

University of San Diego

Digital USD

---

Newspaper, Motions (1987-2019)

Law Student Publications

---

2-1-2011

## Motions 2011 volume 47 number 5

University of San Diego School of Law Student Bar Association

Follow this and additional works at: <https://digital.sandiego.edu/motions>



Part of the [Law Commons](#)

---

### Digital USD Citation

University of San Diego School of Law Student Bar Association, "Motions 2011 volume 47 number 5" (2011). *Newspaper, Motions (1987-2019)*. 155.

<https://digital.sandiego.edu/motions/155>

This Book is brought to you for free and open access by the Law Student Publications at Digital USD. It has been accepted for inclusion in Newspaper, Motions (1987-2019) by an authorized administrator of Digital USD. For more information, please contact [digital@sandiego.edu](mailto:digital@sandiego.edu).



# MOTIONS



University of San Diego School of Law

Volume 47, Issue 5



VISIT MOTIONS ONLINE:  
WWW.MOTIONSONLINE.ORG



February 2011

## Paul A. McLennon, Sr. Moot Court Tournament Building on Its Legacy

by Taylor Wemmer, Staff Writer

USD's Appellate Moot Court Board works hard year-round planning, organizing, and participating in several of USD's well-known moot court competitions, such as the Alumni Tournament and the National Criminal Procedure Tournament, both held in the fall. However, it is USD's intramural tournament in the spring, the Paul A. McLennon, Sr. Honors Moot Court Tournament, for which the board members are most excited.

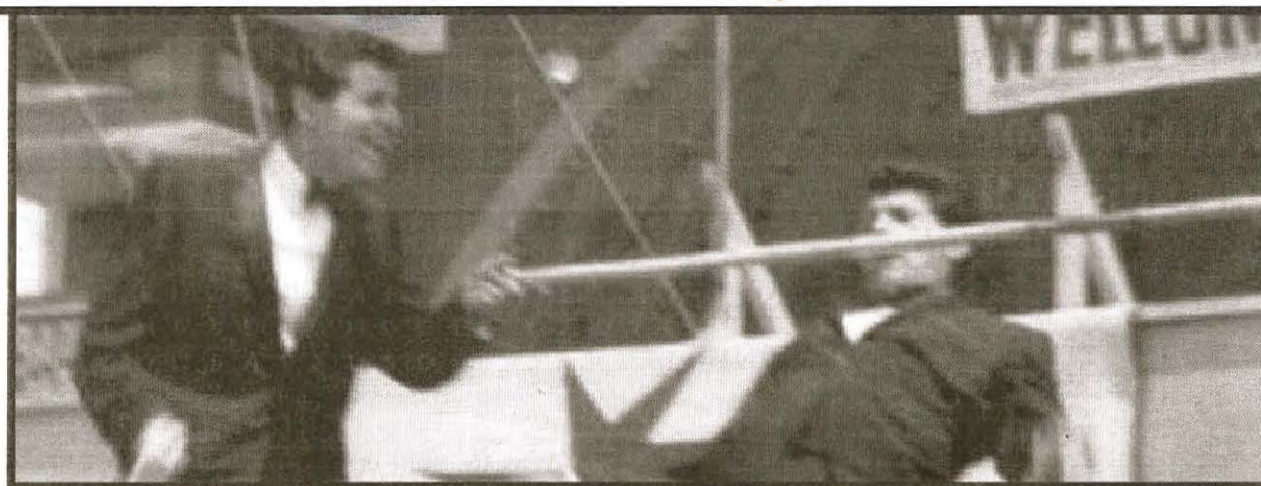
"It's an amazing experience," said Cody Payne, this year's Moot Court Chair and a 2010 McLennon participant. "It is an individual tournament that allows you to further develop your brief writing and oral advocacy skills, while also [providing] students with a great networking opportunity."

This year, more than sixty students are signed up for the one-credit McLennon tournament class taught by USD Law Professor Michael Devitt, whose family's generous \$100,000 endowment made this tournament possible.

"The tournament was started many years ago and honors an amazing man," said Professor Devitt of the family friend and Illinois attorney who lends his name to this tournament.

Paul A. McLennon, Sr., born in Illinois in 1923, was a man who found his calling in life as an attorney and, as such, was a greatly respected individual who touched many people's lives. According to an article written in the April 2008 edition of *Motions*,<sup>1</sup> McLennon served in the U.S. Navy Air Corps as an officer pilot flying Wildcats during World War II and was awarded the Distinguished Flying Cross. On returning home after the war, McLennon attended DePaul University College of Law, graduating in 1950, and started his law career working as a special agent for the FBI until 1955. After five years of working at an Illinois firm, McLennon opened his own practice, the McLennon Law Office, in Wheaton, Illinois.

McLennon was known not only for his oral advocacy  
*See McLennon Tournament, page 6*



According to the July 2010 exam results, only 65.3% of USD Law Grads taking the California Bar Exam for the first time passed—down from 78.1% in 2009 and below the 68.3% state average.

## HOW LOW CAN WE GO? The Truth (As I See It) About USD Law and the Bar Exam

by Emily Scivoletto,  
Assistant Dean for J.D. Student Affairs

Last week, I received an email from *Motions* Associate Editor Jessie Payne asking me to respond to this question: What do you think USD is doing to improve the bar pass rate in 2011?

Since this has been a topic of some discussion amongst the faculty and administration, I am providing a general response to her question in the form of this article. I do not pretend to represent any specific faculty member or administrator (I would not be so bold), but I will tell you the truth as I see it about "what USD is doing" to assist our students with the bar exam.

To begin, I need us to be on the same page. First, when I say our bar pass rate is 65%, I'm using that number because that is what USD first-time takers achieved during the July 2010 California bar exam. There are graduates who take the February bar exam for the first time each year and others who take bar exams in other states every July. This is not to say numbers for any of these other categories of bar takers are drastically different: The pass rate for our 24 out-of-state bar takers in 2010 was an incredible 96%, but combined with our California numbers, our overall rate is only 69%. However, in the interest of accuracy, I want us all to understand that it is the July numbers that generate interest and comparison charts with other law schools on "Above the Law" or "TaxProfBlog."

Second, while USD is interested in how the bar pass rate will affect the *U.S. News & World Report* rankings, that's not our primary concern. Why?

One reason is that the weight given to bar pass rate within this ranking is so low that it is virtually a non-issue.

Infinitely more concerning to USD is that 90 USD graduates are unable to practice law for another six months because they failed the bar exam. That's not acceptable. Nor was it acceptable when we had 57 graduates from the class of 2009 and 48 from the class of 2008 who could not practice law

## Experienced Dean or Politically Connected Lobbyist Your USD Law Dean Finalists

by Christina Phan, Senior Staff Writer

After five years as Dean of the University of San Diego School of Law, on June 3, 2010, Dean Kevin Cole announced that he was stepping down effective Summer 2011 to return to his faculty position. With this announcement, the school formulated a search committee, led by Associate Dean Mary Jo Wiggins. The committee of students, faculty members, administrators, and alumni searched for Dean candidates to fill the large and beloved shoes of Dean Cole.

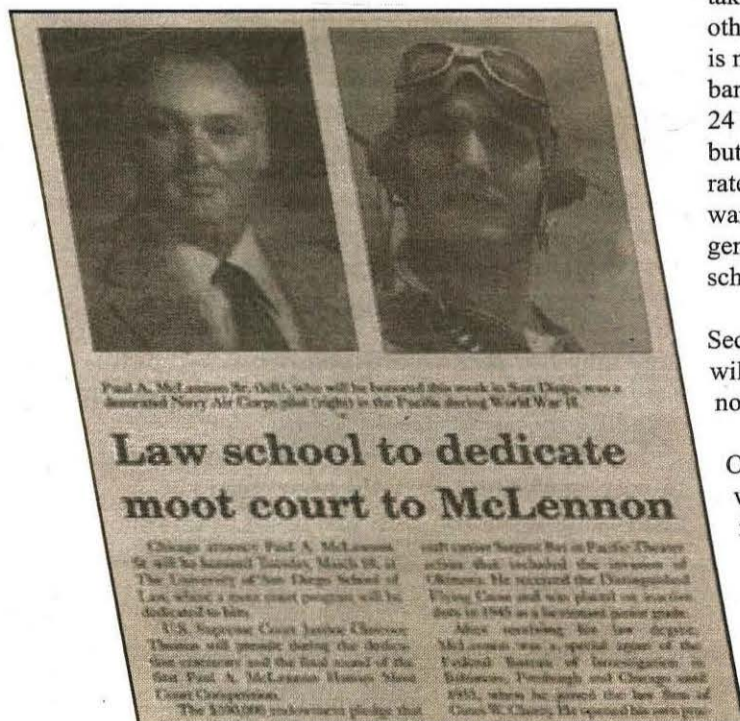
In December 2010, the University announced three finalists for the Dean Position: Dean Robert Ahdieh, Mr. Nicholas Allard, and Professor Lawrence Mitchell.

In January, the three candidates came to campus for a two-day marathon filled with interviews, question and answer periods for both faculty and students, presentations, and tours. On Friday, January 28, the USD Law Faculty voted on its recommendation for Dean and submitted it to the University of San Diego Provost. Shortly thereafter, Professor Mitchell indicated to the Provost and Dean Wiggins that he was withdrawing his name from consideration for family reasons. The Provost will make the final decision, and after a period of negotiations and finalizing the selection, the Provost will make an official announcement.

The Dean's Search Committee was able to bring very distinctive candidates to become the next USD Law  
*See Dean Finalists, page 11*

### IN THIS ISSUE

- Letter to the Editor.....2
- Keynote Speaker Announced.....3
- Human Trafficking.....4
- Questioning Capitalism.....5
- USD Parking.....6
- Exploring Tecolote Canyon.....7
- Valentine's Day.....8-9
- Bar Passage Rate.....10
- Dean Finalists.....11
- Arts & Culture.....12
- Sports & Rec.....13
- Humor/Perspective.....14
- Moe Shuns (Advice Column).....15
- Fun & Games.....16



Newspaper article announcing original dedication of McLennon Tournament (Left Photo: Paul A. McLennon, Sr.; Right Photo: McLennon as a Navy Air Corps pilot)

*See Bar Exam, page 5*



## MOTIONS

Published Since 1963  
Formerly *The Woolsack*

5998 Alcala Park  
San Diego, CA 92110  
619-260-4600, ext. 4343  
motions@sandiego.edu

### WEBSITE

<http://www.motionsonline.org>

### EDITOR IN CHIEF

Kurt Whitman

### SENIOR EXECUTIVE EDITOR

Andrew Miazga

### ASSOCIATE EDITORS

Jyoti Jennings  
Jessica Payne

### SENIOR STAFF WRITERS

Evan Acker  
Christina Phan

### STAFF WRITERS

Isaac Bejar  
Henry Ciocca  
Chris Dibbern  
Camille Edwards  
Zach Friedberg  
Amir Guri  
Tyler Hazen  
Umar Hussain  
Joe Kaatz  
Nashelley Kaplan-Dailey  
David Park  
Laura Patrick  
Nikki Weil  
Taylor Wemmer  
Kenneth Yu

### ADMINISTRATIVE REVIEW

Emily Scivoletto  
Assistant Dean for J.D. Student Affairs  
Irene Condella  
Assistant Director for J.D. Student Affairs

### MISSION STATEMENT

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

### DISCLAIMER

The contents of *Motions* do not reflect the views or opinions of the University of San Diego School of Law; the University of San Diego School of Law News Organization; or the Editors, Directors, or Staff of this newspaper and are solely the products of the authors in their individual capacities. Unsigned editorials reflect only the view of the Editorial Board of this newspaper, a Student Organization consistent with University of San Diego School of Law policies.

## LETTER TO THE EDITOR

from Tony Davis, USD Law 3L

Regarding Vol. 47, Issue 4 (December 2010)

On the front page, there is a column decrying Spring registration woes. For some reason it was written by two people, yet it constantly uses "I" and "my" with no identification as to which author it is referring.

Which person is talking?

And why are two authors needed?<sup>1</sup>

#### 1) Why two authors?

Collaboration is good. As future attorneys, it is important that we develop this skill. In our view, the fact that Christina Phan and Nicole Weil co-wrote this piece is pretty cool. This particular story lent itself well to collaboration because many students have collective "woes" to share regarding Spring registration. We look forward to publishing more collaborative writings in future issues.

#### 2) Why the shift in perspective?

We assumed this was a conscious choice by the writers. It was certainly a conscious choice by the editors to leave it as is. Changing every "I" to "we" didn't seem to work in this piece—try it; you'll see that the meaning changes in a way that detracts from the article. Leaving the shift as is (for only three paragraphs—not "constantly") emphasizes the overall tone of the article. The shift from first-person singular to first-person plural works within the middle of this story—we like how the singular use is sandwiched in the middle of the plural. The article is more of a journey through the mind of a 2L, and we know that the 2L mind can be "shifty" in general (kind of kidding). The "I" may refer to one of the co-authors, or it may refer to a general, singular 2L.

Either way, it works. No grammatical rule requires a co-authored piece to include only first-person plural pronouns. And even if one did, we at *Motions* understand that good writing often breaks the rules. A shift in perspective is not something new to writing. In fact, shifting perspective is often a conscious and effective choice that aids the literary piece. Any reader confusion that exists is outweighed by the value of the form itself.

Regarding your own frustration, our instinct is to suggest that you can contact the authors to see exactly who was "talking" in those paragraphs . . . but depending on your perspective of literary interpretation, that may be irrelevant.<sup>2</sup>

Anyway, that's our perspective and rationale. Thanks for reading!

### NOTES

<sup>1</sup> Mr. Davis is referring to the following article: Christina Phan & Nicole Weil, *Epic Failure: The Chaos of Spring Registration*, MOTIONS, Dec. 2010, at 1, available at <http://www.motionsonline.org/2010/12/01/epic-failure-the-chaos-of-spring-registration>.

<sup>2</sup> According to a post by one of the authors (Christina Phan) on the *Motions* Facebook page in reply to Tony Davis's original inquiry, the shift in perspective resulted from the collaboration itself. Phan blamed herself because she wrote the paragraphs at issue. She dubbed herself "the weaker chick." In our view, Phan's "error" isn't the "epic failure" she suggests. Instead, what perhaps was originally unintentional turned into something rather effective.

## LETTERS TO THE EDITOR

We welcome your letters! Send them to [motions@sandiego.edu](mailto:motions@sandiego.edu).

## Note from the Editor

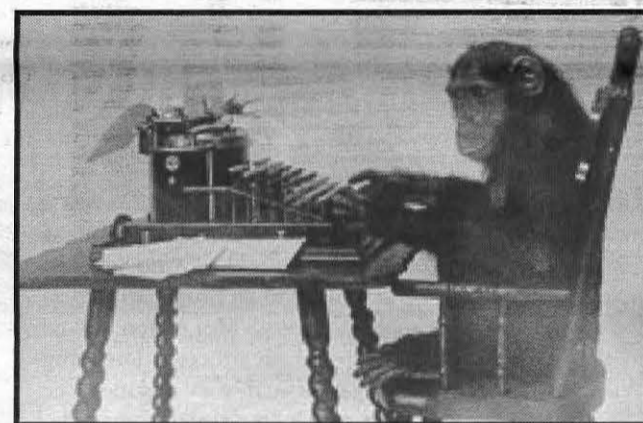
The *Motions* Renaissance continues. Besides the improved content and new appearance of our print version, we have expanded our distribution—placing papers across the entire USD campus and at nearby businesses. Word of our newspaper's success is spreading, and we hope that as it spreads, it simultaneously contributes to the success of our law school.

Additionally, our website continues to experience more traffic. Nearly 5,000 people have visited *Motions Online* since its September debut. We attracted almost 1,500 visitors in December alone. Some of this was due to the mere increase in posts, which attracts more internet users performing keyword searches. It's kind of amazing to see what people are searching for. One example is David Park's article from our September issue, "Owning a Pet During Law School." The article frequently appears in our Top Ten most-viewed posts list (on the right sidebar) and ranks as one of our most popular articles in our online newspaper's history. In fact, USD Law Professor Grant Morris even posted a comment to the article and offered his insights. Very cool! Our stories related to USD Law happenings are popular, too. Articles about the SBA and Moot Court always seem to find a place in the Top Ten list, and this issue's articles about the Dean finalists and the bar passage rate will undoubtedly draw significant interest as well.

Overall, these are exciting times for the law school student newspaper, and I am proud of my staff of editors and writers for their remarkable work ethic and dedication. Of course, none of this success would be possible without our loyal followers who continue to read *Motions* and frequent *Motions Online*. Thanks for your continued support.

Kurt Whitman  
Editor in Chief

*\*If you are interested in becoming an editor for Motions next year, stay tuned for announcements regarding the application process. We will be seeking law students for the following positions: Editor in Chief, Senior Executive Editor, Associate Editor, and Web Editor.*



Our Current Web Editor

## GET INVOLVED WITH MOTIONS!

USD Law students can be a part of the *Motions* team in a wide variety of ways.

Contact [motions@sandiego.edu](mailto:motions@sandiego.edu) to see what positions are currently available.

## SUBMISSIONS

*Motions* welcomes all guest columns, articles, photographs, artistic submissions, and commentaries.

We attempt to financially reward the *Motions* staff for its contributions to the newspaper's growth and success. However, we are confined to our budget. Therefore, payment is never a contributor's right; contributors submit articles with the understanding that they may not receive any compensation at all. You can request our current Payment Policy by emailing [motions@sandiego.edu](mailto:motions@sandiego.edu).

The Editorial Board reserves the right to edit for content, length, style, and the requirements of appropriate taste.

## ADVERTISE IN MOTIONS

FOR CURRENT RATES,  
PLEASE CONTACT US AT  
[MOTIONS@SANDIEGO.EDU](mailto:MOTIONS@SANDIEGO.EDU)

ASK US ABOUT OUR SPECIALS!

## INTERVIEW WITH IRENE CONDELLA, ASSISTANT DIRECTOR FOR J.D. STUDENT AFFAIRS

by Emily Scivoletto, Assistant Dean for J.D. Student Affairs

It's a new year, a new semester, and we also have a new face in Student Affairs. Meet Irene Condella, the Assistant Director for J.D. Student Affairs. "I'm thrilled to be here!" said Condella, who grew up in Rancho Penasquitos. "As a San Diego native, it's wonderful to work at such a great San Diego institution. The campus is beautiful, and everyone is so friendly!"

Condella received her B.A. in Political Science and Geography/Environmental Studies at UCLA. While there, she also competed on the Women's Rowing team. "Being a part of UCLA rowing was incredible. It really taught me the meaning of teamwork. It's amazing what can get accomplished when you work together." As an athlete, she also became involved with the Bruin Athletic Council, which, as Condella explained, "is like SBA for athletes."



Irene Condella, Asst. Director for J.D. Student Affairs

After UCLA, Condella attended UC Hastings College of the Law in San Francisco. "After receiving my B.A. in Environmental Studies, I went to law school because I was very interested in environmental law." While in law school, Condella was a member of the *West-Northwest Journal of Environmental Law & Policy* and spent a semester with the Hastings Civil Justice Clinic. She was also a 2L representative in Hastings' SBA and went on to become the co-3L Class President. "It's sort of interesting how I became involved in my SBA. I went to law school thinking, 'I'm only going to be a student.' But after my first year, I felt that something was missing. Working with student groups is in my DNA; I don't know why I tried to change that. So I became heavily active in my SBA for the last two years in law school, and it really made for a better law school experience for me."

During her time at Hastings, Condella's career path took a surprising turn. "I had a part-time job at the Student Services Office, and I really loved it. Although I was going to school to become a lawyer, I found working with students to be very rewarding, and I decided that I would eventually go into law school administration."

After graduating from Hastings in 2008, Condella worked as an attorney in San Diego. But an unexpected opportunity to work as the Student Services Program Coordinator at Hastings came up, and she headed back to San Francisco. "Working there full-time confirmed that student affairs was where I belonged. When my position ended, I returned to San Diego and saw that USD was looking for an Assistant Director for J.D. Student Affairs. And now here I am!"

In her role at USD, Condella will be working closely with the SBA and student organizations. "I love collaborating with student organizations to find ways to make their events work. I think that these events really help create a sense of community in law school, which is important. I want you all to feel supported and included." One event that Condella is looking forward to is the Battle of the Brains. "I love trivia, and I'm really excited to watch the Battle of the Brains!"

Condella encourages you to come visit her in the Student Affairs Office in Room 206. "I am here to enhance your law school experience, so please don't be afraid to use me as a resource. Come by and introduce yourself. I want to meet all of you!"

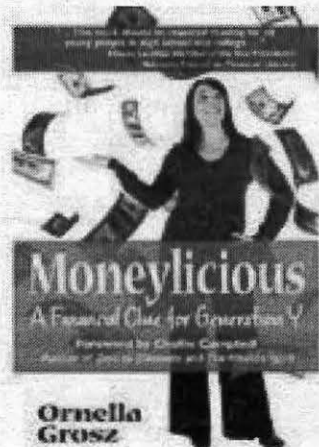
## BOOK REVIEW

### *Moneylicious: A Financial Clue for Generation Y*

by Jyoti Jennings, Associate Editor

I don't know about everyone else, but when I got my grades back for last semester, there were a few things on my mind before I took a peek at my scores. One of these things was the blazing image of several numbers with dollar signs in front of them—a proverbial raven above my door, commonly known as a student loan. Here I am going to school so I can be a lawyer when I grow up, but will I ever get a job? Will I ever get out of debt? Oh nevermore, nevermore!

Reader, are you also thus mired in financial woe, cursing fate with payments late? Cheer up, ye who walk in the shadow of debt! It may not be easy, but a little budgeting and investment savvy can go a long way in picking yourself up from that puddle on the floor. After all, this is the age of information, and you can get plenty of help just looking around and taking a read.



The book *Moneylicious* by Ornella Grosz is a great example of this, and quite excellent for the young person attempting to make a financial start in life. Why? Because the whole concept of the book is just that—teaching young people the basic financial know-how that most people usually learn the hard way. It's a basic guide to navigating the financial world from a practical point of view, and it teaches young people skills for how to plan their financial futures regardless of what business they're in.

No, it's not just a lot of encouraging words about budgeting—like "you can do it," "be strong and stick to the budget," "try collecting coupons," "make your own lunch," or "you'll be surprised at how much you'll save." No, sorry, it's really *not* that surprising. We're law students; spending less as a budgeting strategy isn't (or shouldn't be anyway) that much of a revelation at this point. Plus, 50-cent coupons aren't really going to help with tuition. (Sad, I know.) Fortunately, this book is not that. It gives budget strategies, sure, but it also uses words like FICO and IRA. It talks about the timing, procedure, and management of loans, credit, insurance, and taxes. It describes the different types of basic investment opportunities to get you started on building a financial portfolio and tells you what to watch out for. It shows you how you can strategize loans or investments according to trends in inflation and interest rates. It even guides you through how to handle identity theft—yes, please! So, basically, it takes you through your life in financial terms.

It seems to me that this book is a useful go-to for all things \$\$\$\$. It's not so much an all-encompassing dictionary; its function is as an easy, readable, practical introduction guide. In law terms, this is a great secondary source, and in lay terms, it's a really convenient book to get you started on all this "money stuff" in the real world.

## MOTIONS ONLINE

THE place for news, events,  
entertainment, and insight  
TAKE A PEEK & STAY AWHILE



www.motionsonline.org

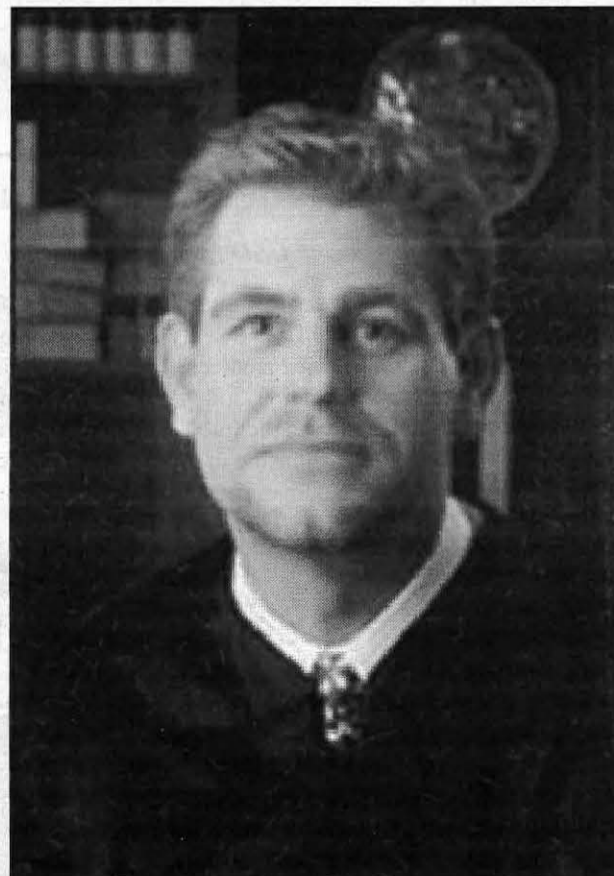
## Nevada Chief Justice to Deliver Keynote Speech at USD Law Graduation

Dean Cole has announced that The Honorable Ron D. Parraguirre, Chief Justice for the Nevada Supreme Court and a 1985 USD Law grad, will be the keynote graduation speaker for the Class of 2011.

Justice Parraguirre began his legal career in Washington, D.C., working for then U.S. Senator Paul Laxalt and later becoming counsel to the Senate Judiciary Committee, subcommittee on criminal law. He returned to Nevada two years later to join his father in private practice. Justice Parraguirre's judicial career began in 1991 when he won a seat on the Las Vegas Municipal Court. He was re-elected twice and served until Governor Kenny Guinn appointed him in 1999 to a seat at the Eighth Judicial District Court. Throughout his tenure on the bench, Justice Parraguirre has received, and maintained, some of the highest ratings in judicial performance evaluations.

As a district judge, Justice Parraguirre worked tirelessly, not only on his own caseload, but also while serving on more than a dozen commissions and committees to improve the efficiency and effectiveness of the judiciary. Prior to his election to the high court, Justice Parraguirre was the presiding Civil Judge in the Eighth Judicial District Court. During 2004, he served as President of the Nevada District Judges Association. Justice Parraguirre won his current seat on the Nevada Supreme Court in 2004, where he has served as Chief Justice for the last seven years.

The graduation ceremony will take place on May 14, 2011 at 8:30 a.m. at USD's Jenny Craig Pavilion.



The Honorable Ron D. Parraguirre, Chief Justice for the Nevada Supreme Court and 1985 Graduate of University of San Diego School of Law

# CONTINENT WATCH

International Human Rights Law Society

## North America, U.S.A., by Ramin Montakab

Three provisions of the Patriot Act are up for renewal this month. Signed by President Bush in 2001 to fight terrorism, the bill is criticized as a threat to civil liberties. The three sections up for renewal are known as the "roving wiretaps," the "lone wolf," and the "libraries provision." The libraries provision, which is probably the most debated provision of the law, allows investigators to obtain any "tangible thing," including books, phone records, and email history, without having to show the person suspected of a crime, as long as the information sought is relevant in connection with a terror investigation.

## Africa, Tunisia, by Robert Knox IV

The Tunisian government reports that about 87 people have been killed in recent clashes between protesters and police in this historically stable North African country. Tunisia has only had two Presidents since gaining its independence—indicative of the iron grip Tunisia's leaders have kept on a country that has otherwise seen consistent economic growth. However, the uneven distribution of Tunisia's wealth has led to general unrest, which recently culminated in what has been dubbed the Jasmine Revolution. In a sudden wave of social unrest that ousted the former Tunisian President Ben Ali, protesters marched in Tunis and at times came into conflict with the police. As the world absorbs the media reports streaming in about the protests and what looks like a political realignment in Tunisia, public figures as prominent as President Obama have exhorted the Tunisian government to avoid violence and respect human rights, especially as Tunisia's future hangs in the balance.

## Asia, China, by Laurel Holmes

The latest Human Rights Watch report on China highlights the abuses perpetuated in institutions across the country, and in particular, the forced disappearance in Xinjiang of people of the Uighur minority group and destruction of the ancient neighborhoods in the city of Kashgar. Reports show that by the end of 2011, nearly 80 percent of the city will be demolished and the residents of the Uighur minority group will be displaced. Throughout the country, the open politicization of the judicial system allows for the routine application of torture in securing confessions and witness testimony. These methods often are the sole basis for many criminal convictions, further tainting an extremely high death penalty rate for nonviolent offenses.

## Europe, Ukraine, by Morgan Suder

In Ukraine, many refugees and asylum seekers, including children, are subjected to beatings, food deprivation, or other demeaning treatment at the hands of border patrol and police. According to Human Rights Watch, Ukrainian law does not protect those who escape widespread violence and war. In particular, unaccompanied children struggle to acquire documentation and access to the asylum procedure because authorities in certain regions refuse to appoint legal representation, which is required to file a claim. While Ukrainian law provides a six-month limit to migration detention, it does not preclude the authorities from re-arresting refugees and detaining them for an additional six months.

## Latin America, Haiti, by Lisa Charukul

In January 2010, a large earthquake in Haiti killed over 230,000 people. Now, a year later, Haiti is still suffering. The earthquake has increased social and economic problems, and now Amnesty International is highlighting a new issue: sexual violence in Haitian refugee camps. Although sexual violence was a problem before the earthquake, women and children living in the camps are even more vulnerable than before. According to Amnesty International, the increase in violence is due to a lack of security in and around the camps. The perpetrators are mostly armed youth gangs who raid the camps at night. In the first 150 days after the earthquake, a local women's NGO (KOFIVIV) recorded more than 250 rape cases, but no one has been prosecuted.

## Middle East, Pakistan, by Tina Arshakyan

Many states in the U.S. do not consent to the death penalty for even the most serious of crimes, yet people in other parts of the world are hung for speaking their minds. In Pakistan, a Catholic mother was convicted of blasphemy last month. She will be hung as a result of her alleged defamatory comments about the Islamic religion. Sadly, this is only one example of the countless cases in which Christians are being killed as a result of their faith. Governor Salmaan Taseer of Punjab brought this case to the attention of President Asif Ali Zardari, which has led to the country's first prominent public debate regarding blasphemy law.

## Oceania, Australia, by Arine Harapeti

An overwhelming amount of women in Australia are living with violence in their everyday lives. The most recent national data shows that one in three women has experienced physical violence since the age of 15, almost one in five women has experienced sexual assault since the age of 15, and a woman is killed almost every week by her current or former partner. As a way to raise awareness of the horrifying violence against women, Australians used White Ribbon Day to educate males about what they can do to prevent the violence and shape the future culture into one where violence against women and the attitudes that support such behavior are not tolerated.



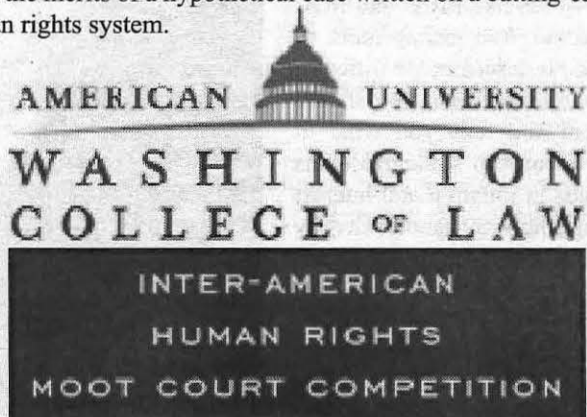
### IHRLS CONTACT INFORMATION

Email: [ihrlsatUSD@gmail.com](mailto:ihrlsatUSD@gmail.com)  
 Blog: <http://usdhumanrights.blogspot.com>

## USD Law Students to Attend Human Rights Competition

USD Law International Human Rights Law Society

For the first time in USD Law history, with the appointment of our new club advisor, Professor Brennan, USD Law's International Human Rights Law Society will be sending two students to the Inter-American Court of Human Rights Competition. The two selected students are Kian Meshkat and Blaz Gutierrez (both 2Ls). The competition is hosted by American University-Washington College of Law from May 22-27 in Washington D.C. The competition was established to train attorneys on how to use the Inter-American human rights legal system as a legitimate forum for redressing human rights violations. Students argue the merits of a hypothetical case written on a cutting-edge topic currently being debated within the Inter-American human rights system.



USD Law 2Ls Kian Meshkat (Left) and Blaz Gutierrez (Right) will attend the Inter-American Court of Human Rights Competition at American University-Washington College of Law this May.

# International Human Trafficking Awareness Month Sheds Light on Millions Trapped in Modern-day Slavery

by Laura Patrick, Staff Writer

Last month marked the second annual International Human Trafficking Awareness Month, and with the number of those victimized by human trafficking estimated to be anywhere from 12.3 million to 27 million worldwide, awareness of the practice is more important than ever. To some, the slave trade may seem like a distant and ancient practice, but to this day it is a thriving \$32 billion a year business. Millions of people around the world are being forced against their will to perform horrifying sexual acts and grueling manual labor, generating massive profits for the criminals who perpetuate the trade.


According to the National Human Trafficking Resource Center, human trafficking is tied with the illegal arms trade as the fastest growing criminal industry in the world, with an estimated 100,000 children being forced into sexual slavery in the United States alone. In January 2010, President Barack Obama and several other international leaders recognized the enormous scope of human trafficking and issued official proclamations calling for citizens around the world to learn more about the modern-day slave trade. Information sessions, fundraisers, and conventions have been taking place throughout the country over the last month in an effort to inform the public.

California residents, especially those of us in San Diego, should be particularly concerned about the human trafficking taking place within our own borders. San Diego is considered a major stop on the human trafficking highway that runs from Central America and Mexico into San Diego, Los Angeles, and San Francisco, funneling trafficking victims into the rest of the United States. On January 28, 2011, ten alleged traffickers from Alameda County, California were charged with trafficking dozens of women from Taiwan and China to the U.S. and placing them in the prostitution circuit. While those in custody have yet to be convicted, the story has drawn attention to the real threat of human trafficking taking place in our

See Human Trafficking, page 5

**SUMMER  
LAW STUDY**

**Barcelona  
Florence  
London  
Paris**



University  
of San Diego  
SCHOOL OF LAW

**Attu Ms Cindy King**  
 5998 Alcalá Park WH 310  
 San Diego CA 92110-2492  
 Email [cking@san Diego.edu](mailto:cking@san Diego.edu)  
[www.sandiego.edu/lawabroad](http://www.sandiego.edu/lawabroad)

From Human Trafficking, page 4

own back yard.

Despite the staggering numbers of those suffering and the growing criminal activity fueling human trafficking, the international community has made significant effort in the last decade to address human trafficking and punish those responsible. In 2000, the United Nations created the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as the Palermo Protocol), which both defined human trafficking for the first time and made it punishable by law. Under the Palermo Protocol, human trafficking is defined as the recruitment and transport of people through the use of force, coercion, or abuse of power for the purpose of exploitation. The Protocol has compelled hundreds of countries to adopt rigorous laws and regulations for the prevention and punishment of trafficking.

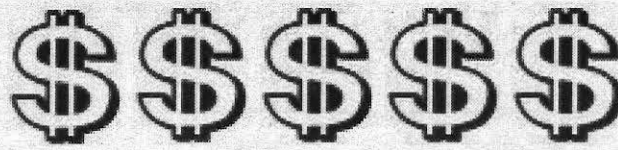
Even more promising is the Trafficking Victims Protection Act (TVPA) enacted by the United States in 2000, making human trafficking a federal crime in the U.S. Since the enactment of the TVPA, 13 states have passed individual anti-human trafficking statutes, and the rate of prosecution is on the rise. Under the TVPA, the United States identified 49,105 victims in 2009, and 4,166 traffickers were successfully prosecuted.

In light of this progress, however, the road ahead is still vast. Only 0.4 percent of those who are estimated to be enslaved in the U.S. have been identified as victims. Internationally, there are still 62 countries that have yet to convict a trafficker under laws implemented in compliance with the Palermo Protocol, and 104 countries still lack any laws, policies, or regulations to prevent victim deportation.

The best hope for those who are enslaved by human trafficking or at risk of being victimized is cooperation and collaboration between nation states and anti-human trafficking organizations. Non-profit groups like the Polaris Project, Free the Slaves, and HumanTrafficking.Org are dedicated to stopping this horrific and widespread crime. Many have been successful in educating the public about the dangers of trafficking, pushing the issue into the public eye and furthering the implementation of anti-human trafficking laws and regulations. With the help of these organizations and international cooperation, there is still hope for those trapped in the living nightmare of forced labor, prostitution, and sexual exploitation.

In the words of Free the Slaves President Kevin Bales, "We could eradicate slavery. The laws are in place. The multi-nationals, the world trade organizations, the United Nations, they could end slavery, but they're not going to do it until and unless we demand it."

**For more information on human trafficking and how you can get involved in the fight for freedom against modern-day slavery, visit [www.humantrafficking.org](http://www.humantrafficking.org) or contact the local ACTION Network of San Diego at [www.SDYCS.org](http://www.SDYCS.org).**



## Capitalism and Socialism: Getting Out of the Hole

by Amir Guri, Staff Writer

I am not an economist; I am simply an observer making some thoughtful observations. In those observations, I have noticed that we are still in a world of economic hurt, both nationally and locally. State governments across the country are experiencing severe financial shortfalls, and our federal government is going to have to make some drastic cuts in the near future to meet our fiscal obligations. The fact that China is doing so well while disregarding our most cherished notions of fair play, respect for human rights, and corporate responsibility stings us all the more, but I don't think it should. China will have reckoning to do if it keeps treating its people like cattle.

I am not, however, a fatalist. Our economic problems have been our own doing, and in large part it has resulted from our inability to balance two seemingly opposing interests: capitalism and socialism. We want a burgeoning capitalist society. Capitalism is a system which thrives on the self-interest of its participants and suffers from overregulation and high taxation. I think our interest in socialism is very much embedded in the former. When I think of socialism, I think of the social safety net that is in place to protect those who fall between the fingers of the invisible hand. A purely capitalist society is a natural law, survival-of-the-fittest approach to growth, and, as such, it guarantees a handful of economic and societal losers. Some suggest that we have a moral obligation to the less fortunate to provide them living assistance and essential services such as health care. I believe there are valuable practical benefits to society for reducing poverty and ensuring healthcare for all. Crime would likely decrease, and there would be less societal conflict, even when you exclude the whiners who have to pay a little extra in taxes.

Our attempts at balancing our capitalist engine with the social safety net have been well-intentioned, but poorly conceived. One of our tactics has been to regulate corporations, requiring that they pay for personal expenditures such as health care and requiring them to pay a minimum wage.

Currently, the unemployment rate is hovering at about ten percent. It bothers me that we have so much wasted potential sitting on the sidelines. Some of this loss in productivity can be attributed to our attempts to combine capitalist and socialist agendas. A better approach may be to divorce these interests. One example is the minimum wage. We could get rid of the minimum wage, and immediately there would be more people working. At the same time, we could supplement the incomes of the disabled and under-employed. I like the idea of supplementing the incomes of the under-employed more than paying people who are doing nothing. I would also like us to do away with insurance-run health care in lieu of a government system that has market-based cost control measures. With all the fear-mongering going around about government-run health care, the insurance companies are the only true beneficiaries of the status quo, and they are playing quite a number on us to convince us otherwise.

To make sure our capitalist policies work, we want to make sure that we are encouraging innovation while also keeping the money flowing to and through the middle class. Capitalism that is entirely unrestricted and unregulated will ultimately wind up with all of the money being funneled up to the top echelons of society. Right now, a quarter of our nation's wealth is in the top one percent of income earners. This is a *tragedy of the commons* situation. Just because one percent of the population is smart enough to gobble up 25 percent of the fish, it doesn't mean they should keep all of it, particularly when there are people starving. While I do not suggest anything specific on how to address this, we should remain mindful of the fact that a successful capitalistic society needs its money to flow.

We are in some strong need of adjustments to our social policies, and this will require some sincere thoughtfulness on the part of our lawmakers. We live during an incredibly interesting period in history, and time will tell how this story plays out.

From Bar Exam, page 1

immediately. I relate this so you understand two things: USD has been working on implementing the changes and programs I describe below for several years, not just because of our recent pass rate, and even 99% is not good enough when the ability to work in one's chosen profession is at stake.

So, what are we doing? From my perspective, your professors are here to prepare you for legal practice, and, thankfully, they provide a much more in-depth study of a subject than a bar exam requires. Still, upon my arrival in August of 2010, several professors who teach bar-subject courses were interested in reviewing the sub-topics tested on the bar. I also met with two professors interested in adding bar-subject courses to the curriculum. And, I know of another professor who has decided to make his final exam "closed book," much more akin to the bar exam.

Additionally, in May 2009, your faculty voted to implement the Academic Supervision program that (among other things) requires students with a certain GPA after their first or second year to take a Legal Analysis course in conjunction with a designated bar subject course. For example, if a student has a 2.50 after his or her first year and elects to take Evidence, that student is required to concurrently take Legal Analysis of Evidence, which provides exercises and assignments in Evidence. Early reports from our students in the program show improvement in exam writing skills and retention of substantive law material.

In spring of 2009 (and again in 2010), USD contracted with BarBri Bar Review to bring the first Early Bar Preparation Lecture Series to campus. More than 100 students attended these sessions and received feedback on a bar exam essay and performance test. In addition, USD paid BarBri to provide extra essay workshops during the summer to our students preparing for the July 2010 bar exam. Unfortunately, not all students took advantage of these workshops, but many who did indicated a sincere belief it assisted them in passing the exam.

For the Class of 2011 and beyond, we have implemented the following additional bar preparation measures:

- Introduction to the Bar Exam Workshop and Packet: a fall workshop providing an overview of all things bar exam and a step-by-step checklist for becoming a licensed attorney.
- Fundamentals of Bar Writing: a one-unit spring semester course covering the bar exam essay and performance test writing typically employed on the bar exam.
- Early Bar Preparation Lecture Series: workshops on the MBE, performance test, and essays where students can receive financial incentives for attending and completing assignments.
- Bar Preparation on Campus: We have contracted with BarBri (and our hope is with Kaplan/PMBR as well) to be on campus this summer, allowing our students preparing for the bar exam easy access to food services, parking, and the LRC.
- Subsidized Performance Test Course: For the first time this summer, our students will have the ability to attend a 3-day performance test, which will be subsidized by USD in order to make it affordable to students.

Will these measures work? Will our bar pass rate increase? I don't know. I hope so. I think so. But if it were as easy as simply offering all of these programs to our students, it would really just become a matter of time and money. But it's not.

So now that I've told you what we're doing, what are YOU going to do? Will you attend a bar prep course at USD during the summer (please)? Will you take a leave of absence from your job during the summer you are preparing for the exam (or work very little)? Will you attend the workshops we provide for you in the fall and spring of your last year here? Will you meet with me so we can discuss your own individual bar study plan? The truth is, what matters most is making sure YOU pass the bar. If we continue to care about each individual student passing the exam, our bar pass rate will take care of itself.

Jessie, I hope that answers your question!

### From McLennon Tournament, page 1

skills but also for his kind heart. A longtime friend and associate Brian R. McKillip wrote, “[McLennon] has no clients, just hundreds of friends who have repeatedly turned to him for help and advice—and sent their friends to him as well. He never refused.”<sup>2</sup>

His son, Paul A. McLennon, Jr., a Chicago attorney, echoed these sentiments: “He is a very special person: ethical, wonderful, brilliant, kind, and generous. One of the biggest sources of pride in my dad’s life is to be associated with and to be a part of [USD’s] law school.”

McLennon, Jr. also spoke about the special connection between the Devitt and McLennon families. After Devitt’s father passed away when he and his siblings were young, McLennon, Sr. was there to support the family in any way that he could. After Devitt decided to pursue a law career, McLennon, Sr. became a mentor as well. In honor of their families’ friendship and McLennon’s noble work as an attorney, Devitt’s family started the Paul A. McLennon, Sr. Honors Moot Court Tournament.

McLennon, Sr., accompanied by his son McLennon, Jr., has flown out twice to witness the final rounds of the tournament, including one year in which United States Supreme Court Justice Clarence Thomas served as Chief Justice during the final round of the competition.

Dean Kevin Cole is in charge of finding the final round judges, and in connection with Professor Devitt, works extremely hard to make this tournament happen year after year.

“I congratulate Dean Cole on his efforts to highlight and focus upon our highly talented students here [at USD]. He personally selects and contacts the final round judges and helps the Appellate Moot Court Board organize and finance [the tournament],” said Professor Devitt.

The 2011 tournament consists of six rounds held between February 22 and March 2. This year’s problem, written by 3L Brooke Meling, deals with First Amendment issues regarding a high school student’s off-campus cyber speech. The finals will be held at the Joan B. Kroc Institute for Peace & Justice and will be judged by the Honorable Carlos T. Bea, Circuit Judge for the United States Court of Appeals, Ninth Circuit; the Honorable Larry Alan Burns, District Judge for the United States District Court, Southern District of California; and the Honorable Judith McConnell, Presiding Justice of the First Division, California Fourth District Court of Appeal.

Professor Devitt stated that he and Dean Cole have helped to inspire the vision of the McLennon Tournament. Said Devitt, “We are hoping it becomes a real tradition here at USD.”

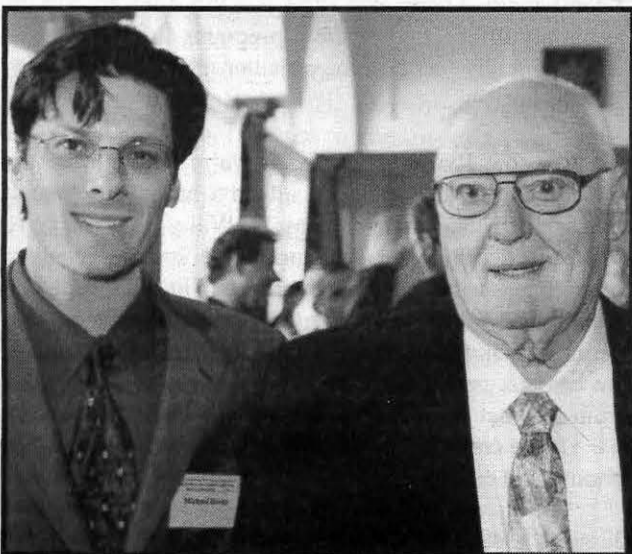
Considering the pride and honor that the name “McLennon” evokes, and the large number of students who eagerly participate each year, most would agree that it has already become one.

### ENDNOTES

<sup>1</sup> Nicole Cusack, *McLennon Competition Highlights Successful Year and Honors “The Man Behind the Name”*, MOTIONS, Apr. 2008, at 1, available at <http://www.motionsonline.org/wp-content/uploads/2010/12/april-2008.pdf>.

<sup>2</sup> *Id.*

*Below: USD Law Professor Michael Devitt (Left) and Paul A. McLennon, Sr. (Right). Professor Devitt and his family provided the endowment to make the McLennon tournament possible.*



## NEW PARKING SYSTEM, SAME OLD STORY

by Evan Acker, Senior Staff Writer

Oh, the pitfalls of parking here at USD. Everyone has a preferred method. Some leave extra early and scavenge the law school lot, constantly harassing students walking through the area to see if they’re walking to their cars; others get to campus with few precious minutes to spare before their first class and pray to the parking lot gods to give them that one dream spot. Others, of course, have their priorities in order and show up 5-10 minutes late to class, but with visibly less stress.

Ask any USD student (law, undergrad, or otherwise) to describe parking here, and most would probably choose a word that rhymes with luster-truck but is unfit to print.

So what does the University do? It installs a system that alerts would-be parkers at the Mission Parking Structure if any available parking spot exists in real time. For those of you who have been living under a rock this semester, the parking structure now has lights over every parking spot. A red light indicates a spot is occupied; a green light means drive as fast as you can to make sure no one else steals that spot before you fishtail into it. The system also includes signage that shows which parking levels have available spots.

“With drivers spending more and more time searching the east end of campus for an open parking space, we view the system as an effective way to help us improve the efficiency of our parking systems while simultaneously reducing emissions,” said Chief Larry Barnett, USD’s Assistant Vice President of Public Safety.

So it seems USD wishes to inform us more effectively and efficiently that there are too few spots for too many students. According to the University, USD is now one of the only higher-education institutions in the country to have this type of system in place. So now that you’ll figure out there’s no space for you in the Mission Parking Structure, let’s explore your other options. And keep in mind: Timing is everything.

### THE LAW SCHOOL LOT

The odds of finding a spot in the law school lot after 9 a.m. is roughly the same as being bitten by a shark while getting struck by lightning, all while having the winning lottery ticket in your pocket. If you’re lucky enough to find a spot here, you almost rationalize staying on campus after your last class a few extra hours just to feel like you’ve gotten your money’s worth.

But do keep in mind that after 5 p.m. you can park in those yellow spots, and if you carpool, you have access to approximately seven spots that we non-environmentally friendly people do not.

### WEST PARKING STRUCTURE

This is academia’s version of the walk of shame. The only consolation is that USD offers you a tram that comes every 15 minutes or so, and it’s usually filled with visually pleasing undergrads. Another silver lining is the fact that if you are lucky enough to have Diane as your driver, you’ll be privy to some of the best funk and R&B San Diego has to offer. You’ll no doubt be whistling the bass line to “Give It To Me Baby” by Rick James all day.

### THE DOGPATCH

Some people elect to park in the neighborhood to the south of Warren Hall. While it’s completely free, you do have about 75 steps to climb from Linda Vista to the law school. Ascend at your own risk: There’s nothing worse than having to go to your most despised class than having to go to your most despised class drenched in your own sweat.

So there you have it. Everything I’ve ever learned about parking at USD. If the experience has taught me anything, it’s to give myself an extra 20 minutes in coming to school . . . or just not to care at all that I’ll be late for my first class.



## Spring Break: Jet-setters, Staycationers, and Bookworms

by Nikki Weil, Staff Writer

There are three types of law school Spring Breakers: jet-setters, staycationers, and bookworms. The jet-setters are taking off to popular destinations such as San Francisco, Las Vegas, and New York. For airline passengers, being prepared is essential in order to get through security faster. If you are flying this March, save time by checking all toiletries, wearing slip-on shoes, and carrying your ID and boarding pass where they are easily accessible.

Staycationers sticking around San Diego can take advantage of Spring Break to do things in town they don’t normally have time to do, such as wine tasting in Temecula, kayaking in La Jolla, and strolling through Balboa Park. Amusement Parks offer special discounts for Southern California residents. For example, when you pay for one day of admission at either Sea World or Universal Studios, the rest of the year is free. Disneyland is currently offering two days for \$99.

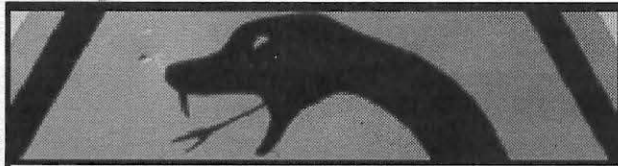
The bookworms will be outlining and studying for midterms. For those bookworms who missed the December issue of *Motions*, our exam advice articles are a must-read. Just be sure to take off a day or two to avoid burnout.

Whichever type of Spring Breaker you are, travel safe, relax, and get ready to finish the semester strong.

\*Nikki Weil is co-founder of [www.VirtualTravelTips.com](http://www.VirtualTravelTips.com) for saving time, money, and hassles.

# Exploring USD's Backyard: Tecolote Canyon

by Drew Miazga, Senior Executive Editor



*"The park is also home to resident wildlife, some cute and some terrifying."*

Two hawks circle overhead, crying out for sweet vengeance (or for other bird reasons). A bunny rabbit scampers, twitching its nose and wiggling that adorable rump-lump as it hops into the brush. Tiny flies congregate around your out-of-breath and thoroughly disgusting and sweaty body. The dog chomps feces begotten from a species of unidentifiable origin. A paranoid stoner holds his breath and remains motionless in the brush. Just another day at Tecolote Canyon Natural Park.

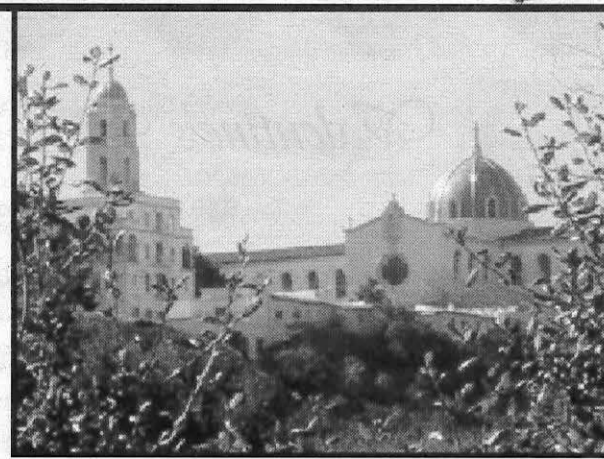
Tecolote Canyon is connected to USD right by the McNamara Fitness Center and the baseball field. The park consists mainly of a series of large trails suitable for walking, running, and mountain biking. The park is also home to resident wildlife, some cute and some terrifying. If you've never been, get out of the air-conditioning and go for a stroll in beautiful, cordoned-off nature as the weather warms.

Steep oppressive hills, unforgiving sticker bush, cacti, and omnipresent power lines come on strong at first glance. But Tecolote has a softer side as well. For instance, the canyon is especially beautiful in early morning on the hillside, where dew glistens off innumerable previously camouflaged funnel webs, now briefly alighted by the sun's treachery. The deserty landscape's starkness appeals to some, and there is plenty of that to be had wandering in the canyon, especially on the south side nearest USD. On the other side, about a mile north of USD on the Tecolote Trail, there is a wetter landscape with a somewhat pathetic creek, some meadows, and a nice, shady wooded area. It is a great shade refuge on a sunny day. Unfortunately, the nearby

driving range pelts the area with the occasional golf ball, leaving part of the landscape pockmarked by generations of wicked slices.

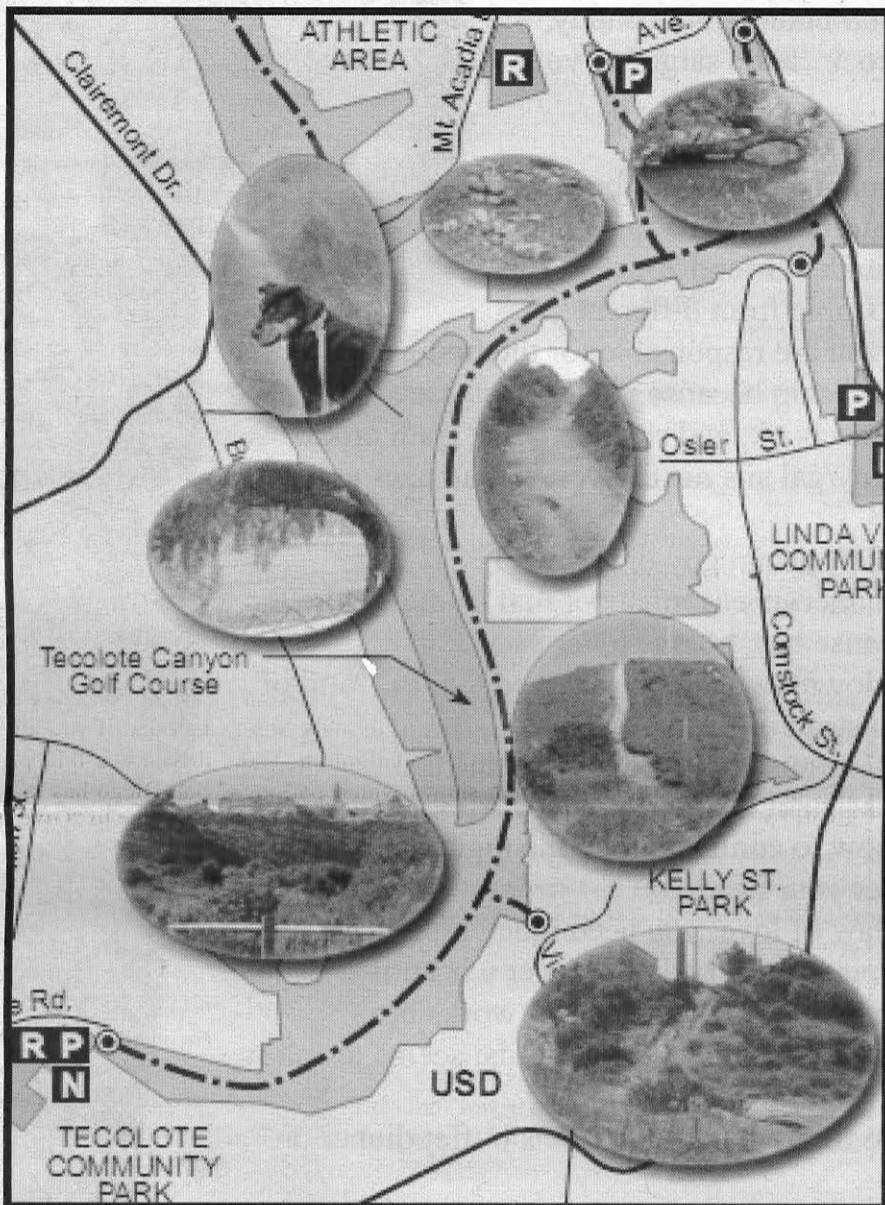
My favorite aspect of Tecolote is the wildlife. It is not too populated, but I am in the canyon daily walking my dog, so I have been able to spot some cool stuff. The most common animal seen around the canyon is definitely the rabbit. They are all around the canyon, and in springtime they come in even cuter miniature versions. I'd take one home if my Rottweiler were amenable.

If you don't spot a rabbit hiding in the brush, you might catch a raptor. Not the shrieking, highly merchantable, reptilian



*Tecolote offers pleasing views of USD.*

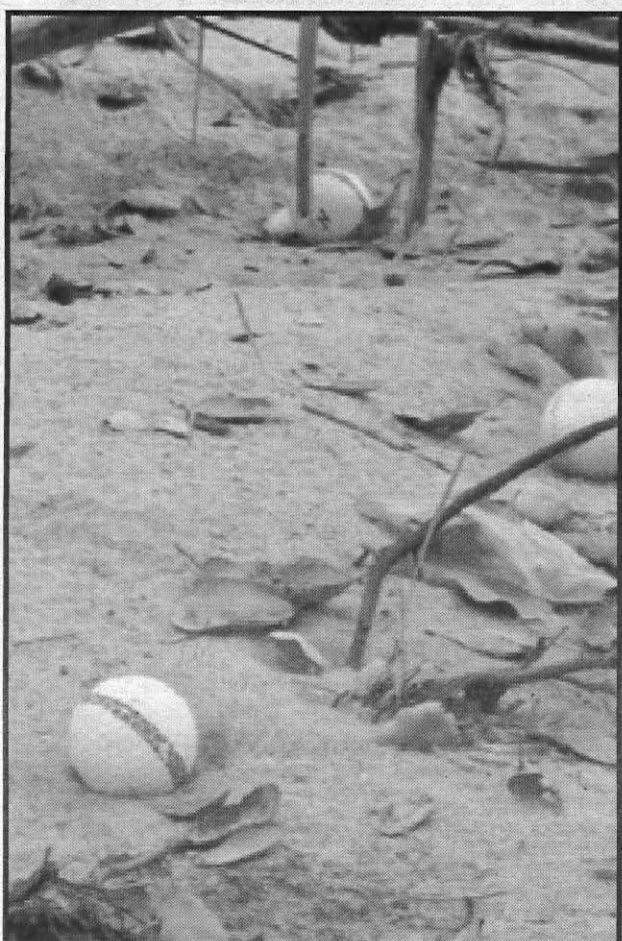
## Southern Tecolote Canyon Natural Park



The trail is also great for running and biking. There are plenty of hills on which to challenge yourself, as well as several different routes that loop back to the same starting point. There are mile markers every half mile starting at the Tecolote Nature Center and ending God knows where.



*There are loads of hills to stagger up and tumble down.*



*There are plenty of range balls to be found in the woods.*

kind, but rather the shrieking, bird-of-prey, slightly-less-merchantable kind.

"Tecolote" translates to "owl" in some language, though I have only spotted one once. I guess it is hard considering the nocturnal thing. You are more likely to see a hawk or kestrel or some such giant beast. They soar around the canyon and sometimes will perch on trees or power lines. Contemplating their size up close is an awesome experience, though keep your small dogs on a leash.

Coyotes are also running wild in the canyon. I spotted two together in the early morning on a weekend while writing this story. They are surprisingly delicate-looking and have big, fluffy tails. In my experience, they have kept their distance and have never followed nor threatened me, whether I am with my dog or alone. It seems that the best time to look for coyotes is in the early morning and early evening—at least that is when I have seen them. Though seldom seen, their elusiveness adds to their beauty.

Unfortunately, not all the wildlife is cute and fluffy; the Tecolote Canyon hiker has to be on the lookout for rattlesnakes. Fortunately, the trails are wide and barren, making it easy to spot a nice, big snake in the trail, but, if you do go off the main trail, keep your eyes peeled. Don't be too scared to venture out on account of snakes, though. I reckon I met dang near a half-dozen rattlers, but they wasn't aggressive; they didn't move a lick. Stare too long though, and they'll shake that moneymaker and send adrenaline coursing through your arteries.

I'm probably biased because I venture out into the canyon daily, mainly at the incessant nagging of my pesky canine, but I love Tecolote Canyon. It is a modest park but very accessible to us USD students and is practically deserted. Check it out sometime!

**For more information on Tecolote Park, visit: [sandiego.gov/park-and-recreation/parks/teclte.shtml](http://sandiego.gov/park-and-recreation/parks/teclte.shtml).**



*Venture a few miles north of USD to find a creek and some shade.*

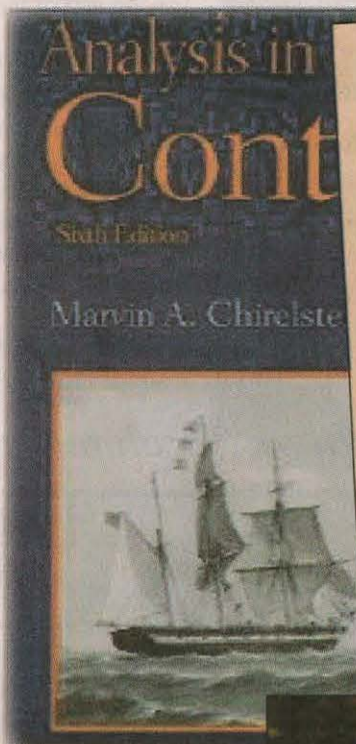




# Valentine's Day Ideas for Singles

by Chris Dibbern, Staff Writer

1. Take a lovely twilight sailboat cruise with Marvin Chirelstein.
2. Ground up those Valentine hearts until they're powder, inhale them, and contact your local ambulance chaser when you come down with asbestosis or mesothelioma so you can sue the pants off those fat cats at Necco.
3. Buy the latest *Mystery Method* book, grab a buddy, head down to PB, and "peacock" and "sarge" to your heart's content.
4. Buy a Taylor Swift CD, convert it to cassette somehow, and give it as a "mix tape" to your best friend of the opposite sex. Stomp said mix tape when he/she tells you that you're in the "friend zone."
5. Play matchmaker with two people from different 1L sections. Tell the world you are responsible for the first-ever intersectional romantic relationship because you, in fact, are.
6. Grab your biggest, thickest casebook, and ride the USD Tram around campus all day until a cute guy/gal sits next to you and amazes at how smart you think you are.
7. If you're still pining about that special guy or girl who is in a relationship, file a motion to intervene (remember that from Civ Pro?).
8. Drink a fifth of whiskey because hey, no one loves you.
9. Go to Ladies Night at a bar downtown, and be amazed that the ratio of guys to girls is only 8 to 1, instead of the usual 10 to 1.
10. Watch *Law and Order: SVU* reruns, and dream about the life you could have had being married to Assistant District Attorney Alexandra Cabot.
11. Go see a Motion to Sever show to commemorate the night your ex made a (successful) motion to sever your heart.
12. Think about how under the law of love, you need much more than minimum contacts to assert personal jurisdiction over a beautiful lady; in fact, obtaining consent for "service of your process" works best.
13. Finally work up the nerve to 12(b)(6) that pesky 1L that seems to follow you around.
14. Eat your feelings away at the SLP where they have a buffet dinner on weeknights.
15. Let the smooth voice of Chris Dibbern lull you to sleep by catching a podcast of CDR: The Chris Dibbern Report.



**"MY VALENTINE"**  
by Peachdog Jones

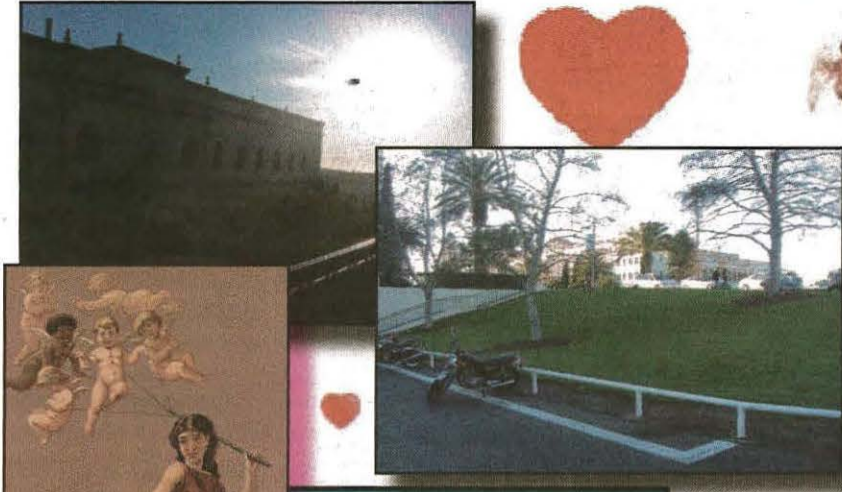
To you, Valentine,  
I give my heart . . .  
Now please don't hack it up  
With a machete.  
I love you.





# The Ten Most Romantic Campus Spots for USD Law Students

by Kurt Whitman, Editor in Chief



**1. Warren Hall/3rd Floor Back Stairs:** Ever walked out here at sunset during a Dean's Mixer? The San Diego sun glistens off the Bud Light and themed appetizers like true love glistens off an arrow-infused heart.

**2. The Jenny Craig Pavilion:** Work out side by side on the elliptical machines at the McNamara Fitness Center, or take a stroll on the outside patio before watching Torero basketball. If the stars are properly aligned, you might even find yourselves under the Torero Stadium bleachers reading poetry and swapping butterfly kisses.

**3. The Grassy Knoll:** Located between Warren Hall and the LRC, directly above the motorcycle parking spaces, this grass-covered enchantment is the perfect spot to share a sandwich or study for a contracts midterm with your not-so-secret admirer. It's probably best though to try another location upon returning for the spring semester, as the fresh fertilizer may dampen the vibe.

**4. The Student Life Pavilion:** Your tuition dollars were well-spent to provide you La Gran Terraza—USD's fine dining establishment and romantic getaway for the on-campus dweller without a vehicle; Tu Mercado—USD's charming market . . . sink in to the comfortable couches after spending your entire work study paycheck on a Latte and a Luna Bar; and the Pavilion Dining area, where a camera on the gourmet chef at the "Secret Ingredient" station allows you to fall in love with your live-action, salivation-inducing mid-afternoon meal . . . nothing says undying love like *all-you-can-eat*.

**5. Warren Hall/Faculty Reading Room:** Have a coffee with some sweetener, and cozy it up with a good book on the Coase Theorem. Or hold your loved one close and see if you can awaken the Dormant Commerce Clause. Those who are truly daring may want to set the mood by reciting Justice Souter opinions.

**6. The LRC:** Surprisingly, the law school library is full of amorous environments. Ever taken a ride on the LRC elevator? Twirled your loved one through the labyrinth of the LRC basement? Shared a glass of champagne and strawberries on the LRC roof? If not, then you have never truly loved.

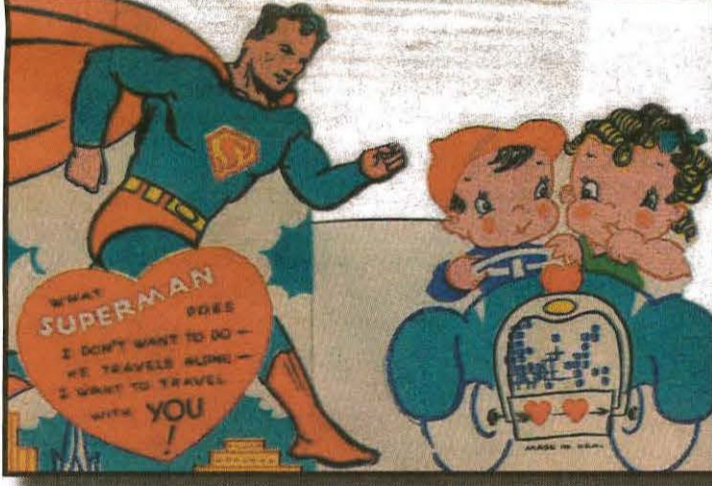
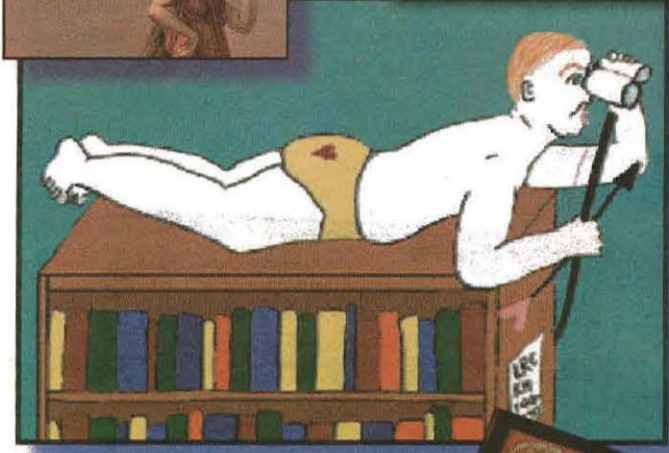
**7. Warren Hall/Grace Courtroom:** With the sun shining through the eagle on the ceiling, one contemplates love, justice, and whether it's appropriate to leave the noon meeting immediately after grabbing the free Subway instead of sticking around and pretending to care.

**8. Law School Parking Lot:** Nothing will put hearts in your eyes like finding the perfect spot in Lover's Lot. Come final exam time, the passion heightens. Whether it's foggy on the outside of the car or within, love is certainly in the air and on the blacktop.

**9. Warren Hall/Motions Office:** If you had a key, you would understand.

**10. The Tram:** Take a whimsical ride through campus and see the sights, and now with the really neat-o Live Map, you can know exactly where and when your carriage will arrive. Is that "The One" seated right across the aisle? Take a day trip to Old Town, and share a margarita and a rolled taco. Who knew love was always there behind the tinted windows and among the immobile undergrads?

*Honorable Mention:* The Frank Warren Lounge, The Immaculata, The Quad/Fountain area, That empty lot across Linda Vista Road that has a big fence around it



## Chip Soup A Valentine's Day Dinner Recipe for Law Students

### Ingredients

- \*2 c. mildly crushed tortilla chips (best to use already crushed chips at bottom of bag, rather than crush wholly intact chips)
- \*1 c. chunky salsa (recommended: Herdez or La Victoria, medium)

### Directions

1. Pour crushed tortilla chips into rinsed-out cereal bowl
2. Fold salsa into chips
3. Eat and Enjoy (Serves One)

### Special Valentine's Tips

To truly enjoy your Valentine's Day Dinner (which you obviously will be eating alone because you are a law student), snip a rose from some garden on campus and place it in a vase, pour a glass of your favorite juice, use a napkin (or a workout towel), grab your nutshell, and let the evening commence.



# Bar Passage Depends on Students

by David Park, Staff Writer

Look to your left; look to your right . . . one of you will fail the bar exam.

Or so it seemed to University of San Diego School of Law students after the State Bar of California's Committee of Bar Examiners released the July 2010 bar statistics. Across the state, only a dismal 68.3% of first-timers passed the bar. To add salt to the wound, USD was below the state average: 65% of USD's first-time takers passed the bar.<sup>1</sup>

As one who is intending to sit for the July 2011 bar exam, the low overall pass rate—and particularly the low rate for the USD alumni—is both disappointing and terrifying. It seems to reinforce the idea that you never know how you're going to do. You can be extremely confident in your abilities, but one bad day means you're taking the bar exam for a dreaded second time and have to fear the question, "How did you do?" rather than embrace it.

In addition, USD Law's poor 2010 performance will undoubtedly affect our *U.S. News & World Report* ranking. Yes, I know that how *U.S. News* ranks our school shouldn't matter for numerous reasons, but the sad truth is that it does matter for a lot of people. Many of us considered the *U.S. News* rankings when we applied to USD. We were happy to see our school ranked #56 last year, and who wouldn't love to see our school break into the top 50? So what happened? Was the July 2010 bar exam particularly difficult? Did those taking the bar just not study hard enough? Did USD fail to adequately prepare the recent graduates?

Some may blame USD, but I don't think USD is entirely at fault. We should accept responsibility for our own failures just like we would want to take credit for our successes. We all come to law school knowing the bar is waiting for us. It's our responsibility to properly plan for it, and the courses are available for those who want to take them. Sure, the times that classes meet are often inconvenient, but convenience alone shouldn't dictate whether or not we take a course that would assist us in passing the bar.

If you still feel like USD should do more, ask yourself these questions: Would you want to be at a school that focuses primarily on bar passage? Would you want USD to set your schedule every year like a 1L so we must take every bar course? That's not what I would want. I appreciate the opportunity to take classes that I am interested in. I enjoy setting my own schedule and having the choice not to take a particular bar course if I don't want to take it. I like the fact that USD offers a legal education that focuses on more than just passing the bar.

Plus, USD *is* doing more. USD offered a bar writing course this semester, which was available well before the bar results were released. Arguing that USD knew the bar exam results before the rest of us did is pure speculation. This class was not offered as a response to the July 2010 results. Also, USD is offering a bar workshop for those of us graduating this year. If we're really concerned about the bar, then there are resources available to us.

The low pass rate shouldn't discourage us. In fact, I agree with fellow 3L Jennifer Zaharris, who says we should use the low pass rate as motivation to improve the first-time pass rate for our school. As law students, many of us are competitive people, so I would like to pose a challenge to those of us taking the bar this July. Let's use the low pass rate as motivation to pass the bar the first time—not just to improve our school's rating, but to blow the 2010 graduates' rate out of the water! And for those graduating next year, I challenge you to beat the high pass rate we 3Ls will undoubtedly set this year. Good luck.

<sup>1</sup> See David Lat, *California Bar Exam Results by Law School: Open Thread*, ABOVE THE LAW, Jan. 11, 2011, <http://abovethelaw.com/2011/01/california-bar-exam-results-open-thread>.

## LAW SCHOOL REFLECTIONS

### Evaluation of an Institution

by Joe Kaatz, Staff Writer

As the third and final year of my law school experience draws to a close, I find myself at a point of reflection.

#### 1. What is the Purpose of Law School?

For the last year, I have been dwelling on what purpose our three-year stint in law school serves. It is true that the requirement of law school serves as one of several barriers (others being a bar examination, moral character examination, and the MPRE) to joining the professional ranks of lawyers. But what purpose does it serve beyond this? Is it to teach us the subjects and skills necessary to pass the bar or practice law? Or is it a forum for academics to fill our minds with research so disconnected from the actual practice of law that it serves us little for the cost we pay? My experiences regretfully point to the latter.

My frustration begins with the professors who announce on the first day of class, "If you were looking for a class to help you pass the bar, then you are in the wrong place." What other purpose does this type of class serve? It certainly lacks any practical application to the practice of law, and if it fails to teach us the basic legal principles needed to pass a minimum competency exam (the bar), then it provides little value. Perhaps we should also blame these types of classes for our bar passage rate drop last July and for adding one more expense, the bar review course, to the exorbitant cost of legal education.

Law school should serve the purpose of teaching skills and principles necessary to pass the bar exam. Three years

barely allows time for anything else. Also, emphasis should be put on training professors to actually teach instead of pressuring them to research and publish. My time spent as a visiting student at another institution unequivocally demonstrated the value of learning from trained teachers rather than a collection of "experts."

Finally, I believe that the school should expand opportunities to pursue professional training in applicable legal skills. To the last end, I believe USD has made strides by offering "skills" classes in trial advocacy, legal drafting, advanced research and writing, negotiations, and many others. Still, shouldn't more be done to add value to the steep cost of our degree?

#### 2. Employment, Career Services, and Expectations

As a recent USD Law graduate pointed out to me while discussing a recent *New York Times* article,<sup>1</sup> we are in the midst of an education bubble. The market for legal services continues to shrink as the number of lawyers and lawyers-in-training swells. Fueling this bubble is access to credit in the form of federal educational loans and the idea that law school will provide opportunity to any and all but especially to those who did not acquire marketable skills as undergraduates. Our education is powerful, and generally useful, but it cannot and will not create opportunity where none exists.

I often wonder if our time, money, and energy would have been better spent learning computer engineering or science or some other skill more desirable in a dynamic technology and science-oriented growth area of our economy. Perhaps it is hard to accept that the debt incurred by most to attain this education has yielded little in return and mortgaged more than should have been risked. The cost of a legal education, foregoing years of income, the debt, and the lack of opportunity make a legal education a poor business and professional decision for most. I am thankful for the skills and work experience I acquired *before* going to law school. I would not know what I would do if I could not offer something other than my legal training.

Couple this reality with attending a school in a small,

## Faculty Comments

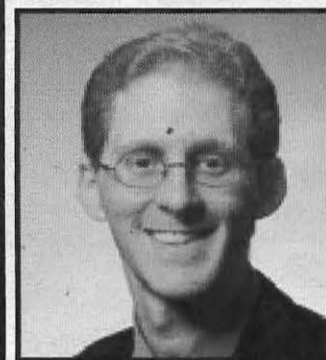
What do you do in your classroom to help students prepare for the bar exam?

Professor Kris Panikowski,  
Lawyering Skills I Department Chair



The Lawyering Skills I faculty plans to continue its focus on teaching our students sound fundamentals in research, writing, analysis, and professionalism. We also will continue emphasizing the importance of time management and preparation, both of which are essential to success as a lawyer and to passing the bar exam. In addition, we have started a series of Skills in Practice seminars that focus on topics that will help all our students—not just first-year students—with their research, writing, and analytical skills. These skills often play a role in bar preparation, whether through helping a student write a clear, focused essay question, by approaching the studying process with dedication and professionalism, or by enabling him/her to articulate a clear rule of law.

Professor Jordan Barry, Contracts



I try to prepare my contracts students for contract issues on the bar exam by helping them develop a broad understanding of the various aspects of contract law and the logic underlying them without sacrificing depth. That way, when students prepare for the bar exam—two and a half years after they finish my course—they've seen (and hopefully learned) the material before, so they're just refreshing their memories. That means I cover a lot of material, but I try to make that more manageable for my students by carefully organizing it. This also helps students see the big picture of how everything fits together.

competitive legal market with limited institutional support and few connections to other markets. A handful of my classmates have secured jobs. They run the gamete from those in the top ten or five percent (who are the ones who are supposed to have jobs) to those near the bottom. But for the rest of us, the opportunities that our institution's Career Services department provides are disappointing.

My time at another institution showed me that any school can reach far and wide to find opportunity for its students. Not that this provides an employment guarantee or relieves the student of the hard work of actually getting a job. The other institution's efforts gave guidance, support, and hope. USD Law fails us fundamentally in this regard.

I find it disheartening that those who benefit the most are those who need the least help. I understand that being in the top of the class provides different or better opportunity—and that the top students drive the numbers that help decide our school rank (which means little in the practice of law). But it strikes me as absurd that my tuition pays to provide opportunity and success, not for the majority, but for the few. If the opportunities for most will spring only from our own efforts to gain experience as clerks and interns and to network our way to employment, then I fail to see the value of our time and money invested at USD Law. I would have much rather put this money towards attending more professional conferences, networking in my field of interest, and pursuing opportunities beyond the San Diego market.

I hope that these words do not offend but instead bring to light an institutional inequity and our own misplaced expectations. I am hopeful that we all will find employment. I am unsure of, however, how many of us will find legal opportunities. I think it honest to say that we will go wherever opportunity presents itself (most likely *outside of San Diego*), and that opportunity will be more in line with the skills we brought with us to law school than the skills we acquired while we were here.

<sup>1</sup> David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, Jan. 8, 2011, available at <http://www.nytimes.com/2011/01/09/business/09law.html>.

**From Dean Finalists, page 1**

Dean. Both Dean Ahdieh of Emory Law School and Mr. Allard of Patton Boggs would bring distinguishing characteristics and charm to the USD Law program.

**CANDIDATE ONE: ROBERT AHDIEH**

Due to his busy schedule, Dean Ahdieh was unable to find time to respond to e-mail questions. The synopsis below is based purely on his on-campus visit.

Dean Ahdieh is the current Dean of Faculty at Emory Law School. He is also the Director for the Center on Federalism and Intersystemic Governance. Further, he is the only candidate with a connection to California, as he is a member of the California State Bar. Dean Ahdieh brings immense experience in working in an administrative capacity and possesses knowledge of how to make decisions that intertwine the needs of both students and faculty. Therefore, it came as little surprise that Dean Ahdieh answered many of the questions asked by students by explaining the processes in how these questions came to fruition or how the information was determined. For example, when asked about how he would recommend ensuring that our rankings continue to move upward, Dean Ahdieh specifically detailed how *U.S. News and World Report* calculated rankings and the different factors that contribute to the final rankings.

His vision for law schools is to help students with professional development and ensure that the curriculum teaches necessary skills to secure professional opportunities and for students to be able to specialize in

different fields of law. He also noted that, if he were Dean, he plans on communicating with every single judge across the nation in hopes of increasing USD's national visibility and opportunities for students to receive job offers and clerkships. When asked what specifically he would bring to USD Law, he detailed the job responsibility of a law school dean.

Dean Ahdieh is easy to make laugh and an animated speaker. Unlike the other candidate, Dean Ahdieh has specific higher administration experience in the legal realm and therefore has considerable experience working with alumni, career services, students, faculty, and professionals. Dean Ahdieh believes that he could help USD grow as a law school. Although he perhaps lacked some specifics in his plan for expansion, his hope and drive is openly noticeable.

**CANDIDATE TWO: NICHOLAS ALLARD**

Unlike the other candidate, Mr. Allard has never truly worked in academia. Although he has some experience as a visiting professor at a number of prestigious universities, he is primarily a practitioner. Mr. Allard is a partner at D.C.-based Patton Boggs, LLP, one of the top law firms in the nation. Mr. Allard has been ranked as one of D.C.'s top lobbyists in both 2009 and 2010 and has written and spoken on a variety of issues across the nation. Mr. Allard's political acumen becomes evident when conversing with him, and his connections in the political world are vast. When asked what he could bring to USD, Mr. Allard was very clear to note his rolodex of connections and his ability to introduce a strong network of political personnel.

Similar to Dean Ahdieh, Mr. Allard is very charming and easy to make laugh. He is honest and well-spoken, and his competitive nature quickly arises within even the shortest of conversations. He has broad, expansive ideas and feels that being a Dean would be the ultimate position for a practitioner like himself. Although, similar to Dean Ahdieh, Mr. Allard seemed to lack specific ideas or plans for USD Law in particular, he would bring a very practical and professional approach to the program.

When asked about how he would help increase the USD's bar exam passage rate, he was able to outline some ideas that worked for several other universities, including free weekend 2-day preparatory sessions. Mr. Allard also noted that he would like to work with Career Services to help find money to place and fund post-graduate and post-bar students in public interest positions. He envisions that students will be able to work at these public interest offices, post-bar, and receive pay until they officially pass the bar. Furthermore, Mr. Allard noted that he would like to look into the possibility of expanding student reach into the D.C. market. Mr. Allard was clear to remark upon his rolodex of D.C. connections and his practical abilities of introducing students into that competitive market. Mr. Allard has the charisma and ambition to really help USD Law expand and grow, and furthermore, he has the political connections to be able to communicate his vision to a massive audience.

Both candidates have very distinct backgrounds, experiences, and personalities. They have specific ideas of what being the Dean of USD Law will mean to them as individuals and also to the San Diego community and the USD legal family. The decision that the Provost must make is a difficult and important one. Either of these individuals can offer something unique to USD Law, and the chosen candidate will certainly affect our growth and future for the next decade, if not longer.

**USD Law Dean Kevin Cole****GETTING TO KNOW THE DEAN CANDIDATES***by Christina Phan, Senior Staff Writer*

After Dean Cole officially ends his term as Dean of our beloved law school, our laid-back San Diego will be welcoming an East Coast elite to man the helm of our legal community. It might take some time for the University of San Diego legal community to convince an East Coaster to become a Chargers or Padres fan, but these candidates seem very open and accepting to change and new experiences. After a short few years, I am confident that any residue of an East Coast background shall be but a far and distant memory for our next Dean. The siren's call for full immersion into the San Diego lifestyle is too seductive to ignore.

The Dean candidates do exhibit some similarities. They are both from the East Coast and attended and graduated with honors from Princeton University and attended Yale Law School. Further, each candidate has published a number of finance, corporate, and public policy writings across the globe. Both essentially work on the East Coast: one in Washington D.C. and one in Atlanta, Georgia. However, these competitive candidates exhibit distinctive professional backgrounds and unique personalities.

Dean Robert Ahdieh (Aw-dee-ay) is currently the Associate Dean of Faculty & Professor of Law at Emory University School of Law.

Mr. Nicholas Allard is currently a Partner at Patton Boggs, LLP, where he is the Co-Chair of the Public Policy and Administrative Law Department.

My biggest fear with the respective candidates stemmed from my love for free food. I wanted to ensure that the next Dean of USD Law would continue the tradition of the Dean's Monthly Mixer. Have no fear, these candidates are very willing and excited to interact with students; Dean's Mixers will continue. Both candidates are comical, charming, and illustrative speakers. Each has his own personal flair and

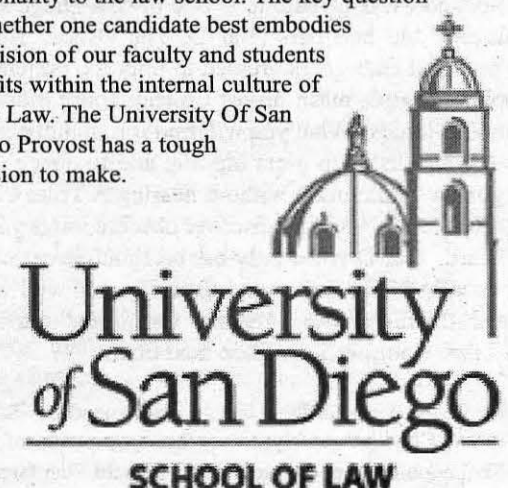
demeanor and is open and interested in connecting with law students and faculty. Both have noted that they intend to have an "open door policy" and truly hope to have the opportunity of getting to know the students and faculty on a personal level.

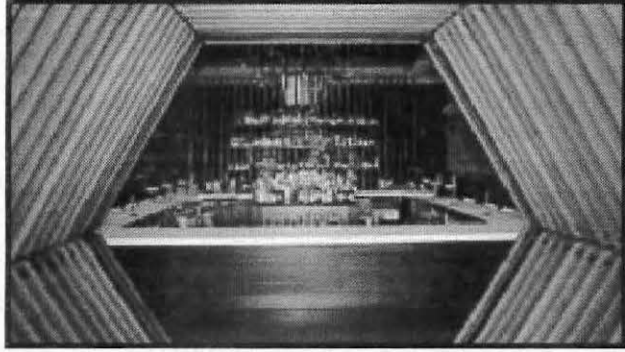
Throughout his presentation, Dean Ahdieh distributed and devoured nearly half a dozen cookies. If Dean Ahdieh became the Dean of our law school, delicious cookies may be a common staple at law school events. This is a bonus, because as most law students know, successful law school events generally stem from free and delicious foods. Dean Ahdieh is an animated speaker to say the least: He likes to make jokes, enjoys laughing, and speaks with his hands in a very voracious manner. Dean Ahdieh speaks with confidence and is comfortable speaking in front of large groups of students and answering questions on the fly. His style of speech has an interesting flair of passion and hand motions. While answering questions, Dean Ahdieh enjoys intertwining laughter and comedy to better engage his audience and explain his thoughts. Furthermore, I can see Dean Ahdieh at the Battle of the Brains competition using an answer from Dean Cole's playbook. If he did not know the answer to the question, Dean Ahdieh is the most likely person to answer with something similar to Cole's infamous "Chlamydia" response. Further, he seems to be able to laugh at a moment's notice, as seen during his question and answer session. He laughed when asked if he liked steak or sushi. He later agreed with a student's suggestion of "Surf and Turf" because it would offer both food types to encompass the needs of everyone. Though he did not comment on his softball abilities, he did note that he enjoys surfing. Maybe we can start a legal surf team with Dean Ahdieh leading the charge.

As a New Yorker, Mr. Allard notes that he would like to be the Dean of USD Law "for the waters" (quoting *Casablanca*). Mr. Allard, a D.C. lobbyist, resembles Capitol Hill royalty. (Well, as much of a royal figure that a non-politician could become in D.C.) Mr. Allard is a confident, frank, and skilled speaker. He speaks candidly and answers questions in a very direct and open manner, while remaining focused and narrow in his scope. Mr. Allard does not use an IRAC formation, but rather CAR. His style of speech includes

a clear conclusion followed with elaborations on his ideas and ending with a qualification of where he received his ideas. This style of speech was easy to identify when Mr. Allard answered with an emphatic "absolutely" when asked whether he could lead a faculty softball team; he further explained his experience on the field, and qualified his assertion by noting the different articles published in D.C. that highlighted his experience coaching and playing with friends. He knows for certain that he could lead the faculty softball team to a massacre of *any* law student intramural team. However, the one caveat to this certain victory involves Mrs. Marla Allard. If Mr. Allard's lovely and enthusiastic wife were to play for the law student team, it was noted that she would be the one dominating the field. During a 1L versus Faculty softball match, it seems that the faculty will likely dominate any first-year law student because Mr. Allard, a southpaw, does not lose. Following any sports match, Mr. Allard would likely meet everyone at a restaurant that serves sashimi for appetizers with lots of wasabi and a nice steak for a main course. During a Women's Law Caucus auction, he would auction off theater tickets or dinner with distinguished USD Law alumni. Due to his political capital, Mr. Allard notes that he would not even have to bend the arms of a few U.S. Senators to fly out to San Diego to meet and dine with students.

Each of the candidates brings a very specific personality to the law school. The key question is whether one candidate best embodies the vision of our faculty and students and fits within the internal culture of USD Law. The University Of San Diego Provost has a tough decision to make.





## The Neighborhood: India Street

by Tyler Hazen, Staff Writer

While typically never described as one of San Diego's top neighborhoods, India Street—located within the larger neighborhood of Mission Hills—is a not-so-hidden gem, hanging on for dear life onto the hillside above the airport. Just north of Little Italy and west of Hillcrest, India Street is easy to miss. It's like The Leaky Cauldron: You have to know it's there to see it. The India Street "neighborhood" I refer to is concentrated between Laurel and Washington Street. A maze of one-way streets and cliff-side residential areas, India Street can be confusing for the motorist. My advice: Park on Washington Street just west of India, and explore on foot. Treat exploring new neighborhoods like you're traveling—take it in, and allow yourself to be impressed.

India Street is best explored as a single event. Don't go California style—driving from place to place. Dump your car early, and proceed on foot. Start with dinner. Blue Water Seafood Market & Grill comes highly recommended for its fresh and moderately priced fare. Select the type of fish and how you want it seasoned and prepared; then choose your side dishes. Though Blue Water is a great place to start, it makes the most geographic sense to start your evening with drinks or appetizers at the Regal Beagle or Starlite. From there, make the pilgrimage through five of San Diego's best bars.

Start with Starlite, located at the far south end of India Street. Starlite is more focused on ambience than any of the India Street bars, and, from this writer's point of view, it is downright classy (meaning that it requires men to wear both a shirt and pants/jorts at all times). Starlite's flagship drinks are the "Cleopatra" and the "Starlite Mule," made with organic vodka, ginger beer, lime, and bitters. These drinks could make the San Diego speakeasies blush with jealousy.

Next stop: Aero Club. If Aero Club seems like a beer bar to you, look up. Aero Club's "top shelf" includes 750 different liquors from around the world and should satisfy any taster. The emphasis is clearly on whiskey, especially Scotch. Try "Fireball," a Canadian cinnamon whiskey with Coke—I call it a "Big Red Gum." The bartenders may be reluctant to sell it to you any other way than in a shot glass, however.

Next, make your way to the Regal Beagle for a sausage fest. A craft brewer's delight, the Beagle serves the best homemade sausage in San Diego. There are many imitators, but accept none. Whether you're looking for a plain Polish or the herbtastic Moroccan lamb (recommended), this little doggie will repress any recurring vegetarian dreams or nightmares.

The next stop takes you across the pond where you'll order chips and get fries with vinegar. Shakespeare's Pub serves excellent hand-pumped, English-style ales (The bartenders train with shake weights) and British pub grub.

Finally, dance it off at Bar Dynamite. The first time I went here, I vowed never to come back. By time number five, I was hooked. Bar Dynamite is one of San Diego's few unapologetic hip hop bars (Bar D, The Office, Tina's). You won't find club-goers dressed to impress, pretentious DJ's spinning triple mash-ups of Chilean house music, or \$10 gin-and-tonics. What you *will* find is a friendly crowd that is there to listen to great hip hop and to dance. I've never gone a whole night without hearing A Tribe Called Quest. Relive the '90s, and discover obscure joints you've never heard. Bar D is the only bar on India Street with a cover, usually \$5 for Friday and Saturday, and well worth it. Finish the night with a "Surfin' California" burrito at Lucha Libre Gourmet Taco Shop next door.

See also: Gelato Vero Caffe is highly recommended. Saffron Thai Grilled Chicken quickly serves hearty portions of low-priced Thai noodle dishes but won't wow diehard Thai fans.

## Music Review: Cage the Elephant

by Nashelley Kaplan-Dailey, Staff Writer

It's Wednesday at 3:30, and I'm waist deep in a rousing treatise on the technical differences between something and another thing, or something. Only five more hours of legal research, and then it's dinnertime. The best kind of dinnertime, in fact: Spaghetti Night at Latitude 32. Something that somehow makes spending a beautiful, sunny day in the LRC worth it.

My phone buzzes. "FREE SECRET SURPRISE SHOW." Surprises at the low cost of free-99? Yeah, I'm interested. The follow-up text has me immediately packing up my stuff and high-tailing it out of the reading room: "CAGE THE ELEPHANT at 4 pm, Hodad's in OB."

I pull onto Newport Avenue at 3:55 and score a parking spot all of 30 feet from the front door. There are 40 people in line, but it may as well be 40,000. No way we're all getting in. There are another 50 or so crowded around the open front windows of the place. I take a quick lap around the building hoping for some cooks on a smoke break who won't care if I sneak stealth-like through the kitchen. No such luck. I'm about to offer the guy at the door the whole \$6 in my wallet when my friend texts me from inside. "The line is for food. Walk in."

Done deal. I'd bet one third of those poor schmoe's in line and crowded around the windows made the same assumption I did. Oh well, because next thing I'm ten feet away from the makeshift stage and Cage hasn't even made their appearance. The guys, sipping from mini mason jars of dark beer and all looking casually unkempt, made their way through the packed restaurant to a robust round of applause and shrill catcalls. They jump right into "2024," a song with a fun jive that teeter-tooters back and forth from punk-rock grunge to easy and almost sweet.

"Around My Head" is next on the set list. This one is catchy and has a crowd-friendly series of monkey calls as a main part of the chorus. Next up is by far their most popular song: "Ain't No Rest for the Wicked." I've heard this song a dozen times but just realized how much it reminds me of Sublime's "April 29, 1992." It's catchy and fatalist and makes it feel OK to be a little pissed off. A cover of a Let's Wrestle song, one more from their latest album, and that's it.

Twenty minutes after thanking everyone for being there, they're thanking everyone for being there (again). The whole thing was rather anti-climactic, but their music is fun and a little funky and feels garage-band rough at times. All in all, they left me with a lingering taste of something I want more of; and they proved to be the perfect tool for my procrastination.

## O'Brien's Pub Way Better Than Mr. Peabody's

by Isaac Bejar, Staff Writer

Located in a strip mall across from a car dealership, O'Brien's is a hidden oasis close enough for law students to adjourn to after a long day of classes and studying. Known as "the hoppiest place on Earth," O'Brien's offers an enormous selection of beer on tap and in bottles. With 20 beers on tap and over 90 different bottled beers, including many local beers, you are sure to find something you like. The beers on tap change constantly, so there will always be something new to try. In addition to a ridiculously large selection of beer, O'Brien's has a great selection of soups, salads, sandwiches, and burgers. They also have a dartboard if you are feeling sporty, TVs showing various sports if you are feeling vicariously sporty, and a heated patio if you are in the mood for fresh air.

Thus far, I have tasted the Spicy Beer Cheese Burger and the Brie Prosciutto Burger. The Spicy Beer Cheese Burger is made with white cheddar combined with Russian River IPA. It was massive and cooked perfectly. The cheese literally melted in my mouth, and the beer flavor blended surprisingly well with the rest of the burger. The prosciutto burger had sweet grilled onions that melded beautifully with the salty prosciutto and melted brie.

Ordering at the counter and having the food brought to my table by the waiters was fast and easy. While waiting for my order, I enjoyed watching the motley crew of cord-wearing grad students, dart sharks, and silver foxes. The staff was very friendly and let me sample a few different beers to determine which was best for me. Prices are very reasonable with burgers ranging from five to eight dollars and 12-ounce beers starting at \$2.50. O'Brien's Pub also has good daily beer specials!

O'Brien's is located at 4646 Convoy Street. You can check out their menu and beer list at [www.obrienspub.net](http://www.obrienspub.net). The parking lot of the strip mall fills up pretty quickly, but there is a lot of parking on the street.



## Movie Review: Black Swan

by Camille Edwards, Staff Writer

When my friend and I walked out of the theater after watching *Black Swan*, we both looked at each other and asked, "That was weird; did I like that movie?" I have decided that yes, I did.

*Black Swan*, directed by Darren Aronofsky, is one of those interesting films that you want to watch again. It starts out with Nina Sayers, a ballerina whose life is completely consumed with pursuing perfection as a dancer. This devotion has made her the most technically skilled dancer in the company, but she is an emotional wreck, with no life outside of her work and no friends besides her mother, Erica Sayers. Erica is a former ballerina who gave up her own career to have Nina, and she channels that anger and regret over her lost glory by living somewhat vicariously through Nina and controlling her. Erica is always telling Nina what to do and keeping tabs on her at the ballet company, she won't even let her adult daughter have a lock on her door.

Everything begins to change when the company director, Thomas Leroy, announces that the new ballet will be a reimagined version of Tchaikovsky's *Swan Lake*, with the lead ballerina playing both the White Swan and Black Swan, both the princess and seductress. Nina has the technical skill to play the White Swan, but portraying the passion and seduction needed to be the Black Swan is outside of her comfort zone. She wins the role, but feels constant pressure from Thomas to be more sensual and seductive in her portrayal of the Black Swan. Thomas tells her to be like Lily, a sexy and free-spirited fellow dancer, causing Nina to obsess over her. The stress of trying to be perfect in both roles takes its psychological toll on Nina, and she quickly descends into madness, with hallucinations and physical manifestations of her stress. Nina starts to think that she is turning into a swan, with feathers starting to poke out of her back and her legs bending like a bird, culminating into her breathtaking performance as the Black Swan. The ending is weird and horrifying, causing the viewer to contemplate the question "Was it worth it?"

The film is well-written, well-acted, and beautifully shot. The world of ballet is treated very accurately; the pressure, sexism, ageism, and obsession with weight are all evident. The dancers are all competitive and cut-throat. Thomas sleeps with and gropes his dancers. Beth Macintyre, the previous prima ballerina, was forced to retire at the ripe old age of thirty-something, and the bone-thin Nina is shown puking, refusing food, and being delighted at losing weight.

Natalie Portman as Nina is amazing. She portrays Nina's complex range of emotions and reactions perfectly, which is no easy task. Because Nina is the focal point of the movie, a lesser actress would have ruined the film in every scene, but Portman is deserving of every award she wins. Barbara Hershey is also excellent as Erica, with her creepy looks and weird outbursts, taking an unsympathetic character and making her relatable. Vincent Cassel is perfectly creepy as Nina's sexual harasser and ballet director, and Mila Kunis is sexy as Nina's rebellious rival. Even Winona Ryder did well as Beth in her few scenes, making me forget about *Mr. Deeds* and that shoplifting incident.

The film is visually appealing. Aronofsky uses colors, mirrors, and special effects to portray the characters and Nina's moods and mental decline. During the ballet performance scenes, I felt like I was there in the audience. The shots were long and continuous, the sets and costumes were gorgeous, and the dancers skilled, with even Portman and Kunis looking like consummate professionals.

Overall, *Black Swan* was beautiful, captivating, interesting, and worth a second look.



Above: This is believed to be the first photograph of a softball team. Softball, originally known as "indoor baseball," was created so that baseball players wouldn't get rusty during the winter. "Winter" is a season. It happens in places other than San Diego. It involves cold temperatures, snow, and bowling.

# HABEAS CORPUS

HEALTH TIPS FOR LAW SCHOOL

## Sun Salutations in 16 Easy Steps

by Jyoti Jennings, Associate Editor & Certified Yoga Instructor

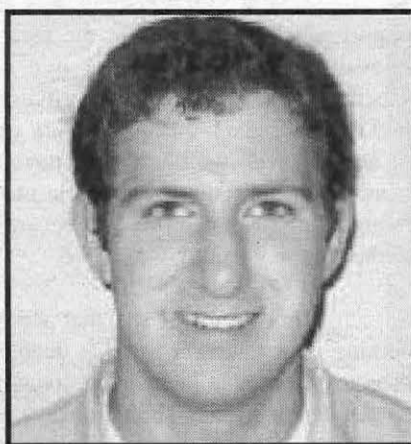
2011 is still young, and with new years come new beginnings. Start beginning your days with a variation of the ancient yoga exercise "Sun Salutations." Traditionally, it is performed in the morning, and it gets your day off to an invigorating start! (Be careful, and listen to your body; never strain yourself to the point of injury.)

1. Stand up very straight with your feet together.
2. *Inhale* and sweep your arms out from your sides in an arc until they are stretched above your head. Bring your palms together at the top in Namaste.
3. With your hands still pressed together, *exhale* and bring them down the center of your body until they are in front of your heart.
4. Repeat steps 2-3 for a few breaths—at least 3.
5. *Exhale* and bend at the waist, stretching your arms to your toes.
6. *Inhale* and raise your torso until your back makes a "tabletop" (parallel with the floor). Press your hands against your knees, and look ahead.
7. *Exhale* and lower your torso again, reaching for the floor with your fingers.
8. *Inhale*, press your palms on the floor, shoulder-distance apart, and step or hop your feet backwards until you are creating an upside down "V" with your body. Keep your legs and arms straight, lifting your hips (the point of the "V") towards the ceiling. Your feet should be hip-distance apart, and try to sink your heels to the floor for a great stretch in your Achilles tendons. Lengthen your neck, and keep your ears by your elbows. This is "downward facing dog" pose. Stay here for a few breaths.
9. *Exhale* and move into a "plank" position, which is basically as if you were about to do a pushup.
10. In "plank," lower your chest towards the floor; then bend at the waist, curving your torso up. Raise your torso as far as you can, curving your lower spine, looking straight ahead. Press your palms into the floor, and straighten your arms as far as it is comfortable. Your legs will remain lying straight, trailing on the floor behind you. This is called "cobra" pose because of its resemblance to a cobra about to strike.
11. *Inhale* and go back into "downward facing dog" pose. Again, remain here for a few breaths.
12. Repeat steps 6-9 for as many cycles as you like—at least 3 or 4.
13. To finish, step or hop your feet between your hands while in "downward facing dog."
14. Slowly stand up, rolling your spine upwards vertebrae by vertebrae until finally you gently straighten your neck and head.
15. *Inhale* and sweep your arms upwards in an arc from your sides. Bring your palms together above your head.
16. *Exhale* and bring your pressed palms down the center of your body, finishing with your hands in Namaste above your heart.

**Tip:** Pay attention to the breathing! This is very important for all yoga—the coordination of breath and movement.



Please be careful. He who does "downward facing dog" to excess might rise up with fleas. Just saying.



David Israel  
Grad/Law Softball Commissioner

# SOFTBALL AIN'T SO SOFT AT USD

by Umar Hussain, Staff Writer

For those of you who got lost in defeat (or in your books) after elimination, here is a very small recap of the championship game in the Grad/Law Softball Fall Season.

After tying earlier in the semester, the final game between the Contract Killers and Legal Eagles was close, until the top of the last inning, when the Eagles poured in the runs. Katie Chifcian was the clear MVP for the Eagles, robbing 4-5 clear hits from the Killers and getting the job done at the plate.

As softball season comes around the corner in Week Four, many of us will be looking to learn from how we fell in the Fall and use it to Spring ourselves forward this semester (sad joke, I know). But hopefully most of us have gotten the idea that this isn't a joke, and the competition should be kicked up a notch as the 1Ls try to make a name for themselves and the 3Ls let it all out in their last hoorah.

To prepare you for the season, *Motions* conducted a short, informative interview with Commissioner David Israel about his thoughts on the last season, the upcoming season, and some rule changes.

**Motions:** How did people respond to the no-beer rule? Did it at all affect the environment or the game?

**David Israel:** People were understandably upset at first, but I think throughout the season, they grew accustomed to it. It made the game a bit less social than it used to be, but for the most part, not much changed.

**Motions:** Is there anything new that you guys want to implement this semester? Any rule changes, format changes, etc . . . ?

**Israel:** There will be two main rule changes this semester. Instead of requiring three girls to field a team, you will only need two. However, without a third girl, each time the third girl would have been at bat, an automatic out will be taken. That team will also be short-handed in the field. The goal was to allow more teams to play, instead of forfeiting.

The second rule change will be the mercy rule—more runs will be required earlier on to trigger the rule.

**Motions:** What in your opinion makes an elite USD Law softball team?

**Israel:** Good Defense. Most teams can hit the ball hard; the difference is what the defense is able to do with the ball once it's in the field.

**Motions:** As veterans, how would you assess the competition level last semester? In particular, the 1L teams?

**Israel:** Last semester came down to the three teams that it was expected to be—the Eagles, the Killers, and the Susan Changs. Cases Loaded and Mr. Tarkowski's team were both solid showings throughout the semester, but both have some work to do to join the elite tier.

**Motions:** Who do you guys think are the favorites this semester and why?

**Israel:** Sadly, the Eagles have to be considered favorites. They're adding some good players to a team that is already reigning champion.

**Motions:** Who are some of the standout players, and what are their strengths?

**Israel:** Mike Gilberg makes the Eagles run—he can put the ball wherever he wants, and patrols CF for them. Tim Hance and Katie Chifcian are also key players for them. Bobby Bouche can probably hit the ball farther than anyone else if he gets a hold of one, and Rory Kay and Ben White are key producers for the Killers. We need to see more of the 1Ls to really know who is the best of the bunch.

# The Jury Box

Whatcha thinkin'?



Wally B. Wallaby sez:  
"With a jury of these  
peers, who needs enemies?  
Yuk, yuk, guffaw-chortle."

## 12 impartial jurors. one question.



"Did you meet those knucklehead 3Ls last year? I think we should be thanking the school rather than looking to cast blame. We have fewer people competing with us for jobs. Our law school does little to prepare us for being an actual lawyer let alone pass the bar exam. Regardless, it is incumbent on each student to commit to the process and work his tail off in preparing for the bar exam. We can worry about jobs after that." - Joe Koller-Nielsen, 3L



"The bar exam is just like a big fish: It'll take you hook, line, and sinker. Next time, don't let it be the one that got away. Remember, good things come to those who bait. And if you can't fish with the big boys, keep your ass on the dock."  
- Fish Head, Soup Constituent



"You're almost a lawyer?  
Education is a sham.  
I want to be a firetruck  
when I grow up."  
- Kenny, Aspiring Firetruck



"ARRRRRRRRrrrrrr!!!"  
- Obnoxious Pirate

"They didn't uphold their end of the agreement. Now I'm suing them for the cost of cover for firstborn children and incidentals."  
- Rumpelstiltskin

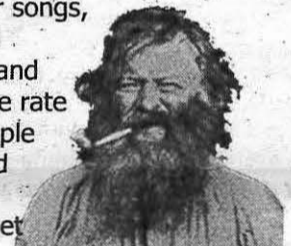
## Why Was USD's July 2010 Bar Passage Rate So Low?



"Life is cruel. Look at me I'm half-mule, completely infertile, and riddled with rheumatoid arthritis.... Want a ride to the liquor store? Can you fill my trough with Carlo Rossi?" - Gregor the Rickshaw



"I personally have no idea, but I'll tell you this: The commentators will certainly pin it on us artists. They'll say that it was our art—our poems, our songs, our dances, our sculptures, our aluminum-can airplanes—that caused those fine young men and women to fail. But what good is a bar passage rate anyway if you can't communicate it to the people through art? Without art, there is no bar. And Lord Zorbon knows I need both."  
- Peachdog Jones, USD Law Resident Poet



"I am a man of constant sorrow.  
I've seen trouble all my days.  
Failed the bar exam this here July,  
O Lord forgive my moonshine haze."  
- Skippy Mack, Lawyer Busker



"I can tell you what was not a factor:  
The Autoharp. ... it never is...."  
- Julie d'Orange, Autoharp Unenthusiast

"It's Bush's Fault."  
- Rex, Ultraliberal Mummy



"Most definitely a lack of armor points and stat bonuses. Along with protecting my noggin, this bascinet gives me +10 to intellect. My cod piece is just plain smart."  
- Farook, Blacksmith/Fashion Designer



"Clearly flouridation is to blame, or the lack thereof. With so much increased focus on brushing and applying Crest Whitestrips, USD law students lost valuable minutes of prep time."  
- Yevgeny, Confused Hitchhiker



## That Time of Year Again . . . Why We (Should) Make New Year's Resolutions

by Henry Ciocca, Staff Writer

I don't know what to make of New Year's resolutions. It's not that I don't understand why people make them. It is motivating and inspiring to start a new year by taking proactive steps towards the achievement of a particular goal we set for ourselves. But the whole process of making a resolution seems to have become so "watered down" to render it essentially meaningless. It is something we now do more out of tradition or habit than self-reflection and deep thought.

You know what I'm talking about. After the start of every new year, if we inquire curiously about the resolutions of our friends and family, we are bound to get at least one classically generic answer. The notorious "I'm going to go to the gym more" resolution is only trumped by the notably more notorious "I'm going to start going to the gym" resolution. Yes, getting more exercise is a worthwhile endeavor for anyone looking to cut the gut, which inevitably will lead to a more successful dating life in the future (obviously?). But, the "gym" resolution

misses the point of why we should be making resolutions in the first place. Let me explain.

A New Year's resolution is, at its core, a golden opportunity smacking us in the face. It is a chance to re-evaluate how we wish to live our lives, or, more specifically, how we can live our lives *better*. And the best part is we are given this opportunity simply by the passing of another year—we don't even have to do anything! It is an opportunity that we can best utilize by putting deep thought into the person we feel we are and comparing that to the person we think we can be.

This is not to say that we must wait until the coming of a new year to think deeply about the positive changes we want to make in our lives. On the contrary, the *carpe diem* mentality should always prevail. But we can only "seize the day" if we are feeling motivated or inspired enough to do so. And finding that motivation, for many of us, is harder than we'd like to admit. Luckily, New

Year's never disappoints because it always sneaks around at the same predictable time. It's the perfect motivator, the swift kick in the rear we need to take charge of our lives by doing something more or less frequently, or maybe refraining from doing something altogether.

A good New Year's resolution is all about self-examination and maybe, if we're lucky, rediscovery. Don't just make a New Year's resolution for the sake of making one. Take the time to put some really good thought into it—it will reward you in the end. We've been given a gift by New Year's (besides all-night open bars), and the gift is a unique occasion to look hard at ourselves—hey, no one's perfect, right? If we feel up to the challenge, we can set positive, self-empowering goals that will help lead us in the direction we ultimately want to go. This process of self-evaluation is where the hard work comes in. Then, all we have to worry about is actually doing what we set out to accomplish. And, as we know, that's always the easiest part . . . right?

## Moe Shuns, Esq.\*

### Unimpeachable Advice For Impressionable Law Students

\*also available for birthdays  
and bar mitzvahs



Hi again, law students! I'm back to answer more of your law-related questions.

And remember, the fact that I was disbarred means that by definition I, at one point, *did* have my bar card. So you know my answers to your questions are second to none.

Now let's get to your pressing issues.

Dear Moe:

*This morning while hunting for a parking spot, I thought I had found one, only to have it stolen under suspicious circumstances. Because of a blind corner, it was unclear who was there first, and my opponent's heavily tinted windows made it impossible for me to see if he or she was responding to my hand motions. I feel I was wronged by this spot thief in his Mercedes Benz; what can I do?*

Please help me,  
**Pissed Off North "Parker"**

Dear Pissed,

While I never attended USD, I have attended (uninvited, of course) your "Dean's Mixers," so I can indeed empathize with your plight. But if there's one thing that gets me more worked up than circling a parking lot looking for a space, it's having some guy steal my spot right as I'm about to pull into it. That's why I always have a slot screwdriver in my trunk. (Philips Heads are simply not narrow enough to puncture vulcanized rubber the way a slotted screwdriver can.)

In your case, though, you must be more careful. The person who took your spot might eventually be your co-worker or even your boss. Therefore, it is important to err on the side of caution. Next time, graciously wave your nemesis into the open spot, smiling politely. After all, you should be happy! Once that overeager parker leaves his precious Benz, you'll make quick work of those tires and the paint job with your old pal, Screwdriver McScrewdriver. The great thing about other people is they can't read your thoughts. So just keep smiling, jot down the license plate, go find another spot, and then return to the scene of the conflict and introduce Mr. Screwdriver to that overpriced E-Class.

(The following was left as an online comment on the first Moe Shuns advice column.)

*A Motions advice column? VEEEEERRRY Original.*

Signed,  
**The last Advice Column guy this year . . . remember?**

Dear The Guy I Replaced,

There were not too many requirements for this job. Yes, the judge ordered me to do it, but when I talked to the *Motions* Editor in Chief, the only requirement he asked of me was to only capitalize proper nouns and the first word of every sentence. Apparently, the last advice guy (you) had trouble determining when a capital letter was needed. It pains me to see that over a semester later, you are still having trouble with basic punctuation. For instance, you only wrote three sentences (including your rather forced "name"), yet you had the same number (3) of mistakes regarding unnecessary capitalization.

maYbe the next time yOU wish to write A propeR advicE column, first seek the Advice of a 7<sup>th</sup> graDer for those tricky punCtuation and grammar mistaKes. Pardon my improper punctuation; I still must be ironing out the wrinkles of this pesky thing we call the English language.

Dear Moe Shuns,

*I broke the cardinal rule and started dating a law student when we were 1Ls. I felt like it was still cool though because we were in different sections. It's been almost a year now, and we're pretty serious. Here's my problem: This is the first semester we've taken a class together, and my Warren Hall Romeo is actually an obnoxious gunner. Not only is he over-enthusiastic about sharing his opinions, his comments are drawn out, unnecessary, and absolutely absurd. I feel like I need to tell him, but it might ruin our relationship. What's a girl to do?*

Sincerely,  
**Anti-Gunner**

Dear A-G,

What a mess you've gotten yourself into! I suspect that while you may have only just recently found this out, your boyfriend exuded all the telltale signs of his gunner-dom long before you had your first class together. Is he not highly opinionated outside of school? Do not his comments already drone on seemingly forever? Finally, isn't he already a tool?

The way I see it, you have two options. First, you can embrace his lifestyle choice and join him in his gunning ways. Think of it: a law-school power couple! Reminds you of John Kennedy and Jackie O . . . only instead of the general public loving you, they'll detest you in every way imaginable. Ask not what you can do for your boyfriend, but what your boyfriend can do to shut up! Oh, and whatever you do, tell your boyfriend to stay away from any grassy knolls!

Your second option (and the one I wholeheartedly endorse) is to simply call it off with this man. But then again, I must ask: Who dates another law student in the first place? That's right, only crazy people. So really, it's only a matter of time before the men in white coats with oversized butterfly nets come to take you away. Maybe it's just best you two enjoy each other's company before they throw you into a straight-jacket and lock you both up.

That's all the space I have. Thanks again for the questions, folks. Moe loves ya, and I can't wait to solve more of your problems, law school or otherwise! Remember, if you want a question answered, e-mail me at [motions@sandiego.edu](mailto:motions@sandiego.edu) with your question. Until next time . . .

\*Moe Shuns is a disbarred attorney who is currently on parole. A judge has ordered Moe to amass 5,000 hours of community service, which may include his work on this advice column, as "seemingly shoddy" as it may be. Each hour that Moe spends helping law students with their legal problems gets him one step closer to finally getting that ankle bracelet off his leg. Read Moe's complete story at *Motions Online*.



## Laughing at Lawyers Will Fund Legal Services for the Disadvantaged

Instead of being butts, five San Diego lawyers and three local law students will be the sources of jokes at the LAF-Off (Lawyers are Funny) Comedy Competition and Fundraiser on March 24, 2011, at the House of Blues in downtown San Diego. Thanks to City National Bank and other generous sponsors, the evening's proceeds will benefit the non-profit San Diego Volunteer Lawyer Program, Inc., which for more than 25 years has provided free civil legal assistance to vulnerable San Diegans, including children, domestic violence victims, and those living with HIV/AIDS.

The opposing counsel of defending Funniest Attorney Patti Zlaket will be Brian Erickson, John Schweitzer, Neal Svalstad, and Cynthia Thornton, as fellow lawyers Dan Link, Judy Copeland, and Dan Lawton "judge" each routine. Not to miss a networking opportunity, one student from each local law school—Thomas Jefferson School of Law, California Western School of Law, and University of San Diego School of Law—will also join in the stand-up throwdown, for the title of "Funniest Law Student."

Former LAF-Off contestant Jim Pokorny will emcee the event, having abandoned the possibility of ever winning. To purchase tickets and for other information, visit [www.laffoff.com](http://www.laffoff.com), or call (619) 235-5656, ext. 110, for sponsorship information.

**NOTE:** USD Law will be represented by radio personality and 2L-about-town Chris Dibbern, who looks to show San Diego which law school can truly dominate the stage. A limited number of discount student tickets will be available for \$30. These subsidized tickets have been made possible by Law Student Ticket Sponsors. Stay tuned for further information regarding discount student tickets in your USD email and in *Motions*.



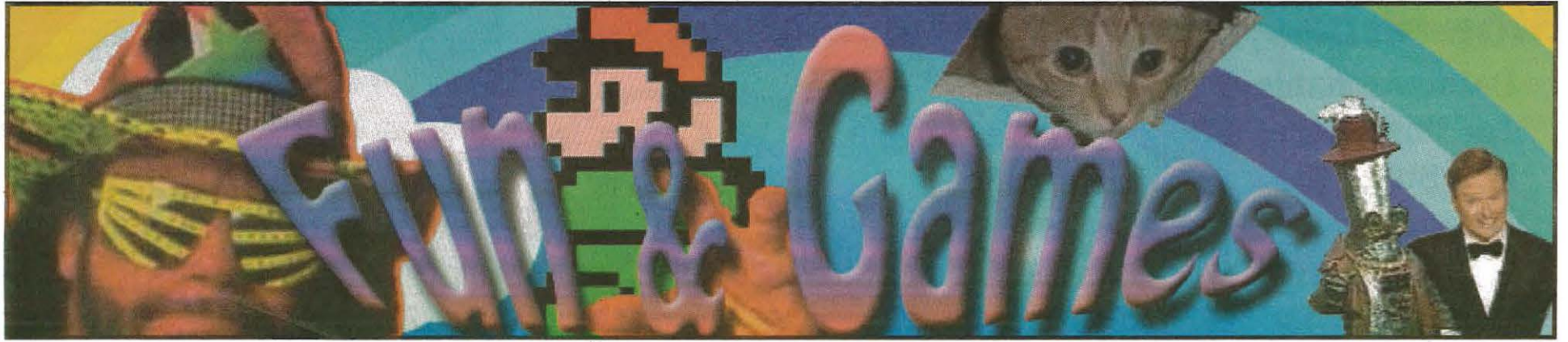
Chris Dibbern calling out Bingo numbers

## CDR The Chris Dibbern Report



USD Law's Radio Talk Show is back!  
Wednesdays, 6:00-7:00 PM  
Only at [USDRadio.org](http://USDRadio.org)

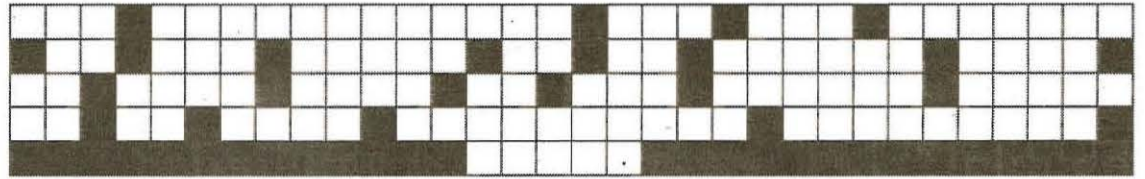




**MOTIONS DAILY CROSSWORD!**  
Available at [www.motionsonline.org](http://www.motionsonline.org)

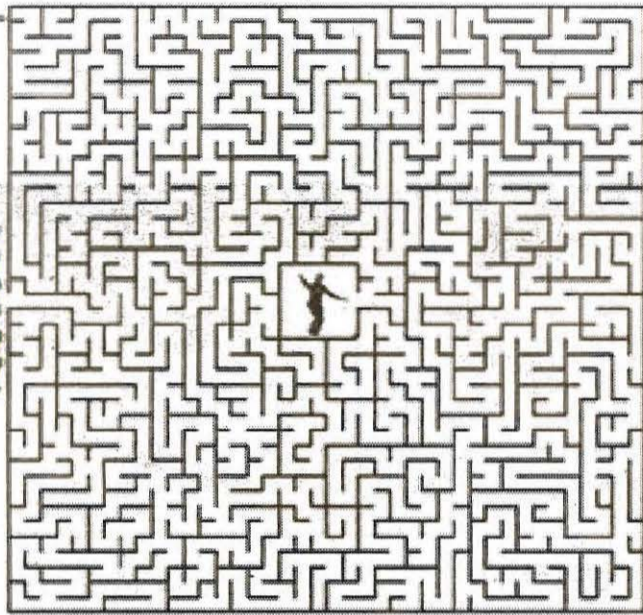
**Fun Page Answers: [www.motionsonline.org/funpage/answers](http://www.motionsonline.org/funpage/answers)**

**FALLEN JUSTICE BLACK QUOTE**



N A H C I U I O N E W O T D A C O L  
B I C H E W A T D T C I E N W I E A P H L S I T A Y  
O U R B Y O E S S A N E U W F N S B E S W N D G E I T I W T E N  
I Y N E T C N A T H V S S O C O D S A V J U S O E W R B L A W N

Can you help Jeffrey Dahmer find his breakfast?



**FIND DEAN COLE!**

**WANTED DEAD**  
*Escape Marsupial*  
Name: *Wally B. Wallaby*  
Alias: *Trevor Johnson*  
Knife Scar: *Right Paw*  
Tattoo: *Pink Koala Tramp Stamp*  
Most likely out somewhere feeding on Australian native grasses, herbs, & ferns.  
Armed & Dangerous.

**THE CRIME REPORT**  
by Jessica Payne, Associate Editor



**San Diego's Very Own Tomatina**

On December 4, Public Safety responded to a report of multiple vehicles in the University Terrace Apartments parking lot that had been vandalized with ketchup between 6:00 a.m. and 11:20 a.m. No permanent damage to the vehicles occurred.

**Prejudiced Caller with No Life Persists**

On December 6 at 8:30 p.m., an unknown person called the University and after a short interaction, made a slur towards a USD employee. At the same time on December 22, the person reached the employee again and s/he delivered another inappropriate comment.

**Raccoon-style Research**

At 4:22 a.m. on December 20, Public Safety responded to a report of a suspicious male subject observed removing food items from the surrounding trash cans before entering Copley Library. He was not affiliated with USD, and Public Safety advised him to leave campus.

**Burning Blouse**

On December 21 at 1:50 a.m., Public Safety responded to a report of a fire at Manchester Village. An investigation concluded that a shirt placed over a lamp caught on fire but a quick-thinking person at the scene put the flaming shirt in a sink and doused it with water. Disaster averted.

**Communication Breakdown**

On December 22 at 12:58 p.m., Public Safety responded to a report that a female not affiliated with USD appeared upset outside University Terrace Apartments. Upon investigation, she claimed that she was attempting to contact a friend that she believed attended USD. She informed Public Safety that she had a knife in her pocket, which was confiscated for the safety of everyone involved. Public Safety then advised her to leave campus.

**USD Maintenance Blows It**

On January 6, Public Safety responded to a petty theft report and determined that an unknown person took a power blower from the bed of an unattended USD truck on December 20 at approximately 1:00 p.m.

**No Napping in the LRC**

On January 8 at 5:42 p.m., Public Safety responded to a report of a woman sleeping in the LRC who was not affiliated with USD. Public Safety advised her that she could use the library to study but not as a place to sleep.

**Undergrad Drivers, No Survivors**

Public Safety investigated a hit-and-run accident on January 12 in the Mission parking structure. They found that between 8:30 a.m. and 4:51 p.m., an unknown vehicle struck a parked car, damaging the passenger-side rear quarter panel.

**Orange Bombshell**

Public Safety responded to a report of vandalism on January 27 at 11:35 a.m. An investigation determined that an unknown person had thrown an orange through a window of an office in Maher Hall, breaking said window.

For more detailed reports, please see <http://sandiego.edu/safety>.

**SUDOKU**

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

**Popsicle Sticks** By Zach Friedberg and Kenneth Yu

WHY DID THE LUMBERJACK GO TO LAW SCHOOL? TO STUDY T-AXE

WHAT WAS THE JUDGE'S FAVORITE GELATO FLAVOR? SUA SPONTE

HOW DOES A JUDGE MAKE CHANGE? INNO-CENTS

WHAT HAS MORE DEATHS THAN A TEXAS JAIL? A FROG BECAUSE IT CROAKS EVERY NIGHT

WHY DID THE PIRATE JOIN MOOT COURT? SHE WAS GOOD AT ORAL ARRR-GUMENT

WHY DID THE PIRATE GO BACK TO JAIL? HE VIOLATED HIS PARRR-OLE