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University of San Diego School of Law Student Bar Association

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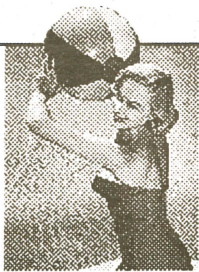
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# MOTIONS

Vol. XXXI, No. 6

Serving the San Diego legal community

WEDNESDAY, APRIL 3, 1996

## New grading policy to increase failure rate

By FRED HAGEN and THOM HIPKE

Law school faculty recently approved a new mandatory grading policy that will require first-year law professors to give more low D's and F's, and increase the number of students who automatically fail at the end of their first year. The new policy will take effect fall 1996.

The Student Bar Association opposed the policy as a misguided way to increase bar passage rates. In a letter to the faculty, SBA President David Krause-Leemon said the faculty was focusing on the wrong question. USD law students have higher admissions statistics than many schools with higher bar passage rates. "If we are taking in better students, why are they not passing the bar?" he said.

First-year Civil Procedure Professor Roy L. Brooks said the faculty should be looking at ways to teach more effectively, rather than beating up on students by failing them out. Medical schools don't automatically fail their students, and Yale law school doesn't automatically fail students, he said. They work with students who are having trouble.

After hearing some of the rumors about the new policy, the Chair of the Committee to Review Grading Procedures, Professor Michael Kelly, said he was disappointed at the level of misunderstanding. For example, the new policy doesn't mandate 10 percent of the students have to fail out after the first year. The 10-percent provision was added as a limit in case the new policy produced too many students failing out. He predicted seven percent of the first-year class would fail out, up from three to four percent under the current policy.

Kelly said the issue was not a choice between improving teaching and failing more students in order to get the bar passage rate to improve. "You can't just pass a rule to tell teachers to teach better," he said. "Teaching and learning styles are different.... You shouldn't limit freedom."

The new policy will increase the GPA for automatic disqualification at the end of first year from 74.5 to 75. In addition, the policy will require five percent of a professor's grades to be between 65 and 71. The grading policy of upper-class required courses will follow similar guidelines.

To make sure the policy is obeyed, the Dean has the power to enforce the grading requirements. If a professor receives notice that the grades she submitted are out of compliance and then refuses to change the grades to meet the requirements, the Dean can and will change the grades.

Kelly said the primary reason for mandating more low grades was to get professors to grade the same way in order to achieve equity between the sections.

"We noticed that the same professors get the best students year after year," he said. Assistant Dean Carrie Wilson said that the school does the best it can to divide the sections evenly, however, even the best of plans are not infallible. Last year, professors in two of the four first-year sections gave nine F's, while professors in the other two sections gave three F's. The Law Review statistics were also dissimilar.

Even some professors who follow the guidelines give fewer low D's than other professors, which means they have to give fewer high grades, as well. This can make decisions about Law Review and tuition discounts subject to the luck of the draw, Kelly said.

Kelly said the automatic fail policy is designed to keep students with little chance of success from wasting two more years in law school. The old policy fails out first-year students who end the year with a GPA below 75. However, students with a GPA between 74.5 and 75 were given probation and allowed a chance to get their GPAs above 75.

The new policy would only allow students between 74.5 and 75 to petition for readmission in the case of mitigating circumstances. The result would mean six to 10 more students would fail out per year, Kelly said. Because some professors feared the number could go higher, the Dean was given the power to limit number of students failed to 10%.

Kelly said he does not expect students to be happy about the new policy, but he hoped they wouldn't perceive the policy as anti-student.

"The last thing we want to do is send your tuition money packing," he said. "On the other hand, we can't continue to take your money if you don't have a chance to succeed."

"Are there things that can be done to help teachers

### First-year grading policy comparison

Current guidelines	New mandatory policy
Percentage of grades that should be between scores:	Percentage of grades that must be between scores:†
5-10% between 89-93	5-10% between 89-93
25-35% between 83-88	30-40% between 83-93
30-40% between 83-93	10-20% between 65-74
10-20% between 65-74	at least 5% between 65-71*

† Professors *must* submit grades that average no more than 80.5 and no less than 79.5.

\* If the average score of the bottom 15% of the class is 72.5 or lower, this requirement does not apply.

### Upperclass grading policy comparison\*

Current guidelines	New mandatory policy
Percentage of grades that should be between scores:	Percentage of grades that must be between scores:†
5-15% between 89-93	5-15% between 89-93
25-40% between 83-88	30-45% between 83-93
30-45% between 83-93	0-10% between 65-74
0-10% between 65-74	

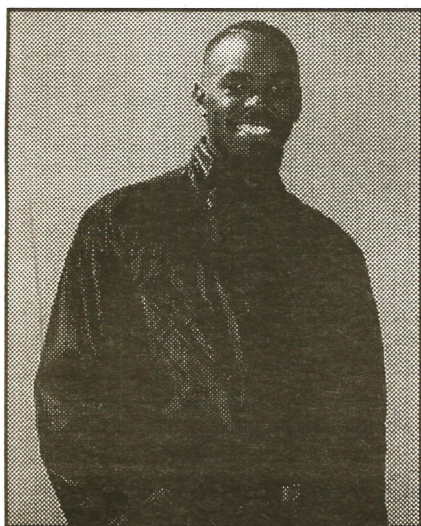
† Professors *must* submit grades that average no more than 81 and no less than 79.

\* Applies to required courses only; suggested for other courses.

do better? Yes," Kelly said. For example, the faculty has sponsored guest speakers on legal education and attended conferences on legal learning. "I hold extra sessions to help students with their writing," he said.

In addition, Kelly said the law school's bar pass rate was ranked higher when professors were required to give graded midterm exams. Although students were mixed on the policy, many professors did not like mandatory midterms for two reasons: first, they tend to make students overly focused on what will be on the exam. Second, graded midterms creates an extraordinary amount of work in the middle of the semester for professors, who could be focusing on teaching.

"I hope there are things we can do to make teaching better," Kelly said. "We are not going to stop looking because of this."



## Mark Davis elected SBA President

By FRED HAGEN

After a low-key campaign, former professional baseball player Mark Davis was voted Student Bar Association president in the first round of SBA elections last week. When asked why he didn't criticize his main opponent for elections violations, Davis replied, "I didn't want to sling any mud."

Davis said he didn't want to be president in order to impose his will on other people. "I don't consider myself a

politician," he said. "I consider myself more a representative of the student body. Consequently, I'll be asking students for feedback."

One trap Davis doesn't want to fall into is trying to do more than his position warrants. "I can't bring down tuition, or increase parking," he said. "Although, we may be able to get the ball rolling."

Davis feels he can best serve the students by focusing on what he can do. The SBA presidency is largely ambas-

sadorial—between students and the administration, he said.

"If there is a problem, I hope students will feel comfortable coming to me," he said. "I don't know how things were done in the past, but hopefully things will be a little more interactive."

Davis said he is not a big idea guy. "I have some ideas, but I'm looking for ideas from students," he said. "Anyone can come talk to me and we will get things done."



# What's new at the LRC? Books of special interest...

Compiled by FRANKLIN A. WESTON  
Senior Reference Librarian

ADAMS, DAVID WALLACE. *Education for Extinction: American Indians and the boarding school experience.* Offers the accounting of how the government removed Indian children from their parents and placed them in boarding schools for extended periods of time in order to "Kill the Indian and save the man."

BAXTER, MAURICE G. *Henry Clay and the American System.* Reveals the important economic and constitutional aspects of what was perhaps Clay's greatest contributions to national policy: the creation of a home market for domestic goods.

BRIGHT, SUSAN. *Landlord and Tenant Law: The nature of tenancies.* A fresh look at the principals which provide the foundations of the landlord and tenant relationship.

BROWNLEE, W. ELLIOT. *Funding the Modern American State, 1941-1995: The rise and fall of the era of easy finance.* Explores the history of American taxation and public finance since 1941, to understand the political, social, and economic forces that have shaped the current regime.

CASTANEDA, JORGE G. *The Mexican Shock: Its meaning for the U.S.* Examines the key issues of Mexican life: the impact of emigration, the relationship between politics and economics, and the enormous cultural changes taking place as Mexico moves closer to the United States.

CHAYES, ABRAM. *The New Sovereignty: Compliance with international regulatory agreements.* Takes a look at international treaties and how they are enforced, and argues that sovereignty requires membership in good standing in the organizations and regimes through which the world manages its common affairs.

COHEN, CARL. *Naked Racial Preference: The case against affirmative action.* Makes an argument against the set of race-related policies known as "affirmative action," and examines landmark court cases from the past 20 years that have addressed racial quotas and goals, admission to law and medical schools, employment, and set-asides—including the Adarand case.

FENNELL, PHIL. *Treatment Without Consent: Law, psychiatry, and the treatment of mentally disordered people since 1845.* Traces the history of mental disorder treatment in Britain over the last 150 years and examines the range of different forms which treatment interventions have taken.

FRENCH, REBECCA REDWOOD. *The Golden Yoke: The legal cosmology of Buddhist Tibet.* Reconstructs the last medieval legal system still in existence and shows that system as a series of layered narratives from the memories of people who participated in the daily operation of law in the houses and courtyards, the offices and courts of Tibet prior to 1959.

FRIEDMAN, BARRY D. *Regulation in the Reagan-Bush Era: The eruption of Presidential influence.* Describes the acquiescence of executive agency officials, members of Congress, and federal judges to Ronald Reagan's assertion of extraordinary new presidential power over the federal regulatory process—the controversial Executive Order 12291.

FULLINWIDER, ROBERT K. *Public Education in a Multicultural Society: Policy, theory, critique.* Addresses the philosophical issues surrounding multicultural education's pivotal concepts.

HANEY LOPEZ, IAN F. *White by Law: The legal construction of race.* Examines cases in America's past that have been instrumental in forming contemporary conceptions

of race, law, and whiteness.

KRIEGLER, BLANDINE. *The State and the Rule of Law.* Challenges not only the anti-statism of the 1960s but also generations of political romanticism that inadvertently threatened the cause of liberty by refusing to distinguish between the despotic and the lawful state.

JOFFE, CAROLE. *Doctors of Conscience: The struggle to provide abortion before and after Roe v. Wade.* Argues that in addition to the violence and disruption of the anti-abortion movement, the medical community itself must share the blame for the loss of major abortion facilities.

LOWE, STEPHEN R. *The Kid on the Sandlot: Congress and professional sports 1910-1992.* Provides a comprehensive examination of the relationship between Congress and professional sports.

MILLER, JAY. *Writings in Indian History, 1985-1990.* Groups and annotates publications according to historical period, regional culture, theme (economic life, missions, legal relations, social life, physical and spiritual environments, etc.), and literary form.

MILLER, WILLIAM LEE. *Arguing About Slavery: The great battle in the United States Congress.* Tells the story of the early attempts to abolish slavery, beginning in 1835, and the battle in Congress with the introduction of the "gag rule" to keep the bills off the House floor and excluding them from national discussion.

PLUNCKNETT, THEODORE FRANK THOMAS. *Studies in English History.* Covers the period from the middle ages to the 18th century, and includes the legal position of the medieval bailiff, the rise and significance of Impeachment and Attainder, the case of Chaucer and the abduction of Cecily Champaigne, Coke's Reports, and

the history of the legal profession.

SARAT, AUSTIN. *Identities, Politics, and Rights.* Examines how rights constitute us as subjects and are, at the same time, implicated in political struggles.

SCHACTER, DANIEL L. *Memory Distortion: How minds, brains, and societies reconstruct the past.* Explores the full range of biological phenomena and social ideas relevant to understanding memory distortion, including the reliability of children's recollections, the effects of hypnosis on memory, and confabulation in brain-injured patients.

SIMPSON, A. W. BRIAN. *Leading Cases in the Common Law.* Addresses the phenomenon of the leading case—the judicial decision which acquires a timeless quality, coming to stand for some legal idea, principal, or doctrine thought to be central to the casuistic tradition of the common law.

SNAPE, WILLIAM J., III. *Biodiversity and the Law.* Explains the importance of biodiversity law as it relates to all aspects of everyday life, and explores its major scientific and legal angles.

STEEL, EDWARD M., JR. *The Court-Martial of Mother Jones.* The story of the labor agitator Mary Harris "Mother" Jones and 47 other civilians who were tried by a military court for murder and conspiracy to murder—charges stemming from violence that erupted during the long coal miners' strike in West Virginia in March of 1913.

VAN DETH, JAN W. *The Impact of Values.* Offers the final volume of a five volume set as an exhaustive study of beliefs in government in post-war Western Europe.

WILLIAMS, BRUCE A. *Democracy, Dialogue, and Environmental Disputes: The contested languages of social regulation.* Addresses the conundrum of regulation by tracing its source.

## A Message from the President...

By DAVID KRAUSE-LEEMON  
Student Bar Association President

This semester has been much busier than I anticipated. I missed the last *Motions* issue, so let me thank everyone for the great turn-out at the Blood Drive on Valentine's Day. More than 70 people showed up to give, and more than 45 units of blood were donated. I hope this event will continue into the future. I also want to thank Tony Campanale and Lisa Hess for the terrific job organizing the Mardi Gras Party. Thanks to everyone else who helped; you made it a great success.

### New grading policy

On Friday, March 22, the faculty enacted a new grading policy to take effect this summer. The new policy enforces the mandatory grading curve. The gist of the policy is it requires the faculty to give more high A's and more low D's, and raises the grade point average of those who will be academically disqualified from 74.5 to 75. The SBA endorsed the new policy in that it attempted to achieve grade equity between the first year sections, but opposed the policy because it will result in more students being academically disqualified. The exact number of students who will be disqualified under the new policy is unknown, but could run as high as 10% of the incoming class.

The SBA opposed the increase in academic disqualification because we felt that the faculty's main purpose in implement-

ing this specific change was to attempt to increase the bar passage rate by flunking out those whom they perceived would not succeed in passing the bar. In a letter to the faculty, which was backed by the SBA in a



As if by magic, USD's bar passage problems will disappear if the bottom 10% are flunked out.

resolution, I suggested that bar passage rates could be increased by changes in the class room, and I hinted that increases in professor performance in the classroom might be the solution, not flunking more people out. However, while we had some strong faculty support, the majority of the faculty favored the grading policy.

### SBA election results

This will be my next to last article as your SBA President because elections were held just this week (March 27-28). While we still have a run-off for the position of Treasurer and one Honor Court Justice, the other races were decided, although some were very close. The new SBA Executive Board will consist of President Mark Davis, Vice-President Lisa Vail, Evening Vice-President John Guaragna, Secretary Danesh Tandon, and Treasurer yet to be decided. All of the election results will be posted on the SBA door.

I would like to extend a warm con-

gratulations to all who participated. The voter turn out was the highest I have seen in my three years here, topping 60% overall and almost 85% in the first year class.

### Free legal database printing

Turning to what I hope will be my last comment on the issue, it looks like we finally have the printing situation under control at the LRC. We have access to laser printers on both Westlaw and LEXIS now, and we have a great new computer lab to work in when we don't need to print Westlaw and LEXIS for free. (When exactly is that?) So, thanks to everyone who helped make the printing available.

### Upcoming events

The Bay Cruise (affectionately known by some as "booze cruise") will take place April 11 from 9 p.m. to 1:30 a.m. Come join your friends for a great night cruising and dancing on the bay. Tickets are on sale NOW!! La Revue, the law school talent show, will be held Friday, April 19, from 6 p.m. 'til ?; and the law school graduation party this year looks to be a blast. We will be celebrating in the Bahia on Mission Bay, and thanks to Jenna Kirsch, Shiela Mahmoudi, Janet Lee, Diana Krause-Leemon, and Alison Cohen, (if I've left out anyone, shoot me later) we are going to have great eats, drinks, music and entertainment. Tickets will be going on sale in April. Third-years will have first crack, and then sales will open up to all. So, come celebrate with all of your graduating friends and live it up.

## MOTIONS

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Cris Lamb      Eydie Kaufman  
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# Still no graduation speaker for class of '96

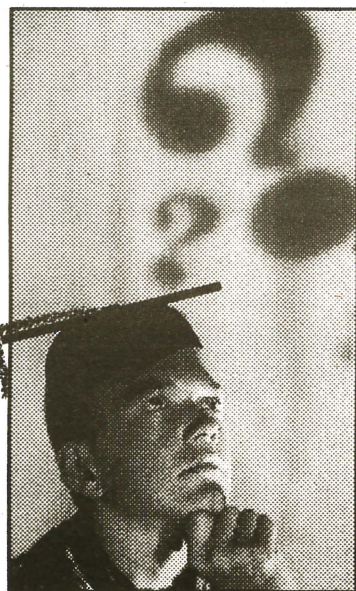
By BELINDA ETEZAD RACHMAN

By February of 1995, graduation speaker Elaine Jones had already been scheduled to appear at commencement speaker for the class of 1995. By the time you read this there will be less than two months until graduation and there is still no graduation speaker.

Unless the graduating class arranges something for themselves the only speaker available at the last moment may be one who will not generate much excitement. If students have any family or professional contacts whom they think would be interesting, and worthy of the honor of being a commencement speaker please leave a note in Karla Goltman's mailbox.

For a commencement speaker to be allowed to speak they must be approved by the University. This is not to say that a speaker who had not already been pre-approved would be unable to speak at the 1996 commencement, as long as he or she meets approval before scheduling.

The following is a list of pre-approved candidates. President Jimmy Carter was the number one choice of this year's graduating class, but he has already declined. Mario Cuomo has also denied our request to speak. If you have any connections with any of the following people please use them before it is too late.



## Public Service

Robert Adams  
William Bennett  
Henry Cisneros  
Barry Goldwater  
Rudolph Guiliani  
Shirley Hufstедler  
Micky Kantor  
Jack Kemp  
Richard Lugar  
Daniel Patrick Moynihan  
Leon Panetta  
Janet Reno  
Richard Riordan  
George Shultz  
Donna Shalala

## Judiciary

Armand Arbrian  
Rose Bird  
Allen Broussard  
Frank Esterbrook  
Betty Fletcher  
Ronald George  
Judith Kaye  
Joyce Kennard  
Alex Kozinski  
Malcolm Lucas  
Dorothy Nelson  
Edward Panelli  
David Souter  
Byron White

## Humanitarians

William Gray  
Mary Terese Winifred Robinson  
Elie Wiesel

## Academia and Journalism

Derek Brok  
Guido Calabresi  
Benno Schmidt  
Ronald Coase  
Michael Josephson  
Nina Totenberg

# USD takes second in Traynor Moot Court Competition

By WILLIAM C. KUEBLER

It was after the evacuation from Dunkirk that Winston Churchill made his pledge of "blood, toil, tears, and sweat" to the British people.

Well, there was very little blood spilled in the USD Traynor Team's preparation for last weekend's state-wide moot court competition, but, as the team's coach, I can assure you that the other three elements were in ample supply throughout the course of our preparation for and participation in the Traynor Competition.

This year the competition was hosted by the California Pacific School of Law in Bakersfield. While not the most glamorous of locales, the school, in conjunction with the California Young Lawyers Association, who sponsors the Traynor Competition on an annual basis, went all out to make it a smoothly-run and successful event. Twenty law schools from around the state argued a problem involv-

ing First Amendment issues and the Internet. The competition is named for Roger J. Traynor, former chief justice of the California Supreme Court, and deals each year with a current topic in constitutional law. In 1997, USD will host the competition here in San Diego.

USD has a track record for doing well in the Traynor Competition. Our teams have argued in the finals of the competition each year of the last three years, winning in 1994, and coming in second in 1995, and now, 1996. This year, the Traynor Team, consisting of advocates Joseph Daley and Stephanie Kish, rolled like a juggernaut through the preliminary rounds of the competition, securing the highest cumulative oral score of any team in the competition in those rounds. Next, Daley and Kish knocked off Southwestern in the quarterfinal and then took out Simon Greenleaf in a close (split-decision) semi-final match.

The finals were held in the chambers of the Kern County Board of Supervisors, located in a spacious new complex built for the county's administrative offices. USD was matched against the team from Loyola. Though they performed gallantly,

See Competition on page 17

## WHAT'S NEWS IN GOSSIP

By EDYIE KAUFMAN

**The Study Abroad program for Barcelona** apparently is not ABA approved. Students who applied to the program were recently notified by mail that Professor Lazerow turned in accreditation materials too late. USD students will receive ABA credit; however, students from other law schools who had planned on attending the program have not been quite as fortunate.

**Law students may see doctors** at the USD Health Center free of charge. The Center is located behind Camino Hall and offers a variety of health services. Just bring your student I.D.

**A recent attempt to gather USD law students** for a house build-

ing project in Tijuana failed miserably. According to sources, not enough students participated, the house was never built, and the huge lunch prepared personally to show gratitude to students apparently went to waste.

**Law school admissions at USD** are down from previous years. However, such a downshift is occurring across the nation as admissions for law school in general have declined.

**BarPassers and Bar/Bri** have both been ordered by the administration and the SBA not to sit on campus anymore. Both companies may now only sit two weeks a semester, for what is called "Sweeps Week." Students wishing to purchase review courses may still contact individual representatives.

## NEWS FROM CAREER SERVICES

By CAREER SERVICES

### To the class of 1996

Career Services is available to all of you throughout your career. As you consider job changes, redefine your career goals, require information on salary negotiation, or want to explore career options, you can visit our office, call us for an appointment, or request that we send you copies of Career Services Guides. You may also mail in your resume or cover letter for editing, or schedule a telephone appointment to discuss career issues.

In August, each of you will receive a copy of USD's Alumni Job Newsletter, published monthly. The Newsletter is especially helpful to graduates who are unable to visit Career Services. Listings include law firm, government, public interest, academic, and alternative career positions from California and nationwide. For those graduates who remain in San Diego, plan to visit Career Services during your post-bar job search for more timely access to job listings and resources.

Career Services hopes to continue to expand the number of alumni in its networking database. We hear often and (loudly!) from many of you about your interest in locating practicing USD alumni. All Class of 1996 graduates who would like to add their name to the networking database, please stop by Career Services and complete a brief form.

The entire Career Services staff wishes you the best of luck on the Bar exam!

### Fall 1996 recruiting program coming soon

Fall Recruiting takes many students by surprise. The first day of classes is August 26, 1996, and the Resume Drop happens the following week—Tuesday, September 3 (the day after Labor Day) and Wednesday, September 4, 1996. A word of advice: Be prepared! What does that mean?

First and foremost—assemble all necessary documentation.

**Resumes:** Career Services will be

available throughout the summer to review and critique your resume. If you're going to be out of town, mail it to us and we'll mail it back. Or work on it yourself and plan on attending a resume workshop or scheduling an appointment with a counselor as soon as you get back.

**Transcripts:** To avoid the inevitable last minute crunch, visit the Records Office and request a copy of your transcript before the first week of classes. Make lots of copies because many recruiters will request a copy as a "Resume Drop" companion piece.

**Writing Samples:** Clean up copies of any current samples, including p&a's, briefs, motions, and memos. Remember that the legal writing you'll be conducting this summer may also be used (with employer permission) as a writing sample during the fall job search season.

Second—be informed about and plan to participate in Career Services' fall programming. Along with your registration materials, you will receive an invitation to participate in the fall interviewing program. Please read the invitation carefully rather than discarding it. The complete calendar of events on the back of the invitation will tell you when the List of Fall Recruiters is available and give dates and times for important fall programs. Events not to miss include:

- ◆ resume workshops
- ◆ Resume Drop
- ◆ cover letter writing workshops
- ◆ Summer Employment: The Students' Perspective
- ◆ Interviewing and Hiring: The Employers' Perspective
- ◆ video mock interviewing
- ◆ Job Search 101

Announcement of these events and all other Career Services programs will be made through *Sidebar*, *Motions*, and the Career Services bulletin board directly adjacent to our office (room 111).

Third—if in doubt, ask questions. The complexities of fall interviewing demand attention to the details outlined in the materials you'll receive from Career Services. Policy exceptions will not be made; it is expected that you will read all procedural materials carefully.



# OPINION

## FROM THE EDITOR



### Motions gets new staff

Next month a new staff of highly-qualified news people will take over *Motions* and take this paper to the next level. When I started working on the paper three years ago it was a pretty drab affair and it didn't generate much

interest, excitement or revenue. Things couldn't be more different now. Believe it or not, working on the paper has been one of the most gratifying experiences of my life. I am thrilled to announce that Fred Hagen, who was a journalism major as an undergrad and has done so much to improve the look and quality of the paper, will be our next Editor-in-Chief. He has a very exciting vision of what he wants the paper to become and I look forward to seeing what he and his staff will do with it. He will be most ably assisted by Erika Hiramatsu, who worked on one of the top 10 high school newspapers in the U.S., Eydie Kaufman, another journalism major and the first 1L in the history of *Motions* to go on staff, and Thom Hipke, who has been a frequent contributor to *Motions* this year. As readers of my column know, I only came to school to have fun, get out of Oceanside and be around smart people with no real intention of getting a job. But now that I have ink in my blood, I want to work for a paper or cyber magazine. I could be the irreverent smart aleck who adds the color. Job offers being accepted at belinda@cnsii.com.

## New SBA President says he's no politician



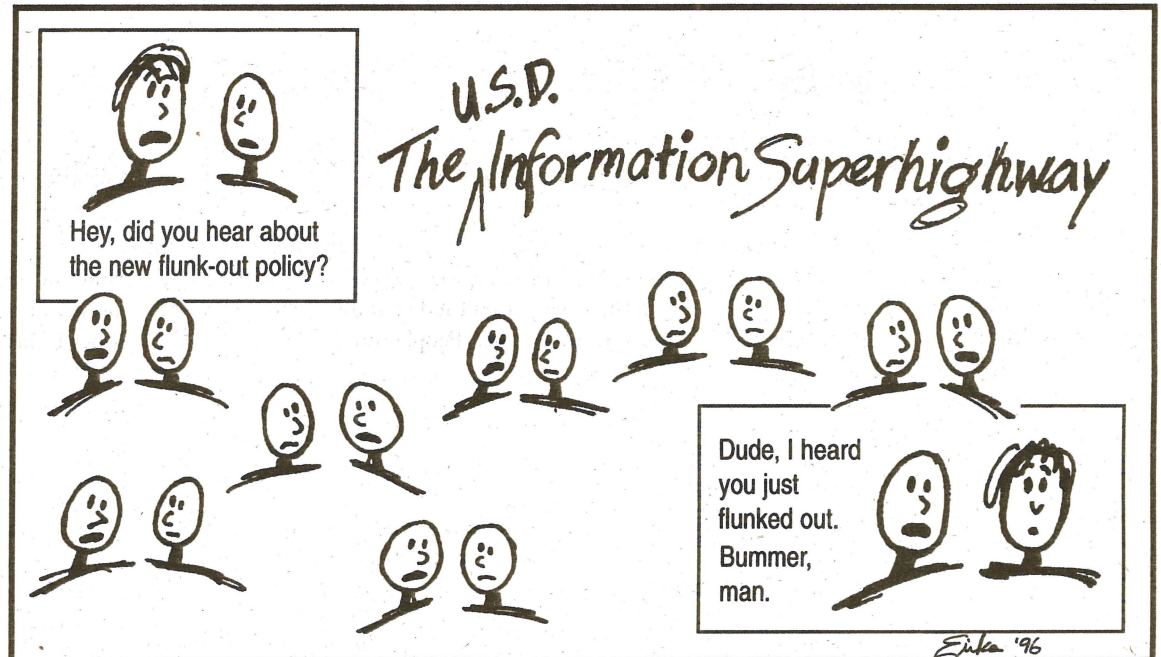
By MARK DAVIS  
Student Bar Association President-elect

Finally, it's over. I can't speak for anyone else, but that two days of official campaigning seemed like an eternity. My goal and policy throughout the process was one of non-annoyance. For those of you who found themselves annoyed just the same, I apologize. I was a reluctant participant in the poster wars. My handlers (you know who you are) forced my participation. I both curse you for your persistence and thank you for your insight. I, like the rest of the student body, am glad elections are over. I anticipate doing a good job. I expect you all to expect me to do a good job.

The question I'm asking myself is: "Now what?" If you are expecting me, as SBA president, to unilaterally come up with fresh, new, innovative ideas, you've got another thing coming. I have never professed to being brilliant idea person nor even very smart generally. I will on occasion, however, come up with something no one has thought of—or at least hasn't mentioned in a very long time. The Davis administration will be an open administration. I encourage your participation.

I do not consider myself a politician. Politicians impose their will on the people and try to garner as many followers as possible. I consider myself a representative of the people. I believe that considering different perspectives on a given subject make for sound and reasoned final determinations. This does not mean I am inclined to straddle the fence. It does not mean I will be indecisive. It simply means that I recognize that my viewpoint is not infallible. Ultimately, I will be responsible for the decisions I make, but they will be neither uninformed nor pig-headed.

I encourage all members of the student body—and professors and administrators, too—who have good ideas,



## COMMENTARY

## The truth about failing rumors

### Falsities fly regarding "new" mandatory failure policy and first-year Torts exam scores

By IAN KING

As each day goes by, numerous rumors commence. Whether the rumors are who is sleeping with whom, or who has a better job and how they got it, rumors are prevalent. However, when rumors exist about grading policies, or academic disqualification, truth must prevail.

Two rumors are presently afloat. One rumor is the new standards of grading which will effect all incoming first-years. The second rumor is the first-year grades of sections A and C.

#### New mandatory fail-out?

In the last month there have been faculty meetings regarding the present standards of grading as well as academic disqualification. Rumors have said there will now be a mandatory ten percent fail-out. However, this, as with most USD rumors, is merely fiction. What was decided is that all first-year law professors will mandatorily follow the same grading guidelines. This policy is not to make more people fail out. It is rather to make sure there is a fair equilibrium between various sections.

The grading policy which has always existed is as follows: the top five percent receive A's, the next ten percent receive B's, the next seventy-five percent receive C's, and the remaining ten percent must receive D's or F's. This policy has always existed. However, some professors have not followed it. Some professors have used their discretion in deciding the percentage a D should be. This type of unbridled discretion is not fair to students who have a professor who follows the guidelines.

The rumor is that there will be a mandatory ten

percent fail-out rate. This is not the case. The bottom ten percent has always been limited to D's and F's. The new policy will merely make sure the guidelines are followed. In fact, the guidelines will not only make sure that all professors grade on the same scale, to prevent any unfair advantages, but will also ensure that at no time more than ten percent of the student body fails out.

Theoretically, no one ever mandatorily must fail out. Due to the professors having discretion in giving D's or F's, most professors do not fail students. Additionally, if a student gets one or two D's, as long as their other grades are high enough to give them a seventy-five average, they will not fail out.

#### First-year Torts exam scores

The other rumor is with the first-year Torts exam grading. Sections A and C both had the same final examination. The rumor is that due to the new format as well as vague directions for taking the exam, the students were unfairly graded. The rumor is that even though both sections had the same test, due to the discrepancy in students' following directions, the exam would be waived and all students would be passed. However, the rumor was that only Section A students would receive "pass" and Section C students would not.

As usual, this was a false rumor. Neither section will receive a "pass," but rather both sections will maintain the grades they already received. The grading issue for the torts exam was thoroughly discussed in faculty meetings, and the decision was to have the students keep their number grades. Therefore, no changes were made, nor will any be in the future.

If rumors are going to float, they should consist of truthful aspects of this school. As law students, we all have more than enough things to worry about; adding to our worries with false rumors is not only counter-productive, but unfair to the administration, students, and ourselves...think about it.

or know a better way to get things done, to speak directly to me or anyone else in the SBA. I can promise that you will be heard and your idea considered. One thing is certain, if you don't speak up, you won't be heard. There's nothing I dislike more than people who refuses to raise their hand in class when asked a difficult question, and then whisper what they think is the answer. I say speak up or shut up. Monday Morning quarterbacks do me no favors. Send in a play or watch the game in silence.

I'm taking suggestions for next year. Great ideas are welcome. I've got a few ideas of my own, but I'm your representative. So don't be a stranger.

## Correction

In the March 6 issue of *Motions*, we mistakenly referred to California Western School of Law as the former name of Thomas Jefferson law school in a story about American Bar Association certification. In truth, Western State is the former name of Thomas Jefferson law school. California Western has been an ABA accredited law school since 1962.

*Motions* tries its utmost to report fairly and accurately. If you believe we were in error, please call us at (619) 260-4600 x4343.



# LETTERS

## "Sweeps week" policy causes controversy

### BarPassers/West complains

**O**n March 19, 1996, many students in the graduating class received a letter directly mailed to their home from Mr. David Krause-Leemon and Mr. Matt Rampy regarding the Bar/Bri Bar Review Course. The letter was the latest move from this school's SBA President to utilize his name recognition in order to disparage the BarPassers/West Bar Review Course in favor of Bar/Bri, the course for which he is currently an on-campus representative.

Since Mr. Krause-Leemon began his reign as SBA President, he has become a student representative for Bar/Bri and spearheaded a campaign to severely restrict the methods which the bar exam courses may use to disclose information to the student body.

**F**irst, he initiated a new posting policy that limits all advertisements and fliers to a single bulletin board located in the first floor lobby. Second, he unilaterally decided that all bar review courses could no longer utilize the first floor tables on a day-to-day basis. Instead, he adopted a "sweeps week" approach, which allows the courses to occupy the tables during two two-week periods in the semester. This format serves only as a disservice to students, especially third-year students, as it limits student access to information about the courses. However, it was only after students challenged Mr. Krause-Leemon's move as an abuse of his position that he relented and put the "sweeps week" idea up for a vote by the SBA.

While the "sweeps week" program was adopted, it was adopted on the understanding that two conditions would be met: 1) the new "sweeps week" program would be thoroughly communicated to all students and 2) a new posting location would be set aside for exclusive use by the bar review course, including an area to post the names of all student representatives.

**A** bulletin board was recently designated for bar review materials (see the bulletin board directly across from the student mailboxes); however, students have received literally no information about the new "sweeps week" format. This lack of communication has left many students unable to get answers to questions about the different bar review courses or to compare the two major courses side by side.

Most recently, Mr. Krause-Leemon mailed the aforementioned letter to the homes of most graduating students. Rather than promoting the Bar/Bri course on its merits, this letter attempts to capitalize on a student's fear of failure in order to scare USD students into taking the Bar/Bri course. His letter highlights the fact that a former BarPassers represen-

tative did not pass the bar. This statement insinuates that all representatives from Bar/Bri have passed the bar and I know that is just not true. People sometimes just fail.

While BarPassers is aware of Bar/Bri representatives, head representatives, and individuals in Bar/Bri management who have failed the bar, BarPassers feels it is

"...lack of communication has left many students unable to get answers to questions about the different bar review courses or to compare the two major courses side by side."

inappropriate to capitalize on what is most likely an individual's bad luck. Think about it, if people who took one bar review course failed, while people who took a different bar review course all passed, there wouldn't be two bar review courses in California.

Mr. Krause-Leemon's letter further asserts that BarPassers is a "new" course because it was purchased by West Publishing and that new materials will be utilized for the first time this coming review session. While it is true that BarPassers was purchased by West Publishing, one of the world's largest legal publishers, the only significant changes to the written materials have been alterations to incorporate updates in the law. Moreover, some of the finest bar review lecturers in the nation have been incorporated into the BarPassers/West program, including Mr. John Moye, Mr. Rafael Guzman, and Mr. Arthur R. Miller, all of whom used to lecture for Bar/Bri.

**M**r. Krause-Leemon's letter also insinuated that since "a lot of Law Review people are taking Bar/Bri," the students who received his letter should take the course as well. ("If they aren't going to take any chances with passing the bar, why should you?") I am unaware of any direct correlation between a student's status on Law Review and their ability to choose the best bar review course for the general student population.

Further, those USD students on Law Review who are taking BarPassers this summer would probably disagree with Mr. Krause-Leemon. Finally, Mr. Krause-Leemon's letter states that if a student is not taking Bar/Bri, "chances are good that you won't be studying with a lot of your friends." Since the BarPassers/West Bar Review Course is being held here at USD this coming summer, exactly the opposite is true.

While no bar review course is perfect for all students, I strongly encourage everyone to seriously consider which bar review course is best for them. Don't fall for the scare tactics, do the research, choose the right course for you, and take the bar exam only once!

**STACEY E. JAMES**  
Co-Head USD Student Representative,  
BarPassers/West Bar Review

### Bar/Bri rebuts accusations

**T**his letter is in response to the unfounded accusations and attack on my character made by Ms. Stacey James in her letter to the Editor, also appearing in this edition. In response to a commercial letter I wrote as an individual student, which was unfavorable to her employer, Ms. James makes several inaccurate statements and insinuations about my actions as SBA President.

First, Ms. James characterizes my letter as "the latest move from this school's SBA President to utilize his name recognition in order to disparage the Barpassers" bar review course. I am flattered that Ms. James believes I command such great name recognition. However, to believe my name could influence anyone to make such an important decision as the purchase of a bar review course is preposterous. Additionally, I have never attempted to use my position as SBA President to disparage any bar review course.

Second, Ms. James suggests I have used my position as SBA President to the detriment of Barpassers and the benefit of Bar/Bri by implementing restrictive posting policies and the "sweeps week" table sitting format. While it is true I was the original sponsor of these two items, both were approved by a majority of the SBA after open discussion and an open vote. Hardly the unilateral actions of a campaign spearheader.

**M**oreover, as Ms. James is well aware, the "sweeps week" format is experimental. It can be revoked at any time by an SBA vote. If she is unhappy with it, she should bring the matter before the SBA for a vote. Additionally, as an SBA member, Ms. James should also be aware that the recently approved posting policy did not make any substantial changes from previous years regarding posting access for bar review courses. In fact, this is the first year in which the courses have had dedicated bulletin board space by the mailboxes. Any delay in getting the bulletin board space is solely attributable to the delay in a permanent location for the mailboxes.

Finally, with respect to the letter I sent out with Matt Rampy, I am more

than willing to take individual responsibility for that. However, it had absolutely nothing to do with my position as SBA President. It was written at my home, on my computer, with my paper, and with my envelopes. Names and addresses were taken from the student directory, to which all have access.

**I**f any individuals found the letter, offensive, I sincerely apologize. It was not intended to offend anyone. However, I stand behind the factual assertions in the letter.

Ms. James' insinuations that as President I attempt to benefit one course over the other are insulting. There is nothing either course can do for me. I am already entitled to earn a course from Bar/Bri as a student representative, and I also have a free Barpasser course. I choose to sell Bar/Bri, because I believe it is the better course.

"In all of my actions as President regarding bar review courses, I have always tried to act consistently with what I believed would be the greatest benefit to all students."

In all of my actions as president regarding the bar review courses, I have always tried to act consistently with what I believed would be of the greatest benefit to all students. I have never used my position to the benefit of one company or to the detriment of another. There is absolutely no incentive for me to do so, because I can take either course for free.

Ms. James also criticized me for using what she called "scare tactics" in the letter. While that was not my intent, I am scared of the bar exam. USD's pass rate is dropping. I want to take the best course I can in order to pass on my first try. I believe the best course to help me do this is Bar/Bri, and that is why I wrote the letter, not to offend anyone or make anyone mad.

**A**s I enter my final few weeks as SBA President, I will continue to act in a manner consistent with the office of president and which I believe benefits the student body. Additionally, I will continue to defend my integrity and honesty from unwarranted, unfounded, and non-factually-based attacks such as the one put forth by Ms. James.

**David R. Krause-Leemon**  
USD Student Representative,  
Bar/Bri Bar Review

### MOTIONS welcomes your letters!

Motions will accept your letters, guest columns, complaints, and commentaries. All submissions must be signed and include a phone number. Letters should be brief and may be edited for length. Send submissions to:

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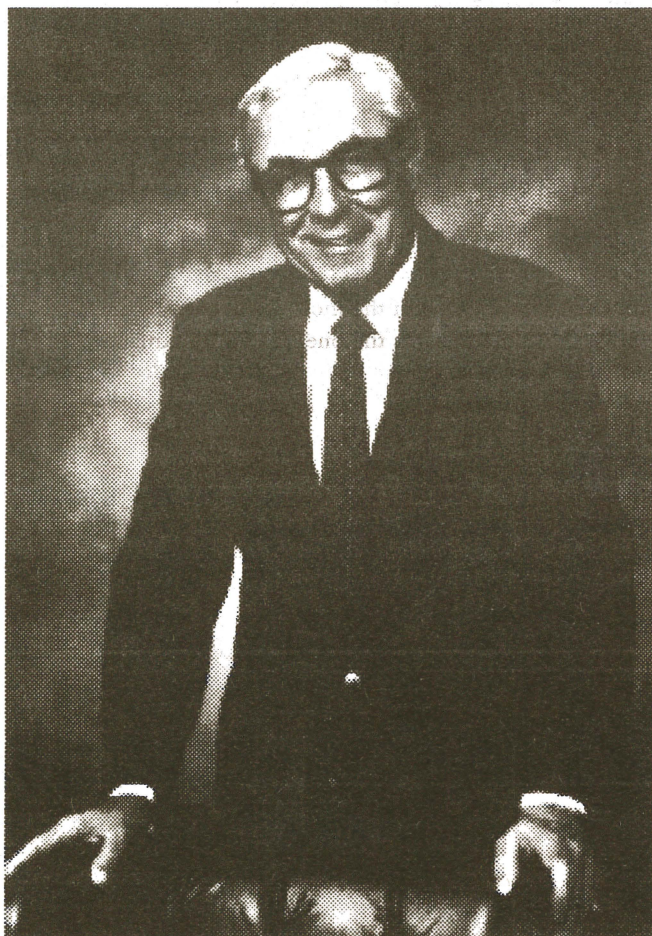


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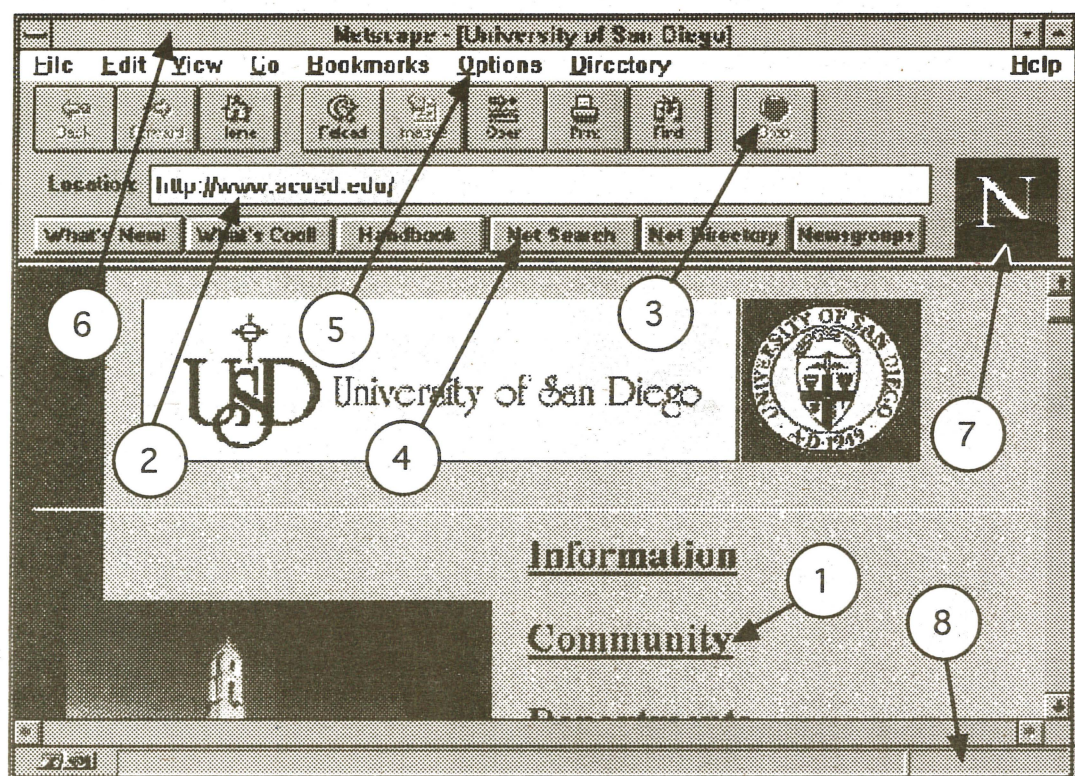
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# Increasing your Net worth

By LARRY DERSHEM  
Legal Research Center

Students can navigate the World Wide Web with the Legal Research Center's new Netscape Software.

In the March 6, 1996 issue of *Motions* I gave a brief account of how the Internet came into being. This article will touch on how the Net got its look and feel today, and present a few tips on performing searches on the Net using the graphical browser Netscape Navigator.

The modern graphical interface that the Internet has today is the result of two major developments. The first development occurred in the early 1990s when software was written for physicists working at the CERN (European Laboratory for Particle Physics, located in Geneva, Switzerland). This software was developed by Tim Berners-Lee, a researcher at the CERN. Berners-Lee called his creation the World Wide Web (or WWW). The software allowed physicists at the CERN to click on highlighted text, and instantly be transported to other related documents. These documents could be located on the same computer as the original document being viewed, or could be located a world away. Users did not have to be concerned with where the document was stored, because the linking process was done automatically in the background.

The finishing touches to the World Wide Web were put in place by a second important development. In 1993 some graduate students at the National Center for Supercomputing Applications (NCSA), University of Illinois at Champaign-Urbana developed a Windows-like graphical interface to the World Wide Web. Calling their creation NSCA Mosaic, or just Mosaic, this Internet browser software could be used to view text in multiple fonts and sizes, to see graphics, and even provided the means to hear sound bytes and view video clips. One of the developers of Mosaic was Marc Andreessen, who soon left NSCA to develop his own Web browser product, called Netscape Navigator. Although today there are many graphical World Wide Web browsers, none is currently more popular than Netscape Navigator.

Since Netscape Navigator is loaded on all attorney workstations in the Legal Research Center's computer lab, the remainder of this article will discuss some of the principle features of this Web browser. Hopefully, the information provided will help you become a more proficient user of Navigator.

The illustration to the left shows an example of Netscape Navigator's initial screen that appears when you open the Navigator program in LRC's computer lab. Note that all workstations in the LRC computer lab have been set to display USD's home page. However, for home or office use you can set your browser to open with your own home page, or any other home page that you like. Also note that all the tools that you need for accessing the Internet are located on this initial screen.

## Navigating the Net: finding your way home

**1 Content Window.** One way to use Netscape Navigator is to ignore all the buttons and menu choices at the top of the screen and click on the hypertext words found in the initial content window. For example, in the illustration above, if you see an item that interests you on the USD home page you can click on the underlined hypertext word, and be taken to documents that are related to that word. Thus, if you click on the word Community in the above illustration with your mouse, you will be taken to another page that presents a list of additional hypertext items such as the community events bulletin board, Privacy Rights Clearinghouse, Career Services-JobTrak and the USD Bookstore. Using this point and click method works fine, but can be somewhat limiting.

**2 Location Box.** Use this box to type in the Uniform Resource Locator (URL) of the Internet site you want to visit. This method works great if you know the address you want to access. To use it, just position your mouse pointer in the box, click on the mouse's left button, and proceed to type in the appropriate URL. Note that this box shows you that you are currently at USD's home page, whose URL is <http://www.acusd.edu/>. In the example the "http" part of the URL stands for Hypertext Transfer Protocol; the "www" represents the abbreviation for the World Wide Web; and the "acusd" indicates USD's domain name and stands for Academic Computing, University of San Diego. The "edu" part of the URL shows that the address belongs to an educational institution.

**3 Toolbar Buttons.** Tool bar buttons allow you to navigate the Web with the point and click of your mouse. For example, the back button will take you to the previous page you were viewing if you have viewed

several screens of a document. And the forward button will move you forward to a page that you have previously viewed while in a particular document.

Other important buttons to mention on the toolbar are the home, reload, open, print, find, and stop buttons. Use the home button to return to USD's homepage fast. The reload button allows you to reload a document that is having trouble being transmitted to your computer due to a poor telecommunication link, etc. The open button can be used for typing in a URL address you want to visit. Many people prefer to enter the URL here instead of in the location box, because you can enter the URL immediately without having to first erase the URL that is currently displayed in the location box. The print key will print out the current document you are viewing. In the LRC computer lab, printing defaults to the two HP DeskJet Plus printers so there is no automatic printing charge. The find button is used to locate words within the document you are currently viewing. Use the stop button if it seems like it is taking forever to load a screen, and you want to move on to something else.

**4 Directory Buttons.** These buttons are maintained by Netscape Communications Corporation, and can be used to locate all kinds of new and interesting sites on the Web. The most important button in this grouping is the one labeled Net Search. Net Search allows you to explore the entire WWW and retrieve useful information, much like a WESTLAW or LEXIS-NEXIS search, but with less sophistication. For example, to find phrases use quotation marks around the phrase: "clear and present danger." Proper names should be capitalized: Thomas Jefferson. And use brackets to find words that appear within 100 words of each other: [trial cameras]

**5 Menu Bar.** This bar contains a number of options. Use the File Menu selection to exit Netscape Navigator when you are done with your session. Viewing preferences can be selected under the Options menu item.

One of the most useful parts of the menu bar is the one labeled Bookmarks. Use this choice to add bookmarks to your favorite sites on the Web. It works very easily. While you are viewing a site that you want to return to, just click on the bookmark menu item, and select Add Bookmark from the drop down menu. The URL of the site you are viewing will be automatically added to your file. To view this site later, simply click on Bookmark, and select View Bookmarks from the drop down menu. Bookmarks can be deleted just as easily as they are added.

**6 Window Title.** The window title area displays the title of the home page currently being viewed, as specified by the author of the home page.

**7 Netscape Icon.** This icon can help you see if your connection is still active. When your browser is attempting to link to a new site, the icon box becomes animated with a meteor shower.

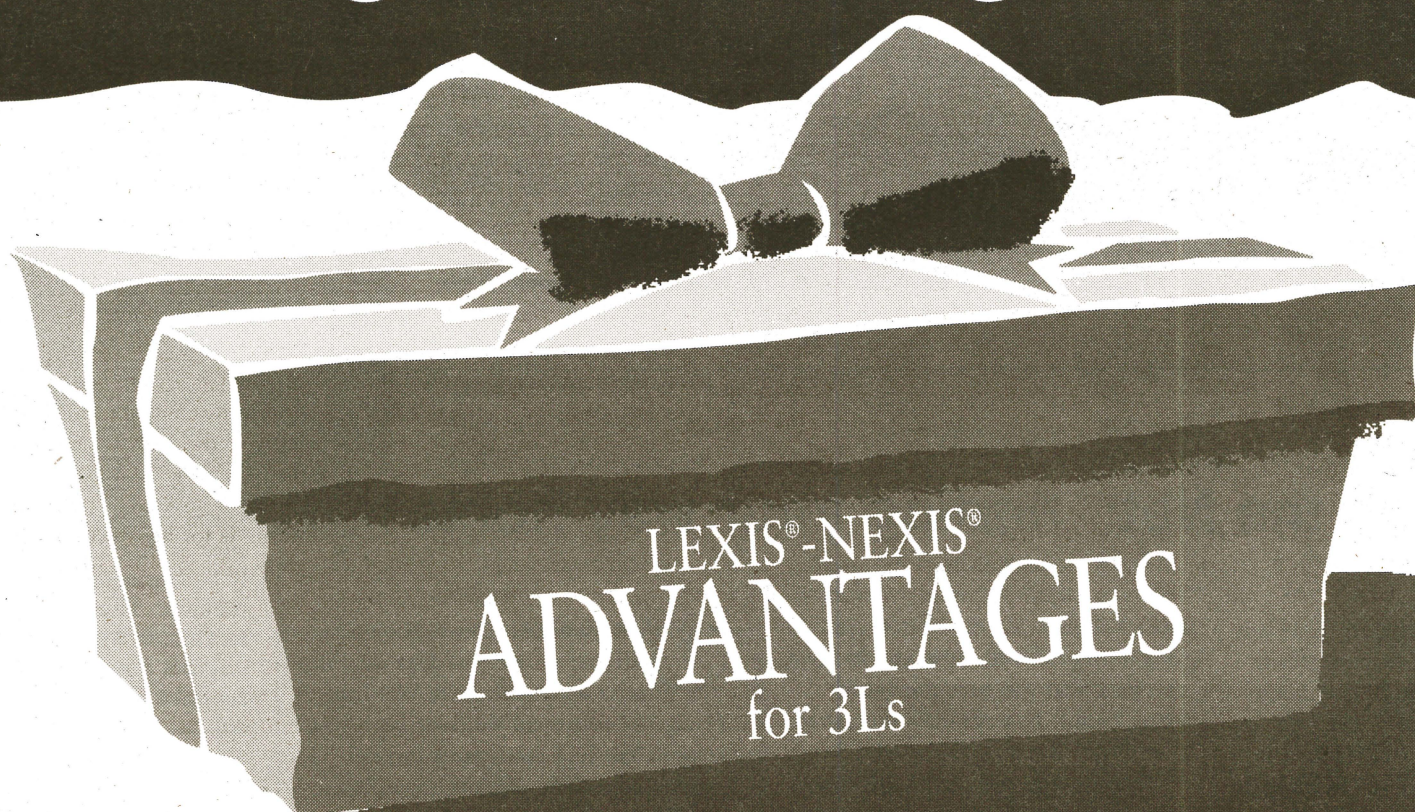
**8 Status Bar.** When Netscape Navigator is attempting to load a file, a horizontal red bar progressively fills this box to indicate what percentage of the file remains to be loaded.

The Internet is growing in importance as a legal research tool. Hopefully this article has provided some useful information on how the Net was developed into what it is today, and supplied you with some pointers on how to take advantage of the Netscape Navigator browser to plum the depths of the Web.



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# Law student stands Nations apart

By EYDIE KAUFMAN

Welcome to a new feature designed to spotlight you: the USD student. Sure, we wave as we pass each other in the library, smile as we bump into one another at the bookstore, but how much do we really know about our fellow students?

There are some amazing stories and achievements among our fellow classmates, and the goal of this feature is to highlight such students and shed a little light on their accomplishments.

## Law student *Limelight*

First in a series

### Annalee Nations

Law school is challenging and demanding. Some people meet this challenge, but occasionally, a person manages to rise above.

Annalee Nations is a third-year student who meets and exceeds any typical expectations. Aside from her pending graduation, Annalee has also succeeded in starting and maintaining her own animal rescue business. And she still finds time to be the SBA representative and Director of Student Relations for Women's Law Caucus, and has four clients through the Civil Clinic.

### Annalee to the rescue

Annalee moved to San Diego to attend UCSD as an undergrad. She had been volunteering for the San Clemente animal shelter, and was disappointed that there were no rescue organizations in this area. So she started her own organization, focusing primarily on purebred German Shepherds. Having lived six years in New Jersey, Annalee trained a Shepherd as a seeing eye dog out there. She said "I was amazed at how smart they are and what wonderful companions." She was also dismayed there were "so many being killed in shelters."



Proudly posing with her German Shepherd, Lido, third-year student Annalee Nations shows the love for animals that sparked a successful animal rescue business.

### A house full of fun

So, Annalee began to bring dogs from the pound back to her townhouse, which she shared with five roommates, all from different countries. "It was a bizarre, fun household...dogs and people from all over," said Annalee. Then she would run ads and by word of mouth, try to find homes for these animals so they could escape being put under at the shelters. In order to get the dogs, Annalee said, "I used to have to lie and pretend that I owned my own house and had a big fenced yard with no other animals," because local animal shelters were not set up "for rescue situations."

Annalee then founded the Phi Alpha Delta pre-law fraternity at UCSD, which has survived to triple its original size. She started the group because she and her friends "had no idea if we wanted to be

attorneys and there was no one to talk to about it." The group brought in speakers and it was from this Annalee decided to attend USD law school.

Annalee moved to a bigger place with a yard, but worried about "being able to continue doing all the volunteer stuff" so she recruited her friend, Jim Silveira to help. He "took physical care of the dogs while I did all the phone work," said Annalee. Typically, Jim would have one to seven dogs at his home.

### Parlez-vous "animale?"

Annalee survived her first year and even studied abroad in Paris, but managed to continue saving 200 dogs from certain death each year. She confessed that her love of animals started early, when "my parents would let me take home strays...as long as I found a home for them." Although she is supposed to only take Shepherds, she admitted "I always end up with different breeds and cats... but they never stay longer than a few weeks."

### All that and law school too

In her second year of law school, Annalee became Director of Publications for Women's Law Caucus and did a summer job at the District Attorney's office. She continued to devote a couple hours a day "making phone calls and doing errands...sometimes entire weekends," all for her dogs. "If I had devoted my time, I probably would've done better grade-wise," Annalee admitted. She said the hardest choice was, "to keep up volunteer obligations and still do law school. And I'm glad I did it because it's worth it."

Annalee completed an externship with Federal District Judge Napoleon A. Jones Jr. And, in addition to Women's Law Caucus and the Civil Clinic, she is a member of the German Shepherd Dog

Club and Director for SNAP (Spay and Neuter Action Project). This nonprofit organization educates schools and the public and promotes low cost spay and neuters. Annalee is speaking for them this month.

### Competing companions

She is also the proud owner of three dogs of her own. One is, of course, a shepherd. "Lido" is 18 months old and is being trained to compete in Schutzhund, a sport created for German Shepherds that involves tracking, obedience and protection. Annalee takes Lido for training two to three times a week and hopes eventually to compete "mostly for fun."

In addition, Annalee owns a Pomeranian ("Crusty"), and a Chihuahua ("Wiggly"). When asked how she finds the time she replied "I don't study as much as I should...but these other things just seem more urgent."

### Pro bono pet law?

Annalee plans to stay in the San Diego area and, if possible, do some side legal work involving animals. (Like "animal pro bono"). She wants to work for the D.A., or U.S. or city attorney in litigation. As for her rescue mission, "I will always do this. Forever. I am addicted."

Not only has her organization served a tremendous part in salvaging many animals and bringing joy to families, but it has shown what amazing drive an individual can have. "It does keep me really happy," Annalee admitted. "I know law students who seem depressed, very unfilled. I think it's because law school is their life." Annalee is a student who has used her skills to their fullest potential and pushed beyond the accepted to excel in the extraordinary.

### You, too, can rescue

Anyone wishing to adopt a German Shepherd or other animal can contact Annalee at 274-8132 or 576-1016. She places most animals by word of mouth, so pass the word along as well!

## La Revue Talent Show!

The annual rite of passage where we cast off the law student and put on the hambone actor  
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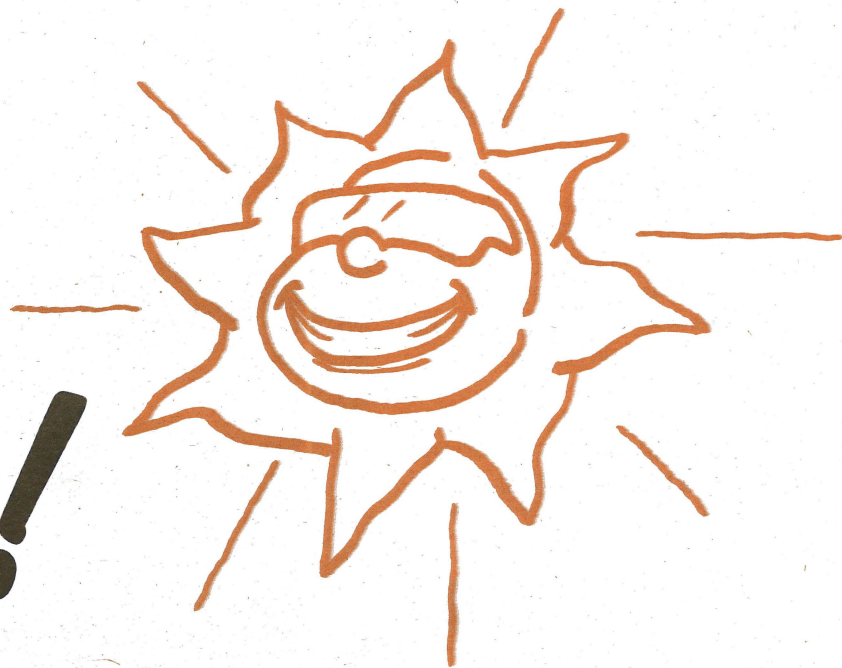
It all happens Friday April 19th on the first floor  
outside the Writs.

For more info contact Jena Kirsch  
or Belinda Etezad Rachman.



It's time to start thinking about

# Summer!



## Some great reasons to stick around campus

By THOM HIPKE

For those students not studying abroad in beautiful Barcelona or elevating into the legal work force, summer classes can be viable options. Though less romantic than foreign travel and less of an ego boost than a clerkship, these classes are worthwhile to consider.

There are 20 classes offered for your legal education from June 10 to August 3. These classes provide an opportunity to study with visiting professors, lawyers, and a judge. Our own esteemed faculty instructs less than half the classes.

Among the visiting instructors UC Davis College of Law professor James Hogan seems to be the perennial favorite. He teaches Evidence, a four-credit required class that is a prerequisite to Lawyering Skills II. As students have said, taking this class with professor Hogan is "the only way to take Evidence."

Also on slate for the summer is Trusts and Estates (Wills and Trusts) with the Hon. Glen Spearman who hails from the San Diego Superior Court. While this may not be the most exciting class on the summer school menu, the extra insight into the chamber might be the best incentive to enroll in this class.

There are five different clinics to

choose from this summer. The Mental Health Clinic, Environmental Clinic, and Criminal Clinic are each taught by in house professors. The Immigration Clinic and the Civil Clinic are taught by Jan Bejar, Esq. of the Law Office of J. Bejar, and Allen Gruber, Esq. of Anderson & Waldron, respectively. All of the clinics come highly-recommended and the lighter class load of summer provides the opportunity to be very involved in the work.

Highlights also include two internships, three graduate tax courses, Entertainment Law, and Professional Responsibility.

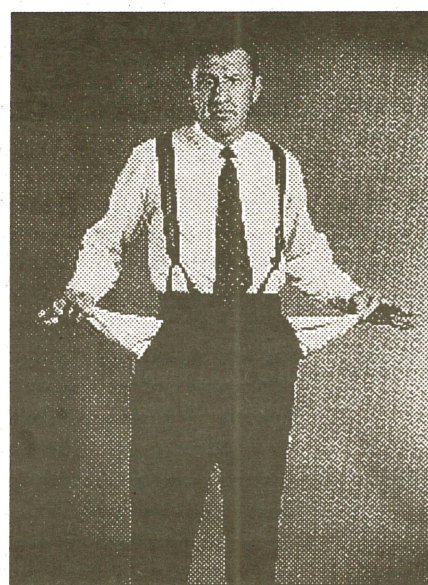
The summer faculty also provides an opportunity to network with a local judge and several lawyers, as well as professors from Virginia, Texas and California.

The complete list of classes, faculty, and registration processes can be found in the Records Office where the staff is more than ready to help. And I'm sure, as always, Assistant Dean Carrie Wilson's door is open to anyone who might have questions she could answer.

## Looking for a summer job?

By CAREER SERVICES

As the semester winds down, you may be experiencing one of two feelings: 1) excitement about beginning a summer clerking position, or 2) anxiety because you have not yet finalized summer plans. Congratulations to all you excited folks and welcome to all you anxious ones.



### From the DA's to corporate counsel

You might want to investigate the other resources in the Career Services Library. Career Services produces many career development guides and employer lists (both private and public sector employers). These guides/lists are available to you upon request. There are also books and binders

of information on various topics ranging from employment with a district attorney's office to working for the general counsel of a corporation.

Don't know where to begin? Why not set up an appointment with one of the counselors who can help you map out a strategy for your job search and show you how to use the resources? If you don't do appointments, drop-in hours are available. Talking with someone, making a job search plan, and beginning to take action may help to reduce your anxiety and lead you to summer work. You might even begin to feel some excitement about the upcoming summer.

### It's not too late for law clerking positions

Please be assured that if you've decided you want to work this summer but haven't landed the job, employers are listing and will continue to list current job openings for law clerk positions with Career Services before finals, after finals, and throughout the summer. To find these current listings, look in either the yellow- or green-labeled blue binders (the information is identical) housed on the shelf to your right as you enter Career Services. The binders are labeled JOB BOOK - LAW CLERK.





# Legal clinics offer real-life experience

By JULIE D'ANGELO FELLMETH

As pre-registration approaches, USD law students should be aware of two unique clinical opportunities: the Center for Public Interest Law (CPIL) and the Child Advocacy Clinic of the Children's Advocacy Institute (CAI).

Both CPIL and CAI were founded by Professor Bob Fellmeth—a former “Nader's Raider” consumer advocate, Deputy District Attorney, and Assistant U.S. Attorney. Professor Fellmeth recently finished a five-year term as the State Bar Discipline Monitor under appointment by former Attorney General John Van de Kamp. Julie D'Angelo Fellmeth directs the Center for Public Interest Law, and Sharon Kalemkiarian supervises the Child Advocacy Clinic.

## CPIL currently recruiting for next year's legal internships

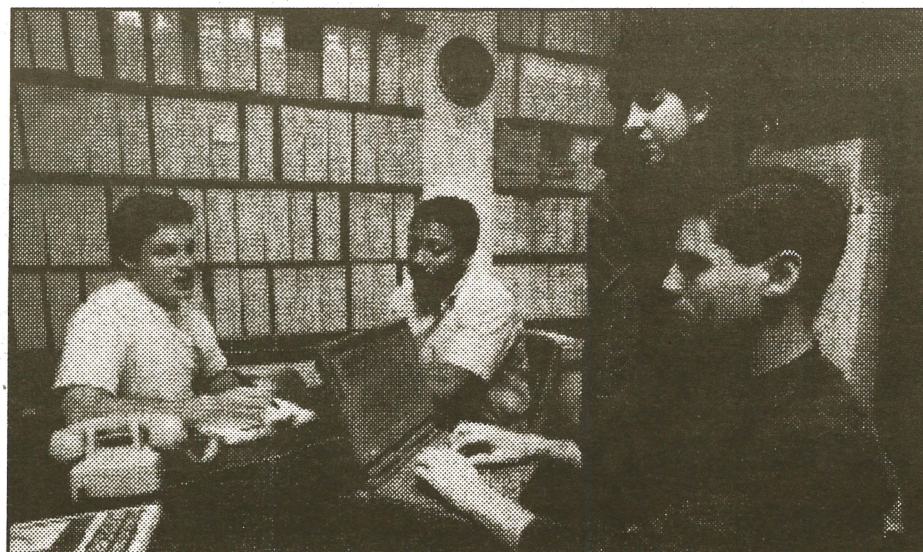
CPIL is presently recruiting current first-year day and second/third-year evening students interested in administrative, regulatory, consumer, or public interest law for a limited number of internships available during the 1996-97 academic year. Selected students are given the opportunity, unique in the nation, to participate first-hand in the state's regulatory process and to have articles they write published in the California Regulatory Law Reporter, the only legal journal of its kind in the nation.

Created in 1980, CPIL is an academic center of research, teaching, learning, and advocacy in public interest and administrative law. The Center focuses its efforts on the study of an extremely powerful, yet often overlooked, level of government: state agencies which regulate business, trades, and professions.

## CPIL internship requirements

Center interns take a year-long, four-unit course entitled California Administrative Law and Practice which teaches them the substantive and procedural laws which govern these agencies. As part of the course, each student monitors two or three of California's forty major regulatory agencies, which include the State Bar, the Public Utilities Commission, the Department of Insurance, the Medical Board, the Department of Banking, and Cal-OSHA, among many others. Students attend meetings of their assigned agencies, monitor and analyze agency activities, interview agency officials and licensees, and track rulemaking, legislation, and litigation affecting their agencies. Three times during the year, students submit articles summarizing agency activities for publication in the Reporter (with attribution to the student author). The Reporter is reprinted on Westlaw.

Following the year-long course, many CPIL interns pursue (for additional credit) an in-depth advocacy project involving one of the agencies. In the past, these projects have included comprehensive agency critiques; petitioning an agency to adopt regulations; drafting model legisla-



**Student interns at USD's Center for Public Interest Law monitor two or three of California's forty major regulatory agencies, which include the State Bar, the Public Utilities Commission, the Department of Banking, and Cal-OSHA, among many others.**

tion; filing suit to enforce the Administrative Procedure, Open Meetings, or Public Records Acts; or submitting amicus curiae briefs on public interest issues pending appeal. Student critiques of publishable quality often appear as feature articles in the Reporter, and may also satisfy USD's written work requirement.

In addition to teaching the law which governs these agencies and direct clinic skills in public interest law, CPIL has an action component. Through its professional staff and assisted by student interns, CPIL drafts and sponsors legislation, litigates test cases, and represents the interests of the unorganized and under-represented in state regulatory proceedings. The goal of CPIL is to make the regulatory functions of state government more efficient, visible, and accountable by serving as a public monitor. In November 1990, CPIL was endowed by Sol and Helen Price, through a \$1.8 million gift

which created the Price Public Interest Law Chair, a post held by Professor Bob Fellmeth.

The Center, which has graduated over 650 students from its program and recently celebrated its fifteenth anniversary, offers its interns a chance to personally observe and participate in state regulatory agency activity, an opportunity to have their work published several times during their second year in a unique legal journal, and a chance to work closely with experienced public interest attorneys and advocates.

## CAC protects the child's right to a healthy childhood

The USD School of Law has one of the few Child Advocacy Clinics in the nation. Working in conjunction with USD's Children's Advocacy Institute, a select group of students each semester train to represent children in dependency proceedings, or work as advocates on a variety of issues affecting the future of California's children.

Created in 1989, the Children's Advocacy Institute (CAI) is a statewide public interest organization dedicated to improving the status and well-being of children in California by representing their interests and their right to a healthy, nurturing childhood. CAI focuses on four target areas: prevention of child abuse and neglect, enhancement of child care and development, health and safety issues, and efforts to improve the government's delivery of children's services in California. CAI staff consists of an interdisciplinary team of legal, social science, and health professionals working from offices in San Diego, Los Angeles, and Sacramento.

## CAC internship requirements

Students interested in participating in the Child Advocacy Clinic must take Child Rights and Remedies, a course offered in the fall semester which surveys the broad array of child advocacy challenges: the constitutional rights of children, defending children accused of crimes, child abuse and dependency court proceedings, tort remedies and insurance law applicable to children, and child property rights and entitlements. Taking or completing Child Rights and Remedies qualifies students to participate in Child Advocacy Clinic, a clinical program spanning up to two semesters. Student clinicians have two options: 1) working with an assigned attorney and social worker from the San Diego Office of the Public Defender representing abused children in dependency court proceedings, or 2) policy work with CAI professional staff involved in state agency rulemaking, legislation, class action litigation, or similar advocacy.

The 1993-94 academic year was the first year of the Child Advocacy Clinic. During that year, eight students

completed a semester at the Public Defender's Office representing abused and neglected children. Their cases concerned an adolescent who had been in foster care for three years after being abandoned by both parents and left with a substance-abusing older sister; an infant who had been severely physically abused by her parents; and a young child who had been allegedly molested by his father. Students are expected to participate in all aspects of the cases, including court appearances, trial preparation, interviews of witnesses including the child, and trying a case.

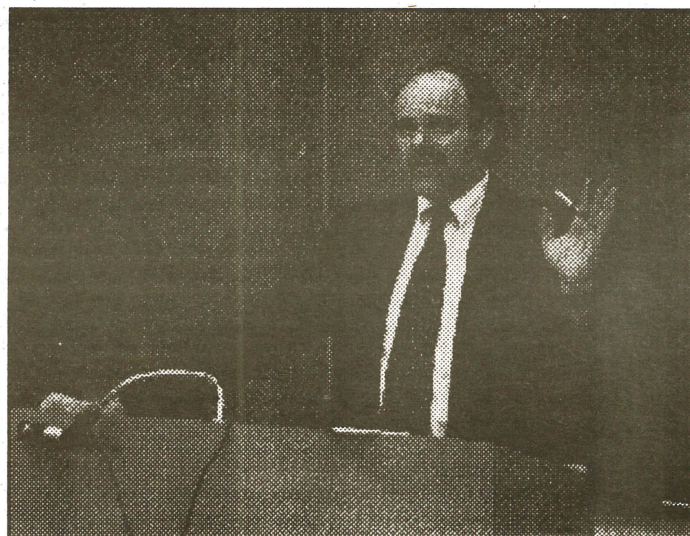
Policy students initiated a variety of interesting projects, each with a concrete result which advanced the welfare of children. One student collected declarations for a class action lawsuit brought by the National Health Law Program against the California Department of Health Services, alleging that the state has failed to implement vital services for seriously ill children. Another student conducted a statewide survey of all 58 counties to ascertain what qualifications are required of attorneys who represent minors in dependency proceedings. Her findings will be issued as a report, and may lead to

legislation to assure qualified counsel for children. Still another successfully litigated to compel the enforcement of state playground safety laws. And several others worked on the California Children's Budget 1994-95, the first-ever in-depth

examination of state spending on children's programs.

Both Child Rights and Remedies and Child Advocacy Clinic afford students the opportunity to engage in empirical research on topical questions and to write papers and reports for advocacy use or inclusion in child welfare scholarly publications. Students are also encouraged to spend some time during the semester in Sacramento, either working on their clinic project or participating in a workshop with CAI's advocacy staff in Sacramento.

If you are interested in becoming a part of CPIL or CAI next year, look for information and instructions in your pre-registration packet, or stop by CPIL/CAI's offices in the rear basement of the Legal Research Center.



**A former “Nader's Raider” consumer advocate, Deputy District Attorney, and Assistant U.S. Attorney, Professor Bob Fellmeth founded both the Center for Public Interest Law and the Children's Advocacy Institute.**



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### SCHEDULE OF CLASSES

#### San Diego Handlery Hotel • LIVE LECTURES

**Friday, April 26, 1996**  
6:30 pm to 10:30 pm  
**CIVIL PROCEDURE II**  
(Class Actions, Disclosure/Discovery, Summary Judgment, Attacks on the Verdict, Appeal, Collateral Estoppel, Res Judicata)

**Saturday, April 27, 1996**  
1:30 pm to 5:30 pm  
**CONTRACTS II-U.C.C.**  
(Assignments/Delegations, Third Party Beneficiaries, Conditions, Breach, Remedies)

**Sunday, April 28, 1996**  
9:00 am to 1:00 pm  
**TORTS II**  
(Negligence Defenses, Strict Liability, Vicarious Liability, Products Liability, Nuisance, Misrepresentation, Business Torts, Defamation, Invasion of Privacy)

All courses will be given at the Handlery Hotel & Country Club, 950 Hotel Circle North, San Diego. Room will be posted in the Lobby.

The Pre-Registration Price for Each Seminar is: \$50<sup>00</sup> • Registration at Door (if Space Available): \$55<sup>00</sup>  
Group Rate: \$45<sup>00</sup> (Group Rate available to groups of 5 or more who register together at least one week before the desired seminar.)

#### San Diego The Hyperlearning Center • VIDEO LECTURES

**Friday, April 26, 1996**  
10:00 am to 2:00 pm  
**CONSTITUTIONAL LAW II**  
(Procedure, Due Process, State Action, Thirteenth/Fifteenth Amendment, First Amendment Rights: Speech, Association, Press, Religion)

**Saturday, April 27, 1996**  
10:00 am to 2:00 pm  
**CORPORATIONS**

**Sunday, April 28, 1996**  
10:00 am to 2:00 pm  
**EVIDENCE II**  
(Hearsay, Privileges)

**Saturday, May 4, 1996 • 10 am to 2 pm**  
**REAL PROPERTY II**  
(Sale of Land, Recording Act, Easements, Profits & Licenses, Covenants, Equitable Servitudes, Eminent Domain)  
**3:00 pm to 7:00 pm**  
**CRIMINAL PROCEDURE**

**Sunday, May 5, 1996**  
10:00 am to 2:00 pm  
**WILLS**  
**3:00 pm to 7:00 pm**  
**TRUSTS**

\*The Registration Price for Each Video Seminar is: \$25<sup>00</sup> (Half Price) • Registration at Door if Space Available

All courses will be given at The Hyperlearning Center, 8950 Villa La Jolla Drive, Suite 1132, La Jolla.

Directions: Take Interstate 5 North from San Diego to La Jolla Village Drive Exit. Make a left off the freeway, a left at the second stoplight, a right at Elephant Bar Entrance, and park in the center of the parking structure behind the Elephant Bar. Walk up the stairs to the second level and follow the signs to Suite 1132.

#### Orange County • LIVE/VIDEO LECTURES

**Monday, April 29, 1996**  
6:30 pm to 10:30 pm  
**CONSTITUTIONAL LAW II**  
(Procedure, Due Process, State Action, Thirteenth/Fifteenth Amendment, First Amendment Rights: Speech, Association, Press, Religion)

**Wednesday, May 1, 1996**  
6:30 pm to 10:30 pm  
**EVIDENCE II**  
(Hearsay, Privileges)

**Thursday, May 2, 1996**  
6:30 pm to 10:30 pm  
**CRIMINAL LAW**

**Friday, May 3, 1996**  
6:30 pm to 10:30 pm  
**CONTRACTS II-U.C.C.**  
(Assignments/Delegations, Third Party Beneficiaries, Conditions, Breach, Remedies)

**Friday, May 3, 1996**  
6:30 pm to 10:30 pm  
**CIVIL PROCEDURE I**  
(Jurisdiction, Venue, Choice of Law, Pleadings, Joinder, Class Actions)  
Video: Room 106

**Saturday, May 4, 1996**  
5:30 pm to 9:30 pm  
**REAL PROPERTY II**  
(Sale of Land, Recording Act, Easements, Profits & Licenses, Covenants, Equitable Servitudes, Eminent Domain)

**Saturday, May 4, 1996**  
5:30 pm to 9:30 pm  
**REAL PROPERTY I**  
(Concurrent Interests, Future Interests, Adverse Possession, Class Gifts, Landlord/Tenant)  
Video: Room 106

**Sunday, May 5, 1996**  
1:00 pm to 5:00 pm  
**CONTRACTS I-U.C.C.**  
(Formation, Defenses, Third Party Beneficiaries, Breach, Remedies)

**Sunday, May 5, 1996**  
1:00 pm to 5:00 pm  
**REMEDIES II**  
(Damages, Rescission, Restitution, Reformation, Specific Performance)  
Video: Room 106

**Sunday, May 5, 1996**  
6:30 pm to 10:30 pm  
**TORTS I**  
(Intentional Torts, Defenses, Negligence-Causation Emphasis, Defenses)

**Sunday, May 5, 1996**  
6:30 pm to 10:30 pm  
**EVIDENCE I**  
(Relevancy, Opinion, Character, Impeachment, Best Evidence, Types of Evidence, Burdens/Presumptions, Judicial Notice)  
Video: Room 106

**Monday, May 6, 1996**  
6:30 pm to 10:30 pm  
**TORTS II**  
(Negligence Defenses, Strict Liability, Vicarious Liability, Products Liability, Nuisance, Misrepresentation, Business Torts, Defamation, Invasion of Privacy)

**Tuesday, May 7, 1996**  
6:30 pm to 10:30 pm  
**CIVIL PROCEDURE II**  
(Class Actions, Disclosure/Discovery, Summary Judgment, Attacks on the Verdict, Appeal, Collateral Estoppel, Res Judicata)

All live courses will be held at Pacific Christian College, 2500 E. Nutwood Ave. (at Commonwealth), Fullerton (across from Cal State University Fullerton) Room 205  
All video courses will be held in Room 106

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

Registration at Door (if Space Available): \$55<sup>00</sup> • The Registration Price for Each Video Seminar is: \$25<sup>00</sup> (Half Price)

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Attorney at Law • Legal Education Consultant

For the past fourteen years, Professor Fleming has devoted his legal career towards the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

Mr. Fleming's experience includes the Lecturing of Pre-Law School Prep Seminars and First, Second and Third Year Law School Final Reviews. He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Examination Writing Manual, the Author of the First Year Essay Examination Writing Workbook, the Second Year Essay Examination Writing Workbook, and the Third Year Essay Examination Writing Workbook. These are available in Legal Bookstores throughout the United States.

Mr. Fleming has taught as an Assistant Professor of the adjunct faculty at Western State University in Fullerton and is currently a Professor at the University of West Los Angeles School of Law where he has taught for the past twelve years. He maintains a private practice in Orange County, California.

### REGISTRATION FORM

(Please Type or Print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

Law School: \_\_\_\_\_ Semester in Which Currently Enrolled: \_\_\_\_\_

Seminars and Locations to be Attended: \_\_\_\_\_

Form of Payment:  
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Credit Card # \_\_\_\_\_ Credit Card Expiration Date \_\_\_\_\_

Driver's License # \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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# Students wishing to transfer face challenges

By DAVID ORLAND

Most law students who are not fortunate enough to attend a law school ranked in the top 20 will admit that at some point they thought about the possibility of transferring. This idea of transferring either becomes a possibility or an impossibility based on first-year grades. There are many who have made it to the USD School of Law by transferring, and there are probably many first-years who are either flirting with the idea of transferring or are already filling out applications. Many different challenges both inside and outside the classroom can face those students who attempt to transfer to another law school. An addition to transferring, another possibility is that of visiting another law school for one year.

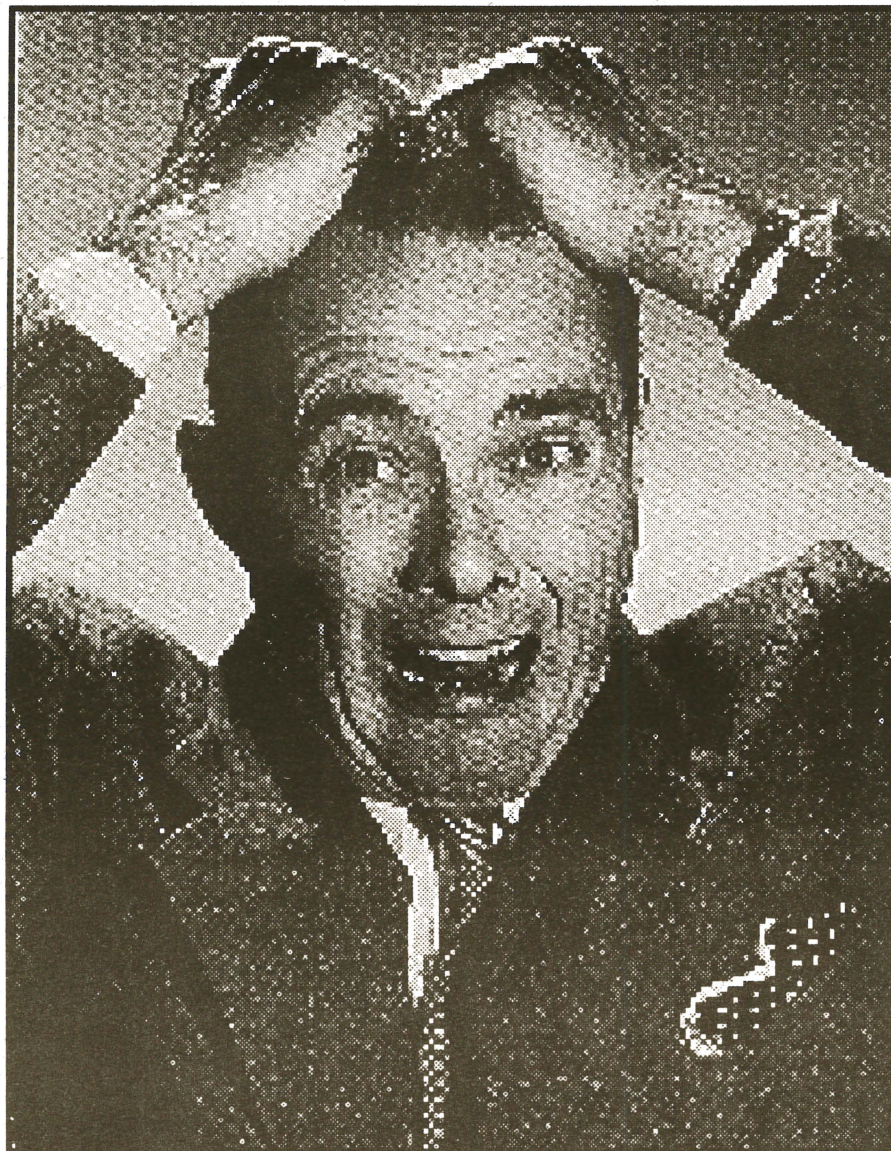
## Students wanting to transfer to other schools face an uphill battle.

According to USD Director of Admissions Carl Eging and Assistant Dean Carrie Wilson, students who want to transfer to USD typically need to finish in the top ten to fifteen percent of their first-year class. In this past year USD accepted about 30 students of the approximately 100 who applied. Eging and Wilson indicated that the key factors considered by the admissions committee are first-year grade point average and class rank. The number of positions available in a class can vary a great deal from year to year depending on the size of the returning second-year class. According to Amy Helsel, Public Relations Director at the University of California at Davis School of Law, their law school normally accepts somewhere in the range of four to seven students out of the 60 to 70 who apply. Yet, in this past year, due to an abnormally small second-year class, Davis accepted thirty-two transfer students.

As one could imagine, the higher the ranking of the school, the more difficult it is to be accepted as a transfer student. According to Edward Tom, Director of Admissions at Boalt School of Law, University of California at Berkeley, the school typically receives 200 applications for 30 positions. Connie Hellyer, the Publicist for the Stanford School of Law stated that the school typically receives between 100 and 120 applications for five positions.

## Students challenged beyond the difficulties of achieving top grades

Dhaivat Shah, a second-year USD transfer student, faced many remarkable roadblocks outside of the classroom when he attempted to transfer to USD from Thomas M. Cooley School of Law in Lansing, Michigan. According to Dhaivat, Cooley had a "no-strings-attached"



policy of giving discounts to students ranging from ten to up to 90 percent of tuition based on undergraduate grades and LSAT scores. Students could also receive discounts based on their grades at Cooley. Apparently in the last few years the numbers of those transferring from Cooley increased dramatically. This situation led the president of the university to issue what in essence was a retroactive directive. This directive denied those attempting to transfer, the release of their transcripts unless the students paid back the discount they had received on their tuition. After a series of bitter debates with students and receiving pressure from the faculty of the school, the president finally repealed the directive and students were able to have their transcripts released.

## Challenges that transfer applicants face do not end once they have been accepted to another school

A fairly common response from those students that have transferred to USD was that one of the most difficult aspects related to coming to USD was the feeling of having to start law school all over again. By coming to USD as a transfer, a student will lose their first-year grades and study groups as well as the close relationships that were established with first-year classmates. In addition, some transfers who made law review at their other schools face the possibility of not making law review at USD.

## Various reasons for want-

## ing to transfer to USD

According to Director of Admissions Carl Eging, students who transfer to USD typically fit in one of three categories: those whose spouse has been relocated to the area, those attending schools outside of California who originally wanted to attend law school in California, and those who wanted to attend USD originally but were not accepted. Another reason for wanting to transfer to USD, transfer students mentioned, was the desire to go to a school with a better academic reputation.

## An often overlooked opportunity for law students is the visiting student option

While some of those students who choose to visit do so in their second year, most will visit another law school in their third year to be in the geographic location where they want to practice. The visiting student receives their degree from their school of origin. According to Assistant Dean Carrie Wilson, it is difficult for a USD student to visit another law school. This is because in comparison to other law schools, USD has many more required courses for graduation that are sometimes difficult to fit into two years. In addition, Dean Wilson indicated that a student who wants to visit USD usually must be in the top thirty percent of their class at their school of origin.

A potentially intriguing opportunity for law students is that of visiting a highly-ranked law school in their third year. A USD student explained how her friend was able

to be a visiting student at Stanford Law School. According to the USD student, this individual was unsuccessful in attempts at transferring. The individual was later able to qualify as a visiting student at Stanford because her fiancé was a law student there. By gaining admission to Stanford, this individual was able to utilize their career resources center. It was through Stanford's on-campus recruiting that she received multiple job offers.

According to Stanford publicist Connie Hellyer, non-matriculated students (their term for visiting student) are admitted under the school's hardship policy. Law students usually qualify for hardship by either having a spouse work at the university or because the student is under the care of the Stanford hospital. What one can take from this account is it is certainly worthwhile for students to examine other schools' admissions policies for visiting students.

The visiting student option is one worth considering for those who are unable to transfer. USD students considering visiting are best advised to plan ahead and get all of the required courses completed in their first two years. Transferring is an opportunity available only to those law students with outstanding first year grades. Transferring offers those students with one weakness in their original application to law school the opportunity to attend a more competitive school.

For others, transferring gives the student the opportunity to study law in place where they want to practice. Few realize or appreciate all of the difficulties and challenges associated with the whole process of transferring and of being a transfer student. Yet, despite all of these challenges, most of the transfer students questioned indicated that they were happy with their choice.

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begins! Get  
tickets  
outside the  
Wrists.**



# BEWARE

## ARMED & DANGEROUS



Darren "Chacha" McElfresh and Nick "Chewy" Campbell are fugitives from justice. The pair has escaped from Warren Hall, a maximum security facility for the criminally insane. They were convicted of weapon and drugs charges and are said to be desperate men, willing to go to any lengths to escape capture. If you see these desperados, do not attempt to capture them. Report them to campus security so that professionals can apprehend them!

# Belinda Etezad Rachman Says

## Get a Cyber Life



Having relationships with people you never see has got to be the purest form of communication. Things like image don't get in the way. It is all about getting to know the PERSON. I didn't think I would find so many new friends just by putting up a couple of Web sites, but that is just what happened. People who came to my site were intrigued by what they saw and contacted me via e-mail. What started as casual contacts to comment on my interesting Web site have become friendships with people I will probably never meet.

I have regular correspondence with Frank, a lawyer in Indiana. When my husband was hit by a drunk driver a few weeks ago Frank was with me every step of the way sending me daily messages about how to deal with the insurance company and strategy on how to best protect our interests. He encourages me to get through my bar review class by telling me funny stories about his own experiences. This is the mentor who never showed up the night of USD's mentor/mentee party. When my friend's little brother was arrested on some bogus charge, Frank gave me all kinds of information on what would happen next and practical advice on how the criminal system works. I know I can count on Frank to be there when I need another lawyer's legal analysis.

My new friend Brad lives in Mississippi and helps me with anything I need to know about Website design. I endlessly tease each him about living in the middle of Snopes family country and he likes to talk down to me about how great IBM is and how Mac sucks. We have a lot of heated exchanges over that one! He is very well read and has a lot to say about all kinds of things.

Andrew is another southern friend I have met who lives in Savanna, GA and goes to film school. I read a book set in Savanna so I like to talk to Andrew about where he lives and if Southerners are as

peculiar as they seem in print. We compare the kinds of things he is learning in school with what I learned so long ago at NYU. I can't imagine any other circumstance where I could get to know a young man from the south without being there.

Ben is my Manhattan "cool media dude" cyberboyfriend. We got together in an unusual way. I had this Web maker program but no manual. He was on this list which discussed this program. I saw from his return mail that he worked for an alternative music magazine. I visited the site and saw that he was the art director. I thought he must be cool so I hit him up for the manual. He Fed Exed it to me on Valentine's Day with a flower and mouse pad and we have been inseparable ever since. We e-mail each other anywhere from five to ten times per day and "talk" in real time in his magazine's conference room for hours each week. He telephones me, dreams of me and is doing an oil painting of me (he has a masters in art and got a year long fellowship to study/teach art in Rome). I got too curious about Ben. I asked my girlfriend, who is a stewardess and flies in and out of New York, to go to Ben's work and check him out for me. When she met him she gasped and said, "You look like Belinda's husband." When my husband heard about this he said, "When you leave me you can go back to New York and already have a man." I'm 14 years older than him, and if he is as cute as Eliot he doesn't need me, but we are having a lot of fun together at a distance.

I came to law school to escape Oceanside and be around smart people. I never would have come to law school had I been on line 3 years ago. I would have been having way too much fun. And these are just my new personal contacts. I haven't even gotten into how much fun I have sending e-mail to old friends and doing on-line research. If you need to enhance your "real" life, get a cyber life!

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### Need a brain? Don't ask a lawyer

A man went to a brain store to get some brain for dinner. He sees a sign remarking on the quality of professional brain offered at this particular brain store. So he asks the butcher:

"How much for Engineer brain?"

"3 dollars an ounce."

"How much for brain?"

"4 dollars an ounce."

"How much for lawyer brain?"

"100 dollars an ounce."

"Why is lawyer brain so much more?"

"Do you know how many lawyers you need to kill to get one ounce of brain?"



# Making USD the perfect school

By KEN LONG

USD is a good school. I have some ways to make it perfect.

**1.** Put some real leisure reading magazines in the library—ones that are good for the eyes and bad on the brain. When my mind has had all the law it can stand, I like moseying over to the first floor and reading a magazine. But the librarian fills the shelves with these magazines that require thinking, like U.S. News and World Report, Newsweek, and National Geographic. They need magazines like Hot Rod, Muscle Car, and Powder.

I understand the possibility that the WLC might object to these magazines; they do have a tendency to show not-so-clothed females standing by nice cars.

This makes them look like objects instead of powerhouse attorneys. But trust me, the average guy doesn't look at that. For example: In high school, I put a 327 small block into a Chevy Luv making it one of the fastest trucks on this planet. I brought home a car magazine for my friends to gawk at while they drank Big Gulps. They gaped and moaned over a picture of a bikini-clad woman standing next to a 1960 Ford. While they were gawking out loud I thought they were experiencing male carbonated hormones until one of them said: "I wish she could move so I could see what he did with the fuel tank." They weren't interested in "her" at all. Just the truck.

And if you don't believe me that guys look at cars more than they do girls—

how many Supermodels got their start in "American Iron?" If Cindy Crawford were to stand next to 54 Harley Panhead she would never be noticed (unless she were in the way). Unlike supermodels, cars get better with age.

**2.** Put in a good study room, one that is quiet, just light enough to keep students awake, yet dark enough to let Constitutional Law induce a short nap. This has to be a room that does not allow lap-tops, undergraduates, nerds/geeks, squeaky AC vents, or pretzel crunching yakkers. This room must not have any carrels that face each other. No one likes to inadvertently play footsies with someone of the same sex who may or may not bathe regularly. Single carrels only, far enough apart that students can't hear each other scratching themselves

with their keys or cleaning their ears with the caps to ball point pens. Anyone who belches would be asked to sit by the car magazines, where such behavior is more appropriate. Because signs fail to deter undergraduates, each law student would be given a short crowbar and permission to beat them until they leave. Maybe the law

library is the best place to study Anthropology and Theater. So what.

**3.** Require a "Reality Class." This would be a class that teaches skills such as how to find a good brief to copy, how to spot a client that won't pay, and what bar exams are impossible to fail (South Dakota?). The class would include guest lectures about practicing "Rent Law"—whatever kind of law pays the rent. The most important subject

would be brown-nosing. Students could be graded on a high pass/pass/fail basis. If you get a job, you pass. Get a job that pays, and you get a high pass. If you need to pester the good people of Career Services after you pass the bar—Fail.

**4.** Subscribe to two newspapers so when one wanders off to the men's bathroom there is still another one to read. Maybe the Environmental Law Society would be upset at the waste of trees. But we could save trees by following my next suggestion: Cancel Torts.

**5.** Put WordPerfect 5.1 into the new computer lab. It is what a great many law students are comfortable with, including me. If the bright light who decided not to include 5.1 would open his head, he would realize that lawyers are creatures of habit and don't adapt to change very well. Why do you think we still speak in Latin and read cases that came about long before we were thought of. Maybe he has time to dilly-dally with each new computer program that comes out with lots of new bells and whistles and noises. But I don't. I have to take the MPRE, I have a mid-term, and I have that bar exam, which does not include WordPerfect 6.0. Now I also have to worry about learning WordPerfect for Windows (it sucks). This wouldn't be bad if the lab attendants knew how—they don't.

The first day the lab was open I went in to work on my Bankruptcy outline only to find I had to learn new software to retrieve it. The lab attendant, who couldn't tell me how to indent a paragraph, asked if I wanted an e-mail address. My mother and my wife both have a phone, so I said no. True, maybe I can't have those images flash up on the screen, but they are not as entertaining as an Audrey Hepburn movie and I have a theory that they cause acne. Everyone in

Serra Hall who gets geeky over e-mail and Internet has acne. I don't want to take that chance.

**6.** And finally, bar-coded coffee cups. For some reason, students at USD can hold coffee cups that are flowing with that revolting beverage up stairs, with one hand, during class—anywhere and anytime. But they can only hold on until the minute they are empty. Then something happens and they can't carry the cup 10 more feet to a trash can. Thus, the coffee cup remains where the last sip was taken, which is usually in my seat. Moving empty, rotting cups of coffee is disgusting, especially to people like myself who never drink coffee.

I suggest that when coffee is purchased, a small bar code is entered into a computer, much like when you buy something with a credit card. Until that cup passes through the hallowed entry of a garbage can, the student who bought the beverage cannot buy another, cannot graduate, and will automatically fail the moral character evaluation of the bar application. If that doesn't work, force students to repeat a first year course for every outstanding cup—starting with Civil Procedure.

Although this sounds messy and complicated, the only other option in teaching people their mothers don't work here is to go back in time, sterilize the counter-culture elites, cancel Woodstock, and teach people to tidy up.

It is not too late for USD to become the perfect school. No doubt someone somewhere wants us to focus on academics and become the Harvard of the West. We want to have the Order of the Coif and new classes on Russian Oil Spills and Tijuana Water problems. I would rather have car magazines and no old coffee cups festering at my desk. Does Harvard want to become the USD of the East? Well then.

## THE WATCHDOG REPORT

By EDYIE KAUFMAN

BBBRRRRRRRR!!!! Is it breezy in here?

What is it about this campus that a reasonable temperature range cannot be maintained in the classrooms or the library? Those of you who have struggled through a shivering session in the courtroom, or a coma inducing heat wave in Room 133, can empathize with my statements.

The heating and cooling systems need some work. At first I thought it was me—Heck, I'm small and I hate the cold. I'm just being a wimp, I thought as I would layer up to go to class. Then I noticed that even the macho, tank top in snowy weather-type men were starting to bring their jackets to class.

Even staff in the Administrative offices have commented on the discrepancies in temperature. Granted, San Diego weather is not always as predictable as is thought, but depending on where

you sit, being hit with a blast of cold air in the winter is downright chilling.

I know the problem is that air is provided by vent, and that concentrates the blast in one particular area—usually where I am assigned to sit. However, there are techniques available to mitigate such problems, including deflaectrs to prevent direct breezes and fans to provide better circulation throughout the rooms overall.

I realize that everyone is different and you cannot please all the students or staff, but these inequitable drafts are very distracting and serve as potential illness builders. There is nothing worse than getting out of a cold class to go

sweat outside because you are subsequently overdressed.

One third year students summed it up quite well. "I remember being a first year. You're on campus all day, so you don't know how to dress

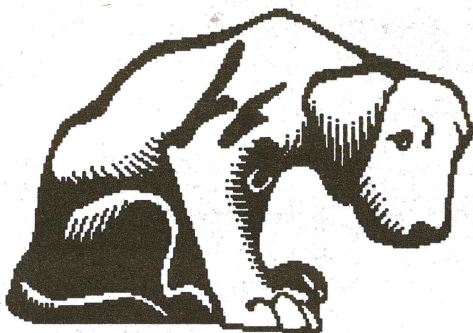
comfortably. I remember always being a little hungry, a little tired, and a little cold." If USD can work towards obtaining a more comfortable environment, then - hey - two out of three (left) ain't bad.

Additionally, I have to mention that I think more lockers should be available to the students. I admit I was warned that there were not enough to go around, and I should grab one right away. I also admit that I did not do so, because, in my first-year naivete, I did not think I'd really need it. Boy, was I mistaken.

After two weeks of dragging sweatshirts, jackets, drinks, case books, horn books, and everything else around campus with me, I began to kick myself for not having obtained a locker.

However, it also is somewhat troublesome that such a problem should even exist. Why shouldn't there be a locker available for all the students? Especially since some of the lockers are being used by student groups merely as storage units, I think that students should take precedence and have a locker available to them. That way, each tuition paying student gets a locker, even if they lack to insight to plan ahead, like myself.

In closing, I'd like to extend a hearty and sincere "THANK YOU!" from Section A to their professors.





# Summer 1995 Bar Exam First Time Taker Pass Rate

**Overall USD  
Pass Rate:**  
(\*3rd Lowest Among ABA Law  
Schools)

**78.6%\***

**USD Students  
Supplementing With PMBR:**  
(85 of 89 Passed)

**96%**

**USD Pass Rate:**  
(Students NOT  
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**Joseph Daley and Stephanie Kish** argued their way to second place at this year's Traynor Moot Court Competition. Daley also won Best Oralist in the final round.

## Competition

### Daley named Best Oralist in Moot Court Competition

Continued from page 3

USD was edged out in the finals in another split-decision. However, Joe Daley did bring home the prize for Best Oralist in the final round, taking some of the sting out of the loss.

Overall, USD performed commendably, reflecting great credit upon a moot court program that, based upon its successes in recent years, stands out as one of the best in California. The many hours spent preparing for the competition paid off with a strong second place showing and individual honors for Daley.

The team hopes its effort will serve as a call for renewed vigor in USD's appellate advocacy programs and offer encouragement to students to participate in moot court and seek similar glory in the future.

## Moot team travels to New York

By JAMES HARMAN

Jilana Miller, James Harman, and Rich Ames, the USD Spring National Moot Court Team, traveled to New York City for the Annual Jerome Prince National Evidence Competition, hosted by Brooklyn Law School. This year's competition concerned interpreting the language of new Federal Rule of Evidence 412-415 (not an easy task considering the haste with which they were drafted). James Harman and Jilana Miller argued their way past three rounds to advance to the quarter-finals before being

knocked out by the competition champion, the University of Florida. Rich Ames, who served as team coach, said that James and Jilana's final arguments constituted the "perfect round."

The competition was the culmination of three months of hard work for the team, but their experiences in New York were well worth the effort. Jilana, James, and Rich were the first USD team to enter the Prince Evidence Competition. The team hopes other USD National Teams will enter this challenging and well-run competition in the future.

# SPORTS

By DAVID BOYD

**WARNING:** Going to both the morning and afternoon session of Tax I on the same day is hazardous to your health. Unless of course you were too hung over to pay attention in the morning session; then your just plain stupid for not staying in bed.

Not much to say in basketball since there has been only one game since the last article. I still don't know how the playoffs will be organized, but I do know that the Tackling Dummies will be the bottom seed no matter were they end up.

Competitive: The softball season has finally gotten some games under its belt, but since the current standing are grossly inaccurate, I cannot really make any reference to team records except for my teams (Kaiser Sosa Conspiracy & the Team Formerly Known As Shut the Hell Up) are both undefeated as of this writing. Of course the undefeated season is largely due to the fact that the seemingly impregnable fortress of Natural Born Killers failed to make a showing of eight guys, thus giving Kaiser Sosa its first ever victory over NBK.

Speaking of KSC, I finally saw the damn movie our name is based on and discovered that we have spelling the name wrong for nearly a year. But in the true fashion of belligerence, I will continue to spell it incorrectly.

What can I say about All or Nothing. Well right now I would have to say that they are All about Nothing. Early on this team was sucking wind and whiffing at balls, now this team has a daily struggle to get enough guys out there to play. Rumor has it that even though premised on only going for a home run (all) or sitting down (nothing), Todd Wight was heard to say "get a base hit." In my outright disbelief at this sacrilege, I can only say, "Todd, you're too competitive." Regardless, look to this team to improve its overall performance in the next few weeks when it warms up a bit and the ball will be sailing in their favor.

Now on to Big Red & the Leif Garrett Fan Club. I have no idea who or what came up with this name and I don't want to know. This is clearly the only team to have gotten worse in the off season, though I am told now that Juan Vargas is no longer Federal bound, the team will rebound with Colin and Dan. Steve Jonker is rumored to be coming out of the spank tank and back onto the field by play-offs. Believe what you will, but with a name like that the mascot imagery that that brings to mind, this team couldn't win a softball game against ten Bob Dole's. The only winning a Dole would get in '96.

The first year teams are puttering along as usual, but I must say that the Section B, lead by the fearless, or should I say mindless Jake Slania, has the makings of what Section C was my first year in the hands of Jon Hagey and the Natural Born Killers. Section B is one of the few teams where less is more. That is, the fewer the players, the better they perform. I don't know exactly why that is, but they must be the only working example of Republicanism out there.

Once again, I have no idea what the actual records are, so I will not make any comments about Section A or C other than I hope your having fun, and there is

always next year or the year after.

Res Judicata has reappeared in the Intramural with a brand new and improved Comp team. The team is actually the same as its Co-Rec team that crushed all comers last semester. RJ's new home is lucky for the rest of the Co-Rec league, since the only Co-Rec team to be undefeated so far couldn't come anywhere near defeating RJ last semester.

Congratulations to Jon Asch for his first inside the park home . . . out. Asch has got to be the slowest man alive, but give him some credit, when the man at third base gave him the signal, Jon blazed his fiery glory all the way to the waiting catcher.

Co-Rec: Congratulations to Apalsa for its reentering the league after a semester sabbatical. Also congratulations to Apalsa for having its forfeit record surpassed by last semester's SBA team.

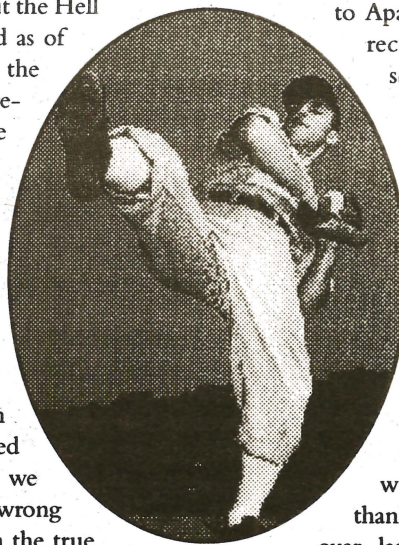
Though I hear that the only reason for this has been that Apalsa has had the fortune of rain and the miracle of the telephone (to call and cancel the game in advance).

The Team Formerly Known as Shut the Hell Up currently occupies the lead with a strong 4-0 start, thanks to a decisive victory over last semester's only contender Funkybones. These two teams are the only competition in the Co-Rec league. Faculty is likely to put up their one or two inning fight, but with age comes lack of stamina, something the rest of us are learning all too quickly. For all of you dirty minds out there, I am still only talking about softball.

Section A and C should get a handy round of applause, since they, unlike Section B, stuck around in the Co-Rec league for a second semester. Come on guys, I realize that many women don't like softball, but that is not the point. The challenge is to get them to play a game that you like, even though they don't. Everyone else can do it, some even convince the women that they want to be out there. So what's your problem? Marry them if you have to, this is sports we're talking about. Having said that the remainder is not Intramural related.

Now before all of you politically minded individuals get bent out of shape by the subtle or not so subtle jabs at Republicans, I would like to say this: I am neither a Democrat nor a Republican, I have beliefs that fall squarely inside and outside of either party. Some may call me a fence sitter for this (to which I will respond with various forms of profanity) but none of the above is meant with any seriousness, so if you are remotely concerned or offended, I must say, "Get a backbone."

The only note of seriousness in this entire travesty of journalism follows here: The position of Czar of Intramurals and Junior Czar of Intramurals are available for next year. Both positions are compensated. If you are interested, submit a resume and references (a cover letter is optional) to either my mailbox upstairs or the Intramural mailbox next to the Writs by April 19th. If anyone wants details on responsibilities and/or time commitment feel free to see me anytime.



### Important Moot Court dates

#### Criminal Law Competition (Individual)

Problem distributed	March 20
Sign-up deadline	March 27
Brief due	April 3 6 p.m.
Oral arguments	April 10, 11 6:30pm
Final Round	April 12 6:30pm

1996-1997 Appellate Moot Court Board Applications will be available April 1, 1996 in the Moot Court Office, room 125 Warren Hall.

### Competition next Friday

#### Criminal Law Moot Court Competition panel to include distinguished judges

The final round of the Criminal Law Moot Court Competition will be held on April 12, 1996, at 6:30 p.m. in the Grace Courtroom. We will have a distinguished panel of final round judges consisting of the Honorable Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, the Honorable Betty Fletcher, U.S. Court of Appeals for the Ninth Circuit, and the Honorable Richard Huffman, California Fourth District Court of Appeal. A reception will be held in

the second floor foyer immediately following the final round. Students will have the opportunity to meet and speak with the judges at the reception.

At 5:30 p.m., prior to the final round, Women's Law Caucus is sponsoring an informal talk by Judge Fletcher about her experiences as a judge. All are invited to attend. Watch for a notice in the Sidebar announcing where the event will be held.





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# Club Page



Viva  
La



Raza



## La Raza Movie Night

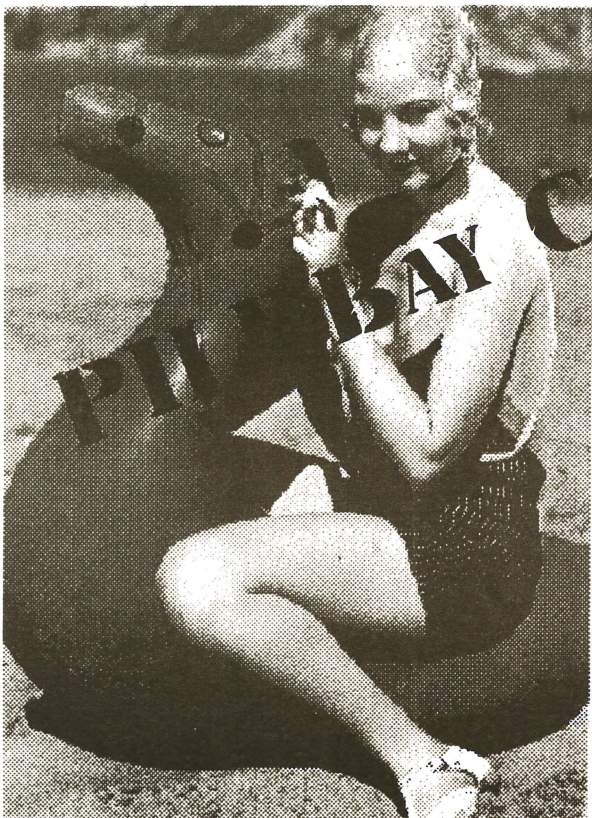
Do you like free pizza? Free movies? Good company? Then be sure not to miss La Raza's PIZZA - MOVIE night, aimed at getting to know all the first-years. So if you are a 1L, be sure to show up on Friday night, April 12th at 7pm in room 131 (bottom floor of the law building). Movies: El Mariachi and Mi Familia. Be there!

## La Raza Banquet

Get ready for La Raza's biggest bash of the year. Friday, April 26th at the Bahia Hotel in Mission Bay, La Raza law students host this year's 1L book scholarship banquet. Traditionally, the banquet has been held to bring together law students, attorneys, judges, and community leaders in a fun, semi-formal environment. The proceeds go toward scholarships awarded at the end of the year to 1Ls demonstrating need for financial assistance and commitment to the community.

This year, the Banquet features keynote speakers, the honorable Don Work and Gil Nares of the 4th District Court of Appeal for the State of California. Cocktails begin on the second floor of the Bahia at 6pm. Dinner will be served at 7pm, followed by the speakers and then DJ and dancing. Musical entertainment will be provided during the first part of the evening by Nova Menco, a flamenco group. Cost per person is \$50, or a table for 10 for \$450. USD students will receive a special at-cost price of \$25.

Last year's banquet was a blast! Don't miss out this year. Reserve your tickets before April 17th by calling the La Raza office at 260-4600 x4342, or stop by the La Raza office in the Writs. For more info, call Ed Orendian at 287-8143.



The event you've been waiting for has finally arrived! The SBA, PILF and PAD present...Bay Cruise Night. PILF has organized a super fundraiser directed at gathering money for grants to be offered to students who want to work in public interest law.

Thursday, April 11th, begin boarding the beautiful Bahia Bell in Mission Bay at 9pm. The boat will sail at 10pm. Enjoy one of USD's own live bands (sorry Dave B, I don't know the name), DJ, hosted beer and snacks and a cash bar.

Check out three levels of dancing and drinking as you cruise around Mission Bay. It's a night you won't want to miss and the money goes to a good cause. Dress to impress! Tickets on sale in the first floor lobby now through April 11th for \$15 each.

## Women Making History

*Senator Barbara Boxer  
invites you to join her  
in honoring*

*Hillary Rodham Clinton  
Friday, April 12, 1996  
Hyatt Islandia  
on San Diego Mission Bay*

*We are looking for students to volunteer to help organize and do busy work. The volunteers will be able to attend the event with Mrs. Clinton for free and enjoy a great opportunity to network with the "high profile" members of the San Diego community. For more information, call Carmen Mosier at (619) 236-8900*

*Cocktail Reception*

*4:00 to 6:00 p.m.*

*\$100 per person*

*Registration begins at 3:00 p.m.*

*Early Supper*

*5:30 to 7:30 p.m.*

*\$1000 per person*

*Registration begins at 5:00 p.m.*



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