

UCLA
The Docket

Title

The Docket Vol. 49 No. 6

Permalink

<https://escholarship.org/uc/item/2hd319mr>

Journal

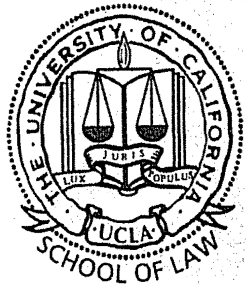
The Docket, 49(6)

Author

UCLA Law School

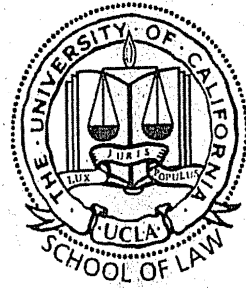
Publication Date

2001-04-01



The Docket

UCLA SCHOOL OF LAW



VOLUME 49, NUMBER 6

405 HILGARD AVENUE, LOS ANGELES, CA 90095

APRIL 2001

SBA Election Process Needs Work

Campaigning and coercion may have taken place at polls.

By Michael E. Lopez
Editor-in-Chief

Early last week, students elected officers for next year's SBA. Emerging from the races were victors Celeste Drake, the new SBA President, and Songhay Miguda-Armstead, the new Vice President. Lorenzo Alvarado was elected as the new 3L president and will be in charge of graduation next year, while Diego Arp walked away with the 2L President spot.

But even as the new officials were settling into their new roles, rustles of discontent were heard in the student body. *The Docket* was approached by several students who claimed that there had been illegal campaigning and bias in the polling. Polling table workers, they alleged, had engaged in campaigning for particular candidates, and even coercion in some instances. Several students were disturbed by the fact that the SBA members staffing the election table would occasionally look at the ballots that were cast before placing them into the appropriate envelopes, though this last complaint might have turned out to be more indicative of a flaw in the physical voting process than an example of misconduct.

"The only time anyone needed to look was when we wouldn't know what section they were in. The person working there . . . should not have had any reason for looking at anything else," said former SBA President David Simonds.

Some students took their complaints to Dean Cheadle, who did her best to monitor the elections without being intrusive.

"There was overenthusiastic campaigning by advocates on all sides," said Cheadle when asked about the allegations of impropriety. "There are people on all sides who take this very seriously. . . it's better than having an apathetic student body." She added, however, that she was unaware of whether there were any specific SBA Constitutional Provisions against campaigning at the polling

tables.

Candidate for 3L President Rob Pryor, said he took his concerns to then-President David Simonds. "I told him about coercion at the table," said Pryor. "He told me I had very valid concerns."

"During the four hours when I was working," said Simonds, "I did not see anybody who was working the election table campaigning for any of the candidates, although at least once there were people at the table whom I asked please not to campaign there."

During the campaign itself there were also instances of posters being torn down, campaigning on classroom chalkboards, and a great deal of negative campaigning by rumor, something to which the staff of the *Docket* was personally exposed.

Regardless of the truth of any allegations, as the *Docket* continued its investigation, one thing became clear: the rules and procedures surrounding SBA elections are unclear and need to be overhauled and taken seriously.

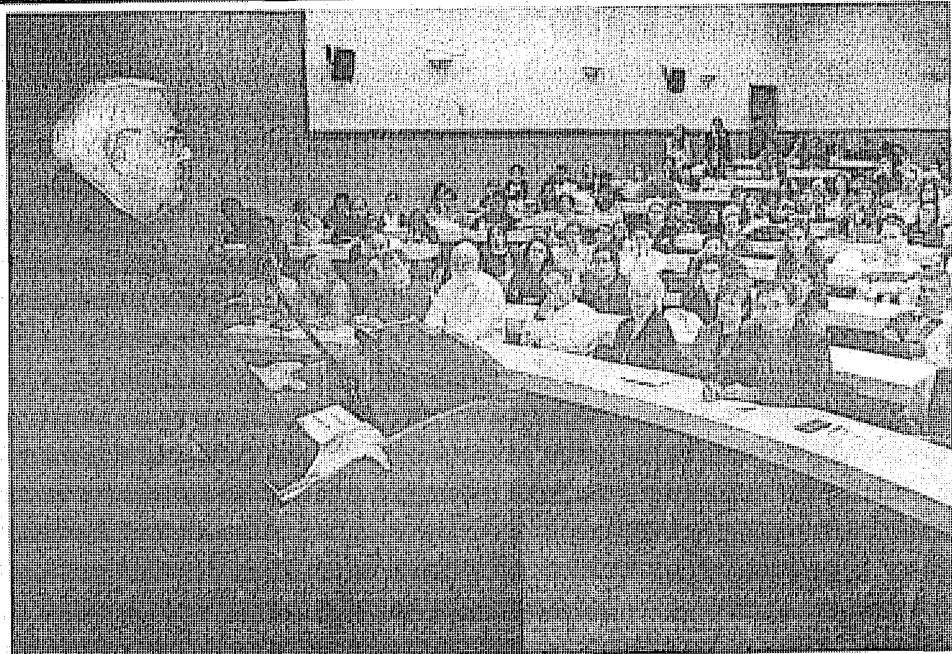
Both Pryor and Simonds had suggestions on how to improve elections next year.

Pryor suggested separating the ballot table from the voting box. "There's no reason they can't sort through the ballots after they are cast," he said. He also suggested a clear rule against a person's sitting at the ballot table if they were actively campaigning for one candidate during campaign season.

That could have been at least part of what led many students to feel as if the election wasn't entirely fair. Since current policy has SBA members manning the polls, and since SBA members, as students themselves, often campaign for one candidate or another, "it might be construed, or misconstrued, as campaigning. To avoid that in the future, we should fix the process," said Simonds.

He suggested following the GSA lead and either manning the table with undergraduates, perhaps Air Force ROTC cadets, or going to an on-line voting system.

No one has asked for a recount. The margins of victory were, for the most part, overwhelming. But whatever the end result, this election has given the students at UCLA an opportunity to reflect on their election policies.



Governor Ryan addresses the students and faculty crowded into room 1347.

Illinois Governor Greeted with Capacity Crowd

By Crystal Howard &
Toby Bordelon
Senior Editors

On April 4, George H. Ryan, Governor of Illinois, spoke at the law school about his recently-imposed moratorium on the death penalty in his state. The decision began in 1998 when Northwestern journalism students investigated the case of death row inmate Anthony Porter and discovered he was innocent of the murder for which he was charged. He had been on death row since his conviction in 1982, and had been granted a stay of execution two days before his scheduled execution because he had an IQ of less than 60.

It was this window that gave the Northwestern students and their professor David Protes time to investigate the case, and they discovered that it was not Porter but another man who had committed the murders; witnesses had been mistaken. The real killer later confessed. The case broke

just as Ryan was coming into office, making him more suspicious of the capital punishment system he had inherited.

Although Ryan had previously supported capital punishment, even voting to reinstate the death penalty in Illinois, he "couldn't believe that a system [he] had believed in could come that close to killing an innocent person." The next scheduled execution was of Andrew Kokoraleis, who was convicted of the rape, mutilation, and murder of a 21-year old woman.

"I agonized a lot over that case," Ryan said. A question from his earlier days as a state legislator rang in his head, "would you be willing to throw the switch?" After doing much research on the case, Ryan was convinced Kokoraleis was guilty and he was put to death. But the decision was difficult. "It's too much to ask of one person to decide," the governor said.

Since the death penalty was reinstated in Illinois in 1976, twenty-five people

See GOVERNOR, page 6

What's Inside...

Fortenbaugh & Gibney: Last Columns. Ever.
p. 4

Librarians' Desk
p. 5

The Wisdom of Anne Jollay, 1L, 2L, 3L
p. 6

Book Reviews by Luke Jackson
p. 7

PILF Auction Breaks Record
p. 9

The Docket Interview
p. 10

2L Battles Sweatshops in Court

Andrew Elmore wins over \$150,000 for garment workers..

By John Littrell
2L

UCLA 2L Andrew Elmore went toe-to-toe with a notorious Los Angeles sweatshop owner and manufacturer in a hearing before the California Department of Labor Standards Enforcement in Los Angeles and won back pay and penalties on behalf of three garment workers totaling over \$150,000.00. Andrew began working on the case last fall through the Workers Justice Project when UCLA alumna and Skadden Fellow Julia Figuera-McDunough handed the case to him. Since that time, he has spent at least 10 hours a week on the

case, counseling his clients, doing legal research and factual investigation, and preparing for court. "It did take some time away from my schedule, but it was worth it" says Andrew. "I put in 100 hours over two semesters, and I was able to give three garment workers decent representation, and a judgment that, if collected, will change their lives and do a small part to rectify the gigantic injustices in the garment industry."

"Workers often lose in labor commissioner hearings because they have not prepared their testimony, or their employer's attorney walks all over them," says Andrew. "In these situations, a student volunteer can do a lot by making sure that the worker has claimed all the elements, helping the workers to prepare her testimony, and preventing the opposing attorney from taking advantage of the worker." Helping a

See SWEATSHOPS, page 5

EDITORIAL

Law School Community's Values Misplaced

There's something rotten in the state of Denmark, and it's not Bruce Gibney. Not this time, at least. No, the problem which, like the invisible worm in a Blake poem has sought out our hearts and taken nest, is all about seriousness.

Certain things should be taken seriously: genocide, liberty, physical violence, sex, and nuclear weapons just to name a few. Some things should not be taken seriously. Self-importance, parody, and *Mystery Science Theatre 3000* spring to mind.

The law school community, all of us, take many things far too seriously. Politics is a good example. Conservatives and liberals alike seem ready to bite each other's heads off rather than engage in any sort of meaningful dialogue. Even liberal students who wander into the latest left-wing class are attacked if they fail to adhere to the party line. On the other side, conservatives huddle together, convinced that the left is out to get them [it might be] and that they should isolate themselves and give up all attempts at discussion [they shouldn't].

People also take other people's lives far, far too seriously. It doesn't really matter who is dating whom, or what they said about so-and-so. This is the sort of stuff that gets *twelve year olds* upset; they lack a sense of perspective on the world.

On the other hand, in our rush to be oh-so-adult and take everything seriously, we fail to take many important things seriously enough.

While we take substantive issues far too seriously, we take procedural issues

far too lightly. An excellent example is the recent SBA elections. The editors of this paper believe that the allegations of impropriety during the elections may not be entirely without merit, and should be taken quite seriously. If the SBA is not important, let us do away with the institution. But we do have an SBA, and as long as we do, things like elections should be treated with the utmost respect and care. Students seem to feel that these elections are just another thing going on, but they are elections. *They mean something.*

Another example is the reporting of our grades. The professors at this institution are renown for their ability to turn in grades late. There are only two possibilities: either the policy of having grades out in three weeks is entirely unrealistic and should be changed, or both the professors and those responsible for enforcing the deadline fail to take it seriously enough.

As this year draws to a close, it's easy to look back on the last 8 months and say that there's been a lot of bickering and pettiness. It's easy to criticize the problems with an institution, with a community. Offering a solution is harder.

The solution, we think, is to rearrange our priorities. We must take our sense of self-importance less seriously - our identities are not threatened by someone who disagrees with or insults us. But we should take our *responsibilities* more seriously.

This editorial completes our responsibilities as the editorial board of Volume 49.

Letters

On behalf of the students of the UCLA School of Law, the Student Bar Association earlier this year took a position that professors should have their grades submitted to the records office three weeks after the date the exam was given. This three week deadline is more forgiving than the official university policy, as promulgated on URSA, that grades will be available to students two weeks after the end of the exam period.

The SBA took this position in response to numerous student complaints regarding late grades. We feel that delayed grades detrimentally affect students in a variety of ways.

As you must be aware, law students take their grades very seriously and put in countless hours reading, reviewing, outlining, discussing and taking practice exams for each class. As such, anxiety over grades can increase significantly as the waiting period to receive those grades becomes longer and longer. This is especially true for 1Ls who are not accustomed to being graded against a forced curve (and are unfamiliar with the grade delay that has become commonplace here at UCLA Law).

In addition to the psychological impacts of delayed grades, students also experience more concrete problems. For instance, this semester at least one student was unable to obtain a necessary transcript for a job interview because a grade for one class remained unavailable until January 30—the fourth week of the semester. Other students had difficulty registering to sit for the bar as a result of late grades. These unnecessary burdens substantially contribute to the already tense atmosphere that pervades the law school as the second semester begins. We feel that the faculty has an obligation to the students to take actions that mitigate this atmosphere rather than encourage it.

Law school classes are a cooperative enterprise between students and professors. Students have the responsibility to prepare for and attend class, contribute to class discussions, and complete assigned work. Professors have an obligation to prepare and implement lessons, engage the students in discussion, and evaluate student performance. If a student failed in some minor way to execute his responsibilities (e.g., by turning in a 6-hour exam 15 minutes late), he would be penalized. However, when a professor fails to execute his responsibilities in a timely fashion, the students have no recourse. We feel that it is not too much to ask for a professor, after a fifteen-week semester, to grade a single assignment in three weeks' time.

From the first session in Lawyer-

See **LETTERS** page 5

The Docket

UCLA School of Law

MICHAEL E. LOPEZ
Editor-in-Chief

BRYAN McMICHAEL
Production Manager

CRYSTAL A. HOWARD
Senior Editor

TOBY BORDELON
Senior Editor

KENNY ROOST
Entertainment Editor

Staff Columnists

SAM FORTENBAUGH, BRUCE GIBNEY, WILLOW MCJILTON
JONATHAN SHIMKUS

Contributors

ADRIENNE ADAN, BRIAN BARK, LUKE JACKSON, ANNE JOLLAY, JEFF KAHANE,
JOHN LITRELL, LINDA MAISNER, MARI METCALF, CRYSTAL ROBERTS,
LISA SERGI, JUSTIN SOBODASH

The Docket is published six times a year by the students of the UCLA School of Law. Copyright 2001. All rights reserved. Points of view expressed in *The Docket* do not necessarily reflect the opinions of the editorial board. All submissions are subject to an unrestricted right to revise. *The Docket* is not responsible for unsolicited materials.

The First Annual Student's Choice Awards

April 26th, 2001
Location TBA

Cocktails at 1:30pm
Awards at 4:15pm

More Information to Follow.

1. (c) a pipe wrench. See *Friglightment Importing Co. v. B.N.S. International Sales Corp.*, 190 F.Supp 166 (D.C.N.Y. 1960)
2. (b) spraying chicken manure on the Albany Court of Appeals building. See *Collins v. Lamont*, 273 A.D.2d 528; 708 N.Y.S.2d 202 (2000)
3. (d) McDonalds. See *Science World*, Feb 12, 2001, No. 9, Vol. 57; Pg. 5; ISSN: 1041-1410, The *Washington Post*, Feb 8, 2000, Final Edition, p.C13
4. (b) Paul Schneider. See *San Jose Mercury News*, March 30, 2001
5. (c) fear of chickens. "Alekiv" means "cock" (or more generally "fowl" according to Christopher Eckerman, graduate student in the Classics Department at UCLA). See *Greek-English Lexicon*, H.G. Liddell and R. Scott, Eds. Oxford: Clarendon Press 1996.
6. (a) Crystal Howard
7. (b) eat it with a fork. See *The Hen House*, <http://www.vfr.net/~tbruce/facts.html>, citing "a local ordinance." The City Council of Gainesville did not return an email for comment.
8. (d) it was found to be a devil in disguise. See Edward Hays, *A Pilgrim's Almanac*, cited in *Integrity/Calgary*, vol 4 issue 3, summer 1999, at <http://snowballssillyfacts.homestead.com/law.html>
9. (c) harness chicken shit. See <http://www.dashlink.com/~rocking/chickenfacts.html>
10. (a) a carnival performer that bit off the heads of chickens and snakes. See *Miriam Webster's Collegiate Dictionary*. Special thanks to Michelle Rojas for contributing this piece of trivia.
11. (c) there are, in fact, more chickens on this planet than there are members of the species *Homo sapiens*. See <http://www.vfr.net/~tbruce/facts.html>. Special thanks to Toby Bordelon for his trivia.

ANSWERS TO DOCKET QUIZ

Sweatshop-Buster To Be Speaker at Graduation

Faculty and Students
Also to Share Words.

By Crystal Howard
Senior Editor

Julie Su graduated from Harvard Law and went to work as a Skadden fellow for The Asian Pacific American Legal Center. In just a few years she won a \$4 million settlement from several clothing manufacturers for their purchase of garments sewn in an El Monte sweatshop.

In 1995, federal agents raided the boarded-up apartment complex and liberated between seventy and eighty Thai women, some of whom had been working in the cockroach-infested factory for years. The women had been forced to work up to eighteen hours a day or more at less than a dollar an hour. The operators had censored any outside mail and threatened the workers with physical force and deportation. The agents took the workers to a detention facility to retain them as witnesses in the criminal case against the operators of the factory, but the facility was little more than a second prison.

Ms. Su convinced the authorities to release the workers and allow them to sleep at various area churches. In September, Ms. Su and the APALC filed suit against eleven of the sweatshop operators for peonage and involuntary servitude under the Thirteenth Amendment, various labor violations, RICO violations, violation of 42 U.S.C. § 1985,

fraud, misrepresentation, intentional infliction of emotional distress, assault, and false imprisonment.

Ms. Su, however, felt that the operators were not the only responsible parties. She went after the manufacturing companies who purchased the clothing. The district court found that these manufacturers, including Mervyn's, Tomato, Inc., L.F. Sportswear, and B.U.M. International, were "employers" under the federal Fair Labor Standards Act and relevant California wage statutes. As a result, the manufacturers eventually settled with the workers for \$4 million.

Since then Ms. Su has continued to champion the cause of sweatshop workers. She was a lead advocate in passing California Assembly Bill 633 (1999) (effective January 1, 2000), which revised the wage claim process for garment workers and holds deep-pocketed garment manufacturers liable for labor violations. Ms. Su also has written an article in the *Journal of Gender, Race, and Justice* called "Making the Invisible Visible: The Garment Industry's Dirty Laundry." She is the key person behind the recently-opened Garment Workers Center, located in the garment district downtown, which is a center for servicing and organizing garment workers in Los Angeles.

In addition to hearing Julie Su, the graduates and their guests can look forward to a speech by Jody Freeman, this year's Professor of the Year. Born in Vancouver, Professor Freeman received her LL.B. from the University of Toronto (1989), where she

was articles editor of the law review and a staff member of a legal services clinic. She then went on to earn an L.L.M. (1991) and S.J.D. (1995) from Harvard. Professor Freeman joined the UCLA law faculty in 1995 and teaches Environmental Law, Toxic Torts, and Administrative Law.

Besides earning high academic achievement, Professor Freeman played varsity volleyball in college at Stanford and then played ultimate frisbee for Canada in the world championship. She also has backpacked all over the world, which included climbing Mount Kilimanjaro, bussing through Turkey, diving the Great Barrier Reef, hitchhiking through Burma, and taking the train across China. When not teaching, she likes to ski, play tennis and golf, and watch movies, particularly French cinema. She also has a "burning interest" in architecture and furniture design.

Dean Jonathon Varat also will be giving a speech, and Professors Cheryl Harris, Kirk Stark, David Sklansky, Grant Nelson, Daniel Bussel, Bill Rubenstein, Kristine Knaplund, and Kenneth Klee will be hooding the graduates.

As if three fantastic non-student speakers and a host of beloved faculty hooders were not enough, this year two students will speak at graduation, York Chang and Spencer Turnbull.

York Chang's first year experience made him feel like he needed "to exercise the other side of my brain," so he threw himself into painting and learning about the traditions

of Abstract Expressionism and other artistic movements. He paints in a studio he built in his house, and last month had his first solo painting exhibition at a gallery in Downtown.

Mr. Chang is still trying to figure out his post-Bar plans, but until then he will be working for AGENDA, a community organization in South Central where he has been working for the last two years. AGENDA organizes low-income and people of color communities in campaigns designed to pressure Los Angeles city government around economic justice issues.

Spencer Turnbull is from Santa Ynez, CA, and earned his BA in International Relations from Stanford in 1996. At UCLA he has been a JILFA lead editor, served a year on the PILF board, and is having a comment published in the upcoming issue of APALJ, "Wen Ho Lee and the Consequences of Enduring Asian American Stereotypes." His first summer he worked for the U.S. Army JAG Corps in Germany, and last summer at Latham & Watkins LA, where he will begin work this fall. He hopes to wind up in the Federal sector ultimately.

Graduation will be May 20 at 2pm in the Perloff Quad between Dodd and Haines Hall.

Grad Party at the Santa Monica Pier

In addition to the formal ceremony, graduates can look forward to a night of fun at the graduation party the previous Friday night, May 18. The party will begin at 10pm at Maria Sol's restaurant at the end of the Santa Monica pier.

Technology To Fit The Law School Lifestyle

By Jeff Kahane
2L

This is not an article about the Macintosh.

Nonetheless, I am starting there because last weekend I installed OS X, the new Macintosh operating system, on my G4. In a law school full of PC-laptop using law students, why should you care? You should care because the new Apple operating system is indicative of a problem that is pervasive throughout the world of consumer technology.

You can categorize new technology by both its features and its usability. Features are the gee whiz elements that get geeks like me drooling over new products. Usability is the reason why everyone else (like you) would want to buy a new gadget. Technology companies know that to sell their products to geeks, they have to include several gee whiz features that a geek can show off to his friends. Apple has done this with their new operating system. They have included floating tool bars with magnifiable icons, a new interface, and cool translucent menus. However, to keep normal people using their products, the technology companies need to ensure that their products are, well . . . usable. OS X is not usable for most people, because Apple left out important features like being able to record CDs. Technology is useful only if it helps us as law students leverage our time, and make us more efficient. If I cannot burn CDs of MP3's from unsigned bands that I have downloaded—then my computer is not making me more efficient.

Law is always the last profession to adopt new technology. Every MBA in the world was carrying around a laptop in 1990, and doctors regularly use advanced space-program technology to diagnose their patients, but we all know that in some ancient

walnut-paneled law office, in Boston probably, there is some senior partner who still uses a quill pen to scribble out his wills and contracts. However, technology has already affected how we as law students function in school, and will dramatically affect how we will function when we enter the real world. It can either make us more efficient or drive us crazy and use up precious hours of our day that we could have used to bill clients, had we only approached our purchases and usage of technology with more foresight.

So, what makes a product usable? This is difficult to say, but if it's cool, it's probably not usable. Laptops with 15" screens are cool—but you have to carry around an extra 4 pounds of weight to get it. Those extra 4 pounds do not sound like much, but when you are carrying it from Lot 3 to the law school every day, it makes it less usable. Battery life is not cool—but when you open up your backpack at 8:30 in the morning and realize that you forgot your plug, an extra hour of battery life will make your laptop much more usable.

Many of my friends here at UCLA use a Palm to keep track of their busy schedule. Palms are some of the most usable products available because they are simple and do not have many features. I used to use one, until last year when my computer crashed, and in the process of resuscitating it, I forgot to change the batteries in my Palm and lost all of my data. That is a usability problem. Now I have a Pocket PC, and if it goes dead, it backs up all of the data to non-volatile memory that will retain my data even if I forget to charge it in the cradle. I trust the safety of the data more now, and thus use it more.

The other ubiquitous technology that law students seem to use is the cellular phone. One of my friends—not a law student—has hers outfitted with a flashing antenna, lighted colored buttons and a transparent case with a Hello Kitty design. Cool?

Undoubtedly, but the features that make a cell phone usable are ones that are not apparent on the packaging. A longer battery life makes a phone more usable when I come home inebriated and forget to charge it for a couple of days. Better reception also makes a cell phone more usable. When you go to buy a cell phone, the salesman will tell you that all the phones have the same reception,

it just the service that is different, but some are better—and you can use them in more places.

In the end, it's not the coolness that will get you to use the product on a regular basis, it's how well it fits into what you already do, because just owning technology doesn't help get the work done—only using it does.

Moot Court Thrives At UCLA

Program continues tradition of excellence. Teams prepare for competitions.

By Crystal Howard
Senior Editor

Last month three federal judges graced the Moot Court Room at the UCLA School of Law for the annual Moot Court Honors Program Roscoe Pound Competition. Rhesa H. Barksdale (5th Circuit), Rosemary Barkett (11th Circuit), and Dean D. Pregerson (Central District of California) judged the four top-scoring participants from the spring Moot Court competition.

They argued the issues of whether a disparate impact is a cognizable claim under the Age Discrimination in Employment Act and whether a court can enjoin a defendant from disposing of his assets when the plaintiff alleges that the defendant is about to become insolvent. Celeste Drake, Tim Martin, Henry Self, and Sylvia Rivera argued their cases and fended off tough questions from the judges. The judges then elected a winner: Celeste Drake.

The judges were not the only people observing the four competitors, however: the Moot Court room was filled with fellow students, professors, and even two

entire high school classes. The Introduction to Law and Advanced Law classes at Arcadia High School, led by teacher Sydnie Harrington, took a field trip to UCLA to watch the competition. Student Allen Hong remarked that the argument reminded him of Arthur Miller's *Death of a Salesman*. Mamie Zeng felt that the questions were well balanced, and Diane Chang described the advocates as "really articulate" and "really confident." The final for their class will be a criminal mock trial.

Roscoe Pound is not the end of glory for these competitors. Sylvia Rivera will be competing with Beth Collins in the State competition next spring, with John Targowski writing the brief. Henry Self and Celeste Drake will represent UCLA at the National level with Adam Cook and Karen Nash. Kirin Kaur and Bonnie Moore will be writing the National briefs. Both the state and national teams will be arguing wholly different issues in the future competitions. In their roles as state and national team members, the competitors will look forward to even more challenging competitions next year. In both the National and State competitions, the advocates must prepare briefs arguing one side of the posed problem. This brief is submitted and scored. The brief score will then follow the advocates when they

See MOOT COURT, page 5

UCLA Law: Is it really over?

On May 23, 2001, I graduate. And like all of my fellow classmates I am going to have to celebrate my decision to go to law school. All our family, all our friends, are going to pat me on the back and say, "Boy, a law degree, you must be real smart."

Real smart. "Real smart" should be saved for intellectual disciplines like physics and mathematics, or emotionally uplifting subjects like art, literature, and song. Ever since I arrived at law school, I have been trying to figure out where the "real smart" is in the law. Occasionally I got a glimpse of it, only to have it crushed by someone's arrogance or political agenda. Yet throughout my six semesters I have clung to the idea that there was something to law that was real smart. That's what my family wants to hear. That's what I'd like to say. So, why not?

I'm going to tell them what they want to hear, what I want to believe. I'm going to tell my practical minded father that law school has been good training for a rewarding career; my grandparents will hear that I'm going to make a lot of money; and my kid sister who thinks that the world is dominated by multinational corporations, will be told that the best way to bring about change is by doing it from the inside.

The truth is, I have an answer for everyone. I can reconstruct my life to fit

each and everyone's expectation. Now it's not easy being a leftist for one person and a staunch conservative for another. And the more people I deal with, the more realities I have to juggle. It has gotten to the point where when I wake up in the morning and I have to take a moment to remember under which set of lies I am currently living.



Sam Fortenbaugh
Staff Columnist

This is the skill that I have developed in these hallowed halls of learning. Law school has taught me to lie in ways, and with skill, that I never would have thought possible. Lying has become my conversational vehicle of choice. Why bother with the truth? One man's truth is another man's lie; and one man's lie can - if you sell him on it - be another man's truth.

And so for my final remarks, I want to honor UCLA Law school with the skill they have given me.

I want to first say that UCLA is a great law school. I want to mention that the quality of my education has not been harmed by the fact that UCLA has such a leftward leaning faculty. Even the fact that these professors completely lack empathy (I know I am treading on thin ice because I was taught at this institution that only a liberal mind can be empathetic) has not prevented me

See FORTENBAUGH, page 10



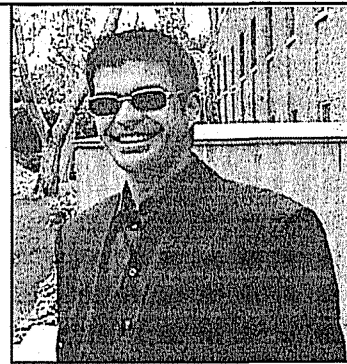
HERETICAL RAMBLINGS

BY BRUCE GIBNEY



The great biological irony about being gay is that, for despite all its Darwinian futility, you're still interested in sex.¹ You would think that since gay people reproduce very slowly, if at all, the Powers That Be would channel all that futile sexual energy into something else. I should not be spending my weekends bouncing between models with the collective IQ of a sea anemone and network executives with Propecia squirreled away in the closet; I should be out curing dengue fever in Arctic penguins or building environmentally responsible plutonium reprocessors from papaya husks in the Congo.

But no, I spend my time at the gym, or choking down Met-RX bars, or sprucing up any of my 23 pairs of shoes, all in hopes that Mr. Wonderful will notice that the dark



suede of my Ferragamos provides insouciant counterpoint to the lighter tan of my Hugo Boss shirt, and that this will quickly lead to us hurtling down the slopes at Stowe on matching Burton Super 68's² to our civil union, whereupon the senior members of the firm will elevate me to partner, give us a pair of his-and-his

Golden Retrievers with cute-at-first names like Fred and Ginger or Mutt and Jeff. Then I can spend the rest of my year's oppressing wage slaving for corporate America and picking out antique doorknockers at Restoration Hardware. Or something to that effect. I haven't worked out the precise details.

Thank God for money, though. As a moral goal, money may be a little iffy, but at least it doubles my number of reasons for

¹ And by "interested in" I mean "obsessed with."

² A big stick gives a smoother ride.

³ So far the categories have remained distinct.

See RAMBLINGS, page 10

Special Interest Money: The Glory of Faction

Surprisingly, founding fathers may have approved of influence peddling.

By Lisa Sergi
3L

I think I just had the unpleasant experience of agreeing with George F. Will.

In an almost weekly homage to liberalism, I turn to the back page of Newsweek for an opportunity to denounce Mr. Will's conservative rhetoric as the pompous and ill-conceived tripe that it usually is. In this week's column, entitled "James Madison Remembered," [Newsweek, March 19 2001] Will suggests that campaign finance reform is anathema to the pluralist underpinnings of our democratic society. Mr. Will notes that faction (read "special interest") politics protects us from the tyranny of the majority which Madison saw as having the greatest potential for evil in a democratic society. Mr. Will says that the very purpose of politics is the vigorous and unfettered participation of factions on whose interest the government impinges. I hate to say this. I cringe to say this. But maybe Mr. Will is on to something.

I have spent exactly ten hours and thirty-two minutes seriously thinking about campaign finance reform. In this period, I have read one Supreme Court case, three scholarly articles, and George Will's column. My initial impressions have been inexorably altered. As of two weeks ago I thought all that special interest money seemed somehow anti-democratic. I was against "big money" and for the "little people." I was sure that special interests had corrupted politics. But on closer inspection, special

interest influence may not taint politics as much as John McCain suggests, and may in fact be a basic underpinning of our republican form of government. In addition, empirical data cast substantial doubt on whether the problem of money is so substantial that government needs to infringe on important First Amendment rights.

Does special interest money "taint" politics as John McCain suggests, or is it campaign finance reform that is the real threat to our democratic principles?

James Madison believed that tyranny was the great evil of politics. Madison believed that by cultivating faction, we could avoid the only type of tyranny to which democracy is prey - tyranny of the majority. Minorities promoting unsavory causes can always be checked through the voting process. If factions are cultivated, then a majority can only be formed by a coalition of factions. Because coalitions are less stable than homogeneous majorities, they are less durable and the potential for tyrannical behavior is thus diminished. While faction has the potential to be disruptive, in the end, the rough and tumble of faction politics leads to a healthy, tyranny-free democracy.

But what does all this have to do with campaign finance reform? If we are to believe John McCain, the influence that factions wield by way of fundraising for issues and for candidates must be limited because it taints the political process. McCain intends to limit the influence of these factions by imposing additional limits on the right of individuals and groups to spend money for the dissemination of political speech. But it was this very exertion of influence by various, and often conflicting, interest groups that Madison believed was so essential to an extensive republic, and not an evil to be eradicated.

Critics of Madison's position argue that he did not realize the kind or amount of influence that money would garner in the early twenty-first century, and that if he were here today he would agree that such restrictions on spending would be warranted. Maybe factions can be just as robust, they argue, even when limited in their ability to raise and spend money. These arguments will be addressed in turn.

First, Madison did realize that the influence wrought by faction could be quite unseemly. Madison actually admitted that faction could "clog the administration and convulse the society." But regardless of the intensity of such interests, the vote was the means by which such a minority could be overcome, and instability the means by which the majority was to be contained. In particular, Madison understood the power of money. In Federalist 10, Madison notes that "the most common and durable source of factions has been the various and unequal distribution of property." Again, Madison believed, and I think rightly so, that such a faction is checked by other factions with adverse goals. Those attempting to influence the government in harmful ways will be less likely to succeed because they must persuade not just one legislator who may be susceptible to their charms, but a majority of legislators. Some legislators may be subject to some wrongful influence, but others will act as a damper because they are influenced by opposing factions.

But instead of this checks and balances system, Mr. McCain would have us diminish liberty. James Madison would be disappointed in the gentleman from Arizona. Madison knew the pull to regulate was pro-

See REFORM, page 7

Waffling on the Death Penalty

By Toby Bordelon
Senior Editor

Governor Ryan's recent speech here at the law school gave me occasion to think about the death penalty. I wonder if I would be able to hold to my ideals when push came to shove. Governor Ryan's moratorium is based on uncertainty and error in the conviction process, but my personal belief goes much further than that. I believe that all life is precious, worthy of respect and protection, not destruction. Each soul is valued beyond measure, something that should be cherished. Even after hearing Governor Ryan point out the Timothy McVeigh case as an example of where capital punishment is appropriate, I still remain morally opposed to the death penalty.

Yet cases like Timothy McVeigh give me pause. Here is a man who has killed innocent people, including children, in pursuit of a political crusade. He shows no remorse whatsoever for his actions. If the death penalty is right for anyone, surely it is for him. Should society be forced to feed and clothe him for the rest of his life, while the families of his victims must live with the pain he has caused? It's hard not to feel the death penalty is appropriate here.

Several of my friends believe that some people simply cannot ever be rehabilitated. I don't agree. Despite the existence of people like Timothy McVeigh, I cling, perhaps blindly, to the idea that each person is made in the image of God

See WAFFLING, page 9

MOOT COURT

From page 3

compete in oral rounds.

Unlike the brief writer, however, who can argue one side and be evaluated on that alone, the oral advocates must switch sides of the argument from the first round to the next. Thus, one might first argue as petitioner but must then argue as respondent in the next round. The national teams compete in the fall. This last fall, Patrick O'Shaughnessy and Joanna Wolf wrote the briefs for UCLAW, which Enrico Alis, Erin Walsh, Shalon Zeferjahn, and Susanne Blossom argued in the regional round of the National Competition held this year in Los Angeles. The question regarded a private violation of a federal wiretapping act, and whether information gained could be disclosed to certain other people.

The judges of the primary regional rounds are local judges and attorneys, while the final regional round is argued in front of federal judges. The 2001-2002 National team will receive their packet in the fall and have one month to write their briefs. They will then get a chance to read the briefs of all the advocates before the competition. If they win the regional they will go on to the National level in New York.

The state team competes in the spring. The oral advocates on the state team have an even more challenging role than the National competitors because they do not have a chance to read competitors' briefs before they do oral rounds. As a result, they must prepare to argue both sides of the brief without any prior knowledge of the arguments that will face them from the other advocates.

16th Annual Powwow Coming to UCLA

By Crystal Howard
Senior Editor
Special Thanks to
Crystal Roberts, AISA

The American Indian Student Association will be holding its 16th annual UCLA PowWow on the Intramural Field May 5 and 6. The Pow Wow has emerged as a significant social and cultural institution through which American Indian communities choose to preserve and maintain tribal traditions. The UCLA Pow Wow provides a means by which spiritual traditions and customs of American Indians can be practiced, learned, and valued by UCLA students and faculty. It also serves to unify the American Indians as a people. Both North and South American tribal nations will be represented at the upcoming powwow. Traditionally, the powwow includes tribes from California, Arizona, New Mexico, The Dakotas, Oklahoma, and Canada, but in the past some tribes from Peru have been represented as well. The theme for this year's 16th Annual UCLA Pow Wow is "A New Circle of Voices," chosen on the basis of AISA's

strong commitment to our youth—the voices of Indian youth in the new millennium.

Scheduled events include Two Grand Entries, a Drum Contest, Gourd Dancing, Men's Golden Age (50+), Men's Northern Traditional (18-49), Men's Southern Straight, Men's Fancy, Men's Grass, Women's Golden Age (50+), Women's Fancy Shawl (18-49), Women's Jingle, Women's Northern Traditional, Women's Southern Traditional, and several teen and children's dances. Northern singers tend to sing in very high ranges, the men often sounding like women singers. Southern singers have low to medium ranges. Fry bread (Indian tacos), carne asada from the Mecha booth, beverages, cotton candy, and snow cones will be available. Parking Services estimates that 2,000-5,000 people attended last year's powwow over a two day period, but this year AISA hopes to double that number to 10,000. The powwow will take place on Saturday, May 5, 10 am to 10 pm, and Sunday, May 6, 10 am to 6 pm. For more information contact AISA at (310) 206-7513 or email aisc@ucla.edu.

LETTERS

From page 2

ing Skills, we are taught that being a professional is about meeting deadlines and obligations. We are told that the penalties we suffer for turning in Lawyering Skills papers late will prepare us for the demands of professional practice, where we might face sanctions and potential malpractice actions for such behavior. Given this indoctrination, what message does it send when professors cannot or do not hold themselves up to the same high standards?

Professors who do not turn their grades in on time have failed their students. These students deserve an apology. To those professors who turned in late grades this semester, the SBA requests that you personally apologize to your students, if you have not already done so. In the future, if you know that you will be unable to submit your grades on time then we encourage you to contact your students to explain the situation to them and give them an approximate date by which they can expect their grades.

By attending your class and taking your exam, your students have met their obligations. Both they and the entire law school community are harmed when professors fail to take their obligations as a teacher seriously.

SBA March 13, 2001

Dear Editors,

I wanted to follow up to Michael E. Lopez's opinion piece, "The Masters' Tools" in the last issue of *The Docket*. I should like to compliment the author on brief moments of intelligent and articulate reasoning. Mr. Lopez, however, in writing what he believes will be the end-all-and-say-all article on the subject, has inadvertently simplified complex issues.

In particular, I am troubled by the author's paradoxical resolve to the section he entitled "Race and Culture: A Conundrum." Mr. Lopez begins the section by explaining that, "[I]f a culture appropriates its mistreatment at the hands of the ignorant and the racist, if it makes a race-based self-identification because of its history, it is not creating itself on its own terms." He then goes on to say that "[w]hen a group, defined only by the category of race in the first place, incorporates the racism of others into its culture, it is a tragedy that should be undone, not something to celebrate." What this boils down to, evidently, is that members of minority ethnicities should not "buy into what some ignorant ass with a case of racial superiority said about your great grandfather, even if your great grandfather did."

See LETTERS, page 8

The Librarians' Desk

AVAILABILITY OF LEXIS/WESTLAW PASSWORDS DURING THE SUMMER:

As some of you know, during the summer, LEXIS and WESTLAW have a policy of suspending access to most of their databases for academic account holders. While they have modified this policy slightly (see details below), you may need to find alternative online search sites. We will shortly be emailing to all of you a list a list of such sites.

LEXIS-NEXIS provides law school account access to students involved in school related work (law reviews or journals, Moot Court, research projects for professors, unpaid externships). For more information or to register, please see [HTTP://LAW.SCHOOL.LEXIS.COM/OFFERS/SUMMER/ACCESS.HTM](http://LAW.SCHOOL.LEXIS.COM/OFFERS/SUMMER/ACCESS.HTM).

WESTLAW will automatically allow all continuing students access on their law school account for two (2) hours each month during June and July (special arrangements will be made for law reviews, moot court and possibly for summer research assistants). Passwords may not be used for research for internships, externships, law firms, government agencies, corporations, public interest, pro bono or other purposes unrelated to law school coursework. For more information, please see WWW.LAW.SCHOOL.WESTLAW.COM.

ALTERNATIVES TO LEXIS AND WESTLAW:

The Law Library staff would like to highlight here a few additional legal research tools available to you through the Internet. Although these services are not really comparable to LEXIS-NEXIS and WESTLAW in terms of coverage or search mechanisms, their advantage is that they are considerably less expensive and may be available to you during the summer, even for job-related research.

A good place to begin is with the **Law Library Research Guide Series** that is available to you at the Reference Desk and at the Library website. Internet resources are listed in the context of each Guide. Please consult the Guides for further information. The guides may be found at [HTTP://WWW.LAW.UCLA.EDU/LIBRARY/RESEARCHTOOLS/GUIDES/INDEX.HTM](http://WWW.LAW.UCLA.EDU/LIBRARY/RESEARCHTOOLS/GUIDES/INDEX.HTM).

An indispensable resource for finding legal materials on the Internet is **Findlaw.com**. It is essentially the legal equivalent of Yahoo.

Without endorsing its utility for particular research, we want you to know that we have a UCLA Law School subscription for free access to **LOISLAW**. You may use it for your firm work as well as for academic work. LOISLAW contains the codes, regulations and reports of the highest courts of all the states. It allows you to combine as many of these individual resources as you wish and to search them using Boolean logic. A big advantage of LOISLAW is that you will have access to it and may use it freely at your jobs during the summer. You will also have free access for the six months following graduation. We also want to alert you to the fact that much of what is available through LOISLAW is also available from other websites on the Internet, but LOISLAW compiles the information differently, which you may or may not find to be an advantage. You will soon get an emailed letter with our LOISLAW code.

On behalf of the entire law library staff, we wish you a satisfying and productive summer and we look forward to seeing many of you again in the fall!

Adrienne Adan
Linda Maisner

SWEATSHOPS

From page 1

worker in a wage claim hearing is one of the most concrete things that a student can do for a low-wage worker, and students get an opportunity to apply what they have learned in an administrative hearing.

"I found out just how useful Lawyering Skills was for putting together coherent examinations and arguments," says Andrew. "Also, learning how to build client relationships over time was key, because the more the workers trusted me, the better we could work together."

Andrew had the great honor to argue against an attorney who has become infamous in the worker's rights legal community for using underhanded and questionable techniques to intimidate workers at the wage hearing. As the opposing attorney began to hover over Andrew's clients and raise his voice, Andrew asked the hearing officer to order him to sit back down. After opposing counsel refused to sit, Andrew himself stood, over the objections of the opposing attorney, and the hearing officer then ordered both advocates to sit down — what Andrew wanted in the first place. During a cross-examination, the

opposing attorney whispered to one worker, "I know you're lying."

"These tactics were meant to derail the proceeding and unnerve the workers. But the judgement sends a clear signal to employers that intimidation tactics will not help their case," says Andrew.

Andrew's hard work paid off this January when the Labor commissioner's order arrived in the mail. In three separate opinions, the hearing officer ordered the sweatshop owner to pay the workers almost three times their actual unpaid wages for the past three years, counting penalties, interest, and liquidated damages. Andrew was elated, but he realized that there is still a great deal of work to be done.

"First, we need to get the judgement collected. Although the Hearing Officer at the Labor Commissioner's office awarded the workers back pay, liquidated damages, and waiting time penalties for the three workers, they haven't yet seen a penny of this award." Andrew is continuing to work with the Labor Commissioner to make sure

See SWEATSHOPS, page 6

Wisdom of the Ages: Anne's Three Year Odyssey

Top Ten Things I Learned My First Semester of Law School*

Anne Jollay
Features Editor

*Reprinted from the February, 1999 issue.

- 10) **Karmic forces are inactive in law school**
The pretentious ass sitting next to you will get a 4.0, and the darling girl who loves all of mankind will drop out.
- 9) **Grades mean nothing and everything**
They mean nothing in that they do not reflect intelligence or hard work. However, they do reflect your entire self-esteem for the first two weeks of second semester (or until whenever you get a grip, come back down to earth, and get some perspective).
- 8) **TV is the root of all evil**
It must be stopped. Somehow it convinces you that watching *Buffy the Vampire Slayer* is far more important than doing crim reading.
- 7) **Alcohol makes law school a beautiful place**
Hate law school and don't know why you came? Go have a beer. Many. Often.
- 6) **If you are single when you enter, you will probably be single when you leave**
I don't really think an explanation is necessary here. Just exercise a lot (for the only way to possibly avoid this, see #3).
- 5) **Don't Brief Cases**
Yeah, so you might make an ass of yourself in class once or twice. But I'd gladly trade a little friendly humiliation for a little *Buffy* (If it wasn't clear before, I'm obviously single- otherwise, I'd have better things to do with the free time).
- 4) **Just "Pass," Damnit!**
News flash- nobody cares whether you did the reading or even whether you are a sniveling moron. They have their own problems.
- 3) **Go out with non-law school friends**
It is an important part of the healing process that must occur at the end of every week. These friends should preferably be ones that knew you before you became a law student- they knew you were at least fun once, so they'll stick with you in hopes that you will one day return to your old glorious self.
- 2) **Don't ask Ben King for an interview about his appearance on *Love Connection* for a Docket article you have to write**
He'll put you off for a few weeks, and then you'll be stuck without an article a few hours before the deadline. But it's OK, Ben. I inherently respect any person who dodges an article about their appearance on *Love Connection*. Hell, I would.
- 1) **Exams don't actually physically kill you- just emotionally and spiritually**
It could have been worse. Congrats to all my fellow 1Ls. You willingly put yourself through what should be one of Dante's Circles of Hell and lived to tell the tale.

Top Ten Things I Learned My Second Year of Law School*

Anne Jollay
Editor-in-Chief

*Reprinted from the April, 2000 issue.

- 10) **Much to my dismay, porn isn't ALWAYS a good thing**
This shocked me. Apparently, it shocked others as well.
- 9) **A charming personality is severely undervalued by OCIP firms**
The bastards.
- 8) ***Buffy* just keeps getting better and better**
As your capacity to understand complex legal issues grows, your enjoyment of *Buffy the Vampire Slayer* increases as well (The episode with the slow-mo bitch-slap fight between Zander and the Valley-Girl vampire was just *brilliant!*)
- 7) **Other than bar review, I'm afraid I still don't know what the SBA does**
No, the Barrister's Ball had a separate committee. And I refuse to acknowledge the existence of the book exchange because I always hear about it after the deadline.
- 6) **You must budget 20 minutes in order to use one of the three working computers in the student lounge**
I have no idea why I don't just always go to the computer lab to check email at this point - it would certainly be faster. At least we have nice furniture to look at now.
- 5) **You forget absolutely EVERYTHING you learned as a 1L**
Supplemental jurisdiction? Fee Simple Defeasible? Thank God for Bar-Bri is all I have to say. Makes me wonder what the point of taking Bar classes is if you're just going to have to relearn it anyway.
- 4) **Downing a bottle of wine the night before Moot Court competition is exercising extremely poor judgment**
A painful memory but a valuable lesson (one that I should have learned about five years ago, but it has been scientifically proven that maturity mysteriously wanes in law school, so give me a break).
- 3) **3Ls are kind and generous souls who round out the curve**
I can't wait to be one of you.
- 2) **"Billy Boy", after leading a very hard life, has moved back to Miami after receiving Professor Michael Graham's student evaluations**
I think those who took Evidence last semester are all rejoicing.
- 1) **I finally learned who the hell Josh Sandler was**
He was just so full of "sage advice" and "helpful reminders" about deadlines that I at least wanted to know what he looked like. But where is he now? I wish his "little elves" would get back to work...

Top Ten Things I Learned My Third Year of Law School

Anne Jollay
3L

- 10) "Law and ..." are God's gift to 3L's (and in turn, 3L's are God's gift to 2L G.P.A.'s)
- 9) By the time you finally realize as a 3L that Spring Break can actually be a "break," there isn't anything left to take a break from.
- 8) "*Buffy the Vampire Slayer*" continues to be a thoughtful and intelligent portrayal of women's continuing struggle against vampires, demons, and other various social ills.
- 7) Unfortunately, a 3L has less market value than even a 1L in the job search.
- 6) It is possible to be both hostile and apathetic towards one's educational institution.
- 5) Jerri wasn't just hungry- she really is a bitch.
- 4) I should have dated Toby Bordelon when I had the chance. Now I am forced to date undergrads.
- 3) Even freecell gets old after a while.
- 2) Unless you want to starve waiting for your tax refund, cats, dogs, houseplants, and undergrad boyfriends/girlfriends should be considered "dependants."
- 1) The SBA is a very, very generous organization that cares about the welfare and drinking needs of the 3L class.

The Number One Thing Michael Lopez Learned In Law School:

As graduation gets closer, people's submissions get shorter.

GOVERNOR

From page 1

have been sentenced to death. By January 2000, thirteen of those convicted had been found innocent. That, said Ryan, was "a shameful scorecard for the Illinois system... There was really no 'justice' in the justice system." and Ryan imposed a moratorium on executions on January 31.

While Governor Ryan still believes that the death penalty is appropriate for some crimes, he also believes that if it cannot be fixed it may have to be done away with entirely. To that end, Ryan has established a commission to review the death penalty and report back to him on whether it can be fixed.

"There's no margin for error," he said. "You can't hope it works, you can't assume it works. You've got to know." His interest in reforming the criminal justice system goes beyond capital punishment. If thirteen people on death row are innocent, he wonders, how many innocent people are sitting in jail?

"Everyone you talk to in prison will tell you

they're innocent. But I believe that there are innocent people in jail," the governor told the crowd.

By way of reform, Illinois has passed a law allowing for DNA testing on old evidence and the requires the preservation of evidence so that it can be tested as future technology becomes available. Governor Ryan and the legislators are now also working on redrafting the Criminal Code, which is now forty years old, to bring it up to date with modern times. The goal is to make it clear and fair. Ryan is also promoting the federal Forensic Science Improvement Act, and encouraged those in attendance to write their congressmen to provide a more just justice system.

Governor Ryan was humble about his recent actions. "I don't know if courage is even the right word to describe what I did," he said in reply to a glowing introduction. "It was the right thing to do."

The speech was interrupted only once, by a cell phone beeping to the tune of Beethoven's 9th.

SWEATSHOPS

From page 5

that the employer complies with the order.

"Second, it would be great to create a system whereby more students can do work like this." Andrew encourages students who would like to get involved in workers rights legal work to get involved in the Workers Justice Project here at UCLAW. The Workers Justice Project offers training and volunteer placement to students interested in representing wage-laborers. Opportunities are available for students in any situation, from the student who wishes only to volunteer a few hours a month, to students wishing to take on their own cases, as Andrew did.

To get involved with the Workers Justice Project, contact the volunteer coordinator, Amy Whitehurst, at whitehurst@2002.law.ucla.edu.

Can't Get Enough of the Law? Summer Reading List

By Luke Jackson

2L

I know, I know. With finals rapidly approaching, the last thing on your mind is recreational reading. But during your summer vacation, as you sip a Mai Tai on a tropical beach, you may be looking for a little distraction other than the crashing waves and tanned bodies. It could happen.

Presumed Innocent Scott Turow

The book that kicked off Turow's stints on the NY Times Bestseller lists. You've probably already read it or seen the movie with Harrison Ford. Pretty tight murder mystery and legal thriller—a whodunnit with the inevitable twist at the end. My 1L roommate loved this book and hated *The Laws of Our Fathers* (see below), but I prefer the latter. This book is too genre for my tastes. The protagonist lacks the eccentricities of character that make for more interesting fiction, except for his fling with Carolyn Polyhemus (are extramarital affairs the exception or the norm nowadays?). Good, tight prose, inter-

esting, a bit formulaic.

The Laws of Our Fathers Scott Turow

Alright, this one is a bit long, which led my 1L roommate to throw it down in disgust (see above). However, as a lit major who has actually read through Joyce's *Ulysses*, I found the range of ideas more compelling than Turow's other works. He touches on everything from '60s revolutionary politics to the modern "plight of the inner cities." Some of the language still sticks with me even though I read this book over a year ago. He talks about the "rarefied air" that corporate lawyers breathe, and an act that a crack fiend does "just as if she was shining your shoes" (read it to find out, I've exceeded my offensive quota for this issue).

Admittedly, the wide scope does lead to lag time, some of the gangsta slang is corny, and the ending isn't the greatest (it's all a hustle, everyone's implicated). But hey, the ride is more important than the destination, and the range of ideas and quality of writing are the best among Turow's works.

Pleading Guilty Scott Turow

I thought this book was a lot of fun. Judging from the amazon.com reviews, most people like *Presumed Innocent* a lot better, but I liked how *Pleading Guilty's* narrator is such a crusty, embittered alcoholic. He reminded me of the hard-drinking, solitary detectives in the old noir books by Dashiell Hammett and Jim Thompson. However, people seem to prefer a protagonist that they can sympathize with, and the narrator here is a rather unsavory character. I guess it depends on what you look for in fiction. I liked the ending, where the narrator achieves his dream, even if it is a dream that most normies won't understand.

Personal Injuries Scott Turow

I have to be honest, I've only read to page 115 of this book. The greasy slickster schmoozer who is the center of the novel, Robbie Feather, was repellent. Even if he does

care for his dying wife, the morbid descriptions of her illness just seemed like an outright ploy to engage some sympathies. The book might get a lot better after p115, but I wouldn't know. I guess I should move on to the other major player in legal fiction.

The Street Lawyer John Grisham

Grisham may be more simplistic and not as "literary" as Turow, but this book is a good read. If you're looking for action, try Grisham's other books (see below). This one starts off intensely, with a homeless man launching a kamikaze assault on a giant law firm. However, the remainder of the book concerns the effect that this experience has on one of the lawyers held hostage, and his efforts to find out what the firm had done to this homeless man. Some readers bemoan the lack of action, but I find the inner journey that this lawyer makes to be far more satisfying.

See **BOOKS**, page 9

REFORM

From page 4

found, and so he cautioned against it in Federalist 10:

"Liberty is to faction," he wrote, "What air is to fire, an ailment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency."

On a personal note, I despair of the drive by cities and countries around to eradicate various harms by limiting the freedom of their citizens. It is this kind of ends-based perspective that gives us the Rampart police scandal and the current situation in Israel. And if it seems extreme to relate the suspension of civil rights with campaign finance limitations, I mean it only by way of illustrating that even in the most dire of circumstances, limitations on freedom often have miserable consequences. But Madison understood the emotional appeal of limiting liberty in the name of a safer or better democracy, so he gave us the Bill of Rights.

Those who argue that political factions will be just as robust if campaign finance reform is passed are sadly mistaken. The very intention of campaign finance reform is to lessen the influence of certain factions. Less money will certainly mean less influence, less ability to contact voters, and less ability to disseminate political messages. Because *everyone* will have less money, the argument goes, the relative positions of speakers is unchanged. But this is not true. The proposed law favors some speakers, and disfavors others. These provisions will be detrimental to organizations that are wealthy or well-organized or both. But even were I to agree that all groups are equally disadvantaged - each group is afforded less of an opportunity to speak. Should I feel better about such restrictions on our freedom just because the burden of this injustice is shared by evil coal companies and the NAACP alike?

Other critics argue with Madison's theories of democracy on the basis of populism, standing firmly on the idea that the common people must be protected against the elite moneyed interests. They argue that by limiting the influence of special interests, a majority of ordinary people will have their

views heard. Again, so what? Was the majority right about slavery, or about suffrage or segregation? Were not special interest groups instrumental in influencing the public debates about these wrongheaded ideas? The dangers of populism are at least as great as those of pluralism. Jacques Delors, a French statesman, once remarked, "Populism is on the increase - a populism that rejects anything different, anyone with a different-colored skin, or a different race or religion. This is the real danger and unspoken risk that threatens to pollute democracy."

In the end, under the "one person one vote" system, the common people can go to the polls and elect whom they wish, approve or veto whatever proposition they wish. The little people always have their day. But influence can not be handed out like votes. Influence is unequal, and what's more, it *should* be. Some people are smarter. Some people are better spoken. Some people are better looking. Some people have better ideas (like the abolitionists and suffragists). And some people have more money. Only votes are equal. In this great republic the little people are the final arbiters - they can always vote the bums out.

From a practical perspective, do we have any real evidence that our political process is seriously corrupted by money, or do we just feel like it?

The statistics are illuminating in a number of ways. Limitations on campaign contributions and expenditures have a more deleterious effect on challengers than on incumbents. Being able to gather and spend a large amount of money is more beneficial to the challenger because she is at a name recognition disadvantage. Therefore, campaign finance reform has an *anti-competitive* effect. This seems incongruous in a country that has so quickly embraced term limits. Furthermore, the statistical evidence concerning self-financed candidates is even less convincing. Self-financed candidates almost always lost. Money may be influential in the political process, but it is not controlling. Apparently, there is no amount of money that can make Steve Forbes appealing.

Statistical evidence is even weaker concerning the effects of campaign contributions on legislative behavior. First, it ap-

pears that money tends to follow the already sympathetic ear. Although we may have serious reservations about the wisdom of certain legislator's positions they probably had these silly ideas first and the people with money (who share the same silly ideas) realized that the legislator was sympathetic.

Second, evidence suggests that legislators are, in fact, strongly directed by the voters in their district. No matter how much special interest money is given to a legislator, she will not be inclined to vote in a way that is adverse to her constituents. This is because she wants to be re-elected more than she wants to be the friend of Big Oil. Of course, if Big Oil happens to employ a large number of her constituents, or if her district is somehow dependent on such business, she will vote for big oil. But that is as it should be.

Although money may be influential, it neither controls the election process nor corrupts it in a significant way. The one problem area may be that discrete legislation which "flies under the radar" of most individuals and interest groups. A legislator involved in crafting such legislation may be subject to particular pressure from the interest group immediately effected, with no counter pressure because other groups have no interest in (or knowledge of) whether the legislation passes or not. But I am skeptical of whether this problem is widespread. Most legislation, thanks to special interest groups and their lobbyists, gets significant scrutiny. In fact, it is because these diverse interest groups have such large coffers that they can afford to scrutinize the enormous amount of legislation being drafted in Washington. Surely some legislators step over the line and take money to change their positions. But these situations (where there is a quid pro quo) are subject to both federal and state bribery statutes. We should have significant hard data that such problems are widespread before we impose additional restrictions on the liberties of citizens.

Some critics argue that even the appearance of conflict might undermine our system of democracy. They argue that it requires no statistical data to know that a person cannot be allowed to be the judge in her own case. Her interest almost certainly biases her judgement. In a judicial setting,

even the appearance of a conflict of interest acts to disqualify a judge. Many campaign finance reform advocates believe that such reform would prevent the appearance of conflicts of interest in the political process, thereby lending it greater legitimacy.

I find this argument unpersuasive because of the very design of the political process. To continue the judicial analogy above, Madison says, "For a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine?" There you have it. Politics by its very nature is messy. John McCain wants to eradicate not just actual conflicts of interest, but the appearance of conflicts entirely. Maybe he should seek to eradicate the entire democratic system. Certainly we would all agree that a monarch, unfettered by his own laws, could rule without a conflict of interest on many issues. But who wants one? Perhaps McCain could introduce legislation that limits the way in which legislators can vote - a rule that no legislator can vote on a bill that will benefit her district. If you find this idea compelling, you cannot possibly claim to understand and support representative democracy.

In conclusion, I am hesitant to support broad campaign finance reform because our democratic principals indicate that the power of special interest produces a net good. In addition, the restrictions on the First Amendment free speech protections and rights of association may at times be quite severe. Limiting the money I can spend does limit my ability to "get my message out." Furthermore, I would expect that the government would be wise enough to study the empirical data to make sure that such restrictions on private rights are necessary before they are imposed.

Yes, money matters. Money matters because it is one way to influence people, but it is neither controlling nor corrupting the process.

A Summer Associate Survival Guide: Surefire Steps to Avoid Facing an Offer

How to ensure your participation in OCIP as a 3L

By Brian Bark & Michael E. Lopez
3Ls

It's two weeks after your last final. The alarm clock rings. You look, bleary-eyed, over at it. 8:30am, it says. You have two hours until you begin first day as a summer associate for Gargantuan, Monstrous, and Big, L.L.P., a Limited Liability Partnership including Professional Corporations. You jump in the shower, and as the water courses down your still awakening body, your mind is filled with visions of free lunches, cruises, trips to New York, dinners at Patina and L'Orangerie, and dancing sug-arplums—all courtesy of your firm, and it's not even Christmas. Of course, you'll probably have to work a little in between your jaunts into hedonistic and aristocratic indulgence.

Drying off, you throw on your suit (or if you're lucky enough your Bermuda shorts and a Hawaiian shirt), and off you go down the 10 towards what you are sure is going to be the start of a long and rewarding, one might even say illustrious career.

All of us know how to get that offer: work hard, read your cases, Shepardize/Keycite, proofread everything you write, turn in your best work, and be thorough, thoughtful, and courteous to attorneys as well as staff. There are some things you can do to make yourself really shine: put your work product in a notebook with nice, organized, tabs and an index of authority, be insightful, or even be original.

For those of you that want an offer, this article is not for you. Rather, this article is for all of you out there who never wanted that job. Or perhaps you discover, halfway through your summer, that the big firm lifestyle isn't for you. You think to yourself, *if I have to work another week in this place, I'm going to go mad.* All you can think about is getting out of there and heading for Public Counsel, or the mall, or even medical school. Or maybe you just want to spend some more time "finding yourself" and wandering around from odd job to odd job while your loans are in deferment, or default as the case may be. Maybe you just decide that "this whole work thing just sucks." If an offerless summer is what you want, read on. Follow our advice, and we guarantee that you will not receive your offer, or anything even resembling it; you might not even make it through the summer.

LETTERS

From page 5

So far I follow what Mr. Lopez seems to be getting at, even if his language is less tactful than I would expect a 3L on the precipice of the professional world to employ. Yet Mr. Lopez qualifies his earlier statements, explaining that he is "not saying that we should forget about the mistreatment of groups, the genocide which populates our history texts, or the awful mistakes we've made in our own country because of racism." He even goes so far as to admonish us to "[l]ook back, and even identify a little with [our] ancestors who suffered so much at the hands of racists" (Sic.). But, at the

1. Lie

There's no faster way to send your ass speeding out the door than to lie. One evening, you might want to try calling a partner at, say, 7:30pm, and leave the following voice mail message: "Just wanted to let you know I'm working late... it's 11:30pm and I'll have the work on your desk in the morning." When the partner listens to the voice mail say "Message 3, sent, Yesterday, at seven-thirty-one-p-m....", you can just picture the rage.

A second alternative is to falsify your transcript. Those of us in the 3L class have already witnessed the powerful, awe-inspiring destructive capacity of this approach. (See "Two UCLA Affiliates Charged With Fraud," by Brady Bustany, *The Docket*, Volume 47, Number 5, March 1999)

2. Procrastinate

Never put off till this afternoon what you can put off till next week, especially if you aren't interested at working in your firm. Sure, it may seem like gathering all the cases on section 17-200 attorney's fees should take only a couple of hours. It may seem like you'll have plenty of time to do it tomorrow. It's more fun to go out to the Laker's game on your firm tonight, right? Or play golf at the Brookline Club in Pasadena! Go see La Boheme! Go listen to the PSO at Irvine Meadows.... something interesting must be happening *somewhere* in the city... it's Los Angeles for crying out loud! And if none of this appeals to you, you can always keep showing up at 10:30, just like that first day.

3. Sex

We're almost ashamed to put something this obvious down on paper, but some of you might not know about the classic, tried and true method for losing your offer. Have sex. Lots of it. With other summers, with partners, with associates, with staff, with secretaries.... It doesn't matter. Just throw all the junk on your desk on the floor and go for it. It will feel great for a few minutes... and it will feel even better when you realize that you don't have to go back to work after graduation and face all the people you fucked. This approach is especially effective if you are married. Be sure to leave the photos of the wife and little ones on the bookshelf while you get it on.

4. Lose a Client

Yes, it looks appealing. Yes, you've had two glasses of wine. Yes, no one seems to be looking. But when you grab your client's ass at a meeting, it's probably going to end badly. "John" tried this little maneuver out one summer, and John was able to realize the job of his dreams as a proofreader for *Swank* magazine, earning \$23,000 a year. For

real effect, combine this tactic with #3, above. This isn't the only way to lose a client, mind you. You can be rude, obnoxious, and offensive in a whole variety of ways. Mouth off, drool on his shoes, spill beer on her, or tell her that you think her corporation's behavior is reprehensible. Chat with him in a pleasant conversation about life and philosophy for two hours, then bill him for it. The list is endless... you get the idea.

5. Screw up a complaint, or get a malpractice suit.

You saw *Philadelphia*. He ended up dead and all he did was leave it on his desk. You'll probably just end up fired. Really, this goes for turning things in late, too. (See #2, above) The law has deadlines, and yes, the law has *legal rules*. By citing to cases for the wrong proposition, by failing to cite to relevant law, or by citing to lots of cases with those pesky little red triangles in the corner without figuring out why they're there, you too can guarantee results. Or better yet, fail to turn in your precedent when you turn in your assignment, and don't Shepardize it, and maybe your work will end up in a final brief filed in court. Just think of the malpractice dollars! Sure it probably will cost your client a fortune in attorney's fees to recover damages, but who cares? You won't be around to see it.

6. Get your firm kicked off a case

Boy that plaintiff's name sure sounds familiar, you think to yourself, scanning over the complaint with which your firm's client just got served. Maybe it's a company you worked for as a paralegal. Maybe it's your aunt. Maybe it's your sister. It doesn't matter... this is your chance to get the hell out of your firm. Just sit back in your chair and ponder the conflicts of interest; say nothing.

7. Violate a rule of professional responsibility, or better yet, break a law.

Okay, cocaine is fun (so we've been told). And sure, you can afford those high-priced call girls/guys now that you're cranking in \$2400/week. Live it up. Enjoy yourself. And when you get that privileged letter from the opposing counsel to his client over the fax machine, read on! You may learn a lot about their strategy and tactics. Think of what you can do for your client! And what's more... it's *fun*.

8. Get shitfaced at the firm party, especially if you're the only one.

All the world's a stage... and there's nothing quite like being the entertainment for your entire firm. At best, you lie on the ground curled up in the fetal position be-

neath a chair. At worst, your impromptu rendition of "Stayin' Alive," set in the middle of the table at Water Grill while your colleagues look on with a mixture of awe and despair, sets you apart from the typical summer associate and lets everyone know exactly where you stand — on the table. You know you're doing your career a favor when partners and associates greet you in the hall with a rueful shake of their heads.

9. Wear plaid with paisley

All right, so this isn't guaranteed to lose you your offer. But that just means you haven't gone far enough. Don't cut your nails. Work on your car at lunch. Forget to brush your teeth. Chew tobacco, and use the sink in the bathroom as your spittoon. Or find out what that senior partner thinks about your new tweed and spandex lingerie ensemble. And that "I'm a sex machine" tie with the suggestive looking "floral" patterns that you've been wanting to try out will go excellently with the suit you're wearing to the Ninth Circuit. Combine this with #4, above, for best results.

10. Ask of lots of stupid, obvious questions.

We've been told for years uncounted that there are no stupid questions. Well, our parents and kindergarten teachers were just wrong. There are stupid questions. You've probably already heard at least fifteen of them in class. You know what they are. All the things that you know you could find out yourself if you did so much as walk over to the shelf and crack open a book; the ones that make you pause a moment... don't do it! For blissful unemployment, a few recommendations should suffice.

"What's Westlaw?"

"Why does every Justice's name start with J?"

"Is it 'there,' 'they're,' or 'their'?"

"If you die could I go out with your wife? (see #3, above)"

"Am I better than the other summers?"

To maximize effect, ask a really dumb question in a reply to a group email, using the "ReplyAll" button. Now everyone at the firm will know just what a dumbass you are. All that in a single click... economic efficiency, the Chicago school calls it.

So there we are. We've done our best to make sure that you are prepared to capitalize on almost every opportunity to not get that dream offer. Now of course, this list is hardly exhaustive. There are as many ways to blow your summer offer as there are summer associate situations. But heed our advice and we guarantee... you'll be able to spend yet another fun-filled month in OCIP this Fall. Best of luck.

same time, we are to "recognize that it's ludicrous, and that [we] do not need to suffer the same in order to carry on [our] cultural heritage."

Okay, Mr. Lopez, now I've lost you.

We shouldn't celebrate the mistreatment of our ancestors. But we are not supposed to forget about the mistreatment and genocide of the history books either? What do you have in mind by celebration? I have never seen Jewish people dancing about the Holocaust or African-Americans blowing out candles to celebrate slavery. We celebrate by remembering. We create museums; we write books; we establish holidays

to honor our greatest visionaries. By celebrating/remembering, we do not buy into what "some ignorant ass" said about our great grandfathers. How are we supposed to "identify a little" with our ancestors but recognize that such identification is "ridiculous"? And where did this bit about needing to suffer the same as our ancestors to carry on our cultural heritage come from?

Does Mr. Lopez really mean to suggest that all the Jews enslaved and murdered in concentration camps "bought into what some ignorant ass," said about them? Did Rosa Parks, Malcolm X, or Dr. King buy into what some "ignorant ass" said about them?

Although Mr. Lopez wants to set up a dichotomy between racial struggle and human identification, such a dichotomy is unsustainable. The "master's tools" have rendered social and economic difference real even if such difference is predicated on the falsehood of faux scientific principles and unpopular ideologies. Sometimes asserting one's humanity in the face of a divided society requires an inquiry into the characteristics that underlie the divisiveness. History is, of course, relevant to this inquiry. In short, if the "master's tools" have assembled

See **LETTERS**, page 11

BOOKS

From page 7

The Firm
John Grisham

More of an action thriller than anything else. You've probably seen the movie with Tom Cruise. A nice parable about dashed expectations when an idealistic young graduate finds out that his firm works for "the Mob." Mostly concerns sneaking around, chasing people, etc. There's really no reason to read this, as everything good about this book was in the movie. And I remember the movie's beach scene as being pretty good.

The Partner
John Grisham

Alright, this book is almost completely action. The characters are completely amoral agents running around in pursuit of the loot. If you're into reading action (and I don't see why you would be, this will eventually be a made-for-TV movie), then get this one. As for me, I think the main asset of reading is to get into the interior worlds of characters, which this book rarely does, and then only superficially. Basically eyeball exercise without mental stimulation.

Bleak House
Charles Dickens

Do yourself a favor and DO NOT READ THIS BOOK. I slogged halfway through this tome, a grueling exercise of endurance. Basically, the law is depicted as a bureaucratic monstrosity that never achieves anything and sucks the lives and energies out of the characters. Yeah, pretty cool idea, but does Dickens really need to take this long to say it? Also, the legal system in 19th century England was based on archaic writs in the Court of Chancery, and our FRCP cleaned up a lot of that. It's therefore easy to read

the surplusage of red tape as incident to the period and not very socially relevant today. If you want to read about imperfections and inequities in our modern legal system, read Harr's *A Civil Action* (see below). Furthermore, this book seems locked in stasis, with very little good or bad happening to the characters. The modern reader will expect a dramatic scandal to be lurking on the next page, but it never, ever arises (or at least, not in the first half, which is about 300-400p).

A Civil Action
Jonathan Harr

If you haven't read this book by now, you really should. The movie really couldn't capture the intricacies of Anne Anderson, et al., v. W.R. Grace & Co., et al, a toxic tort concerning the pollution of the city of Woburn's water supply. The movie oversimplified everything as the little personal injury lawyer versus the big bad corporate guys, a direct precursor to the proletariat-versus-bourgeoisie theme of Erin Brockovich. There's definitely that in the book, but less so. The opposing counsel are fleshed out in far more detail, especially Jerome Facher, the Hale and Dorr attorney played by Robert Duvall in the film. Ultimately, fleshing out all of the players involved makes the book far more human and complex. A very satisfying and interesting read for all future attorneys.

Helter Skelter
Vincent Bugliosi

I found this true account of the Manson Family and its subsequent prosecution to be fascinating, far more so than many fictional legal thrillers. This book has it all: an inside look at the Manson Family, atrocious crimes, celebrity, and the legal details of the Family's prosecution. For those who don't

know, the Family's crime spree was especially horrific, usually stabbing their victims to death with knives, including the pregnant Sharon Tate (wife of Roman Polanski, the director later "exiled" from the US for having sex with a minor).

If one doesn't know how any human being could commit such an atrocious crime, Bugliosi has really done his homework. Manson had been incarcerated for most of his life for thievery and pimping when he was thrown out into the late-60s heyday of flower power liberalism. The manner in which he used sex and drugs as tools for psychological manipulation of his followers is truly insidious.

We also get to read about his truly whacked-out philosophy, a mixture of the Bible, jailhouse racism, and Beatles pop culture. I have to admit, the book changed the way I listen to the White Album. I never before realized that they say "And when you talk about destruction, don't you know that you can count me out. In." Listen closely, it's there. Basically, Manson thought that the Beatles were the "plague of locusts" of the Bible, sending subliminal messages to his Family to start off Helter Skelter, or a race war between whites and blacks in which blacks would emerge triumphant. I guess if you're already evil and insane, large amounts of acid can make you worse.

In the Belly of the Beast
Jack Abbott

A truly harrowing account of life on the inside of a federal penitentiary. Jack Abbott educated himself on Marx and other philosophers while trapped in this pit of hell. He writes about the beatings and tortures handed out by the prison guards. Who's going to believe a prisoner?

But more importantly, he vividly captures the way in which the prison destroys

your mind and soul (as a Marxist, he would probably take exception to that last term). You have to have a "kill-or-be-killed" attitude in order to survive with the other inmates, who will readily make the docile into their "punks" or "bitches." However, the guards repeatedly abuse and torment those who show anything other than lamb-like docility. This is perfectly captured by how he describes the "walking ghosts" whom the guards ignore, those completely tamed and destroyed, and who are inevitably killed by the other inmates.

There is some stuff here that the reader isn't going to like, including racist references to a "Zionist conspiracy." However, it seems absurd to hold an inmate in the racially segregated hell of prison to the standards of enlightened liberalism we may enjoy in the outside world. Also, Abbott's Marxism seems especially anachronistic to the modern reader in our system of late capitalism.

However much one may sympathize with Marx's indictment of capitalism, the ultimate attainment of a communist utopia seems a metaphysical "pipe dream." I agree with Norman Mailer's Introduction—the best stuff here concerns life on the inside, because that is all that Abbott knows as a life-long convict.

The Revolt of the Cockroach People
Oscar Zeta Acosta

Oscar Zeta Acosta was the fat Chicano attorney who was the prototype for "Dr. Gonzo," the fat Samoan attorney in Hunter S. Thompson's *Fear and Loathing in Las Vegas*. I suppose this book can only loosely be described as law-related fiction, but as the author was a lawyer, I suppose it passes muster.

See BOOKS, page 11

PILF Auction Earns Record \$39,000

Annual fundraiser is a smashing success. Professors add spice to the evening.

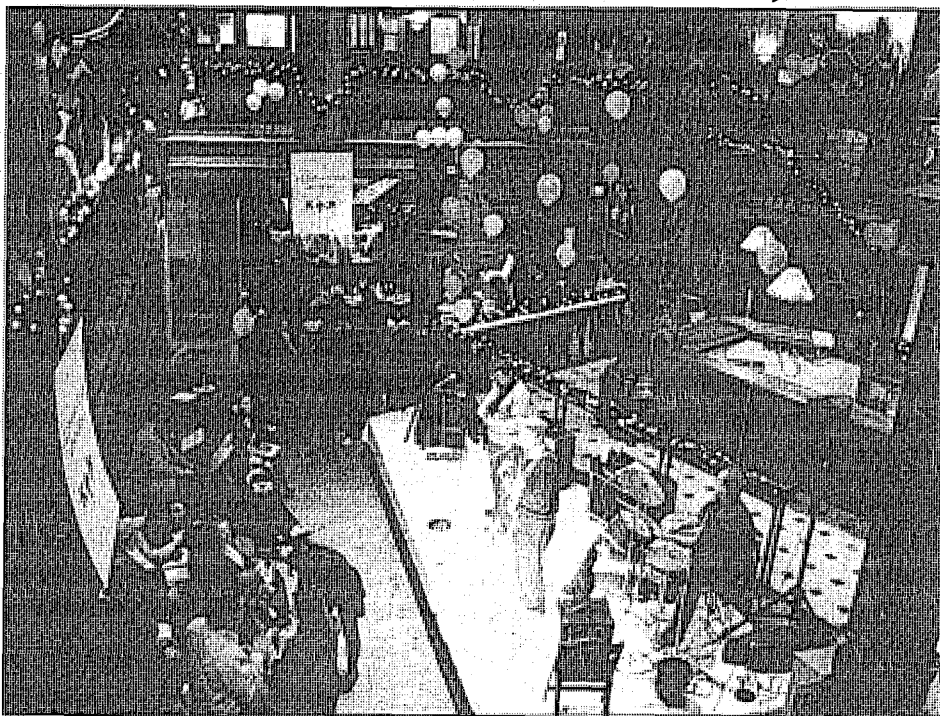
By Mari Metcalf

1L

March 9th, PILF bidders, auctioneers, and hopeful grant recipients monitored the rising prices of handknit scarves and LAPD ride alongs, and by the end of the evening, PILF was \$39,000 richer (\$32,000 in item sales, \$7,000 from tickets).

Professor Ann Carlson, with her right-hand-woman Jenny Carey, presided over the first live auction items, including the much-coveted Paintball game with Judge Alex Kozinski of the Ninth Circuit Court of Appeal. Carlson revealed that depending on one's politics and how they compared to Kozinski's, the occasion could be one for comradeship or, on the other hand, outright war. Though some were offended by the LAPD ride along promising views of 'skid row,' the trip ultimately earned for \$120 for the cause.

As auction goers consumed raw broccoli and gulped wine to their hearts' content, all were serenaded by The Usual Suspects, starring Civil Procedure instructor Clyde Spillenger on vocals and bass, and accompanied by Professor Steven Derian and their associate Corky Johnston. "Friend of the Devil" was a crowd-pleaser for all of the Dead Heads, and the band did a com-



Professors Clyde Spillenger and Steven Derian perform with their band, "The Usual Suspects," at the PILF Auction last month.

mendable version of "Oh Carol," as well as original-sounding Beatles covers.

Sports memorabilia abounded at the auction. The highest-valued piece of sports equipment adorned with famous-people's pen marks was the basketball autographed by John Wooden, which was scooped up for \$600.

First Stephen Gaghan and Steven Soderbergh's autographed copy of the "Traffic" screenplay has undoubtedly tripled its auction value (it fetched \$200) since both signers won Academy Awards two and a half weeks later.

Professor Grant Nelson followed Professor Carlson to the auctioneer's microphone, taunting and cajoling the bidders to cough up just a little more money than the other guy. Dancing for over 10 minutes between several bidders, Nelson's antics earned PILF \$1,325 for a weeklong vacation at cabin at Incline Village.

Professor Wiley's annual experiment to see how much money a philanthrope would bid for a \$100 bill netted \$175 [Eds. Note—*Cheap bastards. I paid \$300 for mine!*].

See AUCTION, page 11

WAFFLING

From page 4

and can somehow be redeemed. When things like Oklahoma City happen, however, I am forced to reevaluate that position, and I don't really like having to do that. Ironically, perhaps, it is relatively easy to see something like the bombing and still hold on to my ideals. It didn't touch me personally. I can still look at it objectively and say, yes, he killed many people, but that doesn't change the fact that killing him would be wrong.

I wonder what would happen if someone very close to me were raped and murdered. Could I look the perpetrator in the eye and not wish for him to die? Would I want to kill him myself? I think that everyone opposed to capital punishment needs to ask themselves that question. If you can't oppose it then, when it is real and personal, how can you oppose it in the abstract?

But even putting yourself in that hypothetical situation isn't the same as actually experiencing it, and maybe it isn't possible to answer that question unless you really face it. I like to think I'm a strong enough person to hold on to my ideals in that situation, but I don't know that I am. There is a part of me that would cry out for vengeance, and maybe that part is bigger than I like to admit. At any rate, I hope I never have to face that reality. I want to remain in my little ideal world, full of hope that despite everything that goes on around me in this deeply flawed society, redemption is possible for everyone.

RAMBLINGS

From page 4

living. If there's something I haven't done for sex, it's been done for money.³ This is why I've never been disturbed (in the way that many other people are) by the distillation of my entire life onto an 8½" x 11" piece of parchment. Other people reject the notion that two and half decades can be conveyed on one sheet of paper; for me, my life is just a list of reasons you should pay me a lot of money.⁴ During OCIP, I'd slap my resume down. "Here it is," I'd say, "all that's on this sheet, I did for you. Now fly me to London for an interview. I deserve it." And Latham did.⁵

Since I've been a lot more successful with the money bit than the dating bit, I naturally wish dating were more like interviewing.⁶ I'd slap my resume down on the table at Alto Palato and say, "Look: B.S. from Stanford. Big time firm job. Published in the Law Review. Snowboarder. Armani galore. Go ahead, look it over. I'm going to the bathroom, and when I come back you must love me utterly and completely. My people will, after reviewing your credit and predisposition to baldness, let you know if I can reciprocate. Then you will fly me to London."

Given humanity's perverse obsession with "feelings", however, this is not how things work. And so I find myself,

week after week, forced to endure petty vignettes of my date's childhood which usually revolve around the subject of Parents: Cruelty And Indifference Thereof; Favoritism Toward Siblings Exhibited Thereby; Absolute Impossibility of Satisfying or – most horribly of all – General Fabulousness, Creativity, and Supportiveness.

This inevitably causes my face to freeze in a rictus of disingenuous interest, and, as my knuckles whiten around my apple martini, I vow to run an extra mile so that I can attract something a little further from the bottom of the barrel,⁷ something preferably without parents.

This is, of course, how I ended up running thirty miles a week and hauling my ass up mountains in Nepal – to improve my dating prospects and enhance the extracurricular section of the resume. "Well since I've already crossed the Thorung La, I suppose this summer I'll head to Everest base camp. Your family doesn't have any history of baldness, by the way?"

Ok, I admit my life isn't wholly devoted to resume padding. I do have my independent hobbies. Words, for instance – I love them. Did you know that the word *venereal* shares (pretty appropriately) the same root as *venery* ("to hunt")? Or that

Estonian has no word for "orgy"?⁸ And then there's my fascination with plumbing. Did you know that the first ergonomic toilet seat was invented in Egypt around 2400BC? Or that the vacuum powered "Closet of the Century" shredded a man's testicles? Fascinating, really.

The problem is that a hobby involving pre-Ottoman pornography or homicidal toilets doesn't really translate well into the job or dating market.⁹ No matter how much you enjoy your hobby, people seem skittish when you mention that you spend your weekends searching for Eastern Empire dildoes on E-Bay or researching the origins of the word *frottage*. Unfortunately, this leads to what I call the Linda Deitch syndrome – the relentless pursuit of accomplishment for the sake of external approval.¹⁰ You don't have to buy Schopenhauer to know that fixing your self worth on the whims of others is no way to live life artfully. I know this. If this were a graduation speech I'd say: "Ah, but now that we know this, we can avoid this vicious cycle and finally pursue the self-actualization to which we are all entitled." But since this is cut rate journalism, I'm not obliged to furnish any self-satisfied saccharine wisdom. So, I'll just tell you this: I wrote this column to get someone in the sack.

FORTENBAUGH

From page 4

from seeing both sides of an issue.

When they have let me.

Complain as I might, being taught by them has been a great opportunity, a rare chance to be amongst these thinkers who would be so out of place in the real world.

I came to UCLA for an education in corporate law. At first, I was disappointed by the lack of business law courses, but then one day it dawned on me. It became as clear as an unmuddied lake. The administration is right. It is so much more important to have seminars about Indian Tribal Laws than the IRS tax code. I am sure there will be a time when I am driving along the highway, get a flat tire and find myself on an Indian reservation. What am I going to do? Hey I went to UCLA law school! It's got an Indian Law program! I'm almost a member of the tribe already.

And to think that I thought you didn't need to have a course like "Animals and the Law." Or any course titled "Something and the Law." Some people might think these courses are silly, but since we are going to be spend our entire legal careers learning really substantive legal theory (whether it is corporate governance or discovery) it only makes sense to have these courses in law school. When and where else would we ever learn these things? Never. Thank you UCLA Law.

Yes sir, this school and its administration have done a great job. They have taken positions on issues that are so counter intuitive, they must be right.

When it comes to handling a political crisis like the whole affirmative action imbroglio, it is hard to imagine anyone navigating our school through the murky water of this upheaval besides Dean Varat. Like a captain aboard one of the schooners of old, he has guided us into a safe harbor of compromise. I know that to be true because the best solutions are always the ones that leave us feeling that nothing has changed. I can't see that he has done anything at all. Genius. To have such a stealthy presence steering UCLA Law into the next millennium is truly a gift from above.

I have to stop; I must control myself because if I don't, I will be singing the praise of UCLA Law School over and over again. I may become redundant, even annoying. How lucky can one man be? For the last three years, I've been pinching myself everyday.

⁴ Or sleep with me. You pick.

⁵ I had a great six days – thanks guys!

⁶ I'm jumping from purely sexual considerations to dating because, frankly, getting a man in the sack is like shooting whales in a barrel – where's the challenge?

⁷ Which is not the kind of bottom we should aspire to be.

⁸ Swedish, of course, does: it's *Kimppakiva*. If you feel like taking a tour of the Baltic, you'll also need to know the Finnish (*Gruppknull*) and Russian (*Gruppovukha*). If I remember my last trip to Copenhagen correctly there is at the very least a word for threesome,^a if not orgy, but after requesting my fourth volume of Slavic profanities the long-suffering research librarian^b gave me a look that'd make you think I'd shoved a stick up her Rövhål. But just so we end on a high note, lexically, how about this one: *pucckiralynö*. If you're ever in Hungary and feeling adventurous, just sort of scream it – hilarity or your money back.

a. Either that, or it's something you're supposed to say repeatedly during the threesome; this was never clear to me. A question worth revisiting.

b. This poor woman has been subjected to my requests for books on Byzantine erotica, the history of American financial institutions started by fraud (Chase Manhattan was started as a water and sewage company in order to circumvent New York bank law), and the location of any and all lingus sculptures on campus, to name a few.

⁹ And thank God. Nothing ruins a hobby like utility.

¹⁰ After the late Chief Managing Editor of the Law Review – an agreeable enough (even admirable) woman, but one who produced such monumentally complex outlines and spent so much time tracking down commas during Yamamotos that, if you added up the hours, you'd have to conclude that it was mathematically impossible for her to be interesting or happy in any sense of those terms that you or I might recognize.

The Docket Interview

Justin Sobodash

He may not be as ubiquitous as GRIM, RON, but if you read your mass e-mails, chances are you've read something authored by Justin Sobodash (3L). The *Docket's* Bruce Gibney sat down and talked with UCLA's favorite pachanguerocum-libertarian in an interview that doesn't once mention the "g" word.

BG: You haven't replied to sender in a while – people are getting worried. No issues worth your time this quarter? Or is something more sinister going on?

JS: Well, you know, the Dean hasn't issued any... [laughs] profound statements lately that are really worthy of response.

BG: OK, so the Dean is free of profundity this quarter. But what, in general, qualifies as a reply to sender moment?

JS: Well, it's each of our responsibility to harass the law school community – I'd hate to take it entirely upon myself. Besides the Dean wouldn't let me reply to sender more than once. The second one wasn't sent

out. Basically, the second one I sent out said that the Statement of Norms [the infamous "don't say nasty things" email] was intended as a statement of norms, but I felt a response was necessary since the Statement could be implied to be an official school policy... but some wise and magnanimous ruler of cyberspace decided that this [email] was not an appropriate reply to all – or that I was not allowed to reply to all any longer.

BG: That piss you off?

JS: I've come to expect it.

BG: You and I, in our different ways, have become the unpleasant poster children for libertarianism at this school – I'm a libertarian for purely fiscal purposes – why are you?

JS: I have a strong belief in the fundamentals of libertarianism and the classic liberal conception of individual rights to life, liberty, and property – I just feel that my life is completely my domain and not subject to social control for either a

benevolent purpose or otherwise and [despite] how much anyone else wants [to control it]. Everyone is entitled to do their own thing. I do things that are subject to state control of state scrutiny fairly often, but that's not the underlying reason for my philosophy.

BG: You didn't answer my question.

JS: All right, all right. I think you just believe in things because they have a strong moral underpinning. You're trying to get at drugs and whatever, but that's not the fundamental reason. I was a drug addict – no, drug use enthusiast – addicts go to meetings – long before I was a libertarian. [Smiles]. But as I'm sure you know, I don't do that any longer.

BG: As I recall, you throw quite a party. How'd you get so good at it?

JS: I've just been doing it for a long time. In college I had a lot of friends, and they had my libertine, if not libertarian attitude. We've been doing it so long a lot of people have

heard about it.

BG: You know, you still have something of a reputation on campus. Care to explain?

JS: You mean being a racist?

BG: Sure, let's talk about that first.

JS: Well, my past sex life looks like a Benneton ad without the women, but I suppose that if you take an anti-racial preferences stand, you get a reputation as a racist – at least if you ask any of the nameless shouting protesters that wander through our halls aimlessly.

If you're talking about what happened in entertainment law, well, I came to class and the protesters were in my seat and I went to the administration office but it was closed because it was noon, and they were chanting "Education is a right, even if you're black and white" and I called out after them "unless your

See SOBODASH, page 11