

University of San Diego

Digital USD

Newspaper, Motions (1987-2019)

Law Student Publications

4-21-1994

Motions 1994 volume 22 number 8

University of San Diego School of Law Student Bar Association

Follow this and additional works at: <https://digital.sandiego.edu/motions>



Part of the [Law Commons](#)

Digital USD Citation

University of San Diego School of Law Student Bar Association, "Motions 1994 volume 22 number 8" (1994). *Newspaper, Motions (1987-2019)*. 52.

<https://digital.sandiego.edu/motions/52>

This Book is brought to you for free and open access by the Law Student Publications at Digital USD. It has been accepted for inclusion in Newspaper, Motions (1987-2019) by an authorized administrator of Digital USD. For more information, please contact digital@sandiego.edu.

MOTIONS.

RECEIVED

APR 22 1994

U.S.D. LAW LIBRARY

Vol. XXII, No. 8 ★★★★★

THURSDAY, APRIL 21, 1994

SAN DIEGO, CALIFORNIA



Cesar Luna, Norby Cisneros, Barry Creary Croon For the Crowd

The Law School Talent Show Where the Beer Flowed Freely and the Laughs Kept Coming

BY BELINDA ETEZAD RACHMAN

After planning, promoting and participating in this year's Law Revue, University of San Diego's version of Harvard's Hasty Pudding Club Show, I realize just how many frustrated hambone actors and really talented musicians are in school. I discovered that many of my friends had artistic greatness hidden deep within.

Peter Salmon, who was MC and show planner, was featured in many of the songs and skits. He and Tim Tatry opened the show by singing the "Academic Probation Blues." It had the audience in hysterics! While we were all collectively gasping for breath after all that laughing, they revved up the show even higher by singing "Default" (it's not my fault, I've got to default.) The protagonist of their song wound up drinking wine out of a paper bag. One can only hope we escape a similar fate after we graduate.

Hats off must go to the person who went to the greatest expense, both mon-

etarily and in terms of reputational risk. B section's Chris Lamb came in full Elvis drag and staggered through a rendition of "You Ain't Nothing But a Law Dean," sung to the tune of "You Ain't Nothing But a Hound Dog." For those of you who missed the show, some of the lyrics were, "You ain't nothing but a law dean, screaming all the time, you ain't nothing but a law dean, wasting all my time, you talk about procedure but it ain't no friend of mine. Service of process, well you can process this! (sung while clenching her fist and shaking it at the audience) It went on from there. Ably backing her up were the Brides of Christ, 3 C section ladies in nun drag that consisted of myself, Alison Cohen and Jennifer Brobst on piano. If we are still in school next year, I'm sure we can resurrect Elvis and refine the act for Law Revue '95.

Deborah Engel sang "Nothing Compares To You" and "That's What I Like About You" as well as a pro. The Brides of Christ returned to sing their version of "Stand By Your Man," complaining that they "never see their lord and master, only these chicks what a disaster." There was a hysterical job interview skit featuring Pete Salmon, Brad Fields and Jack Yeh that showed off their natural comic abilities. When they mentioned that they had only written the skit that afternoon, I was really impressed by how clever people can be when pressured at the last minute.

I sang the Gershwin song, "Someone to Watch Over Me" while showing slides of the USD law staff who have contributed so much to us. Each time the refrain, "to my heart he's stolen the key" was sang, a slide of Professor Frank Engfelt was shown. There was considerable technical difficulty at the start of the show with the slide ma-



Outgoing SBA President Masquerades as Dean

John Doherty Wins SBA Presidency in Hotly Contested Race

Former PILF President Promises More Student Involvement

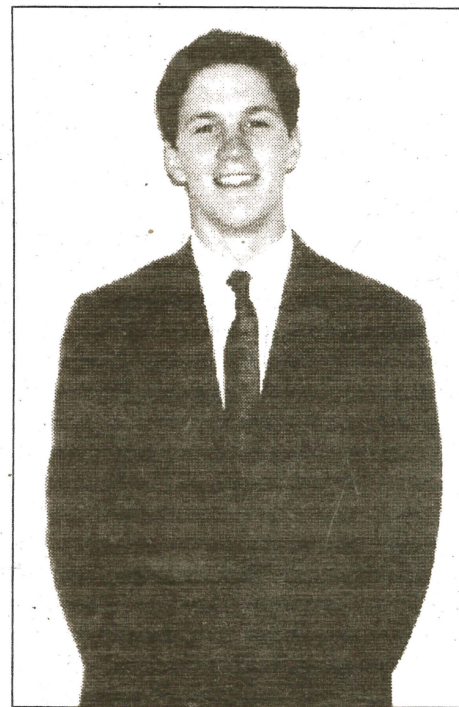
BY JAMES KUPERSTEIN

In the recent SBA election John Doherty was elected President in a race against Yuri Simpson. John has vowed to attempt to increase student involvement as well as faculty and administrative support in nationally recognized programs to raise the reputation of the Law School.

Doherty grew up in Park Ridge Illinois, a suburb of Chicago. When he was 14 he moved to Southern California after his father became employed there. John received his undergraduate degree in Political Science from Santa Clara University in 1991. John chose USD Law because of its location, the campus environment, and because he found it comparable to other West Coast law schools. Doherty plans to stay on the West Coast after graduation practicing public interest law in areas such as homeless advocacy litigation.

Doherty based his decision to run for the Presidency, in part, on his interest in public interest law. The main component of public interest law is service, John said. This service translates well into student representation, he continued. Also, Doherty decided to run because of his interaction with people. "One reason I think I could do a good job is that I feel I am really approachable, and I enjoy meeting new people." Finally, Doherty ran for President because being SBA president would afford him greater access to students, faculty, and administration giving him a better position from which to accomplish his goals.

John Doherty has three primary goals as President. First, Doherty would like to see increased student involvement in presently nationally recognized programs as well as new national programs. These programs



SBA President Elect John Doherty

include the National Trial Team, national public interest law associations, and other ABA sponsored activities. Doherty would like to see new programs created and will also work to inform students of opportunities to get involved in these activities. At the same time he will work to gain more support for these programs, and other student activities, from the faculty and administration. To be nationally recognized the three need to work together, "we need to get the faculty and administration excited and involved."

A second goal, closely tied to the first, is raising the reputation of the Law School. Nationally recognized programs with across the board support, Doherty says, will boost the reputation of our school.

Finally, the student body needs to become more organized when they make

Please turn to page 4, column 1

In The News--

Interested In Investing In Mexico? See our coverage of Professor Vargas' lecture on NAFTA and the current turmoil in Mexico. (Article on Page 3)

Trial Date Set For Young v. USD. Judge denies summary judgement motion by defendants. (Article on Page 3)

Want More Pictures From the Talent Show? Look Inside! (Photos on Page 4)

True Romance: Our reporter is getting married! Get the scoop in Extra Legal. (Article on Page 5)

Guess Who's Coming To Dinner? S.P. Jones has a date with infamy. (Article on Page 5)

Interested In a Nice Drink? Keven Kemper's revisionist approach to alcohol reform defends the right to get bombed. (Article on Page 6)

Please turn to page 4, column 2

What's New at the LRC? New Books Received

COMPILED BY FRANKLIN A. WESTON
Senior Reference Librarian

BALBUS, ISAAC D. *The Dialectics of Legal Repression: Black rebels before the American criminal courts.* Provides a reconstruction of the sanction process, from the point of arrest to point of ultimate disposition of those arrested in the black ghetto revolts of the mid 1960's in Chicago, Detroit, and Los Angeles.

CALDER, NORMAN. *Studies in Early Muslim Jurisprudence.* Offers a theory of the origins and early development of Islamic law by using passages from the earliest juristic works, early Muslim literary forms, juristic norms, and hermeneutic technique.

CLARK, STEPHEN A. *Representing Professionals Before the Department of Labor: Labor certification and labor condition application procedures.* Presents articles from an American Immigration Lawyers Association conference focusing on labor/immigration issues.

CURTIN, DANIEL J., Jr. *California Land Use and Planning Law.* [1994 edition] Covers all aspects of land use issues with new sections on map processing relating to subdivisions, and also has a new section on issues dealing with federal and state wetland regulations.

DUKE, STEVEN B. *America's Longest War: Rethinking our tragic crusade against drugs.* Offers a background on the real and imagined dangers the most popular legal and illegal drugs have for the individual and for society.

FELDMAN, DAVID. *Civil Liberties and Human Rights in England and Wales.* Contains a highly detailed account of the English law of civil liberties, provides an analysis of a wide range of freedoms, and evaluates them against a background of international human rights principles and liberal theory.

GRAHAM, COMSO. *Privatizing Public Enterprises: Constitutions, the state, and regulation in comparative perspective.* Uses a comparative approach to examine the effects of different constitutional and legal traditions on privatization in the U.S., the U.K., and France.

HALL, G.D.G., ed. *The Treatise on the Laws and Customs of the Realm of England Commonly Called Glanvill.* Gives an account in Latin and English translation of the law and practice of the English royal court at the end of the reign of Henry II, about the year A.D. 1189.

JOHNSON, CHARLES J., Jr. *Corporate Finance and the Securities Laws.* Intertwines the mechanics and practices of corporate finance with the legal principles that govern them by covering underwriting practices, mechanics of registration and distribution, private placements, shelf registrations, commercial paper, international finance, and financial products.

JORDE, THOMAS M. *Antitrust, Innovation, and Competitiveness.* Explores how the U.S. antitrust laws, especially the Sherman Antitrust Act, have affected the ways in which U.S. corporations can compete in world markets.

KEMF, ELIZABETH, ed. *The Law of the Mother: Protecting indigenous peoples in protected areas.* Offers a comprehensive vision of how to design and implement conservation projects to provide for the well-being of local peoples, wildlife, and the land itself.

LI, VICTOR H. *Law and Politics in China's Foreign Trade.* Offers insights into attitudes and practices of Chinese society in areas other than trade, such as foreign policy, while discussing the consistent patterns in China's trade with industrialized nations, and the practical aspects of trade with China.

MARQUART, JAMES W. *The Rope, the Chair, and the Needle: Capital punishment in Texas, 1923-1990.* Weaves stories

of the condemned with facts and interpretation to provide a fascinating history of legal executions in Texas.

MCCHESNEY, ROBERT W. *Telecommunications, Mass Media, and Democracy: The battle for the control of U.S. broadcasting, 1928-1935.* Contributes to the contemporary debates concerning governmental deregulation and media policy, both in the U.S. and internationally by using primary documentation in communication history.

MASON, MARY ANN. *Using Computers in the Law Office Without Walls.* 3rd ed. Offers excellent hints at what is possible with the computer on your desk through chapters on "What computers do," "Setting up your own substantive systems on personal computers," "Legal research," and "PC's in the real world."

SHOENBROD, DAVID. *Power Without Responsibility: How Congress abuses the people through delegation.* Shows that Congress and the president, instead of making laws that govern us, generally give bureaucrats the power to make laws through agency regulations.

SORENSEN, ELAINE. *Comparable Worth: Is it a worthy policy?* Lays out the various approaches taken by the states in a comprehensive assessment of the comparable worth policies as a means of reducing male/female wage disparities.

WACKS, RAYMOND, ed. *Hong Kong, China and 1997: Essays in legal theory.* Explores aspects of Hong Kong and China's legal and social systems as both societies undergo profound change while waiting for their merger in 1997.

WELLENREUTHER, HERMANN, ed. *German and American Constitutional Thought: Contexts, interaction and historical realities.* Compares the constitutional histories of Germany and the U.S. in a symposium format of extensive comments by German and U.S. scholars.

SBA ELECTION RESULTS

President
John Doherty
Day Vice-President
Tom Frye
Joshua Lynn
-Run Off
Evening Vice-President
G.R. (Erick) Mead
Treasurer
David Krause
Secretary
Sheila Mahmoudi
ABA Representative
Kevin Kravets
Mike Connor
Honor Court Justices
Maj-Le Tate (Justice)
Matthew Grecco (Justice)
Jacqueline Hamilton (Justice)
Tiffany Israel (Prelim. Examiner)
Rob Moore (1st Alternate)
David Boyd (2nd Alternate)

Honor Court Counsel
Anthony Demaria

2nd Year Day Representatives
Rich Ames
Belinda Etezad Rachman
Joshua Brysk

2nd Year Evening Representative
Nelle Torres

3rd Year Day Representatives
Kerina Bowler
Wendy Phillips
Jesse Finlagson

3rd Year Evening Representative
Robin Felix

4th Year Evening Representative
Larry Kincaid

EXTRA EXTRA LEGAL

Malatov Coffee Goes to the Oscars

BY ERNEST BELL

I was reading an article in the *Union-Tribune* in which San Diego high school students were polled as to their Oscar choice for best movie. "Schindler's List," they said, because, of the nominated films, it presented the most important social issue. I was taken aback.

Anyone who remembers when Richard Gere, with a Tibetan monk in tow, soapboxed at the Oscars recognizes that the Academy votes according to an AGENDA rather than on the basis of somewhat more appropriate criteria, like quality. But is this also how we (notice the inclusive pronoun, I empathize with you, I am one of you) evaluate the worth of movies? Or music? Or coffee houses? Or am I nutty for putting any weight in the opinions of high school students?

I am glad that you share these very same concerns. Perhaps you don't and you are reading this merely to pass the time as you sit in your car waiting for a parking space within spitting distance of Warren Hall. Whatever the case, take the remainder of the newspaper and roll it up, ignite it (warm up the cigarette lighter... I'll wait), wave it above your head, and beat your chest with a clenched fist. Liberate your primordial self. And repeat with me, "GQ" and "Cosmo" are not the arbiters of my taste."

I know your secret heart, your passion for watching the World Wrestling Federa-

tion and eating extra-greasy pork skins while slumped in your dad's naugahyde Laz-E-Boy and counting the minutes to the next repeat of "Cheers." Pinch an inch in couch potato solidarity.

Embrace every kitsch and ignorant impulse. It's what makes you you. Stop saying that you watch "Beverly Hills 90210" so you can make fun of Brenda. Admit that the only books you've read have "Cliff Notes" in the title. Recite the only poetry you appreciate - the stuff you read on the bathroom walls that made you giggle the giggle of a person spending \$17,000 per year on higher education.

The 1st Annual Malatov Awards

How we've forgotten. It wasn't so long ago that "Rocky" won the best movie award. I mean, a movie that Sly Stallone not only starred in, but wrote, won the stinkin' Oscar for best flick. And now we decide

that "Schindler's List" should win because it has the most pertinent issue?

Brilliant movies, and art in general, can be of great social relevance and they can be trifles. All this "easy to appreciate but hard to like" business too often confuses our sensibilities as to what's good and what isn't. No matter the importance of a movie, if it ain't entertaining, it ain't good.

"List" deserved the Oscar because it is beautifully-shot and well-acted. It is wonderful movie-making. It's hard to imagine anyone not being affected by it, even those people with the "Don't Blame Me, I Voted

for Bush" bumper stickers. However, in my opinion, it wasn't the year's best.

I promised myself that I wouldn't snivel about who really should have won what award. So instead, I've created my own little categories:

Da Flix

The nominees for most underrated movie are Steven Soderberg's "King of the Hill," Peter Weir's "Fearless," and Martin Scorsese's "Age of Innocence." Weir's "Fearless," which did a swan dive into oblivion immediately after its release, has no competition, but both "King" and "Age" are killer flicks you probably didn't see...

...because we were stupidly spending our \$8 on one or all of the following nominations for most overrated film: "The Piano," "The Fugitive," and "Jurassic Park." I don't know, take your pick. "The Piano" transcended incoherency and was metaphoric to insipid excess. "The Fugitive" once again proved that Harrison Ford has the acting range of a hang-nail, and was petrifyingly boring besides. And "Jurassic Park." A plot this shallow shouldn't be allowed outside of "Seinfeld."

Da Tunes

Nominees for most underrated albums: Crowded House's "Together Alone," Dada's "Puzzle," and Chris Isaak's "San Francisco Days." I'm fudging "Together Alone" into 1993 consideration because a year from now Crowded House will be *Rolling Stone's* "Best Unsigned Band." These guys found their way into the limelight only after the press practically begged the public to take a listen. Three albums later, people have stopped caring. Too bad. And to add insult to injury, they finish a close second

Please Turn to Page 4, Column 2

MOTIONS.

Robert Little Editor
Christopher Scott Trunzo Director of Publications

Elizabeth Genel Managing Editor
Geoff Morrison Features Editor

James Kuperstein
Director of Advertising

Staff Editors: Eric Siegler, Tom Turner

Staff Writers: John Arons, Ernest Bell, Brad Fields, Elizabeth Friedland, Laleque Grad, S.P. Jones, Susan H. Kang, Kevin Kemper, Belinda Etezad Rachman, April Spitzer, Emil Wohl

Published Since 1971 by

THE UNIVERSITY OF SAN DIEGO
SCHOOL OF LAW
Alcala Park
San Diego, CA 92110

USD Law School News Organization Editorial Board: Christopher Scott Trunzo, Chairman; Mark Nyman, Vice-Chairman; Elizabeth Genel, Treasurer; James Kuperstein, Secretary; Robert Little, Editor in Chief.

Faculty Advisors: Carrie Wilson and Maimon Schwarzschild

The contents of this newspaper do not reflect the views or opinions of The University of San Diego School of Law, The USD Law School News Organization, or The Editors, Directors or Staff of the Newspaper and are solely that of the authors in their individual capacity. Unsigned editorials reflect only the view of the Editorial Board of the USD Law School News Organization, a Student Organization organized consistently with University Policy.

Advertising: For information and availability, call 619 260-4600 ext. 4343.

University of San Diego

Professor Vargas Reflects on Turmoil In Mexico:

BY LALEAQUE GRAD

Professor Vargas, a USD Law Professor specializing in Mexican Law, discussed the future of the North American Free Trade Agreement (NAFTA) in light of the recent political turmoil in Mexico at a lecture sponsored by the La Raza Law Student Association and The International Law Society.

NAFTA is a tri-lateral trade agreement seeking to create a largely barrier-free economic partnership among Canada, Mexico, and the United States. NAFTA went into effect on January 1, 1994.

Since the commencement of NAFTA, Mexico has been struck with political turmoil. First, simultaneous with the commencement of NAFTA in January, peasants in the state of Chiapas staged a violent uprising against the Mexican government. The rebels in the Chiapas insurrection demanded reforms to end historic discrimination against Mexico's indigenous Indians. Second, Institutional Revolutionary Party (PRI) presidential candidate Luis Donaldo Colosio was assassinated in Tijuana on March 24.

Although NAFTA centers on trade, Professor Vargas believes that the agreement has significance for some important non-trade related issues in Mexico. Professor Vargas discussed three key Mexican domestic issues that may be enhanced by NAFTA: (1) increased recognition and respect for human rights, (2) more equitable distribution of wealth, (3) increased democracy and pluralism in the political system.

First, Vargas explained that NAFTA should be used as an instrument to pursue the enhancement of human rights in Mexico. He explained that Mexico has historically had a very poor record with regard to human rights which has just recently become

an issue of legal concern in the country. Professor Vargas explained how it is not uncommon for people to be murdered or tortured in Mexico because of their political beliefs.

Second, Professor Vargas explained that NAFTA should be used to help even

est people. He explained that these indigenous peoples are also in chronic need of improved health care and education.

Vargas attributes the intensity of poverty among the indigenous population to a "cultural blindness" and "legal blindness." Indigenous peoples have generally always been in the lower segment of Mexico's society. In addition, it was not until very recently that the Mexican Constitution recognized that Mexico was a pluralistic society.

Third, Professor Vargas explained that NAFTA should be used to help democratize Mexico's political system. Mexico's political system is currently dominated by one political party, the PRI. Vargas noted how the system needs an interplay among multiple political parties to be a truly democratic system.

Professor Vargas also discussed the cultural implications NAFTA may have on Mexico. He noted that NAFTA will inevitably have good and bad effects on Mexico. One positive effect he predicted was increased economic independence for women. The American maquiladora industries, U.S. owned factories in Mexico, which are predicted to increase with NAFTA, tend to hire women as half their labor force. Vargas explained that this trend helps give women economic power in a country where the industrial labor force had traditionally been dominated by men.

Professor Vargas told the audience that: "The future facing you is a future with international implication." He says that NAFTA is helping to open the legal community's eyes to the developing global economy.



Jorge Vargas

out the distribution of wealth in Mexico. Vargas described Mexico's distribution of wealth as drastic and unjust. Seventy-five percent of Mexico's people live below the poverty level. In 1990, the richest 10% of the population shared 41.4% of the income while the poorest 25% of the population shared only 6% of the income. Vargas stressed the need to strengthen the development of a middle class in Mexico.

Professor Vargas noted that people of the indigenous cultures, those native to the region, are often among the nation's poor-

1994-1995 Moot Court Board Announced

Incoming Board:

The following students have been named to the USD Appellate Moot Court Board:

Rob Beal, Chariman; **David Speckman**, Vice-Chair Intraschool; **Cindy Freeland**, Vice-Chair National; **Albert Delzeit**, Tournament Director; **Wendy Phillips & Jesse Finlayson**, National Criminal Procedure Coordinators; **Siobhan Cullen**, Alumni Torts Coordinator; **Cory King**, Jessup International Law Coordinator; **John Duncan**, Constitutional Law Coordinator; **Sharon Doorlay**, Criminal Law Coordinator; **Betsy Gardener & Anne-Margaret Bartish**, Margaret McCahill & Dennis Duchenne, Eric Prosser & Kirk Donnelly, National Team.

Outgoing Board Members:

Christy Graves, Chair; **Robert Cocchia**, Vice Chair; **Ellen Turnage**, Tournament Director; **Denise Draper**, National Criminal Procedure Director; **Vince Brunkow**, **Corrine Coleman**, **Tim Earl**, **Quisteen Shum**, Tournament Coordinators; **Renee Adamson**, **David Bigelow**, **Catherine Cottis**, **Katherine Flaherty**, **Kathryn Meola**, **Geoffrey Morrison**, **Peter Salmon**, **Jack Yeh**; National Team.

Winters Competition:

Finalists:

Stephanie Patchett
James Swiderski
Kathleen McMurray
Debbie Kane

Trial Date Set In Wrongful Termination Suit Against Dean Strachan And University, Motion For Summary Judgment Denied

BY JAMES KUPERSTEIN

Marilyn Young, the former Assistant Dean for Administration and Graduate Programs of the law school, filed suit against both the University and Dean Kristine Strachan in the San Diego Superior Court on October 18 for, among other things, wrongful termination of Young's employment contract and fraud. When Young was fired in 1993 she had been working for the University for eleven years achieving, by 1993, a salary of \$70,000, plus \$15,000 in benefits per year. The Defendants in the suit recently filed a Motion for Summary Judgment that was denied by the court.

Young, in her complaint, characterized herself as a whistle-blower who was fired for reporting numerous alleged misappropriation of funds by Strachan, and the alleged doctoring, by Strachan and others, of statistics for the 1993 *U.S. News & World Report* national law school ranking survey. The misappropriation, according to Young, included many unusual expense reimbursement requests for personal items such as

lipstick, and mascara, personal hygiene items like tissue, and deodorant, household goods such as detergent, and groceries such as frozen lunches, tuna, popcorn cakes, etc.

Each year *U.S. News & World Report* conducts a survey and publishes a report in which they rank U.S. law schools. In 1992

Strachan reportedly elected not to respond to the survey. Thereafter USD was ranked in the lower half. It is alleged that when Strachan received the next year's survey, in January of 1993, she called a meeting with Young and others to discuss how they could "lie without getting caught" to *U.S. News & World Report* so the magazine would give USD a better rating. It is alleged by Young that

Strachan misrepresented figures including undergraduate GPA of the students, average LSAT scores, employers recruiting on-campus, average salary of new graduates, and the number of students accepted to fill the entering class.

Young maintains that, because she attempted to bring the alleged misappropriation

and doctoring of statistics to light, her employment contract was not renewed.

On February 18 the University and Dean Strachan filed a Motion for Summary Judgment maintaining there were no triable issues of fact. In a declaration in support of the motion Sister Sally Furay said that it was her decision alone to withhold Young's letter of appointment because "Young had breached her duty to keep Dean Strachan's confidential expense reimbursement information confidential and instead revealed it to Law School faculty and others. The relationship of trust and confidence that must exist between a Dean and an Assistant Dean was destroyed." Furay asserted that she had conferred with no one, but made the decision herself after conducting her own investigation and concluding that there were no other positions available for Young. Young appealed Furay's decision to the President of the University Dr. Author Hughes. Hughes concurred in Furay's decision to terminate Young.

In the Motion for Summary Judgment Strachan and the University argued there was no cause of action for interference with contract because there was no implied employment contract. They argued that an employment contract, like any other contract, should be interpreted according to the plain meaning of its terms. The contract had expired so there could be no interference, or conspiracy to interfere, with the contract. The court ruled that this was a triable issue of fact.

Another cause of action by Young was

the termination of employment in violation of public policy. Defendants argued, however, that there was no public interest at stake; the only interests Young claimed to have furthered was the University's private financial interests. Again, the court ruled this was a triable issue of fact.

In their Motion for Summary Judgment defendants also cited case law arguing that in a wrongful termination suit acquired evidence of the former employee's misconduct is grounds for Summary Judgment in favor of the employee. To demonstrate this requisite misconduct Defendants said that "the University learned during discovery, and Young admits, that while still employed [Young] copied, or removed the originals of, the Dean's confidential personal records, and removed boxes of original confidential University records." These personal records included medical reimbursement statements, past pay checks, and records of business expenses from the Salt Lake City Firm Strachan was employed with. The confidential information included personal and salary information of faculty members, performance evaluations of staff, University budget records, admissions information, and much more. The motion also stated that Young sifted through the Dean's trash in hopes of finding evidence against her. The court denied this part of the Motion also.

The Motion for Summary Judgment also argued that even if Young's allega-

Please Turn to Page 4, Column 3



WLC Honors Outstanding Alumna

BY LALEAQUE GRAD

The Women's Law Caucus recognized several outstanding alumna at its forth annual "Celebration of Women in Law" on March 28, 1994.

Congresswomen Lynn Schenck presented the Outstanding Alumna of the Year award which went to the Honorable Judith Keep of the class of 1970 who now serves on the federal bench. Congresswoman Schenck was the recipient of the Outstanding Alumna award last year.

The Women's Law Caucus also recognized four other alumna, each representing a different decade of the history of women in law.

First, Mary Harvey of the Class of 1959 was recognized. Harvey was the first female to graduate from USD Law School. Harvey reflected on difficulties she had as a woman trying to break into a legal community dominated by men. Harvey told stories about going on job interviews and being told straight out: "We don't hire women."

Second, Betty Boone of the class of 1964 was recognized. Boone was the second female to graduate from the law school. She was a member of the first San Diego Law Review. Boone also reflected on the barriers she faced as a woman trying to break into a legal community dominated by men.

Third, Susanne Stanford of the class of 1975 was recognized. Stanford described her experience at law school in the 1970's as a time when women were beginning to be accepted. She noted that although women tended to do very well academically, they still had problems attempting to get jobs.

Finally, Sherly King of the class of 1986 was recognized. King began law school when she was 40 and had already raised a family. She explained that by the time she came to law school many of the problems women faced during the '60's and '70's had improved and thanked the women of the earlier decades for breaking through the gender barriers.

The Women's Law Caucus also presented an Honorary Lifetime Membership to the Honorable Judith McConnell. Although not a USD Law School Alumna, Judge McConnell has been very active with the Women's Law Caucus at USD. Judge McConnell also taught the course in sex discrimination at the law school with Lynn Schenck and Sr. Sally Furay. Judge McConnell currently works in the Superior Court.

President Elect

(Continued From Page 1)

demands on the University. Student governments in private institutions don't have any real power, Doherty said. This is the reality of private Universities. To give student government power to work for students they need to have a well run student constituency that are determined to follow up on requests they make and issues they pursue. The people that make the decisions need to know of student demands. The students may not get everything they want, but if they are organized and keep the pressure on they are more likely to have their demands met, Doherty said. John also said that he wants to work with the faculty and administration, but when that fails and action needs to be taken he is ready to play "an adversarial role."

The President Elect summed up by stating that the success or failure of these goals and activities will depend on how willing the student body is to work with, and support, the SBA.

Talent Show

(Continued From Page 1)

help themselves since our SBA student activity money had paid for it. Things got a little out of hand when John Callahan, Bob Coccia and Pete Salmon had a beer slamming contest on stage. It appears that some cultures and races are more well known for imbibing than others. Recently, my in-laws and I were trying to think of one famous Jewish drunk but we couldn't. Pete may just lead the way for our brethren.

To add some sophistication at this point in the evening, we were saved by the gorgeous music from the voices and guitars of Cesar Luna, Norby Cisneros and Barry Creary. They played the most beautiful Spanish music. Their second tune switched back and forth between "La Bamba" and the Beatles' "Twist and Shout" to show how much Anglo music has evolved from other sources.

The last skit of the evening was a cross gender dating game with Brad Fields as our Dean who had her pick of three eligible dates. Big Brad in a Hawaiian Mumu was a sight to behold. Pete Salmon with a long wig was Professor Alexander, Geoff Morrison was in some kind of crazy get up as Lynn Dallas and a stuffed bunny suit for Professor Ursin whose only response to all questions was, "I concur with the Traynor decision in Escola." The unnamed staff in the audience must have thought the boys did a good job because they were laughing really hard all the way through. It's a good thing they are all graduating because not everyone has a good sense of humor to allow themselves to be made fun of as savagely as that. (suddenly you can't get requested classes or worse.)

The whole evening was lots of fun. I only wish more people would have been there. Next year pay more attention to the posters that inform you as to when and where the '95 Law Revue Show will be. If it is anything like this year, here will be way to much beer and lots of clever student presentation. What is scary is the idea that most of those participating in this year's show will be long gone by the next show. We will have to develop, inspire or uncover new talent to replace the 3rd year stars of 1994. This will not be an easy task. We've got really big shoes to fill! After reading Pete Salmon's signed open letter about Professor Alexander that was on the 1st Amendment board this year, I said that he had the biggest balls of anyone on campus and now we know he also has the biggest shoes. Hopefully, they can be filled.

Malatov Coffee

(Continued From Page 2)

to Dada's "Puzzle."

You might have heard that "Dizz Knee Land" song on more adventurous radio stations. It's a darn fine ditty, and probably the worst tune on "Puzzle." The album is bluesy, funky, punky; good stuff for smashing beer cans against your forehead and screaming, "Hello, Cleveland! Let's rock!" But do you care? No...

...because we all, whether we wanted to or not, were too busy singing Whitney Houston's "I Will Always Love You." No other nominees for "Most Overrated Song or Album by Someone I'd Pay to Pimp-Slap" need be mentioned, but just for kicks: the Proclaimers' "500 Miles," 4 Non-Blondes' "What's Up?" and Meat Loaf's "I'd Do Anything for Love (but I Won't Go on a Diet)."

Da Conclusion

Beat the drum slowly, brothers and sisters. Nurture your primal sides. Dance too close to the fire. I go now to drink deeply of coffee and to view muchly of "Ace Venture, Pet Detective." Peace.

Photos From The Talent Show:



Patricia Lew, Kerina Bowler, Pete Salmon, Belinda Rachman



Pete Salmon and Tim Tatro Serenade The Crowd

Dean Strachan

(Continued From Page 3)

tions of Negligent Misrepresentation and Invasion of Privacy proved to be true they were employment related torts and therefore worker's compensation would be the only remedy. Thus, the court lacked subject-matter jurisdiction and could not rule on these issues. The court agreed with this argument and granted Defendants' Motion for Summary Adjudication ruling that these claims fall within the worker's compensation exclusivity rule.

A disposition conference has been set for September 23, 1994, and the case is slated to go to trial on October 7 in Department 17 of the

Superior Court. Judith L. Haller will be the presiding judge. A jury has been demanded by the Plaintiff, Marilyn Young, for a trial that is expected to last ten days.



The FEATURE PRESENTATION

The Chevy/Geo Showcase Is Rolling Into USD April 26!

- ★ Food
- ★ Refreshments
- ★ Entertainment
- ★ Great Prizes!

Sponsored by **city** BY THE BAY CHEVROLET & GEO

THE FEATURE PRESENTATION: ANALCALA PROMOTIONS GROUP. EVENT STAFFING: CHEVROLET CAMARO GEO TRACKER. CHEVROLET S-10. GEO PRIZM. FEATURING: HOT DOGS, POPCORN, ICE CREAM, REFRESHMENTS, ENTERTAINMENT AND MEMBERS OF THE ADVANCED MARKETING GROUP. EXECUTIVE CONSULTANTS: DR. DAVID LIGHT AND DR. SETH ELLIS.

OPENING APRIL 26th AT A UNIVERSITY CENTER NEAR YOU.



GEO

S-10 Pickup

Tracker

Camaro

Prizm

A PRIZM

Day With A Judge: Part
Three.

Page 7

EXTRA LEGAL

Computer Savvy: Whack
those bugs.

Page 6

TRUE ROMANCE

Liz Gets Married:
The World Will
Never Be the Same

BY ELIZABETH FRIEDLAND

I'm getting married! I can't believe it. I'm so excited that I can hardly concentrate. School? What's school! I haven't studied in weeks. I have no time. I'm no longer a student...I am a Wedding Coordinator! I've got places to book, people to see, dates to plan. I don't have the time for little things like law school. Law school, shma school.

The wedding is in October. It will be beautiful. The rabbi will perform it outside, at sunset on a Saturday night. The chuppa that we will be standing under, will be covered with pink and white flowers. The attendants will hold candles and roses. And this whole thing will be atop a cliff overlooking the ocean. It will be incredible. It's too bad the reception is on a Sunday afternoon in November. You try finding a place for the ceremony and reception on the same date. It's impossible.

You cannot get anything you want on an exact date. Flexibility is the key word in wedding planning. My mother and I found this out fast. Everywhere we call we're told that someone else is penciled in for that time or date. Penciled in means that they haven't put down an official deposit. Then the caterers tell us that they'll call us back next week if the other party comes through. I'm very suspicious of the people penciled in at every hotel in San Diego and Newport Beach. I think it's a big joke played by two very bored people...

"Lisa, I have nothing to do Friday night. What say we call a few hotels and pencil in a few wedding dates, just to make a few brides miserable?"

"That's a terrific idea Amy! Why don't we pencil in a few bands as well?"

"Ha, Ha, Lisa! You kill me! Might as well call a few photographers while we're at it!"

If I get the ceremony and reception on the same date it'll be a miracle. A friend of mine recently suggested that I avoid all these problems and have the wedding on a yacht. She said that it was the most elegant wedding she had ever attended. I told my mother this idea. "What about when people start getting sea-sick?" She asked. "What happens when the vomiting starts? Oy vey. I can just see your grandparents on a boat. The Red Cross will be called. What, are you crazy! A Boat! A boat!" No boat.

But that's the least of my worries. I've still got the bridesmaids to deal with. When I was a bridesmaid at my brother's wedding, I vowed not to put my attendants through the same hell I went through. No hours of pictures and no space alien dresses. Well, sorry girls. I've joined the official make-em-wear-taffeta club. It's just too impossible finding a dress that looks decent on all of them. A couple girls are buxom beyond belief. Another is as skinny as a rail. Only one is "just right." It's just easier to throw them all in one big taffeta tent. Ha ha. I swear you can wear it again with a few minor alterations. Giggle, giggle.

Throughout this whole thing the groom has been silent. That was my brilliant idea. I figure the less he says the better. I just told him to show up in a tux. He's thrilled. He's seen how crazy my mother and I have be-

Please Turn To Page 7, column 4

MY SIDE OF THE STORY

Guess Who's Coming To Dinner? An Adventure
With The Big Guy

"All issues are political issues, and politics itself is a mass of lies, evasions, folly, hatred and schizophrenia."

- George Orwell

"Keep on eatin'."

- Memphis Minnie McCoy

BY S.P. JONES

As I write this, I sit in a cold prison infirmary bed, tattered, broken, and weary from my fray with the Navy Seals. The story of how I found myself in such a sad, lonely and yet often repeated predicament involves mystery and intrigue the likes of which even James Bond never dreamed. As you will recall, a certain foreign dignitary was in town recently, but as I do not desire any further trouble and am also opposed to name dropping in all forms, I will disguise his name and refer to this diplomat only as President Clill Binton. It was Friday, April 1 and my good friend T.J. (Thomas Jefferson) Krupupple and I had been drinking for pretty much two days straight when we wandered into a Roberto's to get a little sustenance.

Tired from our journey and wrought with hunger, we soon found ourselves looming over a pile of bean burritos. While eating the burritos and chasing them with Peach Schnapps, an uninvited but welcome guest entered the room: President Clill Binton. Of course, he too had a stack of Burritos.

Before he sat down, I heard a secret service agent caution him, "Sir, I do not believe that it would be wise of you to sit with these two gentlemen. There are plenty of other vacant spots."

"Nonsense, nonsense. I'm the people president, Pete. If I don't have time to eat Big Macs with the little people, then what do I have time for?" the President responded. Obviously tired from his long jog, he didn't even notice that he wasn't eating at a McDonald's.

Pres: Hello fellas, how are you?

S.P.: Well actually I can't get a job, and T.J. here, well T.J. has got a whole load of problems.

Pres: Yeah, well, we're working on that up in D.C. boys, you can count on me to help you out...and say, um, did you want those fries?

I didn't have any fries, for God's sake, we were in Roberto's. But I didn't want to make a fool out of the President, so I responded.

S.P.: No, go ahead Mr. President, eat all the damn fries you want! They're on me.

Pres: Well that's kind of you, Mr., uh, Mr.?

S.P.: Jones, sir, Shasta Penelope Jones. S.P. Jones for short.

Pres: Well thank you Mr. Jones. By the way that is quite a sharp looking...

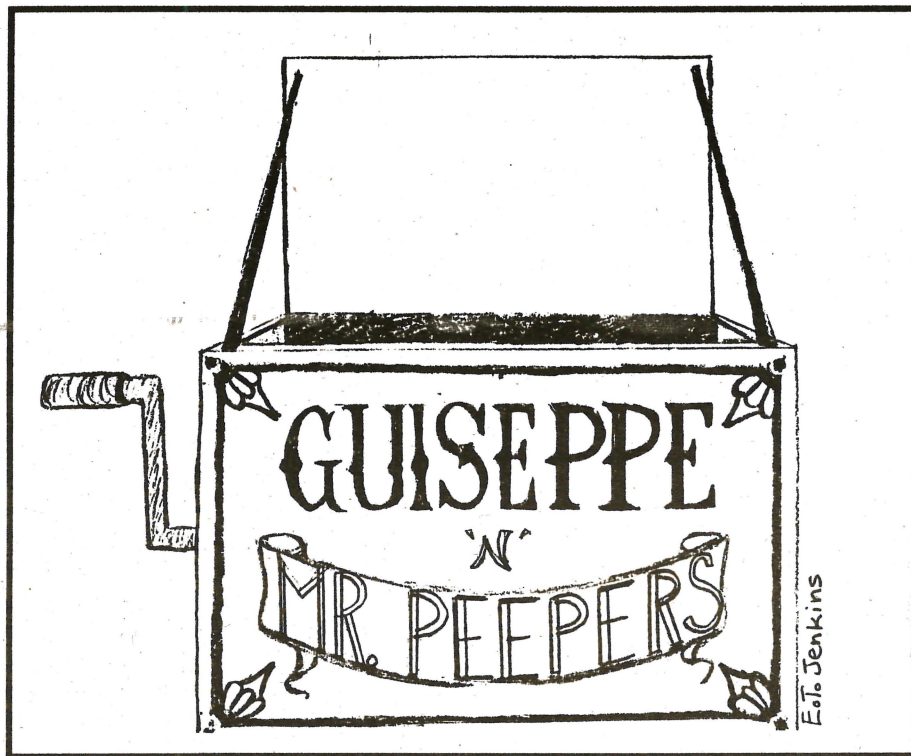
S.P.: All right, enough of the pleasantries, Mr. President. Lets get down to business, you see, I got this traffic ticket needs fixin' and I heard that you guys up in D.C. are crooked as my grandpa's back. Do you think you could take care of it for me?

If I had to hazard a guess, then I would say that it was around this point that the trouble began. T.J. couldn't sit still for too much longer, he had a little something to say. You see T.J., well, T.J. is a Perot man,

that up there?

Pres: For the last time, No! Now if you'll excuse me, I need to ...

T.J.: Health Plan, well hell any fool can tell ya it ain't gonna work. And



has been from the beginning, and will probably die that way. So it was under this pretense that he began to speak.

T.J.: See here Mr. President. Perot, now there's a great man.

Pres: What was that?

T.J.: I said, and don't make me repeat this again, Perot, now there's a great man!

Pres: Yes, well he certainly is a ...

S.P.: Say there Mr. President, I say, Mr. President? That Whitewater deal, I was thinking of taking a vacation there, what do you think?

T.J.: Not just a good man, a GREAT MAN! The wonders he would have done if it hadn't be for that ballot box stuffing.

Pres: What!?!?

T.J.: Oh yeah, don't act surprised, I know all about you. And let me tell you something Mr. Bigshot, you ain't gonna get away with it.

Pres: What are you talking about?

S.P.: Say, uh, back to that Whitewater thing, is there rafting there? See I was looking to do a little rafting this summer and well, it would be great if you had rafting.

Pres: Rafting? There is no rafting, its a ...

S.P.: No rafting, well how about, canoeing? Any canoeing?

Pres: No! No rafting, no canoeing you idiot, its a ...

T.J.: I know about your kind, Mister, I've been around your type all my adult life, and I'll tell ya, you're no damn good. What with all your hoity-toity plans for America. I'll tell you a thing or two ...

Pres: Listen, um, fellas, I need to get goin'. So I'll just get my burgers and...

S.P.: Maybe some speed boating, you got any speed boating? Man I love speed boating! Zoomin' up and down the water, Man I love it! You got any of

NAFTA, woo-woo, you really screwed us on that. Ya' see this bean burrito?

Pres: Actually, its a Big Mac.

T.J.: Yeah, well nobody asked you!!! Now listen up: this bean burrito here has got no BEANS! No beans at all. And what's to blame? NAFTA, NAFTA is to blame. That stinkin' plan of yours has caused me nothing but pain. My damn burrito has got no beans! No beans I tell ya! Now what are you gonna do about that? Hunh!?! Nothing! That's what!

As the president kept attempting to tell him he was really eating Big Macs, my drunkenness began to wear off and something became alarmingly clear. My god, Clill was right, we were in a McDonald's. But, T.J. was still in a stupor and if I have learned but one thing about T.J. in all my years of being his friend, it is this: don't contradict T.J. when he's in a stupor. Oh, and also, don't attempt to light him on fire while he's sleeping; you'll never get away with it.

Anyway, the more Clill said "Big Macs," the madder T.J. got, until T.J. couldn't take it anymore. NAFTA had driven him over the edge with rage. I could see it in T.J.'s eyes, they lit up with the ghost of Jim Bowie and it took less than a second for him to charge the counter. The blonde haired, blue eyed, high school student, in the brown and red polyester outfit, looked shocked as T.J. came leaping over the counter screaming "Remember the Alamo!" However, she managed to snap out of her daze just before T.J.'s feet hit the floor. She grabbed a metal, french fryer basket and brought it full circle right into T.J.'s eyes. He immediately dropped to his knees screaming in pain, and as quick as light-

Please Turn To Page 6, Column 3

THE CORNER OF COMPUTER SAVVY

Shootin' Bugs: A Guide to Ridding Your Life of Pesky Computer Problems

BY CHARLES BOULDIN

Trouble shooting and software bugs

Does your computer freak out on you when you are least expecting it? Where you nearing the end of typing your outline for Civil Procedure (Evidence, or Con. Law) when the system rebooted, causing you to lose all of thirty-five hours of typing?

This article addresses three concerns: preventative actions, hardware trouble shooting, circumventing software bugs. Avoiding or treating computer viri (viruses, if you like) and the like will be in the first fall issue of Motions. Norton Utilities is used as the example. This is neither a paid endorsement nor a technical review of Norton Utilities. If you have another brand of utilities, analogize the instructions to fit your facts and proceed.

Preventative actions

Enable your autosave function. WordPerfect and Microsoft Word users: enable your backup option and set the interval to 10 minutes. Set the backup directory to a subdirectory that you have previously created called BACKUP. I recommend that you enable original document backup unless you need to maintain control over versions.

Other wordprocessing software: if you have the option, set the timed backup at 10 minute intervals and designate the subdirectory in which the backups are to be stored.

Copy the critical file to a separate floppy disk. Have a separate floppy set aside for storing and secondary storage. This is in case of stupidity or disaster you will still have this fall-back copy.

Do copy your work regularly onto this diskette. The greater the importance and time critical nature of the document, the more often you should copy an update onto this second floppy.

Do label your diskette. Do not store or carry this secondary copy with your first copy. Keep the second copy in some place that you can get to, but is safe from a fire or beer/coke spill.

Do not leave any floppy or laptop in the sun.

Do not leave floppies near speakers, telephones, televisions, stereos, microwaves, and any other source of magnetic radiation.

Do ground yourself on a metal filing cabinet or faucet before handling a floppy, especially if the is a Santa Ana condition (very low humidity, westerly winds). Static electricity from your body is very effective at erasing data from your floppy.

Use a surge protector. You get what you pay for, and this will prevent corruption of your files.

Tape down all cords; someone tripping over the power cable is a poor way to turn off your computer.

At the end of each session, use the SAVE AS function and add a revision number to your file name. E.G., civpro1.out becomes civpro2.out for DOS/Windows users and ConLawSpring.1 becomes ConLawSpring.2 for Mac users. Delete the oldest version when you run out of room and keep rotating off the oldest version as you go.

Regarding saving as your battery dies. Do not attempt to save your document to the same file name as is your current file name

if your laptop battery is near exhaustion. You will most likely fatally corrupt your file; i.e., you won't be able to read the file, let alone recover any material off that file.

If this does accidentally happen to you, either try primal scream therapy, go spar with Joe Tyson, or take up bungy cord jumping. Afterwards, obtain a copy of Norton Utilities and use the undelete function. You can also use a hex editor. You ask: "What's a hex editor?" Come bribe me with lunch and I will explain.

Troubleshooting hardware problems

Regarding printer problems. Paper path problems. RTFM or pay money to someone. RTFM is loosely translated as Read The Friendly Manual.

Loose cables. Make sure that the cables are snugly plugged into their appropriate sockets. Mac users, did you plug it into the modem (the telephone picture) or the network port (one arrow pointing up, the other pointing down)? DOS/Windows users, did you plug it into your game port? Or is it in LPT2: instead of LPT1:?

DIP switches/Setup. Try the following steps before parting with your hard earned dollars:

On most dot matrix and ink jet printers, there are a row of little plastic toggle switches. These are usually found on the back, the side, or the inside. Check to see that each and every one of the toggle switches is either

completely up or down. Half way only causes problems.

Turn the power off, count slowly to thirty, and turn the power back on. Now try your printer.

If this did not solve your problem(s), grab your printer manual, flip to the index, and search for the term "dip switches." DIP stands for di-polar switch, if you were curious. RTFM. Look for the factory default and compare the diagram to your panel of dip switches. Be sure that you have the correct orientation of your diagram.

Turn the power off, count slowly to thirty, and turn the power back on. Now try your printer.

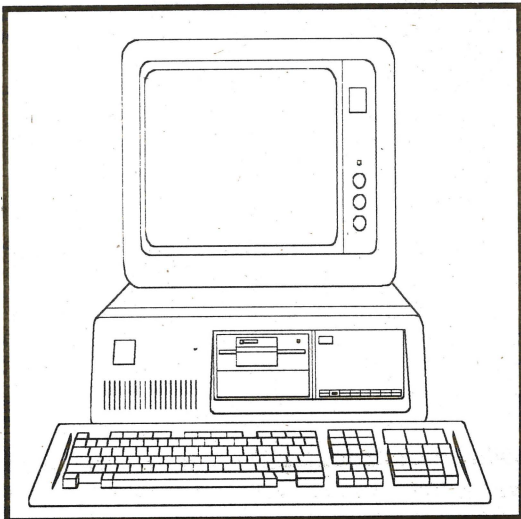
If this did not work, call technical support if it is available to you, otherwise get out your pocket book.

Battery life problems. Nickle Cadmium (NiCad) batteries are cheap and abundant. The problem is they do not hold a long charge, they take a while to charge, and they develop a "memory." This memory comes from recharging the battery before it is exhausted. As you may imagine, this can incrementally shorten the available life of the battery to zero. If you use NiCads, run them completely down each time you use them.

Warning, don't try to save if you are close to exhausting the batteries (see above).

Nickle Metal Hydride (NiMH) batteries were developed to address the problems experienced by NiCads. They cost more and take fewer recharges, though they surpass NiCads in everything else.

Disk fragmentation problems. If your system crashes, the power goes out while you are in a program (I said to tape down those cables) you have deleted lots of files over the last six months, or you do not exit Windows before turning off the power, fragmentation is inexorably consuming your hard drive. This has two effects: slower



May It Please The Court ... A 1L's Experience in the Room of Doom

BY APRIL SPITZER

May it please the court, my name is April Spitzer, counsel for appellant...

AAHH...the infamous opening that has been heard throughout Warren Hall these past few weeks. It was my personal honor to be the first 1L to actually say that momentous phrase this past March 25 at 5:30 pm. O.K., so it wasn't exactly an honor. I was a nervous wreck! I had this great fear that my judges would not ask any questions; that I would be stuck for 12 minutes (I reserved rebuttal time) making some sort of rambling speech. That did not happen--in fact, I did not even get through my introduction before the interrogation began...

By the time the first question came from the first of the three intimidating judges before me, I had calmed down and was prepared to answer anything (at least I thought so) they could possibly ask. Although I was fortunate to go twice in the practice rounds,

all that preparation in anticipating questions/answers seemed to fly out the window. The majority of the questions spewed out by the judges had not been asked of me prior to this encounter. I was lucky enough to get a few questions that were asked of me from practicing with a fellow classmate, but otherwise it was all brand new. (Kinda like getting called on in class very unexpectedly...)

Most interesting is that these questions reflect what each judge thinks is important in determining the outcome of the case, yet the questions vary considerably. (I would give you an example, but then I would have to lay out the facts of the case for you, yet I have happily forgotten them, I mean, enough is enough!) The judge's comments, although pretty consistent with those of my professor and oral specialist (who I want to thank for all their help, thanks), also were original. It is quite a revelation to hear the expanse of opinions, the negative & the positive.

Luckily, one criticism I received, such

as, "I talk to fast "(who me?), was of no surprise. Nervousness, on top of trying to shove all this information you think they must know into 12 or so minutes, on top of them interrupting you and asking you questions, definitely paves the way for my quickening pace. I must work on that... Other substantive criticisms were very innovative, and things I plan to remember for future moot court opportunities. (Thanks for the tips!)

One criticism I did receive did surprise me. Did you know that the judges are judging you while your opponent is speaking? I didn't know that. I was caught *slouching*, (another bad habit of mine) and almost lost points, but saved myself during rebuttal. Although I appeared to be quite disinterested in my opponent's interrogation, I was actually paying close attention. During rebuttal, I luckily mentioned a case

one of the judges had questioned my opponent about, showing my true interest in the evening's events.

All but approximately forty minutes from entering

the "room of doom," as I had previously named it prior to the infamous evening, it was all over. I breathed a sigh of relief as my opponent and I exited. We immediately began to criticize ourselves and only wished we could have said this, or this, or this...

Now, don't get me wrong, this is a reflective article, and one basically to remind you 2L's and 3L's what your contemporaries have been going through...and from my perspective, although a time-consuming, nerve-wracking project, definitely a memorable one!

It really was not that bad, in fact, I enjoyed myself and after it was finally over, after letting out a cheer of joy that Lawyering Skills I was finally over with, (and not to mention my partner and I were the first two to be done with the class) I thought to myself, "hey, I wouldn't mind doing that again!" the oral argument that is...

Guess Who's Coming...

(Continued From Page 5)

ning she brought the basket down on the back of his head. T.J. went limp and sprawled out on the floor. It was at that exact moment that a couple of Secret Service agents pushed me to the floor and held me there, while the others rushed the President out of the building. Looking back on it now, it is probably highly unlikely that, as he was leaving, the President ever extended an invitation to T.J. and I to see him later. But at the time, I thought he had invited us. It was under this mistaken belief that T.J. and I formulated our plan to meet the President later.

Seems as though the President was staying out on Coronado and rumor had it that there was going to be a little shindig at the Hotel Del for him later in the evening. Now, I am a generous soul and when credit is due I feel obliged to pay it, therefore I feel obliged to credit T.J. with the idea of costumes. T.J. pointed out the rather important fact, that when it came to costume parties, them foreign dignitaries was crazy for the idea. He felt that, in order to fit in, it would be necessary for us to dress in costumes, and since the Hotel Del was a turn-of-the-century hotel, no other costumes than an organ grinder and a monkey would be appropriate. We rented the costumes and set out for destiny, with T.J. at the wheel.

As we missed the entrance to the Hotel, I felt obliged to say something, "Um, listen, T.J., we're goin'

the wrong way, we missed the entrance, if you don't turn around we'll end up at the Navy Seals training center."

"Dammit Shasta, need I remind you of the last beating I gave you?...Yeah, well then shut up, 'cuz I know where the damn Hotel Del is."

Of course he had no idea of where he was going, but as I told you before, you never contradict T.J. when he's in a stupor, so I let him keep driving. Maybe we would be lucky enough and I would be wrong about the directions. Maybe by some stroke of luck we would find ourselves at the Hotel Del, yeah right, and maybe you would all be fortunate enough for this sordid tale to be finished. Well I got news for you pal, nobody, and I mean nobody is that lucky. We never made it to the Hotel Del, but of course at the time, with the help of a li'l liquor, we thought we had.

Now, I probably should have questioned T.J. when he said we needed to strip naked, rub ourselves down with butter and climb through the air ducts to the inside, but he had gotten us this far and I figured I owed it to him to stick with him a little longer. We threw the organ into the air duct and climbed in after it. We pushed ourselves through the duct work for what seemed like a million miles, until it finally emptied into a dark room. Both T.J. and I were giddy with the anticipation of seeing the President again and in the excitement we forgot to put on

Please Turn to Page 7, Column #

When Students Ask, Judges Answer: If You Don't Know The Law, Know The Judge - Final Instalment

BY BELINDA ETEZAD RACHMAN

This is the third and final part of an interview done by six first year students from C section with two judges over the course of one weekend. Melissa Kirschner, Rob Moore, Sophia Ray, Dave Stern, Randy French, myself with respective spouses and boyfriends spent the weekend outlining, telling funny stories, and quizzing my mom, Judge Barbara Johnson and an old family friend and colleague Judge Robert Roberson, both of the Los Angeles Superior Appellate Court (some unnamed female law students other than myself even went skiing).

Sophia Ray: I was interested in what you said about your client who looked like the "werewolf." Do you think that if a judge would have been the trier of fact as opposed to a jury in a case with a client who hadn't groomed himself, do you think there would have been a different verdict? You know a lot of judges, do you think they would come up with the same response?

Robbie: I know what you are saying, in other words would the person's image that they project to you have any influence on your decision? Maybe, if the person is portrayed as sleazy, and that's what the evidence establishes, then that type of dress is not going to be a plus for them. If the person looks like Joe College and they are trying to portray him in a certain way, if he testifies well and clean and so forth, you might wonder if they are really right about him.

Mom: Or at time of sentencing you might wonder if this person can be rehabilitated.

Robbie: So it could have an impression. I've had people come before me in trials and if you saw them in the street you would run just from their appearance, but that's not what made my decision. If they didn't prove their case then his looks are not going to have an influence. But where you need an edge, let's say there is a fine line there, appearance could have an effect. I'm not saying that is does, or it should, but it could very well.

Sophia: If you were a public defender would you be concerned if the trier of fact was a judge? Would you prep your client to be a certain way?

Robbie: Like Judge Johnson said what ever your particular life style is, there is a place for that, but you are not dealing with the majority of people on juries or judges who live a life style that would reflect certain things. They are more, for lack of a better term, the average citizen. The average citizen doesn't go for hip hop clothes and things of that nature. I think you have to give your client every benefit you can give them. I never hesitated in a trial to tell them, "What you look like is what the jury will perceive you as." And we litigated a lot in my office. Whether you like it or not don't let them give a negative appearance. That was my own personal belief and I was successful, so I think that it probably had some meaning.

Belinda: Were there times when you just

had to bite the bullet and take a case you knew the guy was guilty and you didn't want to have anything to do with it but thought the guy deserves a defense?

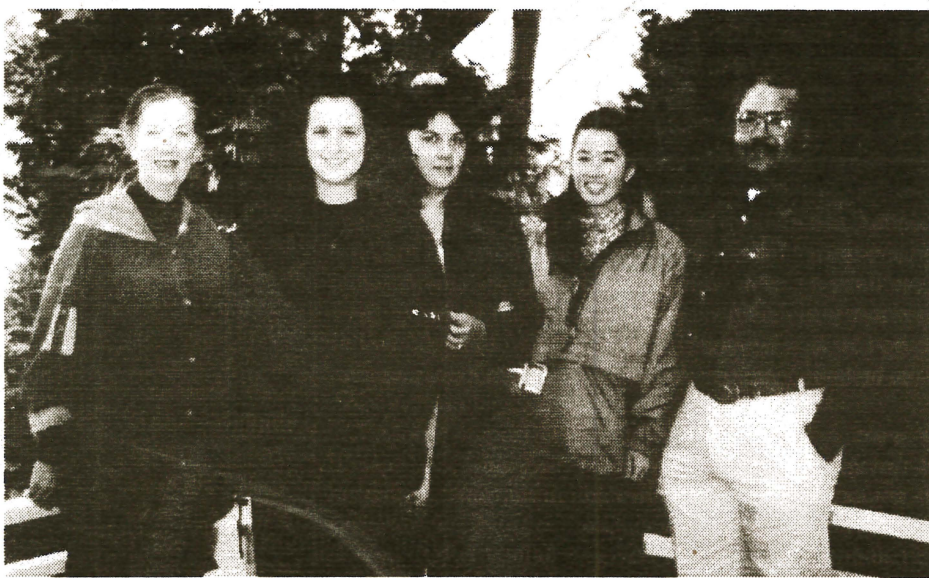
Robbie: Sure, all the time. If you are going to practice in the area of criminal law you have got to be ready to represent people who committed crimes as well as not. If you only represented the innocent, a huge percentage of people would not be represented. Belinda: How do you deal with the cognitive dissonance of trying to get someone off when you know they probably did it?

Robbie: When they say that justice was done, they mean in the legal sense. It might shock some people but it means in the legal sense not necessarily in the moral sense. But that doesn't mean that you lower yourself to do something unethical it simply means you work within the system. That's what search and seizure is all about. A person could be as guilty as sin but if there is a

don't know how to do that, but I think there are many lawyers who are skilled at that but they have limited the right of voir dire much more than I think it should be limited.

Belinda: What do you think of having more mandatory minimum sentences? Because people are screaming about criminals having all the rights, getting in and out of jail so quickly, not serving all their time.

Robbie: I don't know anything about federal law, but at the state court level they have sentencing that is a range of low term, mid term and high term. Judges can sentence you to anyone of those depending on if they can justify it. Like to give the high term, you would have to give some reasons for doing it. For the mid term not as much, but for the low term you would have to give some reasons why you are giving it. It is not actually the terms that aren't high enough but people are being released after serving only part of whatever term you give them.



Mom, Melissa, Belinda, Sophia and Robbie up and around while the boys slept

violation against self incrimination or unreasonable search and seizure you use that defense. It is done all the time. If your client is guilty and doesn't testify you argue to all of the points that are presented that point to his innocence. Where they have failed to prove their case, you point out the weaknesses. That's the way the system works. Belinda: What area of judicial reform do you think lawyers could take on that would really make a difference? It seems like there are so many areas that don't work and there are some things you can do something about and some you can't.

Robbie: Well I've seen some of the reforms that I don't agree with. Like I personally don't like the idea of taking away voir dire from lawyers or limiting them to a great extent. I don't think all judges have the background that allows them to question a juror in such a way as to bring out who will be fair or not. If you ask the average person if you think you can be fair or impartial, what do you think they will say, "No I can't?" Most of them will say, "Yes, I can." Unless they want to get off the case, then they will say no, but you have to follow through with other questions. Many judges

They don't serve the full time unless it is life without the possibility of parole, or something of that nature. Now people scream about individuals being let out of jails too soon, but they don't want prisons in their communities. A while ago they did a survey that if California was a country and you took Russia, South Africa and California, we would lead with the number of people we have in prison. Now that might shock a lot of people. A lot of people are sent to prison, but I don't think that means they make them better citizens. They get a lot of training that will improve their skills for what they went to prison and will help them to continue when they get out.

Sophia: Is there anything we can do about that?

Robbie: You can push your legislature to make the reforms because it is not the courts. We are bound by the law that we are given. I remember a case when I was sitting in criminal where a woman had murdered her employer. The prosecution took a plea to manslaughter. Apparently they didn't feel they could prove their case so they took manslaughter and I sentenced her to the maximum sentence I could. I frankly thought

the woman had killed the man without any manslaughter aspect but it wasn't up to me not to take the plea when they felt they couldn't prove it. So I sentenced her to the maximum level and then got letters from people blaming me for not giving her more time. I think that the public needs to be better educated as to what the law is and how judges are bound by that. We can't go outside of that. If they want to change it then they better see their legislators. The press to a great extent plays up things that are not in the real world and if the law were explained to people and they understood more we wouldn't have so many problems. Rob: You mean people thinking criminals are just getting off on technicalities? Robbie: Yes, that's right. You know the irony of that, those same people who complain about that, you let them or theirs get caught up in the legal system and see how fast they scream about their right of not incriminating themselves or their right against someone coming into their house to search. Frankly, I like the jury system and the system as it exists. It concerns me to a great extent when I see it being eroded, constantly by people who feel they are doing good, when I think they are really harming things.

Sophia: How does one become a judge?

Mom: In California? They are appointed by the governor. In our present system, to be a municipal court judge you must first have practiced 5 years as an attorney. For Superior Court you must have practiced for 10 years as an attorney. When I say one must be appointed by the governor, that is the usual way people are selected. In our system the governor sends names to the state bar and they have to find you to be qualified or the governor won't appoint you. You can run at election time against a sitting judge or if someone has retired and there is an open seat. A few people do become judges in that way, but by far most people become judges by gubernatorial appointment as Robbie and I did. Robbie was President of the Langston Law Club and was very active in bar association activities and I was President of the Los Angeles Association of Woman Lawyers and California Women Lawyers. Probably your bar activities bring you to the attention of the governor's office and naturally the political system is a source of lawyers, perhaps important lawyers, or politicians, or supporters of politicians in a community will say, "Joe Blow is a terrific lawyer, why don't you consider him." There are different ways your name can come to the attention of the governor but the governor then refers the names, if he could potentially be interested, and the state bar will do an evaluation where the person will either be qualified, well qualified, or exceptionally well qualified.

Sophia: In other states it's varied?

Mom: In some places it's by election only.

Belinda: Is that all? Are there any more questions? Seeing none, we would like to thank you for giving us this opportunity to grill you. Chorus of thanks from the whole gang.

Guess Who's Coming...

(Continued From Page 6)

the rest of our costumes. There we were with only a small part of our outfits on: I had on a fake mustachio, a hat, and I was holding the organ; and T.J., sadly, was clad only in a fez and a collar with a leash attached to it. We entered the room and began our search for the President.

"Mr. President? Its those two guys from this afternoon, Mr. President," I said into the darkness. No response came.

"Mr. President! C'mon Mr. President, where are you?" I asked. No response, but I did hear some commotion in the room. The President was in here, but he wasn't responding.

"Mr. President, we greased up and

slipped in here just for you, the least you could do is show yourself!" And with that the lights in the room went on. Good lord, we were in the Navy Seals barracks and what was worse: we were surrounded.

Now I consider myself a skilled fighter and a formidable opponent, but I have never won one contest against the Navy Seals. As events turned out, I found that this time would be no different. Their attack would be swift and sure, and so the most I could hope for would be to beat my last time by staying conscious for more than two seconds. Needless to say, I didn't. The last thing I remember before I woke up naked in the back of the police car was T.J. yelling, "Alright, you sumsabiches, come 'n' git a piece of this."

True Romance

(Continued From Page 5)

come. He's watched two fairly sane women become two frazzled and nervous wrecks. I haven't stopped eating since the engagement. I'm rarely without food stuffed in my mouth. We've all heard the stories about brides losing tons of weight before the wedding. I don't know who they are because at the rate I'm going, the wedding will have to be held at my bedside. I'll be like the ten thousand pound man who has his wife bring him sheet cakes for dessert every night. I'm just waiting for this loss of appetite thing to happen.

The only thing the groom asks is that we have his favorite little wrapped kosher hot dogs. Sure, sure, we can have those, I humor

him. Last week, however he actually saw the menu and the classy hot dogs weren't an option. "Where are my weenies?" He asked. "That's them, there," I pointed to the crudites. "That's french for tres fancy little weenies." "It is not," he said. "Those are vegetables or something." "No, no really," I said trying to convince him. "Lots of people make that mistake. It's quite common. You're thinking of that other thing, the what ever its called." I don't think he bought it.

But all in all, I have high hopes for this shindig to work out. Somehow the whole thing will come together and I'll forget all about the hassle I went through. We'll look through our wedding album and tell our kids how beautiful our wedding was and how mommy proposed to daddy after only knowing him four and a half months. But that's another story.

Take The Worry Out Of Studying With

FLEMING'S

Fundamentals of Law

• STUDY CHECKLIST •

- ✓ **Two Day Legal Examination Writing Workshop**
 - Milpitas/San Jose – February 19/20, 1994 (Live Presentation)
 - San Diego – February 26/27, 1994 (Live Presentation)
 - 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 At 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
- ✓ **Summer Final Reviews**
 - Orange County – Fullerton – July 9, 10, 15, 1994
- ✓ **Professional Responsibility Review**
 - Orange County – Fullerton – July 17, 1994



FLEMING'S PROVIDES

- Carefully Developed Legal Outlines For All Bar Subjects (*updated 4 times per year*)
- In-Depth Substantive Law Lectures
- Memory Retention Devices For Effective Learning (Approaches And Checklists)
- Extensive Essay Analysis And Writing Training
- Live Lecture Format (*All Courses Available on Audio Cassette Tape by Mail Order*)
- Personal Attention And Service
- Audio Cassette Personal Critiques For All Assigned Essay/Performance Exams
- Fully Integrated Bar Review For One Price, Long Term Bar Candidates Can Attend Short Term Lectures At No Extra Cost
- Consistency In Programming And Training
- Telephone Consultation With Staff Lawyers

PUBLICATIONS AVAILABLE THROUGH FLEMING'S/LAW DISTRIBUTORS:

- The Performance Examination Writing Manual With Audio Cassette
- First Year Essay Examination Writing Workbook (Torts/Contracts/Crimes)
- Second Year Essay Examination Writing Workbook (Evidence/Real Property/Civil Procedure)
- Third Year Essay Examination Writing Workbook (Constitutional Law/Criminal Procedure/Corporations)
- Fleming's Multistate Examination Questions and Answers

For information regarding the seminars or registration procedures, please write or call:

FLEMING'S FUNDAMENTALS OF LAW

21661 Criptana • Mission Viejo, CA 92692 • (714) 770-7030 • Fax (714) 454-8556
California Toll Free Number 1 (800) LAW EXAM

Learn to Write ... The Right Way

Live Reviews & Personal Attention

SPORTS BEAT

Baseball 1994: National League Spring Training Preview

BY ERIC SIEGLER

Well, the season has started with an offensive bang. There are already 235 homeruns. That is 20 more than any year since 1953. The Braves have seen their rotation get stronger as Kent Mercker pitched a no-hitter but beyond that, the pitching has been very thin. Once again, the Padres look to remain in the cellar. Off to a hot start are Deion Sanders, Andujar Cedeno and Ellis Burks while Phil Plantier and Barry Larkin are stone cold. The key to the National League this year will be the excellent rookie crop. The names to watch are the Astros' Jim Mouton, The Braves' Ryan Klesko, Javier Lopez, and Tony Tarasco, the Marlins' Dave Weathers, and the Cubs' Steve Trachsel and Karl Rhodes. So grab a hot dog, get you cracker jacks and popcorn and enjoy America's favorite pastime.

National League Eastern Division

The National League saw the Phillies battle the Braves last season in the playoffs. That won't happen this year because baseball owners finally realized that Atlanta belongs in the East. With the best pitching staff in baseball, the Braves front four starters won 75 games and posted a 3.14 ERA. Maddux is a true Cy Young pitcher and Glavine is unhittable until September. Avery is heir to the Cy Young dynasty and Smoltz seems to always be one pitch away from challenging as well. The Braves replaced catcher Greg Olson with closer Gregg Olson (no relation) If he can't

do the job, Greg McMichael will. He stepped up when Stanton faltered last year saving his first 15 opportunities. Once Fred McGriff was acquired, the team went 51-17 to overtake the Giants. McGriff hit .310 with 19 HRs for the Braves as for the sixth straight year he hit more than 30 HRs (.291, 37). Deion Sanders has Centerfield all to himself and should shine. Justice owns Right Field with 40 HRs and 120 RBI. If any other team released a 30 HR 30 SB player like Ron Gant, they would drop in their competitiveness. Not the Braves who have Ryan Klesko and Tony Tarasco battling for Left. Pendleton is declining but is still solid and Blauser and Lemke round out a solid lineup. Javier Lopez could do this year what Mike Piazza did last year.

Montreal showed it is committed to winning by resigning the best outfield in baseball. Marquis Grissom is the best CF in the game hitting 19 HR and stealing 53 bases. Larry Walker "struggled" to 22 HRs and 29 steals. Alou in left added 18 HRs of his own but will be challenged by Rookie Rondell White. The infield is young with 22 year old shortstop Wil Cordero looking to shine along with 21 year old rookie Cliff Floyd at first. Mike Lansing will be solid replacing Deshields and at 28, Sean Berry has the every day job. The Expos led the league in steals with an 80% success rate. Pitching always starts as a question mark but someone always steps up. With D. Martinez gone, Jeff Fassero and Ken Hill will be the aces. Kirk Reuter was the surprise last year going 8-0 with a 2.73 ERA. Pedro Martinez will get the opportunity the Dodgers couldn't give him. With Wetteland and Rojas, no team had more saves. Unfortunately, the setup men are weak.

Philadelphia made it to the last inning of the world series before the fateful home run pitch. You'd think they'd be favorites to win again but not so. That pitch led to the trade of Mitch Williams to the Astros and

to Terry Mulholland getting on a train to New York for prospects. Curt Schilling was brilliant in the end of the season but is not a team player and can't keep his mouth shut. Tommy Green looked good but can't stay healthy. Danny Jackson and Ben Rivera are good as 3 and 4 but they can't match Atlanta's talent. The hitters had career years as the "unwanted." Incaviglia, Eisenreich, and Duncan will slump in 94 as will Kevin Stocker as he takes over shortstop. Dykstra posts catalyst numbers and in Philly is away from much media pressure. He quietly has matured into a great hitter. With Kruk out until June for cancer treatment (ouch), Rickey Jordan is a less than adequate replacement. Daulton put up most of his power before the all-star break but still put up big numbers. Dave Hollins needs to have a big year and Doug Jones must recover his pitches if the Phillies will challenge.

Florida had the worst offense in baseball and the other expansion team the worst pitching. Too bad we can't combine them but the Marlins will not have a much better offense this year. Santiago still deteriorates each year and there is no one to replace him. Sheffield moves to the outfield and should be big out there but Magadan, Kurt Abbott, and Brett Barberie combined for 13 homers last year. Abbott has minor league power and could help. The big factor will be

Destade. he struggled at first but hit 13 of his 20 HRs in the last half of the season. The outfield got a stellar performance out of Conine and Carr

but never found a third outfielder. They are waiting patiently for Nigel Wilson to develop and Sheffield will fill the gap. Pitching is bad when a 46 year old is your best pitcher but Hammond, Bowen and Rapp showed promise. Bryan Harvey proved the Angels wrong by posting such strong numbers that prospect Trevor Hoffman was traded.

Mets Last place baby, I love this job. The Mets put together probably the worst all around season in baseball. Intermixed in controversy was the 27 consecutive losses by Anthony Young. Bobby Bonilla hit most of his 34 Home Runs after they were out of the race but don't blame him. The team hit .248 with a league worst on base percentage of .305. Only Jeff Kent looked good in the infield and the Mets will enter 94 with rookies at SS, CF, RF and first base unless Glenn Davis returns to form. Jeremy Burnitz looks good in the outfield but the Mets still don't know who will play 3B. Pitching is Gooden and Saberhagen. The Mets hope Pete Smith is in 92 form instead of 93 form and will let him battle with Pete Schourek, Erik Hillman and Frank Seminera for the rest of the spots. Franco is near the end of his career saving only 51 % and may be replaced by Young, Maddux or anyone who steps up.

National League West

By moving to the NL Central, the Astros look to win a division for the first time since 1986. Ken Caminiti (31) is the old man of an infield that has Bagwell, Biggio, and Cedeno under 28. The four combined for 65 HRs, 283 RBI and 45 steals. Only Caminiti hit less than .280. With Gonzalez earning his left field spot (.300, 15 HRs, 19 SB) look for him to be a 20 20 man at the magic age of 26. Finley and Bass will battle 25 year old Jim Mouton and swingman

Please Turn to Page 12, Column 1

Ingenious Housing For Serious Students.

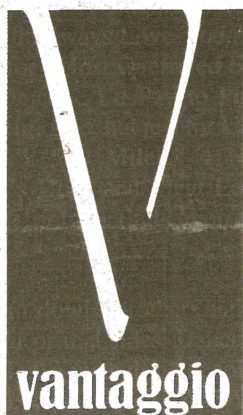
Vantaggio! It's a breakthrough in student housing. Vantaggio is a unique, modern, self-contained community — designed for serious students, like you. We've included everything ... so you can focus on school. Vantaggio amenities include:

- ✎ Fully furnished studio, 1-bedroom, and 2-bedroom suites with kitchenettes
- ✎ Computer facility with P.C.'s, printers and modems linked up with your school's libraries
- ✎ Espresso Bar with baked goods and indoor and outdoor seating
- ✎ Private and group study lounges
- ✎ Convenience store with school supplies and personal care items
- ✎ Fully-equipped shared kitchens and group dining areas
- ✎ Optional meal plan with a variety of downtown restaurants
- ✎ Optional maid and linen service
- ✎ Monitored building access
- ✎ Reserved underground parking

Model Suites Open for viewing, March 15, 1994
Call 1-800-635-3939 for more information

Vantaggio is centrally-located — near San Diego's newly renovated Gaslamp District. And it's very affordable. Choose a studio, one bedroom, or two-bedroom suite. Model suites open for viewing on March 15th.

There's no question ... Vantaggio is an ingenious, student living environment. For more information ... or to reserve your suite, call 1-800-635-3939, today.



MOTIONS.

OPINION

The University of San Diego School of Law

Out With the Old, In With The New -- 1994-95 Staff Takes Over

This is the final issue of Motions to be produced under the supervision of the 1993-1994 Motions editorial team, a cause, no doubt, for much delight in certain quarters. Although last year saw the paper go through many changes, including an abortive change of name, for the most part though, those changes were for the better. For two years, the quality of the paper has consistently increased from issue to issue, a trend that we are sure will continue in the future. The editorial board of the paper wishes to give their sincerest thanks to all of those who made the continuing publication of the paper possible: the editors & directors, staff editors and most importantly the writers, without whom the whole paper would have been a pointless exercise. We would especially like to thank Robert Sweeney, Belinda Rachman, Liz Friedland, Ernest Bell, Kevin Kemper and Laleque Grad who win our coveted "I put an article in every issue award."

The only way to keep this paper viable is for people to get involved with it. If you feel compelled to write, just do it. If you just feel like imposing your opinions on others, go ahead, we welcome it. A student newspaper is supposed to serve as a forum for the exchange of information, entertainment and insight for the school community, but only you can make it so.

This issue of the paper was edited by the incoming staff with only supervisory guidance by the outgoing board. For a complete, if tentative, listing of next years editorial staff and editorial board, please see the box below. If you recognize anybody you know there, don't be shy, offer them your assistance. We leave knowing that we have, at the very least, catapulted Motions into the forefront of the consciousness of the students faculty and staff of the Law School. And that, after all, is what a student newspaper is all about.

MOTIONS 1994-1995

Editorial Staff

Jim Kuperstein
Editor

Eric Siegler
Publications Director

Belinda Rachman
Features Editor

Laleque Grad
Executive Editor

Ernest Bell
Business Director

Editorial Board

Belinda Rachman, Chairman
Larissa Kehoe, Vice Chairman

Jim Kuperstein
Ernest Bell
Charles Bouldin

All Positions Tentative

Helpful Hints for the Hopeless From Ms. Motions

Dear Ms. Motions,

I am a second-year woman who has just met a gorgeous attorney who graduated from USD a few years ago. Coincidentally, he had many of my professors. He's offered to give me some outlines, tapes, and even some personal tutoring at his house. Should I be skeptical or am I being overly paranoid.

Confused in Con Law

Dear Confused,

While I of all people am never one to question the usefulness of someone else's outline, I would be wary. Meet him in a public place for lunch to insure he is all right. Then, milk him for all he is worth: outlines, tutoring, tapes and all. Be aware, however that his explanation of 4th Amendment principals should not include personal demonstrations of his interpretation of search and seizure law.

Dear Ms. Motions,

Hi, I am a second year law student with a summer clerkship at a New York City law firm. Being born and raised in Southern California, I'm afraid I may be a fish out of water. What do you suggest?

Fishing for a Clue

Dear Fishing,

Contrary to popular belief, bitchiness is an acquired skill. For your assistance, I've listed some typical New York encounters and model responses.

Situation: Someone says "Hello"
Response: "Where's my Wallet"
S: "Where is Central Park?"
R: "What do I look like? a \$#@%\$ tour guide?"
S: "Do you have the time?"
R: "Yeah, up yours buddy"
S: A blond woman bumps into you.
R: "Is that Clairol # 33 or Crayola Amarillo?"
S: Fellow employee doesn't get your point
R: "Hello McFly"

COGITO ERGO INIBRIO

I Think, Therefore I Drink: An Essay in Defense of Getting Trashed

BY KEVIN KEMPER

Next month an event will occur which is of particular interest to many of us, like myself, who are finishing out our studies at this fine institution. I speak of course about graduation, and because graduation is a festive occasion, many of us, like myself, can expect to be in a persistent state of insobriety from the time our last final is done to the first morning of Bar Review. I've been above the legal drinking age for a number of years now (I'm 27), and as graduation looms ever closer on the horizon, I thought it time to give a little more consideration to alcohol and (for a start) my own relation to it. I've thought not only about why I drink, but about why others do or don't, and about why alcohol is increasingly reviled these days.

I've come to several conclusions: I think, first of all, that a lot of people that drink, and genuinely enjoy drinking, sometimes drink too much (because they genuinely enjoy drinking), but when they do, it's usually not that big of a deal. They usually don't cause anybody any problems, and they probably do no more than minor damage to themselves (a hangover is an ugly beast, but it is temporary; and, up to a point, the liver has a remarkable capacity for self-regeneration). In fact, I remember reading, a few years ago, that the Japanese have now marketed a curative potion for hangovers which they've named, in their own inimitable way, "Go For It, Mr. Liver!" Possibly the best thing to come around since the twist-off cap!

Those who claim that alcohol is the most popular drug are undoubtedly correct, but it is equally correct that it is the most popular scapegoat for society's problems. To the extent that it is possible to measure such things, alcohol probably brings as much pleasure to people as it causes pain. There is no shortage of people willing to speak out against the pain - I think it's about time someone speaks up for the pleasure.

I like to drink, which is no secret to anyone who knows me.

However, let's be clear about a few things: I don't live in a constant state of intoxication. I don't get drunk every night. I don't get drunk on purpose. I mean, I know that alcohol will inebriate me if I drink a certain amount of it and, in fact I appreciate that quality in it - but I don't sit down with a bottle of Sauza Commemorativo and say "Boy, am I gonna get shitfaced tonight!"

And when I talk about getting drunk, I don't mean falling down/throwing up/screaming-and-flailing-or-sniffing-and-sobbing/out-of-control drunk. I mean drinking to the point where alcohol begins to manifest itself noticeably - my muscles relaxed, my capillaries dilated, my brain

on cruise control - with pleasurable effect.

Drinking is not an obsession with me. It is far from the defining activity of my life. I don't wake up in the morning contemplating the alcoholic beverages I will consume that day. Drinking is just something I do, one activity out of the many. Sometimes when I come home after a long day I'll have a beer, and sometimes I'll have nothing at all. I drink less than I did when I was in college, but only out of common sense. My body is less resilient than it used to be, and since I drink for pleasure, I try to avoid drinking to the point of displeasure.

Why then, do I drink? I drink because I like the taste of alcohol, especially in the forms I choose to encounter it, which are imported beer, wine, and the

cohol is increasingly unacceptable anywhere, anytime, under any circumstances. Drinking is bad, period. End of story.

Anti-alcohol activists will tell you that it's about time that alcohol fell into disrepute. By some estimates, alcohol is involved in at least half of all fatal traffic accidents, homicides, and arrests of any kind. They will also tell you that alcohol leads to suicide, broken homes, addiction to drugs, and many other incalculable and indescribable woes of every sort. It is possible, to some extent, to defend alcohol from these charges. For instance, where it shown that the tragic character flaws blamed on drinking are always caused by drinking, rather than vice-versa. And why, for that matter, do we lavish opprobrium on those people irresponsible enough to



Shotgun!

occasional margarita or martini. I drink because I like the social environment in which alcohol is served - the restaurants, bars, and parties with good friends. And, frankly, I drink because I like the way alcohol makes me feel - the feeling of being almost, but not quite, in control. Alcohol has been around a long time. This is obvious just from the number of words in the dictionary synonymous with "drunk." You know most of them. Indeed, the term "ethyl" alcohol, which is the sort you drink, comes from the Greek

drive drunk and not on those who drive under the influence of prescription drugs, or the ones who fall asleep behind the wheel from fatigue, or the ones temporarily riven by deep sorrow or rage?

There is, of course, a more basic response. Alcohol is innocent. It has no soul. It is a morally neutral substance, a mere arrangement of molecules (CH₃CH₂, for those of you to whom such things matter). It is no more inherently good or evil than water (which both hydrates and drowns) or sunlight (progenitor of photosynthesis and melanoma). Alcohol does not "cause" automobile accidents or child neglect or rape or murder. We do, by misusing it.

Much of the problems associated with alcohol stem from drinking out of context. You know all about context if you've ever gone sober to a party where everyone else is trashed. It is not a beautiful thing. But that's just you. You're out of place, just as you would be if you staggered red-faced and glassy-eyed into your Tax class. Some times and places are appropriate for drinking, if you want them to be, and others are not, not even if you want them to be.

To the extent that it is possible to measure such things, alcohol probably brings as much pleasure to people as it causes pain. There is no shortage of people willing to speak out against the pain - I think it's about time someone speaks up for the pleasure.

"aitherios" meaning "high in the air." And if alcohol is ancient, it is also ubiquitous. Institutionalized partying is a tradition common to many cultures, and just as days are set aside for abstinence, so other days are set aside for consumption. But the notion that there is a proper context for drinking, and for getting drunk, is rapidly disappearing in this country. The consumption of al-

Letters To The Editor

An Open Letter to President Clinton:

Historical Facts

In 1803, the United States purchased a huge tract of land from France commonly known as the Louisiana Purchase. For \$15 million, the U.S. doubled in size increasing its boundaries from the Mississippi River west to the Rockies and from the Gulf of Mexico north to British North America (831,321 square miles). In 1803, the President of the United States was Thomas Jefferson, a Democrat.

In 1848-49, the U.S.-Mexico war ended and Mexico ceded to the United States land consisting of California, Arizona, New Mexico, Utah, Nevada, and parts of Texas (530,706 square miles). In 1848-49, the President of the United States was James Polk, a Democrat.

In 1867, the United States purchased the Alaskan territory from Russia for \$7,200,000 (591,004 square miles). In 1867, the President of the United States was Andrew Johnson, a Democrat.

History has proven that each of these land acquisitions brought unparalleled opportunity to workers in the United States. History has a way of repeating itself.

Issue Proposition

I propose that the United States once again make a land acquisition by purchasing property from the Mexican government.

If agreeable to Mexico, the U.S. government should purchase from the Mexican government all the *vacant land* stretching from the U.S.-Mexico border on the north to the Tropic of Cancer boundary line on the south including the Baja Peninsula (hereafter "Subject Property") (approximately 275,000 square miles or 176,000,000 acres). The property purchased would only be vacant, undeveloped property presently owned by the Mexican government. Property located in population centers like Tijuana, Monterey, etc. would not be included in the land purchase.

The Subject Property would remain under Mexican jurisdiction and dominion. The property would not be annexed to the United States as a territory nor as a colony. However, the U.S. government would hold *fee simple title* on the Subject Property, would be able to extract minerals from the property, and would be able to develop the property.

Proposed Benefits

From a real estate perspective, this purchase would provide the greatest land development boom of the 20th century. Run the numbers.

Developers and construction workers from all over the country would be able to find employment erecting industrial buildings, office buildings, hotels, condominiums, and houses as the billions upon billions of dollars flow into this area of Mexico. If the President's team of economic advisors were to run the numbers on this proposition, I'll bet the land boom would push the nationwide unemployment figures downward to under 5%. In other words, the economy would be in full employment.

From an energy perspective, oil com-

panies could drill for oil, provide jobs for the depressed oil industry, and help pay for the infrastructure of developing the Subject Property. In case you don't remember your American history, Mexico nationalized all of the American-owned oil wells. Any oil executive would admit there is plenty of oil in Mexico - maybe even more oil than in the Alaskan oil fields. Unlike the Alaskan oil that must be tankered long distances to market, the oil could be brought to market much more efficiently. Wouldn't it be nice to pay \$.75 for a gallon of gas like in the late 1970's?

From an international perspective, Mexico's citizens would also gain because the investment in this area would be immediate rather than the projected 5-10 years time frame under NAFTA. Pension funds, insurance companies, foreign and domestic corporations, and banks would be more willing to invest in Mexico if they knew that the infrastructure would be built to U.S. standards. Why shouldn't American citizens be able to follow the Fortune 500 companies down into Mexico and be the beneficiaries of their multi-billion dollar investments?

From a legal perspective, law school graduates would have a place to start their careers. Presently, the San Diego job market is an example of what happens when new development leaves town. To find examples in this country of how investments create a booming economy take a look at Las Vegas, Nevada or Phoenix, Arizona. If the Subject Property were purchased, San Diego would be poised to benefit from all the new and diverse legal transactions which accompany a gigantic land boom.

From a retirement perspective, retirees would have a cheap place to retire in the sun. Mexico has the largest coastline of any country in the world and would be perfect for huge retirement communities.

From the youth of tomorrow's perspective, young adults would have hope for a new future. They could achieve their dreams. Imagine being a young person when the Oklahoma land rush took place in 1889. Imagine buying a piece of property in Los Angeles in the early 1970s and watching your property appreciate over 1000% in 20 years. Today these dreams are not possible. The land in Southern California is overpriced and out of reach for young people. With no place to grow and set up roots, young people have to leave their families and travel to far-away cities where land is cheap and opportunity is plenty.

In real estate development timing is everything. The time is right for another U.S. land acquisition - one that will create jobs and opportunities now when it is needed the most.

In 1994, assuming the government of Mexico agrees, the United States could purchase another big piece of property. In 1994, the President of the United States is Bill Clinton, a Democrat.

SIGNED,

BABY BOOMERS OF '95

Nope!

We thought that the current students of the University of San Diego School of Law might find the following poem to be both amusing and informative:

I went to see the Dean because the classes I wanted were not offered, her secretary said she wasn't in.

I went to see the Dean because I had a conflict with a professor, her secretary said she wasn't in.

I went to see the Dean because I had some ideas about improving our school's ranking in the polls, her secretary said she wasn't in.

I went to see the Dean because the rest of the administration was giving me the runaround, her secretary said she wasn't in.

I went to see the Dean because I wanted answers --about everything, her secretary said she wasn't in.

I went to see the Dean just to see if she existed, her secretary said she wasn't in.

The Dean just called my office to ask for a donation, my secretary said I was not in.

N.O.P.E.

(NOT ONE PENNY EVER)

Belinda Etezad Rachman Says



*Life is a lot like Lotto.
You gotta be in it to win it!*

BY BELINDA ETEZAD RACHMAN

Since this is my last column until next fall I want to get in everything on my mind that can't wait. The first thing I wanted to say was how surprised I was by the lack of participation in the recent tee shirt design contest that Phi Delta Phi held, especially considering the 1st place prize was a multi state bar review course on computer disk. Only two entrants had been submitted when I heard about it. One of which was the brilliant brain child of Judy Carbone, "Hire Me Now Or Face Me Later." There is nothing as satisfying as a veiled threat (Judy wound up getting 2nd place and it was so good they made shirts of that one too, \$10, get them while they are still around).

Ever the USD Law School booster I went home and whipped up five entrants. I knew that one of the naked woman sitting on the satyre's face which read University of San Diego School of Law Legal Dominants (as opposed to subservants), with a banner blocking out most of the chest area that read "We Always Beat The Opposition" would probably be too much for any club to stand behind (but I wish fellow members of GALLSA or the Women's Law Caucus had the nerve to make these up because I think we could sell a lot). But three of the five were accepted and my three plus the other two entrants were displayed and voted on by the general public a few weeks ago. One of mine won first place. It says, "If you study, it will come." with '50s style pictures of a nice house, big car, guy getting paid, etc. For a few minutes work I won a valuable prize.

With so few people entering the contest the three of us all had a good chance of winning. We saw the opportunity and went for it. So you are saying, "I didn't know anything about it." Well they had signs on the wall by our file folders and I saw it. You've got to look around and see what's up. Read Motions to see what is happening at school. There are so many people that tell me things like, "I didn't hear about the law school talent show." I always respond, "You must not be read-

ing my column because I just wrote about it." Or, "Someone just wrote about it and it was in the last issue of Motions." Part of being a successful person is taking advantage of the opportunities around you, and you will not know what is around you unless you look.

More opportunities for involvement came my way. There were three empty seats for 2nd year day rep to the SBA and only one person running. I was asked to run since I am the GALLSA rep and go to all the meetings anyway. For some reason only elected reps' presence counts towards making the quorum and since I regularly attend, it serves the interest of the SBA to know enough elected reps will come each week. When I looked into it, I saw there were many uncontested seats. What kind of place is this where an opportunity to be involved in student government goes begging for participants. I have met so many fun people this year because of my involvement with the SBA, Motions, GALLSA, the Women's Law Caucus, the law school talent show, and being a time keeper and witness for Moot Court. The more involved you get in extracurricular activities the more interesting law school becomes.

It is important to support the things that support you. By becoming involved in activities that promote the school, we enrich ourselves and raise the esteem of the school to the community, which ultimately benefits us. The SBA members were asked to attend a series of lunches that are given to potential students whom the school is trying to convince to attend USD. Every few weeks in the spring I get a free lunch and meet interesting people from around the country and there is always a professor or staff member at each table. I give my unique insight into what is good here and they feed me. There are always lots of empty seats with plates of delicious salads waiting to be eaten by USD law students, but you aren't there. There will be more lunches, contests, SBA seats, opportunities to get involved. So what are you waiting for? An engraved invitation?

Drink

(Continued From Page 10)

And if drinking, and getting drunk, should be done in context, they should also be done with a sense of (and I hope this doesn't seem too weak a word) manners. It is the responsibility of the drinker to know how, as well as when, to drink. There are people who can't drink. Something — personality, heredity, whatever — robs them of control and of good sense when they ingest alcohol. Their etiquette is simply: Don't Drink. There are others of us who can drink and choose to do so. Our etiquette is, or ought to be: Know yourself, and know alcohol in yourself. Of course, this is obviously easier said than done. Sometimes when we've had more than we've intended to, judgment and coordination take advantage of the situation and sneak off hand-in-hand in the middle of the party, often so discreetly we don't even notice that they're

gone. One of the drinker's most important responsibilities is to keep an eye on them, and to shut things down and fork over the car keys if they disappear.

Please don't misunderstand. My purpose here is neither to preach (as I certainly have no particular moral authority in that regard); nor to burden you with inane and insipid brewery-begotten babble like "Think Before You Drink" Or "Know When To Say When." Rather it is my sincere hope that you will celebrate what you have accomplished by whatever means you find appropriate, including but not limited to consumption of alcohol.

Cheers! * * * * The author wishes to acknowledge the assistance, influence, and inspiration provided by at least six twelve-ounce bottles of Sierra Nevada Pale Ale, brewed and bottled by the Sierra Nevada Brewing Co., Chico, California, and consumed during the composition of the above.

Give Us Your 10 cents worth! Write For Motions.

Computer Savvy

(Continued From Page 6)

disk data retrieval (slows down your programs) and reduces available disk space.

DOS/Windows Users: you should run chkdsk on a weekly basis. To do this, exit Windows (if applicable) and at the prompt type "chkdsk /f." If it asks you if you want to convert lost chains to files and you have lost some data from your hard drive, press y[es]. This will create files at the root directory named in the following fashion: file0000.chk, file0001.chk, file0002.chk, file0003.chk, etc.. Otherwise, press n[o].

Next, run Norton Utilities. Choose speed disk (SD). This will take at least an hour if you have the hard drive fairly full.

For Macintosh users, run the Norton Utilities that has "fragmentation" in the name. This will take at least an hour if you have the hard drive fairly full.

Modem problems. Is it plugged in? Is the power switch on? Is one end of the telephone cable plugged into the "line" socket and the other into the wall? Have you paid your phone bill?

DOS/Windows users: make sure that if you have an external modem the cable connecting the modem to the PC is plugged into the COM2: port. This presumes that you have a mouse. If you do not have a mouse, the cable should be plugged into COM1:.

Mac users: make sure that the modem (if external) is plugged into the socket with the picture of the phone above it.

Go to the software section on modems below. If that does not help, check your dip switches and your port and interrupt jumpers. What is a jumper, you ask? It is a small

moveable bridge that connects two wire posts together. What it does is tell the modem where the computer is sending messages for the modem. This is a gross simplification, but you get the picture (I hope). RTFM on jumpers and interrupts. Or pay someone to do the same.

Mice problems. You are beginning to hate meeses to pieces because your mouse is not responding the way it used to? Have you groomed you mouse in the last six months? They like to be cleaned every so often. Before you give you mouse to Jerry the Cat, stop by Egghead or some other computer store and buy a mouse cleaning kit and follow the directions. This is much cheaper than buying a new mouse and paying the vet to pump the stomach of your cat.

Wierd stuff. So, you are way cool and are using Microsoft's voice recognition software with the mike plugged into you computer to enter you class notes but nothing is showing up on the screen? Call technical support with your credit card and your serial number. Make sure that you phone has enough cord to allow you to look at the back of your computer while talking on the phone. Oh, and disable call waiting.

Fixing Software bugs

Printer problems. Your printer prints, but only garbage? Paper selection problems. Is the orientation correct? Portrait is taller, landscape is wider.

Drivers. This tells you computer the language of your printer. If your printer works for most functions but pukes if you want it to print in Arial bold italic small caps in 14 point height, check to see if WordPerfect or Microsoft has an updated driver available. Both have BBSs and ftp sites on the Internet. You can call them



DENTAL HEALTH BENEFITS

for
UNIVERSITY OF SAN DIEGO
STUDENTS

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

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

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

552-1223

9339 Genessee Ave.
Suite 240
San Diego, CA 92121

and order a floppy, too.

Fonts. Did your system work before you loaded in additional fonts? Try removing a newly added font one at a time, checking to see if this has solved the problems. Alternatively, remove all the new fonts, check to see if the system works now. If so, slowly add a new font, checking to see which one causes the problem.

Modem problems. Run the software setup and be sure that the COMx: (1 or 2) port matches what is plugged in the back. Follow the instructions and try the loop back test (if available).

The next issue will take up the software bugs in the operating system and address

computer virus problems. Have a great summer.

If you have questions, please submit them to the Corner of Computer Savvy. Otherwise, choose your computer consultant carefully. You get what you pay for. Address your correspondence to:

The Corner of Computer Savvy
Motions

University of San Diego School of Law
5998 Alcalá Park
San Diego, CA 92110

OR

via the Internet, e-mail me at:
cbouldin@postmaster.oxford.edu.uk
(this is not confirmed)

Baseball

(Continued from page 9)

Mike Felder for outfield spots. A wild card could be Jessie Barfield who didn't impress in Japan but does have power. The pitching should be strong if Drabek and Swindell return to form. Swindell is only 29 and isn't done yet. Pete Harnisch will be the third starter if he is still an Astro and Darryl Kile had a great start surprising all before plummeting to earth. "Wild Thing" Williams should love the deep Astrodome and will put up big numbers.

The **Reds** won the division on paper in each of the last 4 years. Unfortunately, they have yet to win it for real. Once again, they can put a one time all star at almost every position. Roberto Kelly, Reggie Sanders and the 40 lb lighter Kevin Mitchell could be the second best outfield in baseball. Barry Larkin is the best shortstop but is always overshadowed by Ozzie Smith because of Larkin's injuries. Hal Morris can really hit but like the rest of this team is injury plagued. At third, Willie Greene, Tony Fernandez, Lenny Harris and Jeff Branson will fight until one steps up to replace the bulldog Chris Sabo. Young Bret Boone is a slick fielder who should hit at second base and Joe Oliver has some power at catcher. Rijo would be a Cy Young winner if the Reds could win games for him but he had 13 no decisions and lost 9 games mainly because of

the bullpen. Believe it or not, after 10 seasons, he is still only 28 years old. Erik Hanson and Brian Holman come over to Seattle to help the ailing staff. If Smiley and Browning are healthy the Reds can win ballgames. Rob Dibble has lost his control and with it, the closer role. Someone better take over and fast!

Cubs fans may have something to cheer about in 1994. Randy Myers was the top closer with 53 saves and Rick Wilkins joined Stanley and Hoiles in the .300 20+ club for catchers. With Shawon Dunston returning to health, Grace Sandberg and Buechelle form a top in-

field. Sammy Sosa joined the 30 HR 30 SB club but the rest of the outfield struggled with May unable to play daily. Willie Wilson, Karl Rhodes and Glenallen Hill will fight May for the remaining two spots.

St. Louis had Gilkey step up with a career year but they needed it because Lankford struggled. Brian Jordan and Mark Whitten put up big numbers in a Right Field platoon and Jefferies was a .342 hitter at first base. Ozzie Smith was solid again but his numbers were down to .280, 21 SB. Todd Zeile and the second base platoon of Pena and Alicia were solid as was Pagnozzi and Pappas behind the plate. Pappas plays all positions as a good hitting backup. The problem is the pitching. Tewksbury lost everything but his control and the rest of the staff was less than brilliant. Osborne will miss this season and Cormier, Watson, Arocha and Oliveras will get the chance to start. Young Brian Barber will start the season in the minors but he will be a star soon. Mike Perez takes over the closer spot after another strong

the field. Pitching is weak with Zane Smith, Steve Cooke, Tim Wakefield, and Randy Tomlin having bad years. Alejandro Pena will try to regain closer form but don't count on a lot of saves because the Pirates invented the bullpen by committee approach.

National League West

The **Dodgers** welcome you to the weakest division in baseball and boy are they happy. They obtained the best second baseman in the NL to bat leadoff creating a lineup of Deshields, Butler, Strawberry, Piazza, Karros, Mondesi, Wallach and Offerman. Wallach has looked good this spring and can still field slickly. Mondesi is a power hitter who could be a 30, 30 club member. Piazza should put up slightly lower numbers than his amazing rookie of the year season but he will still be strong. If Strawberry has a halfway decent year, the Dodgers will be a potent team. With Chan Ho Park making the roster, the Dodgers have a very solid staff protected by a top notch bullpen. Closers Todd Worrell and Jim Gott will save games with Candiotti,

Astacio, Hershiser and Gross providing consistent pitching. Watch for Darren Dreifort to be a rookie sensation in the pen.

The **Giants** had every player put up career years

in 1993 and finished second to the Braves. Expect a decline from everyone except Barry Bonds who proved he is the premier player in baseball and earned every penny of his salary. With Will Clark's presence gone from the lineup, Matt Williams will shoulder the load to repeat his .294, 38 Hr year. Robby Thompson earned a place among top hitting second basemen but will decline in 94. Clayton was slick at Shortstop but first base is wide open and rookie JR Phillips has big shoes to fill. Lewis and McGee aren't great players but were solid last season and Kirt "what is that" Manwaring had a career year at backstop.

Crystal Ball for 1994

American League			National League		
East	Central	West	East	Central	West
Yankees	Cleveland	Texas	Braves	Astros	Dodgers
Orioles	Chicago	Seattle	Expos	Reds	Giants
Blue Jays	Kansas City	California	Phillies	Cubs	Rockies
Redsox	Minnesota	Oakland	Marlins	Cardinals	Padres
Tigers	Milwaukee		Mets	Pirates	

season as Lee Smith's set up man but his composure is questioned as a closer.

Pittsburgh This is the toughest division in the NL not because all the teams are good but because they are all evenly matched. Except the Cubs, they all utilize young players to jump start their offense. In Pittsburgh, Al Martin hasn't made anyone forget Barry Bonds but will improve on his solid rookie year (.281, 19 HR, 16 SB magic 26 years old). With Young at first, Garcia at second, Bell at short, and King at third the under 30 infield keeps getting better. Van Slyke and Don Slaught provide capable leadership in the clubhouse and on

The pitching staff also put up career years with Swift, Burkett and Swift winning big while Beck became the games most dominant closer. Free Agent acquisition Mike Portugal will be picking up the slack as Burkett and the rest return to earth.

Power, Power, and more Power, the **Rockies** don't expect to shut down the opponents so they try to outslug them. In 1993 they did that only 67 times but that should improve with the additions of Howard Johnson and Ellis Burks. They join .370 hitter Galaragga, Charlie Hayes, and Dante Bichette as slugger who benefit from the thin Colorado air. With Mejia taking over second base, Eric Young will be without a position after leading the team in steals. Walt Weiss jumps from one expansion team to another and will help a team that finished last in fielding. They still have no pitching as fly ball pitcher Greg Harris learned what the Colorado air does to pitchers. He posted a 6.50 ERA in Colorado. Dave Nied will be healthy in 1994 and will be joined by Blair and Bottenfield as the unlucky folks who have to stop the opponents. If the Rockied can get their team ERA down below 5.00 after a 5.41 ERA in 93, they should win more games. Saving them will be Darren Holmes who had a great second half.

Two years ago, the Padres posted the best record in the second half of the season and looked poised to challenge for the division in 1993. Then management decided it could save a few bucks by sending everyone away including the fans. Gone went Sheffield, McGriff, Harris, Hurst, Jackson and more. In their place we have Dave Staton, Archi Cianfrocco, Phil Clark, Andy Ashby and Trevor Hoffman. Hoffman can become the closer but those five have a total of 4 years professional experience. Bip Roberts returns healthy after an unhappy year in Cincy. Gwynn, Benes, Plantier and Bell will do their best to regain some respect but with Ashby, Sanders, Taylor and Tim Worrell as the starters, the Padres will wish they could play in Mile High. Ricky Gutierrez could be a good shortstop but the Padres are a few years and a few players away from challenging again.