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MOTIONS

University of San Diego School of Law

Volume 43, Issue 1

September 2007

First Year Orientation Lauded as "Best Ever"

by Richard Kim, *SBA Publicist*

Orientation. For non-first years, it is the signal that the summer is coming to an end and the beginning of another year of school. For first years, it is an entirely different experience. It is a time of excitement, anticipation, hope, and apprehension. The entering class comes in not knowing anything about law school except for what their friends have told them, or what they have seen in movies. "Starting law school is both fun and scary, and we hope that we made the transition a little easier" said Tom Kilby, who, along with Kate Ryzoc, heads up the orientation committee. The orientation is a good opportunity for 1Ls to get a glimpse of law school as well as the legal profession.

The entering 1Ls had an opportunity to hear guest speakers from a wide range of legal professions, hear the perspectives of their professors, experience a class taught in the Socratic Method, and even had a sample of their Lawyering Skills class. At the end of each day, food and beverages were provided, and the 1Ls had an opportunity to mingle with their professors and one another. Theresa Hrenchir worked with the SBA orientation committee to make sure all these events were possible and ran smoothly. "Theresa Hrenchir was incredible in this whole process," said Kate, "Theresa spearheaded the much enjoyed second reception on day two, and really thought of everything from

See: *Orientation*, page 4

A Message from the President

by Cole Cannon, *SBA President*

Welcome class of 2010! The Student Bar Association is excited to welcome a great new class of Toreros to USD. The past two weeks have provided a whirlwind of events. With orientation, the Tin Fish, the first Bar Review at Club Aubergine, the Club Fair, and the SBA/PAD Beach Party, it is easy to feel like law school is one big party. Our goal in planning these events is to ease the transition from your past life, to your new law school life.

Being part of the USD student body is truly a special thing. We hope during orientation you were able to feel the strength of the student community and know that we are all in this together. The mentor-mentee program, organized by SBA VP John Lo, is one way we hope to show you that we care about your success. Please take advantage of this and the many opportunities—both social and academic—the SBA and its clubs have to offer. It is these extra-curricular experiences that transform law school into a lifestyle.

See: *Prez*, page 4

USD Hosts NAWJ Conference Retired Justice O'Connor Highlights Three-Day Event

Compiled from Sources

The University of San Diego recently played host to a conference put on by the National Association of Women Judges (NAWJ), entitled "A Focus on Judicial Independence and Judicial Diversity." Of particular note was the attendance of one woman, who was once hailed by The New York Times Magazine as the most powerful woman in the United States. USD was proud to host the now Retired Supreme Court Justice, Sandra Day O'Connor.

Throughout the conference, an impressive array of judges and scholars gathered at the Joan Krok Institute for Peace and Justice to discuss their thoughts and concerns regarding such issues as the politics of judicial elections, the correlation between a diverse judiciary and an independent judiciary, and implicit racial and gender biases in the selection, retention and evaluation of judges. Brenda Stith Loftin, the NAWJ President, wrote of the conference's focus on "the paramount importance and interrelationship of judicial diversity and judicial independence in our nation's system of justice."

Third year law student Maria Shih found UCLA Law Professor Jerry Kang's presentation on implicit bias to be especially enlightening. "One of his bigger points," Shih said, "was that everyone needs to be aware of their implicit biases and begin 'scrubbing' these associations and de-biasing themselves."

But the attention was, of course, focused on Justice O'Connor. Long an advocate for judicial independence, O'Connor spoke of the importance of judicial action "without fear of retaliation by the executive or legislative branch."

Born in 1930, O'Connor still carries herself with the strength and vigor of a newly appointed Justice. Shih was impressed by the

Law School "Watchdog" Gives Rundown of Summer Renovations

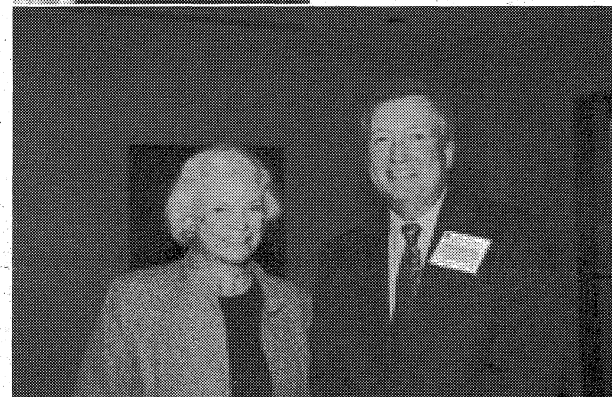
by Bobby O'Brien, *Staff Writer*

While many of us worked, traveled, and spent time at the beach this summer, the University of San Diego School of Law Administration was busy implementing changes in both Warren Hall and the Legal Research Center (LRC). Among the changes made over break were new couches, ceiling tiles, and lights on the first floor of Warren Hall, paint jobs and new furniture in the interview rooms in Warren Hall, renovations to rooms Warren Hall 131 and 2A and LRC 131, and remodeled bathrooms in the LRC.

See: *Renovations*, page 6



Left: Retired Supreme Court Justice Sandra Day O'Connor delivers the keynote address at the conference. She still has the ability to command the room.



Below: USD School of Law Dean Kevin Cole enjoys brushing shoulders with an American legend.

command of her presence - not surprising for someone who often stood toe to toe against the likes of Chief Justice Rehnquist, Justice Scalia, et al.

To legal scholars, O'Connor may ultimately be remembered as a judicial "pragmatist" who for many years cast the deciding Supreme Court vote in hotly contested legal battles. Those scholars will continue to wrangle over her opinions and over her legacy as a jurist, but no one debates the importance of O'Connor's legacy as a woman and as an American. She is known and admired throughout the world, and is emblematic of the goal described by Loftin and shared by those in attendance at the NAWJ Conference - the goal "of a diverse, fair and impartial justice system."

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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 Motions 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 NOTE

Michael K. Hayes

Everything seems to be coming up roses at USD Law, these days. The school has been renovated, Supreme Court Justices are coming and going, students are making cash through the efforts of the SBA, the interviewing season is in full gear, and there's lots of free alcohol. What's not to like about the first few weeks of semester? This issue of Motions reflects the pervading sense of optimism on campus right now - so we'll just ride the wave for a little bit.

It is an honor to be serving as the Editor-in-Chief of Motions, Volume 43. It's been a scramble out of the gates, but we're hitting our stride. It is my personal hope that Motions can be a forum for debate, an outlet for student creativity, a provocateur of public opinion, and generally speaking, a voice for the students of the USD School of Law. **We are a student-run newspaper!** The possibilities are endless, but we need your interest, your insights, and your contributions. I am amazed at the number of people who do not realize that we accept articles of all varieties, and that **we pay you forty dollars** for every article that goes to print. You can write about pretty much whatever you like, but here are a few themes I would like to explore in the coming year:

1) Does our law school have a political leaning? Are we more conservative than the academic rank and file? It seems so, as evidenced by our Center for Constitutional Originalism and our connection to Justice Scalia. We're also home to the blogging professors of "The Right Coast." Then again, our own Robert Fellmeth was one of "Nader's Raiders," and Nader himself paid us a visit last Spring. Where does our school fall along the political spectrum?

2) What in the world does this school do with our 40K in tuition? I would be interested to know how many schools in the 50-100 range have such exorbitant tuitions. What is the school doing with that money? Is there a plan of investment, a vision for the future?

3) What is our identity as a student body? What sort of law student does this place attract? Are we deficient in minority representation? Overrepresented in other categories? Are we a "country club school?"

4) Is anyone interested in writing on current political issues? Might we have an immigration debate between a La Raza representative and a College Republican representative? Or between any two individuals? The Institute for Law and Philosophy is holding a conference on terrorism and preemptive war. Motions should cover this conference!

5) We are law students. We are supposed to be informed advocates. We are supposed to be persuasive. We are supposed to deal with issues and tackle problems.

JOIN MOTIONS!

EXPOSTULATION and REPLY by William Wordsworth

Why, William, on that old grey stone,
Thus, for the length of half a day
Why William, sit you, thus, alone,
And dream your time away?

Where are your books - that light bequeathed
To Beings else forlorn and blind?
Up! Up! and drink the spirit breathed
From dead men to their kind.

You look round on your Mother Earth
As if she for no purpose bore you,
As if you were here first-born birth,
And none had lived before you.

One morning, thus, by Esthwaite Lake,
When life was sweet, I knew not why,
To me my good friend Matthew spake,
And thus, I made reply:

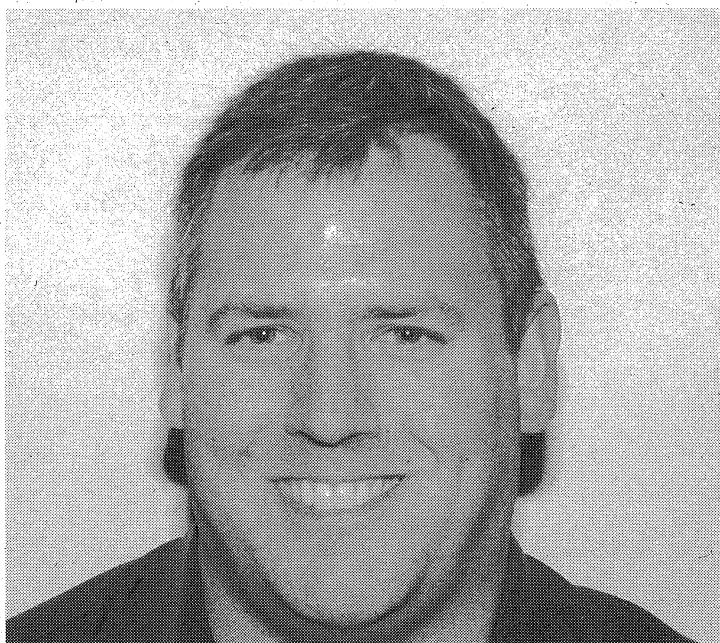
The eye - it cannot choose but see;
We cannot bid the ear be still;
Our bodies feel, wherever they be,
Against, or with our will.

Nor less I deem that there are powers
Which of themselves our minds impress;
That we can feed this mind of ours
In a wise passiveness.

Think you, 'mid all this mighty sum
Of things forever speaking,
That nothing of itself will come,
But still, we must be seeking?

Then ask not, wherefore, here alone,
Conversing as I may,
I sit upon this old grey stone,
And dream my time away.

IN LOVING MEMORY OF LARRY MAHLUM



On August 23, friends and family gathered to remember and celebrate the life of Larry Mahlum, one of our fellow law students here at USD. Larry died this past Summer, a victim of cancer. He entered school as an evening student in the Fall of 2005, following an already impressive career in venture capital. He will be missed by all who knew him.

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- ✓ How to Write the Superior Answer

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SCHEDULE OF SEMINARS

SAN DIEGO

- Saturday, September 15, 2007 : Noon - 6:00 pm
- Sunday, September 16, 2007 : Noon - 6:00 pm
- All sessions will be given **LIVE** at California Western School of Law, 350 Cedar Street, San Diego. Room 2B.

ORANGE COUNTY #1

- Saturday, September 29, 2007 : 9:00 am - 4:00 pm
- Sunday, September 30, 2007 : 9:00 am - 4:00 pm
- All sessions will be given **LIVE** at Hope International University, 2500 E. Nutwood Avenue at Commonwealth, Fullerton (across from California State University, Fullerton). Second Floor, Room 205.

LOS ANGELES

- Saturday, October 6, 2007 : 9:00 am-4:00 pm
- Sunday, October 7, 2007 : 9:00 am-4:00 pm
- All sessions will be given **LIVE** at the Crowne Plaza Hotel, Los Angeles International Airport, 5985 Century Boulevard, Los Angeles. Salon A.

VENTURA

- Saturday, October 13, 2007 : Noon - 6:00 pm
- Sunday, October 14, 2007 : Noon - 6:00 pm
- All sessions will be given at Ventura College of Law, 4475 Market Street, Ventura. Room 9. **DVD PRESENTATION.**

ORANGE COUNTY #2

- Saturday, October 20, 2007 : Noon - 6:00 pm
- Sunday, October 21, 2007 : Noon - 6:00 pm
- All sessions will be given **LIVE** (*Lecturer: Attorney John Couch*) at Hope International University, 2500 E. Nutwood Avenue at Titan, Fullerton (across from California State University, Fullerton). Room 215A.

"On a cost-benefit basis, Jeff Fleming's exams-manship course is the best one available. If you follow through, especially with practice exams and use his method, you have a high a high probability of ending up in the top end of the fixed curve that virtually all law schools use."

~ATTICUS FALCON,
author of *Planet Law School*, December 2006

SAN FRANCISCO

- Saturday, October 20, 2007 : 9:00 am - 4:00 pm
- Sunday, October 21, 2007 : 9:00 am - 4:00 pm
- All sessions will be given **LIVE** (*Lecturer: Attorney Mara Feiger and Attorney Guy Chism*) at the Embassy Suites Hotel, 150 Anza Blvd, Burlingame. Marin Room.

RIVERSIDE

- Saturday, November 3, 2007 : Noon - 6:00 pm
- Sunday, November 4, 2007 : Noon - 6:00 pm
- All sessions will be given at California Southern School of Law, 3775 Elizabeth Street, Riverside. Room 2. **DVD PRESENTATION.**

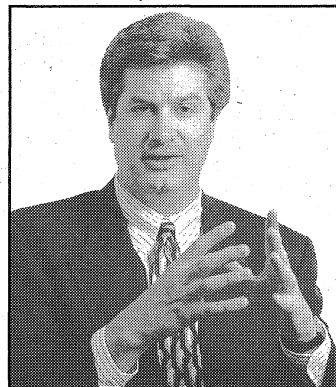
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Course Lecturer:

JEFF A. FLEMING

Attorney at Law ♦ Former Law Professor

Jeff Fleming is a licensed California attorney and former law professor with 25 years of teaching experience. He has been a legal education consultant to various California law schools and has devoted his legal career to developing legal preparatory seminars designed to aid law students, Baby Bar and Bar candidates to improve their knowledge of the substantive law and develop their exam writing skills. He participated in the calibration session conducted by the California Bar Examiners when grading the California Bar Examination, which has given him unique insight into the particular problems that most law students face.

Mr. Fleming has lectured for pre-law prep seminars and is the creator of the Exam Solution® a CD series that aids law students with their exam preparation. His Legal

Examination Writing Workshop is the longest running Workshop of its kind in California. His Baby Bar Review seminar, founded in 1981, is considered to be the most successful on the market. In addition, he has founded and lectured for his Long Term, Short Term, and Ultimate Bar Review, and is proficient in fourteen areas of substantive law. He is the publisher of the Performance Exam Solution and the two-volume series of Multistate Examination Workbooks. Mr. Fleming has authored the four-book series of Examination Writing Workbooks. All of these publications are available in legal bookstores throughout the U.S.

Mr. Fleming has determined that the major problem for most law students is weak analytical skills. Most students can learn the law, but the application of law is their stumbling block under exam conditions. Mr. Fleming has structured all of his programs to include both substantive law and legal analysis training. This provides the combination necessary to develop a better prepared and more skillful law student, Baby Bar and Bar candidate. His courses and written materials have made it possible for thousands of law students to improve their grades and ultimately pass the California Baby Bar Examination and California Bar Examination.

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having water for the volunteers, to group signs, to moving people from place to place.”

Last April, SBA President Cole Cannon organized the committee that quickly elected Tom Kilby and Kate Ryzoc as chairpersons. It was this committee and the seventy-five volunteers it recruited that made orientation hiccup-free. Both Tom and Kate were quick to give credit to the volunteers who helped out. “The volunteers were great,” Tom and Kate said, “they all worked harder and longer shifts than anyone anticipated.” The volunteers helped lead the entering class around the campus, manned the panels, and also helped escort the guest speakers around. Even if the guest speakers were escorted 20 feet from their parking spot to the auditorium, it was a job that had to be done. The duties of the volunteers were much more than carting people from point A to point B or giving out food. Another important job for the volunteers was giving their perspective about their first year in law school and answer questions that any incoming 1Ls may have. Because of this dedication from the orientation leaders and the volunteers, the event ran very smoothly.

The orientation is intended to help entering 1Ls make a smooth transition into law school. Orientation did that, and even more. Dean Carrie Wilson called the three-day event, the “best orientation ever.” SBA President Cole Cannon said, “I was jealous of the incoming class.two receptions, the IPJ, a book-exchange. Wow! Well, not too jealous, I suppose they are still 1L’s.” The orientation only ran smoothly because of the hard work and dedication by people like Theresa Hrenchir, Tom Kilby, Kate Ryzoc, and the numerous volunteers who wore baby blue USD t-shirts for the last three days of their summer while assisting in all the activities.

Prez, from page 1:

Remember, as Sir William Shakespeare counseled, “Things won are done, joy’s soul lies in the doing.” Before you know it you will be a third-year student with a whole career in front of you. So take time to enjoy the many things law school has to offer. To find out what is happening around USD, check out the new SBA website, www.USDsba.org.

On a personal note, I have to say THANK YOU to all the volunteers and the SBA Executive Board who made orientation and the book-exchange a success. Space is too short to enumerate all of you, but please know your efforts are noticed and appreciated. You have all done a great service to your fellow students.

As Always, Stay Classy, USD.

What do you want in a Bar Review?

1. A trendy downtown bar/club, or a casual, laid back atmosphere?
2. A place where you can dance or a place where you can sit?
3. A place where there is a drink “discount” or a place where drinks are just plain cheap?
4. A place where a USD i.d. means no cover charge or a place where they don’t give a damn if you go to USD?

Feel Free to Report to your SBA Representative

A Warm Welcome
by Sarina Cox, Staff Writer

I admit that the three days of registration and orientation are a bit of a blur, but there is a common thread of emotion that rings true through the haze of new information, new names, and new faces: surprise. I am surprised at how friendly and how genuinely interested the staff and our new classmates were in us - in me! I have been out of school for a little while (three years if anyone is counting), and do not recall feeling this welcome or excited for anything academic, besides perhaps on my first day of kindergarten, when the teachers fed us Oreos and directed us straight to the playground. The professors, administrators, guest speakers, and 2nd year law students all put substantial effort into enlightening my classmates and me about the years ahead. We were briefed on the struggles, the books, the late nights, the friendships, and the “gunners.”

I would like to mention, in particular, the two speakers who have stayed prominent in my mind as I enter my third week of law school. The first speaker was a member of the Panel of Alumni Perspectives. The structure of the Panel was formal and each panelist spoke about his or her varied journey toward successful and fulfilling present-day careers. The words that really stuck with me were those of the Honorable Robert J. Tréntacosta. He advised the 1st year law students to step outside of their comfort zones while in law school. His sentiments were reiterated by the other distinguished panelists.

The second speaker to have an impact on me was Professor Mary Jo Wiggins, the Associate Dean and Professor of Law. She influenced me especially because of the manner, authority, and honesty with which she approached her topic. She was chosen to speak about academic misconduct and the repercussions of cheating. Her presence and the seriousness of the subject captivated the audience members, who had previously listened to at least an hour of speeches on a wide array of topics. I admired the ability and finesse with which each of these speaker was able to convey their topic, whether it was with seriousness or humor. I walked away hoping that one day I might step out of my comfort zone and enthrall an audience with my oratory and wisdom.

The advice I received throughout orientation and my surprise at the “community” atmosphere at USD made me eager for the first week to begin. I wanted my own chance to experience all of the things I had been told. In my very first class, I was called on first and asked a question completely unrelated to the assigned material. What??? I did my best to b.s. my way through it, knowing full well that I was way off. After we all learned the punch line of a new joke, the professor graciously moved on and asked me about the material. Since that moment, it has been an ongoing train of reading assignments, writing instruction, and the Socratic method. And still, it is reassuring to know that I can spend most of the week in class or the library and still have some new friends who want to go out, grab a drink, and talk about our lives, a.k.a. law school.

“Think where man’s glory most begins and ends,
And say my glory was I had such friends.”
-W.B. Yeats, “A Municipal Gallery Revisited”

“It’s Good to be Scared”
by Kevin Cowan, Staff Writer

No drinking and driving. We have many of the same powers as the San Diego police. We are not sworn, but we can and will enforce the law when necessary. So, no drinking and driving.....There’s the beer right over there.

That was pretty funny. Finding out we would be taught in the Socratic Method (*cue Carmina Burana*) was not wholly unexpected, but when I actually thought about it, I realized that its value comes mostly from the fear of public humiliation than from any advantages in learning through discourse.

I was beginning to get the twangs of fear. Fast forward to the lecture hall, where we were greeted by a few illustrious alumni, and it started: “Many of you are thinking to yourselves,”...*dramatic pause*... “what have I gotten myself into?”

And I was. Then I thought, “Wow, this guy knows what he’s talking about.” And he did. In fact, all of the alumni gave the same message of encouragement, just by their presence and stories of success. It was really inspiring to have a few people come back and tell us everything will be okay.

And they all graduated from our school. Every alum was a brand spankin’ new first year at some point. That was a very relaxing thought. And furthermore, they all did what we first years are doing right now. Crapping our pants. Well, maybe not all of us. I’ve noticed some pretty swaggery first years, but by and large, I’ve got five bucks on incontinence.

And it’s good to be scared! “Scared” keeps you in the game more than “complacent” does. “Scared” keeps your nose in the books and your ass in the classrooms. My biggest fear about all this is deciding the day after tuition reimbursement ends that I want my mommy. Maybe that’s why tuition is almost prohibitively high...if there’s any doubt, don’t do it or you pay. 40k is a lot of bartending shifts.

Then we had everyone walking around with silly name tags. And that’s okay...if we all look silly we can get past it. I did learn more people’s names by looking down to remind myself as I was talking to the person than I did by introducing myself.

And that was another thing. I really did have a notion of law school as this cut-throat, clawing, scraping, gnawing, glowing-eyed, frenetic race to the finish line armed with a briefcase taken from the white spy. {Spy vs. Spy 1st Atari 2d16bit (1982)} Happily, so far I haven’t noticed it. Should I be waiting for it? Maybe not to that degree, maybe not at all, but it’s not really all that worrying. The people I have met so far have been great. Smart, funny people who are all united under one common bond: our campus safety will tell us not to drink and drive and then direct us to the temporary beer garden set up on campus.

So we have scared what-am-I-getting-myself-into Kevin being relaxed and reassured for an entire week before classes begin. A little acclimation, a little beer, a little taste of what class is like, and a little reassurance my salary will cover my tuition bill when I’m done... orientation is good.

Advice for First Year Students - by Mike Sienkiewicz, Staff Writer

As we welcome the USD law’s class of 2010, let me be the first to say congratulations. You’ve got a long and interesting road ahead. You’ve got a lot on your plate. Between class, reading, bar reviews, and learning the intricacies of getting a parking spot, you’ve got more than enough to do. But it’s really important that in the mad scramble that is your 1L year, you don’t lose sight of what’s important and why you came here in the first place. That’s why I decided to pass on my accumulated wisdom in the form of a “Things to Do” list and a “Things to Avoid” list. Here goes.

- Things to Do:
1. Socialize. If you go out and have a great time Friday night, you’ll be way more productive when you actually do work. You’re not too cool for law school events, especially the Dean’s kegger.
 2. Study hard. Your introduction to law should be one of the most fascinating academic experiences possible. Make the most of your studies, go to class, and don’t be afraid to talk to professors outside of class. Treat school like an eight-to-five job and you’ll be surprised how much free time you still have.
 3. Think about what kind of law you want to practice. You still have years to decide, but if something fascinates you then you should pursue it. Law courses are immensely practical, so if you want a 2L internship with the DA’s, take Crim Pro and Evidence and you might actually know what’s going on at your job.
 4. Get to know the staff. Everyone is here to help you, and most are really great people.

- Things to Avoid:
1. Constantly comparing yourself to others. Inevitably, you’ll encounter a classmate who makes you feel like you’re way behind on your work and life. This person briefs every case, continually updates outlines, is already networking for a summer job, and leads three separate study groups. They’ll probably also be exhausted and ready to drop out by Thanksgiving. It’s great to be on top of your work, but diminishing marginal returns is a very real phenomenon. By the way, no one should bother with study groups until two weeks before the exam, unless you’re just trying to make friends.
 2. Losing confidence. Sure, there are always a few classmates who always seem to have the right answers, and your professors have astonishing resumes. But if you think you know the answer to a question, you probably do. We all read the same books, and most of the material isn’t rocket science, so get assertive and raise your hand.
 3. Externalizing success. To be successful, you have to get A’s, the highest salary possible, and then make partner, right? I really hope that this isn’t your definition of success. If so, you’ll wake up one day and realize that you sold your youth, with nothing to show for your labors but a heart condition, kids that don’t know you, and a big empty house.
 4. Cliques. There is something to the comparisons between 1L year and junior high. Some people latch onto the first person they meet at orientation, connect themselves at the hip, and shun the company of all others. The bad news for these people is that school is long, and after 1L you probably won’t have many classes with your cherished BFF. So go sit down next to that mature student or weird engineering kid at the library and just say hi. You might be surprised by how interesting some of your classmates are.

Online Gambling and the UIGEA

by Jenn Chou, *Core Staff*

Congress passed the Unlawful Internet Gambling Enforcement Act (UIGEA) in September of 2006 as a rider on a port security bill, and the issue is still controversial nearly a year later.

UIGEA seeks to curb online gambling by making it unlawful for businesses to accept funds in the forms of credit cards, checks and other payments for the purpose of allowing gamblers to illegally bet online. The bill also makes it a criminal offense for individuals to gamble online. Moreover, the UIGEA provides civil remedies, including injunctive or declarative relief, and restraint or seizure of accounts owned or controlled by gambling businesses that have violated the bill.

The Congressional Budget Office (CBO) reports that for the fiscal years of 2007-2010 the government has authorized the appropriation of \$10 million dollars annually for the purpose of investigating and prosecuting violators. In addition, the CBO estimated a cost of \$2 million to implement the bill.

The bill does not target other kinds of gambling, and specifies that the regulations do not affect activities related to horse racing and fantasy sport betting. UIGEA has been met with opposition both from the public and among legislators.

Aside from opposition from poker players, there is international discontent. The World Trade Organization (WTO) has ruled that the United States has violated WTO rules.

Mark E. Mendel currently is representing Antigua and Barbuda before the WTO in a trade complaint against the U.S. According to the New York Times, many online casinos are located in Antigua and Barbuda and the nation insists that UIGEA has violated its free trade rights.

Domestically, the Poker Player's Alliance (PPA) is currently lobbying in D.C. and working at the state level to fight the ban on online gambling. The PPA has about 661,000 members throughout the United States, some of whom are meeting with lawmakers in their home states to effect change.

"We've got a lot of momentum and the four bills introduced into this session of Congress that are pro-internet gambling are going to help advance the ball toward regulation of the industry," says John Pappas, President of the Poker Player's Alliance.

One such bill made an appearance in April of this year. Rep. Barney Frank (D-Mass.) introduced legislation that would allow legalization and regulation of internet gambling. Frank opposed UIGEA on the grounds that it interfered with people's personal freedoms.

In addition, his bill proposed that internet gambling be taxed. As chairman of the Financial Services Committee, Frank believes that taxing the internet gambling industry could raise billions of dollars to be used for domestic programs that do not currently have funding.

Although Frank's bill is widely referred to as a measure that would repeal UIGEA, Pappas stresses that is not the case. Instead, the Frank bill would allow for companies to be licensed and regulated if they meet certain requirements. Those companies that do not apply for licensing and agree to be regulated would still be prosecuted under the UIGEA.

In June 2007, Florida Congressman Robert Wexler introduced legislation that would carve out exceptions to the online gambling ban. Wexler's bill would exempt skill-based games, such as poker, bridge, chess, mahjong and others from being prosecuted under the UIGEA.

In addition, Rep. Jim McDermott (D-WA) has proposed a revenue and tax bill regarding the regulation of poker, and Congresswoman Shelley Berkley (D-NV), a University of San Diego School of Law alumna, is heading a Congressional study on how to best regulate the online gambling industry.

"Our interest is that the game of poker gets fair treatment and we believe both the Frank and Wexler proposals will provide poker players the protections they deserve," says Pappas.

Poker players especially resent the manner in which the UIGEA was passed. It was attached as a rider to a completely unrelated port security bill, and unknown by many members of Congress.

"It was a power play by Senator Bill Frist," says Pappas. "He did it to bolster support from his conservative base. The way they passed this was offensive in that it showed the backhanded way in which the government can take away people's rights without any kind of debate or discourse on the matter."

Professional poker player Justin Kenny has similar concerns. "This seems to reflect a problem with the political system. Frist was motivated by right-wing fundamental groups who lobby for measures they believe in for religious reasons, rather than for things that are good for the country." He adds that if this were truly a legitimate issue, Frist need not have used such an underhanded way to achieve his means.

Most significantly, Kenny feels the measure is inherently unfair. "The bill has exceptions for horse racing and fantasy sports, but poker is a game of skill. There is a significant difference. For instance, Congress would never outlaw playing chess or golf for money."

Although Pappas expresses optimism about the matter, Kenny feels differently. Passage of the bill has resulted in an increase in competition and extensive restrictions. His earnings have been cut in half, and he notes it is increasingly difficult to pay the mortgage and other bills.

"The PPA probably does not have the kind of influential political clout and financial backing needed to sway the opinions of congressmen. The poker industry is strong, but not strong enough to create change. I am hoping for change, but I don't think we have the power," says Kenny.

"Don't Vote?"

by Stephen Dupourque, *Staff Writer*

From the start, it just doesn't sound right, does it? "Don't vote?" Who could possibly be putting out such a preposterously un-American idea? Isn't the message supposed to be, "Don't forget to vote!" or "Everyone exercise their rights as citizens and vote!"? But after some reflection, maybe it's not such a preposterous idea after all. There are actually a number of groups proclaiming this "Don't Vote" message; however, this is not a campaign to dissuade citizens from voting, it's actually a challenge to all citizens to become more informed voters. And it seems to have a two-fold purpose. First, it will educate people on the issues, but secondly, and maybe more importantly, it will tend to motivate eligible voters...to vote! If voters can see the logic behind this self-imposed rule of not voting, then, hopefully, that will motivate them to do the research to make themselves "eligible" to vote, by applying a higher standard to their voting decisions.

One of the groups proclaiming the "Don't Vote" idea is the American Association of Retired People (AARP). The AARP beckons voters to become educated on the issues. On the AARP website, David Sloane, AARP Senior Managing Director of Government Relations and Advocacy, says, "The purpose behind 'Don't Vote' is to get the attention of voters. We all worry when candidates aren't willing to clearly explain where they stand on the issues. Voters want to make an informed choice at the polls, and dontvote.com is a big step toward this goal."

Polling suggests people don't vote for two main reasons. First, they don't know enough about the issues. Second, they don't think that their vote really counts for anything. These two issues can create a never ending cycle of voter apathy because not knowing enough about the issues will in turn give people the impression that their vote does not count for much. This cycle of apathy may end if people spend some time learning about the issues.

The 2004 Presidential Election is a recent example of how each vote counts. President Bush won with over 50% of the popular vote, but he only narrowly won the electoral vote. President Bush did not focus on the tight electoral vote. Instead, he focused on the popular vote and considered it a political mandate by the people, or "political capital" that he intended to spend on his second term policy goals. He viewed the popular vote as political power and a ringing endorsement of his first term. This election demonstrates that elections aren't just about winning or losing; rather, how a candidate wins is important as well.

Here's the challenge. Start small. Select your top presidential candidate from both major parties and find out where he or she stands on a number of issues, such as the Iraq war, immigration reform, health care, or the environment. Next, watch one debate for each party. After that, add another candidate and so on. Just maybe, the next time you vote, it will leave an impression on whether your vote really does count.

Dontvote.com is a good place to start and here are a few more election websites: ontheissues.org, <http://www.cnn.com/ELECTION/2008/> and <http://www.foxnews.com/politics/youdecide2008>.

Studying Down Under

by Forrest Merithew, *Staff Writer*

I enjoy my study abroad experience more every time I think about it. Not just because I am reminded of the eight-day layover in Fiji on the way to Sydney, the five-week introduction to International and Australian Law, and the two weeks my girlfriend and I spent traveling up the east coast of Australia, but because I realize that out of all the options available following my first year of law school, I may have chosen the best.

Studying abroad will probably not assure me a position in a firm (although I did hear urban myths about interviews which covered no more than travel stories from the summer after the student's first year). But with the competitive market and high number of law students across the nation, I wouldn't have increased my marketability by framing houses or bartending, as I had done during undergraduate breaks. One of my fellow students had taken the internship route, and had undergone what seemed to be double digit interviews throughout the second semester of our first year, in the hope of securing an unpaid three month job. Not for me. With little family backing and a focus on my first year performance, I couldn't imagine frequently leaving class early, in a suit, to apply for such a position.

Now that I'm back in the States - which I always enjoy after traveling for extended periods - my conversations and recollections have resulted in a great appreciation for my trip. I was able to add credits to my record, which will make my academic workload more reasonable and allow me to focus on gaining more legal experience and possibly making some cash during the school year. I also got to put two new travel stamps in my passport.

Through a combination of educational and student travel loans, I was able to line up an extended layover in Fiji along the way. After storing one suitcase with heavier clothes in Nadi (pronounced "nandi"), I headed south on the Queens Highway, which is the only one in the country. I got to surf my first reef break and whitewater raft through the highlands. I also did a little snorkeling, and enjoyed the usual socializing with other international travelers.

While Australia was much bigger than I realized, it was not as exotic as I expected, and I was quickly reminded that they are such a young nation, around 150 years old, and that there has been quite an adoption and hybrid development of American ideas and businesses. Yes, Coca-cola, McDonalds, and KFC are readily available. The people are amazing, very sincere and accommodating, and the nation has beautiful countryside, as 85% of the national population live in urban areas. It's hard to understand how amazing diverse coral is - not as exciting as fish and eels - but once again my memory enjoys the Great Barrier Reef every time it floats through. My favorite location was Fraser Island. You should google it. It is the largest sand island on the globe, a world heritage site, and includes rainforests, scrub forests, large sand dunes, pure freshwater lakes, and a beach that's a national highway. You rent a 4X4, a diesel Land Rover Defender for us, and tool around on sand trails, stopping for swimming breaks and short hikes. In the evening you are rewarded with a relaxing beach front campsite and, if you're a good negotiator, some fish from locals, for the grill.

Since I had never previously studied abroad in my educational career, the choice may have been somewhat simpler for me than for others. I truly believe that any travels, whether domestic or international, provide a great learning experience, and throwing school twenty to thirty strangers into the mix just increases the rewards. You can not only learn about the world around you, but about yourself, and you can possibly learn how to improve on both.

GEORGE GRAY

I have studied many times

The marble which was chiseled for me --

A boat with a furled sail at rest in a harbor.

In truth, it pictures not my destination

But my life.

For love was offered me and I shrank from it's
disillusionment;

Sorry knocked on my door, but I was afraid;

Ambition called to me, but I dreaded the chances.

Yet all the while I hungered for meaning in my life.

And now I know that we must lift the sail

And catch the winds of destiny

Wherever they drive the boat.

To put meaning in one's life may end in madness,

But life without meaning is the torture

Of restlessness and vague desire --

It is a boat longing for the sea and yet afraid.

-Edgar Lee Masters, "Spoon River Anthology"

Renovations, from page 1:

The two men to thank for the improvements are Bill Anderson, the Administrative Service Manager, and Dean Kevin Cole, who were involved in the renovations every step of the way. Bill oversaw the activities being conducted in both Warren Hall and the LRC, and he personally selected the new couches in the lounge. “The ideas were student driven and came from student complaints,” said Anderson. “We feel good about everything. It came down to the wire, but we did a whole lot given the time constraints.” In addition to overseeing the project, Dean Cole was instrumental in ensuring that construction was completed on time. In August, when the restructuring of the classrooms was behind schedule, Dean Cole made the necessary phone calls that ensured the classrooms would be finished in time for the school year.

The funding for all this remodeling comes from the University, but the Law School is responsible for anything that extends beyond the budget. The University has a limited amount of money to allocate to certain projects on its agenda, and it has committees to decide when to undertake each project. Anderson was in charge of overseeing all the renovations to the Law School buildings.

The renovations began in May in the LRC. The wooden chairs were replaced with the new swivel chairs, and the old, wrinkled, dirty soundproofing walls in the study rooms were replaced. According to Anderson, “All the walls in the study rooms are done. It is just the atrium that needs to be finished.” Renovations in the restrooms were driven by student complaints about poor ventilation, and janitorial complaints about poor drainage in the sinks. New countertops, partitions, and a sensor flush system are among the additions in the bathrooms.

The most major of all renovations occurred in Career Services. Again, this was student driven, stemming from complaints that the office was not welcoming enough. To make more room, Alumni Services moved to Guadalupe Hall, and Anderson volunteered to give up his office and storage room, which is now being used as a conference room. In all, close to one thousand square feet of space were added to the Career Services office, a near doubling of the previous square footage.

Next on the agenda are the railings outside the 2nd and 3rd floors. Students complained that the balcony railings bent when leaned upon. As a result, during this upcoming winter break, sturdier and higher railings are going to be installed on all the balconies. In addition to the outside railings, the second floor decor is going to undergo changes, pending the approval of Mary Whelan, Director of Institutional Design. Students can expect new couches, chairs, and rugs, as well as a new color scheme. The administration has also been promised a large new table in the south end of Warren Hall. The table is currently in Maher Hall, but is so large that it first must be cut in half so that it can be removed from the room. It will then be pieced back together inside Warren Hall. Anderson is hopeful these changes will be completed this academic year.

Anderson worked hard this summer to ensure that all of the student requests were met. Everything that the University approved was completed this summer. While students often bring their complaints to the Dean or to the Records office, all questions and concerns should be brought directly to Anderson, who is the Law School watchdog. Anderson can be reached via email at lawman@sandiego.edu, or in his office in Guadalupe Hall 204.

Criminal Law Society: The Sequel

by Rosario Santoyo, *Staff Writer*

It's official. The school year is up and running. Though the weather still has “Beach Season” written all over it, there are assignments posted, classes in session, and deadlines to meet. Now, the only beach most law students will have time to see is the one most people have as their screen saver. Most students feel guilty when they decide to treat themselves to an hour or two of fun. Why not enjoy yourself without feeling guilty by using a school club as entertainment? In case you missed it, the club fair this year was booming with so much fun, it could have been illegal! In fact, many students found themselves behind bars, barely able to contain their Sangria! The club fair is a time for Law Students to see what clubs are available to them and it offers a chance to get on the clubs' e-mailing lists.

The Criminal Law Society has an informative focus, kicking off this academic year with several activities many will find both useful, and fun! Though just one year old, the Criminal Law Society has planned an ambitious year. The general meeting on August 30th laid out a roadmap for the year, giving an overview of activities planned and providing students an opportunity to ask questions about the club, the planned activities, and the benefits of joining the Criminal Law Society.

See: CrimLaw, page 7

A Conversation With Career Services

by Michael K. Hayes, *Editor-in-Chief*

It was not very long ago – less than two years ago, in fact – that the USD Career Services Office came under heavy fire for what was perceived as a basic failure in the performance of its one and only responsibility – to help law students find decent employment. A snippet from the November 2005 issue of *Motions* captured one student's feelings on the matter, in an article entitled “Career Dis-Services: I Know Why the Unemployed Law Student Drinks”:

And if it's possible that a higher power exists that listens to and quasi-answers my prayers, then it's possible that USD Career Services could actually become useful one day. I know, I know, it's incredible and too fantastic for the mere mortal mind to conceive, but have faith.” -Starr Avray, (Motions, Volume 41, Issue 3.)

Since that time, the Career Services Office has undergone a series of changes, both structurally and in terms of personnel. One of Avray's suggestions, that the school hire a Dean of Career Services, was actually followed, to the letter; Dean Cara Mitnick is now in charge of the office. Does that mean that Avray's prayers were answered? That is for you, the current USD law student, to decide, now and in the future.

Meanwhile, the hustle and bustle in the Career Services Office continues. Revised OCI procedures, physical renovations, and new personnel are among the recent changes. Margie Cartwright, Esq., Assistant Director for Advising and Programs, recently took the time to answer some questions about these changes, and about the job of getting us jobs.

Motions: The deadline for On-Campus Interview (OCI) resume submissions was bumped up this year. What were the reasons for this change? How did it come to your attention that this change might be beneficial?

Cartwright: Career Services constantly monitors legal recruiting practices and trends via participation in industry conferences and associations, conducting independent research, and maintaining relationships with employers. Increasingly, law schools have begun fall recruiting earlier, sometimes collecting resumes in mid-July and completing OCI by the end of August.

When the new Career Services staff arrived last summer, we analyzed when schools in Southern California and competitor schools around the country held their resume collections and on campus interviews. We found that in past years, USD was last. Having the applications of USD students reach employers after recruiting at other schools is well underway disadvantaged our students as fewer interview slots and positions are open by that time. Employers were uniformly pleased to be receiving USD applications and scheduling interviews earlier.

The acceleration has also paid off with a number of students already receiving offers to interview at “Resume Collect” firms in New York, Phoenix, and other cities, something that did not happen last year.

Motions: How was the turnout from employers? More or less than last year? More or less geographically diverse?

Cartwright: Employer turnout was excellent this year, numerically and geographically. 90 employers will interview on campus, 25% more employers than in 2006. As in prior years, every national law firm with a summer program in San Diego participating in campus interviewing programs will be interviewing at USD this fall. At the same time, we will welcome more employers to campus from Arizona, Nevada, and New York than ever before over the coming weeks.

Motions: How was the student response? Did the deadline seem to affect the number of students who participated?

Cartwright: The student response was positive, and we saw no difference in participation levels from prior years. Because the upload was totally electronic, students could apply for Fall Recruiting positions from all over the world. We spoke with students all over the country and abroad this summer and all were able to participate fully in Fall Recruiting.

Likewise, employers were pleased that USD was utilizing technology they regularly employ with other law schools.

Motions: For students who are not successful with OCI, what advice do you have?

Cartwright: First, take heart. Only 25% of graduates tell us that their permanent job after law school resulted from Fall or Spring Recruiting combined. Many more students and graduates secure employment through our Student Job Board, networking, and their own research. Students also gain experience through volunteer positions, journals, moot court and mock trial, and our several USD Legal Clinics.

The first step in job searching beyond Fall Recruiting is to make an individual appointment with Career Services. We can assist students in crafting short and long-term plans to gain experience in law school and maximize post-graduation job opportunities, taking into account the students' particular needs and interests.

Motions: Discuss the office renovations, and its advantages.

Cartwright: The Career Services office has nearly doubled in physical size. The expanded space includes interview rooms, a conference room, more computers and desk space, and an office for students to use in conducting phone and video interviewing. The office is both modern and comfortable. Students and employers have been impressed with the changes. If you have not already visited us, please do.

Motions: Any personnel changes in the Career Services office?

Cartwright: Yes. Heather Lloyd, Esq. joined us this summer as a Career Advisor and Employer Liaison. After practicing law at a large national law firm in the D.C. area, where she was involved in recruiting, she then worked as a recruiting coordinator in the San Diego office of Latham & Watkins, one of the largest firms in the country. This combination of legal practice and law recruiting experience, as well as her masters degree and work in counseling, gives her great insight into the market and a wonderful ability to work with students.

Roseanne Preciado has also joined our staff full-time, and assists with judicial clerkship applications, data collection, alumni mock interviews, and the several job fairs and recruiting events that Career Services coordinates throughout the year.

Finally, many students have already been aided by our new Executive Administrative Assistant, Graylin Clavell, who directs inquiries from students, alumni, and employers in our bustling office.

Motions: Employment after graduation affects our school's rankings. Our school's ranking, in turn, affects the value of our degree and our prospects of future employment. In this context, discuss the importance of the Career Services office and the school's investment in this program.

Cartwright: Career Services has unwavering support from Dean Cole, the administration, and USD alumni. The additions to the Career Services staff, office renovation, and technological enhancements were undertaken with the sole purpose of assisting students gain experience and employment before and after graduation.

The post-graduation employment data that is reported by USD to the National Association for Law Placement, the American Bar Association, and, ultimately, US News & World Report, is obtained through surveying graduates at graduation and again nine months later. In years past, low Graduate Survey response rates have hurt our placement figure and, in turn, the school's ranking.

In response, Career Services has increased its 3L and graduate outreach and information gathering through calling campaigns, wider distribution of Graduate Surveys, targeted 3L update emails, and 3L and graduate programming. For example, in March and April of last year, Career Services attempted to contact every graduating 3L who had not returned a Survey. We connected with these soon-to-be graduates and assisted them with their job search and obtained the future employment and/or contact information critical to our school's ranking.

We cannot stress enough that receiving information from graduates and 3Ls – whether employed or not – is essential to the ranking of your school.

See: Prayers Answered? page 7

Prayers Answered? from page 6:

Motions: Anything else you would like to mention about the upcoming year?

Cartwright: Of course! We anticipate many new and expanded programs and activities in addition to those we have already discussed.

Heather Lloyd is heading our IP Initiative. She obtains from Admissions and Records the names of students with technical or hard science backgrounds and ensures they are on track for employment with the many firms that desire such students. On the employer side, she liaises with firm IP recruiters and hiring attorneys.

To further enhance our employer relations, we will host an open house this fall for all types of local employers to introduce them to our new staff and office.

We also anticipate webcasting select programs throughout the year.

Career Services works year-round to provide job opportunities, timely programs, and individual advising to all students and alumni. We hope that students will use our website to stay abreast of the numerous and diverse activities of our office. Our online calendar is at: <http://www.sandiego.edu/usdlaw/career/students/calendar/>.

CrimLaw, from page 6:

On September 12, 2007, the signature Kick off Mixer will be held. This semi-annual event combines the minds of students, faculty, and local practitioners alike. Wine and cheese is served as networks are built and friendships made. This is a great opportunity to become more than a name on a page when applying for internships, clerkships, or post-graduate jobs! A gathering that provides alcohol, snacks, and professional connections...now that's guilt-free partying!

October will bring about the commencement of the *Criminal Minds* 4-part speaker series. This series will focus on a different aspect of criminal law at each event. The first speaker will discuss legal issues pertaining to Guantanamo Bay.

In November, the second speaker of the series will discuss The Innocence Project. The Innocence Project uses DNA evidence to absolve inmates found guilty of a crime and sentenced to death. The most recent inmate released was just exonerated this past year. Learn more about this amazing area of the law by attending this presentation.

The Spring semester will greet USD Law Students with *Criminal Minds: Jobs in Prosecution*. This event, tentatively scheduled for February, will consist of speakers from a vast variety of offices such as the U.S. Attorney, the District Attorney, the City Attorney, and the Attorney General. Find out what it is like to work in these offices as well as what you could do to become a likely candidate for employment.

March will conclude the *Criminal Minds* speaker series with Jobs in Defense. Representatives from Defense offices, such as the Public Defenders Office, will give listeners a glimpse into the life of a Defender. If you came to law school for the opportunity to work in the area of defense, this is a tremendous chance to learn more about the inner workings of these particular offices.

To wrap up a great year, in April the Criminal Law Society will provide yet another opportunity to mingle with San Diego lawyers and judges, possibly some of the speakers from other events. Take advantage!! In the past these mixers have produced tremendous results as far as attorney and judge turn-out is concerned. This is a great way to meet working professionals in an intimate and personal setting.

Keep your eyes open for bulletins around campus giving information for things besides assignments. There are signs everywhere! Check black boards, bulletin boards at the writs, mail boxes, and e-mail accounts. There are a lot of activities going on that YOU could take advantage of to help your career – and your sanity. Drop in to a meeting. Have a glass of wine with a local practitioner. It will help you unwind and may guide you in your search for a job after graduation.

For more information or to be added to our e-mail list, send an e-mail to usdcls@gmail.com or visit our My Space page at www.myspace.com/usdcls.

When Families are Broken, the State Steps In Juvenile Dependency

by Daniel Richardson, *Staff Writer*

Life is tough for most people. And for some people, life can be a nightmare. Children that come into the dependency system often fall into the latter category. Tragically, these children have suffered some dreadful types of abuse at the hands of those in charge of their well-being. And tragically, many of these children are then put in the hands of the state. No child wants to be in the system, and the state often gets things wrong. In California, minors are appointed an attorney, and these dedicated individuals must carefully guard the balance between maintaining family ties for the children, and protecting them from abusive parents. This past Spring and Summer, I had the pleasure of working as an intern for one of these attorneys.

It is hard to imagine a group of people that one could be more proud to represent. These children are not out to take advantage of people, they haven't committed any crime, and they don't have any agenda. Giving them help with their life is truly a great feeling. But while there is great joy in this work, there is also grief. There is really only so much that the state can do to make things right. The best result is always when the parents get their act together, so that the children are reunified with a safe and loving family. This result, however, is extremely rare; working in this field, you see what raw human failure looks like in some of these parents.

Some children are fortunate enough to be adopted into loving homes, and this is also a very satisfying outcome. However, too many children linger in the system, jumping between different foster homes and group homes. It becomes clear that there are very few options for some of these children, when society just doesn't know what to do with them. And unfortunately, no attorney can give these children what they need most: people that will love them as their own.

To ensure the best possible outcome, dependency is a six-step process designed to benefit the children, while protecting parental rights. It is here that the balance between the state's interest in the well-being of the child, and in the maintenance of family ties, must be struck. Ultimately, pretty much all of these children love their parents. It is very rare to find a child mature enough to blame their parents for their abusive behavior. And it is often the case that social workers can be overzealous, personally biased, or just plain lazy in bringing about a proper outcome for the children. For these reasons, it is important for these children to have their own legal representation.

The dependency court must find the best placement for the child, often turning to an under-funded foster care system. California's foster care system is certainly in need of improvement. This is not to put blame on the people whose vocation is in this field - they have the thankless job of working very hard to keep the best interests of these children at heart. The bigger problem is that society wants to forget about these children. In terms of legislative lobbying, children don't have a vote, they are a diffuse interest, and they are a future interest. These factors, taken together, put children in the back of the line of legislative influence. While most people want what is best for these children, the political reality suggests that the children will always be at a disadvantage in the legislative process. The situation calls for dyed-in-the-wool lobbying efforts by child advocacy groups, like USD's Child's Advocacy Institute.

Finally, one of the most important lessons I received from this internship was in seeing what is afflicting some of our communities on a day-to-day basis. I was able to witness, up close, how things are going terribly wrong for some family units. Methamphetamine use, lust, laziness and rage are some common denominators in these cases. And while these issues are upsetting, it is our duty as future lawyers and leaders in policy to internalize and understand the ills of society, so that some day we may use our influence and knowledge to discover ways to best deal with them.

"It is at our mother's knee that we acquire our noblest and truest and highest ideals, but there is seldom any money in them."

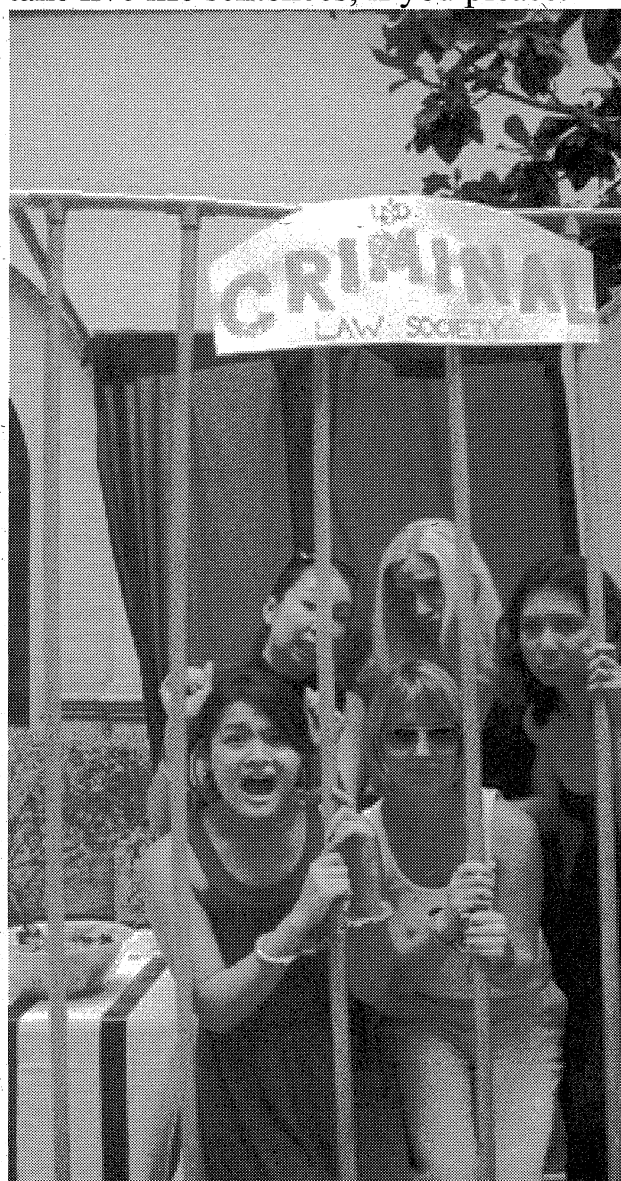
-Mark Twain, a Biography



Above: The big hits at this year's club fair were the Sangria, courtesy of La Raza, and the jailhouse, courtesy of the Criminal Law Society. Sources have been unable to confirm, however, the identity of the dominatrix in the background - somebody's about to get a whoopin!

JAILHOUSE ROCKIN WITH THE CRIM LAW SOCIETY

Below: Jail never looked so good. I'll take five life sentences, if you please.



SBA Book Exchange a Smash Success

Approximately \$60,000.00 in Student Revenue

by Cole Cannon, *SBA President*

The Student Bar Association (SBA) Book Exchange has created a monstrous legacy for the University of San Diego School of Law. The Book Exchange started as a campaign promise and blossomed into a summer-long project that consumed the Writs for the first week of school. The week-long book exchange, which created a secure marketplace for students to buy each other’s books, generated \$18,646.40 of revenue for the sellers and created a net savings of approximately \$43,508.27 for the purchasers, resulting in a net gain of \$60,154.67. Table 1 provides some insight into the first SBA Book Exchange:

Table 1

The 1 st Annual SBA Book-exchange: A Snapshot.	
Amount of Revenue Generated for Sellers	\$18,646.40
Estimated Savings to Student Body*	\$43,508.27
Net Gain to Student Body	\$60,154.67
# of Books Sold	956
# of Sellers who Sold Books	145
# of Students who Purchased Books	309
Most Popular Book	Evidence 5 th Mueller- Range \$15-\$80.
Least Popular Book	A Civil Action (a novel)- Free. Remains unsold.
Volunteer Hours Required Including collection Times	Approx. 400 hours
# of Hernias from Lifting Books	6
# of Books missing, lost, or stolen to date	3
Total Cost to SBA (office supplies)	\$130
* Books sold for an average of 30% of used value at the bookstore. This figure is discounted \$2,000 for those who purchased old editions that ended up unusable and thus a waste of money.	

In case anyone missed the exchange, it worked like this: 1) USD Law students brought in their accumulated textbooks, flashcards, and commercial outlines; 2) the students bringing the books named their own prices, 3) the books were made available to the student body during orientation and the first three days of school, 4) the SBA facilitated the transaction and sent checks to the sellers for the books they sold.

There were hordes of books dropped off by recent graduates who took the July Bar Exam. Many of them reluctantly sold their commercial outlines wondering if they’d need them in case they failed the Bar. The rest of the books were collected a few days before and throughout the exchange. For the most part, upper-classmen were more willing to sell their books than their younger counterparts. This is probably because upper-classmen know, through experience, that they will never peruse their old texts again. In contrast, the incoming second-year students clung to their old books, foregoing large profits, in order to start their law library. This love of leather-bound books is known as Ron Burgundy Syndrome.

It became evident that some sellers were more anxious than others. Some speculate that the law books reminded these anxious sellers of three painful years of law school and, thus, were an eyesore on their bookshelves. Whatever the case, the buyers saved big.

Because there was no clearly established market for the used books, there was a wide range of prices. Table 2 illustrates some of the highs and lows of the Book Exchange’s **sold** prices:

Table 2

Title/Author of Book	Low Price	High Price	Bookstore Used Price
Fundamentals of Federal Income Taxation--Freeland	\$15	\$75	\$108.70 + tax
Gilberts Property	\$1	\$20	\$30 +tax
Evidence 5 th ed.- Mueller	\$15	\$80	\$94.10 + tax
Property 6 th Ed.- Dukmenier	\$1	\$80	\$100.55 + tax

The exchange was staffed each day by an SBA Executive Board member and volunteers from student clubs. The clubs that staffed a full day were: Phi Alpha Delta, The Vis Moot Team, The Black Law Student Association, The Asian Pacific American Law Student Association, The USD Moot Court Team, and the Women’s Law Caucus. The exchange required at least five volunteers at any given time and ran for nine hours each day. Therefore, it required approximately 300 staff-hours to run, not including the summer collection days. Christine Diaz, the Book Exchange Volunteer Coordinator and 2L Representative, induced club participation through funding incentives.

Joel Morgan, the Director of the Book Exchange, and exchange volunteers began each morning with a healthy workout by moving approximately 800 books. At the end of each day, the books were again relocated to a safe place for storage. If you happened to be walking in the Writs around 7:30 a.m. or 6 p.m. during the exchange, there was a good chance SBA President Cole Cannon would coax you into carrying books for thirty minutes or so.

As with any public enterprise, there were mixed opinions about the exchange. One fourth-year evening student said the exchange “was the first meaningful thing SBA has done for this school...and this is my fourth year.” Another, less satisfied, student referred to the exchange as “an annoyance in the Writs that gets in the way of my studying.” Many first year students were elated to save big bucks, particularly on commercial outlines. However, there were many who were disappointed to find only old editions of their required textbook because the current editions sold so quickly. Nonetheless, many students—including the authors—bought the old editions, refusing to play the publishers’ game in hopes of saving hundreds of dollars.

The SBA Executive Board was excited about the success of the exchange but recognized that there are manifold ways to improve it in the future. Some of these improvements involve digitizing the process with infrared scanners to check books in and out, providing more information to the students about which editions are currently in use, and for the volunteers, tables with wheels on them to alleviate the burden of carrying the books every morning and night.

The books which remain unsold (approximately 800) have been securely stored and will be made available during the Spring Book Exchange. Many of the unsold books were Constitutional Law and Contracts texts, two subjects not taught this semester. It is therefore expected that many remaining books will sell quickly. The Spring Exchange is anticipated to run the first three days of the semester so if you have books you need, or no longer want, then watch out for news about collection days on the new SBA website (www.USDsba.org). As always, Stay-Classy USD.

Did You Know?

- Donald Duck cartoons were banned from Finland because he doesn’t wear pants.
- A female ferret will die if it goes into heat and cannot find a mate.
- There are no words in the dictionary that rhyme with orange, purple, and silver.
- A raisin dropped in a glass of champagne will continuously bounce from the bottom to the top.
- A rat can last longer without water than a camel.
- Money isn’t made out of paper. It is made out of cotton.
- A duck’s quack doesn’t echo. No one knows why.
- On average, twelve newborns will be given to the wrong parents, daily.
- Women blink nearly twice as much as men.
- Chicago is closer to Moscow than to Rio de Janeiro.
- If one puts a tiny amount of alcohol on a scorpion, it will instantly go mad and sting itself to death.
- A rhino’s horn is made of compacted hair.

Hats Off to the SBA

by Michael K. Hayes, *Editor-in-Chief*

Last Spring, as a second-year law student, I somewhat reluctantly cast a single vote for a single candidate in an SBA contest, without caring who won or lost. It marked the first time, since age sixteen, that I had made any effort to affect the outcome of a student government election. Because, really, what interest do I have in building someone’s resume? It isn’t like student government actually *does* anything, right? Oh, I shouldn’t be so harsh – *someone* has to send out the emails and order the kegs!

So, I cast a vote for someone, as a favor – not because I thought it would make any difference in my life as a student at USD Law, but because this person seemed to be working so hard for the position. I figured I could take two minutes to recognize the effort that had been put forth in the campaign.

Later in the year, long after the final tallies were in, I learned why someone might campaign so vigorously for a gig with the SBA. The SBA President, it turns out, gets free tuition. The SBA Vice-President gets half that benefit. This news came as a shock to me, not so much because of the fact itself, but because I had not learned of it until two SBA elections had already passed into the record books. I guess the SBA forgot to send out the email telling me about that one. Would widespread knowledge of this fact change attitudes about the elections? Definitely. Would more people be interested in running? *Most* definitely. My acquaintances and I exchanged grunts of displeasure and shook our heads in disbelief. Then we believed, accepted, and moved on.

But another discovery this past Summer produced more grunting and head shaking on my part – a solo performance, this time, and one that might have raised the eyebrows of passersby. I was looking at an itemized billing statement of my law school tuition, and there it was: Student Bar Association fee - \$50.00. So *I’m* paying for the kegs? Grunt *grunt*.

Of course, fifty bucks is a mere drop in a very large bucket, when considering the total cost of tuition at this place. And who the heck is still counting past 35K, anyway? Well, I guess I’m still counting. And that drop in the bucket is still fifty bucks, according to my count.

So my attitude toward the SBA as an entering third year student was, to put it mildly, negative. I could expect my money to go toward the usual schmoozing and boozing, the “speed networking” that can only be enjoyable for someone on speed, and the free pizza at club meetings. Okay, terrific.

But oh, how quickly the tide can turn! In the week before the start of school, The Writs was endlessly staffed with SBA members and volunteers, in preparation for the book exchange. Some of that free tuition was being earned. The stacks of books grew, and grew, and grew some more. The financial returns were already coming in, and they were substantial. Yes, financial returns. I could not possibly find fault in this, could I? In a brief meeting with SBA President Cole Cannon, he was the first to raise the issue of the \$50 appropriation, and he expressed an interest in getting students a return on that forced investment. What is a cynic to do in the face of good news? Believe it. Accept it. Hope for more.

The Book Exchange, according to the numbers reported in this issue of *Motions*, has in fact been a staggering success. Cannon and his cohort have fulfilled their campaign promise, and they have done so with energy and enthusiasm. More importantly, of course, they have gotten *results*. Some estimated \$60,000.00 worth of results, which obviously exceeds the estimated \$50,000.00 in appropriated fees.

And there are other accomplishments worth noting. The orientation for first-year students was a success, as attested to in this issue by 1L’s Sarina Cox and Kevin Cowan. The new website is up and running, and looks to be an improvement on the past – everyone loves taking part in a poll! And of course, there was plenty of the usual schmoozing and boozing in the first week - how I miss that feeling of being perfectly buttered up.

But there is one more thing, and that is the issue of *my* fifty dollars. You see, I buy my books new, foolish as that may be. And I don’t attend overpriced bar reviews at swanky downtown clubs. And I definitely am not a “speed networker.” So what have you got for me, SBA? I paid my fifty bucks, just like everyone else. How about cheaper printing paper in the library, since ours somehow costs more than that of the undergraduate library? Or a ban on undergrads parking in the law school parking lot? Or maybe we could subsidize Doug, the coffee cart guy, with SBA funds – the twenty-five cent raise for a small coffee is absolutely *killing* me! Maybe I’m being ridiculous, maybe not.

In all seriousness, congratulations to the SBA for a fine start to the 2007-2008 school year. I haven’t grunted, recently. *But oh, how quickly the tide can turn!*