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MOTIONS

University of San Diego School of Law

Volume 42, Issue 5

February 2007

The First Annual Thorsnes Vis Int'l Arbitration Premoot: An Int'l Success!

by Cory Nikolaus, *staff writer*

Pioneers at the University of San Diego School of Law are entering uncharted territories and blazing new trails. February 9-11, 2007, USD was host to the first annual Thorsnes Vis International Commercial Arbitration Pre-Moot. Teams from all over the world attended. UC Berkley, Pepperdine, Rutgers, University of Toledo, Universidad Autonómica de Mexico (UNAM), Utrecht University Netherlands, Panamerican University Guadalajara, and USD competed against one another in international commercial arbitration.

The event began Friday evening with a welcome reception at the Pre-Moot honoree's law firm Thorsnes, Bartoletta, & McGuire, LLP in downtown San Diego. Students, practitioners, and a professor gathered to mingle and discuss international law. The first grueling round of competition began Saturday morning with the second round that afternoon. Two final teams competed Sunday morning in the Grace Courtroom, followed by an awards banquet in the UC.

Pepperdine duo Dan Bane and Ted Holmquist were named champions of the competition. Runners up were Utrecht University's (Netherlands) Maartje Bijl and Lanre Okunuga. Berkley's Zack Allen and UNAM's Ignacio Jose Hurtado were named best oralists. The only USD students to walk away with awards were Cory Nikolaus and April Tatton who were named recipients of the coveted "Green Award" for being the only 1Ls

Please see Vis Moot, continued page 8

Int'l Vis Premoot Competition Held at USD Law



FEBRUARY 9-11, 2007, USD Law played host to an international array of teams hailing from UC Berkley, Pepperdine, Rutgers, University of Toledo, Universidad Autónoma de México (UNAM), Utrecht University Netherlands, and Panamerican University Guadalajara for the 1st annual Thorsnes Vis Int'l Arbitration Premoot Competition.

Unofficial USD Bar Stats In by Aaron Dumas, *contributor*

A certain level of smugness/arrogance/complacency existed this year with our class. Many observed that 9 out of 10 of our students pass with PMBR and Bar-Bri combined and that with just one program our pass rate is still in the 80 plus percentage mark. Our incoming class was the highest LSAT scoring group at the time we entered; there was almost a sense of entitlement. We were supposed to be the class that would raise USD's Bar passage rate through the roof. This would be the year

Please see Bar Stats, continued page 6

The Stella Awards, Big Tobacco Verdicts, and Tort Reform by Jared D. Ackley, *editor-in-chief*

Have you ever heard of the Stella Awards? If you haven't, but "have a high debt burden and have not yet secured post-grad employment thus possibly necessitating a career in personal injury law," then get thee into a torts lecture tout de suite (immediately). As can best be determined, there is substantial debate over the authenticity of the awards. The Stella Awards usually take the form of an internet circular lamenting and citing examples of ridiculous lawsuits and are the namesake of Stella Liebeck of spilled McDonald's coffee fame. I recently came across the "awards" on an email printout

Please see Stella, continued page 2



Fundraising Beyond SBA by Cole Cannon, *staff writer*

"The key to successful fundraising is creating a real relationship between the students, the donor, and the program. When, and only when, that relationship is established should the donor be asked to contribute. The result of that relationship is the donor receives back more than he/she gave and the groundwork is laid for continued generosity. The involvement of USD's best asset, the students, is paramount to this process."

- Michael Thorsnes, USD Alumnus '68.

It is true the SBA is the student depository of public funds and is available for the clubs' bidding. However, there is a better way than financial cannibalism. Every SBA treasurer will agree that funds are insufficient to meet every request — even just the reasonable ones! It is almost as if clubs fight for financial survival and every event they host is geared to that end. For those familiar with non-profit work, this may sound familiar. Yet, whatever the club proclivity — educational, career building, sport, diversity, political — there is a solution to

Please see Fundraising, continued page 8

Everyone Needs a Mentor

by Catherine L. Tran,
staff writer

Mentoring is a significant theme in my life. When I graduated college, I worked as a public policy fellow in Sacramento. I had moved to a new city and was working in a new field, politics. I did not know anyone, which was challenging in an environment where who you know is important. Soon I developed mentors who quickly helped me acclimate, introduced me to their contacts and learn the lay of the land.

Since then, I have continued to rely on different mentors throughout my career. They have helped me navigate a wide range of issues, including career decisions, difficult office situations, personal relationships, and life goals. In fact, I am in law school now because of the encouragement of one of my mentors. I was inspired by his love of and steadfast fascination with the law, even after 30 years.

As a wise attorney recently told me, finding a good mentor is like dating. Not everyone will make a good match for you. The key is finding someone with whom you something in common. Often a shared career interest is helpful. You want to be able to identify with your mentor, and she will want to relate to your situation. Many bar associations, such as the Lawyers Club, offer mentoring programs that match students with attorneys in their field of interest. You can usually find mentors at your workplace. You can also ask people you know if they can think of potential mentors who work in areas you are interested. Many mentoring relationships are informal, but you can also ask someone to be your mentor if you feel comfortable.

Look for someone who has the time to take on a mentoring relationship. A good mentor should be supportive. You may get frustrated with a mentor who has trouble returning your phone calls, and that defeats the purpose of having a mentor. Find someone with whom you have a connection or some chemistry because the goal is to trust and speak freely with your mentor.

The onus of carrying out the relationship usually falls on the mentee. Clearly communicate your

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University of San Diego
SCHOOL OF LAW

Motions
Published Since 1963
Formerly The Woolsack
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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

As usual, this issue of *Motions* developed a theme somewhat spontaneously without prompting from the editing staff; a good number of the articles in this issue revolve around spare time in law school and what to do with it. It seems logical that since *Motions* does not have a permanent staff, but rather relies on members of the student body to supply articles and subject matter more or less on their own, that the material within may serve as a rough guide for exacting the temperament of USD Law. Given that student contributions are representative of what is going on in the law school, it makes sense that as we head into the middle of the second semester students feel as confident as they'll ever be about the academic side of things and want new challenges. Articles on the Vis Moot team, fundraising, the Criminal Law Society, and recent debates on campus, along with general musings on the subject of free time will provide readers with a number of things to do as we roll into March.

Additionally, this issue has Part II of the First Annual Voir Dire Survey; some of the results might surprise you! For instance, you'll notice that some of the data collected on Lawyering Skills is included in an article debating the merits of converting that class from a pass/no pass grading system to one where students receive letter grades. Other articles of note concern the importance of mentors, USD Law's bar stats from last July, and a brief overview of how a questionable email may be affecting opinions about tort reform.

Finally, if anyone is interested in getting involved with *Motions*, it is not too late to contribute this year and to find out how to become involved next year. Participation doesn't take much time and allows the 31% of you who would not still go to law school, according to the survey, a shot to try very low-key journalism.

Please email any questions, comments, or concerns to me at usdlawmotions@gmail.com. Thanks!

Jared D. Ackley
editor-in-chief

Stella, continued from page 1

posted on the wall outside Dean Wilson's office in Warren Hall. Now tort reform is an important debate topic in our profession and regardless of which side of the fence you fall, some cases can't help but make you chuckle. It is just important to be able to differentiate fact from fiction, and some quick net searches reveal that the Stella Awards, like the cases presented within, may themselves be somewhat farciful.

I never really intended to go into torts coming into law school and didn't give them too much thought until my very first law school class when Professor Grant Morris broke down for us the logistics of the McDonald's coffee case – Stella Liebeck's case – in a way that made you think, "wow, maybe there was a legit injury if that coffee was hotter than the reasonable person might envision." Finally I had ammunition to rebut the non-lawyer naysayers who almost automatically brought up this case when I mentioned I was going to law school. Well, as it turns out Ms. Liebeck's case later settled before appeal, but of course the concept lives on as a battle cry for tort reform advocates everywhere. As I mentioned above, torts are not my cup of tea (think worst grade in law school in the class that is sometimes referred to as the law school version of gym class), so until investigating the Stella Awards email out of curiosity, I had no idea they were as famous as their namesake in the form of urban legend fodder.

Apparently, before you get too excited about tales of people successfully suing motor home manufacturers for not spelling out that you can't simultaneously be driving *and while the vehicle is still in motion* get up to get coffee in the back, you might take into account what snopes.com has to say about it's investigations of Stella Award emails. Essentially, the emails are usually unfounded and only gain their credibility as other publications mention them without researching their origins. Snopes, an urban

Please see Stella, continued page 3

A Message from the SBA President

by Angeline Anastasopoulos, *staff writer*
Barrister's Ball Recap & SBA Elections

The Barrister's Ball was hugely successful. As any good lawyer would insist, this begs the question: what is your definition of success? First off, while a Barrister's Ball has been attempted many times in the past at USD, this was the first year it had ever been executed. The mere fact that this event materialized into reality could define its success. However, I believe that those of us who have type-A personalities are more ambitious than that. While past SBA boards have considered spring parties successful when attendance reached 150 students, the Barrister's Ball put this number to shame with nearly 270 exquisitely dressed law students. Moreover, the event came in under-budget!

Food was plentiful, drinks flowed, music hung in the air, and feet moved to the beat. Mission Bay sparkled in the background at the Nautilus Pavilion at Sea World. The room was elegant and classy with little white lights adorning trees and trendy hues changing on the white tented ceiling. For those of you who missed this year's Barrister's Ball, you missed out. Make sure that next year you are part of this tradition. The bottom line is that it was a success by any definition.

Speaking of success, pay attention if you would

like to become a leader in the law school: ELECTIONS ARE QUICKLY APPROACHING.

There will be an informational meeting for candidates on Monday February 26th at Noon in room 2A. Unfortunately, there will be no pizza *gasp*... I know, crazy idea; please bring your lunch.

The available positions are: President, Day Vice President, Evening Vice President, Secretary, Treasurer, three 3L Class Reps, three 2L Class Reps, three Honor Court Members, ABA Chair & ABA Vice Chair.

For more information on the duties of each office please see the SBA Constitution and Bylaws at <http://www.sandiego.edu/usdlaw/sba/sbaconstitution&bylaws.php>, or e-mail me at usdlawpres@gmail.com. Another great way to get information is to go straight to the source and talk to the current officers. Their names and e-mail addresses can be found in the "About Us" section on the SBA website.

Declaration of Candidacy forms and your one page Candidate Statement are due to the SBA office by 5pm on Thursday March 1st. Campaigning takes place the following week and the student body votes on Tuesday, March 13th and Wednesday, March 14th between 10am and 6pm.

Crossword Answers

Across

1. Two ships from Bombay - *Peerless*
6. Hall of Justice oceanic superhero - *Aquaman*
7. New (and newly litigated) movie - *Borat*
9. Extraneous words - *Surplusage*
12. Atty.'s Group - *Aba*
13. Misrepresenting dance studio - *Arthur Murray*
15. SBA Halloween party locale - *Canes*
16. ____ Magister (LL.M.) - *Legum*

Down

1. First for Caesar - *Prima*
2. Generic real property name - *Blackacre*
3. ____ enrichment - *Unjust*
4. Equal Justice ____ Law: Engraving on Supreme Court building - *Under*
5. *Calder v. ____* ("I Think I Love You" songstress) - *Jones*
8. Future property interest in a transferee capable of becoming possessory at the natural end of the preceding estate - *Remainder*
10. Judge Hand - *Learned*
11. Banned children's game (and a type of jurisdiction) - *Tag*
14. Only U.S. President and Chief Justice - *Taft*

Sudoku Answers

2

2	8	5	4	7	3	9	1	6
1	6	4	9	8	5	7	3	2
3	7	9	1	2	6	4	5	8
8	4	7	3	9	2	1	6	5
9	5	1	7	6	8	2	4	3
6	2	3	5	4	1	8	7	9
5	3	8	2	1	7	6	9	4
4	1	6	8	5	9	3	2	7
7	9	2	6	3	4	5	8	1



DON'T TRY THIS AT HOME! A law student creates a hypothetical representation of McDonald's coffee spilling on his lap. If the Stella Awards have any merit, perhaps even this can be used as evidence in a lawsuit against the Golden Arches.

Stella, continued from page 2

legends-debunking website finds most Stella lists to be fabrications in support of various tort reform advocacy groups. Countering this is stellaawards.com that bills itself as the "real" Stella Awards, complete with a book that can be purchased on Amazon.com. This site points out bogus versions of the Stella Awards and then offers its proof of real frivolous cases – for a price.

Why does this matter? Why don't I just do my own search of news headlines on LexisNexis to find the genuine crazy legal hi-jinks that we all know are out there; make off with some quick entertainment? Well, tort reform is important and if nothing else seeing this list of lawsuits – even if they are likely bogus – makes you realize that people outside the law see serious problems with the framework upon which our profession is built. As I mentioned above, before I even knew what a tort was, I had to defend the original Stella decision to friends and family.

Although not directly related, the Supreme Court has taken an interest in one aspect of tort reform very recently and with elections seemingly always around the corner, you can bet that politicians and lobbying groups will address every aspect of our legal system – good

and bad – that so much as allow Stella Award situations to form in the minds of average Americans everywhere. The Supreme Court Justices tackled punitive damages related to third-party harm stemming from tobacco use with a decision issued February 20, 2007 in Philip Morris v. Williams. Remember just a couple years ago when some political pundits had a field day over former Sen. John Edwards' background as a medical malpractice attorney? Well, he's running again and there will be more following in his footsteps that draw the spotlight on anyone who practices law. While tobacco cases and the work of a documented political candidate do not seem very peculiar, in order to help preserve the reputation that most lawyers would like to maintain along with their paychecks, the bottom line is to stay informed.

I know that not everyone outside the law takes these extreme cases seriously, and of course lawyers know that some of the most tenuous-sounding stories have all the merit in the world, but the key is perception and knowing that as students of the law, we should be as informed as possible so that we can tell the difference and help set the record straight so people know when a Stella-esque claim has merit and when it is bogus.

Lawyering Skills: The Grading Dilemma

by Peter C. Tucker, *staff writer*

Hypothetical: Let's assume we have a rational player -- a law student -- who engages in self-maximizing behavior with respect to her grade point average (GPA). We'll call her Daisy. Let's further assume that Daisy is enrolled in four classes, three of which are graded one of which is not. For argument's sake, we'll call this one class "Lawyering Skills." Our final assumption is that, Daisy, as a 1L, has a maximum tolerance for law-related work of fifty hours per week (she's a hard worker), in addition to class time (say, fifteen hours per week). Now Daisy needs to allocate these fifty hours between her four classes in such a way as to maximize her GPA. Reading from each of the other three classes will be three hours per one hour of class time -- or approximately twelve hours a week -- not including study time. This adds up to 36 hours per week of homework in order to get a basic understanding of the material. Daisy is left with 14 hours to devote to studying the material for the other three classes, and Lawyering Skills. In other words, Daisy has no time at all for Lawyering Skills. Push, meet Shove.

Sadly, this hypothetical is very real and plays out every fall on our campus as each student comes to realize the heavy opportunity cost of excelling in Lawyering Skills. There are two primary schools of thought on the Lawyering Skills paradox. The first school, which we'll call the "Alpha" school, believes that the overwhelming majority of 1Ls, faced with such a dilemma, allocate Lawyering Skills as much or more time than other classes. The second school, which we'll call the "Economic" school, insists that 1Ls believe that the point of self-optimization lies on the intersection of time and "pass" plotted neatly on a graph. In other words, put in the exact amount of effort necessary to just barely pass, using the extra time afforded for other classes to get a jump on your fellow students therein. The "Wiccan" school's thoughts on the subject are so radical and outrageous as to not be worth laying out here.

The Economic school has criticized the Alpha school for resting on several allegedly faulty assumptions. Chief among them is that the take-away from Lawyering Skills is easily acquired simply by attending class, learning how to use Lexis-Nexis and Westlaw and so

Please see *Lawyering Skills*, continued page 5

Following "The Lion's Trail"

by Mike Sienkiewicz, *staff writer*

Ever wonder what "wimoweh" means? In addition to being a total classic, "The Lion Sleeps Tonight" has a great back story involving two of my favorite things – linguistics and a lawsuit. In 2000, South African journalist Rian Malan uncovered the story of the song and wrote a piece in *Rolling Stone*. That story led to a lawsuit, which led to the Emmy-award winning documentary, which led to this humble article. Until recently, this tale flew under my personal culture radar. I hope you all enjoy this little story as much as I did.

"Mbube" (Zulu for "Lion") was written by Solomon Linda, who recorded it in 1939 with his group The Evening Birds. The Evening Birds were discovered by a talent scout in 1938 and taken to the only recording studio in sub-Saharan Africa. The studio was owned by Eric Gallo, an Italian who shipped the recording equipment in from England. Gallo, a character himself, specialized in taking the music of dust bowl America and translating it into local African dialects. In this venture, Gallo had a reluctant partner named Griffiths Motseiloa, who was the country's first black producer. According to Rian Malan, Motseiloa was a "classicist who abhorred this cultural slumming," but was nevertheless determined to sell records for Gallo's company.

During their second recording session with Motseiloa, The Evening Birds set out to record "Mbube." The tune itself was simply three chords, and the lyrics were loosely based on the Birds' collective youth experience scaring away lions that were stalking their fathers' cattle. The original lyrics were something like "Uyimbube, Uyimbube Mama We," meaning "You're a lion, You're a lion, Mama!" Is this starting to sound familiar?

The remarkable thing about the recording was that the famous melody, which is now associated with the words "In the jungle, the mighty jungle, the lion sleeps tonight," wasn't part of the original song. Linda improvised that melody spontaneously after the first two studio takes fell flat. The song went on to be a huge hit, selling over 100,000 copies in South Africa and making Linda a superstar among Zulu migrants. Sadly, African Blacks weren't allowed royalties at the time.



THE FIRST ANNUAL USD School of Law Barrister's Ball was held on February 17, 2007 at Seaworld. The event drew nearly 270 law students and their dates. See page 2 for more details.

Consequently, Solomon Linda sold over his rights to the song for a "petty cash voucher." The voucher was worth about 10 shillings, which, by my calculations, is about a dollar today. Linda, the original author of "Mbube," died so poor that his widow could not afford to buy him a gravestone.

"Mbube" made its way to the United States in the late 1940s. An African record company shipped a pile of 78-rpm records to Decca records in the hope that someone would want to release one of the recordings in America. Alan Lomax, an employee of Decca at the time, narrowly saved the 78s from being thrown away. Lomax liked something about "Mbube," and introduced it to his banjo-playing, Harvard-dropout, hippie friend Pete Seeger. Lomax and Seeger couldn't decipher the words. But based on their best phonetic approximation, Seeger's song "Wimoweh" was born. Seeger and Lomax attributed the song to Paul Campbell, a fictitious name songwriters used to claim royalties when songs were already in the public domain. Critics adored "Wimoweh," and it reached #6 on the

billboard charts shortly after it debuted. Unfortunately for Seeger and his band The Weavers, the release of the song coincided with the United States Government branding Seeger a communist. Radio and television executives banned Seeger, and the song once again faded from the mainstream.

"Wimoweh" was not dead, however, and was released by a group called The Kingston Trio, who took it up to #2 on the billboard charts in 1959. The version we all know and love was born in 1961, when a professional musician named George Weiss penned "The Lion Sleeps Tonight." Weiss based his lyrics on misinformation from the South African Consulate, who told him that the original song's lyrics meant, "Hush, hush, if everyone's quiet, we'll have lion meat to eat tonight." The song, recorded by a group of teenagers from Brooklyn called The Tokens went on to reach #1 on the charts and stayed there for a very, very long time. This time, the song was

Please see *Lion*, continued page 4

War Powers Debate Disappoints Some, but Excites Con Law "Geeks"

by Brad Johnson, *staff writer*

The USD School of Law Center for the Study of Constitutional Originalism hosted a debate on February 12 at the Kroc Peace and Justice Theatre featuring USD Professor Michael Ramsey and UC Berkeley Professor John Yoo. The debate, which centered on the extent of the President's war powers under the Constitution, received publicity both on local radio and television news programs, and attracted a capacity reservations-only audience. Some of this attention can be credited to the fact that the debate occurred in the middle of "Torture Abolition Month." However, the event's greatest draw was likely Professor Yoo, who authored the Patriot Act and the "Torture Memos" that formed the basis of the Bush Administration's position on the treatment of Guantanamo Bay detainees.

This connection to some of the Bush Administration's more controversial policies drew a healthy crowd of activists to the Kroc Center's entrance, including Veterans for Peace. Many protesters held banners decrying the Iraq war and the torture of Guantanamo Bay detainees, and labeling Bush and Yoo as war criminals. One protester even donned the orange jumpsuit and black hood worn by detainees at the U.S. facility in Cuba. Activist San Diego, an anti-war group, organized a teach-in earlier in the day, and held a vigil immediately preceding the debate.

Once through the crowds outside the Kroc Center entrance and past the security checkpoints, however, the event's tone became purely academic. Debate mediator Professor Larry Alexander, Director of the Center for the



Media films Protesters gathering outside the Kroc Peace and Justice Theatre before the War Powers Debate between USD Professor Michael Ramsey and Berkeley Professor John Yoo. Photo credit goes to Jim Coit.

Study of Constitutional Originalism, made clear that the debate would center on constitutional issues, and not on current events in Iraq or Guantanamo Bay. Both Professors Ramsey and Yoo steered well clear of the heady, and heated, controversy over President Bush's exercise of his

war powers. Instead, they examined the constitutional War Powers Clause from a sterile, scholarly, distance. While each speaker clearly articulated his position, the debate's 15 minute-per-speaker format prevented Ramsey and Yoo from discussing evidentiary support in any great detail.

USD law students and others interested in the rather arid constitutional debate received much food for thought. Each speaker parsed the Article I, Section 8 War Powers Clause, and supported their respective positions with competing interpretations of the framers' Constitutional Convention debates. Some members of the audience even brought copies of the Constitution and their Con Law texts, and scribbled notes and questions for the mediator to ask the professors.

Afterward, many audience members expressed disappointment that the speakers did not delve into the real-life consequences of the Bush Administration's – and Professor Yoo's – views on presidential war powers. During the question period following the debate, USD Please see War Powers, continued page 5

Law School Blues? Get Involved with the Criminal Law Society!

by Rosario Santoyo, *staff writer*

How does a young law student cope with the mundaneness that is being a law student? The answer is... JOIN SOMETHING!!! Need a suggestion? How about the newly restored Criminal Law Society? I will admit I have an ulterior motive (and that I am not even sure *mundaneness* is a real word). As a board member of CLS, I want to increase my own club's membership; however, the message should not lose its meaning simply because of the messenger's impetus.

The Criminal Law Society has enough action and adventure packed into one semester to fill a whole year! All of campus will be sitting on the edge of its seat eager to learn what CLS will pull off next. I am not trying to sound like a commercial for 24, it is true! On January 30th, a student panel on criminal law internships was presented to law students interested in knowing what it was like to work in the various criminal law offices (and who could not resist a slice of free pizza). If that sounded exciting, you'll love the rest of the semester!

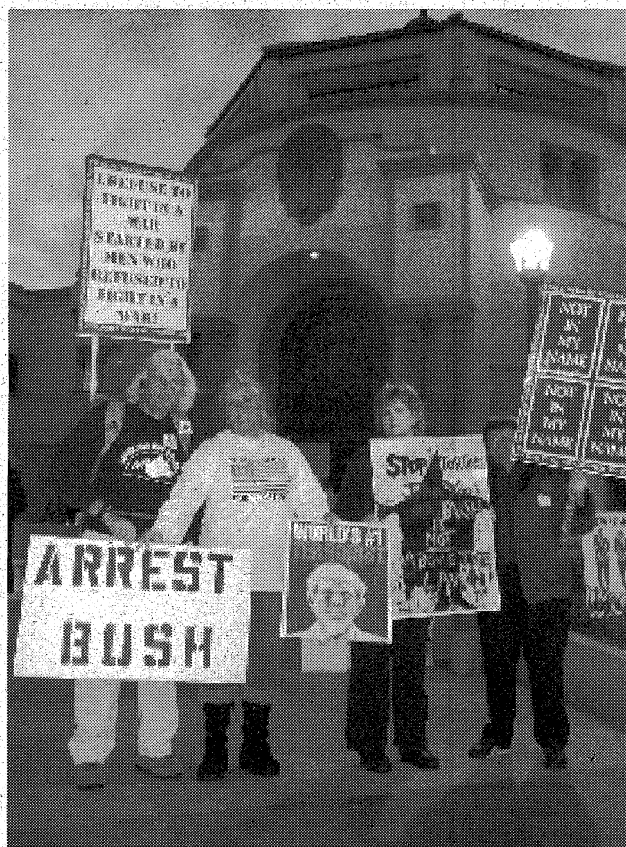
In February, students were able to sit in on an actual criminal trial. If you squinted your eyes and tilted your head, you could even picture yourself as the attorney and it does not end there. Also in February, students learned about the under-represented aspects of trial such as negotiating, arraignment, sentencing, etc. But wait, there is even more! Do you ever wonder if your professors can converse in a non-Socratic method? You can find out when the CLS provides coffee with the faculty in early March.

As you all know, networking is key to finding employment once your degree is acquired. On March 14, another Criminal Law Society Mixer is scheduled. Wine and cheese will be served up so that all can rub elbows with attorneys, judges, faculty, and other students also interested in this field. Can you stand it? As if that was not enough, in late April, you can rub elbows in a more informal way by attending a happy hour Downtown.

The details of these future events will be posted on blackboards, flyers, and other methods of publicity available to law school clubs; so keep your eyes peeled. We are trying to do our part to help out our fellow students; all you have to do is show up and take advantage of us. That is right; we are asking to be taken advantage of.

Seriously, joining a club that deals with the career you are hoping to embark upon after graduation could be the smartest thing you do in law school. You develop important relationships with future colleagues, learn what it truly is like to practice law in that field, and draw upon the experience of others to ensure you are a success from the beginning. Most importantly, you could be putting a face with your name on an application for a future employer. So what are you waiting for? Put that book down, close your laptop, and head over to get yourself a nice slice of pizza...and some precious information!!

P.S. If you have any event suggestions, feel free to e-mail it to us at usdcls@gmail.com.



Caption: Protesters gathering outside the Kroc Peace and Justice Theatre before the War Powers Debate between USD Professor Michael Ramsey and Berkeley Professor John Yoo.

Lion, continued from page 3

attributed to Weiss, along with two other studio men. Can you see the trouble brewing?

Sadly, I don't have time or space to discuss the lawsuit in detail. However, in 2004, Linda's heirs sued TRO/Folkways for distributing "Wimoweh," sued Disney for using "The Lion Sleeps Tonight" in *The Lion King*, and sued Abilene music, who held the worldwide rights to the song. Linda's heirs reached an undisclosed settlement with Abilene and agreed to monthly payments from TRO/Folkways.

I want to credit Rian Malan and his article "In The Jungle," which you can find online at <http://www.coldtype.net/Assets/pdfs/Jungle.pdf>. It is really interesting and details some slimy moves by major industry players who claim to always look out for the little guy. If you want to hear Linda's original version of the song, it is on the web at <http://www.fridayfishwrap.com/wimoweh/mbube.mp3>. Believe it or not, there is even another version of the song. It is Miriam Makeba's version of the song, which is also pretty cool. You can find that version on YouTube. There are a lot of more interesting tidbits about the song and the lawsuit in Malan's article. The fact that justice has finally been served is almost enough to make you glad that you're going to be a lawyer.

Happiness is a Warm Gun?

by Mike Sienkiewicz, *staff writer*

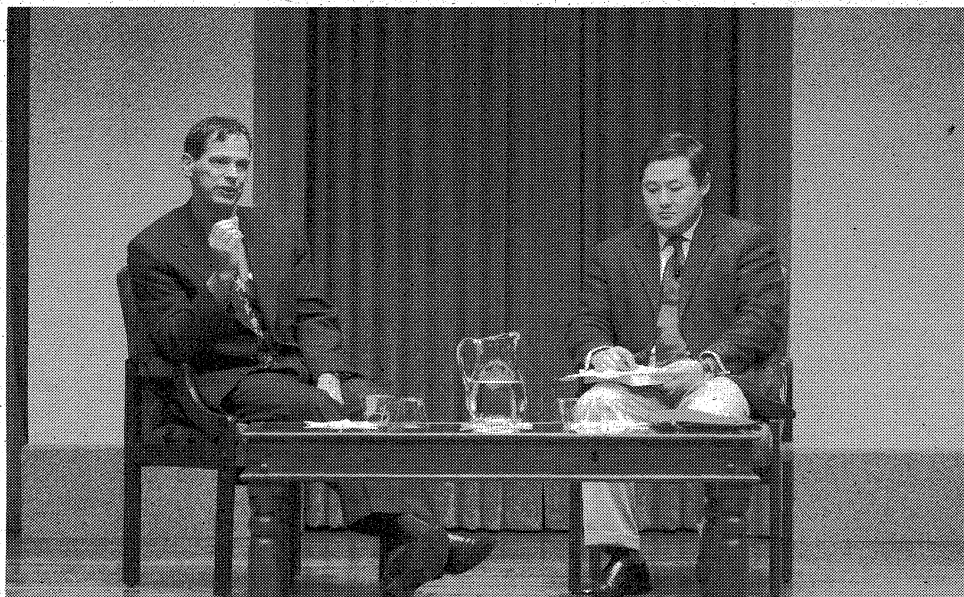
Recently, I was sitting in the LRC working on an assignment with my friend Hali when our procrastination turned morbid. We started to imagine scenarios that would provide us with legitimate excuses not to hand in our work. "If I get hit by a car, not that hard, but just hard enough to send me to the hospital, then I won't have to finish this paper," Hali said. While I doubt this statement was entirely sincere, I am sure every law student has considered the possibility of a lucky accident relieving them from academic responsibility. Even the heartiest trooper at some point starts to feel her soul getting crushed. The good news is that for most of us, it is temporary. After Hali and I met our deadline, we transmuted back into our normal, plucky selves.

Anyone that has taken Professor Hartwell's Lawyering Skills II class knows that lawyers and law students have nearly the highest rates of depression and alcoholism of any profession. The long hours, constant competition, and moral angst (check out Hartwell's law review articles if you get a chance) get to all of us. It will take a better man than I to up-end the legal institution. I will, however, make some modest suggestions that might convince some despondent 1L's to back away from the edge of the LRC roof.

1) Celebrate - I think it's an evolutionary adaptation that makes us fixate on the things that we do not have. Without desire, and the anxiety that comes with it, people wouldn't put forth the necessary effort to achieve their goals. The problem with this is, as soon as you get one thing, you immediately move on and start seeking the next. If you get an apartment, then you'll want a house. Once you get the house, you'll want a pool. Once you get the pool, you'll want a waterfall to make it a tropical oasis. Once you've got the oasis, you'll need some baby tigers, and so on and so forth.

The lesson to take home from this is to appreciate things, even small things, when you get them. Go out for drinks or dinner after you hand in that assignment. If you don't drink or eat, go see a movie. Make a point to bask in the glory of not doing homework. Take pictures and

Please see Happiness, continued page 6



USD Professor Michael Ramsey & Berkeley Professor John Yoo. Credit goes to Jim Coit.

War Powers, continued from page 4

Professor Dripps asked Professors Ramsey and Yoo if their debate served any practical purpose, considering that the issue will likely be solved through political, rather than legal, means. Some audience members, not interested in debating historical definitions, deemed the debate "boring".

The debate formally concluded with Professor Alexander reading an audience comment that accused Professor Ramsey of advocating unlimited congressional

war powers, and Professor Yoo of advocating unlimited presidential war powers. In their final words, both speakers addressed that evaluation of their positions. Professor Ramsey reiterated the desirability of a strong Congress, and Professor Yoo spoke about the importance of decisive Executive action. The event's real conclusion, however, came when a woman sitting near the back of the theatre shouted at Professor Yoo, "When did torture become constitutional?"

Lawyering Skills, continued from page 3

on. Additionally, the Economic school reasons that one's employer will invariably have their own way of doing things, forcing the student to unlearn writing techniques acquired in Lawyering Skills. Lastly, Economists argue that the research skills themselves are important, but the basics are learned in a matter of hours and will be augmented in other classes and on the job.

The Alpha school, in turn, has refused to recognize the Economic school, instead focusing on the merits of Lawyering Skills. To short-change Lawyering Skills is to be shortsighted, they say. Doing so will only hurt the student in the long-run; the student will be at a competitive disadvantage in her first job. Alphas point out that sound legal research and writing skills are what gets the summer intern a call-back. Remember these words this summer when your California Western coworker is going Deep Blue on WestLaw in the cubicle next to you.

The director of the Lawyering Skills program here at USD Law, Janice Sperow, is herself an Alpha. When asked if she believed "that a substantial number of students make a conscious decision to under-perform in Lawyering Skills as the result of the workload and grading structure," Janice responded "I would hope that that's not true, but it happens. Anybody who's really smart...sees the connection between Lawyering Skills and job skills. There are some people who are short-term sighted. You do have enough time to do both, it is possible to do both."

The Economists argue that "doing both" is a fallacy. The opportunity cost of working on a given subject is necessarily equal to the cost of not working on a different subject. But, is "doing both" a fallacy? In fact, "doing both" is a legitimate argument if our rational player, Daisy, has "ceilinged." "Ceilinged" refers to the state of affairs in which a student has studied to the point that the marginal return of another unit of time spent studying equals zero. In other words, if Daisy stopped studying today, she would still receive A pluses in all of her other classes. Some argue that students who have "ceilinged" are, like unicorns, mythical creatures. Others swear they're real, but note that they are not self-aware. So, the next time you sit down to study, take comfort in the fact that although one of your classmates may have "ceilinged," they don't know it yet.

Reconciling the two schools will be difficult, but Janice Sperow may have the answer. Janice believes that Lawyering Skills should be a graded course. "My personal opinion is that I would grade it. It's too much work." She's not alone either. Robert Malcham, a former Lawyering Skills professor at St. John's, is himself an Alpha, but believes the majority of 1Ls are Economists. "I would only teach a graded class. Students don't take un-graded classes seriously. Their understandable, but misguided, game-theory analysis is that they have only so much time to devote to studying, so they should put their resources into graded classes that will translate into job offers based on their GPAs. The problem is that although their grades will determine in large part what kind of job they get, what they actually learn in their research and writing class will determine in large part what kind of job they keep."

It seems that grading Lawyering Skills would satisfy both Economists and the Alphas. Under such a scheme, Economists no longer see the performance

Inside the Professor's Office

by Jared D. Ackley, editor-in-chief

This installment of "Inside the Professor's Office" is really perhaps best described as "Inside the Dean's Office" since our subject is none other than Associate Dean Mary Jo Wiggins. The engaging Dean Wiggins, a professor at USD Law since 1990, specializes in bankruptcy, race, property, and legal theory.

I'm especially happy to interrogate Dean Wiggins because she was my property professor and the first professor to call on me in law school. I have very distinct memories of her Socratic juggling of students sort of like a master chef moving from one grill to another as she elicited answers about *Moore v. The Regents of the University of California*. Luckily, you could always see her smile as she turned away from the class to write on the board.

Dean Wiggins attended the University of Michigan School of Law and among many accomplishments was appointed by the late Chief Justice William H. Rehnquist to the U.S. Judicial Conference Advisory Committee on the Federal Rules of Bankruptcy. Many thanks to Dean Wiggins for taking the time to answer our questions despite her no doubt busy schedule.

Motions: What is your favorite word?

Professor Wiggins: My favorite word is essential.

Motions: What is your least favorite word?

Professor Wiggins: My least favorite word is dull.

Motions: What turns you on legally, creatively, spiritually or emotionally?

Professor Wiggins: I think what turns me on in all of those areas is seeing people who are courageous and determined in the face of a difficult task – people who demonstrate courage or determination in the face of a difficult task or who are brave and don't give up easily when faced with obstacles of any sort.

Motions: What turns you off?

Professor Wiggins: I would say people who feel that they need to put other people down in order to feel good about themselves and people who are inflexible and who are not open to new information and new ways of looking at things.

Motions: What is your favorite legal word?

disincentives and Alphas have the satisfaction of knowing more effort is being put into a very important class, and more rewards reaped therefrom. Other law schools seem to have made this connection, at any rate. Indeed, Janice notes that "in 2006 out of the 184 responding [to the Legal Writing Institute survey of Lawyering Skills programs], 158 are graded with the final grade counted toward GPA."

Whether you're an Economist or an Alpha, nobody seems to doubt the value of the course. Hali Henderson, a 2L at USD, noted that "Lawyering Skills, although painful, was extremely useful." A 2L at Columbia Law, who wished to remain anonymous, agreed: "In retrospect, being a good legal researcher is probably more useful than knowing how to memorize the rules of property." Lawyering Skills is an un-graded course at both

Exam Taking

by Peter C. Tucker, staff writer

For all the literature available on law school exam-taking techniques, few sources take the time to warn you of the real dangers. Indeed, the mindset of the test-taker is an oft-neglected and important factor in exam performance. In keeping with my image as a paragon of generosity, I have managed to stake out the more common pitfalls for the benefit of our readers, diving headlong under the wheels of the law school war wagon. Like the nadirs and apexes of an economic cycle, only hindsight can fully identify these dangers, and only experience can give a full appreciation of their horror. However, cognizance of their existence can bestow some preventative power.

Some people refer to these dangers collectively as "distraction." Call it what you will. The important thing is to keep your head in the right place during exam period. In the event you realize you've discovered new and unique ways to fail (as I did), rationalize it. Like a good little law student, I have rationalized my performance, quarantining it in a distant corner of my mind where it can do no harm to my self-esteem.

My first exam was a learning experience, but not about the law. I learned music - percussion and the like. Sometimes, when I lie in bed trying to fall asleep, I can hear the neurons in my brain, those delegated the task of learning contract law---the same neurons who are instead forever tasked with remembering the obscene

Please see Exam Taking, continued page 6

Professor Wiggins:

This is going to sound strange, well maybe not for a property teacher, but I think my favorite legal phrase is executory interest. I just love the way that sounds.

Motions: What sound or noise do you love?

Professor Wiggins: I love to hear my children talking and laughing.

Motions: What sound or noise do you hate?

Professor Wiggins: The opposite. I hate to hear my children crying or in distress.

Motions: What profession other than law professor would you like to attempt?

Professor Wiggins: Okay. I would love to be a sportswriter for a major newspaper. That's what I'd like to do most.

Motions: Did you do that in college?

Professor Wiggins: No, but I'm an avid sports fan. I love to write and when I was growing up I often thought about pursuing a career in sports journalism, but law took over that.

Motions: What profession would you not like to do?

Professor Wiggins: Oh yeah, that one. This is going to sound strange for someone that has two children, but I would not like to be a preschool teacher. I love my own kids, but I would not like to be responsible for someone else's kids all day long.

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 Wiggins: I would like them to say, "No need for oral argument, your client wins 9-0!"



Dean Mary Jo Wiggins. Credit to the USD School of Law website.

USD and Columbia, to the chagrin of at least some of the students. Hali's "only qualm is that it is un-graded." The Columbia student seemed to be on the same page: "We didn't have grades for [Lawyering Skills] (beyond P/F), and consequently, I think a lot of people put in very little effort to learning how to do legal research or writing."

The "majority" of USD law students don't agree with these sentiments (disclaimer: technically, a statistician would refer to that statement as the product of "sampling error"). Nonetheless, the recent Motions survey asked whether Lawyering Skills should be a graded class. Jared Ackley, editor of Motions, revealed the results: "22 students out of 65, or 34%, felt it should be graded while 39, or 60%, felt it should be pass/no pass, and 4 out of 65, or 6%, had no opinion." Perhaps those 39 have ceilinged?

Happiness, continued from page 4

get souvenirs if you can. Just do something to prolong your achievement before you settle back into the grind. The same goes for holidays – use them as an excuse to do fun stuff. Celebrate holidays just so every day doesn’t feel the same.

2) Get Involved - Law school is a great time for exploration. It is likely also the last chance you will get to be part of an intramural team, mock trial, moot court, negotiations club, PBLA clinic, faculty auction, or battle of the brains. Activities force you to interact with your classmates and faculty on a personal level. I can’t guarantee that you’ll enjoy everything you try, or that you’ll make friends, but being there is half the battle.

3) Don’t commute - Living by the beach is great. Sitting in traffic is awful. You shouldn’t have to wake up more than half an hour before class, period. Traffic is one of life’s worst experiences because once you are stuck, you are totally powerless and you have no idea how long it will take before the nightmare ends. Live somewhere reasonably close to school. Most of us go to school five days a week. On the one day a week that you actually go to the beach, you can drive the extra fifteen minutes. If you live by the beach, you’ll just envy the people that live on Friars rd.

4) Limiting Options - I have a problem with Chinese restaurants that have two hundred menu items. If you get the szechuan, you can’t help but wonder about the kung pao. Plus, you don’t want to order something unusual because of the chance that it’s been sitting in the kitchen since the year of the dog. It’s so much better when there are only ten things on the menu, and all of them are really good. My problems with Chinese food are neither here nor there, but there is a moral to the story.

Human beings are second-guessers. The adage, “the grass is always greener on the other side” rings true in many aspects of life. Take time to carefully evaluate your decisions, but don’t look back after the fact.

Obviously, these suggestions aren’t one-size-fits-all. Surfers probably should live by the beach, and variety can be the spice of life. The point I’m trying to make is that life is so much better if you consciously choose to make the most of it. In conclusion, don’t worry too much!

Bar Stats, continued from page 1

that we cracked the 90 percent margin and well...I can doctor stats with the best of them but there is no way to make my class year look like we were better than last year’s group (at least we still have our beauty). Failure to crack the upper echelon of scores aside, once again USD did better than most schools in California.

USD has continued its impressive trend of having a higher than average bar passage rate, and has continued to beat the law of averages in terms of repeat takers. Even the best schools can have bad years when it comes to bar results and it is a credit to our institution and something that all upcoming bar takers should take hope because USD consistently comes in above average!

“Preliminary Unofficial Statistics” July 2006.				
First Time Takers				
USD	Day	Eve	All	
	77.3%	73.3%	77.1%	
Statewide				
ABA Approved: CA 74%				
ABA Approved: Non-CA 68%				
State Bar Approved 31%				
Correspondence 24%				
Nonaccredited 12%				
All Others 46%				
All 67%				
Repeaters				
USD	Day	Eve	All	
	38.5%	37.5%	38.2%	
Statewide				
ABA Approved: CA 19%				
ABA Approved: Non-CA 17%				
State Bar Approved 7%				
Correspondence 9%				
Nonaccredited 5%				
All Others 15%				
All 15%				
All Takers				
USD	Day	Eve	All	
	73.3%	60.9%	72.3%	
Statewide				
All 51.8%				

Battle of Your Brain

Trivia Challenge

Baaaaattle of YOUR BRAIN! (Courtesy of the Questions & Rules Committee of the BOB)

- *Have some fun with these questions from the Battle of the Brains.
- 1) From what language do the words coffee (originally qahwah), alcohol (al-kuhl) and zero (sifr) originate?
 - 2) What company announced that it would be operating “hundreds” of stores in India in the next five years, making it the first large-scale entry into the booming Indian market by a major foreign retailer?
 - 3) On Saturday Night Live, Will Ferrell regularly portrayed what 6’3” Attorney General who attended Harvard Law School and apparently had an affinity for dance parties?
 - 4) The classic children’s book, Curious George, written by H.A. and Margret Ray, features a curious monkey named George who is taken from his home in Africa by a man with a hat of what color?
 - 5) This six-letter synonym for despair is also the name of the movie for which Kathy Bates won an Oscar for Best Actress?
 - 6) Who was the first U.S. President to occupy the Oval Office while holding an MBA (Masters of Business Administration) degree?
 - 7) The title of this folk song means “Let Us Rejoice.”
 - 8) Painter Frida Khalo was born in a small town on the outskirts of this world capital.
 - 9) Name the unforgettable singer who in 1975 became one of the first African Americans to host a network television show.
 - 10) What Justice authored the concurrence in the 1964 case of Jacobellis v. Ohio in which he said that hardcore pornography is hard to define, but “I know it when I see it”?
 - 11) Name the ancient Greek dialect spoken on the island of Lesbos.
 - 12) What Washington D.C. tourist site was shut down after authorities discovered suspicious bottles in the women’s restroom and a note reading, “Do you know what anthrax is?” and “Do you know what a bomb is?”
 - 13) Name the actor who portrayed Sydney Schanberg in The Killing Fields, Dr. Kaplan in Family Guy, and EADA (Executive Assistant District Attorney) Jack McCoy in Law and Order.
 - 14) What NCAA-sanctioned college football bowl game has been played at Qualcomm stadium every year since 1978?
 - 15) After the shoot-out at the OK Corral in Tombstone, Arizona, what notorious lawman made his way west, eventually settling in San Diego between the years of 1885-1887?
 - 16) Florence Griffith-Joyner, also known as Flo-Jo, won three gold medals for running during what year’s Summer Olympics?
 - 17) What is the name of the genus of flying reptiles from the Jurassic and Cretaceous periods (often incorrectly referred to as a species of dinosaurs) that derives from the Greek words for “wing” and “finger”?
 - 18) On January 8, 1992, President George H.W. Bush vomited into the lap of the leader of what country?
 - 19) KUL is the three-letter airport code for what city, which is also the capital of Malaysia?
 - 20) What are the only two planets that have a diameter wider than that of Uranus?

Look for the answers next issue or on wikipedia.com

From the “About The School of Law” section on the school’s website (<http://www.sandiego.edu/usdlaw/about/>) “USD’s first-time taker passage rate for the July 2005 California Bar Examination was 80 percent, the sixth highest of all ABA-accredited law schools in the state” --Kevin Cole, Dean and Professor of Law.

According to the 2007 Searchable Edition of the ABA-LSAC Official Guide to ABA-Approved Law Schools available online at <http://officialguide.lsac.org/search/cgi-bin/results.asp?PageNo=7>. USD’s results for first time takers in 2004 was 71% and the 2004 summer and winter 05 pass rate for all first time takers state wide was 61%.

The trend is continued improvement for USD and for our bar takers to enter the test with confidence and knowledge necessary for the 3 days of hell that is the bar (sorry trying not to be bitter but the bar really is a horrible 3 days in your life). It is over sooner than you think and then you can roll around on the floor giggling uncontrollably and screaming the words “I PASSED OH MY GOD I CANNOT BELIEVE IT I PASSED”. Good

Exam Taking, continued from page 5

perversion of an off-Broadway performance of “Stomp” -- snickering about what they refer to alternatively as “the cacophony” and “the tragic failure.” Allow me to clarify.

You see, a funny thing happens to people who are not accustomed to wearing earplugs. Having slept the last several years of my life in one Manhattan apartment or another, I suppose I had forgotten what a rare and wonderful creature an earplug greenhorn can be. As the proctor declared that the time had come for each of us to press the “begin-key” on our “lab-top keyboards,” I set out into the wilderness of my first law school final exam. Not more than five minutes into the exam I began to notice things that weren’t on the exam (no doubt attributable to the fact that two Trader Joe triple espresso drinks are not enough to focus my mind for more than a moment, having become immune to coffee in all its forms and quantities over the course of the semester). I first noticed the steady tap, tap, tap of the foot of a girl sitting in front of me. “This I could tolerate,” I thought, until someone behind me came in with a throat clearing every ten seconds or so, in a thinly disguised effort to lay down a steady beat. Shortly thereafter, the gum snapping began to my left. She probably thought the bass could use a snare drum. Then, everybody started getting in on the act. Someone was playing the sniffles, everyone was playing the keyboard, and I was dead silent just taking it all in. Nobody seemed to notice but me. To top the whole thing off, the guy directly to my left came in with the vocals. With bright orange tufts of foam sticking from his ears, I saw his lips moving and listened for the barely audible lyrics. “You eat an elephant oooooone bite at a time,” he mumbled. Moments later, “Alright, you’re from Jersey...” And then again, “Ohhhhhh...” His lyrics often trailed off, a catchy vocal trick reminiscent of Axel Rose’s “ow wowwow” at the end of each verse. The whole thing came together as a marvelous orchestra, enthralling me. Apparently, enthralling the wall clock as well, so much so that it began warping the space-time continuum. Before I knew it, the exam was over. Next time, I’ll bring earplugs.

My second exam went slightly better, which is to say that awfully is one notch above terribly. Not once, but twice this semester I have heard my fellow 1L’s refer to us as “lawyers.” The exact wording eludes me, but I think one of them was something along the lines of “yeah, but we’re lawyers now.” The other occasion was just someone referring to themselves as a lawyer in a story I overheard them telling. This just goes to show you - never eavesdrop. Unfortunately for my impressionable psyche, I overheard the story two days prior to my second final exam. “Take heart,” I thought, “you’re a *lawyer*---of course you’ll do well on the exam.” This general line of thinking filled my head the next two days while I watched Borat episodes on YouTube and ate/slept. After the exam, one of the gunners (if you don’t know what a gunner is, you probably are one---namely, someone who regularly speaks more than twice in a given class session) asked me how I thought I did on the exam. “Wow wow wee wah! Very nice!” came the reply. And I thought I was just a law student.

My third exam has become something of a legend among my “friends” (that being the word I, as a law student, now use to describe people I speak to more often than once a week). After the exam, I was comparing notes, so to speak, with a friend of mine who had taken the same exam. “Did you state the rule?” she mocked. “Of course. I stated the rule right after the issue.” “The *issue*?” she asked. “Don’t you mean *issues*?” “What?” I asked her. “Nevermind,” she replied. “Did you say why?” “Of course I said why. I even used complete sentences.” “Yeah but did you say why not?” “Aha,” I thought. I’ve got her now.” “What do you mean, did I say why not? The questions didn’t ask why not. Didn’t you read them? Har har har.” I smiled glibly, confident in my abundance of common sense, knowing I had won the long-heralded tradition of post-law-exam preening. The look of horror that slowly crept over her face jolted me into looking over my shoulder for the seven-horned water buffalo-wildebeest mutant that was about to brutally and savagely mangle my tiny body. Seeing nothing, I turned back to her. “The whole point is that you’re supposed to explain why it’s not something else as well. That’s the whole point.” From the way she said it, and the wide-eyed look on her face, I knew two things instantly: first, that she was right, and second, that her look of horror was horribly contagious. So was my exam answer apparently, because before long, everyone I knew was approaching me to broach the topic, a sort of schadenfreude for all my friends. Later, between reminding me of the working definition of failure, “when your best just isn’t good enough,” they all explained to me that when an exam asks you a question, it’s asking you many other questions, half of which begin with “why not...” So much for logic.



First Annual USD Law School

Voir Dire Survey - Results Part II

So Here's What We Did:



As we said last month, the survey was a great success - we were aiming for at least 50 students to complete the questions and we had a total of 65 respond. The gender split is very even between men at 32 surveys and women at 33 surveys. On a number of issues, law students think alike as a whole, regardless of gender, and so for questions of like answering trend, we give the percentage for all law students combined (denoted as "B"). Where the difference in genders is fairly substantial, we give the male percentage under "M" and the female percentage under "F". Percentages do not always add up to 100 where answers were not completed on every questionnaire and remember, this is not claiming to be scientific. We just wanted an approximation of the student body for the sake of curiosity. Look for the final installment in March! Enjoy!

-The Motions Staff

Generally Speaking, Part I			Are you registered to vote?			Addendum: How did it end?		
Do you...			Yes	No		B	Good	25%
Believe in aliens?			95%	5%			Bad	13%
B	Yes	No	Did you vote in the last election?				Ugly	4%
	40%	60%	Yes	No			It's Not Ending!	50%
Believe in ghosts?			B	72%	28%		Ever had a same-sex experience?	
M	Yes	No	Where do you stand on...			M	Yes	No
	34%	66%				F	13%	87%
F	58%	42%	Abortion?			B	24%	76%
B	46%	54%	B	Pro-choice	75%		18%	82%
	Believe in reincarnation?			Pro-life	11%		Addendum: Ever wanted one?	
B	Yes	No		Depends	9%	M	Yes	No
	31%	69%		Not sure	5%	F	6%	94%
Have a spouse?			B	Gay marriage?		B	24%	76%
B	Yes	No		For	78%		15%	85%
	28%	72%		Against	8%		Ever cheated on a partner?	
Want a spouse?				Depends	9%	B	Yes	No
B	Yes	No	Not sure	3%	38%		62%	
	75%	25%	Civil unions?			Ever dated someone more than 10 yrs. older or younger than you are?		
B	Yes	No	B	For	80%	M	Yes	No
	8%	92%	Against	6%			9%	91%
Want kids?			Depends	9%	F	36%	64%	
B	Yes	No		Not sure	5%		Had a crush on a law school professor?	
	91%	9%	B	Stem cell research?		M	Yes	No
Smoke cigarettes?			For	77%	F	16%	84%	
B	Yes	No	Against	6%		27%	73%	
	22%	78%	Depends	11%	Law School Confidential			
Have you ever...			Not sure	6%		If you could start over, would you still go to law school?		
M	Done soft drugs (Ex. Marijuana)?		B	Affirmative Action?		B	Yes	No
	Yes	No	For	28%	69%		31%	
F	81%	19%	Against	35%	Is law school as hard as you expected?			
B	73%	27%	Depends	29%	B	Yes	No	Unsure
	77%	23%	Not sure	8%		49%	38%	12%
Done hard drugs (Ex. Cocaine)?			B	Euthanasia?		Ever thought you bombed a test and got an A?		
M	Yes	No	For	45%	B	Yes	No	
	31%	69%	Against	11%		47%	53%	
F	42%	58%	Depends	35%	F	64%	36%	
B	37%	63%	Not sure	9%	B	55%	45%	
	Used (illegal) drugs to stay up and study for exams?			B	Universal Healthcare?		Socratic Method	
B	Yes	No	For	62%	M	Love it		
	9%	91%	Against	18%	F	47%		
Shared Music over the internet?			Depends	17%	M	30%		
B	Yes	No	Not sure	3%		44%		
	82%	18%	Addendum: Do you have health insurance?		F	61%		
Stolen anything?			B	Yes - parents		USD Law in Particular		
M	Yes	No	Yes - own	51%		Is USD Law diverse?		
	88%	12%	Yes - clinic	8%		Yes	No	
F	73%	27%	No	18%	B	35%	65%	
B	80%	20%	Legalizing Marijuana?			How often have you been to bar review?		
	Contemplated Suicide?		For	62%	B	All the time	6%	
B	Yes	No	Against	11%		Occasionally	25%	
	37%	63%	Only medical	15%	Once or twice	37%		
Had a near-death experience?			Not sure	12%	Never	23%		
B	Yes	No	The War in Iraq?			Have you ever used West Parking?		
	43%	57%	For	17%	B	Once or twice	52%	
Been to a foreign country?			Against	82%		Daily	2%	
B	Yes	No	Illegal Immigrants			Never	38%	
	95%	5%	Get them out	17%		Average time it takes to find parking?		
Lived abroad for more than a year?			Let them stay	45%	B	No wait	8%	
B	Yes	No	Build a fence	18%		Within 5 minutes	18%	
	15%	85%	Who Cares?	18%		5-10 minutes	38%	
Served on a jury?			Sex			10-20 minutes	20%	
B	Yes	No	Have you...			Over 20 minutes	8%	
	11%	89%	(or your partner) Ever had an abortion?			Ever had to park off campus to make it to class?		
Politics			Yes	No		Yes	No	
B	Which party do you most closely identify with?		B	5%	95%	B	23%	77%
	Democrat	38%		Ever had a one-night stand?			Should law students have their own reserved spaces?	
B	Republican	17%	M	66%	34%		Yes	No
	Green Party	8%	F	52%	48%		75%	25%
B	Libertarian	5%	B	58%	42%			
	None/above	17%		Ever hooked up with a law student?				
			Yes	No				
B			B	37%	63%			

BAILIFFS WANTED

The Paul A. McLennon, Sr., Honors Moot Court Competition is upon us! Due to the large participation by students, we will need nearly 200 bailiffs to work this competition. Bailiffing gives you the opportunity to see great oral advocates in action, to network with local legal professionals who serve as judges, and, if you are a 1L, to understand what you will be facing in your Lawyering Skills oral arguments later this semester. The dates for McLennon include:

Monday, February 26

Tuesday, February 27

Wednesday, February 28

Thursday, March 1

Monday, March 5

Tuesday, March 6

The arguments take place in the evening, starting at 4:45pm, at the downtown courthouse. Please email the USD Appellate Moot Court Board at USDBailiffs@gmail.com to sign up. Please indicate which night(s) you'll be able to work. Thank you!

Fundraising, continued from page 1

its financial woes...private donors. Private donors allow student organizations to look beyond SBA's meager funds and onto long-term endowments. However, the process of securing long-term funding is neither quick nor easy. The process Mr. Thorsnes alludes to requires at least three steps:

1. Introduce the Program (club) to the Donor

USD club members have exhibited great creativity in this initial step by hosting anything from effeminately named BBQ's to Texas Hold 'Em tournaments. These non-threatening events allow the donors to meet some club members. The club members should make an effort to get to know the donor without the superficiality. Law students know well that there is no shortage of ego among lawyers. Accordingly, nothing can be more flattering to an attorney than an invitation to come speak to a club about his/her expertise. It is critical, however, that when the donor arrives, there is a captive and engaged audience waiting for his/her address.

2. Harbor the Relationship

Once the donor has been introduced to the club, it is necessary to foster a relationship between the students, the club, and the donor. The donor must feel as if they are part of the team. If they do, a contribution of time or money will likely follow. It is not a bad idea to give your prospective benefactor a title in the club (i.e. community relations director, professional advisor, etc.).

Some suggestions for helping your donor feel like part of the team include:

- 1) Involve them in planning events.
- 2) Ask for their input on club organization, venue, and topic selection related to the club.
- 3) Take them out to lunch as friends, and leave the business behind.
- 4) Name an event after them (i.e. the "Thorsnes Closing Argument," "Thorsnes Vis Premoot Competition," "McLennon Honors Moot Court Competition"). The event does not have to be a competition - consider "ABC FIRM's Welcome BBQ."
- 5) If the club is competitive in nature (ATLA, Moot Court, Mock Trial, Negotiations), involve your donor in the practice sessions.

3. Gratitude and Evaluations

Expressing gratitude is verifiably the most important step in securing repeat funding. Gratitude can take

Vis Moot, continued from page 1

to compete. Kudos to Cole Cannon, Bruce Elder, and the rest of the 2006-2007 Vis Moot team for pulling off this historical event. The Vis moot team's goal is to bolster USD's burgeoning reputation for international law while the team institutionalizes itself. Cole Cannon, who spearheaded the event, said, "Being on the most porous border in the US for trade and immigration, USD is well positioned to become a leading school in international law. Our hope is that the pre-moot competition reflects our desire and capacity to be such a school." Indeed, all those who participated found the competition a riveting success. Diego Ramos of the Universidad Panamerican Campus Guadalajara assured the Vis executive board that if USD hosted next year, "we'll be there, you can count on it." The pre-moot competition is named after Michael Thorsnes, who is Of Counsel at Thorsnes, Bartoletta, & McGuire LLP, and also serves as Vice Chair of the Board of Trustees at USD. This amazing philanthropist has been

Mentor, continued from page 1

needs and expectations, but do not be pushy. Tell your mentor what you intend to do in your career, in what areas of the law you are interested, and what things you like to do (research, write, teach, argue). The more she knows about you, the easier it is for your mentor to help you. On the flip side, get to know your mentor. Ask your mentor about his background and career path. You may want to know about how she balances her work and family life. Or perhaps you are interested in how he deals with the pressure of 80-hour work weeks. Mentors are a resource, so use them. Mentors can be especially helpful in your job search. If you are applying for a job, you might ask your mentor to look over your cover letter and resume or put in a call with that office on your behalf. In preparing for a job interview, you might ask your mentor to conduct a mock

many forms. A 'thank you' reception may be appropriate in one instance, while proposing a toast to your donor at a bar might be fitting in another. Plaques with pictures that recognize the donor's outstanding service go a long way and can be purchased for merely \$40. Because there is high turnover among the leadership of SBA clubs, good record keeping is essential to maintaining club contacts. Ensure that whoever assumes the helm of the club is given an elaboration of who the donors were, how they were involved, and what more can be done to foster the relationship. Finally, give a semester or annual report of the club's accomplishments to the donors, who by now should be considered teammates. Because the donors are likely solicited for a myriad of different charities, they need to be convinced that this one has an immediate need and is

a major source of support during the incubatory years of the Vis Moot team. Another major supporter of the Vis team is faculty advisor Allen Snyder. Special thanks also go to the many judges who sacrificed the weekend to participate in the event. Next up for the Vis Moot team is the Fourth annual Vis Moot East in Hong Kong and the Fourteenth Annual Vis Moot in Vienna. The teams have assiduously been preparing for this competition by raising funds from private donors, drafting 40-page briefs, and having relentless oral practice sessions, of which the pre-moot was only one. The USD Vis Team will split into two teams of four and leave for Hong Kong and Austria the weeks preceding spring break. The competition is fierce in both locations with 46 teams in Hong Kong and 178+ in Vienna. So if you see a Vis Mooter bloviating about international law, wish them luck!

Editor's Note – According to Dictionary.com, bloviate is a transitive verb that means "to speak or write at length in a pompous or boastful manner."

interview with you. At the end of your summer job, you might ask your mentor how to negotiate a post-graduation offer. Hopefully, your mentor is already working in your field of interest and can give you inside information on how to secure a job. As a mentee, you should be positive, polite and professional. Respond in a timely manner to your mentor's emails and phone calls. Be sure to properly thank your mentor for his help. Legible handwritten notes are always appreciated. Remember that it takes effort and time to develop a relationship, so you should be willing to invest the time and work into building it. I rely on mentors because I know I will benefit from their experience and insight. I would not be here today without the help of an army of mentors, especially of Charles Howell and Janelle Hu. Why go it alone if someone has already been there, done that?

putting its resources to good use.

The USD Vis Moot Team has put this process to the test as traveling to Hong Kong and Vienna is not cheap! The team is excited to report that it raised over \$14,700, of which more than 90% came from private donors. Instrumental in this process was the involvement of recent USD graduates like Bill Restis, who were former members of the club and paved the way for a very generous donation. Each donor now feels like they are part of the team and has already committed to funding next year's projects. The benefits of seeking support from the community are as manifold as they are necessary - both for the club's well-being and the school's reputation. Good luck!

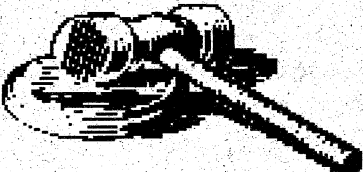
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HARD

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MEDIUM

#3