial excel- lence, especially on the separation of powers, and Humphrey's as a misguided frivol- ous.

Justice Scalia also discussed Bowsher v. syn. This 1986 case concerned the Grimm-Rudin-Hollings deficit reduction statute. Scalia said the Constitution was not taken seriously when Congress passed this statute, which gave the comptroller general power to make recommendations to the President, or to take orders from an unelected, second-tier official whom he could not fire as he wished Scalia regarded it as an outrage. He was on the Court of Appeals at the time, where he wrote the opinion holding the Act unconsti- tutional.

Justice Scalia used the Bowsher case mainly as an example of congressional bu- hris. He gave another and more extreme example of such hubristic overreaching. At one point Congress wanted to enact congressional Committee vetoes, whereby legislation proposed by the President would not be effective until approved by a Committee. Scalia said this shows "how wonderfully the American Congress can be in coming up with gimmicks to aug- men legislative power and reduce executive power."

We must learn to cultivate, he said, "the smell of unconstitutioeatunality."

And this idea stunk.

Next he was Morrison v. Olson, a controversial case in which Scalia register- ed, he called "my most heartfelt dissent."

Calling Morrison a "very bad decision," he said there have been decisions during his tenure on the Court that he thought more misguided but none about which he felt more strongly.

Morrison in effect gave the Independent Counsel more power than the Attorney General who appointed him, over what he thought the statute the President cannot turn off the investigation and dismiss the Independent Counsel if he thinks the national interest requires it. (The current Whitewater scan- dal, by the way, is probably regarding by Justice Scalia as merely a matter of chick- enas coming home to roost. He probably is not as delighted as your average Republi- can that the Clinton's are caught in the clutches of a monster of their party's cre- ation.) The President, in Scalia's view, should be able to fire inferior officers at will -- and "inferior officer" in constitutional terms, means inferior to the person who appointed him or her, such as the Independent Counsel. The Supreme Court in Morrison admits this is not a "quasi-case" -- a purely executive officer is in question. At this point he holds the president cannot dismiss the Independent Counsel at will.

To Scalia, this violates the separation of powers and makes Congress, which passed the Independent Counsel law, a "900 pound gorilla." The president should be able to put it. Natural powers adnex to each branch. The power to prosecute, or to not prosecute, is a presidential prerogative. That

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Please Turn To Page 8, Column 1

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Weekend With The Judge II

Picking The Judge’s Mind: If You Don’t Know The Law, Know The Judge - Part 2

By Belinda Etzel Rackham

This is the second part of an interview done by six first year students from C section with two judges over one weekend. Monday night, Judge Rob Moore, Sophia Ray, Dave Stern, Randy French and myself spent the weekend outlining and schmoozing with my mom, Judge Barbara Johnson and an old family friend and colleague Judge Rob Roberson, both of the Los Angeles Superior Court.

When last we met, Rob Moore had just asked Judge Roberson if we had to know something they have to get as much as a volunteer job after 1st year and the Judge had basically said we aren’t good for much more than trouble than we were worth. Judge Barbara Johnson (Mom): If you’re creative you might contact the public defender’s office or the D.A.’s office and ask if any of the attorneys in their office can use a volunteer. Because they have very heavy case loads and may need help calling witnesses or writing down information from them. I’ve asked my research attorney because I get inquiries from time to time from 1st year law students about volunteering without compensation whether or not she would be interested in having one because I don’t want to spend my time, I don’t have the time really to help or be part of the instruction for a program. If it were helpful to my research attorney it would be a good opportunity for a law student. They wouldn’t be 100% helpful to her but she is very capable and might enjoy it and might enjoy it. It would be a good way to learn more about the legal system, she would never trust them enough to use their notes but she would have to go through the same steps and that sort of thing. But if you are creative there might be something you can do for the public defender or D.A.’s office. It might be an interesting experience for you to see the public sector.

Robbie: What you might find is as a 1st year if you go to one of these offices and they agree to use you they will probably use you in filing. You might put together discovery packages, and things of that nature, but not doing memos involving really important issues that they have to deal with.

Belinda: Randy and I wanted to ask you some presentation questions. Randy: What do you think about long hair? (his blond and 1 foot long down his back)

Robbie: For me personally? (a little joke, black men look so fine with long blond hair)

Belinda: No, is that going to get in his way?

Robbie: You mean coming into court as a lawyer? Well, I always think as long as the person is properly dressed.

Belinda: Ok that’s my question. What is properly dressed? Do you have to wear clean clothes and wear a suit all the time?

Robbie: Yes, coming into court, you want to look like your grandfather. I’d like to see you with your beard and that beard cut off.” He said, “You mean to tell me people judge you based on the way that you look?” And I said, “I think they do.” He said, “Well if they judge me like that then that’s their bear’s responsibility.” Let me tell you Mr. Rob, so do I, I don’t like to look like a clown. I want you to understand that whatever happens to you, I’m going to be back to my air conditioned offices and my air conditioned Rolls Royce. So can you drive the way you want, but you said know what I suggest.

The next time we came to court he had been bailed out. He wasn’t with me, I walked in and the judge called the case and I said, “I don’t see my client.” And the judge said, “That’s him standing next to you.” Here’s this guy who was well groomed, hair cut, I didn’t even recognize him. The judge acquitted him and after the trial of few of them said, “We could not conceive of such a well groomed person being capable of committing the crime that this person committed. So it’s important. You can do what you want as far as dress, but I think to be properly dressed and properly groomed not only shows respect for yourself but for the court and it shows respect for your client and I think you come across much better.

Mom: I think you should think of it as when you represent a client you are not representing all of the free swinging ideas. You are the moon phase for the person and the credibility that you bear has to do with not drawing attention to yourself because of all the flammable things that you do like old Gladys Roof wearing great big hats and things like that.

Belinda: But she made a name for herself. Robbie: She was pretty flamboyant.

Scalia (Continued From Page 7)

doesn’t mean the President can get away with anything. The powers of each branch are checked by one another, and the execu-
tive, legislative, and judicial branches are checked by accountability to the public.

Still, won’t Scalia’s approach encourage political corruption in the executive branch?

No, he said. The President will take the heat if he fires an Independent Counsel in order for Congress to look good. He will take the political consequences, perhaps not tomorrow but whenever the election is held. Presi-
dents can’t be as tricky or as slick as they please even under Scalia’s system of taking the separation of powers seriously.

The Independent Counsel should not exist within the executive branch in the first place. Scalia argues that the President should not have to authorize investigation into activities that he may or may not have engaged in. Congress, acting through its own officials, can do that if it wishes to take the political risk. Of course, Congress won’t initially have the same access to information that an investigator within the execu-
tive branch would have. But this is only to say that the President, like Joe Lubachkett, is innocent until proven guilty.

[Good grief, this has taken hours to write so far. Therefore I’m going to skip Scalia’s last two lectures.] Scalia summed up his last lecture by reminding us, or better, shocking us with the revelation, that the Constitution does not contain the maxim “good and true and beautiful” -- contrary, he said, to what “law professors and law students and ultimately the public believe.” He said we should take a minimum of 5000 years to read the Constitution. He criticized substantive due process as meaningless “(substantive process?)”. And he reminded us that there is such a thing as the 10th Amendment in the Constitution.

Topping it off, Scalia also lamented the fact that the Supreme Court’s decision in Roe v. Wade has meant that “abortion is not publicly debatable anymore.” He didn’t say what he meant by this but I think he was basically making the same kind of argument that Harvard Law Professor Mary Anne Glendon, in her book, In the Name of Wadi, the Supreme Court preemptively leaped into the fray of a deeply contentious issue and in doing so prevented any kind of social consensus on the issue. Professor Glendon contrasts the divisive and stalemated debate about abortion with the even more controversial decision in Roe v. Wade on the issue of abortion precisely because the Engle v. ropean courts, unlike the U.S. Supreme Court, refused to take on the role as essentially that of a social bull terrier. That is probably why Justice Scalia meant by his Court’s refusal to reference abortion as not being publicly debatable anymore.
A Bar Review Who's Who For You

Bar Bri

Fleming's runs two separate courses; both a short term and a long term review. The short term begins May 25, and runs through July 19. The long term begins March 5, and runs through July 17. Flemings covers all three sections of the bar exam through the use of live substantive review lectures which cover all 14 subjects on the bar exam. Fleming's also uses essay, multistate, and performance workshops which are designed to enhance the performance of students on those sections. Fleming's classes meet on Saturday, 9 am to 5 pm, Sunday, 9 am to 5:30 pm; and Monday and Tuesday, from 6:30 to 10:30 pm.

Advisory for Out of State Bar Takers

By Mark Nyman

Yes, there are other Bar Exams besides the California Bar. I am writing this article to help all the students who are taking the Bar in another state. If you are planning to take another Bar, you should make sure that the course you are attending offers classes in different states for particular bar exams. For example Bar Bri will offer a Bar Review course in Los Angeles this summer. The starting date of the course is important to inquire about. The last day of the course that I am taking starts on May 25, just 4 days after graduation, and I cannot spend much time to pack my bag. On Monday, I will be driving to the Bar Review course in Los Angeles. It is about 2,000 miles away. Well that's my problem, I am supposed to be helping you.

I am calling all the State Bar Examiners and find out how to get an application and ask about any deadlines. Some states may require additional paperwork, so ask what else besides as application is needed.

A list of every State's telephone number is published here for you convenience.

State Bar Information Contact List

Alabama State Bar
(205) 269-1515
Alaska Bar Association
(907) 272-7499
Arizona Committee on Examinations
(602) 940-7295
Arkansas Board of Law Examiners
(501) 664-8737
California, State Bar
(415) 561-8003
Colorado Board of Law Examiners
(303) 829-6054
Connecticut Bar Examining Committee
(203) 588-3450
Delaware Board of Bar Examiners
(302) 658-7309
District of Columbia Committee on Admissions
(202) 789-2710
Florida Board of Bar Examiners
(904) 497-1269
Georgia Board to Determine Fitness of Bar Applicants
(404) 658-3490
Hawaii Board of Bar Examiners
(808) 539-4919
Idaho State Bar
(208) 342-8956
Illinois Board of Admissions to the Bar
(217) 522-9517
Indiana State Board of Law Examiners
(317) 232-2552
Iowa Board of Law Examiners
(515) 281-5911
Kansas Attorney Admissions
(913) 296-3229
Kentucky Board of Bar Examiners
(606) 253-2733
Louisiana Board of Bar Admissions
(504) 566-1600
Maine Board of Bar Examiners
(207) 623-2464
Maryland Board of Law Examiners (410) 514-7044
Massachusetts Board of Bar Examiners
(617) 462-4466
Michigan Board of Law Examiners
(517) 3340699
Minnesota Board of Law Examiners
(612) 291-3000
Mississippi Board of Law Examiners
(601) 359-1288
Missouri Board of Law Examiners (314) 751-4144
Montana, State Bar
(406) 442-7660
Nebraska State Bar Commission
(402) 475-7091
Nevada, State Bar of
(702) 382-2200
New Hampshire
(603) 271-2646
New Jersey Board of Examiners
(866) 984-7783
New Mexico Board of Bar Examiners
(505) 829-7007
New York State Board of Law Examiners
(518) 452-8700
North Carolina Board of Law Examiners
(919) 828-8486
North Dakota Bar Admission Administrator
(701) 224-4201
Ohio Admissions Office
(614) 466-1528
Oklahoma Board of Bar Examiners
(405) 221-2515
Oregon State Board of Law Examiners
(503) 630-0222
Pennsylvania Board of Law Examiners
(215) 626-2446
Rhode Island, Clerk, Supreme Court
(401) 277-3272
South Carolina, The Supreme Court of
(803) 734-1080
South Dakota Board of Law Examiners
(605) 773-4988
Tennessee Board of Law Examiners
(615) 741-3304
Texas Board of Law Examiners
(512) 463-1621
Utah State Bar
(801) 531-9077
Vermont Board of Bar Examiners
(802) 828-3381
Virginia Board of Bar Examiners
(804) 786-4300
Washington State Bar Association
(206) 727-8209
West Virginia Board of Law Examiners
(304) 554-7815
Wisconsin Board of Bar Examiners
(608) 266-9760
Wyoming State Board of Law Examiners
(307) 632-9061

PMBR

PMBR is the only major bar review course which focuses exclusively on the multistate (MBE) portion of the bar exam. This is a change from prior years when PMBR offered three separate essay workshops to states such as California and New York. Because PMBR focuses exclusively on the multistate, the course is useful for all students planning to sit for a bar exam where the multistate portion plays a disproportionately large role.

PMBR runs two types of courses. The Six Day, or "Early Bird" course, and the Three Day. The Six Day runs during the week in between the end of final exams and graduation, while the Three Day runs the starting date of both Barpassers and Bar Bri. The Six Day retails at $499.

The Three Day course coincides with the conclusion of both Barpassers and Bar Bri. Barpassers is the second largest bar review course in the state. Barpassers' faculty is lead by full-time California Bar Exam experts, each of whom has taken and passed the California Bar Exam. The course is a comprehensive review which includes the teaching of all multi-state subjects. Barpassers believes in the benefits of workshops, and therefore offers extensive workshops which cover a multitude of subjects. Barpassers believes in the flow chart method, and has created a series of charts designed to facilitate exam preparation.

Barpassers course begins May 23 and ends July 13, however the last day of the review consists of a full simulation of the California Bar. Barpassers also offers the APTS multistate workshop, which is offered in the base price. Barpassers offers their course at two different times, a day course and an evening course. The courses will be held at the University of San Diego.

The retail cost of the course is $1845 with various discounts for such things as early enrollment and group sign-ups. For more information call 1-800-723-7277

Lawlor

Lawlor is one of the smaller bar review courses in the state, which targets repeat exam takers and offers a more personal instruction style. The course is run by Mr. Lawlor himself, who was a grader for one of the larger courses for more than fifteen years.

Lawlor classes never contain more than 80 people. The course is divided into three stages. During the first stage, which runs from May 1 to June 20, students spend 14-16 hours per weekend in class focusing on a comprehensive review of all test types and subjects. During the second stage, essay and performance exam writing techniques are focused. This stage runs from June 20 to July 1. The third stage is a practice oriented review of the first two stages and runs from July 1 until the exam.

Lawlor classes are held in Del Mar. Depending on the number of enrolled students, afternoon and evening classes are available. The cost of the course is $1550. Mr. Lawlor can be reached at (619) 792-0632.

Bar Bri

Bar Bri is the largest bar review course in the nation, and its share of the California market is representative of that distinction. Bar Bri offers a comprehensive review of all subjects covered on the California bar exam. This review includes, at no additional cost, a Gilbert six day multi state workshop, as well as a three day simulated bar workshop.

The Bar Bri California review begins May 23, and ends July 14. The San Diego course will be held at the Marina Village Conference Center, adjacent to Mission Bay. Because Bar Bri offers courses designed for the bar exams of most states, if you plan to take the bar outside of California, you should contact their offices for applicable dates and prices.

Bar Bri prides itself on the fact that its review courses are taught by distinguished ABA law school professors lecturing in their areas of expertise.

The tuition price is $1650. Bar Bri offers a variety of discounts and packages to suit your needs. For more information call 1-800-995-5227.

Flumings

Flumings runs two separate courses; both a short term and a long term review. The short term begins May 25, and runs until July 19. The long term begins March 5, and runs through July 17. Flumings covers all three sections of the bar exam through the use of live substantive review lectures which cover all 14 subjects on the bar exam.

Flumings also uses essay, multistate, and performance workshops which are designed to enhance the performance of students on those sections. Flumings' classes meet on Saturday, 9 am to 5 pm, Sunday, 9 am to 5:30 pm; and Monday and Tuesday, from 6:30 to 10:30 pm.

Flumings prides itself on the use of distinguished faculty from Harvard, Yale, and Columbia. The price for the long term review is $1550, while the price for the short term review is $1395. There are discounts available. All live classes will be held at Pacific Christian College, in Fullerton, California. Audio tapes are available for those unable to attend. For more information call 1-800-LAW-EXAM.
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**SCHEDULE OF CLASSES**

**San Diego**  
**LIVE LECTURES**

- **Monday, March 28, 1994**  
  6:30 pm to 11:00 pm  
  **CIVIL PROCEDURE**  
  Includes Civil Procedure I and Civil Procedure II  
  **PRICE:** $65.00  
  **GROUP RATE:** $60.00  
  (Registering 5 or more)

- **Tuesday, March 29, 1994**  
  6:30 pm to 10:30 pm  
  **CONTRACTS II–U.C.C.**  
  (Assignments/Deliveries, Third Party Beneficiaries, Conditions, Breach, Remedies)

- **Wednesday, March 30, 1994**  
  6:30 pm to 10:30 pm  
  **TORTS II**  
  (Harmful Conduct, Strict Liability, Vicarious Liability, Products Liability, Nuisance, Misrepresentation, Breach of Implied and Express Warranties, Unjust Enrichment, Restitution)

- **Wednesday, April 6, 1994**  
  6:30 pm to 10:30 pm  
  **CONTRACTS I–U.C.C.**  
  (Formation, Defense, Breach, Remedies)

- **Tuesday, April 5, 1994**  
  6:30 pm to 10:30 pm  
  **REAL PROPERTY II**  
  (Sale of Land, Recording Act, Easements, Overview of Servitudes, Easement Domus)

**Mission Valley Inn**

- **Friday, April 22, 1994**  
  6:30 pm to 10:30 pm  
  **REAL PROPERTY II**

  (Sales of Land, Recording Act, Easements, Assignment and Grantee, Protective and Conservation Easements, All Classes in Basic Land Law)

- **Saturday, April 23, 1994**  
  10:00 am to 5:00 pm  
  **CONTRACTS II–U.C.C.**  
  (Assignments/Deliveries, Third Party Beneficiaries, Conditions, Breach, Remedies)

- **Sunday, April 24, 1994**  
  9:00 am to 1:00 pm  
  **TORTS II**  
  (Harmful Conduct, Strict Liability, Vicarious Liability, Products Liability, Nuisance, Misrepresentation, Breach of Implied and Express Warranties, Unjust Enrichment, Restitution)

- **Sunday, April 24, 1994**  
  5:30 pm to 9:30 pm  
  **REMEDIES II**

  (Damages, Breach of Contract, Rescission, Reformation, Specific Performance, Writs, Breach of Contract, Remedies)

The Pre-Registration Price for Each Seminar is $50.00  
Registration at Door If Space Available: $55.00  
Group Rate: $45.00

(Group Rate available to groups of 5 or more who register together at least one week before the desired session.)

Courses will be held at California Western School of Law, 750 Cedar Avenue, San Diego  
March 28-6 April 6 classes will be held in the Auditorium, March 29, March 30 and April 5 will be held in Room 2B

All Bar Courses are Available on Cassette Tape with Corresponding Outline. Call for Information. Price $49.26 per Set (includes Sales Tax)

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Address: __________________________  
City: __________________________  
State: __________________________  
Zip: __________________________

Telephone: __________________________  
Law School: __________________________  
Semester in Which Currently Enrolled: __________________________

Semester and Locations to be Attended: __________________________

Form of Payment:  
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Q Money Order  
Q MasterCard  
Q Visa  
Q Cash  
(Q)  
(Q)  
(Q)  
(Q)

Credit Card #: __________________________  
Credit Card Expiration Date: __________________________

Driver's License #: __________________________  
Signature: __________________________  
Date: __________________________

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Street Law Revisited: Purpose of Law School Revealed

By ELIZABETH GEMINI

Yesterday I figured out why I went to law school. No, it wasn’t to win the coveted "You Talk Too Much In Class" award, for which, I am happy to announce, I did receive honorable mention. I think it’s thinly veiled as the "Best Class Participants" or something lame like that. I know what it really means. Anyway that’s not what brought me to the hallowed halls of USD. Nor was it, contrary to Christie Graves’ opinion, to meet my fabulous mate. Which I did. Yesterday I discovered I came to USD so I could participate in the Street Law program. I’ve been in the class all year, but receiving 2 credits for a year long class which requires lots of time and energy I might add) and it takes me this long to figure it out. Actually in fairness to myself, and to Iris, the woman I co-teach with, we never had a class like we did yesterday.

A little history might help. Street Law is a class that is offered to a select group of students who demonstrate psychotic abilities...no I kidding, who demonstrate a committed interest in preparing for a semester to go down to San Diego High School and talk to such a bunch of high school seniors about law. Let me assure you this is no easy task. It’s not like you sit around in the library, research some topic and lecture about it, passing every once in a while to embarrass some student by calling her by her last name and quizzing her on reading she obviously has not done. No, it is not that simple. You see, you must make your topic of discussion interesting to a group of high school students, without the luxury of being able to pre-assign reading. Oh, and your lessons.

"How do you teach a class without lecturing?" You may wonder. So did we, but we learned with Professor Hartwell’s help. Basically we spent the Fall semester learning tricks of the trade from some very qualified people. We learned how to become culturally competent. Meaning how to be sensitive to students who have various cultural back grounds and who may respond to us in different ways. We learned how to split students into small groups to encourage discussion. (And you thought Hartwell and Snyder were born knowing such things.) We learned about different aspects of different areas of law which younger high school students just trying to get their high school diploma and get out of school might be interested in. And we learned lots of legal jargon from our lecture course book. Remember, no lecturing means we couldn’t just walk in the first day of class and start talking to them about Civil Procedure, or Property.

The most important thing we learned is how to be less intense without losing retentive power. For example, instead of trotting out our own horn, the members of Street Law are doing fabulous. Every Monday we meet for two hours to discuss how our classes are going, to share helpful hints, like what works and what doesn’t, and in mine and Iris’ case, to pillar good ideas and organized help for our less-than-prepared colleagues, which would be everyone but us.

Our classes are going, to share mine and Iris’ case, to paired colleagues, which will be the case with Legal Advocates, to Civil Procedure, and Property.

The execution was less than perfect, but it was effective. Seems the Irish on McDougall street don’t celebrate St. Patrick’s Day, so when I arrived at the house, it was still occupied. I am told by the authorities that my little caper actually took place on March 16th. Of course that had to be lie, because, on the day of the heist, I could swear I saw someone wearing green and what other reason could there be for that. Ah, the authorities are cunning, but not cunning enough, I will not be made to look foolish at the hands of those with lesser minds. The caper went down on St. Patty’s Day and I happened to be robbing a house of un patriotic Irish Elves. Of course when I entered there was a bit of trouble, but nothing that I couldn’t handle. There were quite a few of them, so the situation called for drastic measures; it was under this pretense that I dropped the whiskey bottle on the floor. Any sane member of society could see that under this pretense I was committing a heinous crime. In a household full of drunks, I was just all too conveniently able to manipulate my way out of the situation. The leprechauns would wait for me in a pub downtown. It was there there would divvy up the loot.

The peaceful negotiations broke down during a heated argument over whether MacGyver was Ireland’s patron Saint of Ingenuity, I said yes and the little fools said no. I could see that the little green bastards were about to make their move. They had to be dealt with and dealt with in a big way.

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Baseball Preview

(Continued From Page 12) struggling to win 4-6 ERA season. If he is healthy the Red Sox have a strong staff with Viola, Sele and Darwina. Maybe Dennis Eckersley can combine with rookie Jobert and a field one all around team. The Red Sox had no offense in 93 as they were second to last in HR's and 12th in Runs and Stolen Bases. The addition of Otis Nixon will increase the runs totals but only Mo Vaughn hit over 200 homers last season. If they find a way to get offense Boston could challenge but in such a tough division, last place isn't that bad....

The AL Central isn't as deep but Chicago is one of the best. We won't see Michael Jordon this season but we will see superstar Frank Thomas, along with Raines, Ventura, Guillen and Johnson. This offense struck the ball but the defense was a disappointment. The defense was weak at second base, but with a solid catcher and shortstop I wouldn't be surprised if they could win the division. The White Sox are young but without Yount and never having won a World Series shows why they are in last place. The Brewers are young but without Yount and without the 'stairway to heaven' books Cleveland has finally escaped the AL Central. They only hit 111 runners and stole bases. The Indians had no one. It was a new team and a new start for the year.

The weakest division in perhaps all of baseball is the AL West. Only one team in this division won a championship in the last five years and only two (Oakland) finished in last place with the worst record in the AL.

The Angels finished in last place in the West last season but they have done little to improve. They have a solid pitching staff, a strong defense and a young staff. They could win the division but it will take some time to make it happen.

The second best ERA in the AL West is the Astros who have done little to improve. They have a solid pitching staff, a strong defense and a young staff. They could win the division but it will take some time to make it happen.

The Rangers were the champs in 1990 but their offense has been hit hard by injuries. They also have a solid pitching staff and a strong defense. They could win the division but it will take some time to make it happen.

The Twins are a team that has hit hard by injuries. They also have a solid pitching staff and a strong defense. They could win the division but it will take some time to make it happen.

The Mariners are the team to beat in the AL West. They have a solid pitching staff, a strong defense and a young staff. They could win the division but it will take some time to make it happen.

The Red Sox have the best ERA in the AL but their offense has been hit hard by injuries. They also have a solid pitching staff and a strong defense. They could win the division but it will take some time to make it happen.

The Blue Jays are the team to beat in the AL East. They have a solid pitching staff, a strong defense and a young staff. They could win the division but it will take some time to make it happen.

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Getting the Most (Usable) Computer Bang for Your Buck.

by charles boulton

you, a prospective law student, want to buy a computer? yet, you only have limited funds?

many of you have determined that you need a computer to succeed in law school. true or not, use the questions below to determine if you should expect to spend in acquiring a computer system that will suit your needs.

a choice is available for you. a personal world station can be divided up into three areas: followers of macintosh, bottom line dinkers, and personal computers.

followers of macintosh are nearly religious in their zeal and proselytizing about the goodness that is macintosh. they think the same way the designers of the macintosh did: kiss (keep it simple, stupid) apple designed the mac to minimize the learning curve. the keyboard is full of control commands for all applications, and permit plug and play (plug in your modem, printer, mouse, keyboard, and icons and activate the chooser or control panel as appropriate and voila, it is ready to be used).

the result is an easy to learn format where skills once learned, applies generally to all the software available for the mac.

the mac has some drawbacks. you pay approximately $500 for a computer because apple is the only maker.

the mac is slower than a dos/windows machine. the industry paragon. few others measure up.

the mac is the inexpensive and time efficient easy answer for laptops. for laptops, dual scan is a minimum, active matrix monitor is better (and more expensive).

ibm's active matrix is the industry paragon. few others measure up.

ram. this is volatile chip memory. a minimum of 4 megabytes is a must.

storage devices. this is non volatile removable storage. if you are not familiar with floppy drives, get one.

for dos/windows, get one of each: 3.5" 1.44 mb floppy drive; 5.25" 1.2 mb floppy drive. the mac has a maximum of 120 mb and a minimum access time of 17 ms. for macintosh, the 3.5" drive is mentioned above and a hard drive with a minimum of 100 mb.

keyboard. the feel is important to you. you need a speed typist and a touch typist with an attitude, northgate sells one of the better conventional 101 keyboards. the keyboard today has either the function keys across the top, along the side, or both. most software is now being designed for keyboards with the function keys across the top. for those afflicted with carpal tunnel syndrome or have a repetitive motion injury, there are two major keyboards available: dakron and kinemis.

they are not cheap.

modern. name brands mean less headache. hayes, u.s. robotics, practical peripherals, intel, iboc, and microcom are the big players. for the budget conscious, a very good internal modem in the way to go. less than $60. external for less than $80. for the technophobe who wants to minimize new, download time from lexis, winword, etc. you get e-mail and account and be able to send and receive fax documents from their computer, which complies with 33.6, fax, which complies with v.32,v.32b,v.42a, and v.42b protocols is the answer for under $170 for the internal version and under $200 for the external version.

printer(s). dot matrix is cheap, noisy, and durable. look to panasonic or epson for a nice pin for under $150, for a twenty-four pin for under $250. laser printers are fast, quiet, and professional. hewlett

packard sells the industry standard, though texas instruments is mounting a challenge. prices start at $300 and go to $1500.

portability. this will be covered in a future issue. short and sweet: ibm, compaq, toshiba, a hard drive with 10 megabytes, 120 mb, and under $500.

surge protection. for under thirty dollars, you can insulate your hardware against electrical damage. you are stupid (in my humble opinion) if you skip this.

operating systems software. dos 6.2 and windows 3.1 or system 7. os/2 in place of dos if you need more speed. if you are running a laptop ask yourself if you really need windows? it eats significantly into your battery life.

running dos and windows perfectly, your battery life can be extended.

utility software. if you want to dial up prodigy, america on-line, mci mail, or the internet, you will need some communications software.

norton utilities. similar reasoning to the surge protector above, except no warranty. you floppy disk may crash, you may need to re-organize your hard drive, etc.

applications software

word processing is the major reason most of us buy computers. there are two major and one minor contender for you money: wordperfect, microsoft word, and lotus amipro. the two first are very close in power, flexibility, and features. wordperfect still holds the edge for custom legal aid add-on software. look for the "computer upgrade" price. you should be able to locate some old editor or word processing software from friends or family.

number of you who eat in the ritz will have noticed, there is a new refrigeration, all of us to use thanks to the generous proclivities of the law school faculty. if you have followed my articles and columns each month you will know that i am the one that lit and fanned the fire of discontent these many months in print and at sba meetings each week to make sure we got a new refrigerator this year. it only goes to prove that the squeaky wheel gets the grease and the efforts of one person can make a difference to a community.

now that i have tackled and won this fight i was thinking that if we all got together and worked on an issue maybe oill collective will make good things happen.

jim morrison said, "you've got the guns, but we've got the numbers." how about a school wide, if not just a law school wide movement to demand more parking space? there is a rumor that the archdiocese is moving which should free up some parking there.

the pivotal point is be-
St. Patricks Day
(Continued From Page 11)

You’re a leprechaun, you’re all the way from your first cigarette to your last dying day...", my god the presence I must have made. With a massive leprechaun's face, the fight/dance sequence from "West Side Story" and landed my fists upside the face of the Irishman who was standing in the street. I was in this little dance of death for a matter of moments, when the cops showed up. Relying on my training from this sort of unlucky turn of events, I made a run for it.

I ran down the street and fucked into a small alley, where I was eventually able to get to the door. The store attendant looked stunned.

"Listen," I said to the attendant,"when the cops show up, you won’t hear a story. You got that? You tell ‘em that ain’t no one here but you and these naked mannequins. If you do? We'll leave that to your tiny, but hopefully, for your sake, for ef- fective, imagination."

With not a stitch on, I climbed into the store window and struck a stockings/modelesque, runway pose. My execu- tion was perfect, and when the police actually found me I knew I had been set up. The store attendant, those damn green midgets who were going to suck me up for their own freedom. I began to curse them aloud and that’s when the conittenbted me. The confrontation was fierce, and if I hadn’t been作坊 from our chase I believe I would have emerged victorious. But my hate was a little too generous. The cops as always fought diry, and I saw no opportunity for vic- tory. I could see the blood bunched up over my face, off my head, chest and neck area, but the thing that really brought me to the ground was a consciousness was the. tax gun. They hit me with that and I backed to my knees. A few more "dirty" blows and I was completely down, and in sec- onds I felt my head being dragged away. Before I passed out naked in the back of the police car, I remember thinking, "Boy, I bet it gonna be awhile before I recover from that kick to the Blairney stones!"

Street Law
(Continued From Page 11)

Okay, so Lin always has great hand- out materials for her students to answer, and Robin has her students ready to work for Ralph Nader who is running for presidential. And Renee is looking up sentencing guidelines for her students’ mini-trials, and Lee edited a couple of things on the laws to make them more user friendly, and Cesar and Naomi have their kids so excited all serve. So we did something we never do, ever your position is. Basically we are ti on. Another quick write, crazy or not, life the time they can’t shut them up, and Sunil we planned the whole 2 hour class. You got

Computers
(Continued From Page 14)

CD-ROM drive. Need Westlaw but the telephone lines are down? Need a word from your boss? Need to look up some scientific fact in Groliter's Encyclopedia? Push a button. This is a bustling field. A future article will delve into this area.

Sound card. Stereo sound for games and composing music. A toy for law stu- dents? Is there any worth for your student? When do you sleep?

Computer furniture. Believe it or not, one of the latest materials for a law library in "rgb" is eye-strain avoidance and head-strain avoidance and head-strain avoidance. If you are not familiar with rgb, for your own health, look into the topic at least in Lexis or Westlaw for health care articles and Cabin Innovators. Eye strain: you only get two. Ever.

Games. Recreation is important, but never during a lecture.

Prioritize the above issues, separating needs and wants. On our address commenting computer. Take the time to visit a couple of computer stores JUST TO TRY OUT various moni- tors, keyboards, laptops, etc. If the computer you have unique requirements, you need to first gather enough information to make a wise decision. Then, away from the stores, ask questions of your peers. Make a list of your top three picks.

Establish a realistic dollar limit. Com- pare prices from Mail Order, Price Club, and Direct (telephone) as well as local stores. Ask if they have an educational discount.

Motions Survey
(Continued From Page 13)

Yvonne Roche

10. Quielent - Scott Patterson
Best non-response - "Many, merci- fully:

11. Most Annoying Class Participant - Mostly second year pin-heads" Best class participant - Michel Duquela
Honorable Mentions - Elizabeth Genel and Faytus

13. Least Likely to Show Up to Class - Mark Amador
Honorable Mentions - Andrea Derican
14. Most Likely to Finish an Exam Firstly - Angela Burris
15. Most Likely to Tell You How Little Studying He/She Does - Dustin Branch
Honorable Mentions - Michel Duquela
16. Most Likely to Tell You That Gettento B' is Great When He Or She Get an 'A' - Kathleen Brennan-De Jesus
Best non-response - "Anyone who gets an 'A' or 'B' is a knob."
"PMBR Is Not An Option..."

Honorable Kenny Gyn
450 7th Avenue, Suite 3504
New York, NY 10123

Dear Mr. Gyn,

I am pleased to announce that, through the help of your tutelage and PMBR, I have passed the July Maryland Examination. By following PMBR's tips and study guidelines, I was able to achieve an MBE raw score of 164, and a scaled score of 173.

I took PMBR's 6-Day "Early Bird" course from May 25 to May 30, and a 3-day PMBR course within 2 weeks before the bar examination to help me for the "high" stretch. Your advice placed me in the proper frame of mind to study for the bar exam:

NEVER AGAIN

I would advise anyone planning to take a bar examination which has the MBE to consider PMBR not as an option, but rather as an absolute must! The time we'll spend in six days of PMBR classes could decide whether you will have to re-take the bar exam six months later.

Thank you again for the time and effort you spent in preparing me. I am happy to say that our efforts were certainly not in vain.

Sincerely,

[Signature]

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