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University of San Diego School of Law Student Bar Association

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# MOTIONS

University of San Diego School of Law

Volume 43, Issue 4

February 2008

## Team Awesome Wins Battle of the Brains!

Diversity Committee Raises  
\$9,603 For USD Legal Clinics

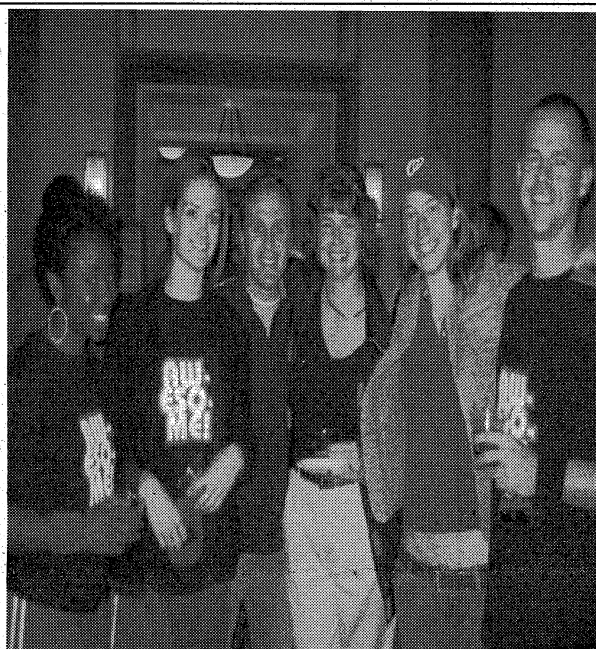
by Michael K. Hayes, *Editor in Chief*

*Disclaimer: Your honored scribe has the privilege of writing on an event in which he took part. There is no pretense of impartiality in the article which follows. It was written from a completely biased perspective. No interviews were actually conducted.*

On the evening of Friday, February 1, the USD Law Diversity Committee hosted the second annual "Battle of the Brains" competition at the Joan Kroc Institute for Peace and Justice, where nearly two hundred spectators were treated to an entertaining array of blunders, blank stares and brilliance. The big winners of the night were third-year students Lola Ajilore, Courtney Adair and Michael Hayes, of "Team Awesome," and the USD Legal Clinics, which received donations totaling \$9,603.

The Diversity Committee, which strives to "create an inclusive and aware student body by planning law school events that celebrate our various backgrounds," once again teamed up with the USD Legal Clinics, in furtherance of the continuing effort to provide free legal assistance to lower-income individuals and families in the San Diego area. The Legal Clinics offer students the opportunity to gain real experience in a wide variety of legal practices, and they serve as a springboard for many students wishing to enter one of the many fields of public interest law. While a dollar figure might be attached to the value of the legal services offered by the Legal Clinics, the value of the experience for USD Law students is not quantifiable.

The Diversity Committee's efforts began to materialize last November, when one hundred forty-four students huddled throughout the law school, in teams of three. Each team answered two hundred written questions in the hopes of advancing to the glorious final round in February. Out of the forty-eight initial teams, two advanced. The top score belonged to "The Concubines of the Literati," consisting of first-year students Alex Shogun, William Gee and Austin Evans. Their score of



*Team Awesome received the majority of its support from its first year Section B classmates, including Ean Estep, Gabrielle Girot and Jasmine Scott. Lola Ajilore dominated the first round of competition. Courtney Adair clinched the championship against the faculty. Michael Hayes was reduced to cheerleader status.*

143 was one better than that of Ajilore, Adair, and Hayes, the wizened 3L's of "Team Awesome."

Ajilore commented on her team's eagerness to match up in the final: "When we found out that we were up against a bunch of 1L's, we knew we had to lay the smack down." Hayes agreed, summing up the intervening months of December and January as "non-stop chomping at the bit...we couldn't wait to represent all of our old Section B peeps."

There were, of course, two faculty teams who would be contending for the title, and for the chance at

*See Battle, page 8*

## Raise a Glass of Wine to International Arbitration

by Bruce Elder, *Staff Writer*

Hundreds of the world's top arbitrators will be gathering this spring to hear arguments emerging from an international commercial dispute. A nationwide supermarket chain has decided to buy wine from a cooperative of vineyards in another country in order to feature the wine in a planned holiday promotion. There's just one hitch: before the seller has returned the signed purchase order, a newspaper story appears in the buyer's country alleging the wine is tainted. Thus begins the problem facing USD's Vis Moot team this year. The parties, and even the countries, are fictitious, but the intensity of the competitors and arbiters from around the world is very real.

*Not Your Average Moot:* Not to be confused with the Moot Court team here at USD, the Vis Moot is an entirely separate team, dedicated exclusively to international commercial arbitration. Membership on the team requires commitment for an entire academic year. The fall schedule involves researching international commercial law and arbitration procedure and writing two 35 page briefs. The spring brings intense oral

argument practices and competitions in Hong Kong and Vienna.

The Vis Moot problem each year is not set in a U.S. court, unlike what we all experienced in our spring first-year Lawyering Skills course. Rather, cross-border commercial disputes in today's globalized economy almost always go to the private alternative—arbitration. Vis Moot is all about international business in a global economy and applying international commercial law, primarily the United Nations Convention on the International Sale of Goods (CISG)—an international equivalent of the Uniform Commercial Code (UCC). Competitors also face complex international jurisdictional and procedural issues.

*Truly Global:* To be true to the global nature of the dispute and the law, the competitions are also international. The tournaments each spring are held overseas (Vienna and Hong Kong) and match competitors from different countries (last year USD faced teams from

*See Vis Moot, page 7*

## A Message from the SBA President

by Cole Cannon, *Staff Writer*

Hello Toreros! Spring semester ushers in new benchmarks for each class: 1) first year students are not completely dazed and confused; 2) second year students just had their "hump day" (congrats!); and 3) my class, third year students, well, you might see us passing through school on occasion.

Though my SBA compatriots and I are lame ducks at this point, we promise another great semester of student advocacy and event planning. There is no doubt that, upon your return to school, you noticed the SBA Book Exchange in the Writs. For many, this was like a second Christmas in buying or selling books. The big money is not in sales—though they were formidable at \$15,600.00—but in the *savings* that students realized in NOT buying books through other means. Overall, we calculate that the Book Exchange (both fall and spring) has realized a net benefit to the student body of approximately \$90,000.00!

I am happy to report that the SBA council voted overwhelmingly in favor of my proposed Amendment to the SBA bylaws to make the Book Exchange a permanent part of the SBA Executive Board's duties. The Amendment requires ratification by the student body through a general election. You will have the chance to vote on this Amendment during the general election in March, and I highly encourage you to vote "yes" to ensure the Exchange's continued viability.

The Book Exchange Amendment is not the only thing you will be voting on in March, because the time for schmoozing, doughnuts, and free coffee (sorry Doug) will soon arrive with the SBA general election. Many cynics believe that student government does not do anything, but I beg to differ! The old adage attributed to H.L. Mencken, "We get the government we deserve," is true even in SBA parlance. Therefore, during this election cycle I implore you to challenge your SBA candidate's ideas and experience, become part of the process, and of course, have fun.

In other news, we are looking forward to the Barrister's Ball on February 16<sup>th</sup> (if you haven't bought your tickets, do so now @ [www.USDsba.org](http://www.USDsba.org) !!!), the ABA spring meeting hosted at USD on February 23<sup>rd</sup>, the SBA/Lawyers in the Performing Arts talent show probably in April, and of course, the best party of the year, the SBA Graduation Party for 3L's.

Stay classy San Diego,  
SBA President- Cole Cannon

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University of San Diego  
SCHOOL OF LAW

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

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Motions welcomes all letters, guest columns, complaints and commentaries. 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.

#### DISCLAIMER

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### EDITOR'S COMMENT

At no point since I've been editing *Motions* have I enjoyed reading the submissions as much as I have for this issue. I'd like to comment on some of the articles and their authors.

Peter Stockburger continues to impress, in spite of our contrary political views. His article on the lack of a foreign policy debate is right on, and his commentary on animal testing is, to be sure, an eye-opener (and I even had to cut a gruesome paragraph, for space).

Catherine Tran was an immense help on this issue, and her piece on Judge Trentacosta is an excellent read.

Mike Sienkiewics always provides quality work. Thanks for making me feel like a slob, Mike!

Andrew Haden wrote a real tribute to some of his friends and their law school experience, and it is a treat to read.

Kevin Cowan has begun what should be a very entertaining series, "Campus Folk." I look forward to more.

Rachel Dorfman contributed a great article on the movement for more journals, Bruce Elder tells us about Vis Moot...the list goes on...I have no more space! Thank you!

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Alternatively, students may study by the English tutorial method in Oxford, researching and writing papers and discussing them one-on-one with Oxford dons.

USD offers summer law study programs in Barcelona, Dublin, Florence, London, Moscow-St. Petersburg, Oxford, and Paris. It is possible to combine two programs to obtain 10-11 credits in the summer.

For further information, please contact Ms. Cindy King, USD Law School, 5998 Alcala Park LS 310, San Diego, CA 92110-2492, (619) 260-4597, (619) 260-2230 fax, email cking@sandiego.edu, or www.sandiego.edu/lawabroad.

### VOLUNTEERS NEEDED! Speak Up Now for a Child!

Help stop the child abuse crisis. San Diego's abandoned and neglected children desperately need you. Volunteer to serve as a child advocate. All training provided. Volunteers visit and lend support to the children, interview all parties involved, and make recommendations to the court. Men and bilingual speakers are especially needed. We are having an information session on February 20. Call Voices for Children at (858) 569-2019 or visit [www.speakupnow.org](http://www.speakupnow.org).

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#### Did You Know?

U.S. News and World Report's Survey of 2008 Law Schools has USD Law listed as the 20th *most expensive law school in the country*. Where will we be ranked next time around, with the recent hike in tuition? So much for a class gift!!!!



# Interview with Judge Robert J. Trentacosta, USD Law '79

by Catherine Tran, *Staff Writer*

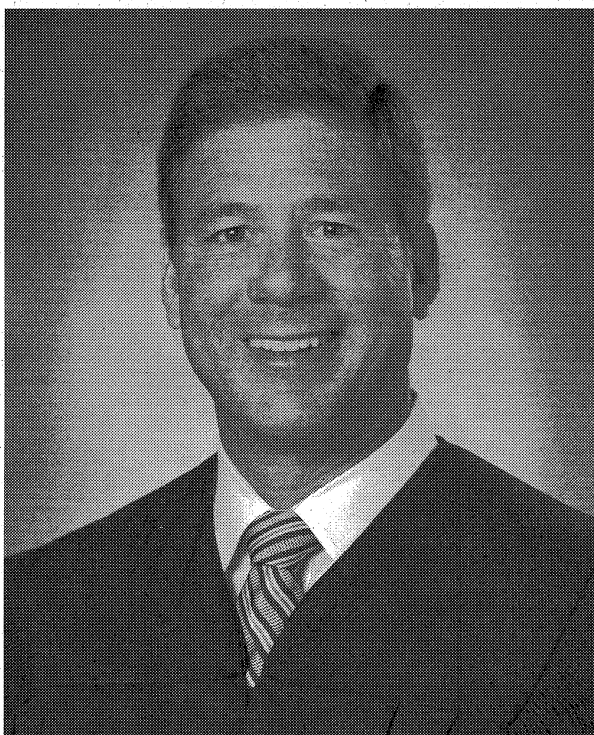
Superior Court Judge Robert J. Trentacosta ('79) was vacationing with his family on a cruise ship, which was headed to the Panama Canal, when he received an ominous phone call to the ship. At the time, he was partner of Boudreau & Trentacosta, and was afraid that something terrible had happened to his partner Steven Boudreau. Trentacosta got on the phone and spoke to a frantic paralegal from his office. The paralegal quickly dismissed his concern about his partner (because his partner was fine) and told him to call Governor Davis's office immediately. Off the coast of Costa Rica, Trentacosta called the governor's office and was informed that he had just been appointed to the bench. Relieved, he gladly accepted.

While he had dreamt of becoming a judge one day, Trentacosta always thought it would be later in life. Before his judicial appointment in 2000, he had worked as a trial lawyer for only 15 years. When he graduated from the University of San Diego School of Law, the San Diego City Attorney's Office hired him, where he began handling misdemeanor trials. After two years, he moved from the criminal division over to the litigation division and began to litigate civil cases. In 1985, he joined the firm of Schall, Boudreau & Gore as a partner, before starting a firm with Boudreau in 1991.

As a trial attorney, Trentacosta respected judges whom, "you loved being in front of—they treated lawyers well. They listened. They made good decisions. Whether they ruled for you or against you, you always felt like you got a fair shot." He wanted to be one of those judges about whom people felt that way.

His self-described *modus operandi* seems to be working. He was appointed by Presiding Judge Kenneth So to serve as supervising criminal judge downtown. Last month he took over Department 11 and now manages over 50 judges. All felony matters and misdemeanor matters that are scheduled for trials or motions go through his department first. He then sends preliminary hearings, motions and trials to the various criminal departments. On a limited basis, he gets involved in the settlement process to help resolve cases.

He values honesty and lawyers. He explained, "I genuinely like lawyers. I respect what they do, and I think that they know that. When I am in negotiations with lawyers, I hold them to a very high standard. I expect that they will at all times tell me the truth. The good, the bad—I want to know about the case, warts and all. I think



it is....why we have been successful in really getting cases resolved. I always listen to what they have to say. I may agree or disagree, but I listen. I think people walk away and feel that justice was served, and that is ultimately my goal."

Trentacosta has a high opinion of his fellow judges as well. He said, "It would be difficult to find a more collegial group of judges anywhere. They genuinely like each other, which makes supervising that much easier."

His previous tenure as Supervising Judge at the South County Courthouse prepared him for managing cases and judges, but Trentacosta has acquired additional duties, including the review of affidavits in support of wiretaps, and supervision of the issuance and progress of the wiretaps. He is also charged with staffing the Homeless Court.

Trentacosta recently learned first-hand about the Homeless Court by taking on the assignment himself. He commented, "It was positive and, at times, downright uplifting."

The first of its kind established in 1999, the San Diego Homeless Court is a special court session held at a shelter, and is designed to help homeless citizens clear or resolve their criminal matters. Similar to Drug Court,

Homeless Court is a collaborative justice program, which combines judicial supervision with rehabilitation services.

Homeless people often accumulate citations for infractions, such as disorderly conduct, public drunkenness and riding trolley without paying the fare. Without the money to pay off the citations, the fines add up and eventually turn into misdemeanor criminal warrants. In Homeless Court, homeless people appear before a judge, in a more intimate and less intimidating setting, to present their cases as to how they have changed their lives and to seek a clean slate.

Trentacosta clearly enjoys and takes pride in his job. He chuckled, "It is never dull. It is never boring."

## *Law Alumni Association Board of Directors*

Outside of his day job, Trentacosta is a passionate USD alumnus and advocate. Since 2002, he has served on the Law Alumni Association Board of Directors. This July, he will take over as board president.

Trentacosta is committed to making the Alumni Association work for the students. In his view, "The Alumni Association exists for one overriding reason and that is to enhance the student experience at USD and beyond, in particular your career development." He encourages students to take advantage of the Alumni Association, because it is made up of people who are committed to USD, have been successful, and want to help.

As president, his goal will be to reenergize the alumni and get them involved in the life of the school. He highlighted the student interactive program, which pairs students with alumni. They may go on outing together, or the student may shadow the attorney. He vowed, "I am going to get them out of their offices."

Trentacosta believes that alumni will find that getting involved is rewarding. "When [alumni] start participating, I think they will really enjoy it. And they are going to want to do it more. I know that has been true for me."

Despite his demanding work schedule, Trentacosta still makes USD a priority. Why does he do it? He explained, "USD gave me a solid bedrock foundation, in terms of my legal education, to practice law and ultimately become a judge."

# Campus Folk: An Interview with Nighttime Librarian Judy Davis

by Kevin Cowan, *Core Staff*

Campus Folk: by now we have all had a chance to meet some of the familiar faces around campus, but how much do we know about them REALLY? They all have lives outside the library, outside the classroom, outside the back patio...just like you and me. Well, here's a chance to get to know some of the friendly faces a little more. Say hi. Say good job. Say hey, I like Punta Chivato too! This month I had a chance to interview Judy Davis, nighttime librarian at the LRC. Here's what I found out...

Name: Judy K. Davis

Born in: Abilene, Texas in an unknown year.

Growing up, her father worked for the Abilene water department, overseeing residential water pipe installation for new subdivisions.

As a child, she once found a baby night hawk. She named him Stealth, and kept him until he got too big. Then she donated him to the zoo.

In high school, she played the French horn.

She went to Baylor for her undergraduate degree. Baylor's sorority rush includes carrying around a large X for an entire week (they were the chi's) and going on an information scavenger hunt. When I told her that wasn't at all what I had envisioned (hoped?) a sorority rush was like, she explained Baylor likes to kick misbehaving Greeks off campus.

She speaks a little French and less Spanish.

She loves the outdoors: biking, camping, surfing, volleyball, and rollerblading.

Her favorite vacation spot is Punta Chivato, a secluded cove on the Sea of Cortez.

KC: What do you like best about your job?

JD: Getting to meet the law students, and hearing about their lives and careers.

KC: How did you get the position?

JD: I was a lawyer before. I went to law school at Stanford, but I loved San Diego, so I moved back from the east coast. I wanted a change of pace, and I decided I liked the library atmosphere and being around intellectuals. I had interned here at USD, and when they had an opening, I got the call. USD is the best academic law library in San Diego, so I jumped.

KC: Can you tell us 1Ls any crazy stories about students from years past?

JD: Well, last year we had the "official wrestling match between law students." One guy challenged another to a wrestling match outside. The loser had to wear a dress to class.

KC: Can you name the student?

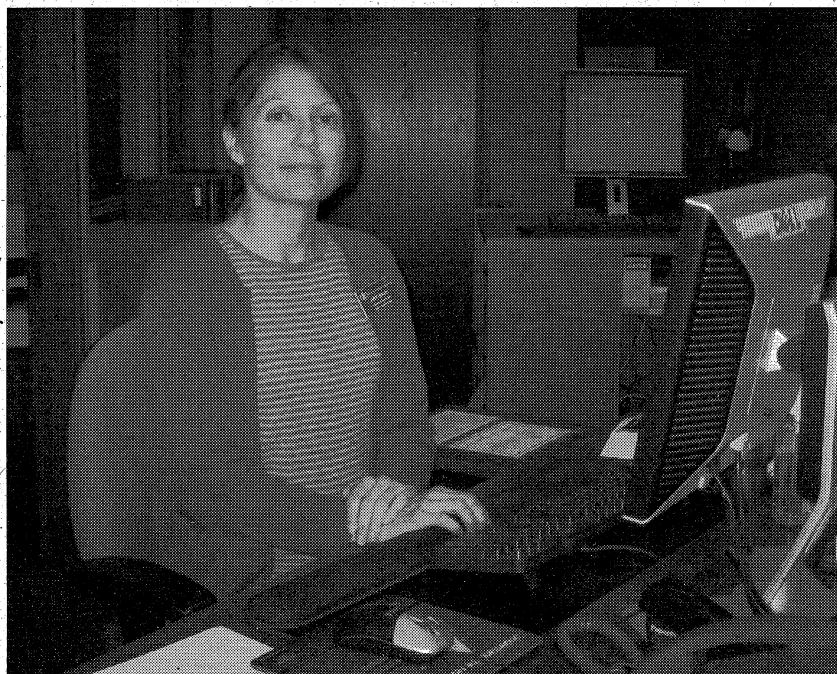
JD: Umm, no. Hi Lawrence.

KC: Anything else you want to tell students while you have the chance?

JD: Keep your options open. If something sounds interesting, don't ever think it is too outlandish to follow up on because it may be a great career path. Fifty percent of people with law degrees don't practice law. Find your own path.

Well said.

**What "campus folk" do you know? If you have any suggestions, or would like to contribute to this series, please contact Motions at [usdlawmotions@gmail.com](mailto:usdlawmotions@gmail.com). (Thank You Judy!)**



## Hillary Clinton: The Best Candidate for Republicans?

by Annie Macaleer, *Staff Writer*

Clinton: the name evokes endless meanings in American politics. These days, the attention is on Hillary as she aggressively pursues her dream of becoming the first female president of the United States. But whether you are referring to Hillary or Bill, this surname has become the epitome of bipolarization. Rarely do you hear people mention that they are "undecided" about the Clintons - the sentiment is either vehement hatred or fanatical adoration.

As for the Republican side, the valiant Grand Old Party has suffered two detrimental blows in recent years, making the 2008 campaign for the White House an uphill battle. First, a negative stigma is automatically attached to anything and everything conservative. While this is a likely result of the Bush administration's bold policies, the effect has certainly permeated every crevice of the entire party. It makes advocating for legitimate right-wing issues nearly impossible. Second, the party is gradually splintering; to devoted GOP members, it is heartbreaking to watch. With volatile issues such as same-sex marriage and the War on Terror dominating contemporary ideological discussions, Republicans cannot seem to agree on the best way to handle these divisive issues. Interparty squabbles over troop levels and taxes dominate the twenty-four hours news cycle.

While Democrats have not suffered a comparable fate despite facing similar issues, it is *only* because they have taken advantage of our two weaknesses by uniting in hatred against Republicans. Now it is time for conservatives to return the favor. While it may take years to recover from the Bush administration's negative stigma, and no party will ever unanimously agree on every issue, Republicans can all agree on one concern: Hillary. The best way for the GOP to recover from recent wounds is to facilitate Hillary Clinton's nomination for president. If this happens, an unprecedented grassroots movement will rise up to "stop the Hillary express," as beloved commentator Sean Hannity would say. Hillary will not completely guarantee a Republican win - but it will be our best shot.

And that is why I urge all of you to encourage your Democratic friends to vote for Hillary Clinton.

*Editor's Note: As this edition went to print, Hillary Clinton had claimed victory in the California primary. Nationwide, analysts still consider the Democratic nomination to be up for grabs, with Barack Obama holding a slight lead in delegates.*

## The Science of Suffering

by Peter Stockburger, *Core Staff*

*"We have enslaved the rest of the animal creation, and have treated our distant cousins in fur and feathers so badly that beyond doubt, if they were able to formulate a religion, they would depict the Devil in human form."*

-William Ralph Inge,  
*Outspoken Essays*, 1922

Animal testing has existed for centuries. For example, in the 3rd and 4th centuries B.C., Aristotle was the first to engage in "vivisection," or the live cutting up of animals. Today, government estimates project that upward of 100 million live animals are used in American medical experiments each year. According to The Foundation for Biomedical Research, an American interest group supporting animal research, virtually every major medical advancement of the 20th century owes its existence to animal testing, including the development of penicillin (testing on mice), organ transplant (testing on dogs), and work on poliomyelitis leading to a vaccine (testing on mice and monkeys).

It is often said that necessity is the mother of all invention. However, in 2008, is it necessary for the medical community to rely on live animals for research? In 1959, "The Principles of Humane Experimental Testing" was published in London defining several conceptual frameworks for alternatives to animal testing. Mohandas K. Gandhi even noted, in his seminal work "The Story of My Experiments," that "the more helpless a creature, the more entitled it is to protection by man from the cruelty of man." Why then does live testing still occur?

Animals are used for a variety of cruel experiments in modern-day medical labs. For example, the cigarette companies use dogs, preferably beagles,

See *Suffering*, page 7

## Race for San Diego City Attorney Heats Up

by Stephan Dupourque, *Staff Writer*

With potentially more candidates running this year than in any other election year since 1907, the race for City Attorney is shaping up to be one of the most highly contested races in San Diego's history. No less than five candidates have filed the Candidate Intention Statement at the City Clerk's office, with three more making public statements announcing they were planning on running for the office. So far, the candidates are incumbent Michael Aguirre, local attorneys Lee Burdick and Daniel Coffey, and Superior Court Judge Jan Goldsmith. Prosecutor William Gentry withdrew his candidacy on January 14<sup>th</sup>, but is still listed as a potential candidate. Others who have stated they intend to run are City Councilmen Brian Maisenschein and Scott Peters, and former San Diego Unified School District Superintendent Alan Bersin, a one-time U.S. Attorney. They have until March 6th to file the Candidate Intention Statement and appear on the primary ballot.

So, what is causing this rush to public office? It probably has something to do with the polarizing figure of Mike Aguirre and what some of the candidates are saying is his attempt to re-define the City Attorney's office. Article V, Section 40 of the City Charter, states that, "[t]he City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties." It also states, "[i]t shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department." Based upon the above job description, voters seem to have a choice to make. If one is for broadening the powers of the City Attorney, re-electing Aguirre would tend to make sense. But if a voter wants to reel in that position, so that the City Attorney operates within the City Charter's intent, then maybe it's time to do some research on the other candidates.

*"If one is for broadening the powers of the City Attorney, re-electing Aguirre would tend to make sense. But if a voter wants to reel in that position...then maybe it's time to do some research on the other candidates."*

If there has been a singular issue defining Aguirre's term in office, it has been his fight in court over the city's under-funded pension plan. Aguirre has been in court the last three years attempting to prove that increased benefits, approved in 1996 and 2002 by city officials, were illegal, and thus, should be eliminated. So far, he has not had any success in eliminating those benefits, but has racked up significant legal fees. This one issue highlights the dysfunction between Aguirre, the Mayor, and the City Council. It has gotten to the point that the Mayor has sought outside counsel for the city instead of relying on the City Attorney for advice. As a voter, the question arises: do you want your City Attorney to be an advisor to the Mayor and City Council, or do you want what seems to have become a completely autonomous position in the city government? Put in other words, should Aguirre be a watchdog for voters, at odds with who he is supposed to be advising, or should he be limited to advising and counseling the Mayor and City Council, as the Charter seems to describe? Shouldn't something in between these poles be the right answer? A City Attorney who advises city government, but also represents voters' best interests?

There are different ways to view Aguirre's methods, and it seems that initially, the public was in favor of him. In a poll by Datamar, Inc. in 2006, his approval rating was 63.8%, which was considered very high. Without any more data, it's difficult to tell his current approval rating unless you simply judge by the headlines, which seem to be more and more negative toward Aguirre.

The Municipal Primary Election is June 3rd. If any candidate receives more than fifty percent of the vote (50% + 1), they will win the City Attorney race. If not, the two candidates with the highest number of votes will appear on the ballot for the General Municipal Election on November 4th, regardless of party affiliation. Unless several candidates drop out of the race, it seems likely the city of San Diego will have to wait until November to find out who is going to be City Attorney for the next four years.

## The Pink Elephant In the Room

by Peter Stockburger, *Core Staff*

When it comes to issues of foreign policy, the discourse of the current presidential election has been elusive at best. After eight years of perhaps the most radical foreign policy establishment in Washington, Democrats and Republicans have been equally and eerily quiet on Pakistan, Saudi Arabia, Russia, the European Union, Mexico and Africa. Is foreign policy now the pink elephant in the room?

In-depth foreign policy debates have always eluded presidential debates. Perhaps the issue is too complex. For Americans, understanding contemporary international relations would need to begin with historical context, followed by a recognition that disturbances are not temporary interruptions of a status quo, but rather a signal of an inevitable transformation of the international order resulting from changes in the internal structure of many key components. In fact, the very term "international relations" is perhaps becoming too antiquated because it implies that the nation-state must inevitably be the basis of the international order.

Arguably, in today's system of global politics, the Westphalian order is suffering from a systemic crisis. The principles that established the dominance of the nation-state are being challenged. Non-governmental organization's (NGO) are gaining impressive significance. Non-interference in the domestic affairs of other states is slowly being abandoned in favor of a concept of universal humanitarian intervention or universal jurisdiction. For example, Barack Obama has employed a foreign policy team that advocates a "hawkish" ideal of military intervention to prevent genocide.

Perhaps the "macro" debate on foreign policy that has evolved in this presidential campaign is not unexpected. It is still disappointing. As a student of international affairs, it would be refreshing to hear candid, intelligent debates on key issues facing the United States' foreign policy establishment. For example, is security or the promotion of democracy the priority of America's relationship with Russia? Is NAFTA working? Should the European Union model be analyzed for North America? Does the United States favor atonement or retributive justice in Northern Uganda? Will the United States join the International Criminal Court?

It might be naïve to expect a presidential candidate to stick his or her neck out for complex issues requiring in-depth qualifications and explanations. I don't think it's out of the question. However, recognizing that this country is perpetually handicapped by its own apathy, perhaps Henry Kissinger had it right: "[n]o foreign policy - no matter how ingenious - has any chance of success if it is born in the minds of a few and carried in the hearts of none."

## Human Rights Violations In Chechnya

by Mary Elizabeth Grant, *Staff Writer*

For the last nine years, Amnesty International, Human Rights Watch, Doctors without Borders, and many other human rights organizations have reported widespread human rights violations in Chechnya. Russian and Chechen security forces, along with Chechen rebel forces, are accused of widespread torture, rape, executions, kidnapping, and forced "disappearances" in Chechnya.

The source of conflict derives from Chechens who want Chechnya to be an independent country, while Russia attempts to maintain its control over the territory. The Russians conquered the Chechen territory, located in the Caucasus mountain range, in 1859. Though Chechens achieved brief independence in the 1920's, Russia quickly regained control in 1922. When the Nazis marched into the Chechen region during World War II, the Chechens again attempted to establish independence from Russia. However, when the war ended, Stalin deported Chechens to Siberia for allegedly collaborating with the Nazis. Tens of thousands of Chechens are estimated to have died as a result of deportations.

When the Soviet Union dissolved in 1991, Chechnya once again declared its independence. Responding swiftly and expecting a quick victory, Russia sent troops to Chechnya to force the territory to join the Russian Federation in 1994. While a signed peace agreement between Russia and Chechnya (two years later) gave Chechnya autonomy, it did not grant

See *Chechnya*, page 7



# Proposals for Additional Legal Journals Gain Momentum

by Rachel Dorfman, *Staff Writer*

Excited hands shot up throughout the room when the Environmental Law Society reached the next topic of its meeting: the journal. During the Environmental Law Society's meeting on Wednesday, January 30, nearly 50 enthusiastic attendees commented, debated, and participated in a vote to determine exactly what type of journal they would promote, and they discussed the steps that would need to be taken to make the idea a reality. One problem, however, is that the Environmental Law Society and other SBA organizations interested in starting journals in the near future have yet to receive answers to a couple of very important questions. Namely, will the Dean and the faculty even agree to implement another journal and, if so, will they agree to implement only one?

Talk of having another academic journal at the University of San Diego School of Law began to escalate when one of the parties running for SBA leadership last year named adding journals to the school's repertoire as one of the campaign promises. Since then, the student body as a whole has shown very strong interest in seeing more journal publications at the school. In a poll on the SBA website, 94% of students who responded said that they would like to see another journal of some sort. Although USD's current journals are of very high quality, most other law schools sponsor a variety of journals covering several different topics, and starting another journal (or four) at USD could bring tremendous benefits to the school.

Additional legal publications, especially in cutting edge areas, could bring some very positive

attention to the school and would give the USD law school's reputation a boost. The school may be able to attract more students who are interested in a particular area of law or who simply want to go to a school that publishes many journals. There is also a strong possibility that new journals could help boost USD's overall law school ranking, which suffered a significant blow last year.

In addition to the benefits an additional journal would bring to the school's reputation, it could also bring new opportunities for current students to gain exposure to premier academic scholarship and interact with the school's exceptional faculty. Many students would like more chances to write, edit, and discuss legal material, but the current journals are not satisfying that desire. Brett Barley, who is a second-year student and president of the International Human Rights Law Society, explains that "regardless of what topic the faculty chooses, what's important is having more writing opportunities for students."

Awesome, so where do we sign up? Not so fast. Despite the clear benefits an additional journal would bring, the process of creating one is complicated and has not been initiated since the ILJ was created about 10 years ago. And of course there's that whole money thing. Because of the overwhelming student interest, a committee has already been formed to address each potential journal. After receiving and considering detailed proposals prepared by the organizations, the committee will ask questions and address any likely problems. When

the committee is convinced of the viability of a journal proposal, the faculty will have a chance to discuss it and decide whether or not they would support it. Ultimately the Dean has the final say, and, so far, the possibility of having a new journal seems very promising. "If the faculty wanted [a journal] and the Dean favored it, the school could likely find money in the school budget to create it," Assistant Dean Mike Kelly notes, adding that, "We could be seeing a new journal as early as next fall."

Proposals have been completed or are in the works for several possible journals, including a climate change journal, a criminal law journal, a tax law journal, and perhaps even a constitutional law journal. So, naturally, another question on everyone's mind is whether we are going to be seeing a "battle of the journals"? Not necessarily. Assistant Dean Kelly claims that if there were several excellent proposals that the faculty and Dean supported, there's no reason that USD could not have more than one. Faculty may have trouble taking on a heavier workload, but the proposed journals would be sponsored by faculty members whose areas of interest don't seem to overlap. And as far as budgetary concerns go, if money was a limiting factor, a journal could opt to go electronic, which would cut costs considerably.

Although so many journal proposals in a single year seems to have generated a slight air of competition, the hopes are that this will drive the proposals to be of the best quality possible and lead to the adoption of one or more new journals at USD. For now, the next step is for the journals that have been proposed already to undergo committee and faculty scrutiny.

## AAJ Mock Trial Competition On the Horizon

by Caley Anderson, *Staff Writer*

The USD Mock Trial team is preparing to conduct its 8<sup>th</sup> annual Intramural American Association for Justice Mock Trial Competition. The competition will take place on April 12-13, but student registration will begin on March 25<sup>th</sup>, and the case file will be released to participants on March 28<sup>th</sup> via TWEN. Students wishing to participate are advised to clear their calendars in advance.

This competition is the last chance this year for USD students to earn their way onto the Mock Trial team, and it is the only opportunity annually for 1Ls to win membership. The team plans to select up to ten 1Ls as well as one or two 2Ls based on performance in the competition. The team has announced that this year's case file will be based on a civil suit.

*"This competition is the last chance this year for USD students to earn their way onto the Mock Trial team, and it is the only opportunity for 1L's to win membership."*

The AAJ competition begins with two preliminary rounds on Saturday, April 12<sup>th</sup>, at the San Diego Superior Court's Hall of Justice downtown. The rounds are scheduled for 9 a.m. and 1 p.m. All competitors will compete in both preliminary rounds. In each round, every competitor will be required to deliver either an opening or closing statement and also conduct both a direct and a cross examination. Top performers from the preliminary rounds will move on to the final round at 9 a.m. on Sunday, April 13<sup>th</sup>, at USD, where the winners will be crowned. This is also where the Mock Trial team will make its selections of new team members.

The cost of participating is \$20. Participants will also be asked to provide a \$50 deposit which will be returned once they have completed the two preliminary rounds. More specific information will be made available by mid-March, and interested students should keep an eye out for the informational meeting about the competition.

## Law School Prom is Back!

by Sherlin Tung, *Staff Writer*

Barrister's Ball is back! This year, the formal more commonly known as "Law School Prom" will be held at Tom Ham's Lighthouse on Harbor Island on Saturday, February 16, 2008. This formal affair will begin at 7:30 p.m. and end at 12:30 a.m. Food will be served between 8:30 p.m. and 10:30 p.m., so get there early to eat as much of the delicious food as possible!

Tickets this year are \$35.00 per person. Each ticket includes 2 drink tickets, a full buffet dinner, and a night full of dancing and fun! Barrister's Ball is a time when law students get a chance to relax and dress up for reasons other than networking, competing, or working.

Tom Ham's Lighthouse was opened in 1971 and the restaurant provides a glimpse of pre-condo San Diego. The restaurant sits on the edge of Harbor Island, overlooking the harbor, and provides a gorgeous view of downtown at night. The dark wooden walls and nautical theme run throughout the restaurant, banquet hall and lounge, giving visitors a seafaring ship vibe.

Not only does the Lighthouse provide a breathtaking view of downtown San Diego, this four-star restaurant provides amazing food. Dinner will be a buffet including three entrees of marinated tri-tip, broiled seasonal fish, and cheese lasagna, offering a variety big enough for meat lovers, seafood lovers, and vegetarians. The endless entrees will be served with seasonal vegetables and house rice pilaf. To complement this delicious meal, there will be a salad bar, bread, and butter, and the chef's choice of dessert.

Once dinner is served and cleared away, there will be two dance floors and an awesome DJ for those who want to dance the night away. For those who wish to have a more relaxing evening with friends they haven't seen in a long time, there is the option of wandering to the outside patio area to enjoy nice conversations over delicious cocktails while looking at the downtown skyline.

Regardless of what type of a night you're looking for, Barrister's Ball will provide the answer to everything! Tickets can now be purchased by credit card online at [www.usdsba.org](http://www.usdsba.org). Tickets are limited and they are selling fast! Purchase your tickets now! There is no need to print out the confirmation page. Once you receive a confirmation email, your name will be placed on a list where you will be checked in at the door.

If you have any questions, please contact Sherlin Tung at [usdsocialchair@gmail.com](mailto:usdsocialchair@gmail.com).

## LRAP Announces Fundraising Drive

by Sherlin Tung, *Staff Writer*

The annual Loan Repayment Assistance Program (LRAP) fundraising drive will be held this year, right after Spring Break, from Tuesday, March 25<sup>th</sup>, until Saturday, March 29<sup>th</sup>, culminating with the annual Texas Hold 'Em Tournament. This year, there is an added Blackjack Tournament for those who don't know how to play poker!

The Public Interest Law Foundation (PILF) sponsors this annual week-long fundraising drive to raise money for USD graduates who practice public interest law. The LRAP fund assists public interest attorneys who make less than \$47,000.00 and who have a minimum student loan debt of \$68,000.00. As of 2006, the median nationwide salary for private attorneys was approximately \$95,000.00; however, the median nationwide salary for public interest attorneys was only \$42,700.00. Due to this huge discrepancy, only approximately 5.4% of 2006 law graduates are employed in the public interest field.

LRAP was established in 1993 through the advocacy of PILF's faculty advisor, Julie D'Angelo Fellmeth. Since its founding, it has consistently received the support of the law school administration. In the past, Dean Cole has generously agreed to match all donations to LRAP, which former Dean Rodriguez had done as well.

During LRAP week, members of PILF will be at a table in the Writs offering raffle prizes in exchange for donations from students, staff, and faculty. Donations in the past have included Padres tickets, gift certificates to the La Jolla Brewery, Peabody's, and Best Buy; and a variety of other prizes. In addition to accepting donations, registration forms and payments will be accepted for the Poker and Black Jack Tournaments. As in the past, this year's first place student prize will be a complete BarBri package generously donated from BarBri. The first place prize for non-students has yet to be decided; however, it will be as great as the television that was handed out last year. Since space is limited, early registration is encouraged. Tickets can now be purchased online at [www.usdsba.org](http://www.usdsba.org) under "Online Services." There are four options: \$15 student tickets, \$30 non-student tickets, \$50 gold tickets, and \$100 platinum tickets. The excess amount will be considered a donation to LRAP. All of these donations are tax deductible! If you purchase a student ticket, you will have to present your USD student ID the day of the registration; otherwise you will be required to pay the \$15 difference. For each ticket purchased you will receive food, two drink tickets, and a night of entertainment! On Saturday, March 29<sup>th</sup>, registration begins at 4:30 p.m., and the tournament will begin promptly at 5:00 p.m.

Any questions? Email Sherlin Tung at [usdpilf@gmail.com](mailto:usdpilf@gmail.com).



## I Admit It, I Love It, But Does It Matter?

by Michael Sienkiewicz, *Staff Writer*

*"[T]hat blue represents millions of dollars and countless jobs and so it's sort of comical how you think that you've made a choice that exempts you from the fashion industry when, in fact, you're wearing the sweater that was selected for you by the people in this room. From a pile of stuff."*  
- Miranda Priestly, *The Devil Wears Prada*

You wouldn't know it by the way I dress, but I love clothes. I was a little reluctant to admit that I care about clothes because the mention of "men's fashion" conjures images of blue steel and walk-offs, but I'm not really talking about the kind of fashion where grown men strut down runways. I also don't care to spend exorbitant amounts of money for designer clothes when I could get something virtually identical for a fraction of the price. Nonetheless, I think dressing well, or at least appreciating clothes, contributes to our professional and personal success, and our happiness, more than most people acknowledge.

Many people regard clothes as, at worst, divisive symbols of socioeconomic status, and at best, utterly frivolous. These views merit discussion. Dress well, and you give the impression that you are "put together," or at least that you have the time, energy, and resources to put effort into how you present yourself. Dress poorly, and you look like your most pressing concern is why the Whopper is no longer on the menu. The truly unfortunate aspect of fashion is that those who simply cannot afford "stylish" clothes are discriminated against, just like those who don't have the perfect Colgate smiles and smart haircuts that are now standard for the professional class. Even more unfortunate is that appearance influences business, even in professions such as law and medicine that are supposed to be meritocracies. If you can't afford to "dress for the job you want," you might lose out to someone less qualified who can.

*"Fashion is just one more concomitant of socioeconomic status, and most status-related discriminations are not prohibited nor even discouraged in our society."*

But don't single out appearance as the only factor determined by socioeconomic status that, fairly or otherwise, affects your professional success and personal happiness; your education, experience, and even your personality are shaped in large part by what your parents could afford. Parents who can check their child's homework because they don't have to work two jobs are probably more likely to send that child to private schools and on to "prestigious" colleges. Fashion is just one more concomitant of socioeconomic status, and most status-related discriminations are not prohibited nor even discouraged in our society. In sum, dress is just one more "drop in the bucket" of socioeconomic-status symbols that are considered acceptable or even desirable. Does this justify caring about clothes? No, but there are countervailing interests that I feel outweigh this evil.

Clothes help people express themselves, signify important life events, and give people confidence. Nice clothes, like nature or art, can also simply be beautiful. Aesthetics usually don't add tangible value to our lives, but I would much rather have an apartment overlooking Central Park than central Detroit. There are those who, to showcase how "above" fashion they are, choose not to wear nice things. I challenge the person who thinks fashion is frivolous to wear jeans and a T-shirt to his wedding. It could still be a beautiful wedding, but I think that he is losing something by not dressing for the occasion. That "something" might be entirely based on a social convention, but it's a social convention that makes people feel good—regardless of whether the wedding gown was designed by Vera Wang or stitched by the bride's mother.

I don't have space to discuss clothes as symbols of social group membership (such as Charger's fans, or sadly, Crips and Bloods), or how it's possible that I express myself through a wardrobe purchased mostly at Old Navy, TJ Maxx, and The Gap. But I hope I have made the point that fashion, like most things in life, has good and bad things about it. I'll leave it up to you to weigh those things and decide for yourself whether it matters, or if you think we'd all be better off in uniforms.

## Fifth Time is the Charm 3L's of *Who's Your Padres?* Celebrate Victory, Comraderie

by Andrew Haden, *Staff Writer*



*Who's Your Padres?* top row from left to right: John Hammerstrand, Andrew Haden, Nathan Karlsgodt, Isaiah Costello, Peter Bogue, and Kevin Bradley; front row: Suzanne Yale, Matt Shapiro, Mike Sienkiewicz, Katie Johnson, and Karissa Adame. Not pictured: Kathryn Snyder

Not many Americans are aware that Abraham Lincoln played, and loved, an early version of baseball. In fact, an editorial cartoon from 1860 pictured him wearing a baseball uniform with a ball and bat along with other presidential candidates John Bell, John Breckenridge, and Stephen Douglas. The caption read "I am glad to hear of their coming, but they will have to wait a few minutes till I get my turn at bat." - President Abraham Lincoln. It turns out that, similar to President Lincoln, USD law students love their turn at bat.

Sixteen teams participated this past fall in the law school's intramural softball league. Each team had at least a dozen players, which meant that on any given Tuesday night in the fall, about one-fourth of our law school was located on the intramural field below the Jenny Craig Pavilion. Impressively, this is not a new or recent phenomenon. The softball league is deeply rooted in the history and traditions of the School of Law - just ask any alum.

And as part of that tradition, each semester has a round of league play to establish a ranking, followed by several weeks of playoffs, and finally, a championship. On November 27, 2007, the 3L team *Who's Your Padres?* defeated the 2L *Devil's Advocates* and took home the Fall 2007 title. It was the *Padres'* fifth semester playing together and their third time in the final game, but it was their first championship. Apparently, the fifth time was the charm.

*Who's Your Padres?* is coached by 3L Andrew Haden and, with the exception of a couple of members, is the Section C team from the class of 2008. Originally called the *Law Dogs*, the team was formed by 3L Kevin Bradley during one of the first few meetings of Professor Adams' Contracts course. 3L John Hammerstrand remembered the team's humble beginnings: "I remember Kevin standing up at the break in Contracts -- I had no idea who he was at the time -- and announcing that he was forming a softball team for our section. It sounded like fun and it seemed like a great chance to try and meet some of my new classmates." And so it began.

But it didn't take long for the rag-tag group from Section C to realize their team had the potential to be more than just a social outlet. "The first time we took infield practice I knew we were different than the other teams we saw playing in the league. We had a crazy amount of experience and talent," explained 3L Suzanne Yale, who also happens to be the former first-baseman for UC Davis Aggies.

Regular season games seemed to come easy, but for the first two years, the *Padres* could not figure out how to win in the playoffs. Outside of USD, some

the *Padres* players had been part of the 2006 San Diego County Bar League Softball Championship and the 2007 American Bar Association's Southern California Law School Softball Championship. But on their home field, they continued to struggle. And as 3L year approached, it seemed like time was running out and that people's schedules were becoming too busy to accommodate the weekly games.

But the light at the end of the tunnel became a frantic motivator. And the addition of mandatory post-game celebrations at Mr. Peabody's seemed to aid the team's unity. With all pistons firing, the *Padres* rolled over their opening round opponents and landed themselves a spot in the semi-final as the #2 seed.

With opportunity staring them in the face, the *Padres* finally found the playoff stride that had escaped them in previous years and launched an offensive barrage, lead by 3Ls Michael Sienkiewicz and Nathan Karlsgodt, against the unsuspecting 1L *East 8 Hollabacknow* team, winning 19-7. Battling their own history, the *Padres* maintained their maniacal pace in the final game, annihilating the 2L *Devil's Advocates*, 24-6.

Marshall Skaletsky, from the opposition *Advocates*, commented on the game saying, "the *Padres* are just a really cool group of law students, a lot of them are my friends and mentors on campus. They play softball on a different level and I think my team was just really glad to be a part of what was obviously a special evening for them."

When asked about the two and a half year journey to victory, Kevin Bradley (3L) explained, "it was incredibly frustrating, we always felt like we were a strong enough team to win. But losing so close to the finish meant that we had to keep coming back every semester to try and finish the job, which was a great excuse to maintain all of those friendships."

At the post-game Peabody's celebration, the *Padres* made the decision to retire the team and not compete in the spring semester. When asked for a summarizing comment, 3L Andrew Haden explained, "in many ways softball defined my law school experience. We didn't just struggle together on the field; we supported each other through 1L exams, relationship successes and failures, moot court competitions, job searches, and everything in between. I know that we will cherish all those late nights on the softball field forever. And it is my hope that there is a section of 1L's that have just begun their softball journey."



**Vis Moot, from page 1:**

law schools in India, Australia, Hungary, Germany, Turkey, Finland, France, and China). The three-arbiter panels are composed of top lawyers, arbiters, and judges from around the world. Participants are from both common-law and civil law traditions, and while the competitions are held in English (whew!), it is not always easy to tell if that's the case!

How many chances are there to say you were in Europe (or Asia), that you argued before top lawyers and against law students drawn from 50 countries and 180 universities, and that you were named the Top Oral Advocate in the World! The USD Vis Moot team didn't quite manage that feat last year, but one of USD's own—Cole Cannon—did win a tie for Third Place Honorable Mention out of 712 student competitors! Way to go Cole! With the help of some remarkably good looking 3L coaches from last year's team and also coaching from lawyers in some of San Diego's top firms, this year's group of talented 2L competitors should do even better!

**What's Happening Now:** This spring is shaping up to be very busy for Vis Moot. First, the current team of 2L competitors is practicing oral arguments between six and ten hours per week. On February 9<sup>th</sup> and 10<sup>th</sup>, USD will host its second annual Pre-Moot. This is the only warm-up competition in the western half of the U.S. It was a great event last year and looks like it will be just as good this year. USD invites teams from eight other law schools to come and tune up their arguments and network with lawyers from San Diego's top international law firms. We have attracted teams from Europe, Mexico, and across the U.S.! In fact, last year's USD Pre-Moot winner (Pepperdine) was also the Vis Moot final winner in Hong Kong! The team is looking for a couple of interested 1L or 2L helpers for the Pre-Moot, so if you have some time, please let the team know! Also, the public is welcome to attend the Pre-moot Competitions held at Warren Hall.

After the Pre-Moot, the Vis Moot team has planned two fundraisers in mid-February to help manage international travel costs. One will be a raffle with many great prizes (look for signs and ticket sales in the Writs coming soon), and especially fun will be a wine tasting, which includes many international vintages and live jazz music for entertainment. What better way to prepare to argue a dispute about international wine sales? The team plans to sell tickets to lawyers in firms around San Diego, but some tickets at a substantial discount will also be available for students. It should be a great networking event, as well as a lot of fun. Again, look for signs and ticket sales in the Writs. And raise a glass of wine to international arbitration!

To learn more, or to contact Vis Moot, check out the team web site, either through the SBA Club page, or go to [www.usdvismoot.com](http://www.usdvismoot.com). Details about the Vis Moot international competitions can be found at [www.cisg.law.pace.edu](http://www.cisg.law.pace.edu).

**Suffering, from page 4 -**

to test the dangers of smoking. During these tests, the tobacco labs cut holes in the beagles' throats so they are able to breathe concentrated smoke, non-stop, for an entire year. After a year of horrific examination, the dogs are killed. Monkeys are also used by the tobacco companies in their research. Placed in restraining devices with specially built masks, monkeys are often forced to smoke cigarettes repeatedly, without proper food or water. Pregnant monkeys are also forced to smoke, with babies killed for examination.

Most household cleaning products and cosmetic products also engage in animal testing. This industry utilizes the Draize test. The Draize test is used on animals to record the harmfulness of household chemicals on white albino rabbits. The technicians apply the chemicals onto the rabbits, place clips onto the eyes to prevent the animals from blinking the chemicals away, and leave the chemicals in the eyes for up to 14 days. These chemicals cause ulcers and blindness. Once the tests are complete, the rabbits are killed.

In the United States, animal testing on vertebrates is primarily regulated by the 1966 Animal Welfare Act (AWA), which is enforced by the Animal Care division of the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA). According to advocates of animal testing, the AWA provides adequate protections while promoting medical research. The legislation, however, only provides protection for the care and treatment of animals to the extent that treatment does not "interfere with the design, outlines, or guidelines of actual research or experimentation." Thus, in reality, it provides little or no protection at all.

Congressional leaders should amend this



The 2007-2008 Vis Moot Team is led by President April Tatton and Vice Presidents Jessie Baxter and Steve Schinko, and includes 2Ls Tara Aguilar, Zena Hinidiyeh, Jackie Issac, Forrest Merithew, Adriana Rodriguez, Danny Silva, and Anand Upadhye. Three 1L associate members help out: Jamaal Knight, Arthur Connors, and Sam Brotman. Also pictured is last year's team President and current 3L coach, Bruce Elder.

**Chechnya, from page 4 -**

Chechnya independence. Since then, Russia has attempted to quash rebels by conducting a reign of terror over civilians.

The Chechen government was weak and unable to control the rebel warlords that took over the region. The rebels kidnapped civilians and held them for ransom and also frequently beheaded their captives. Further, the rebels conducted terrorist attacks in other territories; they are accused of exploding two civilian airlines and of bombing a Moscow train.

In an attempt to gain control and to prevent the rebellion from spreading to other territories, the Russian government sponsored a new constitution that provided Chechnya with even greater autonomy. Elections in 2005, suspected of being rigged, resulted in a primarily pro-Moscow parliament. In April 2007, Vladimir Putin's protégé, Ramzan Kadyrov, was elected president of Chechnya. Now, Kadyrov's security forces, in conjunction with Russian armed forces, are accused of widespread human rights violations.

Currently, Kadyrov's security forces abduct people from their homes without providing any explanations to family members or information regarding where the abductees are being taken. The few who have been released from the security forces' control report torture and recall deplorable conditions of secret detention centers. Those who have been released or have escaped claim that they were tortured in order to elicit confessions of providing food and shelter to rebels, when they were innocent of those charges.

Overall, an estimated 3,000 to 5,000 people have "disappeared" from Chechnya since 1999. Because many people don't report the disappearance of relatives for fear that other family members will be taken, arriving at solid figures is difficult. Indeed, many who have sought justice frequently have experienced retaliation and, in some cases, have been murdered. The Russian government has been uncooperative in providing resources to help families find the missing.

The Commissioner of Human Rights visited

**Still Suffering...**

legislation and heed the words of President Bush: "On matters of life and science, we must trust in the innovative spirit of medical researchers and empower them to discover new treatments while respecting moral boundaries...[while] we explore promising avenues of research, we must also ensure that *all* life is treated with the dignity it deserves."

For a complete list of products that do not test on animals, and for more information on what you can do to stop animal testing, visit the following websites:

[www.stopanimaltests.org](http://www.stopanimaltests.org)  
[www.peta.org](http://www.peta.org)  
<http://www.uncaged.co.uk/crueltyfree.htm>

Chechnya in March of 2007. He publicly stated, "The disappearance of a human being is a tragedy, a gross violation of his/her rights. It is also a crime against humanity. This problem must be addressed by the authorities, in order to find the truth, punish the guilty, and preserve the health of society."

[Council of Europe, *Initial Conclusions of the visit to the Chechen Republic*, March 6, 2007.]

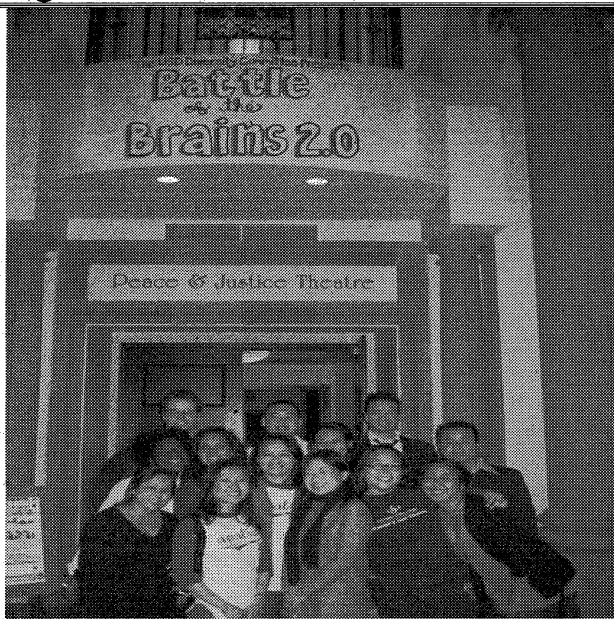
In the last twelve months, the European Court of Human Rights has issued eight rulings in which they found Russia to be responsible for executions, torture, disappearances, and failure to investigate reported crimes in Chechnya. The Court ruled that Russia has violated several articles of the *European Convention on Human Rights*, specifically Article 2 (right to life), Article 3, (prohibition of torture), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy), and Article 38 (furnish necessary facilities for the examination of the case). The Court has awarded plaintiffs pecuniary and non pecuniary damages, as well as reimbursement of costs and expenses.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued its *third* statement on March 13, 2007, calling on Russia to take action to stop the human rights violations in Chechnya. As the CPT works confidentially with governments of countries to stop violations, the three public statements regarding one country are unprecedented and representative of Russia's lack of compliance.

The European Court of Human Rights has no authority to force Russia to comply with its rulings. Rather, Russia has sole discretion to follow through with awarding damages to the victims, investigating crimes, and informing families as to the fate of "disappeared" persons. Despite the positive move of the European Court to attempt to provide the victims of crimes in Chechnya with justice, the perpetrators are held unaccountable to date. Such impunity provides a forum for the abuses to continue, which ultimately undermines the social and political fabric of Chechnya, and will continue to do so unless the international community applies significant pressure on Russia to take action and end the crimes against humanity.

For cases on this topic, please see: *Chitayev and Chiteyev v. Russia*, App. No. 59334/00; *Baysayeva v. Russia*, App. No. 74237/01; *Musayev and others v. Russia*, App. No. 57941/00, 58699/00, 60403/00; *Magomadov and Magomadov v. Russia*, App. No. 68004/01; *Bitiyeva and X v. Russia*, App. No. 57953/00 and 37392/03; *Estamirov and Others v. Russia*, App. No. 60272/00; *Imakayeva v. Russia*, App. No. 7615/01; *Luluyev and Others v. Russia*, App. No. 69480/01; *Khashiyev and Akayeva v. Russia*, Nos. 57942/00 and 57945/00; *Isayeva v. Russia*, App. No. 57950/00; *Isayeva, Yusupova, and Bazayeva v. Russia*, App. No. 57947/00, 57948/00, 57949/00; *Bazorkina v. Russia*, App. No. 69481/01





*The Diversity Committee: Nathan Karlsgodt, John Lo, Jake Romero, JaShawn Stewart, Angie Dominguez, Sherlin Tung, Catherine Tran, Junichi Semitsu, Cristina Nunez, Susan Woo, Susan Minamizono, Maria Shih, and Lee De Los Reyes.*

having their names memorialized on the championship trophy. In fact, the faculty teams would be vying for the chance to *keep* the coveted trophy in professorial hands. (Last year, the honor of victory went to Professors Lawrence Clause, Mike Kelly and Allen Snyder.)

Prof. Kelly returned this year in the company of Dean Kevin Cole and Prof. Miranda McGowan. They named themselves "Intentional Infliction of Trivial Distress." They would square off against "The Wolverines Without Prejudice." The Wolverines were Assistant Dean Mary Jo Wiggins, Prof. Donald Dripps, and Prof. Walter Heiser, three University of Michigan alums.

Following an hour of festivity in the lobby of the theater, third-year student and Diversity Committee member Nathan Karlsgodt welcomed the audience and introduced the moderator, Prof. Junichi Semitsu. John Lo, Michael Chu, Lee de los Reyes and Sherlin Tung dressed in black robes and presided as student judges.

The student teams began the competition, and were introduced from the back of the stage, where they had been treated to a "champagne room." Team Awesome reprised a theme from Halloween of their first year, donning red and black dodgeball costumes. The Concubines of the Literati attempted a daring bit of ribaldry by dressing in "bikini tees," with no visible undergarments. The reactions of the audience members ranged from chagrin to disgust.

Prof. Semitsu announced the first category, "The Simpsons." Hayes turned to his Team Awesome compatriots and found that they were both shaking their heads. He somewhat reluctantly stood up to the microphone, knowing that his fate was with the trivia gods. Alex Shogun stood up for the Concubines, looking quite confident in his plastic top hat, with plastic bubble pipe in hand. And he was confident with good reason: when Hayes fumbled on his third question (what is the name of Radioactive Man's sidekick?), Shogun scooped up the ball and never looked back. "Fallout Boy, ugh. Classic choke job," said Hayes.

The next category featured Adair and Evans squaring off in the category, "Acronyms and Initialisms." It seemed as though it was over as soon as it began, with Evans scoring a resounding blow against Team Awesome. Adair lost gracefully, and managed at least one thing that Hayes did not: a smile. "I was just setting Lola up for her ultimate triumph," she said.

And what a triumph it was! Ajilore first knocked off Gee in the category of "California Dreaming." The turning point of that contest came when Gee incorrectly named Ronald Reagan as the U.S. President who once was defeated in a California gubernatorial election. Ajilore stole the point by giving the correct answer, Richard Nixon. When she clinched the victory, she threw her dodgeball high into the air, turned around to catch it in one motion,

## *Battle, from page 1:* (continued in left column)

and received a high-five from Hayes, who obviously had no other way to inject himself into the drama.

Ajilore calmly defeated Evans in the next round, which dealt with "Elements of the Periodic Table." With each correct answer given by Ajilore, the crowd of 3L's in the back of the theater would chant, "LOLA! LOLA! LOLA! LOLA!" On the sidelines, Adair sat in quiet admiration, while Hayes's behavior grew increasingly rabid.

Shogun still stood between Ajilore and her glory. But when the category was announced, all in attendance knew that Ajilore was destined to prevail. The category: "Actors and Actresses Who Play Fictional Gay and Lesbian Characters." Shogun looked like he had been punched in the stomach, and suddenly that plastic bubble pipe didn't taste so delicious. When Ajilore sealed the come-from-behind victory, the crowd once again took up the chant, "LOLA! LOLA! LOLA!"

"It was one against three," said Ajilore. "But I taught the 1L's what it means to bend the knee and bow the head. I am their queen for a night." Adair, in a rare departure from character, added, "Concubines of the Literati? More like Concubines of the *Illiterati*! Awww snap! *Bizatches!*"

After an interlude during which audience members competed for an iTunes gift certificate, the faculty took the stage. While Hayes argued with Ajilore over whether he was allowed to continue drinking backstage, Dripps stole the show, single handedly sweeping aside the opposing team (though not in quite so dramatic a fashion as had Ajilore). Highlights included the Lady McGowan, in a tiebreaker situation with Dripps, assailing Semitsu's instructions as "ambiguous" (they were), Semitsu offering Dean Cole a hint to an answer "in exchange for tenure," and Kelly racking his brain for what turned out to be the correct answer, "Tupac Shakur." A collection of students in the audience also added to the entertainment, hoisting signs such as "Heiser has no personal jurisdiction," "McGowan has no rational basis," and "anything Dripps says will be held against him." Ahhh, law school humor – will we ever tire of it?

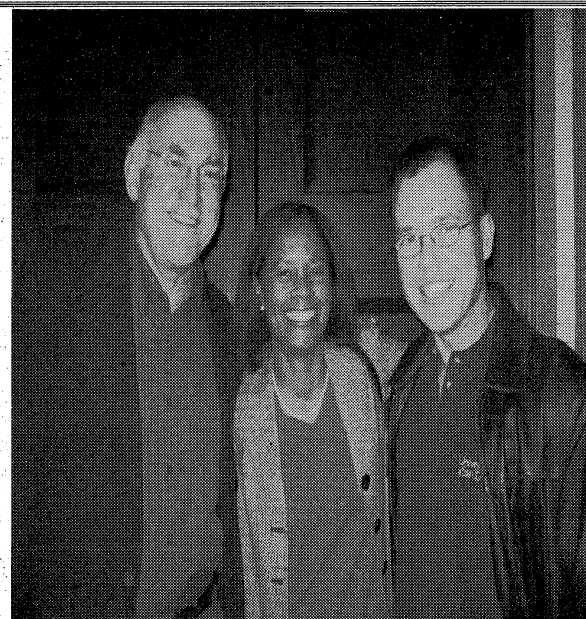
In the final and decisive round between students and faculty, Hayes and Wiggins once again led off for their respective teams. "Last Month's News" was the chosen category, and Hayes, who does not own a television, experienced a thorough trouncing. He was unaware that caffeine has been shown to increase the risk of miscarriage in pregnant women, and that Paris Hilton designs purses. "That stuff wasn't on the Drudge Report," he explained. And Wiggins gave him no breathing room, as she answered all of her questions correctly.

Adair then took the stage against Heiser, her old Civil Procedure professor. In the category, "Things

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*Left: The Concubines of the Literati had the highest score in the introductory round. They are 1L's Austin Evans, William Gee and Alex Shogun, and they will surely return for more.*



*The Wolverines Without Prejudice: Professor Walter Heiser, Assistant Dean Mary Jo Wiggins, and Professor Donald Dripps.*

You Put In Your Mouth," the two competitors battled to a tiebreaker round, where Adair was able to name more pizza toppings than Heiser. "That was redemption for me," said Adair. And in another break from character, she exclaimed, "I own Heiser!" (On a side note, several students in the audience were disappointed that Heiser didn't shout, in his best quarterback voice, his favorite play call: "Joinder 14!")

The anticipation was thick in the air when Ajilore and Dripps stepped up. Each had been dominant in the first round, and this test was likely to be outcome determinative. The category was "The 2008 Presidential Race," and when it was announced, Ajilore and Hayes exchanged pained looks. But nothing could stop Ajilore on this night. The round was touch and go – each player stumbled after answering their first question correctly. On his third question, Dripps was asked which Pulitzer Prize winner had first dubbed Bill Clinton "The First Black President." He quickly answered, "Al Gore." (Did he confuse, in his haste, the Pulitzer Prize and the Nobel Laureate?) Ajilore, with her "black card" on the line, and a chance for victory, knocked Dripps out of the competition with the correct answer, "Toni Morrison."

Suddenly, Team Awesome was in a commanding lead, with two chances to claim ultimate victory. The next category was "Little Yellow Creatures," and Adair would have first crack at Wiggins. The bizarre category was a head-scratcher from the start, with neither competitor seeming to have a firm grasp of "Looney Tunes" or "Sesame Street." When Wiggins badly mispronounced the children's show, "Teletubbies," Adair managed to claim what turned out to be the decisive point. With two former college tennis players on the stage (Ajilore and Adair), it was "game, set, match" for Team Awesome. The Wolverines were gracious in congratulating the students, with Heiser commenting to his former pupils, "I guess I managed to teach you guys *something*."

The victory, which Team Awesome proudly claimed for all of the students, was, as Ajilore put it, "a once-in-a-lifetime experience." A beaming Adair could not get over her newfound "immortality." And Hayes gave a truly personal account: "I've had doubts over the last couple years about the decision to come to law school. But now, the six-figure debt and the years of work ahead seem like nothing more than mist in the morning air." Their names will be engraved on the Battle of the Brains trophy, and proudly displayed for years to come.

*Thank you to the Diversity Committee for putting this together and helping the Legal Clinics in such a significant way. Special thanks in particular to the organizer, Nathan Karlsgodt, and to Prof. Semitsu, who guided the process and whose efforts continue to enhance the social life of the school.*

*Below: Dean Kevin Cole tests the "Wisdom of Crowds" theory (unsuccessfully, no doubt).*

