Mock Trial Team Chooses New Members

By Amy M. Au

Intern Editor in Chief

During the week of September 20, 1999, the National Mock Trial Team held the annual Thorsnes Closing Argument Competition to determine who will be on the Mock Trial Team this year. Second-year and third-year evening students are selected based upon performance in this competition.

The USD Trial Team have consistently won first or second place titles at the Association of Trial Lawyers Association (ATLA) Western Regional, as well as place first or second in various other tournaments. Because of the team’s renown track record, many students competed for a few open spots.

“I’m really happy to be part of the team. I hope that I can contribute and help improve the team as well. I’m just here to do my part,” expressed Zaki Zehawi.

Congratulations to those who made the team. (Pictured on the right.)

This year the team will compete in four tournaments. The first is The San Diego Defense Lawyers Competition which runs from October 28, 1999 to October 30, 1999. There are two teams competing in this event: the first team consists of Masable Baker and Amber Spataro as Attorneys and Melissa Fleming and Zaki Zehawi as Witnesses. The second team consists of Stacey Brock and Mark Skeels as Attorneys and Leanne Le Mon and Jason Murphy as Witnesses.

The next competition will be The Consumer Attorneys of San Diego Competition which takes place on November 11, 1999 through November 13, 1999. There will also be two teams competing: the first is made up by Juanita Blanco and Michael Vasseghi as Attorneys and Karla Bell and Jason Murphy as Witnesses. The second team is Karen Kruse, Jennifer Waier and Al Motlagh as Attorneys and David Huch as a Witness.

Members that are not participating in these tournaments will compete in the future tournaments: Texas Young Lawyers National Trial Competition and the ATLA Competition.

Moot Court Hosts National Criminal Procedure Competition

Press Release

This year’s National Criminal Procedure Competition, hosted by the University of San Diego School of Law, features four controversial issues of current interest in criminal procedural law.

Central to this year’s competition will be the Court’s determination whether a traffic stop motivated by racial bias violates the Constitution’s Equal Protection Clause. This euphemistically-known offense, “driving while black,” (“DWB”) has garnered national attention and recognition through recent highly-publicized events: New Jersey Governor Christie Todd Whitman recently fired her state’s Police Commander after he claimed that “racial profiling was an effective law enforcement tool.”

Recently in California, the ACLU established a hotline to collect anecdotal accounts of traffic stops, perceived by motorists to be racially biased. The Appellate Moot Court Board at the University of San Diego School of Law will welcome California Supreme Court Justice Ming William Chin to preside over the final-round competition in this year’s prestigious National Criminal Procedure Moot Court Tournament. United States District Court Judge Thomas Whelan and California Court of Appeals Justice Richard Huffman will join Justice Chin as a “Supreme Court” bench to adjudicate several important and timely issues of criminal procedural law.

Final appellate arguments will be heard in the Grace Memorial Courtroom on Saturday, October 16, 1999 at 6:30 p.m., on the University campus. The event is open to the public.

For full text of this year’s tournament problem, please visit the website at www.acusd.edu/~mcourt/intercholastic.htm.

San Diego International Law Journal Recruits New Articles and Members

Press Release

The new San Diego International Law Journal is "up and running." The San Diego International Law Journal will publish its first issue in March of 2000.

The issue will contain articles from Israeli law Professor Ariel Bendor (a visiting scholar at Yale Law School), University of San Diego Law Professor Richard C. Pugh, United States Attorney and U.S. Department of Justice Immigration Specialist Samuel Bettwey, Legislative Counsel for the Lawyers’ Committee on Human Rights, Jeffery Lowries (Lawyer’s Commission on Human Rights), and Professor Dahnoune (University of Paris at Nanterre).

The San Diego International Law Journal will also feature student comments from Gina McGuiness, Brian Lowries (Lawyer’s Commission on Human Rights), and Professor Dahnoune (University of Paris at Nanterre).

The San Diego International Law Journal is actively pursuing an author to write a forward.

The San Diego International Law Journal is run by its board and its new members who consist of:

Editor in Chief: Jennifer Waier

Lead Article Editor: Harry Kassakian

Lead Articles Editor: Gina McGuiness

Chief Student Comment Editor: Brian Dardowski

Managing Editor: Ibrahim Seikaly

Assistant Managing Editor: Mike Ruiz

Special Leads Editor: Jennifer Molner

Content Editors: Don Grace, Nicole Slanker, Mark Skeels, Dan McConnell, Jim Schindler


**By Amy M. Au**

**Interim Editor in Chief**

From September 15, 1999 to September 17, 1999, twenty-eight students competed in the Alumni Tort Moot Court Competition.

The case TEECKEELAND v. MELODI concerns a tort case where a patron at an amusement park gets injured during a ride. This case deals with MELODI being a dancer who went through a lot of pain, suffering and is at least twenty-five percent occupationally disabled. The Superior Court found that MELODI had assumed the risk when riding an amusement park ride. MELODI appealed and the Court of Appeals reversed saying that the MELODI did not assume any risk and that the case was to be sent back to the Superior Court.


The next competition is the Philip C. Jessup International Law Moot Court Competition which students will compete in teams of two. First round starts October 27, 1999 and ends with the final round on October 29, 1999.

**By Carol Leone**

**Staff Writer**

This summer I had the opportunity to work for the California Court of Appeal in San Diego as an extern. There is a program at USD in which you may work for the court and get credits (after completing a few writing requirements and attending a course called "Adjudication Seminar" either before, during or after your externship) Anyways, I opted for the program. I always contemplated working for the court during my law school experience, believing that it would be a good opportunity to get an inside view of things. Well, I am happy to report that I was right. Working for the court as an extern, you definitely see the procedure of the court from a unique perspective, one which you will never get from either law school or regular legal practice. Essentially, your job is to read briefs and case transcripts, research the law, and write a draft opinion for the judge to review, edit and eventually submit.

In the Court of Appeal, of course, there is a panel of three judges, who all either concur or not with the opinion of the lead judge on any particular case. For those of you who may be considering following in my footsteps and working for a court, I would advise you check the requirements as soon as you can, and if you are planning to do it for credit, check with Professor Paul Horton, who is in charge of the program. One of the requirements for the credit program is to keep a daily journal. I have excerpted (and edited) a few of my more interesting entries for your perusal.

Day 3: "The research attorney for my justice told us to read the cases, and begin working up the introduction and factual background for the opinion. My first reaction once spending a whole day doing that is how long it takes. I have a relatively small case as far as length in pages, but condensing the facts from two briefs and verifying those facts per the court record takes time and patience. I already greatly respect the amount of work and effort that the court must devote to every case.

Day 6: "I feel like I am between two worlds - living in the relative luxury of the surroundings of the Court of Appeal while reading and working on cases that involve a part of society to which up until now I have had very little exposure. People who never had a decent family and who start out life with the odds stacked against them. Sure enough, they end up getting in trouble of some kind or another. At lunch, I walked through a rough part of downtown (accidentally) and was struck by how quickly one can be enmeshed in the real and untidy world that some live in all the time."

Day 14: "This was my best day yet at the court. In the morning, I got to go see oral argument before the panel of justices. Very interesting. Two cases had pro per appellants. I can only say the court may be less than patient with these. In one the court actually had to explain the law to the person and then, finally, thanked him and cut him off or the guy would have gone on forever. You can learn a lot from hearing a poor oral argument (what not to do) as well as from hearing a good one.

If you are interested in externing for a court, you can obtain an information packet from Prof. Horton. His good idea is to plan early and make sure to take these prequalifying courses to qualify for the program. The Adjudication Seminar, which I took before doing my externship, helped a lot in getting a rough idea of what I would be doing in an externship. It also helped me to decide which court I'd be most interested in externing for. On what basis does the court choose their externs? A variety of factors come into play. A court will typically ask you to submit a resume, transcript and writing sample; if you're lucky, the next step is an interview. I hoped to get a unique and valuable experience from working for the court, and that is exactly what I got. From the first day and the issuance of our card keys to get behind the locked doors, as well as getting our first cases, complete with "dogholes" (court case files) It was great to be a real part of the court. In fact, because of the high security at the court, at first people working for the court who did not recognize us looked at us questioningly in the hallways and lobby, asking "are you an extern?" Unknown entities are not allowed to prowl the hallways of the appellate court. Although I wasn't sure exactly what I would gain in knowledge and experience from my externship, I hoped that I would learn about and become more comfortable with legal research. My only real experience with research came from my Lawyering Skills class and participation in moot court competition. I soon became familiar again with Westlaw, but because my computer at the court was so slow, I usually found cases through Westlaw, but actually read and analyzed them in the books. Before doing the externship, I would have given myself a slightly below average score on my research abilities. Now I would give myself an above average score. I feel confident about researching any particular issue and also about spotting issues.

Another skill that really gets a work cut out at the court is one's writing skills. Working at the court forces a writer to be very precise, condensed and accurate in his or her writing. After all, an opinion is something which might be used and consulted if published, and even if not will be taken very seriously at least at a
Letter to Self with Humility

Anonymous

I want to graduate law school with a heart. I’ve heard it can’t be done. I’m ready for the challenges. I’ll be a goal. I’ll climb it along with the others: to brief every case, to attend every class, and to do both on time. Surely I can handle another goal. I’m a law student.

But can I graduate with a heart? Can I achieve what the jokes and the cliches suggest is impossible? I can hear the critics, they speak like Kingsfield, “To brief every case, to attend every class, perhaps, but to graduate with a heart—Bah!—might as well walk to the moon.” I’m aware of the critics. They scare me, but they can’t deter me. I won’t flinch. The truth is on my side. Let me explain.

The lawyer’s ultimate goal is service. Service is not done for show or public opinion. True service is done for joy. Sure there is the issue of debt, especially here. But that is just another clump in the pile of goals.

Fear of default can’t be my reason for working as an attorney. I know there are easier ways than the legal profession to make money. I can’t forget why I came to law school—to make myself and my world better. (Author’s note to the Financial Aid Office: Please don’t read the above to mean that I take my debt lightly, that would be impossible.)

If the zenith of a lawyer’s existence is service, then how can a lawyer have no heart? The cliche is false. Let the jokes end today for lawyers have hearts. No, strike that. Good lawyers have hearts.

This can be proven empirically, for if a lawyer’s trade is service, and if service is done for joy, then a lawyer must have a heart, because the heart is the source of joy. The heart is our best resource, as lawyers and as humans.

The heart tells us how we can do what we feel is right at any given moment. The heart allows us to love. Most importantly as lawyers, the heart guides our minds. The heart and mind flow on a parallel course, and they need each other.

Understand, I am not advocating anything except the encouragement of individual intelligence and the cultivation of compassion. I believe compassion is empty without the heart. So I ask please, don’t compromise your heart. The world is a better place with all of your faculties. The legal profession is better with them too.

I’m altruistic, probably to a fault, I know. One of my undergraduate professors once said my flaw was idealism. She didn’t say it was a bad flaw, and she even said it could be cured. It is easy to kill idealism, she said, but it is hard to build it. I hope I never find out if she’s right. I’m going to graduate with a heart. I hope you join me.

Bitter Coffee

Warning: Attending Law School May Make A Person An Argumentative and Annoying Indentured Servant

By Harry Kassakhian

Cigarettes, hot cups of coffee, gas pumps and matches contain consumer warnings, but there are no warnings on law and golf, contain no warning. Law schools should warn law school applicants of the grave dangers of attending a professional school in order to join America’s most hated profession, law.

First of all, humanities and social and behavioral science majors (political science, sociology, anthropolo- gy, creative psychology) with few tangible skills are easy prey for the purveyors of “low-ranking,” “untouchable” law schools.

Next issue: alternative careers for law school graduates: screenwriting, sport-fishing guides, elected political office, MBA programs, culinary school, siphoning parental funds, bartending, joining a circus and LLM programs.
Sexual Assault Plagues Campuses, Affects Lives of Many

**MOTIONS**

October 18, 1999

Sexual Assault

* Alcohol and drug use can increase one's risk of being victimized or increase one's risk of being an offender in a sexual assault.

* In San Diego, 75% of rapes are committed by someone the victim knows, as opposed to a stranger.

99% of rape suspects are males, but men can also be victims of sexual assault.

Only 10-20% of sexual assault victims report the crime.

Sexual assault is rarely about sex; it is usually about power and control over the victim.

A person is considered a stranger in another context.

**Rape Trauma Syndrome Affects Victims’ Lives After the Attack**

**Hypothetically Speaking...**

* have had sex several times.
* She’s visiting his apartment.
* They start fooling around, she steps on him at one point and says “No tonight.”
* He congresses her.
* He pushes her to the bad, thinking she’s just teasing him.
* She enters her.
* She says afterwards, “I told you I didn’t want it.”
* He says, “I thought you just were kidding.”

Yes, but consent was not given. In some cases, a woman might physically resist but simply saying “No” or “Stop” is insufficient under the law to indicate a lack of consent.

In addition, it is important to note; consent is not implied simply by the fact she was his apartment or because they have sex before.

She starts... She is in tears... She moves her hands away.

*Rape is*

* Not a sexual battery.
* Not sexual assault.
* Not sexual battery.

**4 Ways to Reduce Your Risk of Being a Victim**

1. Remember: Alcohol can distort your judgment.
2. Drugs can distort your judgment.
4. It's never too late to say "No" or to leave if you are in a bad situation.

If You Are Sexually Assaulted

Go to a safe place.

If possible, tell someone that you've been raped.

Call a rape crisis center (24-Hour Rape Crisis Hotline 272-2767).

Go to a hospital.

Report the crime.

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Students Unwind at Bar Reviews

By Amy M. Au
Interim Editor in Chief

Almost every Thursday night, ROWE presents a different bar and specials for a weekly Bar Review. This year’s coordinators are Roland Achtel and Owen Smigelski. They try to plan each week at a different atmosphere, bringing a different experience each time. A quick rundown of all the bars this semester thus far: Barefoot Bar, Moondoggies La Jolla, Pennant, Sunshine Co Ltd and Longboard. Bar reviews are a great way to relax and spend time with friends. Students under the everyday pressures of school and work get to unwind for a brief moment of time each week.

Reviews have proven that law students have needs outside of the regular routine of school, studying and work. Bar Review allows students to break away from the monotony of routine and experience something new. But one should be cautious, however, of the negatives that come with the good. Alcohol consumption and abuse is very prevalent in the law community. And when one crosses the line from consumption to abuse, there are strong sanctions that the ABA imposes on a person to deter that kind of behavior. Also, alcohol plays a large role in crimes that one normally would not commit, such as DUI, assault and rape.

As long as everything is taken in moderation, Bar Review is a great opportunity to escape the humdrum of daily law school routine.

Having fun at the Barefoot Bar (l-r): Jon Schimmer, Liza Parker, Dod Ghassemkhani, Kristin Kerr and Souley Diallo.
Briefly Speaking...

Phi Alpha Delta
PAD rounded up Fall recruiting on September 21, 1999. As a big accomplishment from last year, PAD doubled its membership with new 1L and 2L freshers.

The initiation took place on Friday, October 8, 1999 at the Grace Courtroom. Then a reception followed at Karl Strauss Brewery Downtown.

"It went really well. The initiation went smoothly and right on time. And I think everyone at the reception had a great time," Mandi Urban, PAD Marshall and Initiation Coordinator said.

Upcoming: The student directory is complete, but still looking for enough sponsors to keep printing costs for over a thousand copies. The shadowing program is under way, see Don Lippsy for more details. Plans for a Reception/Formal during Spring semester have begun, see Amy Au for details.

FYI: PAD is accepting applications for Spring Rush. General Sessions are held the first Tuesday of each month at noon and make-up meetings are on the same day at 4 p.m. Attendance is strongly suggested at these meetings to participate in any upcoming events or to rush next semester.

Sports and Entertainment Law
The second annual Attorneys in the Outfield softball tournament took place September 25, 1999 at the USD baseball field.

For a flat fee, participants get to eat an unlimited amount of food, drink an unlimited amount of beer, and play softball all day. There was also a raffle for Padres souvenirs. All proceeds went to charity.

Asian Pacific American Law Students Association
Two teams representing USD are competing in the Thomas Tang Moot Court Competition on Saturday, October 16, 1999 at McGee School of Law in Sacramento, CA.

This competition is held in honor of Tang, a former Ninth Circuit Judge. The topic is Constitutional Law with two issues. The first issue is regarding preemptive strikes against potential jurors on the basis of religion and lack of English proficiency. The second issue involves a hate-crime statute enhancing penalties for conduct motivated by race, religion, color, creed or national origin.

The first team consists of Tiffany Tisen, President and Anassoul Tiole, Vice President. The second team is made up of Paul Jhin, SBA Representative and Jien Tengman, Filipino Lawyers Representative. John DeShannon is coach and Professor Michael Devitt is the faculty advisor.

Intramurals
Softball: games are every Monday or Tuesday. Look for stats in the next issue of Motions!

Golf: the USD School of Law is hosting a four person scramble field day sponsored by Lexis Publishing, Pro Golf Discount, Polar Golf, Golf Mart and USD Intramurals. It takes place Friday, October 22, 1999 at 1:00 p.m. at the Castle Creek Country Club in Escondido. The cost is $15 per person which includes greens fees, cart and four drinks.

For more information, see tournament coordinators Harry Harrison and John Matsumoto.

By Peter Chassey
Staff Writer

After two failed attempts to meet up with our busy SBA president, I met him at his apartment near campus. Quite the host, he offered me a glass of orange juice and showed me around his apartment before we started in on his legal education and political activism.

Peter Chassey: Tell me about you summer, I heard you worked with the San Diego District Attorney's Office.

Dan Link: Well, I worked about thirty-five hours per week for the D.A.'s office in a division where we only dealt with felony charges. I wrote just about everything, motion to sever counts, every document on the discretion ary funds committee. Anything the SBA had a request on, I got it done. That's where I think the school is headed to go to U.C.L.A. I came back to San Diego for my first year of law school. We had a really good first year division. I think the class bonded, the ages ran from 22 to 45. It was an oddly cohesive group with all the different ages and work experience and backgrounds. At first, I didn't think that I'd like going from such a large school to a small one, but it was fantastic.

So anyway, going up I was really familiar with a lot of the members of the Board of Trustees. I knew a lot of the USD alumni. My father just recently received an award for distinguished alumni of the year last year. I think I have an incredible amount of pride, not just for San Diego, but just recently I developed this pride for the University of San Diego. I found myself participating in SBA for no apparent reason, started going to meetings and doing things for the schools.

PC: So a wait a minute. Last year before you became SBA president, you started going to SBA meetings?

DL: That's right. From the beginning of the year.

PC: What exactly were you doing for SBA?

DL: After a few weeks they put me on the discretionary funds committee. If anyone wanted extra money from the SBA, they had to go through this committee. We decided whether and how much money we could distribute to groups like LA RAZA and BLSA and other student groups. But I worked on all different types of committees. Anything the SBA planned, I was involved in.

PC: When you ran for SBA president you promised the students that you were going to make some changes in the career services office and elsewhere. What are your plans to accomplish the promises of your platform?

DL: Surprisingly, I have been able to fulfill most of that goal this summer. First of all, I got a big get big screen TV for Writs it should be installed before schools start. I also went to Career Services and got a different interview room. Right now job listings are online. I was persistent despite some initial delay, and a month and a half later Susan Benson from Career Services gave me a call and told that we're going to have job listings online. Every U.S.D. law student will have their own password. From the USD Home page you'll be able to access these job listings. I think that's huge!

Another thing I got done this summer, mostly for the first and second year students, was a program through Alumni Services where a student can go in and schedule an appointment with a black civil rights lawyer or a gay lawyer or someone in construction defect. I worked with a student program to get Alumni Services where a student could go in with a specific request or a vague idea and Alumni Services will set up a meeting with the appropriate person. We have that now. You can go in and tell them what kind of law you're interested in and they will pinpoint the closest thing to it and set up a lunch date or a phone call.

PC: That could be very helpful for students looking for career advice.

DL: Extremely helpful.

PC: Well, if the summer is any indication I think you will be successful this year.

Another part of your platform involved a disadvantage suffered by the evening students with respect to club functions and speakers brought on campus. Is that something that you can fix?

DL: That is not something that is curable. But at the same time, I used to be an evening student and I sympathize with the problems of evening students. I finally found somewhat of a solution to the biggest perceived problem.

Speakers would come during lunch and no one from the evening division could come hear them. We can't very well have them come at 7:00 p.m. all the day students would be gone. But we can schedule them for around 4:00 p.m., that way if an evening student wants to hear him or her, they can take an hour off work and come hear the speaker. It's a compromise.

PC: Sounds like a good one to me. Do you have any comment on the office space problem?

DL: Yes, the International Law Journal really took off and we were having a problem finding room for them and other clubs. We have opened up some of the old career services office. Right now we're finding room for everybody.

PC: Good. Spanning the entire law school with all the different legal interest groups, what do you think is the single most important thing the SBA can do for the student body?

DL: Groups like the Women's Law Caucus, Public Interest Law Foundation, Black Law Students, all the law school's different organizations, have open clubs, different student clubs, different activities and different social activities, different clubs to different conventions, functions and workshops. When special functions become known to these organizations, they want to participate, but sometimes because of insufficient funding, they can't do all they could otherwise. That is where the SBA is concerned we are making funds available to the student population. So far as the SBA is concerned we are making funds available to the student population. So far as the SBA is concerned, we are making funds available to diversify the legal interests of the school.

PC: Essentially what you are saying is that if someone is interested in a particular type of law, they will be able to pursue that interest with SBA financial support.

DL: Yes.

PC: What do you think of competitive grading?

DL: I think it is a necessary evil in law school. I'm not in the top ten percent, I'm not on law review. Are you referring to comments that sometimes law school gets too competitive?

PC: Yes.

DL: I think that competition is good and I don't think it is unattainable at our school. I think that USD is moderately competitive, from what I've heard some schools are much more competitive that USD. I think this has to do with the type of students the school recruits. When I first came here someone told me to look to your left and look to your right-one of those people will fail out of law school before next year. My thing is look to your right look to your left, these people are your friends. These are the people you're going to be with for the next three or four years. These are the people who are going to establish themselves in San Diego, in California, somewhere in the United States. We should work together to get through this, we are not alone. It's not me against you. Yeah, we all have our own methods of studying, you might be able to recall or absorb better than me, and that will show up in the grades. But until that point, I want cooperation.

That's where I think the school is headed and it's good.
SBA Gears Up for Halloween

By Amy M. Au
Interim Editor in Chief

Every Halloween, SBA puts together the biggest party of the law school year. A low cover charge, unlimited beer, and huge dance floor attract restless law students into going out for this once a year social event.

This year’s party will be at Marina Village, the same place as last year. Also, like last year, there will be an 80’s cover band that will play live music all night. New this year is the D.J. that will be spinning music in addition to the band. And as always, there will be a costume contest, so dress well because people are looking. Tickets go on sale soon, so buy your ticket in advance to avoid an at-the-door fee.

California Law Schools Experience Dramatic Drop In Bar Passage Rates!

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<td>Chapman</td>
<td>N/A</td>
<td>40%</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Official statistics furnished by the California Board of Bar Examiners and reflect all graduates taking the California Bar Exam.

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