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MOTIONS

University of San Diego School of Law

Volume 42, Issue 3

November 2006

No End in Sight for Parking Situation

by Haley Miller, *assistant editor*

Related: Symposium Proposed, Please see Page 6

I was spoiled last year: I lived close enough to walk to school. I never had to circle the lots, show up late to class, or stalk out other students so I could sneak into their space as they left. Now that I've moved, I know what all of my classmates were complaining about. I agree with Emily Peters, 2L, when she said, "even the most respectful students are lurkers now."

I found out the hard way before an interview. I was wearing a new suit, freshly ironed shirt, high heeled shoes, and a polished look as I arrived to school a full hour before my interview slot. I started circling the lot in between the LRC and law school. I wasn't surprised to find there were no free spots. So I headed over to the structure. Starting at the top, I wound my way down to the bottom: no spots. I headed back up, then back down. Back up, back down. Nothing. I went back to the law school lot, still nothing. By this point, I had ten minutes until the beginning of my interview and I was beginning to panic. I pulled into one of the 30 minute slots outside the bookstore, where I saw a rent-a-cop writing tickets. I explained to him my situation, and asked (more like begged) him to allow me to park there for forty minutes so that I could finish my interview and then re-park. He had the audacity to (a) tell me no, and (b) tell me that I should go to the west parking lot. The WEST lot? Please, tell me how that is going to help me make it to my interview on time! It would require another full hour to take the shuttle back to where I needed to be. In a fury, I sped down the street again, through the lot, and down the hill towards the JCP. I finally found someone pulling out of their space all the way down by the intramural field. I ran, in my suit and

Please see Parking, continued page 6

The Holiday Season Descends on Warren Hall



USD Law Students ring in the holiday season with the annual SBA-sponsored Halloween Party. Nearly 1,000 tickets were sold for the event held at Canes in Mission Beach. Please see story, page 2; see pictures, page 13.

Equal Justice Works Conference

by Brad Johnson, *staff writer*

USD School of Law sent 20 first-, second-, and third-year law students to the annual Equal Justice Works conference and career fair on October 19-20 at the University of Maryland. The annual EJW conference represents one of the largest and most prestigious gatherings of public interest-oriented law students and employers, and provides an invaluable learning and networking opportunity for students.

Many employers attend, including federal government agencies (like the Departments of State, Justice, and Education), and large national public interest organizations, such as the ACLU and the National Women's Law Center. At the conference, students have the opportunity to interview for summer or post-graduate positions, meet leading attorneys in various public interest fields, and attend seminars on various topics of interest. Approximately

Please see Conference, continued page 14

Building Relationships from Business Cards

by Catherine L. Tran, *staff writer*

Collecting a stack of business cards at a reception is relatively easy, but translating those new acquaintances into job opportunities takes a bit more work. The key is to develop lasting relationships. You want people to get to know you, to trust you and to want to help you.

Many jobs are found through word of mouth. Often, job opportunities are not published. Instead, they are circulated to a select circle of contacts. The basic story is common. The details can vary, but it goes something like this: Lisa was introduced to Josh at a holiday party. There was an opening at the law firm where Lisa works, and Lisa's manager, Andrew, asked Lisa if she knew anyone who would be good for the position. Lisa remembered that Josh was looking for a job and forwarded his resume to Andrew, who interviewed Josh and offered him the job.

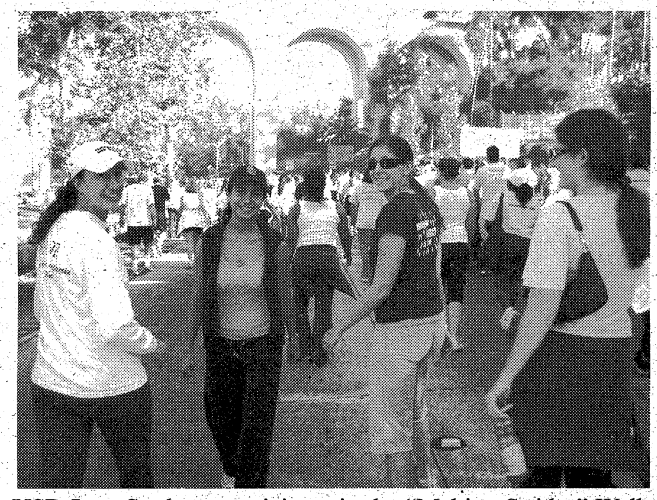
Why would Lisa recommend Josh for the job? Because Josh made a good first impression on Lisa and kept in touch. They shared an interest in surfing. He periodically sent her information about surfing trips, but also sent her updates on his job search and asked her for her thoughts about certain firms. When Andrew asked Lisa about potential candidates for the vacancy, Josh was one of the people whom Lisa thought about first.

The strategy is simple: get on the radar screen. In a non-stalking and non-annoying way, build a relationship that makes your new acquaintance remember you and have enough confidence to recommend you for future

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USD Law Students participate in the "Making Strides" Walk on October 22, 2006. (L-R): Erika Boyd, Carolina Bravo-Karimi, Stephanie Baril, and Christine Saclarides

Making Strides Against Breast Cancer

by Kathryn Snyder, *staff writer*

On October 22nd, a record-breaking 18,000 people converged on Balboa Park to take part in "Making Strides Against Breast Cancer," a noncompetitive walk to help fight breast cancer and provide hope to people facing the disease. Survivors and patients were out in full force; nearly 400 individuals were recognized for their personal fight against

Please see Strides, continued page 15

Women in the Law Student Spotlight: Jillian Kick

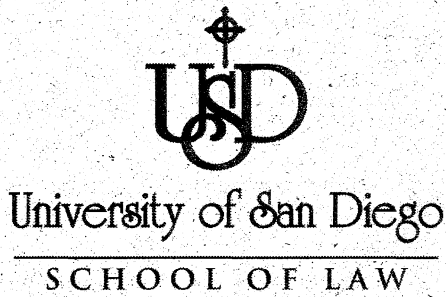
by Maria Shih, *staff writer*

Q: What did you do this summer?

A: I primarily attended summer school at USD. However, my interest is in child and family law, so I wanted to do something to further my experience in that area. I decided to attend the Summer Adoption Law Institute at Capital University in Columbus, OH. This is the only regularly offered adoption course in the country, condensed down into a fun and very intense week of classes. It was a great opportunity to network with people across the country who share my passion for the field.

I also volunteered with USD's PBLA (Pro Bono Legal Advocates Guardianship Clinic). The clinic is run by the Volunteer Lawyer Program downtown, and serves low-income clients seeking to obtain guardianship over children in their care. This process involves a huge amount of technical paperwork that is incomprehensible to anyone seeing it for the first time. As a volunteer, I get to work directly with the clients, assist them with the paperwork, and advise them as to any future steps they might have to take. After one afternoon, the client is generally prepared to file the papers with the court and get their case

Please see Spotlight, continued page 5



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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. 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

Thanks for picking up a copy of the November issue of *Motions*. We have squeezed so much out of this issue that I barely have room to write a comment, let alone highlight all that is going on. Due to finals coming up in December and the always welcome long winter break, this will be the last *Motions* of the semester and so we thought we'd make up for it with a double-sized edition. Yes, that means there are two Sudoku puzzles in the back.

This issue is built around the First Annual USD Law School Voir Dire Survey, which can be found on pages 7-10. The editors thought we could elicit attention-grabbing info from the student body if we surveyed on everything from sex to politics to the law school itself. Please fill out a survey anonymously, pull it out of the paper, and deposit it into the box on top of the student mail folders – we'll report the results in the first issue of 2007.

Another thing worth mentioning is our call for a parking situation forum. We're soliciting articles to be included in a special feature for the next issue. We're primarily interested in creative solution articles or proposals, possibly a journal of someone's experience actually using the West Parking tram and timing it, and nightmarish ticket incidents. Send these to usdlawmotions@gmail.com and have "parking" somewhere in the subject line.

Although I normally like to point out all the articles, the November *Motions* has 25 different pieces, and it would take me a page of newsprint to cover them all. We've got updates on mock trial and moot court activities; four great articles covering Women's Law Caucus events and personalities; two hilarious satires covering USD Law sports teams; a new advice column (write in with questions!); Halloween Party pictures; news about the new Criminal Law Society and Project Innocence at USD; a primer for Battle of the Brains; and an excellent piece on career services, which has undergone enormous change since our controversial article a year ago. And that's just half of it.

Inside the Professor's Office
by Jared D. Ackley, editor-in-chief

Welcome to the third rendition of "Inside the Professor's Office." This month our interviewee is Professor Michael Kelly. Professor Kelly is a gregarious contracts and remedies professor who was happy to consent to an interview despite claiming unfamiliarity with the *Actor's Studio* television show which spawned this legally-oriented spin-off. Professor Kelly attended the University of Michigan Law School before clerking on the U.S. Court of Appeals for the Federal Circuit, and then practicing law in Chicago. Professor Kelly joined the faculty at USD in 1988. Thanks again, Professor Kelly.
Motions: What is your favorite word?
Professor Kelly: I've never been called upon to pick a favorite word before. Logan, my son's name. It's not a word, but it's a good name.
Motions: What is your least favorite word?
Professor Kelly: Pass.
Motions: What turns you on legally, creatively, spiritually or emotionally?
Professor Kelly: Oh boy. Nothing beats a good fight, a

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This issue should knock your socks off; the quality of writing is better than it's ever been and the diversity of subject matter is outstanding. If you are interested in writing for *Motions*, or have any comments, concerns, suggestions, or letters to the editor, please email me at usdlawmotions@gmail.com.

Jared D. Ackley
editor-in-chief

good argument. I just love it. And a good argument in support of a good cause- ohh!
Motions: What turns you off?
Professor Kelly: Excuses.
Motions: What is your favorite legal word?
Professor Kelly: Favorite legal word? Repudiation. I don't know if it is my favorite or not, but it's a legal word!
Motions: What sound or noise do you love?
Professor Kelly: Let's not go there. Laughter, I love laughter.
Motions: What sound or noise do you hate?
Professor Kelly: Crying.
Motions: What profession other than law professor would you like to attempt?
Professor Kelly: Today or ever? There was a time when I thought I might be a singer. Every now and then I think a wine shop would be interesting, or even a bar, a wine bar.
Motions: What profession would you not like to do?
Professor Kelly: Digging ditches.
Please see Office, continued page 15

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

Thank you to everyone who came out for this year's Halloween Party... which is most of you! This was the largest USD Law social event to date, filling Canes to its maximum capacity with the nearly 1,000 people in attendance. Almost all of the 1,000 tickets were sold before Friday night. The handful of tickets that were available at the door sold out within 25 minutes. The party was not only phenomenally attended, but it lasted far into the night with the last partygoers leaving at 2:00 a.m. All my fellow 3Ls know what a Herculean feat that is.

The night was filled with creative and impressive costumes ranging from the infamous Kobra Kai, to the night's big winner, the Dean of the Business school, portrayed by Dustin Jones. Donta Pride and Jessica Klarer had a tough job as emcees of the costume contest. Other winners included Joe Mizrahi and his wife, who donned white dress shirts, black ties, helmets, and the book of Mormon; they won "The Best Couple" category in a close race against Adam Shrader and his wife, who went as a bee and beekeeper. With \$500 worth of prizes, it was worth the effort.

It took the combined efforts of many people to make this party a success. In particular, SBA Social Chair Marissa Lyftogt, who began researching venues from London during the summer, and worked relentlessly to

make the party what it was. I'd also like to extend a big thank you to Andrew Haden who helped negotiate the contract with Canes so that we could bring this party to you under budget.

This just goes to show you that law students, while teased at times for our lack of "coolness" and an attachment to the LRC, know how to let loose and party with the best of them. So get ready for an amazing Barrister's Ball in the spring, and buy your tickets early!

2

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Clint Bolick Makes Case for Activist Judiciary Bowes-Madison Series Brings Noted Author, President of the Alliance for School Choice to USD

by Patrick Riedling, *law school communications*

At the same time that conservatives such as Mark Levin are writing books like *Men in Black: How the Supreme Court is Destroying America* (Regnery, 2005), liberals like Cass Sunstein are writing books with titles such as *Radicals in Robes: Why Extreme Right-Wing Courts are Wrong for America* (Basic Books, 2005). The same theme applies to both sides of the debate: judicial activism is seen as tearing America apart.

"Disdain for judicial activism is so widespread, so visceral, that you would have to be crazy to stand up for it," says Clint Bolick, the 2006 speaker for the Joan E. Bowes – James Madison Distinguished Lecture Series. But that's precisely what he did on October 30th at the Peace & Justice Theatre.

Guests turned out for a chance to meet the noted lawyer and author, and to hear a preview of his forthcoming book *David's Hammer: The Case for an Activist Judiciary*, due for release by the end of the year. Bolick clearly defined and laid out the premise of his case for an increased "activist judiciary."

Clint Bolick is president and general counsel

of the Phoenix-based Alliance for School Choice, the nation's leading advocacy organization for school choice. He also co-founded and served as vice president of the Institute for Justice, a Washington, D.C.-based libertarian public interest firm. Bolick led the litigation team that defended the constitutionality of school choice programs across the nation, culminating with the 2002 U.S. Supreme Court upholding the Cleveland program in the landmark case of *Zelman v. Simmons-Harris*.

Joan E. Bowes, longtime La Jolla resident and civic activist, continued her family's passion for learning by establishing the Joan E. Bowes-James Madison Distinguished Speaker Series through the University of San Diego School of Law. Established in 2004, the series is designed to inspire law students and other members of the San Diego community to promote the open exchange of ideas.

Listen to Bolick's KPBS-FM interview on *These Days*:
http://kpbs.org/radio/programs/these_days?id=6367



Attending the Joan E. Bowes – James Madison Distinguished Lecture Series on October 30, 2006 are (L-R): School of Law Dean Kevin Cole, event hosts Larry Davis and Joan Bowes, and keynote speaker Clint Bolick

Mock Trial News: Competition Season in Full Swing

by Hasmik Badalian, *associate editor*

Since the beginning of the school year, the USD Mock Trial Team has been busy preparing its teams for competition in various cities. Each team is made up of 4 students who portray attorneys on one side and witnesses on the other. This team is judged and scored independently and then moves on to successive rounds as a team. Trial team members practice 5 days a week for six weeks before a tournament, each practice lasting 3-4 hours.

This year, the team has already participated in the San Diego Defense Lawyers Invitational Competition, the ABA Labor and Employment Law Competition in Los Angeles and the Buffalo-Niagara Invitational Mock Trial Competition.

Generally speaking, only 3Ls are eligible to compete. In fact, third year trial team members are required to compete in the Fall in order to be eligible for Regional and National competitions in the Spring. The last two years, however, coaches have allowed some 2Ls to prepare and participate in the ABA Labor and Employment Law Tournament in Los Angeles. This has given students the ability to start working on their advocacy skills before their third year to prepare them for the following Fall.

This year, although the USD Mock Trial team did not place in the San Diego Defense Lawyers Invitational, the team fared better in the ABA and Buffalo competitions. One USD team advanced to the semi-finals in the ABA competition, to be beaten by a mere one-point.

The USD team that participated in the Third Annual Buffalo-Niagara Invitational Mock Trial Tournament advanced to place in the top four before eventually losing to Northwestern, a team that went on to win the whole tournament. Up until the semi-finals, the Buffalo team comprised of Samantha Campbell, Kristie Nikoietich, Sandra Pena, and Christine Yung, was undefeated with a score of 4-0. Samantha Campbell, 3L, won "Best Direct Examination" of the tournament and was honored in an awards ceremony that weekend. It is notable that Judges, hosts, other coaches, and competitors spoke of the ladies' poise, polish, and professionalism. The team would like to thank alumni guest coaches Zaki Zehawi, Mark Skeels, Caroline Karachairian, Chris Lindberg, and Lynne Lasry for bringing fresh, interesting perspectives and insights.

Corky Wharton and Lisa Hillan coach USD Mock Trial teams, but the teams also look to local attorneys for some inside tips, including those mentioned above and Paul Reizen, who coached the ABA team this year. For those interested, for the past 3 years, the mock trial team has been using the Spring tournament to audition for the Trial Team. An alternate way students are asked to join the Team is through the annual Thorsnes Closing Argument Competition.

Please see Mock Trial, continued page 5

A Second Look at Volunteering

by Jessica Klein, *associate editor*

I recently paid a visit to the Career Services office for a resume consultation. I was about to send out applications for a few positions and needed a fresh perspective. One of the positives about utilizing this service is that the staff is great at helping you identify activities and experiences that you may have overlooked or underestimated when putting your resume together. In the end, you are left with what I called a "beefed up" version of your resume.

In discussing what might "beef up" my resume and help compensate for those areas which aren't so strong, I was posed the following question: "Do you volunteer?" Embarrassed, I had to answer no. "Well," it was suggested, "you might look into getting involved in something you're interested in, even if you can only commit to doing it every two weeks or even once a month." The conversation moved on to the next point, but after I left the Career Services office, and even after I mailed out my applications, I couldn't stop asking myself, "why don't I volunteer?"

I understand all the reasons why volunteering looks good on paper – it demonstrates your ability to balance many commitments, it can work as a great ice-breaker in interviews, a potential employer might have similar interests or volunteer with the same organization, it can demonstrate your commitment to public-interest law (if that's where your interests lie), it can give you experience when you aren't able to get that experience through a job, or it can simply be a way to make yourself look good.

But still, none of those reasons were the impetus for my introspection. No, there must be something more to it. Why, oh why, don't I volunteer?

You see, I'm not new to volunteering. My

We're Here To Get a Job, Aren't We?

by Haley Miller, *assistant editor*

It is safe to say that the vast majority of law students are here with the eventual goal of getting a job. Whether it is a job at a big law firm, boutique firm, in public interest, or something else entirely, the Career Services office is a full-service, one-stop-shop to putting your best foot forward.

Most law students are proficient writers, and believe that our resumes are pretty good, as-is. However, there is a decent chance that your own proof-reading (and/or your family, co-workers, friends) merely scratched the surface. I was certain my resume was about as good as it was going to be, but decided to drop by career services for a quick check, just in case. Little did I know that they were going to make my resume *soooo* much better. They tweaked and re-formatted things that I hadn't even considered and polished my entire package (cover letter, references, resume) so that it -- and by extension, me -- looked very professional. I am certain that it was the most important step I could have taken.

Perhaps you worry that OCI is over, and you did not get what you wanted. Sorry to be crass, but so what?! Fewer than 20% of students land jobs through the OCI process. More importantly, everyone has different goals and methods of achieving them. Working at a big law firm might help you land a great paycheck, but it is also notorious for long-hours and high burnout rates. So how disappointed are you *really* to not have landed one of those jobs? There is so much focus on the OCI process that many feel deflated and a little lost. But that feeling, although understandable, is misguided. It really shouldn't be the end of your job search. In fact, for most students, it isn't really even the beginning. If you're not in the top 10%, there's a good chance that no matter how great of an attorney you're going to make, many OCI firms won't give you a chance. Considering that more

than 85% of last year's graduates were employed within a year of graduating, you have to think, there is more to getting a job than fall OCI.

So what is that next step? Career Services is a good way to start. The Career Services office is the best free resource and guidance available to law students. Start by making an appointment with one of the talented, kind, and hard-working ladies who will help you formulate a plan depending on your grades, work experience, and other factors. The office is comprised of four attorneys who have practiced in a variety of different fields, including public interest, universities, government, as well as small and large firms. They have practiced in San Diego and around the country. Their experience lends amazing insight to the legal market. Remember, at some point they had to go through this experience too, so they know how to calm your anxieties as well as how to set you on the right path.

"I think it's important for students to know that employers really value practical legal experience students' gain during law school," says Cara Mitnick, Esq., Assistant Dean of Career Services. This may include law clerking, legal internships, or judicial extern positions. It is important for students to work during the summer and to learn how to jump into an internship during a semester. The Career Services office is very willing to help students find and land these types of positions. I guarantee they know of more opportunities than you're finding by yourself, so utilize this amazing resource and get that experience employers are looking for.

Make an appointment to speak with a career advisor (go do it soon - it's painless) and look for upcoming events such as resume and cover letter workshops, networking events, alumni functions, and mock interviewing. You might be surprised at how far a little nudge in the right direction can get you.



An eager audience listened to answers provided by panelists at the Military Justice Forum held on October 16, 2006 at the Joan B. Kroc Institute for Peace & Justice. The panelists (L-R) included Robert Wities, Kevin Vienna, Joseph Casas, and the moderator, Professor of Law Michael Devitt

Military Justice Explained at USD Panel Event

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

In case anyone thought that the consequences of war ended on the battlefield, students, staff, and community members were made aware of the potential legal ramifications of war time actions during the Military Justice Forum held on October 16 at the Joan B. Kroc Institute for Peace & Justice. With casualties of all demographics canvassing our nightly news programs, it is often difficult to sift through terms that take on an ambiguous camouflage under the Uniform Code of Military Justice. For instance, what type of action results in a soldier being charged with a war crime? Does a trial mean the same thing in the civilian context that we learn about in our basic law school courses or is it something entirely different? How do the discovery rules work?

While political candidates in the recent election talked about the policies underlying our military operations and as activists and news programs told stories of violence, sacrifice, and tragedy; American soldiers sat awaiting court martial in the barracks just up the road at Camp Pendleton. The Military Justice Forum gave students and community members, most of whom were civilians and had little connection to the military, a chance to explore and learn a different system from a collection of three distinguished panelists. Professor Michael Devitt served as the moderator of the event which took place before an eager audience and at least one local news crew.

The panelists included Joseph Casas, an attorney representing a Marine defendant; former military prosecutor and Deputy District Attorney Kevin Vienna;

and former military judge and USD Law alumnus Robert Wities. The most common reaction of the night voiced repeatedly at the reception, after the panelists had spoken, was one of shock over how little anyone knew about the military justice system coming into the event. As 2L Catherine Tran noted at the reception that followed the panel, "There are so many things I didn't know about. The military has a very interesting way of doing things and we should look carefully at whether or not it is fair."

In fact, the panelists themselves debated the fairness of the current military justice system on numerous occasions throughout the evening. When asked whether a member of the military could get a fair trial, Mr. Wities noted a number of things to take into consideration as he quoted an anecdote he once heard, "military justice is to justice as military music is to music: loud and brash." Mr. Wities went on to point out that everyone is respectful of the process, but that military courts were convened by military officers and not judges; essentially your employer is trying you. Additionally, the jury is a little different, consisting of a pre-screened group of individuals who, because they are in the military, all have jobs and high school diplomas.

Mr. Casas represents Private First Class John J. Jodka who is one of seven Marines and a Navy Corpsman who are accused of kidnapping and murdering Hashim Ibrahim Awad on April 26, 2006, in Hamdania, Iraq. Mr. Awad was dragged from his home during the middle of the night, shot, and then positioned to make it look as

Please see *Military Justice*, continued page 16

Innocence Project at USD

by Colin Morris, *staff writer*

Some of you may have noticed that the Criminal Law Society ("CLS") has been reestablished here at USD this semester. You may have even attended the inaugural meeting on October 17th. I'm sure there are a handful of 1Ls, 2Ls and 3Ls who would have attended but just weren't able to make it. I am also hopeful that more than just a few "law school geeks" pick up and read *Motions* when it gets published and distributed.

If you are interested in criminal defense or in providing legal representation to the indigent, or simply believe that our justice system should strive to work as fairly, efficiently and democratically as possible, CLS provides a wonderful opportunity to get involved. It is something that will greatly enrich your law school experience, as well as your resume.

The Innocence Project was originally founded at the Benjamin N. Cardozo School of Law in 1992 by two lawyers, Barry C. Scheck and Peter J. Neufeld. It was, and always has been, a non-profit legal clinic that handles cases in which testing of DNA or other forensic evidence may yield conclusive proof of innocence.

The California Innocence Project at California Western School of Law was founded in 1999. According to its website, it reviews more than 1,000 claims by California inmates each year. Since its founding, the dedicated clinic participants and volunteers have won the release of four wrongfully convicted clients. Of note, Cal Western's chapter is the only one in existence in Southern California, despite the existence of several law schools

throughout Los Angeles, Orange County and San Diego, and the countless number of inmates in the state seeking review of their claims.

A small handful of CLS members at USD Law are working to establish an Innocence Project chapter to enable our law students to get involved while earning academic credit. I am personally working with the Assistant Director of the California Innocence Project at Cal Western to learn the most pragmatic approach to this goal. One very likely outcome is that Cal Western will open its clinic up to USD law students. Although this was done in the past, the participation was somewhat meager. At present, the clinic is restricted to Cal Western students. Last summer, one or two USD law students volunteered but received no academic credit.

Here is where you, the interested and eager USD law student, come in. In order to get the ball rolling on any endeavor such as this, we need demonstrated interest among potential participants. If getting involved with the Innocence Project during your three (or four) year stint at law school sounds even slightly appealing, please send an email to either of the following addresses: usdinnocenceproject@gmail.com or jxc@cwsu.edu.

Finally, please take some time to peruse Cal Western's CIP page to learn about the clinic, its successes and its academic opportunities (<http://www.cwsu.edu/main/default.asp?nav=cip.asp&body=cip/about.asp>).

Please see *Innocence*, continued page 16

The Resurrection of the Criminal Law Society

by Rosario Santoyo, *staff writer*

The Criminal Law Society called its first meeting to order on Oct. 17, 2006. Future prosecutors, defense attorneys, appellate advocates and innocence efforts put their fists aside and joined in harmony to further careers in the diverse field of criminal law. The goals of the new society are to create networking connections and assist the school's future attorneys in this field.

The University of San Diego School of Law has not had a Criminal Law Legal Society for twenty years. Now, through the persistent efforts of Catherine Tran, recent founder and newly elected President, the Criminal Law Society has experienced a rebirth and is alive once again.

The new board consists of Catherine Tran, President; Joy Shedlosky, Vice President; Rodger Pasieczny, Treasurer; Rosario Santoyo, Secretary; Duane Dawson, SBA Representative; Kimber Williams, Community Service Chair; and Colin Morris as the Innocence Project Coordinator. All are eager to get this club moving.

The first event of the Criminal Law Society was the "Kick-Off Mixer" on Nov. 16, 2006 in the Faculty Reading Room. This great networking opportunity featured some experts in the field of Criminal Law and provided for mingling between law students and legal professionals in order to make new connections and build relationships.

Future events planned for Spring Semester include: police ride-alongs, guest speakers such as former criminals and exonerated prisoners from the Innocence Project, and an information session with a panel of criminal law attorneys and judges. The board is entertaining other ideas as well.

Dreams of being a superhero can come true in the blink of an eye through criminal prosecution, which protects our streets and citizens from crime. If you want to protect the innocent from wrongful allegations or defend the misunderstood, then defense or appellate advocacy may be of interest to you. The Innocence Project exonerates convicts based on DNA evidence. The whole gamut of hopes and aspirations are within reach with a career in criminal law. The most difficult task is to take that first step, and there is no better way of doing it than by joining an organization destined for success in the field of your choice.

All are welcome to attend Criminal Law Society events. It's a great way to "kick-off" your career, make networking connections, and meet lots of interesting people! For more information e-mail usdcls@gmail.com

New Jersey Takes on Gay Marriage

by Jenn Chou, *associate editor*

On October 25, 2006, the New Jersey Supreme Court ruled that same-sex couples have rights equivalent to that of heterosexual couples, but the court left hazy notions as to what this means in terms of marriage rights for homosexuals. Gay rights advocates had hoped the ruling would legalize marriage for same-sex couples, following the example of Massachusetts in 2003, but the court's decision was not determinative. Instead, the New Jersey court emerged in support of civil unions, avoiding making a conclusive statement on gay marriage.

The case arose when seven couples in New Jersey sued for marriage rights, based on the lack of a provision banning same-sex marriage in the state constitution. New Jersey is one of five states that had no constitutional provision barring gay marriage. Specifically, the couples sued on the basis of Article I, paragraph 1 of the New Jersey constitution, which provides for a broad interpretation of personal rights to pursue happiness and liberty under the state's protection. The trial court entered summary judgment for the state and dismissed the case. The plaintiffs subsequently appealed. The appellate court affirmed, and the case eventually went to New Jersey's Supreme Court.

The court's opinion, written by Judge Albin, stated that denying the legal benefits of marriage to same-sex couples did not serve any substantial government purpose, and that changing times rendered discrimination against lesbians and gays unacceptable within the state. The court also cited New Jersey precedents which outlawed discrimination against gays. The court stopped short of advocating the right of marriage. It specifically stated that it was not considering whether same-sex couples were allowed to marry, and did not seek to change the traditional definition of marriage.

Please see *Marriage*, continued page 12

SPECIAL FEATURE: WOMEN IN THE LAW

Focus on the Faculty: Lesley McAllister

by Maria Shih, *staff writer*

Professor Lesley McAllister graduated from Stanford Law School and earned a doctorate in Energy and Resources from U.C. Berkeley. She joined the USD Law faculty in Fall 2005. Prof. McAllister teaches property law, environmental law and comparative and international law.

Q: What was your most memorable experience in law school?

McAllister: It was all memorable – I really enjoyed classes, especially constitutional law, legal history, and of course, environmental law. Palo Alto, like San Diego, was a very pleasant place to be a law student. A high point was the opportunity I had as teaching assistant for an environmental justice class that included both law students and graduate environmental studies students at Stanford. It gave me the idea that I would really enjoy teaching environmental law.

Q: What area of law do you specialize in? Why did you choose this area?

McAllister: Environmental Law. It's fascinating because it is thoroughly interdisciplinary; about interactions between humans and everything around them. I've come at environmental law and policy issues from many directions. As an undergraduate, I studied engineering and public policy, with an emphasis on water resources. In the environmental masters program at Berkeley that I completed after spending two years in the Peace Corps in Costa Rica, I focused on the ecology and politics of tropical deforestation. After learning some things about US environmental law, I wrote a doctoral dissertation about the enforcement of environmental law in Brazil. I try to bring insights from all these perspectives – the technical, the social scientific, and the legal – in my teaching and research on US and comparative environmental law.

Q: You've travelled and lived internationally. Would you recommend that for all law students? Why?

McAllister: Yes. Living outside the US puts US law in perspective. I think that law students too often come out of law school with the notion that the US has the "best" or most "developed" laws and legal institutions. By living elsewhere, you are more likely to appreciate the social and cultural differences among countries that lead to legal differences.

Q: You're married with young children. How do you balance it all?

McAllister: I have a son who is three, and a second child (a girl) on the way, due in early February. Happily, I have

a very helpful husband. We manage our time very carefully.

Q: How would you describe the present state of women in the law?

McAllister: Very positive. I don't see the legal profession as very male-dominated, though parts of it still are. The law offers many ways to have flexible schedules that are helpful if you also want to have children as well as a career. Of course, it may take some time and legal experience to find or create such opportunities.

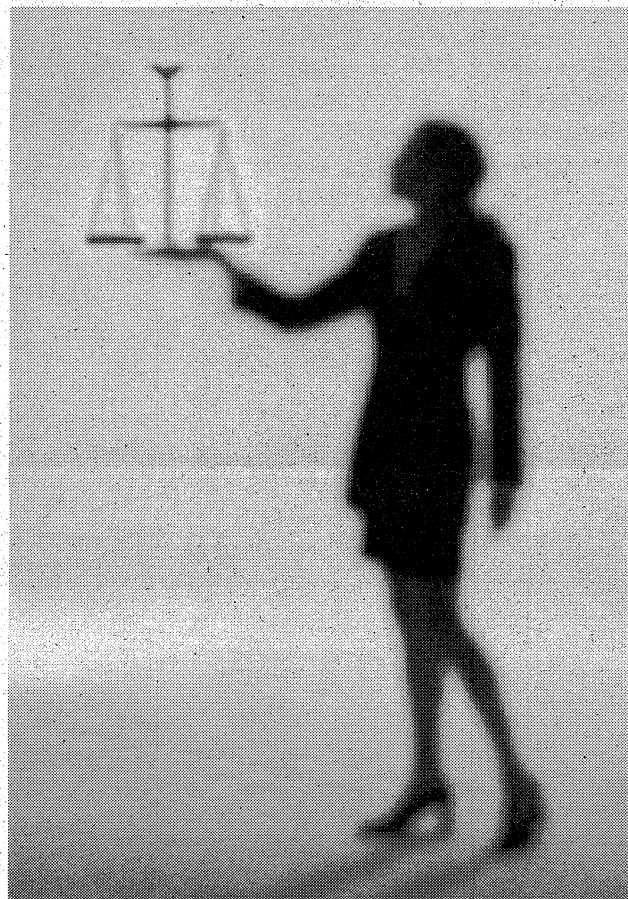
Q: What advice do you have for students?

McAllister: Don't lose sight of the reasons that you came to law school. If you are a 1L, write them down, and look back at them when you are a 2L, and then again when you are a 3L. If your objectives have changed, that's fine, but be aware and reflective about how and why they are changing.

Q: What steps did you take to get to where you are now?

McAllister: I spent a lot of time learning – through ten years of graduate school, and legal positions in the governmental and non-profit sectors.

Please see McAllister, continued page 15



Spotlight, continued from page 1

started.

Q: What led you to coordinating the Guardianship Clinic?

A: I have been volunteering with the clinic since my first semester of law school, and it has been one of my most rewarding experiences so far. It is unique for a law student to be able to directly facilitate such concrete, positive change in the lives of children. I decided to become the coordinator to encourage other students of all years to take this great opportunity, and hopefully improve the process a bit as well.

Q: What else do you do outside of law school?

A: My biggest commitment outside of law school is being a CASA for a foster child in dependency court. The CASA position, while related to the legal field, does not require any legal education—it is open to any community volunteer.

Q: What is a CASA?

A: CASA stands for "Court Appointed Special Advocate." As a volunteer, I am assigned to the case of a dependent child identified as having a special need for advocacy. My job is to meet with the child, his parents, caretakers, social workers, teachers, and anyone else involved in the case. After assessing the situation and identifying the child's needs, I make recommendations to the court about his placement. The judge tends to give

great weight to a CASA's report because the CASA can focus on only one case and often has more information than anyone else in court.

Q: What have you learned about family law/adoption law/dependency law and how the law interacts with women?

A: In dependency, it is actually men who are often disadvantaged. Since the paternity of a child is not always clear, the law gives men in some situations an affirmative duty to establish fatherhood in specific ways. If they fail to do so, they can be prevented from exercising their rights to raise and support their children. This becomes especially problematic if the mother wants to place the child for adoption or otherwise does not want the father to be involved. Women, on the other hand, usually do not need to take any action to claim their rights as mothers since they are present at birth.

Q: What was one successful experience you had this summer and how did the law protect your client?

A: At the guardianship clinic, most of our clients are relatives who are caring for children because the parents are either unwilling or unable. Occasionally, though, we will see parents who are ready to resume their responsibilities. For example, a mother came into the clinic recently who had been fighting a drug problem. Guardianship of her children had been granted to their grandmother while she got treatment. Now she had gotten her life back under control and wanted to terminate the guardianship to bring her kids home. I think cases like this one illustrate guardianship at its best—a loving, responsible, and hopefully temporary solution to help families through difficult times.

What Can You Say in Six Minutes?

by Kathryn Snyder, *staff writer*

In a semester of firsts, the Women's Law Caucus introduced their first-ever Speed Networking event on the evening of November 1, 2006. Twenty-five attorneys and judges sitting in groups of two or three spoke to students about the practice of law and their own experiences in law school.

Students, attorneys and judges spent the better part of two hours getting to know each other over shrimp cocktails and well-priced beer. The 2nd floor of Warren Hall was set up with tables for the meetings and a special area in the Faculty Reading Room was set up for guests with overpriced, but delicious school catering.

The event began with a "Mingle Session" where students and attorneys could approach one another; the structure began shortly after that. Participants were seated at tables, and every six minutes, students would get up and go to the next table. By the end of the night, each student had the opportunity to meet every attorney and judge in the room.

There were some starter questions, in case breaking the proverbial ice proved difficult. For example, students could ask "What advice would you give someone starting their law practice?" while attorneys/judges could ask "If you could be a blade of grass or a doorknob, which would you be?" From both the student and the attorney perspectives, the event was a huge success.

"I was a little intimidated at the thought of being one-on-one with attorneys and judges until I realized that that's what I'll be doing for the rest of my career," said Christine Diaz, 1L. "The speed networking event was a great way to dive in and to quickly get comfortable with the whole idea."

"WLC's speed networking was by far the best program I have attended in law school," commented Saerin Cho, 2L. "It was both fun and professional. Seeing the variety of personalities among practitioners from all areas of law made me realize that my degree will take me anywhere I want to go."

"I thought the event was great," said 3L, Erin Drenning. "I've already contacted six of the attorneys I met last night to set up informational interviews. One of the recent grads who attended wrote me back immediately and said that it was a much better event than anything that was offered while he was at USD."

Being the event's first time there was, of course, room for improvement. Students and attorneys both wished they had more time to interact, as well as a lower student/attorney ratio. Some students suggested breaking it down by area of practice, so students could spend more time interacting with attorneys in their field of interest.

Please see Speed Networking, continued page 11

Q: What was one frustrating experience you had this summer and how did the law not protect your client?

A: When a child is removed from his parents, the goal of dependency is to assist the parents in addressing their problems to make reunification possible. The mother of the child for whom I am a CASA lives out of state. Her social worker here in San Diego obviously has little knowledge of what services are available to a client in Louisiana. The mother had to pursue parenting classes, counseling, and drug testing on her own, and then had to struggle to obtain documentation from her providers that met the San Diego court's standards. The court came close to terminating her parental rights simply because the evidence on file did not accurately reflect the efforts she had made. More adequate procedures need to be developed for situations like this one.

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

A: As a guardianship volunteer and CASA, the biggest frustration for me is always inefficiency in the law. For example, transferring a child to foster care in another state requires something called an ICPC—a process involving evaluation and approval by at least four different offices. Sometimes communication breaks down along the way, and the average wait time for a final okay is about six months. This illustrates that law affecting children is usually well-intentioned, but could be streamlined to serve children more quickly and effectively.

Spotlight is an on-going special feature in Motions, highlighting women in the law.

Parking, continued from page 1

heels, to the law school so that I could make my interview. I am sure the sweat dripping from my forehead made a great impression.

But that's not the end of the story. Flash-forward a few days when I found myself in the same predicament: I was at school nearly an hour early, and after circling for 45 minutes, this time I said forget it (or something less PC) and parked in the 30 minute zone. I received a ticket which I angrily paid out of my riches (otherwise known as skimpy law school loans). A few days after that, I had to drive home and have my boyfriend speed me back to school. Although I was annoyed and frantic, the time it took to break all speeding laws and travel the 15 miles to my house and back still took less time than the west lot shuttle.

Then there's the all-too-often occurrence of the XYZ Conference (a.k.a. "You pay \$35K a year to go to school here, but my non-school-related business takes parking priority over you."). We are more likely to miss class or be late than to find somewhere to park, which is ironic considering the whole reason we have a campus is to learn something from.... class. Students are taken advantage of on such a regular basis it begs the question: who's paying the bills? I thought the students paying tuition were the priority of the University?! Silly me.

What is even harder to understand is why the law students, in particular, seem to get the raw end of the deal. We occupy only two buildings in the school, which are sandwiched in between the parking lot and parking structure. Yet we have such a hard time finding parking in either place. The undergraduates have classes on both sides of the campus, and in several buildings. The law students are short on time, while the undergrads have fairly flexible schedules. Many undergrads live in the dorms, yet are permitted to drive their cars to get a little closer to their class buildings, while the law students have no on-campus living and can't find an open spot. The youngin's park in the LRC/Warren Hall lot, even though they have classes

in neither building, while law students circle endlessly for that one open spot. Makes sense, doesn't it?

So what's the answer? For starters, conferences and other non-USD functions should not take priority over students' needs. The school should take a long look at its priorities – if they want to become an event planning business, then they should go for it. Just refund me the six-figures I'll pay in tuition over 3 years and I'll shut up.

Next, campus parking services needs to realize that parking in the west lot is not a viable answer for law students. Few of us have the time to take an hour-long shuttle to and from our cars – we are busy enough. We show up ridiculously early for classes as it is in order to accommodate our other commitments. Fitting in a long ride from one parking lot to the other isn't something we can pencil in. The undergraduates have classes, their library, and many activities on that side of campus, so why not require that the majority of them park their cars in the west lot? Or, (gasp) leave their cars at their dorm and use the shuttle. There is no explanation for why they need to park in the LRC/Warren Hall lot: if they need to go to the bookstore, they can park in a 15 or 30 minute space, leaving a few precious spots for the scrambling law students.

At the very least, law students should be guaranteed a number of spots in the parking structure (e.g., the top 3 levels restricted to law school parking only). That would not only encourage the undergrads to utilize their many other alternatives, but would help those of us squeezing the most out of our days from having a coronary.

The bottom line is that something needs to change. There is no reason why students that show up forty-five minutes early to school are still late for their classes. We don't live on campus, we don't have access to other parking lots, and we are short on time. From where I stand, the need for major parking reform is evident, either by restricting undergraduate parking zones, increasing law school parking zones, or (ideally) a little of both.

PARKING SITUATION FORUM

USD LAW STUDENTS:

MOTIONS WOULD LIKE TO
PROVIDE AN OUTLET FOR
YOUR FRUSTRATIONS!

WE WOULD REQUEST THAT
LAW STUDENTS SUBMIT
ARTICLES PERTAINING TO THE
FOLLOWING:

- CREATIVE SOLUTIONS TO
THE PARKING PROBLEM
- ACCOUNTS OF USING WEST
PARKING/CAMPUS TRAM
- TICKET NIGHTMARES
- CARTOONS/PICTURES
WHERE APPROPRIATE

PLEASE CONTACT US AT:
USDLAWMOTIONS@GMAIL.COM



Mock Trial Team members pose (L-R, top): Coach Paul Reizen, Connor Hulbert, Greg Smith; (bottom) Katherine Snyder, Indra Bennett, Colin Yuhl, Leslie Flint, Hali Henderson, Hasmik Badalian.

Mock Trial, continued from page 3

For students not on the Trial Team but interested in oral advocacy, the Association of Trial Lawyers of America (ATLA) hosts a Fall and Spring Intramural Mock Trial Tournament. While the Fall ATLA tournament is not used to select trial team members, it is an excellent way for students interested in trying out in the Spring to polish their advocacy skills.

"The Fall Mock Trial tournament is a great experience," said Ben Petiprin, 2L. "Not only does it expose you to a day in the life of a trial lawyer, but it increases your confidence in public-speaking and prepares you for the real competition in the Spring."

The Fall tournament is a great way to get your feet wet when it comes to oral advocacy. The tournament is open to any grade level, and provides an excellent networking opportunity as approximately 40 lawyers volunteered to judge the competition. This year, the 28 teams entered the tournament, impressing the judges and observers with the caliber of their performance.

"I am glad that everyone was able to exercise and practice their trial advocacy skills in real courtrooms in front of real lawyers," said 1L Frankie DiGiacco, tournament organizer. "A lot of work went into putting on the tournament and I can only hope everyone benefited from the experience."

The Trial Team is currently configuring its teams for the Spring regional and national tournaments. Third year students are eligible to compete in either the ATLA or the Texas Young Lawyers competition.

Alumni Torts Tournament Results:

Best Overall	Best Brief	Best Oralist
1. Hasmik Badalian	1. Leslie Meller	1. Dan Jenkins
2. Dan Jenkins	2. Jason Pequignot	Agnieszka Jones
3. Agnieszka Jones	3. Adam Diamant	2. Hasmik Badalian
4. Lyndsey Tadlock	4. Hasmik Badalian	3. Kelley O'Connell
	Lauren Frawley	

Alumni Torts, International Jessup, National Competitions Keep Moot Court Board Busy

by Hasmik Badalian, *associate editor*

Moot Court, one of the oral advocacy opportunities available in law school, is the simulation of an appellate argument wherein students prepare a written brief (typically 15-20 pages in length) and are paired against each other in a mock appellate argument before a panel of judges made up of local attorneys. Another oral advocacy opportunity often confused with Moot Court is Mock Trial, where students replicate a trial court proceeding.

The Moot Court Board at USD has been hard at work since the summer. In the last two months, the Board has hosted two intramural tournaments: the Alumni Torts Tournament and the Jessup International Law Tournament, one national competition: the National Criminal Procedure Tournament, and has competed in a national tournament: the Stetson University International Environmental Law Competition. The Moot Court Board is comprised of the Executive Board, consisting of 3Ls, and the Associate Board, made up of 2Ls. The Board is entirely student run and is responsible for writing the competition problems, finding judges and organizing the competition.

The Torts competition took place September 28-30, and was coordinated by Alaina McDonald, 3L. McDonald created a problem that focused on torts resulting from mutton busting, a child's version of a rodeo featuring a sheep. The two legal issues students had to grapple with were assumption of risk in sporting events and slander per se. The tournament had 28 competitors the first evening, but only 16 were chosen to move on the following night. The final four contestants competed again on Saturday night and faced a very difficult panel featuring Professors Panikowski and Ursin, and Tilisha Martin of the Public Defender's Office.

The Jessup competition was headed by Christ Moffitt, 3L. Moffitt's problem focused on the tribulations between the fictional states of Althus and Rackonia, where a Rackonian citizen charged with terrorism was in danger of being extradited to Althus, a state that practiced stoning as a method of capital punishment. The Jessup tournament is slightly different than the Torts competition in that students compete in pairs, both in the written and oral components. Overall, 16 teams (32 students) competed in the Jessup tournament, but only 8 advanced to the second round, and 2 to the final round. Final round judges featured Justice Joan Irian of the Fourth District Court of Appeal and Professors Claus and Schwarzschild. As Moffitt announced at the beginning of the round, the panel included members admitted into three different Bars: American, British and Australian. Also unique to the Jessup intramural competition is that it serves as a try-out for the Jessup national team. Three individuals were picked from the tournament to join Vanessa Maync, 3L, and complete the Jessup National Team: Dan Owens, Aileen Banellis and Carolina Bravo-Karimi.

In addition to fostering excellence in appellate advocacy by hosting tournaments for USD students, the Moot Court Board competes nationally and has the additional honor of hosting one of the most

Please see Moot Court, continued page 16

First Annual USD Law School

Voir Dire Survey

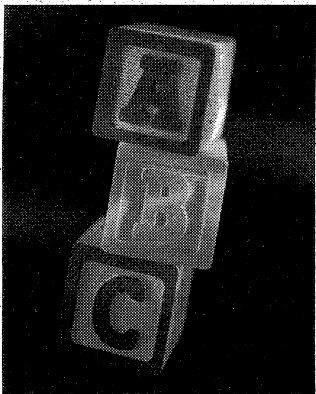
So here's the deal: the editors of *Motions* thought it would be interesting to survey the student body in order to present findings a little more interesting than the average GPA and LSAT scores that are ordinarily available to rank ourselves among our peers. Instead, part inspired by late nights on Myspace and part inspired by the curiosity of Alfred Kinsey, we want to voir dire USD Law on a different set of questions.

Now, this survey does not pretend to be scientific in any way that could be defined by fancy terms in a social science PhD program. We simply ask that interested students anonymously take our survey and drop it into the box located on top of the student mail folders. We'll tally the results and report our findings in the next issue of *Motions*, in February just after the winter break.

Please participate honestly and only once to ensure that the results are as diverse as possible. Thanks!

-The Motions Staff

The Basics



(Circle the answer that best describes you)

1. Male Female
2. 1L 2L 3L 4L LLM
3. Day student Evening student

Generally Speaking

(Circle the answer that best describes you)

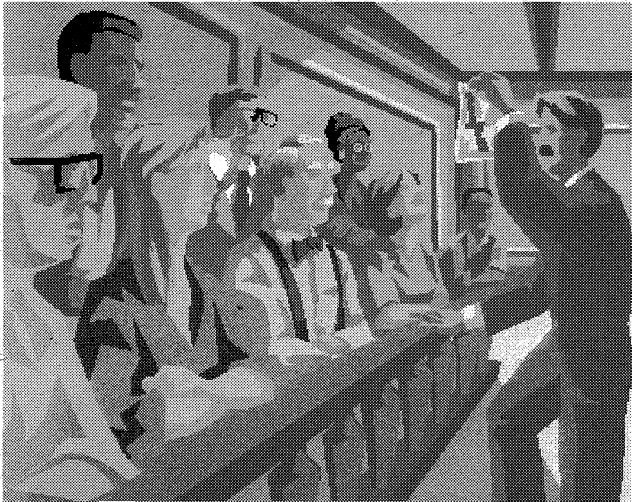
4. Lefty Righty Ambidextrous
5. Boxers Briefs Thongs Commando
6. Mac PC
7. Morning Person Night Person

(Circle the answer that best describes you)

8. Life of the Party Wallflower
9. East Coast West Coast
10. NorCal SoCal
11. Currently:
Live alone
Roommate
Spouse & Family
12. Rather lose your sense of (pick one):
Sight Hearing Touch
Smell Taste
13. Rather be able to (pick one):
Fly Be invisible Read Minds
Live forever
14. Carnivore Strictly Vegetarian
15. Type of Music (pick one):
Pop/Rock Punk Classical
Trance Jazz Country
All Other
16. Britney Spears Divorce:
Tragedy
Thank God
Wait, she was married?
Sign me up as Husband No. 3!

Do you...

17. Have a tattoo?
Yes No
18. Know how to swim?
Yes No
19. Shower daily?
Yes No
20. Have credit card debt?
Yes No
21. Believe in a God?
Believer
Atheist
Agnostic
22. Go to church, synagogue, mosque, or other house of worship:
Weekly
Monthly
Only on holidays
Only before finals
Never



23. Believe in aliens?
Yes No
24. Believe in ghosts?
Yes No
25. Believe in reincarnation?
Yes No
26. Have a spouse?
Yes No
27. Want a spouse?
Yes No
28. Have kids?
Yes No
29. Want kids?
Yes No
30. Smoke cigarettes?
Yes No

Have you ever...

31. Done soft drugs (Ex. Marijuana)?
Yes No
32. Done hard drugs (Ex. Cocaine)?
Yes No
33. Used (illegal) drugs to stay up and study for exams?
Yes No
34. Shared Music over the internet?
Yes No
35. Stolen anything?
Yes No
36. Contemplated Suicide?
Yes No
37. Had a near-death experience?
Yes No
38. Been to a foreign country?
Yes No
39. Lived abroad for more than a year?
Yes No
40. Served on a jury?
Yes No

First Annual USD Law School

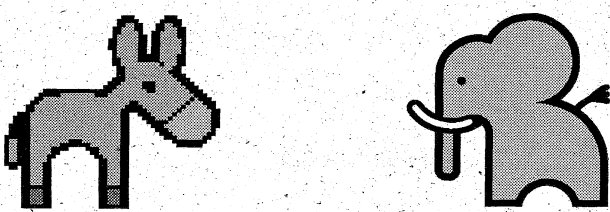
Voir Dire Survey

Generally Speaking

Continued...

- Can you...
41. Speak a foreign language fluently?
Yes No
42. Roll your tongue?
Yes No
- What is your...
43. Favorite season:
Spring
Winter
Summer
Fall
44. Place in the pecking order:
First child
Middle Child
Baby
Only Child
45. Favorite Legal Program
Law and Order
Boston Legal
Perry Mason
Ally McBeal
Lost
46. What do you want for Christmas?
All your loans paid off.
Hot sex
Awesome vacation
All A's

Politics



(Circle the answer that best describes you)

47. Which party do you most closely identify with?
Democrat
Republican
Green Party
Libertarian
None of the above
I don't follow politics

48. Are you registered to vote?
Yes No
49. Did you vote in the last election?
Yes No
- Where do you stand on...
50. Abortion?
Pro-choice
Pro-life
Depends
Not sure

51. Gay marriage?
For
Against
Depends
Not sure
52. Civil unions?
For
Against
Depends
Not sure
53. Stem cell research?
For
Against
Depends
Not sure
54. Affirmative Action?
For
Against
Depends
Not sure
55. Euthanasia?
For
Against
Depends
Not sure

- 56A. Universal Healthcare?
For
Against
Depends
Not sure
- 56B. Addendum: Do you have health insurance?
Yes – Still on parents
Yes – On my own
Yes – Does campus clinic count?
No – Fingers crossed

57. Legalizing Marijuana?
For
Against
Only for medical purposes
Not sure
58. The War in Iraq?
For
Against
59. Illegal Immigrants
Get them out
Let them stay
Build a fence
Who cares?

Work



(Circle the answer that best describes you)

60. Will you be the first lawyer in your immediate family?
Yes
No, raised on the FRCP
61. Do you still plan on being a lawyer?
Yes No Never did
62. Would you move out of state for a job?
Yes No

Would you rather work...

63. For a laid-back boss with questionable ethics
or
Strict disciplinarian of a boss who follows the black letter of the law?
64. At a
Big Firm
Small firm
Solo Practice, own shingle
Corporation, in house
65. Prosecution Defense
66. Civil Criminal
67. Pro Bono Big Money

First Annual USD Law School

Voir Dire Survey

Sex

(Circle the answer that best describes you)

Would you rather work...

68. Long hours with lots of financial rewards

or

Easy hours, but with little money

69. Too hard Not at all

70. In a Team On Your Own

71. Have you ever been fired?

Yes No

72. Would you rather be:

President

Chief Justice

Eat, Drink, & Be Merry



(Circle the answer that best describes you)

73. Five Second Rule

or

Five Seconds Too Late

74. Coke Pepsi

75. OJ Apple Juice

76. Del taco Taco bell

77. McDonalds Burger King

78. Quiznos Subway

79. Drinks Shots

80. Best drink?

Beer

Wine

Hard Alcohol

Water

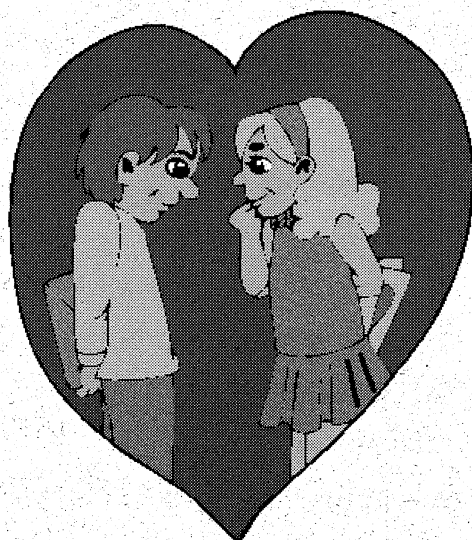
81. Best Beer?

Imported

Domestic

Microbrew

Cheapest



(Circle the answer that best describes you)

82. Lights On Lights Off

Do you...

83A. Masturbate?

Yes No

83B. Addendum: How often?

Multiple times per day

Daily

Weekly

Monthly

84. Own porn?

Yes No

85A. Have an STD?

Yes No

85B. Addendum: Ever have one?

Yes No

86. Get tested annually for STDs?

Yes No

87. Use:

Condoms

The Pill

Both

Other

None

Have you...

88. (or your partner) Ever had an abortion?

Yes No

89. Ever had a one-night stand?

Yes No

90A. Ever hooked up with a law student?

Yes No

90B. Addendum: How did it end?

Good

Bad

Ugly

End? It's not ending!

91A. Ever had a same-sex experience?

Yes No

91B. Addendum: Ever wanted one?

Yes No

92. Ever cheated on a partner?

Yes No

93. Ever dated someone more than 10 yrs. older or younger than you are?

Yes No

94. Had a crush on a law school professor?

Yes No

95. How old were you when you lost your virginity?

Still a virgin

14-16

17-19

20-23

over 24

96. Number of sex partners?

None

1-4

5-9

10-14

15+

97. Are you a member of the "Mile High Club?"

Yes No

Would You Rather...

98. Great Sex with a Stranger

or

Okay Sex with Someone Special

99. Be well Equipped Be rich

100. Date Someone Smarter than You

or

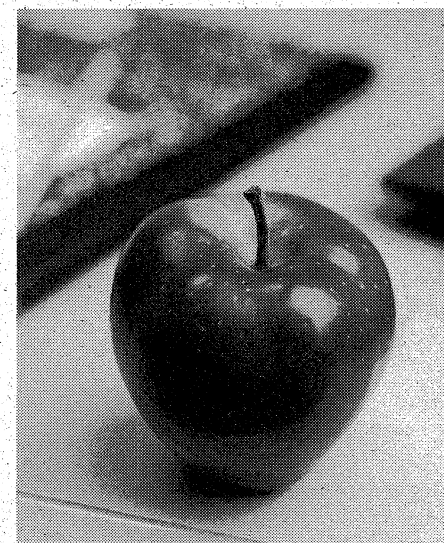
Not as Smart as You

101. Date Someone Funny

or

Date Someone Sexy

Law School Confidential



(Circle the answer that best describes you)

102. If you could start over, would you still go to law school?

Yes No

First Annual USD Law School
Voir Dire Survey

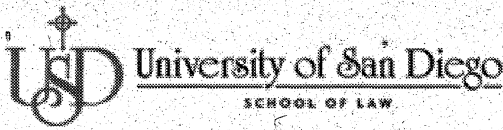
Confidential
Continued...

(Circle the answer that
best describes you)

103. Is law school as hard as you
expected?
Yes No
104. Ever thought you bombed a test and
got an A?
Yes No
106. Socratic Method
Love it
Hate it
107. How many hours a week do you
study?
None
1-5
5-10
10-20
20 or more
108. Do you use commercial outlines?
All the time
Sometimes
Not at all
109. Where do you buy most of your
books from:
USD Bookstore
Amazon
Other
Don't read for class
110. Feelings on Wireless Internet
Couldn't Survive Without It
Distraction
Indifferent
111. What is your favorite online activity
in class?
Who Wants to Be a Millionaire?
Online Poker
Solitaire
Surf
Myspace
None
112. Ever cheat on a law school exam?
Yes No

113. Ever see anyone cheat on a law
school exam?
Yes No
114. Ever gone to class drunk?
Yes No
115. Ever cried after a law school
exam?
Yes No
116. Ever thrown up after being called
on?
Yes No
117. Ever refuse to share an outline/
notes?
Yes No
- 118A. Do you
Handwrite Exams More
Use ExamSoft More
- 118B. Addendum: If you've used both,
have you noticed a difference?
Yes
No
Only used one or the other

USD Law,
In Particular



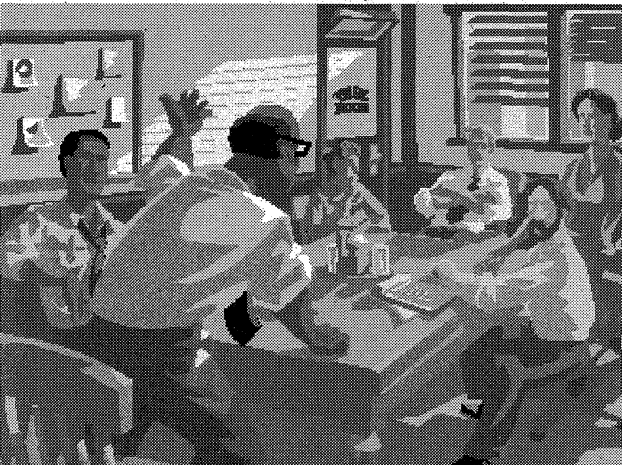
(Circle the answer that
best describes you)

119. Assuming you would still go to law
school, would you still go to USD?
Yes No
120. Should USD require Tax 1?
Yes No
121. Should Law Skills I
Be graded
Pass / No-Pass
122. Are Grades Arbitrary?
Yes No
123. What needs to improve the most?
Registration process
Career Services
Parking
Vending Machines
SBA Events
Financial Aid
124. Should third years be given
preference in class registration?
Yes No
125. Online/Live registration
Would be a god-send
Doesn't really matter to me
Paper prevents impulsive choices

126. Have you gotten a job through the
career services/OCI?
Yes
No
Never had a legal job
127. Do you study on campus?
Yes No
128. LRC...
Love it
Hate it
129. Is USD Law diverse?
Yes No
130. How often have you been to bar
review?
All the time
Occasionally
Once or twice
Never
131. Have you ever used West Parking?
Once or twice
Daily
Never
132. Average time it takes to find
parking?
No wait
Within 5 minutes
5-10 minutes
10-20 minutes
Over 20 minutes
133. Ever had to park off campus to
make it to class?
Yes No
134. Should law students have their own
reserved spaces?
Yes No
- Finally...
135. What would get you to read
Motions more?

136. How could Motions improve?

FIN! PLEASE DROP IN THE MOTIONS
BOX ABOVE THE MAIL FOLDERS



ADVICEary Opinion

by Jessica Klein, *associate editor*

Q: As a 1L, I have heard a lot about "outlining," but have never done it before. Is there a certain way to do it, and how do I know if I'm doing it correctly?

A: To begin with, it is very important to know what kind of limitations, if any, each of your professors has with regard to outlines. Some professors allow commercial materials while others strictly forbid it. Often times, the restriction will fall somewhere in between. It is a violation of the student code of conduct to bring any restricted materials into an exam, so make sure you know what is allowed in each of your classes.

The purpose of the outline is not the finished product so much as the process of making that product. If you are under the impression that your perfect outline will carry you through an exam, you may be a little surprised. Ideally, consulting it should be to double check what you wrote from memory (e.g. to make sure you didn't forget to list a possible tort or policy argument). Outlining is meant to help you re-organize, re-hash, remember and review what you have learned over the semester, and to identify what you did not learn so well the first time around. It gives you the opportunity to put the material into a format that works for *you*. Some people like checklists, others use flowcharts and graphs to make their outlines visual. Others are wordy and like to paraphrase the law and pre-write possible essay answers. Whatever the end-product might look like, the

point is that it is a uniquely personal preference and you should do what works for you and not what you think you should be doing. You have been successful in your study tactics to have gotten this far, and there is no reason to doubt that approach now. It is especially tempting to look at what other people are doing and question your own strategy. Do not fall into this common 1L trap.

That said, remember that there are other options besides outlining which might be better suited to you. I know one person who decided after the first semester that outlining is not the best approach for her. If you find that to be true for yourself, you might look into using flashcards, reading hornbooks, writing practice exams (you should make time to do this regardless), using the *Examples & Explanations* series, CALI, or any of the many other resources available at the LRC.

Speed Networking, continued from page 5

Many attorneys and judges expressed their interest in participating in this event next year, and would bring their friends along. Women's Law Caucus Speed Networking is here to stay. If you did not get the chance to attend this semester, WLC is planning to have another one next semester.



The Women's Law Caucus held their first ever Speed Networking event on November 1, 2006 in Warren Hall.

MOTIONS NOW HAS IT'S OWN VERSION OF DEAR ABBY

THE *ADVICEARY* OPINION COLUMN, WHICH IS BEING RUN BY NEW ASSOCIATE EDITOR, JESSICA KLEIN, WILL ATTEMPT TO ANSWER ANY QUESTION PUT FORTH WITHIN REASON.

(BASICALLY, PLEASE RECALL THE REASONABLE PERSON STANDARD FROM 1L.)

STILL CONFUSED? PERFECT!

SEX, RELATIONSHIPS, SCHOOL, FINALS

SEND QUESTIONS, WITH "ADVICE"

IN THE SUBJECT LINE, TO:

USDLAWMOTIONS@GMAIL.COM

Macs and ExamSoft: Hopelessly Incompatible?

by Brad Johnson, *staff writer*

According to a 2006 survey by research group Student Monitor, nineteen percent of all college and graduate students own and use Apple computers rather than Windows-based PCs. Behind Apple's success in the student computer market (Apple's market share outside academia still hovers between 5 and 8 percent) are the ubiquitous iPod, the superior Mac OS X operating system, and, of course, innovative product design. Apple's recent growth has been widely recognized and capitalized upon by accessories manufacturers, corporate information technology teams, and most importantly, software designers.

Unfortunately, the industry push toward software compatibility with the Apple operating system has not trickled down into the exam software field. SofTest, USD's exam software, is a case in point. For those of you who have yet to encounter your first law school exams, SofTest, produced by ExamSoft, allows students to take exams on their computers. However, SofTest works only with the Windows operating system, leaving Mac PowerBook and iBook owners with a distasteful dilemma: either borrow or buy a PC for exams (you can find a decent example on Craigslist for less than \$200), or forgo typing altogether.

So why does the law school continue to use SofTest, despite its incompatibility with the Apple computers used by a significant student contingent? After all, many companies presently offer testing software that works with both PCs and Macs. According to USD exam administrators, considerations other than universal compatibility guided the school's testing software selection: SofTest is used to administer the California bar exam, and familiarity with that software is thought to be beneficial to students planning to take the California bar.

However, if you're fortunate enough to have purchased a new Intel-based MacBook or MacBook Pro from Apple, you may eventually be able to use your own computer to take SofTest exams. In June, ExamSoft issued the following statement:

"ExamSoft has completed its evaluation of SofTest's compatibility running on Mac Book and Mac Pro where Windows.XP has been installed utilizing Boot Camp. We are pleased to confirm all SofTest functionality successfully operates in this environment."

The new Intel-based Macs are capable, through Apple's Boot Camp software (available from Apple's website), of running the Windows operating system just like a Windows-only PC, and consequently, are capable of running SofTest as well.

However, "eventually" is the operative word; in early September, Dean Cole issued a statement explaining that the school will not allow students to use their Intel-based Macs for fall exams, citing concerns about the reliability of the Boot Camp software. This is perhaps an overcautious position, considering that reliability has never been a question for the Mac operating system and compatible programs. If anything, as many unfortunate students can attest, SofTest is the more appropriate subject of reliability concerns. Nonetheless, Dean Cole left open the possibility of permitting the use of the new Mac laptops for the spring exams.

Please see ExamSoft, continued page 16

Top Ten Law Movies of All Time

by Brennan S. Kahn, *staff writer*

10. *Chicago* (2002) – Catherine Zeta Jones, Renee Zellweger, and Richard Gere

Some might claim this is not a "law movie." To those few, they should remember that the plot of "*Chicago*" involved murder, prison, a sleazy lawyer and an elaborate trial. A whimsical musical isn't mutually exclusive to the legal doldrums of this list; it simply is mutually exclusive to the top five. With song and dance, an exaggeration of the criminal legal process, and women in lingerie, this movie makes the top ten. Try and stop me.

9. *The Shawshank Redemption* (1994) – Tim Robbins and Morgan Freeman

A little known fact – this movie was based on the writings of Stephen King. Yes, he does more than make horror movies with zombie cats and produce books faster than Ford makes mobile machines of tort liability. This is another movie which teeters on the edge of the "law" category. "*Shawshank*" is a prison movie that tells the tale of a man wrongfully convicted, sentenced to a life of prison and accounting. If not for a lack of a good trial, this movie might possibly be first on the list. If you haven't seen it, rent or buy it now and maybe we, as a society, will let you show your face again.

8. *The People v. Larry Flynt* (1996) – Woody Harrelson

Who doesn't love Larry Flynt? Who knew he was more than someone who heroically challenged the Supreme Court of the United States of America? Can you believe it, the guy sold pornography too? Who would have thought it? The audacity! The nerve! The good business sense? Before the stores, the casino, the trendy t-shirts that parents apparently allow their teenage daughters to wear, and the magazine offshoots, there was Larry Flynt, Hugh Hefner's evil twin, standing up for the common man... or pervert.

7. *The Hurricane* (1999) – Denzel Washington

Professional athlete goes to jail. Heard this one before? No, not when the athlete is former people's sexiest man of the year Denzel Washington! Or should I just call him "Denzelllllllll" as Oprah so famously does? In all seriousness, this is a stirring story of an up-and-coming boxer who was wrongfully convicted of triple murder only to spend his life trying to prove his innocence. The result? He became an inspiration to all and continues to do so through this movie.

6. *Capote* (2005) – Philip Seymour Hoffman

Hoffman won an Oscar for this movie. Watch it and you'll know why.

5. *A Civil Action* (1998) – John Travolta

Thankfully, John Travolta decided to take a break from Scientology to make a decent law flick. This movie is an attempt to throw a bone to all those tort lovers out there. Actually, "*A Civil Action*" is just a really good movie with a surprising cast of great actors including Travolta, Robert Duvall, William H. Macy, John Lithgow, Tony Shalhoub and James Gandolfini. The basic plot involves an issue of contaminated drinking water which causes health problems in children. A lawyer who wants to make a buck ends up sacrificing everything to protect the underdog; this is our collective future as lawyers... live it, learn it, love it.

4. *Erin Brockovich* (2000) – Julia Roberts

Maybe this movie should be titled "*A Civil Action II*." In the same theme, an even better version comes along, with *Pretty Woman* herself to boot. This movie proved two things – that a mother on a mission is unstoppable, and that showing the right amount of cleavage can win you an Oscar. On second thought, the jury was

Please see Movies, continued page 13

Business Cards, continued from page 1

opportunities. Remember that good relationships are built over time, so making the effort now will pay off later. Below are some tips to help you follow up once you meet a new acquaintance, and aid you in maintaining relationships with your existing network:

Start and maintain a contact database.

Put business cards into rolodexes, Outlook or Excel spreadsheets. Pick what works for you, but be systematic about it. Get in the habit of inputting new contact information when you meet someone and updating it as necessary. You may want to make a note of certain details, such as when and where you met, his college and law school alma mater, any friends you have in common, hobbies and interests you share, or a topic you discussed at length.

Practice good manners. A good rule of thumb is to ask yourself how you would want to be treated in the same situation. Don't be a stalker. Don't be annoying. Be flexible and understand that other people are sometimes busy and under pressure.

Don't ask for a job right away. How would you feel if someone you just met asked you for a job recommendation? You would probably feel uncomfortable if you did not know the person very well.

Call, email or write within one week of meeting a new acquaintance. A timely follow up to the first meeting is essential. A new acquaintance will have an easier time remembering you if you make contact within one week of your meeting. You will want to politely remind someone when and where you met in your introduction. For example, I might call and say, "This is Catherine Tran, and we met last Thursday at the San Diego County Bar Association mixer."

Send a handwritten note. One of my former co-workers writes personal notes to everyone he meets, and his network is amazing. Assuming that you have legible penmanship, personal notes leave a good impression. Handwritten notes take more time than an email, but are more memorable and personal. It may be impractical for you to write notes to every single person you meet, but you could write notes to people you with whom want to build good relationships.

Invite new acquaintances and existing contacts for coffee or lunch. Get to know new acquaintances and find out what else you have in common. Ask them about work their and experiences. They might even spring for lunch, taking pity on you as the poor student. Also, meet with existing contacts to catch up and talk about new projects or activities.

Ask for advice. People like giving advice and take it as a compliment that you ask for it. They feel flattered that you would ask for their opinion and experience. For example, if you are interviewing with an office with which your contact is familiar, ask him/her to give you the inside scoop. Or if you are deciding between two job offers, ask for his/her thoughts on the advantages and disadvantages of both offers.

Ask for referrals. This is in the same vein as asking for advice, but you are asking her to help you expand your network. You may be interested in employment law, so you ask your contacts to refer you to people working in employment law. Then, ask those new contacts for informational interviews, in which you ask questions to learn about that area of law or what their work is like.

Send an item of interest. It could be an article you read in the *New York Times* about U.S.-Korea relations because you remember that your contact is interested in international issues, especially nuclear power and diplomacy in Asia. It could be an invitation to an event featuring Supreme Court Justice Scalia because you know your contact is a member of the Federalist Society. You can also forward job announcements to people who may be interested or might know of job seekers well-suited for the position. The point is that you let your contacts know that you are thinking of them.

Send birthday and/or holiday cards. If you find out someone's birthday, make a note of it in your contact database and send a card on the appropriate day. I know someone who sends greeting cards for St. Patrick's Day. It always stuck out in my mind because it was unusual but fun. Who doesn't like getting mail?

Email updates about your life, new projects and/or jobs. People like to know what other people are doing. One easy way to do this is an annual newsletter that you send out during the holidays. You should send contact information updates when you change jobs or move to a new home. You can also recruit help for a project. When I was training for the Mardi Gras Marathon last year, I sent periodic emails about my progress.

Say thank you. Genuine appreciation and a proper thank you will make it more likely that a person will help you again in the future. A small token gift can do

Battle of the Brains: Hey Professors, Socratic This!

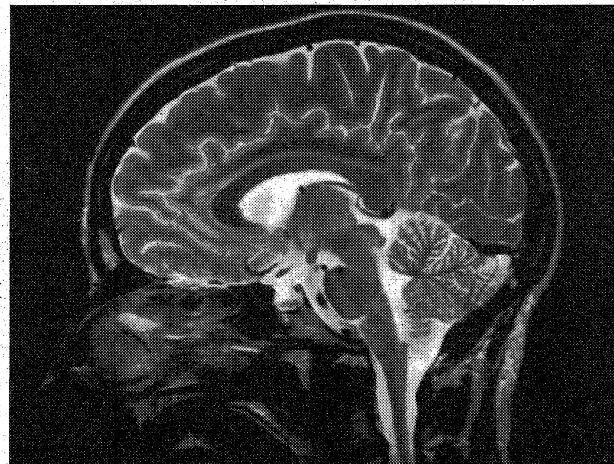
Eddie Tsang, *business liaison & staff writer*

You know how in Jeopardy, whenever a contestant gives an incorrect "question," Alex Trebek condescendingly looks over his old lady spectacles and says, "I'm sorry, the correct response is 'Who is Martin Short?'" and you think to yourself, "This guy. I'd like to see how good he is when he doesn't have the answers in front of him?" Well, sometimes that's how I feel about law professors.

I know I'm not alone in this opinion. I'm sure many of you have thought something along these lines to yourself. Now, we finally have the chance to prove it. Sure, maybe professors know the intricacies of the Erie Problem, and what the 9th Amendment is (the ugly stepsister to the more popular 1st, 4th, 5th, 6th, and 14th amendments), but do they know that Vin Diesel used to break-dance? Or that Nicholas Cage is a Coppola? Or that *Drumline* is the greatest movie ever made? The answer is probably not!

Well, it's time to put your money where my mouth is. The Battle of the Brains is quickly approaching. My challenge to you is to rise up and support your fellow students as we show these professors what we're made of. Show them that on any given day, our street learning makes their Socratic Method look like Blues Clues. We may not know everything about this thing they call the "law," but we know plenty of other useless information. I, for example, may not remember what "indebitatus assumpsit" is, but I do know plenty of other Latin sounding phrases (or spells, to be more precise, since I learned most of them from Harry Potter).

Attending the Battle of the Brains does more than support your fellow students in their intellectual coup. The USD Diversity Committee is hosting the event as a fundraiser for the USD Legal Clinics. While most of you have heard about the clinics, I would guess that fewer of you have actually participated or have even seen its offices, since most of them are on the west end of campus near the mysterious "West Parking Structure," the fantasy land where parking is convenient and the ensuing shuttle ride doesn't make you want to stab people in the face.



The clinics are a huge asset to our law school, and this is a great opportunity to support them. I've personally spent a lot of time in the clinics, partly because they have really clean, spacious bathrooms, but mostly because I wanted to help people while gaining practical legal experience. The clinics offer students an amazing chance to gain real work experience, for school credit, while benefiting the needy populations of San Diego. For more information, check the clinics website at: <http://sandiego.edu/usdlaw/academics/clinic>.

The event is free to the general public and we need your student support in this historic First Annual Battle of the Brains. You might be asking yourself: how do we expect to raise funds by throwing a free event? How do you get something from nothing? This isn't, after all, a lawyering skills open memo.

The USD Diversity Committee has tapped into local media and has solicited donations from alumni and local law firms and agencies. The checks have already started arriving, and we expect this venture to be a huge success. All funds raised will go to the USD Legal Clinics. All we need is a maniacal crowd to jeer and riot. But only at appropriate times.

So this is a call for all you students to unite and go neuron-to-neuron with our Law Faculty to help a good cause. Come join us on the battlefield. Do not be intimidated just because they are Professors. They're only human, and in this Battle of the Brains, my guess is they arrive unarmed.

For more information on Battle of the Brains, including rules, format, times, and locations, please check <http://usdbattleofthebrains.blogspot.com>. See you on November 29th!

* The clue is: This actor is exactly three times more irritating than Robin Williams.

Three Week Job Search

Tiffany Keith, *contributor*

Three weeks after I began my job search, the enemy raised his white flag and gave up. I found a job; strike that, I found three jobs. I interviewed at several different law firms, and three came back and offered me a job. Two were in Orange County and one was in San Diego. All three jobs were in civil litigation, and the final decision was between a medium-to-large sized firm in Orange County, and a small law firm in San Diego. I opted with the firm in San Diego because I thought the firm had more of what I was looking for in terms of lifestyle.

So, if your head is spinning over how fast this whole process went, don't worry, mine was too. All I can say is that I think this is normal. When I graduated last May, very few of my friends had jobs, but now, almost everyone has one, and in San Diego. I think what it comes down to is actually putting in the effort to get a job.

First, tell everyone you know that you are looking for a job, even people who aren't in the legal profession – you'd be surprised at who knows where the open jobs are. Second, look at the legal newspapers daily. Third, consider other locations – yes, I know, everyone dreads this aspect of the job search, but suffice it to say, there were many more job openings in Orange County than down in San Diego, and the O.C. has a bigger legal field so less of the hiring there is done on a who-do-you-know basis. Fourth, make sure you send out a certain number of resumes each and every day; for me that number was five. Even if there weren't five ads, I would send resumes out blindly, but I made sure to personalize my cover letter, usually stating that while they haven't advertised the need for an attorney, I am a good catch because the firm can hire me and train

Please see Job Search, continued page 16

the trick, but a handwritten note can be just as effective.

Pay it forward. Share your experiences and contacts with others. If someone asks you for coffee, lunch, or an informational interview, do it. Your network grows as your contacts expand. Helping others will help you in the long run.

Putting time and effort into developing relationships is an investment. It takes time, but the payoff could be your next job.

Marriage, continued from page 4

Although there are no constitutional amendments barring gay marriage, other enacted marriage laws restrict marriage to heterosexual couples. The court acknowledged this in its opinion, and affirmed that gay marriage is not a right fundamentally protected by the New Jersey constitution. Like the Vermont decision allowing civil unions in 1999, the New Jersey ruling grants equal legal benefits to gay couples. However, the court continues to reserve the term "marriage" for unions between one man and one woman.

New Jersey is a largely democratic state, and gay rights activists hoped it would be the next to legalize same-sex marriage. All seven justices on the New Jersey Supreme Court believed that gay and lesbian couples should have the benefits of marriage rights. However, the three dissenters contended that the term "marriage" should apply to gay partners as well.

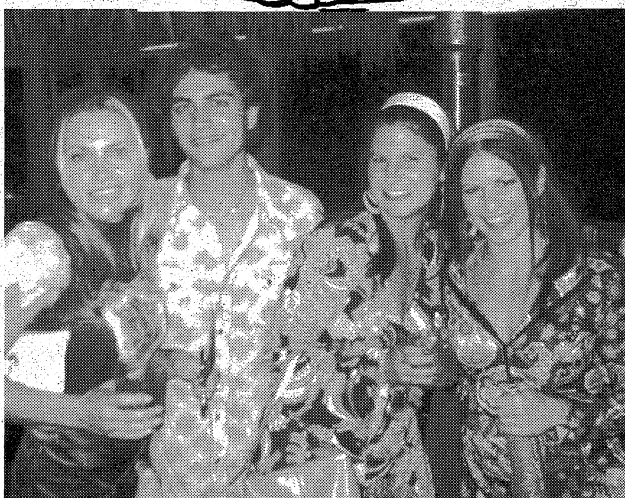
Although civil unions grant certain legal rights to same-sex couples within a state, according to gay and lesbian advocates and defenders, there are still differences between a civil union and marriage. While civil unions provide some legal benefits at the state level, they do not extend to federal provisions such as tax and Social Security survivor benefits. Additionally, the use of the word "marriage" versus "civil union" has other legal consequences. While most states recognize marriages and have acts specifically defining marriage as between a man and a woman, civil unions are relatively absent from the legal language.

While gay rights activists are pleased with the affirmation of equal rights, they were hoping for the right to marry. On the other hand, opponents of gay marriage are relieved that the term "marriage" was not extended to same-sex couples. Some opponents however, accuse the court of being too activist, and believe it has further threatened the idea of marriage.

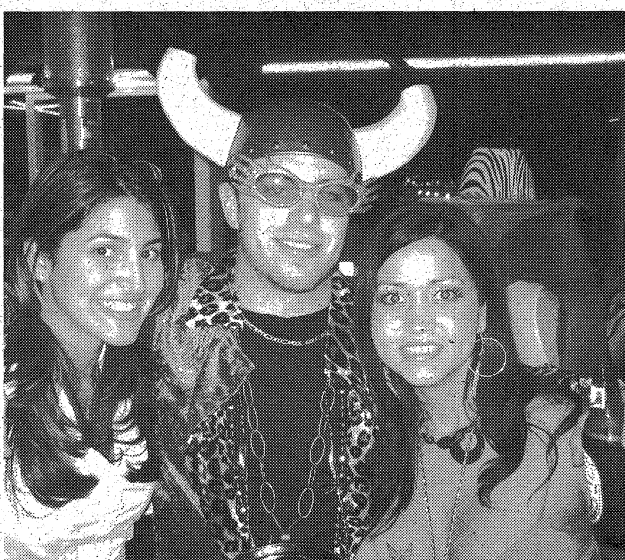
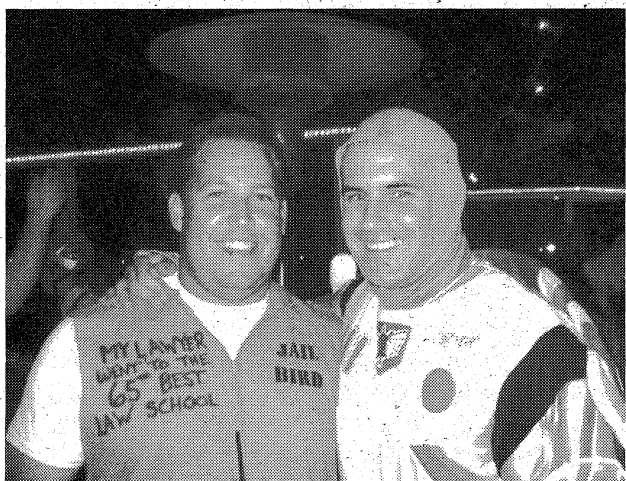
For gay marriage to become legal nationally, activists would have to challenge it first on the state and then on the federal level.

The legislature will have six months to modify or change statutes regarding same-sex unions in New Jersey, and any further action regarding marriage rights for gays will be at their discretion.

2006 SBA HALLOWEEN PARTY PICTURES



FRIDAY, OCTOBER 27, 2006



AT CANES BAR & GRILL IN MISSION BEACH

Movies, continued from page 11

basically IN on both of those, wasn't it? In any case, for future ambulance chasers, this is a movie that gives you something to live up to. Or maybe I just threw you another bone... go catch.

3. Primal Fear (1996) – Richard Gere and Edward Norton

Before he was kicking his own ass in "Fight Club" and disgracefully adorning swastikas in "American History X," Edward Norton was an innocent looking chap on trial for the murder of a molesting priest. Let's get it out of the way...molesting priest... cliché.... "HA HA." Happy? Anyways, Norton is on trial and represented

by Gere, but the problem is that he cannot remember his crime. The evidence against him is overwhelming and Gere has his hands full. Interested yet? If not, read the summary on the back cover, they do it better anyways.

2. A Few Good Men – Demi Moore, Tom Cruise, and Jack Nicholson

Just when it was safe to come out of the house, another wacky, couch-hopping scientologist comes along. Believe it or not, a man who currently names his children something that sounds like it might belong in the "Lion

King," actually once made good movies. Following up the John Grisham classic "The Firm," Tom Cruise continued to sow his "legal" oats by making one of the most memorable law movies of all time. If you have not come to a point in law school when you suddenly are hit by the urge to say "you cannot handle the truth!!!" (followed by an urge to do something you saw in "Law and Order"), you do not belong here and thus should immediately collect your belongings. Security will escort you out of the building. Thank you.

Please see Movies, continued page 15

INTRAMURAL SPORTS PAGE: SOFTBALL & FOOTBALL

USD Team Wins Softball League

Contributed by an Anonymous Swingers Groupie

Walt Whitman once said, "I see great things in baseball. It's our game, the American game. It will repair our losses and be a blessing to us." Well, softball isn't exactly baseball and I am not really sure which losses he was talking about, but I think we can all still agree that Walt had a pretty good point.

Powered by the encouragement of a dead poet, a crack squad from USD School of Law entered the San Diego County Bar Association Saturday Softball League. The league began on June 24th and includes 25 different legal teams. The USD Law Team plays under the alias "The Swingers" and is managed by 3L Will Springer. On Saturday, October 21st, The Swingers WON the Bar League Championship.

The road to the playoffs was rocky. When operating at full strength, the Swingers seemed unbeatable. However, getting every member of the team to attend the games on Saturday summer mornings was a difficult challenge. Between the Bar Exam, the occasional Vegas run, the extreme heat, and personal dehydration thanks to the Friday Night specials at the Beachcomber, the Swingers often struggled to field 10 players. When asked why he had missed several games, 2L John Hammerstrand replied, "Look bro, it's fricking hot out here and I have fair skin. Sorry, gosh."

As the manager, Will Springer knew he had to get his team's attention in time for the playoffs. "I just sat them all down and explained the situation. I said 'Hey, Softball may be a religion full of magic, cosmic truth, and the fundamental ontological riddles of our time, but it's also a job. I expect everyone to be there at every playoff game.'" 3L Tom Rausch explained the team's perspective on Springer's message, "None of us really knew what Will was talking about, but we were all back in town because school had started and so we were all pretty fired up for the playoffs."

In the opening round of the playoffs, the Swingers played the Black Sox (Cal Western School of Law's team). Led by 3L Charlie Meyer, The Swingers were focused and put on an impressive hitting clinic, and advanced into the second round of the playoffs with a 17-6 victory. When asked to describe Meyer's 3-run homerun in the 4th inning, 2L Andrew Haden said "Man, that ball got out of here in a hurry. I mean, anything that travels that far oughta have a damn stewardess on it, don't you think?"

In the semi-finals, the Swingers faced La Defensa (the Public Defenders Office). The Swingers looked great all-around, but were led by their dominant force on the pitching mound, recent USD Law grad, Matt "Wild Thing" Faler. After throwing a game winning strikeout, Faler was asked to explain the pitch he had thrown to win the game, "It's my eliminator. I've got another pitch. You get a piece of it; I'll let you name it."

In the championship game, the Swingers faced Los Fiscales (the DA's Office). Los Fiscales were known for their aggressive play and clutch hitting and they quickly proved their reputation was legitimate. After the second inning, Los Fiscales had taken a 4-0 lead and 2L Jeff Craig had a bloody nose. When asked about his injury Craig explained, "Well, I am not sure why that guy didn't slide or why he felt the need to elbow me in the face, but I am built Ford tough so I am looking forward to my next at-bat." Craig finished the day going 3 for 4 at the plate, with several great plays at third base.

The Swingers finally started a rally in the 4th inning. With the bases loaded, Will Springer cranked a two-out triple off the fence in deep right-center field. Andrew Haden followed Springer's lead on the next pitch by smashing a line drive double to left field, tying the game. An offensive barrage in the 5th inning, led by recent grads Derek Wilson and Eric Luedeke, put the Swingers ahead 9-4. Tom Rausch, Charlie Meyer, and John Hammerstrand kept the Fiscales' offense lukewarm with their brilliant defense in the outfield. The momentum remained with the Swingers, and after 9 innings they were victorious, winning 13-8.

When asked about his team's victory, the reflective Springer explained, "A good friend of mine used to say, 'This is a very simple game. You throw the ball, you catch the ball, you hit the ball. Sometimes you win, sometimes you lose, sometimes it rains.' Think about that

Please see Softball, continued page 16



The Swingers, SDCBA Saturday Softball League Champs. L-R, top row: Derek Wilson, Carmen Medici, Charlie Meyer, Matt Faler, Tim Malone, Eric Luedeke, and Jared Smith. bottom: Tom Rausch, John Hammerstrand, Andrew Haden, Jeff Craig, and Will Springer

Conference, continued from page 1

1,200 students from almost every law school in the country attend the conference.

This year, the 20 attending USD students constituted the school's largest contingent ever. By comparison, other law schools averaged two or three students. Funding for plane tickets, ground transportation and hotel rooms for the USD students was provided in part by USD Provost Thomas Herrington, and in part by Dean Kevin Cole; individual students contributed only about \$50 each. Members of USD's Public Interest Law Foundation (PILF) Executive Board both lobbied the Dean for sufficient funds to send every USD student that submitted an application, and made all the necessary travel arrangements.

For students interested in working in public interest law, the EJW conference can illuminate many interesting career avenues and opportunities. For instance, in addition to the government positions, employers at this year's conference represented a wide variety of fields, including: labor law, child advocacy, public defense and habeas corpus, disability rights, internet free speech and electronic privacy, civil rights, environmental advocacy, and consumer rights. These organizations offer positions in many cities across the country.

The EJW conference is also an excellent opportunity for law students not specifically interested in a public interest career. For instance, the Department of Justice interviewed to fill summer and post-graduate positions in its Antitrust and Criminal divisions, and the State Department interviewed to fill Foreign Service Officer positions. Additionally, students can, through a one- or two-year fellowship or clerkship, both contribute to important public interest work and gain valuable experience that translates into private-firm employment. Many employers that interview at the EJW conference represent the vanguard in their field.

Granted, most of the salaries offered for post-graduate positions filled through EJW interviews don't approach those that private firms offer top graduates. Nevertheless, many starting salaries exceed \$50,000, and some employers offer loan repayment assistance. Further, to incentivize public interest work, the federal government and private education lenders typically make available loan repayment options to public interest lawyers that are unavailable to other law graduates.

First- and second-year students that missed the opportunity to attend the EJW conference this year may attend the 2007 conference. Application information will be available at PILF meetings in August and September of next year, or contact PILF Board members directly.

Editor's Note: The two sports articles printed on this page contain facts, but at the same time have been written in a satirical manner meant to not only report the extracurricular activities of law students, but at the same time operate to entertain and provide tribute as only sports groupies can.

Sunday Night Lights & The Wisdom of Old Chief

by Michael K. Hayes,
staff writer

Like the zombies in Michael Jackson's "Thriller" video, they slowly make their procession to the field of battle. They come to breathe the crisp Sunday night air and shine under the lights. From the tedium of the library, where they've spent one out of every three hours studying, and two out of every three hours on the internet, they emerge with a mission. From the stupor of the couch, where they have spent the entire day watching football and stewing in their own disgusting Saturday night juices, they awaken with new life. This is the world of intramural flag football, and let me tell you, it ain't pretty. Unlike the Thriller video, these zombies don't dance. Nor do they arrive with a game plan.

"We don't have a game plan because we feel like if we're confused about what we're doing, then the other team will be *really* confused, and that's our recipe for success," explained Tim Blenner, of the Snappers. He continued, "Unfortunately, everyone seems to have copied our strategy."

Most of the time, Blenner's explanation seems to be on point. Except, that is, when Tam's Team steps onto the field. Yes, the team is named after Mike Tam. And he has glorified his name with a collection of athletes who appear to have played sports at some time in their lives. M.V.P. candidates Sam Goble and Kendra Canape lead the all-star cast, while Tam quarterbacks his team and drives them, relentlessly, to victory. They even design and execute offensive plays, much to the amazement of 1L's. Thus far, they are undefeated. But appearances are deceiving. A more critical fan might observe a group of above-average athletes relishing in a relative superstardom that is only possible in the realm of law school intramurals. Tam admits that this may be the case. "But," he says, shrugging his shoulders, "domination is domination, and it's good for my self-esteem."

The Sunday night spectacle is not a laid-back environment. Rarely does a night pass without some measure of controversy. For example, does the *intent* to run a "girl play" satisfy the girl play requirement? Does it count if the ball is thrown in the general direction of the girl? The game officials typically apply a "totality of the circumstances" test, much to the chagrin of Goble, who insists on the necessity of bright line rules on the field of play. "It's like they change the rule every week," he said. "Last week, we sacked the quarterback before he could even release the ball, and they counted that as a girl play. Then this week, when we overthrew our girl, it didn't count. I don't get it."

Flag-guarding has also proven difficult. Many of the females argue there should be a "natural reaction" exception to the rule. Their argument: when a guy reaches down to grab around their rear, their natural reaction is to slap them away. "We're being penalized for reacting, essentially, in self-defense," said one competitor, who chose to remain nameless. The controversies go beyond disputes over the rules. Egos play a huge part, as evidenced by the sideline pouting of one player, during a close game. "I don't want my name in the papers because I want to be thought of as a team player," the individual said. "But really, I'm being underutilized. I was the fastest kid in my grade school, and I haven't slowed down much, since. They need to give me the dang ball."

And don't think for a minute that flag football is a "softer" version of football. Just ask Lola Ajilore, of the Snappers. On a chilly Sunday night reminiscent of Lambeau or Soldier Field, Ajilore was chasing down the opposing team's quarterback, in the crucial last possession of overtime. Her team was up by a touchdown. Just as the scrambling quarterback released the ball, Ajilore collided with her teammate, Dan "The Hebrew Hitman" Everakes, who also was in hot pursuit. The collision left both teammates dazed. Everakes was able to support himself on his hands and knees, and was just lucid enough to reach out in concern to Ajilore, who was lying, motionless, a few feet away. After a few moments, Ajilore was able to clear her head and continue playing, but the sight left most onlookers troubled in their minds. "It was just a nasty hit," said one fan. "I'm amazed she came back into the game." Speaking of the incident, Ajilore said, "It was like running

Please see Football, continued page 16

Strides, continued from page 1

breast cancer. The \$1.1 million raised will support the American Cancer Society's lifesaving research, prevention, early detection, and support programs for thousands of patients and their families.

The American Cancer Society has invested more than \$290 million since 1972 to offer hope to all people touched by breast cancer. Since 1993, Making Strides Against Breast Cancer has been the American Cancer Society's premier event to raise awareness and funds to fight breast cancer. In that time, three million walkers have raised more than \$194 million. Making Strides events take place throughout the country, throughout the year, and are typically five kilometers (3.1 miles) or five miles in length. This year, more than 110 walks will be held throughout the nation.

In the United States, breast cancer is the most common non-skin cancer and the second leading cause of cancer-related death in women. Each year, a small number of men are also diagnosed with or die from breast cancer. Although the breast cancer diagnosis rate has increased, the overall breast cancer death rate has dropped steadily since the early 1990s. Detecting the disease early, at its most treatable stage, can make the difference between life and death. The American Cancer Society provides guidelines and physician education and awareness efforts to increase screening for cancer. It is estimated that approximately \$8.1 billion is spent in the United States each year on the treatment of breast cancer.

Cancer is not just a health issue—but a political one as well. Advocacy efforts by the American Cancer Society affect many of the laws that govern what options are available to people battling cancer—for example, what treatments Medicare is legally required to cover.

Making Strides keeps breast cancer on the public agenda. Walkers and volunteers get the word out about life-saving early detection, which is the best defense against breast cancer. The event helps promote important public policies, including those which provide access to quality health care and screening for all women. Making Strides is also a reminder of the urgency for increased research dollars, so that we may find a cure.

As the nation's largest source of private, nonprofit cancer research funds, the American Cancer Society has distributed more than \$2 billion to researchers since 1946. Of the researchers chosen for Society funding through the years, 38 have gone on to win the Nobel Prize.

The Women's Law Caucus, which also participated in the AIDS Walk, raised \$790 towards Making Strides. WLC team leader, Jeanmarie Harrington, explains why she walked: "I walked because a friend of mine introduced me to this cause a few years ago, and I found the first walk I did to be a very uplifting endeavor. I have been affected by diagnoses of other kinds of cancer, and know how devastating the disease can be. I make it a point to get as involved as I can to make sure other families don't have to deal with the devastating loss of a loved one. There are people who deal with breast cancer every day, many of whom did not have the strength to participate in the walk. We weren't just walking to raise money and awareness of the community. I truly feel the walk helps raise our own awareness. Each moment is precious, and we often take too much for granted."

Volunteering, continued from page 5

teenage years were filled with it. You name it, I did it. I was a Big Sister, I cleaned up highways, I was a summer camp-counselor for inner-city children, I spent holidays (and regular days) serving food at soup kitchens and singing for the forgotten in nursing homes. During the holidays my family even took people in who had nowhere to go. Even when I was working my way through college and didn't have the extra time to volunteer, I sent money to a soup kitchen every month so they could buy food. Giving of whatever I had to give was a way of life for me. This was in large part due to the fact that my family was, in fact, very poor. I know first-hand what it means to have someone give your mom money to buy safe new tires in the middle of winter or to take you shopping so you have new clothes for school. It makes a difference when a family opens their home so you literally have a roof over your head. And it means more than you know when someone who knows you will simply come help your single mom fix something around the house.

So why don't I still volunteer? Why did I give more when I had less to give? I've thought long and hard about it, and I think I know the answer. Volunteering really has nothing to do with any of the reasons why it looks good on paper. Truly giving of yourself – your talents, abilities, resources and time – is about humanity. It's when you actually stop looking in the mirror and look around. And then when you see a need that isn't being met (which you invariably will if you take the time to look), going out and *meeting that need*. This becomes easy when you stop wondering what volunteering does for you, and realize what it means to the other person. When you can truly see that – when you can see what a HUGE and REAL difference it makes in their life – then you've figured out what it's all about.

I lost that understanding. As my family finally got on its feet, and I continued to improve myself through education and employment, I didn't have as much need. Now I'm here at USD Law, and regardless of the differences between my past and yours, we're equals in many ways. Both of us fall in a socio-economic class that few in this country can claim to be a part of (or at least we will once we graduate). You might have been in this class longer than I, but what is no different between us is our ability to reach out and help our fellow mankind. We each have *so much* blessing in our life, and we can easily give some of that abundance to others without depleting our stores. In fact, you can never, and I mean NEVER, have less by giving more. In fact, the principle of giving works contrary to logic (which is a discussion for another day).

In working to attain this place of magnanimity where I have so much to offer the less fortunate, I slowly and methodically poured the foundation to my stumbling block. Every day I that don't wonder when I can buy food again, I forget how that feels. Every day I think nothing of coming home to my own comfortable house in a safe neighborhood, I forget what it felt like to sleep in the home of someone generous enough to offer. Every day I think about what I can do to get the highest paying and most desirable job, I forget what it feels like to wonder if my mom was able to find work today. Every day I try to be smarter or better than the next guy, but I forget that the next guy might not even be able to read. In short, every day I'm operating in my usual self-absorbed way, forgetting the real world is out there just dying for a break. And let's face it, there's not much about law school that isn't about looking out for number one. It takes a concerted effort to see beyond our microcosm and realize that we have more to offer than most in society. Are we giving our fair share? Are we giving even a fraction of that amount? I know I'm not, and I haven't for a long time. But that is soon to change.

Movies, continued from page 13

1. The Paper Chase (1973) – No one you remember, I assure you.

You think you have it bad with the late night cramming, endless highlighting, and the Socratic method? Think again. Imagine a world where laptops had not been invented. Handwritten notes and outlines anyone? Check. Imagine a world where jeans in the classroom did not exist. Sweater vests and curly afros? Check. Imagine a world without Lexis Nexis or Westlaw online. Card catalogs?

Check. This is the world of the law student in the early 1970s, where teachers really demanded that you read, and a world without the technology we complain about so much, yet hold to our bosoms so ardently. It's not called "The Paper Chase" for nothing. Enjoy our predecessors' miseries.

Other Notable Movies – The Devil's Advocate, A Time to Kill, The Rainmaker, Runaway Jury, Rules of Engagement, and Intolerable Cruelty.

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Office, continued from page 2

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?

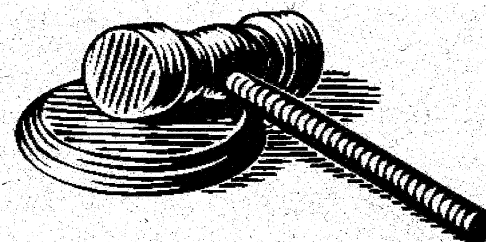
Professor Kelly: I agree. I don't care if he told me I made the argument well, if he'll buy it, that's what counts.

Motions: Bonus question #1. What is the King's Bench?

Professor Kelly: The highest court of England, with the possible exception of the House of Lords. Professor Schwarzschild would know the exact order of supremacy better than I do. It is also the name taken on by a group of law students at Michigan who met for brandy – we couldn't afford cognac in those days, or even brandy better than Korbel – and cigars every Thursday after dinner. Topics ranged from law & politics to poetry & music. Professors made guest appearances from time to time. Membership was open to all who found us (we didn't hide, the student lounge was quite comfortable), though a tolerance for our open and direct conversation (that is, our tendency to insult one another whenever a laugh could be had) was a valuable trait for regulars.

Motions: Bonus question #2. Does that tradition live on?

Professor Kelly: Yes, though not under that name and not with the same regularity. We are scattered across the country. Three of us live in San Diego and gather occasionally. Sometimes the group converges on other cities to resume the festivities.



McAllister, continued from page 5

Q: Is there anything you feel law students should know that isn't taught in law school?

McAllister: Building community – you can do it wherever you are. I suppose the modern word for it is 'networking,' but building community is a little less self-oriented. Spend time enjoying and getting to know the law school community. You are surrounded by intelligent and creative people who will do many important and interesting things in their lives. Create friendships that will last beyond your time here.

Softball, continued from page 14

for a while.”

The Swingers are looking forward to defending their championship next summer and will be using the law school’s Monday Night league to scout for next year’s class of talent.

Congratulations to the Swingers on winning the San Diego Bar League Softball Championship!

Written by an anonymous Swingers groupie and lover of the film Bull Durham (Editor’s Note: As is the rest of the Swingers team, apparently.)

Football, continued from page 14

blindfolded into the Wailing Wall.” For his part, Everakes was sorry that it happened, but maintained, “It’s part of the game. Lola knows that. Everyone knows that. And if you don’t know that, then you don’t belong on the field!”

Why do they play this horrific game? Why do they subject themselves to the pressures, the controversies, the injuries? For the love of the game? For the thrill of victory? Some other cliché reason? “Not at all,” said one competitor who would only refer to himself, cryptically, as Old Chief (of Federal Rules of Evidence fame). Old Chief reasoned: “We play because we are alive. We do not stop playing because we grow old. We grow old when we stop playing.” Stay young, Old Chief. Stay young.

Military Justice, continued from page 4

though he was setting up an ambush for American soldiers by digging a hole for a roadside bomb. After Mr. Awad’s body was brought to a local hospital, the Marines involved were placed in confinement at Camp Pendleton to await charges.

However, prior to a court martial convening, a military commander, who is unlikely to have had a legal education, makes all decisions regarding the discovery process. Mr. Casas pointed out he didn’t feel there was any undue influence by the commanders so far in the process against Mr. Jodka, but he asserted that because military justice hearings are not subject to civilian rules and regulations, different tactics than would normally be employed in civilian cases are used. For example, defense counsel does not have subpoena power.

Learning about such differences was one of the main drawing points for students. Erika Boyd, 2L, stated, “I think it was very interesting to compare and contrast civil justice with military justice.” When asked why she had attended, she recalled a recent visit by the Military Court of Appeals and said, “if you could have seen the process absent the uniforms, you would never know the difference.”

The Marines and a Navy Corpsman are charged with murder; Private First Class Jodka has already faced an Article 32 hearing under the Uniform Code (similar to a civilian grand jury) and is waiting for a court to convene.

Job Search, continued from page 12

me at a law clerk salary, and upon bar passage it can decide if we are a good fit in the long run.

Finally, keep the faith; it is a tough market out there and most of you will not find jobs through OCI. This is not a slam at the Career Services Office – I think they do a great job. Rather, the cold hard fact is that small and medium sized firms simply do not advertise an attorney position 15 or 9 or 6 months before they need an attorney – they hire when they have the need.

So there it is in a nutshell: three installments covering my three week journey looking for a job and now it all comes to an end. I have been working at my new law firm for a few months now, and everything is going well; it is the same for most of my friends. So keep at it, but realize you will find a job, trust me.

ExamSoft, continued from page 11

So, if you’re a USD law student using a Mac PowerBook or iBook (on which SofTest will not work), your exam-taking options may soon include purchasing an Intel-based Mac; though starting at around \$1,000 (with the student discount), this is hardly the most economical solution. But for some Mac die-hards, the extra expense may be worth avoiding the use of a PC or taking an exam by hand.

Innocence, continued from page 4

USD students should be afforded a similar opportunity, so long as there is sufficient demand. I sincerely hope to hear from many of you.

“The innocent neither count nor are they counted. Every unit of government, from the smallest locality to the U.S. Justice Department, totes crimes, complaints, warrants, arrests, indictments, pleas, dispositions, trials, . . . verdicts, sentences, paroles, appeals, opinions. Yet not one number is assigned to represent the distinct matter of the innocent person. No one has the job of figuring out what went wrong, or who did wrong. No account is taken of the innocent person, wrongly convicted, ultimately exonerated.”1

1. B. Scheck, P. Neufeld & J. Dwyer, Actual Innocence: Five Days to Execution, and Other Dispatches From the Wrongly Convicted xvi (2000).

Moot Court, continued from page 6

prestigious national tournaments in the country – the Criminal Procedure Tournament. On October 19-21, the Board hosted the Eighteenth Annual National Criminal Procedure Tournament. Coordinated by 3Ls Tessie Abraham and Kristie Nikoletic, the tournament boasted 42 teams from across the nation. Ryan Caplan, 3L, wrote a meticulous problem involving two issues: 1) the use of evidence obtained through a warrantless search of a probationer when the search is based on less than reasonable suspicion, and 2) adequate notification of 5th and 6th Amendment rights to counsel. Guest judges for the final round featured Justices Cynthia Aaron and Richard Huffman of the Fourth District Court of Appeal and Judge William Q. Hayes of the Southern District of California. Overall, Southern Methodist took first place and Hastings placed second in the tournament. For complete tournament results, please visit the Moot Court webpage.

Lastly, on November 8-11, 3Ls Alanna Pearl and Kirsten Widner competed in the Stetson University International Environmental Law Competition in Tampa, Florida. Coached by Laura Beatty, 3L, the Stetson team advanced past the first three rounds, however they were defeated in the quarter-final round. They received 6th place brief and Kirsten Widner was awarded 3rd place oralist.

Looking forward, the Board is currently working on organizing McLennon, its largest tournament of the year. McLennon involves a Constitutional Law issue and is open to all 2L, 3L and 4L students. It is slightly different than other Moot Court competitions in that it has a classroom component for one unit, has a much larger number of competitors and spans for a longer amount of time.

Jessup International Tournament

- Best Overall
- 1. Carolina Bravo-Karimi & Jennifer Meeker
 - 2. Greg Geissinger & Lyndsay Tadlock
 - 3. Aileen Banellis & Rebekah Goshorn
 - 4. Erin Doyle & Brennan Kahn

- Best Memorials
- 1. Carolina Bravo-Karimi & Jennifer Meeker
 - Greg Geissinger & Lyndsay Tadlock
 - Jerry Gonzales & Dan Owens
 - 4. Aileen Banellis & Rebekah Goshorn

- Best Oralist
- 1. Greg Smith
 - 2. David Voyles
 - 3. Dan Owens
 - Aileen Banellis

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V. EASY

4