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Economic Liberty

Local braidors fight for the right to earn an honest living
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from the editor

The new U.S. News & World Report law school ranking shows USD doing about the same as always, ranked somewhere between 51 and 88 out of 179 accredited schools included in the survey. This year they call it second tier, last year they called it third tier.

What is more important for students entering the job market is USD’s reputation with attorneys and judges — 89 out of 179 accredited law schools. Only six of the 16 California law schools on the list have worse reputations. Pepperdine and Loyola law schools are both ahead of us. We are tied with Santa Clara law school.

Another indicator of how we are doing is bar passage rate. The March/April National Jurist printed a ranking of ABA law schools compiled by the ABA. Using the July 1995 exam, USD was ranked 14 out of the 18 schools in California. Only Golden Gate, Whittier, Thomas Jefferson, and Lincoln law school in Sacramento have lower rates.

In an increasingly competitive market for jobs and law school applicants, we can’t afford to drift along. We have to do more than raise the first-year fail rate.

One professor is calling for the elimination of the night program as a way to cut the number of students we accept. Another says we should offer majors so students can specialize. A few call for mandatory graded midterms.

Some professors take it upon themselves to improve student performance. Professor Martin gives a mandatory graded midterm to his first-year students, and professor Kelly teaches extra classes on exam writing.

We think the simplest way to raise the bar pass rate would be to lower tuition and attract more applicants.

But the real problem at USD is a lack of focus. One faction of the faculty wants to use our weather to attract famous scholars away from top schools, while another faction wants more resources for practical courses to prepare students for the job market. The problem is that both sides stop each other from getting what the other wants. The truth is, for USD to start reaching its potential, we need both high theory and practical skills.

Provost Francis Lazarus wants to include students in the decision to choose a permanent dean. This is a chance to help the faculty put the customer first — us. We need a dean who can focus the faculty away from past disputes and toward a larger vision that will move USD from an underachiever to a leader in legal education. We could have famous scholars, innovative teachers, and cutting edge writing and other practical programs. Setting a new standard of excellence would be the best way to attract more students, increase the bar pass rate, and improve USD’s reputation.
Where are my grades?

The purpose of the this letter is to serve notice of what I believe is a "problem," and provide a catalyst for action. The problem is simply this: I am drafting this letter on February 3, 1997. My last final was December 20, 1996, and I still have no idea what my grades are!

I dedicated an entire four months of my life to a meaningful and important end (namely to do well on the only gauge of law school success: the FINAL EXAM) and there seems to be no urgency on the part of this school's faculty and administration to provide me with any feedback.

The faculty may ask: What is the big hurry? There are several responses to this inquiry. First, I am not asking for a "hurry up" effort. I am simply asking that grades be made available within a "reasonable time." Well, here we are faced as always with defining "reasonable." At the minimum, let's say that when a student enjoys that ultimate January ritual marked by blow-out football and "tasty" processed snack food (The Superbowl) without grades in-hand, then we have long passed the point of "reasonable."

The feedback that little-lettered evaluation provides may not be monumental, but it is significant. It helps students gauge whether more effort is needed and in what areas. It allows students to be more aware of what types of exams they may be more successful at taking and thus could play a role in add/drop. The point is that the longer into the spring semester the student is required to wait for this feedback the less beneficial it becomes. There certainly has to be an established policy among all the faculty to provide productive feedback to the students. That is why we are here, that is why we pay you .

I have also heard students express disappointment in not having grades by spring recruitment. This is a valid point. If a student was unsuccessful in the fall, the spring recruitment will likely bring the same result with nothing new on your record to heighten marketability. Certainly, for the students who have made conscious efforts to improve their average this fall it has to be disappointing not to be able to use the fruits of those labors to their advantage.

To me, the best reason for grades being distributed earlier in the spring semester is: Why can't they be?

One guess: That's why Bill Gates invented computer software. I just thought of another: "So is studying for finals."

The second argument I anticipate is the time it takes to weed through lengthy blue-book essays. Several responses come to mind: 1) Put a page limit on the answers. Everyone knows that quantity does not equal quality; the vomit method should not spell success; 2) Three of the five exams I took last semester were either entirely or partially multiple choice. Here is how it broke down for me: Evidence: all multiple choice. Trust and Estates: 1/2 multiple-choice, 1/2 essay with page limit. Con Law: Essay but "points will be deducted for verbosity." UCC/Article 9: 1/2 short-answer, 1/2 essay. International Business Transactions: Essay

Conclusion: not a whole lot of weeding through lengthy blue book answers. Keep in mind there were only 14 of us in UCC/Article 9.

The final response I anticipate is, "Faculty deserve their Christmas holiday and should not be burdened with grading blue books." I will tread gingerly over this extremely thin ice in responding to this argument. The luxury of a Christmas holiday is a benefit of being a student. It may be, coupled with spring break and summer, the reason many of my colleagues stay in school as long as humanly possible. A long Christmas break is not a creature of the working world . . . and that is the difference. We are students who are purchasing a service at a substantial cost. That service comes with a few perks, like breaks. The faculty is part of the working world. They are providing the service. They are paid. Therefore, professor's breaks are not as good as ours, but their net benefits are likely much greater.

Do Not Get Me Wrong

I am not saying the faculty should not get a break, if I did there would be no classroom big enough for me to blend into. I might as well paint a bulls eye on my chest. My point is that students and professors have different purposes and responsibilities. We get a longer break because we are through with our work for the semester. Professors still have work to be done.

To summarize: it is feasible to provide the students with grades much earlier than it is currently being accomplished. Yes it will involve a little harder work, but after all this is law school. It's not supposed to be easy on anyone.

Benjamin T. Morton, 2L
Dean Strachan resigns, USD seeks interim dean

Law school Dean Kristine Strachan, in a note to the law school community, announced she will resign at the end of the current semester "to recharge and perhaps then consider other challenges."

Strachan, who will remain on the faculty, came to USD from the law faculty of the University of Utah in 1989. Her eight years as dean is twice the tenure of the typical law dean.

Vice President and Provost Francis Lazarus said last year's establishment of an Order of the Coif chapter at USD was Strachan's crowning achievement.

Strachan's tenure has not been without controversy. In March 1995, former law school assistant dean Marilyn Young was awarded $960,000 by a jury that USD fired Young for accusing the dean of charging personal items on her USD expense account.

Young dropped Strachan from the suit before trial. And although there was no formal audit, former USD President Author Hughes told Strachan, in a June 1995 letter, that the University found no wrongdoing by the dean after investigating Young's accusations.

Lazarus will soon appoint an interim dean for the next academic year. Law faculty have submitted candidates for him to consider.

Next, Lazarus will put together a permanent-dean search committee with faculty. The committee should include administrative staff, alumni, and student representatives, he said.

Grade delay blamed on tardy professors and new system

By Matthew Guerrero, 1L

A two-thousand-year-old maxim reads: "All the worry in the world won't add a day to your life."

Waiting for fall grades seems to have taken six weeks off the lives of USD law students. Although the last final was December 23, first-year grades were not mailed until January 31 and upperclass grades were not mailed until February 3.

Was the wait for grades longer than usual? Dean Wilson says, "Not much." Fall semester grades were delayed in part because the staff had to work the bugs out of the new computer grading system. In the process, the staff did more checking because this was a new experience for them.

Law School policy requires all grades _are delayed. To allay this suspicion, Wilson said that tuition payments can be delayed, living expenses cannot. 

Another concern is that grades are delayed until after the deadline to get a full tuition refund so that first-year students, "Getting professors to turn in grades on schedule is like herding cats." Professor Minan also identified tensions that professors face getting grades out. First, grades are due at the beginning of the semester, when professors are getting organized for classes. A second consideration is that most of the grading period is during the holidays, and grading exams is the least pleasurable part of the job.

Students are naturally eager to get their assessments, says Professor Minan. But the reality for students is that the delay of grades may continue since there are no effective sanctions or incentives to keep professors on schedule.

On Thursday, February 20, third-year law student William Woodfield, 28, was found dead in his apartment near USD after police broke through his locked bedroom door.

Woodfield had been missing since Monday when he failed to attend classes or show up at his job.

Woodfield's mother, Lili Woodfield, who lives in Los Angeles, started calling him Monday night. His roommates said they didn't know where he was.

On Thursday, Dorothy Cox, Woodfield's former nanny, who had recently moved to San Diego, called Woodfield's apartment.

One of Woodfield's two roommates, Barbara, told Cox that Woodfield's car was parked outside, his bedroom light was still on, and the door was locked. Cox asked her if there was anyway to get a ladder to get in the room. Unsatisfied with this response, Cox called the police.

At 3:15 p.m., police broke into Woodfield's room, finding him in bed. Barbara said she saw empty beer bottles, a liquor bottle, and an empty medicine bottle with a Spanish label, next to his bed.

A spokesman for the San Diego Medical Examiner's office said the cause of death was not immediately evident, but he said Woodfield may have died of a drug overdose. The office is investigating the cause of death. Test results will be ready in two weeks. In addition, the office will try to determine whether Woodfield's death was accidental or a suicide.

The time of death is estimated to be at least 24 hours before he was found, but it is more likely he died early Tuesday morning.

People who knew him suspected Woodfield had a drug or alcohol problem. But recently, he seemed to be doing better, 3L Mark Davis said.

Davis, who interned with Woodfield at the San Diego Public Defender's office, said Woodfield had a new job, a new apartment, and he was coherent in class.

"He told me he had the best Christmas he had ever had with his parents," Davis said. "I knew he had some problems with them and I was happy to hear it."

Sandy Guzy, 3L, says it bothers her to hear some of the things people are saying.

"I think a lot of people might think he deserved it, or was going in that direction anyway, but its still a tragedy, it's still sad — it still hurts."

Everybody knows all the controversial things, but not everybody knows the positive things, it takes time to see the good."

"He was pretty much on his own, " Guzy said. "He couldn't get private loans so he worked three jobs to stay in school."

"He didn't have a lot, but if he had something, he wanted to share it with you."

Woodfield is survived by his father, TV writer/producer of shows like Mission Impossible and Columbo, mother Lili, brother Robert, and sister Nancy Everett.
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Perched on a mesa overlooking the Pacific ocean, USD's park-like setting seems an oasis among the zoned strip malls and crime-ridden neighborhoods in the area. Unfortunately, immaculate landscaping doesn't solve human behavior problems.

Although few violent crimes occur on campus, a recent increase in thefts around the law school — from a car to a bite out of a professor's sandwich — has caused some students and staff to re-check their premises about campus security.

Director of Public Safety Rana Sampson said the cause of most of these crimes is that people feel too secure. "USD is a microcosm of society," Sampson said. "The majority of theft is by another student or staff member."

For example, last fall three laptop computers were stolen from law students after they left them unattended. The first was stolen October 1 when a student left a $5,000 laptop in Room 3B to talk to someone in the hallway after class. Another was stolen October 2 when a student accidentally left a $3,000 laptop by the second-floor student mail boxes for five minutes. A third computer was stolen from the law library November 14 when Luke Nguyen left his laptop unattended for ten minutes in a study carrel next to a friend.

Nguyen said he remembers the man who took his computer sitting near him at one of the large tables in the California Room, but he didn't think anything about it. "He had clean-cut hair and looked all-American — you would never know," Nguyen said.

Several hours after the man sat down, Nguyen left to print a case. His friend was sitting in the carrel behind him. Nguyen said he assumed his friend would watch it for him and left without saying anything. Ten minutes later, Nguyen's friend came running up to him and asked if that was Nguyen's computer at the carrel.

When Nguyen returned to his desk, his computer was gone, along with all his fall semester class notes. Nguyen said Sampson had been to his class to recommend that students back up their notes in case of theft. Nguyen said he intended to, but "you never think it could happen to you."

Fortunately, Nguyen's classmates gave him copies of their notes. "I had two or three sets for every class," he said.

In August, someone took an unattended purse from an office across from the law school financial aid office. Around the same time another purse was stolen from the alumni relations office. Both victims were new employees. "It seems to happen to people when they first start working here," law school Facilities Manager Bill Anderson said.

A week later a purse thief struck again, but this time public safety officers chased the suspect through the canyon. Although they didn't catch him, no new purse-stealing incidents have occurred since.

Also last term, Flemings Fundamentals lost $1,000 worth of bar review materials from a law school locker, Sampson said. However, someone returned the material after Sampson and SBA President Mark Davis put out the word that a criminal investigation would begin unless the material was returned.

Although no major thefts have occurred this term, it has not passed without incident. On January 13, a student reported a missing laptop. Fortunately, Public Safety officers were able to locate where the student had left it — sitting next to a pay phone. On February 5, someone stole a coffee table out of the faculty lounge. And recently a professor noticed someone had taken a bite out of her sandwich when she went to retrieve it from the faculty lounge refrigerator. In addition, two Volkswagens have been stolen at USD since February 18, one from the law school lot during a night law class.

Sampson advises staff and students to install security devices on cars, keep purses locked away, and avoid leaving computers or backpacks unattended. "Even books are money," she said.
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So, if people are friends of theirs, they get more. Cash Mark Davis as the president had his budget approved in full. If people give the free food at lunch they get the money. Thus PAD and the Women's law Caucus got money. If a club member buys me beer, they get remuneration for their SBA, which gets up to $1,625 to spend. If a club offers me a free weekend in Las Vegas, they don't have to send a representative to any of the budget meetings. 

So this is how your SBA fees are distributed. If you want to know exactly where your personal salty dollars go, I really can't tell you. But perhaps the best thing to do is this: Next time you go to an SBA-sponsored party, look at the kegs of beer and say to all your friends: “See that log of beer. I bought it.”
Braidiers fight for right to earn a living

In January, the Washington, D.C.-based Institute for Justice filed a federal suit in San Diego on behalf of a group of local African hair care specialists who claim state cosmetology regulations needlessly infringe their right to earn an honest living.

The California Board of Barbering and Cosmetology requires braidiers to earn a cosmetology license, costing $5,000 to $7,000 and requiring 1,600 hours of instruction, before they can legally earn a living braidirig hair.

The tangle is that neither the required curriculum nor the test that follows contains anything that applies to hairbraiding. And although the rationale for the board’s regulations is to protect public health and safety, braidiers don’t use chemicals.

“When you explain it to people, they say: ‘that doesn’t make sense,’” one of the nation’s leading hairbraiders, Pamela Ferrell, said.

Ferrell and husband Taalib-din Udah founded the American Hairbraiders and Natural Hair Care Association (AHNHA) in 1995 after successfully fighting off Washington, D.C. bureaucrats who were trying to close their salon, Cornrows & Co.

In October, the Braderie in El Cajon, an AHNHA member, was cited by the board for “aiding and abetting unlicensed activity.”

Master braidier Marguerite Sylba, who was also cited, came to the United States in 1987 to practice traditional African braiding techniques that are hundreds of years old.

After getting a cosmetology license, Sylba began gaining a large clientele. She joined with Ali Rasheed and his wife Assiyah, also from Africa, to open the Braderie.

According to Sylba, the Braderie is booked three months in advance. “We fix personalities,” Ali said. “People come to us with dry damaged hair and leave with their head up high.”

Historically, licensing regulations were legislated to protect incompetent practitioners from competition, Udah said. But the AHNHA doesn’t want to create a braiding cartel through state licensing, he said. “We encourage competition.”

Ali also notes that licensing laws were sometimes passed to act as “Jim Crow” laws and exclude African Americans from skilled professions.

“These professional licensing regulations were passed in the 1920s and 1930s, with a certain mind set,” Ali said. “I don’t have to tell you what that is — we need to change.”

Cosmetologists say braidiers need to be licensed so they can identify scalp diseases and prevent lice. “But it’s really a control thing,” Ali said. “I had to do this, everybody should have to do this.”

And the Institute isn’t trying to end health and safety regulations, litigation director Clint Bolick said. “Regulations should be reasonably related to health and safety objectives,” he said, “and not needlessly suppress the livelihood of individuals.”

Here, “the State of California is imposing an occupational licensing regime bearing no rational relationship to the activity it purports to regulate,” Institute for Justice attorney Donna Matias said.

For Dr. Joanne Cornwell, chair of the Africana Studies Department at San Diego State University, cosmetology regulations represent not only economic suppression, but cultural suppression.

“The cosmetology regulations perpetuate a negative self-image for women with naturally textured hair,” Cornwell said. The assumption is that hair that is not naturally straight is “bad,” and the only way to manage it is with harsh chemical straighteners, she said.

Cornwell has developed a new technique using small, finely manicured locks. She has trademarked her company as “Sisterlocks.” But she can’t open a salon or teach others without risking fines and criminal sanctions.

“Economic liberty profoundly effects the lives of real people,” Cornwell said. “When you stifle economic liberty in a community, you do violence to that community.”


But constitutional law professor Bernard Siegan calls that irrational: “If hairbraiding is cosmetology, why can’t they get a license for hairbraiding?”

Siegan, author of the book Economic Liberty and the Constitution, says the problem is that both conservative and liberal judges apply minimal scrutiny in this area.

“This is an area not protected by the courts, but it should be,” Siegan said. “For the people whose living is at stake, there can’t be any more important right.”
California administrative law professor Robert Fellmeth says the legislature is the proper place for this issue to be resolved. At least that is what the courts will say, he said.

But 3L Tamala Choma, a customer of Dr. Cornwell, disagrees. "Why does my hair have to be legislated," Choma asks. "Why do a bunch of middle-aged white men decide how I can do my hair — they will never have to relate to this issue in their entire lives."

Fellmeth, a former Nader's Raider, says there is little chance courts will listen. "The judiciary has been an abject failure as a check on agencies," he said. "They will bend into a pretzel to uphold an agency, even if the agency is violating a statute."

Fellmeth thinks the best route for change is through the legislature. In fact, USD's Center for Public Interest Law, which he founded, has argued before the legislature that cosmetology licensing should be abolished, leaving only regulations necessary to protect consumers from imminent harm.

"The marketplace is equipped to deal with incompetence without creating barriers to entry that raise prices for everyone," Fellmeth said.

This case does make strange bedfellows. Local counsel, Pillsbury Madison & Sutro partner David E. Kleinfeld, and associate Richard Segal, usually disagree about politics — Kleinfeld is republican, and Segal is a Democrat. But they both wanted to do this case pro bono.

"This is one of the most compelling and important cases we could be involved in," Kleinfeld said.

"Government can be just as oppressive when controlling your ability to earn a living as it can when controlling speech, or religion," Segal said.

Customers back braiders...

One of the justifications for forcing braiders to get a cosmetology license is to protect consumers from incompetence. But customers at USD say they should be able to choose who gets to braid their hair.

Senior Alicia "Nini" Williams', whose mother braids her hair, says she doesn't see the need to license braiders. "Braiding is something, as African Americans, we have done forever," she said. "They don't use any chemicals or anything."

Junior Justine Hardy, Braiderie customer, agrees: "Satisfaction of the customer is the main thing," she said. "If they are trusted in the community, it’s up to the individual whether they want a licensed braider or not — you're not going to go to someone who does a crappie job just because they have a license."

The current regulatory regime makes it hard for African American women who don't want to use straighteners and other harsh chemicals in their hair. When Hardy moved to the San Diego area, she had to look hard to find a place to get her hair braided. "They don't have any black salons in Del Mar where I live," she said. Hardy worries what will happen if the Braiderie loses. "This could hurt a lot of people," she said. "Can they afford the money or the time off it takes to get a license? Will they have to close shop and do it out of their homes again? They have an established business."

Another reason for licensing is to protect consumer health and safety. But customers say they go to unlicensed braiders to get away from the harsh chemical straighteners and relaxers cosmetologists are taught to use.

Junior Janel Edwards, Braiderie customer, says she used to use a relaxer, but it made her hair brittle and break. She has her hair braided to avoid using chemicals. "It's quite popular," she said. "They provide a nice atmosphere — there is nothing wrong with the conditions."

Edwards said it doesn't make sense for the state to require braiders to take cosmetology classes and get a cosmetology license to braid hair. "Unless they are going to offer a braiding license, they shouldn't complain," she said.

She said she wouldn't go to a cosmetologist to get her hair braided. "No offense, but I wouldn't go to a white salon — they don't know how to do it."

USC Student Employment Advisor Carrol Holmes has been going to the Braiderie for two years. "When I started, my hair was very short," she said. "I had a perm that damaged my hair so bad — now it's really long — I love it."

Holmes said she is not worried that the Braiderie is unlicensed. "I can't see any problem with what they are doing," she said. "It's the chemicals that destroy the hair."

The chemicals cosmetologists use damaged Holmes scalp, making dry and break out, she said. "When I went to the Braiderie, they recommended Aloe Vera. I tried it and it went away — I stand behind them 100 percent," she said.

"This is a case about the freedom of African American women to choose how to style their hair without the government being in their scalp," 3L Tamala Choma said.

Choma, who has been a customer of Dr. Joanne Cornwell 14 months, concedes that the government would have a legitimate concern if chemicals were involved. "But I don't see how the state can attempt to license something they know nothing about," she said.

Choma is planning to take Dr. Cornwell's course in locking hair so she can teach other African American women how to liberate their hair from harsh chemicals and straighteners that society tells us we have to use.

"It all stems back to a culture that doesn't value the beauty of women of African descent," Choma said.

Choma says Dr. Cornwell is not just pitted against the Board, but the tradition of African American hair care industry based on chemicals. "With natural hair care, you don't need them," she said.

With graduation less than three months away, Choma has another reason to be bothered by the criminalization of hair braiding. "It's really sad — I can just imagine myself up before the bar examiners, asking me if I have ever been involved in criminal activity," she said.

But the final irony is that "most of the women who work at the Braiderie came here from 'oppressive' countries to earn a living — it's the American Dream," she said. "Now they are told they are criminals."
Finding law on the Internet

COMPUTING in the LRC

LARRY DERSHEM
Computer Research Specialist
Legal Research Center

The Internet is rapidly becoming a gold mine of legal information. It seems that new law-related sites are appearing almost daily, making it difficult for the time stretched legal practitioner to keep up with all the new sources. However, help is on the way. Now there are a number of Internet directories specifically geared to help you locate legal information on the Net. One such publication is entitled Law on the Net by Nolo Press, located at the law library reference desk. Released in 1996, this book lists legal sources. However, help is on the way.

ficult for the time stretched legal prac-

The state-law sites located in the

It is interesting to note that one of the great issues that lawyers face when they use the Net relates to the authoritativeness of the information found — a problem exacerbated by the ease with which Web publishing can be accomplished. As an example, you might find a Web site that contains the entire contents of the Uniform Commercial Code during your research session, but when you return to the site a week later, the code has been removed, or worse, the site itself has vanished into thin air! The good news is that this problem will lessen as federal, state and local governments, educational institutions, and corporations begin to devote increasing resources towards Web publishing and maintenance. The trend towards taking the Web seriously as a means of promulgating information can be seen, for example, at the Government Printing Office Web site (http://www.gpo.gov/), where the introductory page to the Federal Register states that the Web version of that publication is the official equivalent of the printed version. It is this very commitment to content excellence and authoritativeness that is of concern to such online giants as West and LEXIS-NEXIS as states and the federal government made their cases outworld constitutions. The contents of each state are described in detail, and of course all Web and Gopher addresses are listed so you can easily peruse the sites for yourself. Listed below are a number of Internet law-related addresses that you may find useful. The state-law sites presented are for states located in the southwestern region of the United States. I will provide a more comprehensive directory of state-law sites in a future article.

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Constitutions

Federal:  
http://www.law.cornell.edu/constitutions/constitution.overview.html
Arizona:  
http://www.azleg.state.az.us/ars/const/const.htm
California:  
http://www.leginfo.ca.gov
Colorado:  
http://www.sescon.com/csr95/colocons/index.htm
Nevada:  
http://www.scs.unr.edu/bpc/c/nv.Cons.htm
New Mexico:  
http://164.64.43.1/pubaccess/const/const_tabl.htm
Oklahoma:  
http://www.onenet.net/oklegal/okcon.basic.html
Texas:  
http://www.window.state.tx.us/txgovinfo/txconst.html
Utah:  
http://utjudpww.state.ut.us/~/archives/refrenc/tuconst.htm

Legal Employment Opportunities

Law Employment Center:  
http://www.lawjobs.com/
Lawinfo:  
http://www.lawinfo.com/employment/offered.html
Law Jobs WWW:  
http://163.130.2.201:8000/~/lawlib.wuacc.edu/postlaw/postlaw.htm

Library Online Catalogs

(Note: Many online catalogs require a browser configured with a telnet application to use these links)

Boalt Hall Law Library:  
telnet://library@lawcat.berkeley.edu
Chicago-Kent School of Law:  
telnet://library@clark.kentlaw.edu:23
Emory University:  
telnet://eucoll@eucoll.cc.emory.edu
Library of Congress:  
http://marvel.loc.gov/
University of Michigan:  
telnet://lexicallib.law.law.umich.edu:23
University of San Diego law library:  
telnet://library@law.acusd.edu
University of California (MELVYL System):  
http://www.dla.ucop.edu/
University of Southern California Law Library:  
telnet://128.125.42.148
University of Pennsylvania:  
telnet://lola@lola.law.upenn.edu:23
University of Texas:  
http://www1.hju.jil.ch/ill_lib1/us227.html
University of Virginia:  
telnet://connectlaw@ublan.acc.virginia.edu/
Washington College of Law:  
telnet://library@leagle.wcl.american.edu/

Bills and Legislation

Federal:  
http://thomas.loc.gov/
Arizona:  
http://www.azleg.state.az.us/legtext/bills.htm
California:  
http://www.sen.ca.gov/
Colorado:  
http://www.state.co.us/gov_dig/leg_dig/digeld.html
New Mexico:  
http://www.unm.edu/legislature/
Oklahoma:  
http://www.legstate.ok.us/index.html
**Beware of viruses in LRC computer lab**

The LRC computer lab experienced an alarming increase in the number of computer viruses on lab computers last term. In order to protect the integrity of the data on diskettes, it is highly recommended that computer lab users back up any important documents on more than one disk and frequently check for viruses.

To check your diskettes to see if they've been infected, ask the person working in the lab to scan your diskettes. If you have used diskettes in the lab and on your home computer or laptop, it is highly likely that those machines have been infected as well. Evaluation copies of virus removal software can be downloaded from the Internet using Netscape, which is available in the LRC Computer Lab.

Evaluating software to remove viruses from your own computer can be a difficult process. It is recommended that you consult with a professional to ensure that your computer is virus-free.

**Goodbye free printing**

According to law library administrator Ruth Levor, free printing may be a thing of the past in the LRC. Currently, WESTLAW and LEXIS both provide paper, toner, and printers to allow students to print WESTLAW and LEXIS materials. However, both companies have informed her that they are getting out of the equipment business and soon will no longer provide materials to support printing.

Levor says that if this happens, the free printing will be discontinued because the library has no money to pay for paper, toner, and equipment maintenance. Stay tuned.
Internet casinos pose problem for prosecutors

The Internet is a new technology that is redefining the way business is done around the world. And, struggling to keep pace is our American legal system—often falling behind. An example of this problem is “Internet casinos.” These are sites that allow you to gamble real money on sports or various table games, such as blackjack, roulette, or draw poker. They are off-shore betting facilities, available to anyone, anywhere, who has a computer and a modem.

By some estimates, gambling takes in about $1 billion world-wide each year, double that of any other form of entertainment. Casino and Gaming magazine estimates that the Internet wagering market is worth about $10 billion in the United States alone. According to one Internet casino that provides free trial memberships, 7 million people have been connecting to its site each month. This makes it by far the most popular site on the Net. One foreign publicly traded corporation, Sports International Antigua (http://www.wwrs.com/wwts/d intr.htm), has been taking bets on the phone and recently over the Internet, grossing $49 million and earned a net profit of $2.8 million in its first year.

Internet casinos are located in countries where laws explicitly permit them, such as Belize or Antigua. These countries allow companies to operate Internet casinos and market them to anyone. For this right, Belize charges $100,000 per year for the license and requires a deposit of $500,000 in its bank for security.

These Internet casinos are high-profit ventures, located in places that want to protect them. Also, they may take away some of the revenues of companies here in the United States, resulting in a loss of tax revenues. Obviously, the U.S. government wants to stop them. The question is, what can the government do about them?

The states’ Attorneys General, the U.S. Congress (led by representatives from Nevada), and current Federal Law, seem to prohibit all forms of Internet gambling. The Attorneys General Internet Gaming Report makes clear that any company that intends to market Internet gaming to U.S. residents will be prosecuted. The report, entitled "Gambling on the Internet: A Report to the Internet Working Group of the National Association of Attorneys General, can be found at http://www.RGTonline.com/NAAGreport.html.

Also, Congress has enacted the Federal Interstate Wire Act (18 U.S.C. § 1084 (1994)), the Travel Act (18 U.S.C. § 1952 (1994)) and the Organized Crime Act (18 U.S.C. § 1955 (1994)) to prohibit unauthorized gambling activities. Although these laws were passed in the 1970’s, they may be interpreted to encompass Internet gambling.

If we assume Internet casinos are illegal in the United States, what can be done about them? One answer would be to block gambling sites, preventing them from reaching computers here. Imposing civil liability on service providers could force them to police themselves. However, Section 1084(d) of the Interstate Wire Act prohibits regulation of service providers. This law was designed to prevent the “chilling effect” on Internet commerce that would result if service providers were regulated. If a must monitor the content that travels over its lines, including confidential information. Obviously, this would create enormous security and privacy concerns for companies and individuals.

What about going after the casinos directly? Although the United States has been applying its laws internationally since 1818, obtaining jurisdiction over the casinos could be difficult. If their business is all done over the Internet, do Internet casinos have minimum contacts with the United States? Moreover, even if jurisdiction is obtained, most of the countries that host these casinos have no extradition treaty. Thus, enforcing a U.S. court order could create international political turmoil.

If you can’t block it, and you can’t stop it, what about going after the players in the United States? Under current law, such an attempt will not be successful. First, according to the legislative history of the Wire Act, “law enforcement is not interested in the casual dissemination of information … between acquaintances. That is not the purpose of this legislation.” Second, in United States v. Baborian, 528 F. Supp. 324 (1981), a district court in Rhode Island held the Act does not prohibit the activities of mere players, even when those players are sophisticated players wagering substantial sums.

The Attorney General of Minnesota has filed suit against an international Internet casino operation, WagerNet, and its operator, Kerry Rogers. The judge in that case ruled that Minnesota has jurisdiction over the defendants. This is a case of first impression for the entire nation.

If you have any questions or comments on this or other articles that appear in Computer Connection, please send them to ChrisPCC@aol.com.

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Where USD law Students Worked Summer '96

Last summer, USD law students held interesting and diverse summer jobs in every sector of employment. Here is a sampling:

Large, mid-sized, and small locally based firms: (Including Gray Cary; Luce Forward; Selzter Caplan; McNiss Fitzgerald; Procopio Cory; Higgs Fletcher; Chapin Fleming; Duke Gerstel; Edwards White; and Thorsness Bartolotta)

San Diego branch offices of large firms based elsewhere: (For example, Allen Matkins; Brobeck Phleger; Cooley Godward; Latham Watkins; McCutkin Peeler; Pillsbury Madison; and Sheppard Mullin)

California firms outside of San Diego (Including Crosby Heafy - Oakland; Fulbright & Jaworski - Los Angeles; Gibson Dunn - Irvine; Gresham Varner - San Bernardino; Keasal Young - Long Beach; Hight Brown - Santa Monica; Pillsbury Madison - Los Angeles; and Ropers Majeski - Los Angeles)

Out-of-state firms: (Including Baker Hostetler - Denver; Davis Wright - Seattle; Alverson Taylor - Las Vegas; Jimmerson Davis - Las Vegas; McGuire Woods - D.C. area; Quirk & Tratos - Las Vegas; and Tildeke & Gibbons - Bangkok)

Prosecution and defense agencies: (Including Appellate Defenders; Federal Defenders; Los Angeles City Attorney; Los Angeles District Attorney; Merced District Attorney; Orange County Public Defenders; Riverside District Attorney — Indio and Riverside; San Diego City Attorney; San Diego District Attorney; San Diego Public Defenders; San Francisco City Attorney; San Luis Obispo District Attorney; and U.S. Attorney — San Diego and Santa Ana)

Federal government agencies: (Including Army JAG - Japan; Equal Employment Opportunity Commission; Federal Trade Commission; Immigration and Naturalization Service; National Labor Relations Board; Navy Office of General Counsel; Customs Service; Department of Justice - Aviation and Admiralty; Department of Transportation — Office of General Counsel; and Department of Veterans' Affairs)

State and local government agencies: (Including California Attorney General; California Legislative Counsel Bureau; Nevada Attorney General Gaming Division; San Diego County Counsel; and Vermont Attorney General)

Judicial internships with judges in federal, state, and municipal courts: (Including Arizona Court of Appeal; El Cajon Municipal Court; Mississippi Court of Appeals; San Diego Municipal Court; San Diego Superior Court; U.S. District Court; and U.S. Bankruptcy Court)

Public interest organizations: (Including California Rural Legal Assistance; Aids Foundation of San Diego; California Indian Legal Services; Environmental Health Coalition; Korean Immigrant Workers' Advocates; Legal Aid - Los Angeles; Oceanside, and San Diego; Native American Rights Fund; San Diego Baykeeper; and San Diego Volunteer Lawyer)

If you would like more information about any of the above employers (who represent only a small sampling of those who hired USD students last summer) or about other USD law student employers, please stop by Career Services to speak with Kate Vargas (preferably during her drop-in hours). She can put you in touch with a student who has clerked at the firm or agency of interest.
Attention All USD Students:

WEST BAR REVIEW, the nation’s premier bar review course, is pleased to announce that

Professor Walter W. Heiser, of the University of San Diego School of Law, has joined our faculty. Professor Heiser will lecture on Civil Procedure during the Summer 1997 West Bar Review Course.

Professor Heiser has been teaching at the USD School of Law since 1978. He teaches in the areas of civil procedure, trial advocacy, employment discrimination and federal jurisdiction. He received his B.A. from the University of Michigan, his J.D. from the University of Wisconsin and his LL.M. from Harvard University.

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