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University of San Diego School of Law Student Bar Association
INTERNATIONAL LAW
IN LETTER, WORD, AND PRACTICE
from the editor

I have made one resolution for the upcoming year (it is still pretty early, so there is still time for revision--maybe there will be enough time to figure out what to do with the rest of my life): I am going to learn to snowboard. During the course of the last few winters, my usual resolution has been to learn to ski the old school way. I always had a lot of fun trying, but the result was usually a horrendous cold, resulting from hours of wandering around in icy weather in soaking wet wool. (No, nothing is really water proof after six consistent face plants in a row).

On skis, there are too many factors involved for my little brain to handle: two skis, two poles, sunglasses falling off the bridge of my nose and a bright purple hat that never properly keeps my ears warm. It is sort of like law school and its many time problems: classes, extra curriculars, the endless job search, remembering to take out the trash each week and, most importantly, knowing what brand is on sale at my local beer vendor. Sometimes, the juggling is more successful than at other times. With skiing, the juggling is a losing struggle.

I discovered the answer to my skiing dilemma this summer while I was attempting, but once again failing, to learn how to waterski (two skis). The learning curve was just too steep: at about the time I was about to give up, someone handed me a wakeboard (a skateboard for liquid). Contrary to the laws of both physics and nature, I didn't fall down again that day. I am guessing that the answer to my problems is to streamline a little bit, to try and consolidate all the variables in order to succeed at just one effort. Thus, snowboarding.

Less complication. More chance of success. How is that for a 1998 resolution? I have no idea if this will work at all. That is why I won't try to apply this peculiar analysis to the rest of my life. Actually, I sort of enjoy the juggling, the fun little struggles. It keeps things interesting. And life should never be boring. Even on your way down a hill. Fast.

Maya Lee

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LETTERS TO THE EDITOR

Cheaters
Anonymous

Dear Editor,

Perhaps Dean Morris should have begun his convocation for first year students “look at the students surrounding you, by the time you get through your first year one of them will have received special help from us and made their way to the middle of the class for no good reason.” The reason is that some students are in an Academic Support program. Some come from wealthy families, some have attended expensive private schools, others have even worked as paralegals.

The main trick about the first year seems to be learning how to take law school exams. Being able to devote more time to developing this skill is a great advantage. If some are given specific instructions and practice on these areas while others are struggling to find out what is going on with cases in the casebook there is an unfair advantage granted to those singled out for special treatment. Supposedly the materials and advice are available to all students. In practice, many people do not realize the help is there. My roommate only found out about it this week when I told him.

After receiving summer grades it appears that some of these people did quite well. Too well. Some first years have commented that they wish they had taken their weekends off during their undergrad years so that they could have qualified for the program. Maybe partying excessively and sleeping to noon are qualities the idiots who run this school want to encourage. Anyone who cannot figure out that giving this type of help is unfair must lack basic reasoning skills, especially when one considers the grading curve. This does not require any elaboration.

One way to overcome this ridiculous advantage would be to put an asterisk on the diplomas of those in the special section. Or remove their scores from the curve. Another possibility would be to post the scores these people receive on exams. The fact the people can be removed from Academic Support for doing well does not mean there is any more fairness. These students have still received extra help during the critical first year of law school that the rest of us will never receive. The academic support staff attempts to reassure the rest of us that the program is not biased by writing in its program description that academic support students do not receive extra time on exams. I’m sure the academic support students are upset about this fact. No doubt this is in reference to what goes on at many ABA schools where extra time is given for students with “learning disabilities.” One can only wonder what type of lawyers those people will make.

There’s nothing worse than thinking that all of one’s efforts are futile because some nut sitting in an office comes up with a bizarre theory of “fairness” or “equality,” or that someone like this is interfering with one’s future. This is a symptom of the previous generation’s dislike of our generation’s efforts. These people ought to let things lie. The Academic Support program goes too far and serves no purpose. Those entering a professional degree program should not need or receive extra help.

Max Walker, IL.

In Response

Dear Editor,

Thank you for the opportunity to respond briefly to the student’s concerns about the Academic Support Program. The law school offers this program for students who are expected to need assistance in their first year of law school and who are not eligible: we present workshops during the semester on key study skills such as outlining, and our study group leaders are available at specified times during the semester to answer questions from students who are not eligible for the program. Additionally, handouts used in our sessions are available outside room 129 and in the LRC for students to copy. Finally, Janet Madden is happy to meet individually with any student who has questions about the law school experience.

Sincerely,
Deirdre Alfred and Janet Madden
Academic Support Program

Learning Disabled Judge
By: Barbara Craig

Ignorance breeds hatred. It manifests in a multitude of ways. Lack of tolerance for another because of the color of their skin, their sexual preference, their handicap or their disability acts like a cancer destroying the very essence of humanity. Ignorance starts wars creating factions of “them” against “us.”

As a long standing Motions staff writer, I had the opportunity to read the letter to the editor trashing the Academic Support Program at the University of Buffalo School of Law and reiterated it to me during our phone conversation. I asked him what he thought about Academic Support Programs which colleges and graduate schools provide to assist students with disabilities. He said that such programs are designed to “level the playing field.” I asked if such programs were in place when he attended law school and he said no, adding, “I did horribly throughout my academic career. Academics were not a true indicator of my abilities.” When he reads cases he increases the font size which helps him read quicker and aids his comprehension.

Judge Gallet said any kind of accommodation should work to level the playing field rather than distort it. In fact last month he was asked to speak with Attorney General Janet Reno concerning the plight of learning disabled judges, attorneys and law students. “Nobody likes to go any place because of their disabilities,” said Gallet. He is invited to speak at places because he is the “talking frog”—a learning disabled judge. “People invite me places because they want to see my warts,” added Gallet. “I’m learning disabled, and I’m always going to be learning disabled. There is no wonder drug; there is no operation. I won’t outgrow it; it won’t get better. It’s a neurological disorder, a minor brain damage. It is a mental misfiring.”

Judge Gallet was thirty years old when he was diagnosed with a learning disability. He says he still doesn’t know his right from his left, yet he is an efficient and effective Federal Judge. He has learned to compensate for his disabilities. He says because of this compensation he has the most organized courtroom in the New York City. “I write everything down and I can’t add numbers in my head,” said Gallet. I found that amazing because he was just appointed to the Federal Bench in Bankruptcy. All of his numbers crunching is done either on a calculator or a computer. “It really is just like a blind person having the aid of a seeing eye dog or braille,” said Gallet.

It is estimated that one in every ten persons has a learning disability of some kind. Rather than throw stones at some USD program designed to help our fellow students with their disabilities let’s build bridges of understanding. If more programs for first year students are needed to help them learn how to be effective litigators let’s start them. Let’s organize study groups or help others outline or discuss our view of the law. Let’s use the knowledge we have gained here at USD to see past a person’s skin color, or sexual preference or disability.
Leave it to the "Saint!"

A Time for Reflection

By Ray Estolano

Let me start with a few words of explanation about the column. In case you're wondering about the title, let me mention that "Saint" is an occasional nickname given to me by some family and friends. The nickname has persisted throughout the years largely because of my perhaps overly idealistic and slightly moralistic nature.

Ironically, the "Saint" nickname was actually given to me not at one of my jobs at a nonprofit organization, but rather at a Berkeley party, where several of my buddies and I had been drinking a little bit too much. The alcohol affected us in different ways. My roommate Jeff suddenly realized that he was irresistible to women (unfortunately, they didn't realize this also). On the rare occasions when I drank, I transformed into...I don't know...Super Ray Estolano, someone with a perpetual bleeding heart and a Jack Daniels-given responsibility to help my fellow man, even when they didn't want to be helped! At this party, the lucky person to receive my counsel was a friendly fraternity guy who was in the process of yelling obscenities and destroying his girlfriend's car with a baseball bat.

For some reason, I stepped in and pointed out to him that his use of the term "bitch" was offensive and derogatory to females...and that this was an awful way to treat a good Louisville slugger (his type of baseball bat). In the fight that ensued he tried to hit me with the good Louisville slugger. I told myself that I was fighting not because I was drunk, but to protect the rights of females (and baseball bats) everywhere. For some reason, my girlfriend didn't completely agree. Her famous words upon driving us all home after the fight were: "You weren't trying to protect anything but Ray Estolano's big ego. What you expect me to believe is that you're some kind of #*$-ing saint?"

To her amazement, after she said this, the nickname stuck. To my amusement and dismay, a few of my friends began to refer to me as not simply the saint, but as the #$*-%ing saint. My frequent endeavors into local politics became an example of their #$*-%ing saint trying to change things for the better. My exciting, but barely unsuccessful run for Berkeley elected office became the Saint's Crusade. Fortunately, by this time, they had dropped the #$*-%ing prefix to my nickname. I've named this column "Leave it to the 'Saint!'" as a kind of up-front admission that it will offer my perhaps overly idealistic opinion on issues that I believe are important to us as law students and future lawyers. I may be idealistic at times, but I'll always give you an honest perspective. Hopefully, you'll never be tempted to add in the prefix to my nickname.

In today's column, I offer a true story about the type of people who we rarely see in law school or in similar programs. I offer a true story about some of my oldest friends. Some names have been changed.

The other day, I looked into the mirror and found that I didn't recognize my own reflection. The man looking back at me was a stranger. At first glance, he seemed to be the same Ray who I always saw in the mirror. He had the same features that I did. There were the same Asian eyes and Latino complexion. Even the same persistent smile that I'd inherited from my Caucasian grandmother. The man in the mirror seemed to be me, but at the same time there was something that seemed so out of place about him.

I looked more closely at the mirror. My eyes drifted down to the gray Italian suit my reflection wore. Maybe it was what was out of place. It made the man in the mirror look so self assured...so serious. Perhaps it made me look so much like the attorney that I would someday be. Looking into my reflection in the mirror, I felt as if I was gazing into my future. However, as I looked more deeply, memories came unbidden into my thoughts, and I saw my past...

"I want to be the first to toast," said a skinny Chinese-Mexican kid. In my hand, I was holding one of my very first beers. We weren't old enough to drink or very experienced at it, but in imitation of adults, we made a series toasts to our future. We all came from fairly poor families, but we had a hopeful determination that our future would be bright.

"To the Sam-ster. May he be a millionaire before he's 25 and may he not forget us!" I said as I toasted to my best friend.

Sam was in many ways our leader. He overcame the loss of a father and the stress of an alcoholic mother. He emerged with talents few had. He was a genius at the computer and a master at chess. His dream was to have his own business. None of us then doubted that he would overcome his (as he put it himself) "white trash" upbringing to succeed.

"To Mitch. May they rename the Nobel after him."

Mitch was our scientist and was already on his way to winning second place in the state science fair competition. His nose was always in some book or another. He amazed us all with his love of learning and studying. I sometimes thought he was crazy for preferring a technical journal article on lasers to a game of hoops at the park, but in a way I looked up to him as my most knowledgeable friend.

I continued the toast for a while, predicting some successes that I can't recall now for my friends Ricardo and Bill. I can't even remember what success I predicted for myself. In my friend Sam's toast, the prediction was that I would shave my head, become a philosopher and roam the streets of Chula Vista like the monk from Kung Fu. He predicted that I'd be that, or at least a really, really deep garbage man.

I wasn't the smartest or the hardest working of my friends, but I was always the idealist. I was always our dreamer. I really believed that we would make it and that through our accomplishments we could change the world that had been so hard to our parents.

It's funny how dreams fade in the reality of a Chula Vista morning. Many mornings after we'd tossed to our future at the party, the future had ruled against my friends. Too many of our dreams had ended. They were simply too expensive for too many of us.

Mitch, who was supposed to have revolutionized electronics, ended up not being able to afford college and now works as a clerk for Radio Shack. He finished a few semesters at Southwestern, but found that the financial aid offered to him by his four year university just wasn't enough to make ends meet.

Sam, the chess master, gave up chess to support his family with a job as an assistant manager at the 7-11. He still talks about putting together enough money to start his business, but he talks about it with a touch of sadness in his voice. He knows that his bills pile up too fast.

My best friends had fallen short of their dreams, but they were luckier than Ricardo. He took the loss of his dream very hard. As we went through high school, he found that he simply couldn't deal with the harder material. He asked if he could really accomplish what no one in his family had been able to accomplish? One winter night, he answered his own question by jumping out the window of his apartment building. He didn't die, but he suffered brain damage of a great enough magnitude to qualify him for disability payments.

Not all of my friends did as poorly as my friends from the party, but only a couple of friends aside from me realized the dreams that they had. Most of my friends fell far short of their dreams and settled for low paying blue collar jobs. Sadly, some of my friends didn't even have dreams to strive for.

As I thought about the past, these memories and more came to mind. I thought about how fragile a dream can be. It's probably a concept too difficult for most middle class people to understand. Living in

Continued on page 5
An opinion by Brad Matthews

[Recently Professor Allan Snyder’s Interviewing and Counseling class was shown a documentary on a teenage Vietnamese immigrant. The program tracked the development of the young man through his first few years in the United States. His tale took him from ridicule and harassment in his new school, where his grades were impeccable, to initiation into a gang of other Vietnamese teenagers similarly situated, and finally to prison where he was serving time for armed robbery. Following the film, Professor Snyder presented the question, “What do you think of him?” The more liberal students responded, with a focus on the young man’s predicament, recognizing the pressures and effects of racism, though not excusing his actions. The conservative students responded in one of three ways, all of which seemed to focus on why his race should be largely ignored. First, some students espoused the view that this country is made up entirely of immigrants and that initial struggle is something we all had to overcome. Second, some students believed this person had a conscious choice, and he simply made the wrong one. Third, others revolted at the film’s seeming attempt to invite sympathy for this criminal. What follows is my response to both this film and the discussion that followed.]

Discussions on race remind me that I do not live in a time far removed from the days which heard the infamous comments from southern whites on the integration of public schools in Little Rock, Arkansas. Those people are still alive, and so are their ideas. The rallying cry, however, has changed. Epithets which once carried the explicit endorsement of government have evolved into a seemingly innocent belief in some level playing field idea which justifies some free will philosophy of individual choice. 

I am quickly coming to the conclusion that my generation is blind to the policies which fostered separate but equal laws. Racism to which my generation is exposed to on a day to day basis doesn’t compare to what is shown in documentary television and what is learned about in middle-school history classes. It lacks the in-your-face drama that makes racism so entirely repulsive. I believe my generation has learned to distinguish racism of the sixties with racism of the nineties. No Jim Crow laws, no racism. No fire hoses blasting peace-ful protesters, no racism. No Plessy v. Ferguson opinion in this classroom. Somehow, I believe my generation has been fooled into believing that we live in a meritocracy. Success will not be thwarted by racism, but only by an individual failure to achieve. 

It is easy for upper-middle class whites to believe that their success is well-deserved. There is a pervasive feeling of entitlement in this socio-economic group. The perception that hard work, and hard work only, is responsible for success works both ways - failure must be a result of laziness. I’m disgusted with the notion of equality of opportunity. In my view, it is an arrogant, pompous symptom of one’s own feeling of superiority. Why else am I here but that I worked hard and that I deserve to be here?

I grew up just outside of Washington, D.C. The public schools were, and to this day remain, in such decrepit condition that they attracted national press coverage. The fire department was forced to shut them down because of multiple violations. There was no air conditioning. Doors were hanging off the hinges. The bathrooms were inoperable. By contrast, I went to a public high school in a Maryland suburb which was recently recognized as the best public school district in the entire country. This was no accident. When my family moved to Maryland in 1981, my parents sought out the best schools and restricted their search for a home to that area. 

From where I stand, the equal opportunity theory espoused in terms of the all-of-us-were-at-one-time-immigrants-in-this-country view or the head-on-a-conscious-choice view is an evolved form. I ask myself, “Does this idea stem from an idea that we all were presented initially with the same hurdles to overcome? That those who must endure the wretched living conditions of the inner city somehow were unable to overcome that initial test?” What lets think. What was the initial test for most of those who live in the inner cities of America today? Was it, perhaps, the law of the land. Does it go back to a centuries-old view that blacks were in fact animals, that they did not even constitute a whole voting person in the eyes of the government? Is it in fact demonstrated by Phyllis Wheatley’s story - the matriarch of the Afro-American literary tradition - who had to endure the indignity of an examination of Boston’s most notable (white) citizens who boldly pro-

claimed: “We whose Names are under-written, do assure the World, that the Poems specified in the following Page, were (as we verily believe) written by Phillis, a young Negro Girl, who was but a few Years since, brought as an uncultivated Barbarian from Africa, and has ever since been, and now is, under the Disadvantage of serving as a Slave in a Family in this Town. She has been examined by some of the best Judges, and is thought qualified to write them.”

To think, it was only thirty years ago that blacks were not allowed to go to the same schools as whites - by law! To think that President Eisenhower had to call in an airborne U.S. military unit to integrate public schools in Arkansas because the Governor would not act. And it is believable that the conditions which create the impossibility of opportunity are somehow the result of their own failures and shortcomings!

With such a rich, recent tradition of racism, how can a teenager, Vietnamese immigrant be perceived to be the master of his own destiny. To think that he should ignore the epit-thets of his teen-age peers. To think that he should not want to fit in and be overcome with pride and chivalry because he simply cannot fit in. To think that success in school leads inevitably to success in this country.

My frustration lies with the ease with which, it appears to me, my generation will either ignore or discount racism which still exists today. No one, I believe, doubts that any crime should go unpunished. The question posed, however, was not what was thought of what he did. The question was what was thought of him. Many equated this person’s actions with the very essence of his being. No sympathy, just icy justice. Ironically, it seems to me, if sympathy is to be reserved for anybody, it should be reserved for people dealt the same or similar cards as he was. This was not a person presented with endless opportunity - as is a male, a white male, a white male with rich parents, a white male with rich and politically powerful parents, or a white male with rich, loving, politically powerful parents (add, intelligent, good looking, heterosexual...). It is just this type of person which invokes in me that same void of sympathy - the person who has every road open and throws it away; who can be said to have more choices, to the extent that any of us have a choice, to succeed.

So I was discouraged, and actually surprised, by some of what I heard in class that day. I had always thought that education begat intelligence and intelligence begat understanding. But I looked around, and saw where I was - this school, this city - and thought that it really should have been no surprise after all.

Saint: Continued from page 4

a community where may have lost their dreams makes it harder for you to believe that your dreams won’t fade away as well. Those of us who hold on to our dreams are truly fortunate.

Looking at the reflection in the mirror, I saw a tear drip down my cheek. I finally realized what seemed out of place about my reflection. After all these years, I was now looking at a successful man. Somehow I had succeeded, through my friends had failed. The tear came from a feeling of guilt...a realization that I hadn’t been able to help my friends make it. Together we were going to change the world, but I crossed that bridge to our future alone. How could I change the world alone?

As I finished looking at the mirror and drove to my job interview, I found myself wondering what it was that had made me succeed when so many of my friends had failed. Conservative friends of mine would probably attribute my success to my intelligence, my work ethic, or perhaps my family’s values. It’s tempting for me to say that I succeeded because I deserved to succeed, but then I realize that my friends didn’t deserve to fail.

The truth is that I succeeded because I was lucky. I was lucky that my parent’s business expanded so much during my college years that they were able to help me with financial emergencies. I was also lucky to have scholarships that reduced my need for financial help.

Most of all, I was just lucky that the face reflected in my mirror never lost its smile. It’s a shame that my friends and many other people in our society can’t say the same. I wonder how many broken dreams people see when they look in the mirror. Maybe the mirror in too many lives has cracked. God knows it doesn’t have to be that way.
**Please feel bad for me, I’m... (insert your own title here)**

An opinion by Richard Ormond

There is a new exploitation phenomenon this decade that is taking America by storm. This exploitation, however, is people exploiting themselves. Today, people exploit the fact that they are or have been victims. Whole societies, cultures, religions, and races find the need to exploit their historical weaknesses and dispositions. What has happened to the rhetoric of dreams where people stood up and were proud of who they were? The age where people asserted themselves, regardless of their race, religion, creed or sex? Was it just a dream thought up by our nations’ icons so that we can watch their ideals rise and fall through a cable-TV documentary?

College campuses that were the flash points in the fight for equality in the 1960s, are nothing more today than high profile vocational schools for middle management. Middle management, a place where you make enough of a living so that you stop questioning authority? It is a place where America’s thinkers can be bought off. Why disrupt something that is “getting you by.” Today, many people are just “getting by” and others are written off completely. Those that are written off, feel locked into their fate. Unfortunately however, they think themselves a victim.

Both middle-management and the victim are wrong, and both are to blame for the creation of a decade of “Why-me’s”. Most people have something they complain about, and expect someone else to do something about it. People need to stop viewing themselves as victims. People need to prove and assert themselves whenever they face adversity. People need to start taking their lives into their own hands.

Every individual, while growing up, faces a number of challenges. Many people face unspeakable forms of discrimination, abuse, crime and fear. Even more face broken homes, and the broken dreams of their forefathers.

Unfortunately, there is little sympathy to go around. To survive, people need to absorb their challenges and frustrations to help them grow stronger. Only this way will we become more resilient to the harms society faces in these troubled times. Society can no longer turn a blind eye to those in need. The solution lies not with the government, but with our communities and families. Individuals need clear concise goals set forth by their families, communities and especially themselves. An individual that strives to reach certain goals is already a success, just for trying. That person is an example of pride, that other people, especially children, can look up to for guidance.

The example set by people who never give up, whether they actually reach their target or not, is priceless. Individual goals are key components to the success of a community and a society. This succeeds in eliminating victims and creating victors. The work of building a positive community, the work of generations. There is no quick-fix.

Being a victim, or admitting you are a victim, is just a way of throwing in the towel. Instead, life is not over until the final bell, and there is no reason to stop unless you are knocked out or dead.

The viewpoints expressed in the opinion section do not represent the views of the University of San Diego or the Motions’ staff but are the sole opinion of the author. Any responses or letters to the editor should be submitted on computer disk and addressed to a member of the Motions Editorial Staff through student mailboxes or the Motions office. We encourage and welcome all commentary. 260-4600 Ext. 4343

**An advice column for you**

Hello dear readers. I am Wee Willy, but please just call me Willy. This is a new column that I hope will be of some assistance in answering any questions members of the USD Law School community may have.

Please feel free to ask any question on any topic. I am well versed in all aspects of life.

So, here we go with November’s inquiries:

Dear Willy,

How important is class ranking when applying for a job?

Dear Willy,

I am currently unemployed. How important is class ranking when applying for a job?

Dear Willy,

Class ranking can be an important element of your resume. However, unless you are in the top 15 or 20%, I recommend not putting class ranking on your resume unless the employer asks for it. A class ranking in the middle third or so of your class merely signifies that you are in the mass of students with rankings grouped around the mean average. The grading in this area is so close that it is not a true indicator of your worth as an attorney. The bottom third? Leave it off at all costs.

Dear Curious,

Outlining is essential. There is no question that it is the best process to learn class material. To outline, you must go through all your notes and materials and thus, review the class in full. I also recommend briefing all the cases as well. Your briefs will trigger recognition of cases during study time. Analogous fact patterns are a great tool towards studying. Make your own outlines and brief. Good luck!

Dear Willy,

Lately I’ve been fantasizing about one of my professors. Is this O.K.?

Dear Anonymous,

Fantasy is normal. I too have fantasized about a professor or two. However, can I suggest that you fantasize about some of your fellow students? There are some attractive and intelligent men and women at USD Law School. This way, if you choose to act out on your fantasy you may have a better chance of success.

Dear Willy,

Is it hypocritical to smoke pot while attending law school?

Dear Willy;

You are studying to become an “officer of the court” and smoking dope is illegal. However, life is a process of choosing your own standards. If you feel this is a bad law, follow Thoreau’s lead and stand up and disobey this law and strive to change it.

Dear Anonymous,

Yes. You are studying to become an “officer of the court” and smoking dope is illegal. However, life is a process of choosing your own standards. If you feel this is a bad law, follow Thoreau’s lead and stand up and disobey this law and strive to change it.

Dear Willy,

What are some of the do’s and don’ts of parking at USD?

Dear Commuter,

Sorry, I do not drive.

Dear Willy,

I have a student who just drives me nuts. This student repeatedly asks questions that should be answered easily by being prepared for class. I just want to yell, “Shut up!”

Dear Fed up.

I too remember being in a class with this type of student. However, I actually did stand up and yell “Shut up, just shut your gob.” Unfortunately, you are not allowed this thrill and luxury. Grin and bear it and maintain your professionalism.

Dear Willy;

I hope you enjoyed this column. Please submit questions for the next Motions issue to: Willy; c/o the Motions mailbox outside the Motions office door on the bottom floor of the University Center or c/o the Editor-in-Chief (Maya Lee’s) student mailbox.

Thank you.
Study tips for the coming season from the “experts”

Compiled by Todd D. Davis

Coffee -- “The cart man is a God-send and perhaps the coolest dude on campus... the nutritional content of a cup of joe is zilch, but WOW what a whammy of an uplift -- a couple of shots of espresso can keep you going all night (if you know what I mean?).”

Sleep -- “Get plenty of it. Sounds kind of like the opposite of #1 because that helps you stay awake, but you also have to get plenty of rest. Sleep is the world’s greatest commodity. If you don’t get enough, you may just end up passing out during your exam!”

“Start early on your outlines -- HA! This coming from the world’s greatest procrastinator, but what I hear from all those academic achievers is that getting a jump on the competition as far as outlining is concerned is KEY!”

Breaks -- “Make sure that you take an occasional break from the LRC and between finals. Some of my friends and I would go down to Peabody’s after a final and have a couple of brews to just relax after a three-hour stress fest. It takes the edge off, and allows you to let all the nonsense shit you just got tested on melt down out of your brain and leave plenty of room for what you’re going to be cramming for later that night!”

Good Personal Hygiene -- “At any rate please do not forget to brush your teeth, brush your hair, and bathe! Deodorant is essential! You don’t want to throw these daily habits to the wayside merely because it’s finals time. It’s not the world’s greatest commodity.

Recruitment -- “Don’t go to a bar the night before an exam and don’t recreate the wheel--get an outline from someone who had your professor and add your own notes to that. I don’t think that I can come up with more than these 2- Anything else I could say would seem almost hypocritical (you know, like don’t wait to the last minute, don’t cram, don’t stress, etc.).”

“Stay away from people who stress you out, i.e. the type who want to know how many hours you were at the library yesterday and how far you’ve gotten on your outline.”

“Look at your professor’s old exams on file and then take a practice exam.”

“Make sure you make time for yourself--go for a run, watch your favorite TV show or sports team.”

“If you are involved with a study group, make sure you are learning the information and not just following the group.”

“Make flashcards.”

“Study tips --
#1) Don’t eat a big helping of Turkey before studying.
#2) Make sure you have a good parking space before you start studying. (Well maybe that’s just me).
#3) Make sure you have over 100 outlines for each course.
#4) Throw your tv out the window about two weeks before finals.
#5) Try to sit next to a law review student come test time.
#6) “Ummm-- I think people just have to figure out what works best for them! Think many would disagree?”
#7) “Study while you masturbate, but don’t let the pages get stuck together.”
#8) “Don’t go to L.A. every bloody weekend!”
#9) “Think outside the box; i.e., ask questions like, “Why is T.D. giving study tips?”
#10) “Stop masturbating so goddamn much.”
#11) “Be ultra-ana! and bug your professor after every class about topics like adverse possession and/or Rule 12(b)(6) for at least 45 minutes!”
#12) “Quote Posner or Locke, as the “case” may be!”
#13) “Drink a bottle of wine and rent a French movie the night before the final!”
#14) “End every sentence of the exam with an exclamation mark!”
#15) “Write the entire exam in Latin!”
#16) “Subliminally create the impression of a lap dance in the grader’s mind with repeated references to the crotch area!”
#17) “Do not forget Black’s Law Dictionary—the most important legal study aid known to law students and faculty alike!”
#18) “During the exam, think how long it will be until...”

The truth is, and you won’t believe it until years later, but don’t worry about your exams. Compete with yourself and nobody else!! Don’t get caught up in all the hype your are constantly fed. In the long run, AND THE SHORT RUN, it doesn’t matter. If you are struggling to understand, seek help. If you are working hard and know the material, you’ve done your job. That is all that matters. Trust me.

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**ISSUES**

**by J.C. WILMORE and WILL GEDDES**

<table>
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<tr>
<th>YALE LAW CAREER SERVICES...</th>
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<th>UCLA LAW CAREER SERVICES...</th>
<th>U.S.D. LAW CAREER SERVICES...</th>
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<td>Remember, don’t settle for anything less than $90,000 a year—that would be an insult to Yale.</td>
<td>Remember, don’t settle for anything less than $80,000 a year—that would be an insult to Harvard.</td>
<td>Dude, remember: anything less than $70,000 a year is TOTALLY bogus.</td>
<td>Remember: SMILE when you say: “Would you like FRIES with that, sir?”...</td>
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*Compiled by Todd D. Davis, November 1997*
Tired? Welcome to the wild, wide world of San Diego’s cafes

By Lakeri Patankar and Brett Peterson

BEST STUDYING:

AROMAS:
LOCATION, LOCATION, LOCATION!

By far, the most conveniently located of the cafes we reviewed, is Aroma. It is right on campus in Maher Hall (yes, that’s in undergradland). While the food selection, consisting mainly of muffins, pastries and assorted deli leftovers, is unremarkable, Aromas tops our list for study potential. They recently replaced Pannikin coffee for Starbucks, which, though not horrible, doesn’t exactly merit a golden bean award! The new Tazo teas are definitely fab, though.

Aroma is a great filler for those interminable gaps between classes; something about this place really promotes studying. The chairs are basic but comfortable. There are about 4 outlets hidden around the room for the laptop brigade and a few ancient computer terminals to check e-mail. We have one thing to say about the rather spartan decor: USD may be home to the Toreros, but do we really need to see that much red?! The music is a selection of staff favorites, everything from Sarah McLachlan to the Bladerunner soundtrack to Tchaikovsky, and is rarely unpleasant in volume or genre. Surprisingly, few law students venture out here, making Aromas a very well kept secret.

BEANS:
TO BEAN, OR NOT TO BEAN?
8935 Towne Center Drive, La Jolla, 453-9252

Located in the Renaissance plaza near UTC, Beans is a good bet for people living around University City and it’s a favorite of UCSD med students. Their coffee is quite good and they offer many different blends of coffees and teas to sample. Simple, but good light food and pastry selection. Lakeri especially recommends the B-bars and gelato. The service is really friendly and they have a “frequent coffee buyers” card. The decor is cute, with painted coffee beans on the walls (get it? beans). The chairs are of the folding variety and aren’t terribly comfortable so grab a padded bench seat if you can. The atmosphere is mellow, with low-key music and studious types surrounding you, making it the closest you can get to a library without falling asleep. If you’re ready for a break and are feeling a little frisky, just sit down to one of those med students and ask him or her to show you their Gray’s anatomy book. The only time it’s hard to get a seat here is on Friday and Saturday nights when local bands play, but you really shouldn’t be studying on a Friday or Saturday night anyway!

BERNINI’S:
GET YOUR HI-LITERS READY!
7550 Fay Avenue, downtown La Jolla 454-5013

Apparently our fellow patrons at Bernini’s shared our conviction that this is the place to study. Everyone was being quite academic. The lighting is appropriate for studying, although some corners are a little underlit and can encourage dozing off. There are a few outlets available and there are two, much sought after, booths which we recommend vulturing for. The booths are perfect for group studying and are very well lit. Not much to distract you in this cafe, we found the artwork boring and you’ll probably have read the magazines at the dentist’s already anyway. If you’re really desperate, listening to the largely undergrad crowd’s naive assessment of the world provides some amusement. Bernini’s has a limited but adequate menu as long as you’re not going there specifically for a meal. Brett was more impressed by the name of his “zucchini pumpkin curry” than he was with the taste. Lakeri stuck to cafe au lait with a shot of caramel syrup and was quite satisfied with her drink. There’s definitely enough caffeine flowing to get you through your study session. Parking is pretty good around Bernini’s and the cafe is open until midnight.

BEST CAFFEINE AND FOOD FIXES:

CAFÉ CREMA:
CRÈME DE LA CRÈMA
1001 Garnet, Pacific Beach, 273-3558

“I’ve always liked Crema, it’s one of my favorites; I did my International Trade law final here...and I passed.” - Lakeri. Crema does have its own parking lot, but you’ll rarely get to park there so allot yourself the usual PB parking time. Finding seating is equally as daunting a task. However, those who overcome these hurdles will be rewarded with an extensive menu that includes fresh baked bread and huge beverage servings. Prices aren’t bad, but if you run out of money, there’s an ATM right inside the cafe. Lakeri’s order got mixed up but they graciously corrected the mistake and she got her Hazelnut-Cinnamon-Praline Hot Chocolate, which was quite a mouthful, to order and to drink. Lakeri’s order was definitely the hit of the evening. Guest reviewer Sunny said that her Continental decaf iced mocha was yummy (actually, she said “nice” but we thought that was too boring). Brett’s experience was less positive, however. His Mexican Hot Chocolate tasted like Swiss Miss instant junk and he was unnerved by the homeless guy who stared at him for 15 minutes. The music was soft Club (you’ll know it when you hear it) and may have been piped in directly from Moose’s. The music that particular night was not necessarily indicative of every night at Crema, however. There is also a jukebox, if you wish to remedy the music situation yourself. A selection of comfy chairs and glass tables lets you sprawl your books out while you study and if you find a good spot, you really can get in some quality studying. And Crema is definitely the spot for you nightowls - it’s open until 4 am on weekends!

THE GROVE:
COMMUNE WITH NATURE
Gilman Drive, UCSD, 544-EDNA (for info)

Lakeri and Brett returned to their old stomping grounds for this one. A favorite of their undergrad years, they couldn’t ignore it for this review. We’ll be straight with you, the parking situation is far from pretty and unless you live close enough to walk, you’re relegated to metered parking. By the way, don’t try any fast ones, the UCSD parking gestapo is merciless. We think it’s worth the struggle though. True to its name, this cafe is nestled in a eucalyptus grove and the multi-level seating is almost all outdoors. The atmosphere is serene despite the high traffic throughout the day. Most tables are small so group study is probably not a good idea, but if it’s just a casebook and highlighter kind of day, you’re set. Oh yeah, go for the wicker chairs unless you enjoy a little acupuncture with your coffee and have had a tetanus shot recently. Brett claimed his hot chocolate was “heavenly” and that he could even taste the real cream they used. His ham and cheese quiche was great, considering the Grove only recently expanded their menu to include non-vegetarian items. Lakeri had her favorite Grove lunch, soup and a baguette. The soups are "souperla-

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**Congratulations to the 1997 Jessup International Law Moot Court Competition Finalists**

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<th>First Place</th>
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<td>Claire Jung and Mark Stenson</td>
<td>Jim Clinchard and Kelly McInerny</td>
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<th>Third Place</th>
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<td>John Cu and Lisa Koven</td>
<td>Joe Chandler and Joanna Owen</td>
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Best Oralist: William Ota
Best Brief—Applicant (tie): Claire Jung and Mark Stenson
Best Brief—Respondent: Jim Clinchard and Kelly McInerny
Joe Bradley and Bill Ota
tive." (Oh, so what if that's a little cheesy, we defy you to do better!) And overall, the menu offers up a variety of scrumptious food and drinks at good prices. What more could you ask for - well, except for parking.

BEST HANGOUTS:

**CAFE 976:**
911 FOR EMERGENCY, 411 FOR INFO, 976 FOR COFFEE
976 Felspar, PB. 272 - 0976

Escape the usual frenetic activity of PB Central and opt for Cafe 976. While only one block away from our other PB winners, 976 offers a completely different atmosphere. This cafe is actually a converted house complete with ample porch and shrubbery. Sitting outside, beneath the trees with twinkly white lights, it feels more like a soiree at a friend's home than an establishment that could fall under the commerce clause (but then again, what couldn't?). Then you remember that your friends don't usually charge you that much for coffee at their places and the soiree image loses a little luster but we think 976 shines anyway. The seating, both outdoors and in, is plentiful and comfortable. Brett evaluated the restroom and came back with glowing praise for the restroom he identifies as "larger and cleaner than my bedroom" (not hard folks). Studyability is all right at this cafe, with about four outlets, good music at a low level, and though perhaps a little dim, lighting. However, Brett and Lakeri suggest you do as they did, and take advantage of the many games stocked by the cafe. We especially recommend annoying the hell out of the rest of the patrons by playing Boggle and shaking the letter cube for as long as possible. By the way, Lakeri kicked Brett's butt at Boggle (the 5 x 5 version too). 976 has a great selection of teas and Brett claims that they have the best chai tea in San Diego. They also carry cookies by the Cookie Lady - Yum! and their coffee drinks are huge and very good. We affirm.

**BEST HANGOUTS:**

**DAVID'S PLACE:**
FOR THE SOCIALY CONSCIOUS
3766 5th Ave., Hillcrest 294-8908

unique among the cafes we reviewed, David's Place is a Not-for-Profit business that donates its profits towards the fight against AIDS. If that's not reason enough to draw you there - it's also a pretty cool place. A comfortable, eclectic mix of mismatched chairs, comfy couches and even a rocking chair lend David's Place a certain coziness. Distractions abound with a piano, many boardgames and the occasional melodrama of a patron being aided through a personal crisis by the friendly staff. Take advantage of all the information available here on how to get involved in the community. If you do want to resist temptation and try to study, the music's good, the lighting is decent and the noise level is okay. Of course, we still maintain that the atmosphere is more conducive to contemplating life instead of contemplating law. Lakeri recommends the potatoes au gratin and the Almond Roca Mocha. Brett concurs in part and dissents in part, claiming that the mocha was a little too sweet but agreeing on the quiche. Other choices include the usual coffee house fare. Just don't go for the Blueberry Butch smoothie! Prices are a little steep but palatable when you remember it's all for a good cause.

**ZANZIBAR:**
NEW & IMPROVED; STILL THE COOLEST IN PB
976 Garnet Ave., PB. 272 - 4762

Once decorated in Death Star motif, with a clientele of the I-wear-only-black variety, Zanzibar has certainly lightened up over the last few years. Though considerably less dark, dingy, and oppressive than it used to be, it's nearly as much fun! The walls are actually visible now, as is the funky "Dali-esque" artwork. Seating is comfy but hard to come by. Later in the evening when the place gets really crowded. Our favorite distractions include people watching and catching up on "alternative" newspaper reading. There are three different seating areas to suit your mood: a small patio in back, indoors, or sidewalk cafe style in front. The lighting isn't really great for long study sessions and outdoors are few and far between. Zanzibar has seriously expanded their menu, which now includes tasty sandwiches and creative coffee drinks and smoothies. Lakeri recommends the turkey and eggplant sandwich on focaccia bread and for a near lethal dose of caffeine, try the Tanzinger (but consult your doctor first). By the way, if you're considering cafe-hopping, may we remind you that two of our other faves, Crema and 976, are right down the block.

**ALSO REVIEWED:**

**INTERMEZZO:**
BEATS STARBUCKS, BARELY...
Hazard Center West, Mission Valley 296-5282

Intermezzo is just like the name implies, mediocore. The interior decor leaves a lot to be desired. The chairs are of the cheap, plastic patio variety and the undersized plywood-covered-with-contact-paper tables make studying law a cramped prospect. There are absolutely no outlets for laptops and the musical selection will make you question your faith in the First Amendment. In all fairness, a bit of remodeling was scheduled for the weekend after our visit, so some things may have changed for the better, but we still felt that it needed a major overhaul. The outside seating is better, particularly when there's live music on Saturday's, but leave your books at home. Intermezzo does have a good coffee selection, and some of the more "exotic" coffee drinks are fun, but it lags in the tea department. The cafe boasts a selection of sandwiches and salads but Brett's chicken curry sandwich was soggy. The best thing Intermezzo has going for it is the Barnes & Noble next door. Barnes & Noble came in handy when we needed to look up the spelling for connoisseur. Why we originally wanted to use the word we don't remember but we felt we had to toss it in here somehow since we actually looked it up.

**THE STUDY:**
AS CHARISMATIC AS A JUSTICE SOUTER OPINION!
401 University Ave, Hillcrest 296-4847

Brett's first reaction was, "It smells." Lakeri agreed that the musty smell was not exactly pleasant. Apparently, The Study is an attempt to convert an old home into a cafe. The smallish rooms are intimate and uncluttered except for the abundance of mothballs providing company to the well-worn bookselves that line the walls of most of the rooms. The main room is a little brighter and livelier, but despite the efforts to appear erudite, and the suggestive name, we didn't feel that the atmosphere here was conducive to studying. The cookies are good but overpriced, as are the many varieties of cakes, and while the coffee selection is good, there is nothing particularly remarkable about the beverages. The steep prices and dismal parking situation contributed to our difficulty in finding much that is redeemable about The Study. Fortunately, David's Place is a short walk away.

**BASSAMS:**
TERMINALLY HIP.
4th and Market, downtown 557-0173

Secondhand smoke anyone? Can't beat the convenience of the coffee cart!
SBA'S HALLOWEEN BASH GETS OFF TO A SCREAM

Photographs by Paul Devine
Superagent Steinberg visits USD

By Mike O’Connor

On October 21st, as part of USD’s course on Sports and the Law, instructed by Professor David Cornwell, USD played host to superagent Leigh Steinberg. Students had a chance to hear first hand Steinberg's thoughts on the industry, its past and current direction, and to pick his brain with pressing questions.

To put Steinberg's credentials in perspective, consider this: He has 6 of the last 9 first picks in the National Football League Draft. Of the five players in the NFL making over $6 million per year, Steinberg represents three of them. He also represents thirteen of the NFL's current starting quarterbacks. Steinberg's client list includes: Troy Aikman, Steve Young, Warrick Dunn, Derrick Thomas, Eric Karros of the Los Angeles Dodgers, and John Starks of the New York Knicks.

Contrary to the attitude of many current athletes and entertainers, Steinberg stresses a commitment to "Role Modeling" to each of the players he represents. Steinberg recognizes that, "you have to be cognizant of your place in the world and the impact you have on your clients lives, and that they have on our lives." Steinberg also challenges each player to find something within their own community to tackle. For example, Steinberg relayed the story of Rolphie Beneshke, a former kicker for the San Diego Chargers, who was very interested in environmental concerns. Beneshke's father was a doctor and head of the Endangered Species Committee.

With this background as a foundation, Steinberg and Beneshke set up "Kicks for Critters." Through this program, for every field goal Rolphie kicked, donations were made by sponsors young and old throughout the community on a pre-pledged basis. This is just one example of the kind of involvement Steinberg tries to achieve for both himself in his client's lives, and his clients in their communities.

Steinberg graduated from Cal Berkeley in 1975. While at Berkeley, Steinberg served as a resident counselor to undergraduate students. In 1975, a young quarterback named Steve Bartkowski told Steinberg he wanted him to represent him when he was picked in the NFL draft. Bartkowski ended up being the top draft pick that year, going to the Atlanta Falcons. Steinberg related, "we flew into Atlanta under a flood of camera lights, and the local news interrupted its regular programming to film us landing."

Keep in mind, this is Steinberg's first client and work of fulfilling his duties to Bartkowski and concerns about having no experience in the field, Steinberg managed to land Bartkowski the highest paying deal in the NFL. At the time, $600K for four years, with $40K being paid the first year, was enough to surpass future hall of famers like Joe Namath and O.J. Simpson.

Currently, Steinberg estimates that there are some 30,000 plus people across the United States who operate under the title of "sports agent." In the past, no one regulated sports agents. This is notable, as today, the State Regulatory Board of each state has become responsible for regulating the profession. States such as Florida, Texas and Alabama now have strict guidelines, with various unions contributing under this scheme to the regulation of sports agents. Steinberg commented that, "financial planners need more regulation also." This was prompted by a discussion about how the high salaries, coupled with the young age of current sports stars, often result in various ways of dealing and preparing for the athletes future- either through their agent, or through separate financial planners.

Financial planning and regulation has been fraught with complications, due to inadequate training of financial planners, comparative lack of understanding by players, and conflicts of interests between various parties.

Steinberg noted that, "if there is one true conflict in this area, it is that of maximizing revenue versus taking care of the players." To illustrate this point, Steinberg related a story about what he did for Steve Young and Troy Aikman. He brought in the leading head and brain specialists to Newport, had the players listen to them, and had them confront the very real issue of having a higher chance of experiencing Alzheimer's Disease, memory loss, etc., versus the prospect of continuing to play for any number of years. To this specific issue, Steinberg also added that they are working on making a new helmet, one which would greatly reduce the chance of head injuries and concussions, an area Young and numerous quarter-back counterparts have become very familiar with lately.

A major topic Steinberg addressed was the economic state of sports in general. His resounding prognosis was that the "state of the game was just fine." Steinberg offered numerous reasons for this conclusion. First, Steinberg related that television contracts for the NFL have risen sharply from $2 million in 1976, to $17.9 million in 1989, to $40 million presently. Further, tv networks, like Fox, are realizing that they need a football program to keep them in the mix with the big boys of the industry like NBC and ABC. For example, CBS is now looking in from the outside and waiting to get another piece of the action, as they have lost out to the newcomers in the most recent bidding war, while NBC retained their traditional NFL coverage. Further, loss-leader bidding has actually led to higher ratings for the shows following the football games.

Second, Steinberg cited new stadiums as a target and as evidence of increasing wealth for all types of sports. Especially with football and baseball, teams are moving to new areas if the support in their current area is lacking. And, in the alternative, teams are at least building new stadiums in an effort to garner naming fees, advertising fees, increased season-long seating assignments, sky boxes, and the like. This development, although relatively new from a historical perspective, has become a steadily increasing area of revenue for owners. Steinberg old comment on the Beneshke's "private seating licenses", or seasonal seating, relating that, "we run the danger that the masses can not see live games, which jeopardizes their loyalty."

Steinberg has been involved in various anti-movement campaigns for various ballclubs in this delicate area of stadium maneuvering and re-naming. When the Giants ran the risk of being moved to St. Petersburg, Florida, Steinberg chaired the front that helped keep them at home. Steinberg also helped keep the Oakland A's in Oakland. On another note, Steinberg also co-chaired the organization that tried to keep the Rams from moving to their current home, St. Louis. Steinberg added, "it is wrong for teams to move, moving is destructive." He backed up this sentiment by taking a look at how some of the NFL teams have currently fared in moves: 1) The Houston Oilers moved from the fourth largest city in America to a city where there largest crowd has been 31,000 people. 2) The NFL lost Los Angeles, the largest market in the nation, which currently has no football team-however, Jacksonville, the 55th largest tv market, and Charlottesville, with who-knows-how-big a tv market, each have a pro football team."

Another topic Steinberg addressed was areas in which sports and the law merge and thus present an opportunity to be taken advantage of. Among these areas to investigate, Steinberg included: working for teams, colleges, tv stations, memorabilia/collectible makers and licensors, and on the internet. On this latter point, Steinberg expanded, saying that he was working on an additional project, "a new sport." Steinberg reasoned that, what would be most successful is a sport "made for tv, made for marketing, and for all the world to become involved in." Steinberg added, "with entertainment and sports merging, there is always an opportunity for a brand new product in the air." Speaking of new products, Steinberg elaborated on his ideas of bringing football back to Los Angeles by adding that he would like to, "create a Disneyland for sports fans, put a sort of complex close to Los Angeles comprised of nothing but sports."

As far as advice for future sports agents, Steinberg advised: 1) Don't quit your day job. Keep you legal skills, support and maybe even focus on business while in school. 2) Look at sports from an institutional aspect- a pro football team. 3) Look for law firms that will hire you as a sports agent. 4) Take a regular law job and converge into the sports arena when possible. 5) Write a column and contact your alma mater to offer your services.

Continued on page 15
November movies unveil a few porn stars, a whole lotta of ugly bugs and a bit of gas

By Dan Flynn

Once again, instead of studying, I went to see a lot of movies this month. No, I did not go see THE DEVIL'S ADVOCATE. Regardless of the fact that Keanu Reeves is the best actor of our generation, I hate seeing movies related to the law; a lack of interest in the subject matter I guess.

My past few reviews have generated complaints regarding, among other things, my rating system. Let me first say that the numerical system which I have used in the past is not difficult, it is a scale of 1 to 5, 1 being best. Nevertheless, this system has proven too challenging for a number of you.

This inability to read a rating system legend and then turn around and grasp what the numbers mean when actually used is, well, sad. However, I am filled with hope as finals draw near knowing that there are those of you out there who have trouble comprehending basic directions. I just hope at least some of you are in my classes.

Thus, in order to placate the confusion of our denser classmates, I have abandoned the simple numerical scheme of the past. Instead, in the spirit of the final exam season, I have adopted the more complicated, yet familiar system of the University of San Diego School of Law: 95 = pay to see it; 86 = sneak into it; 83 = rent it; 79 = wait for cable; 72 = avoid it like the plague.

BOOGIE NIGHTS = 93.

Directed by Paul Thomas

Marky Mark gets funky in Boogie Nights.

Several stars, a whole lotta of ugly bugs and a bit of gas

Anderson and starring "Marky"-Mark Wahlberg, Burt Reynolds and Julianne Moore, this film is the tale of one man's ups and downs in the pornography business during the late 1970s and early 1980s.

I expected a film full of disco, polyester and feathered hair, which is what I got. As a bonus, this film was simultaneously dark and disturbing. Being a movie about porn, I also expected a lot of T&A. Most unfortunately, the focus was on the business side of the industry and the personal stories of everyone involved in the process.

Wahlberg's character begins as a young, well endowed, busboy at a nightclub who is discovered by an adult film director played by Reynolds. After running away from home, Wahlberg's character is surrounded by a new family of actors and production people. As he gets swept up in the new, fast-paced lifestyle, Wahlberg's character eventually loses his drive to be a star, replacing it with a need to get high.

Reynolds' character has a vision of making quality pornography with enough substance to keep his audience in theaters after they have gotten their proverbial rocks off. Although what he is specifically striving towards artistically is unclear, the clips of the films that are shown are hilarious. Unfortunately, his lofty goal of producing high-quality porn is left unfulfilled by the evolution of video tape and the decline of his number one star played by Wahlberg.

Moore plays a female porn star who has lost her son in a custody battle. While she fills some of the void in her life by mothering her fellow actors, cocaine consumes most of her life.

This film is long, 2 hours and 32 minutes, and perhaps the story does not dictate so much time. Nevertheless, there is plenty of music, humor, nostalgia, drugs, sex and violence to keep the audience from looking at their watches. And if that is not enough to spark your interest, there is also plenty of cinematic trickery a la GOODFELLAS, extended tracking shots and all. And if that is still not enough, there is always the gratuitous prosthetic-penis shot at the end of the film.

I KNOW WHAT YOU DID LAST SUMMER = 86.

Directed by Jim Gillespie and starring Jennifer Love Hewitt, Freddie Prinze, Sarah Michelle Gellar, and Ryan Phillippe Jr., this film is based on a teen fright book of the same name.

Because this is another teen slasher written by the same screenwriter as last year's SCREAM, Kevin Williamson, I went to see this film with the same low expectations one normally has going into a sequel (I know this is not a sequel, but that is how I felt). However, I came out pleasantly surprised as this film is not only as enjoyable as SCREAM, but also very unique.

The plot is simple. It is Fourth of July and two couples, recent high school grads and best friends, are celebrating their last sum-
mer together in Southport, North Carolina. After telling ghost stories on an isolated beach, the four are ready to wrap up their romantic evening but Phillippe's character is too drunk to drive, leaving Prinze Jr.'s character to drive his buddy's brand new BMW. On the way home, they hit something, or rather, someone. After much debate, with Hewitt's character arguing to no avail that they go to the police, the four finally decide to toss the body into the ocean and take their secret to the grave.

A year later, none of the four are still speaking, their hopes and dreams dashed by the terrible guilt they share. Nevertheless, on the anniversary of the fateful night, Hewitt's character receives an ominous letter saying only, "I know what you did last summer," compelling her to contact the other three. The rest of the film consists of the group seeking to discover who is stalking them.

There is plenty of gore in this film, mixed in with some pretty good acting. Unlike SCREAM, the film lacks the same witty, tongue-in-cheek attitude towards the entire horror film genre. Instead, this film is more like traditional horror, with the purely evil, omnipotent, and creative killer who manages to get from crime scene to crime scene undetected. So if you are in the mood for a pretty good fright, leave that little voice of reason at home.

**GATTACA = 83.**

Directed by Andrew Niccol and starring Ethan Hawke and Uma Thurman, this is a basic sci-fi film about a society stratified by advances in genetic breeding.

The story has great potential, much of which is unfortunately unfilled. Hawke plays a natural-born child in a world of genetically altered (thus perfect) people. In this world of the not-to-distant-future, people like Hawke's character are low-castes, called "in-valids" and relegated to being janitors, migrant workers, and other various nobodies.

The catch is that Hawke's character has an intense desire to go into space on a mission to Titan, one of Saturn's moons. To achieve this goal, he purchases the genetic identity of another who was born perfect but is now crippled. The maintenance of the secret identity is no easy task, especially when his supervisor is murdered, the cops find one of his eyelashes at the murder scene and he becomes involved with a beautiful co-worker played by Thurman.

I thought the idea of this film was pretty compelling and the depiction of a brave, new, genetically altered world was very thorough. All of the details were there, including the swabbing of people's saliva at roadside checkpoints. Furthermore, the art direction, lighting and set designs lent themselves to a solid, pared-down sci-fi story. There were no model-sized spaceships, no huge special effects, no morphing. Instead, there was a clean movie that looked futuristic without bombarding the audience with a lot of computer-generated stuff. The use of bold colors was effective, with entire scenes shot in yellow, blue, hot pink, and green.

So what was wrong? First of all, the acting, particularly Hawke's, wasn't too good (and he never even looks anything close to the guy he is impersonating). But more importantly, the script was also very bad. While the story sounds great, somehow it came out devoid of all its inherent tension and energy. It seemed like every scene just fell flat, resulting in a very slow film unable to be rescued by its visual beauty.

**BEAN = 79.**

Directed by Mel Smith and starring Rowan Atkinson, this film is based on the British comedy television show "Mr. Bean" which airs on PBS.

This film is not for me. It is a film for people who already love the show, for whom Atkinson is as funny as most of us find Jim Carrey. There are a few funny scenes, but overall something more is needed (a story perhaps?).

The basic plot is that the Royal Museum of London wants to fire their worst employee, a security guard named Mr. Bean, but the big-shot of the museum, who is attached to the blundering guard, won't let them. So the embittered board hatches a plan: they need an expert art historian to go on assignment to L.A. and ushers in Whistler's Mother, a painting that was recently bought back by a private investor in the states who "couldn't stand the idea of a bunch of Frenchies owning America's best painting." Instead of sending an expert art historian, the board opts at the last minute to send Bean instead, just to get rid of him.

And the laughs go from there! Basically this is another movie that should have never been made from a TV show (even though it already made more that $100 million in England). Pass the Bean-o, this film gave me gas.
Faculty Spotlight

Professor Vargas on International Law

By Richard Ormond

Professor Vargas is widely known in the legal community as being an expert in International Law. His primary focus is Mexico and Latin America. Professor Vargas is a key professor in the USD International Law curriculum.

Motions: Where were you born?
Vargas: I was born in Chihuahua, Mexico.
M: Were you raised in Chihuahua?
V: All the way. Jesuit education, and then I finished my preparatory school and went to Mexico City where I enrolled in Mexico's National Autonomous University and graduated with Summa Cum Laude from there. I wrote my thesis on El Chavizo, an international arbitration case between Mexico and the United States decided on June 15, 1911. A piece of Mexican land was left on the American side. It that was really an interesting case.
M: Where did you attend law school?
V: My legal education was from the same university, a group of friends and I went from Chihuahua to Mexico City and we lived together for five years there, and a sixth with the thesis. The thesis, as a matter of fact, landed me a job with the Secretariat of Foreign Affairs, because the dean of the law school at that time was atto international law and he liked my thesis, and he recommended me to the Ministry, so I started working on international law straight out of school. Even before I finished school I was working with them.
M: Your specialization is dealing with Latin America and especially Mexico...
V: Really, my specialization I would say has to do with 2 areas: 1) International Law and 2) Comparative Law. I worked with the Mexican Secretariat of Foreign Relations and we faced issues having to do with the utilization of the use of international rivers between our two countries, the Bravo River, the Rio Grande and Colorado River, and the Tijuana River, from the 1944 Treaty of Water Utilization. We also faced boundary issues and questions. I then became Secretary of International Boundary Commission between Mexico and Guatemala, and finally I landed in law training to international organizations and the Law of the Sea. The Ministry sent me to the legal department of the United Nations and I worked there for two years under the direction of Dr. Oscar Shactker, who is today the director of the International Law division at Columbia School of Law.
M: How many years have you been a professor?
V: I have been teaching in Mexico since I was in Law School. In Mexico, law school is five years. At the end of my third year, a law-professor then, Miguel de la Madrid Hurtado, was working for the bank of Mexico and later on he became the President of Mexico. He asked me to be his research assistant and to teach Constitutional Law. So I started teaching when I was in my fourth year doing research and teaching Constitutional law with him. This led me eventually to write a book, a collective work on Mexican Constitutional Law, jointly with the Chief Justice of Mexico's Supreme Court. So we have this book in our library and its focus is to celebrate the anniversary of the Mexican Constitution on February 5, 1917. Thus, Constitution Law is also one of the areas that I have researched.
M: What is the title of that book?
V: "The Rights of the Mexican People: Mexico Through its Constitution."
M: How many years have you been teaching at USD School of Law?
V: Fifteen years. Fifteen years here, and fifteen years and Mexico.
M: What are some of the courses that you teach here at USD?
V: Since I've joined USD I have taught more than ten different courses. I have taught International Law, Comparative Law, International Organizations, Mexican Law, Law of the Sea, and I introduced new courses such as NAFTA Law, International Environmental Law, Immigration Law and other courses as well.
M: You have been teaching your students about International issues, especially Latin America; over the years do you feel that students interested in Mexico and International Law has increased?
V: Indeed. I think that most students are becoming more aware of the globalization process that is affecting the world and especially us. Because of that I think San Diego is strategically located, next to Mexico, and students see Mexico as a most important commercial partner, as well as Latin America. President Clinton is visiting Latin America, from Caracas to Buenos Aires, and even Brazil, and so, I sincerely believe since we have so many Hispanics in our country and we are really close neighbors to Mexico and Latin America, it is only a natural consequence to believe that we must become familiar with Latin America. When I went to a conference last week at BYU, the president of the Mormon Church, said we must be good neighbors with Canada, good neighbors with Mexico, and good neighbors with Latin America, and I think that is an outstanding philosophy.
M: Are the perceptions that students have of Latin America different today then they were when you first started teaching at USD?
V: Well, I think in our country we have all kinds of ideas, all kinds of politics, and all kinds of interests. Because of my personal interests, training, and the fact that my country of origin is Mexico, I have been very fortunate to attract students that are sincerely interested in Latin America and that really is a blessing. When you think that we interact, and I can help them by serving their interest, and find some area, some legal area of interest for them so that they can use that information for the benefit of relations between America and Latin America.
M: Mexico is a civil law country. Does this make it difficult for American lawyers trained in common law to do business and legal transactions in Mexico?
V: Yes indeed. Any time you go to another country, which has a legal system different from ours, there is confusion. There is a little bit of suspicion or doubt, because we simply know very little about that legal system. This happens with investors whenever they do business abroad. However, something which I would like to underline here is that the civil legal tradition is the largest tradition in the world today. That is a very important situation. Here in America many people believe that the common law system is dominant all over the world, but it is not. We are actually the small minority in the global legal context. John H. Maryland, professor at Stanford Law School, whom I admire, wrote a book "The Civil Legal Tradition", and he writes "The civil legal tradition is not only the oldest in the world, older than the Anglo-Saxon system, it is also, one of the most systematized legal systems in the world, and the most geographically widespread system in the world today." So it is very important for attorneys, here in our country to learn about the civil legal tradition. When we learn about it, we are able to eliminate our subjective views, you might say, prejudices, and thus we are able to serve our clients in a more efficient and expeditious way, informing them about a foreign legal system. And trying to eliminate the negative ideas that we may have about that system.
M: Civil law is created and analyzed by legal scholars (jurists), whereas common law is analyzed by judges. Do you believe that the civil code restricts judges in comparison to American courts?
V: Really an American judge has tremendous freedom and discretion in order to create law. Certainly not always "creating law," but it is "judge made law." Judge made law in Latin America, or in any civil code country is a no-no. Something which is totally out of the legal philosophy of that country. So in that sense, interestingly in court, if you witness a trial in a civil law country, you will see that the judge is very active, unlike our judges who tend to be quite passive. In Latin America the judges are active, in asking questions, bringing witnesses, interrogating, and asking all kinds of things you don't see here, but they cannot go beyond what is written in the code or what is applicable in the corresponding statute. In that sense they are very restrained, the civil tradition judges are controlled and governed by the code. Certainly, in most areas, if there is no code to address a new legal question, like, for example, technology transfer or high technology questions, surrogate mothers brand new areas of law and the judge is going to be, in a way, limited in able to render a decision. That is a difficult problem. However, judges render a decision in that case by suggesting that the law move forward and that must be picked up by the legislature that must eventually adopt a statute that addresses that issue.
M: Do you feel that the United States, with Restatements, Penal Codes, the UCC, being adopted by a number of jurisdictions, is moving towards something similar to a Civil Code system?
V: My answer would be No. I tend to think that principally, the spirit of
Continued from page 14

America, of freedom, of liberty, of individuality, is very difficult to reflect in a highly systematized level of codes. Restatements and some so-called codes are completely different from the codes you see in Germany, Switzerland or Mexico, and I would say generally, that many of the key countries in the civil legal tradition, number one France, and number two Germany, are countries which are beginning to actually assimilate legal notions taken from the Anglo-Saxon legal tradition. Especially the US legal system. We have an abundance of issues, wealth, technology, diversity and all these questions really affect the formulation of legal principles. We are so ahead in many areas, that we would like to underline that in many legal areas, we are number one France, and number two Germany, are countries which are beginning to actually assimilate legal notions taken from the Anglo-Saxon legal tradition. Especially the US legal system. We have an abundance of issues, wealth, technology, diversity and all these questions really affect the formulation of legal principles.

4. Mexico had to be in writing, a contract. What you're going to say generally, that many of the key notions taken from the Anglo-Saxon legal system. We have an abundance of issues, wealth, technology, diversity and all these questions really affect the formulation of legal principles.

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M: Did NAFTA force Mexico to make a number of changes to its law, or have these changes been more gradual?
V: My opinion is that Mexico had to make tremendous, profound, changes in its legislation in order for it to keep some symmetry with NAFTA. One, it was a political condition negotiated by our government to update areas such as environmental law, tax, and even sanitation questions. Two, because of what NAFTA did to Mexico was simply to expedite the process of the Mexican legal system getting immersed into the globalization process. You cannot live as a country on some kind of an island, isolated to what is happening to the international economic and legal arenas. Mexico had to react to that and it was part of the internal process that Mexico had already launched that had to continue and accelerate in order to put these new legal areas in symmetry with what was happening at a global level.

M: What are the areas of interest for an American legal practitioner regarding Mexico.
V: That is a key question. I'm interested in Mexico, what am I going to study, everything? Not! Very simple areas that should be kept in mind by law students and attorneys are number one, immigration law. We have a number of permanent chronic issues of immigration law having to do with Mexico and Latin America and I believe that it would be relatively simple for an American attorney to be aware of these issues. Number two, contracts. Because of NAFTA, any type of transaction, must be in writing, in a contract. What you're going to be dealing with is drafting, interpretation, and enforcement of international contracts. It is good for American Law students to become knowledgeable about American contracts then move to the international arena. Number three, foreign investment. For the last three years, under the last president of Mexico, President Zedillo, Mexico has received from the international financial markets, 33 billion dollars. The United States is the largest investor in Mexico with 64% of the total investment in Mexico. The second largest is Great Britain with only 6%. There is a huge difference. The last area is environmental protection. How do American companies moving to Mexico comply with all of the new Mexican laws? Not only that, but Mexican environmental care is one of the finest and best investments. Because Mexico needs recycling plants, plants which will be inerminating safely hazardous waste, Mexico needs a place where they can place their toxic substances. In the area of environmental law it constitutes one of the most appealing, attractive foreign investment areas.

M: When will your new book be on the market?
V: The book is expected to be in print in February. Something that has to mean is that this book was produced because of two reasons. Number one, because of the fact that I really want give accurate, objective information on the Mexican legal system from the perspective of investors and business persons going into Mexico. That is an important thing because Mexican Law has changed so rapidly. This is going to be a tool in learning about Mexico and its legal system. The book was done because I relied on friends. American friends, such as many attorneys from major law firms here in San Diego, helped me with this book, and all of my Mexican friends in Mexico from civil service to elite law firms. We have the leading experts from Mexico. For example, the section on government procurement in Mexico we have Hugo Perescano. He is the legal counselor to the Mexican government on legal procurement. I can give you more names, but the point is that these are my friends and because of that, the book is here. It could not have been produced without the magnificent, intelligent, industrious and devoted help that I have here permanently received from my research assistants. Second, this book was thought up by students. In one of my paper courses I provided guidelines to the students on what topics to research and write about. The paper was academic, but those papers that had a high academic quality were published in my book and along side the experts from international law that appear in the book from the United States and Mexico, your name, the name of a USD law student will be along side the name of Hugo Perescano, and I said "Let's do it together." In this book is the work of five USD students.

M: Thank you Professor Vargas for your time, and I wish you the best of luck with your book.
V: Thank you as well.

Steinberg: Continued from page 11

Make as many contacts as you can in any area.
6. Pick a niche, this is a niche world.
7. Have a philosophy, and remember first that you have to be able to handle the case: Profile who you are and who you want to represent.

Steinberg illustrated this latter point by relating the story of All Pro Tim McDonald. McDonald, then of the Cardinals, was ready for free agency, and was ready to negotiate with several teams. However, Steinberg asked him what it was he really wanted out of the whole negotiations process, to which McDonald replied: I want to be in California, and on a winning team. To Steinberg, this meant "get the most money you can from the San Francisco 49ers." Steinberg stressed, "you've got to try to make life better in a holistic way, that's what really matters."

If some of this philosophy sounds familiar, you may have seen it in the movies. Cameron Crowe was looking for someone to show him what the life of a sports agent was like, and also what the lives and thoughts of the players in this process are like. Crowe chose none other than Steinberg. Crowe chatted, hung out with and picked the brain of Steinberg in order to get a feel for the role he would need to develop. However, Crowe needed a definition for this role. With nowhere else to turn, Crowe asked McDonald to sum up what it was that he wanted Steinberg to do for him, "boil it down for me!" To this McDonald replied, "Show me the money!" A catch phrase was born, and so was the personality of Jerry Maguire.

Beyond talking to McDonald, Crowe also had Cuba Gooding, Jr. accompany Steinberg to the Superbowl, and hang out with players for a night out on the town after gameday. Cuba met the players, and upped the ante by outlasting all the players well into the morning and dancing on tables until it was time to leave- and Crowe was worried about the players wrecking Cuba before getting to the set.

On the topic of negotiations, Steinberg revealed that in this high-tech world, negotiations are often very nontraditional and far from the smoke filled, spotlighted, hard ball negotiations one might envision. He related the use of numerous calls and from phones in cars, homes, and on the run and on public phones to faxes and from the office, the home and players' cars, only to run into them later that day to finally give them the good news.

With this in mind, Steinberg told the story of negotiating with the infamous Jerry Jones of the Dallas Cowboys by cellular phone- as just one example of the things you have to deal with today. After much calling and talking back and forth, Steinberg and Jerry were talking. As negotiations went back and forth, with Steinberg asking for $11 million, and Jerry sticking to $10 million, Jerry replied "son, that dog won't hunt." Steinberg then replied "I just want what's fair," to which Jerry replied, "we passed fair $9 million ago."

Then, out of nowhere, a voice comes between the two and say, "who cares whether its $10 million or $11 million, if you don't want the money I do!" Indeed, many new angles of negotiations are brought out into the open with each new situation.
Jessup gives students opportunity to “practice” international law

By Christopher Koch

What is the Phillip C. Jessup International Law competition? And how does one get involved... John Kyle, Chairman of the Moot Court Board, proved most informative. Jessup, held at USD, is qualifying competition which USD has participated in since the 1960s. From this event four people are selected to continue in a regional competition and ultimately the international finals. It is sponsored by the International Law Student Association and is held every Fall semester.

Jessup is a moot court competition. Competitions involve researching and writing an appellate brief, presenting your case orally in front of three judges (who bombard you with questions as you are presenting your case!).

The competition is designed to simulate oral arguments at the International Court of Justice (ICJ) in the Hague in the Netherlands. The ICJ is the tribunal that hears international war crimes cases such as those involving Serbia and Croatia.

This years competition problem, created by law professors from several law schools, involves a situation where one nation (X) harbors a political war crimes cases such as those requesting the group’s extradition where one nation (X) harbors a political war crimes case such as those involving Serbia and Croatia.

Vargas produces cutting-edge treatise on Mexican law

By Richard Ormond

On September 24, Professor Jorge Vargas signed a publication agreement with West Publishing Company to release his new book, Mexican Law: A Treatise For Legal Practitioners and Investors, in early 1998. The publication will include placement in Westlaw, a CD-ROM, Internet posting and, of course, be available in print.

The Mexican Law Treatise, will be the most comprehensive book ever published on Mexican law, and will serve to make Mexican law and investment easily accessible to U.S. attorneys. According to Vargas, “The book is designed to provide current and basic understanding of Mexican law for the benefit of U.S. and Canadian legal practitioners and investors. The book is also expected to be of interest to entrepreneurs, government officials, diplomats and academicians in the United States and Canada, and in those European and Asian countries who have invested in Mexico or who are contemplating it.”

The book is a compilation of work by Vargas and other Mexican law experts, experts on United States law, politicians, businessmen and even students. Professor Vargas proudly claims that “This is a work that would not have even been created had it not been for USD students!”

The book is divided into five parts: 1) Mexican Law; 2) An Introduction to Mexico’s Legal System; 3) Substantive Branches of Mexican Law; 4) A View of Mexican Law from the United States; and, 5) Reference Materials.

The third part of the book, Substantive Branches of Mexican Law, is the most important, according to Vargas. The section covers twenty-two major areas of Mexican Law and is of practical interest to U.S. lawyers and investors.

Each chapter is structured, not only with in-depth analysis of its subject but also with a summary to provide practitioners with easy access to information.

The book’s list of author’s is a who’s who in American and Mexican law. The Presentation of the book is written by none other than Ambassador James Jones, the most recent Mexican State in Mexico and contains two Forewords: one written by Mr. N. Lee Cooper, President of the American Bar Association with “a unique perspective from the United States;” second is by Lic. Eduardo Fernandez Garcia, the President of Mexico’s National Banking and Securities Commission, “an important official entity which serves in an advisory capacity to the President of Mexico on economic and financial matters at the domestic and international levels.”

The book contains thirty chapters and nine appendices, which were written by 28 authors from the United States and Mexico, creating about a 2,000 page volume. The book is an impressive gathering and categorization of information in order to assist American and Canadian practitioners.

Vargas claims that the work would not have been possible without the diligent work of his research assistants: Jennifer Guenther, Michael O’Connor and Patrick Lofbourow. Vargas said, “This is the best group of Research Assistants I have ever had the privilege of working with.”
Professor Partnoy gets Frank with the ILS

By Richard Ormond

The International Law Society recently sponsored a presentation by Professor Frank Partnoy, author of the controversial book F.I.A.S.C.O., who discussed international finance and gave tips for American lawyers hoping to practice international law.

Partnoy, a Yale Law School graduate, and former New York lawyer, presented a new perspective on the globalization of law. He encouraged students to enter into new avenues of law and establish themselves as "experts" in upcoming legal fields. The theme of the speech: "Where is the New Law?"

Partnoy argues that in the new competitive world of international law, young attorneys must narrow their focus on new areas of law and find discrepancies in the legal systems of developing countries. In addition, finding domestic tasks that easily convert into international questions is the easiest avenue for American attorneys to "shift" into the international legal arena.

Fields, such as telecommunications and technology, are changing and developing rapidly. By discovering and studying these new developments, young attorneys can gain exclusive knowledge of these areas.

This will allow the attorney to claim expertise and to solicit work in these revolutionary fields. Partnoy argues that by claiming you are an expert, you will "eventually become one." By choosing a highly specific field, you too can become one of the first attorneys to analyze a coherent approach to new legal areas. Very soon, newer attorneys, will become familiar enough with the new laws, or changes in laws, to solicit additional and powerful clients.

A recent example of new, emerging laws presented by Partnoy, is the U.S. financial derivatives being sold and traded on the Argentine stock exchange (La Bolsa). These securities (known as ADR's) are taking the local exchange by storm; it is up to American attorneys to know why. ADR's are regulated by individual receipts to evidence ownership. The primary question, according to Partnoy, is just how these "informal markets" develop and how an American attorney may best exploit their development?

Important for students interested in international law is the North American Free Trade Agreement (NAFTA), which allows for open borders with Canada and Mexico. Partnoy reminded students that to adjust to NAFTA, Mexico has rapidly been updating its civil code to comply with transparency and free-commerce issues. This allows for a lot of new avenues for lawyers to exploit. Other areas to search for "new laws" is by reading the trade press, especially in the import/export fields.

In more and more cases, American attorneys are hired to "skirt laws." This is not illegal; rather, the U.S. attorney is exploiting the discrepancies in a developing nation.

Partnoy noted how "Third World Markets" have become "Developing Markets" in a verbal attempt to make them sound secure to investors. According to Partnoy, "American attorneys are avoiding the rules on how not to get caught, but this is not necessarily an illegal activity."

Most of these circumventions of law, according to Partnoy, are tax minimization strategies. As an example, Partnoy explained how the bond speculation in Mexico in the early 1990's was completely ruptured by Mexico's economic collapse. In an attempt to avoid this financial collapse, banks instituted a number of questionable, yet legal, strategies in order to circumvent tax laws and investment jitters. This included the issuance of Jr. and Sr. Bonds, and the use of offshore accounts in the Caribbean. After a number of reclassifications, and switched accounts, the "transformed" bonds were able to receive a double A rating by the United States government and were also able to be sold in U.S. dollar amounts. This gave the bonds the perception of strength to American investors diversifying their portfolios.

It is clear that these types of financial dealings are not beneficial to all of the parties involved, but the banks and lawyers were able to successfully resuscitate a market and put the risk with the investor. Investors that were able to "get out" before the "Tequila Collapse" were able to make good on their investment, those that held on until after the collapse however did not fare as well.

Partnoy sees the future of international law as dealing heavily with new areas of law and financial markets around the world. This means that American law students will have to become extremely technical in these fields. As the global market grows, law schools must increase their focus on international issues. According to Partnoy, USD, because of its close proximity with Latin America, can be a leader in this new global legal arena.

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An introduction to international law: getting familiar with international civil codes

By Richard Ormood

As the global legal community continues to shrink, American attorney's are going to be faced with the challenge of dealing with a number of different legal systems. Lawyers from the United States, trained under the Anglo-American common law system, must familiarize themselves with the other legal systems around the world. Countries that have become integral trading parties with the United States, utilize different judicial systems.

Around the world, the most dominant legal system geographically, is the civil code system. Important United States' trading partners such as Germany, France and Mexico utilize this system. (Note: The state of Louisiana is the only civil code state in the United States. This is because of its French-colonial history.)

The origins of the civil code, date back as far as the Justinian period of the Roman Empire, and its most famous expression, the Napoleonic Code, is still in use today in a number of countries around the world.

In exposing themselves to the civil code system, there are a number of features of the law that might be quite peculiar to a student that is more familiar with the common law structure. The civil introduces a number of differences, yet there are some deep-rooted similarities.

For an American law student to understand the basic structure of the civil law system, it is easier for her to break down the analysis into three main parts: (1) An analysis of the civil code's historical context; (2) an analysis of the operation of civil law; and finally (3) an analysis of how the civil system affects decision making and legal prediction.

(1) The Civil Law finds its roots in the old Roman Law. To "streamline" Roman Law, emperor Justinian gathered a number of Roman court decisions, legal documents, legislative laws, and the writings of legal scholars (Jurists) to create the Justinian Code. The bringing together of this vast information led to the creation of four volumes of the Justinian Code. It is interesting to note that the book known as the Digest was based primarily on court hearings and decisions very much like the idea of stare decisis in the common law system. It was not exactly a use of precedent as a judge would use it today in the common law system, but was used as a historical "pointer" to assist a judge in his decision making.

By the fall of the Roman Empire, most of the Justiniac Code was lost, including the Digest. It was not reutilized again until around 1100 A.D. when it was found by a secretive order of monks outside of Rome. The monks set to the onerous task of translating, updating and studying the Code. By the time of the Italian Renaissance, the Justinian Code was re-introduced in cities such as Florence and Venice in an attempt to have less secularization of the laws in a search for justice. This made Renaissance Italy the leader in establishing a modern judicial system and was looked to from around Europe in creating and reforming courts. It was not until the early 1800's, however, that the civil code would be truly modernized and establish a strong foothold all around the world. In post-Revolution France, Napoleon gathered a number of French and European scholars to create a modern version of a Civil Code. These laws were to be enforced as the governing laws of France, and if Napoleon had been successful in his war effort, would have been implemented as the laws of Europe. Many scholars argue the motives of Napoleon. It is strongly believed that he was less interested in the creation of justice, and more concerned with his name being carried with a predominant legal system. However, for his system to be adopted en-masse, it had to have a strong basis of justice.

The Napoleonic Code would serve as the foundation for other civil law countries that would soon follow. In Latin America, Chile, was the first country with a civil code. This Chilean Code, along with the Napoleonic Code, and the Louisiana Code would be compiled and analyzed by the famous jurist, Dr. Velchez-Sarsfield in the writing and implementation of the Argentinean Code, and later the Brazilian, Uruguayan, and Paraguayan Codes. All of these codes have been only partly modified since their implementation (mostly to adjust to new technologies), and have withstood the test of time.

(2) The operation of the Civil Law may, at first, be difficult to fully understand by a student of the common law. The Civil Codes, however, are fairly straightforward and interpretable. A civil code, traditionally, is adopted by a legislature. This is similar to a U.S. state adopting an entire Restatement or Penal Code. The different sections and headings of the Code, can be debated and amended, and then adopted by the legislative body.

When an action is brought to court under the civil code, the major differences between the civil system and common law system come to light. A civil law judge is extremely proactive in the proceedings. The civil judge is likely to conduct his own investigation, much like a district attorney, and will ask a number of questions of defendants, plaintiffs and witnesses.

A civil judge, however, is very restricted in his final decision making power. A civil law judge does not look to precedent to make his decision. Instead, a civil law judge is more apt to look towards (1) interpreting the code in the most straightforward manner, (2) look towards legal scholars and their treatises and written opinions of the civil code, (3) analyze the fact pattern of the case to see if this is the type of case the code was intended to govern, and finally (4) look at legislative intent to why the adopters of the code created the particular law. The judge must come to a conclusion as to what the code is expressing.

The civil code, in most sections, is not highly specific, yet it is not totally vague. This is where scholarly analysis plays the most important role. Jurists, permanent students of the law, publish a number of essays, treatises and commentaries on the law. It is very common for a civil law class to never discuss a court case, instead these jurists' writings are studied time and time again. Civil Law students are extremely familiar with jurists such as Ihering, a German civil code scholar, that published extensiveley on the codes, and was famous for changing his positions on the interpretation of the law in his old age. Civil Law students are less concerned with judicial decisions and court history (i.e. precedent).

The primary concern of a civil law judge is not with arguments as to which facts of a case are relevant and which facts are not. (Note: This argument applies when there is no dispute as to what is a fact. There is of course a discovery which helps decide what is a provable fact.) Instead the judge will look to see what provable facts are present (relevant or irrelevant) and decide if those facts match what the civil code was intended to cover. It is more structured than the a U.S. courts' "fact-finding mission." For example, if facts a, b, c, and d are present in a case, then if those facts are listed in the civil code, a decision can be reached. There is no argument between lawyers if certain facts are relevant or irrelevant.

In contrast, the common law focuses on the alienation of facts, arguing the relevancy or irrelevancy of facts. One of the reasons that there is an argument of relevant and irrelevant facts in the common law system is because each case must be compared or differentiated from a previous case.

Civilian doctrine, surprisingly, may actually create a stronger basis for predictability than its common law counterpart. By not being based on the arguments of relevant facts vs. irrelevant facts, fact patterns can be very conclusive when analyzed through a civil code. No historical comparison with previous cases is necessary, instead the facts can be "plugged-in" to the civil law. This is fairly efficient, and even said to discourage frivolous cases. (Because of the civil code fact requirements, many vague cases will not be picked up by attorneys for fear of not having a sufficient number of facts.) For example in contracts case, a suit must meet the requirement of having "causa." Causa is a marker set in the civil code that states that a dispute must have a cost. The standards of cost are set in the civil code, and if they are met, a judge will not look at the case. Any lawyer, judge, scholars or first year law student can look at a case and have a strong impression as to whether a case is sufficient in causa or not. Hence there is strong predictability.

As a common law student should know, judicial behavior can never truly be predicted, but a civil law judge is held within stricter parameters by the civil code than a common law judge. A civil code judge is not looking to set precedent, or make history—he is there to interpret what has been decided by the legislature (within the context of the code).

This makes predicting the direction a judicial decision in a trial or hearing easier. A common law judge is much less restricted in this sense.

In working with foreign systems, it is always wise for an American attorney to seek local counsel, but it is also very important to have an understanding of that country's judicial system.
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