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MOTIONS

University of San Diego School of Law

Volume 42, Issue 2

October 2006

Mock Trial Adds Members by Michael K. Hayes, *staff writer*

If you haven't heard, the USD Mock Trial Team is one of the most competitive in the nation, and regarded as perhaps the best in its region. It is considered quite an honor – and quite a commitment – to be a member of USD's team.

Professor Richard Wharton, who directs the program, described the experience of being a team member as "the most intensive training you can receive at this school." He went on to say, to a group of finalists in this year's tryout, that if they were to be selected, "by this time next year, you *will* have a job."

For these reasons, fifty-six 2L students entered the Annual Thorsnes Closing Argument Competition to gain one of the seven open spots on the team.

Each student received a case file involving a wrongful death lawsuit, and was assigned a side (plaintiff or defense) from which to prepare and present a closing argument of ten minutes or less. Three-person panels of present team members judged the competitors, and scored them on the theme of their argument, the theory of their case, and the presence and demeanor of the competitors (which was given more weight in the overall equation). Professor Wharton, who advised the competitors beforehand, stressed the importance of "likeability." The competitors were also videotaped, so that Professor Wharton could make the final decision regarding advancement to the final round. After two days of arguments, emotional appeals and histrionics worthy of, well, a trial lawyer...the group of fifty-six was whittled down to twenty-two.

On the day before the final round, Professor Wharton, and Lisa Hillan, Esq. (the coordinator of the competition and a team coach) warned the students of the commitment they were about to make, and asked them to make a solemn pledge of dedication, should they be chosen. Wharton and Hillan explained that team members spend long hours throughout the course of their third year honing their skills and preparing cases for a number of tournaments. This hard work, they advised, is not without reward. Professor Wharton commented

Please see Trial, continued page 7

Women in the Law Student Spotlight: Kristen Santerre

by Maria Shih, *staff writer*

Kristen Santerre, 2L, spent the summer working for the Center for Community Solutions ("CCS") Legal Department. CCS is a San Diego based non-profit that assists victims of Domestic Violence ("DV") and Sexual Assault. It also has a program for DV offenders that has been quite successful.

The Legal Department of CCS operates DV legal clinics around the county. The clinics function to offer civil legal support to victims of domestic violence by helping them obtain domestic violence restraining orders, temporary custody orders, and assisting them with hearing preparation. Below is a very short version of Kristen's story. If you want learn more, contact her at santerre-09@sandiego.edu.

Question: Have you worked with crime victims previously?

Answer: I began working with crime victims in San Diego when I was 19. I worked with the District Attorney's Office Victim Assistance Program for 2 years. For my service at the DA's office, I was awarded San Diego County Volunteer of the Year 2004.

Currently, I am a Volunteer Sexual Assault Crisis Counselor (also for CCS) and a program called SART (Sexual Assault Response Team). There are two

Please see Women, continued page 5

Justice Scalia Visits As Distinguished Jurist-in-Residence



U.S. Supreme Court Justice Antonin Scalia shares a laugh with SBA President Angeline Anastasopoulos during one of many events that highlighted the Associate Justice's stay at USD to help inaugurate the School of Law's Center for the Study of Constitutional Originalism

USD Forms a Nexus With Justice Scalia

by Jerry Pfohl, *staff writer*

While such a statement might bring a grimace to his famous face, there was a clear nexus between Justice Antonin Scalia's weeklong stay with the community of USD and the palpable feeling that something truly special was happening.

The term "nexus," (or as comedically pronounced by the Honorable Justice, "nex-oos") simply means "a connection." A common moment in most of the lectures Justice Scalia delivered was a rhetorical inquiry centered on the question of why the Supreme Court has authored opinions using the high-fluted "nexus" rather than the more familiar "connection." This was not just a poignant question; it was a reflection of the man captivating an audience. Who would have guessed that the distinguished Justice Scalia, a man renowned for his judicial and intellectual career, could be so familiar and jovial with this room of students? Any tone of intimidation based upon the Justice's reputation and by his escort to the stage by two federal marshals was quickly lost with his first anecdote or joke.

Scalia, possibly the most recognizable and perceivably the most conservative justice on the High Court, spent four days at the University of San Diego School of Law, visiting as a distinguished jurist-in-residence. There was a strong buildup of opinion prior to the Justice's arrival. For some students, they were about to interact with the poster boy of their judicial philosophy. The chance to listen to the preeminent authority on constitutional originalism was an opportunity too amazing to pass up.

Other students felt resentment. They questioned why, out of the nine justices on the Supreme Court and all the other judicial authorities that could have been brought to speak, did the jurist-in-residence need to be this "hack."

And finally, some felt perhaps the worst response of all – apathy. Be it due to the timing of the event (during the second week of school) or just priorities that did not include listening to the second longest tenured justice, a number of students took minimal notice of the noteworthy arrival. However, as one student poignantly noted, "it really doesn't matter what you think of him personally. Whether you are far left or far right, this is a chance to learn from a man who has done everything that the students of this school have ever dreamed about doing."

There was also an air of apprehension the morning of Justice Scalia's first lectures. It was not from Please see Scalia, continued page 8

The Right First Impression by Catherine L. Tran, *staff writer*

So you want to get a job? Grades, law review, and moot court will only get you so far. Remember that people hire people. The right first impression can help you build relationships and open the door to an amazing opportunity. First some general points and then some tips specific to the all-important reception (a.k.a. networking event). Here are things to keep in mind:

You never know who you are going to meet.

The person who sits next to you in Corporations could become the hiring manager of the prestigious law firm of X, Y & Z or works there now. The woman standing behind you in the supermarket may personally know the district attorney. I hear stories all the time about how connections are made and jobs are found through random conversations on airplanes and trains.

You meet the same people on the way up as you do on the way down. The San Diego legal community is very, very small. If you want a long-term career as a lawyer in San Diego, you should be nice to everyone, including your classmates, many of whom will also be working in San Diego. As many lawyers will tell you, your reputation is important, and people remember things that happen in law school and beyond.

"The San Diego legal community is very, very small. If you want a long-term career as a lawyer in San Diego, you should be nice to everyone"

Shake hands and make eye contact. A firm handshake, at the beginning and end of a conversation is proper etiquette.

Be confident, but not arrogant. Know that you have something to offer and that people should want to meet you too. Relationships are a two-way street. Someday, perhaps sooner than later, you will be in a position to help or hire people.

Stay positive. No one wants to be around a complainer. If the first impression you leave is that you have a negative attitude, the person probably thinks that you are negative some or all of the time. Think about it – do most people want to spend eight hours a day at work with a whiner?

Say his/her name. Repeating the name of your new acquaintance not only helps you remember it, but also helps make the conversation more personal. People like it when you remember their name because it shows

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SCHOOL OF LAW

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Our mission is to provide news, information, analysis and commentary to the students, faculty and staff of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. We believe that journalistic excellence is the soundest foundation for success. We pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the Motion staff.

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Motions welcomes all letters, guest columns, complaints and commentaries. All submissions must be signed and include daytime and evening telephone numbers. Budget permitting, we do compensate contributing writers with a modest honorarium if their piece is selected for publication. We reserve the right to edit for content, length, style and the requirements of good taste.

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Editor's Comment

This issue of *Motions* features a number of great examples of the opportunities that engage students on a daily basis while in law school. We are only a little over a month into the academic year and already there are tournament results to report, noteworthy and famous guest speakers to comment on, and the activities and impressions of students to be chronicled.

Although we didn't set out to establish a theme when we began soliciting articles for October, a strong mantra seemingly emerged out of nowhere from the pieces presented by the writers. Succinctly, that theme is: the importance of networking within the legal field. We've heard it time and again from professors, career services, and panelists; but it's true and the pages of the October *Motions* prove it.

Quite possibly the biggest event of the last month was Justice Scalia's visit to campus as a distinguished jurist-in-residence. Jerry summarizes the event by describing it as a "nexus" or connection between the venerable Justice and the community here at USD School of Law. It might be far-fetched to have gone to Justice Scalia's lectures and then say that you "networked" with a jurist from One First Street, but his visit would probably make a great conversation starter with a potential employer.

Angie and Cat also emphasize the importance of networking in their articles with Cat's second article introducing the day students to the evening class; a group of 100 potential contacts. Tiffany continues to report back on the job front and also makes note of the importance in knowing people to get your foot in the door.

Women's Law Caucus, a club that is known for its networking ability, contributes three articles including one by Maria focusing on student Kristen Santerre and her work in domestic violence, a piece by Erika on Professor Lobel, and an article by Kathryn regarding AIDS Walk San Diego.

Justice Scalia wasn't the only distinguished judge to appear on campus, as Adi writes in her article about the remarkable life of Judge Thelton Henderson who came to USD for a screening of a film about his life. And speaking of judges, I'll make a tenuous jump and mention Mary's article about recent court decisions affecting border searches.

The early school year has also been witness to a number of tournaments showcasing the best that the School of Law has to offer. Mike talks about the National Mock Trial Team's 2L auditions while Has reports on the recent Negotiations Club tournament. Finally, this issue is rounded out by a review of local places to eat by Brennan and my interview with Professor Heiser for the running Professor's Corner column.

Among upcoming *Motions* projects to be on the lookout for are: a school-wide survey to get the real dirt on the law students of USD (how many times a week

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do you *really* shower – it'll be anonymous of course); plus invitations for students to write articles in a symposium fashion around a central topic in an upcoming issue. As usual, please feel free to email the editor with comments, concerns, or suggestions. Thanks for reading.

Jared D. Ackley
editor-in-chief

usdlawmotions@gmail.com

A Message from the SBA President by Angeline Anastasopoulos, staff writer

Network Early, Network Often.

As on campus interviews loom and students wander the Wrists in suits with grim looks on their faces, I thought this might be a good time to address one of the most powerful things you can do to get yourself a job. This does not start with OCI, this starts as a 1L: networking.

The Law School at USD has a wealth of opportunities for students to take advantage of. Every panel discussion, every San Diego County Bar Association meeting (the dues have been paid for each student, thanks to the hard work of the administration and career services) benefits you. Maybe not for the information offered, but for the people you meet.

There are committees available to you, so you can get involved and work directly with practicing attorneys in San Diego putting together, for example, a wine and cheese for the judiciary. The Lawyer's Club of San Diego is a wonderful opportunity not only for women, but for men as well.

The more practicing attorneys that see your face, enthusiasm, and work ethic, (even if it is planning a Padres mixer) the more likely they are to think of you at job-time. It all translates to your bottom line when you graduate. The American Bar Association has conferences, mixers, and special events practically on a weekly basis. Are you a member? Do you check the local website? If not, you should.

Firms want to hire bright, articulate students, who they like. It is common sense that no one wants to work with someone who they dislike. Networking in these professional organizations early on and often – and

not just to show up and have a beer with your buddy – is going to help you get a job. Even if the people you meet do not have a job for you, I guarantee you that they know someone who does.

So especially if you, like the other 90% of your class, are not in the top ten percent, you're going to need a way to get noticed and stand apart. Networking early is the way to go. You're only doing yourself a favor. Check these out these websites to get started:

<http://www.abanet.org/>
<http://www.lawyersclubsandiego.com/>
<http://www.sdcba.org/>

Angie can be reached at usdlawpres@gmail.edu

1

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- Sunday, October 1, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** at Hope International University, 2500 E. Nutwood at Commonwealth, Fullerton (across from Cal. State Univ., Fullerton), Second Floor, Room 205.

LOS ANGELES

- Saturday, October 7, 2006: 9:00 am-4:00 pm
- Sunday, October 8, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** at the LAX Plaza Hotel, 6333 Bristol Parkway, Culver City, in the Projection Room.

VENTURA

- Saturday, October 14, 2006: 10:00 am-4:00 pm
- Sunday, October 15, 2006: 10:00 am-4:00 pm
- All sessions will be given at Ventura College of Law, 4475 Market Street, Ventura, Room 9. **DVD PRESENTATION**

SACRAMENTO

- Saturday, October 14, 2006: 9:00 am-4:00 pm
- Sunday, October 15, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** (Lecturer: Attorney Mara Feiger) at McGeorge School of Law, 3200 5th Avenue, Sacramento, Room E.

ORANGE COUNTY #2

- Saturday, October 21, 2006: Noon-6:00 pm
- Sunday, October 22, 2006: Noon-6:00 pm
- All sessions will be given **LIVE** (Lecturer: Attorney John Couch) at Hope International University, 2500 E. Nutwood at Titan, Fullerton (across from Cal. State Univ., Fullerton), Room 215A.

SAN FRANCISCO

- Saturday, October 21, 2006: 9:00 am-4:00 pm
- Sunday, October 22, 2006: 9:00 am-4:00 pm
- All sessions will be given **LIVE** (Lecturer: Attorney Mara Feiger) at Golden Gate University, 536 Mission Street, San Francisco, Room 2203.

RIVERSIDE

- Saturday, November 4, 2006: Noon-6:00 pm
- Sunday, November 5, 2006: Noon-6:00 pm
- All sessions will be given at California Southern School of Law, 3775 Elizabeth Street, Riverside, Room 2. **DVD PRESENTATION**

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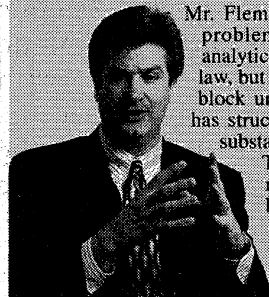
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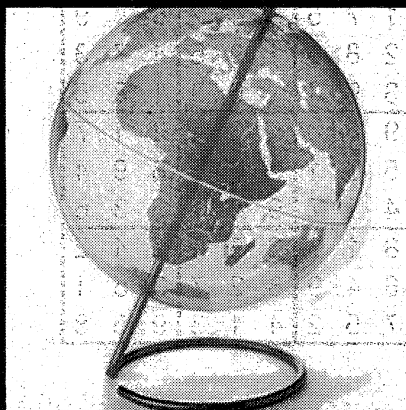
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For the past twenty-four years, Mr. Fleming has devoted his legal career to the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

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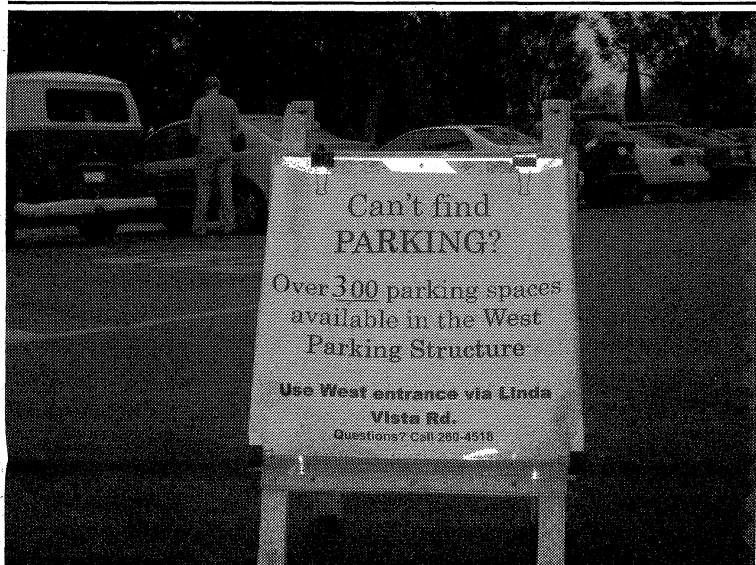
In War, Communications is Key

by Tiffany Keith, contributor

It was my second week of job hunting and I already had an interview. The firm had advertised in the Daily Journal (the Los Angeles legal newspaper), and by chance it was a firm I had worked at before law school. I sent my resume to a friend of mine who still works there and like magic they called me in for an interview. The interview went well, but the partner kept reiterating he was not looking to hire a law clerk, but because I am waiting on bar results, my situation is different. Great, I am in limbo-hell; not quite an attorney, and not a law clerk. Oh well. I should hear back in a week was my send-off.

Other than the one lead, it has been hard finding more positions. Each day I try to send out between three and seven resumes. It doesn't seem like much, but by the time I peruse the local legal newspapers for firms hiring, look at the firm websites, and customize my resume, a few hours has gone by. The first two days I was busy sending out resumes to firms that had advertised positions, but there haven't been any new ones recently, so I am just sending out my resume cold (to firms I find on Martindale Hubble).

I have also joined both the Orange County Bar Association and the San Diego Bar Association, and plan on going to their various events (hopefully I'll be able to convince a friend of mine to come along). I honestly believe jobs are out there, and are offered to people who know other people. I am hoping that by joining these Bar associations, and getting the word out that I am looking for a job, I'll land another couple of interviews. Until then I press on!



CAN'T FIND PARKING? Some things never change as the new academic year finds little relief for one of law students' biggest pet peeves this side of finals: finding reasonable parking on campus. Parking Services suggests the West Parking Structure located on the opposite end of the campus.

Why Do Students Choose The Evening Program?

by Catherine L. Tran, staff writer

Some people think that evening students were admitted as an afterthought. While it is true that the evening program chooses some students, it is also true that some students choose the evening program.

The first-year evening section typically hovers near 100 students, which is larger than the day sections. Generally, there are two types of students in the first-year evening section: 1) students who did not get into the full-time program because their grades or LSAT scores were not high enough or they applied too late, and 2) students who are working full-time and plan to continue doing so. Every year, approximately 50 to 60 percent of the first-year evening section transfers to the day division. Most students who switch know from the beginning that they will switch. A handful of students, who apply to the evening program intending to work throughout their four years, end up switching after the first year because they decide they want to focus on law school and quit their jobs. Moreover, a number of students, who went full-time for the first two years, often switch to part-time status during their third and final year to work and begin paying off their law school debt.

There is a misconception that the grade point averages and LSAT scores of entering evening students affect the ranking of the law school. However, the evening student statistics are not calculated in the rankings, such as *U.S. News and World Report*. Also, while evening students are ranked separately as a class after the first year, it is noteworthy that evening students graduate with day students. Moreover, after that first year, day and evening

students are ranked together.

From a financial standpoint, the part-time program makes sense. Tuition is lower, and many evening students work full-time. First-year evening student Jacob Pyle handles outside sales for a box plant 40 hours per week and also works at Sunshine Bar in Ocean Beach. He said, "I am doing the evening program because I need an income."

Some employers have tuition reimbursement programs, in which the employer pays the employee-student's tuition if the employee achieves certain minimum grades. This can mean escaping law school with little or no debt. Second-year evening student Nick Cole is a patent engineer at Qualcomm and said, "I would like to go to school full-time, but I have a mortgage. I am on the 'Qualcomm scholarship.'"

The evening program allows working professionals to enhance their current jobs and eventually trade-up for a better position. Vince Liptak, Ph.D., is a manager in the patent department at Pfizer and a second-year evening student. Vince noted, "a law degree translates to an automatic pay raise and shift in responsibilities and workload. It's the only way to advance in the company in the legal department."

Another advantage of the evening program is the flexible schedule. Kristi Griffith, who is a second-year evening student and San Diego Law Review Member, said that she enrolled in the evening program last year because "I have kids and have to take care of them. I Please see Evening, continued page 8

Can Laptops Be Too Convenient?

by Mary Moreno, staff writer

Imagine you take the trolley down to Tijuana with some of your buddies for the afternoon. For some farfetched reason, you anticipate you'll have some time to update your class notes, so you bring along your laptop along with some other gear in your backpack. Coming back over the border to the United States, the border patrol agent pulls out your laptop, turns it on, and starts combing through the contents of your computer. He looks at your pictures and photos, your documents, your downloads; he asks for your email password when he encounters difficulty accessing your account. You stand there, wondering, what the heck is going on? "Don't I have any rights? I'm an American citizen. I've got my proof of citizenship. I've only been out of the country for a few hours; was there a coup?"

This past July, the Ninth Circuit ruled

in *U.S. v. Romm*, 455 F.3d 990 (2006), that customs agents may seize and search the contents of anyone's laptop computer, even in the absence of a search warrant or probable cause. The court noted that the usual Fourth Amendment standards don't apply to border searches of people: "The government may conduct routine searches of persons entering the United States without probable cause, reasonable suspicion, or a warrant" (citing the U.S. Supreme Court's ruling in *U.S. v. Montoya de Hernandez*, 473 U.S. 531 (1985)).

In *Romm*, defendant Stuart Romm connected to the Internet from a Las Vegas hotel room and visited child pornography websites. As he viewed the images online and enlarged them on his screen, his computer automatically saved copies of the images to his internet cache. From Las Vegas, he flew to British Columbia on business. At the BC airport, Canada's Border Services Agency discovered Romm had a criminal history and stopped him for questioning. Romm admitted he had a criminal record and was on probation. The border agent then asked Romm to turn on his laptop and briefly examined it. When the agent saw several child porn websites in Romm's internet history, he asked Romm if he had violated the terms of his probation by visiting these websites. Romm admitted he had. Of course, Canada denied Romm entry into the country. Romm withdrew his entry request and was placed in detention until the next flight to the U.S. The Canadian border agent then informed U.S. Customs that Romm had been denied entry and possibly had illegal images on his computer. Once back in the U.S., American customs agents searched Romm's laptop and found the images which led to Romm's conviction. Romm's appeal to the Ninth Circuit was based on whether laptops are included in the border search exception to the warrant requirement and the sufficiency of the evidence that he committed the acts of possessing and receiving child pornography.

Although the issue of whether laptop searches are routine was not raised in Romm's appeal (and therefore not ruled upon by the Ninth Circuit), the U.S. Supreme Court has consistently held that "the Government's

Please see Laptops, continued page 8

Multi-Talented Judge Talks From the Heart, Inspires USD

by Carolyn Adi Kuduk, staff writer

Few men can sing doo-wop, deep-sea fish and be singled out by conservatives as an example of judicial activism. Judge Thelton Henderson, senior judge, U.S. District Court for the Northern District of California, fits the bill on all three counts.

With more than 40 years of public service, Henderson, 71, gave back one more time, coming to the University of San Diego School of Law on Aug. 26 for a special screening of his biographical movie, *Soul of Justice: Thelton Henderson's American Journey*.

"I have followed Judge Henderson's judicial career for a long time. I was prepared to be impressed by his intellect. I was not prepared to be so moved by his personal story, especially the dramatic events that occurred in his life before he became a judge," said Professor Mary Jo Wiggins, USD Associate Dean and Professor of Law.

Henderson, 71, was born in Shreveport, La., but moved to the Watts section of Los Angeles in 1937. He grew up in Watts, graduated from Jefferson High School as an "all-city half back" and attended the University of California, Berkeley through a football scholarship. In his sophomore year, Henderson injured his right knee. "That was the end of my football career," said Henderson in *Soul of Justice*. He was one of 127 blacks in a class of 1,500. "My fear was if I flunked out of Cal, there was nothing between that and Watts and nothing good awaited me there. So I studied. I did nothing but study," added Henderson.

"It was inspiring to meet a man who has faced such adversity, and not only prospered, but has managed to maintain a positive outlook and keep a smile on his face at all times," said Hali Henderson, 2L.

Judge Henderson graduated from UC Berkeley, served two years in the army, and then returned to Berkeley's Boalt Hall School of Law to pursue a juris doctorate. "Boalt Hall would admit one black student a year and then

in the next year they admitted two and in alternate years one would be admitted and two would be admitted," said Henry Ramsey, Jr., a classmate of Henderson's at Boalt Hall in *Soul of Justice*.

"In the years that two were admitted, one would be flunked out."

"We called him the snake," said Ramsey, referring to Henderson. "He went down in a hole somewhere and spent all the time studying."

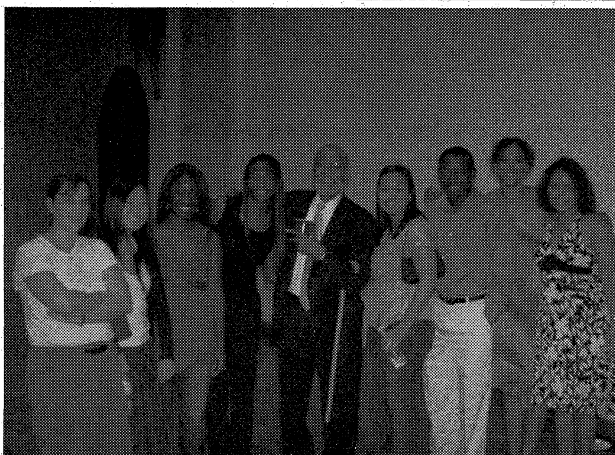
In 1962, Henderson graduated from Boalt. "One thing I want to say is that you don't have to be ranked in the top of your class to make a difference," Henderson told the USD audience. "I am not even going to tell you where I was, but I managed to have a good career."

That career began with a little bit of luck and a lot of karma. As Henderson explained in his movie, "One day in my last semester at Boalt there was a note on the blackboard, come see the Dean. I thought, uh-oh, maybe I've been missing a few classes this last semester" Instead of bad news, the note offered Henderson the chance of a lifetime: the first black attorney in the Civil Rights Division in the Kennedy Justice Department (DOJ).

"I had a little Volkswagen bug. I packed everything I owned in my little bug and as I was driving across the country. I was listening on the radio to the news reports of James Meredith entering the University of Mississippi. I remember hearing about John Doar and the other participants. That was exciting thinking that I would be working with these guys soon."

His job put Henderson in a unique position: "I was that black guy at the Department of Justice," said Henderson. Because of segregation, Henderson could not stay in the same motel as his DOJ co-workers prosecuting voting rights cases and monitoring the black civil rights movement in the Deep South. "They kept trying to train me

Please see Judge Henderson, continued page 8



JUDGE THELTON HENDERSON (Center) visited USD School of Law on August 26, 2006 for a special screening of his biographical movie, *Soul of Justice*

SPECIAL FEATURE: WOMEN IN THE LAW

A Modern Day Renaissance Woman

by Erika Boyd, staff writer

Fear not ladies (and gentlemen) of law school, you do have a role model to look to, and her name? Professor Orly Lobel. From her command of five languages, her highly impressive educational resume, her work for the Supreme Court of Israel and her many publications in the field of employment law, Professor Lobel represents a stunning definition of a modern day renaissance woman.

Professor Lobel writes and teaches in the areas of employment law, administrative law, legal theory and torts. Prior to coming to USD, she taught at Yale Law School and served as a fellow at the Harvard University Center for Ethics and the Professions, the Kennedy School of Government's Hauser Center for Non-Profit Research, and the Weatherhead Center for International Affairs. A graduate of Tel Aviv University Law School, she clerked on the Israeli Supreme Court and did her graduate studies at Harvard Law School. Prior to law school, she served as an intelligence commander in the Israel Defense Forces. Her current research focuses on new models of law and governance in the context of the new economy, the labor market, privatization and new public management techniques.

Her recent publications include "The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought," *Minnesota Law Review*; "Setting the Agenda for New Governance Research," *Minnesota Law Review*; "Orchestrated Experimentalism in the Regulation of Work," *Michigan Law Review*; "Interlocking Regulatory and Industrial Relations: The Governance of Workplace Safety," 57 *Administrative Law Review* 1071 (2005) (winner of the 2005 Irving Oberman Memorial Award for best paper on a current legal issue in law and governance); "The Four Pillars of Work Law," 104 *Michigan Law Review* 1539 (2006); and "The Paradox of 'Extra-Legal' Activism: Critical Legal Consciousness and Transformative Politics," 120 *Harvard Law Review* (forthcoming Spring 2007).

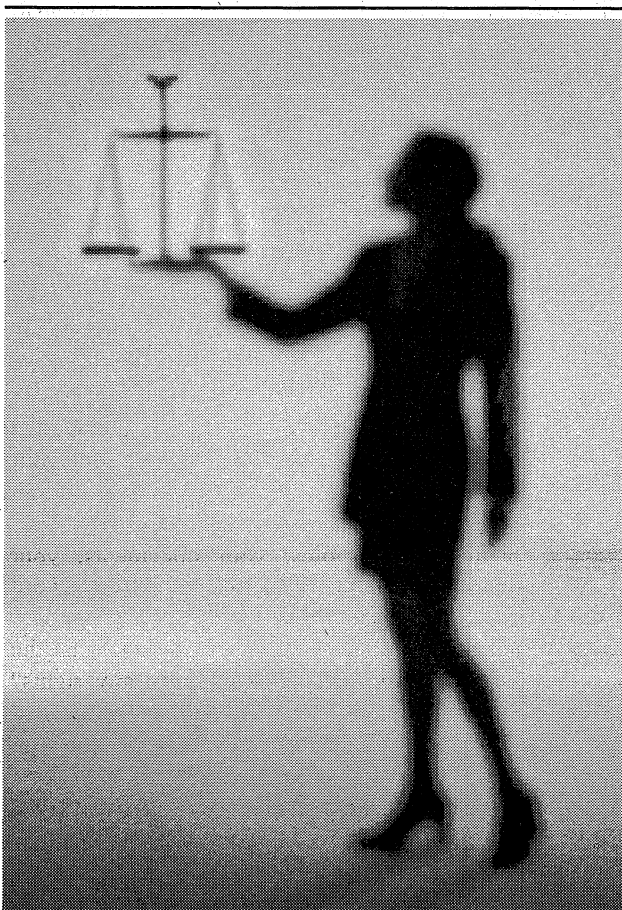
And if all of that was not enough, last year marked the inauguration of the Law and Social Justice Film Series hosted by Professor Lobel, which focuses on issues of social justice within a legal framework. Last year's repertoire included the films: *Live Nude Girls Unite!* (about sex workers organizing to improve their work conditions in San Francisco) and *Philadelphia* (about AIDS and sexual identity employment discrimination), and *Maria Full of Grace* (about drug trafficking).

The headliner for this year's Law and Social Justice Film Series is *North Country*, featuring Academy Award Nominees Charlize Theron and Frances McDormand. The film chronicles the story of the first

major successful sexual harassment case in the United States, *Jenson vs. Eveleth Mines*, where a woman who endured a range of abuse while working as a miner filed and won the landmark 1984 class action lawsuit. Additionally, guest speakers and women attorneys Joann F. Rezzo and Alice Robertson will make introductory remarks on the film, each drawing on their rich experiences in the field of sexual harassment litigation.

Keep your calendars handy, because the fun doesn't stop there. On Thursday, November 30 at 7:30 pm, the Law and Social Justice Film Series will be co-sponsoring the screening of *An Inconvenient Truth* (2006), the environmental documentary by former Vice President Al Gore. Environmental Law Professor Madeline June Kass of the Thomas Jefferson School of Law will be introducing the film. The event will be held at Thomas Jefferson's Courtyard Building, Room 201. The screening is free and open to the USD community.

If you would like to know more about Professor Lobel's work in both academia and teaching, please check out her website at <http://home.sandiego.edu/~lobel/>. And if you see her on campus be sure to say hello to the woman who brings so much to the University of San Diego School of Law.



Women, continued from page 1

SART facilities with specialized nurses who perform the forensic sexual assault exam. Once the assault is reported, and the victim is being transported, I am dispatched to the hospital to sit through the police questioning and the SART exam with the victim. It is a very intimidating process, so I offer emotional support, and make sure that their rights are protected.

Q: What are the signs of domestic violence?

A: I have been working with DV victims for a long time, and to be honest, it is different for every person to some degree. Some of the more common signs are isolation, helplessness, fearfulness, and an absence of self-esteem. The isolation part is one of the most common. Sometimes this is masqueraded as the person simply having a partner who is a little jealous, and it often starts that way (calling every 5 minutes, making sure they are not talking to any other men, not allowing them to go out on their own, etc.).

The lack of self-esteem and worthlessness has become painfully obvious to me. A lot of my clients were so beat down emotionally, that they didn't believe that they could be helped and that anyone would want to help them. The controlling nature of these relationships is sometimes hard to identify without the presence of physical bruises, but I believe now that the emotional bruises are almost more obvious.

NOTE: DV does not just include physical violence. Intimidation can be just as bad. ALSO: I also want to mention that in my experience as a crisis counselor and as a domestic violence victim advocate, I've had my fair share of male victims. I am sure that you know that, but women are not always the nicest either.

Q: Who can people go to if they are victims or know victims of domestic violence?

A: San Diego is quite a lucky area as far as resources go.

CCS offers counseling and legal resources for victims of domestic violence. There is also a 24-hour hotline which counselors manage for DV victims. 1-888-DVLINKS

The Family Justice Center downtown is a one-stop-shop for victims of family violence. It offers legal support (from CCS and the San Diego Volunteer Lawyers Program), medical support from Children's Hospital, counseling, and access to law enforcement. The Center opened in 2004, and countries, e.g. Russia, from all over the world have come to view it as a model for centers in their home countries.

Because DV is a cycle of violence, it is very hard to break. A person usually averages ten police reports of domestic violence before s/he chooses to leave. Basically, a person needs to be ready to end the relationship before the available resources are going to help.

If a person knows someone in a violent relationship, the best thing to do is be a supportive shoulder and ear for the person to use. This support could lead to the woman coming forward and standing up for herself. Convincing someone to leave when they are not ready is damn near impossible. Reporting violence to the police is always an option... but sometimes victims are not willing to press charges, and, unfortunately, you could lose a friend out of it. If there are children involved, however, I recommend reporting to CPS if not the police. Again, you might lose a friend, but a child witnessing violence in the home is extremely damaging.

Q: What have you learned about domestic violence and how the law interacts with women?

A: The dynamics of domestic violence is a tough one to grasp. In some cultures this type of violence is somewhat acceptable to this day, and was not considered to be a crime historically. It is my understanding that huge improvements have been made in the area of Domestic Violence.

Unfortunately, obtaining restraining orders is a very

Until There's A Cure, We'll Keep On Walking

by Kathryn Snyder, staff writer

October 1, 2006 will mark the 17th Annual AIDS Walk San Diego. At 9:00 a.m., on what will undoubtedly be a beautiful Sunday morning, over 12,000 walkers and runners will take to the pavement on behalf of the over \$300,000 raised for community-based organizations. It promises to be a fun-filled and meaningful experience for all participants. "This is my first time running in the AIDS Walk," said Bridget Keto. "I am very excited about the opportunity to be a part of something so important."

The annual event, which takes place in Balboa Park, features a 5K Walk and a USA TF-sanctioned 10K Run. Following the event is a post-race festival celebration featuring live entertainment, food and merchant booths, a Kids Fun Zone and free HIV screening. The AIDS Memorial Quilt will be on display as well as a "Path of Remembrance" honoring the memories of loved ones lost to the disease. Over 1,000 community volunteers will join the half-day celebration.

The first AIDS Walk San Diego (AWSO) took place in Balboa Park in 1989, one of the first of its kind in the United States. With comfortable shoes and a vision, they responded to an alarming crisis: the fast-moving spread of HIV/AIDS. AWSO has since grown into the biggest non-governmental financial provider for HIV/AIDS in San Diego County, providing funds that enhance and sustain the lives of families and individuals affected by this deadly disease. Although treatments slow the virus' progression, there is presently no known cure.

"With so many people still suffering from the disease, we still need to find the cure," said Maria Shih, President of Women's Law Caucus. "AIDS Walk is such an easy way to show that you are cognizant of that fact." The funds raised by AWSO go to organizations in the community who work directly with AIDS victims.

Since its inception, AWSO has raised more than \$6 million for community-based organizations, collectively serving 15,000 men, women and children affected by HIV/AIDS. The organizations include: San Diego Youth and Community Services, United Methodist Church, Mama's Kitchen, Vista Community Center, San Diego Volunteer Lawyer Program and Christie's Place. Christie's Place, a support and services center for women, children and families who have been impacted by AIDS, has received \$81,337 from AWSO since 2000.

The San Diego Lesbian, Gay, Bisexual, Transgender Community Center ("The Center") began managing AWSO in 2001, and joined with San Diego HIV Funding Collaborative, a group of funders and community leaders, raising and allocating much-needed private funds

Please see AIDS Walk, continued page 7

intimidating experience for victims. Not only does she have to stand in front of a judge by herself as the judge probes her life of violence, but the woman also faces the possibility of having to face the offender in court who has the right to be there. There have been improvements in making sure that the offender does not contact or intimidate the victim in the courtroom, but sometimes it only takes a look from the person who has been abusing her for years to cause her to drop the order. Unfortunately, there is no way around this part of it. Sometimes the offender doesn't show up and this is what we hope for.

In divorce cases with a history of domestic violence, however, mediation can be requested to take place separately. This is a huge improvement for divorce cases, and gives the woman a better chance of protecting her rights. This is still not very well known, however, and must be requested by the victim prior to mediation (I think it should be automatic that the judge and mediator (Family Court Services) receive information regarding domestic violence reports and reports from CPS.)

Q: What are some changes in the law you'd advocate for and why?

A: Obviously, the justice system is not perfect. I would advocate for change within the structure of the system. I would like it to be the case that a woman who is unrepresented is not at a complete disadvantage if the other side is represented. There is usually such a financial disparity that it is virtually impossible for the woman to afford representation. Resources for free representation are so scarce, and it is becoming more scarce with each and every funding cut. I would fully support separate trials in restraining order hearings. I know that it would take more court time, but it would ensure that the alleged offenders rights are protected with giving him a chance

Please see Women, continued page 8

Inside the Professor's Office

by Jared D. Ackley, *editor-in-chief*

Welcome to the second installment of "Inside the Professor's Office." This month our interviewee is Professor Walter W. Heiser. The immensely popular Professor Heiser is well known on campus as an engaging civil procedure sage who often greets students when they first enter law school in the Federal Rules version of the class and then guides them on the way out, before the Bar, with California Civil Procedure. Professor Heiser has been on the USD faculty since 1978 and has received the Thorsnes Prize for Excellence in Teaching. Many thanks to Professor Heiser for participating and not making me follow through with a James Lipton impersonation, as originally requested.

Motions: What is your favorite word?
Professor Heiser: I think my favorite word is quintessential – Not because it has any particular meaning to me, I just like the way it sounds.
Motions: What is your least favorite word?
Professor Heiser: I don't have any least favorite word. I think any word that's used as a racial or ethnic or religious slur would characterize as my least favorite word. You don't hear that too often nowadays, but whenever I hear it, I just cringe.
Motions: What turns you on legally, creatively, spiritually or emotionally?
Professor Heiser: I get a lot of pleasure and very excited about teaching, particularly first year students, when at some point during the first year that I'm teaching them – when we're discussing some issue or a case or something else – all of a sudden, the proper jargon is used, and used in the right manner; the discussion is at a very high intellectual level. Everything sort of clicks and it is at that point that I

realize I have taught these students something that is really going to send them on their way towards being lawyers.
Motions: What turns you off?
Professor Heiser: Keeping on the same level about teaching, I think what turns me off about teaching is probably students who have sort of given up and are unprepared and they don't care. That turns me off because I think "geez, these people are going be out in practice and they can't do that with a client" – when they are responsible for a client – there may be good reasons to be unprepared, but you should be concerned about that and strive not to do it again.
Motions: What is your favorite legal word?
Professor Heiser: Res judicata. I like the way it trips off the tongue and I like the concept.
Motions: What sound or noise do you love?
Professor Heiser: I think good music, as opposed to a particular sound or noise, from really any genre. Classical, rock, jazz.
Motions: The Rolling Stones?
Professor Heiser: (laughs) I love the Rolling Stones. I'm not really adventuresome I guess. The Beatles, U2.
Motions: What sound or noise do you hate?
Professor Heiser: I hate the sound of people talking loudly on cell phones – in settings where they shouldn't be talking loudly.
Motions: What profession other than law professor would you like to attempt?
Professor Heiser: Probably things that I might have some ability to do; probably a mystery writer. I like good mysteries and I do have a background in English Literature and writing – an undergrad background.
Motions: What profession would you not like to do?
Professor Heiser: As a profession, I would not want to

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be an accountant. I have nothing against accountants, but I have absolutely no skill with numbers. The thought of having to deal with that all day long – would just be horrible.
Motions: If you were in front of the U.S. Supreme Court, what would you like to hear The Chief Justice say after you have walked through the marble Corinthian columns?
Professor Heiser: Hello Professor Heiser, sir! I guess we know which way this case should be decided!
Motions: Bonus question. Which member of the Rolling Stones do you think would make the best law professor?
Professor Heiser: Boy, that's a tough one. Mick has certainly got the ego to do it. I'll eliminate Charlie Watts; he has no presence at all. No stage presence. You can eliminate the other two, so it'll have to be Mick. Keith you can't understand half of the time and Ronnie Wood, he also is difficult to understand. So I guess by default it has to be Mick Jagger.

Convenient Eats: Good Food, Near Campus

by Brennan S. Kahn, *staff writer*

We all like to eat. Some of us like to eat more than others. However, each and every law school student, regardless of appetite, is often without the time necessary to enjoy a truly good meal. This article will not supply any tips to free up such needed time nor go delve into the many hardships the average law school student suffers by ignoring one's physiological and psychological needs. However, as a consolation, here is an offering of some convenient options reasonably or relatively near campus to make good food a better and more realistic option.
On Campus: Dude, check out the cafeteria. Silly rabbit, buffets are for law students too. Walk in through the front door of the student center, walk all the way to the back (past the deli, ice cream parlor, and convenience store on the right) to the lunch lady at the register. Give her your student ID or eight dollars (for breakfast, lunch, or dinner) and eat away. Every day has different specials with a salad bar and a few consistent dishes (vegetables, Asian stir fry, french fries, cereal, and fresh fruit). There is usually some sort of grilled sandwich, Mexican dish, and cooked meat or pasta. As a friend of mine says, "Lunch is the most important meal of the day and if you miss it, you'll never get it back." Truer words have never been spoken my friend. Take that break between 12-1 PM and get some lunch. A meal is a terrible

thing to waste. Besides, you deserve it.
Additional little known fact - THERE ARE MORE FOOD LOCATIONS AT THE BACK OF THE BOTTOM FLOOR OF THE UNIVERSITY CENTER. Yes, it may be hard to believe, but there is more pizza on campus than just Dominoes. I know the Dominoes secret-service planted on campus will come after me now, but seriously, try the food on the bottom floor. You can get some coffee and Chinese food too. It's good!
Fashion Valley: Ever try the Fashion Valley food court? It's not bad and don't let the fear of mall traffic deter you. Remember, kids go to school, so in the middle of the day, the mall is not like the weekends. Get on Friars Road, take a right South after the AM-PM, and park in the back of the mall (where parking is much more abundant) on one of the top levels (to cross the bridge). The wrap place is especially good, try their sweet potato



OVER FOUR HUNDRED USD law and graduate students flocked to Cane's in Mission Beach on September 8, 2006, to witness what was probably the greatest 80's tribute of our decade: the Phi Alpha Delta 80's Party. While outfits ranged from 80's punk rock to Cyndi Lauper to Miami Vice to Flash Dance, one thing students all had in common was the amazing time they had.

The Spazmatics, an Austin-based band, flew out from Texas for a performance and were a big hit with the students. "The band rocked harder than Mr. Big, and we partied harder than backstage at an Air Supply concert," said Ben Petuprin, 2L. The party was the first all-school event of the year and not surprisingly, a success for PAD.
From L-R (Has Badalian, Matt Law, Desiree Serrano, Kevin Kachman, Shirin Tefagh and Erika Boyd)

Contributed by Hasmik Badalian, *staff writer*

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30 to 34	94	106
35 to 39	106	120
40 to 44	149	168
45 to 49	186	210
50 to 54	241	272
55 to 59	362	409
60 to 64	460	520
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Under 1	\$101	\$114
1 to 18	71	80

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Negotiations Picks Its Competing Team

by Hasmik Badalian, staff writer

Forty law students dressed in suits gathered in the Writs early morning on Saturday, September 23, 2006. Armed with fact patterns and bottom-line offers, they were ready to square each other off in the annual Fall In-House Negotiations Tournament.

Four hours and two rounds later, the Negotiations Club had picked the two teams that would represent USD at the ABA Regional Negotiations Competition to take place in San Diego in mid-November. The winners of the In-House Tournament were 2Ls Richard Greiffenstein and Dan Richardson, and 3Ls Tom Puckett and Jacob Evans. In order to compete at the In-House, students had to fulfill some basic prerequisites and attend training sessions. "This tournament was a great opportunity to develop and practice our skills in problem solving as lawyers, which is often overlooked in the adversarial model of legal practice," said Richard Greiffenstein, one of the winners of the tournament.

"We require competitors to meet prerequisites for two reasons," remarked Kevin Grigsby, Vice-President of the Negotiations Team. "First, it eliminates generally disinterested students and reinforces buy-in. Students who have to do work besides just show up at the In-House are more likely to be invested in the outcome and put more effort in preparing. Second, it makes the competition more advanced and allows advanced negotiators an opportunity to do well and test their skills on more seasoned competitors," continued Grigsby.

Competitors were required to attend a Saturday training session with faculty advisor, Professor Allen Snyder. During this session, students were briefed on basic negotiation principles and skills. They also took part in an activity that would help them realize their conflict resolution style.

"It was really nice to take a break from theory and be able to walk away from a class feeling like I

Eats, continued from page 6

french fries.

Despite my advice, still fearful of the mall? No worries, there are more options. First off, try Szechwan Mandarin in Hazard Center. It's in the middle section of the mini-mall on the second floor and has a wonderful Mongolian grill lunch special. For under ten dollars, you can get a soda, an egg roll, soup, and a large plate of Mongolian grill. For a few extra dollars, it is all you can eat Mongolian. On a quick note, there is an Applebee's below it which always has decent lunch prices. Additionally, across from Hazard Center in the same lot as the Jack in the Box is a small, quick (not fast) food place called San Sai Japanese Grill. It has decent food and is definitely quick and cheap. Lastly, try Einstein Bagels on Friars (across from Denny's) for lunch. I am sure you have had the bagels for breakfast, but they also make great sandwiches for lunch. A little pricey I think, but they are good and decently healthy in comparison to the fast food junk we usually eat.

Mission Valley: Before you make the trek to In-N-Out, try out Mimi's Café across from Best Buy. For another lunch under that \$10 threshold, one can get a small pot of soup, a great salad, and one of my favorite muffins anywhere. It's actually a lot of food for a reasonable price. I recommend the corn chowder, a chopped salad, and a honey bran muffin (don't say "eww" until you try it. I promise you, it is anything but healthy and is like eating candy). Also, across the way in the same lot as Old Navy and Borders, there is a Chevy's Mexican Eatery and a Baja Fresh. Try them out as they are used to serving the work lunch crowd, so they make food quick and delicious.

Late Night (Midnight Studying): Denny's is not the be all and end all of late night cuisine. Mission Valley Kitchen located on the South side of the 8 freeway in Hotel Circle is open 24 hours and offers better quality food for basically the same prices. For no additional fee, on Saturday nights one receives the free entertainment of drunken club hoppers coming back home from a night of tom-foolery. It's America and I dig it. The other option is a little known but shiny establishment called Studio Diner. It's a small journey from school, but it is one of those rare places in San Diego usually found in big cities that has a certain unique character about it. There is chrome, there is neon, and there is a Hollywood theme. It is located at 4701 Ruffin Road near the 15 and off the Balboa exit. They serve Buffalo Chili with real Buffalo. Need I say more?

Obviously, there are many, many options out there. All it takes is a little exploration. Go explore, eat, and don't forget lunch. Cheers.

Editor's Note: Try Cotixan off Linda Vista Road to the West of campus on the left hand side by the donut store. They have great California burritos and shrimp quesadillas.

learned something that is immediately practical," said Tom Kilby, 1L, of the Saturday training.

Besides the Saturday training, competitors were required to attend two lunchtime trainings. The focus of each of these trainings varied but in general, they intended to impart skills in interest recognition, in broadening the scope beyond just monetary gains, and an analysis of how judges scored a round.

They also included simulated mock negotiations where the students would have the opportunity to see how each opponent could bring a different personality to the table and give them a chance to practice handling difficult situations.

"The lunch time sessions were very helpful in acquainting us with the negotiations process," said Maria Shih, 2L. "It was a good opportunity to think outside the box and watch how other people would do it differently."

Unlike most other activities at USD Law, Negotiations is unique in that it allows students in all grade levels to compete for a spot on the Regional team without too much time commitment.

"I had been worried that getting too involved in extracurricular activities might detract from my studies, but it actually proved to be very complimentary," said Adam Burke, 1L.

Currently, the process of picking teams for Regionals is set up through the Negotiations Club, which means that it is student-run without any external funding. There are plans to create an Alternative Dispute Resolution Team that would mirror the set-up of both the Mock Trial and Moot Court Teams. The ADR Team would include Arbitration, Mediation, Negotiation and Client-Counseling.

usdnegotiations@gmail.com

AIDS Walk, continued from page 5

for local HIV/AIDS service providers. More than 100 leading business and community partners each year also join the cause, making AWSO the single largest one-day fundraiser of its kind in San Diego.

USD Law currently has a team of 36 members for AWSO, and has raised over \$2,500. Members from Sports and Entertainment Law Society, Women's Law Caucus, Black Law Students Association, Public Interest Legal Foundation, Pride Law, SBA and other enthusiasts have come together to raise money at an unprecedented level. Students were generous in donating over \$250 during two bake sales held in the Writs.

"The response on campus to the AIDS Walk has been really positive," said Samira Seidu, Community Service chair of SELS, and the organizer behind the team. "I think that by being involved with this walk, and publicizing it on campus, we have reminded people that the problem hasn't gone away, and it won't go away unless we stay educated and aware."

AIDS is an issue that has taken a back seat in the media, replaced by issues such as terrorism, Hurricane Katrina and the birth of Britney Spear's second child. But AIDS is still a deadly force to be reckoned with. With an estimated 38.6 million people now living with the disease worldwide, AIDS is now classified as a pandemic. As of January 2006, the Joint United Nations Program on HIV/AIDS (UNAIDS) and the World Health Organization (WHO) estimate that over 25 million people have died of AIDS since its recognition on June 5, 1981.

"Oftentimes, it seems that people, myself included, are overwhelmed by the statistics associated with the AIDS crisis and don't know how to help, or even if they can help," said Hali Henderson. "The AWSO is a great way to be able to do something and actively be a part of the solution."

Job, continued from page 1

that you are taking an interest in them.

Don't be afraid to compliment someone. If you appreciated what your classmate said in class or what the attorney said in the speaker panel, tell them and say how you related to what they said. People remember genuine compliments.

At a Reception: Go! You will set yourself apart from your classmates by going to professional events. Many students are intimidated by the prospect of going to a reception full of strangers. Practicing attorneys understand your nervousness and will be impressed by your initiative.

Have a 30-second introduction. Be ready to introduce yourself succinctly.

Eat something beforehand. If you are starving before the event, eat something to quell your hunger. You don't want to be THAT person with a plate of food stacked a mile high. Alternately, show up to the event on time and snack first before the crowd arrives. It is hard to carry on a

Trial, continued from page 1

on the high praise regularly received by team members, and that judges often remark on the trial abilities of USD students, which they say far surpass many lawyers already in the field.

On Saturday, September 9, the finalists presented their arguments in Grace Courtroom, to a "jury" consisting of present and former team members, as well as Professor Wharton and Lisa Hillan, Esq. The finalists were advised (as in the opening round) to dress their best, and to present themselves as they would to an actual judge and jury: professionally and respectfully. The length of the argument was reduced to eight minutes, because, as Professor Wharton explained, "we'll know within the first two minutes."

By 3:00 p.m., the finalists received word, and because of the high quality of so many competitors and the resulting difficulty in making the final decision, an additional two spots were awarded to deserving individuals. These nine students, the newest members of the prestigious USD Mock Trial Team, are due congratulations: Indra Bennett, Cole Cannon, Daniel Kanter, Nicole Kukas, Scott Mason, Katie McCurdy, Courtney Nash, Jessica Schroeder, and Colin Yuhl.

A special thanks to Lisa Hillan, for the hours spent coordinating the competition, which ran smoothly and was generally a fun and rewarding experience.

And for those 2L's who feel they missed the opportunity to join the team, keep in mind that members will also be selected from among the competitors in the Spring ATLA tournament. Stay tuned.

Info for the Fall 2006 USD ATLA Mock Trial Tournament:

Tuesday, October 10th (12 pm, Grace Courtroom): Informational Meeting. Be sure to come to this meeting for detailed information on tournament participation, including rules and guidelines. ATLA Board Members will also be on hand to answer your questions.

Monday thru Friday, October 16th - 20th (Guadalupe Hall 114): Tournament Sign-ups. There will only be a limited number of spaces available, so sign-ups will be first come, first serve!

Tuesday, October 17th (12 pm, WH 131): Video Presentation: "Coach Richard J. ("Corky") Wharton Presents: How to Put On a Mock Trial."

Wednesday, October 18th: Case file released.
Friday thru Sunday, November 3rd - 5th (Prelims and Semi-finals, Downtown Courthouse; Finals, USD Grace Courtroom).

For preliminary tournament-specific questions or concerns, please contact the Fall Tournament Coordinator, Frankie DiGiacco at digiacco@gmail.com.

To be added to ATLA's e-mail list, contact atlausd@yahoo.com.

conversation if you are busy eating.

Don't drink too much. Open bars can be nice and all, but getting drunk at a reception typically does not scream professionalism. Save it for the Halloween Party.

Venture out on your own. Going to an event with a friend is a great idea, but then split up and meet people on your own.

Develop an ice breaker. I often wear a distinctive gold pin to receptions. It never fails that I get asked about it or that people stare at it. It is an easy conversation starter, and then I explain about my experience as a Rotary Ambassadorial Scholar in Singapore, which usually leads to other topics. Perhaps you have a tie or necklace that you always get compliments on, so wear it to your next networking event.

Approach someone is who standing alone. People at receptions are just like you. They want to meet new people too. Going up to someone also shows initiative.

Spend 10 or 15 minutes talking with one person. The goal should not be to collect the most business cards, but to make meaningful connections. It takes at least 10 or 15 minutes to get a little deeper than weather-talk.

Ask questions about the other person. Ask questions about their practice area, how they got into that area, how they chose their firm, etc. Career Services Director Cara Mitnick explained, "Remember, everyone likes to talk about themselves. Stay away from negative topics, political topics, or topics that are too personal."

Close the deal. Say it was nice to meet him/her. You can excuse yourself to get a drink, but ask for a business card. Follow up by saying, "I look forward to speaking with you."

Finally, practice makes perfect. Try out a couple new things and see what works for you. Watch people who you think are really good at networking and emulate their techniques. Have fun making new friends and acquaintances. Good luck!

Thanks to Cara Mitnick for her help with this article.

Evening, continued from page 4

always wanted to go to law school, but then I started having kids.”

Professor Janet Madden, director of Academic Support Services, was also an evening student at USD. “I had two little boys who were four and eight when I started law school. My primary priority was to be a stay-at-home mom. It was great for me.”

To ensure that evening students have schedules that accommodate their jobs and other commitments, they receive priority enrollment when registering for evening classes. Fourth-year evening student and electrical engineer Eugene Brovick said, “I think the evening program is very flexible. I have never had a problem getting my classes. There are always plenty of classes, and I know that class will start at 5:30pm. In that way, the evening program is very structured.”

Joel Morgan, SBA Upper-Division Evening Representative and former evening student, noted the camaraderie among evening students, “I think that [the evening program] fosters cohesiveness among members of the evening division. By the time class gets out, more often than not, it leads to a quick drive down to a bar. When you are in the day division, it’s harder to make plans because they fall apart as the day goes on. If you have everyone in the same place at the same time, then it’s a lot easier to organize.”

Despite the advantages, the evening program is no picnic. Evening students often juggle many commitments at the same time. Jeff Benion is a full-time case specialist at Luce, Forward, Hamilton and Scripps and a second-year evening student. He explained, “Being an evening student is hard. I leave my house at 7am and work until 5pm. Then I go to class from 5:30pm until 9pm. My wife is at home pregnant, and we have a 15-month old baby. Then I am reading in between.”

Evening students who work full-time practice time management because they do not have a choice. USD Law alumna Tonya Cross followed a strict schedule to maximize

Judge Henderson, continued from page 4

to do this and do that. They said I could be killed if I don’t follow procedure. I thought about it but I didn’t even think about it,” Henderson told the USD audience. “I was too excited. I knew I would be part of something historical.”

“I certainly never had a clear understanding of the division of my job at DOJ and my job as a black that hated these things that were going on. The bravery of these people was staggering.” It was Henderson’s compassion for the people involved in the Civil Rights movement that led him to a new career path away from the DOJ and toward a 26-year career as a federal judge.

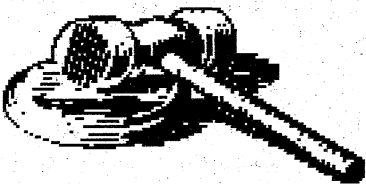
In 1963, in the segregated Deep South, a flat tire for a black man -- especially a black man like Martin Luther King -- may have meant death. Martin Luther King was having car trouble and asked Henderson to borrow his car, a car rented by the DOJ. “It was the last thing that I wanted in those dangerous days for him to have a flat tire on some country road on the way to Selma. It was that simple for me. I got out; they got in my car and drove to Selma.” The Alabama highway patrol followed King, discovering that the license on his car was registered to a car rented by the Kennedy Administration.

In the politically charged South, this was pay-dirt for opponents of the Civil Rights Movement. “I didn’t even understand what was happening,” said Henderson. When newspapers got wind of the fact that MLJ used a car rented by the DOJ to travel to Selma, political pressure mounted and Henderson was forced to resign.

At 27, Henderson saw the opportunity of a lifetime come and go. Many young lawyers would lose heart, but Henderson returned to California -- to begin again. “I believed in myself,” Henderson told the USD audience. “I knew I wasn’t done. I had something to give back.”

“Being able to watch his documentary, and meet him was an awesome experience. Judge Henderson is someone who has consistently used the law as a means of bringing about positive social change,” said Kathryn Snyder, 2L. “The diversity admissions program he created at Stanford became the national model, and significantly increased the number of minority students receiving legal educations.”

Henderson was appointed in 1980 by President Jimmy Carter to sit on the U.S. District Court bench in San Francisco. His rulings have outraged conservatives ever since.



MOTIONS


efficient studying and kept a time sheet to ensure that she was meeting her goal. During law school, she worked full-time as an employment specialist at then-Gray, Cary, Ware & Freidenrich, attended classes in the evening, led the Christian Legal Society, served as a member of the *San Diego Law Review* Board, worked for Professor Madden as a study skills specialist, torts learning assistant and mentor, and served on a campus committee organized by then-Dean Rodriguez. Tonya graduated second in her class in 2004 and now works for DLA Piper.

Tonya reflected, “I had a tough time with balance. I found it hard to keep all the balls in the air. I wanted to be a good wife, do well at the firm so they would hire me, do well in my classes and maintain my spiritual life. I always felt like I was on a moving treadmill and I was falling behind until the last two weeks when I took vacation from work and absorbed all the material. I was just trying to stay afloat.”

Significant work experience common to evening students lends a different perspective about future legal careers. Sasha Johnson has worked for seven years as a court interpreter on the East Coast and in California. She currently owns her own interpreting business, works as a Lawyering Skills I Teaching Assistant, takes care of her children and is a member of the *San Diego Law Review*. Relating her current work to her future legal career, Sasha said, “I have done more depositions than some attorneys as an interpreter. As a future lawyer, I see things through different eyes. I already have an idea of what litigation entails, what a deposition entails and how to deal with clients.”

Previous work experience also provides a career to fall back on. Nick Cole remarked, “If I totally screw [law school] up, I can still be an engineer.”

Cat currently serves as the Evening Vice President of the Student Bar Association. She can be contacted at usdlawevp@gmail.com.



University of San Diego

The USD National Mock Trial Team Is Pleased to Announce the Following New Members,
Chosen from the Annual Thorsnes Closing Argument Competition

Indra Bennett	Katie McCurdy
Cole Cannon	Courtney Bolin Nash
Daniel Kanter	Jessica Schroeder
Nicole Kukas	Colin Yuhl
Scott Mason	

First Place (Tie): Courtney Bolin Nash and Colin Yuhl

This year's closing argument competition involved 56 participants, with 22 students advancing to the finals on September 9, 2006. We offer our congratulations to all competitors, and extend a warm welcome to our new team members.

Additional team members will be selected through the Spring 2006 ATLA Intramural Tournament!

Thanks to all participants, judges, and alums who made this competition possible, from Head Coach Prof. Richard "Corky" Wharton and Asst. Coach Lisa L. Hillan, Esq.

Scalia, continued from page 1

being in the presence of a Supreme Court associate justice, but rather from one terrifying question: is he going to call on me? The reading list that Justice Scalia assigned for his Constitutional and Administrative Law seminars was long and varied, resembling his “Greatest Hits” collection. To get quizzed by a member of the Supreme Court on decisions that he himself wrote, was intimidating enough to make even the most ardent student lay low in the back of the room. To the relief of the audience however, the Justice took responses from volunteers.

Perhaps the most poignant words Justice Scalia shared came on the last day of his visit during his Supreme Court seminar. He shared with the room that his closest friend on the Court is Justice Ruth Bader Ginsburg and that their two families have shared New Year’s together for years. But when asked questions about politicism in the Court and, most notably, in decision making, Scalia made a statement that everyone -- lay person and law student alike -- should hear: “It is not like we all just sit in a room and ask ourselves ‘do women have the right to abortions’ or ‘is there a right to die,’ he said. The Supreme Court, in accordance with the Constitution, will hear cases in which it has jurisdiction and in which that said Constitution has been trampled upon.

Anyone who left the theater that day took with them a sense that Scalia’s one true ideology is the Constitution. They also took with them a new sense of judicial review. “The Supreme Court does not strike down bad laws,” Scalia said. “We just ignore them.”

Women, continued from page 5

to say his part, while ensuring that intimidation does not stop a woman from coming forward and standing up for her rights in court.

Another change that I would make to the restraining order process would be to make it more possible for a woman whose relationship is emotionally and/or financially controlling to obtain a restraining order before the relationship escalates to physical violence. At this point, it is possible for a woman to obtain an ex parte temporary restraining order on these grounds (lasts about 3 weeks...until the date of the hearing for a permanent), but it is very unlikely that she would be able to get a permanent order (granted anywhere from 1-5 years with possibility of extension beyond that). I think it is a shame that a woman has to have been physically abused to get this type of legal protection.

CYCLE OF VIOLENCE

1. Incident (any type of abuse - physical, sexual, emotional etc.)
 2. Make-up (abuser may either apologize or else deny it ever took place.)
 3. Claim (abuser may make promises, give gifts, or even deny.)
 4. Tension Building (victim feels like she is walking on egg-shells.)
- Back to 1.

Laptops, continued from page 4

interest in preventing the entry of unwanted persons and effects is at its zenith at the international border. Time and again we have stated that ‘searches made at the border, pursuant to the longstanding right of the sovereign to protect itself by stopping and examining persons and property crossing into this country, are reasonable simply by virtue of the fact that they occur at the border.’” *US v. Flores-Montano*, 541 U.S. 149, 153 (2004).

The *Flores-Montano* case addressed whether the Government’s authority to conduct suspicionless inspections at the border includes the authority to remove, disassemble, and reassemble a car’s fuel tank. There, the Court ruled that “[w]hile it may be true that some searches of property are so destructive as to require a different result, this was not one of them.” *Flores-Montano* at 156. Thus, it is possible that if a customs agent’s laptop search was so invasive as to be destructive, the laptop owner might have some recourse.

Another significant issue relates to the confidentiality of business and legal information which may be stored on laptops. Many companies require strict adherence to security and confidentiality protocols. It is easy to foresee a scenario where a businessman or a lawyer will have to decide whether to decline to cross a border in order to maintain his employer’s confidentiality requirements, rather than permit inspection of his laptop by border agents.

So, when you are crossing the borders of the United States, you may want to think twice about hauling along your laptop unless you want its contents scrutinized at the border on your return. I would suggest you bring along your work on a memory stick, but that would probably be subject to search as well. A simple alternative is to utilize internet cafes at your across-the-border destination; you can always email yourself back home with any attachments.

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