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MOTIONS

Volume 45, Issue 4

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April 2010

McLennon Tournament Again a Success

By Andrew Adams

The McLennon Honors Moot Court competition has become an institution on campus—a way for 2L's to test out their new legal chops and figure out just how their advocacy skills measure up to their peers. It also has developed into a way to showcase USD students' skills to local attorneys and judges.

This year was no different as over 70 students took part in the competition. 2L Dane Voris won the competition (and the best oralist award), besting Natalie Price at the final argument in the Institute of Peace and Justice. Three 9th Circuit judges, the Honorable M. Margaret McKeown, the Honorable Michael D. Hawkins and the Honorable Sidney R. Thomas, heard the final arguments and voted on the winner.

The tournament argued *Stockom v. United States*, a fictional case based on *United States v. Comstock*, which is currently pending in the Supreme Court. The case challenges the constitutionality of the Adam Walsh Act, which allows courts to order "sexually dangerous" persons to remain in custody of the Bureau of Prisons after they have fully served their sentences. The hypothetical inmate at issue in the competition had been convicted of violating federal child pornography law and served 73 months in a federal prison.

He was certified a "sexually dangerous" person six days prior to his scheduled release. In the tournament, the court reviewed two issues: whether such a civil commitment is constitutional and whether the use of a "clear and convincing" burden of proof in the commitment hearing violates the due process rights of those certified for commitment.

Competitors wrote a brief for one side, chosen at random (Clint Engleson and Tyler Lopez won the awards for best briefs). However, they were required to



argue each side of the case in front of volunteer attorneys that served as judges. The event is sponsored by Prof. Michael Devitt in honor of his longtime family friend.

1 Down; 5 To Go

By Evan Acker

Well, we survived. For us 1Ls, the first semester of law school is in the rear-view mirror. What better way to reminisce about what was arguably the most challenging academic endeavor of our lives than a retrospective in the school newspaper. When I got an e-mail from *Motions* asking for articles, I thought, "Why not? I know how to write. Besides, I've already embarrassed myself in class, what's one more in writing?"

First off, I should state that I am in the FLEX section. We have our classes from 1:00 p.m. to 7:30 p.m. Monday through Thursday, and we share two classes with the evening division. Call us the redheaded step-child of first-year sections. Still, I assume what happened to me in my section happened to you in your smarmy "regular" sections, only later at night, and never on Fridays. I was going to do this chronologically (from orientation to winter

break), but let's just skip to the good stuff: Finals.

Nothing brings out the paranoia in law students quite like finals time. "You've only studied for 10 hours today?" "My outline is 138 pages. That guy over there only has a 25-page one. I guess he'll be withdrawing next semester."

The one thing I've learned about finals is to just keep your head above water. You can't let the guy who hasn't seen the light of day in 72 hours advise you on what is the "right way" to study.

But law school also has brought out the best in people, too. Maybe it's different at other law schools, or maybe I'm just hanging out with nicer people, but we Toreros never think twice in sharing our notes. I've never seen a page ripped out of a library book, and the "competition" that is so widespread at most law schools at most can be labeled "determined, yet friendly."

So to the class of 2012, thank you. You've made the first semester of law school quite memorable. From the super-serious note-takers with 11 differently colored highlighters to the girls who shop for underwear online during lecture, you all made the first semester of law school interesting.

What I Did Well and What You Can Do Better

By: Ms. Soon-To-Be-J.D.

I began writing this list shortly after my first set of finals in December 2007, and have revised it throughout my law school career. You'll soon find what works for you and adapt your methods along the way.

PRE-EXAM PREP

Make an Exam Schedule

Make sure you know what you're studying and when. Schedule blocks of time to devote to each subject.

Get Your Personal Life in Order

Eliminate any distractions. Post-date and pay your bills, finish your holiday shopping in advance, get your hair cut, clean your desk, buy any office supplies you'll need, collect and organize your notes and outlines, and line up study dates. Clear your mind for all that legal knowledge you're about to digest. And don't forget to take time out to breathe, hang out with loved ones, exercise, eat right, and do the things you love.

Microsoft Word Isn't Your Only Option

I hate outlining with Microsoft Word. Luckily, there are other options. I use (and love!) NoteMap by LexisNexis. NoteMap allows you to move around notes with ease, maintain consistent formatting, and import back to Word if necessary to print. It takes a little time getting used to, but once you do, I think you'll be

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Opinion

opinion@usdmotions.com

Express This!

By Eric Meyers

I am all for free expression, even if it is merely a brief statement printed on a basic sticker that is placed on the back window of your Escalade or the rear bumper of your Accord. However, please think about the kind of words you are going to unleash on the drivers and passengers of your greater area to see. Feel free to display whatever your beliefs are on a bumper sticker, no matter how controversial or how unpopular your view is, just stay away from what I like to refer to as the "No shit bumper sticker."

The bumper sticker is an opportunity to spread awareness, affiliation, or even pride. Most commonly, I come across political bumper stickers such as *Obama '08*, or even *Perot '92* for those who are either too indolent to remove their outdated message or really want to stress to the world how big a mistake we made when we didn't elect an eccentric Texan billionaire with large ears over 15 years and soon to be 3 presidents ago, it all could have been different! I also see many stickers that are simply a posting of their school logo or name, such as Harvard University, Texas Football, or the Alabama Slammers. Then there are the boastful/pride filled stickers such as, "Proud parents of an 'A' student," or "My son surfs better than your 'A' student," or "My daughter has lots of guys attempting to have sex with her, including your 'A' student and surfer son." Maybe I would not post the preceding messages on any part of my vehicle, but I can see why other people would.

Then there are the "No shit bumper stickers." I'll be cruising along the 5, down La Jolla Blvd, or across Mission, and I'll come across bumper stickers that offer nothing—no affiliation to anything, no boasting of themselves or their children, and no awareness of a con-

troversial issue or topic that I would not ordinarily think about. These bumper stickers are only a statement, an obvious statement, a no shit statement that you obviously agree with, leaving no reason to slap the sticker for thousands to see.

The other day I found a Volkswagen Jetta with an assortment of stickers, some worthy and many worthless. My favorite: "Torture is wrong." Really—torture is wrong? I can't imagine anyone tailing this vehicle, going about their daily routine, and coming across the statement and thinking, "You know what, I can't believe I have my ex-girlfriend chained up in my dank basement and I haven't fed her in days. I'm going to drive home right now and release the poor girl. Thank Jetta, for now I know that torture is in fact wrong, how morally reprehensible of me to act otherwise."

On another occasion, while driving northbound along the 5, a grey mid-size SUV boasted: "Love is grand." I mean, perhaps this statement could be construed as slightly more debatable than "Torture is wrong", maybe not to an Arab terrorist, but still to the rational, civilized members of society. Romeo and Juliet might not think love is all that grand, you know because it both led to their teenage deaths, and Van Gogh might have some qualms with the statement, seeing as how his ear was torn off and mailed in a bloody envelope to some broad who was

conceivably not all that impressed with his paintings.

But still, for the most part I believe it is safe to assume that close to 100% of us understand that, "Love is grand," even those of us who have been burned, to those of us who have burned others, to those of us who have never had sex, and even to those of us who have never found anything close to love, we still see that love is ultimately what we live for. Love is what makes good rock songs (You know you cried to approximately 75% of post 1980 *Aerosmith* tracks), terrible rap songs (I'm looking at you *T-Pain*) and every timeless novel (Even if in the end he tells her he doesn't give a dam—legendary); what I'm saying is love is the ultimate emotion that is expressed by us, which is reflected in all forms of media, and generally the message is much stronger than, "Love is Grand."

Maybe this person's bumper sticker would be more deserving of my attention if it read, "Love is Grand: Strip-pers are Grander." But, it wasn't because she had to be Captain Obvious, along with the dude who thought that, "Torture is wrong." I hope these two find each other and have long discussions about the grandness of love, the wrongs of torture, the cuteness of puppies, and the necessity of eating and breathing.

Leave a Legacy! Make your Mark! Give a Gift!

All you graduating 3L's, help out your class today and contribute to the 2010

Class Gift!

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Phone: (619) 260-4692

Got something on your mind? Angry/happy?

Then WRITE FOR MOTIONS.

Email editor@usdmotions.com for more info

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MOTIONS

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Carrie Wilson, Dean of Student Affairs

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Motions welcomes all letters, guest columns, complaints and commentaries. We reserve the right to edit for content, length, style and the requirements of good taste.

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On Campus

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Upcoming Events

Climate & Energy Law Symposium Friday, April 9, 2010

Mother Rosalie Hill Hall,
Warren Auditorium

The University of San Diego's Second Annual Climate & Energy Law Symposium will explore various regulatory approaches being proposed and adopted to reduce greenhouse gas emissions. Panels will focus on how innovative policy instruments such as emissions trading and carbon taxes complement, displace and otherwise interact with traditional regulatory approaches.

Campus Visit Day Monday, April 12, 2010,

8:15am-1:00pm

Degheri Alumni Center (DAC),
The University of San Diego School of Law invites you to attend a 2010 Law School Visit Day specially planned for accepted applicants on April 12, 2010.

Where is Corporate and Securities Litigation Headed Post-Crisis?

Monday, April 12, 2010

5:30pm-7:30pm

Joan B. Kroc Institute for Peace & Justice
The University of San Diego School of Law's new [Center for Corporate and Securities Law](#) invites you to a panel discussion: "Where is Corporate and Securities Litigation Headed Post-Crisis?"

LRAP Raising Money for Public Interest

By Janet Chen

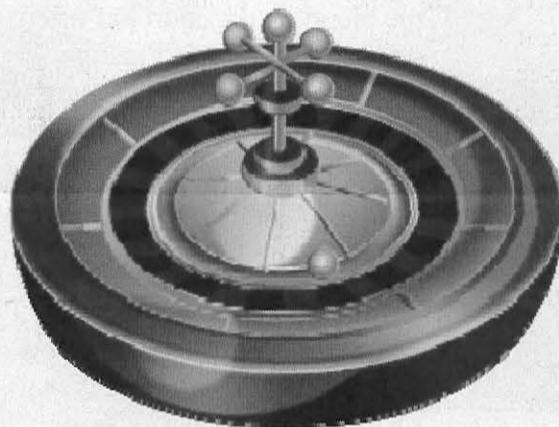
The Public Interest Law Foundation (PILF) will be holding its annual Loan Repayment Assistance Program (LRAP) pledge drive during the week of April 12 – April 16, 2010. Come out and support LRAP by making a donation in the Writs between 9:00 a.m. and 7:00 p.m. You will also have the opportunity to enter a raffle for a chance to win COOL PRIZES!!!

The theme of the pledge drive is "Give a Day - Make the Dean Pay!" The idea is to donate at least one day's salary to enhance the provision of legal services to low-income individuals and other traditionally underrepresented interests through the LRAP, in order to make Dean Cole-- who has generously agreed to match the total funds raised up to \$20,000-- pay!

LRAP was started at USD in 1993 to help USD School of Law graduates repay their school loans if they choose a career in public interest law. With the national increase in law school tuition,

the average law school debt of USD law students is approximately \$110,000. The salary difference between employment in the private realm versus that in public interest often is greater than \$60,000. Any graduate who works in a public interest law position that pays \$50,000 per year or less at a nonprofit organization and who has at least \$75,000 in law school loans is eligible for loan repayment assistance.

Last year, USD awarded a total of \$45,000 to six alumni who have chosen to work in the public interest sector. We take great pride in the program because the importance of public interest law practice in our society cannot be overstated. The LRAP pledge drive is the main source of income for the LRAP fund. Please come and support this generous pledge that will ensure that funds are available for eligible USD graduates who apply for this greatly needed financial assistance.



("Do Better," Continued from page 1)

happy with it. Law students get a free 1,000 day trial at <http://www.lexisnexis.com/lawschool/downloads/CaseSoft.asp>. I know other students who really like Microsoft One-Note.

Set a Printing Deadline

Give yourself a deadline where you print out all your outlines. I find 5-8 days before my first final to be ideal. Once your outlines are printed, you can focus on taking practice exams, learning to use and tab your outlines, etc. You can always supplement anything you haven't yet outlined with material from Gilberts or Emanuel if you aren't finished outlining by your deadline.

Take Practice Exams

You're never going to know how to take an exam unless you've done it before. I was amazed how many issues could be combined into one problem. Check out old exams at the library or online, review flashcards, and find study books with practice questions.

EXAM TAKING

Don't Rob Peter to Pay Paul

Poor time management is the easiest way to get a C. Take a couple minutes when the exam first begins to break down how much time you plan to spend on each question, making sure to leave time to spare at the end (I save about 20% of the total allocated time). Then stick to it. Use the time clock on ExamSoft to keep yourself on pace, and when you run out of time, take a minute or two (no more!) to bullet your remaining points. Then MOVE ON.

IRAC: Not Just a Country in the Middle East.

They teach the IRAC method in Lawyering Skills but forget to tell you it is essential for exams. Use IRAC (Issue - Rule - Application - Conclusion) on every issue you encounter on a law school exam. Sometimes it will take several pages, sometimes a sentence. IRAC keeps you focused on the task at hand, and most importantly, professors look for it when grading because it makes it easier for them to spot your conclusion and see how you got there.

Issue Spot

As you read each question

prompt, type into ExamSoft any and all possible legal issues you encounter. That way, you're able to clearly see and organize the issues presented as you begin to write your answer.

Organize Your Response

A given problem often encompasses multiple issues and sub-issues. I like to use bolded or underlined headings within my answer. Professors like easy-to-follow answers and may reward you accordingly.

Don't Regurgitate the Facts

You don't need to re-write the question prompt in your answer. Doing so is a surefire way to run out of time. Use only the relevant facts to apply and analyze the appropriate rule. The professor knows the problem because he wrote the exam. What he doesn't know is how well you can use the facts provided to illustrate the applicable law.

I wish you luck throughout your law school adventures. Never give up and be grateful for your choice to attend law school in this beautiful city.

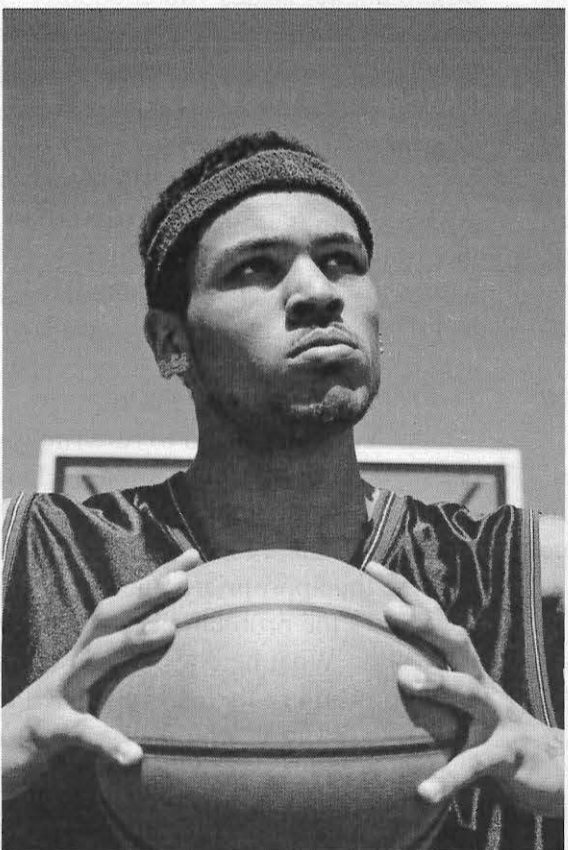
Sports

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Intramural Standings

OLYMPICS

Team	Opening Ceremonies	Dodgeball	Kickball	Total
Brazil	80	70	90	240
Ottoman	30	100	100	230
USA	100	60	60	220
Ireland	70	80	70	220
Japan	90	60	50	200
Jamaica	60	30	90	180
Djibouti	40	90	40	170
Sparta	50	40	30	120



Prestige Worldwide Leaves Trail of Vanquished Foes in Its Wake

By Joshua Schloesser and Jeff Wilson



Long after the shouts have stopped echoing off the gymnasium's rafters and the blood on the court has dried, people will tell the story of Prestige Worldwide. People will sing its praises, while also fearing the ferocity with which it ruled. This story is the beginning of the epic history that follows all major forces. This is the story of Prestige Worldwide.

When you're this talented, a championship comes at no surprise. Prestige wasn't a team. It was a hydrogen bomb dropping on the intramural sports world. A roster like ours? Unstoppable. It was absolutely brimming with raw athleticism and insanely high basketball IQs. LeBron wishes he was surrounded with this much talent: Jon a.k.a. the Condor--giant wingspan, velvety-smooth turnaround jumpers, superior intellect; Kyle--laser accurate shooting, electric drives to the basket, completely unguardable; Avery--dominating post moves, hands the size of frying pans, Herculean strength; Raman--pit bull ferocity on the boards, at-will interior scoring, thunderous pre-game chest bumps; Bridget--street ballin, shot callin, cyclone-intense floor general; Josh aka Ferrari--lock down defense, King Midas touch around the rim, incredibly handsome; Leila: no remorse, no mercy, goes hard and *never* apologizes; and Jeff: freakish athleticism, crystal court vision, lights out shooting from 15 feet beyond the arc. In retrospect, the intramural league should have allowed opposing teams the option of playing six at a time—I mean, it just wasn't fair out there.

In the "Elite 8" round of playoffs (ed. note – there were eight teams), Prestige Worldwide faced off against the rabble-rousers from Mark Eaton's Beard in a fierce 4 & 5-seed match-up. After forty minutes of scrappy, hard-fought basketball, Prestige Worldwide emerged victorious but bloodied, taking the game by a final score

of 44-33.

Prestige Worldwide then swaggered their way into the semi-finals against the Ninja Tortles, a team that had clearly cheated and bribed their way to a two point upset of Prestige Worldwide a few weeks earlier. The Ninja Tortles played hard, but they just couldn't handle the noise that was brought on them. With flair and panache, Prestige Worldwide trounced the Ninja Tortles to a final clip of 59-43.

With just a few minutes to rest before the championship round began, Prestige Worldwide regrouped and refueled with some Powerade® (now available in Mystic Mountain Blueberry) as the fan began to crowd the sidelines. With the packed stands going crazy, the law student athletes of Prestige Worldwide squared off against The Free Agents. The athletic reputation of the law school was at stake, and Prestige Worldwide grinded out a methodical victory with suffocating defense and clutch shooting. The game was fierce, but the Bugatti Veyron of intramural basketball squads dazzled the crowd and defeated The Free Agents 45-38.

All hyperbole aside, though, we played some great games against some really great competition. Sure, there was the occasional frustration with the officials, a few hard fouls, and a lot of trash talking—but it was all part of the game. No matter what transpired on the court, every team showed a great deal of sportsmanship afterward. So, thanks to the refs, thanks to everyone who helped set up and host the games, and thanks to the other teams for some memorable games.

If you were unfortunate enough to be trampled underfoot by the basketball powerhouse that is Prestige Worldwide, do not fret. Most of our squad graduates from USD School of Law in May. That means next season you might actually have a chance.