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Tom Hayden and Sheila James Kuehl Support Legislation on Restraining Orders Written by USD Paralegal Alum, Dian Black

By Belinda Etzradh Rachman

I t is so rare for a private individual to write, submit and find sponsors for legislation that when USD graduate Dian Black called the Motions office last May to tell us of her success, we knew you would want to know what is involved in the process of taking an idea and making it law.

An individual or group persuades a Senator or Assembly Member to author or propose a new law. A legislator sends the idea and the language for the bill to the Legislature Counsel where it is drafted into the actual bill. The drafted bill is returned to the Legislator for introduction where it is read by the Clerk to the members of the house and then sent to the Office of State Printing. No bill may be acted upon until it has been in print for 30 days. The bill then goes to the Senate or Assembly Rules Committee where it is assigned to the appropriate committee for its first hearing. After passing policy committee, bills which would have an effect on the State Budget ("fiscal bills") must also be heard in either the Senate Budget and Fiscal Review or Assembly Ways and Means Committee. You can speak for or against a bill at these hearings. Your letters of support or opposition are important and should be mailed to committee members before the bill is scheduled to be heard in committee. It takes a majority vote of the full committee members for a bill to be approved and "passed out" of the committee. Next the bill is read a second time in the parent house and then placed on file for a third reading. When a bill is read a third time, it is expected to pass the full house by its author, discussed by the Members during floor debate and voted on by a roll call vote. Bills which require money or are urgency bills (take effect immediately) require 27 votes in the Senate and 54 in the Assembly for passage. All other bills need 21 votes in the Senate and 41 votes in the Assembly to be passed. If a bill is defeated, the Member may seek reconsideration and another vote. Once a bill has been approved in the parent house, it proceeds through the second house where the same hearing and review procedure occurs. Citizen participation is repeated as the bill moves through the second house. If the bill is passed without amendments, it goes directly to the Governor. If a bill is amended in the second house, it is returned to the parent house to get agreement on the amendments (concurrence). The usual course of an idea to become a bill is outlined in a pamphlet called the "Path of a Bill Through the California State Legislature" and the pre- ceding description is condensed from that source. End of Civics lesson, back to our story.

Dian Black is a very attractive, petite brunette in her early 40’s. Her mother, the two of them and a graduate of USD’s paralegal program. She was the Assistant Regional Director of the American Arbitration Association where she assisted arbitrators, mediators and parties through dispute resolution in areas ranging from commercial to domestic to personal injury. (Dian Black continued on page 4)

Memorial Service Held for
Tim Roeder

By Chris Lamb

Tim Roeder, a 2L here at USD Law, died August 21, 1995. Tim began law school in 1993, took a year off, then returned to school this past summer.

Tim was an incredibly dedicated guy. He pushed himself; he set goals and completed them, no matter what. His first year in law school had adversely affected his health, but he came back stronger than ever, and took on an active role in the school. He was a beloved member of the students and faculty alike. Everyone misses him, and the memories of Tim will live on.

The Memorial Service was held in the University Center. Tim’s immediate family, boyhood friends, friends from underclass at UC Riverside, and his friends here at USD Law. In short, Tim was loved, and he will be missed.

Construction Around Campus

By Jeff Lawrence

USD has begun to implement its new 30 year master plan for campus development. As a result on March 1, 1995, the old Marine Way has been permanently closed off, and approximately 100 parking spaces have been designated for the construction of a new multi-level fountain and landscaping project, as well as the renovation of the Hughes Center.

Additionally, a separate construction project has begun in the Legal Research Center (LRC) to create a large 28 station computer lab, and it has left the main floor in shambles.

According to the University’s Vice-president of Finance and Administration, Fred Brooks, the fountain is due for completion in November and the Hughes Center is supposed to be ready sometime in December. Once completed, the administrative and financial aid offices will be moved into the Hughes Center. Funding for these two projects came from private earmarked funds.

In short, according to Vice-president Brooks, there are virtually the same number of parking spaces on campus now as there were last year, but they are not as close to the center of the University. This has caused an increase in demand for the parking spaces between the Law School and the LRC, and the parking spaces in the lot east of Harmon Hall, the School of Education building. As a result, if one does not arrive at the Law School by 8:00 a.m., one will probably be parking in the fringe lot. “There are always spaces available on campus,” remarked Brooks in a San Diego Union-Tribune article published September 17.

The main floor of the LRC is also undergoing some major construction. According to the Director of the LRC, Nancy Carter, the old computer labs will be replaced by a new unified teaching lab that will include 28 “lawyer’s workstations.” The goal is to create a teaching environment “that is more like the real world,” said Carter.

Construction on the LRC did not begin until the students came back to the law school. This has left many students wondering why the project was not at least started during the summer. Carter stated that the University did not release the funds early enough to begin construction in the summer. This left the LRC with a tough choice: they could start construction during law school, or they could wait until next semester. Carter stated that she chose to begin construction during law school because she did not know if the funds would be available later. Additionally, she stated that she thought that this project was “very important and would be very beneficial to students.” The funds for the new lab included only construction costs, however, and Carter said that additional funding will be necessary to purchase equipment needed to complete the “lawyer’s workstations.”

The new unified computer lab will be completed by November 1, 1995, according to Carter. Until then, the LEXIS and WESTLAW terminals in the front of the building will be the only places to print for the first floor of the LRC. Updates on the construction in the LRC are available at the front desk in a newsletter entitled “Strict Construction.”

Other news:

• Message from the President (page 2)

• Another successful summer study abroad - Wendi Whitmore reports from Dublin (page 5)

• A look at labor and employment law (Features section - pages 9-11)

• Welfare Reform Debate (Opinions - page 15)

• Information on judicial clerkships (Career Services - page 16)

• Club News (page 19)
WHAT'S NEW IN THE LRC? NEW BOOKS RECEIVED

Compiled by Franklin A. Weston Senior Reference Librarian

RACHMAN, WALT. Law v. Life: What lawyers are afraid to say about the legal profession. Confronts the toughest dilemmas of the "legalization of America" and sheds new light on what life is really like in the profession that everyone loves to hate.

BALDWIN, ROBERT. Rules and Government. Discusses how soft laws (laws made by ministers, agencies, and regulators) work, how they can be evaluated, and how rule users can justify their actions.

BANNER, JAMES M., Jr. To the Hartford Convention: The Federalists and the origins of party politics in Massachusetts, 1789-1815. Makes clear that the Hartford Convention (which was controlled by the Massachusetts Federalists) was not merely a regional, obstructionist protest, but arose out of enduring ideological concerns which were rooted in the American Revolution.


CASESE, ANTONIO. Self-Determination of Peoples: A legal reappraisal. Traces how self-determination has turned into an international legal standard, and scrutinizes State practice through national digests and UN proceedings.

COLL, BLANCHE D. Safety Net: Welfare and Social Security 1929-1979. Shows how demographic patterns, the definition of a family, the relative health of the economy, and presidents' political agendas all deeply affect the system of entitlements.

FINER, S. E. Comparing Constitutions. Lists the text of the constitutions of the U.S.A., Germany, France, Russia, and Britain; and discusses the political structure of the European Union with analytical text and comparisons.

FISCHER, WILLIAM A. Regulatory Takings: Law, economics, and politics. Argues that the issue is not so much about the details of property law as it is about the fairness of politics and the capacity of the courts to protect property interests, and demonstrates that property is often protected by nonjudicial means.

GALLER, BERNARD A. Software and Intellectual Property Protection: Copyright and patent issues for computer and legal professionals. Includes cases raised by copyright litigation and the problems in dealing with the rapid proliferation of applications for software-related patents.

HAMPSON, OLIVER. Multilateral Negotiations: Lessons from arms control, trade, and the environment. Argues that multilateral negotiation is, in essence, a coalition-building process amongst states, nonstate actors, and international organizations.

KATSH, M. ETHAN. Law in a Digital World. Explores how the new technologies whereby information is created, stored, and communicated electronically will alter one of our most central institutions, the law.

MACQUEEN, HECTOR L. Common Law & Feudal Society in Medieval Scotland. Assesses the relevance of the new approach to Scottish legal history, setting the development of medieval law within the context of a society in which private lordship, exercised through courts and other less formal mechanisms, and 21st-century technology, ended a key role alongside royal justice.

MITCHELL, CHARLES. The Law of Subrogation. Gives a full account of the developing English and Commonwealth law of subrogation and seeks to rationalize the position of the doctrine of subrogation in the law of restitution.

MONES, PAUL. Stalking Justice: The dramatic true story of the detective who first used DNA to catch a serial killer. Focuses on the heroic efforts of the lone investigator who, by using his gut instincts and 21st-century technology, ended the vicious rampage of an elusive killer.


OFFUTT, WILLIAM M., Jr. "Of Good Laws" & "Good Man": Law and society in the Delaware Valley, 1680-1710. Reveals how a Quaker minority in the Delaware Valley used the law to its own advantage and maintained the legitimacy of its rule.

QUIRK, WILLIAM J. Judicial Dictatorship. Discusses the issue of deals with the legal issues raised by copyright litigation and the problems in dealing with the rapid proliferation of applications for software-related patents.

ROHT-ARJAZIA, NAOMI. Impunity and Human Rights in International Law and Practice. Explores how international law provides guidance on investigating abuses by governments and political leaders and their prosecution and compensation.

ROSE-ACKERMAN, SUSAN. Controlling Environmental Policy: The limits of public law in Germany and the United States. Compares regulatory law and policy in the U.S. and Germany and argues that the American system can provide lessons for those seeking to reform environmental policies in Germany and the newly democratic states of eastern Europe.

SCOTT, GINI GRAHAM. Mind Your Own Business: The battle for personal privacy. Argues that subjective entitlement, a right to privacy versus Big Brother's "right to know."

SIMON, JAMES F. The Center Holds: The power struggle inside the Reinach Court. Provides a behind-the-scenes look at the private deliberations and deep disagreements of the justices of the Reinach Court.

SLOVENKO, RALPH. Psychiatry and Criminal Culpability. Explores many questions such as: What is to be done with a psychiatrically unbalanced defendant? To what extent should mental illness be considered part of the crime? Can medical experts be used to argue that a defendant is not guilty of a crime?

STERN, GERALD M. The Buffalo Creek Disaster: The story of the Largest Witness-Edicted lawsuit. Tells of "investigative lawyering," using the law to uncover the evidence of a coal company's reckless conduct that led to the death of 125 people in a small town.

TATALOVICH, RAYMOND. Nativism Reborn? The official English Language movement and the American states. Conducts a detailed, systematic, and empirical study of the official English movement in the U.S., seeking answers to two questions: What motivations underlie the agitation for official English? Does the movement originate at the grassroots level or is it driven by elites?

TAYLOR, C. NEAL, ed. The Global Expansion of Judicial Power. Traces the intellectual origins of the power of the courts, describes its occurrence in specific nations, analyzes the circumstances and conditions that promote or retard judicialization, and evaluates the phenomenon from a variety of intellectual and ideological perspectives.

BROEK, JACOBUS. The Antislavery Origins of the Fourteenth Amendment. Examines the social, political, and economic background of the Fourteenth Amendment and offers a wealth of source materials here-tofore undocumented.

THOMPSON, DENNIS F. Ethics in Congress: From personal to institutional corruption. Chronicles the political and legal history of the chamber of recent years and contends that we should put more effort into identifying the less familiar infractions of office and devising remedies appropriate to them.

WINTERS, GLENN R. American Courts and Justice. Contains essays on a broad spectrum of opinion on the state of our courts today and their ability to face the challenges of the future.


A Few Brief Notes from Your President . . .

The Law School appears to be on track for the Order of the Coif award. For those of you who don't know, this is the law school version of Phi Beta Kappa. Only 40% of all law schools in the country have achieved this ranking, so now we are going to be part of the national elite group of law schools. The students who met with the Coif interviewers were impressive and apparent consistent contributions to the expansion of the meaning of the First Amendment in an in-depth study of two Supreme Court decisions: Jones v. Opelika and Manish v. Alabama.

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Immediate Action Urged to Protect Student Aid

By Paul J. Devine

In an attempt to balance the budget by Fiscal Year 2002, Congress has voted to cut federal student subsidies. This is an increase of 18 percent. Agra, the interest subsidy during the grace period for all Stafford loans. In addition, they proposed increasing the loan origination fees by one percent, and canceling the planned reduction in interest rates, currently scheduled for 1998. Federal programs are the source of 75 percent of all student aid, nearly $32 billion in the 93-94 academic year.

During the last school year, University of San Diego law students organized a campaign to protect the proposed cuts in financial aid. Thanks to the public interest generated by this and similar campaigns on campuses across the country, Congress voted to preserve the Federal Work-Study program, Supplemental Educational Opportunity Grants and Pell Grants.

The cuts that are still being considered would drastically increase student indebtedness (by as much as 50%). According to the Alliance to Save Student Aid, law students borrowing the maximum allowed under the subsidized Stafford loan program ($65,500), the elimination of the interest subsidy during the grace period (six-month period after graduation) would increase debt by $3,800 over the life of the loan. The one percent increase in the origination fee (deducted before disbursement) would mean that a student who borrowed $50,000 would see an additional $500 come directly out of his or her pocket. Additionally, the Alliance estimates that the cancellation of the scheduled interest rate reduction in 1998 would increase the cost to a graduate student borrowing $50,000 by $3,100.

In addition to these cuts, Perkins loans will receive no new federal capital, and nearly 280,000 Pell Grant recipients may be removed from the program.

Congressional committees determined how to meet the budget cuts last month. However, the full House and Senate will not consider these cuts until later in the fall. The SBA and ABA will be looking into establishing phone banks to call representatives, setting up terminals to send e-mail, and organizing a letter writing campaign to mail letters of protest and concern. Your support and participation in the effort to protect student aid are urgently needed. You can e-mail your representative by obtaining a current list of addresses, available upon request from congress@hr.house.gov or www.house.gov.

Editor's Note: If, on the other hand, you believe that balancing the federal budget and eliminating the legacy debt we are leaving future generations are more important than a minor increase in the interest you will pay on your loans, spread out over 10 years, then you should also get involved and let your representatives know how you feel.

If Socrates Died by Hemlock, Where Does That Leave Us?

By Thomas Hipke

"When the pilgrim arrives in the world below, he is delivered from the professors of this world and finds the true wealth..."- Socrates (possibly talking about law school.)

"[if] they care about riches, or anything, more than virtue... improve them." - Socrates on youth.

"Mr. Vincint" - your pulse races, your heart now marching to the beat of a different drummer. "iniquum Ingraham v. Nishnick" - Ingraham v. Nishnick - who the hell are they? Was that even assigned?

"Um..." you say, stumbling through a quick mental checklist. Pointless fishing bridge, no. Old lady breaks her arm, no. A red heady hair, no.

"What are the third level repercussions, Mr. Vincint?" You're hit and falling.

"Hypothetically, what would Justice Tranyor say?" You're down.

"Mr. Vincint, did you make the assignment?" Silence.

The Socratic Method. Socrates. Was he this philosopher, this lover of wisdom, this deity of law professors everywhere? Why did he become a blueprint? And what did he have against me? Stepping into the Way-Back Machine, heading for Ancient Athens with Sherman and Mr. Peabody, we find... "Socrates is the wisest of all men," said the Oracle at Delphi, the voice of the gods.

When Socrates heard this he wondered if he had money, he might have estimated the offense at $50,000. Socrates told the court that if he had money, he was able to pay, and not been much the worse; but since he truly only lived in accordance with what the gods and not against them, as accused, he wanted his freedom. The court put it to discussion and a narrow margin vote came back. Socrates was acquitted, and was sentenced to death by hemlock for competing the youth. The appeal followed.

Socrates believed that although life is good, the unexamined life is not worth living - a push for education. Death on the other hand, is not the end, but rather a trip to a better life. As his famous last words state: "give me the sherry (i.e., payment), I'm ready." I can't wait until May 1998, when I can say that to the Dean and move on to my better life.

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THIRD YEARS

Dave Boyd
Wendy Lin

SECOND YEARS

Juan Castro
Ryan Seba

FIRST YEARS

Matt Buttier
Erica Robbins

Ed Cheng
Sheila Mahmoudi* 
Susie Chornopovsky
Ed Orendain
Allison Cohen
Cynthia Rajaubun
Erika Jackson
Stacey Rocheleau
Stacey James
Inna Shapiro
Mark Davis
Chad Weaver
Chad Fuller
Todd Wright
Matthew Johnson
David Wolfe
Trish Lotzer
Ben Moore
Jim Driimmer
Olen Wong
Carmella Dunn
Vanessa Elferman
Allan Lee
Maya Lee

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Black discovered that even though an order has expired the whole process must start as soon as the party of the second part can make a difference. She felt that by giving a special label to "grievous violence," society categorizes violence as more and less important. If society considers all violent crime equal and worthy of the court's attention, then she believes it wouldn't be such a difficult process to get restraining orders, keep them in force, and use contempt actions to punish those who do not respect the court order.

It took eight months for Tom Hayden and Sheila Killea to shepherd their respective bills through all the committees and get support from as many people as were willing to see that the bills were passed, but both were successful in getting the bills on Governor Wilson's desk. Normally, if a bill sat on his desk for two weeks without being signed it automatically became law. Unfortunately, when a bill is placed on his desk at the start of the legislative term, and he doesn't sign it before the term ends, the bill is thrown out and the process must start all over again. At the moment, Gov. Wilson is out of state on the Presidential campaign trail. If he does not return soon all the work that has gone into Sen. Black's legislation will be for nothing.

This is an exciting time for Dian Black as she stands in the middle of this important controversy. She wants everyone to know that they can make a difference if they care to get involved by writing a bill. Since there are no classes at the law school in the art of writing and promoting a bill, this might be the most information you will get on the topic. Both bills are currently on the Governor's desk. He has until November 15th to pass, veto or abstain. If you wish to see a copy of the last bill text, call your local legislator. If you wish to send a letter supporting the bills, fax a letter to Governor Pete Wilson at (916) 443-4633.

The Curious Case of Jack and Jill

As recounted by Ms. M. Goode, Esq.

The party of the first part, herein known as "Jack," allegedly accompanied by, joined by, or considered to be in the company of, the party of the second part, hereinafter known as "Jill," endeavored together, or as two separate people in joint company, to ascend an incline, not respect the court order.

Sheila Killea's office to find out how to sub-

streamlines

- Black discovered that even though an order has expired the whole process must start again because the statute of limitations has passed. There was no easy way to reinstate the order or extend it beyond the original date. If an individual continues to harass the person protected by the order past the date of the order, and no service address is known so that the court can get involved, Black is disturbed by the trivialization of violence and doesn't even like the term domestic violence because she thinks "violence is violence." She feels that by giving a special label to "grievous violence," society categorizes violence as more and less important. If society considered all violent crime equal and worthy of the court's attention, then she believes it wouldn't be such a difficult process to get restraining orders, keep them in force, and use contempt actions to punish those who do not respect the court order.

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**Guinness Really IS Good For You!**

By Woody Whitmore

The washer in London was blistering hot and I was relieved to be heading to cooler temperatures in Dublin. The English hadn't discovered if you design the windows to stay open wider, it becomes COOLER. I spent a week there getting around by the underground (the Tube) with 2,000 friendly and interesting friends in "no rain" trains. But, that aside, Lon- don was brilliant. Somewhat like Los Angeles with its busy hustle and bustle everywhere, the smog, and the dirt. There were more people walking places than in L.A. and every shop you passed had great signs, which I spent that week pushing through jet lag and trying to see all the great tourist places. I also had a few really fine experiences, which actually was okay. Even got to drink with a Canadian friend I met there who mistakenly changed my airlines and cost him breakfast as he couldn't hold their liquor. So, I proceeded to match him cider for cider (8.9% per bottle, thank you very much). I am proud to say that I didn't have to request the oh-so-kind taxi driver to pull over on the way home to throw up. Thank you. I must say we paid for it the next day. Laying in the common room of the hostel was watching Wimbledon and praying for death. It was so HOT and there are no air conditioners or cold drinks or ice. Unfortunately, Dublin didn't provide relief because it was also hot and they seem to have the European policy of hot drinks also. I miss Dublin, but I was excited to come home and pull into a 7-11 on a hot day and buy an ice cold drink. AAAAAH.

I arrived in Dublin before most of the other folks and spent most of the weekend sleeping and trying to recover. I woke up every morning with that magical thought "I'm in Ireland!" Once everyone got there, the drinking began. I really recommend this trip to anyone considering it. You get to learn about people you never really needed to know and you get to master the art of attending class with a hangover (Friday is a very important since you get to do class on Friday). One excellent thing about drinking in Ireland is you don't tip bartenders.

**Raj's World**

By Raj Rajan

This small detail made us very happy. On the serious side...oh yeah, I knew there was one— the classes are really an opportunity to learn about something you might not be able to over here. I wasn't fortunate enough to have Irish professors...one who was absolutely brilliant and funny, and one who HATED us. We were all American delinquents. Some of the best trips really perfected that role. (I am proud to admit that I was one!)

School was about to begin, and the USD folks welcomed us in with a wine and cheese reception. Ah, yes, the indulgence begins. We all got to meet for the first time and experience people from other schools. This was, for some, the last time we would see them sober and not hang over. There were people from all over the country, a couple from Ireland, one from Aus- tralia, and the rest mostly from USD. After this, we headed straight for the pub where we can't. Guinesses, I realized that I didn't really know these people that I thought I knew from school. I realized this when Monkey Boy (most names will be changed to protect the guilty) asked his entire face in a pint of Guiness and came up funny from chin to eyes and glaring like a fox. Mind you this is a person who at school was somewhat quiet and reserved with great study habits and high grades. Dublin can cor-rupt anyone! I knew at this moment it was going to be a great trip.

We were staying at Trinity College in the center of Dublin. Beautiful school. 400 years old. It's a big tourist attraction because it houses the Book of Kells and the Old Library. The Book of Kells dates back to 1700 and holds Ireland's finest collection of Egyptian, Greek, Latin and Irish manuscripts. I saw neither one. I did see a vast array of pubs and night clubs!

My roommate and I, Monsoon, had the ideal skill for studying. We both had roughly the same yard where every body walked around and was on the ground floor. We just sat in our window (continued on page 8)

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**Tecolute**

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SAN DIEGO
Saturday, September 16, 1995: Noon-6:00 pm
Sunday, September 17, 1995: Noon-6:00 pm
All sessions will be given live at the California Western School of Law, 350 Cedar Street, San Diego, in the Auditorium.

LOS ANGELES
Saturday, October 14, 1995: 1:00 pm-7:00 pm
Sunday, October 15, 1995: 1:00 pm-7:00 pm
All sessions will be given live at the Ramada Hotel, 6133 Bristol Parkway, Culver City, Premiere Room.

ORANGE COUNTY
Saturday, October 7, 1995: 9:00 am-12:30 pm, 1:30 pm-4:00 pm
Sunday, October 8, 1995: 9:00 am-12:30 pm, 1:30 pm-4:00 pm
All sessions will be given live at Pacific Christian College, 200 E. Nutwood at Commonwealth, Fullerton (across from California State University, Fullerton, Second Floor, Room 205).
Saturday, October 21, 1995: Noon-6:00 pm
Sunday, October 22, 1995: Noon-6:00 pm
All sessions will be given live at Pacific Christian College, 200 E. Nutwood Avenue (at Titan Boulevard), Fullerton (across from California State University, Fullerton, Room 219). Course Lecturer for this Session Only: Professor Mara Feigler, Attorney at Law, Legal Education Consultant.

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The Best Man For Any Job
By Kenneth Long
7:30 AM. This is the time the traffic office opens. I know because I called yesterday and asked. Today I'm going to do something I have never done before: buy a parking permit. Last week I tried walking to school; it was too far. No carpool is available and I can't ride my bike with all my books. It seems as though even though I pay 18 grand a year to attend USD they can't provide me with a locker. I don't want a parking permit - I hate driving and I hate parking. But there are no options left.
7:35. The traffic office is still not open even though there are five of us outside waiting to fork out our hard-earned bread for a parking permit. I feel like we are in line for something important, not waiting for a blue sticker that gives us a one in seven chance of finding a spot. We will have a nice fountain though.
7:37. The traffic office is here, uptset with us for cutting into their coffee time. They scratch themselves, drink cof- fee and have me fill out two forms. After a short chat on the phone they write out that check, which I must say could have treated my spouse to many a nice date. By 7:51 I am done. I don't have a permit because they need to laminate it. I ask for a temporary permit for the day so I won't get a ticket. I get the mad look again (first you show up on time - now you want a permit for the day). I get a little green paper to park for the day, go directly to my truck and find a fake parking permit on my windshield. A fifty- something man in mailsman shorts is standing two cars up furiously punching his little green permit. Three cars already have tickets. I approach the man, show him my car honk and temporary permit while I explained that I just bought a permit. I also explained that I tried to park in a temporary space but they were all full and I harbored as fast as I could but the parking office ladies were late and slow and that I never drove to campus before and really didn't have an option. He scratched his mostly bald head and said "You've gonna have to file an appeal." Then he wrinkled his forehead and talked about punching the buttons on his Nintendo Game Boy with relentless speed. You don't find many people like this. I'm not talking about hourly drone employ- ees who perform the thankless tasks of this planet (i.e. writing parking tickets). There are lots of them. I'm talking about men and women who give themselves 100% to their job. Just think if we could take Mr. Ticket Writer and promote him to the office of Junior. Never again would I have to read graffiti in the bathroom or sit on a toilet wondering what is fostering beneath me. I would run bathroom to bathroom cleaning away. Maybe move him up one more notch to the bookstore. I'm sure the way he writes those tickets he could think of a way to get me a important Text- book before the third week of class. He probably wouldn't giggle and gab while I wait in time holding 90s of books like those pesky undergraduates cashiers. Better yet, put in career services. I respect the people of career services too, much because they have an almost impos- sible job - helping hundreds of students find work in a buyer's market. Add a guy to an already great team - get him in those mailman shoes calling law firms. He gets up so early so we could have him at work at 4:00 a.m. to call all of the East- coast firms and have him stay late to finish off the West. Mr. Ticket Writer, I am confident, could call every firm in this coun- try and ask about openings, working like a one-legged man in an ass-kick- ing contest. How do we waste such talent? Why don't we get the fastest, steadiest, most dedicated worker writer parking tickets when there are areas of troubles: Text- burning for some attention? Can you imag- ine this man working in the print shop? I have him fix copy machines and save me the trouble of walking from the law school to the library (where every once in a while I get a good library). I approached USD's President about this and told her what a valuable resource we had out there. She said that she knew about the parking ticket writers, most of them transfer to USD from the California Agricultural Inspection Station. Some begin their careers as toll booth atten- dants, others start out in USD's mail room but can't handle working 50 hours a week. Then I asked if we could possibly promote these meter-maids to a real position and tap this well of energy and commitment. The problem" the President says, "is that they never went to law school. They throw away a career, work for 18 grand a year to attend USD. They wait in line holding their books and sit in classrooms. They even have to file appeals." The president then went on to say, "we don't have a problem. We have a surplus of parking ticket writers. We need them in the mail room or on the phones..." I was shocked. I kept saying things like, "why don't we just make these people a salary that is commensurate with their education and experience?" But the President wouldn't budge. I left there so upset with us for cutti.ng into their coffee and punch buttons for their Nintendo Game Boy. I realize this is not the time for this kind of ranting. I'll try to keep it more professional in the future. I hope you keep an open mind and try to see that there is just life in USD. It's not all the scary things that people say. Just look at our parking ticket writers. They are a great group of people who have a passion for their work. I hope you will try to see that there is a lot of good that goes on at USD. I know I do. As always, your support is appreciated, and I look forward to serving you once again.

Belinda Etezadzachman Says
USD needs a fountain like we need less parking.
(Why can't we have what we want instead of what they want to give us?)

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QUOTES AND NOTES:
In 1987, during the Bicentennial of the Constitution, the 9 Supreme Court Justices were asked to participate in a reenactment of the drafting of the Constitution. [Justice] Marshall refused to participate, noting that the Constitution had failed to abolish slavery. He told the brethren, "If you are going to do what you did two hundred years ago, somebody is going to have to give me short pants and a tray so I can serve coffee."

Guinness - from page 5

and talked to people. The only drawback was listening to the guy in the knock calling for "...anyone for a guided tour of the college in- cluding the Old Library and the Book of Kells..." 200 thousand times a day. Another drawback is listening to all the drunken cursing in the court- yard (unless I happened to be one of them) yelling up to people or randomly ringing dorm buzzers.

At first, we all made a valiant effort to go to class. After a while other things became more important... like sleep. I am pleased to say that hangovers were rare. I DO love Guinness! The locals say that it is good for you because it contains a lot of iron and doctors actually re- commend it for many ailments. I'm a believer. There were a few die hards - even among the group who would only receive a pass/fail grade - who came to class every day and did all the reading. I assure you this was NOT me. I was puzzled over these people who still managed to retain the competitive spirit in the land of "no worries." Fortunately, the Irish way is to cram an entire course into a few hours before exams. I did that really well (I have a BA in crumming from college). Also fortunate for me that grades did not reflect my lack of attendance and poor study habits. Even one of my professors told us not to take it too seriously with encouraging statements like, "You have reading to do, but skimp over it and don't dwell. Drinking is more important at this juncture." In the prophetic words of Daffy Duck, "LOVE that man!"

Staying at Trinity was definitely an experi- ence, especially for those of us who have never stayed in a dorm setting. The dorms were a combo of a Kibbutz and the dorm for students. It was a silly combination since we would come home at all hours and wake children; and they would run around screaming during the day thereby interrupting well- deserved and much needed naps. I can't under- stand why people, couples really, stay there since there isn't a double bed in the entire col- lege. One family we dealt with had a married couple and five children in two bedrooms (two- twin bed) suite. The children were evil little monsters that looked like angels. Their parents seemed to think supervision wasn't necessary so they ran amuck. One little girl tried to rollerblade up and down the stairs and out onto the cobblestone courtyard. Mom must have had a real sense of amazement here because she let it continue. I found that same little girl later trying to light cigarette butts she found on the ground (she was about 5). Some folks in our group thought it would be fun to hold the door from the outside while the little thing was trying to open it from the inside (no names here, Sunny). Each floor had approximately two rooms with two people in each. Four people shared one kitchen and all right shared the toilet and the shower. This was really neat. I liked it. You had to have a key to open the toilet door and it was right by the front door to the building. (I was there for seven weeks and I still can't find where the toilet is...that feels weird to say.) So, picture it's 4:00 a.m. and you MUST pee. You've had five too many beers and came home, took off your smoky clothes, and fell into bed with nothing on but one sock and your bra (guys, work with me here...fill in your own visual). Not only do you have to find something to put on, but you have to locate the bloody key. You stumble out into the blinding fluorescent light with smeared lipstick and mascara eyes. Just as you think you are safe and in the toilet door, really cute guys come in the front building door. Horrified, they run up the stairs to seek shelter shrieking about "f*ckin' Ameri- cans." Yep. Loved that. When expressing my distaste at this situation to a fellow classmate, I was told "That's what the sink is for." lol. Okay, so there's a visual I can't go into, but you get the point. The shower's were also really neat. Many had buttons you had to push to keep the water coming out. Monsoon and I were lucky because we had a regular shower. However, those who weren't so lucky had to find ways to work around it. I have heard of some bizarre ritual called the shower dance which involves using any available appendage to push the button. Alightly then. I have also

IL's Reveal Motives at Deans' Welcome Party
By Catherine Trzos

First-year law students got better ac- quainted with each other and some key members of the Law School ad- ministration at a party hosted by Dean Kristine Strechan, Associate Dean Virginia Shue and Assistant Dean Carrie Wilson at the Bahama Beach Clubhouse at the Coronado Cays on Friday, September 8.

The purpose of the party was to give all new students a chance to get to know each other, the Deans and the Student Bar Association leadership in an informal set- ting. During the festivities, students ex- pressed themselves on an "I came to Law School because...", graffiti wall. The fol- lowing is a sampling of the quips proffered by witty IL's.

"I came to law school because...
- My psychic said it was my destiny.
- I had some time to kill.
- I have eyebrows like Robert Shapiro.
- I've always been an asshole, I decided it
- I had an extraneous $95,000 lying around.
- Because I could.
- I missed the mental hazing I received in NROTC.
- I are good at lngesh (sic)
- I'm looking for a needy undergrad BoyToy
- Because I thought it would be ... Fun??
- I could not find a job in the real world.
- I found a job in the real world!

As the party winds down, ILs wonder "Where is the Dean anyway?" (She was actually stuck in a hurricane.)

Students enjoy the "beverages" at the Dean's party.

(continued on page 12)
By Kenneth Long

I am a Republican by birth. My parents once told me they divorced because they never really thought of each other as perfect. Even if I ever married, so long as I married a Republican. When my Dad found out I was trying to organize some Pro-Union problems as an elector, he hoped I would turn into a "union-busting" lawyer. I didn't. Instead, they saw an opportunity to engage in a previously one-sided view of unionization and collective bargaining. Much to my surprise, I was hired to fight the warring camouflage and smashing trucks. The violence, according to Professor Weckstein, that sometimes occurs in public sector bargaining, is usually the result of "one or two hotheads."

Membership in labor unions has dropped considerably in the United States. Years ago, nearly a third of all workers were represented by some kind of collective bargaining organization. Today, only 13.5% are union members.

There is no one reason or trend responsible for this decline. One factor is an idea that took hold during the last decade, a sort of "look after yourself" attitude. Employees did not make long-term plans for the future or understand the advantages of working together with the two primary functions of a union. Instead they cared only about themselves and their jobs. The result was a decline in union membership is a sort of antipathy towards the working class. People didn't want to be "working class," they instead prefer to be called "middle class." "Union" and "working class" are two terms that seem inextricably joined, if you are a union member, you are also working class. Recognizing this, unions have rebounded slightly in the public sector by calling themselves "Professional Organizations," and now public employees are beginning to once again proudly disgust their union membership. Why union membership has declined includes the election of long-term union leaders who have not kept in touch with the workers or represented the loss of the strike as an effective bargaining tool. What this means to a law student is that unions have a reputation as their business and local discrimination, rather than eliminating or maintaining a familiar collection for collection of railways and buses. We currently have about 3,000 employers.

Q: How is the legal job at Cubic organized?
A: Our General Counsel, William Stewart, manages the group. He is corporate secretary and handles mergers and acquisitions. We have five other attorneys who specialize in areas such as ethics, government contracts, intellectual property and mass transit law. A new USD graduate [Steven Davis] was recently hired who works primarily in the real estate and environmental areas.

Q: What expertise would a labor lawyer need to go in-house?
A: One needs a working knowledge of employment law; generally the areas of wrong termination, workplace discrimination, sexual harassment, workplace discrimination, wrongful termination, workplace safety, and alternative dispute resolution. For example, in the area of labor law, there was a Supreme Court decision in 1993 which addressed the situation for determining whether a horticulture exists. There was a case which discussed the circumstances in which employers can drug test their employees. There have been cases in which tight legislation regarding the future of affirmative action programs as well as cases of determining what medical condition services to disabilities under the ADA.

Another new development has been the increasing tendency of companies to develop and utilize arbitration agreements in the employee setting. This has occurred primarily as a result of case law that has approved of alternative dispute resolution, especially arbitration, as a means of resolving employment disputes. When Ronald Reagan fired striking Air Traffic Controllers in the early 1980's, calling it a necessary move that now permits employers to permanently replace striking workers, making it very tempting for long-term employees to cross picket lines. Some employers have tried to avoid unions by establishing small committees in which the management is responsible for the workers' bargaining, but this practice is mostly prohibited by the Fair Labor Standards Act. There are reasons I believe that the adversarial nature of unions is fading and that a harmonious relationship between management and workers will exist in the future. In Sweden, for example, 99% of all employees are members of unions. How do they get along well with their employers, even resisting any negative suggestions and advice from visiting Americans? In Germany, a variable percentage of the boards of directors of corporations must be union members. While Professor Weckstein agrees that much of what management and unions want is the same, he believes that when it comes to time to divide the pie, there has to be some type of compromise. I don't suppose I will ever convince my Dad that unions do more than waste time, but I can certainly see the violence during strikes and elections is rare; we just hear about it because there are headlines in media looking at unionization as an effective bargaining tool. For example, we have a subsidiary which specializes in the development, sale and maintenance of automatic fare collection equipment for light railways and buses. We currently have about 3,000 employers. A third election was held, without success. The management's speeches were recorded - threatening to fire pro-union voters. A third election was held, without such coercion, and the employees then voted to become the union.

Attorneys that represent unions or individual members of unions also have the opportunity to combat unfair practices. Both sides are guilty of unfair practices to some degree, although many would have you believe that management is more guilty than unions. Another reality is that organizing labor. A third area of practices involves protecting established unions from being decertified. Much of this work is handled by attorneys at the National Labor Relations Board. As a result of all of this, much of the rest of it is picked up by the lawyers at the AFL/CIO and other well established unions.

In the near future, it is more probable that new attorneys interested in labor law will practice individual cases, handling such issues as wrongful discharge, discrimination, and workers' compensation. Although these fields are growing, much of the work will be done through arbitration and other alternative dispute mechanisms. Litigating these types of cases often requires filing complaints through the EEOC, OSHA, or other regulatory agencies that require attorneys with specialized knowledge of the area in order to successfully navigate through the bureaucracy.

Whether labor unions will start to grow in power again or continue to decline is unclear. The entrenched leaders of some of the larger unions have left under great pressure from their members, only to be replaced with others from the opposition who do not act differently. The strike has lost a lot of its power as a union weapon, arguably starting...
Employment Law from the Plaintiff's Side

By Lisa Hess

I t's always nice to meet or hear of an attorney who is, no kidding, as an attorney... doing well... and making a difference in society? It's always nice to know that we all have a chance to make it. Well, that's what I'm going to do. Every month I will profile a different attorney, who practices in the area of law. This month's focus is employment law. As such, I was lucky enough to talk to Norma M. Pierce, a 1990 graduate of USD, who specializes in this area. For her it was enlightening to see the law from a sexual harassment perspective. She is not limited to the plaintiffs' side, but represents both the defendant and plaintiffs in cases. She finds her work very satisfying. When asked what advice she would have for students interested in the employment law field, Pierce paused. "It's helpful to work with an attorney in the field or maybe even just a time to meet with them." She explained that most attorneys know that we all have a chance to make it. It's important to note that Pierce's first job was acquired through her own career services department... there is hope yet!

Next Month's Features Section will deal with Family Law

By Karen Heumann

Thirty-four year old Mike Sullivan is a partner at Grey Cary Ware & Treidemich. He is a litigator who specializes in Employment Law, because, as he says, "employment cases are particularly important to litigate because there is always an interesting story involved. People are at their jobs more than with their family. That's where the action is!" Also, the case is about an event in time... "Was the light green?" The issues are rarely black and white. After 15 years, many issues have waned in importance. Mr. Sullivan explains issues "change over time... issues created under the ADA (Americans with Disabilities Act) and sexual harassment issues illustrate some of these changes. Mr. Sullivan credits more gender-related cases to the national awareness of sexual harassment spawned by Anita Hill. He explains that the public has become more educated, though more often finds educated employees rather than employers. Other changes include the extension of the definition of sexual harassment. It no longer has to involve a physical touch."

Employment law firms typically exclusively represent either plaintiff or defendant cases. Sullivan's firm does on occasion take a plaintiff case, but they predominantly represent management (defendants). The reason for the exclusivity, Mr. Sullivan explains, is quite simple. "You get a lot of blow back from state court, although federal courts are more favorable to defendants. Employment law cases don't go to trial as often as other cases because they are expensive to litigate and the cases are very fact intensive. Mike Sullivan explains that a lot more is written about them. He remarks that he is personally happy if he gets to go to trial a couple of times in a year, and that it is not always for his own trial but as support for another attorney.

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or harassment.

The practice of law is absolutely

viewing the complainant in a sexual ha-

harassment case, since most complainants are

known that not all straight people are going
to hate them, and think gay should all be
lined up and shot as some of our politicians
would do.” Paula Rosenstein enjoys listen-
ing to the music of Melissa Etheridge, The
Cowboy Junkies, k.d. lang as well as a vari-
ety of classical and jazz musicians. She
describes herself as politically liberal, but
personally “preservative.” She said that
when she was at USD she sat in the back,
and didn’t talk or visit professors in her
offices. She has bloomed into an out-
spoken activist who was willing to be
named in the San Diego Transcript as the
contact person for Tom Homann. There
were no negative repercussions from her
challenge, which was a major factor in
helping her become a leader in her field.

In-House Counsel - continued

first filling a charge with the Department
of Fair Employment and Housing. In Califor-
nia, employers are strictly liable for
supervisory environmental sexual harass-
ment. This is a big difference from other
states.

Court decisions in California have rec-
ognized lifetime implied contracts and al-
low employees to be awarded lifetime front
pay. Also, California lacks what I would
call “vigilante justice” standard or stan-
dard to weed our meritless claims. All of
this, combined with a number of recent
large jury verdicts in favor of applicants,
can make it a very scary state in which to
litigate employment cases. I think Califor-
nia’s laws and case law can significantly af-
fect the cost of doing business in Califor-
nia.

Q: As a woman attorney, do you have any
advantage in this area of practice?

A: That is a hard question to answer. I am
often involved in the investigation of sexual harassment claims and can be a defen-
dent if you are involved in the investigation.

Q: What do you think most newly gradu-
ated lawyers should know about the real
world and don’t?

A: The practice of law is absolutely noth-
ing like law school or the bar exam. This
can be a good thing, depending on your
perspective. You do a lot more think-
ing on your feet and problem solving as a
practice.

1. What qualities do you respect the most in
anyone?

Integrity, honesty with the court and
with opposing counsel, diligent prepara-
tion, and articulate presentation.

2. What get you upset?

Tardiness, especially when the attor-
nment knows he or she will be late and doesn’t
care if it is important.

Q: What do you think most newly gradu-
ated lawyers should know about the real
world and don’t?

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 EMPLOYMENT STATE

From 1972 to 1995, only about 3% of USD grads have gone into employment law. In the years
1995-1999, only about 1% went into employment law. These statistics may be misleading,
however, as these numbers only represent grads who listed employment law as their main or exclusive
area of practice.

Many, if not the majority, of employment law jobs are in the private sector, which, in
general, means higher salaries.

Some of the forces that may affect the future number of jobs available in this field are the
impending abolition of affirmative action and, conversely, the expanding interpretation of
Title 7.
I traveled around the West coast of Ireland for the first two weekends. Magic. I must say it was the most beautiful place I've ever seen. The people are so charming and genuine. We had the adventures of finding B&B's and restaurants with decent food. I don't know why Irish folk don't weigh a ton each. Breakfast was fried eggs, really scary greasy sausage, bacon, toast, tea, a super tiny glass of orange juice (it's incredibly expensive there), and brown soda bread. Every day these people eat this. The brown soda bread is to die for and I lived on it the whole trip. Fortunately, in a niggly place also offered coconut, fruit, and yogurt for those less fond of cholesterol.

A salad meant some iceberg lettuce and maybe mayonnaise or some strange combination with six cups of may-o. Chips (French fries) were served with everything. I would try to find pastas for the healthful alternative, only to find that it was served with butter or cream sauce. At least we could find food we were familiar with everywhere, like burgers and pizza. Soft serve ice cream is huge over there. Every little shop and home had ice cream, and I became addicted to "99" - soft serve vanilla with a Cadbury chocolate stick in it. I'm trying to find a support group now. We were fortunate enough to visit a pub called O'Conner in Doolan that belonged to the cousin of one of my professors. The best Guinness stew...veggies and meat marinated and soaked in Guinness. I NEED that recipe. Every small town had more pubs than anything else, so when we needed a Guiness fix, we had it right there. Driving was a challenge. I was too chicken, so I left it up to EFI. EFI was not very proficient at first having to get used to the other side of the car and the other side of the road. When he wanted to turn, he often hit the windshield wipers instead of the turn signal. However, after awhile, his excitement grew as we drove around in our rented car. We knew this because he would giggle with glee in passing traffic. He didn't matter if someone was on the other side, both cars moved closer to the shoulder to allow you to pass. EFI was a happy man.

Traveling presented other challenges. The road signs were rectangular with little arrow shapes on the back...seemed to point in invisible roads going everywhere. At one point, EFI had to get off the road and run across the street to look up and see where exactly the sign was pointing. It took two of us reading three maps to get to the right motorways and roads. Additionally, Irish directions were less than helpful. We discovered that every set of directions contained a bridge. "You drive up there, pass the bridge, and take a left. You can't miss it." We missed it often. If not a bridge, a round-about. What no one ever told us is which left. You could be driving for 20 miles to find the correct left. They never knew the name of the street. EVER. And the maps only had the names of the little streets because they expected you to know the names of the main streets. I asked an Irish man why this was. He simply replied, "Because it's fun."

On the west coast we visited a town called Dingle. In Dingle Bay, there is a dolphin by the name of Fungi that visits every single boat that goes out into the bay. We charted the boat and headed out in search of Fungi the Dolphin. Sure enough he came up and showed off a bit, sometimes swimming back and forth between the boat and the处shore. However, I can't prove it. I've seen all of my pictures are just ocean with maybe a little white cap. "There is he!" I exclaimed with glee when looking at them. Those around me looked at each other concerned for my mental health.

Being in Dublin was just as fun as traveling. I met some really great people and had a tremendous amount of fun. The only problem was the fact that people from other schools thought the people from USD were stuck up. They called us "the beautiful people" of Monsoon and I branched out and tried to make other friends and dispel the rumor. We found out later that it was all started by someone at USD who needed a hobby. She wanted all the friends (concluded on page 13).
On-line Legal Research That Saves Trees

By Larry D. Desheme

With low cost high speed ink jet and laser printers now prevalent in many law libraries, the temptation is great to print out all your online research. But there is a better way. Downloading your research to a floppy disk or hard drive not only frees up space in your office, but will save you lots of work as well. For example, storing your research results to disk is much faster that re-ranging for those same results to be printed on paper. And research saved to disk can be easily imported into your favorite word processor for searching, editing, and pasting into one’s legal documents.

Both WESTLAW and LEXIS/NEXIS provide a number of downloading options to help alleviate the paper crunch. This article will discuss how to download to disk using the Windows version of WESTLAW software. However, the instructions provided here can easily be adapted for use on DOS and Macintosh machines.

In a future article, I will discuss downloading to disk using LEXIS/NEXIS software.

To download WESTLAW, you can access downloading options by clicking on the File menu item, as shown in Illustration 1. To download documents or documents as you conduct your research session, select from the box that appears immediately below the Open menu in the drop down menu. The first step is to tell WESTMATE where you want the information stored. To do this, click on the menu choice Change Active File or Path... (See Illustration 1). A window will pop up like that shown in Illustration 2. Select the drive and enter the file name where you want to store the downloaded information, and click on okay.

You should now be setup for downloading WESTLAW documents. If you are using a floppy disk, make sure you have a formatted disk inserted in the correct drive, and commence your research. If you want to download every screen you view during your research, click on the option File menu entitled Print to Disk... (See Illustration 1). On the other hand, if you want to download only certain selected screens, click on the Store Screen to Disk option under the File menu when you come across those WESTLAW document screens that you wish to save.

Use the Print or Download Offline option shown in Illustration 1 when you want to save the full text of specified documents or all documents retrieved during your search session. For example, using this option, you can store entire cases to disk even though you only looked at one or two pages of each case during your search session. If you select Print or Download Offline, you will be presented with a screen like that shown in Illustration 3 that gives you the choice to store the current document, selected documents, or all documents retrieved during your search session. After you choose one of the options on this screen, you will be taken to the screen shown in Illustration 4. This screen allows you to choose if you want the information downloaded to disk, the printer attached to your computer, etc. By selecting the DLD (for download to disk) option, the documents you retrieved during your search session will be saved to disk once you logoff of WESTLAW.

Guinness - continued from page 12
to herself. When unable to pick up one of the boys we hung out with (God forbid one of them wanted to date one of us instead of her) she became bitter and nasty. There's always one bad apple. Poor Monsoon is still suffering the undeserved wrath. Let's have a moment of silence for the bitter One. We found out that the core but fullblath was, of course, you guessed it, GUINNESS. It's a cure all. Other than that, the group was really made up of two really great people. We had Jim and Chris from Nebraska. Chris could go without sleep, drink and still look totally refreshed. We were amazed. They got us all involved with this Irish band called Clan Rí who played at the pub McGee's. Everybody would get completely drunk and dance on the tables and sing and hold hands. An amazing display. Then we had a tour from Houston. Affectionately dubbed "Sprinkler Man." Why? Because he did a thing we called blue collar dancing. He had a dance called the sprinkler, the lawn mower, the shovel, the pick, the jacksammer...you get the picture. (Sorry, you'll have to work on the visuals yourself. If it's really important, find me and I'll do a demonstration.) These boys could drink SO much. On the last night we were there, they went on a pub crawl with 26 pubs, determined to drink a half pint at each. They made it to 15, but drank a full pint at most. Scary things happened to our dorm room that night. The poor maid. Her Jim and Desheme passed themselves an "UNguided tour of the college NOT including the Old Library or the Book of Kells that Lally had lay and his wall of pain. Yes, I said wall of pain. Can I elaborate? Nope. Not without supervision. We had Kendall, the si- multaneous "King of the cricket field!"...and Steve, who went to those three classes, read four pages, drank the night right before both exams, but was convinced he would get an "A." We also can't forget Kim, who got the Betty Ford Award, and Margaret and Liz who were runners-up. These are some brave women. There were so many people on that trip that just great fun to be around.

One thing about spending so much time with people is that you learn things about them you are just not sure you even want to know. Something about being in another country strips people of their secrets and their inhibitions and they tell all and do stuff they wouldn't normally do. For instance, I learned that one girl on the trip has a secret sexual fantasy that involves her man wearing a Teenage Mutant Ninja Turtle Mask and a pair of thigh high wading boots. I decided not to inquire as to the details. One guy I thought I knew turned out to be one of the most nonchalant, hard-to-get-personalities. There was EF (the gleeful drinking monster), Buckie (who quoted movie quotes from random films, had conversations with his butt?), and dance on the tables and sing and hold hands. An amazing display. Then we had a tour from Houston. Affectionately dubbed "Sprinkler Man." Why? Because he did a thing we called blue collar dancing. He had a dance called the sprinkler, the lawn mower, the shovel, the pick, the jacksammer...you get the picture. (Sorry, you'll have to work on the visuals yourself. If it's really important, find me and I'll do a demonstration.) These boys could drink SO much. On the last night we were there, they went on a pub crawl with 26 pubs, determined to drink a half pint at each. They made it to 15, but drank a full pint at most. Scary things happened to our dorm room that night. The poor maid. Her Jim and Desheme passed themselves an "UNguided tour of the college NOT including the Old Library or the Book of Kells that Lally had lay and his wall of pain. Yes, I said wall of pain. Can I elaborate? Nope. Not without supervision. We had Kendall, the si- multaneous "King of the cricket field!"...and Steve, who went to those three classes, read four pages, drank the night right before both exams, but was convinced he would get an "A." We also can't forget Kim, who got the Betty Ford Award, and Margaret and Liz who were runners-up. These are some brave women. There were so many people on that trip that just great fun to be around.

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By Eydie Kaufman

Where would society be without the presence of individuals who devote their lives to ferreting out truth, injustice, and irresponsibility in the environmental versus nature? Probably better off, but certainly life would be a lot less fun. It is often a combination of fun, that I hereby introduce you to a new column of which I shall be the spokesperson for the New York University Natural Born Killers. "By the powers vested in me as king of my world," I hereby introduce ... the Watchdog. It is my intention that this column shall be for the use and benefit of USD law students to air any gripe or problems they have with the school. It will also present issues that need to be exposed to benefit the public good or to embarrass deserving candidates so that everyone can get a good laugh at their expense. Seriously though, I do intend for this column to provide a watchdog function over concerns that students have and I will do my best to uncover as much information, as well as to resolve these issues. I strongly encourage and welcome any ideas for future columns, even if I've already covered them in my mailbox (Eydjih J. Kaufman). This column is a service to you, the reader, and it is my purpose to define how that service is used.

Enough of the administrative introduction. Let us now get to the business column. Being a personal trainer in real (non-law school) life, I cannot overemphasize the importance of exercise and its mental and physical benefits. Most other first-year students know this about me and will do my best to uncover as much information, as well as to resolve these issues. I think one graduate student really appreciates that the gym is "like dinosaurs...of that is equipment is extinct." Indeed, apart from the obvious dinosaurs- like equipment supposedly maintained and then thrown away. Working in a big gym I know that maintenance on such machines is relatively simple and low cost, but the trick is to have to be kept up constantly, the machines can snap and stick and cause all sorts of nasty injuries.

Brown was quick to point out a check list for annual and maintenance which all of the work study students are supposed to follow. Students that use the gym deny ever seeing the workers complete such a list. "I've never seen them wipe down any of the equipment, ever," a student said. It's twisted, one girl who now belongs to a private club. All this ties into the next big problem, which is the condition of the gym itself. Brown admits a done deal rearrange the gym and has cleaned up quite a bit since he took over. Nevertheless, the last time I worked out I picked up a barbell, only to find it coated with rust and covered over 1/2 inch thick. Brown blames this problem on "the fact that we have doors that are open to the environment. We try to clean the bars once a week, but...rust is gonna accumulate." Well, I know that the gym is one big unprotected wound from the salt of the environment and this contributes to the problems of keeping it clean, but I've never known rust to accumulate in a matter of days.

One student connected with the gym said that the environment does make it hard to control the dirt, and that to keep things clean, workers would have to wipe things down "three or four times a day." Well, I hate to seem really simple minded, but is that too much to ask? Are the workers so busy sitting there collecting their salaries at the rate of one or two minutes that they can't take a moment or two every couple hours to wipe down the equipment? The three health clubs I worked at all required the machines to be cleaned every time someone got off and (those who corner clubs). Iannacone doesn't even see the environment as a detriment. He feels this is actually a benefit, because the gym "always has fresh air." It also helps with the elements, such as rain. Several students have complained that the carpets are often soaked and not dried properly. "I know there's mold underneath," one student insists that she "gets sick" because of this problem every time she tries to work out there. When I ques- tioned Iannacone as to why rubber mat- ting hadn't been installed one of the heated that replacing the carpet would cost "more money than it's worth." The "fresh air" idea also loses its appeal for the fall and winter months. Many students complained that the gym needs air conditioning. I can understand that installing anything in a building that essentially has no solid walls would be both expensive and waste, but why not purchase a few new fans? I know Thrifty has some cheap ones that even go on sale occasionally. I believe that the administration is hesitant to do too much for the weight room, because it has a plan. A secret plan, or not really a secret plan, but a plan that exists only in the hypothetical hopes and wishes of those involved in the fitness area. The plan is to build a new arena, an athletic complex that "would be all things to all people," Iannacone said. The proposed arena will have a separate, indoor weight room and a dance room that would be open to everyone at all times. Iannacone said the present weight room would be maintained as well. The plans are still tentative and no dates have been set. As a matter of fact, nobody is certain about anything, except the fact that the students. However, Iannacone insisted that the only reason it hasn't been started yet is that it will "be the most expensive, the largest building built by the University. Whether this is a valid project or merely a diversion to alleviate students' concern is something that remains to be seen.

It is important to note that, contrary to popular belief, our high tuition has absolutely no correlation to the gym. Student fees are used to support athletic programs. However, Iannacone insisted that this column is still important and that "all money comes out of my pocket." But to keep recycling funds while still providing good service, the administration is spurring on the "add-on" fees to our currently mind-boggling bills. I'm sure some students would be willing to pay an extra $50 for the improvement of the facilities, but surely just as many would not.

Also, and this is a biggie: we actually HAVE a gym. Those of you who went to state universities or bigger schools that had excellent weight rooms - you don't have to appreciate this. I was an undergraduate at George Washington University - a great academic school, but the facilities were quite primitive. I should note that the students filled with book smart and not a lick of common sense. Almost all of the students there despised physical activities that didn't involve hobnobbing with someone from "the Hill." Needless to say, the weight room at GW makes the one here at USD look like a NAA training center. GW's facilities were totally cramped, almost everything was broken most of the time, and the gymnasium was so old that even Jack LaLanne wouldn't recognize them.

To keep things in perspective, the facility now being used at USD was never intended to be a weight room. "It was a renovated garage," said one of the first tenants. "It was never designed as a weight room." There also was not nearly as much demand for such facilities in the 1980's when the building hadn't really kept up with the times, but this is because the administration thinks it is better off not utilizing it. Iannacone reasoned that even if the present gym is totally renovated, it won't meet the demands of the entire cam- pus community. "My heart's in the right place," said Iannacone. "I'd like to have better facilities and get more people involved.

So would I, but sometimes you just make due with what you've got. And what we've got really isn't so terrible. Our facility may not be the greatest, but it is free and it does have enough equip- ment to keep you in shape and semi-sane on the journey through law school. If you don't belong to a better gym, you should definitely use it. A little fitness goes a long way.

Remember, if anyone has any ques- tions or comments regarding this article or future topics, or wants to offer some con- structive (or even not-so-constructive) criti- cism, please feel free to contact me. Fare- well until next month, and be aware...the watchdog's officially on patrol.
From the Left
The Moek Shall Inherit the Earth
By Alison J. Cohen

There are many critics of the welfare system as a whole and as it is currently set up. Until this past summer, I didn't really have a strong opinion one way or the other. I knew what I read in the papers and saw on TV. I listened to the conservatives condemn the system as a drag on society, willing people to become jobless in order to return to the abuser. After all, maybe this time he'll change. For others, they applied for AFDC. AFDC supplies a bare minimum funding to these families so that they can eat, and live in a place most of us would consider substandard. Beyond this, there were few sanctions or even legal mechanisms to get these abusers to change. The以及 these families would stay in physically abusive situations that someone becomes a homicidal statistic.

Welfare also serves as a temporary support for families and individuals undergoing a transitional period, whether due to unemployment, or reeducation. The biggest complaint people have are with those people on welfare who remain on the support for extended periods of time. There should be reforms in the system to encourage education and the development of vocational skills to help these people off of the funding, and on with their lives as productive members of society. Perhaps there should be time limits on the duration one can stay in the program. The point is that the Welfare system serves many good purposes, and helps people who need assistance getting out of poverty. To scrap the entire program, is to leave Americans and their children hungry and on the streets. It revolts me to think that we have reverted to such a selfish state that the hungry family next door is not considered to be a priority, as we all share common borders and the same title "American citizens" we are each responsible to help the fallen rise to their feet. After all, a chain is only as strong as its weakest link.

From the Right
The WORK ETHIC AND A HELPING HAND Bismarck, Roosevelt, etc.

Those who built the foundations of the Welfare State may or may not have had in mind the type of system that evolved in the United States. If the past was anything like the present, there were a variety of viewpoints as to the social goals of a welfare system. Currently the debate, while multifaceted, needs to focus on the question of whether the United States should, or even can, continue with the type of welfare programs we have developed. In addition, if we agree that welfare programs should be maintained by our government, then we must also agree upon the nature and the criteria for distributing the funds throughout society.

Conservatives believe that the welfare state is to assure that those who are unable to compete in the market, because of natural difficulties or injuries, are provided for at a suitable level. Thus, the crippled, mentally and physically, would be provided for by society. Individuals and groups that have driven to work but who do not find good jobs enjoy doing are unfortunate, but are not properly the burden of a State that is to take on their personal responsibility. As such, if these individuals are in dire straits, they may need to turn to the numerous private charities available to help them. Or, another option, perhaps more amiable in nature, would be to allow a citizen to tap into the welfare program for a limited time period in order to have a type of "safety net," that includes a form of "work-fare" or on-site job training. Unwed mothers present another problem that is often brought up in connection with the welfare state. Proposed solutions could include strict enforcement of paternal and maternal responsibilities, and a type of work-fare program to help some unwed mothers to watch children while others work in order to receive supplementary State funds. PARTING SHOTS...

The problems, theoretical and practical, with the welfare system, the way it now exists in the United States, is that we now have in the United States numerous citizens who receive all of his material needs from the State ever since welfare is an entitlement and, as such, is not subject to the type of "safety net" that includes a form of "work-fare" or on-site job training. Unwed mothers present another problem that is often brought up in connection with the welfare state. Proposed solutions could include strict enforcement of paternal and maternal responsibilities, and a type of work-fare program to help some unwed mothers to watch children while others work in order to receive supplementary State funds. PARTING SHOTS...

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Career Services

Class of 1997 -- Time to Consider Judicial Clerkships

Each fall second year students at law schools nationwide are urged by faculty, career services staff, deans, and classmates to consider applying for judicial clerkships. (The application process begins in January.) These positions involve working as a law clerk to one or more federal or state judges. Judicial clerkships carry a tremendous amount of prestige and provide an excellent opportunity for law school graduates to work closely with a judge, view the legal process from behind the bench, and sharpen legal research and writing skills.

Most state trial, appellate (but not California) and supreme court judges hire judicial clerks, as do most federal circuit, district, and bankruptcy court judges, and federal magistrates. Most clerkships last one to two years, although in the past couple of years judges have been making exceptions to this one or two year limit and have offered career positions to their clerks.

Each judge determines his or her own hiring criteria and application deadline, but some standard procedures apply. Typically, judges are looking for outstanding academic achievement, excellent research and writing skills, strong analytic skills, ability to work independently and under pressure, and good judgment. The most prestigious clerkships in the most competitive areas of the country (e.g. New York, Boston, Chicago, Washington, D.C., San Francisco) go to students at the top of the class. Many judges at state and federal courts in less competitive areas of the country apply more flexible hiring criteria.

During the 1996 application period, most federal judges will likely continue to comply with the request from law school deans to not conduct interviews before March 1, and law faculties not to transmit recommendation letters before February 1. 1997 graduates, however, should prepare their federal court application packets during early January 1996 and have them mailed to judges no later than the end of January 1996 in order to be considered for the March 1 interview start date. State court judges have much broader application deadlines, some as late as third year, second semester.


Calendar: Watch Sidebar and Motions and Career Services Bulletin Board for information on the upcoming Judicial Clerkship Panel.

Career Services published this last spring. We thought you might like to see it one more time.

FROM THE EMPLOYER: THUMBS UP/THUMBS DOWN

Career Services polled 1994-95 on-campus recruiters, asking them to identify the most interesting questions posed to them as well as the strongest negative determinants they encountered during their day on-campus. This is what they told us.

What was the MOST INTERESTING QUESTION you were asked by an interviewee today?

STUDENT ASKED:

Why did you choose a CPA firm over a tax law firm?
What are the differences among training programs offered through the various Southern California prosecutor's offices.
What will I be doing?
Tell me about...[specific published cases the student had read].
What can a summer associate bring to the summer program of your firm?
What types of activities would I be participating in as a summer associate?
Could I use this [one of our discussion topics] as a law review subject?
How does your firm compete for legal business with other firms?
How do you feel about the environment at your firm?
How did you select the students you interviewed?
What do you enjoy about working at your firm?
How accessible are partners to clerks?

What student question/action/behavior was the STRONGEST NEGATIVE DETERMINANT you encountered today?

THE STUDENT:

Didn't know the name of our office and arrived late.
Acted extremely apathetic and uninterested in participating in the interview.
Wore ill-fitting clothes.
Didn't take time to learn about the office.
Talked too much -- even though next interviewee had knocked on the door thus indicating time was up.
Expressed interest in areas not practiced at the firm.
Didn't demonstrate enthusiasm - behaved very formally.
Asked, "Where is Bakersfield?"
Provided evasive answers to clear questions.

asked only general questions -- demonstrating that he/she had not conducted any research on the firm.
Spotted long hair tied in a ponytail (a male student) -- demonstrating poor judgment as to our firm's client base.
Acted as if he/she was doing me a favor by interviewing with me.

HOW JOBS ARE OBTAINED

The following table was compiled by the National Association for Law Placement (NALP) from surveys of approximately 13,000 law graduates of ABA law schools nationwide. All employer types -- law firms, businesses, government, judicial clerkships, public interest, and academic -- are included.

<table>
<thead>
<tr>
<th>Source</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall OCI as 2L for summer position resulting in full-time offer</td>
<td>12.0%</td>
</tr>
<tr>
<td>Fall OCI as 3L</td>
<td>6.0%</td>
</tr>
<tr>
<td>Result of summer/academic-year job obtained outside of OCI</td>
<td>8.1%</td>
</tr>
<tr>
<td>Return to/continuation of job held prior to or during law school</td>
<td>5.5%</td>
</tr>
<tr>
<td>Initial contact at job fair</td>
<td>1.1%</td>
</tr>
<tr>
<td>Response to job listing in career services office</td>
<td>11.5%</td>
</tr>
<tr>
<td>Letter or other self-initiated contact with employer</td>
<td>28.6%</td>
</tr>
<tr>
<td>Referral by friend, relative, faculty, or business contact</td>
<td>13.0%</td>
</tr>
<tr>
<td>Employment with friend, relative, or faculty</td>
<td>3.8%</td>
</tr>
<tr>
<td>Response to classified ad</td>
<td>2.1%</td>
</tr>
<tr>
<td>Other</td>
<td>8.3%</td>
</tr>
</tbody>
</table>
N
ext year, Canada will have two NBA basketball teams: The Toronto Raptors and the
Vancouver Grizzlies. Now I don't know what the seven signs of the apocalypse are, but I'm sure that this
is one of them. As far as athletics go, Canada is already steeped in tradition; they don't need basketball. They are a
veritable year-round winter Olympic Games. For example: the luge. This is a sport for which the main necessary
skill is that you lie really still and don't move at all as it's over. I'm surprised this hasn't caught on in America.
I'm sure children all over Canada grow up dreaming of buying their own luge. Close friends, of course, would buy
that and make it in American football and have fooled the rest of the world into thinking that they are good enough to
earn the right to pit their talents against raptors. They are creatures of great intelligence and could probably have torn me to
tiny little bits with little or no effort. So, if there are any still around today, and since by
time they could probably read, I love
canadian teams. This is just a professional sports team should represent its host city.
When I think Toronto, I do not think Dinosaurs. I do, however, think Ice. So how about the Toronto Ice Men? I
also think Beer. How about the Toronto Ice Beer? Kind of catchy, huh?
These Canadian teams may also have a few marketing problems in the
merchandise area. The Raptors' logo is a big maroon dinosaur. Sound familiar? I don't think even the most
confident of gangs would wear a shirt with Barney on the front.
Next, there's the Vancouver Grizz-
"ليس" ترونتو. I do not think

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TORTIOUS TERMS
By Thomas Hipke

DEER PEER - When a professor bears down on a peer like a mack truck, so that the student just sits there dumbstruck like a deer in the headlights.

DON SEQUitur - A professor who tries to make a logical conclusion when the student cannot follow a thing he or she says.

FOCUS NON FACTUM - When a student cannot focus (usually getting a sore neck in the process from looking at other students or out the window).

HELIUM HAND - A student who suffers from always having to have his or her hand raised no matter whom the professor is talking to.

KALDOR-HICKS TIME - When it would increase one's total personal worth if one were out surfing instead of sitting in class.

MURPHY'S NECK SYNDROME - When an entire course suffers from Tin Man Syndrome.

TURNIP - A student who is made to look like he or she just fell off a truck (i.e., by the professor).

WORDUS REAS - All of the ridiculous words remain in control; symptoms in-clude: high pitch, squeakiness, fast talking, ums, ahhs, etc., etc., you know what I mean.

Visiting Professor is Full of Enthusiasm and Practical Advice
By Donna L. Pahl

Professor Scott Ehrlich is visiting us this year from California Western School of Law. An outgoing and bright new addition to the USD faculty, Prof. Ehrlich is teaching the evening Property course. I had the privilege of meeting with him for an interview during his office hours.

Born in Brooklyn, NY, where he refers to as "intense" since he grew up in housing projects, Prof. Ehrlich came to San Diego via Colorado, Northern California and Massachusetts. He attended the State University of New York at Stonybrook where his undergraduate major was psychology. In 1976 he received his JD from New York University. For a few years he worked, practicing Real Estate Investment Law in New York City and San Mateo, CA. He did background memoranda for the current Bankruptcy Code which was enacted in 1978. Then Prof. Ehrlich went to Harvard University for his LL.M.

California Western School of Law in San Diego recruited Prof. Ehrlich directly from Harvard, and he has been teaching there for the past 15 years. He teaches Property, Real Estate Transactions, and Secured Transactions. When asked why he went into teaching, Prof. Ehrlich describes how it was a personal challenge for him because he had a public speaking phobia. This is obviously something he conquered. Ask any of his current students and they will tell you that he is a dynamic teacher.

When Prof. Ehrlich is talking about teaching you can feel the intense passion that he has for it. He takes it seriously, yet has a lot of fun doing it.

I asked Prof. Ehrlich what he thought about the Socratic method of teaching and if he thought it was effective. His answer was thoughtful and interesting. He explained that Prof. Ehrlich offered some practical advice. He stresses the importance of keeping a good balance between the Socratic method and the use of other teaching methods.

If you have any questions, don't hesitate to stop by and say hello to a friendly new face at 1310 Morena Blvd. 276-5637.

Welcome Back Students
Live Music on Fridays & Saturdays
Karaoke on Thursdays & Sundays
Darts, Pool & Foosball

Annika G. • Matt J. • Shari M. • Matt Y. • Bill H. • John H. • Shervin S. • Jesse M. • Steve S. • and all the rest of our friends!

O'Connells

Halloween Party
Are you ready for the hair that is sure to come? Get narate with your costume.
Plan a group effort: You will never forget this party.

Karaoke

If you would like to meet Prof. Ehrlich, his office is in room 319A in Warren Hall. He encourages students to feel free to drop in and ask him any questions. If you don't have any questions, don't hesitate to stop by and say hello to a friendly new face at USD.
Moot Court Board Planning
Another Exciting Year

By James Harman and Lucia Heffernan
This year’s Appellate Moot Court Board is busily planning another exciting year of moot court activities. The recently completed Jessup International Law Competition was the first of four intraschool competitions held this year. Coming soon is the Alumnus Tort Competition (an individual competition) and the Thomas More Constitutional Law Competition (a team competition) and the Loyola Criminal Law Competition (an individual competition) will test the advocacy skills of our school’s top litigators.

All 2L’s, 3L’s, and 4L’s are eligible to participate in the intraschool competitions. All contestants are required to research and write a brief in support of a party in a fictional, but topical, dispute. After submitting the briefs, participants must argue both sides of the dispute in front of panels of local attorneys who serve as mock court judges. The experience is invariably challenging and rewarding for those who accept the challenge of appellate moot court advocacy.

Each competition has preliminary, semifinal, and final rounds. The winner of each competition receives a free bar review course! Best Oralists and Best Brief awards are also given to outstanding advocates. Furthermore, participation in moot court, particularly for those who earn awards for their advocacy, makes a resume really shine. Many employers designate Moot Court experience as a requirement for an interview with their firms.

The Appellate Moot Court Board is comprised of 3L’s who participated in at least two of last year’s competitions. The following students are members of the board:

Officers:
Licia Heffernan, Chair
Michael Connor, Vice-Chair
Connor Flattery, Treasurer
Nicole Scavone, Clerk

The recently completed Jessup International Law Competition continues the tradition of this fine tournament. The final round will be in the Grace Courtroom on October 21 at 11:00 a.m. and the public is welcome.

USD has one of the finest appellate advocacy programs in the country. Last year, our Jessup team won First Place in the United States and San Diego try winning this prestigious competition. Mike Connor and Jackie Hamilton have been busily working to continue the tradition of this fine tournament. The final round will be in the Grace Courtroom on October 21 at 11:00 a.m. and the public is welcome.

The USD Catholic Perspectives Forum Presents
HON. FRANK SHAKESPEARE
FORMER U.S. AMBASSADOR TO THE VATICAN
The Us and the Vatican:
Observations On Our Diplomatic History
Thursday, October 5, 7:00 p.m. at the Manchester Executive Conference Center Auditorium Admission is Free of Charge
The first year of law school will likely be one of the most confusing and demanding academic experiences of your life. Join BAR/BRI in your first year and take advantage of our unique program of law school preparation. The BAR/BRI First Year Review Volume contains comprehensive, concise black letter law outlines designed to help you cut through the fog of detail and give a clear view of the overall picture. Subjects covered include Civil Procedure, Contracts, Criminal Law, Property, and Torts.

The First Year Review program also includes a final exam lecture series. These lectures will completely review each of the First Year subjects in a separate comprehensive lecture. The lectures, delivered by nationally recognized experts, will provide invaluable assistance in understanding the black letter law. The First Year Review program has guided thousands of students to success in the most difficult year of Law School.

As a BAR/BRI student you can continue to benefit from our arsenal of materials and lectures. BAR/BRI’s second and third year program is specifically tailored to second and third year courses.

As in the First Year Review, second and third year students can also take advantage of video presentations by our national and local lecturers given just prior to exams. These lectures give a complete and thorough overview of many of your second and third year classes.