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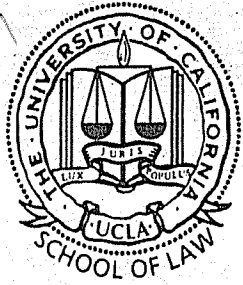
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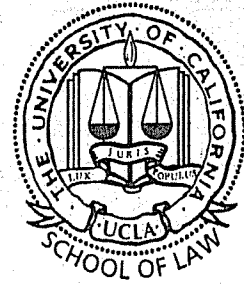
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The Docket

UCLA SCHOOL OF LAW



VOLUME 49, NUMBER 3

405 HILGARD AVENUE, LOS ANGELES, CA 90095

DECEMBER 2000

Race Issues Dominate Town Hall Meeting

By Michael E. Lopez
Editor-in-Chief

UCLAW had another Town Hall meeting on Thursday, November 16. Somewhat predictably, the meeting was almost entirely concerned with race issues.

SBA President David Simonds opened up the meeting, and quickly gave the floor to Dean Jonathon Varat. Dean Varat addressed three topics before opening the floor to students.

Dean Varat noted that there was some student concern regarding the speed with which Professors submit grades each semester. Agreeing that it is "crucial that the faculty carry out these responsibilities," he told attending students that he was "going to have a discussion" with the faculty.

The Dean also mentioned that the Dean's office would once again sponsor snacks during finals, stating that he was "particularly pleased" with the program last semester. Finally, he addressed the lack of a mid-fall break at UCLAW. Such breaks are commonplace in other schools and are often used as the time for "fly-back" interviews. This issue was decided by a vote several years ago, when a majority of students elected to have no Friday classes for 2Ls and 3Ls in the fall instead of a break. He mentioned that perhaps it was once again time to assess student opinion on the issue.

Once the floor was opened to students, however, the topic moved immediately to race issues and remained there for rest of

the meeting, with only occasional diversion.

Diego Arp, SBA 1L Section Rep for Sections 5/6 presented Dean Varat with a number of questions.

Arp's first question was "What is the University doing to recruit more faculty of color?" Dean Varat pointed out that, while operating under the strictures of Proposition 209, the Appointments Committee was seeking to recruit faculty of color "as much as possible." This included outreach programs, he said. Dean Varat noted, however, that although steps could be taken during earlier stages, Proposition 209 prevents "conscious use of race based affirmative action" in the actual selection process.

In a brief moment of levity, Arp also asked whether anything could be done about the temperature of the library. Arp reported that the library was so cold that students were forced to leave their studies to warm up outside. Dean Varat responded that this could be easily fixed.

Arp's next questions addressed the Task Force on the Law School Environment, a group appointed last year to address a number of issues, including the racial climate at the school. Arp asked why their recommendations have not been implemented this year, and why they have not met at all this year.

Dean Varat replied by pointing out that



1L SBA Representative Diego Arp addresses the concerns of his section to Dean Varat.

a number of their recommendations had in fact been implemented, including a recommendation to raise diversity issues during 1L orientation, the adoption of the Statement of Norms, the hiring of a research analyst, and perhaps most importantly, the appointment of an Admissions Task Force. Other recommendations that are pending action include the appointment of a full time administrator to assist minority student organizations, and the sponsorship of "sensitivity workshops" for faculty members.

As for why the Task Force has not met during the current school year, Dean Varat said that he had no answer, but that it was perhaps something that he will have to "light a fire" about.

Arp continued his questions to Dean Varat with an inquiry regarding the complete

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Will the Sky Fall on Hollywood?

By Peter Shahriari
2L

The entertainment industry is bracing itself for the impending labor dispute and inevitable lockout that is expected to bring Hollywood to its knees. Foreign film competitors and indie film makers not under the jurisdiction of the powerful Hollywood

Guilds are licking their chops because this may be their chance to steal a big chunk of the film and broadcasting market. This lockout will be vastly different than the disputes of the past between the studios and the Guilds. A long-term deadlock in the negotiation progress is a real possibility. Vertical integrations that have brought partners like AOL and Time Warner into the same bed

undoubtedly will bring some unprecedented and possibly disastrous dynamics to the labor negotiation table this year. Will this year mark the beginning of the end for Hollywood as we know it?

One possible prediction of disaster is based on socio-political realities. The Hollywood of old has been replaced by megacorporations that do not have the same left oriented political leanings and therefore will be bereft of any sympathies for the unions. Some have made the assertion that Hollywood is home to the nation's most powerful unions because the Hollywood of old was populated by people who had a strong affinity for the labor movement. It is no secret that Hollywood was home to many communists. The cozy community that took shape around this political atmosphere fostered the growth of the powerful Guilds which lavished generous benefits on their members.

Some industry watchers predict a change. The new corporate bosses in town who control the purse strings will create a new atmosphere that will be antiseptic to the labor movement and will want to implement cost controls. Companies like Sony and AOL (owners of Columbia and Time Warner respectively) will want to ebb the flow of entertainment production to foreign countries. A film like *The Matrix*, which was shot almost entirely in Australia, is a good example

See HOLLYWOOD, page 10

Student Groups Host Minority Admissions Workshop

By Sylvia Rivera
2L

On November 20, 2000, a coalition of student groups hosted the annual UCLA Law School Minority Admissions Workshop. The workshop targets prospective UCLA law students from underrepresented minority groups and seeks to provide these students with application information and a taste of law school life. This year's workshop was well-received; 127 eager, would-be law students attended. Topics covered included the admissions process, financial aid, and tips for writing a personal statement.

Perhaps the favorite portion among the attendees was the question and answer session with the Student/Faculty Panel. Law students Angela Mooney-D'Arcy, Lena Hines, and Rasha Gerges, along with Professor Devon Carbado, described their law school experiences and fielded questions from the attendees. Some prospective students had the usual questions— Is the first year *really* that hard? Do salaries *really* start at \$125,000? Others expressed concern about the law school's racial make-up and cultural atmosphere. In the end, those students in attendance praised the panel for providing honest answers to some tough questions.

Following the formal workshop presentations, attendees had the opportunity to meet one-on-one with current UCLA law students. Although the event ended officially at 9:00 p.m., some students remained until nearly 10:00 p.m. talking to current law students or touring the library. The event was sponsored by AILSA, APILSA, BLSA, Disability Law Society, Jewish Law Society, La Raza, LGBT, and NELS.

Judging Me: An Update

By Susanne Blossom
3L

I competed in the Western Regional Moot Court Competition a couple of weeks ago. The organizers handed out a brochure listing all the hot-shots who would be judging: two 9th circuit appeals judges and a California Supreme Court judge would preside over the final round. Other, less prominent judges took care of the rest. Among those listed, the judge who arraigned me on charges of wanton bicycle riding during a political convention.

I looked around the judges lounge, where my partner (Enrico) and I were scrounging the free food. There was a small woman with bad posture and a mouth full of chimichanga sitting in the corner. She looked a lot less imposing than the Judge who decided my fate, but I know that memory exaggerates (and that in real life she probably doesn't actually look like a Pink Floyd cartoon), so I approached.

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EDITORIAL

Career Planning Needs Diversity, Too

Many students are generally happy with the career planning that UCLA provides: Career Services for big OCIP firms, PILF and PILP for those passionate about public interest law, and the clerkship program for those who wish to be the ghost writer behind appellate opinions. But these three categories miss quite a few people. For instance, take students who want to work for the government (local, state, or federal), those who are not attracted by large time-hungry firms and prefer smaller more personable firms, and the students who have spent or wish to spend a summer in an academic learning environment instead of a job.

As a professional school, UCLA has the duty to assist with career placement in all legal fields, not just three. Instead, Career Services has taken the approach that its main focus should be OCIP, which seems to have a focus on the top one-third of each class. The service is excellent and appropriate for those served. But the rest of us receive little or no guidance.

Career Services lacks information on the hiring procedures of many non-OCIP firms and agencies. It is embarrassing to go to an interview and have no idea what the hiring procedures are, but it is also awkward to call ahead of time to find out if there are job openings, what the pay scales are, or whether they even hire 2L's.

Even worse is to show up at the interview and be asked, "Do you know about our hiring practices?" Providing this information on firms and agencies is the job of

Career Services. We students need to know the hiring timelines, procedures, whether the job is permanent, whether it pays. What are the responsibilities? Sometimes, we need to know that these firms and agencies even exist.

The government information handbook in the Career Services office is too localized, despite the fact that many students do not wish to work in Los Angeles. Career Services has multi-state information only for large private firms. It has sparse information on summer educational programs, and one student was even discouraged from attending a summer program and questioned about whether she really wanted to put it on her resume. (She later found that her international educational experience was a great talking point during interviews.)

To give Career Services credit, they have started giving all the 1Ls binders will all sorts of career information (OCIP, resume writing, cover letters, job searching timelines). We also know that Career Services worked hard to organize the November 16 Government Reception, but a reception is not enough and it comes too late in the year. By mid November, many government agencies have been interviewing for months.

We understand that both OCS and UCLA have limited resources. It may be cost-effective to concentrate on these three groups of students, but it is a shame that we give only token assistance to those students seeking to pursue other, equally valid careers.

Letters

To the Members of the UCLA Community:

Last month *The Docket* published an anonymous letter critical of your Student Bar Association. The letter was signed "Disgruntled" and was apparently composed by a group of students who are dissatisfied with the level of services your SBA has provided and the community your SBA has attempted to foster during the first semester. We would like to take a moment to address any disgruntled students.

In order to foster a sense of community at UCLA the 2000-2001 SBA has provided an unprecedented amount of activities and services. We have hosted numerous social hours in the courtyard, allowing you to unwind and socialize with your friends and make new friends. Your SBA has also implemented a new program to help build community, "Snack Time with the SBA." Several times this semester doughnuts and bagels were provided in the student lounge first thing in the morning and cookies in the afternoon. Your SBA has hosted a movie night and discussion. Furthermore, the SBA has worked in conjunction with other student organizations, such as co-sponsoring a Thursday social in the Courtyard prior to the PILF Trivia Challenge, a Bar Review co-sponsored by LGBTA, and a Bar Review co-sponsored by Phi Delta Phi and the Medical School. The SBA provided support for Speaking Truth to Power and was represented in Santa Barbara at a minority student recruitment event. Most recently, the SBA hosted a Town Hall Forum with Dean Varat to address law school concerns.

In the Spring Semester the SBA is committed to providing even more services and activities. We hope to organize students to attend Bruin Basketball games at Pauley Pavilion. The SBA is working to sponsor intramural sports teams made-up of law school students. SBA funds will help reduce the price of Barristers' Ball tickets and 3L gradu-

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The Docket

UCLA School of Law

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SBA Survey

1. What SBA sponsored activities would you attend in the spring? Circle all that apply.

- | | |
|------------------------------------|-------------------|
| Bowling night | Ice skating |
| Kareoke | Coffee Night |
| Basketball games | Intramural Sports |
| Community Service/Volunteering | Sponsorships |
| Mixers with other graduate schools | |

Other activities:

2. Which of the services that SBA currently offers do you find valuable? Circle all that apply.

- | | |
|-----------------------------------|--------------------|
| Thursday Socials in the Courtyard | |
| Bar Review | |
| Westwood | West Hollywood |
| Hollywood | Santa Monica |
| Other _____ | |
| Weekly SBA Announcement | Town Hall Meetings |
| Movie Night | Book Sale |
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Please return to David Simonds' (3L) mailbox. Thank you for participating in the SBA Survey.



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Professor Anderson: Pioneer, Reformer UPDATE

By Toby Bordelon
Senior Editor

Professor Alison Anderson has been teaching at UCLA Law School since 1972. A remarkable person, she has seen significant changes in legal education and the legal profession in that time. Professor Anderson was one of the few women in her law school class, and was one of the first women to teach at the law school. Now, with a first year class at UCLA that is over 50% female, times certainly have changed.

Professor Anderson graduated from Radcliff and then went to Boalt Hall at Berkeley for law school. Her first year class was only 5% female. At the time, Berkeley had two female faculty members at their law school, one full-time and one part-time. Professor Anderson describes the environment there as "essentially a male world." Some professors would start the class with a traditional "Good morning, gentlemen." She recalls conversations she had when men would ask her bluntly what she was doing "taking up a man's place" at the school. Despite this sometimes chilly environment, she persevered, and graduated from Boalt near the top of her class.

After finishing law school, Professor Anderson clerked with Judge Simon Sobeloff on the 4th Circuit, who was the Solicitor General under Eisenhower and one of the few judges in the country who would accept women as clerks. A few years into practice, she was presented with the opportunity to clerk with Justice Brennan on the United State Supreme Court. The faculty at Boalt wanted to nominate her for the position. It didn't pan out, though. She was later contacted by the faculty and told that

they would be unable to nominate her. Justice Brennan, that icon of liberal thought and ideals, did not take female clerks. Ironically, the more conservative Justices Stewart and Harlan were at least willing to consider women, and she interviewed with both of them. A strongly worded letter from Anderson to Brennan expressing her opinion on his policy went unanswered. She says the thing that amazes her most about the incident is that nobody was outraged, not even the faculty at Boalt who originally wanted to nominate her. It was just the way things were, and everyone accepted it.

After finishing her clerkship on the 4th Circuit, Professor Anderson entered practice in Washington, D.C. with the firm of Covington and Burling, where she worked as a tax attorney. Like law school, firm life was also a man's world. Of the 140 attorneys at the firm, only eight, including herself, were women. None of them were partners, the most senior woman there was a fourth-year associate. She says the firm's lawyer-only parties were an interesting, even humorous affair. With such a dearth of women, the men would all crowd around the ones they could find.

In 1971, Professor Anderson began interviewing for teaching jobs. She says this was the perfect time to be interviewing, because all the major law schools had decided they really needed women on their faculties, and were now making a concerted effort to hire them. She was offered a job at Harvard, but decided not to take it. She did eventually visit there in 1983, but describes the school as "uncomfortable."

One of Professor Anderson's classmates, who was a year ahead of her at Boalt, called her to interview at UCLA. She came

out to visit, and loved it here. The atmosphere was great, she says. It was a supportive place, one in which she felt she would be comfortable. She started out teaching tax and other business law classes. Later, she moved on to teach first year classes, which she still does today, along with working with the Public Interest Program.

There was only one woman, Barbara Brundo, on the faculty when Professor Anderson was hired, and she left shortly thereafter. Two other women were hired at the time Professor Anderson was: Carole Goldberg, who is still here, and Susan Prager, who was the Dean of the law school for sixteen years. Dean Prager brought about a shift in the law school, Professor Anderson says, one that could only have come from a woman. She was nurturing, in a way, and helped create an atmosphere of genuine caring at the law school, one where students and faculty felt at ease. As more and more women entered into the system, both as students and faculty, this atmosphere grew stronger.

Professor Anderson certainly brings this caring attitude to the classroom, and her students appreciate it. She is the perfect professor for a first year student to have. Comforting, encouraging, in a way that makes it clear she genuinely cares about her students. The first year of law school can be intimidating, and she does what she can to make it less so. She was a mother figure to her students, someone they could trust. She does care, and her students respond to that.

When asked about the state of the law

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She lacked either the time or the grace to swallow when I approached.
Me, ex-would-be-con: "Are you Judge _____?"

Judge, still-doesn't-care: a nod, she rearranges the chimichanga under her tongue.
Me: "You don't remember me, my name is Susanne Blossom. I was in your courtroom recently... as a defendant."

Note to the audience: She is sitting, hunched, and I'm standing in my fly power suit (well, I think it's fly), a shade or two darker than the jailhouse ensemble I rocked at our last meeting. I feel the fabulous rush of the subtle power differential that comes from looking down, literally, on someone crouched in a folding chair, and I am reveling sinfully in my status as over-privileged law student in a fancy moot court competition. The judges here have volunteered on a Saturday morning just to get a glimpse of the self-satisfied "New Elite."

She stares blankly, assessing my fancy suit, and my presence.... she blinks, still no swallow.

Me: "You arraigned me on August 16... during the Democratic Convention... I was one of the cyclists."

At this point even one morally flawed and harboring contempt for protesters might at a minimum crack a grin of recognition or enjoy a small irony. Perhaps she was thwarted by the chimichanga.

She pauses. Napkin to the mouth. Head cocked, contemplating the scene: "I see you've mended your ways."

Me:

Me:

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BRANCHING OUT

Legal education outside the classroom

Willow McJilton, Staff Columnist

As you head into finals, probably the last thing you want to think about is volunteering what little time you have. So, put this in the back of your brain until next semester, but don't forget it.

I would like to introduce you to the Orange County Bar Foundation (OCBF). Two things just popped in your mind. First, where is Orange County (OC)? Down the 405 where lots of big law firms dwell near the beach. Second, Bar!! As in attorneys kind of bar or as in Johnny Walker? Attorneys, from lots of big firms. Most of the large firms you dream about support OCBF programs including O'Melveny & Myers, Morrison & Foerster, Irell & Manella, Gibson, Dunn & Crutcher, Pillsbury, Madison, & Sutro, the OC Public Defender's Office, OC DA's Office, and lots of others. So, volunteering will definitely look good on your resume and may get you a valuable connection. For instance, a 1L has an interview over winter break with Irell & Manella because she worked with the hiring partner on some OCBF projects...

OCBF offers several volunteer opportunities for eager law students. OCBF's premier program is SHORTSTOP, a juvenile diversion program for first time offenders ages 10-17 years. Teens are referred from various police agencies throughout OC, the OC Probation Department, OC Sheriff's Department, and Juvenile Court. Crimes include petty theft, commercial burglary, possession of a controlled substance, trespassing, and other minor offenses. SHORTSTOP is two-four hour sessions in the evenings, at various courthouses in OC. The first session utilizes a scared straight approach with guest speakers including inmates from the California Youth Authority and parolees. The second session focuses on building family com-

munication, creating long-term goals, and legal education. SHORTSTOP desperately needs volunteers for instructor and instructor assistant positions. The commitment is as little as one class (2 sessions) every 3-6 months. This is an excellent opportunity to use your legal education to help prevent juveniles from ending up in our criminal system. Volunteer's are also needed for Programa SHORTSTOP (the Spanish version) and Stop Short of Addiction (for juveniles with serious drug problems).

Another program offered by OCBF is the Legal Education Workshops. These are educational seminars for parents and teens on their legal rights and responsibilities. Topics include corporal punishment, driving laws, possession of weapons, curfew violations, minor's right to privacy, theft, and many more. The workshops are held at various locations throughout OC. This program needs volunteer instructors. The time commitment is only one workshop (about 1 1/2 hours) every 3-4 months and you don't need to be a parent to instruct.

I have worked with both of these programs for the last 2 years. SHORTSTOP gives you the opportunity to interact one on one with kids at risk and their families. The Legal Education Workshops really lets you work on your public speaking skills while giving parents and teens vital information. The unique, practical experience you gain is unparalleled to any class you'll ever take at UCLA. And, OCBF trains all of its instructors, so don't worry if you don't know anything about juvenile law. This is a great way to learn criminal and juvenile law and make a real difference. If you have any questions about OCBF programs, please email me at willoweey@aol.com.

TOWN HALL

From page 1

lack of Latino, African American, and Native American transfer students in the latest transfer class. After politely pointing out that he does not make admissions decisions, Dean Varat replied that he would, of course, continue to insure that admissions decisions were being made in accordance with school policy, but that it was a field better addressed by the Admissions Task Force.

Assistant Dean Robert Goldstein of the Admissions Task Force then addressed the issue more directly, stating that he was "concerned," and that the Task Force was addressing minority admissions, but that they had not focused on transfer students in particular.

Arp's last question was concerned less with school policy, and instead focused on Dean Varat's personal actions to "create diversity." Dean Varat responded that "this is a matter of real concern," and outlined several actions he had taken, including a vast increase in outreach programs designed, in part, to follow student of color concentrations, implementation of minority recruitment days, efforts to enlarge the applicant pool, and his personal participation in a number of national organizations, including an ABA program for scholarships and the LSCAC Alternative Models Implementation Workgroup, tasked with, inter alia, the evaluation of overuse of the LSAT in admission.

Dean Varat pointed out that his actions are part of a three pronged approach calculated to increase the enrollment of students of color: increase the size of the applicant pool (which he stated was so dismal that even a "random lottery" would not yield demographically proportionate results), increase UCLA's yield rate, and the support

of scholarship programs. Race-specific scholarships are, of course, out of the question under Proposition 209. But, Dean Varat pointed out, the President of UCLA was convinced to implement a program to match scholarships from other schools and organizations, oftentimes allowing UCLA to match a race-conscious scholarship without having to take race into account.

Professor Devon Carbado then spoke up, pointing out that "recruitment isn't everything," and relating that many students had complained to him about the racial climate at UCLA. He asked Dean Varat, "To what extent will we deal with problems of climate?"

In response, the Dean pointed to his previous comments, and added that there was a "need to make the environment as hospitable as possible," and that he was "open to suggestions" as to how to go about doing this.

Annette Almazan, 2L, in a related vein, asked what efforts were being made to repeal SP-1 and SP-2, the official policies implemented by the UC Regents. In a particularly candid and illuminating discussion, Dean Varat explained how the politics of the Regents really prevented this.

"The Regents are split," he told Almazan. Dean Varat pointed out that he had personally urged the repeal of SP1, but that on a higher level, the question was being kept off the table in return for increased outreach funds.

It was at this point that students became more critical, and began requesting symbolic, if not effective action by the administration institutionally, and Dean Varat personally. Regarding SP1 and 2, Almazan pointed out that "politics aside, by not challenging this, [the administration] sends a message . . . It

See TOWN HALL, page 8

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LETTERS

From page 2

ation party tickets. Your SBA will also continue to provide more Thursday Socials in the Courtyard and snack times during the spring. In addition to social activities, the SBA is planning to host a lunch-time meeting to address the concerns of 1Ls as they enter their second semester and help turn the tide of second semester disenchantment. The SBA is also planning to host another Town Hall Forum in the Spring. Finally, members of the SBA are seeking to amend the SBA Constitution to include an Inter-organizational Council. This new body will be composed of representatives of all the student organizations in our community and seek to foster greater community building and help with coordination, participation, and publication of student events and activities.

The SBA is always in need of peer criticism, and student comments and suggestions are always welcome. However, the letter criticizing the SBA did not address any specific concerns, it merely accused the SBA representatives of only being interested in one thing, "adding a bullet-point to their resumes." The members of the SBA object to being accused of blatant self-interest. The SBA officers put in numerous hours, above and beyond their scholastic commitments, to help organize events and build a better community at UCLAW.

We encourage all students to stay involved next semester and help create a safe, social, and respectful environment at UCLAW. Furthermore, we encourage your participation and input. If you have suggestions you can contact your SBA representative or any of the SBA officers. However, if you want to make the greatest impact, then get involved in the SBA. Our bi-monthly meetings are advertised in the weekly SBA Announcement email, and you can also consider running for office in April.

Thank you,
SBA Representatives
David Simonds
Celeste Drake
Andy Tran
Yvette Neukian
Melanie Chavira
David Alvarez
Pamela Fong
Chris Scott
Nisha Vyas
Songhay Miguda-Armstead

Anna Song
Adam Lang
Michael Lavetter
Deborah Yim
Rob Pryor
Devin McRae
Diego Arp
Amy Gerrish
Tim Grubb

Eds. Note: The Docket will withhold an author's name at the author's request, but will not publish an anonymous letter or piece when that piece makes a personal attack against an individual. Disgruntled's letter of last issue could be interpreted as a personal slight, an attack on the integrity of the individual members of the SBA, insofar as it implied that they were interested only in building up their resumes at the expense of the student body. At the same time, the Docket recognizes that the members of the SBA can be seen as "public figures" in the law school. We thought it appropriate, however, to explain our anonymity policies here, and we offer our apologies for any confusion.

Dear Editors:

As a UCLA Law student and former Editor-in-Chief of *The Docket*, I was deeply disappointed by the editorial decision to print Bruce Gibney's "Heretical Ramblings" column (November 2000). I found this patently unfunny and offensive column to reflect poorly not only upon the author and the editors, but upon all of UCLA Law.

Last year, *The Docket* strove to fashion

a legitimate forum wherein students, faculty and staff could share and discuss insights, ideas, and issues of interest to the law school community. Although not always without controversy, *The Docket* took very seriously its role of recording and preserving UCLA Law's institutional memory. *The Docket's* decision to preserve this odious nonsense is inappropriate on many levels, denigrates the talent and hard work of *Law Review* contributors, members and supporters, and is decidedly inconsistent with what your readers deserve.

As a news magazine read by students, staff, faculty, and others in the Southern California legal community, those responsible for this lapse in judgment should make a published apology, recommit themselves to achieving the goals of *The Docket* which were in place when they inherited their responsibilities, and embark swiftly but deliberately down the road toward reestablishing *The Docket's* credibility as a valuable community forum.

Brady M. Bustany
3L

To the Editor:

We write in response to the recent *Docket* column written by Bruce Gibney ("Heretical Ramblings," November 2000). One cannot help but read this column as a gambit for attention and we hesitate to take the bait, but we do so nonetheless because we find both the content and tone of the column to be deeply offensive. The most charitable interpretation of the column is that it is meant to be humorous. We find it decidedly unfunny. Rather, the column reflects in our view a lack of respect for many members of the UCLA law school community and a contempt for our collective enterprise that we feel should not go unanswered.

Mr. Gibney has a right to his views. But though he may have this right, we ourselves have an obligation, as faculty members of this school, to remind Mr. Gibney what it means to be a responsible and respectful member of the community of legal professionals.

At the very least, expressions of respect for one's peers typically do not encompass ugly and gratuitous assaults on those peers, or on the values and institutions that embody the collective commitments of the community. For his own sake as well as that of his future colleagues, we hope that Mr. Gibney chooses to keep this point in mind as he embarks upon his professional career.

Richard Abel	Khaled Abou El Fadl
Alison Anderson	Kimberly Hall Barlow
Melinda Bird	Devon Carbado
Ann Carlson	Elizabeth Cheadle
Sharon Dolovich	Jesse Dukeminier
Jody Freeman	Caroline Gentile
Carole Goldberg	Laura Gomez
Joel Handler	Jerry Kang
Kristine Knapland	Gillian Lester
Christine Littleton	Frances Olsen
Kirk Stark	Barbara Varat

Dear Editors:

I write in response the concerns expressed by certain members of the faculty in the letter opposite. First, let me begin by expressing regret at the hurt any member of the Law School felt after reading the column – I do not apologize, because I do not believe that careful reading of the column, or the viewpoint expressed in it, warrants offense – but I recognize hurt for what it is and express my regret.

That said, I wish to take this opportunity not so much to defend my column in the specific, but rather to question the man-

ner in which this debate has evolved. Most importantly, I wish to question the decision of the signers of the letter to accuse me of "ugly and gratuitous assaults" on my peers and attacks on our "values and institutions" without identifying either the specific "assaults" in question, the "values and institutions" attacked, or any justification for why I should not be allowed to assert, in sharp and satirical terms, my impression of these institutions. (I acknowledge, of course, the usual reasons why "assaults" on peers are disfavored; I'm just not sure I made any and, as I said, the letter provides me with no guidance on this point.)

It is a basic principle of both our jurisprudence and our notions of debate that, before a person can meaningfully address the concerns of the other side, the other side must identify its concerns specifically. This notice is wholly lacking in the letter: what are the ugly and gratuitous assaults in question and why are they ugly and gratuitous? It is unfair to force me to respond to an unlimited set of potential offenses. The rejoinder that the assaults in question are obvious and in need of no identification is unavailing. First, based on my discussions with readers, the majority (and the majority within the subgroups I conceive might have taken offense) either enjoyed the column or did not take substantial offense at it. So, the existence of the assaults themselves is *not* obvious and the need to identify them is therefore substantial. Second, the basic principles of notice suggest that, even if the transgression is obvious, it needs to be identified. Third, the failure to predicate a conclusion on any specifics raises substantial question as to the intent of the letter. Are the specifics omitted because it is presumed that I am irremediable – beyond the reach of debate? (The letter certainly suggests I am lacking, but doesn't identify ways for me to improve myself). If so, how is this inference not as offensive as the attacks of which I am accused? Further, what is the point of counterspeech if you offer no reasons with which to persuade the other side? And, if you intend only to persuade the audience, is the position so obvious that it requires no justification (I think I've demonstrated that it is not)? Moreover, is the lack of specifics a result of the fact that, while there may be some merit to the claim, the actual articulation of the claim would reveal its weaknesses? I don't propose that I have the answer to any of these questions, nor that they accurately reflect the intention of the signers; I raise them to show the problem with unsupported criticism.

Although I do not wish to belabor the point through analysis of all the details of my column, I do wish to address my fundamental proposition: that the Law Review is a dull, often silly and self-aggrandizing institution. I do not know if this is the "collective commitment" I am accused of attacking, but I'll discuss it both because it's the overarching theme of the piece and I think it broadly illustrates some of the problems with the debate. First, I don't know if the Law Review qualifies as a collective commitment or not – very few students participate in it (indeed, it is explicitly *exclusionary* on this point), many faculty members choose to publish elsewhere if at all – and its sense of collectivity is derived only in that it consumes Law School resources (as do the vending machines and couches). What I do know is that the Law Review is particularly *my* commitment – I am a managing editor, and I am an author to be published – and I think that gives me the right, as well as the special knowledge, to make attacks on the Law Review. Now, I didn't mean the attacks seriously (and if I did there were far more

fertile grounds than my dissatisfaction with the EIC's choice not to convert the office into a drug plantation), but even if I did, they are my right. The letter does not dispute this, but questions my tone. I argue that the tone is as much a part of my message as its lexical content – as *Cohen* demonstrated, sometimes only the word "fuck" will do. In this case, a dry and dull critique of the Law Review would undermine my thesis that the Law Review should encompass more than dry and dull critiques. Thus, if I were to stifle my tone, I would stifle my message, a message which I have a right to express.

This brings me to my final point: underinclusiveness. Throughout the *Docket*, there was speech that represented the same sorts of ugly assertions of which my column is (I assume) accused: there was profanity and sharp critiques on other students (in the cartoon and the letter about the SBA); there were columns that referred to sex (in the first page article); there were frivolous references to liquor (in the mixers column). The letter targets only me, however. Should I understand, then that the letter is concerned not so much with this type of content as with this type of content when spoken in support of a view with which the signers disagree and from a speaker about whose sincerity the signers have doubts? The letter is concerned with attacks – which are intentional acts – so my intent and sincerity must matter. But my intent was assumed, and it was assumed incorrectly: I didn't mean to attack *anyone*, I just wanted to criticize one *thing* and in an entertaining way (which I had a right to do). So if intent does matter, let me pose this question: given that none of these professors know me personally, how were they able to divine my intent? Solely through reputation? I suggest that either questioning me personally or granting me the benefit of the doubt is better than simply assuming that I intended bad consequences.

Now, I don't have to give (some) of the signers any benefit of the doubt because, while they rarely see me in action (much less awake, sometimes) in class, I have a much greater opportunity to watch them and I know them to be decent, principled professionals. So I take the spirit of their criticism to heart and ask that they do the same. Whatever hurt there might have been on either side, I'm sure, is due more to sloppy reading and sloppy writing, than to any ill will.

Bruce Gibney
3L

Letters
Wanted

Dear Santa,

we want letters.

We've been good.

Send them to
docket@orgs.law.ucla.edu

Correction: The title of the article in the November issue, "Forget men in tights, we want men in thongs" was not approved by the author, who found it illogical and unconnected to the subject of the article. The editors wish to extend their apologies to her.

Taking the Middle Road

Over Thanksgiving, I watched it all. I saw the ballot counting, the faxing of the results, the laughing at the silly jokes, and the petty arguments over "hanging chads." It was like watching a new reality-based show. It might as well have been an MTV's *Real World: Election Recount*. I kept waiting to see the individual interviews. I expected, wanted to see the democratic-leaning vote canvassing woman let down her hair and tell us, "That chubby-balding-Republican counter was so stingy with, like, giving Gore a vote. I, like, don't think that I can go through another recount with him. Besides, he stole all my chocolate. He probably wants to sleep with me."

And I don't want to just disparage the recount. The entire election is just like the *Real World*; maybe because it *is* the real world. We, as a nation, get to see our congressmen yell at each other, acting like petulant little children.

Considering our choices for President, our behavior is appropriate. The nation doesn't really want either of these two. Some don't want Bush. They say he is stupid and is not ready for the Presidency. Others don't want Gore. People feel he is condescending and mean. People are right about both of them. And that's what I like about them: they are so truly *mediocre*. And yet, their mediocrity is manifested in such different ways I can't decide which one is better.

Bush is plainly mediocre — vanilla mediocrity, if you will. The fact that he has been able to get so in life is truly heartening. I know that I don't feel that special, and a lot of times I don't feel that competent. But when I look at Bush, and what he's achieved, I realize that nothing is out of my grasp. He

is truly the Twenty-First Century Horatio Alger.

Gore, on the other hand, is equally mediocre. But *his* inspiration comes from the fact that he has not let his shortcomings get in the way of an over-inflated sense of self worth. He really believes he invented both the Internet and the environmental movement. If everyone could borrow just a little of Gore's self-delusion, they would need neither any **T o n y R o b b i n s** tapes nor Oprah.

And that's the true problem with this election: America was forced to choose under what kind of mediocrity we were going to live the next four years. To go with Gore is to deny people the feeling of accomplishment, a feeling engendered by Bush, that they might have while lounging on the couch eating Cheez-Wiz doing nothing. It is to deny the sense that this is what they should be doing to succeed, that this *is* in fact a good career plan. Yet at the same time, we don't wish to deprive the multitude of underachievers of what they can get from identifying with Gore: the feeling that they, too, can take charge of their lives. That they, too, can claim to have



Sam Fortenbaugh
Staff Columnist

See FORTENBAUGH, page 8

Law Skills - My Own Personal Hell

By Lillian Sam-Mingle Hummel III
1L

You will immediately notice two factors of this article. First, it is not in correct memo format, it is not even in CRRPAP format. Fuck CRRPAP. This is stream of consciousness, the way real people think. I will not state what I want to say 7 different times in 7 different ways, and try to cram it into 12 pages. Instead, I give you a free flowing bitch session about the personal hell that is known as law skills. Moreover, my name is not really Lillian Hummel. I hide behind my pseudonym knowing that I don't need to give you my name for you to be able to feel my pain. I write this as a self-appointed representative of all 1L's, who all feel the pain and agony that I do twice a week.

When I first got my schedule of classes, Law skills was actually the one class that I thought would be interesting. A chance to be a "pretend lawyer"...oooooh. Although I hated doing them, I know that the library tours were useful. The focus of my current anger is the graded memo. What the #&!% was that??? First they hold our hands through the first two (which have two of the easiest sub-rules ever), then they have T.A.'s give us feedback and personal attention. Then all of the sudden, right before finals (could they have picked a worse time for that to be due?), when our heads are about to explode (to complement the implosion of our egos when grades come back), they throw this monster on us! It has statutes, old statutes, and subrules that we have no idea how to rule proof. And suddenly, no T.A.'s, no rough draft. Nothing.

Oh, wait - we had three thrilling ses-

sions of open questions with our ever helpful law skills teachers, but trying to get a straight answer from him was like pulling teeth....

"How do we cite this?"

"Look it up."

"How do we address the previous statute?"

"Look it up."

Counter argument: I am such a baby. I am in graduate school, I should appreciate the challenge to learn on my own and find the true answers, it will mean more to me that way, that is the only way I will learn, lawyers need to learn how to make their own decisions and find their own answers.

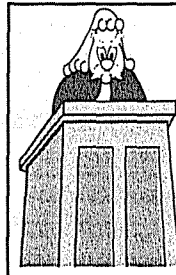
Rebuttal: Fuck off.

It's time to analogize to precedent. What precedes law school? Remember when we were in first grade and were learning how to write a full-blown fairy tale? The teachers read some good fairy tales to us, and then let us have a go at it. You can't learn to write without writing. It worked splendidly.

Is that what they are trying to do here? Perhaps.

They gave us baby steps and some sample memos but we barely knew what we were doing when they threw in statutes and comments to the UCC. Furthermore, the reason it led to such anguish last week (and not in first grade) is that we are being graded. It could potentially affect future employment. Some people tell me law skills doesn't matter when you are looking for a job, while others tell me that your grade is pretty important because it reflects (duh!) just how good your "law skills" are.

See LAW SKILLS, page 10



Heretical Ramblings

By Bruce Gibney



Guaranteed not to Offend (Except Footnotes)

Ok, ok. The column is a little shorter than usual. Let me tell you, it was going to be fantastic. I'm not talking your above-average Fatburger of a column; I'm talking an eyes-rolled-back-into-the-head, loss-of-bowel-control, Tommy's ChiliCheesburger mega-extravaganza of a column. I wish I could share it with you, I really do. I *want* to share it with you. It's funny. We're talking roll-in-the-aisles funny here. But it would probably offend you. A lot. Quite a bit of it was written in English, and we know how the last one went, don't we? I had this bit about the Iron Chef, and how I was going to replicate Kitchen Stadium in my very own home, complete with the violins and tiki torches and me rising out of the pit of flame and smoke in my Barcolounger and pronouncing unto the Iron Chef's the various theme ingredients of my whim: "Velveta!" "Slim Jim!" "Halcion!" Showgirls were involved. Dessert toppings. I swear to God this bit almost killed Nate Snyder - he was in *physical pain* after I riffed on this and I had to go over and say, "Breathe Nate! Live goddamn you! It's funny, but it's not worth *dying for*." But he did, of course. Die, that is. Or if not die, he certainly looked very, very unwell. It was that goddamn funny. But I can't tell it to you. I just can't. Nor can I tell you the bit about my recent attempts to acquire Prospective Second Income. Funny? When I told this bit to Sam Fortenbaugh, he erupted into one of those duck and cover laughs of his, you know, the one where you reach for a blunderbuss and pray to God Sam has taken his Thorazine that day. "A stitch!" Fortenbaugh proclaimed, "Mr. Gibney, you are a stitch!" I made his day, but I can't make yours. Sorry. And it really was funny, too, this PSI (prospective second income) - imagine, hearing about Gibney dating - like watching the whooping crane mate, a thing of horrible wonder, very rare, like watching the Concorde crash. But it would offend you. I'm sure of it. I mean, how can I expect you to sit there blandly when I tell you in my WASPY way that I fell in love with PSI from the very moment it uttered these words: "I do not care for plastic Christmas trees, nor the people who own them." Especially since my response involved a withering attack on those little lights that bubble and which the good-hearted proletariat purchase by the hoghead. But it was offensive, the Christmas tree schtick: what if you have such a plastic Christmas tree, perhaps not out of some lacuna in fashion sense but because you are hypoallergenic and cannot have a real Christmas tree, forever scarred by your holiday-vegetation-disorder and no doubt still suffering on the inside from all those times in childhood where the other kids got to cut down trees in the snow but all you had was your uncle Ed and his ill-concealed buttocks exposed to you as you watched him haul your Christmas tree out from paint cans of the basement? *What kind of Nan Darien-esque monster am I for making light of your holiday vegetation problems?* But God, the Christmas tree thing would have segued right into the very best joke I have, the neutron bomb of my arsenal, a joke of Seinfeldian proportions and *never before seen on TV* about a bad oyster at Tallivent and the bottle of 1982 Latour with which I washed said oyster down and up (98+, tasted twice with inconsistent notes). Which would have segued right back into how plastic-tree-hating PSI forced me to a SoMa warehouse where, like the little tramp I am, I bit my lip and stripped down to my Versace leather pants that it took me like ten life-denying hours in front of the mirror to pick out even though I *knew* - *knew* - that I was going to wear them from the minute I woke up that morning, and thus stripped down, began to dance on a crate to *Chains of Love*, which was being played for the apparent *ironic* enjoyment of the younger crowd, although PSI and I were enjoying it in a decidedly unironic fashion. I can't tell you about that anymore than I can describe the Supreme Court Plot-Wheel I devised, which combines textualism with fractal casting of the I-Ching and decides the constitutionality of any problem, instantly. *Verboten!* Oh my God! I just realized I've probably offended you already! That bit about the Versace leather pants - what if you have a moral objection to leather? The sacrifice of a living, CO2 producing bovine merely that I might get busy in the buttock-enhancing splendor of Italian leather - outrageous! You hate me! I understand: Versace gave me tight, alluring buttocks but at the horrible price of life! Bovine life! Bessie - don't go into the light! Don't go goddamn you! I may as well admit to you that I'm beginning to sweat now, and don't let that trendily concealing Dolce e Gabbana soft-collar tell you otherwise. Because I'm a monster. I know because smart people have told me so. Unfit for human society. Oh, I know what you're thinking: Gibney on the brink? Perturbed by a little well-meaning saber rattling? Upset by a few accusations of callow insensitivity? But I am, *because all I wanted to do was tell a few jokes*. And suddenly this! I'm thrown off kilter: how shall I entertain now? I'm sitting here, quivering in front of the computer, guzzling indifferent Bordeaux and tearing my hair out and my hundred dollar WeHo haircut is suddenly not intentionally messy, but unintentionally and *unfashionably* so, and dark spots are beginning to form on my Canali-encrusted person and I haven't entertained you in several sentences now; at least six now that I've counted, and the last two phrases, let's be honest, were only pandering and half-hearted attempts at jest, and I don't know where to go from here, because frankly I'm afraid, this is just the last straw, this little tempest in a teapot. I've got a million problems already and they've coalesced into a horrible vision of some disapproving octopus chasing me down the hallways of the Law School wielding whips and chains and pulsating threateningly and generally exuding a sense of menace and frankly, Ferragamos are not meant for running, and all I want to do is find a graceful way to end this goddamn column once and for all and get that tentacled monstrosity off my back - *I know my Yamamoto is late, I AM SORRY* - I just want to get out and pop on my so-avant-they-are-apres Armani sun spectacles and place a plastic nipple on a bottle of Lagavulin and curl up in fetal position and watch the newest episode of *QAF* and shut the door on that multi-armed horror and its fleet of flying squid, disapproving tentacles flittering in the breeze, because I am a delicately balanced creature, after all, with commitments and deep personal problems and broad exposure to volatile NASDAQ issues and I just don't need this calamari Luftwaffe breathing down my throat right now - and, well, I'm just going to have to ask you to amuse yourselves for a little while because, frankly, I need a moment.

"Statement of Norms" Endangers Free Speech

By Justin Sobodash
3L

About a week and a half ago, Dean Varat issued over UCLA's e-mail a "Statement of Norms". This Statement was drafted by a Task Force, who were personally chosen by the Dean. The task force was comprised of faculty, students, and staff of UCLA. The Statement reinforced the importance of civility, both to intellectual discourse within the law school and to our careers as future attorneys.

I agree with Dean Varat on one thing: It is wrong to insult or denigrate another on the basis of race, sex, sexual orien-

tation, or national origin. To that list might be added any number of arbitrary factors that people regularly reduce another to: physical disabilities, weight, religion, etc.

The true issue here, though, is a very real attempt by some within the university to censor speech that does not conform to leftist standards of decency. Such an attempt must be met with indignation and litigation. This is a call to arms for law students concerned with the First Amendment.

Political Correctness Gone Insane

The Statement of Norms (see page 8) contained the following passage:

See SOBODASH, page 9

Norms of the Law School Community

The law school is an open community, a place where freedom of expression is protected and where civility and professionalism are affirmed. The quality of communication between members of the community determines the quality of the school. We begin by recognizing that the primary mission of the school is educational and that our mission is achieved through reasoned discourse. Basic language proficiency and clarity of expression is only the beginning; our goals include civility and mutual respect. This means that all members of the community must strive to speak and listen carefully to each other. That is the necessary precondition for everyone to be able to learn, both from the professors and from each other, and to equally participate in the life of the community.

We all have an educational and moral obligation to be concerned about abusive and offensive language. This is not censorship: this simply means that no member of the community with a decent respect for others should use or encourage others to use slurs and epithets intended to discredit another person's race, ethnic group, religion or sex. No one has the right to denigrate another on the basis of race, sex, sexual orientation or national origin. Moreover, exercising rights of free expression does not mean that the values of mutual respect can be carelessly or willfully disregarded. The basic obligation does not end with ourselves; we must also reject expressions of bigotry by speaking out against it wherever and whenever it occurs. Verbal or written abuse, threats, harassment, intimidation or violence are not tolerated, and such acts are not excused by claims of ignorance or "it was just a joke." We are all responsible for our behavior and are fully accountable for our actions. We have to think before we speak. We recognize that our reputations as students and eventually as lawyers and professionals are shaped by the choices we make, beginning from the first day we enter the doors of the school.

The above norms of civility and professionalism must coexist with the principle that a law school, like the broader university of which it is a part, is dedicated to the full and free exchange of ideas. Indeed, an academic institution, perhaps more than any other social entity, exists to provide a robust and dynamic intellectual environment.

We recognize that ideas matter and that they inevitably disturb and provoke unrest. Spirited advocacy and intellectual ferment are part and parcel of the educational process and this is especially the case with respect to law schools. This observation is even more compelling in the context of a state law school, where a legal education and the First Amendment are inextricably intertwined.

We affirm that members of an academic community must be sensitive to the feelings of others, (and this obligation is especially important when a person deals with another at a personal level). Indeed, rudeness and incivility are often counterproductive to any serious attempt to communicate and advance ideas. Nevertheless, advocacy of controversial ideas may not be suppressed or discouraged simply because they sometimes provoke offense or even outrage. The intellectual life of the school is built on the presumption that we will not see the same things when we look at the world nor will we bring the same experiences to our perceptions. The more difficult and complex the problem or issue the less likely those differences can be comfortably accommodated.

Nevertheless, our charge as responsible members of the community is to remember that we are ultimately engaged in an ongoing dialogue that requires that we keep both the values of free expression and of civility and respect foremost in our minds.

FORTENBAUGH

From page 7

invented the Internet.

We may have to settle for a sub-optimal President, but if we can somehow unite these two visions of mediocrity this election will not be for naught.

We need to find the median of the average. The center of the extremes. The zenith of banality. Since no one else is grabbing onto the mantle of mediocrity, then I guess it's up to me.

Why me? Because I'm a law student. By coming to law school, I have assured my mediocrity. I have chosen a career path in which I know I can make a comfortable living and yet avoid doing anything that may prove innovative and creative. I have replaced any future possibility of triumphant success or abject failure with pale shades of mediocrity.

It was not long after being in law school that I learned to cling ferociously to the well-trodden middle of the road.

This notion was crystallized by my Business Association professor when I asked him why they didn't collapse the analysis of having informed board of directors decision-making into the Business Judgment Rule. His response: "That was the way it is." I replied that it didn't make any sense. His response: "That's what the courts have decided. I continued my protests, "But... but... but..." His response: "Just go learn The Rule."

The Rule.

What's so good about this Rule? Sure at one point in history, The Rule was novel. Like the wheel, The Rule was a great innovation. Two cave men were probably standing around one day talking about keeping their fire going. One of them said, "Why do I have to go out and get wood?" The other turned to him and said, "Because that's The Rule."

So The Rule was born, and it has been the most powerful of mankind's creations. The Rule quickly eclipsed even the wheel. Without The Rule, the wheel would never have achieved its great success. The Rule turned the wheel into more than just a means of transportation device. The Rule made the wheel what it is today: a source of tort liability, car loan agreements, and grand theft auto.

But we have not treated The Rule as well as the wheel. We are constantly trying to not reinvent the wheel. Yet, we haven't stopped reinventing The Rule. With everyone giving their two cents, The Rule has changed over and over again. It's like making a Xerox of a Xerox of a Xerox; the image gets more blurry and blurry until you can neither read nor understand it any more. Yet, because it's The Rule, people follow it blindly.

Prior to the election I asked a Gore supporter whether it would bother him if Gore won an Electoral College victory, but lost the popular vote.

I asked, "Wouldn't it, as a matter of fairness, bother you?" He said, "No." I replied, "But more people would have voted for

See FORTENBAUGH, page 9

TOWN HALL

From page 4

would be nice to have the administration support [students in favor of SP1/2's repeal]."

Dean Varat replied that it was his opinion that SP1 was legally eclipsed by Proposition 209, and that its repeal would have no effective impact. Despite this, students continued to argue that this symbolic action was necessary for improving the racial climate at the school.

Dean Varat replied that he recognized how painful the situation is for many students. He said, "I think we have a job to do, together as much as possible. I certainly hope people don't give up."

Melanie Chavira, 3L, asked what Dean Varat had done personally as a follow-up measure to recruitment, once minority students had already begun attending classes. Dean Varat replied, "I have talked to students, but not enough. I've had email contact with some."

"I'm open to all . . . suggestions," he added

Tim Fitzpatrick, 1L, addressed the audience and said that while one function of the meeting is to give the Dean an opportunity to listen to the concerns of the community, in his own opinion another purpose is to make some sort of agenda or timeline "to give us hope." He acknowledged that the constraints on the school were severe, but asked for a statement by Dean Varat and/or the Faculty "as a symbolic gesture of soli-

arity." He finished with an ardent call for a concrete list of intended actions, preferably with deadlines.

The rest of the Town Hall meeting consisted of largely similar comments on the same topic.

Eds. Note: The Docket would deeply appreciate it if students at future meetings could identify themselves at the beginning of any statements or questions they may have.

FORTENBAUGH

From page 8

Bush." He said, "That's what the Constitution says."

That was what his answer was. It was okay because that's what the Constitution said, because the Constitution is The Rule. Well, the Constitution has not always been right. For 70 years, it condoned Slavery, banned alcohol, and may in the near future

not allow a woman the right to have an abortion. I would have been much happier if the professor had just said, "I want Gore to win and I don't care how he does it. If we have to let Texas secede from the Union, that's fine with me. It's better to be President of 49 states than to lose in 50."

At UCLA Law School, that Xerox machine of fair to middling keeps on copying. Re-

cently, Dean Varat made his yearly endorsement of normative standards. "Normative Standards?" What he means is standards to be normal. Why doesn't Dean Varat just say, "Think like everyone else, but don't put too much thought into it?" Which is precisely what I did during the Presidential campaign. I didn't think about it at all. And God Bless the Dean, he's giving me more not to

think about.

So what do I need Bush and Gore for? I don't. Let the election end. It won't interfere with my quest for perfect mediocrity. You see, I still have one semester and 14 units of Law school left to take. And that means I get to listen to at least four teachers, not just two candidates.

SOBODASH

From page 7

"We all have an educational and moral obligation to be concerned about abusive and offensive language. This is not censorship: this simply means that no member of the community with a decent respect for others should use or encourage others to use slurs, and epithets used to discredit another person's race, ethnic group, religion, or sex. No one has the right to denigrate another on the basis of race, sex, sexual orientation, or national origin. Moreover, existing rights of free expression does (sic) not mean that the values of mutual respect can be carelessly or willfully disregarded."

The statement can easily be understood as threatening disciplinary action by UCLAW. The Dean of the school issued the statement, apparently acting in his official capacity. A committee that was appointed by the Dean, and comprised of members of the UCLAW community, crafted the Statement.

Most importantly, the Statement seems keenly aware of its tension with the First Amendment. Again, the Statement uses the phrase: "No one *has the right* to deni-

grate another on the basis of race, sex, sexual orientation, or national origin." Recognition of inherent natural rights is typically a legal question. There are so many other strongly worded condemnations of 'denigrating' speech that could have been chosen. Are we to believe the Committee did not endlessly belabor every detail of their statement? Are we to believe that somehow they did not take forever like any other committee? I am sure that the UCLAW community (including the members of the appointed committee) is aware of the power of the words they choose. If the Statement was not trying to imply that it had the authority to limit speech, it would say "We are not trying to limit legally recognized rights", instead of beginning *any* sentence with "No one has the right to..." If there ever was a statement by an organ of the state meant to chill speech while never owning up to it's true intentions, this is it.

Viewing this Statement as a tool to chill speech makes even more sense in light of existing policies enforced by the larger University, which claim to prohibit "fighting words" (an already questionable First Amendment exception), but actually do much more.¹ By refusing to denote at least some safe contexts (i.e. online, or in a controlled classroom environment), contexts

vital in an academic environment, UCLA's campus speech code broadly (and possibly illegally) prohibits the use of epithets.

At least context is taken into account in determining if something is a "fighting word" under existing University policy. The existing Speech Code, if made more specific, might make sense. But with "Statement[s] of Norms" such as that issued by UCLAW, it appears that students are dealing with more than a haphazardly caused chill on speech.

The Right to Speak Hate

While there is quite a bit of social utility in not banning hate speech at UCLA, I think it's important to point out that the Bill of Rights is meant to protect individual rights, not social utilities. Freedom of Speech is something we should be understood to have by virtue of our humanity, not because our freedom gives others more understanding, enriches the community, or entertains. No great thinker, ahead of her time, ought to be confined to expressing her thoughts within the limits of the present generation. The difference between madness and genius is often simply the passage of time.

The Importance of Hate Speech

Having said that, there is quite a bit of socially valuable speech that could be considered 'denigrating' under the Statement.

Camille Paglia's comment that "If women ruled the world we'd still be living in grass huts", wrenched from its context, is clearly denigrating toward women. Yet Paglia's views on the central nature of gender to identity and behavior may merit discussion, for example, in understanding rape. The proposition of Charles Murray that norming for socioeconomic status and other factors does not explain racial differences in IQ also merits consideration in discussions of the disparate impact analysis of racial discrimination. "The Bell Curve" is probably rightly termed racist. That does not, by itself, mean that it is wrong. It has to be challenged on its own terms. If it is racist, it is racist, and if it is wrong, it is wrong. Dismissing its arguments as 'denigrating', and thereby preventing their discussion would be a loss for intellectual discourse. It is to silence one possible argument against racial preferences - clearly a hot topic at UCLAW, because someone might feel denigrated. The First Amendment demands one clear answer to people's feelings being hurt: Too Bad.

I understand that UCLAW may be experiencing tensions and an unfortunate lack of civility. But it must also be understood that public authorities may not halfheartedly assert that individual rights do not exist in hopes that the populace will refrain from exercising those same rights.

¹The "Fighting Words" Policy can be found at <http://www.ucop.edu/ucophome/uwnews/aospol/uc100.html>

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ANDERSON

From page 4

school now, Professor Anderson quickly mentions the diversity issue. UCLA law school is now about as racially diverse as Berkeley was in 1965 when she was there. Not exactly what one would call progress.

Additionally, the content of what is taught in the legal classroom has changed. When Professor Anderson was a student, law school was far more case-based. Students read cases and discussed them in class, much as is done now, but very rarely did the discussion move beyond the case.

UPDATE

From page 4

Me:

After a three beat pause, I laugh inappropriately - I might have snorted, but I can't say for sure.

She remains hunched, unmoved, oblivious to the high pungent absurdity, and occupied with the now globular chimichanga. Me: "Well, uh, I, uh, just wanted to, uh, confront odd circumstances and introduce myself..."

She blinks.

I'm suddenly and powerfully aware that she'll just never get it, and I refrain from pleading my case. Instead, the following odd comment escapes from my head. Me: "So anyway, uh, I'm LAWFULLY PRESENT and havin' a good day..."

Judge: a hesitant, and then deadpan, "Good luck".

I retreat gleefully.

LAW SKILLS

From page 7

Am I being anal about grades? Absolutely. And I have news for you, unless you are part of the .00001% that doesn't plan to use your J.D. after graduation, then you, too, are anal about grades. We are in a class full of high school valedictorians and salutatorians; we are all anal about grades; it is why we have made it this far. We all fought with our professors in college when we got the B+ instead of the A-. Why? We fought because it bruised our egos, because we wanted to get into a good law school, because we are just used to doing well.

This brings me to the bottom line of my frustration with the graded memo. The graded memo should not be graded. It should be pass/fail. Law skills itself should be pass/fail. Precedent: All classes at Boalt are pass/fail, as are all classes at the UCLA Medical and Dental schools. The motivation for doing well is avoiding complete and total panic on our first day of work. We are the ones who will be S.O.L. if we don't learn this stuff. We can accept that responsibility.

Four people in every law skills section will get at best a C+. That means no matter how good of a job we ALL do on the memo, four out of twenty overachievers will get the first C+ of their lives. This thought was very discomfoting for 99% of us. How do I know it was 99% and not, say, 50%?

The absolute chaos that ensued in the library last week.

Most people were working their asses off on this thing, which made the rest of us have to work hard to avoid being one of the poor losers who has to get the C. It was a sick, vicious cycle.

"What cases are you using? Really? Fuck, it's 11:00 p.m., I'm not using those cases, let me go re-write my whole fucking memo."

Do you understand the ridiculousness

See LAW SKILLS, page 12

The reasoning in the cases was analyzed and studied, but no time was devoted to policy or theory. Clinical classes did not exist. It was, in her words, "sterile."

The style of teaching today is much better, she says. She is also quick to point out that the students at the law school are better than they were when she first started teaching. UCLA was a young school at that time, without much of a national reputation. Times have changed, and the school is now nationally known, attracting high caliber students from all over the country.

HOLLYWOOD

From page 1

of the flight of business away from Hollywood to more financially viable markets where labor is significantly cheaper without the influence of SAG, the WGA and the DGA. And with countries like Canada, where film production is subsidized by the government, it will be hard for studios to keep business in town without addressing some cost controls in the labor market.

The new corporate bosses in Hollywood certainly will want their studios to keep turning out product, but it will not be possible to do so if Hollywood relocates to Montreal. So will there be an impasse at the negotiating table as the Guilds try to justify lavish scale minimums and benefits to studio entities that no longer will give deference to the labor movement that they once were more willing to tolerate? The changing political realities within Hollywood may bear some weight on the labor dispute, but this socio-political explanation may be moot.

Although the left leaning members of Hollywood may have been replaced by corporate bosses, this likely will not affect the dynamics of the negotiation because the impending dispute focuses on minimums. Industry experts agree that the production flight from Hollywood is not because of minimums but the lack of cost controls allow out-of-control budgets on the upper end. So called "A" and "A+" players who demand enormous amounts of money for their participation on projects drive up costs and deprive studios of satisfactory profit margins. Yet these factors are not the focus of the impending dispute. Being required to serve a grip a hot meal as opposed to a cold one will not break the bank of a \$100 million flick compared to the frankly obscene amounts of money A+ players like Tom Hanks demand.

The real impediment to a painless resolution of the upcoming labor dispute arises out of the fact that the ubiquitous vertical integrations in Hollywood have created a vast disunity of interests among the top studios. Today studios are no longer just the financiers and distributors of motion pictures as they once were. A studio simply may be one of many arms in a company that has its hands in everything from the manufacture of consumer electronics (Sony/Columbia) to the production of publications (Time Warner). The many disparate activities of these corporations inevitably will present them with vastly different objectives and motivations at the negotiating table. The movie production aspect of a company may be far less important to an entity like Time Warner/AOL, which may be more concerned with its internet interests. For example, will AOL, the more senior partner in the merger, allow Warner to concede to SAG over the issue of jurisdiction over the internet? It seems unlikely that AOL will hand over online residuals to SAG without a fight. But this issue may be far less important to other studios who may have an entirely different set of priorities. It will be very difficult to hammer

Are things better for women now in the legal profession? It's a mixed blessing, according to Professor Anderson. More women are in the profession, and they are achieving greater heights than they ever have before. But it comes at a price. The hours are longer, for both men and women. When Professor Anderson was practicing, the billable hour requirements were around 1600, a far cry from today's 2000 or more. She admits that even at the levels she was working, she would not have been able to raise her children. She was able to do it only

because she was in academic life.

When asked about how she would change the law school system, Professor Anderson throws out several ideas. The current method of teaching is not a good way of doing things, she says — it is a waste of talent. Students should be able to learn from each other, and the wealth of experiences they each bring to the classroom. She would have smaller classes that are more

See ANDERSON, page 12

out an agreement that will satisfy all parties.

Another unprecedented factor that may prolong the lockout and force an ugly battle revolves around financial stamina. The megacorporations the Guilds are up against have enormous financial reservoirs. Perhaps the new corporate bosses of Hollywood may decide that there is enough at stake to justify playing hardball. They may opt to output less product and let the conflict continue until they bring the Guilds to their knees. The bottom line is that even if the studios loose money, it may be worth it to their corporate masters. In fact, the potential longevity of a lockout may be bolstered from the Guild end too. For most actors, for example, acting is a dream and a work in progress. The vast majority of SAG members have day jobs and do not rely on acting to support themselves. They might also be inclined to tighten their belts to fight a war with the studios if they feel the stakes are high enough. Ultimately, SAG members' bread and butter is commercial work and with their future in the television commercial world secured this Fall, they could survive by relying on commercial work for an extended period of time. It could get ugly.

Should the lockout enjoy longevity, the studios will be making a big gamble if they choose to fight the Guilds by exploiting their alternatives. A labor lockout inevitably will deprive studios of traditional product: films and television shows with Guild members. Without ample product to sell in theaters and on networks, the studios will have to supplement their wares with movies and shows created without Guild members. The studios have prepared for the labor lockout in the film world by green-lighting a flurry of films in the past two years before the present agreements with the Guilds have expired. Between October 1999 and March 2000 there was a significant spike in planning and executing principle photography for motion pictures. Many industry experts remark that many of these productions are of poor quality. The resulting body of poor work may compel audiences to steer clear of theaters. And in the end, this inventory eventually will be exhausted. So the studios will be taking big risk in force feeding audiences who may make their dissatisfaction felt at the box office.

The gamble that the studios likely will make in the network realm has profound implications and could turn the network television world on its ear. There has been a steady decline in the past several years in the number of hours networks run traditional entertainment television shows. Traditional shows which require the participation of Guild members are being replaced with non-Guild reality shows, sports, game shows, and news. On the heels of high ratings shows like *Survivor*, it is not difficult to image a spawn of such shows in the future. The labor lockout will cause only a bigger boom in alternative programs.

Non-Guild programming is not new. In early 1988 as the networks were faced with

the possibility of no more product to air, they reran episodes and began creating shows that did not require Guild members' participation. The alternative programming, such as Fox's *COPS* and *America's Most Wanted*, cost significantly less to produce. Extensive use of reruns further decreased the production costs for the networks. But there was a catch.

As viewers tired of reruns, they flipped the channel away from the once reliable programming of the networks to cable channels like USA and Discovery. Pay television like HBO and SHOWTIME also siphoned viewers. The overall loss in audiences drove ratings down and carried advertisement revenues with them. The money saved in lower production costs by using reruns and alternative programming did not make up for the loss in advertisement revenues in the long term. A dime was saved and a dollar was lost.

Although there is a proven risk in tampering with traditional programming and shunning Guild participation, it is a gamble the networks and their corporate big brothers will certainly make again. Reality shows are hotter than ever and the networks have been stockpiling their inventories. There has also been an explosion of news shows and sports programming by the networks. An examination of the amount of traditional Guild participation programming on the networks shows a steady and marked decline in the past two years. ABC's line up is good example: only about seven hours of their Fall 2000 line up contains traditional entertainment programming using Guild member players. The rest of their air time is full of non-Guild alternatives. Other networks are following the same trend. One explanation of the confidence the networks display in shunning Guild usage in alternative programs may stem from the vertical integrations. Unlike in 1988, today's network owners also have a substantial stake in the vast entertainment empires that were once alternatives to the networks. Although the conventional strategy puts an emphasis on keeping audiences where they should be, on your network station, today's dynamics present a twist. If audiences do not embrace the alternative programming and reruns like in 1988, where will they turn to for entertainment? Cable? The internet? A book published by Time Warner? The alternatives may on some level pump revenue into the coffers of the network owners anyway. It is a win-win situation for the new corporate players in Hollywood.

Only a crystal ball can answer accurately the question of how exactly the inevitable labor lockout in Hollywood will unfold. But with vertical integration fever spreading, the fight will be considerably different than ever before. Los Angeles will have a ring side seat to the upcoming battle and with 800 lbs gorillas like Time Warner/AOL and the most powerful labor unions in the nation squaring off, it will be one hell of a fight.



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LAW SKILLS

From page 10

of this? We were working ourselves ragged not to excel, but merely to ensure that we would not get one of four mandatory C's. Our core classes use the curve to inspire/force us to actually learn this stuff because we will need it for the bar, and more importantly, we need to develop analytical skills early to help us through the rest of law school. In core classes, they have to find a way to distinguish those who know the material from those who have mastered the material.

But a curve for law skills? Come on, give me a fucking break. Did *any* of us really master the material? I doubt it. We were all winging our way through it, hoping and praying that somehow, we are actually smarter (or at least wrote a better memo) than just four other people, just enough to squeeze out a B. Near the end . . . delirium.

"Bowdine's claim for NIED will likely succeed because the fire fighter's rule does not apply to glow-in-the dark T-shirts."

(For those of you that had the other case, insert some random fact about your case, and have a good laugh.)

Here we go. This is the big grand finale that will demonstrate all that I have learned,

ANDERSON

From page 10

like lawyering skills. She believes there should be a greater focus on clinical training, on teaching skills that will be useful in practice. She also believes two years is enough, and suggests that if a three year system is kept in place, an apprenticeship program for the third year might be a possibility.

Practical realities, she points out, tend to get in the way of any major changes. Law schools make money for universities, lots of it. Smaller classes and an increased clinical focus would be more expensive, cutting into profit margins. The fact is that law schools are successful. They turn out fine attorneys who go on to be very successful both at what they do and financially. The old cliché, "if it ain't broke, don't fix it," seems to be a common view. And there is some

the place where I try to give you some closure on this whole damned memo.

Conclusion: Law skills bites ass.

Rule: Any class with a mandatory curve that assigns a graded assignment two weeks before finals, when the students don't have the slightest clue how to write, bites ass.

Rule Proof: As stated in *Rational Learning Methods v. Law 108*, 2003 UCLAW 69 (1999), any class that treats us like children and refuses to trust that we can and will learn the material without being graded, bites ass. These factors are all present in our current predicament.

Application: The rational way to teach this class would be give us some solid rules in memo writing, and have us practice, practice, practice without the harsh and unrealistic imposition of a forced curve.

Counter argument: The only way that we will learn is to be graded. Stop focusing on grades and focus on the lessons being taught and stop bitching.

Rebuttal: Stop grading us, start teaching us. I bitch therefore I am.

Conclusion: The 1L class will likely be able to establish their claim that Law skills bites ass and can hopefully will someday look back at this and laugh.

truth to it: Why alter a proven formula? Better to spend limited resources on other areas where the university isn't doing so well.

Reformers have advanced the ideas expressed by Professor Anderson before. Many of these ideas have yet to be realized. She tries to incorporate some of these ideas into her own classes, but it can be difficult, given the constraints of the system within which she must work. Despite the very real obstacles in the way, however, Professor Anderson is committed to changing the system of legal education for the better. She has spent much of her sabbatical this past semester thinking about this issue. Significant changes may not come tomorrow, but with Professor Anderson and others like her committed to dealing with the problem, they will come eventually.

The Librarian's Delk

NEW BOOKS in the LAW LIBRARY

If you don't think that law books can be more exciting than the latest John Grisham, take a look at the display case, opposite the main entrance to the Law Library. There you will find a display of book jackets of select new books acquired by the Library. The jackets are chosen for their design and for the vast diversity of new books which they represent. The display is changed every few weeks. The books, themselves, are shelved in the Library by call number. Check Orion2 or with the Circulation desk to get a call number for the book you wish to see.

SURFING the WEB?

Knowing which search engine to choose can be perplexing. Here are a few to try:

Google (<http://www.google.com>) Google is one of the web's most popular search engines due to the high degree of relevancy its searches produce. Google ranks search results in order of how many pages have linked to your results, so frequently visited sites appear at the top of your result list. **When to use:** Try Google first if you're searching for the website of a particular agency, group, organization, publication, etc. **Example:** Simply type in *california judicial council* (no "ands" necessary) to find the Judicial Council's webpage. To search on a phrase or title, enclose it in quotes. **Examples:** "*sierra club*", "*atlantic monthly*", "*american association of law schools*".

Alta Vista (<http://altavista.com>) Alta Vista Advanced Search is perhaps the closest you'll get to Lexis and Westlaw-type searching on the Web. You can limit your search by date, use the proximity operator NEAR to find terms within ten words of each other, or truncate terms with an asterisk. **When to use:** Alta Vista is one of the Web's largest search engines, so use it if you want to find as

much as you can on a narrow topic. The Advanced Search features can also help you limit your search if you've got a broad topic or your initial search turns up too many hits. **Example:** To get information about hate crimes in California, type "*hate crime**" NEAR California.

Northern Light (<http://www.northernlight.com>)

Northern Light is one of the Web's largest search engines in terms of pages it searches. Northern Light will also automatically group your search results in folders according to topic. **When to use:** Use Northern Light if you've got a fairly broad topic with the potential for turning up thousands of pages. **Example:** If you type in: ("*mad cow disease*") OR ("*bovine spongiform encephalopathy*"), Northern Light automatically groups your search results into several sub-topics, such as "Bovine diseases," "Creutzfeldt-Jakob disease," "vegetarianism", so you can view similarly-themed results all at once. **Hint:** If you still get too many hits, try limiting your search to the text in the website title alone.

Yahoo (<http://www.yahoo.com>) Yahoo is perhaps the Web's best-known search engine and one of its most popular. Yahoo functions both as a search engine and as a subject directory to the Web. Although we don't recommend directory searching as the most efficient way to search the Internet, sometimes starting with a category can be easier than browsing through numerous pages of irrelevant results. **When to use:** Use the Yahoo subject index if you'd like to see several different pages on the same topic grouped together. **Example:** Looking for that perfect pumpkin pie recipe? Start with Yahoo's subject index, click on Society & Culture, then Food and Drink, then Recipes, etc. From there you

See LIBRARY, page 14

My cup runneth over...

By Jonathan Shimkus

1L

"When all such of us have now reached the years of maturity first opened our eyes upon the stage of existence, we found intoxicating liquor recognized by everybody, repudiated by nobody. It commonly entered into the first draught of the infant and the last of the dying man. It is true that even then it was known and acknowledged that many were greatly injured by it. But none seemed to think the injury arose from the use of a bad thing, but from the abuse of a very good thing."

-Abraham Lincoln (1842)

It has come to my attention that a great many of you are now experiencing the cold blast of winter here in sunny, Southern California. Therefore, I have assembled a few drinks sure to warm you up. (If, in fact, you travel to somewhere where it is cold, and not a balmy 60 degrees. In Chicago, we call this summer.)

Hot Toddy

In a warm coffee mug:

One and one half ounces of Brandy, Bourbon, or Whisk(e)y. (I prefer a smooth whiskey.)

One tspn of honey

Fill with hot water, lemon wedge optional.

Works great for a sore throat. but so does holding a shot of whiskey in the back of your throat for 15 seconds. (It will burn.)

Spiked Egg Nog

The simplest holiday drink. There are many ways to make good Egg Nog with a kick. However, my favorite and easiest way for holiday cheer is to purchase Captain Morgan's Private Stock spiced rum. It is a little more expensive, but it makes a large difference. Unlike most rum, the private stock can be sipped alone.

Simply add an ounce and a half of the private stock to about 5 ounces of egg nog, (think juice glass.) Although appealing, I wouldn't recommend making any involved egg nog recipe because unless you really know you enjoy that particular recipe, you can end up with a horribly large amount of unwanted liquor. And while wasting liquor is not a model penal code crime, it is worse than sleeping through a final.

Keoki Coffee

Weird name, good taste.

In a warm coffee mug:

One half ounce each: Brandy

Kahlua

Crème de Cacao

Fill with Hot Coffee

Don't forget the whipped cream and chocolate sprinkles.

To warm the coffee mug, simply fill with hot water for a minute, then drain. If you use a cold mug, the heat of the drink will swiftly disappear.

If the stress of finals has you worn out, or if you have caught a cold, this is a tasty remedy that will help you sleep it off.

Finally, as you relax at the bars over break, be glad this isn't ancient Egypt where if a gentleman offered a lady a sip of his beer, they were considered betrothed.

Please be careful over the break and drink responsibly.

Domestic Violence Misrepresented, Even at UCLA

By Marc Angelucci
OO

When UCLA School of Law allowed males to be excluded from a workshop on domestic violence (DV) at the recent Speaking Truth To Power conference, they helped continue the cycle of DV by promoting the stigmas that stop male victims from seeking help and by reinforcing the institutional cover-up of violence by women. When groups at the conference conveyed messages like "95% of reported DV cases are women" without giving any statistics for male victims (other than throwing a few crumbs like "not all victims are women"), they were not speaking truth to power but spreading the same lies that victimize millions of men, children and women nationwide. Consider:

1) Dr. Martin Fiebert of Cal State Long Beach published a bibliography in which he summarizes 117 investigations, with a total sample size of over 72,000 people, each of which clearly show that "women are as physically aggressive, or more aggressive, than men in their relationships with their spouses or male partners." (www.csulb.edu/~mfiebert/assault.htm).

2) Renowned DV experts Murray Straus, Suzanne Steinmetz and Richard Gelles of the University of New Hampshire conducted the National Family Violence Survey in which they surveyed over 8,000 heterosexuals and found, to their own surprise, that "women are about as violent within the family as men." (*Journal of Marriage and the Family*, v48, No. 3, p 470 - www.vix.com/menmag/battered.htm).

3) The National Institute of Justice in 1998 conducted a survey of 16,000 people and, although the study hindered male responses by calling itself a Violence Against "Women" Survey and by presenting itself as a crime survey, they still found that 835,000 men and 1.5 million women were victims of spousal rape or battery in the previous 12 months. (See exhibit 7 at

www.ncjrs.org/pdffiles/172837.pdf).

4) Dr. David Fontes shows in his analysis, titled "Violent Touch: Breaking Through The Stereotype," that men and women batter each other at about equal frequencies, for the same reasons, and with high rates of severity for both sexes. (www.safe4all.org/resources.html).

5) A recent study of confirmed child abuse found mothers committed the abuse 58% of the time, fathers 16%, and both parents 13%. (*Child Abuse and Neglect*, V 8, Issue 4, 1984, pp. 503-9).

6) Lesbian relationships have the same percentage of violence as heterosexual and gay male relationships. (*New York Times*, 11/6/00).

Also, consider these headlines:

"Women As Likely As Men To Inflict Domestic Violence," *USA Today*, 7/14/99.

"Women Are More Violent, Says Study," *UK Independent*, 11/12/00.

"Deadlier Than The Male," *The Sunday Times*, 10/24/99.

"Domestic Violence: A Two Way Street," *USA Today*, 6/29/94.

"No Place To Run For Male Victims of Domestic Violence," *The Detroit News*, 4/20/97.

"Spouse Abuse Crackdown, Surprisingly, Nets Many Women," *New York Times*, 11/23/99.

"She Hits, She Hurts: Women Batter Men," *Orlando Sentinel*, 5/7/97.

Like a magnet, the DV industry for 30 years attracted activists who propagate the theory that DV stems from "patriarchy," and who therefore are irrationally oppugnant to any data suggesting high frequencies of male victims, especially those showing women are as violent as men in relationships. The result was a systemic, institutional denial of female violence that wound up fostering the very violence the movement claimed it intended to curb.

In 1972, Erin Pizzey founded the world's first modern battered women's shelter. She discovered that, of the first 100 women she

helped, 62 were as or more violent than the partners they escaped from, escaped only to "return to their partners because of their addiction to violence that they did their best to bring about." In 10 years Pizzey worked with 5,000 women and children at her shelter and wrote several books on DV, one of which addressed the reality of female violence. ("Prone To Violence" - www.vix.com/menmag/pizzey.htm).

The furor that followed would characterize the attitude of the DV industry for decades to come. Pizzey's publisher was threatened. Her house was shot at. She was accused of "blaming the victim." And anyone who openly agreed with her was treated the same.

To her credit, Pizzey stuck with it, insisting "[t]here are as many violent women as men, but there's a lot of money (now) in hating men. The activists . . . are there to fund their budgets, their conferences, and their statements against men." (*Cook, Abused Men*).

When leading DV experts Straus, Steinmetz and Gelles, once hailed by feminists for the pioneering research into DV, discovered in 1975 that Pizzey's beliefs were accurate, the industry treated them just as they did Pizzey. As Straus explains:

In the mid 1970s my colleagues and I made the disturbing discovery that women physically assaulted partners in marital, cohabiting, and dating relationships as often as men assaulted their partners. This finding caused me and my former colleague Suzanne Steinmetz to be excommunicated as feminists. Neither of us has accepted that sentence, but it remains in force. (*Arriaga & Oskamp, 1999, The Controversy Over DV By Women* - www.vix.com/menmag/straus99.htm)

From that point on, researchers who found equal rates of violence faced tremendous pressure to distort or conceal their findings. Psychologist Irene Frieze, for example, a prominent feminist expert on DV from the University of Pittsburgh, was

caught intentionally suppressing her findings on dating violence for years because they indicated that women were the aggressors more often than men. (Cathy Young, "Ceasefire!").

Sadly enough, UCLAW has played a major role in fostering this very cover-up. For example, after professor Olsen stated in her class that DV happens more to women than to men, I brought her the statistics and studies mentioned above. Her response was evasive and, in my opinion, completely insincere. She showed no interest in looking into the data, but deflected it with comments like "well just because he [Dr. Fiebert] says that doesn't mean it's true," and "that stuff is tied to groups that promote misogyny."

When I asked organizers of the UCLAW conference to let me present a panel on DV that includes all victims and addresses the reality of female violence, I was not given the chance. Instead, my motives were questioned and I was utterly ignored. One of the two DV events excluded males from participating. And, although the two groups superficially acknowledged that "men are battered, too," they gave only statistics on female victims, none for male victims, and used imagery that presented only males as batterers. For example, one group opened by saying "95% of reported DV cases are female."

For thirty years, the "95%" figure has been cited as a fact. This figure, which focuses only on reported cases, comes from police and clinical records, or "archival data." But the source is outdated, and a great deal of archival sources today show men make between 15 and 35 percent of reported DV victims. (Fontes, pp 9-10).

Moreover, while archival data is underinclusive for both sexes, it is especially low for men because men are far less likely than women to report when they are abused.

By contrast, randomized surveys show men make up between 35 and 50 percent of

See VIOLENCE, page 14

Winter Holds Something Special for Everyone

Law Students Celebrate a Variety of Holidays

Hannukkah

By Noah and Maya Golden-Krasner
3Ls

In 175 B.C.E. Antiochus Epiphanes, also known as Antiochus IV of Greece, became ruler of that portion of the Greek Empire including Syria and Judea. Antiochus Epiphanes saw himself as the representative of the Greek (Hellenistic) culture which he wished to disseminate throughout his empire. Antiochus Epiphanes wished to make Jerusalem a Greek city. He imposed edicts against the Jewish religion, banning Sabbath observance, circumcision, and Torah study. He built an altar in the Temple and forced the Jews to sacrifice to the Greek gods. The Greeks also erected altars to their gods in the streets of Jerusalem. The resentment among the Jews grew steadily, culminating in 167 B.C.E. with the outbreak of a revolt against Greek rule in Judea. The head of this revolt was Judah Maccabee. Judah Maccabee and his small band of Jewish partisans defeated the powerful Greek army and liberated Jerusalem in 165 B.C.E. On the 25th of the month of Kislef the Jews purified and rededicated the Temple. The inauguration or rededication festival for

the Temple lasted eight days. According to tradition, Judah and his followers found only one jar of the sacramental oil needed to rededicate the Temple. This was enough for only one day, but miraculously the oil burned for eight days.

To commemorate the defeat of the Greek army, the eight days of rededication, and the miracle associated with the oil, Jews today light candles in a candleholder called a "menorah" or a "hannukiah." The first day of Hannukkah is the 25th of Kislef, which corresponds to December 22 this year. Each night an additional candle is added until the final night when 8 candles are lit (9 including one candle used to light the rest). Another common practice today is for Jews to give gifts to children and to play the "dreidel" game (a "dreidel" is a spinning top). Finally, on Hannukkah, Jews traditionally eat latkes, or potato pancakes, because they are made with oil.

Kwanzaa

By Chrystal James
2L

Kwanzaa (pronounced "Quansa") is a holiday celebrated by more than 15 million African Americans each year from December 26th to January 1st. It was started in 1966 by Doctor Maulana Karenga, a professor at California State Long Beach. The holiday is not expressly religious or political.

Rather, it is a seven-day celebration (symbolizing seven principles called Nguzo Saba) that encourages people to think about their African roots as well as their life in present day America. Kwanzaa is based on African festivals. The word means "the first fruits." The holiday ritual is celebrated by placing a Kinara (candleholder) containing three red candles, one black candle, and three green candles (collectively called Mishumaa Saba) onto a Mkeka (straw mat). A Mazao (basket of fruits and vegetables) is placed beside the Kinara. It contains a Muhindi (ear of corn) for each child in the home. Family and friends exchange Zawadi (gifts that are enriching and handmade with creativity) during the seven days. Additionally, each day a candle is lit to celebrate one of the seven principles:

1. Umoja (unity) to strive for and maintain unity in the family, the community, the nation, and the race.
2. Kujichagulia (self-determination) to define ourselves, name ourselves, create for ourselves and speak for ourselves.
3. Ujima (collective work and responsibility) to build and maintain our community together and make our sisters' and brothers' problems our problems, and to solve them together.
4. Ujamaa (cooperative economics) to build and maintain our own stores, shops, and other businesses together.
5. Nia (purpose) to make our collective vo-

cation the building of our community to restore our people to their traditional greatness.

6. Kuumba (creativity) to do as much as we can to leave our community more beautiful and beneficial than when we inherited it.

7. Imani (faith) to believe with our hearts in our people, our parents, our teachers, our leaders and the righteousness and victory of our struggle.

Christmas

By Crystal Howard
Senior Editor

Christmas ("Mass of Christ") is a day to celebrate the birth of Jesus the Christ Child, son of God in the Christian tradition. The original story of Christmas is the journey of the Virgin Mary and her recently-wed husband Joseph from Nazareth to Bethlehem. All the inns in Bethlehem were closed but one innkeeper allowed them to spend the night in his stable. During the night Mary gave birth to a son, whom the angel Gabriel had told her would be King of kings and Lord of lords, and would take away the sins of the world. That night an angel appeared to shepherds in the fields outside Bethlehem and announced Christ's birth, directing them seek him in a manger. Later, wise men (Magi) came from the east, follow-

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VIOLENCE

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DV victims. And there is a pattern to this variation. The more a survey is gender-neutral and not deemed a "crime" survey, the more the violence turns out equal. Straus and others believe this is because males are less likely to mention abuse if they see think the survey focuses on female victims, or as focusing on "crime" victims, since they are not taught to see the abuse as a crime to the extent women are.

This can be illustrated by comparing two national surveys. In 1975 and 1985, the National Institute for Mental Health (not a crime agency) sponsored the National Family Violence Survey (gender-neutral) of 8,000 heterosexuals and found that women initiate violence in relationships as often as men do. By comparison, in 1998, the National Institute of Justice (a crime agency) conducted the National Violence Against "Women" Survey (gender-specific) of 16,000 people and found that men make one third of DV victims.

Many object that the violence by women is actually self defense, since the Conflict Tactics Scale used in these studies does not ask about motives.

First, it is interesting that these same critics widely cited the CTS studies since 1972 to show high figures for female victims. Why do they only object when the CTS gives figures for male victims but not when it gives figures for female victims? Men and women both strike in self defense, and the extent they do should be determined by science, not conjecture and stereotyping.

Moreover, the data does not support the self defense argument at all. For example, the National Family Violence Survey found that 25% of the violence was committed only by the male, 25% only by the female, and 50% "mutual," and within the mutual group, over half the women said they struck the first blow.

Some respond that, since the survey

did not ask about motives, it still could be self defense even when the women struck first. However, some of the studies showing equal violence did ask about motives. As Dr. Fontes points out, they found that men and women batter partners for the same reasons, mainly "to get through to them," and that about 15% of the violence by men and 10% of the violence by women is in self-defense. Dr. Sraus even further refuted the self-defense argument in a recent book titled "Women, Men & Gender: Ongoing Debates."

"But it's not equal in severity," women's rights attorney Gloria Allred told me just before I spoke at a campus DV rally. And she may be right. But the data goes both ways on this, and it is hard to determine severity because men tend not to report abuse even when their bones are broken. (Aggressive Behavior, 22: 401-415.)

As Canadian psychologist Reena Sommer points out, "women compensate [for strength differences] by using weapons or sneaking up on a man when he least expects it." And men are often confined by the fact that they are raised not to hit women, and are also scared of hitting because, as they often report in counseling sessions, "I'll be the one who gets arrested." (Cathy Young, "Ceasefire!")

A 1997 Justice Department report shows that 16% of ER patients treated for DV injuries are male (200,000 women and 40,000 men yearly). And, although women may not be reporting DV in the ER rooms, many may be reporting it even less. One third of men with violence-related injuries, compared to one-fifth of women, did not identify their assailants, which indicates many male victims may be attributing the injury to a mugging or an accident out of embarrassment.

ER physician Velimir Svoren of Chatsworth, Georgia says, "I treated more men than women for such injuries. . . I have seen men cut with an ax, scalded with hot water, smashed with a fireplace poker, and

knocked out by a brick, not to mention suffering the common gunshot wound." (Time, letters, 1/11/88).

What about spousal murder? The Bureau of Justice reports women are the perpetrators in 41% of spousal murders. ("Special Report: Murder In Families, 1994, p. 3). But even that figure is not so clear. First, the male method of killing (gun or knife) is more easily detectable than the female method (poisoning or 3rd party), which is designed to not be detected so that insurance money can be collected. Second, even if discovered, the female method of using a professional or a boyfriend to do the killing does not get listed by the FBI as a woman killing a man but as a "multiple-offender" killing, a category in which four times as many husbands as wives are listed as victims. Third, husbands who kill wives are more often poor and unable to afford good representation than wives who kill husbands, which can blind the results due to higher conviction rates for husbands. (Warren Farrell, "Women Can't Hear What Men Don't Say").

Of course, none of this is taking into account the other forms of abuse, such as verbal and psychological abuse, reputation ruining, and property or career destruction.

More importantly, arguing over who's physical harm is worse misses the point: all DV must be addressed and stopped, period. When children watch their parents batter, no matter how slight, they are injured emotionally and psychologically, and often even physically by one or both partners. Until we recognize this and stop covering up for female violence, we can never end DV.

To quote Donna Laframboise puts it in the National Post (8/1/00): "When historians look back at these years, they're going to shake their heads at the hypocrisy of feminist activists who insist 'no amount of violence is acceptable' when the offender is male yet never miss an opportunity to minimize violence when it gets committed by women."

Just as severity should not matter, numbers also shouldn't either. But decades of statistical distortions have woven stereotypes so deeply into the public psyche that a nationwide campaign aimed specifically at reversing it is needed. As Strause points out, "[o]ur 1985 finding of little change in the rate of assaults by women on their male partners is consistent with the absence of ameliorative programs."

Curbing DV will require getting males to come forward. And doing that requires specific outreach and honesty about the statistics so that male victims know they are not part of an oddball category. There are many other reasons, even besides the stigmas and ridicule, that men don't seek help. They fear losing custody of children. They fear false accusations or mistaken arrest. They fear for the children's safety. They cannot afford to move out. They are taught to "take" abuse. As for women, the reasons men stay are numerous.

Meanwhile, millions of children live in homes with a violent woman, and are likely to become batterers themselves. We cannot afford to ignore the statistics any longer, despite our assumptions, personal beliefs or political agendas. We must address the violence in its totality. I would like to see UCLA be part of the solution. I ask that they openly apologize to everyone for allowing the exclusion of males at a DV workshop. I ask that they work with me to have advocates from SAFE (Stop Abuse For Everyone - safe4all.org) speak at the next DV event. I also ask students to demand that the faculty address this rather than ignore it. I am working with other attorneys to form a nonprofit group to create provide outreach, establish shelters, and expand public awareness about this problem, and other problems related to men. If you would like to offer support, feedback, and even criticism. Call me (323-661-7961) or e-mail me (angelucc@2000.law.ucla.edu).

HOLIDAYS

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ing a star. When the Magi arrived they presented Jesus with gold, frankincense, and myrrh. This story is the basis of the modern nativity scene.

Attempts to figure out the celestial event known as the Star of Bethlehem have placed the year of Jesus' birth sometime between 4-6 BC. The date on which Christmas is celebrated today, December 25, was picked as a date because it coincided with pagan holidays, such as the Winter Solstice. The Romans had several winter holidays, as did the Germanic and Celtic peoples. Placing Christmas on December 25 facilitated the conversion of these peoples.

Some historians attribute the popularity of Christmas to Charles Dickens, who wrote *A Christmas Carol* in 1843. But Christ-

mas has produced (and adopted) a wealth of literature and iconography. Santa Clause is the American rendition of Saint Nicholas. In the Middle Ages, St. Nicholas became the patron saint of children. Despite his decline in popularity after the Reformation, *Sinterklass* remained a strong symbol to the Dutch, who brought him to New Amsterdam (New York) in the 1600's, though the early English Puritans outlawed Christmas because it encouraged drunkenness and poor behavior. Clement Moore invented the contemporary American version of Santa Clause in 1822 when he wrote *A Visit from St. Nicholas*. Illustrator Thomas Nast gave us the North Pole, Santa's workshop filled with elves, and his list of all the good and bad children. In many parts of Europe the helper is not a group of elves but a formidable character who keeps track of children's behavior

and punishes those who have been bad. In the United States, people hang out stockings for Santa to fill with goodies. This tradition is similar to those of many European countries, in which children leave out shoes for gifts from Sinterklass, Petit Jesus, or La Befana.

The greenery associated with Christmas today comes from pre-Christian traditions in Scandinavia and Germany. A medieval German play, "The Paradise Tree," included only one prop: a fir trees hung with apples as a portrayal of the forbidden fruit eaten by Eve in the Garden of Eden. Eventually, Germans began erecting Paradise trees in their homes on the feast day of Adam and Eve, hanging Communion wafers, and, later, cookies and candles on the trees. On Christmas they set up a Christmas pyramid with figurines and a Star of Bethlehem on top. These two traditions merged to become the Christmas tree.

Ramadan

By Crystal Howard
3L

Ramadan is the ninth month of the Muslim calendar, during which the Fast of Ramadan is observed. This year it began on November 27. During this time, Muslims concentrate on their faith; It is a time of worship and contemplation. During the fast, Muslims may not eat, drink, or engage in sexual relations during the daylight. People who are infirm, traveling, pregnant, or nursing may break the fast and make up an equal

number of days later in the year. At the end of the day the fast is broken with prayer and a meal called the iftar. After the iftar it is customary to go out socially. Daylight is determined by when "you can plainly distinguish a white thread from a black thread by the daylight." During Ramadan, many Muslims go to the Masjid, or mosque, to pray and study the Quran. During Ramadan, Muslims say a prayer called the Taraweeh prayer, or Night prayer.

The 27th day of Ramadan is the day that Muhammad received the first revelation of the Holy Quran. It "was sent down from heaven, a guidance unto men, a declaration of direction, and a means of Salvation." Muhammad was sitting alone outside Mecca when the Angel Gabriel appeared to him and commanded him to read. Muhammad replied, "I am not a reader." Gabriel then taught Muhammad some verses from the Quran, which Muhammad memorized. Gabriel continued these revelations for ten days. The 27th day of Ramadan is also the time when God determines what will occur during the following year. This day is celebrated as the Laylat-al-Qadr, the Night of Power.

On the first day of Shawwal, the month following Ramadan, the fast ends in a three day celebration called Id-al-Fitr, the Feast of Fast Breaking. During this time, gifts are exchanged and friends and family pray and eat together. The beginning and end of Ramadan are announced when someone testifies before the authorities that the new moon has been sighted.

LIBRARY

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can search on that portion of the directory for "pumpkin pie" or simply browse holiday recipe pages.

HotBot (<http://www.hotbot.lycos.com>) HotBot offers advanced search features in a user-friendly pull-down menu format. (Select "Advanced Search" to take advantage of all the search options.) HotBot also provides a subject index similar to Yahoo's, but it also has an excellent search engine, too. **When to use:** HotBot rivals Alta Vista in size, so if you are looking for everything out there on a particular topic, it's a good place

to start.

Remember: not all search engines are created equal! Results will vary enormously with each search. The bottom line is that no one search engine will work on every topic every time. For a more complete list of search engines, check out Search Engine Watch (www.searchenginewatch.com) or the Library's copy of *The Extreme Searcher's Guide to Web Search Engines* by Randolph Hock (Reference ZA 4226 .H63 1999). Adrienne Adan and Jennifer Lentz
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Entertainment Reviews

This month highlights new albums by Marilyn Manson, The Offspring, Sting and David Gray

By KENNY ROOST, ENTERTAINMENT EDITOR



Marilyn Manson
Holy Wood

Some would say the Prince of Shock-Rock is at it again, but for me, Marilyn Manson lost his edge when popularity greeted his cover of *Sweet Dreams*. Never again will he sing/scream truly crazy stuff like, "White trash get down on your knees – time for cake and sodomy" (from *Cake and Sodomy*, a cut off the group's first album, *Portrait of an American Family*). Now THAT was shock-rock. Now Manson sings his usual shtick about liking drugs and hating the world only to the disenchanted choir. Hackneyed message aside, Manson's last album, *Mechanical Animals*, featured some kick-ass music that remarkably kept pace throughout the whole set. In contrast, *Holy Wood* is more inconsistent and has only an attempt at some over-arching theme. *Disposable Teens* is simply an inferior (yet fun) cut of *The Beautiful People*, swapping the deep "ohhhh's" for some Rob Zombie-esque "yeah-yeah's." *Fight Song* adapts a riff nearly out of Blur's *Song 2*, and then adds a hard chorus and nifty bridge. Other tracks, including *Coma Black*, also rock, although the album is so long that you are likely to grow thoroughly bored, sooner rather than later. *Holy Wood* is a good album, but a step directly backwards for Marilyn Manson.

71/100

Pretty Fly (for a White Guy), the overplayed hit from Offspring's last album, completed the group's transformation from a marginally bad-ass punk outfit echoing elements of Sex Pistols and Nirvana (you have to dip way back to the album *Ignition* to believe this comparison) into trendy jokesters cleansed of angst. On their latest outing, Offspring stick to their honed and hyper-commercialized sound. The lead single, *Original Prankster*, is an appealing track, especially if the idea of Chumbawamba covering *Pretty Fly (for a White Guy)* melts your butter.

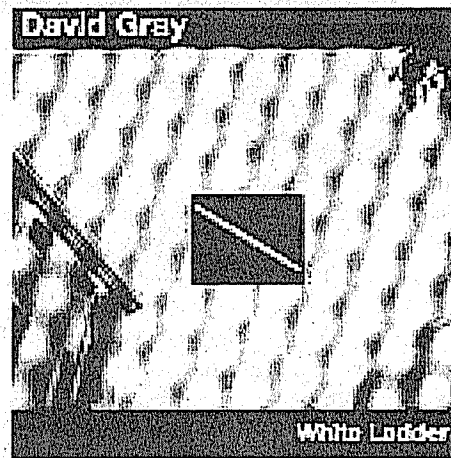


The Offspring
Conspiracy of One

Want You Bad and *Million Miles Away* (the group has a penchant for naming songs after sentence fragments) are solid tracks also lodged firmly in the current Offspring sound. *Living in Chaos*, differentiates itself by adopting an almost Korn-ish feel and pulls off a pretty good groove. But, for the most part, if you have heard Offspring's last couple albums, then you have already heard this one, too. If you like that sound, you'll certainly like this album, because *Conspiracy of One* has a tad more depth and consistency than any of their albums since *Smash*. My personal take, however, is that Offspring's sound is damn annoying and that the group is, at this point, only slightly more respectable than your standard boy-band.

54/100

This guy does one of the easiest and coolest-sounding things you can do with music: he combines traditional acoustic elements with cheap and quirky electronics. While not an original concept, *White Ladder* is perhaps the best execution of such musical melding to enter *The Wherehouse*. Unlike Beck, or the less-recognized but far-more-insane Mr. Bungle, Gray makes no attempt to mish-mash a thousand different styles of music into a single schizophrenic tune. Instead, the album is straight up folk rock, backed up the same-sounding cheap drum/synth sequences that power off-beat 80's mentionables like Trio (*Da Da Da*) and Laurie Anderson. However, unlike the output of Trio or others, you will be hard-pressed to find a bad (or even mediocre) song on this album. From the radio-friendly *Babylon*, a self-conscious hit with cliché-catchy words and chorus, to the lengthy cover of Soft Cell's *Say Hello Wave Goodbye*, every song exudes a simplicity, heart, and value rivaled only by Marc Cohn's self-titled debut. The only song failing to fit the mood of the album is the near-techno first track, *Please Forgive Me*, which is in the same vein as Robert Miles, and still quite a nice



David Gray
White Ladder

addition. David Gray is quickly becoming huge, and for good reason: *White Ladder*, his fourth and finest album, is fabulous.

92/100

Disney pisses me off. To create the tunes for their most recent cartoon/musical extravaganza, *The Emperor's New Groove*, a legend was recruited. If ever there were a pop icon capable of competing with Elton John's work on *The Lion King*, it is Sting. So Sting pumped out six songs which then were scrapped when some executive took over the movie project and tossed out half of the script. One of these songs, a duet between Sting and Shawn Colvin called *One Day She'll Love Me*, is drenched with the ex-Police crooner's unique flavor, voice, and musical sensibilities. The track has pizzicato strings borrowed from *Englishman in New York*, a chorus with motion much like *If I Ever Lose My Faith in You*, and is released only as a bonus track on *The Emperor's New Groove's* soundtrack. To back up the movie's new script, Sting wrote two more songs, *A Perfect World* (a tuneless ditty hollered by aged sex-icon Tom Jones) and *My Funny Friend and Me* (a great song that Sting sings well, damaged only by the typically horrific adult contemporary production that Disney seems love; recall *Pocahontas*). The songs supplied for *The Emperor's New Groove* substitute *Lion King's* in-your-face cheese/glory with a more subdued and sensible feel, although depth is arguably missing. And Disney, in a stroke of true idiocy, struck all but two of the tunes from the movie! Despite Disney's tasteless flub, the listener at least get to hear all the songs Sting made for the movie on this soundtrack. In all, only the two tracks performed by Sting are truly noteworthy, sounding much like any good Sting effort; they perhaps make the album worth purchasing, for the BIG fan and connoisseur.

42/100



Sting
The Emperor's New Groove

Barrister's Ball

By Crystal Howard
Senior Editor

While you have been spending your Wednesday afternoons in the library or on the 405, a group of gregarious law students have been working hard to organize this year's Barrister's Ball, which is set for February 24, 2000. It will be held in the Catalina room of the Westin Bonaventure in down-

town Los Angeles, one of the ten most photographed buildings in the world according to at-la.com. A landmark on the L.A. skyline, the interior was made famous by the 1993 movie *In the Line of Fire*, in which Clint Eastwood played a secret service agent protecting the President from John Malkovich. Attendees of the ball will be given the choice of a meat or vegetarian dinner and will have the opportunity to reserve rooms at the hotel at a discounted price. Music will be a mixture of hip-hop, '80's, salsa, swing, meringue, techno, disco, and other

dance music. Last year over three hundred people attended the ball and students watched with glee as their own Professor Littleton became the first person on the dance floor. This year, Mardi Gras takes place just a few days later on February 27 so it is expected that some people may come in masks or costume. Others plan to dress in '80's garb. For those who prefer to be more subdued, plenty of suits and fashionable dresses will grace the dance floor. Tickets are \$40 individually, \$37.50 for two or more, and \$360 for a table of ten.

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