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# THE DOCKET

## UCLA SCHOOL OF LAW

Volume 45, Number 3

THE DOCKET

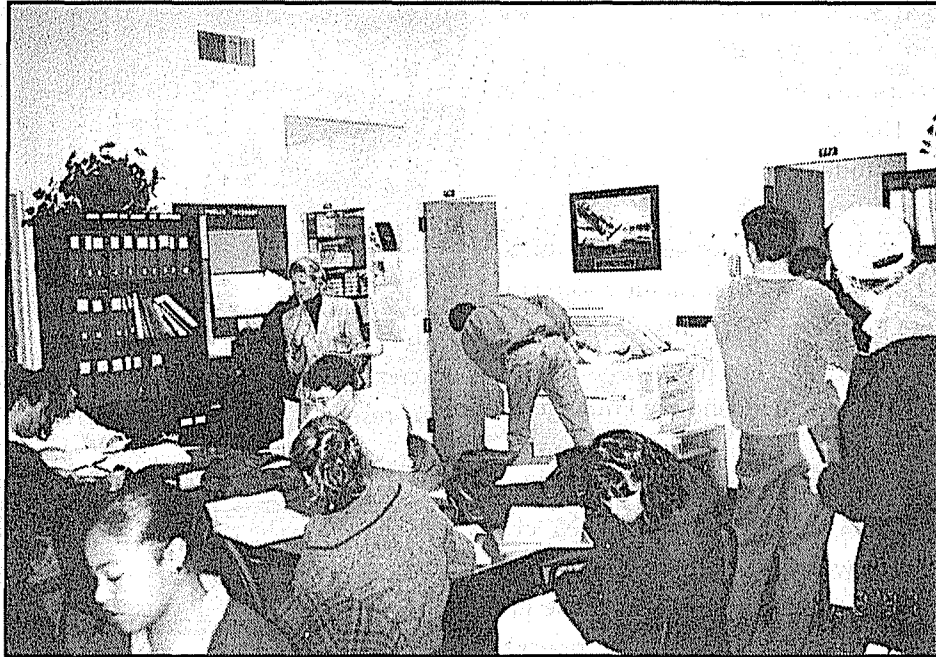
February 1997

### STUDENTS FAVOR FALL OCIP CHANGES

#### Poll Reveals Majority of Students Would Favor Employer Prescreening

By David Simonton  
Editor-in-Chief

Almost everyone who has participated in the On-Campus Interview Program (OCIP) is familiar with the scenario. You would give your left arm to work for High & Mighty, but you're not sure that your grades are quite good enough to make the cut. Nonetheless, you feel confident in your ability to make a good impression in person, so you rank your dream employer fairly high on the request form and, by the luck of the draw, get an interview. The big day eventually comes. You meticulously dress yourself to the tee, and, after you nervously pace the Guest House halls for ten minutes, the



1L's Concentrate Their Efforts Behind Spring OCIP

door to the interview room finally opens.

With your interview smile set at Level 10, you enthusiastically introduce yourself. "Excuse me a moment,"

the interviewer says as she pulls your resume from a stack of papers, briefly scanning its contents for what appears to be the first time. "So," she begins, "you did volunteer work this summer?"

Eagerly, you take this lead and run with it, explaining in great detail your responsibilities as Head Assistant Legal Research Errandperson. As you continue, however, you notice that the interviewer doesn't seem that interested. In fact, she seems to be looking at her watch just a little too often.

With three minutes left to go, the interviewer abruptly stands up. "Well, we're just about out of time," she says. You rise and vigorously thank her, being sure to conspicuously mention her name. "Well, thank you very much also, Mr./Ms. (pause as she looks at your resume) Timefiller." You walk out of the room, and, as you exchange insincere good-luck wishes with the next interviewee, it suddenly hits you: High & Mighty has absolutely no intention of hiring you, and you just wasted

See **OCIP**, page 8

### Musical Casts Face To Wind

By Ken Graham  
Professor of Law

"Anti-Kids'n'Fun", the 1997 UCLAW Musical, is just about ready to hit the stage. "The Show That Gives Nostalgia A Bad Name" will have two performances on February 1, 1997, at 7:00 and 9:30 p.m. In commemoration of the 15th Anniversary of the show, these performances will be held in the Northwest Campus Auditorium in Griffin Commons.

Appearing as Marcia Mantovani, the slightly demented heiress of the Vino Veritas Wine Company fortune, will be Maya Alexandra (in the 7:00 p.m. show) and Tess Van Beveran (in the 9:30 p.m. show).

The role of Virginia S. Linn, an oppressed but not repressed permanent associate (the only job open to women in corporate firms in the '50s), will be filled by Laura Ravine in the early show and Jennifer Crome in the late show.

Nicholas Charles, a brash and



Prof. Karst rehearses for "Justice Mall" last year's musical

scheming senior associate and a relentless womanizer (at least in his dreams), will be played by David Dawson and Mark Melo.

Penelope Porsche, a receptionist and would-be lawyer, will be sung and acted by Andrea Hoffman and Jenna Cummings.

The demanding role of Norbert

Studley, the bigoted and paranoid managing partner of Lawless, Liffert, Lipscomb & Beale, will be tackled by Lora Blum and Marty Goldberg.

His idiot brother, Ed, a typical example of the sort of nepotism that gave the lie to the big firms' claim to be meritocracies, will be played by Matt Williams and Randy Clemens.

"Anti-Kids'n'Fun" is based on the music from Irving Berlin's "Annie Get Your Gun" — generally conceded to be Berlin's best musical score. The best-known tunes include "There's No Business Like Show Business", "The Girl That I Marry" and the proto-feminist anthem (ultimately betrayed by the book) "Anything You Can Do I Can Do Better."

The musical is a farce that takes-off on the claims of one of the many recent presidential wannabes that "the 1950's were the high point of Ameri-

See **MUSICAL**, page 6

### Black Letter

#### Paula Corbin Jones has unwittingly spawned a Constitutional controversy

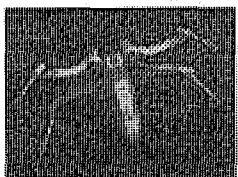
By Mark Lamb  
News Editor

As President Clinton begins his second term with lofty rhetoric and a replenished cabinet, he is haunted by allegations about his conduct in a different time and place. Although half of the voters in November were willing to look past the President's alleged indiscretions, the courts may not be as forgiving. Last week the Supreme Court heard argument on whether or not the sexual harassment lawsuit by a former Arkansas state employee can move forward while President Clinton is still in office.

The suit sprang out of events on the afternoon of May 8, 1991, in the same Excelsior Hotel in Little Rock where Clinton celebrated his re-election just

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### WHAT'S INSIDE



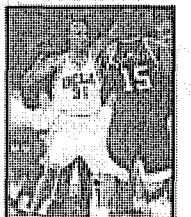
**Billy's World**  
Billy loves Star Wars!

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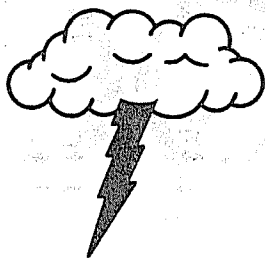
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**Simonton Says**  
A History of My UCLA Basketball Loveaffair

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# News Flash



## Environmental Semester in Washington

By Sylvia Moore

3L

The Vermont Law School in South Royalton, Vermont, rated as one of the best environmental law schools by *US News and World Report*, is offering an exciting opportunity to students from other law schools who are interested in environmental litigation. The Environmental Semester in Washington, DC is a full-time, 13-credit externship where students will work with mentor attorneys in a variety of government agencies, environmental organizations, private law firms, and even Congressional committees. The program is offered in both the fall and spring to 4th, 5th, and 6th semester law students. Some of the externships are paid through stipend, but most are unpaid.

"This is an opportunity (for students) to work with leaders in environmental law and to try out skills," says Vermont Law Professor Martha Judy, Director of the Environmental Semester in Washington Program. "Students will be working on some of the most important issues environmental law has to offer." Some of these issues have included Congressional attempts to amend the Endangered Species Act and Superfund.

Third-year Vermont student, Jennifer Apiscopa, is currently working with a conservation organization in a campaign to preserve civil war battlefields. Her work has included surveying the battlefields, as well as making interoffice proposals, option agreements, and contracts for sale. Apiscopa says that she has learned a lot about real estate law, title insurance, and about historic preservation in general. "It's definitely a positive experience...It helps if you don't know what area of law you want to get into."

Besides preparing litigation, writing briefs, and participating in both lobbying and alternative dispute resolution for their chosen organizations, students will also attend a two-credit professional responsibility course in the evening. The course, taught by Professor Judy, often meets the graduation requirement for professional responsibility. During the evening course, students will also report on what they have done with their respective organizations during the day, and later, write a paper about their work.

The application process for the Environmental Semester in Washington includes an interview to discover what the student's long term goals are, and what kinds of skills he or she would like to develop. "We don't exclusively look at grades, but also energy and enthusiasm," Professor Judy stresses. After a student is accepted, he or she is matched with one of 100 possible agencies and organizations. Interested students must apply at least one semester in advance, but a year in advance is preferable. For more information and application materials write to: Vermont Law School, Chelsea Street, South Royalton, Vermont, 05068. You may also call Professor Martha Judy (x2345) or her staff assistant, Vicki Campbell (x2259) at 1-800-227-1395 or 1-802-763-8303. Professor Judy's e-mail address is MJudy@VermontLaw.edu.

## Sunday Free Clinic

By Mimi Keller

3L

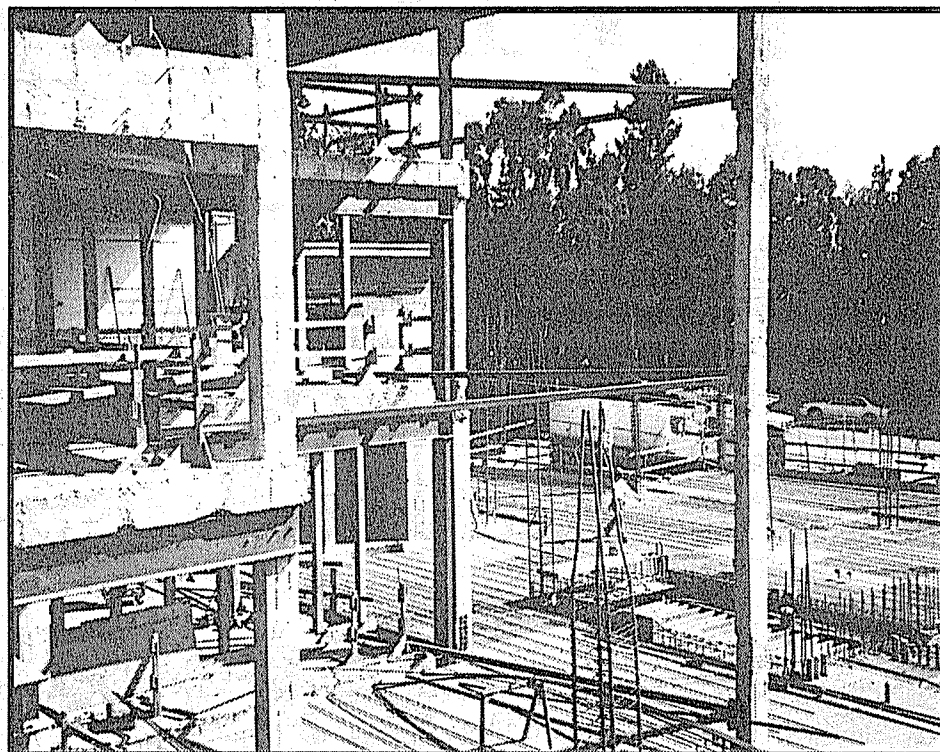
Volunteering at the Sunday Free Legal Clinic is a way to help provide much-needed legal service while getting hands-on legal experience. Clients come to the clinic with a variety of different questions and concerns. While working on their questions, I've learned about family law, criminal law, real estate, contracts, and many other areas.

The process at the clinic is simple. Student volunteers interview clients and then consult with attorneys about possible options. Students then share this information with their clients. The possible options depend on the concerns of the client.

The clinic provides legal services to anyone who walks through its doors. It also provides an opportunity to watch attorneys brainstorm and to help people in the community.

The upcoming schedule is February 2nd and 23rd, March 9th and 16th, and April 6th and 20th. There will also be a training session at the end of January or beginning of February; please watch your mailboxes for the announcement. If you would like more information, please contact me by either putting a note in my mailbox (3L) or through e-mail (law3/keller). Please be sure to include your name and telephone number. Professor Asimow will give you more information, and Kurt, a coordinator, will call you to find out when you're able to come. Feel free to ask me questions. I hope to see you there!

## Picture of the Month



Construction continues on the new library, which is expected to be ready next academic year. When complete, it promises to offer students one of the finest legal research facilities anywhere.

# THE DOCKET

## UCLA SCHOOL OF LAW

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### SCHEDULE OF SEMINARS

#### SAN MATEO

- Saturday, February 15, 1997 : 10:00 am-4:00 pm
- Sunday, February 16, 1997 : 10:00 am-4:00 pm
- All sessions will be given live at the Dunfey Hotel, 1770 S. Amphlett Boulevard, San Mateo, in the Cypress Room.

#### SAN DIEGO

- Saturday, February 22, 1997 : Noon-6:00 pm
- Sunday, February 23, 1997 : Noon-6:00 pm
- All sessions will be given live in the Auditorium at the California Western School of Law, 350 Cedar St., San Diego.

#### ORANGE COUNTY

- Saturday, March 1, 1997 : 9:00 am-12:30 pm, 1:30 pm-4:00 pm
- Sunday, March 2, 1997 : 9:00 am-12:30 pm, 1:30 pm-4:00 pm
- All sessions will be given live at Pacific Christian College, 2500 E. Nutwood at Commonwealth, Fullerton (across from California State University, Fullerton), Second Floor, Room 205.

#### LOS ANGELES

- Saturday, March 8, 1997 : 11:00 am-5:00 pm
- Sunday, March 9, 1997 : 11:00 am-5:00 pm
- All sessions will be given live at the Ramada Hotel, 6333 Bristol Parkway, Culver City, in the Projection Room.

#### FRESNO

- Saturday, March 8, 1997 : Noon-6:00 pm
- Sunday, March 9, 1997 : Noon-6:00 pm
- All sessions will be given at the Central College of Law, 1360 "L" Street, Fresno. VIDEO PRESENTATION.

#### SACRAMENTO

- Saturday, March 15, 1997 : 10:00 am-4:00 pm
- Sunday, March 16, 1997 : 10:00 am-4:00 pm
- All sessions will be given at American Books, 725 J Street, Sacramento. VIDEO PRESENTATION.

#### ORANGE COUNTY

- Sat., Mar. 15, 1997 : Noon-6:00 pm, Rm 122A
- Sun., Mar. 16, 1997 : Noon-6:00 pm, Rm 215
- All sessions will be given live at Pacific Christian College, 2500 E. Nutwood Avenue (at Titan) Fullerton (across from California State University, Fullerton), Second Floor, Room 215. Course Lecturer for this Session Only: Professor Mara Feiger, Attorney at Law, Legal Education Consultant.

#### RIVERSIDE

- Saturday, March 22, 1997 : Noon-6:00 pm
- Sunday, March 23, 1997 : Noon-6:00 pm
- All sessions will be held at California Southern School of Law, 3775 Elizabeth St., Riverside. Room number will be posted on the day of the seminar. VIDEO PRESENTATION.

#### BAKERSFIELD

- Saturday, March 22, 1997 : 11:00 am-5:00 pm
- Sunday, March 23, 1997 : 11:00 am-5:00 pm
- All sessions will be given at the California Pacific School of Law, 1600 Truxtun Ave., Bakersfield, Room 2. VIDEO PRESENTATION.

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Course Lecturer:

**PROFESSOR JEFF A. FLEMING**  
Attorney at Law • Legal Education Consultant

For the past fifteen years, Professor Fleming has devoted his legal career towards the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

Professor Fleming's experience includes the Lecturing of Pre-Law School Prep Seminars and First, Second and Third Year Law School Final Reviews. He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Exam Solution and Multistate Examination Workbook, the creator of The Exam Solution Tape Series, which aids law students in exam preparation, the Author of the First Year Essay Examination Writing Workbook, the Second Year Essay Examination Writing Workbook, and the Third Year Essay Examination Writing Workbook. These are available in legal bookstores throughout the United States.

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

### Registration Form

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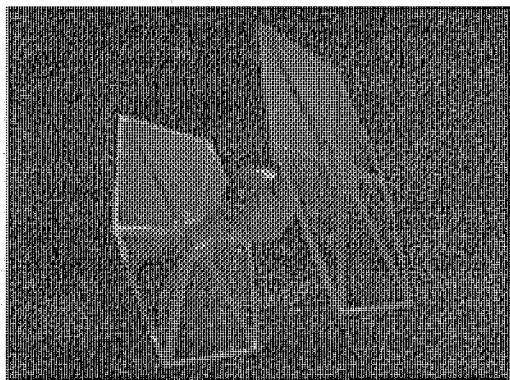
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## Billy's World

### We'll Never Conquer Space (With Thoughts from Arthur C. Clarke)

"Man will never conquer space," opens one of my favorite essays on science, "We'll Never Conquer Space," by Arthur C. Clarke. The British author is considered a master of science fiction, as well as a respected and serious science writer. Through his staid treatment of science in his science fiction novels, he has elevated the genre beyond mere fascination with what-if's and into a somber contemplation of our place in the universe. Perhaps because of his background in science, he felt compelled to interject a note of caution as we look longingly at the stars. Some of the following has been taken from Clarke's essay.

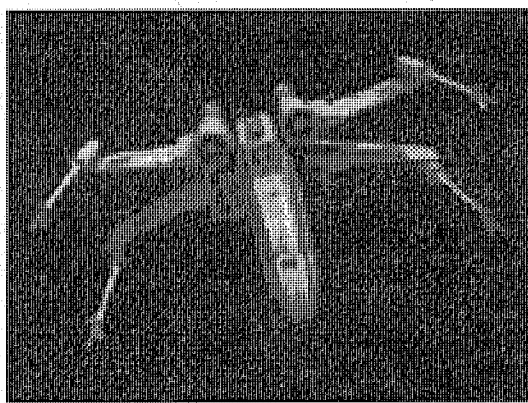


Our popular culture treats the conquest of space as a foregone conclusion. From movies like *Star Wars* to television shows like "Star Trek," we are given the impression that it is just a matter of time before humanity colonizes the galaxy. In our times of great change we give little thought to the fact that such a future is wishful thinking, for the laws of the universe will not have it.

The universe is against our dreams. Consider first the size of our modest solar system. We may one day colonize it, but communication with those planets will be cumbersome. The instantaneous communication we take for granted will never be possible. The reason is that radio waves and light can only travel 186,000 miles a second. Nothing we create can ever travel faster than light. Light is the ultimate speed limit; it is part of the very structure of time and space.

As a result, communications with Mars will always be delayed by three-minute intervals. This might prove a slight inconvenience, but it certainly won't prevent our mobility. However, when we move out of our system, the time interval will increase immensely. Most of us, like those technologically undeveloped tribes that can count to three but lump all numbers beyond four together, cannot grasp the profound distinction between solar and stellar space. A message sent to 61 Cygni, the first star suspected to have a planet, will take eleven years to reach its destination, and another eleven years will pass before we hear a response. Now what kind of conversation can be possible?

As far as travel is concerned, its ticket fare in space is time. Humanity may one day be willing to pay that price, but it will be at the mercy of the famous time-dilation effect predicted by the theory of relativity. Those who venture out will lose their connection with their home world as soon as they leave. There will be no wars for colonial independence in the future, for any colony will be instantly liberated by time and space. The best we can accomplish is a string of isolated islands of humanity having only the most remote contact with each other. Interstellar battles, intrigue and romance will never exist.



Also standing in our way is the size of the universe. It is estimated that there are  $10^{11}$ , or 100,000,000,000 suns in our galaxy alone. The number of suns and the distance between them makes their conquest by humanity impossible.

The limitations imposed on humanity by the universe also apply to any extraterrestrial life. There will be no alien galactic empires to threaten our tenuous toe-hold on the universe. It is possible that a race of beings have left their home, but it is unlikely that they could sneak up on us. That means that UFO's as we think of them cannot exist. There cannot be small, sleek crafts that travel in and out of our system at will. Any UFO would have to be large and built for the rigors of space travel. It would have to be on a one-way trip and unwillingly make its presence known.

The vastness of space and the barriers it presents are psychologically disturbing to a race whose ingenuity conquered its world and who looks to the heavens, longing to do the same. Our continual collective belief in the subjugation

## Phi Delta Phi Offers Opportunity to Further Legal Ethics

By Thu Minh Nguyen  
2L

Many people have asked me why I chose a career in law. A good friend of mine who works in advertising explained, "You're just too nice. Other lawyers will just take advantage of you." A civil design graduate student, whom I didn't know very well, was especially blunt. After meeting me and learning that I was a law student, he inquired, "Why would you want to be a liar?" My responses, though honest, were unsatisfactory to them. They think, "Lawyers don't want to help people; they want to get rich. They would do just about anything to get rich." Despite assurances that advocacy and ethics can go hand in hand, this common misperception of the legal profession is difficult to dispel because these assurances are not made by lawyers as a unified body. Even though many individual lawyers practice in a highly ethical manner, without the active, public promotion of ethics in the law, all the public will ever hear about is the occasional ambulance-chaser.

When deciding what extracurricu-

lar groups to join during my first year at law school, I had in mind an organization that would have as one of its tenets the promotion of ethics in the practice of law. I discovered a surprising gem. I joined Phi Delta Phi, the International Legal Fraternity, knowing that it primarily was an honors society; at the initiation, I discovered that it was also an ethics society.

Older than the American Bar Association, Phi Delta Phi has over one hundred and sixty chapters around the country. To become a member, you must be a law student in good academic standing and pay local dues. Judicial luminaries such as William J. Brennan, Thurgood Marshall, Sandra Day O'Connor, William H. Rehnquist, Antonin Scalia, and John Paul Stevens have been initiated into Phi Delta Phi.

Besides offering \$2,000 Balfour scholarships to the students, UCLA's Phi Delta Phi Honors Society holds annual outlining workshops for IL students and Interview Panels for 2L and 3L students. At the outlining workshops, 2Ls and 3Ls give test-taking and outlining tips for 1Ls by providing

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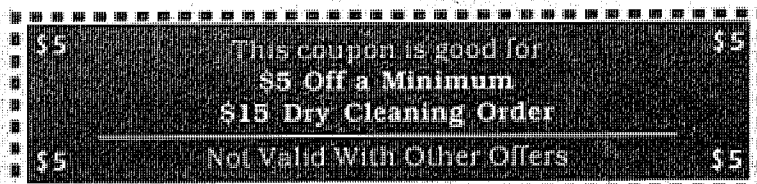
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# PROFILE

Veronica Wilson



A law student's best friend -- Veronica Wilson

**Profile:** What is your exact job title?

**Veronica Wilson:** There's really not an exact job title for this particular desk. If I were to have a business card there wouldn't be a title on there. Most likely it would say "Dean for Students' Office." I provide support to the Assistant Dean for Students, the Director of Student Records, and the Director of Financial Aid. So I would be considered the Student Affairs Office main assistant.

**Profile:** What, specifically, does your work involve?

**Wilson:** My work involves scheduling appointments for all three — the Assistant Dean and the two Directors. It involves basically providing all kinds of services to students and for students, in terms of financial aid, housing; anything that happens in the building — lockers, locker maintenance; dealing directly with the student organizations

about fund raisers; and also assisting students with minimal counseling and helping to steer them to the right person if our office cannot help them. So I try to provide some counseling to students about issues that may not have to go to the Assistant Dean.

**Profile:** Can you tell us more about the counseling?

**Wilson:** Basically, if a student comes into the office and they're trying to make a decision about a personal conflict about another student — it hasn't escalated, but there's some issues at home, personal things, conflicts and problems at school — I try and help resolve those kinds of issues. Sometimes students will come in and say, "I'm overloaded, I need to drop a unit, I need to do something. Give me some options." I guess I would call myself a problem-solver for students. I try to give you guys options about things that you wouldn't know enough to ask the

right questions. So I try and give you the information that I know you'll need in order to make the best decision.

**Profile:** What is the most rewarding part of your job?

**Wilson:** Watching students graduate. Not because I want to see them go away, but because I know that all the hard work, all the time that the students have put in, the relationship that I've developed with the students — that is the (thrill), to see you guys graduate and go on to the real world.

**Profile:** What would you say is the most difficult problem you have had to deal with?

**Wilson:** Students that want to throw in the towel; convincing them to stay. It can be difficult to come up with reasons after you listen to all the reasons why the student believes he or she should leave. Sometimes, it just helps

the student get re-focused. And sometimes the answer is to leave, but I think it's a good thing to be able to talk it through, so that the person is convinced that it's a good thing and understands why, rather than making a rash decision because the heat is on or there's too much pressure.

**Profile:** What did you do before coming to UCLAW?

**Wilson:** I've been at UCLA for 7 years and I've only lived in California for 10. So prior to coming to UCLA I worked for two other companies. One was a

See **PROFILE**, page 6

## Film and the First Amendment

By Michael Wichman  
3L

When it came time for Scott Alexander and Larry Karaszewski to follow up their well-received screenwriting effort for the film *Ed Wood* with a biopic about Larry Flynt, the notorious publisher of *Hustler* magazine, who else they would seek to sign onto this controversial project other than Oliver Stone? Stone, as most people have probably observed by now, has himself been a surefire magnet for controversy ever since his take on the JFK assassination hit a multiplex near you. What has ensued since Stone's decision to participate in the making of *The People vs. Larry Flynt* is precisely what everyone would expect: controversy, critical acclaim, two Golden Globe awards, and talk of Oscar nominations galore.

But with Milos Forman (director of *Amadeus* and *One Flew Over the Cuckoo's Nest*, both films that brought home multiple Oscars including Best Picture and Best Director) in the director's chair instead of Stone, and Courtney Love from the alternative rock group Hole in a leading role as Althea, Larry Flynt's drug-abusing, sexually-liberated wife, is this film really one of the year's best? The answer to that question is a strong "yes," for a couple of reasons. First of all, this has been a

horrible year for Hollywood films when it comes to whether there is any substance behind the gloss. More often than not, viewing one of this year's Hollywood films makes one wonder if the studios think that the audience has no brain cells left in its collective head. Maybe the studios believe that if they

turn up the THX-approved sound system loud enough, they can blow all the thoughts out of our heads, and we will mindlessly go see whatever piece of junk they're serving up next (*Turbulence*, anyone? Or do you not Relic the thought of seeing that one, either?). Thankfully, Stone, Forman, and the

screenwriters do not feel such contempt for their audiences.

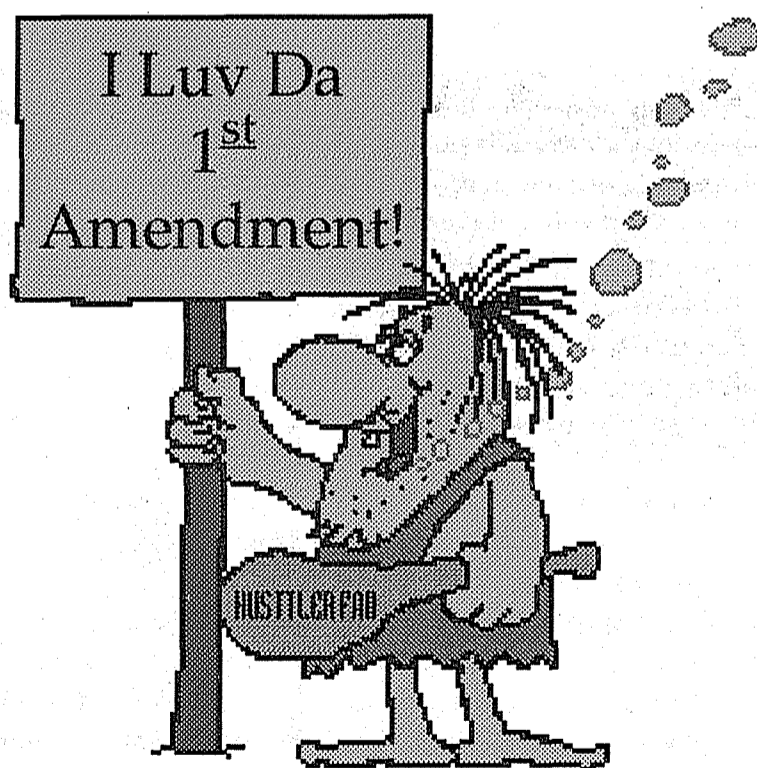
Even detractors of Stone should be able to agree with one aspect of his

ing the violent content of *NBK*, *Larry Flynt* serves as Stone's response to the moral conservatives' criticism of his ultraviolent film. Forman also clearly has a bone to pick with censorship, as he witnessed such practices firsthand in his homeland of Czechoslovakia. The resulting motion picture turns out to be an excellent mechanism for conveying this warning on the dangers of censorship to the viewing public.

What is most interesting about *Larry Flynt* is that all of this information can be successfully disseminated within the confines of a very entertaining film. A mixture of offbeat humor with discussions about freedom of speech would presumably be awkward to deliver without one or the other being disrupted. However, the picture has such a well-grounded sense of realism that, as in life, humor can often be found in the most serious of occasions. Kudos to Milos Forman, the cast, and the screenwriting team.

As law students, we can understand how even an institution as highly respected as the Supreme Court could react with a sense of humor to issues concerning sex. It's human nature to laugh at the parties' attempts to maintain a high level of formalism in the proceedings when the subject matter generally makes the average person

See **LARRY**, page 11



# SWILSA Conquers Sin City

By Jacob Simon

2L

"As your lawyer, I advise you to change all the names in this story so that they will be more humorous and less libelous."

Many of my friends talk smack about their past exploits in Vegas. I have heard: "There was this time we drank a 1/2 gallon bottle of Jack Daniels..." and "40 people got sloshed in my hotel room" or "The cab driver asked me to marry him."

Sure, these stories sound great, but you take them with a grain of salt because you know that this B.S. Artist is planning on making his living shmoozing clients and talking out his ass, and he's just practicing on you. But all of that happened and more on the latest Swedish Law Student Association (pronounced Swilsa) trip to the

greatest Sin City this side of the Mississippi.



Our tale begins on the grand ex-

pense known as the law school steps, where we were all supposed to meet to

begin the trip. The first words I heard were, "Weren't you supposed to pick up Ludwig?" The caravan left an hour late, but all arrived safely in Vegas, with the obligatory stop for In-n-Out in Barstow. The only casualty was the party whose car died and had to rent an automobile to finish the trip. And of course the car that got sidetracked to Palm Springs.

Would you believe the group included a USC

not sure about fire codes in Las Vegas hotel rooms, Ishmael quieted all fears when the security guard came because of noise complaints. "We'll keep the noise down" did the trick.

Everyone split up and did their own thing over the 16-hour period that most of us were there, so I can only speak from my own experiences. But I will relate the legend of the Unbeatable Zebediah, who just wanted to win "another \$100" before calling it quits, and proceeded to win that \$100 at 4 a.m. at the downtown Golden Nugget.

And a taxi driver did accept Jezebel's open invitation to a Vegas-style wedding. But perhaps my own favorite moment was standing with my jaw on the floor as I watched Ezekiel body-throw an unidentified, passed-out individual to the floor to make space on the bed for himself.

## MUSICAL

From page 1

can civilization" by parodying the open bigotry and rampant sexism that characterized most of the large law firms of the time.

The UCLAW Musical was originated by two students as part of the Law School's now-defunct variety show, "The Law Revue." The show became a separate affair when the second show, "Carcinoma," had to be drastically trimmed in order to meet the time constraints of the Law Revue.

Most of the musicals have been based on Broadway musicals, such as "Soporific" (based on "South Pacific") and "Obfuscate" (based on "Kiss Me

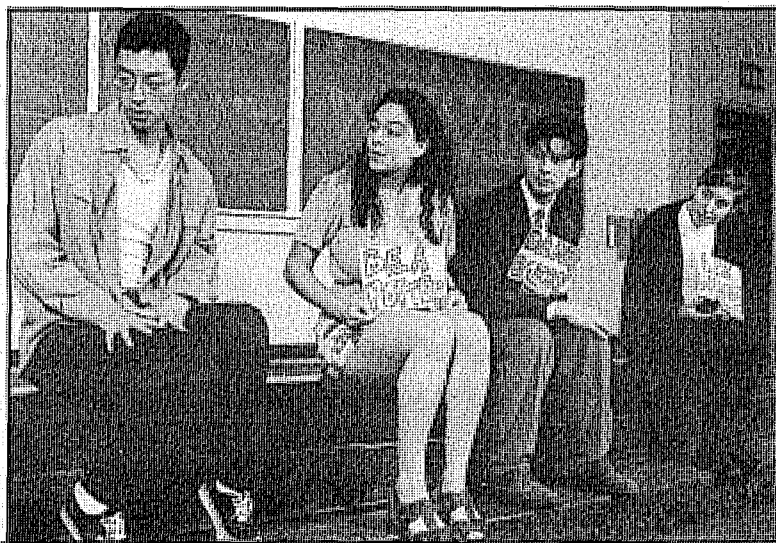
Kate"). However, others have been based on the collected work of particu-

lar composers. For example, "Songs Without Heart" was based on the Rogers & Hart Songbook, "Cole-slaw" on the music of Cole

Porter, and "The Good Lawyer Svejkk"

on Beatles' tunes.

The show is one of the few law



Someone moons the cast during last year's rehearsal

school functions that bring together

students, faculty, and staff. The title of this ad hoc collective — "403 N.W.2d 143" — has provided generations of first-year students with their first opportunity to test their cite-checking skills (though not everyone who finds the case gets the joke).

Though sometimes derided as "a bunch of goof-offs," the student casts have included some of the Law School's most distinguished alumni. Cast members who list the show on their resumes inevitably encounter recruiters who are show alumni. At least five past cast members are now faculty members at other schools, including one who now runs a similar show at her law school.

## PROFILE

From page 5

financial investment company. I had a lot of client contact over the phone, explaining the benefits package to employers and managers of companies. Just prior to coming to UCLA, I worked as an office manager.

**Profile:** Where did you go to school?

**Wilson:** I grew up in Columbus, Ohio and I'm a graduate of DeVry (Institute). Computer science was my major.

**Profile:** Has your perception of lawyers and law students changed or are they about the same as before you came to UCLAW?

**Wilson:** Well they've changed a lot. I served as a juror sometime this summer. The lawyer was accused of embezzling funds from the State of California. I think because of my involvement with law students and watching the struggle that it takes, the painstaking

commitment, I don't believe that lawyers intentionally commit crimes that would cause them to become disbarred or to suffer humiliation among their colleagues. I know that lawyers are not above the law and we have good ones and we have bad ones. But I try to look at the track record of the individual. And this person...I just didn't believe that he would give up his livelihood the way that he was being accused of. I made it clear to the judge — you know when the judge asks the jurors "What do you think about lawyers?" — that working in an environment where people are being trained to become lawyers that I find it very difficult to believe that someone would just throw all of that hard work away for the kind of money he was accused of embezzling. Before coming to UCLAW, I didn't know that much about lawyers. I thought that lawyers provided a very expensive service to people that had a need — like doctors. But now I understand more about the law in terms of the kinds of opportuni-

ties that are available with a law degree. I never thought about earning a law degree and doing pro-bono work, or maybe deciding you don't want to practice but you want to teach. Now I have a much broader perspective about law and I certainly appreciate the kind of critical thinking that you're taught in law school and the ethics that comes behind that kind of thinking. I think lawyers would rather do the right thing than not.

**Profile:** What do you like to do in your spare time?

**Wilson:** I enjoy walking and bike riding a lot. Since my 6-year-old can now ride a bike without training wheels, we can do a lot of that. And I enjoy hanging out with my friends a lot. Throw something on the barbecue and play board games, and the kids have fun and the adults play some board games, and just relaxing.

**Profile:** Do you have a favorite movie?

**Wilson:** "For the Love of Ivy" with Sidney Poitier is my favorite movie in the whole world. I could watch that a thousand times. My husband and I, when we go out on a date, we usually go out to see a musical. We really love musicals and off-Broadway plays.

**Profile:** One burning question: Where exactly do those teacher evaluations go after they have been filled out?

**Wilson:** After I leave the classroom, the teacher evaluations come here into my office. They're made available to faculty members when the grades are turned in to the records office. The faculty member receives a copy of the actual handwritten student comment. The original goes into the faculty member's personnel file and then a second copy is made to go in our office available for student use and review. They really don't see them before grades. Nobody believes me, but they don't. They *really* don't.



## Law Students Should Emphasize Lawyer Role

By Ralph Nader and Wesley J. Smith

Harvard Law graduate Ansel Chaplin, a corporate lawyer with thirty years of practice under his belt, told us that many of his colleagues at big firms are "spin control artists" who put the best face on the "outrageous or close-to-outrageous behavior" of their clients. As a consequence, clients view their legal representatives not so much as professionals, but as "hired guns" creating a "system [that] promotes a kind of fundamental moral dishonesty."

These are not very encouraging words to read while you are a law student spending three years of your life in rigorous preparation for practicing law. Nevertheless, they need to be heard. The legal profession has devolved into a mercantile business where attorneys' ethical obligation to "zealously represent clients" has become the be-all-and-end-all of legal representation, resulting in the surrender of professional independence described by Mr. Chaplin.

The general public is also aware that something has gone terribly wrong with the legal profession. The ubiquitous lawyer jokes that we continually hear are merely one sign that the legal profession has slipped into disrepute. With good cause, people sense that the law does not serve the common good, but has come instead to be utilized and administered primarily to benefit the richest and most powerful members of society. Is it any wonder, then, that the respect for the rule of law has plummeted?

There is a powerful antidote to this despair and cynicism: revitalizing the role of "lawyers" as a check against the activities engaged in by "attorneys."

Although many believe that the terms lawyer and attorney are synonymous, they aren't. The word "attorney" designates the private role of the legal representative vis-à-vis the client. The word "lawyer" connotes a vitally different duty required of the legal professional: serving as an "officer of the court" whose duties extend beyond the

client to serving the justice system and the broader public interest.

The different roles of "attorney" and "lawyer" are both essential to effective and ethical legal representation. Without the attorney function, no duty of loyalty would be owed to the client, and as a consequence, each legal professional would be tempted to become judge and jury for each case. Without the lawyer function, legal representation would devolve into an amoral form of legal Darwinism, where justice would be superseded by the raw power of wealth, status, and connections, and where graft and ruthlessness would essentially prevail.

In today's legal profession, the attorneys have eclipsed the lawyers, especially in the area of large-firm and corporate practice, where the values of the marketplace too often supersede the concept of equal justice under law. This development has created a legal system in which might makes right, where individuals seeking justice from the most powerful private and public institutions are often crushed under unremitting "scorched earth" litigation tactics of attorneys who are paid hundreds of dollars per hour to obfuscate, obstruct, delay, and otherwise transform the pursuit of civil justice into a protracted, expensive, and inefficient war of attrition.

The business pages of newspapers, the legal weeklies, and the news section of the Wall Street Journal reveal what is going on. Regularly, stories appear describing attorneys from the largest and most prominent law firms who are accused of discovery abuse, spoliation of evidence, misleading courts, and other unethical practices. Such forms of practice have become standard operating procedures as law firms vie to gain the favor of business interest and reap the largess that such activities garner.

When researching our book *No Contest*, we found that the sense of emptiness felt by increasing numbers of retirement-age attorneys results

See **NADER**, page 12



## Editorial

David Simonton  
Editor-in-Chief



Although this may sound incredulous to those of you who are new to UCLA, there once was a time when Westwood was a great college town. According to one UCLA alumnus who graduated in 1991, every weekend night in Westwood was like a mini-Mardi Gras: the neighborhood's many bars were filled to capacity, the sidewalks were teeming with pedestrians, and the well-lit streets were packed with cruising cars. A "party atmosphere" permeated the entire Village, much to the delight of the student body. The party, however, would soon be over.

The first real blow to Westwood's vitality came in 1990, when a shortage of tickets for the premiere of *New Jack City* caused a small riot. After the New Jack incident, the Westwood Village Community Alliance decided to prohibit parking in the Village in an attempt to restrict access to "undesireable" elements. It took the Alliance less than a year to correct its ill-conceived policy, but for many smaller businesses that had depended on foot traffic, the damage was irreversible.

The misguided ban on parking represents but one prong in the Alliance's ongoing effort to "yuppify" Westwood. In its glory days, Westwood Village featured several live-music dance clubs and a plethora of taverns, saloons, bars and pubs. Needless to say, these establishments attracted the very patrons of whom the Association was leery: young, rowdy, noisy college students who scared off the older and wealthier clientele in whom the Association's more powerful businesses were interested. The solution was simple: higher rental rates and a ban on live music. The many vacant lots which now blight the streets of Westwood serve as a somber testament to the effectiveness of this strategy; most small businesses catering to students (and their smaller budgets) simply couldn't generate enough revenue to pay the outrageous rent, and had to close down.

What businesses arose to fill the void? Exactly those that the Association wanted: sterile, overpriced, stop-in-for-dinner-after-you-see-the-movie ones. Take a look around you next time you're in Westwood. Really, there are only two "bars" left: Maloney's and the Westwood Brewing Company, neither of which particularly tries to appeal to students. Both refuse to offer drink or food specials — hell, WBC charges \$7 for a hamburger — and are completely devoid of any signs, posters, or pictures indicating any affiliation with UCLA or its students. It's telling that while Maloney's walls proudly display hundreds of photographs of media celebrities, not even one picture of a Bruin athlete can be found among them.

And what has happened to the bar scene is only a microcosm of a larger trend towards soulless commercialism in Westwood. The Village already has a Jerry's Famous Deli, a BJ's Chicago Pizzeria, and a Blockbuster Video; soon it will also have an In-n-Out Burger. How much longer can the few mom-and-pop, student-oriented businesses that remain withstand the Association's relentless quest to turn Westwood into Citywalk Jr.? How soon before the Village becomes an open-air version of Westside Pavilion? How long before we get a Wal-Mart?

Well, until then, I'll keep buying my submarines from Sepi's, which proudly displays signed memorabilia from UCLA athletic teams, students, and famous alumni. Plus, they still sell a sandwich for \$1.99 and pitcher of beer for \$2.99. The memories, however, are on the house.

## BILLY

From page 4

tion of space, continual alien visitors, and government cover-ups are all signs of our minds' inability to grasp the immensity of space and our utter minuteness. There will be no Columbus returning triumphantly after crossing the Atlantic, nor will there be a da Gama successfully reaching India after braving the Cape of Good Hope. So, as Clarke writes:

When you are next outdoors on a summer night, turn your head toward the zenith. Almost vertically above you will be the shining the brightest star of the northern skies — Vega of Lyre, twenty-six years away at the speed of light, near enough the point of no return for us short-lived creatures. Past this blue-white beacon, fifty times as brilliant as our sun, we may send our minds and bodies, but never our hearts.

For no man will ever turn homewards from beyond Vega, to greet again those he knew and loved on the earth.

-Guillermo Frias, Features Editor

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# P E R S P

## OCIP

From page 1

twenty minutes of your time

For some, the remedy for the above nightmare situation is obvious. OCIP should allow participating employers to prescreen students' resumes, so that employers will give interviews only to those students in whom they have a genuine interest. For others, however, the merits of employer prescreening are far less evident, especially when weighed against the advantages of randomly assigned interviews.

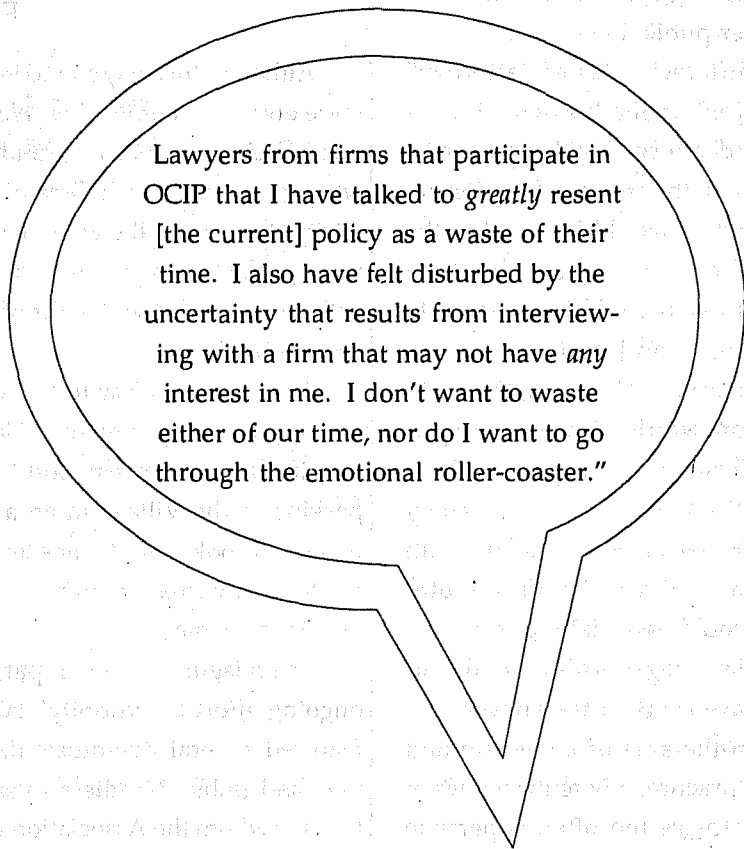
Currently, the Fall On-Campus Interview Program assigns interviews through a random bid-matching process. Students who wish to participate must first submit a bidsheet, in which they rank (in order of preference) up to 25 employers with which they would like to interview. The sheets are then sent to a data processing firm, which matches the students' bids with the interview slots available for each employer as well as the student's class schedule.

Although the matching process is essentially random, it is subject to two constraints. First, when two students enter bids for the same employer, priority is given to the student who ranked that employer higher on his or her bidsheet. Second, students who have been assigned fewer interviews receive greater priority than those students who have been assigned many. By balancing these two constraints, the matching process attempts to respect student preferences while ensuring that each student will receive at least one interview.

In a prescreening system, by contrast, the students' bids are never subjected to a random process. Rather, each student sends a resume to every employer listed on his or her bidsheet. Then, after reviewing all the resumes, the employers are free to select which students they would like to give interview spaces. Since the decision ultimately belongs to the employers, there is no guarantee that some students will not be completely shut out from the interview process.

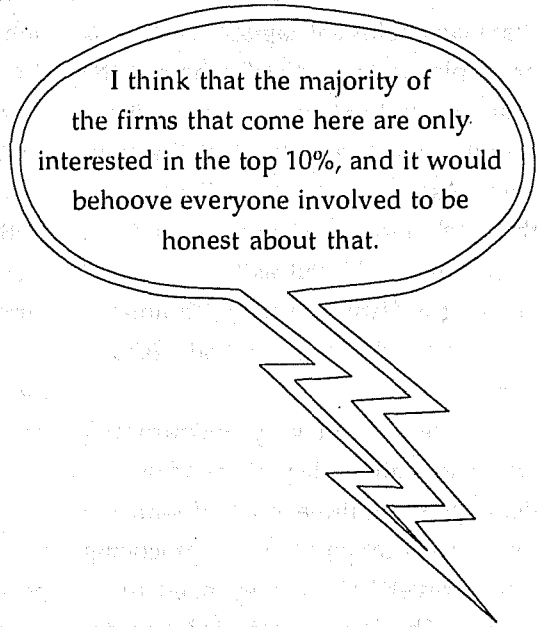
Each of these two methods has its advantages and disadvantages. Under the current system of random bidding, every student is guaranteed at least one interview, and most receive many more. Additionally, with random interview assignment, students with middle-to-lower GPA's have a much better shot at securing interviews with highly sought-after employers. This provides students who might be screened-out solely on the basis of their grades the opportunity to meet with the employers in person, as

See **OCIP** on opposite page



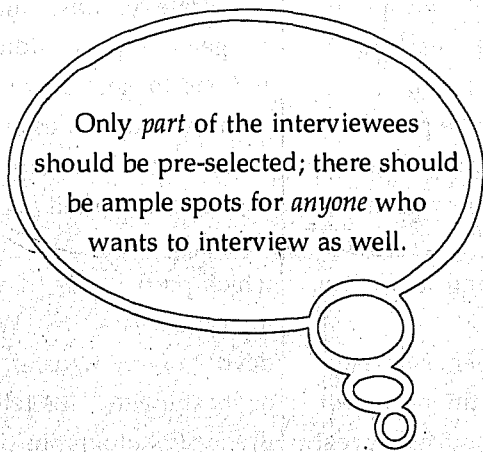
Lawyers from firms that participate in OCIP that I have talked to *greatly* resent [the current] policy as a waste of their time. I also have felt disturbed by the uncertainty that results from interviewing with a firm that may not have *any* interest in me. I don't want to waste either of our time, nor do I want to go through the emotional roller-coaster."

Anonymous 3L



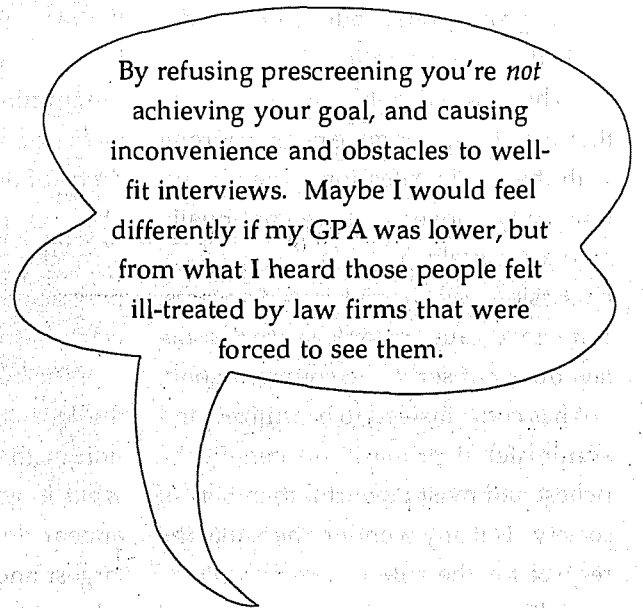
I think that the majority of the firms that come here are only interested in the top 10%, and it would behoove everyone involved to be honest about that.

Maya Alexandri, 2L



Only *part* of the interviewees should be pre-selected; there should be ample spots for *anyone* who wants to interview as well.

Anonymous 2L



By refusing prescreening you're *not* achieving your goal, and causing inconvenience and obstacles to well-fit interviews. Maybe I would feel differently if my GPA was lower, but from what I heard those people felt ill-treated by law firms that were forced to see them.

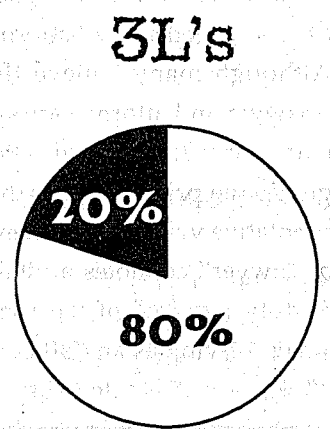
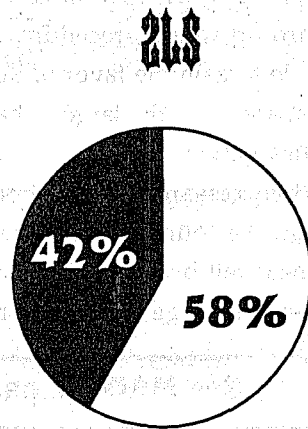
Anonymous 2L

## Would You Support Employer Prescreening?

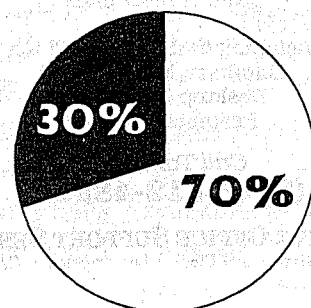
KEY:

YES

NO



TOTAL



# ELECTIVE

## OCIP

From page 8

There's no need to prescreen as long as students' follow the employers' requested criteria.

Julia Barnhart, 2L

The firm that eventually hired me through OCIP had a 'minimum' GPA much higher than mine. Although the hiring partner claimed that he would not have screened me out, I think he might have.

Anonymous 3L

It would be nice for people who don't necessarily fit into [an employer's] strict category to have a chance to interview and make a good impression, which might outweigh their GPA, their honors or activities, or things like that.

Daria Neal, 1L

The job I eventually took probably was made possible by this policy, because the interviewer and I hit it off and he advocated on my behalf.

Anonymous 3L

Supporters of Prescreening

Opponents of Prescreening

2Ls

5.0

5.8

3Ls

3.1

6.0

TOTAL

4.4

5.9

### How Would You Rate Your OCIP Experience?

Participants were asked to rank on a scale of 1 to 7 (1 being worst, 7 being best)

well as the chance to let the employer know about any exceptional life circumstances. As summarized by Eric Olson, 2L, the random selection process "allows the students to show who they really are, to really be able to talk about their achievements, and to add a more personal side to their applications."

Of course, there are downsides to random bid selection. For one, it might deny unlucky students with highly impressive academic credentials interview slots with the more popular employers. Conversely, optimistic students with less impressive resumes (but better luck) may receive interview spaces with employers that, in all likelihood, only intend to hire students with higher GPA's. The resulting "timefiller" interviews are a source of irritation not only to harried interviewers, but also to disappointed students who often end up feeling as though they've wasted their time. "Most of the employers already have their criteria. They know what they want, and they are not going to alter it," notes Beth Kramer, 2L. "So, you might as well save everybody's time by prescreening the interviews."

In addition, having to sit through an interview during which the employer shows little to no interest can be quite damaging to a student's self-confidence. The fall interview season is already a very stressful time for students, and worrying about whether an employer really cares about what you have to say only adds to the anxiety. As Maya Alexandri, 2L, explains, with random selection "the incidence where students actually get jobs that they're not on-paper qualified for is very low, and yet the rejection rate and the emotional harm are very high."

A prescreening regime attempts to cure these problems by more accurately matching interviewees' academic credentials with the employers' selection criteria. But this remedy does not come without a price. With prescreening, many students who have less prominent credentials "on-paper" might never have the opportunity to meet with employers in person. As a result, these students might lose their only shot at "making a good impression" with the firm of their dreams, while higher-ranking students find themselves inundated with interview requests from top firms.

To illustrate, consider the story of David Frockt, a 2L who transferred from a state law school that prescreens

See OCIP, page 11



## The Machine Revisited

By Eric Winston

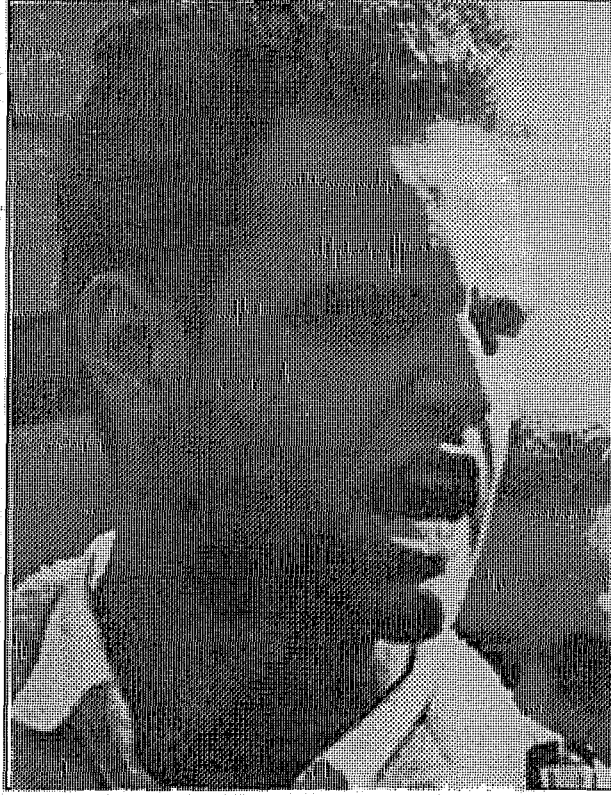
2L

About a month ago, Mario Savio died. Mario Savio was a leader of the Free Speech Movement at Berkeley in 1964. In one enduring moment, Savio stood on top of a police car and encouraged his fellow students to help stop the University of California from preventing the dissemination of political information on the University's campuses. His words encouraged students to throw their bodies into the gears of the University's "odious machine of oppression." The University had prohibited members of the Mississippi Freedom Project, among other political organizations, from trying to hand out information and recruit volunteers. Savio's efforts were successful. Students at Berkeley, both liberal and conservative, surrounded the police cars, occupied Sproul Hall, and continuously demonstrated until the University backed down. Today, when you see the tables for the college Democrats, Republicans, Communist Party USA, or the Nation of Islam, you can thank the Free Speech Movement.

This article is not intended to celebrate Savio's life, nor to discuss why being an undergraduate at Berkeley can be fun. Rather, I don't think this University has learned its lesson. Recently, the University of California, mainly through the actions of the Board of Regents, has made decisions that are arbitrary and inconsistent with the spirit and mission of the university system. In particular, the decision to end affirmative action and the refusal to recognize the graduate students' union should infuriate all students, regardless of whether one personally agrees or disagrees with affirmative action or student unionizing.

In the case of affirmative action, the Board of Regents met in July of last year to decide whether to

remove race, ethnicity, and gender as factors in admissions and faculty hiring. The Board chose July because it was aware that students would not be session and thus would be less likely to organize a protest. Whether you favor or disfavor affirmative action, as a student you should be pissed off. How dare this university, with its reputation of inclusion and



Mario Savio, First Amendment Hero  
Photo by Ron Enfield

experimentation, end in such a secretive and deceptive manner a policy that has been in existence for over twenty years and had the support of every university dean and the overwhelming percentage of faculty. It is even worse considering the principal argument advanced the Regents was the supposed discriminatory purpose of affirmative action. The

Board's hypocrisy is amazing, considering the number of students that were admitted due to preferences and favors accorded to the Regents. The Board, if it had any guts or principles, should have decided this measure only after it had listened to the students, faculty, and administration.

The case for SAGE is the same. I understand the arguments both for and against recognizing the graduate students as a union. But how dare this university treat its most prized students, the future Masters and Doctoral candidates, in a manner that can be described as indifferent and arrogant? The university should sit down with SAGE and at least try to reach compromise, instead of engaging in union busting tactics.

All students, conservative and liberal, graduate and undergraduate, should be angry. We must continue guarding against excessive and arbitrary abuses of power by the Regents. So what are the solutions? Many students have advocated democratizing the Regents by subjecting them to elections. The problem with this proposal is that it politicizes what is already way too politicized. It is painfully obvious already that the last few appointments to the Board were examples of political cronyism. If every member of the Board was running for election, we would see the fights over Proposition 187 and 209 carried over into the elections. Another proposed solution is the legal route. Unfortunately, the decisions by the Regents are not going to be questioned by the courts. SAGE has already lost once in court, and the affirmative action decision is quite legal in light of recent Supreme Court decisions.

Thus, the one solution I see is the one Savio saw in 1964. I would love to see the day when students and faculty stage continuous demonstrations against the Regents, but I doubt it's going to happen. The Machine is the machine...

## This Dawned on Me While Eating a Salad From LuValle

By Marc Ehrlich

Opinions Editor

We lawyers are quick to congratulate ourselves. I suppose we think we've earned it, having run the gauntlet of standardized testing, final examinations that pit us against our friends in a cannibalistic competition for grades, and strange on-campus recruiting rituals. We are all working hard to cultivate the precious epistemological privilege that, subject to a small formality orchestrated by the state bar association, renders us experts in the field of law. The process is fraught with bureaucratic peril and awkward social adjustments, so it should come as no surprise that many of us have grown cynical, and that comments about doing the least amount of work possible waft through the halls along with the heavy scent of fried food from LuValle. Why should it matter that some of us are becoming disaffected, or that others felt aloof from the moment their ears were romanced by the sound of laptop keyboards during orientation? Employers care most about our ability to produce high quality work-product. The University of California seems content with preserving the Law School's sterling reputation and tinkering with its affirmative action policy. Professors understand that, besides the few genuine lovers of the law who occasionally pass through, many of their students are marking time in law school. When I am chastised for opting to participate in Moot Court for a second semester because I'm merely trying to learn a thing

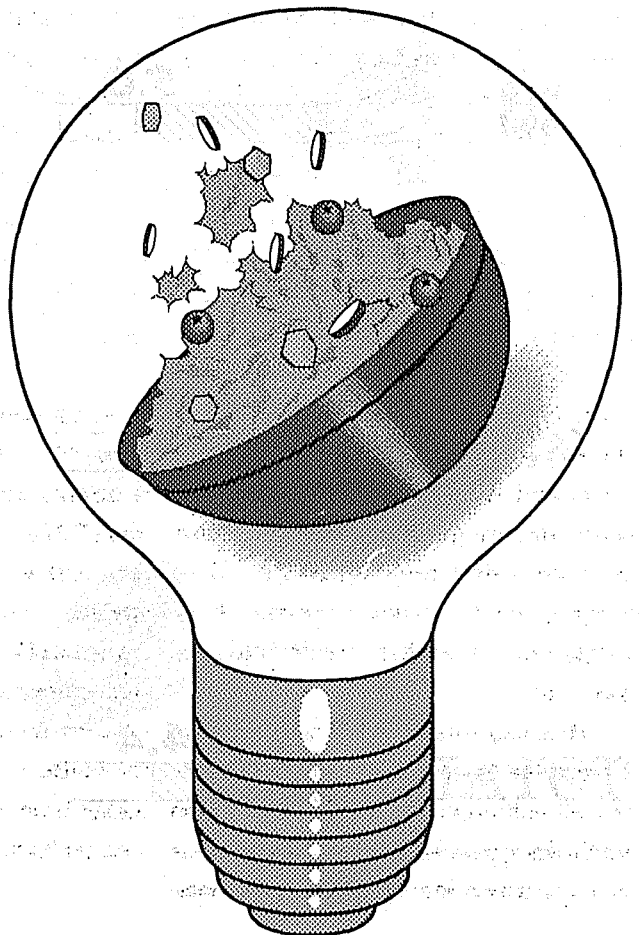
or two, and I don't aim to destroy my opponent, or to capture whatever engraved brass trophy is destined to gather dust on the winner's mantle, I should straighten my spine and not worry about it.

The Law School certainly has no use for a pack of Pollyanna's mirthfully traipsing down its linoleum corridors; nonetheless, some of its institutions are insidious because they encourage the kinds of intellectual laziness and self promotion that typically end up as fodder for cartoons in *The New Yorker*. Some of this stems from the tendency of most law schools to reduce pedagogy to a bureaucratic checklist culminating in frantic blue-book writing, or worse, darkening scantron bubbles with a No. 2 pencil. The infantilizing power of these methods became apparent at UCLA a week ago, when a philosophy professor teaching a law school seminar found herself forced to apologize for not assigning any legal research, and for subsequently warning her students, with all possible gentility, that they might be required to think for themselves during the semester. The blank stares and puzzled questions she received in reply were quite shocking. "We can't hand in a paper on the last day of class because we need the last week of classes to study for finals." "Well, aren't you planning on working on the paper all semester?" Stony silence.

Perhaps none of these matters bear on students' grades, job prospects, or popularity at family holiday gatherings, but there is a small price to be paid for such attitudes. At some point, law students will

find themselves compelled to work with each other, and perhaps, with non-lawyers unfamiliar with their unconventional habits. Not long ago, I spoke to a lawyer who confessed that he felt that his generation of law school graduates was populated by "shift-

See **EHRlich**, page 12





## OCIP

From page 9

its on-campus interviews. Frockt remembers that "the same people got all the interviews, and all the job offers...prescreening basically ends up segregating the people at the top." Frockt did well at his previous school, earned a high ranking in his class, and received a summer job. Nonetheless, he can't help but wonder whether "there's really that much difference between me, at say #15, and my friend who was ranked #23 and didn't get a job?"

Another problem with allowing employers to screen-out applicants based solely on their resumes is that it may hurt those students with exceptional life circumstances, as well as those students with qualifications that are not adequately reflected in their GPA's. As one anonymous 3L opined, "a high percentage of prescreening hurts students who must put their GPA in the context of external problems (e.g., family difficulties). Some of us actually have talents beyond law school exams, like writing, for example."

Some students also question whether the current method of random selection truly prevents highly-qualified students from obtaining interviews with select firms. The prevalence of interview "crashing," a practice in which students give their resumes to employers with whom they do not have a scheduled interview, may call into question the need for a formal prescreening process. As Emmanuel Johnson, 2L, explains, "[The absence of prescreening] does not necessarily limit the availability of interviews for people who have outstanding credentials. You can always crash interviews; there are

a number of things that you can do. There are other alternatives."

Clearly, the choice between random selection and prescreening is not an easy one, nor is it one that should be made without first consulting the student body. In order to ascertain student attitudes towards prescreening, *The Docket* recently undertook a random poll of 2Ls and 3Ls.

By a surprisingly hearty majority, 70% of all respondents indicated that they would support a move towards employer prescreening. Although this aggregate statistic seems to indicate widespread support among the student body, breaking the responses down by class year revealed something far less than a universal mandate. While prescreening still enjoyed overwhelming favor among 3Ls (80%), second-year students were much more tepid in their support (58%).

What's more, several of the respondents who expressed a preference for prescreening qualified their support by noting in the margins that they would most like a partial prescreening process. With partial prescreening, employers may fill a certain percentage of their available interview slots with pre-selected students, with the remaining slots filled by random assignment. The Career Services department currently allows employers to partially prescreen 25% of their interviews for Spring OCIP, but has resisted any move towards a similar system for the Fall program.

According to Linda Kressh, director of OCIP, the explanation for treating the Fall and Spring programs differently is largely a matter of supply and demand. "The reason we're doing [partial prescreening] is that employ-

ers have wanted it for a long time. We can get more employers to come in the spring, which is traditionally a very tiny program,

if we allow them to prescreen. So we feel that we're possibly placating them for a while." Kressh feels that using prescreening in the Fall OCIP would be unnecessary because, although employers might prefer it, many firms will still participate because of UCLA's excellent academic reputation.

The reasons why employers would favor prescreening are obvious, but what explains its apparent popularity among the student body? To help shed some light on this question, *The Docket* poll also asked respondents to rate their overall experience with OCIP on a scale from 1 to 7, with 1 being "poor" and 7 being "excellent." The results revealed a very strong correlation between students' attitudes on prescreening and their opinions of OCIP: students who supported prescreening tended to give OCIP lukewarm evaluations (average rating = 4.4), while students who opposed prescreening gave OCIP glowing reviews (average rating = 5.9).

What might explain this tendency for students with positive OCIP experiences to oppose prescreening? The answer, to put it bluntly, may be suc-



Matt Mickelson (1L) understands dental pain associated with OCIP

cess. A student who receives a job offer through OCIP will probably have a greater level of satisfaction with the status quo, and as a result may not perceive a need to change over to prescreening. As anecdotal evidence on this point, consider the response of one anonymous 3L who gave OCIP an impressive rating of 6 (just shy of "excellent") but was honest enough to note in the margin that, had he not received a job offer, he would've only given it a 4 ("average"). As one would expect, this student opposed prescreening.

So what's the answer? Should prospective employers be able to prescreen students' resumes? Should the current system of random assignment be maintained? Is partial prescreening a desirable compromise? These are not only difficult questions, but also questions of enormous importance for students who plan to participate in OCIP. If you have an opinion as to the direction in which OCIP should head, Dean Cheadle and the Career Services office would greatly appreciate your taking the time to share your thoughts with them.

## LARRY

From page 5

blush in public conversation. Additionally, when you throw an outrageous personality such as Larry Flynt into the mess, high comedy can result. And it does on frequent occasions.

Most surprising is the accuracy with which the film hits the more subtle notes, especially those regarding the final days of the AIDS-stricken Althea, movingly played by Love. To its benefit, the film does not relegate itself to mere caricature. Forman challenges the viewer to actually *like* and feel for Larry and Althea, despite the fact that some (or perhaps most) of the audience despises what they represent. The couple's point of view is portrayed as being genuine to their own fringe perspective.

The argument that the Constitution protects controversial viewpoints and their holders' right to share them with other people is a more basic issue of expression than whether someone

can make a lot of money selling pictures of naked women (and for those who have never seen *Hustler* magazine before, I mean NAKED). However, when the issue becomes whether a publication can humiliate a politically-involved public figure — the Moral Majority's Jerry Falwell, no less — by joking that he lost his virginity to his own mother, the nature of what is permissible discussion may come into question.

As we all fondly remember from our first-year Torts class, the Supreme Court has *unanimously* held (all law students know how rarely that happens!) that inflammatory speech used in a satire or parody cannot be restricted under the Constitution. As stated so eloquently by Edward Norton, who performs marvelously as Flynt's lawyer in the film, merely because a majority of the public does not like what it hears does not mean that it can compel someone to stop speaking.

Who has the requisite knowledge to judge who is wrong or who is right? When Woody Harrelson, portraying Larry Flynt, argues in the film that if humankind spent more time making love then it would spend less time making war, how do we know that he is *not* right? Who knows? Maybe someday most people will agree with Flynt, and society will be different than it is today. But whether it ever happens that way or not, the issue remains the same: Larry Flynt, or anyone else in the world, has the right to scream at the top of his lungs (at least in certain daylight hours and in public places) whatever he or she believes, subject only to a few, clearly defined limits.

The film's ultimate position is that if people who publicly share viewpoints that lurk on the fringe of acceptability never had the courage to fight for their right to say what they think, then practically any other form of disseminated speech could fall into question as well. As a result, Larry Flynt

has become a reluctant hero, not for what he *represents*, but for what he has inadvertently protected. For sharing these potentially controversial perspectives in an entertaining Hollywood film, much acclaim is due to all involved. After all, "incite" is not always too far away from *insight*.

### SUMMER LAW STUDY

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## EHRLICH

From page 10

less jerks," including himself. Some of us are bound to feel a bit deflated when we discover that a great many of our colleagues have the creativity of chick peas, and worse, that we have so thoroughly cleansed ourselves of whatever cerebral vitality was left over from college that it's been years since we read a book more satisfying to the soul than Grisham's latest tripe. It seems undignified for lawyers to be so mesmerized by fictionalized images of themselves; they flock to the theaters to check out Joel Schumacher's sweaty cinematic translation of "The Client" as if their celluloid enshrinement somehow elevates the status of their work. Maybe they're groping for some of the fulfillment, romance and artistry that's missing from their daily endeavors — al-

## NADER

From page 7

from decades of neglecting their duty as lawyers to preserve the legal pillars of our democracy. Too many of these attorneys became lobbyists to enrich their corporate clients through corporate welfare, or to restrict the access of justice for aggrieved persons pursuing legal action against their clients.

This all exacts a terrible toll on society, against individuals caught up in an increasingly unresponsive civil justice system, and to the emotional health of the attorneys themselves.

Society is injured by the growing disrespect for the rule of law. People who feel that they lack reasonable access to justice lose faith in the system. They refuse to serve on juries. They

## ETHICS

From page 4

sample outlines and tailoring study advice to specific professors. The Interview Panels are comprised of members from the foremost legal employers in the Southern California area. This year, lawyers from Gendler, Codikow & Carroll, Gibson, Dunn & Crutcher, Latham & Watkins, Public Counsel, Skadden, Arps, Slate, Meagher & Flom, and the Office of the Attorney General were in attendance and gave the "inside scoop" on what lawyers from their practice look for in an interviewee.

UCLA's Pound Inn is especially notable for its service to the community and to law students, and for its social activities. Pound Inn is dedicated to understanding the role of the lawyer in our ever-evolving society. For two years, Pound Inn has sponsored a Trial Film Festival organized by Professors Paul Bergman and Michael Asimow, which garnered a National Phi Delta Phi Award for Outstanding Special Project. In the festival's first

though in the case of the Schumacher flick, I suspect that they will be sorely disappointed.

If lawyers (and lawyers-to-be) are at all weary of the incessant ribbing they receive from friends and enemies alike, they might do well to adjust their own attitudes about the academic and professional race they're running. Perhaps it might not be a wholesale waste of time to ask pointed questions about just what law school is trying to equip us to do. I suspect that the School of Law at UCLA is itself overly devoted to traditions that appear to first-year students as academic hazing, that tend to stymie creativity, and construct a zero sum experience whereby one person's loss is another's gain. Students should be suspicious about receiving an education that cross-breeds vocational training with graduate school, making them into the highest paid plumbers in

swallow injustice rather than use the legal system for its intended purpose. In extreme cases, they decide to take the law into their own hands and act violently or otherwise unlawfully.

The personal toll on attorneys is high as well. Many come to hate practicing law, but cannot leave it because they are dependent on high salaries. Imagine working for years to obtain the laudable goal of receiving a legal license, only to wake up every day hating what you do for a living. Is it any wonder that attorneys have a high incidence of alcoholism, drug abuse, marital discord, and other emotional problems?

The time has come to revitalize the essential role of lawyering in all areas of legal representation. This can and

year; the Professors showed three films and invited guest commentators to speak afterwards. For instance, after the showing of "Anatomy of a Murder," guest commentator and Superior Court Judge Robert Altman reviewed the trial strategy of the lawyer portrayed in the film.

UCLA  
Law Professor  
Julian  
Eule commented

on the constitutional issues surrounding the teaching of evolution in public schools after the showing of "Inherit the Wind."

Pound Inn also regularly engages in philanthropic events. Last year, the Board donated its bake-sale funds to AIDS WALK, and also coordinated a clothes drive. The collections from this year's successful clothes drive were donated to the Salvation Army.

Activities planned for this semester include the annual wine-tasting

the country (people hesitate to call a lawyer, but everybody needs one eventually, and when the proverbial pipes back up, they often have no choice).

If law students aspire to something a little bit more interesting than performing the occasional corporate Roto-Rooter job, it might make sense to question some of the rules that dictate how the law school experience is constructed for us. For starters, students might start to act in ways that make deeply ingrained law school practices seem irrelevant. By challenging themselves beyond trolling our readings for facts and rules to be deployed on finals, we might broaden the limits of the existing system by actually trying to learn something.

This is not indented as a call for starry-eyed idealism. Rather, it is a humble suggestion that devoting more attention to the process of a law school

should begin in law school, where law students have a vitally important role to play. Students can resurrect practices undertaken by their predecessors in the sixties and seventies who sent questionnaires to recruiting law firms about their professional practices. These questions could include issues of the nature and scope of *pro bono* representation, activities to empower systems of justice, ethical guidelines followed by the firms, etc. Such consciousness-raising can have an impact now as it did back then, especially considering that the student activists of yesteryear are now the managing partners of large law firms.

At the same time, professors and administrators can reinforce these activities by paying heightened attention

trip, an on-campus initiation, having more social events where members can meet, sending a delegate from the Inn to Washington, D. C. for the summer Phi Delta Phi convention, and sponsoring a Professional Responsibility award for outstanding achievement in professional ethics.

With such a wide array of activities, Phi Delta Phi attracts members for numerous reasons, some of which are intangible. Jennifer Jaramillo, a 2L and UCLA's Phi Delta Phi Magister, explains that, "it's exciting to be a part of an international organization, which gives me the opportunity to meet people around Southern California. My office of Magister allows me to be a liaison between national headquarters and our Inn, and between the other Southern California Inns and our Inn, thereby integrating our community." Joel German, 2L, ap-

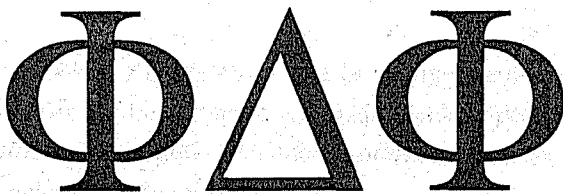
education (rather than remaining fixated on the outcome and its rewards), some self-consciousness about what we're doing to and for ourselves while we're here, and trying to behave in creative and unexpected ways, might actually be in our collective self-interest. We might enjoy ourselves a bit more. If law schools began to graduate more lawyers and churned out fewer plumbers, perhaps *The New Yorker* would see no need for another volume of those droll lawyer cartoons. Most importantly, should such people find themselves gainfully employed, they might — in some small and gradual way — continue to challenge some of the less pleasant law school institutions by deliberately hiring people who are resistant to them, and having dared to think for themselves, managed to become smart professionals nonetheless.

to the importance of legal ethics in legal practice, pressuring firms that recruit on-campus to abide by such ethics, and seeking the assistance of experienced alumni in the transformation of legal practice away from the attorney-dominant form and towards one balanced by the exertion of legal professionals in their role as lawyers.

If students, faculty, the administration, and experienced lawyers join together in a concerted effort, balance can be restored to the practice of law, and it can become, in the words of attorney and former diplomat Sol Linowitz, a "profession that is once again independent, willing to sacrifice money for pride, eager to reassert its role as the guarantor of rights."

precipitates the fact that "Phi Delta Phi allows me to be a part of a prestigious group dedicated to high scholarship and legal ethics. It could be lonely working out there on your own, and being a part of Phi Delta Phi makes me feel that I belong to a class of special professionals."

Sometimes, however, just being a part of a bigger organization is not enough. For some members, the chance to effect a difference in the law school student body may propel them to serve on the board of officers during their second or third year. Minh Hoang, a 2L and UCLA's Phi Delta Phi Clerk, best captures the spirit of the Inn when she explains that, "promoting ethics, professional responsibility, and activity in our community is very important to me. That's why I joined the fraternity. And since I felt that those things are so important, I had to serve on the Board and take an active role in furthering them. The activities we do, like the clothes drive and sponsoring a Professional Responsibility award, act as important reminders of one's obligation to the community."





**JONES**

From page 1

two months ago. Paula Corbin Jones claims then-governor Clinton had a state trooper bring her to his private room where he proceeded to say he was a good friend of her boss (who was a political appointee of Clinton's). Allegedly, Clinton then complimented her "curves" and proceeded to move his hands up her legs, pulling her close. Jones told *Newsweek* that his face was, "just red, beet red" and that she pushed him away saying, "What are you doing?" It was then that Clinton walked over to the sofa, sat down, exposed his penis and said, "Kiss it." Jones insists she told Clinton she was "not that kind of girl" and that he then warned her not to tell anyone of the encounter while pulling up his pants.

But Jones did tell several people, including a fellow employee immediately after the alleged encounter, and the story she recounted included all the major details that make up her current complaint. That same afternoon she showed up unannounced at the office of a friend in Little Rock and told the same story (including Clinton's now famous request for oral sex). She instructed the friend not to tell anyone because Jones feared that she would lose her job and did not want to tell her husband.

Jones kept her public silence until December of 1993, when the conservative magazine *The American Spectator* published an investigative piece on Bill Clinton's alleged practice of using his Arkansas state troopers to procure women for sex. The article charged an alarming pattern of behavior by Clinton and his security detail, including the explosive allegation by a former trooper that the Governor had been orally serviced by a woman in the parking lot of his daughter's elementary school. The article's lurid details and questionable sourcing led to a

skeptical reception in the mainstream press, much to the relief of the Clinton White House. But, in one of the many ironies of this case, it was the article's claim that a woman named "Paula" had a consensual encounter with the Governor that led Jones to break her public silence.

The forum in which she chose to announce her allegations did much to discredit her in the eyes of the nation and the media. Jones announced that Clinton had asked her for "a type of sex" during a press conference at the Conservative Political Action Conference. She did so on the advice of long-time Clinton tormentor and political activist Cliff Jackson, whom her attorney had contacted. The entire episode left the distinct impression, reinforced by the White House, that Jones was a shill for right-wing enemies of the President. In fact, Jones has no previous connection to politics of any kind and insists to this day that she has no strong political affiliation.

Although the White House spin on the story seemed to be working; Paula Jones began talking to the *Washington Post* about her story and five days before the statute of limitations was due to expire she filed suit against the President. Clinton hired Washington lawyer Robert Bennett (the elder brother of GOP activist and *Book Of Virtues* author William

Bennett) to run his defense in the matter. The editors of the *Washington Post* claim that the hiring of the \$475 an hour Bennett emboldened them to run the story on Jones, arguing that if the suit had no merit Clinton would not have hired the tough, high-profile Bennett. The paper's rationalization suggests that an innocent sitting President should hire inferior counsel to 'signal' the Wash-



See **JONES**, page 15

This beautiful flower  
**Valentine's Day...**  
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 greeting cards  
 assorted candies  
 picture frames  
 plush toys  
 chocolate

Stop by the UCLA Store at  
 Lu Valle Commons for flowers,  
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 Your Valentine will love you for it.

Lu Valentine's Day '97

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**UCLA** STORE



I hate and I love. Why I do so,  
perhaps you ask.  
I know not, but I feel it and I am in  
torment.

— Catallus, *Carmina*

What does it mean to be a true college basketball fan? Does it mean refusing an eternal optimism in the prospects of your favorite team, perennially picking it to be the next NCAA champion regardless of the odds? Does it necessitate the wearing of face-paint at home games, or the adoption of gushy, Dick Vitale-esque theatrics? Does it require a moral opposition to booing or badmouthing your team, even if its sloppy play is deserving of such vitriol?

Well, I for one sure hope it doesn't; because if it does, then I guess I can't call myself a "true" UCLA basketball fan. I don't know if I'm just a natural cynic, or if the bittersweet experiences

## SIMONTON SAYS:

### My Love-Hate Relationship with UCLA Basketball

trepidation — the fear of the let-down loss that history says lies just up the road. And when that loss eventually does come, I unavoidably find myself lashing out at the very people and things that have brought me so much joy in my six years at UCLA. The players, the coaches, the playbook, the athletic director, the fans, the trainers — none of them are safe from my puerile blasts of vindictive. It's just like getting in a fight with your kid brother: ten minutes ago you were having the time of your life playing together, but then he kicks you, and suddenly you're ready to kill.

The etiology of this disturbing sports bipolar disorder traces back even earlier than my tenure at UCLA. My high school calculus teacher had finished his predictions for the office tournament pool, and had asked several of the class' more chronic basketball junkies to look them over. My heart jumped when I saw that he had picked UCLA all the way to the Final Four; "They've got a

naive freshman, I thought Vitale knew more about basketball than just what "PTP'ers" and "dipsy-doo-dunkaroos" are).

The events of the next few months would do much to douse the fires of my freshman optimism. First, O'Bannon suffered a torn knee ligament while playing in a preseason pickup game, rendering him unavailable for most of the season. Then came the much-anticipated matchup between Duke and UCLA, at that point ranked No. 1 and No. 2 in the country. In front of a national audience (not to mention the NCAA Selection Committee), the Bruins lost convincingly, with Christian Laettner and Antonio Lang slapping MacLean around like a red-headed stepchild. The Bruins managed to recover and earn a No. 1 seed in the tournament, but, in a chokers' coup-de-gras, was trounced in the Sweet Sixteen by an Indiana team they had previously whipped in the Tipoff Classic.

The next two years featured more of the same: talented players, high expectations, and a big-time choke in the Tournament. In 1993, after a disappointing regular season in which the Bruins lost 11 games, UCLA found itself facing a tough second-round foe in Michigan. The underdog Bruins played brilliantly in the first half, racking up a twenty point advantage against Chris Webber and the rest of the much-touted "Fab 5." The inspiring performance was wasted, however, when a young Tyus Edney passed up what would've been a game-winning layup, and instead attempted an ill-advised pass that resulted in a crucial turnover and a devastating loss.

The Bruins entered the 1994 tournament on a much higher note, with a Pac-10 championship and a No.-2 seeding, but the season's coda would play out to an all-too familiar conclusion. In its most infamous of tournament early-exits, UCLA was upset by an unheralded Tulsa squad despite a thirty-point game by Ed O'Bannon. As the camera cut away to a distraught Edney throwing his towel to the floor in frustration, I can remember the odd calmness with which I reached for the remote and turned off the TV. The whole thing had reached such a level of predictable ridiculousness that I was beyond anger; I felt more betrayed than enraged.

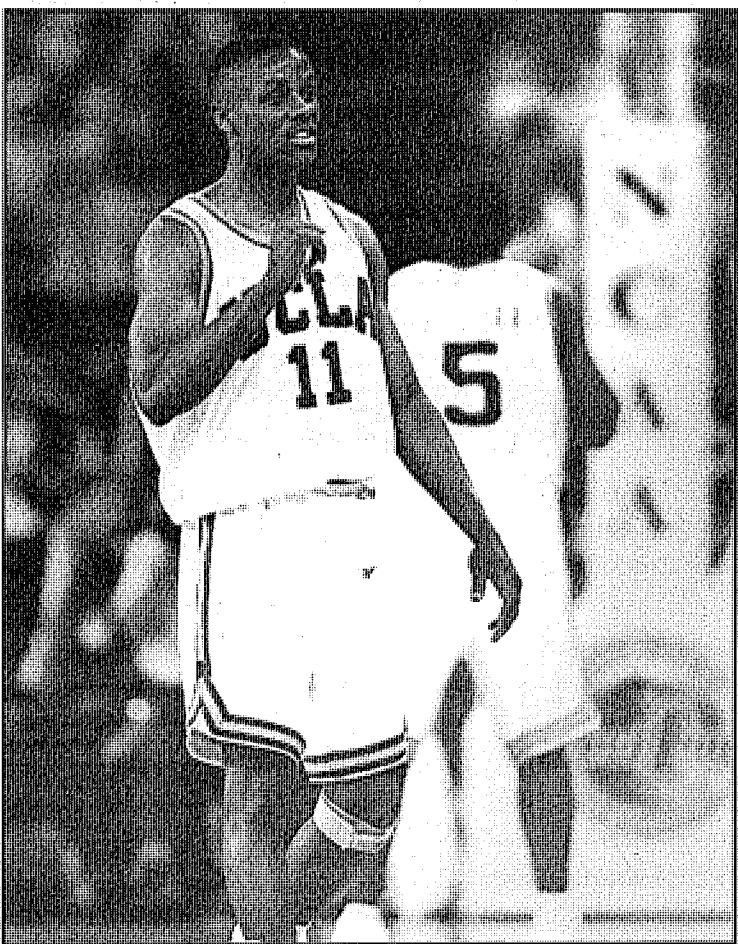
It thus came as little surprise to me when the tortuous pattern so dutifully followed by Bruin teams of yore appeared to be playing itself out all over again in the 1995 Tournament. It was

the second round, and after a tremendous rally, UCLA still found itself trailing Missouri by one point with 4.8 seconds left on the clock. In what might be a sorry testament to my priorities in life, I can honestly say that I had never before been so nervous.

The regular season had been a dream come true. In his senior year, Ed O'Bannon had risen to the occasion, leading the Bruins to many a victory as much with his unbending will to win as with his stellar play on the court. The time had seemed so right for a return to the glory of the Wooden Era, and yet history now seemed to cruelly taunt us. The ball would once again be in the hands of Tyus Edney; there was not enough time for anything else than a length-of-the-court drive to the hoop. My friends and I cowered in anxious excitement as the ball was inbounded to Edney, who promptly raced towards the other basket, dribbled around his back to avoid a defender, took off in opposing center's face, and let the ball fly...

As the ball banked off the glass and fell into the basket with no time left, the room erupted into what might rank as one of the grossest displays of male sports-bonding in recorded history. My friends and I spontaneously embraced one other, rolling to the ground as students from neighboring apartments poured in to join what had become a dog-pile of victory-giddy fools on the floor. Indeed, winning the national championship against Arkansas seemed almost anti-climatic by comparison, because when Tyus hit that shot against Mizzou, I think everyone in that room knew that nothing could prevent an 11th championship banner from being raised in Pauley Pavilion. As Bill Walton would say, "The national championship [was] back in Westwood, and everything [was] right in the world."

Of course, the very next year UCLA once again promptly lost in the first round of the tournament, this time to the perennially undermanned Princeton Tigers. And, of course, I once again found myself berating anything or anyone who seemed remotely connected to the UCLA basketball program. And, given the way this season has started off — the program embroiled in a recruiting scandal, the dismissal of Coach Jim Harrick, the 48-point loss to Stanford — I can't say that I won't do it again. But then again, don't people always get the most frustrated by those whom they love the most? Isn't love really all about being able to get angry at someone while still caring about them? When you fight with your little brother, you might feel angry, or hurt, or even betrayed, but you nonetheless know that — deep down inside — you still love the little brat. So, then, am I a UCLA basketball fan? In a phrase, Go Bruins!



Former Bruin Tyus Edney: What a difference a year makes

of the last six seasons have rendered me incapable of sustained optimism. Either way, each basketball season the Bruins seem to find a way to throw me into an emotional spin-cycle: eager confidence turns into resentful frustration, profound hope becomes utter hopelessness, heartfelt joy melts into pitiless rage, and then the whole damn thing gets mixed up all over again.

Of course, you might ask how this roller-coaster differs from that of any other sports fan. Isn't competition all about "the thrill of victory and the agony of defeat," as ABC's Wide World of Sports tells us? Perhaps for some, but for me, it's a little more dysfunctional.

Don't get me wrong; when the Bruins win, I'm as ecstatic as anyone. Nonetheless, the excitement of the moment is inevitably tempered by

lot of talent and I think they'll go pretty far," he explained. I had already decided to attend UCLA in the fall, and so I was pretty excited at the prospect of starting my collegiate career at a national basketball powerhouse. Needless to say, that initial delusion died as quickly as did that year's Bruin squad, which lost in the first round of the tournament to Penn State.

Once I arrived at UCLA, however, my once-high expectations were quickly rekindled. The Bruins were returning a slew of talented players, including the high-scoring tandem of Don MacLean and Tracy Murray. What's more, UCLA had picked the sweetest plum of the high school recruiting class: Ed O'Bannon, the consensus No. 1 prep. Dick Vitale said that UCLA would win the next four national championships, and I believed him (as



## World Cup '98 Qualifying Contains Much Intrigue

By Guillermo Frias  
Features Editor

World Cup '98 in France looms large on the horizon. The moment of truth for both the U.S. and Mexico will soon be at hand as the final stage of the North/Central America and the Caribbean (CONCACAF) World Cup qualifying round is set to begin. The U.S., Mexico, Jamaica, El Salvador, Costa Rica, and Canada will play for the three available World Cup entries. The U.S. will open in Kingston against Jamaica on March 2. Mexico will host Canada on the same date.

The recently completed U.S. Cup '97 shed some light on the current state of both teams and their players. And for that alone it was a very interesting little tournament. For the U.S. the tournament was a chance to experiment with new faces. It is a rule of thumb that you do not go to the World Cup with the same team twice: players age and the schedule is too demanding. New blood is required every four years. The U.S. needs to find its next generation of players. With that in mind coach Steve Sampson selected a "B" squad in the hopes of giving new players international experience and seeing who would rise to the occasion.

Unfortunately the tournament proved to be a disaster. The new players did not play well and the old players played uninspired. The U.S. did not win or tie a single game. It lost to Peru 1-0, to Mexico 2-0 and to Denmark 4-1 (or I should say to Per Pedersen who scored all four Danish goals).

Coach Sampson admitted that the American performance was the worst in some time and promised never to select so many inexperienced players again. However, from what I saw the blame does not fall solely on those new players. Despite what the coach might say, the U.S. team started seven players that are normally first-team players. Denmark on the other hand brought over a team with nine players that had never played an international game and featured only one that had played more than ten and soundly defeated the U.S. The tournament showed the lack of U.S. depth. The American "B" team need more soccer experience and international exposure. One year of the MLS will not create a sufficient talent pool.

I'm afraid that the U.S. is in trouble. Sure they lacked about half a dozen starters but I believe that their addition may not be enough to get them to France. The U.S. is attempting to qualify for first time for the World Cup in a CONCACAF at full strength. The U.S. qualified in '90 some argue because Mexico was not allowed to play as a punishment by FIFA for cheating by falsifying the age of players in a youth tournament.

In order to be one of the top three teams they must not only play better, especially their defense, but they must also win on the road. The hostility and pressure awaiting the Americans will be a new experience for them. They got a taste of that when they lost to Costa Rica in Costa Rica during the first round of qualifying. The stadium was packed and even the president showed

up to lead the cheers against the Yankees. The U.S. later complained about the poor behavior of the local fans who excelled at spitting and pelted them with coins, batteries and insults. The Americans felt uncomfortable and were easily defeated.

Making the situation worse is the fact when the U.S. cannot count on home support. To play in Los Angeles, Washington, Palo Alto, Chicago or any other major American city, would be giving the home field advantage to the Latin American teams. In jest, the U.S. coach stated that to be at home against Mexico he would have to play in Hawaii or Alaska. There is some truth to that. The home game against Mexico will be played in Foxboro stadium on April 20. Any mistake and the U.S. can find itself at home in '98.

Mexico has had its difficulties as well, although they were not as dire. Bora Milutinovic brought a powerful Mexican team to the U.S. Cup. He is under a lot of pressure in Mexico and had to win the tournament. He managed to do it by beating Denmark 3-1, the U.S. 2-0 and Tying Peru 0-0. However, winning the tournament was not enough for most Mexicans. Sure Mexico showed that it played well as a unit, that it had a solid defense and that it could score. But once again it had to win the tournament with a tie in the last game. Mexico did not only want its team to win but it wanted it to do it in style.

Mexico has grown accustomed to being the soccer power of the region. The position has lately been challenged by the U.S. and others. Mexico may still

be the best team in the area but its difficulties are increasing. It is no longer a forgone conclusion that it will emerge victorious. In the first stage of the qualifying rounds Mexico finished behind Jamaica in its group, largely as a result of a loss to Honduras, which created an outrage and calls for a new coach. Mexico is not only supposed to qualify for France but it is also expected to dominate. After all, had they not reached the quarter finals of the last World Cup? A couple of well placed penalty shots and it perhaps could have been Mexico against Brazil. Should the team falter during the next round, Bora may need to find another employer.

Bora may also have wanted to dominate the U.S. cup just as badly as Mexican fans. Some argue that he was the one responsible for the remarkable performance of the U.S. in the last World Cup and would love show that he and not Sampson should be guiding the U.S. into France. If the U.S. does not qualify or if they make an early exit in France, then Bora will have had the last laugh and may even find himself in the U.S. again.

Thus the stage is set for two teams that in the last few years have formed the most heated rivalry in the CONCACAF. I believe that both teams, along with Jamaica, will qualify. Although the U.S. should be weary of Canada or Costa Rica. For the benefit of soccer in the U.S. I will be wholeheartedly cheering against every other team, with the exception of Mexico of course, I am after all a patriot.

## JONES

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ington press corps that he or she does not take a civil suit seriously. Whatever the merits of the suit, the President's decision to retain Bennett, appears more sage by the day.

The month after Jones filed suit, Bennett appealed, asking that the President be given a "temporary immunity" from civil actions while serving as President. He contends that this will not exempt the President from civil suits nor put him above the law; rather, it will keep the Presidency from being overwhelmed by a string of frivolous lawsuits while in office. To rule otherwise he claims would make the President "a magnet for litigation." So far, the federal courts have not agreed; an appeals court has ruled against Clinton saying, "The Constitution did not create a monarchy." Last week the Justices of the Supreme Court appeared skeptical of Bennett's argument, but a final decision on whether or not the suit may proceed is not ex-

pected until this summer.

The constitutional question of whether or not a suit may be brought against a sitting President for actions committed prior to election is one the Court has not visited before. The only precedent to guide the Court is *Nixon v. Fitzgerald*, in which the Court ruled that Nixon could not be sued for official acts as President, but did not examine private acts or acts prior to becoming President. The upcoming decision will have extensive legal and political implications; ironically, Bill Clinton's wish to secure his place in history may be granted in a most embarrassing manner.

Perhaps the most surprising element of the Jones saga is that this story of such obvious legal and political import has taken so long to be fully told in the press. In the November issue of *The American Lawyer*, Stuart Taylor (a former legal correspondent for the *New York Times*) theorized that the media underreported the Jones story because of a cultural-political double standard that lets off liberal figures like Clinton

while scrutinizing conservatives such as Clarence Thomas. He goes on to assert that Jones minimum-wage background did not have the same resonance with media elites as Anita Hill's impeccable Yale Law and feminist credentials.

One need not swallow this polemic whole to be disturbed by some of the comments coming from Clinton's defenders. The President's colorful friend James Carville (apparently referring to Jones' claim) said, "Drag a hundred dollars through a trailer park and there's no telling what you'll find." The author of *Newsweek's* piece on the Jones suit said on a Washington talk show that Jones was, "some sleazy woman with big hair coming out of the trailer parks." Even Gennifer Flowers showed her disdain for Jones, saying the alleged pop-goes-the-weasel routine was, "not like Bill...he simply wouldn't do it." Perhaps Clinton was trying to compensate for the class prejudice of his defenders when he recently compared himself to former Olympic Bombing suspect Richard Jewell, an undisputed good old

boy.

The President will likely have to face Jones sooner or later, unless he permits his attorney to settle the case. He has already spent some \$1.5 million in legal fees to fight the \$700,000 claim by Jones and has been forced to create a legal defense fund. Bill Clinton, who became the first president in history to be re-elected without a majority of the popular vote, is left to hope that the Supreme Court does not hand him another unwelcome first by allowing the Jones lawsuit to move forward while he is still in office. Which means, at best, Clinton will walk across that bridge to the 21st century with a most unwelcome companion in the form of the Jones lawsuit.

*Writer's Note:* I relied on research from *Newsweek's* piece on January 13, 1997 by Evan Thomas and Michael Isikoff.

*Editor's Note:* Black Letter will be devoted to cutting-edge legal issues in the news.



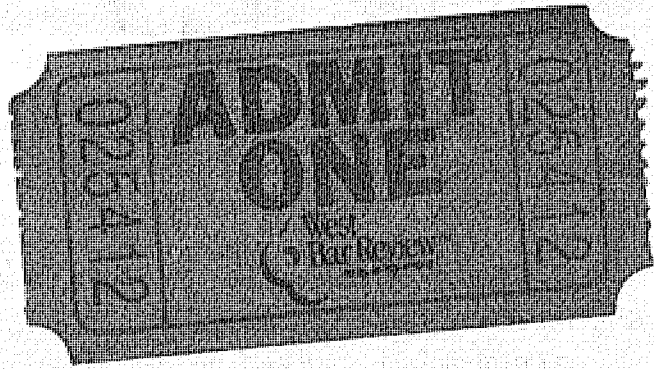
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