

University of San Diego

Digital USD

Newspaper, Motions (1987-2019)

Law Student Publications

4-1-2001

Motions 2001 volume 36 number 7

University of San Diego School of Law Student Bar Association

Follow this and additional works at: <https://digital.sandiego.edu/motions>



Part of the [Law Commons](#)

Digital USD Citation

University of San Diego School of Law Student Bar Association, "Motions 2001 volume 36 number 7" (2001). *Newspaper, Motions (1987-2019)*. 90.

<https://digital.sandiego.edu/motions/90>

This Book is brought to you for free and open access by the Law Student Publications at Digital USD. It has been accepted for inclusion in Newspaper, Motions (1987-2019) by an authorized administrator of Digital USD. For more information, please contact digital@sandiego.edu.

MOTIONS

University of San Diego School of Law

Volume 36, Issue 7

April 1, 2001

USD Law School Tuition Lowered!!

Law School Tuition Lowered

By Anonymous
Contributing Writer

In an unprecedented move, the University of San Diego administrators have decided to lower the tuition for USD Law by thousands of dollars. The move was prompted by student outcry over the continuing trend of increasing tuition over the past decade.

One administrator, who wished to remain nameless, for fear of retaliation, said, "The students of USD Law need a break...Why just the other day I spoke with an alumni of the law school. He said that he had to trade in his Porsche for a 5-series BMW. I couldn't believe it. From his pent-house studio we discussed, over some imported port, how ludicrous it would be to meet a client in a 5-series BMW. How could he expect to retain anybody? I mean if he had a 7-series maybe, but a 5-series? There is just no way. So on my way home, after I bribed a police officer to avoid a DUI, I made the decision to help out my friend and similarly situated students. After all, it's the students I care about. I just couldn't sleep knowing that they might not be about to afford a Porsche. It still angers me now."

The students are rejoicing over the university's decision. The talk in the Writs is all about this exciting news. From behind the semi-functioning television set, I heard this incredibly candid conversation.

"Hey, did you hear about our tuition?"

"No, what's going on?"

"Well, they're going to lower our tuition by the thousands! I can't believe it! They are even going to offer a retro-active refund for past graduates."

"I never thought I'd say this after my first year, but I think I love USD Law again!"

"Yeah, I know what you mean. I just bought a new big screen television to celebrate. Screw my lenders now baby!"

Other news around the scuttlebutt is equally revealing. While hiding in an empty university recycling bin, I overheard this conversation between two professors.

"The California Supreme Court has decided to take on

the issue of child health care. It could mean a drastic change in the relationship between the government and the health care system. California might not have uninsured children anymore."

"Who gives a \$%&*# about the kids? Did you attend the last student/faculty meeting?"

"We have students at this school?"

"Oh we sure do! And do you know what the little rats have done?"

"They're not *still* complaining about parking are they? I thought we took care of that situation by raising the price of permits, increasing the number of unused faculty spaces, and ignoring their concerns for the past 12 years."

"This is bigger than parking, my friend. Bigger."

"What could be bigger than parking in the minds of the students? They aren't raising the mandatory curve issue again are they? I thought we beat that horse dead in the 70's."

"You've got to attend a student/faculty meeting some time. No, this goes beyond parking and grades. This is my wallet I'm talking about! The students have somehow convinced the administration to lower tuition. Some faculty members have even supported this change! Do you know what this means?"

"Everyone fails my class, that's what it means!"

"It doesn't matter if you fail them! They'll now be able to afford to come back the next semester!"

"Well how are they going to pay for this tuition decrease?"

"That's what I've been trying to tell you! They are going to take away our six-figure salaries! We are going to have to (sniff, sniff) live, somehow, on only 40% above what the average middle American makes. I have to sit down."

"Oh you poor soul. Here, take a seat on my leather lined office chair. Just let me move some of these gold-plated books from your way. There you go. Now take a sip of hot-cocoa from my sterling silver mug. All better? Good. Oh, my friend, what are we going to do? I don't think I'm going to be able to sabbatical to Cabo this year to study the legal issues of white sand discrimination."

"It is a dark day for educators my friend, a dark day."

The frenzy over the decision to lower tuition in the law school has even spread across the street to the undergraduate university. While blending in as a roadie for U2's lunch time performance at the UC, I was able to record a

conversation between two undergraduate students who were discussing the decision to lower law school tuition. The following is an exact transcript of that conversation.

"Um...like...you don't even know...I...um...totally talked to my dad...and...you know...he is going to pull his support like right away."

"Yeah...like I'm so with you. It talked to my dad...and he said that he would never ever ever support the law school no matter what they tried to do not even if...like...they totally gave him season tickets for the jennycraig pavillion. He was, like, mad, you know."

"Yeah."

"Hey, what are you guys talking about?"

"Oh my gosh! I can't believe he is trying to talk to us. He isn't even greek. Hello, we are so trying to have a conversation here about how unfair it is that the law school gets to have less tuition than we do."

"Yeah, but don't you think it might be a good thing for lawyers to have less debt to pay upon graduation?"

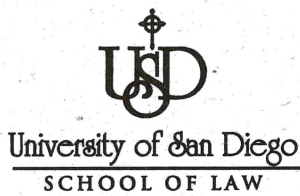
"What do you mean, dude?"

"Well, if lawyers didn't have such a high amount of debt upon graduation they might be able to channel their talents into more useful areas. For example, instead of feeling compelled to take a high-paying firm job that only benefits large corporations, attorneys could spend their time and talents addressing some of the pressing social concerns of our society, such as poverty, lack of education, and apathy."

"Apathy? Like I'm so sick of hearing about apathy, okay. You don't know what you are talking about. I'm so going for a spa, I can't handle this anymore."

Well there you have it folks, the first article in *Motions*' April Fools edition. If you haven't read this far then I suspect you are probably writing letters to the editor by now, or purchasing some expensive items in the wistful hope that the law school has indeed lowered your tuition. Keep dreaming on that point. It is the understanding of *Motions* that tuition will increase, like it did last year, again next year. Someday USD Law might forgive the debt of those who enter public interest law, but until then donate to LRAP or keep looking for the jobs that you have to take.

If you were offended by this article--because you are a professor, administrator, or undergraduate or law student--we're sorry, and we remind you that if you can't laugh at yourself then you're gonna spend much of your life crying your eyes out.



Published Since 1971

EDITORIAL BOARD

Kenneth M. White
Editor-in-Chief

Christine Pangan
Chad McManamy
Section Editors

CONTRIBUTING

Anonymous

Leigh Barrett

Frank Cruz

Julie D'Angelo Fellmeth

Allen Minker

Justice Mosk

Gene Myers

Allan P. Poole

Don Rubin

Women-in-law

ADMINISTRATIVE REVIEW

Carrie Wilson
Dean of Student Affairs

For Information, please call
619-260-4600 ext. 4343

Disclaimer: MOTIONS reserves the right to eat your lunch. We save, exclusively, the privilege of being able to dance on any table we wish. The opinions expressed in MOTIONS are solely those of the makers of the number two pencil; America's favorite pencil is #2. Any member of the MOTIONS editorial board may, at his or her exclusive discretion, boot you from any computer in the computer lab for any reason. We may also steal your parking spot. And, if we so choose, we may cheat at everything we do--including, but not limited to, flossing, brushing and rinsing. MOTIONS is the greatest newspaper in its rack. No other newspaper in the same rack as MOTIONS even comes close to our quality. MOTIONS reserves the right to print an APRIL FOOLS edition once a year...this being that edition. So, if you haven't been ignoring us all year, please start now. Thanks. --Ed.

The Way Things Used to be at USD Law: A look back at the old *Motions*, i.e., *The Woolsack*

From September 1974, when USD Law students would write letters to their school newspaper:

Women Denounce Dicta

To the Editor:

Those among you having an appreciative eye for an attractive young woman may have recently experienced a voyeur's delight while peering at the center-page of a publication. Don't reach for your latest Playboy or whatever publication satisfies your prurient interest to discover this titillating delight you might have initially overlooked in a hasty perusal. You'll be wasting your efforts!

Instead turn to the June issue of Dicta--the official San Diego Bar Association monthly publication. Now don't stampede over to the law library! Dicta, after all, is a professional publication. The attractive young woman, unlike customary centerfold attraction, is clothed.

Nevertheless, the underlying concept is the same--the pervasive insistence and unquestioning acceptance of portraying the female primarily as a sex object to be simultaneously worshiped for the pleasures she renders and condemned for the lusts she arouses. This is not to suggest that sexuality--feminine or masculine is to be denied or denigrated.

It is rather suggested that sexuality is appropriate at the proper place and time. Certainly a professional county bar publication is an inappropriate organ for the exploitation of female sexuality. The publishers of Dicta would be well advised to eliminate such a center-page practice. However, if the need to have a feminine figure don the center-page of Dicta is so compelling, it is respectfully urged that the symbolic statue of the blindfolded Justice balancing the scales would be more appropriate.

--Women-in-law
USD Law School

From February 1973--see comment to the left (another letter to the editor):

Class Attendance

Editor:

Compulsory attendance still lives: any individual teacher's enforcement of it will still be backed up by the administration. The mandatory attendance requirement, not experienced by many students since high school, is, however, unfairly applied. If classroom instruction is an indispensable part of the legal education, why should the teacher be allowed to dispense with it any more than the student?

I have had class cancelled for a teacher to be in court. I have had class cancelled for a teacher to be out of town for a week or more at a time. Some of these classes are never made up; others are made up at inconvenient times. Some classes are cancelled without prior announcement and for no given reason. Yet it is the faculty which votes to keep the mandatory attendance rule alive for students.

I see nothing which takes priority over the teaching of a class for a professor, given the attendance policy. Not a private practice and not airplane schedules. One teacher, Dr. Willis, once cancelled a class of his so that he could receive a yachting trophy that evening.

I would like to see teachers display the same degree of diligence and dedication toward classwork that they expect from students.

--Allen Minker
3rd year day

From April 1975. The school takes a Pass-Fail survey, which just goes to show you that there might have been a world beyond the mandatory curve at one time...maybe...(and also that math has never been the law student's best subject):

Results of Pass-Fail Survey

384 students responded to the survey. 187 first year, 124 second year, 30 third year, and 43 night students. The percentage breakdown for the totals are: First choice--all subjects PASS/FAIL (30%). Second choice--PASS/FAIL for elective courses (19%). Third choice--PASS/FAIL or the present system for any subject at the students' option (27%). Final choice--continue the current system (6%).

To complete a report for formal presentation to the faculty, it will be necessary to mail information to other law schools in the country to determine what they have done in the past, and are now doing with grading. The problems of time and cost may well prevent this until next semester. It is hoped that the results of this survey, 76 percent favoring some type of change (as a first choice) will help to bring about a change in the grading system.

Another letter to the editor. This one from April 1972, a time when the censors were apparently ignorant regarding bathroom terms:

Dinglebarries Denounced

"Book, Book, Who's Got The Book" is the latest craze now being played in the library. The game is played by two groups; the Searchers and the Hiders or Omitters depending upon how they play the game. For the sake of clarity, the latter group will hereafter be referred to as the Dinglebarries.

The object of the game is for the Searchers to search out and discover the books that the Dinglebarries have either hidden or omitted to reshelve. The Searchers can be seen trolling back and forth around the stacks and desks looking for the elusive catch. The Dinglebarries on the other hand are less visible, at least while plotting their strategy, and surface only to disappear. This seemingly difficult stunt can be performed with such little effort that even morons can do it and it appears to be attracting scores daily. Don't be misled by this simplicity because Dinglebarries who regularly play have used the limits of their talents in making such refinements as to make them a formidable foe for the Searchers.

The less sophisticated Dinglebarries leave the books in a state of disarray on the desks and vanish. This strategy is generally used by beginners and is designed to give the illusion that the Dinglebarry intends to return. Others leave books in nice neat rows on the desks and often really fake the Searchers by putting "Please do not remove" signs on them. In addition to these two techniques the bolder Dinglebarries have been known to misshelve certain selected volumes often placing them upside down and backwards. That's the beauty of this game. A player is limited only by his own imagination! Some of the really imaginative Dinglebarries even shelve the aforementioned selected volumes in the typing room with all the other superseded volumes.

A cursory inspection of the library will reveal that the game is played with varying degrees of skill and enthusiasm. Although it must be admitted that the Searchers generally lose, it is not because they are inherently inferior to the Dinglebarries but rather it evidences a lack of proper conditioning. It is indeed a rare Searcher who had such foresight to condition himself to play this game at a law school.

Nonetheless, the game is now being played and will continue to be played as long as there are menacing Dinglebarries whose characteristics single them out as a head above the crowd.

--Gene Myers
Second-year Day

An excerpt from the April 1972, issue of *The Woolsack*, which reveals that, as a society, we've been embracing the status quo and ignoring the ineffectiveness of paternalistic laws for some time now. Twenty-nine years later we still sing. "Long live the way things are! Because that's the way they are."

Resolution Condemns Laws Against Dope, Sex

By Don Rubin

The Ninth Circuit of the Law Student Division of the American Bar Association recently endorsed a resolution calling for an end to laws which prohibit any form of sexual behavior between consenting adults in private, and an end to laws which forbid marijuana possession.

The resolution was one of several passed at the Ninth Circuit Annual Conference, held at the Bahia Hotel in San Diego March 9 - 12....

Career Services Announces: A Job For Everyone...Even Those on Law Review

By Justice Mosk
Staff Writer

With graduation approaching for many USD Law students, the Career Services Office announces its new program entitled *A Job For Everyone...Even Those on Law Review*. Career Services decided to implement this new program due to the past difficulties experienced by many law review students of gaining any employment whatsoever.

The facts speak for themselves. Everywhere one looks in the legal world, one can find the same thing--a partner who was once a failing law student. Even that famous lawyer on CNN, who always looks as if there is a tack on her seat, failed her legal writing course. Many of our Supreme Court Justices were once law school derelicts. For example, Justice Stevens was booted from Moot Court competition because, as the chair said at the time, "You've got no brains for appellate advocacy, Stevens!"

The job market dominated by the lower tier of students has prompted the Career Services Office to offer something for those law students who (1) study, (2) make outlines, and (3) don't eat candy during class. It is these die-hard legal warriors that the Career Services Office hopes to help.

The first step in the plan calls for an elaborate program involving many, many manila

envelopes, some tables, and a thick pamphlet of information. The idea is simple. First, a student gets his or her resume prepared. Then that student digests the aforementioned thick pamphlet of information. Once this is done the student then comes to the Writs where a long row of tables with many, many manila envelopes have been placed. After all these hoops have been breached properly, the student is ready to begin the *A Job For Everyone...Even Those on Law Review* program. The student simply, get this, stuffs his or her resume in the many, many manila envelopes until that student gets a job!

The genius of this program is as follows. When one peruses the thick pamphlet of information one can find that those many, many manila envelopes are only available to law review students. This is the crux of the plan. A sort of reverse affirmative action scheme, this *A Job For Everyone...Even Those on Law Review* program is designed to counter the previously mentioned disturbing trend, where the F students get all the coveted jobs, by providing law review students a service that is, in effect, only open to those on law review.

Career Services notes that this program is not unfair in any way. They note that if the F students want to participate in such a program--but feel that they are unable to due to the difficulty of fitting their resume into the single manila envelope made available to them by the AAA Legal Services Office (where the motto is *Don't Blame Us If You Lose Your Case*), because the envelope is already stuffed to the rim with other F resumes--then they should study.

Please note: Any similarity between the fictional A Job For Everyone...Even Those on Law Review program and any actual program at USD Law is purely, purely coincidental. Please direct any and all letters to the appropriate representative of Justice Mosk. Thank you. --Ed.



Professor Herbert I. Laxerow
Property, Section A and C

Fountain of Youth Discovered at USD Law



Professor Joseph Darby
Criminal Law, Section A

This is NOT an advertisement for barbri. It is merely a stark reminder that things cost much less in the 70's than they do now, that disco really did happen, and that t-shirts mean so much to us as human beings.

BAR/BRI Bar Review

More students take BAR/BRI than all other bar review courses combined!



See your BAR/BRI Rep for application

PHOTO BY A. OLA

RUSS RASMUSSEN
SANDRA HAMMER
GREER KNOPF
ELIZABETH NORTHRIDGE

barbri
BAR REVIEW

1323 SECOND AVENUE
SAN DIEGO, CALIFORNIA 92101
(714) 238-0623

LIZ SMITH
PAM SLICK
DAVE GIFFORD
GLEN DERONDE

\$375 tuition

\$150 DOWN

Seriously Though, Real Law School News:

Orientation Sessions Scheduled for Center for Public Interest Law/Children's Advocacy Institute

By Julie D'Angelo Fellmeth
Contributing Writer

Preregistration for next year's courses is coming up soon, and students should be aware of two unique clinical opportunities offered at USD--The Center for Public Interest Law (CPIL) and the Children's Advocacy Institute (CAI). Students interested in CPIL or CAI should attend one of two orientation sessions scheduled for Thursday, April 5, at noon and 4p.m. Both sessions will last 50 minutes, and will be held in WH 131.

Center for Public Interest Law

CPIL will soon be recruiting students interested in administrative, regulatory, consumer, and/or public interest law for a limited number of internships available during the 2001-2002 academic year. Selected students are given the opportunity to observe the decision-making of administrative agencies, participate first-hand in the state's regulatory process, and to have articles they write published in the *California Regulatory Law Reporter*, the only legal journal of its kind in the nation.

Created in 1980, CPIL is an academic center of

research, teaching, learning, and advocacy in public interest and administrative law. The Center focuses its efforts on the study of an extremely powerful, yet often overlooked, level of government--state regulatory agencies. These agencies and their federal counterparts regulate all aspects of business (including banking, corporations, insurance, and real estate), professions (including contractors, barbers, and cosmetologist), the state's managed care system, and the environment (air and water quality, pesticide use, forestry, coastal resources, and waste management). An understanding of these agencies--how they work, the procedures they follow, their authority and jurisdiction, and the limitations on their powers--is an indispensable weapon in the arsenal of most attorneys, especially public interest attorneys.

Children's Advocacy Institute

Created as part of CPIL in 1989, the Children's Advocacy Institute (CAI) is a public interest organization dedicated to improving the status and well-being of children in California by representing their interests and their right to a healthy, nurturing childhood.

CAI offers two courses at the USD School of Law to students interested in child advocacy: *Child Rights and Remedies* and *Child Advocacy Clinic*. *Child Rights and Remedies*, a three-unit course offered in the fall semester,

surveys the broad array of child advocacy challenges: the constitutional rights of children, defending children accused of crimes, child abuse and dependency court proceedings, tort remedies and insurance law applicable to children, and child property rights and entitlements.

Taking or completing *Child Rights and Remedies* qualifies students to participate in the *Child Advocacy Clinic*, a unique clinical program spanning up to two semesters. Student clinicians have two options. First, they may choose to work with an assigned attorney and social worker from the San Diego Office of the Public Defender representing abused children in dependency court proceedings.

Child Advocacy Clinic interns have a second option--policy work with CAI professional staff involved in state agency rulemaking, legislation, test litigation, or similar advocacy. Through such work students can make an impact on public policy before graduating from law school.

All of the courses offered by CPIL and CAI expose law students to important sources of law which are not covered in most other law school courses--state legislatures, state administrative agencies, and local governing bodies. As these governmental fora become more active in making law, attorneys must know how to navigate their processes on behalf of their clients or constituencies.

Sail into Success Saturday, April 7, 2001

Press Release

Don't miss the boat..."Sail into Success" a legal research refresher program. There will be presentations on how to successfully start your new career as a lawyer. Presentations are as follows.

***Research Navigation 101:** Don't set sail (or start a research project) without a map of the world. Navigation basics are as easy as tic, tac, toe!

***Never Say Die!:** Where to find the answers for civil and criminal law issues using the sources attorneys live by, including practice materials, forms, jury instructions and more.

***Using Legislative Intent:** The linchpin of your argument may be the intent behind a statute or the latest status of a law. Learn how to find legislative history and track the progress of current legislation.

***What Lawyers Really Do:** The bulk of law practice is not about leading Supreme Court cases. Lawyers spend most of the their time helping clients understand and comply with administrative rules and regulations.

Come learn the basics before you start your new job.

The presentations begin at 9am in Soloman Lecture Hall (in Maher Hall) following a continental breakfast at 8:30am. Lunch will also be served. There is a \$5 charge that will benefit the LRAP fund. Reserve your spot today by calling 260-4692, or stop by the office of Development and Alumni Relations in WH 112.

Juvenile Arthritis is Accepting Applications for Summer Counselor Positions

By Allan P. Poole
Staff Writer

The Arthritis Foundation, San Diego Chapter, is currently accepting applications for its Juvenile Arthritis Summer Camp. The camp is a week-long resident camp for kids with arthritis, between the ages of 8 - 17, who live in San Diego and Imperial Counties. The camp is held at Camp Marston in Julian, California.

The volunteer counselors must be committed to enabling children with juvenile arthritis enjoy a rich camping experience in an atmosphere where self-confidence, independence and supportive friendships are nurtured.

Juvenile arthritis is a general term for all types of arthritis and related conditions that occur in children. Nearly 300,000 children under the age of 17 are affected by juvenile arthritis, and juvenile rheumatoid arthritis (JRA) affects up to 50,000 children. Children may develop other forms of arthritis such as spondyloarthropathies and connective tissue diseases. Children are also affected by non-inflammatory disorders such as fibromyalgia.

Interest persons should contact Kathy Woodland of the Arthritis Foundation, San Diego Chapter. Kathy can be reached at 858-492-1090 or 800-422-8885.

Careers in the Law

By Leigh Barrett
Contributing Writer

Don't miss this event! The Alumni Advisor Program, "CAREERS IN THE LAW" on Tuesday, April 17, 2001, from 4:30 - 7:00 p.m. at the University Center Forum. Hors d'ouvres, beer, wine and soda will be provided.

This event is an excellent opportunity to meet USD Law alumni practicing in San Diego. The program begins with an alumni panel presentation, followed by an informal reception with alumni. Discuss litigation and transactional careers, salary profiles, employer expectations, the San Diego job market, courtroom experiences, attorney lifestyles and more. There will be tables with alumni representatives from various areas of practice such as: Employment Discrimination Law, Family Law, Immigration/International Law, Intellectual Property Law, Public Interest/Environmental Law and many more.

Interested persons should sign up at the Alumni Relations office in WH 112, or the Career Services office in WH 111, by Wednesday, April 11. If you have any questions about the event, please do not hesitate to contact the Alumni Relations Office.

Summer School Specialization

Press Release

USD's 2001 summer school permits students to specialize in one of several fields by electing several related courses to totally immerse themselves in the practice area.

The Intellectual Property specialty includes courses in Intellectual Property, Taxation of the Internet and Int'l Telecommunications. Students interested in Estate Planning can select Trust & Wills as well as Federal Estate & Gift Tax. Criminal Practice students can choose from Criminal Procedure I, Evidence, and Negotiations, while students interested in Civil Litigation can add to Evidence and Negotiations the possibility of a Civil Clinic. Int'l Law aficionados can combine NAFTA with Int'l Telecommunications.

The greatest variety is represented in the Tax area. Prospective tax practitioners can select from Tax I, Taxation of the Internet, Federal Estate & Gift Tax, or Tax Aspects of Charities, as well as a clinic representing clients before the US Tax Court.

Health Law and Professional Responsibility will also be offered. The summer session is June 11 to August 4.

Frank's Intramural Report

By Frank Cruz
Staff Writer

From New York, watching my beloved USC play in the NCAA Tournament, here is my IM Basketball report.

After the fifth week of the season, the race for the USD Law basketball league title is wide open.

Rolling Blackout (4-1). Led by MVP favorite Matt

Manewal, this team has high hopes to win the IM crown.

Smokey's Kids (4-1). This team is LOADED with talent. Shaka Johnson, another MVP hopeful, leads this team with his 3-point accuracy.

Go Kings (4-1). This rag-tag bunch of castaways from other teams has come together and are now looking to make a serious run for the title.

Vis Major (3-2). Where have you gone Vis Major? Last year's undefeated champs are this year's big question mark. A lot has to change for Vis Major to make a run in

the playoffs.

Cruz Control (2-3). No chemistry. This team suffers from the Laker's syndrome--too much talent and nobody knows what to do with it. They'll have to really work together if they hope to go anywhere in the playoffs.

Well, there you have it, my IM basketball report. At the time of this writing my beloved USC have advanced past their first game. I can only hope that USC will stay hot in this cold atmosphere of New York. It's days like these that remind me of why I love San Diego--no snow!